2. Arbitrary Detention and Enforced or Involuntary Disappearances

2.1 Background

The SLORC continues to severely restrict freedom of the press, assembly, and association and maintains a general atmosphere of fear and intimidation. In fact, during 1996, the SLORC launched an even more aggressive campaign against political dissidents. Indeed, political arrests have been on the rise since November 1995 when the opposition party, the National League for Democracy (NLD), withdrew from the National Convention. In the third week of May 1996, the SLORC authorities arrested more than 300 NLD members -- among them 273 NLD Members of Parliament-elect, most of whom won seats in the 1990 general elections -- following an announcement by the NLD that it would hold a weekend meeting to commemorate the sixth anniversary of their election victory. The May arrests marked the largest-scale arrests to take place in Burma since the mass detentions of NLD members in 1990; the mass arrests were seen as a blatant attempt by the SLORC to prevent the NLD meeting from occurring. Despite the release of most of the detainees, about 31 are still in prison. Among those arrested were Daw Aung San Suu Kyi's body guard, Maung San Hlaing, and NLD spokesman U Win Htein. In general, diplomats estimate that there are at least one to two thousand political dissidents in jail.

2.1.1. Illegal Arrests and Detention of NLD Members

The SLORC continues to rule with an iron fist; little to no evidence is necessary to subject students, monks, NLD members, or villagers to imprisonment. The SLORC does not permit prisoners to retain legal representation and in the majority of cases, sentences are meted out in a police station or behind a closed-door courtroom. In the event that a trial occurs, it is usually concluded in a few brief sessions. In August 1996 alone, SLORC sentenced 31 political activists to long periods of imprisonment in trials that fell far short of international standards.

The SLORC uses extreme and lawless tactics to harass, abuse, and suppress members and supporters of Daw Aung San Suu Kyi's National League for Democracy:

- NLD member, Ko Khin Htun, head of the youth wing of the Pegu

Division NLD, was arrested on November 6, 1995 while visiting a friend serving a sentence in Insein Prison. Ko Khin Htun was accused of allegedly taking a photograph of his friend whom he saw laboring at a vegetable plot outside the jail compound. Ko Khin Htun was charged under Section 5(d) and Section 42 of the *Prison Regulation Act*. He was not permitted to contact his family before or during his trial. Ko Khin Htun was only permitted to contact an attorney on the last day of his trial, seventy days after his arrest. During the trial, the photograph, allegedly taken by Ko Khin Htun, could not be produced. The prosecution's principal witness testified that he saw Ko Khin Htun snap a photo of his friend but was never cross-examined. Despite the overwhelming lack of evidence against Ko Khin Htun, he received a sentence of four years and three months in prison.

- On November 8, 1995, three NLD members, including U Thein Nyunt, Ko Toe Aung, and Ko Myo Zaw, were charged with obstructing an official in the performance of his duties. Both were accused of attempting to remove the barricade in front of Daw Aung San Suu Kyi's residence during the weekend gathering. Without adequate evidence, the defendants were sentenced to two years in prison -- the maximum allowable penalty for their alleged offenses.

- U Saw Hlaing, another NLD member was arrested on March 15, 1996 after the car he was driving collided with a trishaw in Pegu Division, injuring three of its occupants. The car carried Daw Aung San Suu Kyi and other NLD leaders including U Kyi Maung, U Tin Oo, and U Win Sein, en route to Mandalay to appear in court as defense witnesses for U Par Par Lay, U Lu Zaw, U Htwe, and U Aung Soe. U Saw Hlaing was not permitted to consult with his family or his lawyer before or during his trial. Under Burmese law, in order for an injury to have caused "grievous bodily harm," the individuals concerned must have remained in the hospital for at least 21 days. In order to build a false case, the police forced the three persons from the trishaw to remain in hospital for 22 days, despite the fact that two of the individuals had only minor injuries, including a dislocated thumb and two stitches on the chin. U Saw Hlaing was summarily tried at the Kyungon police station; he was sentenced to five years in prison for causing "grievous bodily harm."

- U Tin Maung, Chairman of the Bogale township NLD Organizational Committee, Irrawaddy Division, was accused of possessing an illegal lottery ticket and sentenced to nine months in prison. (Date of

sentencing unknown.)

- U Myint Kyaing, U Than Nwe, and U Soe Myint, NLD members, Irrawaddy Division, were each sentenced to three years imprisonment under the Video Act . (Date of sentencing unknown.)

- U Khin Thaung, a member of the NLD Organizational Committee, Irrawaddy Division, was sentenced to two years in prison for the alleged illegal use of electrical power.

- U Hla Min, NLD MP of Kawthaung, Tenessarim, was sentenced to seven years in prison under Section 5(e) of *The Prison Regulation Act*. He was summarily sentenced and given no access to counsel.

2.1.2. Human Rights and SLORC's Laws

SLORC's use of its laws to quash the enjoyment of basic human rights in Burma is long standing and well established. The SLORC has enacted laws curtailing civil and political freedom; it utilizes laws that allow it to crush any political opposition. SLORC's laws and regulations hamper and even criminalize freedom of thought, information dissemination, association, and assembly.

The most commonly employed laws banning the demonstration of civil and political rights have been *the 1923 Government's Official Secrets Act, the 1950 Emergency Provisions Act, the 1957 Unlawful Association Act, the 1962 Printers' and Publishers' Registration Law, the 1975 State Protection Law (Law to Safeguard the State Against the Dangers of Those Desiring to Cause Subversive Acts), Law No. 5/96 - (Law protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbance and Oppositions)*. These laws and orders have restricted the civil and political rights of Burmese citizens for years; now, with technological advances available across the globe, new laws have been enacted in order to provide the SLORC authorities additional legal bases to curtail freedom of expression and the exchange of information. A description of some of the most widely-cited laws appears below:

The *1950 Emergency Provisions Act* allows up to seven years imprisonment for any person who "infringes upon the integrity, health, conduct, and respect of State military organizations and government employees, spreads false news about the government, or disrupts the morality or the behavior of a group of

people." This law is widely used by the SLORC to sentence political detainees to long terms of imprisonment. The law also makes it an offense, punishable with life in prison, to "intend to or to cause sabotage or hinder the successful functioning of the State military organizations and criminal investigative organizations."

Under the *1975 Law to Safeguard the State Against the Dangers of Those Desiring to Cause Subversive Acts* (amended in 1991), the Council of Ministers is authorized under Section 7 of the law to "pass an order, as may be necessary, restricting any fundamental right of a person if there are reasons to believe that any citizen has committed or is about to commit any act which infringes upon the sovereignty and security of the State or public peace and tranquillity." The Law also stipulates in Sections 13 and 14, the possibility to continue imposing restraint for "a period not exceeding one year at a time up to a total of five years." This State protection law has been applied extensively to suppress peaceful political dissent; it was used to detain Daw Aung San Suu Kyi under house arrest between July 1989 and July 1995.

The *1957 Unlawful Associations Act* permits up to five years imprisonment for any person who has been a member of, contributes to, or receives or solicits any contribution towards any association which "encourages or aids persons to commit an act of violence or intimidation or in which the members habitually commit such acts; or which has been declared unlawful by the President of the Union." Moreover, anyone managing or assisting in the management of an unlawful association, or promoting or assisting in promoting a meeting of such an association, can be subjected to similar punishment. A number of organizations, including political parties, student unions, professional groups, religious associations, as well as armed opposition groups, have been declared unlawful under this Act. This Act falls far short of international human rights standards; its incompatibility with international standards is underlined by the arbitrary, indiscriminate, and heavy-handed manner in which it is applied, usually to suppress peaceful dissent.

Order 2/88, prohibits public gatherings of more than five persons and has been invoked against many people this year, including in the arrests of people attending Daw Aung San Suu Kyi's weekend addresses outside her home.

A new law issued on June 7, 1996, No. 5/96, allows prison sentences up to 20 years for anyone who expresses their political views publicly. This law, entitled, *Protection of the Stable, Peaceful, and Systematic Transfer of State Responsibility and the Successful Implementation of National Convention Tasks Free From Disruption and Opposition*, prohibits, inter alia, the preparation or

dissemination of speeches or statements that undermine the stability of the State or are critical of the SLORC, and prescribes up to 20 years imprisonment for persons violating the law; organizations taking part in such activities can be banned and have their funds and property confiscated. Harassment of NLD members and supporters was further stepped up with this law.

Under the *1985 Video Law*, all videos must be submitted to the Video Censorship Board, controlled by the SLORC, for scrutiny. Any persons involved in the production, duplication, or distribution of videos are threatened with prison terms of up to three years under this law.

