



To: Health Professional Network
From: Health and Human Rights Team
Date: 10 September 2008

Health Professional Action
Doctors in poor health remain imprisoned without charge or trial
Myanmar

Prisoners of conscience Dr Than Nyein and Dr May Win Myint (f), both medical doctors and Members of Parliament-elect, have been imprisoned in Myanmar since October 1997. They are both known to be in poor health and are being denied access by the prison authorities to appropriate medical care.

Amnesty International is urging the authorities to immediately and unconditionally release Dr Than Nyein and Dr May Win Myint and to ensure they receive access to all necessary medical treatment, in line with international standards, pending their release.

Dr Than Nyein, aged 71, and Dr May Win Myint, aged 58, both senior members of the main opposition party, the National League for Democracy (NLD), completed their original seven year prison sentences in 2004. They have since been held without charge or trial after receiving repeated renewable detention orders under Section 10(a) of the State Protection Act, an administrative detention law that allows the authorities to detain without charge or trial anyone they believe may endanger the state.

The detention orders against Dr Than Nyein and Dr May Win Myint are due to expire in late 2008/early 2009. However, given the government's stance, their detention terms are very likely to be extended once again.

The poor states of health of Dr Than Nyein and Dr May Win Myint have long been a cause for concern and have been exacerbated by their prolonged imprisonment and medical neglect. Dr Than Nyein, who is currently being held in Prome prison, is reported to be suffering from a number of serious health complaints, including liver problems and swollen lymph nodes in the groin. During a medical examination earlier this year, signs of cancer were found in his liver and he was advised by a medical doctor to seek specialist medical treatment. Dr Than Nyein has been repeatedly hospitalised during his imprisonment for liver and gall bladder complaints, but the prison authorities have refused his recent request for medical treatment for his potentially life-threatening condition. Dr May Win Myint, who is held in Insein prison, is also reported to be in poor health, suffering from heart disease, hypertension, arthritis and stiffness in her shoulder.

In September 2004 Dr Than Nyein went on hunger strike to protest his continued detention. Since then he has been transferred between prisons six times, which has further adversely affected his health. Prisoners

routinely rely on family members to supply medicines and supplement their food, which is made extremely difficult when prisoners are held a long distance from their family home.

Myanmar's obligations under international law

On 6 June 2008, the Myanmar government delivered a "rebuttal statement" at the UN Human Rights Council after it received the first report from the new UN Special Rapporteur on the situation of human rights in Myanmar. In response to the Special Rapporteur's concerns over detention conditions, this "rebuttal statement" claimed that "The prisoners receive regular medical check-up by the prison doctors and when a prisoner needs a special attention of the Specialist, the prison authority arranges him/her to see the Specialist Medical Practitioners."

However, the plight of Dr Than Nyein and Dr Daw May Win Myint belies these claims. Amnesty International has recently documented other cases where prison authorities have denied medication or treatment to political prisoners. Moreover, the International Committee of the Red Cross has not been able to visit prisons in Myanmar since the end of 2005.

The Myanmar authorities have an obligation under international law to ensure access to appropriate medical care for all those detained or imprisoned. International standards provide for minimum acceptable levels of medical care for prisoners and detainees. These include the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Principle 24), which states that a "proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge." The Standard Minimum Rules for the Treatment of Prisoners (Rule 22) also stipulates that "Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals." Amnesty International is deeply concerned that the authorities are failing to adhere to these international obligations.

Background information

Almost a year after the violent crackdown on large-scale anti-government protests in Myanmar in August/September 2007, the military generals are showing no signs that they will relent in their efforts to silence all political dissent. Nearly 300 individuals have been arrested for their peaceful political activities so far in 2008.

Dr Than Nyein and Dr May Win Myint were elected in 1990 as NLD Members of Parliament in the country's former capital of Yangon. The NLD won more than 80 percent of seats in the elections but the authorities did not transfer power to them. Dr Than Nyein and Dr May Win Myint were arrested in September 1997 for arranging for the NLD leader Daw Aung San Suu Kyi to meet with party members. At the time, both held senior organizational roles in the NLD. Dr May Win Myint headed the NLD's Women's Wing and Dr Than Nyein was Deputy Chair of the Yangon Division Organizational Committee. Dr May Win Myint has worked, among other places, at a hospital for the handicapped and Dr Than Nyein has headed a private clinic and worked as a volunteer doctor for the United Nations in Sri Lanka in the 1980s.

Recommended action

Please write to the authorities below:

- explaining that you are a health professional concerned about human rights;
- expressing deep concern about the health and well-being of Dr Than Nyein and Dr May Win Myint and that the authorities have failed to provide them with the treatment they require;
- calling on the authorities to immediately and unconditionally release Dr Than Nyein and Dr May Win Myint;
- urging the authorities to ensure that Dr Than Nyein and Dr May Win Myint are granted immediate and continuing access to full medical treatment pending their release from prison;

- reminding the authorities that under international law, the Myanmar authorities must ensure access to appropriate medical care for all residents of Myanmar including those in detention;
- urging the authorities to ensure that all prison conditions and practices are brought into conformity with the UN Standard Minimum Rules for the Treatment of Prisoners and the Body of Principles for the Protection of All Persons under Any Form of Detention, including the provision of adequate food and water, sanitary facilities and medical care.

Addresses

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
Bldg. (19), Naypyitaw, Union of Myanmar
Phone: +95 67 412 335
Fax: +95 67 412 336/ +95 97 412 395
Email: mofa.aung@mptmail.net.mm
Salutation: Dear Minister

Brigadier-General Kyaw Hsan

Minister of Information
Ministry of Information
Bldg. (7), Naypyitaw, Union of Myanmar
Fax: +95 67 412 363
Email: media.moi@mptmail.net.mm
Salutation: Dear Minister

COPIES:

Please send copies to diplomatic representatives of Myanmar accredited to your country.

If you receive no reply within six weeks of sending your letter, please send a follow-up letter seeking a response. Please send copies of any letters you receive to the International Secretariat, attention of Health and Human Rights Team, 1 Easton Street, London WC1X 0DW or e-mail: health@amnesty.org