

2. Arbitrary Detention and Enforced or Involuntary Disappearances

2.1. Background

In 1997 the SLORC/SPDC continued to use short term arrests as a tactic to intimidate political activists, a tactic employed since their seizure of power in 1988. Arrest of individuals who oppose the policies and practices of the military regime in Burma are continuing throughout Burma. Hundreds of political activists, most of them members of the National League for Democracy (NLD), the largest legal opposition political party, were arrested in the first six months of 1997. But the majority of these people were held for brief periods. At least 57 others were sentenced to long terms of imprisonment. Renewed NLD activity since the release of party leader Daw Aung San Suu Kyi in 1995, has been matched by increasing repression of party members by Military Intelligence (MI). These methods of short-term detention and long sentences of imprisonment methods are to repress peaceful political activities in Burma. In spite of the fact that from 1992-1995, the authorities released over 2,000 political prisoners, there are well over 1,200 political prisoners currently held throughout the country. Their numbers were growing in 1996. Ninety-three of these are prisoners of conscience and hundreds more are possible prisoners of conscience according to the Amnesty International.

Across the country, many civilians particularly those belonging to ethnic minority groups are subject to arbitrary detention and enforced labor or many disappeared after being accused of being sympathizers or supporters of the ethnic armed groups and sometimes without any solid proof or evidence. The period of detention is varied and sometimes leads to the involuntary disappearance. In the course of arrest and detention, persons are subject to harsh treatment and torture while being denied access to virtually any form of judicial process.

The army, Tatmadaw, is responsible for arbitrary arrests and detention of civilians in rural or remote areas. Large numbers of security checkpoints are placed in and around the towns and cities of the region. Military patrols move in and out of the border areas arresting civilians when they are so inclined. The inhabitants of areas close to the mobilizing ethnic armed groups, are suspected of being supporters or

sympathizers of armed groups and are subjected to indiscriminate arbitrary arrest and mistreatment.

2.2. Human Rights and SLORC/SPDC's Laws

SLORC/SPDC's use of its laws to quash the principles of basic human rights in Burma is long standing and well established. The SPDC has enforced laws curtailing civil and political freedom and utilized laws that allow it to crush any political opposition. SLORC/SPDC's laws and regulations hamper and even criminalize freedom of thought, information dissemination, association and assembly.

The most common employed laws banning the demonstration of civil and political rights have been the 1923 Governments' Official Secrets Act, the 1950 Emergency Provisions Act, the 1957 Unlawful Association Act, the 1962 Printers' and Publishers' Registration Law, the 1975 State Protection Law (Law to safeguard the State Against the Dangers of Those Desiring to Cause Subversive Acts), Law No.5/96- (Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbance and Oppositions). These laws and orders have restricted the civil and political rights of Burmese citizens for years; now, with technological advances available across the globe, new laws have been enacted in order to provide the SPDC authorities additional legal bases to curtail freedom of expression and the exchange of information. A description of some of the most widely-cited laws appears below:

The 1950 Emergency Provisions Act allows up to seven years imprisonment for any person who "infringes upon the integrity, health, conduct, and respect of State military organizations and government employees, spreads false news about the government, or disrupts the morality or the behavior of a group of people." This law is widely used by the SPDC to sentence political detainees to long terms of imprisonment. The law also makes it an offense, punishable with life in prison, to "intend to or to cause sabotage or hinder the successful functioning of the State military organizations and criminal investigative organization."

Under the 1975 Law to Safeguard the State Against the Dangers of Those Desiring to Cause Subversive Acts (amended in 1991), the Council of Ministers is authorized under Section 7 of the Law to "pass an order, as may be necessary, restricting any fundamental right of a person if there are reasons to believe that any citizen has committed or is about to commit any act which infringes upon the sovereignty and security of the State or public peace and tranquility." The law also stipulates in Sections

13 and 14, the possibility to continue imposing restraint for “a period nor exceeding one year at a time up to a total of five years.” This State protection law has been applied extensively to suppress peaceful political dissidents: it was used to detain Daw Aung San Suu Kyi under house arrest between July 1989 and July 1995.

The 1957 Unlawful Associations Act permits up to five years imprisonment for any person who has been a member of, contributes to, or receives or solicits any contribution towards any association which “encourages or aids persons to commit an act of violence or intimidation or in which the members habitually commit such acts; or which has been declared unlawful by the President of the Union.” Moreover, anyone managing or assisting in the management of an unlawful association, or promoting or assisting in promoting a meeting of such an association can be subjected to similar punishment. A number of organizations, including political parties, student unions, professional groups, religious associations, as well as armed opposition groups, have been declared unlawful under this Act. This Act falls far short of international human rights standards; its incompatibility with international standards is underlined by the arbitrary, indiscriminate, and heavy-handed manner in which it is applied, usually to suppress peaceful dissent.

A law issued on June 7, 1996, No.5/96, allows prison sentences up to 20 years for anyone who expresses political views publicly. This law, entitled, Protection of the Stable, Peaceful, and Systematic Transfer of State Responsibility and the Successful Implementation of National Convention Tasks, Free From Disruption and Opposition, prohibits, inter alia, the preparation or dissemination of speeches or statements that undermine the stability of the State or are critical of the SPDC, and prescribes up to 20 years imprisonment for persons violating the law; organizations taking part in such activities can be banned and have their funds and property confiscated. Harassment of NLD members and supporters was further stepped up with the law.

Under the 1985 Video Law, all videos must be submitted to the Video Censorship Board, controlled by the SPDC, for scrutiny. Any person involved in the production, duplication, or distribution of videos are threatened with prison terms of up to three years under this law.

The new Television and Video Act, issued on July 31, 1996, requires that: a) foreign diplomat missions and United Nations agencies obtain permits to show imported videos at “public exhibitions.” Government video censorship boards will have the right to ban, censor, or restrict the showing; b) private video operators obtain licenses from the Video Business Supervisory Committee which will be formed in all States and Divisions in the Union of Myanmar: and c) all videos both imported and locally-produced, be approved by the Video Censorship Board. Violators of these provisions

are subject up to three years in prison and/or a fine of up to 100,000 kyats. The new law also forbids private transmitters that are not authorized by the government, prescribing up to five-year prison terms for offenders.

Another law entitled “The Computer Science Development Law”, issued on September 27, 1996, makes the unauthorized import, possession, and use of certain types of computer equipment illegal. For example, the unauthorized use of computers with networking capability is punishable with sentence of between 7 and 15 years in prison and/or a fine. A “Myanmar Computer Science Council” will be established to decide which computer equipment should be restricted or banned. According to the government-controlled newspaper *The New Light of Myanmar*, the punishment will be prescribed for anyone establishing links with a computer network without prior permission or who uses computer networks or information technology for undermining State security, law and order, national unity, the national economy, national culture, or who obtains or transmits State secrets. Members of unauthorized computer clubs may, according to reports, be sentenced to a minimum prison term of three years. A punishment of between 5 and 10 years in prison is prescribed for anyone who imports or exports computer software or information banned by the Myanmar Computer Science Council.

2.3. Denial of Fair Public Trial

Throughout 1997, the SLORC/SPDC continues to rule by decree and is not bound by any constitutional provisions providing for fair public trials or any other rights. Not only have the people charged under the various law and military decrees been consistently denied fair trials and the due process of law, but also the judicial system itself has been emasculated over the years.

Some basic due process rights, including the right to a public trial and to be represented by a defense attorney are generally respected, except in political cases that authorities deem especially sensitive. Defendants with political charges are given little chance to speak during the trial, let alone present a proper defense. Even where they manage to make a statement, the judges pay no heed to it. Prior to being charged, detainees rarely have access to legal counsel or their families and political detainees have no opportunity to obtain release on bail. In most political cases, trials are held in courtrooms on prison compounds and are not open to the public. In these instances, defense counsel appears to serve no purpose other than to provide moral support, since reliable reports indicate that verdicts are dictated by higher authorities. Political detainees are held incommunicado for long periods. Even after being charged, detainees rarely have benefit of counsel.

Political prisoners are denied the right to hire lawyers for their defense in most cases. Eight NLD party members, who were arrested in November 1987, in connection with NLD leader Aung San Suu Kyi's organizational trips to some townships, were not allowed to defend themselves in hearings. As it was learnt that the case would be heard on December 2, 1997, respective lawyers and family members of the detainees from Myayangon township NLD, went to the Insein Prison. But prison officials did not permit the lawyers to defend the NLD members nor allow the family members to see the detainees. The decision was made in an order by "higher authorities" (*Source: Inside*).

