

# MYANMAR

## UPDATE ON POLITICAL ARRESTS AND TRIALS

### INTRODUCTION

Arrests of individuals who oppose the policies and practices of the military government continue throughout Myanmar. At the time of writing Amnesty International has information about the detention of 58 people who were either arrested in the massive crackdown on the National League for Democracy (NLD, co-founded by Daw Aung San Suu Kyi) in late May and early June 1996 or who have been arrested subsequently<sup>1</sup>. Most are NLD members or leaders apparently detained for the peaceful expression of their political views. These arrests are part of an increasing pattern of repression by the State Law and Order Restoration Council (SLORC, Myanmar's military authorities) of the NLD's activities. People have been arrested for gathering peacefully; possessing opposition materials from Burmese expatriate opposition groups; refusing to resign from the NLD under SLORC pressure; and even for making a videotape about the poor rice harvest in Myanmar. Although the NLD has repeatedly called for dialogue with the SLORC, the military government continues to refuse to meet with party leaders. Amnesty International is concerned by the SLORC's oppression of all peaceful political opposition activists, whom they characterize as "destructionists" who are "relying on external forces".

In August 1996 the government sentenced 31 political activists to long terms of imprisonment in trials which fell far short of international standards. Political prisoners are almost never allowed legal representation, and trials are generally held *in camera*; that is, no one is allowed to attend political trials. Trials of political detainees are generally concluded in a few sessions over a brief period of time. The authorities use the sweeping and vaguely-worded provisions of several laws, including the 1950 Emergency Provisions Act, to sentence people for their peaceful opposition activities. Amnesty International believes that no political prisoner receives a fair trial in Myanmar.

Amnesty International estimates that there are approximately 1,000 political prisoners in Myanmar, dozens of whom are prisoners of conscience, held solely for their peaceful political opposition activities. Hundreds of others are possible prisoners of conscience, but in the face of insufficient information Amnesty International is not able to determine whether they were arrested solely for their non-violent activities. Political prisoners are believed to be held in 10 prisons throughout the country. These are: **Hinthada (Henzada)** and **Patheingyi (Bassein)** in Ayeyarwady (Irrawaddy) Division; **Myittha**, Kachin State; **Mandalay**, in Mandalay Division; **Pyaw (Prome)**, **Thayawaddy**, **Thayet**, and **Toungoo**, Bago (Pegu) Division; **Insein**, Yangon (Rangoon) Division; and **Monywa** in Sagaing Division.

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<sup>1</sup>For a discussion of the SLORC's repression of the NLD in May and June 1996, please refer to *MYANMAR: Renewed repression*, July 1996, (AI Index ASA 16/30/96).

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## BACKGROUND

The months of July and August mark the anniversaries of significant political events in Myanmar, which in the past have been commemorated by demonstrations and statements by students and political parties. Key dates include the bombing of the Student Union building on the University of Yangon campus on 7 July 1962 by the military; Martyrs' Day on 19 July, the anniversary of General Aung San's assassination in 1947<sup>2</sup>; and 8 August, which marks the massacre by the military of hundreds of pro-democracy demonstrators in 1988. These three anniversaries passed largely without incident this year, although there appears to have been some student activity on 8 August, which resulted in the subsequent arrest of at least seven young people.

In July 1996, during its annual ministerial meeting in Jakarta, Indonesia, the Association of Southeast Asian Nations (ASEAN) granted the government of Myanmar observer status, amid wide speculation that it would become a full ASEAN member by the end of the century. After the meeting Foreign Minister U Ohn Gyaw spoke during a news conference in Yangon about his comments to the ASEAN Regional Forum (ARF, a group of ASEAN countries and their dialogue partners). He addressed among other issues dialogue between the SLORC and the NLD; "detainees"; and the national convention<sup>3</sup>:

