

Political Prisoner Profile

AAPP CASE NO.:	1			<i>No Photo Available At This Time</i>
NAME OF POLITICAL PRISONER:	Min Aung			
GENDER:	Male	Ethnicity:		
DATE OF BIRTH:	4/9/2	Age:	1 in 29	
RELIGION:				
PARENTS NAME:	U Aung Myint and Daw Saw Phyu			
EDUCATION:	th Year Burmese Major			
OCCUPATION:	SinKye Store(Family Business)			
ORGANIZATION:	National League for Democracy (NLD) deputy secretary for Taungup Township; Human Rights Defenders and Promoters(HRDP)member; and International Labour Organisation(ILO)facilitator			
LAST ADDRESS:	Taungup Township, Arakan State			
ARREST DATE:	1 October 2 /		PHOTO DATE:	
SECTION OF LAW:	Penal Code, Sections 1 , 295 a) and 5 3 b ; Forming of Organizations Law No. 6 , Section 6; and Electronic Transactions Law No. 5 2 , Section (a)			
SENTENCING HISTORY:	1/ years and 1 days total(2 years and 1 days on 2 October 2 ' , and 1 5 years on 1/ December 2)			
COURT HEARING:	Taungup Township Court			
NAME OF PRISON:	Kale Prison, Sagaing Division			
RELEASE DATE:				
IMMEDIATE HEALTH CONCERNS:				
<p>On 6 November 2007, Min Aung's mother, Daw Saw Phyu, went to visit him at Thandwe Prison. She stated that her son "has stomach problems and a weak nervous system." She had gone to the prison to give him the medicines he needed; however, she was not allowed to visit him. (DVB 09Nov2007) Since that time, Min Aung's general health is reported to have improved. His current condition is unknown.</p>				
CURRENT STATUS SUMMARY:				
<p>Min Aung is a 37-year-old man who is now serving a 17-year and 14-day prison sentence for his involvement in the 2007 Saffron Revolution protests. (<i>See details below.</i>) He is currently incarcerated at Kale Prison, which is approximately 756 kilometers (470 miles) away from his family in Taungup Township of Arakan State. Transferring political prisoners to distant prisons is one of the tactics used by the regime to further punish prisoners and increase the burden on their families and friends who provide necessary medicines, food, and other support.</p> <p>Prison Transfer History:</p> <ul style="list-style-type: none"> • Min Aung was originally held in a local detention center for four days until he received his original 9½-year prison sentence. • After receiving his sentence, on 17 October 2007 Min Aung was transferred to nearby Thandwe Prison (a.k.a. Sandoway) in Arakan State for nearly four months. (Narinjara 30Jan2008) • On 9 February 2008 Min Aung was transferred to Insein Prison in Rangoon Division for 2½ weeks without any notification to his family.* (DVB 10Mar2008) • On 27 February 2008 Min Aung was transferred again to Mandalay Prison in Mandalay Division for about one week. (DVB 10Mar2008) • In the first week of March 2008 Min Aung was transferred yet again to Kale Prison in Sagaing Division, without any advance notification to his family. (DVB 10Mar2008) <p>* It is believed that when Min Aung was transferred away from Thandwe Prison (near his hometown) to distant Insein Prison (and Mandalay Prison and Kale Prison immediately thereafter), the authorities did this for two reasons. The first was in response to a 7,000-signature petition from Taungup villagers sent to Senior</p>				

General Than Shwe demanding for Min Aung's unconditional release. The second reason was that Min Aung "was working for prisoners, because some prisoners in Thandwe have faced unjust sentences and have had no contact with their families. Because of his efforts to help them, the authority shifted him to another prison from Thandwe." (Narinjara 11Feb2008 and DVB 07Jan2008)

In February 2008, during the 2½ weeks that Min Aung was incarcerated at Insein Prison, his mother, Daw Saw Phyu, had a chance to visit him. She said, "The authorities have yet to remove the leg irons and chains that were put on him, and have been keeping him alone in a four-foot square room." (Narinjara 04Mar2008)

CAREER BACKGROUND:

Min Aung is married to Ma Myat Wut Yi and has three young children, including a 4-year-old and 2-year old twin boys (as of 2 December 2009). Min Aung runs SinKye Store, which is a family-owned business, and he has been involved in politics for a number of years. (PDC/NCUB 22Oct2007)

Prior to his arrest, Min Aung was concurrently holding three positions with the Taungup Township National League for Democracy (NLD) in Arakan State. He held the positions of Deputy Secretary, Treasurer, and Elimination of Forced Labour and Restoration of Human Rights Sub-Committee member. (PDC/NCUB 22Oct2007) The NLD is 1991 Nobel Peace Prize winner Daw Aung San Suu Kyi's pro-democracy political party that won the 1990 multi-party elections by a landslide victory; however, the results were not acknowledged by the ruling military regime, and the party was prohibited from forming the government.

Min Aung is involved in the UN's International Labour Organisation (ILO) liaison network. The ILO is the United Nations' tripartite agency (i.e., providing government, employer and worker representation from each member country) established to seek the promotion of social justice and internationally-recognized human and labour rights. The ILO liaison network is an affiliation of human rights and labour rights activists from all over Burma that reports cases of forced labour and land seizures to the ILO office in Rangoon for investigation and rectification. In an article from the Democratic Voice of Burma, as of 11 April 2008, an ILO liaison network member stated that the network had so far reported approximately 80 cases of forced labour and land seizures to the ILO. (DVB 11Apr2008)

Min Aung is also a member of the Human Rights Defenders and Promoters (HRDP) network. HRDP was formed in 2002 to promote citizens' rights in Burma by providing public seminars and trainings on human rights, doing human rights documentation work, and advocating on behalf of the people.