2.4. Arrest of NLD members and supporters

2.4.1. February 12 Union Day celebration arrest

On February 12, 1997, the NLD held Union Day celebrations at Daw Aung San Suu Kyi's house, although a military barricade prevented at least half of the guests from attending. In the days that followed, thirteen NLD members who had played a prominent role at the celebrations were arrested, including Dr. Than Nyein, an NLD organizer and coincidentally the brother-in-law of the SPDC's Secretary-1 Gen. Khin Nyunt. Dr. Than Nyein was later released, but his medical license was revoked. About 80 NLD members and supporters from Pegu Division were arrested on their way to Rangoon. Eleven men and six women members of NLD from Prome were arrested in Tharawaddy train station on their way to attend the Union Day celebration. Seven NLD members from Prome and Kama, Pegu Division were arrested in Tharawaddy in the car heading for Rangoon for the Union day. Fifty eight members from Paungde, Paukkaung, Letpadan, Gyobingauk, Thonse, Prome, Shwedaung, Nattalin and Okapi township, Pegu Division were also arrested on their way to Rangoon to attend the celebration, total number reached 65. Also arrested on their way to attend were four NLD members of Tahitian township, Mon State.

2.4.2. May 1990 election anniversary arrest

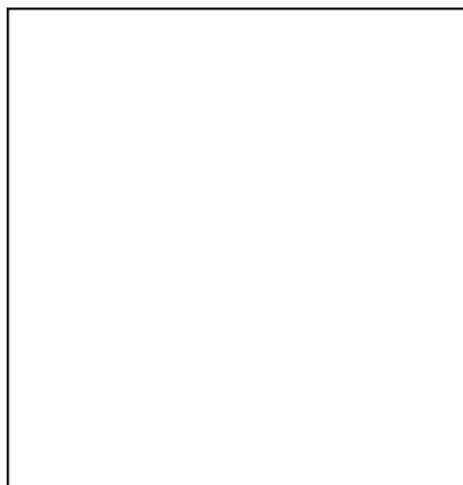
NLD planned to celebrate their election victory on May 27, 1990 at Daw Aung San Suu Kyi's compound. Two hundred MP-elect and 100 party organizers were invited to the meeting. According to the NLD source, in total 316 people, including 50 MPs elect, were detained in advance of the meeting. They were detained as they made their way from their homes around the country. Other party leaders from outside Rangoon were warned not to attempt to travel to the meeting, although they were apparently not arrested if they complied with the SPDC demand. By June 6,

1997, all of those who had been detained were released.

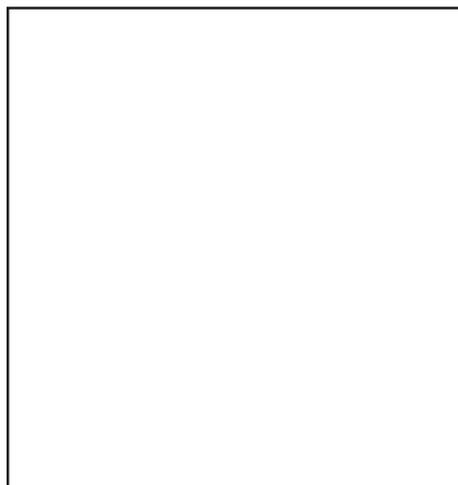
More than 300 NLD members were arrested in September 1997, as a preemptive attempt by the authorities to prevent a party congress commemorating the seventh anniversary of the NLD victory in the 1990 election. Those arrested included at least 60 elected MP and senior party members. Many of the arrests took place in Mandalay and Sagaing Divisions as the NLD members were preparing to travel to Rangoon to attend the congress. In other parts of the country, such as Irrawaddy Division and Shan State, Mon State and Karen State, dozens of others were detained in their homes and were told that they would be arrested if they attempted to go to Rangoon. (*Source: Inside*)

2.4.3. Case of U Cho Aung Than and others

On June 13, 1997, five NLD activists including a cousin and assistant of Daw Aung San Suu Kyi were arrested. They were U Ohn Myint, an eighty-year-old NLD party advisor, Sonny, a photographer, U Cho Aung Than, a cousin and assistant of Daw Aung San Suu Kyi, his sister Daw Nge Ma Ma Than, and her husband U Myint Swe. U Ohn Myint was released after questioning, but on the same day, trade unionists U Myo Aung Thant, U Khin Kyaw and his wife, all members of the exiled Free Trade Unions of Burma (FTUB), were also arrested at Rangoon airport on arrival from Thailand. The FTUB is not legally recognized in Burma, where independent trade union activity is completely prohibited. It was founded in 1991 by trade union members who were dismissed from their jobs and harassed by the SPDC because of their trade union activities. According to the FTUB source, the two detained trade unionists had been documenting economic and social hardships, including the widespread use of forced labor in Burma and passing the information to the international trade union movement.



U Cho Aung Than



Daw Nge Ma Ma Than



Myo Aung Thant



Khin Kyaw

Myint Swe



In a press conference Khin Nyunt accused collaborated with government activists destruction within the money for the NLD smuggle out Daw video message to Thant and Khin

on June 27, Lt-Gen. the group of having “overseas anti- and advocates of country” to bring in from overseas, and to Aung San Suu Kyi’s outside. Myo Aung Kyaw were also

accused of smuggling in explosives in a rice cooker. On August 15, 1997, a court inside Insein prison sentenced U Cho Aung Than, Daw Nge Ma Ma Than, and U Myint Swe to ten years under the Unlawful Associations Act and the 1950 Emergency Provisions Act, section 5(e), which allows for seven years of imprisonment for anyone who “causes or intends to spread false news, knowing beforehand it is untrue.” Myo Aung Thant was sentenced to life imprisonment for treason.

2.4.4. Arrest of Mayangone NLD members

On the morning of October 28, the NLD attempted to hold a meeting at its

Mayangone township office on the outskirts of Rangoon. However, the security forces set up barricades and blocked Daw Aung San Suu Kyi's supporters from meeting with her. This meeting had been planned in order to reorganize the Mayangone township's NLD youth wing. A number of them were rounded up and trucked several miles away where they were then released.

While attending a meeting, on the night of October 28, Daw May Win Myint, NLD Divisional Organizer and Member of Parliament elect from Mayangone township, was arrested by Military Intelligence officers after they had taken documents from her. Also at 10pm, Khin Maung Myint, NLD Central Youth member and Secretary of Latha township, was arrested by a combined force of Military Intelligence and other security personnel. Daw San San, the NLD Seikkan township MP elect and Divisional Vice-chairperson and NLD women's leader, was arrested at midnight after documents were taken from her. At the same time, Win Win Htay, a member of the Rangoon NLD Youth Division, was arrested after security forces seized documents from her. U Soe Myint, the Chairman of the Thaketa township NLD, was arrested at 1am on October 29. One and half hours later, Dr. Than Nyein, an MP-elect from Kyauktan township, was arrested after a combined group of Military Intelligence and other security forces has confiscated documents from his home. U Win Thaung, the Chairman of the Mayangon NLD, was arrested sometime later on the evening of October 28 or in the early hours of October 29. U Mya Thaung, who is the landlord of the Mayangon NLD office, was also arrested at around the same time.

No information is given to the relatives or the head office about the whereabouts or health of these people that were arrested. The SPDC authorities gave no information to the NLD as to why these persons were arrested or where and when they would be sent to trial. Their family members along with the lawyers were denied admission to the court on December 10, 1997. Dr. May Win Myint, Dr. Than Nyein, Win Win Htay, U Soe Myint, U Win Thaung and U Mya Thaung were sentenced to six years' imprisonment. U Khin Maung Myint was sentenced to eight years of both Section 5 (J) and Section 16 (A) of the 1986 Gambling Act. The authorities did not inform the relatives or their lawyers of the sentence they had passed. Daw San San was detained under Section 10(a) of the Law to safeguard the country from people who intend to disrupt and destroy it. Confirmed sources say she was sentenced to 25 years imprisonment in early 1998 and now she is in Insein Prison (*Source: Inside*).

2.4.5. Arrest of Tamwe township NLD members

Daw Aung San Suu Kyi planned to hold a meeting with the NLD youth wing in Tamwe township in Rangoon Division on November 5, 1997. However, she was barred from leaving her Rangoon residence to attend a planned party meeting. Armed

security forces were deployed around and riot police and plain-clothes military intelligence men were manning entries to the NLD's office in Tamwe township. About 50 members of township NLD women branch and youth wing, Tamwe township who were present at the NLD office were arrested. They were temporarily detained and released later.

