


Political Prisoner Profile

AAPP CASE NO.:	0102			 Min Zeya ©AAPP
NAME OF POLITICAL PRISONER:	Min Zeya			
GENDER:	Male	Ethnicity:	Mon	
DATE OF BIRTH:	16 June 1958	Age:	50	
RELIGION:	Buddhist			
PARENTS NAME:	U Ba Yin and Daw Chit Phwar			
EDUCATION:	Fifth year Student (Law Major) Rangoon in 1984			
ORGANIZATION:	Leader of 88 Generation Student group			
LAST ADDRESS:	South Dagon Township, Rangoon			
ARREST DATE:	22 August 2007		PHOTO DATE:	17 November 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)			
SENTENCING HISTORY:	Sentenced to 65 years in prison on November 11, 2008			
COURT HEARING:	Insein prison special court			
NAME OF PRISON:	Insein prison, Lashio prison			
RELEASE DATE:				

IMMEDIATE HEALTH CONCERNS:

Min Zeya was suffering from acute hypertension as of 1 October 2008. He was also reported to be suffering from serious back problems and other medical conditions which are linked to the torture he endured during an earlier term of imprisonment. Amnesty International reported that he had been denied proper medical treatment.

CURRENT STATUS SUMMARY:

On 24 March 2009, *Mizzima* reported that in November, jurists of an international tribunal founded under the auspices of the UN charter, declared the detention of Min Zeya and three other Burmese activists to be arbitrary. The judgment came in response to a case brought forward by two British barristers, Sappho Dias and Adam Zellick, on behalf of the four prisoners in Burmese jails. The three other activists were also arrested in August of 2007 for leading the peaceful march in Rangoon. Despite the Burmese government's protestations, the tribunal held the regime to be operating entirely outside of the law and described its violations of minimum standards of international law as "grotesque".

"We support the call for the release of these four men. We also call for the release of all those unlawfully detained by this regime," Sappho Dias, who is also Chairman of the *Burma Justice Committee (BJC)*, said in a press statement. (*Mizzima*24032009)

On 2 January 2009, it was reported that Min Zeya in poor health and has a recurring back injury. He asked the prison authorities to allow him to take exercise by walking around in the prison compound, said Ma Cho Cho Win, Min Zeya's wife, following a recent prison visit. (*DVB02012009*)

CAREER BACKGROUND:

Min Zeya has been imprisoned for 7 of the last 18 years. During the 1988 popular uprising, he led the *All Burma Students Democratic Movement Organization (Ma-Ka-Da)* and was a chairperson of the *All Burma Students Union Reconstruction Committee* founded after the uprising. After being arrested in 1989 for taking a leadership role in an underground network, he was sentenced to 7 years imprisonment.

In the years following his release in 1995, he was detained again several times.

On 6 September 2005, Min Zeya helped found the 88 Generation Students group, together with other prominent activists from the 1988 uprising. On 27 September 2006, he was arrested, along with Min Ko Naing, Htay Kywe, Ko Ko Gyi and Pyone Cho, by special police forces. They were arrested for their pro-democracy activities, including the “White Sunday” campaign, which began in early 2006. Every Sunday around 100 pro-democracy activists wore white clothing similar to that worn by political prisoners and went to visit the families of political prisoners in an act of solidarity and protest. The activists were all released on 11 January 2007. On 11 March 2007 they reinitiated the White Sunday Campaign.

In August 2007, Min Zeya and other prominent activists were detained following demonstrations against the regime’s economic mismanagement, hikes in fuel and commodity prices, and the falling standard of living. Following an overnight fuel price hike on 15 August 2007, the 88 Generation Students group, along with other opposition groups, staged peaceful walking protests throughout Rangoon which then spread across Burma. On 19 August 2007, the group led a march by more than 400 people 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 (NLD)* 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.

ARREST DETAILS:

Min Zeya was arrested in a late-night raid on his home, on 22 August 2007, as were many other leaders and prominent members of the 88 Generation Students group, including Ko Ko Gyi, Htay Win Aung aka Pyone Cho, Min Ko Naing, Mya Aye, Kyaw Min Yu aka Jimmy, Kyaw Kyaw Htwe, Arnt Bwe Kyaw, Pannate Tun, Zaw Zaw Min, Thet Zaw and Nyan Lin Tun. At the time, the junta’s mouthpiece *The New Light of Myanmar* said that those arrested were accused of “breaking the law guarding against acts undermining the efforts to successfully carry out peaceful transfer of State power and facilitate the proceedings of the National Convention.”

