

The Future in the Dark: The Massive Increase in Burma's Political Prisoners September 2008

Jointly Produced by:

Assistance Association for Political Prisoners (Burma)
and United States Campaign for Burma

The Assistance Association for Political Prisoners (Burma) (AAPP) is dedicated to provide aid to political prisoners in Burma and their family members. The AAPP also monitors and records the situation of all political prisoners and condition of prisons and reports to the international community. For further information about the AAPP, please visit to our website at www.aappb.org.

The United States Campaign for Burma (USCB) is a U.S.-based membership organization dedicated to empowering grassroots activists around the world to bring about an end to the military dictatorship in Burma. Through public education, leadership development initiatives, conferences, and advocacy campaigns at local, national and international levels, USCB works to empower Americans and Burmese dissidents-in-exile to promote freedom, democracy, and human rights in Burma and raise awareness about the egregious human rights violations committed by Burma's military regime. For further information about the USCB, please visit to our website at www.uscampaignforburma.org



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Introduction

The Assistance Association for Political Prisoners (Burma) (AAPP) and the U.S. Campaign for Burma (USCB), believe that an immediate and unconditional release of all political prisoners, including Nobel Peace Prize Recipient Daw Aung San Suu Kyi and U Tin Oo, is an important and essential indicator to measure the positive development of the national reconciliation and democratization process in Burma (also known as Myanmar). Therefore, the people of Burma, the international community – especially the main bodies of the United Nations – and the leaders of the world have repeatedly and consistently demanded that the Burmese military regime release all political prisoners immediately and unconditionally. The regime has claimed repeatedly that there are no political prisoners in Burma and that courts convicted all those arrested and imprisoned for criminal acts.¹

Even so, the Burmese military regime at times purports to bow the international community's demands in order to avoid international pressure. The regime claims that it has released tens of thousands of prisoners from various prisons as a special gesture to the United Nations. In reality, only a small number of political prisoners were included among those released. Recently, the regime announced that it released 9002 convicted prisoners from various prisons on 23 September 2008². However, in actuality only ten political prisoners were included among those released.³ U Win Htein, senior assistant to Daw Aung San Suu Kyi, was released on 23 September and rearrested the next day and put back in the Kathar Prison.⁴

While the regime released only a small number of political prisoners, a large number of democracy activists have been arrested and imprisoned. Therefore, despite repeated requests from the international community, the number of political prisoners in Burma has steadily increased in the last six years, from between 1200 and 1300⁵ in August 2003 to over 2123 in September 2008. Please see Chart No. 1 below:

¹ "No Political Prisoners in Burma: Junta's Mouthpiece", the Irrawaddy, 24 July 2008,

http://www.irrawaddy.org/article.php?art_id=13527

² 9,002 Prisoners Granted Amnesty, The New Light of Myanmar, 23 September 2008, Page 16

<http://www.mrtv3.net.mm/newspaper/239newsn.pdf>

³ Myanmar: Ban Welcomes Release of Political Prisoners, Looks forward to Further Action, 24 September 2008

<http://www.un.org/apps/news/story.asp?NewsID=28207&Cr=Myanmar&Cr1=>

"Three More Political Prisoners Released", DVB, 29 September 2008, <http://english.dvb.no/news.php?id=1801>

⁴ Myanmar Dissident Back in Jail, CNN, 27 September 2008,

http://www.cnn.com/2008/WORLD/asiapcf/09/27/myanmar.ap/index.html?section=cnn_latest

⁵ Situation of Human Rights in Myanmar, A/58/219, 5 August 2003, 59th Session of the UNGA, Page 10

<http://daccessdds.un.org/doc/UNDOC/GEN/N03/459/83/PDF/N0345983.pdf?OpenElement>

CHART No. 1



Sources:

Figures in 2003, 2004, 2005, 2006, and 2007: Reports of Special Rapporteur on the situation of human rights in Myanmar/Burma to the UN General Assembly

Figures in 2008: Assistance Association for Political Prisoners (Burma), Amnesty International

As mentioned in the preceding chart (which is based on reports submitted by the UN Special Rapporteur on the situation of human rights in Myanmar/Burma to the UN General Assembly), the number of political prisoners in August 2003, August 2004, August 2005, August 2006, and August 2007 are between 1200 and 1300⁶, over 1300⁷, over 1100⁸, over 1185⁹, and over 1192¹⁰, respectively. As estimated by the AAPP and Amnesty International, the number of political prisoners in Burma in September 2008 is over 2123¹¹, a dramatic increase of a 78% from the previous year. Among these political prisoners, about 700-900 were arrested during and in the aftermath of the peaceful protests led by the 88 Generation Students group in August and peaceful marches led by Buddhist Monks in September 2007, known as the “Saffron Revolution,”¹²

⁶ Situation of Human Rights in Myanmar, A/58/219, 5 August 2003, 58th Session of the UNGA, Page 10 <http://daccessdds.un.org/doc/UNDOC/GEN/N03/459/83/PDF/N0345983.pdf?OpenElement>

⁷ Situation of Human Rights in Myanmar, A/59/311, 30 August 2004, 59th Session of the UNGA, Page 8 <http://daccessdds.un.org/doc/UNDOC/GEN/N04/473/79/PDF/N0447379.pdf?OpenElement>

⁸ Situation of Human Rights in Myanmar, A/60/221, 12 August 2005, 60th Session of the UNGA, Page 2 of Summary, <http://daccessdds.un.org/doc/UNDOC/GEN/N05/459/65/PDF/N0545965.pdf?OpenElement>

⁹ Situation of Human Rights in Myanmar, A/61/369, 21 September 2006, 61st Session of the UNGA, Page 2 <http://daccessdds.un.org/doc/UNDOC/GEN/N06/530/70/PDF/N0653070.pdf?OpenElement>

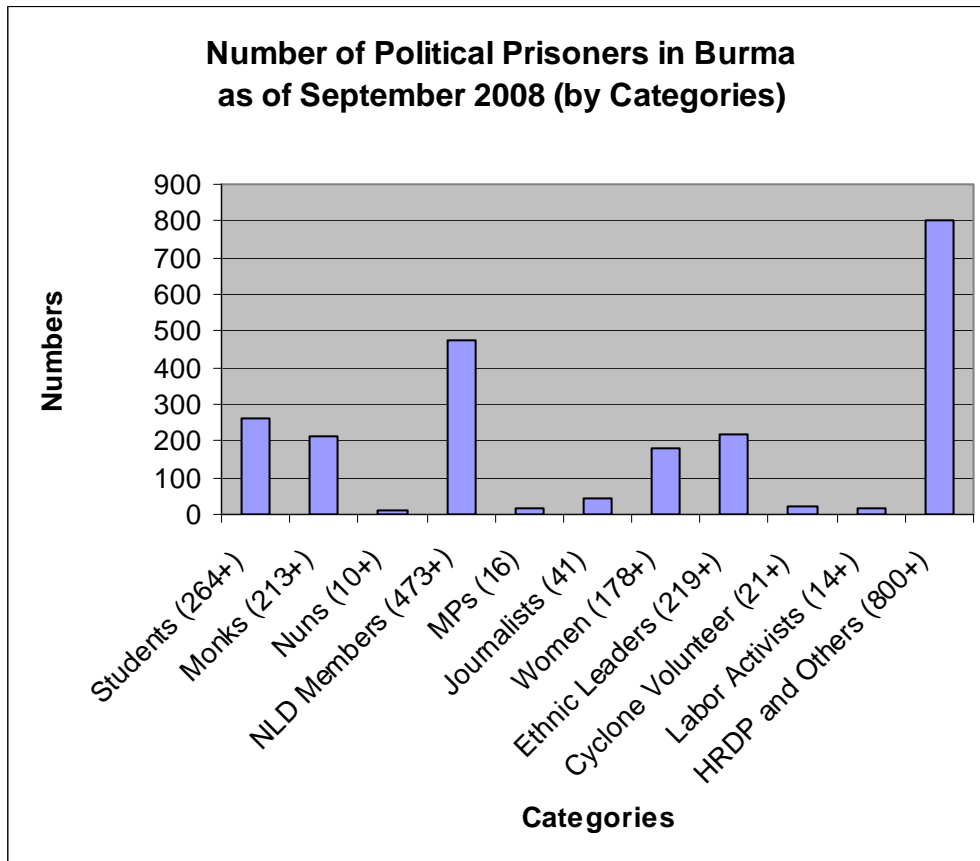
¹⁰ Situation of Human Rights in Myanmar, A/62/223, 13 August 2007, 62nd Session of the UNGA, Page 2 <http://daccessdds.un.org/doc/UNDOC/GEN/N07/457/14/PDF/N0745714.pdf?OpenElement>

¹¹ One of Myanmar’s Longest Serving Political Prisoners Released, 23 September 2008, Amnesty International <http://www.amnesty.org/en/news-and-updates/good-news/one-myanmars-longest-serving-political-prisoners-released-20080923>

¹² Myanmar: Twenty Years On, More Than 2,000 Political Prisoners, Amnesty International, 3, August 2008 <http://www.amnesty.org/en/for-media/press-releases/myanmar-twenty-years-more-2000-political-prisoners-20080803>

Among these political prisoners, at least 264 are students; 213 are monks; 10 are nuns; 473 are National League for Democracy (NLD) members; 16 are Members of Parliament; 41 are journalists, editors, bloggers and those who contacted the media; 178 are women; 219; are ethnic leaders and nationals; 21 are cyclone volunteers; 14 are labor activists; 800 are members of various organizations, such as the Human Rights Defender and Promoters Network (HRDP), the Generation Wave (GW), and individuals. These figures are not all-inclusive, but represent known political prisoners. Please see the number of political prisoners in Burma as of September 2008, in categories, below:

CHART No. 2



Source: Assistance Association for Political Prisoners (Burma)

The Burmese military regime is now nearing completion of its road map to permanent dictatorship via a sham constitution, referendum held in 2008, and election, scheduled in 2010. During this time, peaceful defiance has increased from people who simply demand democracy and fundamental rights, as well as an end of military dictatorship in Burma. As in the past, the regime applies its security forces and civilian thugs to prevent and crack down on protests, by aggressively attacking and arresting these activists. At least 41 activists were arrested and 16 were sentenced by summary courts in September 2008 alone. On 18 July 2008, Khin Maung

Tint, who was held in Mandalay Prison since 1998, became the 137th political prisoner to die in prison.¹³

The refusal to release all political prisoners in Burma and the continued arrest of democracy activists by the military regime represents serious defiance of the international community, especially the United Nations. The UN General Assembly¹⁴ and the UN Human Rights Council¹⁵ (formerly known as the Commission on Human Rights) have adopted over three dozens resolutions since 1991, calling for the regime to release all political prisoners immediately and unconditionally. The UN Security Council has put weight on this matter by issuing a Presidential Statement on 11 October 2007¹⁶, in which the Security Council also called for the regime to release all political prisoners immediately and unconditionally. On 11 October 2008, the first-ever Presidential Statement of the Security Council will reach its one year anniversary without achieving its goals.

AAPP and the USCB, strongly believe that now is the time for the United Nations to transform the words contained in successive resolutions and statements into effective and collective action that include stronger measures, such as an arms embargo, to pressure the military regime in Burma to listen and act. We strongly urge the United Nations to stand for the people of Burma by taking effective measures without further delay. It is time for the process of national reconciliation and democratization to really happen in our country, beginning with the release of all political prisoners and the commencement of a meaningful and time-bound political dialogue between the military regime, Daw Aung San Suu Kyi and her party, and ethnic representatives.

¹³ “Political Prisoner Dies in Mandalay Prison”, Democratic Voice of Burma, 21 July 2008, <http://english.dvb.no/news.php?id=1558>

¹⁴ Latest Resolution from UNGA, Resolution Adopted by the General Assembly, A/Res/62/222, 28 February 2008, <http://daccessdds.un.org/doc/UNDOC/GEN/N07/477/09/PDF/N0747709.pdf?OpenElement>

¹⁵ Latest Resolution from UNHRC, Resolution S-5/1: Situation of Human Rights in Myanmar, 2 October 2007, <http://www2.ohchr.org/english/bodies/hrcouncil/docs/specialsession/A.HRC.RES.S.5-1.pdf>

¹⁶ Statement by the President of the Security Council, S/PRST/2007/37, 11 October 2007, <http://daccessdds.un.org/doc/UNDOC/GEN/N07/538/30/PDF/N0753830.pdf?OpenElement>

Current Arrests of Democracy Activists

Total Number of Arrests from July to September 2008: at least 91

During a three month period, from July to September 2008, at least 91 activists, including 16 monks, 2 Members of Parliament, 23 NLD members, 4 HRDP (Human Rights Defenders and Promoters) members, 15 activists from various organizations, 21 civilians, 1 Journalist, and 3 members of the 88 Generation Students group, were arrested for their political activities by the military regime and are detained in prisons and police lock-up.

During July 2008, the military regime arrested at least 19 people and six of them were released. The remaining 13 detainees, including 9 monks, 1 NLD member and 3 civilians are as follows:

- (1) Khin Maung (Male, NLD Member), who lives in Shwe Pyi Thar Township, Rangoon, was arrested on 1 July 2008.¹⁷
- (2) 9 Monks were arrested at the Rangoon Railway Station on 15 July 2008, and sent to Insein prison.¹⁸
- (3) Kyaw Zan (Male, 48-year old), Ba Tun (Male, 50), and Thar Aye (Male, 47) from Paletwa Township, Chin State, were arrested on 24 July 2008.

