

PUBLIC

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Further Information on UA 38/05 (ASA 16/002/2005, 16 February 2005) Fear of torture New concern: Incommunicado detention

MYANMAR **Khun Htun Oo (m), chairman, Shan Nationalities League for Democracy (SNLD)**
Sai Nyunt Lwin (m), SNLD secretary, aged 54
Sai Hla Aung (m), SNLD central Committee member
Sao Kyar Oo (m), SNLD member
U Myint Than (m), member of Shan New Generation Youth political party
General Hso Ten (m), chairman, Shan State Peace Council (SSPC)
U Shwe Ohn (m), aged 82, leader of the United Nationalities League for Democracy (a coalition of political parties representing ethnic minority groups in Myanmar), author and lawyer

New names: **Daw Cho Cho Kyaw Nyein (f), general secretary of the Anti-Fascist People's Freedom League (AFPFL) political party**
Ma Ohn Mar Kyu Kyu (f), daughter of Daw Cho Cho Kyaw Thein
U Thu Wai (m), aged 73, former Chairman of the Democracy Party

The trial of Khun Htun Oo, Sai Nyunt Lwin and several others arrested with them is reported to have begun on 1 March in a closed court in Insein Prison in the capital Yangon, the main prison for political prisoners in Myanmar. The charges they face are not known. They are being held incommunicado, and the authorities have reportedly denied them access to lawyers.

Three other political activists, Daw Cho Cho Kyaw Nyein, her daughter Ma Ohn Mar Kyu Kyu and U Thu Wai, have been held incommunicado without charge since 7 February. The three were reportedly detained at a railway station in the town of Taunggyi, Shan State in eastern Myanmar, after meeting with Shan ethnic political groups on 7 February. The other seven people named above were also arrested in connection with this meeting.

Daw Cho Cho Kyaw Nyein is the general secretary of the Anti-Fascist People's Freedom League (AFPFL), a political party that won general elections in 1947, and which was instrumental in helping the country gain independence from the United Kingdom. She had previously served one year of a seven-year prison sentence handed down in 1991, for contacting exiled student opposition groups. U Thu Wai is the General Secretary of the Democracy Party and spent nine years as a political prisoner before his release in December 2004. He served a seven-year sentence for allegedly distributing political leaflets, and was then held for a further two years without charge or trial under an administrative detention law. He was released after authorities suspended the sentences of thousands of mostly criminal prisoners.

BACKGROUND INFORMATION

Myanmar's military government has been in power since 1962. After widespread protest against one-party rule, the authorities held elections in 1990. Opposition parties won a majority of seats, but the authorities delayed the transfer of power until a new constitution had been drafted. The constitution drafting process, which has been repeatedly delayed since a first meeting in 1993, recommenced in 2004. A meeting to draft principles for a new constitution, known as the National Convention, began on 17 February 2005. The Shan State Peace Council (SSPC) had been among those scheduled to send delegates to the meeting, but did not send anyone. The SSPC represents various ethnic Shan armed opposition groups who agreed ceasefires with the authorities during the 1990s, after decades of fighting for greater autonomy.

Opposition political parties including the Shan Nationalities League for Democracy (SNLD) and the National League for Democracy (NLD) have boycotted the Convention on the grounds that the authorities have restricted their political activities and imprisoned senior opposition political leaders, and that there has been a lack of democratic procedures and free speech at the Convention. During previous sessions of the Convention the authorities have sentenced opposition party members and political activists to long prison terms for commenting on the procedures of the Convention or communicating with delegates. U Shwe Ohn was arrested in December 1992 and sentenced to one year's imprisonment for writing and distributing an essay making suggestions to the National Convention about the new constitution. In the lead-up to recent sessions of the National Convention, members and leaders of opposition parties have been followed, interrogated, and intimidated for attempting to engage in legitimate and peaceful political activities. Some have been arrested for their non-violent protests, for example, calling for all political prisoners to be released.

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

- expressing concern that Khun Htun Oo, Sai Nyunt Lwin and other unidentified SNLD members currently on trial are being held incommunicado and have been denied access to legal counsel;
- urging that they are either charged with an internationally recognizable criminal offence or immediately and unconditionally released from detention;
- expressing concern that Daw Cho Cho Kyaw Nyein, her daughter Ma Ohn Mar Kyu Kyu, and U Thu Wai have been held incommunicado since 7 February, and urging the authorities to either charge them with a recognizably criminal offence or release them immediately and unconditionally;
- expressing concern at the continued detention of Sai Hla Aung, Sao Kyar Oo, U Myint Than, General Hso Ten and U Shwe Ohn, and calling for their immediate and unconditional release if they are not to be charged with a recognizably criminal offence;
- urging the authorities to give all the detainees immediate access to lawyers, their families and any medical attention they may require, and to ensure that they are held in conditions which meet international standards and are not subjected to torture or any other form of cruel, inhuman or degrading treatment;
- urging the authorities not to restrict or penalize the peaceful exercise of the right to freedom of expression and association.

APPEALS TO:

General Than Shwe
Chairman, State Peace and Development Council
Ministry of Defence
Dagon Post Office, Yangon, Myanmar

Salutation: Dear General

Lieutenant General Soe Win
Prime Minister, State Peace and Development Council
Ministry of Defence
Dagon Post Office, Yangon, Myanmar

Salutation: Dear Prime Minister

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

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 13 April 2005.