

# **.MYANMAR**

## **U Win Tin**

### **Journalist and prisoner of conscience**

U Win Tin spent his 71<sup>st</sup> birthday in March 2001 in Insein Prison, where he has been detained as a prisoner of conscience for almost 12 years. He is a prominent journalist and writer and Central Executive Committee member of the National League for Democracy (NLD)<sup>1</sup>. He was arrested on 4 July 1989 during a nationwide crackdown by the authorities on the opposition, and has been sentenced to a total of 20 years' imprisonment. U Win Tin is the only senior member of the NLD arrested in June and July 1989 to remain in detention; other senior NLD members who were detained at that time were subsequently released under amnesties.

#### **Background**

As a member and secretary of the Central Executive Committee, U Win Tin worked closely with Daw Aung San Suu Kyi, one of the founders and leader of the NLD. After his arrest in July 1989 he was publicly accused of guiding and influencing Daw Aung San Suu Kyi. He was also accused of being a "leftist" politician who urged the NLD to adopt a civil disobedience campaign against martial law, quoting the works of philosopher Henry David Thoreau and the example of Mahatma Gandhi.

Civil unrest erupted in Myanmar in 1988, initially in protest at government mismanagement of the economy. Protests spread and millions of people wanting an end to decades of military rule took to the streets in massive demonstrations. Thousands of protestors were killed by the army and police as the demonstrations were violently suppressed between March and August. In September 1988 the military reasserted its power and formed the State Law and Order Restoration Council (SLORC). Martial law decrees were issued, including a ban on any criticism of the military and of any public gathering of more than five people. At the same time dozens of political parties were allowed to form and register to take part in elections scheduled for May 1990. In June 1989 the NLD, other political parties and student groups decided to resume organizing mass gatherings to mark anniversaries of alleged political killings and political rallies. This resulted in the arrest of hundreds of people throughout June and July 1989.

Despite the political allegations against him, he was formally charged with a criminal offence and sentenced to three years' hard labour on 3 October 1989. He was accused of having offered hospitality to an NLD member whose companion had allegedly undergone a criminal abortion - on these grounds he was accused of sheltering a criminal under Article 216 of the Criminal Code.

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<sup>1</sup> The NLD is the main opposition party founded in September 1988 which went on to win the May 1990 elections. The ruling military authorities have not allowed the NLD to convene a parliament.

It is believed that this accusation was politically motivated and intended to justify his detention and to cast aspersions on his reputation.

In June 1992 - just a few months before completion of his three-year sentence - U Win Tin was sentenced to an additional 10 years' imprisonment under Section 5(j) of the 1950 Emergency Provisions Act. This vaguely-worded security legislation is frequently used to sentence political detainees to long terms of imprisonment. According to an official report of the reason for his imprisonment contained in a publication entitled "The TRUTH"<sup>2</sup> this second sentence was handed down because he was "*also found guilty of giving seditious talks, organizing subversive movements within the NLD and writing and publishing pamphlets to incite treason against the State. He was accordingly charged under Section 5(j) of the Emergency Provisions Act for which he was sentenced to 10 years in prison*". Section 5(j) allows for the imprisonment of anyone who "*causes or intends to disrupt the morality or the behaviour of a group of people or the general public, or to disrupt the security and stability of the Union.*"

U Win Tin's third prison sentence was imposed on 28 March 1996. In mid-November 1995 he had been one of a group of men detained in Insein Prison who were interrogated under suspicion of smuggling a letter to the United Nations (UN) Special Rapporteur on Myanmar about ill-treatment and poor conditions in the prison. As a punishment U Win Tin and some of the other 20 men were moved into small military dog cells, where they were made to sleep on cold concrete floors without mats or blankets, and were denied visits from their families. These cells, also known as *Taik Peik*, measured eight feet by ten feet and held four or five people, and had little ventilation or light. The prisoners were only allowed to leave the cells for 10 minutes a day to shower. U Win Tin was detained in these harsh conditions for around two months until he was moved to a larger solitary confinement