During August 2008, the regime arrested at least 42 activists and seven of them were released. The remaining 37 detainees, including 4 Monks, 2 Members of Parliament, 12 NLD members, 4 HRDP members, 2 members of the 88 Generation Students group, 6 members of the All Burma Federation of Student Unions and 7 activists are as follows:

- (4) Maung Maung Gyi (aka) Dady Gyi (Male, Vice Chairman of the New Generation for Democracy), from Daik-U Township, Pegu (Bago) Division, and Dr. Thet Lwin (Male, Chairman of the New Generation for Democracy), from Rangoon, were arrested in the first week of August 2008.¹⁹
- (5) Myo Min (Male, member of the HRDP from Kyee Myin Daing Township, Rangoon), was arrested on 6 August 2008, and is still detained in Insein prison.²⁰
- (6) Yan Shwe (Male, NLD member from Htan Tapin Township, Rangoon), and Zaw Zaw Aung (Male, NLD youth member from Shwe Pyi Thar Township, Rangoon), were arrested on 7 August 2008.²¹
- (7) Three members of the ABFSU (All Burma Federation of Students Union) from the Irrawaddy delta region, Aung Kyaw (Male), Chit Tun Lwin (Male), and Htain Lin (Male), and two leading members of the 88 Generation Students group, Mar Mar Oo

¹⁷ "NLD Member Arrested after Tuesday Blast", the Irrawaddy, 4 July 2008,

http://www.irrawaddy.org/article.php?art_id=13138

¹⁸ "Nine Monks Arrested in Rangoon," DVB, 30 July 2008, <http://english.dvb.no/news.php?id=1583>

¹⁹ SPDC Press Conference (1/2008), Nay Pyi Taw, 7 September 2008, Asian Observer,

http://www.asiaobserver.com/component/option.com_fireboard/Itemid,0/func.view/catid,3/id,7048/limit,6/limitstart,0&/

²⁰ Ibid

²¹ Ibid

- (Female) from Kamaryut Township, and Myo Thant (Male) were arrested by authorities on 7 August 2008.²²
- (8) That Zaw Myint (Male, member of the HRDP from Hlaing Thar Yar Township, Rangoon), was arrested on 7 August 2008.²³
 - (9) Chit Maung (Male), Maung Maung Thet (Male), Moe Naing Soe (Male), NLD youth members from Taunggok Township, Arkan (Rakhine) state, were arrested on 8 August 2008.²⁴
 - (10) Three members of the ABFSU, including Myo Tay Za (Male) and two unknown males were arrested on 8 August 2008 in Rangoon.
 - (11) Myint Aye (Male, leader of the HRDP and former political prisoner), who lives in Kyee Myin Daing Township, Rangoon, was arrested on 8 August 2008.²⁵
 - (12) Ni Ni May Myint (Female, NLD, student), and Than Lwin (Male, NLD, student) from Taunggok Township, Arakan (Rakhine) State, were arrested on 8 August 2008.²⁶
 - (13) Thein Naing (Male), member of the HRDP who lives in Rangoon, was arrested on 8 August 2008.
 - (14) Two MPs, (U) Nyi Pu (Male, son of U Tun Pe, Member of Parliament-elect from Gwa Township, Arakan (Rakhine) State), who temporarily lives in Botahtaung Township, Rangoon, and Dr. Tin Min Htut (Male, son of U Tun Kyi, Member of Parliament-elect from Pantanaw Township, Irrawaddy Division), were arrested on 12 August 2008.²⁷
 - (15) Saw Hla Maung (Male), who lives in Sittwe Township, Arakan (Rakhine) State, was arrested on 12 August 2008.
 - (16) Kar Kyin Si (Male) and his son, who live in Shwe Pyi Thar Township, Rangoon, were arrested on 14 August 2008.
 - (17) Myint Thein Chay (Male), and his wife, who live in Taunggok Township, Arakan (Rakhine) State, were arrested on 15 August 2008, and released on bail while waiting for trials.
 - (18) U Damma Tharra and U Nanda Vantha, (monks from Thardu Monastery, Kyee Myin Daing Township, Rangoon), were arrested on 23 August 2008.
 - (19) Hla Hla Maw (Female, daughter of U Aung Than), and Tin Yu (Male), who live in Hlaing Thar Yar Township, Rangoon, and Soe Min Min (Male), San Naing (Male),

²² “Activists Decry Arrests as UN Envoy Returns to Burma”, the Irrawaddy, 18 August 2008, http://www.irrawaddy.org/article.php?art_id=13914

²³ “At Least Three Human Rights Defenders Arrested over Cyclone Work”, Asia Human Rights Commission, 12 August 2008, <http://www.ahrchk.net/ua/mainfile.php/2008/2971/>

²⁴ “Arkanese Organizations Call for Release of Political Prisoners”, Mizzima News, 18 August 2008, <http://www.mizzima.com/component/content/article/916-arakanese-organisations-call-for-release-of-protesters-.html>

²⁵ “At Least Three Human Rights Defenders Arrested over Cyclone Work”, Asia Human Rights Commission, 12 August 2008, <http://www.ahrchk.net/ua/mainfile.php/2008/2971/>

²⁶ “Arkanese Organizations Call for Release of Political Prisoners”, Mizzima News, 18 August 2008,, <http://www.mizzima.com/component/content/article/916-arakanese-organisations-call-for-release-of-protesters-.html>

²⁷ “Two NLD Representatives Arrested”, DVB, 12 August 2008, <http://english.dvb.no/news.php?id=1624>

- and Yan Naing Tun (Male), who all live in Kyee Myin Daing Township, Rangoon, were arrested on 27 August 2008. All of them are members of the NLD.²⁸
- (20) U Ku Tha La and U Okkan Tha, (monks from Shwekuu Monastery, Tavoy (Dawei) Township, Thanintharyi Division), were arrested on 28 August 2008.

During September 2008, the military regime arrested at least 61 activists and twenty of them were released. The remaining 41 detainees, including 3 Monks, 10 NLD members, 10 Activists, 16 Civilians, 1 Journalist, and 1 member of the 88 Generation Students group are as follows:

- (21) On 1 September 2008, Saw Myint Than (Male, 30-year old, Chief Correspondent of the Flower News Journal), who lives in Insein Township, Rangoon, was arrested by Police Special Branch. He was charged with Section 17 (1) of the Unlawful Association Act, and Section 34 (D) of the Electronic Communications and Transactions Law, and is detained in Insein prison.²⁹
- (22) Win Maung (Male, member of the Generation Wave), who lives in Hmawbi Township, Rangoon, was arrested on 2 September 2008.³⁰
- (23) Tin Myo Htut (aka) Kyaw Oo (Male, 32-year old, member of the Generation Wave, and former political prisoner), who lives in Insein Township, Rangoon, was arrested on 5 September 2008.³¹
- (24) The regime arrested Ko Ko (Male, member of the New Generation Movement for Justice), and Maung Nge (aka) Tun Naung (Male, member of The Best Manure) on 5 September 2008.
- (25) Zin Min Shine (aka) Kywet Phyu (Male), and Tay Zar (aka) Tay Zar Soe (Male), members of The Best Manure, and four civilians, named Ball Lay (Male), Doo Lay (Male), Zaw Latt (Male), and Tin Min Htut (aka) Kyaw Kyaw (Male), who all live in Hlaing Thar Yar Township, Rangoon, were arrested on 5 September 2008.
- (26) U Nandara, and U Damma Thara, monks from Aung Mingala Thaidi Monastery, Sanchaung Township, Rangoon, were arrested on 5 September 2008, and are detained in Insein prison.³²
- (27) Eight dissidents in Yenanchaung Township in Magwe Division, central Burma, including members of the opposition National League for Democracy (NLD), were arrested by security forces on 8 September 2008. They are Myint Wai, Win Myint Hlaing, Khin Win, Tint Lwin, Aw Gyi (aka) Win Hlaing, Than Aung, Nang Win and Maung Maung.³³ They all were released on 9 September 2008, after interrogation.³⁴
- (28) Kyi Htay Aung (Male), and Than Tun (Male), NLD members from Ma-De` village, Pwint Phyu Township, Magwe Division, were arrested on 6 September 2008, and are

²⁸ “Five NLD Members Arrested for Peaceful Protests”, DVB, 28 August 2008, <http://english.dvb.no/news.php?id=1680>

²⁹ “Journalist Arrested after Writing Article about Double Murder”, Reporters Without Borders, 4 September 2008, http://www.rsf.org/article.php3?id_article=28424

³⁰ “Generation Wave Member Feared Arrested”, DVB, 8 September 2008, <http://english.dvb.no/news.php?id=1721>

³¹ “Generation Wave Activists Arrested”, DVB, 5 September 2008, <http://english.dvb.no/news.php?id=1708>

³² “Arrested Monks Held in Rangoon Detention Center”, the Irrawaddy, 27 August 2008, http://www.irrawaddy.org/article.php?art_id=14058

³³ “More Dissidents in Central Burma Arrested”, the Irrawaddy, 9 September 2008, http://www.irrawaddy.org/article.php?art_id=14217

³⁴ DVB, 9 September 2008

- detained in the Pwint Phyu Police Station. Thein Aung and Nyine Maung (aka) Ko Moe, NLD members from Salin Township, Sin Phyu Island, Magwe Division, were also arrested by Sin Phyu Island police officer Than Win on the same day. They are now detained in the Salin Police Station.³⁵
- (29) Win Maung (Male), Htay Myint (Male), Ko Ko Oo (Male), NLD members from Pwint Phyu Township, Magwe Division, were arrested on 6 September 2008, and are detained in the Pwint Phyu Police Station.³⁶
- (30) At least seven civilians were arrested in their homes in North Dagon Township, Rangoon, by the regime's security forces on the 9 September 2008. They are Moe Htet Hlyan (Male, 27-year old, son of U Aye Ko), Hlaing Myo (Male, 27-year old, son of U Maung Maung), Thuya (Male), Kyaw Myo Set (Male, 28-year old, son of U Nyunt Sein), Ko Kalar (Male), Ye Ko Ko (Male) and one unknown person. Police confiscated their computers and accessories, as well as campaign papers and posters commemorating the 20 year anniversary of the 1988 popular uprising. Thuya, Ko Kalar and Ye Ko Ko were released later. The others remain in Insein Prison.³⁷
- (31) Nilar Thein (Female, leading member of the 88 Generation Students Group, former political prisoner and wife of detained student leader Jimmy (aka) Kyaw Min Yu), was arrested by authorities on 10 September 2008, when she was moving from one hiding place to another.³⁸ She was in hiding since August of 2007 and one of the country's most wanted persons by the authorities. She is one of the winners of the 2007 Homo Homini Award from the People in Need Foundation in the Czech Republic.³⁹
- (32) On 9 and 10 September 2008, four youths from Sittwe Township, Arakan (Rakhine) State, were arrested for wearing of T-shirts with photo of U Ottama, well-known Arakanese monk who fought against the British colonial rule and died in 1939. One of them was released and three remain in detention.
- (33) Aung Moe Lwin (Male, NLD member from Magwe Division), who had been missing for 10 days, was confirmed by his friends on 11 September 2008 that he was arrested by the authorities and was detained in a police station.
- (34) Eight youths were arrested at their homes in Meiktila Township, Mandalay Division, by authorities on 11 September 2008. Among them are Aung Ko Ko Lwin (Male, 27-year old, son of U Min Lwin), Ye Nyunt (Male, 30-year old, son of U Kyi Thaug), and Soe Lwin (Male, 29-year old son of U Aung Than). Aung Ko Ko Lwin is a brother of detained monk leader U Gambira.⁴⁰
- (35) Myo Min Way (Male, NLD youth member from Shwe Pyi Thar Township, Rangoon), was arrested on 16 September 2008 by police.
- (35) U Pannya Zawta (student monk from the Warzo Monastery in Sanchaung Township, Rangoon), was arrested by the authorities on 18 September 2008. The regime's

³⁵ "More Dissidents in Central Burma Arrested", the Irrawaddy, 9 September 2008, http://www.irrawaddy.org/article.php?art_id=14217

³⁶ "Six NLD Members Arrested", DVB, 8 September 2008, <http://english.dvb.no/news.php?id=1719>

³⁷ "Authorities Arrest Relatives of Activist", DVB, 15 September, 2008, <http://english.dvb.no/news.php?id=1748>

³⁸ "Burmese Activist Arrested", Radio Free Asia, 16 September 2008, <http://www.rfa.org/english/news/burma/arrest-09162008065503.html>

³⁹ "The Homo Homini Award 2007 Goes to Three Burmese Opposition Female Activists", People in Need Foundation, 5 March 2008, <http://www.clovekvtisni.cz/index2en.php?sid=404&idArt=708>

⁴⁰ "Authorities Arrested Relatives of Activists", DVB, 15 September 2008, <http://english.dvb.no/news.php?id=1748>

- security forces, led by Police Deputy Major Htay Aung raided the monastery at midnight, checked all the monks against the photos taken during the protests in September last year and arrested U Pannya Zawta, as he was in the photos. He is now in Insein Prison.
- (36) U Win Htein (senior assistant to Daw Aung San Suu Kyi), was released from Kathar Prison, Sagaing Division, on 23 September and re-arrested on next day, 24 September 2008.⁴¹ He is now put back in Kathar Prison. Reason of his re-arrest is still unknown. He has been in prison for almost 18 years in two arrests.
- (37) Nine NLD members, including Htet Htet Oo Way (Female, Women Wing of the NLD), Aung Myo Lwin (Male), and Nyi Nyi Lwin (Male) from Shwe Pyi Thar Township, were arrested on 27 September 2008, when they attended the 20th anniversary of founding of the NLD in the Shwe Gone Daing Street office.⁴² All of them were released on the same day. They were badly beaten by the regime's civilian militias.⁴³

⁴¹ "Released Prisoner Rearrested in Myanmar", Amnesty International, 26 September 2008, <http://amnesty.org/en/news-and-updates/news/released-prisoner-rearrested-myanmar-20080926>

⁴² "Nine Arrested at NLD Anniversary Celebration", DVB, 27 September 2008, <http://english.dvb.no/news.php?id=1796>

⁴³ "NLD Confirms Further Prisoner Releases", DVB, 30 September 2008, <http://english.dvb.no/news.php?id=1810>

Current Imprisonments of Democracy Activists

Total Number Imprisoned from July to September 2008: at least 60

During the three month period from July to September 2008, the military regime's summary courts delivered various imprisonments to at least 60 activists, including 11 monks, 1 MP, 24 NLD members, 1 HRDP member, 8 activists, 10 students and 5 civilians.

