


# Political Prisoner Profile

<b>AAPP CASE NO.:</b>	0110			
<b>NAME OF POLITICAL PRISONER:</b>	U Nyi Pu			
<b>GENDER:</b>	Male	<b>Ethnicity:</b>	Arakanese	
<b>DATE OF BIRTH:</b>	10 April 1955	<b>Age:</b>	54 in 2009	
<b>RELIGION:</b>	Buddhist			
<b>PARENTS NAME:</b>	U Tun Pae and Daw Mya Oo			
<b>EDUCATION:</b>	Law Degree from Ragoon Art and Science University			
<b>OCCUPATION:</b>	Member of Parliament of National League for Democracy at Gwa Township, Arakan State			
<b>LAST ADDRESS:</b>	Gwa Township, Arakan State and also Botataung Township, Rangoon Division			
<b>ARREST DATE:</b>	12 August 2008		<b>PHOTO DATE:</b>	
<b>SECTION OF LAW:</b>	Penal Code 505(b), Electronics Law 33(a), Endangering National Convention 5/96(4)			
<b>SENTENCING HISTORY:</b>	15 years on 13 February 2009			
<b>COURT HEARING:</b>	Insein Prison, Special Court			
<b>NAME OF PRISON:</b>	Insein Prison			
<b>RELEASE DATE:</b>				
<b>IMMEDIATE HEALTH CONCERNS:</b>				
<p>“NLD spokesperson U Nyan Win said U Nyi Pu’s health had suffered since his arrest in August 2008. ‘U Nyi Pu can’t move the lower part of his body and we have heard that his health is not good,’ Nyan Win said. ‘When he was with use he was perfectly fine, I don’t know what is happening to him now.’ Their families have not yet been allowed to visit them.” (Democratic Voice of Burma 02/10/2008)</p> <p>U Thein Hlaing, NLD Gwa Township joint secretary, has been banned from visiting NLD Gwa Township MP U Nyi Pu who has been hospitalized within Insein prison compound. Prison authorities have also prevented him from bringing medicine to the prison for U Nyi Pu. (Democratic Voice of Burma 04/10/2008)</p>				
<b>CURRENT STATUS SUMMARY:</b>				
U Nyi Pu is a 54-year-old man who has been sentenced to 15 years imprisonment. He is currently incarcerated at Insein Prison, known to be one of the harshest prisons in Burma.				
<b>CAREER BACKGROUND:</b>				
<p>U Nyi Pu was born on 10 April 1955 by U Tun Pae and Daw Mya Oo in Rakhaing Kwin Village of Gwa Township. In 1983 he obtained a law degree from Rangoon Art and Science University. He moved to Rangoon in 1974 and worked as a night guard in a telephone station 1976. He worked at Rangoon’s Transportation Department until 1988. And then he moved back to his native village of Gwa Township. He then served as Secretary and Organizing Committee Member for the National League for Democracy (NLD) in Gwa Township.</p> <p><b>During the 1990 Multi-party Democracy General Election, U Nyi Pu was elected as Member of Parliament (MP) for Gwa Township Constituency in Arakan State.</b> He received 15,931 votes which was 70.93% of the total ballots cast. During the 1990 election, the NLD won “in a landslide gaining 392 of the 485 seats, much to the surprise of the then-ruling State Law and Order Restoration Council (SLORC).” In the years following the election, the Burmese military regime harassed, threatened, tortured, and arrested numerous elected Members of Parliament, including U Nyi Pu. (Bangkok Post 12/07/1998)</p> <p>“On 31 May, 2000, the authorities staged a mass meeting in the Gwa town hall with a group of people who were forced and pressured to bring down U Nyi Pu... This meeting was organized and stage-managed by the Military Intelligence... They visited every house in the wards and villages, threatening, coercing, cajoling and pressuring the people to put their signatures to papers. They were told that attendance at the meeting was compulsory. Failure to attend would result in punishment. Those who asked questions were treated like enemies. When Daw Win Kyi (U Nyi Pu's wife) refused to sign the paper, the Ward headman said ‘you will not be arrested now</p>				

because your child is very young, but as soon as he is old enough we will immediately arrest and imprison you.” (NLD Statement 93, 23/06/2000)

On 29 August 2004, U Nyi Pu was one of 43 Members of Parliament who signed and submitted a letter to the President of the Representative Committee of the Legislature (Burma's election committee), requesting to initiate a dialogue between the Representative Committee and the Members of Parliament. (NCGUB's 1990 *Election Record*, 27/05/2006)

“On 19 February 2007, the SPDC refused the reformation of Arakan State's NLD and Sittwe Township's NLD. U Nyi Pu, a high ranking member of the Arakan NLD and elected representative from the 1990 election in Gwa Township had come to Sittwe, the Arakan capital, to reform the NLD there. However, the Arakan State NLD president U Thein Maung and secretary U Maung Krunt Aung were prohibited to travel to Sittwe during the party's reformation meeting. As the two were unable to attend the meeting, the plan for the NLD's reformation failed to materialize.” (National Coalition Government of the Union of Burma, *Burma Human Rights Yearbook 2007*, Section 10.11)

