

PUBLIC

AI Index: ASA 16/003/2008

20 February 2008

Further Information on UA 262/07 (ASA 16/030/2007, 15 October 2007) Health concern/ Fear of torture or ill-treatment

MYANMAR

Htay Kywe (m), aged 39

Mie Mie (also known as Thin Thin Aye) (f), aged about 35

Aung Thu (m), aged about 43

Hein Htet (also known as Aung Gyi) (m), aged about 40 (note added name)

Zaw Htet Ko Ko (m), aged 27 (note added name)

And one other individual

Htay Kywe, Mie Mie, Aung Thu and Zaw Htet Ko Ko are believed to have been charged on 23 January with breaking a vaguely worded security law. They are all being held in Yangon's Insein Prison, where they risk being tortured or otherwise ill-treated. Activist Hein Htet, arrested at the same time, is also believed to be in detention. However his whereabouts and that of the sixth person arrested (the owner of the house where the activists were hiding) are unknown. Amnesty International considers them to be prisoners of conscience, held solely for exercising their right to freedom of expression and peaceful association. There are additional concerns for Mie Mie, who has been denied proper medical treatment for a heart problem.

Htay Kywe, Mie Mie, Aung Thu and Zaw Htet Ko Ko were charged with breaking Section 17/20 of Myanmar's 1962 Printers and Publishers Registration Act, which allows the prosecution of individuals who distribute any form of written material without the authorization of the official censor. The four belong to the 1988 Generation Students group, known for their role in protests against military rule 20 years ago. They are among up to 23 activists - 15 of whom are members of the 1988 Generation Students Group - who were charged with breaking the security law on or shortly after 23 January. There is no information on the details of the charges. However, at a press conference on 3 December 2007, the Director-General of Myanmar's Police Force, Khin Yi, said the 1988 Generation Students Group "was conceived on terrorism."

According to media reports, the group's lawyer has said that the activists are likely to face a secret trial soon inside Insein Prison. The lawyer may not have had an opportunity to meet his clients.

The charges against the activists came despite a statement from Khin Yi at the 3 December press conference that protesters from the September demonstrations would not be prosecuted if they had acted peacefully. He told journalists: "Only those individuals involved in arson or the possession of illegal weapons will be brought to trial." The charges against the activists are significant since they are the first to be pressed against leading activists of the 1988 Generation Students Group. The group played a prominent role in the early protest marches against state-imposed fuel price increases last August.

Many of the group's leading detained male activists, including Htay Kywe, are reportedly kept in the same cell as criminal detainees. According to international law, prisoners who have not yet been tried should be kept separate from criminal detainees.

All activists have repeatedly undergone interrogation. Prisoners are routinely tortured or ill-treated in pre-trial interrogation in Myanmar.

Hein Htet was a member of the central organising committee of the All Burma Students' Democratic Movement Organization during the pro-democracy protests in 1988. Zaw Htet Ko Ko is a young member of

the 1988 Generation Students Group. During August and September 2007, the authorities reportedly raided Zaw Htet Ko Ko's home up to five times and repeatedly threatened and harassed his family in Yangon.

BACKGROUND INFORMATION

Political activists continue to be imprisoned in Myanmar. Since 1 November 2007, at least 16 protesters and their supporters have been sentenced to prison terms. At least one of those jailed was sentenced under the 1962 Printers and Publishers Registration Act, about which Amnesty International has had long-standing concerns.

The authorities have for many years justified the imprisonment of hundreds of people on the basis that they were seeking to cause "unrest". Such arrests and sentences have been made possible by vaguely worded security laws, which allow excessively broad interpretation by the authorities of what constitutes a threat to security, and by legislation which criminalizes the circulation of any written information – whether or not it is published – without the permission of the official censor.

The 1962 Printers and Publishers Registration Act, and other similar laws which have been used to imprison many political prisoners, subject rights and freedoms to far greater restrictions than are necessary to meet requirements of national security, public order or morality.

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

- calling for the release of Htay Kywe, Mie Mie, Aung Thu, Zaw Htet Ko Ko and Hein Htet;
- stating that Amnesty International considers them to be prisoners of conscience, held solely for exercising their right to freedom of expression and peaceful association;
- calling on the authorities to disclose the whereabouts of Hein Htet and that of the owner of the house where the activists were hiding when they were arrested;
- calling on the authorities to ensure that all detainees are treated humanely, with full respect for their human rights; that no one is subject at any time to torture or other ill-treatment; and that they are held separately from criminal detainees;
- urging the authorities to immediately ensure that while in detention, all detainees are granted regular access to lawyers, families and all necessary medical treatment;
- calling on the authorities to release all those who were arrested for exercising their right to freedom of expression and assembly during the crackdown, as well as all prisoners of conscience held before the recent events;
- calling on the authorities to ensure that vaguely worded security laws are not used to prevent the peaceful expression of political opinions.

APPEALS TO:

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

Salutation: Dear General

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

Salutation: Dear Minister

and 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 2 April 2008.