The regime sentenced at least 21 activists, including 10 students, 9 monks, 1 MP and 1 NLD member, in July 2008 for their involvement in peaceful protests in August and September 2007. They are as follows:

- (1) Kyaw Maung (Male, 60-year old, son of U Ba Hlaing, Member of Parliament-elect from Moehnyin Township, Kachin State), and Pe Sein (Male, 74-year old, NLD local organizer from Moehnyin Township, Kachin State), were arrested by authorities on 27 September 2007. They both were charged with Section 505 (B) of the Penal Code, and sentenced to 2-year imprisonment with hard labor by Moehnyin Township Court in July 2008. They are now in Myitkyina prison, Kachin State.
- (2) Tun Myint Aung (aka) Inmayan (Male, student), who lives in Panbedan Township, Rangoon, and Tun Tun Naing (Male, son of U Myint Thuang), student who lives in Dala Township, Rangoon, were arrested on 20 October 2008. They both were sentenced to 2-year imprisonments by a summary court held inside the Insein Prison Compound in the third week of July 2008, and sent to the Kyaikmayaw New Life Prison Labor Camp in Mon State.⁴⁴
- (3) Another student, Eisud (aka) Thuang Htut (Male), was arrested during peaceful protests in September 2007 by authorities. He was charged with Sections 145, 335, and 336 of the Penal Code and sentenced to 2-year imprisonment with hard labor in the third week of July 2008. He was sent to the Hpa-an New Life Prison Labor Camp in Karen State.⁴⁵
- (4) Naing Min (Male), Nyi Nyi Zaw (Male), Myo Thant (aka) Iqsamein (Male), Myo Win (aka) Sling (Male), students from Panbedan Township, Rangoon, were arrested during the protests in September 2007. They were charged with Sections 145, 335, and 336 of the Penal Code and sentenced to 2-year imprisonments each with hard labor by Panbedan Township Court in the third week of July 2008. They were sent to the Kyaikmayaw New Life, Zinkyaik Gravel and Yinnyeik Gravel Prison Labor Camps separately.⁴⁶
- (5) Kyaw Hlaing (aka) Japan Gyi (Male), Han Thaw Min Aung (Male), Nay Lin Soe (Male), students from Dala Township, Rangoon, were arrested on 20 October 2007 after the protests in September 2007. They were sentenced to 2-year imprisonments each with hard labor in the third week of July 2008. They were sent to Zinkyaik Gravel and Taungzun Prison Labor Camps.⁴⁷ Nay Lin Soe was seriously injured in

⁴⁴⁴⁴ "Junta Sentenced Ten Students to Labor Camps", Mizzima News, 25 July 2008,

<http://www.mizzima.com/news/inside-burma/827-junta-sentences-10-student-activists-to-labour-camps.html>

⁴⁵ Ibid

⁴⁶ Ibid

⁴⁷ Ibid

the end of July during hard labor and brought to Taungzun Township Hospital for medical treatment.

- (6) Nine monks arrested at Rangoon Railway Station on 15 July and detained in Insein Prison, were sentenced 2-year imprisonment each with hard labor by a summary court held inside the Insein Prison Compound in the end of July 2008. They were charged with Section 295 of the Penal Code.⁴⁸

The regime sentenced at least 22 activists, including 1 Member of Parliament, 16 NLD members, and 5 Civilians, in August 2008. They are as follows:

- (7) Naing Myo Zaw (Male), Zaw Min Soe (Male), and Chit Htoo Naing (Male), civilians from Gwa Township, Arakan (Rakhine) State, were arrested on 10 May 2008 by the authorities. They were sentenced 18 months imprisonment each by Gwa Township Court on 5 August 2008.
- (8) Moe Naing Soe (Male), Than Lwin (Male), Chit Maung Maung (Male), Maung Maung Thet (Male), Ni Ni May Myint (Female, daughter of U Thaung Myint), NLD youth members from Taunggok Township, Arakan (Rakhine) State, were arrested on 8 August 2008. They all were charged with Sections 143 and 505 (B) of the Penal Code and sentenced to two and a half years incarceration each with hard labor by Thandwe (Sandoway) District Court on 15 August 2008.⁴⁹ They were also transferred to Buthidaung Prison from Sittwe (Akyab) and Thandwe Prisons.
- (9) Peter (Male, son of U Aye Shine) and his wife Nu Nu Swe (Female, daughter of U Aung Than), both are parents of detained student leader Sithu Maung who has been in prison since October 2007, were arrested on 19 November 2007 at their home in Hlaing Township, Rangoon, by security forces and local authorities. They were charged with Sections 353, 225 and 505 of the Penal Code and sentenced to six years imprisonment with hard labor by Hlaing Township Court held inside the Insein Prison Compound on 20 August 2008. They are still detained in Insein Prison.⁵⁰
- (10) San Pwint (Male, teacher and NLD member), Hlaing Aye (Male, son of U Ohn Maung, NLD member, Member of Parliament-elect from Pakokku Township, Magwe Division), were arrested on 2 October 2007 after the protests led by monks and initiated in Pakokku in September 2007. They were charged with Sections 505 (B) and 143 of the Penal Code and sentenced two years, six months each with hard labor by Myingyan Township Court on 20 August 2008. They are still detained in Myingyan Prison.
- (11) Sandar (Female, NLD member), who lives in Twan Tay Township, Rangoon, was arrested on 23 August 2007. She was charged with Sections 353 and 294 of the Penal Code and sentenced 13 months imprisonment by a summary court on 26 August 2008, and transferred to Myingyan Prison in Mandalay Division from Insein Prison in the Rangoon Division.⁵¹

⁴⁸ “Monks Given Two-Year Prison Term”, DVB, 13 August 2008, <http://english.dvb.no/news.php?id=1631>

⁴⁹ “Activists Decry Arrests as UN Envoy Returns to Burma”, the Irrawaddy, 18 August 2008, http://www.irrawaddy.org/article.php?art_id=13914

⁵⁰ “ABFSU Member’s Parents Jailed for Six Years”, DVB, 22 August 2008, <http://www.abitsu.org/?p=2415>

⁵¹ “NLD Member Sentenced after Exposing Corruption”, DVB, 28 August 2008, <http://english.dvb.no/news.php?id=1681>

- (12) Aung Tun Myint (aka) Aung Aung (Male, son of U Aung Myint Htay, NLD youth member), who lives in South Dagon Township, Rangoon, was arrested on 10 May 2008. He was charged with Section 13 (1) of the Myanmar Immigration Act (1947) and sentenced three years imprisonment with hard labor by Hmawbi Township Court on 27 August 2008. He is still detained in Insein Prison.
- (13) Thet Tun (Male, NLD local organizer from Irrawaddy Division), Khin Lay (Female, NLD financial officer from Bogale Township, Irrawaddy), Aung Khin Bo (Male, Chairperson of Bogale Township NLD, Irrawaddy), Khin Maung Chit (Male, Secretary of Bogale Township NLD, Irrawaddy), and Mi Mi Sein (Female, daughter of U Ye Sein, Joint Secretary of Bogale Township NLD, Irrawaddy) were arrested on 5 September 2007, during the protests. They were charged with Sections 143 and 505 (B) of the Penal Code and sentenced two and a half years imprisonment each with hard labor by Pyapon District Court on 28 August 2008. They were detained in Insein Prison until September. On 26 September 2008, they all were transferred to prisons in Pyapon, Pakkoku, Myingyan and Pegu (Bago) Townships.⁵²
- (14) Thein Tun (Male, Chairperson of NLD Bassein (Pathein) Township, Irrawaddy Division), was arrested on 28 September 2007, during the protests. He was charged with Sections 143 and 505 (B) of the Penal Code and sentenced two and a half years imprisonment with hard labor by Pyapon District Court on 28 August 2008. He is still detained in Pyapon Prison.
- (15) Aung Aung (Male, NLD member), who lives in Dagon Township, Rangoon and was arrested by the authorities in May for taking photograph at polling stations, was sentenced 3-year imprisonment with hard labor by Dagon Township Court on 28 August 2008. He is now in Insein Prison.⁵³
- (16) Aye Win (Male, son of U Wa Aye, NLD local organizer in Bassein (Pathein) Township, Irrawaddy), was arrested on 5 September 2007, for staging a solo protest. He was charged with Section 505 (B) of the Penal Code and sentenced to a 2-year imprisonment with hard labor by Bassein Township Court on 29 August 2008. He is currently detained in Bassein Prison.⁵⁴

The regime sentenced at least 16 activists, including 2 Monks, 7 NLD members, 4 activists, one writer, one civilian and one HRDP member in September 2008. They are as follows:

- (15) Ma Ei (Female, civilian and niece of Monk U Thuta Nyarna, daughter of U Than Htay), who lives in Mingala Taung Nyunt Township, Rangoon, was arrested on 2 October 2007, after the brutal crackdown of the peaceful protests by the regime's security forces. She was charged with Section 295 of the Penal Code and Section 15 (A) of the Gambling Act and, sentenced five years imprisonment by Mingala Taung Nyunt Township Court on 4 September 2008. She is still detained in Insein Prison.⁵⁵
- (16) U Panda Vantha (aka) U Pyi Kyaw (Male, former political prisoner and Abbot of Shwe Taung Monastery in Mingala Taungnyunt Township), was arrested during the

⁵² "Ten Jailed for September 2007 Protest", DVB, 29 August 2008, <http://english.dvb.no/news.php?id=1685>

⁵³ "NLD Member Jailed after Photographing Polling Stations", DVB, 28 August 2008, <http://english.dvb.no/news.php?id=1679>

⁵⁴ "Sole Demonstrator Sentenced Two Years", DVB, 1 September 2008, <http://english.dvb.no/news.php?id=1689>

⁵⁵ DVB Burmese Broadcasat on 5 September 2008

- Saffron Revolution in September 2007. He was charged with Section 295 of the Penal Code, Section 15 (A) of the Gambling Act, Section 32 (B) of the Television and Video Law, and Section 19 (E) of the “Arms Act” and sentenced ten years imprisonment with hard labor by Mingala Taungnyunt Township Court on 4 September 2008. He is still detained in Insein Prison.⁵⁶
- (17) U Thuta Nyarna (Monk, son of U Than) was arrested during the Saffron Revolution in September 2007. He was charged with Section 295 of the Penal Code, Section 15 (A) of the Gambling Act and sentenced five years imprisonment with hard labor by Mingala Taung Nyunt Township court on 4 September 2008. He is still detained in Insein Prison.⁵⁷
- (18) Sithu (Male, 32-year old, NLD youth from Taunggok (Taungup) Township, Arakan State), was arrested on 2 September 2008. He was sentenced one-year imprisonment by Taunggok Township court on 4 September 2008. He is now in Thandwe Prison, Arakan (Rakhine) State.⁵⁸
- (19) Htay Win (Male, son of U Shwe Kyi, NLD organizer from Natmauk Township), was arrested on 24 September 2007. Nay La (Male) and Sein Lin (Male), NLD members from Pakokku Township, were arrested on 8 September 2007. They all were charged with Section 505 (B) of the Penal Code and sentenced two years imprisonment each with hard labor by Thayet District Court on 11 September 2008. They are still detained in Thayet Prison.⁵⁹
- (20) Thant Shin (Male, activist from Pakokku Township), was arrested on 8 September 2007. He was charged with Section 147 of the Penal Code and Section 5 (J) of the Emergency Provision Act and sentenced nine years imprisonment with hard labor by Thayet District Court on 11 September 2008. He is still detained in Thayet Prison.⁶⁰
- (21) Thar Aung (Male, activist from Pakokku Township), was arrested on 7 September 2007. He was charged with Section 505 (B) of the Penal Code and sentenced two years imprisonment with hard labor by Thayet District Court on 11 September 2008. He is still detained in Thayet Prison.⁶¹
- (22) Thar Cho (Male, NLD organizer from Yenangyaung Township, Magwe), was arrested on 26 September 2007. Tun Tun Nyein (Male), HRDP member from Chauk Township, Magwe, was arrested on 30 September 2007. Myint Oo (Male, NLD Joint Secretary from Yenangyaung Township, Magwe), was arrested on 26 September 2007. They all were charged with Sections 505 (B) and 143 of the Penal Code and sentenced two years and six months imprisonment with hard labor by Thayet District Court on 11 September 2008. They are still detained in Thayet Prison.⁶²
- (23) Pho Ni (Male) and Nyein Chan (Male), activists from Magwe, were arrested in September 2007. They were charged with Section 6 (1) of the Prevention of Public

⁵⁶ Ibid

⁵⁷ Ibid

⁵⁸ “Taunggok NLD Member Jailed after Family Dispute”, DVB, 8 September 2008, <http://english.dvb.no/news.php?id=1717>

⁵⁹ “Eight Sentenced for Political Activities and Media Contact”, DVB, 12 September 2008-10-01 <http://english.dvb.no/news.php?id=1742>

⁶⁰ Ibid

⁶¹ Ibid

⁶² Ibid

Properties Act, and sentenced seven years imprisonment by Thayet District Court on 11 September 2008. They are still detained in Thayet prison.⁶³

- (24) Thet Wai (aka) Pauk Sa (Male, Chairman of NLD Sanchaung Township, Rangoon), was arrested on 18 February 2008. He was charged with Section 359 of the Penal Code and sentenced two years imprisonment with hard labor by Panbedan Township Court on 16 September 2008. He is still detained in Insein Prison.⁶⁴
- (25) Lu Tin Win (Male, 36-year old, son of U Win Maung, writer, poet, and former political prisoner), who lives in North Dagon Township, Rangoon, was arrested on 28 September 2007. He was charged with Sections 147 and 505 (B) of the Penal Code and sentenced four years imprisonment with hard labor by Insein District Court on 18 September 2008. He is still detained in Insein Prison.⁶⁵

⁶³ Ibid

⁶⁴ “NLD Chairman Sentenced to Two Years’ Hard Labor”, DVB, 18 September 2008, <http://english.dvb.no/news.php?id=1761>

⁶⁵ “Another Student Activist Sentenced to Two Years in Prison”, Mizzima News, 18 September 2008, <http://www.mizzima.com/news/inside-burma/1059-another-student-activist-sentenced-to-two-years-in-prison.html>

Current Trials of Democracy Activists

Trials of the 88 Generation Students Group Led by Min Ko Naing

Total Charges: 21; Possible Imprisonment: 58-151 Years

After their incarceration without trial for a year in Insein Prison, the Burmese military regime has begun to send Min Ko Naing and 34 members of the 88 Generation Students group before court for sentencing, beginning on August 27, 2008. On trial, they face 21 charges and could serve punishment from 58 to 151 years imprisonment if found guilty.

The 88 Generation Students group⁶⁶ was formed in 2006 after the release from prison of prominent student leaders Min Ko Naing, Ko Ko Gyi, Pyone Cho, and Htay Kywe, after incarcerations of over 16 years. These student leaders joined their colleagues who were released from prison earlier and formed the group to continue their peaceful activities for democracy and human rights. All members of the group were arrested by the military regime for their leading roles in the 1988 popular uprising and support for Daw Aung San Suu Kyi and her party, the National League for Democracy. They all were put in prison for periods ranging from 7 to 16 years. After forming the group, they continued to call for the military regime to solve problems in Burma by peaceful means of political dialogue with Daw Aung San Suu Kyi and NLD, as well as ethnic representatives. They also frequently criticized the current regime for its abuse of power and oppression against its own people. Because of these actions, the regime made them a target of harassment and brutality.



Min Ko Naing



Ko Ko Gyi



Min Zaya



Htay Kywe



Pyone Cho

On September 27, 2006, five leaders of the group, Min Ko Naing, Ko Ko Gyi, Min Zeya, Htay Kywe, and Pyone Cho were arrested. They were released on January 10, 2007 while the UN Security Council planned to vote on the first-ever draft resolution on Burma, introduced by the United States and the United Kingdom. After their release, China and Russia exercised their veto powers and killed the Burma resolution, although nine members of the Council voted in favor. Min Ko Naing and the rest of the group quickly denounced China and Russia for their support of the Burmese military regime.

