

PUBLIC

AI Index: ASA 16/017/2005

30 March 2005

Further Information on UA 38/05 (ASA 16/002/2005, 16 February 2005) and follow-up (ASA 16/005/2005, 02 March 2005) - Fear of torture/ incommunicado detention

MYANMAR **Khun Htun Oo (m), chairman, Shan Nationalities League for Democracy (SNLD)**
Sai Nyunt Lwin (m), SNLD secretary, aged 54
Sai Hla Aung (m), SNLD central Committee member
Sao Kyar or Thar Oo (m), SNLD member
U Myint Than (m), member of Shan New Generation Youth political party
General Hso Ten (m), chairman, Shan State Peace Council (SSPC)
U Shwe Ohn (m), aged 82, leader, United Nationalities League for Democracy

New names: **U Tun Nyo (m), member of Shan New Generation Youth**
Nyi Moe (m), member of Shan New Generation Youth
Myo Win Tun (m), member of Shan New Generation Youth
Ba Thin (m), member of Shan New Generation Youth

Released: **Daw Cho Cho Kyaw Nyein (f), general secretary of the Anti-Fascist People's Freedom League (AFPFL) political party**
Ma Ohn Mar Kyu Kyu (f), her daughter
U Thu Wai (m), aged 73, former Chairman of the Democracy Party

Daw Cho Cho Kyaw Nyein, her daughter Ma Ohn Mar Kyu Kyu and U Thu Wai were reportedly released without charge on 4 March. They had been detained incommunicado since 7 February.

A further four members of the Shan New Generation Youth political party, named above, are now known to have been arrested at the same time as the other detainees, on 8 February.

The trial of Khun Htun Oo, Sai Nyunt Lwin and eight others, which began on 1 March, is reportedly continuing in a closed court in Insein Prison, in the capital, Yangon. The authorities have stated that the 10 are charged with treason and "creating an illegal organization". If convicted of treason, they may be sentenced to death. However, no executions are known to have been carried out in Myanmar for many years, and prisoners may remain on death row indefinitely.

The authorities have said that all 10 have been assigned defence lawyers. However, it is not clear whether these are lawyers of their own choosing: relatives of Khun Htun Oo, Major General Hso Ten, Sai Nyunt Lwin and Sai Hla Aung have hired lawyers to represent them, but the authorities are reportedly refusing to allow the lawyers access to their clients. The detainees' families are reportedly still denied access to them, and this heightens concern that they may be tortured or subjected to cruel, inhuman and degrading treatment.

U Shwe Ohn is reportedly still under house arrest and is not known to have been charged with any offence.

Under Myanmar law no one may form any association without official permission. Many people have been penalized for forming associations such as student unions without such permission.

BACKGROUND INFORMATION

Myanmar's military government has been in power since 1962. After widespread protest against one-party rule, the authorities held elections in 1990. Opposition parties won a majority of seats, but the authorities delayed the transfer of power until a new constitution had been drafted. The constitution drafting process,

which has been repeatedly delayed since a first meeting in 1993, recommenced in 2004. A meeting to draft principles for a new constitution, known as the National Convention, began on 17 February 2005. Opposition political parties including the Shan Nationalities League for Democracy (SNLD) and the National League for Democracy (NLD) have boycotted the Convention on the grounds that the authorities have restricted their political activities and imprisoned senior opposition political leaders, and that there has been a lack of democratic procedures and free speech at the Convention. In the lead-up to recent sessions of the National Convention, members and leaders of opposition parties have been followed, interrogated, and intimidated for attempting to engage in legitimate and peaceful political activities. Some have been arrested for non-violent protests, for example calling for all political prisoners to be released.

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

- welcoming the release of Daw Cho Cho Kyaw Nyein, her daughter Ma Ohn Mar Kyu Kyu, and U Thu Wai, after more than three weeks detained incommunicado;
- expressing concern that Khun Htun Oo, Sai Nyunt Lwin and others currently on trial are held incommunicado and appear to have been denied access to legal counsel of their choice;
- expressing concern at the continued detention of U Shwe Ohn and the others still in custody, and calling for them to be charged with a recognizably criminal offence or else released immediately and unconditionally;
- urging the authorities to give all the detainees immediate access to lawyers of their own choosing, their families and any medical attention they may require, and to ensure that they are held in conditions which meet international standards and are not subjected to torture or any other form of cruel, inhuman or degrading treatment;
- urging the authorities not to restrict or penalize the peaceful exercise of the right to freedom of expression and association.

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 11 May 2005.