In addition, Min Aung was a member of "Makathapha" which is a pro-democracy group purposed with defending human rights in Burma.

ARREST DETAILS:

Due to his political activism in a number of organizations, the authorities had been targeting Min Aung. Following his alleged participation in the 2007 Saffron Revolution, * **Min Aung was arrested on 1 October 2007 in Taungup when he returned from Rangoon.** (DVB 10Mar2008)

** The Saffron Revolution was named after the color of the monks' robes who led many of the peaceful marches in August and September of 2007. It was a multi-day series of demonstrations that spread throughout Burma to protest the military regime's economic mismanagement and the falling standard of living. In August 2007 the regime abruptly removed fuel subsidies, causing fuel prices to skyrocket between 100% and 500% overnight. This consequently led to a dramatic increase in the prices of transportation and general commodities. Throughout the protests activists were arrested, and beginning on 26 September 2007 the military used force with a violent crackdown on the protestors and the monks to end the demonstrations.*

"Taungup is a small town in Arakan State, but is very against the military junta. During the monk-led demonstrations in September, nearly a dozen demonstrations broke out in the town and about 20 people were arrested by the military authority." (Narinjara 17Dec2007)

Min Aung was "accused by military authorities of creating turbulence in Taungup during the September

movement, and of organizing people to participate in the demonstration.” (Narinjara 07Jan2008)

The Asian Human Rights Commission declared that Min Aung “was apparently targeted for having worked on a number of forced labour cases in Arakan State and having had contact with the International Labour Organisation's office in Rangoon.” (AHRC 16Nov2007)

Acting Secretary of the Arakan State NLD Organizing Committee, Than Hlaing, said, “About 20 NLD members in Taunggok [a.k.a. Taungup] township, including Ko Min Aung, have been arrested for their involvement in the [ILO liaison] network’s activities....So they [the regime] are putting all these ridiculous charges on all the people who make contact with the ILO, and if they can’t charge them, they beat them up.” (DVB 11Apr2008)

The PDC/NCUB (Political Defiance Committee / National Council of the Union of Burma) issued an update on 22 October 2007 which stated their belief that Min Aung was arrested under false pretexts due to the following prejudices against him:

1. “He is the active member of [Arakan] State NLD especially in [the] fight against forced labour and other wrongdoings of the local authority for the people. This is the main reason why he was arrested and imprisoned. His colleagues pointed out that the following cases are the reasons behind his unfair trial and unjust imprisonment.
 - (a) “He fully cooperated with ILO country representative Richard [Horsey] in fight against forced labour case in Zichaung Dam Project carried out in [Taungup] Township, [Arakan] State in 2003. He succeeded in this case and the local authorities were punished with prison terms for this case.
 - (b) “Similarly he fought against [a] forced labour case ordered by local army unit in Yan Myo Maung and Michaung Hto villages in 2003. The village authorities were sent to prison in this case thanks to his great effort.
 - (c) “He succeeded in child soldier case in Kingtaung village, [Taungup] Township, and 2 child soldiers could be sent back to their parents thanks to his selfless effort.
2. “His wife is now facing a lot of difficulties with her 10 months old twin brother sons.
3. “The local people and his colleagues are feeling discontent upon the imprisonment of an innocent person only on prejudice against him without committing any crime, and requested to do their utmost efforts for putting pressure on this unfair trial and case.”

DETAILS OF IMPRISONMENT:

ORIGINAL TRIAL On 17 October 2007, four days after his arrest, Min Aung’s case went to trial, and he was sentenced the same day. His original trial took place at Thandwe District Court under presiding District Judge Thoung Tin. The prosecutor was Police Lieutenant San Shwe Thein, and the Prosecuting Lawyer was District Officer U Kyaw Hla Tun. Min Aung was forced to defend himself as he did not have a defense lawyer to represent him. According to the trial file (summarized interpretation by AAPP on 25 Nov 2009), Min Aung was *accused* of organizing protests and causing instability in Taungup Township during the Saffron Revolution as follows:

- On 4 September 2007, between 9am and 10am, Min Aung allegedly gathered 13 members and organized a demonstration in the market to protest against the high commodity prices. At 10am his group allegedly demanded the release of prisoners in front of regional administration office.
- On 11 September 2007, between 16:15 and 17:45, Min Aung and three other activists allegedly went to Thein-Daung Monastery, Su-Toung-Pyeit Monastery, and Kan-Paing Monastery. He was accused of encouraging the monks: 1) to organize a march on the street, 2) to recite Buddha’s “Loving Kindness” course, and 3) to boycott the State leaders by refusing their alms and not performing religious ceremonies on their behalf.
- Min Aung was also accused of participating in illegal organizations, including his involvement in Makathapha and the National League for Democracy.

According to the trial file (interpreted by AAPP on 25 Nov 2009), **on 17 October 2007, Min Aung was sentenced to nine-and-a-half (9½) years in prison and labor** under the following laws:

1. Penal Code, Section 143 – Member of an unlawful assembly (*6 months* and labor)
2. Penal Code, Section 295(a) – Acts intended to insult religious beliefs (*2 years* and labor)
3. Penal Code, Section 505(b) – Statements conducing to public mischief (*2 years* and labor)
4. Forming of Organizations Law No. 6/88, Section 6 – Forming an organization without permission (*5 years*)

APPEAL According to the trial file (interpreted by AAPP on 25 Nov 2009), on 24 October 2007, Min Aung's appeal was heard by Arakan State Court Judge San Lwin. This time Min Aung was allowed to be represented by defense lawyer U Aung Thein, and he maintained his plea of innocence. **On 2 October**