U Win Tin was born in March 1930. He is not married. He received a Bachelor of Arts degree in English Literature, Modern History, and Political Science from Yangon University in 1953. He was an assistant editor of the *Sarpay Beikman* (Burma Translation Society) between 1950 and 1954, and went on to be a consultant with the *Djambartan* publishing company of the Netherlands from 1954 to 1957. He was executive editor of the *Kyemon Daily* from 1957 to 1969 and chief editor of the *Hanthawaddy Daily* from 1969 until 1978, when it was closed down as part of increasing censorship of freedom of the press. He is reported to have travelled widely in Europe and Asia. In 1988 he became vice chairman of the Writers Association and was active in forming trade union newspapers.

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<sup>2</sup> "The TRUTH" is a publication issued by The Office of Strategic Studies, Ministry of Defence and received by Amnesty International in February 2001. It comprises responses to allegations of human rights violations, including arrests of political prisoners made by the NLD, Amnesty International, Ayeyarwady (Irrawaddy) Press, Reporters Sans Frontiers, and the ICFTU (International Confederation of Free Trade Unions). The dates of the responses range from 1999 through to July 2000.

cell in January 1996. On 28 March U Win Tin and the others were brought to trial at a court in Insein Prison. They were found guilty of communicating with the UN and of producing written materials, including magazines, which were considered to be detrimental to the state. They were also accused of hiding three radio sets and other materials such as pens and international magazines. The letter to the UN Special Rapporteur stated that political prisoners did not receive sufficient medication, and that prisoners' rights were denied in prison, including being subjected to torture. U Win Tin was also charged with writing poetry for a magazine that prisoners had prepared - he is reported to have denied this at the trial and stated that he could no longer write poetry because he was old. They were allowed no legal counsel during the proceedings and their trial was held *in camera*.

According to "The TRUTH": "*While in prison, he [U Win Tin] had secretly published anti-government propaganda to create riots in jail. So he was charged under Section 5(e) of the Emergency Provisions Act and being found guilty, sentenced to 7 years' imprisonment.*" Section 5(e) allows for the imprisonment of anyone who "*causes or intends to spread false news, knowing beforehand that it is untrue*".

Amnesty International believes that on all three occasions, U Win Tin was sentenced after unfair trials which did not meet international standards, and that the authorities have repeatedly used vaguely-worded security legislation to criminalize his peaceful political activities and opinions.

U Win Tin continues to face a total of 20 years in prison, solely for peacefully exercising his right to freedom of expression, assembly and association, and for standing up for human rights. He will be 78 years old when his sentence is completed.

### **Treatment in prison**

U Win Tin has suffered from poor health throughout his imprisonment.

It is believed that this has been made worse by the ill-treatment he has received and the harsh conditions of detention, which are common throughout Myanmar's prison system. Conditions in most prisons are harsh, due to lack of adequate food, water, sanitation and medical care. Prisoners rely on their families to provide them with essential food and medication during fortnightly visits which usually only last 20 minutes in the presence of guards. Political prisoners are also at risk of torture and ill-treatment, particularly during

An unofficial translation of the March 1996 trial transcript states that: "*Win Tin said he did what he believed was right...He told the court that the loss of human rights and torture in prison were all genuine and that the prosecution could not prove that these points were inaccurate...It is clearly evident that (others) and Win Tin had written and published magazines, news bulletins and papers that were all against the government...The accused prisoner(s) committed a crime while serving out prison terms...there is no justification in showing them mercy...*".

initial phases of detention, but also after sentencing, when they can be punished for breaking arbitrary prison rules such as possessing writing paper.

