

# Political Prisoner Profile

<b>AAPP CASE NO.:</b>	0133		
<b>NAME OF POLITICAL PRISONER:</b>	Naing Yekha N y W i n		
<b>GENDER:</b>	Male	<b>Ethnicity:</b>	Mon
<b>DATE OF BIRTH:</b>	13 July 1959	<b>Age:</b>	50
<b>RELIGION:</b>			
<b>PARENTS NAME:</b>	Mying		
<b>EDUCATION:</b>	B.Sc. in Science, Monywa University		
<b>OCCUPATION:</b>	News Editor, Mying News Agency, Myanmar News Agency, Myanmar News Agency, Myanmar News Agency		
<b>LAST ADDRESS:</b>	Insein Prison, Yangon		
<b>ARREST DATE:</b>	16 July 2003	<b>PHOTO DATE:</b>	Sept 09
<b>SECTION OF LAW:</b>	122A, 368A		
<b>SENTENCING HISTORY:</b>	Life imprisonment in 2000		
<b>COURT HEARING:</b>	District Court of Yangon		
<b>NAME OF PRISON:</b>	Insein		
<b>RELEASE DATE:</b>			



## IMMEDIATE HEALTH CONCERNS:

## CURRENT STATUS SUMMARY:

On 17 July 2009 the Independent Mon News Agency (IMNA) reported that Naing Yekha remains in Insein Prison.

On 30 November 2008 Myo Htway aka Chin Gakoung was transferred to Tharawaddy from Insein Prison in Rangoon Division, he is the only other defendant from the case remaining in prison. (IMNA 161208)

In December 2005, it was reported that Naing Yekha continues to suffer from depression after his colleague, Aung Lun, died in prison from unknown causes on 28 September 2005. He was not eating or sleeping well, looked very depressed and was being cared for by another political prisoner, Myo Htway. Myo Htway's family reported he was not being allowed treatment in a hospital outside the jail for his depression, and the prison authorities were not allowing his family to supply medicine. (IMNA 191205)

On 6 November 2005 his wife said he was depressed and also suffering from stomach disease, low blood pressure and diabetes and he was worried about the treatment by the military doctor. He is now only allowed to receive half the amount of medicine and food that he needs from his family. A relative of Naing Yekha said that he used to talk about his family and NMSP activities, but does not talk much now. (IMNA 061105)

On 6 September 2005 it was reported that Naing Yekha was being denied medical attention and food sent by his family. He had been suffering from stomach pains and was not allowed treatment in hospitals outside the jail. According to his wife, he had weakened considerably in August due to lack of nutritious food. He lost consciousness for about two hours in the toilet once. For more nutrition, his family planned to send him home cooked food. But the authorities did not allow it. The family is allowed to meet him twice a month and the International Committee of the Red Cross (ICRC) has been helping them meet him.

It was also reported that three of the other Mon leaders who were arrested with him, Naing Than Tun, Shwe Mahn and Min Kyi had been released. (IMNA 060905)

**CAREER BACKGROUND:**

Naing Yekha was born in Kannee village, Kawkareik Township, Karen State, on 1 July 1959. His father was a member of the New Mon State Party (NMSP) a political organization fighting for democracy and Mon national self-determination formed in July 1958. Naing Yekha became interested in politics while he was a student at Moulmein University in the early 1980s. During his college years he was an active member of All Burma Federation of Student Unions (ABFSU). He received a Bachelor of Science degree in 1982, and became a teacher in middle school in Kawkareik town. At the same time he was also actively involved in ABFSU's activities including advocacy for youth on the issues of freedom and justice in Burma. During this time he meet Myo Htway, and the two participated in the 1988 uprising along with fellow ABFSU members, demonstrating against the military dictatorship and calling for democratic change in Burma. The military regime, now known as the State Peace and Development Council (SPDC), responded to the public uprising by gunning down about 3,000 peaceful demonstrators. (IMNA 170707)

After these activities, due to the increasing threat of arrest, Naing Yekha left to go to the Thai-Burma border in 1989. There his political activism increased, and much of his activism shifted to focus on human rights issues and the goal of national reconciliation. (IMNA 170707)

Naing Yekha is a member of the New Mon State Party (NMSP) soon after he joined he was elected as chairman of the Moulmein district. However, he preferred to continue working as a teacher and public organizer. He was later appointed as a vice-chairman of the Department of Public Relations and the principal of the NMSP's school of politics. He taught political ideology to the party's members and local people. (Overseas Mon Coordinating Committee)

The NMSP signed a cease-fire with the SPDC in 1995. Naing Yekha continued working organizing and teaching politics to people, including monks, students, youths, farmers and women. He believed that public awareness and involvement would bring changes in Burma. He is quoted as saying during a lecture "Whatever you do, do not forget to put the interest of public first." (Overseas Mon Coordinating Committee)

Naing Yekha is married to Mi Chit Khin, a high school teacher in Kawkareik. They have three children, Mi Cakkawaa, Mi Kon Kroi, and Mehm Aie Chan. Both their daughters Mi Cakkawaa and Mi Kon Kroi graduated and are working in the Mon Education Department which is operated by the local Mon community. (IMNA 170709)

**ARREST DETAILS:**

On 16 July 2003 Naing Yekha, Myo Htway, Zar Nai Tun aka Phyu Lay, Aung Lun and Shwe Mahn were arrested in Rangoon in a house reportedly belonging to a man called 'U Myo Chit'. The same day Min Kyi and Aye Myint were arrested in Pegu, the capital of Pegu Division and Zaw Myo Htet aka Zaw Zaw was arrested in Min Hla town, upper Burma.