MPs Currently Under Detention (all NLD)*			
Name	State/ Division	Date of Imprisonment	Prison Sentence and Remarks
U Ohn Kyaing	Mandalay	7.9.1990	17 years
U Win Hlaing	Mandalay	24.10.1990	10 years, dismissed as Mp
U Naing Naing	Rangoon	25.10.1990	10 years, dismissed as Mp
U Mya Win	Irrawaddy	-10.1990	25 years, dismissed as Mp
Dr. Zaw Myint	Irrawaddy	-10.1990	25 years, dismissed as Mp
U Hla Tun	Rangoon	-10.1990	25 years, dismissed as Mp
Dr. Myint Naing	Sagaing	-10.1990	25 years, dismissed as Mp
U Tin Aung Aung	Mandalay	-11.1990	25 years, dismissed as Mp
Dr. Zaw Myint Aung	Mandalay	-11.1990	32 years, dismissed as Mp
U Saw Win	Magwe	1991	11 years, dismissed as Mp
U Sein Hla Oo	Rangoon	1.5.1992	7 years, dismissed as Mp
U Khin Maung Swe	Rangoon	1.5.1992	7 years, dismissed as Mp
U Kyi Myint	Rangoon	11.8.1993	20 years, dismissed as Mp
U Kyaw Min	Irrawaddy	21.5.1996	Not sentenced, dismissed as MP
U Soe Thein (aka Maung Wuntha)	Pegu	21.5.1996	Not sentenced, dismissed as MP
U Do Htaung	Sagaing	-5.1996	7 years
U Khun Myint Tun	Mon	-5.1996	7 years
U Kyaw Khin	Shan	3.6.1996	10 years
Dr. Aung Khin Sint	Rangoon	23.7.1996	12 years
U Hla Min	Tenasserim	19.11.1996	7 years
U Saw Oo Reh	Kayah	29.11.1996	10 years
Dr. Than Aung	Rangoon	21.2.1997	-
U Thein Zan	Magwe	24.2.1997	Not sentenced, dismissed as Mp
U Nyunt Hlaing	Magwe	24.2.1997	Not sentenced
U Saw Lwin	Irrawaddy	-2.1997	2 years
Dr. Hla Win	Irrawaddy	-2.1997	-

Name	State/ Division	Date of Imprisonment	Prison Sentence and Remarks
Daw San San	Rangoon	28.10.1997	25 years
Dr. Than Nyein	Rangoon	10.12.1997	7 years
Dr. May Win Myint	Rangoon	10.12.1997	7 years
Daw Nan Khin Htwe Myint	Karen	10.2.1998	3 years
Dr. Myo Nyunt	Irrawaddy	-	7 years
U Hla Myint	Irrawaddy	-	-
U Min Swe	Irrawaddy	-	3 years
U Hsan Myint	Irrawaddy	-	-
U Tin Aung	Irrawaddy	-	-
Dr. Tin Min Htut	Irrawaddy	-	-
U Kyaw Myint	Irrawaddy	-	-
U Kyin Thein	Karen	-	7 years
U Chit Htwe	Magwe	-	Dismissed as MP
U Kyaw Tin	Magwe	-	-
Dr. Aye Zan	Mon	-	-
U Maung Maung Latt (aka Dr. Hlaing Ni)	Rangoon	-	-

Source: ABSDF

* The table includes only those MPs who are still under detention. It does not include those who have been detained and subsequently release.

2.5. Announcement of sentence commutation and remission

On December 1, 1997, the SPDC issued an order No. 1/97 regarding Commutation and Remission of Sentences. According to the Order, "In respect of citizen prisoners undergoing death sentence, imprisonment or a term of an unlimited period, transportation for life or imprisonment for a term exceeding 10 years under order passed by a civil court, military court or military tribunal, the respective sentences which they are undergoing shall be commuted and remitted." The order said prisoners undergoing the death sentence would be commuted to transportation (imprisonment for a term of 20 years); prisoners undergoing sentences ranging from a term exceeding 20 years to imprisonment for a term of an unlimited period to imprisonment for a term of 15 years; prisoners undergoing sentences of transportation or life to imprisonment for a term of 10 years and prisoners undergoing sentences ranging from a term exceeding 10 years of a term of 20 years according to each offence to

imprisonment for a term of 10 years.

However, prisoners who are now serving prison sentences of 10 years or under, are not affected by this commutation and remission of sentences, and they are still being treated unjustly and brutally by the authorities.

All of the political prisoners in the following list were arrested on June 18, 1989, and sentenced by various courts on November 6, 1989. Some were originally sentenced to 7 years/ 10 years imprisonment respectively. Some of them were given remission of sentences and commutation to 10 years' imprisonment according to the Order No (11/92) and Order No. (1/93). They had been told they would be released on March 23, 1997, but are still being kept under detention. They were given extended sentence by the prison law in jail. Though their sentences are over, they are still being kept in prisons without any proper reason. All of them are political prisoners and some including a 70-year-old woman have been suffering from tuberculosis, caught in prisons. On the day of their release, as informed by the prison authorities, their families and relatives waited for them at the gate of each jail, but were ordered to go back by authorities without being given any reason. Since they were arrested, these political prisoners have not been given any legal right to defend themselves, and they have been kept under unlawful detention without any legal protection (*Source: DPNS*).

1. Ko Thein Zaw	Tharawaddy Jail
2. Ko Thet Khaing	Insein Jail
3. Ko Kyaw Oo Nyo	Tharawaddy Jail
4. Ko Zaw Zaw Aung	Tharawaddy Jail
5. Ko Win Ko Ko	Tharawaddy Jail
6. Ko Shwe Aung Than	Tharawaddy Jail
7. U Aung Pe Thu	Tharawaddy Jail
8. U Aung Than	Tharawaddy Jail
9. U Ye Win	Tharawaddy Jail
10. U Bo Sein	Mandalay Jail
11. U Khin Maung Yin	Tharawaddy Jail
12. Ko Aung Chit	Mandalay Jail
13. Ko Aung Myint Tun	Insein Jail
14. Ko Myo Kyi	Tharawaddy Jail
15. U Tin Aung	Insein Jail
16. Ko Moe Win	Insein Jail
17. U Win Kyi	Tharawaddy Jail
18. Daw Kyi Kyi	Insein Jail
19. Ma Khin Hnin Ye	Insein Jail
20. Ma Don	Insein Jail

The following are all political prisoners whose sentences are already over according to the Order No (11/92) and Order No (1/93) and normal remissions under the prison act but are still being kept under detention in various jails in Burma. According to the prison act, there are, normally, 3 classes of remission for any prisoner. These are A class (twice a year and 41 days for one time), B class (twice a year and 32 days for one time) and C class (twice a year and 23 days for one time). Unless a prisoner violates any prison rule, he/she has a right to be granted the normal remission from his / her original sentence as follows:

- in the first year of sentence, B class two times and C class two times (totally 110 days).
- in the following years, A class two times per year (82 days).

In Tharawaddy Jail

- | | |
|-----------------------|--------------------------------------|
| 1. Ko Ye Win | 22. Khaing Pyi Soe |
| 2. Ko Thein Zaw | 23. U Than Kyaw |
| 3. Ko Myo Kyi | 24. Ko Kyaw Dun |
| 4. Ko Zaw Zaw Aung | 25. U Pyu Maung |
| 5. KO Kyaw Oo Nyo | 26. U Kaung Kyaw Zan |
| 6. Ko Win Ko Ko | 27. U Kyaw San Maung |
| 7. U Win Kyi | 28. Ko Kyaw Minn Yu
(aka Jimmy) |
| 8. U Aung Than | 29. Ko Min Naing Tun |
| 9. U Aung Pe Thu | 30. Ko Kyaw Oo |
| 10. Ko Kyaw Swe | 31. Ko Aung Moe |
| 11. Ko Khin Maung Lay | 32. Ko San Myint Aye |
| 12. Ko Htay Kywe | 33. Ko Zaw Linn Aung |
| 13. Ko Shwe Aung Than | 34. Ko Aung Kyaw Moe |
| 14. Ko Aung Kyaw Sein | 35. Ko Aung Than |
| 15. Ko Khin Zaw Oo | 36. Ko Moe Kyaw Thu |
| 16. Ko Mya Win | 37. Ko Maung Maung Thin |
| 17. U Saw Win | 38. Ko Khin Zaw |
| 18. U Tin Aung Aung | 39. U Ohn Than |
| 19. U Pite Ko | 40. Ko Zay Ya |
| 20. U Tin Aye | 41. Ko Myint Sein |
| 21. Ko Thar Dun Aung | |

Insein prison

- | | |
|------------------|--------------------|
| 1. Ko Ricky Than | 9. Daw Kyi Kyi |
| 2. Ko Richard | 10. Ko Thet Khaing |

- | | |
|--|---------------------|
| 3. Ko Than Myint Shwe | 11. U Tin Aung |
| 4. U Khaing Soe | 12. U Maung Lay |
| 5. U Tun Win | 13. U Win Tin |
| 6. Ko Moe Win | 14. Ko Paw Oo Tun |
| 7. Ko Phu Thit (aka Ko Aung Myint Tun) | 15. Ma Khin Hnin Ye |
| 8. Ma Don | |

Mandalay prison

- | | |
|-----------------|----------------|
| 1. Ko Aung Chit | 3. Ko San Aung |
| 2. U Bo Sein | |

Taungoo prison

1. Ko Win Myint Naing

Myingyan prison

- | | |
|----------------|----------------------|
| 1. Ko Bo Bo Oo | 3. Ko Khin Maung Yin |
| 2. Ko Thet Tun | |

Thayet prison

- | | |
|-------------------------------------|-----------------|
| 1. Ko Ko Gyi | 5. Saw Thomas |
| 2. Ko Bo Kyi | 6. Bo Tha Khu |
| 3. Ko Nyo Tun | 7. Bo Tha Gaung |
| 4. Ko Nyein Chan (aka Nyi Pu Lay) | |

2.6. List of NLD members arrested

2.6.1. On January 18, it was announced that twenty people, including 14 NLD members, had also been sentenced to seven years' imprisonment (*Source: AI*).