*"In a response to the Western nations' stance, he explained that the term dialogue was used only about a year ago and that the issue of dialogue came into vogue after the 10th July 1995 [date of Aung San Suu Kyi's release]. He said we have actually been engaged in dialogue since 1993 by holding the National Convention. . . Continuing, [he]. . . explained that there are no political detainees and that any person who violates the law would be punished in accordance with the laws inherited from the British. . ."*<sup>4</sup>

During a recent interview U Ohn Gyaw stated with regards to Daw Aung San Suu Kyi and the NLD: *"If anybody is drafting the constitution in parallel with the National Convention, then there will be action."*<sup>5</sup> He was referring to Law No. 5/96, promulgated on 7 June, the provisions of which allow for long terms of imprisonment for anyone who drafts a constitution or interferes with

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<sup>2</sup>Daw Aung San Suu Kyi is the daughter of General Aung San, Myanmar's independence leader.

<sup>3</sup>The National Convention, convened in January 1993 by the SLORC, is drafting principles for a new constitution. The Convention is controlled by the SLORC, who have ensured that their ideas for the future of Myanmar, including a large political role for the military, have been enshrined in these principles.

<sup>4</sup>TV Myanmar, Rangoon, in Burmese, 1 August 1996 as translated in Summary of World Broadcasts, British Broadcasting Corporation (BBC).

<sup>5</sup> *The Far Eastern Economic Review*, August 15, 1996.

the National Convention. At the NLD meeting which took place in late May the NLD announced that it would draft a new constitution.

According to opposition sources, shortly after the May crackdown, the SLORC began to put pressure on NLD members of parliament-elect to resign from their positions as MPs-elect and from the party itself. Military Intelligence personnel have reportedly threatened and harassed MPs-elect, telling them that they and their families would lose their jobs if they did not resign. At the time of writing 20 NLD MPs-elect have resigned. The SLORC has also increasingly published personal attacks against Daw Aung San Suu Kyi and other senior NLD leaders in the official media. On 18 August an article in a government-controlled newspaper called for legal action to be taken against her and her colleagues.

On the following weekend after her weekly speech to crowds gathered outside her home Daw Aung San Suu Kyi told reporters: "*Our people are arrested, threatened and intimidated. . . This is absolutely not necessary.*"<sup>6</sup> At a press conference on 31 August, Daw Aung San Suu Kyi was reported to have said that NLD members are arrested at night, denied access to lawyers, and tried *in camera*. She declared, "*All this is contrary to due process*", calling the trials "*disgraceful*." She also said that although the NLD has filed appeals on behalf of those members who have been sentenced, they have found the appeal process to be ineffective.<sup>7</sup>

This report provides updated information about political arrests and trials which have occurred after the late May crackdown by the SLORC on the activities of the NLD. At that time the SLORC arrested over 300 NLD members of parliament-elect and activists, most of whom were released a few days after their arrest. This report also provides information about two deaths in custody of political prisoners in June and August 1996.

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<sup>6</sup> *Associated Press*, 24 August 1996.

<sup>7</sup> *Agence France Presse*, 31 August 1996.

## POLITICAL TRIALS

During the month of August trials took place of 31 political activists who had been arrested in the May crackdown and in the following three months. On 15 August **U Win Htein, U Po Aye, Maung Thein Lin, U Kan Shein, and U Hla Tun Aung** were sentenced at the Insein Township Court to seven years' imprisonment under Section 5j of the 1950 Emergency Provisions Act, which states that "*he who causes or intends to disrupt the morality or the behaviour of a group of people or the general public, or to disrupt the security or the reconstruction of stability of the Union;*" will receive a seven year prison sentence or a fine, or both. In a letter to the 25 August edition of the English language daily newspaper *The Nation*, published in Thailand, the Embassy of the Union of Myanmar set out the details of the case:

