

## Myanmar

### 13 years' imprisonment for writing a student history

*Generations of student activists imprisoned after unfair trials*



Ko Aung Htun

**Ko Aung Htun**, c. 35 years old, a former student leader, was arrested in February 1998 and is serving a sentence of 13 years' imprisonment for writing a history of 20<sup>th</sup> century student activism in Myanmar. Other former student leaders and activists, who reportedly helped write or collect information for the history, were also sentenced for their part in the preparation. **U Hla Shwe**, aged c. 60, a chicken and quail farmer, and student union leader in 1962, was sentenced to 14 years' imprisonment; **U Thar Ban**, a 62 year old lawyer and writer; to ten years' imprisonment. **Ko Khun Sai**, a teashop owner and former



Ma Su Su Win

student activist, **Dr. Maung Maung Kyaw**, a lawyer in his 70s and former student activist, and **Ma Su Su Win** (f), a student activist in her 30s were sentenced to seven years' imprisonment. They were sentenced in an unfair trial. They have all served prison sentences in the past for their peaceful political activities, and at least half of them have been tortured during this or previous prison sentences and are suffering from health problems in prison. Amnesty International considers them to be prisoners of conscience and is calling for their immediate and unconditional release.

The student history documented 90 years of the student movement in Myanmar, and ran to several volumes. Authorities characterized the writing of the student history as part of a plot to instigate unrest in the country by "*spreading rumours*". **Ko Aung Htun** and **U Hla Shwe** were mentioned in a press conference given by authorities shortly after their arrest, in which authorities stated that the history written by Aung Htun in collaboration with U Hla Shwe was "*largely exaggerated and gave biased accounts of events based on a few facts*", and that it had been illegally distributed to thirty politicians. They also stated that they had printed and distributed leaflets about the student history, without official permission. Ko Aung Htun and Ko Khun Sai were reportedly badly tortured in pre-trial detention.

Members of the group were sentenced in late April in an unfair trial, at which they were denied legal representation and which took place in a closed court. Authorities sentenced them under articles of legislation which criminalizes the distribution of written material without approval by the official censor<sup>1</sup>, and vaguely worded-security legislation<sup>2</sup>. Scores of other activists were sentenced at the trial, including **U Hla Shwe's** son, **Set Aung Naing**, who was sentenced to 14 years' imprisonment for distributing leaflets about the All Burma Federation of Student Unions (ABFSU), the main student union in the country, and others who were sentenced to death.

Amnesty International is further concerned by reports that these prisoners are in a poor state of health. **Ko Aung Htun**, a Muslim, suffers from asthma and **Dr. Maung Maung Kyaw** reportedly has stomach and other health problems. During one of his three previous periods of imprisonment, **U Hla Shwe** was reportedly also beaten very badly during and has chronic health problems as a result. **U Thar Ban** is reported to have had problems with his vision, and to have had dysentery. **Ko Khun Sai** was tortured during the suppression of a hunger strike in the main political prison in Myanmar, Insein, in 1990.

<sup>1</sup> 1962 Printers and Publishers Registration Law, which allows authorities to imprison people who print or distribute printed material without official approval

<sup>2</sup> 1950 Emergency Provisions Act, which has been used to penalize people many forms of peaceful dissent, including telling jokes, speaking to journalists and holding peaceful demonstrations.

All members of the group have been leading student or political activists at different points in Myanmar's recent history. **Dr. Maung Maung Kyaw**, who is believed to be in his 70s, was a student activist at the time Myanmar won its independence from Britain. He was a well-known student leader during the early years of Myanmar's independence, and is considered to be one of the country's political veterans. **U Hla Shwe** was a central executive committee of the ABFSU in 1962, and **Ko Khun Sai**, was imprisoned in 1976 on account of his work for student rights. All were involved in political activities at the time of mass demonstrations against one party rule in 1988, which were suppressed by the authorities with the loss of thousands of lives. **Ko Aung Htun** was a Central Executive Committee member of the ABFSU which played a leading role in demonstrations against one party rule in Myanmar in 1988. Both U Thar Ban and U Hla Shwe took part in the reformation of the ABFSU in 1988, and U Hla Shwe was among the politicians who was allegedly involved in the Burmese Communist Party.