2.6.2. In January the SPDC announced that 14 people, including five NLD members, were sentenced to seven years' imprisonment for involvement in student-led protest in December 1996. They were sentenced on January 27 at the Insein Township Court under the provisions of the 1950 Emergency Provisions Act after being "found guilty of agitation and throwing rocks at security personnel during the student unrest last December." (*Source: AI*)

- 2.6.3.** On February 11, 1997, eleven male and six female NLD members left Prome by train to attend the NLD Union Day in Rangoon. When the train stopped at Tharawaddy station, soldiers and policemen, arrested fifteen of the NLD members: two women were not arrested. The group was taken by car to the quarters of the 35th Regiment. The four women arrested were Daw Myint Myint Khin, Daw Tin Hlaing, Daw Than Than Nu, and Daw Aye Mya San. The men were Aung Myint, U Myo Thein, U Aung Myo Myint, U Shwe Thein, U Myint Than, U Paik Tin, U Myint Htwe, U Chit Tin, U Win Naing, U Aung Thein Win, and U Thein Zaw. (*Source: SAIN*)
- 2.6.4.** Seven people who had come from Prome and Kama by car to attend the NLD Union Day on February 12, 1997, were also arrested in Tharawaddy. (*Source: SAIN*)
- 2.6.5.** Fifty eight others were arrested on their way to attend the NLD Union Day including, U Aye Than and U Ohn Naing, NLD Members of Parliament-elect for Paungde; U Khin Maung Myint, Secretary of Paukaung township; U Min Aung of Letpadan, NLD members; U Tin Myint, Deputy Chairman of Gyobingauk township; U Ohn, Thonze NLD members; Soe Tin Oo, Prome NLD youth members; Daw Tin Tin Hla, Daw San Yee and Daw San San Myint, members of Shwedaung NLD front; Daw Sein Sein, Ma Tin Than Oo, and Ma Tin Than Aye from Natalin; Daw Khin Kyu and Ma Sye Aye Mar from Oakpho. (*Source: SAIN*)
- 2.6.6.** In the second week of February 1997, U Soe Hlaing, Chairman of the NLD organizing Committee of Thanatpin, Pegu Division; U Tin Tun, Secretary, and U Soe Nyunt, Joint Secretary were arrested because they attended the NLD Union Day celebration in Rangoon. U Tin Tun was released but the others were charged under section 5 (e) and sent to Pegu prison. (*Source: SAIN*)
- 2.6.7.** Also arrested on their way to attend the NLD Union Day celebrations were U Khin Maung, U Chit Than, U Pe Win, and U Thein Han, all members of Thaton township NLD, Mon State. (*Source: SAIN*)
- 2.6.8.** U Win Naing and U Maung Than, farmers from Kywete village were charged under section 5(e) and sent to Pegu prison because they had complained to the NLD that the local authorities had taken cuts out of money due to them for the paddy sold. (*Source: SAIN*)
- 2.6.9.** On the night of February 21, 1997, all the members of the Taungoo township

Organizing Committee were arrested in their homes. Other NLD members reported that military officers, police and Military Intelligence Service (MIS) personnel carried out the raids. One of the detainees was U Aung Soe Myint, an elected representative of the NLD. The authorities also detained Daw Kyin Sein, Daw Phwa Sein, Daw Htay Htay Win and Daw Khin Than, all of whom were women, but they were released on the next day. U Aung Soe Myint managed to get away by jumping off the car. All males including U Myat Thu, chairman of the Taungoo township NLD Organizing Committee, U Saw Tun Nwe, Vice-chairman of Taungoo NLD Organizing Committee, U Maung Maung, Vice-chairman of the Taungoo NLD Organizing Committee, U Tin Maung Win, Joint-secretary, township Organizing Committee, U Myint Thein, Finance Director, U Thet Tun, U Kyaw Win, U Tin Thaung, U Kyaw Myint, U Tun Tin, U Tin Soe, U Pe Win and U Kyaw Kyaw Win, U Tin Win Ko, U Tin Myint Htwe, U Kyaw Kyaw Lwin, U Min Thu and Ko Moe Makha were taken by army vehicles to Thandaung. Similarly, eleven people from Oaktwin township and one from Yedashe township in Pegu division, were also taken away. It was thought that these people were taken away to act as porters in the latest military action against the KNU. U Saw Htun New, a 75-year-old Karen national died of fatigue as a result of his age. His dead body was found on the roadside later. (*Source: Inside*)

2.6.10. Dr. Hla Win, NLD MP-elect of Kyaungon (2), Mahn Tin Win, interim chairman of the NLD organizing committee of Kyaungon township, and NLD organizing committee chairman of villages within the township, U Wa Toke, U San Shein and U Thein Han, came to attend the Union Day ceremony. On February 15, back in Kyaungon township, a meeting was held. While the meeting was in progress, two carloads of policemen and military intelligence officers arrived and marched into the NLD office. Win Myint, an MI officer, shouted obscenities and punched and kicked Mahn Tin Win, U Wa Toke, U Thein Han, U Myint Maung, and U Saw Lwin, MP-elect of Kyaungon (1). Dr. Hla Win and U Saw Lwin were handcuffed and were taken away to the police station with fourteen other members of the NLD organizing committee. Many papers were confiscated by the SLORC/SPDC officials, including a certificate from the NLD office honoring U Thein Han, who was serving a sentence in Bassein prison and chairman of the organizing committee (this is not the same man as U Thein Han mentioned above and below), minutes of the organizing committee meetings and other items. All sixteen men were held at the Kyaungon police station until February 17, when all except Dr. Hla Win, U Saw Lwin, U Thein Han, Mahn Tin Win, U Wa Toke, and U San Shein were released. (*Source: SAIN*)

- 2.6.11.** On February 19, 1997, Dr. Than Nyein, Vice-chairman of the NLD's Rangoon Division and an elected NLD MP for Kyaunktan-1, was arrested and his medical license was revoked by the Health Ministry for "Breaching medical professional ethics." He was released from custody on April 2, 1997 after paying 1,000 kyats. (*Source: Inside*)
- 2.6.12.** On February 19, 1997, Dr. Tin Min Htut, an elected representative of the NLD from Pantanaw, was arrested. The Pantanaw Township LORC summoned officials from all departments of the town and asked them if Dr. Tin Min Htut had violated any law. The Township LORC asked them if he had regularly paid his bills for water, electricity, sanitation, radio, post and telegram, and his taxes for his cassette player, land and income. When the LORC could not find fault with him the town's police chief ordered a search of Dr. Tin Min Htut's house. He ordered his men to find anything that could incriminate the NLD representative. The police could not find any substantial evidence of wrongdoing. However, they found two Singaporean coins in a small toy cup Dr. Tin Min Htut's son was playing with. Dr. Tin Min Htut was then arrested for illegal possession of a foreign currency. This arrest is a clear case of illegal entrapment by the authorities. (*Source: Inside*)
- 2.6.13.** Dr. Than Aung, an elected MP of the NLD for Mingla Taungnyunt-2, was arrested on February 21, 1997 for allegedly causing the death of a patient through negligence at his medical clinic. He was sentenced to four years in prison on April 12, 1997, at Insein jail and charged under Section 304(a) of the Penal Code, which pertains to causing a person's death through negligence. According to sources inside Burma, he treated a man who was suffering from advanced tuberculosis and then sent him to the emergency room of Rangoon General Hospital. The person died on his way to the hospital. Although he was convicted of criminal offences, his arrest and persecution motivated solely because of his leadership roles in the NLD and not for any recognizable criminal act or commission. (*Source: Inside*)
- 2.6.14.** U Thein Zan, elected MP of the Constituency-1, Myehte township, Magwe Division was arrested on February 24, 1997 along with other NLD leaders U Nyunt Hlaing, U Tin Htoo Kyaw, U Than Htun, U Htun Kyi and U Aye Kyaw. All of them were sentenced to five years' imprisonment under Section 5(j) of the Emergency Provision Act and put in Thayet prison. In addition to these arrests, U Aye Myint, U Tin Win and U Mya Shwe, all of whom are officials from the Myehte township Organizing Committee, were detained. (*Source: ABSDF*)

