

PUBLIC

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Medical concern

**MYANMAR
elect**

Dr Than Nyein (m), aged 67, medical doctor, opposition Member of Parliament-

Dr Than Nyein, who has been imprisoned since 1997, has been denied necessary medical treatment for potentially life-threatening health problems. Amnesty International considers him a prisoner of conscience, detained solely for his legitimate political activities.

Dr Than Nyein has been repeatedly hospitalised during his imprisonment for liver and gall bladder complaints. He is now reported to have a swollen abdomen and to present symptoms of serious illness that have not been adequately investigated. The specialist medical treatment he requires is reportedly not available at Pyay Prison, where he has been held since January.

A prison doctor recommended in late 2004 that he receive specialist medical treatment, but the authorities have reportedly failed to provide it. Another prison doctor reportedly recommended in mid-February 2005 that Dr Than Nyein be transferred to Yangon to receive specialist medical treatment, but this has not been done.

BACKGROUND INFORMATION

The medical care provided in Myanmar's prisons is inadequate. Amnesty International has details of a number of political prisoners who died in custody, or shortly after their release: many died from medical conditions that were not adequately treated while they were in custody. Many prisoners are suffering from illnesses exacerbated by their treatment in prison, where food and medical treatment are inadequate, and conditions in many cases amount to cruel, inhuman and degrading treatment.

Dr Than Nyein is a medical doctor who ran a private clinic and worked as a volunteer doctor for the United Nations in Sri Lanka in the 1980s. He was elected as a National League for Democracy (NLD) Member of Parliament in the capital, Yangon, in elections that were held in 1990. The NLD won more than 80% of seats, but the ruling military government has not handed over power.

Dr Than Nyein was sentenced to seven years' imprisonment in September 1997 for arranging for NLD leader Daw Aung San Suu Kyi to meet with party members. The authorities did not release him when he had completed his sentence, and have repeatedly renewed detention orders, without charging or trying him. Under Act 10 (A) of the State Protection Law, the Home Minister may detain without charge or trial anyone who may endanger the state, and detention orders are often repeatedly renewed. Amnesty International is concerned that as well as denying the fundamental right to be presumed innocent and to receive a fair trial, this law does not define what constitutes "a danger to the state" and thereby has allowed the authorities to arbitrarily detain people for peaceful political activities.

In September 2004, despite his ill-health, Dr Than Nyein went on hunger strike to protest at his continued detention, and is reported to have told a family member, "It is inhumane torture to extend the imprisonment with Act 10 (A) of a person whose health is deteriorating and who had already served his sentence. I don't want to be killed by the authorities but by myself. That's why I have decided to stage a hunger strike even though I am not in good shape." Since then the authorities have moved him to new prisons four times. After the first time he was moved, shortly after he began his hunger strike, he had to be returned to Yangon for hospital treatment, as his health had deteriorated dramatically. The authorities moved him a second time,

shortly before he planned to go on hunger strike again, to a prison 241 kilometres from Yangon, where his family lives. He was moved again in January 2005, from Paungte Prison to Pyay Prison, reportedly one day before he was scheduled to receive medical treatment. Pyay Prison is 288 kilometres from Yangon, a journey of around seven hours by road. Many prisoners in Myanmar reportedly rely on their families to provide medication, and fresh food to supplement the meagre prison diet. Moving them to distant prisons makes this more difficult, and puts a further financial burden on their families

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

- calling on the authorities to release Dr Than Nyein immediately and unconditionally, as he is a prisoner of conscience, detained solely for his legitimate political activities;
- urging them to ensure that he immediately receives all the medical treatment that he needs, in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners;
- expressing concern that Dr Than Nyein has been repeatedly transferred between prisons since September 2004, and urging the authorities to allow political prisoners to stay in prisons which are close to their homes, so their families can visit them regularly and provide them with necessary food and medicine.

APPEALS TO:

General Than Shwe
Chairman
State Peace and Development Council
Ministry of Defence
Dagon Post Office
Yangon, Union of Myanmar
Fax: + 95 1 652 624
Salutation: Dear General

Lt. General Soe Win
Prime Minister
State Peace and Development Council
Ministry of Defence, Signal Pagoda road
Dagon Post Office
Yangon, Union of Myanmar
Fax: + 95 1 652 624
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 11 May 2005.