

2. Arbitrary Detention and Enforced or Involuntary Disappearance

2.1 Background

Burma in 1998 continued to be ruled by a highly authoritarian military regime and people of all age groups and from almost every economic and social group have been detained on political grounds, often solely for their non-violent opposition to the SPDC's policies. Buddhist, Christian and Muslim clerics, other community leaders, university and high school students, writers, civil servants, doctors, lawyers, and workers' leaders have all been imprisoned. It is difficult to estimate the scale of political arrest and imprisonment in Burma. Many activists are never charged or tried, and false criminal charges are sometimes brought against political prisoners as a means of discrediting them. There is no guarantee of a fair trial for anyone accused of a political offence, so trial verdicts offer no reliable indication of whether a prisoner is guilty of a recognizable criminal offence or simply of non-violent opposition to the SPDC. Prior to being charged, detainees rarely have access to legal counsel or their families and political detainees have no opportunity to obtain release on bail. Political prisoners are held incommunicado for long periods. Even after being charged, detainees rarely have the benefit of legal counsel.

More than 1,000 people were imprisoned for political reasons in the second half of 1998 alone. Since then, hundreds more political prisoners have been detained in the SPDC's attempt to silence opposition.

The SPDC attacked the election winning party and its members and supporters through intimidation and detention and redoubled efforts to consolidate and perpetuate its military rule. In August 1998, the National League for Democracy (NLD), winner of the 1990 election, sought to expedite the transition to democracy by convening a parliament based on the election results. The SPDC responded by detaining a number of elected representatives, along with hundreds of other democracy supporters; most remain in detention. Since September 1998, at least 1,000 activists including 200 elected NLD MPs have been arrested, detained, or imprisoned for political reasons. By the year's end, SPDC released about 20 percent of these detainees, because they were ill or infirm.

2.2 Human Rights and SPDC Laws

The SPDC's use of its laws to quash the principles of basic human rights in Burma is long-standing and well-established. The SPDC has enforced laws curtailing civil and political freedom and utilized laws that allow it to crush any political opposition. The SPDC's laws and regulations hamper and even criminalize freedom of thought, the dissemination of information and the right of 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 Associations 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 Function of the National Convention against Disturbance and Opposition). 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 SPDC authorities additional legal bases to curtail freedom of expression and the exchange of information.

In 1998, in order to restrict the activities of the NLD MPs, the SPDC has used the 1961 Habitual Offenders Restrictions Act, that precludes members of political parties from leaving their localities or their houses without prior permission from the authorities; otherwise they risk arrest and interrogation by the police or military intelligence agents. A number of NLD elected representatives have been arrested or charged under this Habitual Offenders Restrictions Act. This 1961 Act was intended to be applied only to restrict the habitual offenders of the law; instead, it is being used only to harass the activities of the NLD MPs.

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.” The law also makes it an offense, punishable by life imprisonment, to “intend to or to cause sabotage or hinder the successful functioning of the State military organizations and criminal investigative organizations.” This law is commonly used by the regime to carry out indiscriminate and arbitrary arrest and detention of political opponents.

◆ 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 tranquility.” 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 dissidents; 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 promoting a meeting of such an association can be subjected to similar punishment. A number of organizations, including political parties, student unions, profession 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.

◆ A law issued on June 7, 1996, No. 5/96, allows prison sentences up to 20 years for anyone who expresses political views publicly. This law, entitled “The Protection of the Stable, Peaceful, and Systematical 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 SPDC, 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 under this law.

◆ Under the 1980 Video Law, all video cassettes must be submitted to the Video Censorship Board, controlled by the SPDC, for scrutiny. Any person involved in the production, duplication, or distribution of videos is threatened with a prison term 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 permission to show imported videos at “public exhibitions” and gives Government video censorship boards the right to ban, censor, or restrict their showing; b) private video operators have to obtain licenses from the Video Business Supervisory Committees formed in all States and Divisions in the Union of Myanmar; and c) all videos, both imported and locally-produced, have to 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 *kyat*. The new law also forbids private transmitters that are not authorized by the government, prescribing up to five-year prison terms for offenders.

◆ Another 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 a sentence of between seven and 15 years in prison and/or a fine. A “Myanmar Computer Science Council” is to 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 five and 10 years in prison is prescribed for anyone who imports or exports computer software or information banned by the Myanmar Computer Science Council.

◆ Since July 1998, the SPDC has used the 1961 Habitual Criminal Offenders Act against NLD MPs in order to restrict the activities of the NLD. This puts repeat offenders on permanent bail, forcing them to sign up with local authorities on daily basis. Many NLD MPs refused to sign, and as a result by mid-July 1998, some 79 MPs were being detained.

This 1961 Act was intended to be applied only to restrict habitual offenders of the law. Since section 5/1(g) applies to those habitual lawbreakers and offenders only, the assumptions and accusations of the SPDC concerning the NLD MPs is not applicable. The restraining order issued under this Act that all MPs to remain within certain areas and not to be allowed to travel outside specific areas is a violation of the Universal Declaration of Human Rights.

22.1 Breaking its own laws: The case of U Thein Aung

The SPDC has broken its own laws by charging twice for the same alleged offence against U Thein Aung, Salin township organizer of the NLD in Magwe Division in central Burma. He was arrested by the MI Unit 19 on September 7, 1998 and charged under the 1950 Emergency Provisions Act, and remanded in custody by a local court for two weeks at Sinbyugyun police station. When the remand expired on September 21, a further remand was ordered until October 6. After the expiry of this remand, U Thein Aung was transferred from the Sinbyugyun police station cell to Salin police station on the order of MIS officers. He was then charged again under the 1950 Emergency Provisions Act, despite the fact that he had already been charged for his alleged offence. Charging a person more than once for the same offence and detaining him in police custody in one place after another is a case of double jeopardy. (*Source: ABSDF*)

23 Partial list of the NLD MPs elect and members arrested in 1998

◆ On February 8, 1998, while Nan Khin Htwe Myint, elected NLD representative from Pa-an, was on her way to Rangoon to attend the Union Day celebrations held by the National League for Democracy, the car she was traveling in was stopped and searched at the Thaton checkpoint. After the search, noticing that some parts of her traditional Karen dress were missing, Nan Khin Htwe Myint raised the matter with the persons who conducted the search. The search party charged her of obstructing the function of officials. The following day, the court sentenced Nan Khin Htwe Myint to two years imprisonment for disturbing public servants on duty and was sent to Moulmein Prison immediately to serve out her sentence. (*Source: ABSDF*)

◆ On February 13, 1998, three NLD members, Tin Aung, Wa Toke and Aye Win from the Bassein township NLD organizing committee, were detained for flying a peacock flag on the school flagpole of Bassein No. 1 High School on the morning of Union Day (February 12). They were subsequently arrested and sentenced under four different charges. (*Source: ABSDF*)

◆ On February 16, 1998, U Myint Oo, NLD organizer from Prome township, Pegu Division, was arrested while he was staying at his friend's house in Budayone Street, Bassein township, Irrawaddy Division. The Reason for his arrest is not known, but the SPDC found NLD publications on him. (*Source: ABSDF*)

◆ On February 23, 1998, U Ohn Myint, aged 81, a veteran respected by Daw Aung San Suu Kyi was arrested. In April, he was sentenced to seven years imprisonment under the 1962 Printers' and Publishers' Registration Act. At the SPDC's March 1, 1998 press

conference, the SPDC accused him for providing information to Aung Htun, who wrote a history of the Burmese student movement. U Ohn Myint is a senior advisor to the NLD. He had previously been arrested in June 1997 at the same time as several NLD members, and released unharmed late in July 1997. (**Source: ABSDF**)

◆ In the first week of April, Daw San San, elected NLD MP from Seikkan township, Rangoon and Vice-Chairman of the Rangoon Division Organizing Committee, was given 25 years prison sentence after being accused of distributing false information domestically and internationally. She was arrested in October 28, 1997 and has been held without charge. She was sentenced for conducting radio interviews with the BBC (British Broadcasting Service) and RFA (Radio Free Asia). (**Source: Inside Burma**)