In August 2007, the Burmese military regime suddenly increased the prices of gasoline and diesel oil by five fold. Transportation costs and prices of general commodities subsequently skyrocketed. To protest the regime's unfair act, the 88 Generation Students organized people to walk instead of taking buses. Key leaders of the group were arrested on August 21 after holding

⁶⁶ "Profile: 88 Generation Students", BBC, 22 August 2008, <http://news.bbc.co.uk/2/hi/asia-pacific/6958363.stm>

a peaceful march in the streets with about 500 participants. The regime arrested other members in the following weeks and months while they continued to organize peaceful marches in many cities throughout the country. These members have been detained in Insein Prison for over a year without trial.

On 27 August and 2 September 2008, the military regime started to bring 35 leaders of the group⁶⁷ – 9 females and 26 males – before the courts, filing various charges against them.⁶⁸ Judges from eight courts (Rangoon Eastern District Court, Rangoon Northern District Court, Dawbon Township Court, Hlaing Thar Yar Township Court, Thingan Gyun Township Court, Insein Township Court, South Okkalapa Township Court, and North Okkalapa Township Court) are now hearing their cases. All court hearings are held inside the Insein Prison Compound.

During the August 27 trial, all student leaders demanded that they should not be handcuffed during the hearing and that their family members, the public, and media should be allowed to attend the hearing.⁶⁹ On the September 10 hearing, they were still handcuffed, and only their family members were allowed to attend.⁷⁰ The judges heard from the prosecutor, Police Lt. Col Zaw Min, who made his case against the defendants with evidence based largely on documents obtained from Internet.

They are accused by Police Special Branch (SB) with several charges, including, among others:

- (1) Section 130 (B) of the Penal Code
- (2) Section 4 of the Law Protecting the Peaceful and Systematic Transfer of the State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbance and Opposition Endangering National Convention (SPDC Law No. 5/96)⁷¹
- (3) Section 17 and 20 of the Printers and Publishers Registration Act
- (4) Section 33 (A) of the Electronic Transactions Law
- (5) Section 17 (1) of the Unlawful Association Act
- (6) Section 505 (B) of the Penal Code
- (7) Section 32 (B) and 36 of the Television and Video Law
- (8) Section 24 (1) of the Foreign Exchange Regulation Act (1947)⁷²

⁶⁷ “88 Generation Students Go on Trial”, the Irrawaddy, 3 September 2008,

http://www.irrawaddy.org/article.php?art_id=14169

⁶⁸ “Min Ko Naing Defiant at Hearing: Lawyer”, the Irrawaddy, 12 September 2008,

http://www.irrawaddy.org/article.php?art_id=14243

⁶⁹ “Detained Activists Appeal for Open Trials”, the Irrawaddy, 29 August 2008,

http://www.irrawaddy.org/article.php?art_id=14091

⁷⁰ “Trial of 88 Generation Students Begins”, Mizzima News, 10 September 2008,

<http://www.mizzima.com/news/inside-burma/1017-trial-of-88-generation-students-begin.html>

⁷¹ “Junta Charges 88 Generation Students”, the Irrawaddy, 27 February 2008,

http://www.irrawaddy.org/article.php?art_id=10581

⁷² “Foreign Exchange Regulation Act, Section 24(1): Whoever contravenes any of the provisions of this Act or any rule, direction or order made thereunder shall be punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine : provided that if any person contravenes any provision of sub-section (2) of section 9, he shall be punished with imprisonment for a term which shall not be less than six months and shall also be liable to fine ; and any Court trying any such contravention may, if it thinks fit and in addition to any sentence which it may impose for such contravention, direct that any currency, security, gold or silver, or goods or

(9) Section 6 of the Law Relating to Forming of Organizations (SLORC Law 6/88)

All are accused with 21 charges and, if found guilty, will be imprisoned from 58 to 150 years. NLD Lawyers U Aung Thein, U Nyan Win and U Kyi Win, other lawyers U Nyi Nyi Hlaing, U Khin Maung Shein and U Pho Phyu represent the student leaders.

The 35 members of the 88 Generation Students group on trials are as follows:

1. Min Ko Naing
2. Ko Ko Gyi
3. Pyone Cho (aka) Htay Win Aung
4. Min Zeya
5. Mya Aye
6. Jimmy (aka) Kyaw Min Yu
7. Zayya
8. Kyaw Kyaw Htway (aka) Marki
9. Ant Bwe Kyaw
10. Pannate Tun
11. Zaw Zaw Min
12. Thet Zaw
13. Nyan Lin
14. Than Tin (aka) Kyi Than
15. Sandar Min (aka) Shwee (Female)
16. Htay Kywe
17. Hla Myo Naung
18. Aung Thu
19. Myo Aung Naing (aka) Aung Naing
20. Thin Thin Aye (aka) Mie Mie (Female)
21. Thet Thet Aung (Female)
22. Lay Lay Mon (Female)
23. Hnin May Ag (aka) Nobel Aye (Female)
24. San San Tin (Female)
25. Thara Phee Theint Theint Tun (Female)
26. Aye Thida (Female)
27. Ma Nweah Hnin Ye (aka) Noe Noe (Female)
28. Zaw Htet Ko Ko
29. Chit Ko Linn
30. Thaw Zin Tun
31. Aung Thike Soe
32. Saw Myo Min Hlaing
33. Tin Htoo Aung
34. Thein Than Tun (aka) Ko Ko Gyi
35. Min Han

other property in respect of which the contravention has taken place shall be confiscated.” The Burma Lawyers’ Council, <http://www.blc-burma.org/PDF/Law/BC/vol3/THE%20FOREIGN%20EXCHANGE%20REGULATION%20ACT.pdf>



Nilar Thein

Another leader, Nilar Thein, who was in hiding for a year until her recent arrest on 10 September, is expected to join them in trial soon. She and two remaining leaders in hiding, Tun Myint Aung and Soe Tun, are cited as co-accused and noted as fugitives by police prosecutors.

Court hearings are conducting every week by respective courts and cases, with three groups of defendants, which are Min Ko Naing and 34, Min Ko Naing and 9, Min Ko Naing and 21. Min Ko Naing is included in every case and would therefore receive the maximum punishment of 150 years imprisonment.⁷³

On 25 and 26 September 2008, Special Court held inside the Insein Prison Compound heard the trial of Min Ko Naing and 9 others, including Ko Ko Gyi and Pyone Cho, for charges of Section 17 and 20 of the Printers and Publishers Registration Act. Lawyer U Aung Thein asked counter questions to the regime's witnesses. Ko Ko Gyi, who is also a graduate of law school, chose to defend himself and asked counter questions to the prosecutor's witnesses.⁷⁴

⁷³ "Min Ko Naing Defiant at Hearing: Lawyer", the Irrawaddy, 12 September 2008, http://www.irrawaddy.org/article.php?art_id=14243

⁷⁴ Radio Free Asia, Burmese Service Interview with Lawyer U Aung Thein, Broadcast on 26 September 2008

Trial of Famous Comedian and Social Activist Thura (aka) Zarganar⁷⁵
Total Charges: 8; Possible Imprisonment: Up to 50 Years



The trial of Burma's most famous comedian, Zarganar, and three others began on 7 August 2008 inside the Insein Prison Compound.⁷⁶ Police prosecutors have accused Zarganar and his three colleagues, Zaw Thet Htwe⁷⁷ (a former political prisoner and editor of a sports journal), Thant Zin Aung, and Khin Maung Aye with 6 charges in 8 cases, and they will be imprisoned up to 50 years if found guilty.⁷⁸

U Thura (commonly known as Zarganar, meaning 'tweezers' in Burmese) was born into a political and intellectual family; the youngest son of well-known writers U Nan Nyunt Swe and Daw Kyi Oo. He graduated from Rangoon University of Dental Medicine in 1985. Although he is a dentist in training, he never practiced and instead chose a career as a comedian and performer after his years in university. Through functions and events in his school and other universities, he became a famous comedian and leader of a performance group called "Mya Ponnama." From the stage, he made famous jokes that criticized the misdeeds of the military government, during the time General Ne Win was in power.

During the 1988 popular uprising, Zarganar came forward to lead celebrities from all areas of the entertainment industry, including actors, actresses, musicians, singers, movie directors, and stage performers. In conjunction with students and civilians, they attempted to bring down the military regime. After the current military regime took over power, he was arrested on 18 September 1988, severely tortured, and sent to the notorious Insein Prison. He was released in April 1989. He was arrested again in March 1990, while campaigning for his mother, an independent candidate contesting in the election from his home-town, Yankin, in Rangoon. He was sentenced to four years imprisonment with hard labor for his criticism against the military regime. He was released in 1993. Afterwards, he went back to entertainment industry to make a living. He directed and produced many movies, but was forbidden from performing on stage and in movies by himself.

In May 2006, Zarganar was banned from making movies after giving an interview to the BBC regarding the government's strict regulations controlling the traditional water festival, known as Thin Gyan.

⁷⁵ "Burmese Comedian Zarganar Paying High Price for Straight Talk", The Observers, 26 July 2008, <http://observers.france24.com/en/content/20080626-comedian-zarganar-imprisoned-burma-cyclone>

⁷⁶ "Zarganar Again Before Prison Court", the Irrawaddy, 7 August 2008, http://www.irrawaddy.org/article.php?art_id=13771

⁷⁷ "Call for Release of Magazine Chief Editor and Blogger Held for Distributing Aid to Cyclone Victim", Reporters Without Borders, 16 June 2008, http://www.rsf.org/article.php3?id_article=27508

⁷⁸ "No Hearing Today in Zarganar Case", Mizzima News, 7 August 2008, http://bnionline.net/index.php?option=com_content&task=view&id=4672&Itemid=6

On 25 September 2007, Zarganar was arrested at his home due to his role in the monk-led “Saffron Revolution.” During September 2007, when Buddhist Monks declared that they would not accept any donations from the military regime and their family members, and commenced marching peacefully in the streets, Zarganar publicly organized celebrities and delivered food and water to the protesting monks, together with fellow famous actor and movie director Kyaw Thu and editor Zaw Thet Htwe⁷⁹. He also urged the public to support the monks in several interviews with radio stations based outside Burma. He was released from Insein Prison on 17 October 2007.

When Cyclone Nargis devastated most of the Irrawaddy Delta and Rangoon, Zarganar was heavily involved in delivering disaster relief aid to victims in the cyclone-damaged areas. An estimated 400 people from the entertainment industry joined with him to volunteer in this great humanitarian work.⁸⁰ During his visits to cyclone-affected areas, he personally witnessed the criminal neglect of the military regime, which refused to accept international assistance and ignored the needs of cyclone victims, instead concentrating largely on ensuring the passage of an illegitimate constitution. Through media outlets, Zarganar made several harsh criticisms against the regime for its irresponsible behavior.⁸¹ That led to his arrest on 4 June 2008 by the military regime. Authorities took him from his home while he was packing relief material for another trip to cyclone-hit areas. His computer, mobile phone, some video CDs of Than Shwe’s daughter’s lavish wedding, Rambo 4 (which was banned in Burma), as well as photos and DVD documents recording damages and devastated lives of cyclone victims, were confiscated.⁸² UN Special Rapporteur on Human Rights Situation in Burma, Mr. Tomas Ojea Quintana expressed his concern about the arrest of Zarganar on 9 June 2008.⁸³

On 21 August 2008, he was sent before a special court under the Rangoon Western District Court, held inside the Insein Prison Compound, along with Zaw Thet Htwe, Thant Zin Aung and Khin Maung Aye.⁸⁴ Police Officer U Ye Nyunt accused Zarganar and the group with a total of seven charges, as outlined below.⁸⁵ NLD lawyer U Aung Thein is now representing them and their trials are being held every week.

The police prosecutor has accused Zarganar and the other members of his group with the following charges:

⁷⁹ “Burmese Police Arrest Aid Activist”, the Irrawaddy, 16 June 2008,

http://www.irrawaddy.org/article.php?art_id=12762

⁸⁰ “Zarganar’s Relief Role”, the Irrawaddy, 2 June 2008,

http://www.irrawaddy.org/interview_show.php?art_id=12448

⁸¹ “Burma Comic Charged over Aid Runs”, BBC, 7 August 2008, <http://news.bbc.co.uk/2/hi/asia-pacific/7547484.stm>, “Zarganar’s Relief Role”, the Irrawaddy, 2 June 2008,

http://www.irrawaddy.org/interview_show.php?art_id=12448

⁸² Burmese Comedian Zarganar Held for Helping Cyclone Victims”, Times Online, 6 June 2008,

<http://www.timesonline.co.uk/tol/news/world/asia/article4076106.ece>

⁸³ “UN Expert Concerned by Zarganar’s Arrest”, the Irrawaddy, 10 June 2008,

http://www.irrawaddy.org/article.php?art_id=12623

⁸⁴ “Myanmar: Zarganar and Zaw Thet Htwe Charged”, International Pen, 20 August 2008,

<http://www.internationalpen.org.uk/go/news/myanmar-zargana-and-zaw-thet-htwe-charged>

⁸⁵ “Burmese Comedian Charged on Seven Counts”, Mizzima News, 15 August 2008,

<http://www.mizzima.com/news/inside-burma/906-burmese-comedian-charged-on-seven-counts.html>

- (1) Section 505 (B) of the Penal Code
- (2) Section 295 (B) of the Penal Code
- (3) Sections 32 (B) and 36 of the Television and Video Law
- (4) Section 33 (A) and 38 of the Electronic Transactions Law
- (5) Section 17 (2) of the Unlawful Association Act

Trials of the Monks' leader U Gambira and Ten Defendants

Total Charges: 16; Possible Imprisonment: Up to 50 Years

The trials of U Gambira, a leader of the monks who staged the peaceful marches in the streets that shocked the country and the military regime in September last year, began on 19 August 2008. His trial is held inside the Insein Prison Compound. He is charged with 16 offences, along with ten other co-accused and they all will be punished with more than 50 years imprisonment if found guilty. Authorities arrested him on 4 November 2007 and forcibly disrobed him in prison.⁸⁶



Rev. Gambira

U Gambira's formal monastic name is U Sandawbartha. He uses the name of U Gambira as a pseudonym, when in September 2007 he founded the All Burma Monks' Alliance (ABMA), a powerful coalition of young monks all over the country.

U Gambira enjoyed a religious life. He learned the scriptures and passed his religious education exams with flying colors. As an enthusiast for literature, he collected books on religion, English language, and computer technology. He set up a library in his native Pauk Township as well as donated books to it. He also studied the English language, computer science, political science, literature, poetry, and music. He has written religious articles, short stories, and poems.