The new *Television and Video Act*, issued on July 31, 1996 requires that: a) foreign diplomatic missions and United Nations agencies obtain permits to show imported videos at 'public exhibitions.' Government video censorship boards will have the right to ban, censor, or restrict the showings; b) private video operators obtain licenses from the Video Business Supervisory Committee which will be formed in all states and Divisions in the Union of Myanmar; and c) all videos both imported and locally-produced, be approved by the Video Censorship Board. Violators of these provisions are subject up to three years in prison and/or a fine of up to 100,000 kyats. The new law also forbids private transmitters that are not authorized by the government, prescribing up to five-year prison terms for offenders.

Another new law entitled The *Computer Science Development Law*, issued on September 27, 1996, makes the unauthorized import, possession, and use of certain types of computer equipment illegal. For example, the unauthorized use of computers with networking capability is punishable with sentences of between 7 and 15 years in prison and/or a fine. A "Myanmar Computer Science Council" will be established to decide which computer equipment should be restricted or banned. According to the government-controlled newspaper *The New Light of Myanmar*, the punishment will be prescribed for anyone establishing links with a computer network without prior permission or who uses computer networks or information technology for undermining State security, law and order, national unity, the national economy, national culture, or who obtains or transmits State secrets. Members of unauthorized computer clubs may, according to reports, be sentenced to a minimum prison term of three years. A punishment of between 5 and 10 years in prison is prescribed for anyone who imports or exports computer software or information banned by the Myanmar Computer Science Council.

2.2 SLORC's Recent Detainees

2.2.1. U Par Par Lay and U Lu Zaw, both comedians, and U Aung Soe and U Htwe, NLD members, were sentenced to seven years in prison on March 18, 1996. U Par Par Lay and U Lu Zaw were charged under Section 5(c) of the *1950 Emergency Provisions Act* for spreading false news, since they had allegedly made jokes about the military government in a performance on Independence Day at a celebration at the residence of Daw Aung San Suu Kyi on January 4, 1996. U Htwe and U Aung Soe had arranged for the comedic entertainment as well as the performance of a dance troupe. All ten members of the dance troupe Myo Daw Win Mar were immediately arrested when they arrived back in Mandalay after the performance. Eight members were later released including, Myodaw Winmar, Ma Hnin Pa Pa, U Tin Myint Hlaing, U Sein Hla, U Win Htein, U Myint Thein, Daw Myaing, and Ma Yin Yin Shwe were released from detention. U Aung Soe and U Htwe were initially sent to a labor camp seven miles from Myitkyina in May 1996; they were reportedly moved to Sumprabom in northern Kachin State where they were forced to perform hard labor in a rock quarry. The two comedians were sent to a labor camp at Kyein Kran Ka near Myitkyina in Kachin State in early April 1996. They were forced to work with heavy iron bars shackled around their legs. (*Source: Inside Source*)

2.2.2. On December 16, 1995, U Sein Hla Aung and Zaw Zaw Myaing, both from Mandalay, were arrested for distributing a video of Daw Aung San Suu Kyi's speeches. At about the same time, local officials in Mandalay reportedly began arresting people for watching the videos in private homes. In March 1996, the two were sentenced to three and two years in prison, respectively, for the distribution of those video tapes. (*Source: Inside Source*)

2.2.3. Leo Nichols, a well-known businessman and close friend of Daw Aung San Suu Kyi was arrested in April 1996. Mr. Nichols also worked as honorary consul for several European nations. He was accused of using illegal telephones and two fax machines. He was sentenced to three years in prison on May 17, 1996. Mr. Nichols died in Insein prison on June 22, 1996. (*Source: Inside Source*)

2.2.4. On March 28, 1996, U Win Tin (66 years of age) and 20 others were sentenced under Section 5(e) of the *Emergency Provisions Act* and under the Penal Code for the alleged misappropriation of State property. None of the detainees were permitted legal representation at the trial, which was held in prison. (*Source: Inside Source*)

2.2.5. On May 16, 1996, six students from Rangoon University were arrested in Rangoon for organizing people in support of the planned NLD Congress. Among those arrested were Ye Kyaw Zwa, a technology student and Kyaw Kyaw Htay, a first-year English major. (*Source: Inside Source*)

2.2.6. U Soe Thein, NLD Member of Parliament-elect from Waw, Pegu Division, was arrested on May 21, 1996 and held under provisions of the *1975 State Protection Law*. (*Source: Inside Source*)

2.2.7. U Aye Win, Daw Aung San Suu Kyi's cousin and assistant was arrested on May 22; no charges were made. (*Source: Inside Source*)

2.2.8. U Moe Thu, a journalist and prominent NLD member was arrested in May 1996; no charges were made. (*Source: Inside Source*)

2.2.9. U Win Htein was taken from his home to an unknown place by SLORC officials at 10 p.m. on May 21, 1996. U Win Htein asked the arresting officers if there was a warrant for his arrest; he was told a warrant was not necessary as charges had already been brought against him. On August 15th he was given a seven-year prison term for his role in the production of a video tape showing arid rice fields aimed at countering the government's rosy agricultural projections. U Win Htein was charged with sending out some NLD members to collect information on agricultural development in various part of the country. These five NLD members were arrested for their part in collecting this information and for distributing "false data." U Po Aye and his son Htein Lin, Hla

Tun Aung, Kan Shein, and three other NLD members were sentenced to seven years imprisonment under the *Emergency Act*, Section 5(j). The NLD lawyer defending the five men was not allowed to cross-examine any of the witnesses during the trial nor was he permitted to meet with U Win Htein privately. U Win Htein was reportedly sentenced to an additional seven years imprisonment on August 26, under Section 5(e) of the *Emergency Provision Act*, for having served as a translator for Tin Hlaing at an interview with a foreign journalist. (*See 2.2.12. for additional information*).

2.2.10. U Kaythara, a Buddhist monk also known as U Kyaw, was arrested in late May 1996 for putting up a poster calling for dialogue between the SLORC and the NLD in front of Sule Pagoda in Rangoon. He was sentenced to seven years in prison on August 15, 1996. (*Source: Inside Source*)

2.2.11. U Ba Min, NLD township secretary from Kalay, Sagaing Division and Soe Thein, the NLD treasurer from Kalay, were arrested on June 12th and moved to Mandalay on June 19, 1996. (*Source: Inside Source*)

2.2.12. 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 June 13, 1996. On August 26, 1996, he was sentenced to seven years in prison under Section 5(e) of the *1950 Emergency Provisions Act*. According to the SLORC media, Evak had been instructed by U Win Htein to meet with three foreign journalists on April 9, 1996, where he had subsequently provided them with

information about the military's use of torture against political prisoners. (*Source: Inside Source*)

2.2.13. U Tin Hlaing, an NLD member from Rangoon, was arrested on June 14, 1996, for "spreading disinformation"; his official charge is still unknown. (*Source: Inside Source*)

2.2.14. U Maung Gyi, an NLD member from Mandalay, was arrested on June 18, 1996. (*Source: Inside Source*)

2.2.15. On June 30, 1996, Daw Aye Aye Win was arrested at her home in Tharketa township, Rangoon after police officers searched her house and confiscated 40 cassette recordings of speeches given by Daw Aung San Suu Kyi together with some NLD papers. On August 15, 1996 she was sentenced to seven years in jail. (*Source: Inside Source*)

2.2.16. U Nyunt Tin, a businessman from Monywa, Sagaing Division was arrested in June 1996. (*Source: Inside Source*)

2.2.17. Nine people were arrested in June for being regular attendees of the weekend talks in front of Daw Aung San Suu Kyi's house. These nine were not arrested at the talks, but back at their homes late at night. (*Source: Inside Source*)

2.2.18. U Chit Htwe NLD-elected MP from Myothit township, Magwe Division, was arrested on July 2, 1996 by the police and charged under Section (1) of the Public Property Protection Law. He was accused of stealing Burma Socialist Program Party (BSPP) documents. U Nay Lin, an NLD member, and U Myo Myint Zaw, a primary school teacher, both from Magwe, were arrested on July 2, 1996 and charged under the same section of the law. (*Source: Inside Source*)

2.2.19. Kyaw Htwe and Ya Za, students, were arrested on July 8, 1996 in front of Thakin Lwin's house, a senior politician, in Rangoon after Daw Aung San Suu Kyi had gone to visit him. A crowd had gathered, and after she left, the two students shouted, "Long Live Aung San Suu Kyi," at which time they were promptly arrested. Kyaw Htwe has been tried and sentenced, but there is no further information about his case. Ya Zar was released on an unknown date, and was reportedly instructed by the authorities not to leave Dagon township, his home in Rangoon. (*Source: Inside Source*)