◆ On May 22, 1998, elected NLD MP U Kan Oo from Salin township Constituency (2), Magwe Division, was arrested and charged under the 1950 Emergency Provisions Act 5(j). (**Source: ABSDF**)

◆ On May 30, 1998, NLD Prome township organizing committee members, including eight women, and Shwedaung township NLD chairman were arrested for holding a monthly meeting. In March 1999 they were sentenced to five years imprisonment. (**Source: Inside Burma**)

◆ In June 1998, U Thar Maung, aged 79, elected NLD MP from Oakpho township Constituency (2), Pegu Division, was arrested and is held in custody at the military base of LIB 6 at Teinmyoke, east of Oakpho town. At first the MI took action against him under Section 5 (1 f and g) of the 1961 Habitual Offenders Act and his movement was restricted under bond. Then action was taken under Section 5(j) of the 1959 Emergency Provisions Act. He has refused the offer by the authorities for a short visit to his home. (**Source: Inside Burma**)

◆ In June 1998, U Tin Oo, aged 59, elected NLD MP from Oakpho township Constituency (1), Pegu Division, was arrested and placed in custody at the military base of LIB 6 at Teinmyoke, east of Oakpho town. At first the MI took action against him under Section 5 (1 f and g) of the 1961 Habitual Offenders Act and his movement was restricted under bond. Then, action was taken under Section 5(j) of the 1959 Emergency Provisions Act. He has also refused the offer by the authorities for a short visit to his home. The authorities have neglected to provide him with proper food and nourishment, resulting in his being admitted to hospital on December 15, 1998. His condition is serious and requires proper treatment. (**Source: Inside Burma**)

◆ In June 1998, U San Tin, aged 64, elected NLD MP from Zeegone township Constituency (1), Pegu Division, was arrested and is held in custody at the LIB 6 military base at Teinmyoke, east of Oakpho town. (**Source: Inside Burma**)

◆ On June 8, 1998, U Win Nu, a lawyer and NLD central committee member of Pantanaw township, Irrawaddy Division, was arrested by the SPDC. He was sentenced to one month in prison with hard labor. The charges against him are unknown. (**Source: ABSDF**)

◆ On June 8, U Aung Thein and U Hla Myint, two NLD members, were sentenced to 14 years' imprisonment each for having disclosed to journalists the contents of a letter from an ethnic cease-fire group addressed to intelligence chief Lt-Gen. Khin Nyunt. (**Source: Inside Burma**)

◆ In the last week of June, Dr. Tin Min Htut, elected NLD MP from Pantanaw township

Constituency (1), U David Hla Myint, elected NLD MP from Ngaputaw township Constituency (1), and U Mahn Jonny, elected NLD MP from Kyonpyaw township Constituency (1), were arrested under the Emergency Act 5(j). (*Source: ABSDF*)

◆ On July 19, 1998, U Yoe and U Shwe Win, Belin township central committee members in Mon State, were arrested by the SPDC authorities for organizing a Martyrs Day commemoration without permission. They were charged with Emergency Act 5(j). (*Source: HRDU*)

◆ In the month of August, 1998, U Toe Po, from Yebyu township, U Kyaw Shein and U Nyan Aye from Mergui township, U Hla Pe and U Chein Hin from Launglon township, U Khin Maung Oo from Kyunsuu township, U Win Oo from Tenasserim township, U Kyi Shwe from Palaw township, U Phone Myint from Bokepyin township, U Khin Maung Oo from Chaungsuu township, U Toe Bo from Yebyu township and U Myo Aung from Tavoy township all NLD elected MP were charged under the Emergency Act 5(j). Also arrested in August were U Ba Kyi, Tavoy NLD Chairman, U Aye Naing, Launglon township organizer, U Ba Aye, U Kyaw Nyein, U Pyison, U Saw Hla, U Tin Maung, U Aung Lwin, U Shwe Hla, U Kyin Shein, Palaw township NLD youth organizer, U Aung Soe, Kawthaung township NLD in charge of youth affairs, U Aye Naing, Launglon township organizer, U Than Lwin Palaw NLD in charge information, U Chit Thein and U Soe Ko NLD, members from Launglon township, and U Tin Hlaing, NLD member from Kyunsuu township. (*Source: HRDU*)

◆ On August 2, 1998, 11 members of the NLD in Chauk township, Magwe Division, were arrested by the troops from MI 15 for allegedly distributing of “Messages to the Nation by the General Secretary”. Those two messages were dated July 23, 1998 and had already been distributed. MI raided three houses of the NLD members at the same time and rounded up the NLD members. They also confiscated the tapes of NLD leaders’ speeches and other NLD documents. The NLD members arrested were township chairman U Kyi Toe, vice chairman U Nyunt Wai, Secretary U Hla Kyu, township organizers U Aung Than Nyunt and U Hla Thang, executive members U Win Saung and U Myint Naing, and ward NLD leaders U Than Nyunt, U Than Win, U Aung Myint and U Khin Maung Aye. U Kyi Toe and U Aung Than Nyunt were tried on August 13, 1998, under the Printers’ and Publishers’ Registration Act. The case was tried in camera with no member of the public being admitted. Judgement was passed on August 14 in the police station where they were being held. They were sentenced to seven years’ imprisonment with hard labor under the Article 16 of the Penal Code. U Than Win was blindfolded and beaten after another eight members were released. (*Source: ABSDF*)

◆ On August 3, 1998, the SPDC arrested U Bo Htwe, NLD MP from Nat Mauk township Constituency (1), Magwe Division, U Tha Aung, NLD MP from Myothiy township Constituency, Magwe Division, and U Tin Win, NLD MP from Kyeik Latt township Constituency (1), Irrawaddy Division. (*Source: ABSDF*)

◆ On August 11, 1998, U Kyi Lwin, NLD MP from Nga Pe township, Magwe Division, was arrested by the SPDC after he failed to report to the police station twice in one day. (*Source: ABSDF*)

◆ On August 12, 1998, Naw Ohn Hla, Daw Cho Cho Myint, Ko Khin Kyaw and Ko Hla Win, all members of the NLD who went to visit Daw Aung San Suu Kyi in her car when it was stopped at Anyasuu village, Htantabin township, Rangoon Division, were

arrested by the SPDC. (**Source: *Inside Burma***)

◆ On August 13, Daw Naw Ohn Hla, Daw Cho Cho Myint, Ko Khin Kyaw and Ko Hla Win, all members of the NLD, were also arrested while they were trying to meet Daw Aung San Suu Kyi who was held at the place where her car had been stopped at Ayarsuu village. (**Source: *Inside Burma***)

◆ On August 14, U Thein Oo, U Soe Win and U Mahn Nyunt Thein, supporters of the NLD, were arrested while they were trying to see Daw Aung San Suu Kyi who was prevented from proceeding to Bassein at Ayarsuu village. (**Source: *Inside Burma***)

◆ In early September, Sai Lon Kyauk, NLD MP from Kengtung township constituency (1), Sai Nong Tip, NLD MP from Mai Yan township and Sai Htun Aung, NLD MP from Kai Yaung township, were arrested by the SPDC and charged under the Emergency Provisions Act 5(j). (**Source: *Inside Burma***)

◆ In the first week of September 1998, U Tin Myint, NLD MP from Thayetchaung township, Tenasserim Division, and division organizer U Aung Soe were arrested for allegedly causing threat to the stability in the region. Both were charged under the Emergency Provisions act 5(j). (**Source: *HRDU***)

◆ In the first week of September 1998, the chairperson of Toungoo township committee of the NLD, U Maung Maung and three committee members U Tin Maung Win, U Min Thet, and U Pe Win (election representative of U Nyunt Wai, CEC member of the NLD) were arrested in Taungoo, Pegu Division. The arrested persons have been kept by the authorities in the military compound of LIB 39. The military intelligence has threatened that they will be sent to the frontline areas as porters. (**Source: *DPNS***)

