

MYANMAR

U Win Htein, Prisoner of Conscience Imprisoned for 14 years

... have violated internationally recognised standards
of detention and fair trial. Furthermore it is concerned that

... the legislation under which he was sentenced effectively
criminalizes the exercise of the rights to freedom of
opinion and expression, and is being arbitrarily used by the
SLORC to detain peaceful critics of their rule throughout
Myanmar.

On 22 May 1996 Win Htein was detained at his home
by military intelligence officers. At the same time around
262 other NLD supporters and MPs elect were arrested and
held in short-term detention in order to prevent the party
from holding their first congress. According to unofficial
sources, military officers arresting Win Htein told him that they did
not have a warrant because his prison sentence had already
expired. He was held in incommunicado detention for

Win Htein, 53, is a member of the National League for Democracy (NLD), the largest opposition party in Myanmar. He has been detained since August 1996, and was sentenced to four years' imprisonment in August 1996. He was found guilty on two counts for organizing farmers to collect agricultural statistics, rice-fields and for interviewing about the conditions of political prisoners in Myanmar's jails. This is the third time since 1989 that Win Htein has been detained for peaceful political activities.

Win Htein is currently held in Insein Prison, Yangon, where he was previously detained as a political prisoner in 1993. During his previous imprisonment he was diagnosed with rheumatoid arthritis, high blood pressure and migraines, for which he requires medical treatment.

Amnesty International believes Win Htein to be a prisoner of conscience for his peaceful exercise of the right to freedom of assembly, opinion and expression and is calling for his immediate and unconditional release. It is additionally urging the government, pending his release, to provide him with adequate medical treatment.

Win Htein and four co-defendants were sentenced under legislation which allows authorities to imprison for up to three years anyone they consider to be a threat to the morality or the

... years' imprisonment for agricultural news
On 15 August Win Htein was sentenced with four
co-defendants to seven years' imprisonment. He was
accused of participating with planning the collection
of "news and data" for the "State Agricultural
Plan", which was described as "destructive acts" committed to
"utilize the existing peace and tranquillity in the
country." He was also accused of planning to smuggle to the
United Nations Commission on Human Rights a video of
farmers Kan Shein and Hla Tun
had filmed. He was also accused of preparing
a petition gathered by NLD member Po Aye and his son,
youth member Htein Lin on the agricultural situations
in various divisions for Daw Aung San Suu Kyi to use in her
speeches and addresses to NLD supporters. Unofficial sources
claim that Win Htein took no part in planning either the
collection of data or the production of the video. He simply
accepted an appointment for Po Aye and Htein Lin to speak
for Daw Aung San Suu Kyi, and for the video to be passed
to the NLD leadership.

... of a group of people or the general public, or
... the security or the reconstruction of stability
... Union." (Section 5 [j] of the 1950 Emergency
Provisions Act). The terms of this legislation have

been loosely interpreted by ruling authorities to detain scores of peaceful critics of the government. Amnesty International believes that Po Aye, Htein Lin, Kan Shein and Hla Tun Aung are also prisoners of conscience. He is calling for their immediate and unconditional release.

Seven years' imprisonment about torture

On 26 August Win Htein had a second trial with Daw Aung San Myi Thaw, Maung Sar Hlaing, a 27-year-old known as Evak. Win Htein was charged with abducting Evak. He was interviewed in April by foreign journalists about the torture and illness of political detainees in Myanmar. Official reports of the event stated that Evak told journalists "concocted lies" about the case, and other "false and fabricated events". In an interview, during which Evak was masked, he was taped on video.

According to unofficial sources, Win Htein was sentenced with Evak to a further seven years' imprisonment under Section 5(1) of the 1950 Emergency Provisions. The length of his imprisonment of a further seven years, he thinks "causes one to doubt the truth of what is known beforehand. It is untrue". Amnesty International is concerned that this legislation criminalizes freedom of expression and opinion. Amnesty International believes that Evak is a prisoner of conscience and is calling for his immediate and unconditional release.

Unfair trial

The conditions of the trials failed to meet internationally recognized standards of fair trial. In the first trial, while the defendants were allowed legal representation, they were not permitted to meet privately with their lawyers and the lawyers were not allowed to cross-examine witnesses during the trial. Win Htein's second trial took place in a closed session. The second trial, neither Win Htein nor Evak were provided legal representation.

Win Htein was previously imprisoned for his peaceful political activities between July 1989 and January 1995. He was initially detained in an interrogation centre of military intelligence and

subjected to physical and psychological torture. Over a period of 27 days, he was deprived of water, made to kneel on the floor for up to five days, and then to lie on his front, handcuffed and with a hood over his head. He was subsequently held in solitary confinement in Insein Prison, and for two years and eight months he was not allowed either to leave his cell or to receive visits from his family. During his imprisonment Win Htein began to suffer from high blood pressure and headaches. After his release from prison in 1995 he was diagnosed with acute spondylitis, a painful condition in which the vertebrae become inflamed. He also has difficulties walking.

In an interview in early 1996 Win Htein explained how he survived this first imprisonment:

"Basically I looked at things from three perspectives: the religious, political and social. From a religious point of view, I had done nothing wrong. I didn't commit any sinful acts towards anyone, let alone the government. We were allowed legally to stand as a party. I was one of the members of the party, that's why I had been able to keep my precepts intact. From a political point of view, what we were trying to do was for the good of the people, for the benefit of Burma. And from the social perspective, I had no personal grudge with the military. So I kept my precepts. I hadn't done anything wrong. These attitudes kept my faith intact, and kept me from breaking down."

Win Htein's work as Daw Aung San Suu Kyi's assistant involved liaising with local military officials to allow her to speak in various areas of the country, and acting as NLD spokesman and policy consultant. Before 1988 Win Htein was a consultant for a private business. He is a former member of the armed forces, who worked in the Ministry of Defence. He holds a Bachelor of Science degree from Yangon University and is married with two sons and a daughter.

PLEASE WRITE, URGING

1. **THE IMMEDIATE AND UNCONDITIONAL RELEASE OF U WIN HTEIN AND HIS CO - DEFENDANTS;**
2. **THAT PENDING HIS RELEASE U WIN HTEIN BE PROVIDED WITH ADEQUATE MEDICAL TREATMENT &**

3. **THAT CITIZENS OF MYANMAR ARE GUARANTEED THE RIGHT TO FREEDOM OF OPINION, EXPRESSION AND ASSEMBLY AS GUARANTEED BY THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, TO:**

1. **General Than Shwe**, Chairman, State Law and Order Restoration Council, c/o Ministry of Defence, Signal Pagoda road, Yangon, Union of Myanmar
- 2.. **Lieutenant General Khin Nyunt**, Secretary 1, State Law and Order Restoration Council (address as above)

Please send copies of your letters to the Myanmar Embassy in your country.

