

PUBLIC

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Health concern/ torture and ill-treatment

MYANMAR

Myo Yan Naung Thein (m), aged 34
U Ohn Than (m), aged 60

Prisoners of conscience Myo Yan Naung Thein and U Ohn Than need urgent medical attention. Myo Yan Naung Thein is partly paralysed after being tortured, and is held in solitary confinement in poor conditions. U Ohn Than has contracted cerebral malaria, which if untreated, is almost always fatal.

Myo Yan Naung Thein, a member of the 1988 Generation Students group which played a leading role at the start of the mass protests in Myanmar in August 2007, was arrested on 14 December 2007 because of his links to activists who filmed the demonstrations and spoke to media outside the country. He has been charged under Section 505/b of the Penal Code, a vaguely-worded law frequently used to criminalise acts of peaceful political dissent. Myo Yan Naung Thein is held incommunicado in Insein prison in the former capital, Yangon. After his arrest, he was tortured by Special Branch police, who are tasked with the interrogation of political prisoners, and by members of the government-linked paramilitary group Swan-Ar-Shin. He was severely beaten around the head and abdomen. His head injuries led to paralysis down the left side of his body and he can no longer walk unaided.

Myo Yan Naung Thein was hospitalised for two weeks in May. However, the treatment failed to improve his condition, and when he requested to see a neurologist, he was punished by being placed in solitary confinement in an "Ayutheit" cell, which is used to hold prisoners with psychological problems – real or purported. He is still being held in this cell. Insein prison was damaged by Cyclone Nargis, which struck Myanmar in early May. Rain comes through the leaking roof of Myo Yan Naung Thein's cell. The prison authorities are giving him medication for psychiatric illness, and are still refusing to let him see a neurologist. They have reportedly told Myo Yan Naung Thein that they "do not have the responsibility to give medical treatment".

U Ohn Than was sentenced to life imprisonment on 2 April, after a grossly unfair trial. He was punished for staging a solo protest against the Myanmar government in front of the US Embassy in Yangon on 23 August 2007. He is suffering from cerebral malaria, which is said to be at an advanced stage. The disease has a high fatality rate. In an attempt to cover up the critical state of his health, prison authorities reportedly wrote to U Ohn Than's family in his name, saying that he no longer needed visitors and requesting that they transfer money to him instead.

U Ohn Than was initially held in Insein prison, but after sentencing he has been moved three times. He is now in Khamti prison in Sagaing Division in north-western Myanmar. Khamti prison is said to be in an area where malaria is very common, and prisoners are vulnerable to infection. Political prisoners in Myanmar are often sent to prisons in remote parts of the country to deprive them of family contact. Since his detention, U Ohn Than has also suffered from hypertension and kidney stone problems.

Well-known for his solo protests, U Ohn Than is a prisoner of conscience who had already spent at least 14 years in jail before he received a life sentence for his peaceful political activities in April. During his protest in front of the US embassy in Yangon, he was dressed in a prisoner uniform, to illustrate the point that Burmese people are prisoners in their own country.

BACKGROUND INFORMATION

On 6 June, the Myanmar government delivered a 'rebuttal statement' at the Human Rights Council after it received a first report from the new UN Special Rapporteur on the situation of human rights in Myanmar. In response to the Special Rapporteur's concerns over detention conditions, the Myanmar government stated that "(t)he prisoners receive regular medical check-up by the prison doctors and when a prisoner needs a special attention of the Specialist, the prison authority arranges him/her to see the Specialist Medical Practitioners."

However, the cases of Myo Yan Naung Thein and U Ohn Than disprove these claims. The treatment they receive in detention reflects the totally inadequate state of healthcare in Myanmar prisons as well as the prevalence of torture and ill-treatment. Amnesty International has received reports of other cases where prison authorities have denied medication or treatment to political prisoners. The International Committee of the Red Cross has been denied access to prisons in Myanmar for more than two years.

The Myanmar authorities have an obligation under customary international law, binding on all states, to provide for minimum acceptable levels of accommodation, food and medical care for prisoners and detainees. For example, under the UN Standard Minimum Rules for the Treatment of Prisoners, the Myanmar authorities have a duty to provide the services of a qualified medical officer within prisons or detention facilities; to transfer prisoners and detainees who require specialist treatment to specialized institutions or to civil hospitals; and to provide prisoners with food of nutritional value adequate for health and strength. Amnesty International is deeply concerned that the authorities are failing, at times through neglect, and at times deliberately, to adhere to these international obligations.

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

- urging the authorities immediately to provide Myo Yan Naung Thein and U Ohn Than with all necessary medical treatment;
- calling on the authorities to release Myo Yan Naung Thein and U Ohn Than immediately and unconditionally as soon as they have received the urgent medical treatment they need;
- calling for immediate action to ensure that while they are in detention, they are granted access to all necessary medical treatment, as well as to lawyers and their families;
- calling on the authorities to ensure that all detainees are treated humanely, with full respect for their human rights, and that no one is subject at any time to torture or other ill-treatment;
- calling on the authorities to release all those who were arrested for peacefully exercising their rights to freedom of expression and assembly during the September 2007 crackdown on mass protests, as well as all prisoners of conscience held before the crackdown;
- urging the authorities to ensure that vaguely worded security laws are not used to prevent the peaceful expression of political opinions.

APPEALS TO:

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

Salutation: Dear General

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

Salutation: Dear Minister

COPIES TO: diplomatic representatives of Myanmar accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 29 July 2008.