◆ In the second week of September 1998, Magwe township NLD secretary U Maung Maung and joint secretary U Than Htun were arrested by the SPDC. (**Source: *ABSDF***)

◆ In September 1998, Nai Ngwe Thein, vice-chairman of the Mon National League for Democracy, was arrested by the SPDC. He was sentenced to seven years' imprisonment under the Emergency Provisions Act 5(j) at the Moulmein township court in the second week of December 1998, along with Dr. Min Kyi Win elected MNLD MP from Mudon township constituency (2) and Dr. Min Soe Lin, elected MP of MNLD from Ye township constituency (1). (**Source: *Inside Burma***)

◆ On September 5, 1998, Dr. Hla Shein NLD MP from Yaksauk township, Shan State was arrested and charged under Emergency Provisions Act 5(j). (**Source: *Inside Burma***)

◆ On September 6, 1998, Nai Ngwe Thein, senior Mon political leader was arrested. On October 9, 1998, he was charged under the 1950 Emergency Provisions Act at a township court in Moulmein, Mon State, for his role in supporting the Committee Representing People's Parliament. (**Source: *ABSDF***)

◆ On September 6, 1998, Dr. U Saw Mra Aung, an 80-year-old medical doctor and an elected NLD MP and U Kyaw Shin, deputy chairman of the NLD Sagaing Division organizing committee, were arrested in Monwya township. On the night of December 15, 1998, Captain Htay Win of the MI took U Kyaw Shin to hospital where his wife was in a state of semi-coma. She died on the morning of December 16. (**Source: *HRDU***)

◆ On September 6, 1998, Thakin Tin Nyunt, age 85, NLD MP from Yenangyaung township, Magwe Division, and veteran politician was arrested. He was released on September 14, 1998. (**Source: *Inside Burma***)

◆ On September 6, 1998, U Aung Min, a member of the organizing committee of Mandalay Northeast township, Mandalay Division, was arrested by the Military Intelligence and imprisoned at IB 95. No family visit was allowed during his detention. On October 21, his wife, Daw Thwe Thwe San was informed by the same MI officers that U Aung Min died on the evening of October 21. The statement issued by the SPDC said U Aung Min, 52, had suffered from cancer of the lymph glands which had spread all over his body. (*Source: Inside Burma*)

◆ On September 6, 1998, Dr. Thein Lwin, chairman of the Meikhtila township organizing committee and MP elect and Daw Myint Myint Aye, secretary of the organizing committee, Mandalay Division, were arrested. (*Source: HRDU*)

◆ On September 7, 1998, NLD MP U Htun Win from Mindon township in Magwe Division was arrested and charged under the Emergency Provisions Act 5(j). He was detained at Mindon Police Station until he was released on November 6, 1998. He was immediately rearrested and charged under Criminal Act 380/54. (*Source: ABSDF*)

◆ On September 7, 1998, Magwe Division, Min Hla township NLD Chairman U Kyaw Thauang and NLD central committee members U Thein Zaw, U Myint Lwin and U Hlaing Myint Thein were arrested and charged under the Emergency Provisions Act 5 (j) on September 14. (*Source: HRDU*)

◆ On September 7, 1998, U Thein Aung, NLD organizer from Salin township, Magwe Division, was arrested by the MI 19 and detained at the Sinbyukyun Police Station, charged under the Emergency Provisions Act 5(j). He was transferred to Salin Police Station after he finished his two remands. He was charged again at the Salin Police Station under the Emergency Provisions Act. (*Source: Inside Burma*)

◆ On September 8, 1998, Dr. Min Soe Lin, elected MP for the Mon National League for Democracy (MNLD) from Ye township constituency (1) and secretary of MNLD was arrested by the MI 5. He was sentenced by the Moulmein township court to seven years imprisonment under the Emergency Provisions Act 5(j) in the second week of December 1998 along with the vice-chairman of MNLD, Nai Ngwe Thein and Dr. Min Kyi Win, elected MP for the MNLD from Mudon township constituency (2). (*Source: Inside Source*)

◆ On September 8, 1998, NLD Shan State organizer U Aung Maung and NLD Taunggyi township organizer U Tin Shwe were arrested by the SPDC for allegedly inciting unrest in Taunggyi township. (*Source: Inside Burma*)

◆ On September 8, 1998, Maung Mya Sein, a member of the NLD youth wing, who was leaving the NLD head office on West Shwegondine Road, Rangoon, was seized and thrown into a waiting vehicle. (*Source: Inside Burma*)

◆ On the early morning of September 9, 1998, U San Maung, a NLD secretary from Pantamaw township, Irrawaddy Division, was arrested at the house of U Maung Maung in Zutchee village in the same township. He was arrested for failing to submit the guest registration that is required for all guests staying overnight in other people's houses. Both U San Maung and his host U Maung Maung were taken to Pantanaw and sentenced to 15 days under the Village Act 15/16 at the Pantanaw township court on the same day. (*Source: Inside Burma*)

◆ On September 10, 1998, Nai Tun Thein, chairman of the Mon National Democratic Front (MNDF) and MP from Thanbyzayut township, Mon State, was arrested. (*Source: Inside Burma*)

◆ On September 11, 1998, Ma Mi Mi Khaing, a member of NLD Youth Central Supporting Group, was arrested on her way home. She dropped by at her friend's house on the day of arrest and after she left, MI officers forcibly arrested her in Mandalay Road, in Northern New Dagon town, Rangoon Division. The MI officers led by Sergeant Tun Sein blocked the whole road to arrest her. She was later handed over to Rangoon Eastern Military Command. (**Source: *Inside Burma***)

◆ On September 14, 1998, Ma Khin San Yee from Mingla Taung Nyunt township, Rangoon Division, was found with NLD documents in her room at the guesthouse in Magwe. She was arrested and charged under the Emergency Provisions Act 5(j). (**Source: *HRDU***)

◆ On September 16, 1998, security forces comprising MI and local SPDC members arrived at the home of U Kyaw San who is a central committee member and chairman of the Sagaing Division organizing committee of the NLD. It was 9:00 p.m. They arrived in police vehicles and without permission and warrants, climbed over the fence and tried to force the two people in the house to open the door. They told the security officers to come back the following day as it was not appropriate time. They did not open the door to the officers. The raiding party invaded the compound and pounded on the front door and all the windows. They tried to open the main door with a crowbar. When it failed, the raiding party spent the whole night pounding on the house, and also cut the telephone line. On the morning of September 17, a group of officials led by Captain Ye Kyaw Thu from MI 5 came and arrested U Kyaw San. On the same day, a group of officers forced the people in the house to open the door and conducted a search with a legal warrant. They demanded that all papers be handed over to them. The owner of the home had to comply. After conducting a thorough search, they forced the owner of the house to sign an acknowledgement that the materials were given to the officers with his consent. Instead the owner stated that the materials had been confiscated. He was arrested on September 19, U Kyaw San's family was informed by the MI 6 that he wanted his family to bring him some personal items. When his family went to MI 6 headquarters, the officials told them that U Kyaw San had been sent to Insein Prison. (**Source: *Inside Burma***)

◆ On September 16, 1998, Dr. Min Kyi Win, elected MP of Mon National League for Democracy from Mudon township Constituency (2) was arrested by the soldiers from MI 5 led by Corporal Yu Lwin. They also took the documents and publications of the NLD found at his house and clinic. He was sentenced to seven years' imprisonment under the Emergency Provisions Act 5(j) at the Moulmein township court in the second week of December 1998 along with vice-chairman of MNLD, Nai Ngwe Thein and Dr. Min Soe Lin, elected MP of MNLD from Ye township Constituency (1). (**Source: *Inside Burma***)

◆ On September 18, 1998, U Tin Myint, secretary of the organizing committee, Thingangyun township, Rangoon Division, was arrested on the No. 42 public transportation bus by the MIS. (**Source: *Inside Burma***)