*"Under the instruction of Win Htein some NLD members, former members and locals were sent out to collect information on agricultural development in various parts of the country. Among those sent out to collect information, Po Aye and Htein Lin from Hlaing Tharyar township in Rangoon concocted with Win Htein and deliberately sent false data and information through Win Htein to Ms. Suu Kyi. . . Similarly, Hla Tun Aung and Kan Shein from Hintada township recorded with a video camera some few plots where summer paddy was not growing well. This was done with the intention of showing the recorded tape to Ms. Suu Kyi and the NLD central executive committee and later to be sent to the UN Human Rights Commission so that they can trick the UNCHR into believing that the farmers are forced to work in a project which was a total failure. "*

According to the government's letter, the court found the group guilty of "*spreading false information to destabilise the existing peace and tranquillity in the country*". Opposition sources reported that an NLD lawyer defending U Win Htein and the other four men was allowed to cross-examine some but not all of the witnesses during the trial. However U Win Htein was not allowed to meet with his lawyer privately. The trial was said to be held *in camera* in three sessions on 7, 14, and 15 August. Amnesty International believes that all five men should never have been arrested and tried in the first place, but is nevertheless disturbed that their trials did not appear to meet international fair trial standards.

U Win Htein, the NLD spokesperson and a former army officer, was arrested on 22 May. He had formerly been imprisoned and adopted as a prisoner of conscience from July 1989 until February 1995. He is reportedly suffering from spondylitis, an inflammation of the vertebrae. U Po Aye, NLD member and his son Maung Thein Lin, NLD youth activist were taken from their home in Yangon by officials on the evening of 23 May. U Kan Shein is a rice farmer from the Ayeyarwady Division who was filmed by U Hla Tun Aung giving information about the poor rice harvest. The dates of their arrests are unknown. Amnesty International considers all five men to be prisoners of conscience, imprisoned solely for peacefully exercising their rights to freedom of expression.

**Dr. Hlaing Myint, U Kyaw Khin, and Maung Maung Wan** were sentenced to a total of 10 years' imprisonment. They received seven year sentences under Section 5j of the 1950 Emergency Provisions Act on 15 August and additional three year sentences under the 1985 TV and

Video Act. According to unofficial sources, they were accused of “*fomenting unrest among students*”. The 25 August statement from the Myanmar Embassy in Thailand in *The Nation* alleged:

*“In order to agitate and incite civil unrest through students and youth, Hlaing Myint (Billy McKenzie) attempted forming illegal youth organisations through monetary funding, distribution of anti-government papers and videotapes. . . Hlaing Myint contacted Kyaw Khin (NLD, Taungyi) to obtain recorded video tapes with anti-government messages broadcast by foreign TV stations. . . Hlaing Myint, Kyaw Khin and Maung Maung Wan were put on trial and the Insein Township Court found them guilty of breaching the 1985 Television and Video Law Act (40) and they were sentenced to three years’ imprisonment and another seven years of imprisonment. ”*

Further details about their trial are not known. Maung Maung Wan, a student, was arrested on 13 August. U Kyaw Khin, an MP-elect from Taungyi, Shan State, was arrested on 3 June. Dr. Hlaing Myint, an NLD member and businessman from Yangon, was arrested on 24 May during the height of the crackdown. Amnesty International considers all three men to be possible prisoners of conscience, and is seeking further information about their case.

**Maung San Hlaing**, also known as Tin Hlaing or Evak, a 27-year-old Muslim bodyguard for Daw Aung San Suu Kyi, was arrested on 13 June. He was sentenced to seven years’ imprisonment under section 5e of the 1950 Emergency Provisions Act reportedly on 26 August. Section 5e states: “*He who. . . causes or intends to spread false news, knowing beforehand that it is untrue. . . such a person shall be sentenced to seven years in prison, fine or both. ”* According to the 27 August English language edition of the official newspaper, *The New Light of Myanmar*, he had been instructed by U Win Htein to meet with three foreign journalists on 9 April 1996 and had then provided them with information about the military’s use of torture against political prisoners. The SLORC characterized this as giving “*concocted news*”.<sup>8</sup> Amnesty International considers Maung San Hlaing to be a prisoner of conscience, imprisoned solely for peacefully expressing his views and providing information about human rights violations to the media.