In 2005, while attending Dhama Sariya classes (training to become a teacher of Buddhist scriptures, equivalent to under-graduate classes), he became acutely aware of people's struggle for their livelihood, education, and religion. He began campaigning amongst the monks and went on to successfully unify the clergy nationwide. After the 88 Generation Student group led popular protests against sharp increases in fuel and commodity prices in August 2007, U Gambira founded ABMA, together with 5 other leading monks, to support the popular protests and he became ABMA's spokesperson. ABMA was instrumental in getting hundreds of thousands of monks onto the streets during the so-called "Saffron Revolution" in September 2007 as protests quickly escalated.

In the evening of September 25, the authorities began a brutal crackdown against protestors, including shooting at crowds in the streets, raiding monasteries at night, and arresting monks and other activists. Reports estimated that over one hundred monks and people were killed and about 7,000 were arrested, including over 2,000 monks and nuns. Many activists were forced into hiding around that time, including U Gambira, who was known to be on the top of the list of people wanted by the authorities.

⁸⁶ "Junta Disrobes, Charges Leading Monk", the Irrawaddy, 21 August 2008, http://www.irrawaddy.org/article.php?art_id=13958

While in hiding, U Gambira worked to keep up the momentum of the uprising by giving interviews to international media. He wrote an opinion piece in the Washington Post, entitled “What Burma’s Junta Must Fear”, published on 4 November 2007.⁸⁷ He also co-wrote another piece, with Ashin Nayaka in the Guardian, entitled “The Uprising Is Not Over”, which was also published on 4 November 2008.⁸⁸ Though his friends and colleagues urged him to go into exile, he refused. In an interview he gave to the Democratic Voice of Burma, he said, "Having a lot of monks and civilians killed and detained during the protests is proof to everyone that these men [the generals] are not the real leaders of our country. They are just ruthless killers and dictators. Now the whole world has seen what they really are." U Gambira called on the international community to take effective action to help the people of Burma.

U Gambira’s brother Aung Kyaw Kyaw and father U Min Lwin were arrested on 17 October and 4 November 2007, respectively, as “hostages” in an attempt to force U Gambira out of hiding. Finally, U Gambira was also arrested on 4 November and detained in Insein Prison.⁸⁹ His father was held for a month in the new Mandalay prison before being released on 3 December. His brother Aung Kyaw Kyaw is the secretary of the National League for Democracy party in their hometown of Pauk, Magwe division.

The ten others co-accused in U Gambira’s trials are Ashin Eindriya (Abbot of Maggin Monastery), Ashin Thumana (Monk), Ashin Eindaka (Monk), U Kaylartha (Monk), and Aung Kyaw Kyaw (U Gambira’s brother), Than Naing from Taung Twin Gyi Township, Kyaw Kyaw Naing from Myit Chay Township, U Shwe Maung and Wunna Maung from Mandalay Township, and one unknown person.⁹⁰

The Judges from Kamaryut Township Court, Kyauktada Township Court, Dagon Township Court, Alone Township Court, and Kyee Myin Daing Township Court are hearing the trials and all hearings are held inside the Insein Prison Compound. Three lawyers, U Aung Thein, U Khin Maung Shein, and U Pho Phyu represent the defense for these men.

U Gambira and group are accused by Police Special Branch with sixteen charges, including:⁹¹

- (1) Section 33 (A) and 38 of the Electronic Transaction Law
- (2) Section 6 of the Law Relating Forming of Organizations (1988)
- (3) Section 13 (1) of the Immigration Act
- (4) Section 505 (B) of the Penal Code
- (5) Section 295 (A) of the Penal Code
- (6) Section 147 of the Penal Code
- (7) Section 145 of the Penal Code
- (8) Section 17 (1) of the Unlawful Association Act (1908)

⁸⁷ “What Burma’s Junta Must Fear”, by U Gambira, the Washington Post, 4 November 2007, <http://www.washingtonpost.com/wp-dyn/content/article/2007/11/02/AR2007110201783.html>

⁸⁸ “The Uprising Is Not Over”, by U Gambira and Ashin Nayaka, Guardian, 4 November 2007, <http://www.guardian.co.uk/commentisfree/2007/nov/04/theuprisingisnotover>

⁸⁹ “Monk Leader U Gambira Arrested”, DVB, 13 November 2007, <http://english.dvb.no/news.php?id=676>

⁹⁰ “U Gambira Charged with Ten Offences”, DVB, 19 August 2008, <http://english.dvb.no/news.php?id=1645>

⁹¹ “Ashin Gambira Unwell in Court”, Mizzima News, 23 September 2008, <http://www.mizzima.com/news/inside-burma/1070-ashin-gambira-unwell-in-court.html>

- (9) Section 17 and 20 of the Printers and Publishers Registration Act (1962)
(10) Section 5 (J) of the Emergency Provision Act (1950)

Additional family members of U Gambira were arrested on 9 and 10 September 2008. They include Moe Htet Hlyan, husband of U Gambira's sister Khin Thu Htay, along with Hlaing Moe, Thura, Kyaw Myo Set, Ko Kalar, Ye Ko Ko, and one other unknown person. Police confiscated their computers, supplies, campaign papers, and posters about the 20-year anniversary of the 1988 popular uprising. U Gambira's brother, Ko Ko Lwin, was also arrested at his home in Meiktila Township, Mandalay Division, along with Ye Nyunt, Soe Lwin and five other friends on 10 September 2008.⁹²

While in detention, one of the leading magazines on freedom of expression issues, the Index on Censorship, based in United Kingdom, honored U Gambira with an award on 21 April 2008 for his leading role in the Saffron Revolution.⁹³

⁹² “Authorities Arrest Relative of Activists”, DVB, 15 September 2008, <http://english.dvb.no/news.php?id=1748>

⁹³ “Detained Monk Leader U Gambira Honored”, the Irrawaddy, 21 April 2008, http://www.irrawaddy.org/article.php?art_id=11501

Trial of Human Rights Defender U Myint Aye, Co-Founder of HRDP (Human Rights Defenders and Promoters Network), and Six Activists



Myint Aye

On August 8, 2008, authorities arrested prominent human rights defender of Burma, U Myint Aye. He is accused of being the mastermind behind several bombings, along with 6 other activists. The authorities brought U Myint Aye and two others, Yan Shwe (NLD) and one unknown person, to the Shwe Pyi Thar Township Court from Hlaw Kar Police Station where they were detained on September 19, 2008 and charged with Section 15 (5) of the Explosives Act. The trial continued on September 23, 2008. The other four, Myo Min (HRDP), Thant Zaw Myint (HRDP), Tun Tun Naing (NLD) and Zaw Zaw Aung (NLD), who are detained at the Shwe Pyi Thar Police Station, were also brought to the Shwe Pyi Thar Township Court on the same day and charged with Section 13 (1) of the Immigration Act and Section 17 (1) of the Unlawful Association Act.

U Myint Aye participated in the 1988 popular uprising. He became an active leader of the National League for Democracy party and served as a Vice Chairman of the National League for Democracy (NLD) in Kyee Myin Daing Township, Rangoon from 1997 to 2005. He co-founded the HRDP in 2002 to raise awareness among the people of Burma about their rights as human beings. He has a long history of pro-democracy and human rights activities. He was arrested and imprisoned for involvement in the student pro-democracy movement in 1974. Then he was detained several times in 1998, 2000, 2003, 2004, 2006 and 2007.⁹⁴

On September 30, 2006, he was arrested after issuing a statement calling on the authorities to release detained student leaders from the 88 Generation Students Group. On March 27, 2008, a month after he was released, two unidentified men, believed to be the regime's militias, attacked him on the street. He was hospitalized for a few days and received four stitches on his head. He continued to promote human rights education in Burma.⁹⁵

On August 8, 2008, the 20th anniversary of the 1988 popular uprising in Burma, U Myint Aye was arrested at his house by Township Police Chief U Myat Lin, Divisional Police Deputy Chief U Kyaw Htin, and local authorities.⁹⁶ They raided his house, searched thoroughly for 3 hours and confiscated many items, including his mobile phone, some memory sticks, computer and other paper documents.

⁹⁴ "Urgent Action", Amnesty International, 12 October 2007, <http://www.amnestyusa.org/actioncenter/actions/uaa26107.pdf>

⁹⁵ "Human Rights Activist Attacked in Rangoon", the Irrawaddy, 28 March 2008, http://www.irrawaddy.org/article.php?art_id=11157

⁹⁶ "Rights Activist U Myint Aye Arrested", DVB, 11 August 2008, <http://english.dvb.no/news.php?id=1622>

On September 9, 2008, during the press conference, the regime's Police Chief Khin Yee accused U Myint Aye as the financier of and provider of explosives to two NLD members, Yan Shwe and Zaw Zaw Aung, who were arrested and accused of bombing at the office of Shwe Pyi Thar township Union Solidarity and Development Association (USDA) in Rangoon on July 1, 2008.⁹⁷

⁹⁷ "Opposition Denies Junta's Accusation of Terrorism", Mizima News, 8 September 2008, <http://www.mizzima.com/news/inside-burma/1006-opposition-denies-juntas-accusation-of-terrorism.html>

Trial of Labor Activist Su Su Nway, Winner of Homo Homini Award from the Czech Republic and John Humphrey Freedom Award from Canada
Total Charges: 3, Possible Punishment: More Than 20 Years Imprisonment



Su Su Nway

Labor activist Su Su Nway⁹⁸ has been incarcerated in Insein prison since November 2007⁹⁹. She is now on trials with several charges including Sections 17/20, 124, 505 of the Penal Code. Under these charges, she could be punished more than 20 years imprisonment.

Su Su Nway¹⁰⁰ was an ordinary village girl from Htan Manaing Village, Thanlyin Township in Rangoon and a member of NLD. She is best known in the human rights movement for winning a historic court ruling against local government officials in 2005 by invoking international labor standards. She filed a complaint against local authorities, who forced her and her neighbors to work to repair a village road without any compensation, by using an untested law issued in 1999 that allows the reporting of labor rights abuses to the higher authorities. In an unprecedented ruling, a judge sentenced the Village Chairman and his deputy to eight months in prison under the 1999 law banning forced labor. Su Su Nway's legal victory was the first against the junta's long-standing practice of forced labor, which is systematic and widespread.

Unfortunately, in the aftermath of her legal victory, she was charged with defaming the village's new Chairman, tried, and sentenced to 18 months in Insein Prison. Su Su Nway, who suffered from a heart condition, endured nine months in Insein prison, before authorities finally bowed to international pressure and released her on 6 June 2006¹⁰¹. She has been in and out of prison several times since then.

In May 2007, following her prayer campaign for the release of pro-democracy leader Aung San Suu Kyi, she was detained for three weeks and as a result required hospitalization for treatment of heart disease, hypertension and arthritis. In August 2007, Su Su Nway joined with the 88 Generation Students group and played a leading role in the protests against rising fuel and commodity prices. On August 28 she narrowly escaped arrest when security officials and members of regime-backed Union Solidarity and Development Association (USDA) violently attacked a protest she led at Hledan Junction in Rangoon. Her supporters formed a protective circle around her before they were dragged away, beaten and thrown into government vehicles,

⁹⁸ "Profile of Su Su Nway", Free Political Prisoners Campaign, <http://www.fbppn.net/?p=287>

⁹⁹ "Su Su Nway Detained in Burma", Feminist Peace Network, 15 November 2007, <http://www.feministpeacenetwork.org/2007/11/15/su-su-nway-detained-in-burma/>

¹⁰⁰ "Profile of Human Rights Defender Su Su Nway", VOA, 16 October 2005, <http://www.voanews.com/burmese/archive/2005-10/2005-10-16-voa1.cfm>

¹⁰¹ "Secretary-General Welcomes Release of Su Su Nway, Imprisoned in Myanmar Since October 2005", Statement of UN Secretary-General, 7 June 2006, <http://www.un.org/News/Press/docs/2006/sgsm10505.doc.htm>

and then brought to Insein prison. After the scuffle, Su Su Nway collapsed but was helped by onlookers to the safe place.

Because of her ailing condition, she remained on the run throughout the regime's crackdown against peaceful protest in August and September 2007, only rarely emerging from hiding. On 27 October 2007, she laid flowers at the spot where Japanese journalist Kenji Nagai was gunned down by security forces while filming demonstrators in Rangoon. She was finally arrested on 13 November 2007 after putting up an anti-government banner in Rangoon, near a hotel where UN Human Rights Envoy Paulo Pinheiro was staying at the time. According to eye witnesses, she and two colleagues were spotted and chased by police after hanging the banner in front of Mya Yeit Nyo Hotel in Bahan Township, Rangoon at around 6 AM on 13 November 2007. Eyewitnesses said the three activists were hanging the banner underneath a government propaganda billboard which reads: "Oppose those relying on Americans, acting as stooges, holding negative views". An eyewitness reported that the message Su Su Nway and her group hung underneath the government billboard countered; "Oppose those relying on China, acting as thieves, holding murderous views." Su Su Nway and one of her colleagues managed to escape, but were arrested within a few hours.¹⁰²

Su Su Nway is a laureate of the NLD Human Rights Award (2005). She was also awarded the 2006 John Humphrey Freedom Award¹⁰³ by the Canadian NGO Rights and Democracy, and the 2007 'Homo Homini Award'¹⁰⁴ by the People-in-Need Foundation based in the Czech Republic.