◆ On September 21, 1998, the MI tried to arrest Ma Cho Cho and Ma Khin Khin Hlaing, both members of the Youth Wing, Thaketa township, Rangoon Division, at the bus stand in Shwedondine township, Rangoon. They escaped and the MI surrounded the residence of these two young girls at night. (**Source: *Inside Burma***)

◆ On September 22, 1998, Daw Sandi Win, in-charge of Magwe Division NLD women's affairs, was arrested and charged under the Emergency Provisions Act 5(j). (**Source: *HRDU***)

◆ On September 23, 1998, seven NLD members from Sanchaung township, Rangoon Division, were arrested and kept at Sanchaung Police Station. The next day, they were remanded and sent to Insein Prison. (**Source: *Inside Burma***)

◆ On the evening of September 23, 1998, NLD member Ko Than Lwin and his wife, from Sanchaung township, Rangoon Division, were arrested and taken away from their home, leaving two small children alone in the house. Though they requested that only one of them be taken, the arresting team replied that this was “out of their power.” (**Source: *Inside Burma***)

◆ On September 23, 1998, a team of MI and Navy personnel attempted to seize and capture Pyi Son Kyaw, NLD member of the youth wing of Irrawaddy Division organizing committee near the Mingala market in Mingla Taung Nyunt township, Rangoon Division. Brutality and force used against him caused anger among the people around and they prevented his arrest. Pyi Son Kyaw fortunately escaped. (**Source: *Inside Burma***)

◆ On September 24, 1998, NLD member Ma Hnin May Aung from Thingangyun township, Rangoon Division, was arrested and taken into custody by a team consisting of MI, police and ward leaders. Two video cameramen were present at the time of arrest. When she asked to see the warrant, they replied “no warrant is necessary because this is not an opium case. The presence of the ward elders is sufficient. You can go and report us to whoever you like.” They ransacked the house and seized whatever papers they found. (**Source: *Inside Burma***)

◆ On the night of September 28, 1998, two organizing committee members from Syriam township and Dawpon township, one ward organizing committee member from North Okkalapa township, and two members from the NLD youth wing were arrested. (**Source: *Inside Burma***)

◆ On September 28, 1998, U Thaung Tin, NLD MP from Pyapon township Constituency (1), Irrawaddy Division, was arrested by the SPDC and detained at the Pyapon township Department of Correction’s guesthouse. (**Source: *Inside Burma***)

◆ On the night of September 29, 1998, one member from the NLD Central Women Group and 12 other organizing committee members were arrested. (**Source: *Inside Burma***)

■ On September 29, 1998, U Ngwe Zun Hla, a NLD member and Kamine township organizing committee member, was arrested for allegedly having links with suspected persons. (**Source: *HRDU***)

◆ On September 29, 1998, U Nyunt Hlaing, an active NLD member in Moe Kaung township, Kachin State, was arrested and charged with purchasing stolen materials. Those who sold him the stolen watch he wore were not detained, but U Nyunt Hlaing was arrested for purchasing the watch. (**Source: *HRDU***)

◆ On October 4, 1998, Ko Ne Lin, a member of the NLD divisional youth organizing committee, from Aung Mye Thazan township, Mandalay, was taken away by the SPDC Military Intelligence. He was forced to sign a statement renouncing his NLD membership and to give up his political activities at the Ward Peace and Development Council (Ward PDC) office. As he refused, he has been detained in a lockup at the Ye Htwet military camp, Yankin Taung, east of Mandalay. (**Source: *NCUB***)

◆ On October 7, 1998, the SPDC announced that 54 people, including one NLD MP and 22 NLD members, had been arrested for “staging anti-government demonstrations in August and September, 1998.” According to the SPDC statement, young people and students

had been distributing leaflets in Burma calling for the convening of the parliament and expressing sympathy for the NLD. It also claimed that these groups had been supported financially by Western organizations. (*Source: Inside Burma*)

◆ On November 2, 1998, Ko Htun Tint Wai (aka) Htun Zaw Zaw, one of the leaders of NLD central youth wing, was sentenced to 14 years' imprisonment at Thingangyun township court. He was charged under Sections 420 and 468 of the Penal Code. The sentence was seven years for infringing Section 420 and seven years for Section 468 which are maximum sentences for each offense. (*Source: Inside Burma*)

◆ On December 26, 1998, U Ye Naung, U Than Maung, U Aung Moe, U Kyaw Htwe Oo, U Aung Htein and U Joseph, all members of Meikhtila township NLD organizing committee, Mandalay Division, were arrested by Ko Myint Toe and three other MI personnel for submitting objections about the arrest of members of the NLD by the SPDC. (*Source: Inside Burma*)

◆ On December 28, 1998, U Thein Aung, vice-chairman of the Meikhtila township organizing committee, and U Htun Shwe, U San Htoon, U Thong Shein, U Maung Maung, U Sein Ywet and Daw Tin Tin Htwe, members of committee, were arrested by the MI 5. (*Source: Inside Burma*)

◆ On January 22, 1999, U Kyaw San, NLD organizing committee for Prome township, Pegu Division, was arrested for distributing a NLD statement. His fortune-telling shop in the pagoda precinct was shut down on February 8, 1998 after his arrest. (*Source: HRDU*)

24. Massive arrest of NLD supporters

Since September 1998, most of the NLD MPs-elect, members of organizing committees from the States, Divisions, townships, wards, villages and other ordinary members have been illegally arrested and imprisoned by the SPDC and MI. Many of them are being held in various places all over the country. Some have been sent to Insein Prison and other prisons across the country. But the military-run media and the military strategy studies department have publicized this as: "a great number of NLD members have been invited to Government guesthouses to give their views as to how parliament can be convened without a constitution and to present them with the Government's position on the matter." The media claimed that "the purpose of so doing is to explain the position of the authorities regarding the convening of parliament in the absence of any constitution and to seek their views on the matter." In a news briefing held in Rangoon on November 22, Lt-Col. Hla Min stated that "arrangements were made for NLD party members and elected representatives from various constituencies to take up temporary residence at State guesthouses in their respective areas from September 6 onwards. A total of 200 NLD representatives and 651 party members were included in these arrangements. "However, the truth is the SPDC has applied pressure, intimidation, and threats to obtain in writing the involuntary resignations from office of MPs-elect and from membership of the NLD, the involuntary resignation from organizing committees and membership of the NLD, and the involuntary resignation from membership of the NLD of ordinary members. Those who refused to put their signatures to such resignations were threatened with more trouble.

These arrests and detentions are reported in the military-run media as "holding discussions and exchanging views" between the SPDC and NLD supporters. However, no

discussions have taken place, but these NLD supporters were forced to answer the questions such as “Is the calling for the convening of the people’s parliament by the NLD lawful or not?” “Will you or will you not attend the parliament convened by the NLD?” NLD supporters have been given written questionnaires to which they are required to respond in writing. Those who supplied written answers favorable to the MI are given their freedom while the others are persecuted more severely.

In addition to these fabrications, the SPDC permits some NLD MPs to spend a day or a night or a Saturday or a Sunday with their families making it appear they are having a break. This is an attempt to demoralize the individual and members of his family. The SPDC authorities told those MPs who were permitted to return to their homes for a short visit that if they stopped their association with the NLD or if members of the NLD did not contact them, they would be allowed more visits, perhaps once a week or once a month. This is an attempt to isolate the members of the party.

Without their consent, their every movement, their conversation with members of the family, their eating of meals with the family are recorded by video cameras. This is for the purpose of presenting to the world a false picture that detained NLD members are being treated well. Some NLD members were abruptly forced to leave while taking a meal with their family by MI personnel.

25. Arrest of student activists

In addition to opposition politicians, students are also target of arrests in 1998. Although universities had remained closed since December 1996, many students were arrested for participation in small series of demonstration in Rangoon on August 24, near Rangoon University and on September 22, 1998, near the Sule pagoda in downtown. On August 24, about 247 students and member of NLD youth wing were arrested but most of them were later released after being interrogated by the MI. Members of two student-backed organization, the All Burma Federation of Student Union and Democratic Party for New Society are among the people detained.