- 2.6.15.** On February 25, 1997, U Aye Myint, U Tin Win and U Mya Shwe, all Myehte township NLD members were arrested. All of them were sentenced to five years' imprisonment under Section 5(j) of the Emergency Provision Act and put in Thayet prison. (*Source: ABSDF*)
- 2.6.16.** In the wake of community unrest in Mandalay, SLORC detained ten NLD members, including U Htin Kyaw (alias) U Tin Nyunt, an elected MP for Mandalay south-east-1 from Mandalay Division, Other detainees included U Maung Maung Win Shwe, U Aung Tint, Ko Aung Ko, U Kyi Maung, U Ko Gyi, U Tun Win, Daw Khin Win, Ko Aung Myint Ko (NLD-Youth), and one unknown member. They were all arrested on March 18, 1997. The unknown member was later released. (*Source: Inside*)
- 2.6.17.** U Tin Pe, chairman of the Mudon township NLD Organizing committee, U Than Aung, secretary of the committee, U Sabalone, NLD member, U Hlaing Htun, member, Ko Zaw Zaw, member and other unknown NLD office staff were arrested after the merit making ceremony of the 50th anniversary of Martyr Day on March 27 in Mudon. They were arrested for hanging the NLD flag with the SLORC flag at the same level on the wall during the ceremony. All of them were sentenced to 8-months imprisonment and put in Moulmein prison. No visitors were allowed. They were released on January 3, 1998. (*Source: ABSDF*)
- 2.6.18.** Two musicians, Ko Min Maw and Ko Zaw Win from "Shwe Than Zin", a musical band, were arrested by the SLORC MI and sentenced to seven years in jail for performing two democracy songs in March 1997. The two musicians recorded these two democracy songs in May studio in Rangoon and sent the songs to the Democratic Voice of Burma (DVB) based in Oslo, Norway for broadcasting. The two songs were broadcast on March 3, 10, and 17 during DVB's "Songs in the sky" program. May studio was also raided and the owner of the studio was investigated by the SLORC MI. According to sources in Rangoon, U Hla Min, a NLD MP-elect from Kawthaung (Victoria Point) Constituency, Tenasserim Division was arrested by the SLOC MI for having connections with the two musicians. (*Source: ABSDF*)
- 2.6.19.** On May 23, 1997, U Myo Khin, a 39 year old NLD Yankin township secretary in Rangoon Division, was sentenced to four years' imprisonment by the Yankin Township Court after his arrest on May 12. According to the SPDC, he "had made fraudulent alterations on his family registration list and the citizen registration card." In Burma, these two official documents are

used by the SPDC to control the movement of the population. Although he was convicted of criminal offences, his arrest and persecution was motivated solely by his leadership roles in the NLD and not for any recognizable criminal act or commission. (*Source: AI*)

2.6.20. Cho Aung Than, a cousin of the Nobel Peace laureate, was picked up for interrogation on June 13, 1997, while his sister Daw Khin Ma Than, also known as Nge Ma Ma Than and her husband, U Shwe Myint Aung were arrested a few days later on the same charge. They were sentenced to three years' imprisonment on August 17 at a court inside Insein Prison, for "breaching" the 1908 Unlawful Association Act and given a seven year sentence under the Emergency Provisions Act. The broadly-worded provisions of these two laws are often used by the military authorities to hand down long terms of imprisonment for peaceful political activity. In a press briefing in June, Intelligence Chief, Gen. Khin Nyunt, accused the three of accepting money from two foreign activists, Phillip Robertson and John Osolnick, and handing it over to Daw Aung San Suu Kyi. Robertson allegedly gave them US\$80,000 and Osolnick about \$4,000. Daw Aung San Suu Kyi has denied receiving the money.

2.6.21. Khin Maung Win also known as Sunny, photographer for the NLD and U Ohn Myint, an aging politician who is related to Daw Aung San Suu Kyi, were arrested on June 18, 1997. U Ohn Myint was released after one month of questioning. (*Source: Inside*)

2.6.22. U Myo Aung Thant, a member of the Federation of Trade Unions of Burma, an underground labor group, was arrested on his return from Bangkok on June 13, 1997, at Mingladon airport, by officers of the National Intelligence Bureau (NIB). His wife and children were also detained. Later that day, NIB officials arrested U Khin Kyaw and his wife at their home. U Khin Kyaw is an official of the Seamen's Union of Burma, a member of FTUB and an ITF affiliate of the Internal Transport Workers' Federation (ITWF). Myo Aung Thant was "sentenced to Transportation for life for committing High Treason, three years' imprisonment for breaching the Unlawful Associations Act and another seven years under the Emergency Provisions Act" at Insein Special Court. Article 57 of Chapter III of the 1957 Burmese Penal Code defines transportation for life as: "equivalent to transportation for twenty years. He was accused by the authorities of attempting to bring explosives into Myanmar from Thailand. There is no further information about the status or whereabouts of Khin Maung Win alias Ko Sonny and U Khin Kyaw. (*Source: FTUB*)

- 2.6.23.** U Kyi Lwin, the chairman of the Moulmein Township Organizing Committee for the NLD party was sentenced to six years imprisonment with hard labor on October 17, 1997 for allegedly violating the Publishing and Printing Act. U Kyi Lwin, 52, had been detained since July 1997 without being charged. Military Intelligence officers came to his printing shop located on Main Lower Road in Moulmein in July and took him away. He was sentenced in Moulmein Township court after five court appearances. (*Source: ABSDF*)
- 2.6.24.** U Toe and U Shwe Win, NLD leaders from Belin township Mon State were arrested on July 30, 1997, for holding a merit making ceremony for the 50th anniversary of Martyr Day without permission from the SLORC authorities. (*Source: ABSDF*)
- 2.6.25.** U Win Shwe, an NLD member of the Belin Township Organizing Committee, was detained and put under house arrest in September, 1997. He was charged under the Section 5(j) of the Emergency Provision Act at the end of October. (*Source: ABSDF*)
- 2.6.26.** Soe Tun, Thein Myint, Moe Kyaw, Khin Maung Win, Myo Yan Naung Thein and two other unknown people were arrested in the first week of September for an alleged connection with the 1996 December student uprising. Their “New View” library in Zeyathiri road, Kamayut township was also sealed off by the authorities. (*Source: Inside*)
- 2.6.27.** Daw May Win Myint, NLD Divisional Organizer and MP-elect from Mayangone, was arrested by MI officers on October 28, 1997 after they had taken documents from her. Also at 10 p.m., U Khin Maung Myint, NLD Central Youth member and Secretary of Latha township, was arrested by a combined force of MI and other security personnel. Daw San San, the NLD Seikkan township MP-elect and Divisional Vice-Chairperson and NLD Women’s leader, was arrested at mid-night after documents were taken from her. At the same time, Ma Win Win Htay, a member of the Rangoon NLD Youth Division was arrested after security forces seized documents from her. (*Source: Inside*)
- 2.6.28.** U Soe Myint, the chairman of the Thaketa NLD, was arrested at 1 a.m. on October 29, 1997. One and a half hours later, Dr. Than Nyein, a MP-elect from Kyauktan township, Rangoon Division, was arrested after a combined group of MI and other security forces had confiscated documents from his home. U Win Thaug, the Chairman of the Mayangone NLD, was arrested later on that day. (*Source: Inside*)

- 2.6.29.** U Nyan Thaug, owner of the NLD office in Mayangone township, Rangoon Division, was arrested on October 29, 1997 and sentenced to seven years imprisonment in December 1997. (*Source: ABSDF*)
- 2.6.30.** 50 members of the NLD were rounded up at the party's branch office in Tamwe in eastern Rangoon on November 5, 1997. On the previous day, police placed barricades on roads leading to the NLD office in Tamwe to prevent Daw Aung San Suu Kyi from attending a political gathering. (*Source: Inside*)
- 2.6.31.** Dr. Min Soe Lin, an elected member of parliament of the Ye township constituency (1), Mon State and General Secretary of the banned Mon National League for Democracy (MNLD) was arrested and detained on November 6, 1997 by the SLORC under Article 5(j) of the Emergency Provision Act in Mudon, Mon State. It is believed that Dr. Min Soe Lin, 40, was arrested for his role in organizing celebrations for the 1997 50th Anniversary of Mon National Day on February 23, which the SLORC had refused to allow to go ahead. He was elected by various Mon organizations as general secretary of the Mon State Commission for the Golden Jubilee Celebration of Mon National Day. In this role, he reportedly sought permission to hold the celebration in Moulmein, the capital of Mon State. However, the Military Intelligence Service (5) based in Moulmein, refused to give its consent for the celebration, although permission had been granted in previous years. Finally, after canceling the arrangements in Moulmein, the celebration was held near Kanni at the source of the Ye River in an area under the control of the New Mon State Party (NMSP). However, the military considered this an act of defiance and it was widely known that Dr. Min Soe Lin was subsequently placed on the military's most wanted list. He was released in early January, 1998. (*Source: ABSDF*)
- 2.6.32.** U Thaug Aye, owner of a building in the South Okkalapa township in Rangoon who agreed to rent an office to NLD, was arrested on November 19, 1997 along with U Chit Khin, Chairman of the Okkalapa branch of the NLD.