According to unofficial sources, U Win Htein was sentenced to an additional seven years’ imprisonment under section 5e of the 1950 Emergency Provisions Act at the same trial as Maung San Hlaing’s on 26 August. Reports indicate that he had served as a translator for Maung San Hlaing during the interview with foreign journalists. The trial of U Win Htein and Maung San Hlaing reportedly took place in three sessions, and neither man was allowed to be represented by a lawyer. In August 1996 U Win Htein was sentenced at two separate trials to a total of 14 years’ imprisonment.

**U Kaythara, U Khin Soe, and Daw Aye Aye Win** (f), all Yangon-based NLD sympathizers, reportedly received seven year sentences on 15 August 1996 in what appear to be separate cases. Further details about the charges brought against them and their trials are not

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<sup>8</sup>*New Light of Myanmar*, 22 August 1996 English language edition.

known. U Kaythara, a Buddhist monk also known as U Kyaw, was arrested in late May 1996, reportedly for putting up a poster calling for dialogue between the SLORC and the NLD in front of Sule Pagoda in Yangon. At the time of his arrest security officials confiscated his monk's robes, a common practice when monks are arrested in Myanmar.<sup>9</sup> He frequently attended the weekend gatherings held in front of Daw Aung San Suu Kyi's home, where she and other NLD leaders speak and answer questions from thousands of people who attend. According to unofficial sources, U Kaythara was told by his lawyer to plead not guilty to the charges brought against him, but he refused, stating that he was indeed guilty of standing up for his rights. Amnesty International believes that U Kaythara is a prisoner of conscience, imprisoned solely for peacefully exercising his right to freedom of association.

On the evening of 30 June Daw Aye Aye Win was arrested at her home in Tharketa, east of Yangon. At the time of her arrest officials searched her house and confiscated 40 audio cassette tapes of Daw Aung San Suu Kyi's speeches and NLD papers. Amnesty International believes that Daw Aye Aye Win is a prisoner of conscience, imprisoned solely for possessing materials from the NLD, a political party whose stance has been consistently non-violent. Amnesty International has no further information about U Khin Soe, but believes that he may be a prisoner of conscience.

In the largest trial to date, 19 people were sentenced on 20 August to seven years' imprisonment under Section 122/2 of the Myanmar Penal Code, which states:

*"(2) Whoever, being a citizen of the Union of Burma or ordinarily resident within the Union, commits High Treason outside the Union shall be punished with death."*

The following people have been sentenced under this provision: **U Do Htaung, Khun Myint Tun, Khin Maung Thaug, Kyaw Htwe, Kyi Aung, Tin Maung Aye, Kyaw Thaug, Aung Kyi, U Pwa, Hla Soe, Tin Hlaing, Khin Maung Myint, Dr. Khin Mar Kyi (f), Daw Khin Soe Win (f), U Sein Myint, U Than Htike, Pongyi Soe**, a monk, one other unnamed monk, and an unnamed NLD Mandalay treasurer from the Chin ethnic minority. The trial took place in Mandalay, Upper Myanmar, where the 19 are now imprisoned. According to the official press, the group, led by U Do Htaung and Khun Myint Htun, both elected NLD MP's, had been working with another NLD MP-elect, Tint Swe. Tint Swe had fled to India in the aftermath of the May 1990 elections, when scores of NLD MPs-elect were arrested. The official press stated:

*"An expatriate group of the [NLD] based in India led by Dr. Tint Swe is reported to have planned simultaneously inside and outside the country to destabilise the nation and incite riots after contacting some persons of the [NLD] at home. . . It is also reported to have maintained contacts to make trainees inside the country attend political opposition course [sic] to be conducted at its place, distributed pamphlets in order to mislead the people over the constructive endeavours of the [SLORC]"*

<sup>9</sup>Monks were at the forefront of the 1988 pro-democracy movement. In 1990 the SLORC arrested scores of monks who had participated in a boycott of the military; many are still believed to remain imprisoned.