25.1 Long sentences for writing history of the student movement

In February, 1998, Ko Aung Tun, a Central Executive Committee member of the All Burma Federation of Students Union (ABFSU) was arrested and, according to the SPDC official statement, was sentenced to three years’ imprisonment for breaking the 1962 Printers and Publishers Registration Act; to seven years under the provisions of the Unlawful Associations Act, and to another seven years under the Emergency Provisions Act for a total of 17 years in prison. At a press conference on March 1, 1998, the SPDC claimed that Ko Aung Tun was collaborating with terrorist groups. The real reason for his arrest was because he had written a history of the student movement in Burma. Ko Aung Tun was active in the student-led 1988 pro-democracy movement and was imprisoned from 1990 to 1994.

According to the DPNS, the following are the among the hundreds of people, including Buddhist monks and 50 lawyers, detained for allegedly collaborating or giving assistance to Ko Aung Htun; some were student leaders of the All Burma Students’

Federation Union (ABSFU) in the 1950s and 1960s. They include Dr. Maung Maung Kyaw (lawyer), Ko Khun Sai (lawyer), U Khin Maung Nyein (lawyer), U Tin Maung (lawyer), U Tin Aye (lawyer), U Ohn Maung, Parachute (former politician), U Ko Yu (lawyer and writer), U Thar Ban (former student leader, U Kyi Lin (lawyer), U Aung Myint (lawyer and former student leader), U Myo Myint (activist), U Tint Lwin (activist), Myoma U Tin Aye (lawyer). (**Source: DPNS**)

In late February 1998, Dr. Maung Maung Kyaw along with the two female student leaders, Suu Suu Win and Khin Moe Aye, and ethnic leaders U Tha Ban and Khun Sai were arrested by the SPDC. All five were accused of supplying historical details and other information to the student leader Aung Htun who wrote a history of the Burmese student movement. In April the SPDC sentenced Dr. Maung Maung Kyaw and two other ethnic leaders to 10 years' imprisonment for assisting a student historian in writing a history of the Burmese student movement. Dr. Maung Maung Kyaw and the other four were charged under Section 5(j) of the 1950 Emergency Provisions Act and under Section 17 (20) of the 1962 Printers' and Publishers' Registration Act. The military regime also sentenced the two female student leaders to seven year prison terms. All five were refused access to legal counsel. Dr. Maung Maung Kyaw is a well-known and respected lawyer and is the patron of the Society for International Friends (Union of Burma). He was first arrested in 1989 for working with Daw Aung San Suu Kyi in carrying out political defiance work and was released in April 1992. U Tha Ban is a journalist and lawyer, and CEC member of the Union National League for Democracy (UNLD), a coalition of legal ethnic parties allied with the NLD. He was first detained in January 1991 and given a five year prison term under Section 5(j) of the 1950 Emergency Provisions. He was released in February 1995. Khun Sai had been arrested twice in the past 25 years before this latest arrest. He was given a seven year prison sentence for his role in the 1974 U Thant's funeral strike and in November 1989 he was detained again, to be released in 1993. Suu Suu Win and Khin Moe Aye were first arrested in December 1991 for leading a student demonstration at Rangoon University. The two were jailed for 10 years each but released in May 1992.

26. Partial list of the activists arrested in 1998

◆ On January 23, 1998, 18 students were arrested in Rangoon for handing a letter of protest against the military regime to the UN special envoy, Alvaro de Soto. (**Source: Inside Burma**)

◆ In February, 1998, Ko Aung Tun was arrested and, according to the SPDC official statement, was sentenced to three years' imprisonment for breaking the 1962 Printers and Publishers' Registration Act; he was also sentenced to seven years under the provisions of the Unlawful Associations Act, and another seven years under the Emergency Provisions Act, for a total of seventeen years in prison. Another five persons, were also arrested in late February for allegedly assisting in the preparation of his book. At March 1, 1998 press conference, the SPDC claimed that Ko Aung Tun was collaborating with terrorist groups. The real reason for his arrest was because he had written a history of the student movement in Burma. Ko Aung Tun was active in the student-led 1988 pro-democracy movement and was imprisoned from 1990 to 1994. (**Source: ABSFU**)

◆ In late February 1998, Dr. Maung Maung Kyaw along with the two female student

leaders, Suu Suu Win and Khin Moe Aye, and ethnic leaders U Tha Ban and Khun Sai were arrested by the SPDC. All five were accused of supplying historical background and other information to student leader Aung Htun who wrote a history of the Burmese student movement. In April SPDC sentenced Dr. Maung Maung Kyaw and two other ethnic leaders to 10 years' imprisonment for assisting a student historian in his work to write a history of the Burmese student movement. Dr. Maung Maung Kyaw and the other four were charged under Section 5(j) of the 1950 Emergency Provisions Act and under Section 17 (20) of the 1962 Printers' and Publishers' Registration Act. The military regime also sentenced two female student leaders to seven year prison terms. All five were refused access to legal counsel. (**Source: ABSDF**)

◆ On March 1, 1998, at an SPDC press conference, the SPDC named several men, some of them students, who were accused of having taken part in plot to assassinate SPDC leaders or otherwise disturb the peace. Six of those arrested, Ko Thein, Khin Hlaing, Naing Aung, Thant Zaw Swe, Myint Han and Let Yar Htun were sentenced to death for their part in alleged bomb plots. Thirty-three others were given harsh sentences. (**Source: Inside Burma**)

◆ On April 30, 1998, James Rupert Russell Mawdsley, holding dual citizenship of British and Australia, was arrested at the Central Market in Moulmein, Mon State, while distributing anti-SPDC leaflets. He was sentenced to five years imprisonment on May 13, 1998 at Insein township court. (**Source: HRDU**)

◆ During May and June 1998, the following leaders of Democratic Party for New Society in Mandalay Division were arrested and charged with prison terms of seven years and up. They were Ko Nyein Chan, Ko Yar Kyaw, Ma Thida and Ma Ommar. (**Source: DPNS**)

◆ In August, 1998, Ko Aye Ko, Tin Ko Aung, Min Naing, Ma Ni and Kyaw Soe, all are members of Democratic Party for New Society in upper Burma, were arrested. (**Source: DPNS**)

◆ On August 10, 1998, the SPDC MI arrested Maung Soe Min and Maung Myo Min Htun, from State High School (2), Maung Aung Moe Thu and Maung Nyi Nyi Aung from State High School (1) and Maung Zarni Win Kyaw from High School (4), in Mergui, Tenasserim Division. All are ninth grade students. The MI found anti-SPDC literature on them after the hit-and-run demonstration in Mergui on August 4. (**Source: ABSDF**)

◆ On August 10, 1998, Aung Ko Yu, a former high school student from Tavoyssuu ward, Mergui, Tenasserim Division, was rounded up by the MI for his leadership of the hit-and-run demonstration in Mergui on August 4. He was later charged with 1950 Emergency Act Article 5(j). (**Source: HRDU**)

◆ On August 22, 1998, Maung Kan Myint, and Maung Htay Aung, both 16 years old and from Bogyoke Street, Ye, Mon State were rounded up by the MI 5 for allegedly distributing anti-SPDC literature from a motorcycle at night. (**Source: ABSDF**)

◆ In the first week of September 1998, about 100 Democratic Party for New Society members of Rangoon, Mandalay, Pegu, Sagaining, and the Delta regions were arrested. (**Source: DPNS**)

◆ On September 4, 1998, Moe Thura, a university student and Nyein Chan, Zaw Win Naing, Zaw Moe, Ko Thitsa and U Than Nwe were arrested by the SPDC authorities in Palaw, Tenasserim Division. They were accused of encouraging people to stage a

demonstration against the SPDC on August 27. They were rounded up by MI 19. On September 15, Moe Thura, Nyein Chan, Zaw Win Naing and Zaw Moe were sentenced to five years' imprisonment and the other two were sentenced to seven years' imprisonment. (*Source: HRDU*)

