

PUBLIC

**AI Index: ASA 16/004/2008
19 February 2008**

Further Information on UA 311/07 (ASA 16/040/2007, 16 November 2007) Fear of torture or ill-treatment/health concern

MYANMAR

**U Gambira (m), aged about 27, Buddhist monk
Aung Kyaw Kyaw (m), National League for Democracy (NLD)
member, Pauk township, Magway Division, brother of U
Gambira
Su Su Nway (f), aged about 36, NLD member and labour**

activist

Released:

Min Lwin (m), father of U Gambira and Aung Kyaw Kyaw

Buddhist monk U Gambira and his brother Aung Kyaw Kyaw have recently been charged under a vaguely worded security law. Similar politically motivated charges have also been brought against labour rights activist Su Su Nway, who is in poor health. They are being held in Yangon's Insein Prison, where they risk being tortured or otherwise ill-treated. Amnesty International considers them to be prisoners of conscience, held solely for exercising their right to freedom of expression and peaceful association.

U Gambira and Aung Kyaw Kyaw were charged at the end of January under Section 17/1 of the Unlawful Associations Act, which carries a maximum sentence of three years' imprisonment. A hearing on their charges scheduled for 4 February was postponed and no new date has been given by the authorities. U Gambira was earlier reported to have been charged with treason, which carries a sentence of life imprisonment or the death penalty.

U Gambira has been stripped of his monk's robes and has been tortured in detention. Aung Kyaw Kyaw has also been tortured. Their mother and sister have been able to visit them but relatives who travelled from the central city of Mandalay to see U Gambira on 21 January were refused access by prison officials as they were unable to comply with regulations requiring them to produce documents showing where they live. U Gambira and Aung Kyaw Kyaw are not known to have been given access to their lawyers.

Their father Min Lwin was released from Insein Prison on 3 December 2007. He and Aung Kyaw Kyaw were arrested on 4 November 2007 and 17 October 2007 respectively as "hostages" in an attempt to force U Gambira out of hiding. U Gambira was one of the leaders of the 2007 protests, and headed the All-Burma Monks Alliance (ABMA), an organization formed to support the mass demonstrations.

Su Su Nway has reportedly been charged under sections 124, 125 and 505 of the Penal Code. Sections 124 and 505, which relate to sedition and incitement to offences that damage "public tranquillity", have been used over the years to criminalise peaceful political dissent. Su Su Nway was reportedly due to stand trial on 6 February in Yangon's Bahan Township, but there is no news of what happened in the proceedings.

Su Su Nway has not been allowed to meet her family, and has apparently been prevented by prison authorities from receiving parcels from her family. She has been suffering from a long-term heart condition and was once taken to a hospital outside the prison for treatment. Her health is said to be deteriorating.

BACKGROUND INFORMATION

Increasing numbers of political activists have been sentenced to prison terms after closed trials in the context of the September crackdown. Judicial proceedings have failed to show any regard for due process. Since the start of the protests last August, at least 18 people have been sentenced under section 505 of the

Penal Code. In a recent case, a member of the main opposition party, the National League for Democracy, was reportedly sentenced to life imprisonment under sections 124(a) and 505(b) of the Penal Code. This individual was arrested last August after he was found to possess what were described as political leaflets relating to student unions.

Section 17/1 of the Unlawful Associations Act allows the authorities to deem any group unlawful solely on the basis of the head of state's opinion rather than on reason or evidence. Peaceful groups, which could include trade unions, political parties, student associations, or religious organizations, can arbitrarily be declared unlawful under these provisions.

Amnesty International has called for the amendment or repeal of security laws that are open to such wide interpretation and which can be used to diminish freedom of expression rather than as a legitimate defence of the security of the state. These laws, including the Unlawful Associations Act, have been used to imprison many political prisoners and subject rights and freedoms to far greater restrictions than are permitted under international law.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- welcoming the release of Min Lwin;
- calling for the release of U Gambira, Aung Kyaw Kyaw and Su Su Nway;
- stating that Amnesty International considers U Gambira, Aung Kyaw Kyaw and Su Su Nway to be prisoners of conscience, held solely for exercising their right to freedom of expression and peaceful association;
- calling on the authorities to ensure that all detainees are treated humanely, with full respect for their human rights, and that no one is subject at any time to torture or other ill-treatment;
- urging the authorities to immediately ensure that while in detention, all detainees are granted regular access to lawyers, families and all necessary medical treatment;
- calling on the authorities to release all those who were arrested for exercising their right to freedom of expression and assembly during the crackdown, as well as all prisoners of conscience held before the recent events;
- calling on the authorities to ensure that vaguely worded security laws are not used to prevent the peaceful expression of political opinions.

APPEALS TO:

Senior General Than Shwe
Chairman
State Peace and Development Council
c/o Ministry of Defence, Naypyitaw, Union of Myanmar

Salutation: Dear General

Nyan Win
Minister of Foreign Affairs
Ministry of Foreign Affairs
Naypyitaw, Union of Myanmar

Salutation: Dear Minister

and to diplomatic representatives of Myanmar accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 2 April 2008.