*and the National Convention, and made arrangements to open an illegal secret branch of the expatriate group in Monywa.* <sup>10</sup>

The SLORC Information Committee provided further details about the case at a 2 September press conference. The Information Committee alleged that the NLD was involved in distributing antigovernment literature produced abroad, and named several of the 19 people involved. The literature apparently described a “*strategic plan*”, which included two possible actions: one to convene parliament and the other to form an interim coalition government. The SLORC also accused United States citizens of attempting to undermine stability in Myanmar by conducting political resistance workshops attended by expatriate opposition groups. The Information Committee concluded by stating:

*“It is found that the NLD - the legally standing political party inside the country - led by Daw Suu Kyi is collaborating with them after shamelessly and blatantly establishing contact with them.”*<sup>11</sup>

In early June reports emerged of arrests of 14 of the 19 people in Upper Myanmar including Mandalay and Sagaing Divisions. U Do Htaung, an MP-elect from Kalay, Sagaing Division, was believed to have been arrested sometime during the month of June. At the time of his arrest he was accused of having links with armed insurgent groups. On 5 June U Khin Maung Thaung, a Mandalay Division NLD leader, U Tin Maung Aye, a merchant from Mandalay, and U Kyaw Htwe, an engineer and teacher, were all taken to a court hearing, and were due to appear in court again on 19 June. According to unofficial sources, they were arrested for possessing a written critique of the National Convention by the Burma Lawyer’s Council, which is an expatriate opposition group. The dates of their arrests are not known. U Than Htike, an NLD member from Mandalay, was arrested on 19 June.

Another group from Upper Burma was arrested around the same time on similar grounds. U Kyi Aung, an engineer from Sagaing Division, U Kyaw Thaung, an NLD Sagaing Division leader, U Aung Kyi and U Pwa, both engineers from the town of Mandalay, were taken to a court hearing on 10 June and were scheduled to face another hearing on 19 June. U Pwa is believed to be associated with the Pantaya Dance School, which is a well-known traditional Burmese dance academy in Mandalay. The three men are believed to have been arrested in May or June. They were apparently arrested for possessing political letters and material from illegal organizations. U Hla Soe, an NLD member, was arrested on 13 June. Four people from Monywa, Sagaing Division, Upper Myanmar were arrested beginning on 4 June 1996. They are: U Tin Hlaing, U Khin Maung Myint, U Sein Myint and Dr. Khin Mar Kyi (f). Amnesty International has no information about the arrests of Daw Khin Soe Win (f), the two monks and the unnamed NLD Mandalay treasurer. Khun Myint Htun is an MP-elect from Thaton II, Mon State.

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<sup>10</sup> *New Light of Myanmar*, 22 August 1996 as quoted in the *Myanmar News Bulletin*, Embassy of the Union of Myanmar, Paris, France, 23 August 1996.

<sup>11</sup> TV Myanmar, Yangon, in Burmese, 2 September 1996 as translated in *Summary of World Broadcasts*, British Broadcasting Corporation.

Although there is no further information about their trials, Amnesty International believes that it is highly unlikely that they have received a fair trial, and is seeking further information about the case. Based on information received about trial procedures in Myanmar since the SLORC seized power in 1988, trials of political prisoners fall far short of international standards. Trials have generally been held *in camera*, political detainees are almost never allowed access to lawyers, and the judiciary is not believed to be independent from the military authorities. The organization believes that the 19 people may be prisoners of conscience, and is calling on the authorities to review the charges brought against them.