2.2.20. Dr. Aung Khin Sint, an MP from Minglataungnyunt township, Rangoon

Division, was arrested for the third time on July 22, 1996 without charges. (*Source: Inside Source*)

2.2.21. Dr. Myo Nyunt, elected MP from Dedaye township, Irrawaddy Division, was arrested on July 24, 1996. On July 26, 1996, he was charged under Sections 18/19 of the National Drugs Law for the alleged illegal manufacture of pharmaceuticals. He had remained in Daw Aung San Suu Kyi's compound after the May NLD meeting and had visited her compound during the last week in July. When he returned home after that visit, he was taken by a combined force of police and Military Intelligence officers to Insein prison. (*Source: Inside Source*)

2.2.22. On August 8, 1996, Ye Htun and four others students were arrested after visiting Daw Aung San Suu Kyi's house. (*Source: Inside Source*)

2.2.23. Ma Thet Thet Aung, a female student, Min Min, and Kyaw Swa were arrested on August 8, 1996 in Wakhema, Irrawaddy Division, at their homes. The next day they were transferred to a prison in Rangoon. Their arrests are reportedly due to their involvement in activities to commemorate the eighth anniversary of SLORC's massacre of political protesters. (*Source: Inside Source*)

2.2.24. Other students, Ko Ye Tun, Ko Than Oo, Ko Lwin Aung, and Ko Myo Thant were arrested on August 9, 1996. Ko Htay Hlaing was arrested on August 12. They were arrested for their part in planning a meeting of 27 or 28 students groups on August 8, 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 distributed a letter to politicians, including the NLD, describing these topics. (*Source: Inside Source*)

2.2.25. Daw Thein Kywe was arrested at her home on August 12, 1996 because of her regular attendance at the gatherings in front of Daw Aung San Suu Kyi's house. Officials took two audio tapes of Daw Aung San Suu Kyi's speeches from Daw Thein Kywe's house. (*Source: Inside Source*)

2.2.26. U Khin Soe, a Rangoon-based NLD sympathizer, received a seven-year sentence on August 15, 1996. Additional details about the charges brought against him and his trial are not known. (*Source: Inside Source*)

2.2.27. On August 20, 1996, U Do Htaung, an elected member of Parliament from Kale-1, Sagaing Division; Khun Myint Tun, a Member of Parliament

from Thaton, Mon State; Khin Maung Thaung, a youth activist; Kyaw Htwe; U Kyi Aung; Tin Maung Aye; Kyaw Thaung; Aung Kyi; U Pwa; U Hla Soe, an MP from Minbu-2, Magwe Division; Than Htike; Khin Maung Myint; Dr. Khin Ma Gyi; Dr. Khin Soe Win; Phongyi Soe, a monk; another unnamed monk; an unnamed NLD treasurer from Mandalay, Chin State; and U Sein Myint were all arrested and sentenced under Act 122/2 for high treason on the grounds that they had contacts with Burmese dissidents in India. The SLORC media said the group had conspired to send members for trainings in political defiance with the exiled colleagues in India and had distributed leaflets attacking military-organized constitutional talks and had made plans to open a secret office in Monywa. Khin Maung Thaung, U Kyi Aung, and Kyaw Htwe were reportedly also arrested for possessing a critique of the National Convention written by the exiled opposition group. According to the same report, Kyaw Thaung, U Pwa, and U Aung Kyi were apparently arrested for possession of "political letters" and materials from "illegal organizations." The Burmese official media reported on August 22, 1996, that action had been taken against the 19 NLD members for distributing anti-government materials and colluding with outside forces to destabilize the country. (*Source: Inside Source*)

2.2.28. U Sein Myint, aged 47, married with two children, was arrested in August 1996 in Monywa and sentenced to seven years imprisonment with hard labor. He is an ex-Monywa township Education officer who became an NLD officer for Monywa Township Organizing Committee, Sagaing Divison. He was charged with having connections with illegal organizations. He is currently in Mandalay prison. (*Source: SAIN*)

2.2.29. U Tin Hlaing (I.d. card no. KNI 013666), is a cotton-spinning factory owner in Monywa township. He was arrested in August 1996 and sentenced to seven years imprisonment with hard labor. He was charged with having connections with illegal organizations and is currently serving his prison term in Htonbo labor camp. (*Source: SAIN*)

2.2.30. Ko Tin Cho (I.d. card no. KIO.044919), is a high school teacher and individual activist. He was arrested in August 1996 for allegedly disseminating information to illegal organizations. He was sentenced to seven years in jail and is currently in Mandalay prison. (*Source: SAIN*)

2.2.31. Dr. Khin Mar Kyi, a 33 year-old NLD supporter, ran a private clinic in Monywa. She was arrested in August, 1996 for allegedly having connections with illegal organizations. She was later sentenced to seven years in prison with hard labor; she is currently in Htonbo labor camp. (*Source: SAIN*)

2.2.32. Maung Win Naing, 20, a college student, was arrested in August 1996 for allegedly having connections with illegal organizations. He was sentenced to seven years in prison and sent to Mandalay prison. (*Source: SAIN*)

2.2.33. Ko Hla Soe, 38, is an NLD youth leader from Mandalay Southeast township and an active leader of the All Burma Student Union (ABSU) in Upper Burma. He was arrested in Monywa in August 1996. He was charged with distributing anti-government literature and other information and contacting illegal organizations. He was sentenced to ten years imprisonment with hard labor. (*Source: SAIN*)

2.2.34. Daw Khin San Aye (aka Aye Aye), a 35 year-old shopkeeper and NLD member, was arrested in August 1996. She was charged with allegedly having contact with illegal organizations and was sentenced to seven years in prison with hard labor. She is currently serving her sentence in Mandalay prison. (*Source: SAIN*)

2.2.35. Shin Zawti Bala, 22, a Burmese Buddhist Monk from Old Masoeyein Monastery in Mandalay, was arrested in August 1996. He was charged with having contact with illegal organizations and sentenced to seven years in prison with hard labor. Currently he is in Mandalay prison. (*Source: SAIN*)

2.2.36. On August 15, 1996, Dr. Hlaing Myint (aka Billy Mckenzie), Kyaw Khin, NLD member from Taunggyi, and Maung Maung Wan were sentenced to 10 years in prison for allegedly attempting to form illegal youth organizations by gathering funding and distributing anti-government papers and video tapes. Dr. Hlaing Myint, Kyaw Khin and Maung Maung Wan were tried at the Insein Township Court; they were sentenced to three years in prison for breaching the 1985 Television and Video Law Act , Section 4 and seven years under *The Emergency Act*, Section 5(j). (*Source: Inside Source*)

2.2.37. Five students who met with senior NLD members in early August 1996 were arrested. Ye Htun, Taung Ni, Lwin Aung, and Myo Than were taken away on August 9 and Nyein Hlaing was taken on August 12. (*Source: Inside Source*)

2.2.38. On September 14, 1996, NLD members Aung Myint Oo and Khin Aung were arrested in Rangoon for unknown reasons by military intelligence officers. (*Source: Inside Source*)

2.2.39. In September 1996, the wife and son of NLD MP-elect U Hla Than, who died in prison on August 2, 1996, were arrested without any explanation.

(*Source: Inside Source*)

2.2.40. On September 23, Rangoon Radio announced the arrest of nine youths charged with "inciting the people and spreading false news and fabricated leaflets with the intention to upset the stability of the State and community peace and tranquillity". The youth are Kyin Thein, Thant Zin, and Ngwe Soe from Sanchaung township, Nyan Win, Hla Hla Win, Kyaw Aye, Tun Aye, Myo Htut Aung, and Tun Naing. On October 21, 1996, the nine youths were sentenced to 13 years in prison. No additional details are known. (*Source: Inside Source*)

2.2.41. On September 28, 1996, small groups of students and others, shouting "Long live Daw Aung San Suu Kyi," marched towards a meeting point at Shwedagon Pagoda. The roads leading to the Pagoda were blocked by security forces, soldiers, and police. One of the groups was reportedly arrested by security forces on Shwedagon Pagoda Road and another group, marching from the Shwedagon side was allegedly beaten, arrested, and taken to Insein jail by army and security forces. (*Source: Inside Source*)

2.2.42. On September 29, 1996, six students taking part in the preparations for the 7th Students' Sports Festivals in Tavoy were reportedly arrested by soldiers from LIB 19 after having taken a picture of a damaged Union Solidarity and Development Association (USDA) signboard in front of the local SLORC office. The students were charged with illegal possession of a camera, suspicion of stealing firearms, and attempting to incite unrest. (*Source: ABSDF*)

