

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

Index: ASA 16/017/2012
5 December 2012

Myanmar: Former Amnesty International Prisoner of Conscience in Detention

Activist and former monk U Gambira was arrested in Yangon on Saturday 1 December 2012. He is reportedly facing charges of trespassing and criminal damage for removing the locks from several monasteries in February 2012, as well as for staying in a monastery without permission. These monasteries had been sealed by the authorities who believed that the resident monks had played an active role in Myanmar's 2007 Saffron Revolution. This left the former residents, including U Gambira, with nowhere to stay when they were released in prisoner amnesties in late 2011 and early 2012. Other monks released in these amnesties were turned away from their former monasteries.

Reports indicate that U Gambira appeared before Myanmar's committee of senior monks in February and the matter was resolved at the time. It is not clear why the authorities have decided to press charges against U Gambira more than nine months after the alleged offences occurred.

There are credible accounts that U Gambira was subjected to torture after his arrest in 2007 and endured ill-treatment in prison between 2008 and his release on 13 January 2012 leaving his health in a fragile condition. No investigation has been conducted into these serious allegations. Amnesty International is concerned that detaining U Gambira at this time will further undermine his health, and may not be warranted by the nature of the offences he is alleged to have committed.

International human rights standards stipulate it should not be the general rule that persons awaiting trial are kept in custody.

Background

U Gambira was sentenced to 68 years' imprisonment for his peaceful activities in the Saffron Revolution in 2007 after proceedings that are reported to have fallen short of international fair trial standards. Amnesty International considered him to be a prisoner of conscience. He was released in a prisoner amnesty on 13 January 2012 and briefly detained in February after allegations that he removed locks on Sasana Theikpan Monastery and Sasana Gonyi Monastery in Yangon and that he stayed in Magin Monastery, also in Yangon, without permission.

He was briefly detained again in March 2012 after he travelled to Kachin state. He is reported to have said that the purpose of that trip was to provide assistance to Kachin people who had been internally displaced as a result of the armed conflict in the area.

All prisoners known to Amnesty International released under prisoner amnesties since 2011 have been granted conditional release under section 401 under the Code of Criminal Procedure. Any such prisoner who is deemed by the authorities to have breached the terms of this conditional release can be returned to prison to serve the remainder of their original sentence.