## ARRESTS AND CONTINUED DETENTION

At least 28 people who were either arrested in May 1996 or in the following three months are believed to remain in untried detention. **U Aye Win**, Daw Aung San Suu Kyi's cousin and assistant, was arrested on 22 May and remains in detention. He was believed to have been suffering from a heart problem at the time of his arrest, and it is not known whether he is receiving proper medical care while in prison. **U Moe Thu**, a journalist and former prisoner of conscience is also still held. He is an editor of *Da Na*, or the *Economy*, a business magazine which had reportedly published articles critical of the SLORC's economic policies. **U Thein Tin**, an NLD member from South Okkalappa township, Yangon, also remains in detention at Insein Prison.

Although the vast majority of NLD members of parliament-elect arrested during the mass sweep of NLD activists in late May have been released, at the time of writing seven MPs are in detention. They are: **Dr. Aye San**, from Kyaikhto 2 constituency, Mon State; **U Soe Thein**, from Waw, Sagaing Division; **U Kyaw Min**, from Patheingyi, Ayeyarwady Division, **U Chit Htwe**, from Magwe Division; **Dr. Aung Khin Sint**, from Mingala-Taungnyunt I, Yangon Division, **U Hla Myint**, from Maubin, Ayeyarwady Division, and **Dr. Myo Nyunt**, from Dedaye I township, Ayeyarwady Division.

U Soe Thein was arrested on 21 May 1996. He and U Kyaw Min are reportedly held under provisions of the 1975 State Protection Law, which state:

*“ If there is reason to believe that a citizen will do, is doing or has done an act which endangers the peace of most citizens or the security of the state and the sovereignty of the state, the Cabinet of Ministers is able to order the limitation as necessary of a basic right of this citizen. ”*

Section 10(a) allows for the detention without trial for prolonged periods of anyone who “endangers the peace of most citizens. . .”. Daw Aung San Suu Kyi was detained for almost six years under the provisions of this law. Amnesty International is concerned that the sweeping and vaguely-worded provisions of the State Protection Law are being used to detain U Soe Thein and U Kyaw Min for peacefully exercising their rights to freedom of expression. Amnesty International is also concerned by reports that U Kyaw Min has been held in incommunicado detention since his arrest on 21 May 1996.

U Chit Htwe was arrested on 2 July by the police and reportedly charged under provisions of Section 6(1) of the Public Property Protection Law. He was believed to have been accused of



stealing Burma Socialist Programme Party documents (BSPP, the military-controlled political party in power before the 1988 pro-democracy movement). Military Intelligence officials had apparently put pressure on him to resign from the NLD, and when he refused, they charged him under the above provisions. Two other people were arrested in the same case: **U Nay Lin**, an NLD member, and **U Myo Myint Zaw**, a primary school teacher, both from Magwe, arrested on 2 July and charged under the same law. Amnesty International believes that these three men may be prisoners of conscience and is seeking further information about their cases.

Dr. Aung Khin Sint was re-arrested on 22 or 23 July. He had been arrested previously along with scores of other NLD MPs-elect in late May. After his release he resigned from the NLD; nevertheless he was taken from his home and is being held at an unknown location. Amnesty International considers him to be a prisoner of conscience. He was formerly a prisoner of conscience from 1993 to 1995.

Dr. Myo Nyunt was believed to have been arrested on 24 July. According to the 14 July edition of the government-controlled newspaper *The New Light of Myanmar*, he had been charged under Section 18/19 of the National Drugs Law on 26 June and accused of the illegal manufacture of pharmaceuticals. He had remained in Daw Aung San Suu Kyi's compound after the May NLD meeting, and had left the compound during the last week in July. When he returned home, he was taken by a combined force of police and Military Intelligence to Insein Prison. Amnesty International believes that the real reason for his arrest may have been his political views, and considers him to be a possible prisoner of conscience.