Despite her heart condition, she has not received adequate medical care in Insein prison. On 8 July 2008, we learned that Su Su Nway has been placed in solitary confinement in Insein prison, after asking prison authorities for better medical care.¹⁰⁵ She has also been denied family visits for a month, along with fellow political prisoners Nyan Lin Aung and Zaw Zaw Min. These latest events follow an incident on 27 June when Su Su Nway banged her head against the wall of her cell, slightly injuring herself, after an argument with prison officials.¹⁰⁶

Su Su Nway was brought before the Special Court held inside the Insein Prison compound on 3 September to get remand. She was brought again on 17 September 2008 and the Judge heard the complaint made by police prosecutor, but she was not allowed to see her family. Her Defense Lawyer is Daw Khin Htay Kywe. She is under three charges as follows;

- (1)Section 17 and 20 of the Printers and Publishers Act
- (2)Section 124 of the Penal Code
- (3)Section 505 (B) of the Penal Code

Her elder sister, Htay Htay Kyi, said on 24 September 2008, that she was not allowed to see her

¹⁰² "Activist Su Su Nway and Colleague Arrested", DVB, 14 November 2007, <http://english.dvb.no/news.php?id=678>

¹⁰³ "Burmese Villager Wins John Humphrey Award", Rights and Democracy, 31 August 2006, <http://www.dd-rd.ca/site/media/index.php?lang=en&subsection=news&id=1860>

¹⁰⁴ "The Homo Homini Award 2007 Goes to Three Burmese Opposition Female Activists", People in Need Foundation, 5 March 2008, <http://www.clovekvtsni.cz/index2en.php?sid=404&idArt=708>

¹⁰⁵ "Su Su Nway Held in Isolation", DVB, 8 July 2008, <http://english.dvb.no/news.php?id=1511>

¹⁰⁶ "Detained Activist Injured Herself in Prison", DVB, 27 June 2007, <http://english.dvb.no/news.php?id=1479>

sister, who has been put in solitary confinement since 5 July 2008¹⁰⁷, for two months. The prison authorities told her that they couldn't let her visit her sister, as instructed by the Police Special Branch. The Special Branch is unhappy with her for her visit to ILO's liaison officer office in Rangoon before her prison visit, she was told.¹⁰⁸

¹⁰⁷ "Labor Activist Gets Solitary as Prison Conditions Worsen", the Irrawaddy, 8 July 2008, http://www.irrawaddy.org/article.php?art_id=13207

¹⁰⁸ "Su Su Nway's Sister Ban from Visiting", the Irrawaddy, 25 September 2008, http://www.irrawaddy.org/article.php?art_id=14318

Other Trials

At least 257 activists have been on trials in Burma. These include 46 Monks, 86 NLD Members, 5 Human Rights Defenders and Promoters, 28 Students, 8 Activists, 4 Journalists, and 35 former political prisoners. Some of them are as following;



- (1) Honey Oo¹⁰⁹ (Female, 21-year old, daughter of U Tun Oo, Final Year Law Major Student and Leading member of ABFSU (All Burma Federation of Students Union)), who lives in Tamwe Township, Rangoon, was arrested on 9 October 2007. She is detained in Insein prison. She has been on trials with charges as follows:

Section 143 of the Penal Code

Section 145 of the Penal Code

Section 124 (A) of the Penal Code

Section 6 of the Law Relating Forming of Organizarions

The prosecutor is police officer Soe Moe Aung (La-134172) from Tamwe Police Station. Deputy District Judge (1) Daw Aye Aye Thein (Ta/1724) from Rangoon Eastern District Court is hearing the case. Court hearing commenced on 19 March 2008 in Tamwe Township Court and continues weekly. U Aung Thein is her defense lawyer.



- (2) Nay Myo Kyaw (aka) Nay Phone Latt¹¹⁰ (Male, 28-year old, son of U Thein Tun, NLD member and Blogger), who lives in Thingangyun Township, Rangoon, was arrested at home on 29 January 2008. He is detained in Insein prison.

Thin July Kyaw¹¹¹ (Female) was also arrested together with Nay Phone Latt on the same day. She is also detained in Insein prison.

¹⁰⁹ "Burma: Young Woman and Man Illegally Held and Charged Without Evidence Over Protest", Asia Human Rights Commission, 28 April 2008, <http://www.ahrchk.net/ua/mainfile.php/2008/2832/>

¹¹⁰ "Burmese Regime Strikes at Blogger", the Irrawaddy, 30 January 2008, http://www.irrawaddy.org/article.php?art_id=10081

¹¹¹ "Burmese Blogger Face the Trial", Mizzima News, <http://www.mizzima.com/news/inside-burma/828-burmese-blogger-face-the-trial.html>

They both have been charged with;

Section 505 (B) of the Penal Code
Section 32 (B) and 36 of the Television and Video Law
Section 33 (A) and 38 of the Electronic Transactions Law

The prosecutor is police officer Ye Nyunt (La-58188) from Police Special Branch (SB). Court hearing started on 23 July and 12 August 2008 and continues weekly. Their cases are heard by Rangoon Western District Court held inside Insein Prison Compound. Lawyer U Aung Thein is representing both of them.

(3) Tin Htoo Aung (Male, 27-year old, son of U Thein Aung, Member of the 88 Generation Students group and second year law student), who lives in Hlaing Township, Rangoon, was arrested on 1 November 2007.

Kam Lat Hkoat (aka) Kyaw Soe (Male, 34-year old, son of U Pu Chin Sian Thang), who lives in Dagon Township, was arrested on 30 October 2007.

Cho Min (aka) Aung Soe Min (Male), who lives in Tamwe Township, Rangoon, was arrested on 20 December 2007.

They all are detained in Insein prison. They have been charged with;¹¹²

Section 17 (1) of the Unlawful Association Act
Section 4 of the the Law Protecting the Peaceful and Systematic Transfer of the State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbance and Opposition Endangering National Convention (SPDC Law No. 5/96)
Section 17 and 20 of the Printers and Publishers Registration Act
Section 13 (1) of the Immigration Act
Section 212 of the Penal Code

The prosecutors are police officers Tun Thein (La-112687) and San Lwin (La-93286) from Police Criminal Investigation Department (CID). South Dagon Township Judge Htay Htay (Special Power) is hearing the trials, which have started since 26 March 2008, inside the Insein Prison Compound. Their defense lawyer is U Kyaw Hoe.



Pyae Phyto Hlaing

¹¹² “Burma: Three More Persons Charged without Evidence over September Protest”, Asia Human Rights Commission, 8 August 2008, <http://www.ahrchk.net/ua/mainfile.php/2008/2961/>

- (4) Pyae Phyto Hlaing (aka) Ah Thay Lay (Male, 27-year old, son of U Chit Hlaing, second year psychology student), who lives in Sanchaung Township, Rangoon, was arrested on 11 September 2007, and detained in Insein prison.
- Phyo Maung Maung Soe (aka) Phyo Gyi (Male, 28-year old, son of U Khin Soe, final year law student), who lives in Sanchaung Township, Rangoon, was arrested at Aung Mingala Bus Station on 11 September 2007, and detained in Insein prison.
- Aung Myo Paing (aka) Ahyoe (Male, son of U Thein Aung, second year physics student), who lives in Tamwe Township, Rangoon, was arrested on 15 September 2008, and detained in Insein prison.
- Thiha Thet Zin (Male, 30-year old, son of U Tin Hla), who lives in Bogale Township, Irrawaddy Division, was arrested on 11 September 2008, and detained in Insein prison.
- Nay Lin Aung (aka) Lin Lin (Male, 28-year old, son of U Aung Than, second year psychology student), who lives in Pantanaw Township, Irrawaddy Division, was arrested on 15 September 2007, and detained in Insein prison.
- Thiha Aung (aka) Aung Aung (Male, 25-year old, son of U Cho Oo, second year business management student), who lives in Bogale Township, Irrawaddy, was arrested on 13 September 2007, and detained in Insein prison.
- Myat Lin Htut (aka) Pyaung Gyi (Male, 28-year old, son of U Than Way, student from Bassein (Patheingyi) University), who lives in Bogale Township, Irrawaddy, was arrested on 17 September 2007, and detained in Insein prison.
- Thein Zaw (Male, son of U Zaw Win, student and NLD member), who lives in Bogale Township, Irrawaddy, was arrested on 11 September 2007, and detained in Insein prison.
- Pyae Phyto Aung (aka) Hnan Mue (Male, 21-year old, son of U Thaung Han, graduated from Government Technological College), who lives in Bessein Township, Irrawaddy, was arrested on 15 September 2007, and detained in Insein prison.

They all are on trials with charges as follows”

Section 17 (1) of the Unlawful Association Act
Section 505 (B) of the Penal Code
Section 13 (1) of the Immigration Act
Section 17 and 20 of the Printers and Publishers Registration Act

Their trials have started at Sanchaung Township on 19 March 2008. The prosecutor is police officer Ye Nyunt (La-58188) from Special Branch. Sanchaung Township Judge Win Myint (Special Power) is hearing the cases. U Aung Thein and U Khin Maung Shein are their defense lawyers.

- (5) Aung Thein Lwin (aka) Aung Aung (Male, 34-year old, son of U Lay Khant, former political prisoner), who lives in Panbedan Township, Rangoon, was arrested on 27 November 2007, and detained in Insein prison. He has been charged with:

Section 145 of the Penal Code
Section 147 of the Penal Code
Section 152 of the Penal Code

Court hearing has started on 11 July 2008 by a Special Court held inside the Insein Prison Compound. Pabedan Township Deputy Judge Daw Khin Khin Taw is hearing the case. The prosecutor is police officer Myo Thant (La-127881) from Special Branch. U Khin Maung Shein and U Aung Thein are his defense lawyers.

- (6) Mya Than Htike (aka) Tay Zar¹¹³ (Male, 26 year old, son of U Mya Than, NLD youth member), who lives in Thingangyun Township, Rangoon, was arrested on 27 September 2007. He sustained a gunshot wound at his leg when police shot at the crowd and was hospitalized for a week, before he was sent to Insein Prison. He has been charged with:

Section 145 of the Penal Code
Section 505 (B) of the Penal Code

Court hearing has started on 15 January 2008 in Kyauktada Township Court. The prosecutor is police officer Soe Naing (La-147569) from Kyauktada Police Station. Kyauktada Township Judge Daw Nyunt Nyunt Win (Ta/2157) (Special Power) is hearing the case. U Aung Thein is his defense lawyer.

On 2 October 2008, he was sentenced four year imprisonment with hard labor.¹¹⁴



- (7) Zaw Min (aka) Boung Boung (Male, 39-year old, leading member of the 88 Generation Students group and former political prisoner), who lives in Thanlyin Township, Rangoon, was arrested on 16 December 2007. He has been charged with:

Section 505 (B) of the Penal Code

His trial started on 10 July 2008 in Insein Prison Special Court. Sanchaung Township Deputy Judge Daw Than Htay (Ta-2043) (Special Power) is hearing the case. The prosecutor is police officer Ye Nyunt (La-58188) from Special Branch. U Aung Thein, U Khin Maung Shein and U Myint Thaug are his defense lawyers.

- (8) Win Maw (aka) Maw Gyi¹¹⁵ (Male, 46-year old, son of U Thar Hla, musician and former political prisoner), who lives in Sanchaung Township, Rangoon, was arrested on 27 November 2007, and detained in Insein prison. He has been charged with:¹¹⁶

¹¹³ Detained Activists Charged Under Printing and Publishing Act”, the Irrawaddy, 25 January 2008, http://www.irrawaddy.org/article.php?art_id=10040

¹¹⁴ “Interview with Lawyer U Aung Thein”, RFA Burmese Service Broadcast, 2 October 2008

¹¹⁵ “Junta Charges More Political Prisoners, Others Seriously Ill”, the Irrawaddy, 30 January 2008, http://www.irrawaddy.org/article.php?art_id=10083

Section 17 and 20 of the Printers and Publishers Registration Act
Section 505 (B) of the Penal Code

His trial started on 11 March 2008 in Insein Prison Special Court. The prosecutor is police officer Ye Nyunt (La-58188) from Special Branch. Mingala Taung Nyunt Township Judge U Tin Latt (Special Power) is hearing the case.

(9) Aung Zaw Oo (Male, 30-year old, son of U Hlaing, member of HRDP), who lives in Mingala Taung Nyunt Township, Rangoon, was arrested on 26 November 2007, and detained in Insein prison.

Kyaw Soe (aka) Kyaw Kyaw Soe (aka) Jeffery (Male, 37-year old, son of Dr. Louis, member of HRDP), who lives in Taunggyi Township, Shan State, was arrested on 17 September 2007, and detained in Insein prison.

Maung Kan (Male, 50-year old, son of U Bo Kyi, NLD Township organizer, member of HRDP and former political prisoner), who lives in Wakema Township, Irrawaddy Division, was arrested on 8 September 2007, and detained in Insein prison.

They all have been charged with:

Section 5 (J) of the Emergency Provision Act
Section 13 (1) of the Immigration Act
Section 17 (1) of the Unlawful Association Act
Section 505 (B) of the Penal Code

Their trials started on 11 March 2008 in Insein Prison Special Court. Mingala Taung Nyunt Township Court Judge U Tin Latt (Special Power) is hearing the case. The prosecutor is police officer Ye Nyunt (La-58188) from Special Branch.



Di Nyein Lin

(10) De Nyein Linn¹¹⁷ (Male, 19-year old, son of U Zaw Zaw Min, leading member of ABFSU (All Burma Federation of Students Union)), who lives in Insein Township, Rangoon, was arrested on 23 October 2007 and detained in Insein Prison. He has been charged with;

Section 147 of the Penal Code
Section 124 (A) of the Penal Code

¹¹⁶ “Burma: A Man Charged for Having Contact with Overseas Radio Station”, Asia Human Rights Commission, 9 September 2008, <http://www.ahrchk.net/ua/mainfile.php/2008/2996/>

¹¹⁷ “Profile of De Nyein Lin”, Free Political Prisoners Campaign, <http://www.fbppn.net/wp-content/uploads/2008/06/de-nyein-lin.pdf>

Section 505 (B) of the Penal Code
Section 6 of the Law Relating Forming of Organizations

On 14 September 2008, police prosecutors charged him with the Section 124 (A) and 505 (B) of the Penal Code at the Sanchaung Township Court without bringing him before the Court. Additional charges of Section 143 and 295 of the Penal Code and Section 6 of the Organization of Association Act were filed at Dagon Township Court by police prosecutor Aung Lwin from Rangoon Northern District Police Station on the same day in his absent.

- (11) Than Lwin (Male, 70-year old, son of U San Htwe, NLD member and Member of Parliament-elected from Madaya Township, Mandalay Division), was arrested on 1 October 2007, and detained in Mandalay prison.
Kan Tun (Male, NLD local secretary in Northeast Township, Mandalay), was arrested on 28 September 2007, and detained in Mandalay prison.
Win Mya Mya (Female, NLD Divisional organizer), who lives in Northeast Township, Mandalay, was arrested on 28 September 2007, and detained in Mandalay prison.
Tin Ko Ko (Male, NLD member), who lives in Meikhtila Township, Mandalay, was arrested on 25 September 2007, and detained in Mandalay prison.
Min Thu (Male, NLD local organizer from Mogok Township, Mandalay), was arrested on 25 September 2007, and detained in Mandalay prison.
Win Shwe (Male, NLD member from Salin Township, Magwe), was arrested on 6 May 2008, and detained in Mandalay prison.

They all have been charged with;¹¹⁸

Section 505 (B) of the Penal Code
Section 153 (A) of the Penal Code
Section 295 of the Penal Code

Their trials started on 22 August 2008 in Mandalay Prison Special Court. U Myint Thwin, U Myo Swe, and U Shwe Hla are their defense lawyers.¹¹⁹

- (12) Eine Khaing Oo¹²⁰ (Female, reporter of the Eco-Vision Journal), who lives in North Dagon Township, Rangoon, was arrested on 10 June 2008, and detained in Insein prison.
Kyaw Kyaw Thant (Male, former editor of the Weekly Journal), who lives in Insein Township, Rangoon, was arrested on 10 June 2008, and detained in Insein prison. They both were arrested for their attempt to report to the ICRC and UNDP offices in Rangoon about the homelessness situation of some cyclone-victims, whom they were helping.

