


Political Prisoner Profile

AAPP CASE NO.:	0008			
NAME OF POLITICAL PRISONER:	Htay Kywe			
GENDER:	Male	Ethnicity:	Burmese	
DATE OF BIRTH:	June 12, 1968	Age:	40	
RELIGION:	Buddhist			
PARENTS NAME:	U Kywe and Daw Mi Mi Lay			
EDUCATION:	Second year Geology student, Rangoon Arts & Science University, Hlaing Campus (1988)			
OCCUPATION:	Leader of 88 Generation Students Group			
LAST ADDRESS:	Bahan Township, Rangoon			
ARREST DATE:	October 13, 2007		PHOTO DATE:	May 2008
SECTION OF LAW:	Section 505 (b) , 130 (b), 17/20, 33 (a), 17/1, 24/1, 32 (b)/36, 6, 5/96 (Section 4), 228			
SENTENCING HISTORY:	Sentenced to six months in prison for contempt of court on October 29, 2008 Sentenced to 65 years in prison on November 11, 2008			
COURT HEARING:	Insein prison special court, Ma-ubin prison			
NAME OF PRISON:	Buthidaung Prison in Arakan State (over 700 miles from Rangoon)			
RELEASE DATE:				
IMMEDIATE HEALTH CONCERNS:				
<p>Htay Kywe has recently been suffering from high blood pressure. (AAPP, Silent Killing Fields Report, 11/05/09)</p> <p>In December 2008 there were reports that Htay Kywe had been mentally and physically tortured by the authorities, according to a prison guard in Buthidaung Prison, Arakan State. General Maung Oo had ordered prison authorities to hold Htay Kywe on the death row cell block, and to deny him proper food and the right to exercise (Democratic Voice of Burma). He is also reportedly suffering from scabies because the authorities haven't allowed him to wash regularly enough.</p>				
CURRENT STATUS SUMMARY:				
<p>Htay Kywe is currently under solitary confinement. (AAPP, Silent Killing Fields Report, 11/5/09) He has been held in detention since October 13, 2007.</p> <p>On Sunday, November 16 at 3:00 am, Htay Kywe was transferred to Buthidaung Prison in Arakan State, western Burma. Buthidaung Prison is over 700 miles from Rangoon. He had already been transferred from Insein Prison to Ma-Ubin Prison in Irrawaddy Division in October 2008. On November 15 he and the other eight activists held at Ma-ubin were transferred back to Insein prison.</p> <p>On October 29, Htay Kywe 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. Then, on November 11, 2008 Htay Kywe and eight other activists were sentenced, like the fourteen 88 Generation Students Group leaders held in Insein prison, to 65 years in prison after being convicted of charges relating to their participation in demonstrations during August 2007.</p>				
CAREER BACKGROUND:				
<p>Htay Kywe was a prominent student leader during the 1988 pro-democracy protests in Burma. On March 17, 1988 riot squads raided the main campus of Rangoon University during student protests and</p>				

arrested **Htay Kywe** and other students. On that day, around 1,000 students were arrested altogether, from Rangoon University and also the Rangoon Institute of Technology. The majority of students were later released, but 141 remained in detention, including **Htay Kywe**. He was released from Insein prison on July 7 and went on to play a leading role in the August uprisings. He became the Vice-Chairperson of Ma-Ka-Tha, All Burma Students Democratic Movement Organization, and the All Burma Students Union Re-establishment Committee, formed at the time of the uprising.

After the military coup on September 18, 1988, the regime offered to open a dialogue with student representatives. **Htay Kywe** was one of the elected student representatives responsible for maintaining a dialogue between the regime and democratic forces i

authorities launched a manhunt for him and other leading activists. Despite the risk to his own safety, he carried on his pro-democracy work while in hiding, encouraging other protestors through reports and interviews carried by the international media.

His initiatives included an open letter to the UN in which he said, “We, the 88 Generation Students leaders, initiated these peaceful marches not only to protest against the hike in fuel prices, but to bring attention to the immense suffering of the people of Burma. Our goal has always been, and will remain, peaceful transition to a democratic society and national reconciliation through substantive dialogue that is also the objective of the United Nations... Those of us in hiding are under constant threat of arrest and unlawful imprisonment. In addition, our families, friends and relatives are being harassed and threatened constantly. Many of our colleagues and fellow activists have been detained, and we are concerned for their well being. Lately, the Buddhist monks have also come under attack.” **Htay Kywe** urged the UN to take urgent action in light of the early warning signs of further violence to come.

Htay Kywe was finally arrested on October 13, 2007 after visiting his mother in Shwegonedine Special Clinic when her health deteriorated. His mother died on November 29, 2007 after a long battle with cancer. He was allowed briefly to pay his respects to his mother at Yayway cemetery before the funeral, and the authorities documented this by photographing him. However, the authorities refused him permission to attend her funeral.

In October 2008, the 88 Generation Students, including **Htay Kywe**, who are detained in Insein prison, were awarded “2008 President’s International Democracy Award” from the American Federation of Teachers (with more than 1.4 million members) in the United States.

ARREST DETAILS:

Htay Kywe was arrested in the early hours of October 13, 2007, reportedly after visiting his mother in Shwegonedine Special Clinic when her health deteriorated. He was arrested along with his 88 Generation Student colleagues Mie Mie and Aung Thu in an overnight raid on the rubber plantation in Pegu division where they were hiding. The rubber plantation owner 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 August 27, 2008 and continued on September 9. 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 August 21, 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 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 Linn, 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;

In addition to being convicted of contempt of court under Section 288 of the Penal Code on October 29, on November 11, **Htay Kywe** 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 she 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, fourteen 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 November 15, he and the other eight activists held at Ma-ubin were transferred back to Insein prison. On Sunday, November 16, Htay Kywe was transferred to Buthidaung prison, northern Arakan state 730 miles from Rangoon, where the weather is very damp.

Aung Thein and 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 Thaug, and Khin Htay Kywe, have also been barred from representing their clients since early November.

This profile was prepared by the Assistance Association for Political Prisoners (Burma) on 1 May 2008, updated on September 15, 2008*, further updated on November 18, 2008 and on 24 June 2009.