1. Prosecuting police officer Myint Aung (*du-ye`-hmue* or lieutenant major) accused Min Zeya using sections 17/20 and 21 in Dawbon Township Court Case No. 392/2008.
2. Prosecuting Police officer Zaw Min Aung (*du-ye`-hmue-gyi* or Major) accused Min Zeya using sections 17/1 and 21 in Thingangyun Township court Case No. 724/2008 and section 33 (a) in Rangoon Northern District court Case No. 90/2008.
3. Prosecuting Police officer Ye Nyunt (*du-ye`-hmue* or lieutenant major) accused Min Zeya using section 32 (b)/36 in Thingangyun Township court case No. 725/2008, section 24/1 and 21 in Thingangyun Township court case no.726/2008, and section 24/1 to 21 in Thingangyun Township court case no.727/2008.

DETAILS OF IMPRISONMENT:

After Min Zeya’s arrest, on 8 September 2007, it was reported that he and another member of the 88 Generation Students group, Kyaw Kyaw Htwe, had reportedly been hospitalized. This report followed rumors that some 88 Generation Students groups leaders had been tortured. (*Irrawaddy08092007*)

In September 2007, the families of detained 88 Generation Students group leaders asked the *International Committee of the Red Cross (ICRC)* in Burma for help in trying to locate the activists. Finally, in November, members of the group were allowed to receive visits from their families for the first time.

The trials of 35 members of the 88 Generation Students group started on 27 August 2008 and continued on September 9. They, 9 women and 26 men, were brought before the Rangoon Eastern District Court, which was held inside the Insein Prison. Some had been detained in prison more than a year, since August 21, 2007, without trial. Their cases were to be 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 courts were held inside the Insein Prison.

Detainees included Min Zeya as well as 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 October 13, Mar Mar Oo (F), arrested on August 7, and Nilar Thein were added to the group of 35.

Their seven Defense Lawyers were U Aung Thein, U Khin Maung Shein, Daw Khin Htay Kywe, U Kyaw Hoe, U Myint Thaung, 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 August 27 trial, 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) 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 September 9, Min Ko Naing was quoted in *Burma Digest* (October 1, 2008) as saying, "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."

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

On 9 October 2008 *The Burma Lawyers' Council (BLC)* called for a lawful trial to be held in public for 21 activists, in accordance with article 10 of the Universal Declaration of Human Rights. (*RFA101008*)

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 heard the cases inside Insein prison Compound.

The trial continued on 27 October 2008. Many defendants withdrew power of attorney 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, nine of the 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 presiding judge three times whether they were guilty or not. According to attorney Aung Thein, one of three lawyers for the activists, the judge ruled that the activists had "interrupted a public servant at a judicial proceeding" by repeatedly asking for an open trial that relatives could attend. Some of the 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. (AAPP29102008)

On 31 October 2008, the nine who were convicted of contempt of court were transferred to Ma-ubin prison in the Irrawaddy Division. Their trial continued in Ma-ubin District Court, held inside the Ma-ubin prison Compound.

On 1 November 2008, their families were allowed to visit them in Ma-ubin prison.

On 11 November 2008, Min Zeya was sentenced, along with 13 other activists (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), to 65 years in prison during a closed door hearing in Insein prison special court.

Min Zeya 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.

Upon hearing their sentences, the activists responded with defiance. Some of them shouted "Free Burma!". Family members were not allowed to attend the hearing. (AAPP 11112008) (DVB121108)

On 9 November 2008, NLD lawyers U Khin Maung Shein and U Aung Thein, who were representing Min Zeya among other student activists, were each sentenced to four months' imprisonment for 'contempt of court' (*The Irrawaddy*07112008). They were charged under section 3 of the Contempt of Court Act (*US Campaign for Burma* 07112008) and (*RFA*06112008). The two lawyers had appeared in court to defend themselves on 6 November (AAPP 07112008).

Min Zeya was transferred to Lashio prison, Shan state on 20 November 2008.

Profile prepared by the Assistance Association for Political Prisoners (Burma) on 21 November 2008 and was updated on 3 June 2009