2.2.43. On October 23, 1996, the 75 year-old Deputy Chairman of the NLD, U Kyi Maung, was arrested in Rangoon; he was accused of helping to organize the protest of some 500 students against police brutality which took place on October 21 and 22. He was detained for questioning for having met with two students from Yangon Institute of Technology, Ye Thiha Thwin and Nyi Nyi Myo, at Daw Aung San Suu Kyi's house. U Kyi Maung was released on October 28, 1996. (*Source: Inside Source*)

2.2.44. Ko Zaw Win, Ko Tin Hla, Ko Kyaw Soe, Ma Kyi Kyi Aung, and Ma San San Cho, all NLD youth members were arrested on December 3, 1996. While two female members were released later, the four other youths remain in detention. (*Source: Inside Source*)

2.2.45. According to a statement by Lt-Gen. Khin Nyunt at a press conference on December 31, 1996, Nyein Si (also called Nyein Myint) was arrested on December 7, 1996 in a tea shop on 24th Street in Rangoon. At the time of the

arrest, Nyein Si allegedly had in his possession pamphlets and documents which linked him and other youths to the banned Burma Communist Party; SLORC also maintains that the youths were involved in the student demonstrations. The SLORC statement referred to a total of 34 youths, among them Toe Toe Htun, allegedly involved in underground activities, who were apprehended in December following student demonstrations. Law No. 5/96 was invoked in all of these cases. (*Source: Inside Source*)

2.2.46. A total of more than 60 NLD members were arrested during the month of December. Between December 7th and 13th alone, 28 NLD members were reportedly arrested, among them, 13 NLD Youths and one NLD politician. (*Source: Inside Source*)

2.2.47. On December 7, 1996, seven members of the NLD were arrested including, Ma Cho, Ma Kyi Kyi Win, Ma Khin Mar Yee, Ma Thida Myint, Ko Nyi Nyi Naing, Ko Tin Aye, Ko Aung Aung Htay. Sources say that at least two of the detainees were arrested at their homes after they were identified from CNN footage as being at the student demonstrations. (*Source: Inside Source*)

2.2.48. Military Intelligence Service personnel arrested Ko Soe Htun, Interim Chairman of the Student Union, and eight other students on December 25, 1996 in Rangoon. (*Source: ABSDF*)

2.2.49. Five active NLD members, including U Kyin Swan Khan from Tamu branch, were arrested on December 18, 1996. The SLORC accused the five of holding an NLD meeting on December 28, 1996 without the knowledge of township Law and Order Restoration Council and the possession of anti-government papers. On December 20, 1996, they were sent to an army camp in Kalay town where they were interrogated. They were then sent back to Tamu town; as of March 1997, they are still being held in Tamu police station. (*Source: ABSDF Western-Burma*)

2.2.50. On the evening of February 11, 1997, eleven male and six female NLD members left Prome by train to attend the NLD Union Day in Rangoon. When the train stopped at Tharawaddy station, soldiers and policemen, arrested fifteen of the NLD members; two women were not arrested. The group was taken by car to the quarters of the 35th Regiment. The four women arrested were Daw Myint Myint Khin, Daw Tin Hlaing, Daw Than Than Nu, and Daw Aye Mya San. The men were Aung Myint, U Myo Thein, U Aung Myo Myint, U Shwe Thein, U Myint Than, U Paik Tin, U Myint Htwe, U Chit Tin, U Win Naing, U Aung Thein Win, and U Thein Zaw. (*Source: SAIN*)

2.2.51. Seven people who had come from Prome and Kama by car to attend the NLD Union Day were also arrested in Tharawaddy. (*Source: SAIN*)

2.2.52. Fifty eight others were arrested on their way to attend the NLD Union Day including, U Aye Than and U Ohn Naing, NLD Members of Parliament-elect for Paungde; U Khin Maung Myint, Secretary of Paukaung township; U Min Aung of Letpadan, NLD member; U Tin Myint, Deputy Chairman of Gyobingauk township; U Ohn, Thonze NLD member; So Tin Oo, Prome NLD youth member; Daw Tin Tin Hla, Daw San Yee and Daw San San Myint, members of Shwedaung NLD front; Daw Sein Sein, Ma Tin Than Oo, and Ma Tin Than Aye from Natalin; Daw Khin Kyu and Ma Aye Aye Mar from Okpho. (*Source: SAIN*)

2.2.53. In the second week of February 1997, U Soe Hlaing, Chairman of the NLD Organizational Committee of Thanatpin, Pegu Division; U Tin Tun, Secretary; and U Soe Nyunt, Joint Secretary were arrested because they attended the NLD Union Day celebration in Rangoon. U Tin Tun was released but the others were charged under Section 5(e) and sent to Pegu prison. (*Source: SAIN*)

2.2.54. Also arrested on their way to attend the NLD Union Day celebration were U Khin Maung, U Chit Than, U Pe Win, and U Thein Han, all members of Thaton township NLD, Mon State. (*Source: SAIN*)

2.2.55. U Win Naing and U Maung Than, farmers from Kywete village were charged under Section 5(e) and sent to Pegu prison because they had complained to the NLD that the local authorities had taken cuts out of money due to them for paddy sold. (*Source: SAIN*)

2.2.56. On February 21, 1997, in Taungoo, Pegu divison, at nearly midnight, about twenty people from the town were taken away by the police and members of Ward/Village Lorc without any explanation. Among those taken away were members of the Taungoo NLD Township Organizational Committee including, the chairman, deputy chairman, joint secretary, and treasurer. The NLD MP-elect for Taungoo, U Aung Soe Myint, managed to get away by jumping from the car. On February 22nd, the detainees were taken by army vehicles to Thandaung. Similarly, eleven people from Oaktwin township and one from Yedashay township, in Pegu divison, were also taken away. It is thought that these people have been taken away to act as porters in the latest military action against the KNU. (*Source: SAIN*)

2.2.57. In Minchaung village in Nyaungshwe, Shan State, U Nhuang, U Aung Ba, U Soe Win, and U Chit Pwe were each sentenced to two years in prison for

watching a videotape that featured Daw Aung San Suu Kyi.(*Source: SAIN*)

2.2.58. Dr. Hla Win, NLD MP-elect of Kyaunggon (2), Mahn Tin Win, interim chairman of the NLD organizational committee of Kyaungon township, and NLD Organizational Committee chairmen of villages within the township, U Wa Toke, U San Shein and U Thein Han, came to attend the Union Day ceremony. On Februray 15, back in Kyaungon township, a meeting was held; while the meeting was in progress, two carloads of policemen and military intelligence officers arrived and charged into the NLD office. Win Myint, an MI officer, shouted obscenities and punched and kicked Mahn Tin Win, U Wa Toke, U Thein Han, U Myint Maung, and U Saw Lwin, MP-elect of Kyaungon (1). Dr. Hla Win and U Saw Lwin were handcuffed and were taken away to the police station with fourteen other members of the NLD Organizational Committee. Many papers were confiscated by the SLORC officials, including a certificate from the NLD office honoring U Thein Han, who was serving a sentence in Bassein prison and Chairman of the Organizational Committee (this is not the same man as the U Thein Han mentioned above and below), minutes of the Organizational Committee meetings and other items. All sixteen men were held at the Kyaungon police station until February 17th when all except Dr. Hla Win, U Saw Lwin, U Thein Han, Mahn Tin Win, U Wa Toke, and U San Shein were released. Charges have been made against the six who are still under arrest. (*Source: SAIN*)

2.2.59. It was reported that two musicians, Ko Min Maw and Ko Zaw Win from "Shwe Than Zin", a musical band, were arrested by the SLORC military intelligence and sentenced to seven years in jail for performing two democracy songs in March 1997. The two musicians recorded these two democracy songs in May Studio in Rangoon and sent the songs to the Democratic Voice of Burma (DVB) based in Oslo, Norway for broadcasting. The two songs were broadcast on March 3rd, 10th, and 17th, during DVB's "Songs in the Sky" program. May Studio was also raided and the owner of the studio was investigated by the SLORC MI. According to sources in Rangoon, U Hla Min, an NLD-elected representative from Kawthaung (Victoria Point) constituency, Tennarasim Division was arrested by the SLORC MI for having connections with the two musicians. (*Source: ABSDF*)

2.2.60. On February 19, 1997, Dr. Than Nyein, Vice-Chairman of the NLD's Rangoon Division and an elected NLD MP for Kyauktan-1, was arrested and his medical license was revoked by the Health Ministry for "breaching medical professional ethics," He was released from custody on April 2, 1997 after paying 1,000 kyats. (*Source: Inside Source*)

2.2.61. Dr. Than Aung, an elected MP for the NLD for Mingla Taungnyunt -2, was arrested on February 21, 1997 for allegedly causing the death of a patient through negligence at his medical clinic. He was sentenced to four years in prison on April 11, 1997 at Insein Jail for homicide not amounting to murder. (*Source: Inside Source*)

2.2.62. In the wake of community unrest in Mandalay, SLORC detained 10 NLD members, including U Htin Kyaw (a) U Tin Nyunt, an elected MP for Mandalay South-east-1 from Mandalay Division. Other detainees include U Maung Maung Win Shwe, U Aung Tint, Ko Aung Ko, U Kyi Maung, U Ko Gyi, U Tun Win, Daw Khin Win, Ko Aung Myint Ko (NLD-Youth), and one unknown member. They were all arrested on March 18, 1997. One unknown member was later released. (*Source: Inside Source*)

2.3. Student Demonstrations and Mass Arrests

In early December 1996, nearly 2,000 university students took to the streets at the start of a series of the largest anti-government demonstrations seen in Rangoon since 1988. Students across Rangoon demonstrated for the right to establish a student union, respect for human rights, and for the release of three student detainees. In what began as an argument between three students from Rangoon Institute of Technology and a local restaurant owner, students from all around the city and beyond simultaneously rose-up and demanded their rights after police brutality was used against the three students.