2.7. Life in Prisons

Prison conditions in Burma are characterized by overcrowding and lack of proper food, sanitation, and medical care. The condition in prisons across the country remains extremely harsh with no exercise, a lack of mosquito nets and reading materials for

some prisoners, poor nutrition, inadequate medical care, and the use of solitary confinement and “doggie cells” as punishment. Unhealthy conditions and delayed medical care have led to the deaths of some political prisoners. It is estimated that there are 4,800 prisoners in Insein prison, most of whom are without adequate medical attention. Conditions for political prisoners are reported to be much harsher at some upcountry locations than in Rangoon; Thayet, Tharawaddy, Myitkyina and Myingyan prisons are cited most often in this regard. There are no prison doctors and medication is in short supply in Myitkyina prison, Kachin State. Prisoners often suffer from anemia and are not protected against the cold weather. Also of concern is the denial of medical care for those imprisoned or forced to act as porters for army troops in border areas. Civilians have been repeatedly maimed or killed by land mines placed by the military.

Both political and criminal prisoners being subjected to harsh treatment, and torture during initial interrogation is common. After political prisoners have been sentenced they are normally allowed to see their families every two weeks, who can provide them with additional food and medicine during 15-minute visits. However, there are reports that guards demand bribes for that privilege. If prisoners have no family or if they are in a prison which is located far away from their homes, they often do not receive anything to supplement their meagre diet. Political prisoners are also subjected to severe physical punishment if they break arbitrary prison rules, such as prohibition of all reading materials.

2.7.1. Situation in Loikaw Prison

Many ex-prisoners from Loikaw prison in Karenni State told of their experience behind bars. Burmese Military Intelligence officers in Loikaw prison beat prisoners, use various forms of torture, sexually abuse female prisoners and force women to give birth in their cells. Sources estimate there are about 800 prisoners including a considerable number of political prisoners in Loikaw prison. Most of them are in prison for political offences such as association with an illegal political organization and breaching internal security laws. Ex-prisoners told that prisoners are beaten with batons, forced to kneel on broken glass and to look at a glaring high-voltage bulbs for long periods as part of punishment or during interrogations. HIV/AIDS is spreading in the prison due to the repeated use of dirty needles at the hospital. Those who can afford to bribe the prison official are the only prisoners exempt from abuse and are allowed clean needles.

Many male prisoners are recruited as porters for the military. With a shortage of under 5-year term prisoners who are usually used as porters the military has now begun using prisoners sentenced between 5 and 10 years. Porters are forced to

carry heavy loads, brutally beaten, underfed and not given medical care. Those who cannot walk or carry the supplies are often killed or left to die in the jungle. (*Source: ABSDF*)

2.7.2. The Medical Care System and HIV/AIDS situation in Insein Prison

There is only one 100 bed hospital in Insein Prison for ten thousand prisoners. The hospital is governed by Dr. Soe Kyi, the officer in-charge of the prison hospital and two assistant surgeons, Dr. Tun Tun and Dr. Aung Than Myint, who are under his supervision. Dr. Soe Kyi was honored by the military junta with the title of Kyaw Thura for his approval signature on the death certificate of (41) demonstrators who suffocated to death in a prison van on the way to the prison in March, 1988. The prison hospital is governed directly by the prison department of the Home Ministry.

The out-patient clinic is only open one a day for the prisoners in each prison hall (different days for different halls). The procedure to get a medical check up is lengthy because of the bureaucratic red tape system inside the prison. The ill prisoner must present himself first to the *A Khan Lu Gyi* (the head prisoner of the cell who is selected by the warden to monitor regulations), then if he approves the need for a medical check up, he must next present himself to Tan Si (a long-term serving head prisoner who is selected to monitor the prison regulations for a whole building- 8 cells or 16 cells). Then another approval from the assistant warden and the warden is needed for registration on the list of out-patients, who have the right to receive medical check up on the assigned day of the week. Most of the prisoners fail to receive proper medical treatment during the lengthy process of the prison system. Usually the out-patients only receive drugs like Aspirin, Paracetamol, Buspro, and Sodamint without being properly treated for their underlying illness. The prison doctors give prescriptions and medics usually follow with injections and medications later. Most of the medics do not have background medical knowledge and are selected and appointed from the criminals who are jailed for drug abuse. They have tacit license to keep a syringe.

Four-fifths of the in-patients who are admitted to the jail hospital are not really ill patients, but they bribe the medical officers so as to enjoy special favors granted by the authorities and to be free from having to do hard labor. Some drug-addicted criminals pay money to the prison doctors to stay in the hospitals so that they can have access to needles and syringes and use drugs freely.

The medics use the same needle to inject several patients. Blood transfusions in a jail hospital are rare though minor surgery for boils and skin infections are common but

the practice is very risky due to the transmission of HIV because the same instruments are used without being disinfected properly.

In the cell blocks, prison halls, and prison hospital, drug use is rampant. Drugs can be found in the halls for detainees who are under trial and in the halls for prisoners who have been sentenced, especially hall #5. It is easy to buy heroin, sedatives, marijuana, and opium in Insein Prison.

There are three ways to smuggle drugs into Insein: first with the warders, second prisoners who go to trial and come back can carry drugs with them, and third hidden in the food sent by visitors.

The drugs which are smuggled into Insein are then used by the recipients or sold to other prisoners. The prisoners who have been imprisoned for drug abuse always continue to use drugs. These prisoners bribe the doctor in the prison hospital so that they are able to stay in the prison hospital. They try to get needles and syringes in the hospital. Some prisoners sell these needles and syringes to prisoners in other cell blocks and halls. Sometimes they make their own syringes. If the needle points get dull, they sharpen them on the floor and use them again, up to 70 times.

In Insein Prison, some criminal prisoners try to rape other prisoners by using force and threats. Many senior prisoners in each cell or hall try to persuade or threaten young and good-looking prisoners to have homosexual relations with them. This includes children under 14. The cell leaders even dare to rape other men in the daytime. Since condoms are illegal in prison, homosexual rape is one of the reasons for spread of HIV/AIDS in the prison.

No education about sexually transmitted diseases including AIDS, and the negligence of the prison authorities has caused HIV infection in Insein Prison to become widespread. Tattooing, having limited access to shaving materials, and genital reshaping (inserting metal balls) by illegal minor surgery are also common causes for HIV transmission. (*Source: DPNS*)

2.7.3. Suffering of Thai inmates in Burmese prisons

Many of the Thai prisoners freed from Burmese jails are suffering from skin diseases, malnutrition or tuberculosis, while some may be HIV-positive, according to the Thai Deputy Permanent Secretary for Public Health Winai Wiriyakittji. Most of them were arrested for illegal fishing in Burma waters and put in Insein jail. Most of the prisoners were found to be suffering from a range of illnesses due to malnutrition, poor living conditions and sub-standard care.

“Whenever they came to vaccinate us, four or five people would sit at their desks with injections and we had to line up in rows. They injected us with the same needles one after another,” said Mr. Berm, one of the Thai inmates released from Insein prison. The Ministry of Public Health said of 98 prisoners released, only 28 were in good health. The others had tuberculosis, skin infections, high blood pressure and some had HIV.

2.8. Death in Prison

Monywa U Tin Shwe

Monywa Tin Shwe (aka) U Tin Shwe (Monywa) (High Court Lawyer and National League for Democracy founding member) died on June 8, 1997, while he was serving his term in Insein Prison. U Tin Shwe was arrested on November 29, 1990 by the authorities, tried under Section 5(a), (e), and (j) of Emergency Provisions Act and sentenced to serve 18 years imprisonment. On April 23, 1997, upon learning that the health of U Tin Shwe was greatly deteriorating, the Chairman of the NLD sent a letter requesting him to be treated with proper food and given admission to a hospital in order to receive proper treatment.