◆ On September 4, 1998, at least 12 Buddhist monks were arrested and three others sustained injuries after riot police violently broke up a protest in Mandalay. Some 50 students also participated in the protest. (*Source: ABSDF*)

■ On September 22, 1998, Htun Myint Kyaw, a leading member of All Burma Federation of Students Union (ABFSU), was arrested in Alone township, Rangoon. The MI beat and kicked him once he was rounded up. (*Source: HRDU*)

◆ On December 22, 1998, Khin Soe from Ye township, Mon State was arrested for allegedly having contacted the People's Defense Force, an exile group based on the Thai-Burma border. The SPDC announced that other NLD members who had assisted him were also exposed. (*Source: Inside Burma*)

27. Partial lists of the civilians arrested in 1998

◆ On September 16, 1998, a DKBA troops led by Captain Titti from Division (3) came to Thayetdaw villaged, Kawkareik township, Karen State. They arrested U Myint Aung Sein, chairman of villaged PDC (Peace and Develop Council) and Saw Khin Kyi, secretary of the villaged PDC. They were arrested because the village was unable to pay a tax of 45,000 kyat for purchasing weapons for the DKBA troops. They were later released after the village gave the required amount of money. (*Source: HRDU*)

◆ Since November 10, 1998, 23 people were arrested by the SPDC IB 102 and all are still under detention as of January 1999. They were accused of being supporters or part of the hard core of the KNPP troops. The names of the persons detained are Maung Htet, aged 30, Labine, aged 15, Lular, aged 30 (all from Lee Woe village, Sindaung), Than Aung, aged 49, Aung Myint, aged 35, Maung Kin, aged 29, Ohn Pwint, aged 38 (all from Kat Faeku villaged, Nah Sankan) Say Reh, aged 38 and Saw Reh, aged 30 (both from Wei Theku village, Sindaung), Byah Reh, aged 32 and Shar Reh, aged 25 (both from Daw Pawku village, Moebye) Pray Reh, aged 25 from Htee Theklo village, Sor Reh and Paku (1), aged 29, from Tani Lahleh, Paku (2), aged 17, Ngah Reh, aged 45 and Deh Reh, aged 30, from Daw Klokku village, Tyaruu (1), aged 21, from Htee Pawsoe village, Tyaruu(2), aged 22, from Ngwedaung, Tee Kahn, aged 37 from Dawbo Sei village, Maung San, aged 26, from Pankan village, and Lucas, aged 29, from Lay Woe village, Demawsoe. (*Source: KNAHR*)

◆ On December 24, 1998, U Sai Ba Thein and Sai Oak, both farmers from Pun Htun village, Linke township, Shan State were arrested for allegedly inciting farmers not to obey the paddy selling policy announced by the local authorities. They were charged with Criminal Act 505(f) and are being detained at Linke Police Station. (*Source: HRDU*)

28. Death sentence on the activists

Ko Thein aka Ko Thein Htun, aged 44, Naing Aung aka Fighter Aung, aged 31, Thant Zaw Swe, aged 31, Myint Han aka Mya Han, aged 44, Khin Hlaing, aged 51, and Let Yar Htun, aged 29, received death penalty after the 14 years imprisonment, according to the

SPDC press conference in March 1, 1998. The SPDC alleged that the All Burma Students' Democratic Front (ABSDF), an exile student group based on the border area, together with the All Burma Students Union, an underground student group inside Burma, the NLD and the defunct Burma Communist Party all conspired to "instigate public unrest." Furthermore, it claimed that ABSDF member Ko Thein was involved in a plot to assassinate state leaders and blow up public buildings. Thant Zaw Swe, Naing Aung, Myint Han, Let Yar Htun and Khin Hlaing were also alleged to be involved in anti-SPDC activities. The six men were among a group of 39 people arrested in connection with the alleged anti-SPDC "plot". Myint Han is a Buddhist monk known as U Sanda Thiri and a member of the Young Monks Association. Let Yar Htun, imprisoned from 1991 to 1995, Naing Aung and Thant Zaw Swe are ABSDF members. Khin Hlaing is a former teacher and NLD members who was imprisoned in 1991 for allegedly having contact with the ABSDF. All are believed to have been arrested in January 1998. The ABSDF denied that its members were involved in violent activities, indicating that they only carried out peaceful political activities. None of the 39 people arrested was given legal representation during trial in early April at a special court inside Insein Prison.

29. Arrest of 54 people for peaceful civil disobedience and long prison sentences

The SPDC announced that 54 people, including 23 NLD members, had been detained for causing student unrest and demonstrations in August and September. Among those detained were activists of exile groups who had obtained funds and conspired with foreign organizations to incite the disturbances, SPDC spokesman Col. Thein Swe told a news conference. He said the 54 people detained did not include NLD members and elected MPs who have been questioned in government guesthouses. The SPDC accused foreign organizations of "attempting to incite unrest in the country." The organizations include the New York-based Open Society Institute (OSI) and Thai chapter of the Vatican-based Jesuit Refugee Service (JRS) and exiled Burmese groups such as the National Coalition Government of the Union of Burma (NCGUB), the Karen National Union (KNU), the All Burma Students' Democratic Front (ABSDF) and the Alternative Asean Network of Burma. Both OSI and JRS denied the SPDC accusations.

The SPDC issued a 15 page statement providing details of people involved in a plot to incite unrest. However, after reading the document, Amnesty International (AI) stated it could find no evidence that any of those named engaged in anything other than peaceful civil disobedience in Burma.

According to the ABFSU, these 54 people were among the 1,000 students and youths arrested for their participation in a peaceful demonstration demanding that the SPDC hold a dialogue with the NLD. Among them, Tun Myint Aung, a leading member of ABFSU, was arrested on September 22, 1998 in Alone township, Rangoon. He was beaten by the Military Intelligence upon his arrest. Myo Min Zaw, a student leader of recent student demonstrations and a member of ABFSU, was also arrested at the demonstration and beaten by the security forces. Two other students, who were only 14-15 years old, were beaten and kicked by the Military Intelligence at the demonstration. (**Source: ABFSU**)

At least 270 people out of 1,000 students and youths were sentenced to long prison

terms in Burma in January. More than 200 students were given 14 years each while exceptionally long sentences of 52, 38, 23 and 21 years were handed down to four students. Most of the rest received seven years' imprisonment.

2.10. Arrest of foreign activists

On August 9, 1998, one day after the tenth anniversary of democracy uprising in 1988, the SPDC detained a group of 18 foreign activists for distributing anti-government leaflets in Rangoon. The leaflets commemorated the anniversary of the democracy uprising and the violent suppression of the pro-democracy movement. These 18 activists, 10 men and eight women, were Michele Keegan (USA), Nisha Anand (USA), Sapna Chatpar (USA), Anjanette Hamilton (USA), Tyler Gianini (USA), Joel Greer (USA), Alison Marty Vickar (Australia), Jaran Ditapicha (Thailand), Suwat Uppahad (Thailand), Chanakan Phundaemvong (Thailand), Ellene Sana (Philippines), Ponciano Resuena (Philippines), See Chee How (Malaysia), Jonson Chong (Malaysia), Ju Lyn Ong (Malaysia), Cass Evert (Indonesia), Haikel (Indonesia) and Fadjri (Indonesia). They were charged under the 1950 Emergency Provisions Act for allegedly attempting to incite unrest in country, tried without benefit of an attorney, convicted, and sentenced to five years in prison at a court in Insein Prison, Rangoon. However, the foreign activists were deported to Thailand later that day.

2.11. Denial of fair public trial

A number of prisoners are never charged or tried in Burma, and false criminal charges are sometimes brought against political prisoners as a means of discrediting them. The civilian courts in Burma do not guarantee a fair trial to anyone accused of a political offence, so trial verdicts offer no reliable indication of whether a prisoner is guilty of a recognizably criminal offence or simply of non-violent opposition to the SPDC.

