

Political Prisoner Profile

AAPP CASE NO.:	0708		
NAME OF POLITICAL PRISONER:	Aung Thu		
GENDER:	Male	Ethnicity:	Burmese
DATE OF BIRTH:		Age:	49 in 2009
RELIGION:	Buddhism		
PARENTS NAME:	Aung Mye		
EDUCATION:	Secondary school, Yangon University		
OCCUPATION:	Leader of the 88 Generation Students Group, a political party in Yangon		
LAST ADDRESS:	Yangon, Yangon		
ARREST DATE:	13 October 2007	PHOTO DATE:	
SECTION OF LAW:	Section 505, 30, 1720, 33, 171, 2, 1, 3, 36, 6, 5/96 Section 228		
SENTENCING HISTORY:	Sentenced to 6 months imprisonment and 6 months community service in 2008 Sentenced to 65 years imprisonment in 2008		
COURT HEARING:	Northern District Court, Yangon		
NAME OF PRISON:	Insein, Yangon, Myanmar		
RELEASE DATE:			



IMMEDIATE HEALTH CONCERNS:

Aung Thu suffers neurological problems, possibly as a result of torture inflicted during interrogation. He was hospitalized while in detention. In spite of his serious health condition he was transferred to one of the most remote prisons – Putao prison, which is located 1,150 miles from Rangoon in Northern Kachin State. A round trip by public transport can take up to 14 days due to the poor infrastructure. It is extremely difficult for family members to visit and provide the essential supplementary food and medicines that political prisoners rely on.

The muscles in one of Aung Thu's legs have seized, and he cannot stand up or move properly. One of the reasons for his condition is that during his prison transfer, he was held in iron shackles. "His tongue is retracted, his nerves are damaged, and his leg muscles are wasting away. I'm really worried that these are all symptoms leading to paralysis. A doctor visits him every two weeks, but there is no specialist there. I worry that the doctor will not understand his symptoms, and misdiagnose him," said Myat Myat Tun, Aung Thu's wife. (AAPP report *Burma's prisons and labour camps: silent killing fields*, May 2009, DVB, 20042009)

Additional Concerns:

On 6 October 2008, during court hearing, he collapsed after having to sit for a long period. He was reportedly taken back to the hospital. (DVB, 7 October 2008)

AAPP reported that on at least one occasion he was taken to a psychiatric hospital, even though he was not suffering from mental illness. When Aung Thu complained he was taken to a neurological hospital, Dr. Myat Htun, deputy-in-charge of the hospital said, "you politicians make us busy and give us trouble but we cannot cure you - if you are not satisfied you can complain to anyone anywhere". (Burma Digest, 30 August 2008)

CURRENT STATUS SUMMARY:

On 29 October 2008, Aung Thu and eight other leaders of the 88 Generation Students Group were sentenced by the Northern District Court inside Insein prison to 6 months imprisonment under section 228 of the Penal Code for contempt of court after they demanded that their families be allowed to attend

their court hearing and refused to answer the judge's request for a plea of guilty or not guilty.

On 31 October 2008, they were transferred from Insein prison to Ma-ubin prison in Irrawaddy Division where their trial continued.

On 11 November 2008, he, along with the other eight prisoners held at Ma-ubin, was sentenced to 65 years in prison after being convicted of charges related to participation in demonstrations during August 2007. On 15 November, the group of nine was transferred back to Insein prison. On 16 November, Aung Thu was transferred to Putao prison in Kachin State.

CAREER BACKGROUND:

In 1988, Aung Thu was a final year chemistry student at Rangoon University. He was arrested and detained under the section of law 10(a) of the State Protection Law because of his involvement in an incident that happened on 16 March 1988 at the White Bridge bus stop near Inya lake by Rangoon University. During that incident many students were beaten up and some even killed by police. Some drowned in the lake. After the clash with police, students and activists, including Aung Thu, staged public protests and renamed the site "Red Bridge" because of the deaths that had occurred, even though the authorities tried to stop them from changing the name.

Aung Thu was first arrested in 1990, and sentenced to four years imprisonment under Section 5j of the Emergency Provisions Act. He was released in 1993 from Insein prison. At the time the Home Affairs ministry granted some short reductions in sentences, including for Aung Thu, but this practice stopped after 1995.

Aung Thu graduated from university after his release from the prison and went on to become a marketing manager of the company called Archinomoto (which sells seasonings in Burma). He also got married. He still met his friends at teashops to discuss politics, but was not actively involved in protests.