¹¹⁸ Detained Activists Charged Under Printing and Publishing Act”, the Irrawaddy, 25 January 2008, http://www.irrawaddy.org/article.php?art_id=10040

¹¹⁹ “Six Mandalay NLD Leaders to Be Produced in Court Tomorrow”, Mizzima News, 21 August 2008, <http://www.mizzima.com/news/inside-burma/932-six-mandalay-nld-leaders-to-be-produced-in-court-tomorrow-.html>

¹²⁰ “Journalists Arrested, Detained for Nargis Reporting”, the Irrawaddy, 2 July 2008, http://www.irrawaddy.org/article.php?art_id=13103

They both have been charged with;

Section 505 (B) of the Penal Code

Section 124 (A) of the Penal Code

Their trials started at Tamwe Township Court in June 2008 and continue weekly. U Khin Maung Shein is their defense lawyer.

(13) U Kawvida (aka) Maung Gyi (aka) Kyaw Nyein (Monk, son of U Thar Tun Phyu, monk form Takathila Monastery), who lives in South Okkalapa Township, Rangoon, was arrested on 4 October 2007, and detained in Insein prison. He has been charged with:

Section 134 of the Penal Code

Section 135 of the Penal Code

Section 505 (B) of the Penal Code

U Kawvida was forcefully brought to court with his hand tied with rope on 8 September 2008. In the first of his court hearings, he demanded to be tried by a religious court, led by Senior Abbots. He said that he is a son of the Lord Buddha, so he should be tried by Senior Abbots, not by human judge. But the court rejected his demand. He refused to appear in court and when authorities forced to him to appear, he struck himself on the prison wall. His defense lawyer is U Pho Phyu.

(14) Saw Wai (Male, son of U Khin Hla, poet), who lives in Phyu Township, Pegu (Bago), was arrested on 15 January 2008, and detained in Insein prison. He has been charged with;

Section 505 (B) of the Penal Code

His trial has started at Bahan Township court in July 2008.

(15) 6 members of the Generation Wave group, including famous hip-hop musician Zayar Thaw, Aung Zaw Phyo, Arkar Bo, Way Lwin Myo, Yan Naing Thu, and Thiha Win Tin, were arrested in 2007 and March 2008. They have been charged with Section 6 of the Law Relating Forming of Organizations of Association (1988). Their trials started since July 2008 and by a special court held inside the Insein Prison Compound.

(16) Five NLD members from Hlaing Thar Yar and Kyee Myin Daing Townships, Tin Yu (Male), Kyaw San (Male), Soe Min (Male), Hla Hla Maw (Female) and Yan Naing Tun (Male) were arrested on 28 August 2008 and detained in Insein Prison.

On 29 August 2008, they all were brought before the Hlaing Thar Yar Township Court and formally charged with Section 143, 145, 152, and 505 (B) of the Penal Code. They are also co-defendants of six NLD members from Hlaing Thar Yar Township, who were arrested since 15 May 2007. These six are Mee Thway (Male), Kyaw Soe Win (Male), Win Myint (Male), San Pwint (Male), Thant Zin Myo (Male), and Myo Kyaw Swe (Male) and they all

were arrested on 15 May 2007, while they were walking in streets, wearing T-shirts with “Free Aung San Suu Kyi” on it.

Their trials have continued on 11 September 2008 and the following weeks.

(17) Eight monks and seven nuns from Thitsar Tharafu Monastery including Senior Abbot U Arr Nanda (over 70-year old) and Senior Nun Daw Ponnami, and one monk from Hantharwaddy Monastery in North Okkalapa Township were arrested since September 2007, during the peaceful protests. They all are detained in Insein Prison.¹²¹

They all have been charged with Section 292, 295 and 295 (A) of the Penal Code and are on trials since July 2008.

¹²¹ “Monks and Nuns in Court over September Protests”, the Irrawaddy, 29 February 2008, http://www.irrawaddy.org/article.php?art_id=10629

Prison Conditions

There are 43 prisons and at least 53 prison labor camps in Burma. Around a quarter of political prisoners - particularly prominent activists - are held in Burma's notorious Insein prison. Security at Insein Prison has tightened since Cyclone Nargis tore the roof of one of the prison buildings. In the ensuing panic, 36 inmates were shot dead by prison guards and riot police. Since the May 2-3 cyclone, prison authorities have imposed new restrictions, such as refusing to allow relatives of some political prisoners to visit regularly or bring provisions. Walking exercise time has also been reduced from one hour to just twenty minutes a day.

Trials are often held in special prison courts behind closed doors. Charges are frequently changed, and many are denied a defense lawyer. Political prisoners are often transferred to prisons far away from their home towns, effectively preventing family visits. Many political prisoners are in poor health and are denied adequate medical treatment. Torture is used indiscriminately.¹²²

Prisoners' health has also deteriorated as a result of being given moldy rice spoiled by flooding during the cyclone. They have been experiencing diarrhea, dysentery, vomiting and dizziness, skin allergies, swollen stomachs and typhoid. Female prisoners in the women's compound of the prison are known to be suffering more than others. Prison authorities have not provided adequate medical care. We can confirm that at least 108 political prisoners in various prisons today are in dire need of proper medical treatment.

¹²² "Political Prisoners in Poor Health", the Irrawaddy, 16 January 2008, http://www.irrawaddy.org/article.php?art_id=9957

Some Laws that the Military Junta Applies to Imprison Democracy Activists in Burma

The Penal Code

Section 121: High Treason¹²³

Section 122: Punishment for High Treason¹²⁴

Section 122 (1): Whoever commits High Treason within the Union of Burma shall be punished with death or transportation for life.¹²⁵

Section 122 (2): Whoever, being a citizen of the Union of Burma or ordinarily resident within the Union, commits High Treason outside the Union shall be punished with death or transportation for life.¹²⁶

Sections 124: The offence of misprision of High Treason and shall be punished with rigorous imprisonment which may extend to seven years, and shall also be liable to fine.¹²⁷

Section 124 (A): Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, bring to attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards [the Government established by law for the Union or for the constituent units thereof,] shall be punished with transportation for life or an shorter term, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.¹²⁸

Section 126: Whoever commits depredation, or makes preparations to commit depredation, on the territories of any Power in alliance or at peace with the State, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and forfeiture of any property used or intended to be used in committing such depredation, or acquired by such depredation.¹²⁹

Section 130 (B): Whoever, by words either spoken or intended to be read or by signs or by visible representations, publishes anything tending to degrade, revile or to expose to hatred or contempt any Foreign State, Head of State, Ambassador or other dignitary of a Foreign State, with intent to disturb peaceful and friendly relationship between the Union of Burma and that

¹²³ The Penal Code, Chapter VI, Of Offences against the State, The Burma Lawyers' Council, <http://www.blc-burma.org/html/Myanmar%20Penal%20Code/mpc.html>

¹²⁴ Ibid

¹²⁵ Ibid

¹²⁶ Ibid

¹²⁷ Ibid

¹²⁸ Ibid

¹²⁹ Ibid

Foreign State, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.¹³⁰

Section 134: Whoever abets an assault by an officer, soldier, sailor or airman, in the Army, Navy or Air Force on any superior officer being in the execution of his office, shall, if such assault be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.¹³¹

Section 135: Whoever abets the desertion of any officer, soldier, sailor or airman, in the Army, Navy or Air Force shall be punished with imprisonment of either description for a term which may extend to two years or with fine, or with both.¹³²

Section 142: Whoever, being aware of facts which render any assembly an unlawful assembly, intentionally joins that assembly, or continues in it, is said to be a member of an unlawful assembly.¹³³

Section 143: Whoever is a member of an unlawful assembly shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.¹³⁴

Section 144: Whoever, being armed with any deadly weapon, or with anything which used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly, shall be punished with imprisonment of their description for a term which may extend to two years, or with fine, or with both.¹³⁵

Section 145: Whoever, joins or continues in an unlawful assembly, knowing that such unlawful assembly has been commanded in the manner prescribed by law to disperse, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.¹³⁶

Section 146: Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.¹³⁷

Section 147: Whoever is guilty of rioting shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.¹³⁸

¹³⁰ The Penal Code, Chapter VII, Libel against Foreign Powers, The Burma Lawyers' Council, <http://www.blc-burma.org/html/Myanmar%20Penal%20Code/mpc.html>

¹³¹ The Penal Code, Chapter VIII, Of Offences Relating to the Army, Navy and Air Force, The Burma Lawyers' Council, <http://www.blc-burma.org/html/Myanmar%20Penal%20Code/mpc.html>

¹³² Ibid

¹³³ The Penal Code, Chapter VIII, Of Offences against Public Tranquility, The Burma Lawyers' Council, <http://www.blc-burma.org/html/Myanmar%20Penal%20Code/mpc.html>

¹³⁴ Ibid

¹³⁵ Ibid

¹³⁶ Ibid

¹³⁷ Ibid

Section 152: Whoever assaults or threatens to assault, or obstructs or attempts to obstruct, any public servant in the discharge of his duty as such public servant, in endeavoring to disperse an unlawful assembly, or to suppress a riot or affray, or uses, or threatens, or attempts to use criminal force to such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.¹³⁹

Section 153: Whoever malignantly, or wantonly, by doing anything which is illegal, gives provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.¹⁴⁰

Section 153 (A): Whoever by words, either spoken or written, or by signs, or by visible representations, or otherwise, promotes or attempts to promote feelings of enmity or hatred between different classes of [persons resident in the Union] shall be punished with imprisonment which may extend to two years, or with fine, or with both.¹⁴¹

Section 212: Whenever an offence has been committed, whoever harbours or conceals a person whom he knows or has real son to believe to be the offender, with the intention of screening him from legal punishment, shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and if the offence is punishable with transportation for life, or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment which may extend to one year, and not to ten years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.¹⁴²

Section 225: Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescues or attempts to rescue any other person from, any custody in which that person is lawfully detained for an offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; or, if the person to be apprehended, or the person rescued or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with transportation for life or imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years,

¹³⁸ Ibid

¹³⁹ Ibid

¹⁴⁰ Ibid

¹⁴¹ Ibid

¹⁴² The Penal Code, Chapter XI, Of False Evidence and Offences against Public Justice, The Burma Lawyers' Council, <http://www.blc-burma.org/html/Myanmar%20Penal%20Code/mpc.html>

and shall also be liable to fine; or, if the person to be apprehended or rescued, or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with death, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; or, if the person to be apprehended or rescued, or attempted to be rescued, is liable under the sentence of a Court of Justice, or by virtue of a commutation of such a sentence, to transportation for life, or to transportation, or imprisonment, for a term often years or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; or, if the person to be apprehended or rescued, or attempted to be rescued, is under sentence of death, shall be punished with transportation for life or imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.¹⁴³

Section 295: Whoever destroys, damages or defiles any of worship, or any object held sacred by any class or person with the intention of thereby insulting the religion of any of person or with the knowledge that any class of likely to consider such destruction, damage or defilement as insult to their religion, shall be punished with either description for a term which may extend to two ye or with fine, or with both.¹⁴⁴

Section 295 (A): Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of [persons dent in the Union]¹ by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.¹⁴⁵

Section 335: Whoever voluntarily causes grievous hurt on grave and sudden Provocation, if he neither intends nor knows himself to be likely to cause grievous hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend four years, or with fine which may extend to two thousand rupees, or with both.¹⁴⁶

Section 353: Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.¹⁴⁷

Section 505 (B): Whoever makes, publishes or circulates any statement, rumour or report, with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the

¹⁴³ The Penal Code, Chapter XI, Of False Evidence and Offences against Public Justice, The Burma Lawyers' Council, <http://www.blc-burma.org/html/Myanmar%20Penal%20Code/mpc.html>

¹⁴⁴ The Penal Code, Chapter XV, Of Offences Relating to Religion, The Burma Lawyers' Council <http://www.blc-burma.org/html/Myanmar%20Penal%20Code/mpc.html>

¹⁴⁵ Ibid

¹⁴⁶ The Penal Code, Chapter XVI, Of Offence Affecting Human Body, The Burma Lawyers' Council <http://www.blc-burma.org/html/Myanmar%20Penal%20Code/mpc.html>

¹⁴⁷ Ibid

public whereby any person may be induced to commit an offence against the State or against the public tranquility; shall be punished with imprisonment which may extend to two years, or with fine, or with both.¹⁴⁸

The Emergency Provision Act (1950)¹⁴⁹

Section 5: Whoever does anything with any of the following intent; that is to say;-

- (a) to depreciate, pervert, hinder, restrain, or vandalise the loyalty, enthusiasm, acquiescence, health, training, or performance of duties of the army organisations of the Union or of civil servants in a way that would induce their respect of the government to be diminished, or to disobey rules, or to be disloyal to the government; or
- (b) to cause, seduce, or urge any member of the army organizations of the Union or any civil servant in a way that would induce him to fulfill his duties improperly, or to fail to perform his duties; or
- (c) to hinder the recruitment of members to the army organizations of the Union, or civil service organisations, or fire brigades, or any other organisations registered or performing as governmental service, or to hamper the performance of duties of such members: or
- (d) to alarm the people or a group of people in a way that would created panic amongst them; or
- (e) to spread false news, knowing, or having reason to believe that it is not true; or
- (f) to hamper, obstruct or harass any transportation, tasks, manufacture or transportation of military weapons and munitions, or supply or distribution of essential items, necessary of effective implementation of the restoration of law and order of the State; or
- (g) to partly or wholly destroy military weapons and munitions in order that they could not be viable or be dangerous, or to endanger or imperil a person involved in transportation or manufacture of transportation of such military weapons and munitions; or
- (h) to make the public lose trust in the State's economy, government loans, government securities, coins and legal tenders distributed wholly or partly in the country or to hamper operational or economic success carried out by the government in order to implement the restoration of law and order successfully; or
- (i) to incite either the public or any other kind of ethnic race or any other person to deny or delay his payment in curried for land revenue, revenue, tax, or any other kind of payment to be paid to the Union, or the federal government, or a board of regional authorities in accordance with the law or with the customs that have the effect of law; or
- (j) to affect the morality or conduct of the public or a group of people in a way that would undermine the security of the Union or the restoration of law and order; or
- (k) to incite civil servants, or a group of civil servants, or any other civil servant to be involved in armed opposition punishable by criminal laws; or
- (l) to directly or indirectly take part in committing the offences prescribed in the Arms Act or the Explosive Ammunitions Act, or the Explosive Substances Act; or

¹⁴⁸ The Penal Code, Chapter XXII, Of Criminal Intimidation, Insult and Annoyance, The Burma Lawyers' Council, <http://www.blc-burma.org/html/Myanmar%20Penal%20Code/mpc.html>

¹⁴⁹ Unofficial Translation by the Burma Lawyers Council, http://www.blc-burma.org/html/Suppressive%20Law/s5epa_e.html

- (m) to directly or indirectly encourage, incite, prepare or show agreement to arrangements or activities for the purpose of defiance or non-abidance of laws, or to avoid abiding by the law, or to hinder compliance of the judicial process or to the restoration or law and order, or to refuse to make payments prescribed in sub-section
- (n) or to delay such payments, or to rally people or to prepare to do so or to raise funds to do so in order to develop such activities or programmes, or to directly or indirectly encourage, incite, prepare or show concurrence with the raising funds for that purpose shall be punished with an imprisonment for a term which shall extend to 7 years or with fine or with both.

