

PUBLIC

AI Index: ASA 16/016/2008

04 July 2008

UA 193/08

Health concern/torture and other ill-treatment

MYANMAR

U Win Tin (m), aged 78, senior opposition party official, journalist

U Win Tin, the longest-serving prisoner of conscience in Myanmar, needs urgent medical attention. He has recently been suffering from severe asthma attacks and lung problems. He also has heart disease and spondylitis (inflammation of the joints of the spine). He is allowed to see a doctor regularly, who prescribes him medicine, but this is inadequate, and he has not received the medical treatment he desperately needs from the authorities in Yangon's Insein Prison, where he has been in solitary confinement for much of the past 19 years.

U Win Tin's health has suffered because of the poor conditions in which he has been held. He has had difficulties breathing and eating during the recent worsening of his health. Since October 1997, he has been treated repeatedly in the prison hospital. He underwent a hernia operation in January 2008.

Because of U Win Tin's age, his asthma and lung problems are likely to be serious, particularly with the inadequate medical care available to him. Heart disease is always potentially dangerous, and spondylitis will cause him additional distress.

U Win Tin was arrested on 4 July 1989, during a crackdown on opposition political party members. He is believed to have been arrested because of his senior position with the main opposition party, the National League for Democracy (NLD). He has been sentenced three times, to a total of 21 years' imprisonment. U Win Tin was most recently sentenced in March 1996 to an additional seven years' imprisonment for writing to the United Nations about prison conditions and for writing and circulating anti-government pamphlets/leaflets in prison. The authorities characterized this as "secretly publishing propaganda to incite riots in jail."

U Win Tin had written a document for the UN which he called *The testimonials of prisoners of conscience from Insein Prison who have been Unjustly Imprisoned, Demands and Requests regarding Human Rights Violations in Burma*, in which he described torture and lack of medical treatment in prison. While the authorities were investigating the writing of this letter, U Win Tin was held in a cell designed for military dogs, without bedding. He was deprived of food and water, and family visits, for long periods.

After his 1996 sentencing, U Win Tin was moved to a special compound inside the Insein Prison complex, for high-profile political prisoners. This compound was controlled by military intelligence officials rather than the prison authorities. It is isolated from the rest of the prison, so that political prisoners from different parts of the prison have no chance of contact.

U Win Tin is being punished for his efforts to record the human rights violations he witnessed inside Insein Prison. The same kind of treatment is being meted out to the people imprisoned for trying to spread information about the crackdown on anti-government demonstrations in September 2007.

In July 2005, the authorities told U Win Tin that he would be released, together with more than 100 political prisoners in Insein Prison. Most of this group were freed, but U Win Tin and around a dozen others were returned to their cells.

U Win Tin was apparently entitled to early release in 2006. His sentence is supposed to expire in 2009, but the government has already extended his sentence twice on spurious charges, and is very likely to do so again. NLD politicians and prisoners of conscience Dr Daw May Win Myint and Dr Than Nyein have also been kept in prison since their sentences expired in 2004, on a series of repeated one-year detention orders.

BACKGROUND INFORMATION

On 6 June, the Myanmar government delivered a "rebuttal statement" at the UN Human Rights Council after it received the 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, this "rebuttal statement" claimed that "The 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, U Win Tin's plight disproves these claims. Amnesty International has recently documented other cases where prison authorities have denied medication or treatment to political prisoners. The International Committee of the Red Cross has not been able to visit prisons in Myanmar since the end of 2005.

The Myanmar authorities are obliged under international law to provide minimum acceptable levels of accommodation, food and medical care for prisoners and detainees. They are failing to do so, at times through neglect, and at times deliberately.

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

- urging the authorities to provide U Win Tin with all necessary medical treatment immediately;
- calling on the authorities to release U Win Tin immediately and unconditionally, as soon as he has received the urgent medical treatment he needs;
- calling on them to ensure that while U Win Tin remains in detention, he has regular access to a lawyer of his own choosing, and to his family;
- calling on the authorities to ensure that all detainees are treated humanely, with full respect for their human rights, and that no one is subjected at any time to torture or other ill-treatment.

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 15 August 2008.