SLORC authorities arrested and detained at least 500 students in connection with the demonstrations in Rangoon and Mandalay. Unconfirmed reports stated that many wounded students were being treated in Rangoon General Hospital, although no visitors were allowed. University classes were suspended and large areas of Rangoon and Mandalay were sealed off.

SLORC accused Daw Aung San Suu Kyi and her NLD party of inciting the student unrest and confined her to her home. While the students and Daw Aung San Suu Kyi share many of the same ideals, both the students and Daw Aung San Suu Kyi have denied any collaboration with respect to the demonstrations. Many NLD members were arrested by the authorities for their alleged involvement in the demonstrations.

The following is a partial list of the detained NLD-elected MPs, NLD-Youth, NLD members and students since December 1996:

2.3.1. NLD Youth Members Detained Since December 1996

No.	Name	Township	Date of arrest	Remarks
01	Ko Zaw Win	Kyinmyindine	12/03/96	7 years
02	Ko Tin Hla	Lanmadaw	12/03/96	7 years
03	Ko Kyaw Soe	Sanchaung	12/03/96	7 years
04	Ma Thi Thi Aung	Kamayut	12/03/96	7 years
05	Ko Khing Ko Oo	Insein	12/03/96	7 years
06	Ma Cho	Sanchaung	12/06/96	7 years
07	Ma Khin Mar Yi	Sanchaung	12/06/96	7 years
08	Ma Thida Myint	Sanchaung	12/09/96	released
09	Ma Kyi Kyi Win	Kemmedine	12/07/96	released
10	Ma Than Than Suu	Win Insein		released
11	Mg Nyi Nyi Naing	South Okkalapa	12/07/96	released
12	Mg Tin Aye	Thingangyun	12/07/96	released
13	Maung Maung Htay	Sanchaung	12/06/96	released
14	Ma May Chaw Shein			released
15	Ma Sabae Phyu			released
16	Ko Aung Kyaw Soe	West Bassein		
17	Ko Wai Lin	West Bassein		
18	Ko Wai Lu	West Bassein		
19	Ko Zaw Win Tint	Bahan	01/01/97	
20	Ko Toe Lwin	Ngaputaw	12/13/96	Youth Organiser
21	Ko Thein Swe	Pyapon		Youth Organiser
22	Ko Mya Shwe	Sanchaung	12/06/96	
23	Ma Myat Sabae Moe	Kamayut	12/06/96	released
24	Ko Wain	Sanchau	12/06/96	released
25	Ko Soe Naing		02/01/97	
26	U Tin Win	Kamayut		Secretary
27	U Pa Khan	Tamu		Chairman
28	Ko Win Cho	Kamayut		

2.3.2. NLD Members and Supporters Detained Since December 1996

No.	Name	Township	Date of arrest	Remarks
01	Dr. Than Win	North Okkalapa	12/10/96	MP/released
02	U Chit Khin	South Okkalapa		released
03	U Than Oo	South Okkalapa	12/09/96	released
04	U Maung Maung	Kamayut		released
05	U Ar Zar	Ngaputaw	12/13/96	Vice Chairman
06	U Toe Win	Ngaputaw	12/13/96	Joint Secretary
07	U Ko Wai	Wakema	12/13/96	Secretary
08	U Aung Kywei	Wakema	12/3/96	Joint Secretary
09	U Htun Shwe	Wakema	12/13/96	EC
10	U Win Kyi	Wakema	12/13/96	EC
11	U Tin Nyein	Wakema	12/13/96	EC
12	U Maung Kan	Wakema	12/13/96	EC
13	U Yu Wai	Wakema	12/13/96	EC
14	U Pe Tin	Wakema	12/13/96	EC
15	Daw Tin Yi	Wakema	12/13/96	Member
16	U Tin Aung	Wakema	12/13/96	MP-elect
17	U Kyaw Din	Wakema	12/15/96	Chairman
18	Nyunt Win	Ye Kyi		MP/released
19	Dr. Tin Min Htut	Pantanaw		MP/released
20	U Tin Wai	Mohnyin		Chairman
21	U Kyaw Khin	Mohnyin		Vice Chairman
22	U Nyunt Lwin	Mokaung		Chairman
23	U Htun Kyi	Mokaung		MP/house arrest
24	U Thaung Aye	Maubin	12/19/96	Div.EC
25	U Win Shwe	Maubin	12/19/96	Vice Chairman
26	U Kyaw Zaw	Maubin	12/19/96	EC
27	U Lwin Nyein	Maubin	12/19/96	EC
28	U Aung Thuya	West Bassein	12/21/96	Div. EC
29	U Thein Han	Kyaungone		Chairman
30	U Myint Kyaing	Zalun		Member
31	U Than New	Zalun		Member
32	U Soe Myint	Zalun		Member
33	U Than Htun	Nyaungdon		Secretary

No.	Name	Township	Date of arrest	Remarks
34	U Khin Thaung	Pyapon		Member
35	U Tin Maung Kyi	Kyinmyaindine	12/03/96	NLD supporter
36	U Zeya	Thingangyun	12/06/96	NLD supporter
37	Dr. Hla Myint	North Okkalapa	12/07/96	NLD supporter
38	Khin Maung Oo	North Okkalapa	12/06/96	Member/released
39	U Kyaw	Thingangyun	12/06/96	Member
40	U Hla Maung	Kyinmyaindine	12/06/96	Member
41	U Moe Myint	Pazundaung	12/07/96	NLD supporter
42	U Myo Myint	West Bassein	02/03/97	Chairman

2.3.3. Students Detained Since December 1996

No.	Name	Institution	Date of arrest	Remark
01	Ko Ye Kyaw Zwa	YIT	02/01/97	
02	Ko Kyaw Kyaw Soe	YIT		
03	Ko Thet	YIT		
04	Ko Kyaw Wunna	YIT		released
05	Ko Min Zaw thein	YIT		
06	Ma Nilar Thein	YIT		
07	Ko Aung Moe	Dagon		
08	Ko Pho Thar	Dagon		
09	Ko Ba Thein Latt	Dagon		
10	Ko Soe Thaung	Dagon		
11	Ko Ye Min	Dagon		
12	Ko Ye Min Kyaw	Dagon		
13	Ko Mon Gyi	Dagon		
14	Ko Phone Thet Paing	Dagon		
15	Ko Maung Zaw	Dagon		
16	Ko Ye Min Thu	Dagon		
17	Ko Than Zaw	Dagon		
18	Ma Aung Gyi	Dagon		
19	Ma Thin Thin Aye	Dagon		7 years sentence
20	Ma Lay Lay Mon	Dagon		

No.	Name	Institution	Date of arrest	Remark
21	Ko Toe Toe Htun	Distance		
22	Ko Yan Myo Thein	IM2		released
23	Ko Maung Maung Latt	RC 2		7 years sentence
24	Ko Myo Min Naing	RC 2		
25	Ma Yee Yee Htun	University	02/01/97	
26	Ko Myo Zaw Oo			
27	Zaw Maung Maung Win			

Abbreviation:
YIT = Yangon Institute of Technology;
IM = Institute of Medicine;
RC = Regional College;
Distance = Distance University.