Hundreds of political prisoners are held without charge or trial under administrative detention provisions. Those political prisoners who have been charged and brought before the court have been denied the right to the most basic elements of legal protection. The SPDC appoints justices to the Supreme Court who, in turn, appoint lower court judges with the approval of the SPDC. The SPDC's Judicial Law No. 2/88 of September 1988 bases judicial procedures on international standards, but in practice the civilian judiciary cannot maintain its independence under pressure from the military authorities. Although the procedures stipulated for use in civilian courts appear to conform to international standards for fairness, the civilian judiciary is in practice subject to intimidation from the military authorities sufficient to undermine its independence. Furthermore, the restrictions placed on political prisoners' access to legal counsel deny them any real opportunity to prepare a proper defense. In most political cases, trials are held in courtrooms in prison compounds and are not open to the public. In these instances, defense counsel appears to serve no purpose other than to provide moral support, since reliable reports indicate that verdicts are dictated by higher authorities. Political detainees are held incommunicado for long periods. Even after being charged, detainees rarely have benefit of counsel.

In August 1998, the military authorities detained a group of 18 foreign activists for

allegedly distributing anti-SPDC leaflets; they were charged, tried without benefit of an attorney, convicted, and sentenced to five years in prison. However, the foreign activists were deported later that day.

In December 1997, the SPDC commuted the sentences of those prisoners who were serving terms longer than 10 years. The SPDC reduced the sentences of approximately 60 students and political prisoners who were arrested between 1988 and 1992, making them eligible for release within the next few years. However, some political prisoners remain in custody after the completion of their original sentence.

2.12 Life in prisons

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 of the Red Cross (ICRC) have been rejected. The SPDC continuously rejects the ICRC standing requirements for visits to places of detention, including meeting prisoners in private, having access to all prisoners, and the assurance of repeat visits.

Prisoners are denied adequate food and health care. Most political prisoners are suffering from gastric ulcers, diarrhea, dysentery, lung diseases or 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 Burmese prisons.

The prisoners are very often forced to sleep on cold cement floors, and many of them suffer from sickness and serious diseases. Cells are often overcrowded and prisoners are denied adequate hygiene. In most prisons, prisoners are unable to get enough medical treatment. In 1993, there was no doctor at the Thayet Prison hospital. Ko Aik Ko, a member of ABFSU, received inappropriate treatment during his illness from one of the staff of the prison hospital and subsequently died. (**Source: ABFSU**)

Torture techniques, including beatings, often to the point of unconsciousness; being forced to crawl over sharp stones or shivers of glass; and being held in the hot sun for prolonged periods, are commonly practiced. Such tactics and others are used by the SPDC security forces to punish and intimidate prisoners. 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 beating and placed in leg-irons made of chains with an iron rod between the feet.

Political prisoners are not allowed to communicate with one another and are often held in solitary confinement. They are generally only allowed for fifteen minutes every

two weeks; to meet their families after they have been sentenced, before that time they are held incommunicado. Guards are present throughout the family meetings and often take notes. Although families can bring food and medicine to their relatives, such supplies are sometimes confiscated by prison authorities. Religious writings that have received prior approval are sometimes allowed to be given to prisoners.

Hundreds of prisoners have been forced to work under extremely harsh conditions on infrastructure projects without being released at the completion of their prison terms. Convicts are taken from prisons to serve as porters, often shortly before their sentences are due to expire, and then forced to work under very poor conditions long after they should have been released from prison. According to a Thai prisoner released in late 1998 from Burma's prisons, Burmese inmates faced regular beatings, torture, infection from HIV-contaminated medical supplies or were sent to labor camps from which many never returned. "Myanmar tries to lessen overcrowding in its jails by sending prisoners to slave camps from which only 50 per cent returned," one Thai trader, who spent time in both Insein and Mandalay prisons, told the media upon his arrival back to Thailand. He said officials and fellow inmates had told him during his 10 month stay in Mandalay that at least 50 prisoners died in the prisons each month from sickness or beatings. "In May 1998, 500 prisoners were sent out to slave camps, but less than 100 returned. They looked like skeletons, not like human beings," said another ex-prisoner. Apparently, prisoners can avoid going to such camps if they pay large bribes to the prison authorities.

2.13. Transfer of political prisoners

The SPDC transfers political prisoners at will to remote prisons which their families are unable to visit and provide the prisoners with additional food and medicine. In recent years the military regime has frequently transferred political prisoners to different prisons throughout Burma. It is believed that this is done to prevent links forming between political prisoners, as well as between prisoners and prison staff.

On June 17, 1998, 14 political prisoners were transferred from Insein Prison to Myitkyina Prison in Kachin State in northern Burma. The prisoners included U Nyan Thauang, a member of the National League for Democracy (NLD), from Mayangon township in Rangoon.

The 14 were each sentenced to seven years' imprisonment shortly after a clash between NLD members and riot police in Mayangon township in Rangoon in October 1997, when NLD General Secretary Daw Aung San Suu Kyi was travelling to the NLD office in Mayangon township to see NLD youth members.

Also in Rangoon at the same time as the clash, three MPs from the NLD, Dr. Than Nyein, Dr. May Win Myint and Daw San San, plus a number of other NLD members, were arrested and each sentenced to seven years' imprisonment.

There are currently about 30 political prisoners, including the group of 14 from Mayangon township, Rangoon, in Myitkyina Prison, according to sources in Rangoon. Prominent political prisoners including Dr. Zaw Myint Maung, Dr. Khin Zaw Win, Ko Htein Lin, Ko Kyi Pe Ko, Aung Naing Maw, U Hla Htun Aung, Chit Ko Ko and Khaing Zaw Oo are also in Myitkyina Prison. Three comedians in the prison detained for parodying the military regime are not allowed visits from family members; U Pa Pa Lay, U Htwe and

U Aung Soe were each sentenced to seven years' imprisonment for their criticism of the junta in 1996. (*Source: ABSDF*)

2.14. Death in prisons

U Thein Tin

U Thein Tin, a prominent member of the Rangoon Township Organizing Committee of the NLD, died at Rangoon General Hospital on the evening of February 18, 1998, following physical and mental torture in Insein Prison. He was detained in Insein Special Prison since March 1996 along with well-known leaders such as U Moe Thu, U Kyaw Min and U Soe Thein. He was charged under Section 10(a) of the State Protection Act, which is designed "to protect the country from the dangers of those who wish to harm the state." U Thein Tin, a writer by profession, was a former student leader during 1962. He came to prominence during Daw Aung San Suu Kyi's house arrest for his management skills in the NLD. (*Source: ABSDF*)

Aung Kyaw Moe

Aung Kyaw Moe, aged 29, a former student of the Rangoon Institute of Technology, who had been sentenced to 14 years' imprisonment for his involvement in a December 1996 student demonstration, died in the prison hospital on May 23, 1998. He died after being beaten by prison authorities following a hunger strike by political prisoners at the Thayawaddy Prison, 200 km north of Rangoon. On May 22, political prisoners in Thayawaddy Prison staged a hunger strike to mark the eighth anniversary of the 1990 elections, in which the NLD had won a landslide victory. The political prisoners made demands: that the ruling SPDC treat them as political prisoners, and that it enter into a dialogue with the NLD to solve the country's problems peacefully. However, the authorities, under instructions from the SPDC's Ministry of Home Affairs, rejected their demands and warned the prisoners to stop their hunger strike immediately. When they refused to do so, eight political prisoners who were beaten got seriously injured. Afterwards, the family members of all the political prisoners at Tharawaddy Prison were forbidden to visit the prison in an attempt by the authorities to prevent news about the incident from spreading. (*Source: ABSDF*)

U Saw Win

NLD representative U Saw Win (aka U Kyaw Zaw Lin, 61, from Htilin township) who was elected to parliament in the 1990 election, died on August 7, 1998, from unknown causes in Thayawaddy Prison, 200 km north of Rangoon. He was arrested in 1991 for allegedly failing to transport logs in time while working on the construction of the Rangoon-Thanlyin Bridge. He was given 10 years' imprisonment under the Public Property Protection Act and an additional one year imprisonment under Section 5(j) of the 1950 Emergency Provisions Act.