On August 1, 2007, U Nyi Pu was one of 92 NLD Members of Parliament to sign a letter to United Nations Secretary-General Ban Ki-moon. In the letter, the Members of Parliament expressed concern for the actions being taken in the then-convened National Convention for drafting the constitution, in which the 1990 elected members were not allowed to participate. They proposed revisions to the seven-step roadmap and urged the UN to increase their efforts to help realize the national reconciliation and democratization in Burma. (National Coalition Government of the Union of Burma, 03/08/2007)

In late-July 2008, U Nyi Pu and four other NLD Members of Parliament wrote another letter of concern to United Nations Secretary-General Ban Ki-moon, for which U Nyi Pu was ultimately arrested and sentenced to 15 years in prison. (*See additional information below under “Arrest Details.”*)

Three days after being sentenced to 15 years imprisonment, U Nyi Pu was allowed to be privately interviewed by Tomás Ojea Quintana, United Nations' Special Rapporteur on the situation of human rights in Myanmar, during his 4-day visit to the country. (United Nations News Centre 07/08/2009) The topics discussed have not been publicly released. It may be noted that the letter for which U Nyi Pu was imprisoned was released shortly before Quintana's first official visit to Burma in August 2008, and the issues contained within the letter prompted much media attention during Quintana's first visit.

#### **ARREST DETAILS:**

Around 3:00am on 12 August 2008 both U Nyi Pu and Dr. Tin Min Htut (MP for Pantanaw Township, Irrawaddy Division) were arrested by authorities from their respective homes. In the arrest of U Nyi Pu, “The joint-secretary of the Arakan State NLD, Thein Hlaing told *Mizzima* over telephone that about eight policemen, S of, 7n a be Maonalh rvep ring ce

U Nyi Pu and Dr. Tin Min Htut were arrested not only for their participation in writing a letter of this nature, but also for allegedly sending the letter out over the internet.

**DETAILS OF IMPRISONMENT:**

- Location: Insein Prison Special Court
- Judge: Tin Htut, Secondary Provincial Judge of Western Rangoon Provincial Court
- Prosecutor: Police Major Ye Nyunt
- Case No.: 2008 Criminal Case No. 140
- Lawyer for the Prosecution: Daw Whin Po, Second District Lawyer
- Defense Lawyers: Kyaw Ho, Maung Maung Latt, and Sithu Maung
- On 13 February 2009, the judge sentenced both U Nyi Pu and Dr. Tin Min Htut to 15 years of imprisonment with labor each under the following laws:
  1. Penal Code, Section 505(b): Statements conducing to public mischief
  2. SPDC' Electronic Transactions Law No. 5/2004, Section 33(a): Acts using electronic transactions detrimental to the security of the State
  3. SLORC's Endangering National Convention Law No. 5/96, Section 4: Criticism of the national convention and constitution-writing process

After their arrest on 12 August 2008, U Nyi Pu and Dr. Tin Min Htut were held in a detention center for over a month before being transferred to Insein Prison. The two men were unlawfully detained for nearly five months before they were formally charged in court on 5 January 2009.

Throughout the trial, U Nyi Pu and Dr. Tin Min Htut were denied access to their lawyers, case witnesses, and family visits. A line of police were allowed to testify for the prosecution but the defendants were not permitted to present witnesses. Upon being barred from the courtroom beginning on the first day of the trial, defense lawyer Kyaw Ho stated, “We filled out and submitted forms to gain entry to the courtroom but then we were told by the deputy prison chief and another official we were not allowed in,’ he said. ‘I asked them whether it was the prison's decision to not let us in, and they said the prison had nothing to do with it and that it was an order from the special police's prosecution department.’ Kyaw Ho said the lawyers had asked secondary provincial judge Tin Htut of Western Rangoon Provincial Court, who was hearing the case, to help them negotiate with government authorities to gain access to the courtroom.” The appeal to the judge was rejected based on orders from the police special branch, and the team of defense lawyers was never allowed into court until after the sentencing. (Democratic Voice of Burma 13/01/2009)

“The evidence against the two men also was inadequate for a conviction, had the court been conducting hearings independently and according to the standards that it is supposed to uphold. Specifically, the police could not produce the original letter that they were alleged to have prepared and sent, only a copy taken from the Internet. A copy of the letter is not sufficiently strong evidence by itself to be used for a conviction in this sort of case. Also, they were both accused of sending the letter out through the Internet, but the police had no evidence to show who it was who had posted the letter online.” (Asian Human Rights Commission 04/07/2009)

**\*This profile was prepared by the Assistance Association for Political Prisoners (Burma) on 19 October 2009.\***