2.3.4. Other Persons Detained Since December 1996

No.	Name	Township	Date of arrest	Remark
01	Ko Thet Oo	Mingalataungnyunt	01/02/97	
02	Robert San Aung	Mingalataungnyunt	01/03/97	
03	Ko Wai Lin			Rice shop owner
04	Ko Aye Naing			Tea shop owner
05	Ma Mee Mee Aung			
06	Ko Aung Than			
07	Ko Htay Aung		02/01/97	
08	Ko Thaw Htun Oo		12/11/96	
09	Ko Ye Maw Htoo			
10	Ma Mar Mar Oo		02/01/97	
11	Ko Ye Naing Aung			
12	Ko Min Zeya		12/04/96	
13	Ko Thar Myat Kyaw		12/13/96	
14	Ma Nilar		12/07/96	
15	Ko Htun Myint Aung		12/13/96	
16	Ko Kyaw Zeya		12/13/96	
17	Ko Ngwe Lin		12/06/96	

No.	Name	Township	Date of arrest	Remark
18	Ko Zeyar Win			
19	Ko Lay Lwin			
20	Ko Myint Thein		01/17/97	
21	Ko Myint Swe		02/01/97	
22	Ko Myint Shwe		02/01/97	
23	Ko Aung Naing		02/01/97	
24	Ma Pyone Pyone Aye		02/01/97	
25	Ma Hnin Hnin Hmwe		02/01/97	
26	Ko Win Naing		02/01/97	
27	Ko Nyi Nyi		02/01/97	
28	Ko Tin Ko Oo		02/01/97	
29	Ko Hsaung Win Latt			1 year sentence

2.3.5. List of NLD-elected MPs in Detention

No.	Name	Constituency	State/Div.	Date of Arrest	Remark
01	U Tin Aung Aung	Mandalay NW-1	Mandalay	11/90	25 years
02	U Win Hlaing	Tatkon-2	Mandalay	10/24/90	7 or 10 years
03	U Tin Htut	Aime-1	Irrawaddy	10/23/90	7 years
04	U Ohn Kyaing	Mandalay SE-2	Mandalay	09/07/90	7 + 10 years
05	Dr. Zaw Myint Maung	Amarapura-1	Mandalay	11/90	25 years
06	Dr. Myint Naing	Kantbalu-2	Sagaing	10/90	25 years
07	U Naing Naing	Pazundaung	Rangoon	10/25/90	10 years
08	U Hla Tun	Kyimyindine	Rangoon	10/90	25 years
09	U Mya Win	Ingapu-1	Irrawaddy	10/90	25 years
10	Dr. Zaw Myint	Heinzada-2	Irrawaddy	10/90	25 years
11	U Sein Hla Oo	Insein-2	Rangoon	05/01/92	
12	U Khin Maung Swe	Sanchaung	Rangoon	05/01/92	
13	U Kyi Myint	Latha	Rangoon	08/11/93	
14	U Saw Win	Htilin	Magwe	unknown	
15	U Kyaw Min	Bassein West-2	Irrawaddy	05/21/96	
16	U Soe Thein	Waw-2	Pegu	05/21/96	
17	Khun Myint Tun	Thaton-2	Mon	unknown	

No.	Name	Constituency	State/Div.	Date of Arrest	Remark
18	U Do Htaung	Kalay-1	Sagaing	06/96	
19	Dr. Aye Zan	Kyeikhto-3	Mon	unknown	
20	U Kyaw Khin	Taunggyi-1	Shan	unknown	
21	U Chit Htwe	Myothit-2	Magwe	07/02/96	
22	Dr. Myo Nyunt	Dedaye-1	Irrawaddy	07/24/96	
23	Dr. Aung Khin Sint	Mingla/Taungnyunt	Rangoon	07/23/96	
24	U Hla Myint	Maubin-2	Irrawaddy	unknown	
25	U Kyaw Myint	Zalun-1	Irrawaddy	unknown	
26	U Hla Min	Kawthaung	Tenasserim		7 years

2.4. Life in Prison

Prison conditions in Burma fall far short of international standards (e.g. the Standard Minimum Rules for the Treatment of Prisoners; the Basic Principles for the Treatment of Prisoners and the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment). International and humane standards and procedures for the detention of prisoners promulgated by the International Committee for the Red Cross (ICRC) have been rejected by the Burmese military junta. SLORC continues to ignore international pressure to elevate conditions in Burma's prisons.

Many detailed reports and eyewitness accounts are available about the treatment of prisoners in Burma, including torture, prolonged shackling, lack of proper medical care, and insufficient food. Torture techniques include beatings, often to the point of unconsciousness; being forced to crawl over sharp stones or shards of glass; and being held in the hot sun for prolonged periods. Such gruesome tactics and others are used by SLORC security forces to punish and intimidate prisoners.

Political prisoners are believed to be currently held in ten prisons throughout the country. The prisons are as follows: Henzada and Bassein (Irrawaddy Division); Myitkyina (Kachin State); Mandalay (Mandalay Division); Prome; Thayawaddy; Theyet; Pegu (Pegu Division); Insein (Rangoon Division); and Monwya (Sagaing Division).

Political prisoners are subjected to torture during both the initial interrogation period and after they have been sentenced. Once imprisoned, prisoners can be summoned at any time during the day or night by Military Intelligence (MI) personnel, who maintain a permanent presence in most of the prisons in Burma. Political prisoners who break arbitrary and harsh prison rules are subjected to even harsher punishments. Even the possession of almost any reading material is a punishable offense under prison rules. Political prisoners are often sent to "military dog cells," extremely small cells where military dogs are normally kept, or to other cells where they are subjected to beatings and placed in leg-irons made of chains with an iron rod between the feet.

Prisoners in Burma are also subjected to severe overcrowding, conditions which by themselves constitute cruel, inhuman or degrading treatment in other parts of the world. Throughout Burma, three to four prisoners are held in small cells measuring 8 by 12 feet (2.6 by 3 meters) for more than 20 hours a day. They are fed an inadequate diet of a thin bean soup or vegetables, sometimes supplemented with a small piece of fish only once a week.

Medical treatment is rarely provided and then only when a prisoner's illness has reached a severe stage. The most common diseases among the prisoners are: gastrointestinal diseases (amoebic dysentery, bacillary dysentery and diarrhea), jaundice (viral and amoebic hepatitis), and skin diseases. Conditions in the prisons allow for the easy transmission of these diseases due to poor sanitation, unclean and semi-cooked food, dirty kitchens, polluted surroundings, and a lack of personal hygiene (particularly because of poor water supplies). There is also growing AIDS problem in prisons.

Political prisoners are not allowed to communicate with one another and are often held in solitary confinement. MI officers transfer political prisoners at will to remote prisons where their families cannot visit to provide the prisoner with additional food and medicine. Political prisoners are also forbidden most reading and all writing materials and are not allowed to send or receive letters.

Political prisoners are generally only allowed to meet with their families after they have been sentenced, and then only for fifteen minutes every two weeks; before that time they are held in incommunicado detention. Guards are present throughout the family meetings and often taken notes. Although families can bring food and medicine to their relatives, such supplies are sometimes confiscated by prison authorities. Religious writings which have received prior approval are sometimes allowed.

2.4.1. The Case of U Win Tin, Myo Myint Nyein, and 20 other Prisoners

Prisoners suspected of having sent letters describing mistreatment of prisoners and poor prison conditions to the former United Nations Special Rapporteur on Human Rights, Professor Yozo Yokota, have reportedly been extremely ill-treated since November 1995 in Insein prison. Prison officials were evidently punishing the group of 22 for sending the letter when they moved all of the prisoners involved to prison dog cells where they slept on concrete floors and were denied contact with others between mid-November 1995 and January 1996 when they were apparently moved from the prison dog cells into larger solitary confinement cells. (*Source: Inside sources, AI, and ABSDF*)

On March 28, 1996, U Win Tin and 21 other prisoners implicated in the drafting of the letter to the UN, as well as hiding of three radio sets and distribution of a clandestine newspaper within the prison, were allegedly tried and given additional sentences of 7 years each with hard labor under Section 5 (e) of the *1950 Emergency Provision Act.* The prisoners were denied access to legal

counsel at the trial; they were forced to defend themselves. All 22 prisoners pleaded not guilty to the charges brought against them, either on the grounds that what they had written was the truth or that the charge was false. As a testament to their courage, the prisoners spoke out against the authorities, complaining of torture and beatings in prison, and called for prisoners' rights and for access to legal counsel. Some prisoners also accused the authorities of holding a political trial and criticized the handling of the trial and the presentation of the evidence. (*See Also "Pleading Not Guilty at Insein," pg. 35)*

2.4.1.1. List of the 22 Prisoners Given Additional Sentences of 7 Years

- U Win Tin, 66, is a prominent journalist and Secretary of the NLD's Executive Council. He was arrested on July 4, 1989 during a nationwide crackdown on the opposition by the SLORC; since then he has been sentenced three times for a total of 19 years imprisonment. U Win Tin was an original Central Executive Committee member of the NLD, and a close associate of Daw Aung San Suu Kyi. He was originally accused by SLORC of influencing and guiding Daw Aung San Suu Kyi when the NLD was founded by her and others in 1988. He was also accused of being a leftist politician who urged the NLD to adopt a civil disobedience campaign against martial law in 1989.