The Law to Safeguard the State Against the Dangers of Those Desiring to Cause Subversive Acts (The State Protection Act) (1975)¹⁵⁰

Section 10: Central Board, in the protection of the State against dangers, has the right to implement the following measures through restrictive order:

- (A) A Person against whom action is taken can be detained for a period of up to ninety days. This can be extended to a period not exceeding 180 days;
- (B) If necessary, the movements of a person against whom action is taken can be restricted for a period of up to one year.

Section 14: The Cabinet may grant prior approval to continue the detention or restriction of rights of a person against whom action is taken for a period from 180 days up to three years.

Note: On 9 August 1991, the Burmese military junta amended the State Protection Act by Notification No. 11/91, in which the right of appeal under Section 21 was repealed, and maximum prison term under Section 14 and 22 went up to 3 to 5 years.¹⁵¹

The Television and Video Law (The Video Act)¹⁵²

The State Law and Order Restoration Council Law No. 8/96, 29th July, 1996

Section 32 (B): Whoever commits one of the following acts shall, on conviction, be punished with imprisonment for a term which may extend to 3 years or with fine which may extend to kyats 100,000 or with both. In addition, the property which relate directly to the offence shall also be confiscated:

- (a) operating video business for commercial purpose without a video business license;

¹⁵⁰ “Burma’s State Protection Law”, by P. Gutter and B.K. Sen, the Burma Lawyers’ Council, December 2001
http://www.blc-burma.org/html/Suppressive%20Law/spl_e.html

¹⁵¹ The Burma Lawyers’ Council, http://www.blc-burma.org/html/Myanmar%20Law/lr_e_ml91_11.html

¹⁵² “The Television and Video Law”, Myanmar Laws, The Burma Lawyers’ Council,
http://www.blc-burma.org/html/myanmar%20law/lr_e_ml96_08.html

- (b) copying, distributing, hiring or exhibiting the video tape that has no video censor certificate and small-sized video censor certificate with the permitted serial number with the exception of cases exempted under this Law;
- (c) copying, distributing, hiring or exhibiting the video tape without abiding by the directive of the Video Censor Board to make excision, amend or erase;
- (d) exhibiting to the public the video tape imported or brought from a foreign country without video censor certificate;
- (e) exhibiting to the public the video tape imported or brought from a foreign country and which is permitted only for the family show.

Section 36: Whoever fails to abide by an order or directive issued by the Ministry of Information or Video Censor Board or the Video Business Supervisory Central Committee under this Law shall, on conviction, be punished with imprisonment for a term which may extend to 6 months or with fine which may extend to kyats 50, 000 or with both.

The Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbances and Oppositions¹⁵³

The State Law and Order Restoration Council Law No. 5/96, 7th June 1996

Section 3: No one or no organization shall violate either directly or indirectly any of the following prohibitions:-

- (a) inciting, demonstrating, delivering speeches, making oral or written statements and disseminating in order to undermine the stability of the State, community peace and tranquillity and prevalence of law and order;
- (b) inciting, delivering speeches, making oral or written statements and disseminating in order to undermine national reconsolidation;
- (c) disturbing, destroying, obstructing, inciting, delivering speeches, making oral or written statements and disseminating in order to undermine, belittle and make people misunderstand the functions being carried out by the National Convention for the emergence of a firm and enduring Constitution;
- (d) carrying out the functions of the National Convention or drafting and disseminating the Constitution of the State without lawful authorization;
- (e) attempting or abetting the violation of any of the above prohibitions.

Section 4: Whoever violates any prohibition contained in section 3 shall, on conviction be punished with imprisonment for a term of a minimum of (5) years to a maximum of (20) years and may also be liable to fine.

Section 5: If any organization or any person on the arrangement or abetment of any organization violates any prohibition contained in section 3, such organization may be-

¹⁵³ Myanmar Laws 1996, The Burma Lawyers' Council,
http://www.blc-burma.org/html/myanmar%20law/lr_e_ml96_05.html

- (a) suspended for a period to be specified;
- (b) abolished; or
- (c) declared as an unlawful association under the Unlawful -Associations' Law.

Section 6: All funds and property of an organization against which action is taken under section 5 may also be confiscated.

The Unlawful Association Act (1908)¹⁵⁴

Section 17 (1): Whoever is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the purpose of any such association or in any way assists the operations of any such association, shall be punished with imprisonment for a term [which shall not be less than two years and more than three years and shall also be liable to fine].

Section 17 (2) Whoever manages or assists in the management of an unlawful association, or promotes or assists in promoting a meeting of any such association, or of any members thereof as such members, shall be punished with imprisonment for a term [which shall not be less than three years and more than five years and shall also be liable to fine]

The Electronic Transactions Law¹⁵⁵

(The State Peace and Development Council Law No. 5/2004, 30th April, 2004)

33. Whoever commits any of the following acts by using electronic transactions technology shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 7 years to a maximum of 15 years and may also be liable to a fine:

(a) doing any act detrimental to the security of the State or prevalence of law and order or community peace and tranquillity or national solidarity or national economy or national culture.

(b) receiving or sending and distributing any information relating to secrets of the security of the State or prevalence of law and order or community peace and tranquillity or national solidarity or national economy or national culture.

34. Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 5 years or with fine or with both:

(a) sending, hacking, modifying, altering, destroying, stealing, or causing loss and damage to the electronic record, electronic data message, or the whole or part of the computer programme dishonestly;

¹⁵⁴ The Burma Lawyers' Council, BLC Publications,
http://www.blc-burma.org/html/Suppressive%20Law/ulaa_e.html

¹⁵⁵ The Burma Lawyers' Council, Myanmar Law 2004,
http://www.blc-burma.org/html/Myanmar%20Law/lr_e_ml04_05.htm

(b) intercepting of any communication within the computer network, using or giving access to any person of any fact in any communication without permission of the originator and the addressee;

(c) communicating to any other person directly or indirectly with a security number, password or electronic signature of any person without permission or consent of such person;

(d) creating, modifying or altering of information or distributing of information created, modified or altered by electronic technology to be detrimental to the interest of or to lower the dignity of any organization or any person.

35. Any certification authority or any of his officer or employee who violates any of the prohibitions contained in the order issued by the Control Board shall, on conviction be punished with imprisonment for a term which may extend to 3 years or with fine or with both.

36. Whoever violates any of the prohibitions contained in the rules, notifications and orders issued under this Law shall, on conviction be punished with imprisonment for a term which may extend to 1 year or with fine or with both.

37. Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 1 year or with fine or with both:-

(a) knowingly misrepresents to the certification authority his identity or authorization in applying for a certificate or in submitting for suspension or cancellation of a certificate;

(b) obstructing or impeding or assaulting the Central Body and body or person assigned duty by it or the Control Board and body or person assigned duty by it which performs the functions and duties in accordance with this Law or failing to comply with the demand to perform in accordance with this Law.

38. Whoever attempts to commit any offence of this Law or conspires amounting to an offence or abets the commission of an offence shall be punished with the punishment provided for such offence in this Law.

The Public Property Protection Act (1947)¹⁵⁶

Section 6 (1): Notwithstanding anything contained in any other law for the time being in force, if any person is in authorized possession of any Public property, or commits theft, misappropriation or mischief in respect of any Public property, he shall be punishable with imprisonment for a term which may extend to seven years, or with whipping, or with both imprisonment in whipping, and shall also be liable to fine.

¹⁵⁶ The Burma Lawyers' Council, Burma Code (Volume 2),
http://www.blc-burma.org/html/Burma%20Code/lr_e_bc02_33.html

State Law and Order Restoration Council Law No. 6/88 (30 September 1988)¹⁵⁷
(Law Relating to Forming of Organizations)

Section 5: The following organizations shall not be formed, and if already formed shall not function and shall not continue to exist:

- (a) Organizations that are not permitted to register under The Political Parties Registration Law, 1988 or if permitted to register, the registration[s] of which have been cancelled by the Multi-party Democracy General Elections Commission;
- (b) Organizations that attempt, instigate, incite, abet or commit acts that may in any way disrupt law and order, peace and tranquility, or safe and secure communications;
- (c) Organizations that attempt, instigate, incite, abet or commit acts that may effect [sic] or disrupt the regularity of state machinery;
- (d) Organizations that are formed with service personnel from the Tatmadaw and the Peoples' Police Force of the defence forces and personnel of public service organizations, State owned economic boards, corporations and other organizations of the State machinery or with service personnel receiving monthly emoluments from the state budget and being either under the influence of or associated with a political party.

Section 6: Any person found guilty of committing an offence under Section 3 Sub section (c) or Section 5 shall be punished with imprisonment for a term which may extend to five years.

Section 7: Any person found guilty of being a member of, or aiding and abetting or using the paraphernalia of organizations that are not permitted to form or not permitted to continue in existence and provided in Section 3 Sub section (c) or that are not permitted to form as provided in Section 5 shall be punished with imprisonment for a term which may extend to three years.

The Law Amending the Myanmar Immigration (Emergency Provisions) Act,
1947¹⁵⁸

(The State Law and Order Restoration Council Law No. 2/90, 22nd January, 1990)

The State Law and Order Restoration Council hereby enacts the following Law:-

1. This Law shall be called the Law Amending the Myanmar Immigration (Emergency Provisions) Act, 1947.

2. In section 13 of the Myanmar Immigration (Emergency Provisions) Act 1947-

(a) the expression "not exceeding two years or with fine or with both" contained in sub-sections (1) and (5) respectively shall be substituted by the expression "which may extend from a minimum of Six months to a maximum of five years or with fine of a minimum of K. 1500 or with both":

¹⁵⁷ Burma Lawyers' Council, http://www.blc-burma.org/html/Myanmar%20Law/lr_e_ml88_06.html

¹⁵⁸ Burma Lawyers' Council, http://www.blc-burma.org/html/Myanmar%20Law/lr_e_ml90_02.html

(b) the expression "not exceeding three months or to a fine not-exceeding K. 200" contained in sub-section (2) shall be substituted by the expression "which may extend from a minimum of six months to a maximum of five years or to a fine of a minimum of K. 1500".

The Printers and Publishers Registration Law (1962)

This law was brought in soon after the 1962 coup to limit and control what was at the time one of the most free and prolific media industries in Asia. The law established the Press Scrutiny Board which must censor all books, films, magazines and songs before publication. It also limits the numbers of copies which can be published. In June 1989 the law was amended to increase the punishments for non-compliance to imprisonment for up to ten years and fines of up to 30,000 Kyats (currently about \$1,000, but officially \$5,000).¹⁵⁹

Official Secrets Act (1948)

This allows for the detention of between three and ten years for anyone "Handing over classified state documents of national interest to unauthorized persons", but has been used against people who have passed on documents not so classified and which could not reasonably be argued to be a threat to the national interest.¹⁶⁰

¹⁵⁹ "No Room to Move: Legal Constraints on Civil Society in Burma", by Zunetta Liddell, <http://burmalibrary.org/docs3/liddellpaper.htm>

¹⁶⁰ "No Room to Move: Legal Constraints on Civil Society in Burma", by Zunetta Liddell, <http://burmalibrary.org/docs3/liddellpaper.htm>

Conclusion

The 20-year old nonviolent struggle for human rights and democracy in Burma has learned much since 1988. The military regime that rules our country is still in power, destroying virtually the entire country, with the exception of the expansive military itself. Over the years, the people of Burma have faced a brutal dictatorship that commits large-scale mass atrocities and steadily strangulates the entire country. Through the decades of military rule, our country's democracy movement has turned to the United Nations for support and intervention. Many countries at the UN have turned out to be sympathetic and willing to help. Democratic governments have lobbied their fellow member nations to approve successive resolutions in the General Assembly and the Human Rights Council (formerly known as the Commission on Human Rights). Standing against tyrannical rule in Burma, these resolutions instructed the UN Secretary-General to use his good offices to facilitate national reconciliation and democratization in Burma, beginning with the release of all political prisoners and establishment of a meaningful political dialogue among the key stakeholders.

The Secretary-General has created a Special Envoy to work for Burma on his behalf. The UN Human Rights Council has also appointed a Special Rapporteur on the Situation of Human Rights in Burma. The Special Envoy reports to the Secretary-General, the President of the General Assembly and now also to the UN Security Council, as Burma has been on the formal agenda of the Security Council since 2005. The Special Rapporteur reports to the General Assembly through the Secretary-General and to the Human Rights Council. Between 1995 and August 2008, two UN Envoys have visited Burma 37 times with no tangible results.

The Burmese military regime's track record is long and horrible; over two thousand political prisoners, over 3,200 ethnic minority villages destroyed by its soldiers, over 2 million people who fled to neighboring countries to become refugees and illegal immigrants, over 70,000 child soldiers forcibly recruited into its army, tens of thousands of democracy activists killed by the regime on the streets, in interrogation chambers, prisons and prison labor camps, in ethnic areas and in the jungle. Over a half million ethnic people are hiding in jungles and mountains to avoid being killed by the regime, over thousands of women and girls are raped by its soldiers, and there is a free flow of human trafficking, illicit drugs and infectious diseases into the neighboring countries and the region. This may not be the complete record, but more than enough to bring this evil regime before the International Criminal Court under the charges of crimes against humanity. However, the regime's strongest ally and major arms supplier, China blocks any action on Burma from the UN Security Council, demanding positive change.

As it is protected by China in the international community, the Burmese military regime is now in its final stages to put the country under permanent dictatorship forever through a sham constitution and a sham election, scheduled to be held in 2010. For the United Nations, our 20-year long struggle is still not long enough; nearly 40 resolutions from the UN system in 18 years since 1990, and 37 visits of UN Special Envoys to Burma in 13 years since 1995 are still not enough. More visits, more resolutions, more statements, more years and more and more patience are needed; argue UN diplomats. The world body has simply ignored the fact that the people of Burma have been dying everyday, due to torturous interrogations, inhumane treatment in prison, infectious diseases in labor camps, destruction of villages, lack of aid after natural disasters, lack

of food and drinking water, landmines; all incidences of suffering created by this evil regime, while the UN is unable to speak with one voice and act collectively.

With this report, we are asking a simple request to the United Nations and the international community. Please take effective and collective action NOW to help the people of Burma.

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