

UA 219/07 Fear of torture or ill-treatment

MYANMAR Paw U Tun (alias Min Ko Naing) (m)
Ko Ko Gyi (m)
Pyone Cho (alias Htay Win Aung) (m)
Min Ze Ya (m)
And at least 14 other activists and university students

The four men named above are among at least 18 people detained on 21 and 22 August after participating in demonstrations against fuel price rises. They are at risk of torture or other ill-treatment.

Paw U Tun (also known as Min Ko Naing), Ko Ko Gyi, Pyone Cho (also known as Htay Win Aung) and Min Ze Ya are all former student leaders in the 1988 nationwide demonstrations against 26 years of military rule in Myanmar. They were involved in a group which led a protest on 19 August against a recent hike in fuel prices.

The four men were among 13 political activists detained by members of the security forces late in the evening of 21 August and in the early hours of 22 August. The 13 were believed to have been taken to Kyaikkasan Detention Centre in the former capital, Yangon, a detention facility commonly used to hold activists. The authorities reportedly did not produce arrest warrants for any of the 13 activists. Members of the security forces searched the activists' homes and confiscated documents and CDs. The nature of the confiscated information is not known.

Another five protesters, all university students, were arrested at around 10am on 21 August, after they put up a letter in a tea shop in Yangon, protesting at the rising fuel prices. They are believed to have been taken to Shwe Pyi Thar Police Base No. 1, a police station in Yangon.

The state-run newspaper New Light of Myanmar said on 22 August that those arrested have broken the law on "acts undermining the efforts to successfully carry out peaceful transfer of State power and facilitate the proceedings of the National Convention." The National Convention is a body responsible for taking the first steps towards a new constitution.

It is believed the activists will be charged under Law 5/96, which provides for up to 20 years imprisonment for anyone who is found guilty of expressing opinions which disrupt the stability of the state, or "undermine, belittle and make people misunderstand the functions being carried out by the National Convention." Amnesty International is concerned that the vague and sweeping provisions of Law 5/96 criminalize the peaceful expression of political beliefs, and has called for its repeal.

BACKGROUND INFORMATION

At the time of the 1988 demonstrations, Paw U Tun and Ko Ko Gyi were respectively chair and vice chair of the All Burma Federation of Student Unions, the main student organization in the country. They were released in 2004 and 2005 respectively, after up to 15 years' imprisonment for their role in organizing peaceful student protests. Pyone Cho served nearly 14 years in prison and was released in 2003 while Min Zeya served eight years in prison and was released in 1997. The four were arbitrarily detained for over three months between late September 2006 and early January 2007, just as the situation in Myanmar was being discussed by the United Nations Security Council. After Myanmar was placed on the Security Council's agenda, the authorities alleged that opposition groups were involved in plots to incite unrest in the country. Despite this, the four have been active members of a group of students who took part in the 1988 demonstrations, known as the 88 Generation Students Group. The nine other political activists detained on 21 and 22 August also belong to this group.

Amnesty International has long-standing concerns at the deprivation of basic rights in detention in Myanmar. People are frequently arrested without warrant and held incommunicado. Torture and other forms of cruel, inhuman and degrading treatment are common in pre-trial detention. Proceedings against political detainees have failed to meet international standards for fair trial. Defendants are often denied the right to legal counsel or to legal counsel of their own choice. Prosecutors have relied on confessions extracted through torture.

On 14 August, the Myanmar authorities raised petrol prices by two-thirds, doubled diesel prices and hiked the cost of compressed natural gas five-fold. Bus fares and prices of essential commodities have since increased. There has been a series of demonstrations in Yangon in the past few days in reaction to the price rises. Clashes between the protesters and people linked to the authorities have been reported.

Six women and two men who were marching for about two hours through northern Yangon on 22 August were detained briefly before being released. More protesters are likely to be arrested in the coming days.

The National Convention is the first stage in the "road map" to democracy introduced by former Prime Minister Khin Nyunt, ostensibly as a means of political reconciliation. This highly protracted process continues despite the absence of major political

parties and ceasefire groups. Delegates to the National Convention are restricted from open debate while legislation criminalizing negative comment on the Constitution is open to abuse.

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

- expressing concern at reports that at least 18 activists and students are being detained;
- urging the authorities to release them immediately and unconditionally, unless they are to be charged with a recognisably criminal offence;
- calling on the authorities to ensure that, while they remain in custody, all the detainees are held only in an official place of detention, and are granted immediate access to lawyers, their families and any medical treatment they may require;
- calling on the authorities to ensure that all people in Myanmar are able to peacefully exercise the rights to freedom of expression, association and assembly without fear of harassment, intimidation or arbitrary detention, in line with international human rights standards.

APPEALS TO:

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

Salutation: Dear General

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

Fax: +95 1 222 950/ 221 719

Salutation: Dear Minister

U Aye Maung
Attorney General
Office of the Attorney General, Office No. 25, Naypyitaw, Union of Myanmar

Fax: +95 67 404 146/ 106

Salutation: Dear Attorney General

Brig-General Khin Yi
Director General, Myanmar Police Force, Naypyitaw, Union of Myanmar
Salutation: Dear Director General

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 3 October 2007.*****