He suffered from heart disease and was admitted to the hospital inside the jail in April 1997. On April 21, 1997, his family made an appeal to the authorities for permission to allow him to have treatment with physicians and specialists outside the jail. The appeal was in vain. On the same day he was sent back from the in-jail hospital to the cell where he had been kept. On April 30, 1997, due to his worsening health condition, he was admitted to the Insein prison hospital again on June 3, 1997, he was discharged and sent back to his cell. On the morning of June 8, 1997, his roommate found that he had collapsed in his cell while he was meditating. It was reported that he died on the way to in-jail hospital while he was being carried by the prison authorities. When he was taken from there to the Rangoon General Hospital, the doctor-on-duty reportedly stated that he had already died.

The facts clearly confirm that the health situation of U Tin Shwe was worsening. He died because the concerned authorities were responsible for denying him treatment with physicians and specialists outside the jail after his family had appealed for the necessary treatment.

U Kyaw Din

U Kyaw Din, 58, of NLD Wakema township, Irrawaddy Division died on October

20, 1997, in a prison hospital of acute pulmonary edema. He was serving a two-year jail sentence since July 24, 1997 for violation of Burma Criminal Act section 505(b). Statement issued by the SPDC said he was also suffering from renal failure and “malignant hypertension.” His family requested to the authorities that funeral service be held three days later as is traditionally required. The request was turned down and Myaungmya Prison Department cremated him on October 21, 1997. Furthermore, the authorities did not even allow the family to take his ashes home. As soon as the cremation was over the whole family was sent back to Wakema. (Source: *Inside*)

2.9. Prisoners in poor health

U Win Tin

U Win Tin, sixty-seven years old, was seriously ill and transferred to Rangoon General Hospital in October 1997. He was apparently transferred from Myingyan prison, known to be one of the worst in Burma.

U Win Tin, a journalist and founder of the National League for Democracy, was imprisoned in October 1989 and accused of being a member of the banned Communist Party of Burma. He was sentenced to fourteen years by a military tribunal in Rangoon’s notorious Insein prison and sometime in early 1996 was transferred to Myingyan, a town about 150 miles north of Rangoon. The transfer meant that relatives and supporters could no longer visit him or send him food and medicines.

U Win Tin took a prominent part in a hunger strike in Insein prison in September 1990 and was reported to have been badly beaten. In 1993 and 1994 he was one of four political prisoners to meet with Congressman Bill Richardson from the US Congress. In photographs taken during the meetings, U Win Tin was seen to be wearing a surgical collar. He told the congressman he suffered from spondylitis (degeneration of the spine).

In mid-1995, U Win Tin was one of a group of eight prisoners accused of sending letters to the United Nations detailing conditions within Insein prison. He was

reportedly beaten and kept in solitary confinement in the prison's "dog cells" (formerly the kennels for the prison guard dogs). It was learnt that he was sentenced to an additional five years under prison regulations banning the possession of writing materials.

Dr. Aung Khin Sint

Dr. Aung Khin Sint, a medical doctor, NLD member of parliament-elect is in poor health. He had been awarded a literacy award in 1972 and received the World Health Fellowship three times. He has been hospitalized since June 11, 1997, suffering from heart problems, diabetes, and high blood pressure. The SPDC responded that his condition was not critical when the human rights organization issued an urgent appeal to them. He was arrested on Aug. 4, 1993, for distributing leaflets that opposed restrictions imposed on the National Convention. He was released on February 4, 1995, rearrested on July 23, 1996, and is still in prison. No sentence has been given, nor are family visits allowed. (*Source: Inside*)

U Cho Aung Than

U Cho Aung Than was in Rangoon General Hospital on October 9, 1997 to receive a medical care. The prison doctors decided to hospitalize him on September 26 for high blood pressure but the SPDC authorities denied that his condition was serious. U Cho Aung Than, first cousin of Dawn Aung San Suu Kyi and assistant, was arrested on June 13, 1997, and sentenced to ten years' imprisonment for "breaching" the 1908 Unlawful Associations Act and 1950 Emergency Provisions Acts (*Source: Inside*).

Saw U Reh

The health of 70-year-old U Saw U Reh, an elected NLD representative imprisoned in Loikaw in Karenni State, is worsening according to his son-in-law who fled to the Thai-Burma border in October 1997. He was hospitalized in the first week of July 1997, after suffering from serious diabetes and kidney problems. Although already in shackles, he was tied to his hospital bed. Although he is back in Loikaw prison, his health has not improved. (*Source: Inside*)

U saw U Reh was arrested and sentenced to 17 years' imprisonment on December 18, 1996, for violating Article 71(1) of the Association With Illegal Organizations Act and violating the 1962 Printing and Publishing Act. The SLORC claimed that he was contributing financially to the outlawed Karenni National Progressive party (KNPP). They found a book he had written entitled "The Crisis of Kayah State and

Causes of Civil War in Burma” when they searched his home. U Saw U Reh is a Second World War veteran who fought against the Japanese in a parachutist unit known as “the Spiders”. He joined the NLD after the 1988 pro-democracy uprising and became a member of the Karenni State NLD Organizing Committee. He was one of the NLD delegates for the National Convention until the NLD boycotted the Convention in December 1995. U Saw U Reh was forced by the SLORC to resign from the NLD on November 28, 1996, and was arrested soon after his resignation. (*Source: ABSDF*)

U Tin Aung

U Tin Aung, elected NLD representative who has been in jail for a year, received emergency medical treatment in September 1997 due to a neck tumor. U Tin Aung, who is 53 and a lawyer, was detained on December 13, 1996 under the Emergency Provision Act. He was sentenced to two years imprisonment and has been held in Myaungmya Prison, Irrawaddy Division. (*Source: ABSDF*)

2.10. Transfer of political prisoners

In April and May, 1997, the authorities transferred approximately 150 prisoners -- including 59 NLD members -- from Insein to up country prisons during the transferal, named “Operation Crow.” These prisons are: Mandalay and Myingyan Prisons, Mandalay Division; Myitkyina and Machanbaw Prisons, Kachin State; Thrawaddy, Thayet and Taungoo Prisons, Pegu Division; and Myaungmya and Bassein Prisons, Irrawaddy Division. The inevitable consequence for most prisoners of the transfer from Rangoon is additional hardship in the form of reduced access to family support, food, medicine, and clothing.

Among those transferred from Insein to Myitkyina prison was Khin Zaw Win alias Kelvin, arrested in 1994 for attempting to pass information to the UN Special Rapporteur on Burma. He was one of the 29 prisoners placed in military dog cells for extended periods of time. He was badly tortured in early 1996 and his health has subsequently deteriorated.

Another is U Win Htein, a former army officer and Daw Aung San Suu Kyi’s press secretary who was arrested in May 1996. He was transferred from Insein to Myingyan prison, Mandalay Division. He is also believed to be in poor health.

The authorities again transferred 120 political prisoners on November 14, 1997, from Insein Attached Jail (Special Jail) in Rangoon to Thayawaddy, Thayet and

Mandalay prisons. The Special Jail at Insein previously housed about 120 political prisoners and about 70 former government officials including ex-army officers sentenced for various offenses. The former government officials were not included in the transfer. Among the political prisoners were U Tin Tun and U Myo Myint Nyein, who were both sent to Thayawaddy Prison in central Burma. The others were U Han Sein, U Lwin Oo, U Kyaw San (NLD), Ma Thida and two of Daw Aung San Suu Kyi's former bodyguards - Bo Lay (aka) Aung Naing Oo and Thet Oo. These prisoners were all detained under the Publishing and Printing Act in July 1993 for possessing a copy of the *Khit Pyaing* (New Era) Journal. U Tin Tun and U Han Sein bought a copy of *Khit Pyaing*, a banned political publication, for the price of 3,000 Kyat, according to a close relative of U Tin Tun. The two were sentenced to 20 years imprisonment under two different charges of violating the Emergency Provision Act and the Printing and Publishing Act. (*Source: ABSDF*)

The transfer aims to make difficult for relatives and supporters of the prisoners to come and bring them food and medicines. Also it means to make things difficult for the prisoners to disseminate information regarding the situation inside the prisons.