On 17 July 2003 Zaw Thet Htwe, Editor of First Eleven Sport Journal, was arrested at his office.

On 26 July 2003 the SPDC conducted a press conference in Rangoon explaining why they were arrested. The group was accused of plotting to plant bombs in strategic locations on 19 July 2003 and also planning to assassinate SPDC members, as instructed by various exile opposition groups in Thailand. According to the government spokesperson, this violence was planned in order to spark a mass uprising against the government. Naing Yekha, Myo Htway, Aung Lunn, and Shwe Mahn were reported to have been arrested in Rangoon in possession of weapons and explosives. Min Kyi, Shwe

Mahn, Aye Myint and Thet Zaw were not specifically accused in the press conference of anything other than having had contact with some Myanmar opposition groups in Thailand. Specifically, the All Burma Students' Democratic Front (ABSDF), the Federation of Trade Unions Burma (FTUB) and the Democratic Party for a New Society (DPNS). (AI 310304) They were also accused of having contact with Richard Horsey from the International Labour Organisation (ILO).

According to their families or wives (who did not want to identify their names because of security), the five who were arrested in the apartment of 'Myo Chit' said at the time of the arrest they were not holding any explosives. At the same time they arrived at the apartment, the police came and arrested them and found explosives in the room. Although the explosives were found in his apartment, Myo Chit was not arrested. (The Mon Forum 311004)

According to the NMSP General-Secretary Nai Hong Sar, "Naing Yekha and Myo Htway were arrested by the Burmese government with bomb explosive materials. The government tortured and forced them to admit in the court that they were tied to a plot to blow up the tomb [of general Aung San] in Rangoon. The NMSP didn't have a chance to meet with two prisoners. The bomb explosive materials were not connected with Naing Yekha and Myo Htway. They had already fallen into the Burmese government trap and we couldn't help them. We asked the SPDC to release these two prisoners but they didn't respond." (IMNA 170709)

#### **DETAILS OF IMPRISONMENT:**

Because of the appeal by the NMSP, civil society organizations, family members of the defendants, and other political organizations, the International Committee for Red Cross (ICRC) had opportunity to meet these prisoners. In early 2004, at the request of ICRC, the SPDC also allowed the family members of the prisoners to visit. The prisoners were also allowed lawyers to defend them. (The Mon Forum 311024)

On 28 November 2003 Naing Yekha and eight others appeared in the District Court of Northern Rangoon, before Khin Saw Nyunt, Joint District Judge. To face the charge of High Treason under Section 122 (1) of the Penal Code.

The nine defendants were:

- 1- Naing Yekha aka Nay Win (remains in prison)
- 2- Shwe Mahn aka Zaya Oo (released in 2005)
- 3- Zar Naing Tun aka Phyu Lay
- 4- Zaw Myo Htet aka Zaw Zaw (now released)
- 5- Myo Htway(Naing) aka Chin Ga Kaung (remains in prison)
- 6- Min Kyi aka Nai Min Kyi (released in 2005)
- 7- Zaw Thet Htwe aka Thet Zaw (now released)
- 8- Aung Lunn (died in prison on 28 September 2005)
- 9- Aye Myint aka Myint Aye Maung (released and arrested again)

The lawyer for the defendants was San Myint Tin, High Court Lawyer. Except Min Kyi and Aye Myint who are lawyers and represented themselves. The complainant was Police officer Ye Nyunt Sub Lieutenant of the Police Special Bureau. Defense witnesses were Win Kyaw, Police Special Bureau, Rangoon Division; Police officer Than Tun Oo, Police Department, Gyobingauk township and Police officer Kyaw Kyaw Hlaing.

On 28 November 2003 all nine men were found guilty and sentenced to death by hanging according to section 368(1) of the Criminal Procedure Code.

After the sentencing Amnesty International and the ILO obtained an official translation of the court judgment. Both organizations expressed their concerns to the SPDC that the men had not received a fair trial. Amnesty International was further concerned that Aye Myint, Min Kyi, Shwe Mann, and Thet Zaw, who were arrested and tried solely on the basis of their alleged contact with exile pro-democracy opposition groups, may be prisoners of conscience, who may have been sentenced to death solely for peacefully exercising their rights to freedom of expression and association.

On 23 September 2004 appeal for consideration of punishment was taken by the District Court of Northern Rangoon.

On 14 October 2004 after reviewing the appeal from the defendant lawyer and defendants, the same Court reduced the penalty as below:

- As the court found evidence of guilt of Naing Yekha, Zar Naing Tun, Myo Htway and Aung Lun holding explosives, attempting to assassinate the State leaders and betray the State, their death penalty is reduced to life imprisonment.

- As the court found Shwe Mann had no concrete connection to the above four persons and committed similar crimes, his sentence was reduced from life imprisonment to 5 years imprisonment.

Nai Min Kyi alias Min Kyi, Zaw Myo Htet alias Zaw Zaw, Zaw Thet Htwe alias Thet Zaw, and Aye Myint alias Myint Aye Maung were sentenced to 2 years imprisonment.

- The Court also declared that as Burma (Myanmar) is cooperating with ILO and a member of international organizations, contacting these organizations and cooperation with these organizations are not guilty. (The Mon Forum 311004)

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