  He was initially charged with a criminal offense and sentenced to three years in prison with hard labor in October 1989 for offering hospitality to a young girl who had undergone an illegal abortion. In June 1992, just a few months before completing his prison sentence, he was sentenced to an additional 11 years under the 1950 Emergency Provisions Act. In mid-November 1995, he was placed in a prison dog cell and was not allowed family visits. In January 1996, he was transferred to solitary confinement.

  U Win Tin has been in poor health for several years; he suffers from a heart condition and spondylitis, an acute inflammation of the vertebrae. He has also lost several teeth and requires dental treatment. He is dependent on his family for medicine and meat, which he needs for his medical condition.

- Myo Myint Nyein, 35, has been detained since September 1990 when he was sentenced to seven years imprisonment by a military court for "organizing youths and students to create instability." He is a

magazine publisher and worked for the Information Department of the NLD and for the group "Thone Yaung Chae" which provided body-guards for Daw Aung San Suu Kyi. At his 1990 trial, officials stated that his magazine Bar Dwe Phyit Gone Byi Lae (translated in English - What Has Become of Us?), was an 'anti-government propaganda' publication, aimed at making people misunderstand the government and defense forces. Between mid-November 1995 and January 1996, he was held in a small cell in Insein in which prison dogs are normally kept.

- U Hla Than won the seat of Coco Islands in the 1990 election for the NLD. He was arrested in October 1990 for attending a meeting to form a provisional government and was sentenced to 25 years imprisonment with hard labor. He was also found to have allegedly infringed election laws and was banned from future elections. Between mid-November 1995 and January 1996, he was held in a prison dog cell and was not permitted visits by his family. On August 2, 1996, U Hla Than died in custody at the age of 52. The death certificate attributed his death to pulmonary tuberculosis and stated he had tested positive for HIV. His request to be allowed to die at home was denied by prison authorities, reportedly because of his refusal to resign from the NLD.

- Dr. Zaw Myint Maung, 45, won a seat in Parliament in the 1990 election for the NLD. He was arrested in February 1991 for allegedly attending a meeting with the aim of forming a provisional government and was sentenced to 25 years imprisonment; his sentence was commuted to ten years in 1993. He was dismissed from parliamentary membership by the Election Commission in November 1991 and banned from running in future elections. Between mid-November 1995 and January 1996, he was held in a prison dog cell in Insein.

- Zaw Tun, a second-year from the Workers' College, has been detained since August 1991, when he was sentenced to 12 years imprisonment on charges of having links with the 208th Battalion of the ABSDF. Between mid-November 1995 and January 1996, he was placed in prison dog cell.

- Aung Kyaw Oo, a first-year student from the Worker's College, was arrested with Zaw Tun in August and sentenced to 12 years imprisonment on charges of having links with the 208th Battalion of the ABSDF

- Phyo Min Thein is a member of the Democratic Party for New Society

(DPNS) and the All Burma Federation of Students' Union. (*Source: ABSFU*)

- Soe Htet Khaing, 32, was a second-year Rangoon University student when he was detained in October 1989 and sentenced by a military tribunal to ten years imprisonment. He had reportedly never been politically active and is thought to have been arrested because of his father's and brother's reported anti-government activities during the 1988 demonstration. Between mid-November 1995 and January 1996 he was held in a prison dog cell.

- Aung Myo Tint was placed in a prison dog cell between mid-November 1995 and January 1996 in Insein.

- Win Thein is a member of the NLD Youth.

- Yin Htwe is a member of the Central Executive Committee of the DPNA and was placed in a prison dog cell between mid-November 1995 and January 1996.

- Ko Ko Oo (aka) Bo Bo, is a member of the NLD Youth and worked in the organization's national headquarters in Rangoon. He was arrested in April 1991 and was politically active during the high school student movement in 1988, for which he was detained one month.

- Kyaw Min Yu (aka) Jimmy, is a member of the Central Executive Committee of the DPNS and was arrested in late 1989/early 1990 and sentenced to 20 years imprisonment; the sentence was commuted to ten years in 1993.

- Myat Tun is a member of the NLD Youth and was detained in June/July 1991 and sentenced to eight years in prison on charges of establishing contacts with NLD members in exile.

- Kyi Pe Kyaw (aka) Kyaw Gyi is a member of the DPNS.

- Bo Myo Thein, 42, is associated with the Democracy Solidarity Front and worked as an assistant supervisor in the Myanmar Agriculture head office in Rangoon. He was believed to have been arrested after September 1990 and was sentenced to seven years imprisonment under the 1950 Emergency Provisions Act. Between mid-November 1995 and January 1996, he was held in a prison dog cell.

- Soe Myint was held in a prison dog cell in Insein between mid-November 1995 and January 1996.

- Sein Hlaing, 41, is a writer and has been detained at Insein since September 1990. He was a Central Executive Committee member of the All Burma Federation of Youth Unions and a farmer leader of the Thong Yaung Chae group. He was sentenced in a military court with Myo Myont Nyein to seven years imprisonment under the 1950 Emergency Provision Act. Between mid-November 1995 and January 1996, he was held in a prison dog cell.

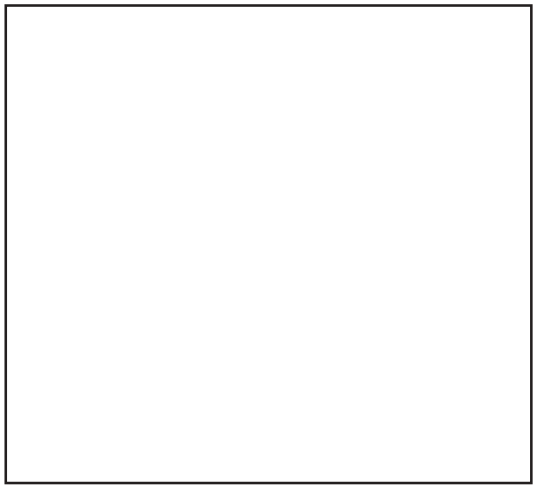
- Htay Win Aung is a member of the ABFSU and was placed in a prison dog cell in Insein between mid-November 1995 and January 1996.

- Tun Win.

- Nyunt Zaw.

- Zaw Min. (*Source: ABSDF*)

2.4.2. The Situation of Dr. Ma Thida



Dr. Ma Thida, a surgeon and well-known writer, was arrested in July 1993 together with a number of other members of the NLD. A prominent figure among the Burmese political opposition, she had been a campaign assistant for Daw Aung San Suu Kyi. In October 1993, she was sentenced to 20 years in prison and remains in solitary confinement in Insein jail where she has been suffering from health problems.

Dr. Ma Thida and the others arrested with her were held incommunicado before being brought to trial. The first attempt to start the trial had to be postponed because large crowds gathered outside the courtroom. The trial finally began on September 27, 1993. Dr. Ma Thida and the ten other defendants were charged with endangering public tranquillity under Section 5(j) of the *1950*

Emergency Provisions Act, having contact with unlawful associations under Section 17(1) of the *1908 Unlawful Associations Act*, and distributing unlawful literature under Sections 17 and 20 of the *1962 Printers and Publishers Registration Act*. All defendants were sentenced to 20 years imprisonment on October 15, 1993.

At the time of her arrest, Dr. Ma Thida was working at the Muslim Free Hospital in Rangoon. She had written many short stories, as well as several novels, none of which have been published. Although she was given official permission to publish her latest novel; this has now been disallowed. Dr. Ma Thida is suffering from poor health, including digestive problems, tuberculosis, and ovarian tumors which require surgery. Although she is reported to have recovered from tuberculosis, she is not receiving adequate medical treatment -- provision of medical treatment in Insein Prison is negligible. Dr. Ma Thida is held in solitary confinement and has no access to reading or writing materials. (*Source: AI*)

2.4.3. The Situation of Daw San San Nwe

Daw San San Nwe, an NLD member, a 51-year-old journalist, and well-known writer, was arrested on August 4 or 5, 1994 in Rangoon. A widow with four children, she was arrested with her daughter, Myat Mo Mo Tun, and two other political leaders. According to the SLORC, the four were detained for passing on information to foreign journalists and diplomats "against or critical of the government in order to make foreign governments misunderstand the government." They were also accused of sending information to the UN Special Rapporteur on Burma.

