

Myanmar:***Dissidents behind bars****A law that allows detention without charge or trial*

Paw U Tun, student, **Tin Aye Kyu**, poet and lawyer, and **Tin Aung** have been imprisoned since July 1989, are among the at least 19 political prisoners who are being detained without charge or trial under the State Protection Law.. They and a number of others detained under this legislation are reported to be suffering from illnesses exacerbated by their treatment in detention. (photographs copyright private)

“They extended my father’s term by another year in December last year. The first prison sentence was seven years. He had served the seven years. Then they extended it by two months three times. And now, they extended it by another year... He could say nothing. Prison officers..read out the decision to my father. He had to sign his signature to say that he knows about it.”

Son of **U Htwe Myint**, a 74 year old political activist with Parkinsons disease and heart disease, currently detained without charge or trial under the State Protection Law¹

Imagine being detained without charge, without access to lawyers or to a trial and with no way of legally appealing your detention. Unfortunately in Myanmar you do not need to use your imagination. Authorities may under the State Protection Law², detain people for up to five years without charge or trial and with no right of appeal to any judicial authority. This law allows the State Peace and Development Council to detain anyone whom they consider to endanger the state, without having to take them to court. This goes against fundamental principles of international law, including the right to liberty of the person; to freedom from arbitrary arrest; to be informed of the reasons for arrest; to the presumption of innocence, and to a fair and open trial in a court of law. As is the case with other security legislation in Myanmar, the provisions of this law do not define what constitutes a danger to the state – and thereby enable authorities to unlawfully detain and imprison people for their expression of peaceful political views.. Authorities have in the past characterized activities such as telling jokes, writing poems and histories as a threat to state security, and sentenced them under other security legislation.

¹, interviewed on opposition radio station the Democratic Voice of Burma, January 2003

² The 1975 State Protection Law, sections 10 a) and b) respectively allow authorities to detain people without charge or trial for up to five years in either a recognized place of detention or a house, renewable on a yearly basis. The only right of appeal is to the Ministry of Home Affairs. Ruling military authorities removed the right to judicial appeal from this legislation in 1991, and increased the maximum detention time from three to five years.

Prisoner of conscience **U Htwe Myint**, 74, an activist for the Democracy Party, is being held in detention under this law after the expiry of his sentence. He was originally sentenced to seven years' imprisonment for handing out leaflets in 1995, and is reportedly severely debilitated with Parkinson's disease. Other prisoners of conscience held under this law are **Paw U Tun** (pictured above) student and head of the All Burma Federation of Student Unions, who was been detained since March 1989 on account of his political leadership of the student pro-democracy movement. He was sentenced to twenty years' imprisonment, commuted to ten years, and has suffered from health problems, including a gastric ulcer and mental illness, which have possibly been exacerbated by torture during his early detention.

Many prisoners who were originally detained in 1989 during a broad crackdown on all political activists and sentenced on account of their alleged connections with the Burmese Communist Party, are currently being held under this law. They include poet and lawyer, **U Tin Aye Kyu**, also known as **Maung Hmaing Lwin**, previously imprisoned between 1976 and 1980 on account of his political activities, and **U Tin Maung** (pictured), a businessman. Both are reportedly in a poor state of health – **U Tin Aye Kyu** has a gastric ulcer, and **U Tin Maung** high blood pressure and diabetes. The General Secretary of the main opposition party in Myanmar, the National League for Democracy, **Daw Aung San Suu Kyi**, was held under house arrest this legislation between 1989 and 1995.

Amnesty International has received reports that political prisoners who have been released at the end of their prison term have been immediately rearrested under this legislation after reaching the prison door., Amnesty International has also received reports that many persons held under this legislation, often after already lengthy terms of imprisonment, have suffered mental illnesses, including depression, and lasting psychological damage.

PLEASE WRITE

- calling for authorities to immediately and unconditionally release all persons held under the 1975 State Protection Law on account of their peaceful dissent, and to either charge any other detainees held under the 1975 State Protection Law for other reason with a recognizably criminal offence and try them in a trial that matches international standards for fairness, or immediately and unconditionally release them
- urging authorities to review the 1975 State Protection Law, and revoke or amend it to respect fundamental rights and freedoms, including the right to freedom of expression, association and assembly, the right to a fair trial, the right to be presumed innocent until proven guilty.
- urging authorities not to penalize anyone for their peaceful expression of the rights to freedom of assembly, association and expression.

To:

Senior General Than Shwe
Chairman
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Ministry of Defence
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Yangon, Union of Myanmar

Faxes: + 95 1 652 624

Salutation: Dear General

General Khin Nyunt
Prime Minister
State Peace and Development Council
c/o Directorate of Defence Services
Intelligence
Ministry of Defence, Signal Pagoda road
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Yangon, Union of Myanmar

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Salutation: Dear Prime Minister

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

If you are interested in joining AI's campaign for human rights in Myanmar, please contact the AI section in your country. For more information, see our web-site at www.amnesty.org