Unofficial sources have also reported that several people have been arrested solely for attending the NLD weekend gatherings. **Daw Thein Kywe** (f), was arrested on 12 August, probably because of her regular attendance at the gatherings. She was taken from her home in Yangon at 11pm. At that time officials took from her house two audio tapes of Daw Aung San Suu Kyi's speeches and her hat, known as a "Kamaw", which is the 1990 NLD election symbol. Amnesty International believes that Daw Thein Kyew was arrested solely for exercising her right to freedom of association, and considers her to be a prisoner of conscience.

Other NLD members have been reported as detained, although details about their cases are unknown. **U Tin Hlaing**, an NLD member from Yangon, was arrested on 14 June reportedly for "*spreading disinformation*", although it is not known if he has been officially charged. **U Maung Gyi**, an NLD member from Mandalay, was arrested on 18 June. **U Nyunt Tin**, a businessman from Monywa, Sagaing Division were reportedly arrested in June. **U Ba Min**, NLD township secretary from Kalay, Sagaing Division and **Soe Thein**, the NLD treasurer from Kalay were reportedly arrested on 12 June and moved to Mandalay on 19 June. Amnesty International has no further information about these five individuals, but believes that they may be prisoners of conscience.

Students have also been arrested in the aftermath of the mass arrests of May 1996. **Kyaw Htwe** and **Ya Zar** were arrested on 8 July in front of Thakin Lwin's house, a senior politician, in Yangon after Daw Aung San Suu Kyi had gone to visit him. A crowd had reportedly gathered, and after she left, the two students shouted, "Long live Aung San Suu Kyi!", after which time they were promptly arrested. Kyaw Htwe was believed to have been subsequently tried and sentenced, but

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there is no further information about his case. Amnesty International believes that Kyaw Htwe is a prisoner of conscience, arrested solely for peacefully exercising his rights to freedom of expression and assembly. Ya Zar was subsequently released on an unknown date, and was reportedly instructed by the authorities at that time not to leave Dagon township, his home in Yangon.

Other students were arrested in August, probably for activities relating to the commemoration of the 8 August 1988 anniversary, when troops killed hundreds of Burmese citizens in the streets during massive pro-democracy demonstrations. **Thet Thet Aung, Min Min, and Kyaw Swa** were arrested on 8 August 1996 in Wakhema, Ayeyarwady Division, their home. The next day they were transferred to a prison in Yangon. It is believed that their arrest may have been related to activities they were involved in to commemorate the eighth anniversary of the massacre. Five other students **Ko Ye Tun, Ko Than Oo, Ko Lwin Aung, Ko Myo Thant, Ko Htay Hlaing** were arrested in August in Yangon. They were believed to have been planning a meeting of 27 or 28 student groups on 8 August 1996 in order to discuss eight topics: world affairs and the United Nations; students; ASEAN; workers and farmers; ethnic minority issues; political conditions; social conditions and economic conditions. They had reportedly distributed the letter setting out these topics to politicians, including the NLD. All of them were arrested on 9 August, with the exception of Ko Htay Hlaing, who was arrested on 12 August. Amnesty International believes that all of the students mentioned above may be prisoners of conscience, and is seeking further information about their cases.

## DEATHS IN CUSTODY

At least 18 political prisoners have died in custody since 1988, some as a direct result of torture, others from lack of medical attention. Two political prisoners have died in custody in June and August 1996. Amnesty International is concerned that, although both political prisoners died from natural causes, their deaths may have been preventable. Medical care for political prisoners in Myanmar is inadequate. Prison conditions for political prisoners often constitute cruel, inhuman and degrading treatment. As a result, medical problems can be caused or exacerbated by such treatment, which includes being held in tiny cells that were built to house military dogs, lack of adequate food, severe overcrowding, and lack of proper sanitation facilities.

