

PUBLIC

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16 November 2007

UA 311/07 **Fear of torture or ill-treatment/health concern**

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

Reports have recently emerged of the arrest of Buddhist monk U Gambira on 4 November, as well as the arrests of his brother Aung Kyaw Kyaw and father Min Lwin in October. Their current whereabouts are not known. Well-known labour rights activist Su Su Nway was arrested just over a week later, on 13 November. She is detained in Insein Prison, Yangon.

U Gambira is one of the leaders of the peaceful demonstrations that began in August this year after a sharp rise in fuel prices. He headed the All-Burma Monks Alliance (ABMA), formed to support the mass demonstrations. He had been in hiding since the violent crackdown on protestors between 26 and 29 September, and was known to be on a list of people wanted by the authorities. While in hiding he had given interviews to overseas media. He is believed to have been charged with treason for his role in leading the demonstrations, which carries a sentence of life imprisonment or the death penalty. Other members of his family were arrested as "hostages" in an attempt to force him out of hiding, including his brother Aung Kyaw Kyaw, who was arrested in October, and his father Min Lwin. Both Aung Kyaw Kyaw and Min Lwin are still detained.

Su Su Nway, a member of the youth wing of the main opposition party, the National League for Democracy (NLD), was arrested on 13 November, during the UN Special Rapporteur on human rights in Myanmar's visit to the country to investigate the recent crackdown. Su Su Nway is reported to have been arrested in the city of Yangon, after attempting to put up leaflets near the hotel where the Special Rapporteur was staying. At least one other person was arrested at the same time. Su Su Nway, who took part in the August demonstrations, had been in hiding since those suspected of leading the protests were arrested around 21/22 August.

She had previously been imprisoned after successfully taking legal action against village authorities over their use of forced labour. The officials concerned received prison terms, following which Su Su Nway was charged with criminal intimidation and sentenced to 18 months imprisonment in October 2005. She was released in June 2006.

BACKGROUND INFORMATION

Peaceful demonstrations began in August sparked by sharp increases in fuel prices. Protests by monks grew rapidly in size and number, calling for a reduction in commodity prices, the release of political prisoners and a process of national reconciliation to resolve deep political divisions. In the evening of 25 September, the authorities began a crackdown on protestors, including raiding monasteries, arresting monks and others, and imposing a curfew, forcing some activists into hiding.

Thousands of people are believed to have been arrested and Amnesty International estimates that around 700 currently remain in detention, in contrast to claims by the Myanmar authorities that only 91 people against whom legal action will be taken, remain in detention. At least 17 people have been sentenced to up

to nine and a half years imprisonment in connection with the demonstrations, in proceedings likely to have been closed and grossly flawed.

While the number of arrests has declined since 29 September, state security personnel have continued to search for and detain specific individuals suspected of involvement in the anti-government protests, primarily through night raids on homes. The authorities have also resorted to arbitrary and unlawful detention of family members or close friends and suspected sympathisers of protesters currently in hiding. Such action also constitutes "hostage taking" – explicit or implicit pressure on the suspected protesters to come forward as a condition for releasing or not harming the hostage. This is a violation of fundamental rules of international law.

Human rights violations in Myanmar are widespread and systematic. They include the use of child soldiers and forced labour. Laws criminalize peaceful expression of peaceful dissent. Most senior opposition figures are imprisoned or detained, among more than 1,150 political prisoners held in deteriorating prison conditions. People are frequently arrested without warrant and held incommunicado; torture and other cruel, inhuman and degrading treatment are common, especially during interrogation and in custody awaiting trial. Judicial proceedings against political detainees fall short of international standards for fair trial. Defendants are often denied the right to legal counsel and prosecutors have relied on confessions extracted through torture.

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

- urging the authorities to immediately and unconditionally release U Gambira, his brother Aung Kyaw Kyaw and father Min Lwin, and Su Su Nway;
- urging the authorities to immediately ensure that while in detention, all four are granted access to lawyers, families and medical treatment;
- calling on the authorities to treat these four as well as all other detainees humanely, and not subject them to torture or other ill-treatment;
- calling on the authorities to cease the systematic and arbitrary detention of suspected sympathizers or family members of protesters as "hostages" in violation of international law;
- calling for the release of all those who were arrested for exercising their right to freedom of expression of assembly during the crackdown, as well as all prisoners of conscience held before the recent events.

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

COPIES 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 28 December 2007.