Military authorities subsequently allowed the registration of political parties in 1989 and elections in 1990, but did not recognize the result of elections, at which the National League for Democracy (NLD) won more than 80 % of seats. Many of the activists involved in demonstrations or opposition political parties were imprisoned. **Ko Aung Htun** was imprisoned between 1990 and 1995, **U Thar Ban**, who was released from prison in 1995, had taken part in the reformation of the ABFSU in 1988, as had **U Hla Shwe**, who was imprisoned three times in the 1980s under suspicion of being a member of the Burmese Communist Party. **Dr. Maung Maung Kyaw** was reportedly imprisoned between 1989 and 1992.

The history compiled by Ko Aung Htun provided information about student political prisoners. Many of those alleged to have assisted Aung Htun with his history became acquainted with one another while serving prison sentences for their political activities. Students have historically been at the forefront of movement for political change in the country, including in the campaign for independence from the United Kingdom, and in demonstrations against one party rule in 1988. Student union movements have repeatedly been suppressed. Authorities have in recent years responded to demonstrations calling for the right to form student unions and the reopening of universities by arresting and sentencing hundreds of peaceful student activists. There are currently at least two hundred students or former student activists detained in the country, including individuals serving sentences of up to 52 years on account of their peaceful political activities. The figure includes students who were sentenced by military tribunals between 1989 and 1992, who are being held under laws that allow authorities to hold people without charge or trial, and individuals whom authorities have alleged have incited violence. Many have been held under suspicion of involvement or contact with members of the armed opposition in the country.

Amnesty International is concerned not only by the imprisonment of those imprisoned on account of their peaceful political activities, but also by the fact that they and those alleged to have carried out and incited violence have been sentenced in unfair trials. Political prisoners are habitually denied the right to legal counsel, or to have time to prepare their defence or to be apprised of the charges against them before trial. Authorities often give press conferences after arrests of large numbers of people, in which they compromise the right to be presumed innocent unless proven guilty by categorically stating that suspects have been involved in criminal actions before they are tried. Amnesty International is calling on authorities to release all political prisoners who have been sentenced on account of their peaceful exercise of the right to freedom of expression, association and assembly, who should never have been imprisoned. On the basis that political prisoners have received unfair trials, it is also calling on the SPDC to ensure that the judiciary independently review the convictions of political prisoners who are alleged to have carried out violent acts, and to ensure that anyone who has not received a fair trial is either retried in accordance with international standards for fair trial, or is released.

## PLEASE WRITE

- expressing concern at the detention of Ko Aung Htun, Ko Khun Sai U Thar Ban, Maung Maung Kyaw, U Hla Shwe and Ma Su Su Win on account of their involvement in the preparation of a student history
- calling on authorities to immediately and unconditionally release them and all other prisoners of conscience;
- urging that pending their release they are provided with appropriate medical care, and are held in conditions that meet international standards, including with access to reading and writing materials, and contact with the outside world ;
- urging authorities to review the legislation penalizing freedom of expression, the 1962 Press and Publication Law and the 1950 Emergency Provisions Act , under which they were sentenced and to revoke or amend it to make them conform to international standards;
- expressing concern that they and other political prisoners have received unfair trials, and calling on authorities to allow the judiciary to review sentences of all political prisoners who are not prisoners of conscience, and to retry any who are found to have had an unfair trial in a trial that matches international standards for fairness, or release them.

### To:

Senior General Than Shwe  
Chairman  
State Peace and Development Council  
Ministry of Defence  
Dagon Post Office  
Yangon, Union of Myanmar  
Faxes: + 95 1 652 624  
Salutation: Dear General

General Khin Nyunt  
Prime Minister  
State Peace and Development Council  
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***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](http://www.amnesty.org)***

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