

PUBLIC

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30 January 2009

UA 27/09 Health concern/ Prisoner of conscience

MYANMAR Robert San Aung (m), 54, Lawyer

Amnesty International is concerned for the safety and well-being of Robert San Aung, a pro-democracy activist and prisoner of conscience. Robert is suffering from dysentery, is generally in poor health and in need of urgent medical attention. It is not clear if he has been denied medical treatment; however, Amnesty International has recently documented cases where access to medical treatment has been withheld or restricted.

Robert San Aung was arrested along with at least six others on 19 June 2008 for his part in a demonstration outside the home of detained pro-democracy leader Daw Aung San Suu Kyi, in Yangon, Myanmar's largest city. The demonstration had been organised to mark Aung San Suu Kyi's 62nd Birthday and draw attention to the extension of her house arrest at the end of May 2008. He was charged under Sections 505(b) and 143 of the Penal Code, two vaguely worded security provisions which are frequently used to criminalise acts of peaceful political dissent. He was denied access to legal counsel throughout his trial and was subsequently sentenced to two and a half years in prison for his participation in the peaceful demonstration.

On 24 November 2008 Robert San Aung was transferred from Insein Prison, Yangon to Kale Prison, Sagaing Division. It is now much more difficult for his family in Yangon to visit him. The poor prison conditions and inadequate medical care in Myanmar's prison mean that political prisoners often rely on family members to provide them with basic medicines, food and clothing.

Robert San Aung is an active member of the pro-democracy movement, which has left him vulnerable to harassment, prosecution and imprisonment. A trained lawyer, he was disqualified from practising law by the High Court in Myanmar in January 1993. He was disbarred for providing legal representation to pro-democracy leaders, and for his attempts to expose the negligence of civil servants and the failings of Myanmar's legal system. He served seven years in prison between 1997 and 2003 as a result of his political activities.

BACKGROUND INFORMATION

There are currently over 2,100 political prisoners in Myanmar's prisons. Many are held in poor conditions which have led to serious deterioration in their health or the exacerbation of existing medical conditions. Many prisoners are denied access to medication and appropriate medical treatment. Political prisoners are often subjected to torture and other ill-treatment. The International Committee of the Red Cross has not been able to visit prisons in Myanmar since the end of 2005.

The Myanmar authorities have an obligation under international law to provide for minimum acceptable levels of accommodation, food and medical care for prisoners and detainees. For example, under the UN Standard Minimum Rules for the Treatment of Prisoners, the Myanmar authorities have a duty to provide the services of a qualified medical officer within prisons or detention facilities; to transfer prisoners and detainees who require specialist treatment to specialized institutions or to civil hospitals; and to provide prisoners with food of nutritional value adequate for health and strength.

Increasing numbers of political activists have been sentenced to prison terms after closed trials. Between October 2008 and mid-January 2009 at least 280 people have given jail terms for their peaceful political activities. Since November 2008 over 100 political prisoners have been transferred, many to remote locations in Myanmar. The new locations require family members to undertake long journeys – sometimes six days or more – to visit them. Even then, the authorities sometimes do not permit families to visit their relatives in prison.

Judicial proceedings have failed to show any regard for due process, and trials have been held in special closed courts, without access to legal counsel or adequate time to prepare a defence. The ruling State Peace and Development Council (SPDC) has ignored repeated calls by the UN to release all political prisoners. UN Special Envoy Ibrahim Gambari is due to visit the country on 31 January.

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

- urging the authorities immediately to provide Robert San Aung with all necessary medical treatment;
- calling on the authorities to release Robert San Aung immediately and unconditionally as soon as he has received the urgent medical treatment he needs;
- calling for immediate action to ensure that while he is in detention, Robert San Aung is granted access to lawyers and family;
- 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 to torture or other ill-treatment.

APPEALS TO: (We have only given one fax number as we can not guarantee the reliability of other numbers. Please also send appeals by post.)

Maung Oo
Minister for Home Affairs
Ministry of Home Affairs
Office No. 10
Naypyitaw, Union on Myanmar
Fax: +95 67 412 439
Salutation: Dear Minister

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 13 March 2009.