U Win Tin suffers from a heart condition and spondylitis (inflammation of the vertebrae), which is a painful condition requiring a special diet. In 1992 it was reported that he needed surgery, but that he been refused transfer to hospital. A US Congressmen who was allowed to visit him in prison in 1994 reported that he was in need of dental treatment and appeared to have eyesight problems. He was also wearing a neck brace which was ill-fitting and causing discomfort. At that time U Win Tin was being held in solitary confinement. In September 1997 he was admitted to Yangon General Hospital because of cardiac problems. On 10 October 1997 the authorities admitted that he had been taken to hospital in order to have additional medical treatment. It is not known how long he remained in hospital, but he is believed to be currently back in Insein Prison.

There are around 1850 political prisoners currently detained in Myanmar. More than 100 of them are known to be prisoners of conscience. They include other writers, journalists and editors like U Win Tin who have been sentenced to long prison terms, as well as students, doctors, farmers, lawyers, housewives, teachers, and business-people. Hundreds of NLD members - including members of parliament-elect - arrested between 1990 and 2000 are also serving long prison terms.

The treatment and punishment U Win Tin has received for trying to promote freedom of expression, assembly and association, and continuing to promote respect for human rights even while in prison is exceptionally harsh. Amnesty International is calling for his immediate and unconditional release.

In April 1996 Daw Aung San Suu Kyi wrote about U Win Tin in one of a series of weekly letters to the *Mainichi Daily News*, a Japanese newspaper. Entitled "The World of Letters was U Win Tin's Domain", the article briefly described U Win Tin's background as a journalist and writer trying to maintain intellectual freedom in increasingly repressive conditions, and his involvement in the pro-democracy movement:

*"It was only natural that those who believed in intellectual freedom and justice should have been at the vanguard of the democracy movement which began in 1988. From the beginning U Win Tin played an active role in the Writer's Union that emerged during the early days of the movement...His undoubted ability and his strength of purpose made U Win Tin a prime target of those who opposed the democratic cause..."*

### **A note on freedom of expression in Myanmar**

The right to freedom of expression, as embodied in Articles 5, 19 and 18 of the Universal Declaration of Human Rights, is strictly curtailed by a wide range of legislation enforced by the State Peace and Development Council<sup>3</sup>, which restricts all spheres of expression, from magazines to videos and from telephones to computers. The media is strictly state-controlled. All newspapers and other printed media must be submitted to the "Press Scrutiny Board" before publication or distribution; authors, editors, publishers and distributors may be imprisoned for up to seven years for contravening the regulations. All publications, including novels, broadcasts and videos are subject to government censorship.

U Win Tin has been granted three awards of recognition

**UNESCO - World Press Freedom Prize, March 2001**

**World Association of Newspapers - 2001 Golden Pen of Freedom, November 2000**

**Human Rights Award, December 1998**

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<sup>3</sup> On 15 November 1997 the State Law and Order Restoration Council reorganized and renamed itself the State Peace and Development Council (SPDC). Government policies remained unchanged.

## WHAT YOU CAN DO

Please write to the Myanmar authorities:

- **expressing concern that U Win Tin is a prisoner of conscience, detained solely for peacefully exercising his rights to freedom of expression, assembly and association, and for promoting human rights;**
- **expressing concern that U Win Tin is suffering from poor health made worse by his treatment in prison and lack of proper medical care;**
- **urging that U Win Tin, who is now in his 70's and in poor health, should be released immediately and unconditionally;**
- **urging that pending his release, U Win Tin, should be provided with the medical care that he needs, and that he should be held in conditions which conform to international standards;**
- **urging the authorities to release all prisoners of conscience immediately, in particular those who are elderly and sick;**
- **urge the authorities to take all steps to halt torture and ill-treatment of prisoners;**
- **urge the authorities to respect fundamental human rights in Myanmar, including the rights to freedom of expression, assembly and association.**

Addresses:

General Than Shwe Chairman State Peace and Development Council c/o Ministry of Defence Signal Pagoda Road Yangon Union of Myanmar	Lieutenant General Khin Nyunt Secretary 1 State Peace and Development Council c/o Ministry of Defence Signal Pagoda Road Yangon Union of Myanmar
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- Send copies of some of your letters to the Myanmar Embassy in your country