**James Leander Nichols**, a Myanmar national of European and Burmese descent, died on 22 June 1996, two months after his arrest. Leo Nichols, as he was known, was 65 years old and suffered from diabetes, hypertension, and heart problems. A businessman, he had served as a former honorary consul in Myanmar for Norway, Denmark, Finland, and Switzerland. He was a close friend of Daw Aung San Suu Kyi, although he was not an NLD activist. He raised and donated money to a number of charities and is reported to have paid for a number of material items in Daw Aung San Suu Kyi's household. He was arrested on 5 April 1996 and charged with operating unregistered telephone and facsimile lines from his home. In May he was sentenced to three years' imprisonment under Section 6(1) of the Burma Wireless Act of 1933.<sup>12</sup> However his imprisonment appears to have been politically motivated.

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<sup>12</sup> The English edition of *New Light of Myanmar*, an official newspaper, published on 9 July 1996 as quoted in Foreign Broadcast Information Service (FBIS).

An autopsy was reportedly performed by government doctors which is said to have found that Leo Nichols was suffering from a massive left coronary atherosclerosis and died of heart failure. His funeral was held the day after his death at Yangon General Hospital, where the military authorities claim he was taken after having been found unconscious in his prison cell at Insein Jail.

Amnesty International is seeking clarification from the authorities about whether Leo Nichols was receiving routine medication and medical attention while he was imprisoned and remains concerned that Leo Nichols' death may have been preventable. In addition to wishing to clarify what medical care he received in prison, it is also concerned by reports that he was subjected to sleep deprivation for four nights some 10 days prior to his death. Amnesty International is seriously concerned by these reports, given his history of medical problems which were known to the authorities and to the prison administration. Amnesty International is renewing its calls to the authorities in Myanmar to provide a detailed explanation of how Leo Nichols was treated in prison, what medical attention he received, and whether - in the opinion of doctors - his death could have been prevented.

**U Hla Than**, an NLD MP-elect from Coco Islands, died in Yangon General Hospital on 2 August 1996 after having been transferred from Insein Jail, where he was serving a 17 year prison sentence. He was 52 years old. According to opposition sources, his official death certificate stated that he died from pulmonary tuberculosis and had tested positive for the Human Immune Deficiency Virus (HIV). Opposition sources have also reported that the incidence of HIV is high in Insein Prison, because proper medical procedures are not followed when giving intravenous injections. Needles used to give injections are often re-used without any sterilization process. Amnesty International is concerned that because medical care is so inadequate in Myanmar's prisons, U Hla Than may not have been receiving proper medical treatment. Further details about his illness and medical care while imprisoned are not known.

U Hla Than had been arrested in October 1990 after the NLD May 1990 election victory, when scores of NLD MPs-elect were arrested. He had served in the navy and after he retired in 1977 he received a law degree from the University of Yangon. He was active in the 1988 pro-democracy movement. In November 1995 he and a group of 28 other political prisoners in Insein Jail were placed in tiny cells meant to house military dogs and were deprived of family visits.

He was sentenced with a group of 20 others on 28 March 1996 to an additional seven year sentence, apparently because the group had attempted to pass on materials about prison conditions at Insein Jail to the United Nations.<sup>13</sup> Opposition sources reported that U Hla Than had asked to be allowed to die at home, but the military authorities had denied the request unless he resigned from the NLD. He refused to do so, and was then taken to Yangon General Hospital. Amnesty International is concerned that U Hla Than was subjected to cruel, inhuman and degrading treatment which may have contributed to his death. The organization is calling on the authorities to provide a full account of his death.

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<sup>13</sup>For a full discussion of this incident, please refer to *MYANMAR: Renewed repression*, July 1996, (AI Index ASA 16/30/96).

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## CONCLUSION

The human rights situation has deteriorated sharply in Myanmar in the last four months. Amnesty International is gravely concerned by the latest developments in the country, which include widespread arrests and sentencing of prisoners of conscience. This increase in political imprisonment constitutes the largest wave of repression of peaceful political opposition activities since the mass detentions and political trials of 1990 and 1991. As the Myanmar Government seeks increased acceptance in the region and internationally, Amnesty International urges governments worldwide to maintain pressure for improvements in the human rights situation in Myanmar.