In 2006 he joined the 88 Generation Students group, which was founded on 6 September 2005 by Min Ko Naing, Ko Ko Gyi, Min Zeya, Htay Kywe and Htay Win Aung aka Pyone Cho, following their release from prison after spending more than fifteen years in jail. He participated in the demonstrations against the regime's economic mismanagement, hikes in fuel and commodity prices, and the falling standard of living in August 2007.

He went into hiding after thirteen of his fellow activists were arrested on 21 August 2007 following a peaceful march from Rangoon's Kokine junction to Tamwe market in a protest against high fuel prices. The activists, who had attended a memorial service for late National League for Democracy leader U Kyi Maung in Bahan township, walked to Tamwe instead of paying for bus fares pushed higher by increased gas prices. The Burmese government had raised the price of subsidised fuel by between 100 and 500 percent, causing the cost of public transport and a number of staple commodities such as rice and cooking oil to increase dramatically.

After the arrests of many 88 Generation Students group leaders on 21-22 August 2007, Aung Thu continued to provide leadership for the movement. On 30 September he gave an interview for the DVB saying that no matter what the regime does to the political activists, 88 Generation Students group will always defend Burmese people and fight for their rights. (30 September 2007, DVB).

In a statement released on 5 October 2007, he encouraged continuation of the Saffron Revolution: "This campaign will allow everyone to participate individually rather than walking in a large crowd.

This time, each person will bring a candle to a pagoda or other place of worship and pray for those who died.' Aung Thu stressed his belief that opposition to the military regime needs to continue. 'We want to let people know that we and our new generations will have to live our lives at the gunpoint of this military regime if we don't rise up against them now. We have to bear in mind that now is the time to revolt against this government,' he said." (5 October 2007, DVB)

ARREST DETAILS:

Aung Thu was arrested in the early hours of 13 October 2007, reportedly after Htay Kywe visited his mother in Shwegonedine Special Clinic. Aung Thu was arrested along with his 88 Generation Student colleagues Htay Kywe, Zaw Htet Ko Ko and Thin Thin Aye aka Mie Mie in an overnight raid on the rubber plantation in Pegu division where they were hiding. The rubber plantation owner Aung Gyi and workers were also arrested. According to a local source, the police chief Brigadier General Khin Yee paid arresting officer lieutenant Hla Moe Aung a reward of 2,500,000 kyat for the capture of the activists.

DETAILS OF IMPRISONMENT:

The trials of the 35 members of the 88 Generation Students Group, led by Min Ko Naing, started on 27 August 2008 and continued on 9 September 2008. They, 9 females and 26 males, were brought before Rangoon Eastern District Court which was held inside Insein prison. Most had been detained in prison without trial for more than a year, since 21 August 2007. Their cases were heard by eight courts, Insein Township Court, Hlaing Tharya Township Court, Rangoon Eastern District Court, Rangoon Northern District Court, Thinganyun Township Court, Dawbon Township Court, South Okkalapa Township Court, and North Okkalapa Township Court, all activists have been held inside the Insein prison.

The accused included Min Ko Naing, Ko Ko Gyi, Pyone Cho, Min Zeya, Mya Aye, Jimmy, Zay Ya, Kyaw Kyaw Htwe, Arnt Bwe Kyaw, Pannate Tun, Zaw Zaw Min, Thet Zaw, Nyan Lin, Than Tin aka Kyee Than, Htay Kywe, Hla Myo Naung, Aung Thu, Myo Aung Naing, Thet Thet Aung, Thein Than Tun, Tin Htoo Aung, Zaw Htet Ko Ko, Chit Ko Linn, Thaw Zin Tun, Aung Gyi @ Aung Thike Soe, Saw Myo Min Hlaing, Thin Thin Aye(F), Sandar Min(F), Nwe Hnin Ye(F), Thara Phe Theint Theint Tun(F), Aye Thida(F), San San Tin(F), Lay Lay Mon(F), Hnin May Aung(F). On August 7, Mar Mar Oo (F) was arrested and on September 10, Nilar Thein (F), was arrested. On October 13, they were added to this group.

Their seven Defense Lawyers are U Aung Thein, U Khin Maung Shein, Daw Khin Htay Kywe, U Kyaw Hoe, U Myint Thaug, U Pho Phyu, and U Nyi Nyi Hlaing.