The Election Commission dismissed U Saw Win as a Member of Parliament on December 12, 1991. The military regime twice promised to release U Saw Win from prison, once in 1992 and again in 1995, but failed to do so.

U Saw Win graduated in science from Rangoon University and in 1965 began working as a newspaper journalist. He later became an assistant editor at the *Botahtaung* newspaper and also worked for a government publishing house.

U Saw Win's body was cremated in secret by military authorities two days after his death on August 9, without the knowledge or presence of his family.

U Saw Win is the third NLD Member of Parliament to die in prison. U Tin Maung Win (Rangoon Division) died in 1991 and U Hla Than (Rangoon Division) died in 1996. U Saw Win's death also comes six months after the death in prison of Rangoon NLD Organizing Committee member U Thein Tin. (Source: ABSDF)

U Aung Min



U Aung Min, aged 53, a member of the organizing committee of Mandalay Northeast township, Mandalay Division, died on October 21, 1998 while he was under the detention at the IB 95 based in Mandalay. He was also in charge of Mandalay Division NLD office, Joint Secretary of the Northeast township and Chairman of Mawra Gewa ward. The statement issued by the SPDC said U Aung Min, had suffered from cancer of the lymph glands which had spread all over his body while in a Defence Services Hospital in Mandalay. He was arrested by the Military Intelligence and imprisoned at the IB 95 in September, 1998. No family visit was allowed during his detention. He became ill while in custody and refused medicine offered to him by the arresting authorities. Dr. Htay

Hlaing, another NLD member, was his companion in custody and he requested medical treatment for U Aung Min but the doctor was himself unwell and had no medical facilities to enable him to attend to his needs. On October 21, U Aung Min's wife, Daw Thwe Thwe San, was informed by the same MI officers that U Aung Min had died on the evening of October 21. His body was cremated at the Kyanikan Cemetery on October 23. His family was given three sacks of rice and one tin of cooking oil as a donation by the IB 95, but they rejected whatever assistance offered them by the military. (Source: HRDU)

2.15. Health concern for the political prisoners

Failure to provide for the daily requirements of the NLD members who are being detained resulted in the premature death of one member in Mandalay in October 1998. The arresting authorities in Mandalay who are holding members of the NLD in their custody are not providing proper food for them. The daily fare consists of fried rabbit greens, aubergines and lentils poorly cooked without oil and salt. The food is of the poorest quality.

The following NLD MPs are being fed with a very poor diet consisting only of vegetables, and their health is deteriorating as of December 1998:

U Hla Win	No (2) Constituency, Pakkoku township, Magwe Division
Dr. Kyi Min	No (1) Constituency, Pakkoku township, Magwe Division
U Tha Maung	No (2) Constituency, Oakpho township, Pegu Division
U Tin Oo,	No (1) Constituency, Oakpho township, Pegu Division

The situation concerning U Win Tin



U Win Tin has been in prison since July 4, 1989 and is not due for release until 2008. He is 68 years old and suffers from heart disease. A founding member of the NLD, he was arrested during a crackdown on the opposition and has been sentenced at different times to a total of 19 years' imprisonment. One accusation against him was that he had urged the NLD to adopt a civil disobedience campaign against martial law. On March 28, 1996, his prison sentence was increased by five years for allegedly attempting to smuggle a letter out of Insein Prison, the country's main detention facility in Rangoon. U Win Tin 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 was permitted legal representation at the trials, which were held in prison. U Win Tin's letter describing the poor conditions was addressed to the UN Special Rapporteur on Burma, whose mandate is to investigate and report on human rights in the country. His other punishment for this "crime" was to be held for several weeks in a small cell designed for military dogs, before being transferred to solitary confinement.

The Situation of Daw San San

Daw San San is back in prison after allegedly breaching the conditions of an amnesty under which she was released in 1992. Daw San San, who is 58, had been elected as an NLD MP in the May 1990 elections. She was one of the many MPs arrested in late 1990 and early 1991 for discussing what steps to take if the military authorities continued to refuse to cede power. She was sentenced to 25 years' imprisonment, but released under a limited amnesty for political prisoners on May 1, 1992. Since that period of detention, the SPDC dismissed her as a MP-elect and banned her from contesting any future elections. On October 28, 1997, she was arrested again after she had conducted an interview with the British Broadcasting Corporation in June 26, 1997, in which she was critical of the military regime. She was arrested under section 10(a) of the 1975 State Protection Act, but in April, 1998, she was charged under the 1923 Official Secrets Acts and sentenced to 25 years' imprisonment. Daw San San is a leader of the NLD women's group.

The situation of U Ohn Myint

U Ohn Myint, who is 81, was taken by security officers for questioning just before midnight on February 1998. He is an advisor to the NLD party and was also a friend of the late General Aung San, the Burmese national independence hero. For several weeks nobody knew where he was. He was accused of helping to produce a history of the students' movement. By May 1998 he had been sentenced to seven years' imprisonment. He had previously been detained between June 1989 and April 1993.

The situation of Moe Kalayar Oo

Moe Kalayar Oo was one of more than 50 mostly young people arrested in February 1995 at the funeral of U Nu, the first elected prime minister of Burma. Security forces began to make arrests at his funeral when some of the young people present delivered a eulogy in his honor. Moe Kalayar Oo was one of those who sang the eulogy and also made a speech. She was sentenced with two other women and six men to seven years' imprisonment in April 1995. At the time of her arrest, she was a 25-year-old philosophy student at Rangoon University. Because of sleeping on the concrete floor of the prison in every night, she suffered from lung disease. No medicine was given to her and she asked the prison authorities to let her accept the medicine from her family. The authority refused her request and sent her to her cell. At present, she is in solitary confinement. (*Source: ABFSU*)

The situation of Ko Myat San

Ko Myat San, currently in Taungoo Prison, was a leading member of tri-coloured student groups and also a guard of Daw Aung San Suu Kyi in 1989. He was arrested again during the December 10 student movements in 1991 and sentenced to 20 years' imprisonment. In 1998, he was sent to the prison hospital from Cell No. 3 as he was suffering from gastric ulcers. As there was a lack of medicine in the prison, his family asked the authorities to refer him to the local hospital for medical treatment. The prison authorities refused this. (*Source: ABFSU*)

The situation of Kyaw San (aka Cho Saint)

Kyaw San was an active member of All Burma Federation of Students Unions. He was arrested during the 1996 December students' movement and sentenced to seven years' imprisonment. He was so seriously tortured at the interrogation center of Military Intelligence Service that he suffered from a nervous break down at Tharawaddy Prison. During his serious mental condition, he was never permitted to meet his family. (*Source: ABFSU*)

The situation of Toe Toe Tun

Toe Toe Tun was a leading member of All Burma Federation of Students Unions. He was arrested during the 1996 December student demonstrations and sentenced to a long-term imprisonment. He was seriously tortured at the interrogation center of MIS. Although

his health broke down, he did not receive enough medicine or medical treatment. (**Source: ABFSU**)

The situation of Ye Naing Win

Ye Naing Win was a leading member of Democratic Party for New Society (DPNS). He was arrested during the 1996 student demonstrations and sentenced to long-term imprisonment. He was suffering from liver disease but refused medical treatment. (**Source: ABFSU**)

The situation of Phyo Min Thein

Phyo Min Thein, a leading member of All Burma Federation of Students Unions (Lower Burma) was sentenced to a long-term imprisonment and is kept in Taungoo Prison. At present, his health has been deteriorating. He was among the 21 political prisoners who were sentenced under section 5(e) of the Emergency Provisions Act and under the Penal Code for the alleged misappropriation of State property for their attempt to send a letter about poor prison conditions to the UN Special Rapporteur on Burma. (**Source: ABFSU**)

(A)

On August 9, 1998, one day after the tenth anniversary of democracy uprising in 1988, the SPDC detained a group of 18 foreign activists for distributing anti-government leaflets in Rangoon. In photo, after deported 18 foreign activists to Thailand, they were holding a press conference in Bangkok.