2.11. Lists of Incidents

- 2.11.1.** On January 6, 1997, Daw Ni, 60 years old and unable to provide either labor or money for a forced labor project of Bassein-Thalatgwa-Morton Point motor road, was arrested and sent to Bassein prison on January 8, 1997. (*Source: UN report*)
- 2.11.2.** On January 12, the Baptist pastor of Zah Di Win village in Tenasserim Division, was arrested because people in village had not moved to their relocation site, even though he and his family had moved. He was detained at a camp of SLORC IB. 17. (*Source: ABSDF*)
- 2.11.3.** On January 15, 1997, 13 people, including two women, were arrested because they refused to take part in a forced labor project to build a road from Bassein to Thalatgwa to Morton Point in Tenasseim Division. (*Source: UN report*)
- 2.11.4.** U Thein Zan, elected MP of the Constituency-1, Myehte township, Magwe Division was arrested on February 24, 1997 along with other NLD leaders U Myint Hlaing, U Tin Htoo Kyaw, U Than Htun, U Htun Kyi and U Aye Kyaw. Among them, U Nyunt Hlaing, Finance In-charge of the Magwe Division NLD was sentenced to five years imprisonment under the Section

5(j) of the Emergency Provision Act. (*Source: ABSDF*)

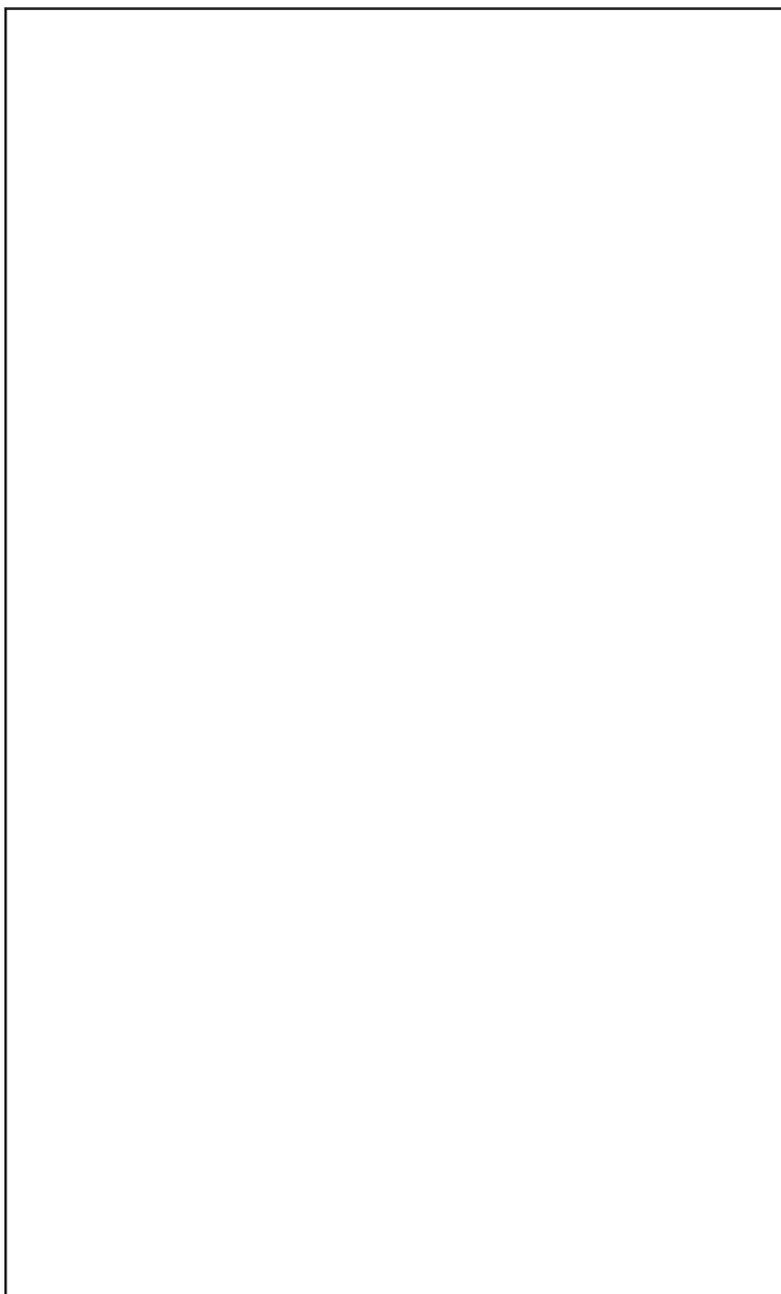
- 2.11.5.** On February 25, 1997, U Aye Myint, U Tin Win and U Mya Shwe, all Myehte township NLD members were arrested and sent to Thayet prison. (*Source: ABSDF*)
- 2.11.6.** On March 21, 1997, about 40-50 soldiers from LIB. 44 led by Major Hla Khin came to Wan Pan Hook village, Wan Lao circle, Kunhing township, Shan State. They summoned and village headman and accused him for having supported the SURA troops. Major Hla Khin detained the headman and demanded 20,000 kyats from Sai Saw Na and ten other villagers in exchange for the headman. After receiving ransom, the headman was released. (*Source: S.H.A.N*)
- 2.11.7.** In late April, SLORC troops arrested 14 villagers, including four women, at the old village of Wan Phai, Kaeng Lom tract, Kunhing township. The villagers had gone back to their old village to look for their stray cattle. After the arrest, they were brought and kept at the military outpost at Kaeng Lom, close to the Keng Lom temple, and the women were raped every night. (*Source: SHRF*)
- 2.11.8.** On August 23, 1997, husband Saw Kalo, 58 years old, and wife Naw Moo, 50 years old, were arrested in Lo Po village of No. (2) District by a SLORC troops of LB. 102 under the command of Sein Hlaing (unknown position). The troops killed the husband. The wife Naw Moo died after being repeatedly raped by the troops. (*Source: KNPP*)
- 2.11.9.** On September 1, 1997, Captain Myo Myint Oo and his troops from Kunhing-based SLORC IB. 246 arrested 12 villagers from quarters 3, in Kunhing township, Shan State. They were locked up for going to work in their rice fields and farms without permission, and their rice and other crops were destroyed by SLORC soldiers under the order of the Tactical Command Commander. The SLORC troops demanded 1200 kyats for the release of each of them. The 12 villagers were (1) Pan Ta (2) Su Pawk (3) Su Yao (4) Su La (5) Loong Zai (6) Ai Su (7) Ing Taka (8) Ark Long (9) Nang Parn (10) Zan Tar (11) Ai Mard (12) In Tar. (*Source: SHRF*)
- 2.11.10.** On October 17, 1997, 30 SLORC troops led by Captain Hla Aye, under the command of Commander Tin Latt of LIB. 424, arrested the following villagers in the area of Murn Nawng, Kaesee township, Shan State. (1) Kae Lar, 47, male from Wan Nai village (2) Parn La, 51, male from Wan Kyawng village (3) Ya Zing Ta, 53, male from Kung Khaet village (4) Zaa

Saw Zing Na, 41, male from Wan Zing Awn village (5) Aw Pae Ta, 39, male from Phuay Hur village (6) Wa Lik Ta, 29, male from Parnng Zong village (7) Nya Na, 30, male from Wan Khok village (8) Phaw Ka, 35, male from Kung Karng village (9) Kaw Ling, 54, male from Nar Taed village (10) Wi Mar Lar, 33, male from Hai Lai village (11) Nang Suay Han, 40, female from Nawng Ek village (12) Nang Man, 45, female from Nawng Parnng village (13) Zai Mar Lar, 32, male from Kung Kharn village and (14) Zai Too, 29, male from Kung Mong village. All the villagers were forced to move to Murng Nawng during the months of May and June 1997. The villagers were locked up for three days after which they were accused of having supported the SURA by providing food and information. The soldiers beat and tortured them with electric shocks while interrogating them until they passed out several times, and eventually 2-3 persons died each day for several days, until all of them died. (*Source: SHRF*)

2.11.11. From November 26 to December 3, 1997, a column led by Lt-Col. Kyaw Sein from LIB. 36 stayed in Kyaukdaung village, Papun township, Karen State and committed various forms of abuses. The troop forcibly collected 80,000 kyats from the villagers as porter fees for three months and killed villager U Ohn, aged 33. (*Source: ABSDF*)

2.11.12. On December 12, 1997, a military column from LIB.38 led by Captain Win Naing entered Htee Thelay village in Papun township, Karen State. The troops arrested and killed one whole family. The victims were U Phar Hope, 40-year-old teacher, Daw Matwe, 25-year-old wife, Saw Nelwe, 16-year-old son and Saw Nisay, 7-year-old son. The column took 5,200 kyats and other belongings of the family. (*Source: ABSDF*)

(See also under “personal Accounts” interviews 3, 5, 23,29, 35, 36, 38, 44, 48, 56, 59, 60, 66, 67 68, 69, 70, 71, 74, 75,77,79, 81, 83, 84, 87, 88, 89, 90, 91, 95, 97, 98, 100 and 104)



Mandalay Prison where many political prisoners are being held. Conditions in prison constitute cruel, inhuman or degrading treatment. (Photo by N. Dunlop)