They were charged with 21 counts under the following laws:

- 1) Section 130/b of the Penal Code (committing depredation of foreign governments at peace with Burma) for open criticism of China and Russia for their use of veto power to reject the Burma resolution at the UN Security Council;
- (2) Section 4 of 'Endangering National Convention' (SPDC Law No. 5/96) for criticism of the national convention and constitution writing process;
- (3) Section 17/20 of the Printers and Publishers Registration Act for failure to obtain permission to print publicity pamphlets and for possession of printers without registration;
- (4) Section 33(a) of the Electronic Transactions Law;
- (5) Section 17 (1) of the Unlawful Association Act;
- (6) 24/1 of the Law Amending the control of money (for illegal possession of foreign currency);
- (7) 32(b)/ 36 of the Television and Video Law;
- (8) Section 6 of the Organization of Association Law for forming an organization without permission;
- (9) 505(b) of the Penal Code for denouncing the government.

At the 27 August 2008 trial, Aung Thu and eight other student leaders (Min Ko Naing, Ko Ko Gyi, Pyone Cho aka Htay Win Aung, Mya Aye, Hla Myo Naung, Nyan Lin, Myo Aung Naing and Ko Htay Kywe) as well as the other detainees demanded that they should not be handcuffed during the hearing and that their family members, public and media should be allowed to attend the hearing.

On 9 September 2008, Min Ko Naing was said: "You can sentence us to a thousand years in prison for our political activities, but we will continue to defend ourselves in accordance with the law. Nobody can hide from justice." (*Burma Digest* 1 October 2008)

During hearing on 10 September 2008, they were still handcuffed, but their family members were allowed to attend the court proceedings. The judge heard from the prosecutor who made his cases based on documents obtained from Internet.

On 15 October 2008, all Township Courts handed over the cases to three District Courts: Rangoon Eastern District Court, Rangoon Western District Court and Rangoon Northern District Court. These three District Courts are hearing the cases inside Insein prison compound.

The trial continued on 27 October 2008. Many defendants withdrew their attorney power from their lawyers, as they believed the trial was not fair. Some refused to answer the questions of the prosecutors. Security was still tight and the defendants were concerned for their safety.

On 29 October 2008, the nine student leaders (Min Ko Naing, Ko Ko Gyi, Pyone Cho aka Htay Win Aung, Mya Aye, Hla Myo Naung, Nyan Lin, Aung Thu, Myo Aung Naing and Ko Htay Kywe) were sentenced by the Northern District Court inside Insein prison to 6 months imprisonment under section 228 of the Penal Code for contempt of court after refusing to respond when asked by the judge three times whether they were guilty or not. The presiding judge at the trial ruled that the activists had "interrupted a public servant at a judicial proceeding" by repeatedly asking for an open trial that relatives could attend, said attorney Aung Thein, one of three lawyers for the activists. Some other defendants then stood up and demanded the judge to sentence them too. Security forces surrounded the court and the judge ordered them to remove all the defendants from the court and adjourned the trial.

On 31 October 2008, the nine who were convicted were transferred to Ma-ubin prison in the Irrawaddy Division. Their trial continued in Ma-ubin District Court, which will be held inside the Ma-ubin prison Compound. On November 1, their families were allowed to visit them in Ma-ubin prison.

On 11 November 2008, in addition to being convicted of contempt of court under Section 288 of the Penal Code on 29 October 2008, Aung Thu was sentenced, along with the eight other activists held at Ma-ubin, to 65 years in prison.

He was convicted of 5 counts of the indictment:

- 1) One charge under Section 6 of the Organization of Association Law for forming an organization without permission; for this charge he was sentenced to 5 years.
- 2) Four charges under Section 33(a) of the Electronic Transactions Law; for each of these he was sentenced to 15 years.

On the same day, 14 of the original group of 35 held in Insein prison (Min Zeya, Zaw Zaw Min, Kyaw Min Yu aka Jimmy, Than Tin aka Kyee Than, Zay Ya aka Kalama, Arnt Bwe Kyaw, Kyaw Kyaw Htwe aka Marky, Pannate Tun, Thet Zaw, Thin Thin Aye aka Mie Mie, Mar Mar Oo, Nilar Thein, Sandar Min aka Shwee, Thet Thet Aung) were also sentenced to 65 years on these same charges. It is expected that

those convicted will receive more sentences as their trials continue under the remaining 16 counts of the indictment.

On 15 November 2008, Aung Thu and the other eight activists held at Ma-ubin were transferred back from Ma-ubin prison to Insein prison. The following day Aung Thu with two other activists Bo Bo Win Hlaing and Myat San was transferred to Putao prison in Kachin State.

Aung Thein, Khin Maung Shein, lawyers in the case, were sentenced in absentia to four months detention during the trials (on November 7th). Three other defense lawyers who were representing several dissidents, Kyaw Hoe, Myint Thaung, and Khin Htay Kywe, have also been barred from representing their clients since early November.

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