On October 6, 1994, Daw San San Nwe was sentenced to seven years imprisonment under Section 59 (e) of the *1950 Emergency Provisions Act* for spreading false information and three years under Section 17 (1) of the *Unlawful Associations Act* for having membership in or contact with illegal organizations. She had been arrested previously in July 1989 during a nationwide crackdown by the military of the political opposition. Her writing has been banned in Burma since the beginning of the 1988 Democracy Movement. However,

one of her banned short stories was featured in a book entitled Inked over, Ripped Out, Burmese Storytellers and the Censors, which was published by the PEN American Center I 1993.

2.4.4. The Situation of Min Ko Naing

Min Ko Naing was the elected chairman of the ABSFU in 1988. Currently, he is being held in solitary confinement by SLORC in Insein prison. His health and his memory are in a bad state, and he receives poor medical treatment from doctors there. There is hardly any sunlight in his cell, and he is only allowed outside his cell 30 minutes a day.

In July 1996, Min Ko Naing contracted dysentery. He called for the doctor at 10:00 a.m., but the doctor did not arrive until 4:00 p.m. He felt very ill and asked that someone be with him 24 hours a day. The doctor agreed, but this arrangement was never implemented. Min Ko Naing was only given medicine for his condition one enough for one dose; he was told that there was no more medicine. According to a reliable source, the SLORC intends to let Min Ko Naing die in prison. (*Source: Inside sources*).

2.4.5. The Situation of Zaw Zaw Aung

Zaw Zaw Aung, a third-year history student at Rangoon University, was a member of the Central Committee of the "All Burma Federation of Student Unions" (ABSFU) when he was first arrested and detained for two months after the demonstrations in Rangoon in March 1988. He was tortured while in prison and has still not completely recovered from injuries inflicted upon him. Zaw Zaw Aung was forced to endure many methods of torture including, kneeling down and 'walking' across shards of broken glass while being hit and kicked by the military guards. He was also psychologically tortured through sleep deprivation.

In 1989, the ABSFU held its second assembly at Mandalay University. Zaw Zaw Aung was among the seven students who were re-elected to their posts in the organization. The SLORC subsequently arrested all seven students leaders; Zaw Zaw Aung was arrested on June 27, 1989. On November 6, 1989, he was sentenced to 10 years in prison. Between the time of his arrest and his trial, he was kept in military intelligence prisons; his parents were not allowed to see him. After being sentenced, he was moved to Insein Prison where he was kept in an 8 x 8 foot cell with four to five other prisoners. He was allowed

out of his cell only for 15 minutes in the morning and 15 minutes in the afternoon for a bath; the remainder of the time, he was confined to his cell. In the past, the prisoners used to receive four ounces of meat once a week, but now they do not receive even this. Since the food served twice a day was terrible, his parents brought him food, but sometimes the guards prevented him from receiving it. At night he had to sleep on the floor.

About 2,000 prisoners protested against the poor conditions in the prison in 1991. In response, the SLORC authorities transferred the leaders of the protest to different prisons in November of that year. Zaw Zaw Aung was transferred to Thayawaddy prison, 78 miles north of Rangoon. Before the transfer, he was badly beaten by the guards. In the past, his parents were able to provide medicine and food for their son, but now they have been banned from doing that.

2.5. List of Incidents

2.5.1. On May 20, 1996, one column of IB 234 attacked Tee Loh and K'Ser Doh villages, Taungoo district, and arrested villagers there. Later they forced them to stay at Baya Na Thi relocation site. (*Source: KHRG*)

2.5.2. On May 21, 1996, the same column of IB 234 arrested a Pa-O woman who was working in her orchard near Sait Lah Kyaut Pya, between Sha Si Boh and Meh Taw Der. They burned her farm hut and looted all her belongings. The troops also burned down Saw Maung Myint's orchard and hut, looted and destroyed all of his belongings. (*Source: KHRG*)

2.5.3. Hundreds of farmers in Nyaung Done Township, Irrawaddy Division were arrested, detained, and lost their land in May 1996 simply because they could not fulfill a rice quota under a new SLORC dry-season paddy scheme. (*Source: KHRG*)

2.5.4. On May 25, 1996 a column of IB 234 entered Hu Mu Der village, Taungoo district. The column captured villager Saw Po Keh and beat and tortured him. (*Source: KHRG*)

2.5.5. In September 1996, headmen of Than Tlang township villages were arrested by the SLORC Army. Colonel Thein Lwin, Chairman of Chin State Lorc and Major Saw Hlaing, Chairman of Than Tlang township Lorc and No. 266 LIB Camp Commander of Than Tlang, called for meetings of the headmen of Than Tlang township to Haka, capital of Chin State. Those who came to Haka were arrested. They were detained at Haka police station. According

to villagers, they were accused of having contact with the CNF. Those who could pay 50,000 kyats were released immediately. But, the following village leaders were kept in detention because they could not pay the bribe to the officers: Pu Chawn Kio of Thang Zang; Tum Khar of Banawh Tlang; Ni Ceu of Tlang Pi; Than Nawl of Tlang Lo; Sang Chawn of Far Rawn; Sui Hu of Cawng; Thia Hrang Awi of Tlang Rua; Hrang Tum of So Pum; Chan Lian of Hriang Khan; Chan Kung of Thau; and Hlei Ceu of Tlang Te. (*Source: CHRO*)

2.5.6. On January 15, 1996, IB 59 of Southern Command, arrived at Kaw Thay Der village. The military column arrested villagers Naw X, her eldest son Saw X, and her youngest daughter. They detained Saw X in a pit while they stole 150,000 kyats in cash, jewelry, and other valuables from his mother. The military arrested a village elder and his daughter Naw X, stole 17,000 kyats from them, beat them, then let them go. They arrested Saw X and stole everything from his shop, and also stole 1,000 kyats from Saw X, 500 kyats from Saw X and 600 kyats from Saw X. (*Source: KHRG*).

2.5.7. On January 21, 1996 in Pa-an an Township, LIB 313, led by Strategic Commander Kyaw Lay, arrested a 35 year-old, male villager, beat him, and poured boiling water over his head. Later, the villager went to the hospital when he found blood in his urine. SLORC arrested another male villager and beat him until he was unconscious. They also arrested a 21 year-old male, covered his head, and beat him. SLORC arrested 3 women, ages 60, 40, and 35 and ordered them to take them to the villagers who had fled SLORC's forced labor requirement. The women were threatened that they would be killed if no villagers were found. The troops also killed and ate a villager's cow and a pig, then ordered the villagers to pay them for it. (*Source: KHRG*)

2.5.8. On February 9, 1996, following a KNLA attack on two military camps of IB 39 and LIB 434, SLORC troops arrested Pa Reh Si village headman Saw X. They also arrested an elder and a villager from Yin Twin Ko village I Nyaunglaybin district and tortured them severely. (*Source: KHRG*)

2.5.9. On February 14, 1996, SLORC arrested village elders in Yin Leh village, Nyaunglaybin district including the village headman. All the village headmen were ordered to move their villages to Ler Doh. (*Source: KHRG*)

2.5.10. On April 18, 1996, LIB 549, Company 4 Commander Myint Soe went to Naw Law Paw Leh village in Leik Tho township, Taungoo district. He stole a pig, four chickens, and a buffalo without compensating the villagers. He then arrested and tortured the village headman and the two village secretaries. (*Source: KHRG*)

2.5.11. On April 28, 1996, Strategic Commander Colonel Aung Naing Htun threatened people from Bawgali village tract in Taungoo district that he would destroy all their villages within 10 days because they had connections with a revolutionary group. The Commander Colonel arrested Saw Wee Dee, village head of Beh Kaw Der, and dug a hole in the ground to bury him. Bawgali village elders Saw Maung Kay, Maung Ka Sein, Saw Tah Day Po, and Pastor Tha Say, Anglican pastor of Kaw So Ko village, were also arrested and tortured by Colonel Aung Naing Htun. (*Source: ABSDF*)

2.5.12. On June 6, 1996, Commander of LIB 539, arrested U Tin Win from Htee Tha Saw village, U Tin Maung Shwe from Mokhee village, and U Myat Soe from Thaukyekha village. The Commander took them to Leiktho village; all three villagers were detained and tortured in an underground cell in the village for four hours. The men were later released only when fellow villagers gave 20,000 kyats to the military. (*Source: KHRG*)

2.5.13. The Baptist pastor of Zah Di Win village in Tenasserim Division, was arrested on January 12, 1997 because people in his village had not moved to their relocation site, even though he and his family had moved. At last report he was still being held at a camp of Infantry Battalion 17 with his hands tied behind his back day and night. (*Source: ABSDF*)

(See also under "Personal Accounts," interviews 4, 10, 19, 20, 21, 22, 48, 49, 50, 55, 66, 71, and 80)

Photo (B)

Detainees arrested for attempting to attend the NLD Conference in May 1996 being transported to Insein Prison, Rangoon. (Photo by SAIN)