

PUBLIC

AI Index: ASA 16/006/2005

2 March 2005

UA 49/05

Fear of torture or ill-treatment/incommunicado detention

MYANMAR

**Brigadier General Yan Thein (m), Mayor of Mandalay, former Military Intelligence Service officer and regional military commander
Lieutenant Colonel Maung Pu (m), employee of Mandalay City Development Committee**

Brigadier General Yan Thein, a former officer in Myanmar's Military Intelligence Service (MIS), and Lieutenant Colonel Maung Pu were reportedly arrested by police on 9 February in the city of Mandalay in central Myanmar. They are being held incommunicado and are at risk of torture or ill-treatment.

Brigadier General Yan Thein and Lieutenant Colonel Maung Pu are believed to have been arrested in connection with ongoing action by the authorities against MIS personnel and associates of former Prime Minister Khin Nyunt.

Khin Nyunt was removed from power in October 2004, and members of his family and hundreds of his associates and MIS personnel were arrested and held incommunicado. At least 300 of his associates are currently on trial on charges of corruption in Insein Prison in the capital Yangon, and in Rakhine State, western Myanmar. They are reportedly being tried in closed trials, without access to defence lawyers. Arrests of MIS officials and associates are reportedly continuing.

Authorities in Myanmar frequently hold prisoners incommunicado and torture or ill-treat them during interrogation. At least one former MIS official has reportedly died during the recent crackdown, allegedly as a result of torture or ill-treatment. This heightens fears that other former MIS officers and associates could be tortured or ill-treated in detention.

BACKGROUND INFORMATION

Khin Nyunt and a number of his associates are believed to be held under house arrest or in Insein Prison in Yangon. Khin Nyunt was the head of the central military intelligence agency in Myanmar, which included a think-tank on government policy on a variety of topics including narcotics, foreign affairs, the position of armed opposition groups from ethnic minorities, and government corruption. The MIS monitored armed and non-armed political opposition groups and political activists and ran interrogation centres which were well-known for the widespread practise of torture and other forms of cruel, inhuman or degrading treatment. The authorities have disbanded the MIS and other related organizations, including businesses under Khin Nyunt's control, and have forced a large number of officials to retire. They have also removed his political allies from the government, including the Interior Minister Colonel Tin Hlaing and Labour Minister Tin Win.

Authorities initially stated that former Prime Minister Khin Nyunt had retired on health grounds, subsequently adding that he had been dismissed for corruption and insubordination. They also publicly stated that he had threatened the unity of the armed forces by initiating an investigation of regional military commanders. Corruption is reported to be widespread within the military in Myanmar. Amnesty International is not aware of any other current large-scale prosecution of the military on charges of corruption.

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

- expressing concern that Brigadier General Yan Thein and Lieutenant Colonel Maung Pu are being detained incommunicado and are at risk of being tortured or ill-treated in detention;

- urging the authorities to give them and all other detainees immediate access to lawyers, their families and any medical attention they may require, and to ensure that they are detained in conditions which meet international standards and are not subjected to torture or ill-treatment;
- urging the authorities to either charge them with an internationally recognizable criminal offence, and try them in open, independent, civilian courts in procedures which meet international standards of fairness or else release them immediately and unconditionally;
- urging that authorities fully and independently investigate all allegations of torture and ill-treatment of detainees arrested during the recent crackdown, which has reportedly led to at least one death of a former MIS official in detention;
- calling for the results and methods of the investigation to be made public and anyone suspected of having tortured or ill-treated to be brought to justice in accordance with international law.

APPEALS TO:

General Than Shwe
Chairman
State Peace and Development Council
Ministry of Defence
Dagon Post Office
Yangon, Myanmar

Salutation: Dear General

Lieutenant General Soe Win
Prime Minister
State Peace and Development Council
Ministry of Defence
Dagon Post Office
Yangon, Myanmar

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 13 April 2005.