

# Political Prisoner Profile

<b>AAPP CASE NO.:</b>	0122		
<b>NAME OF POLITICAL PRISONER:</b>	U Than Tin (a.k.a. Kyi Than)		
<b>GENDER:</b>	Male	<b>Ethnicity:</b>	Burmese
<b>DATE OF BIRTH:</b>	19 February 1960	<b>Age:</b>	49

He became involved in the All Burma Students' Union Reconstruction Committee, or "Makathapha," which was founded by political activists in the wake of the 1988 Uprising. The 1988 Uprising was a series of pro-democracy marches and demonstrations initiated by students in Rangoon on 8 August 1988. The protests spread throughout the country. Hundreds of thousands of people including monks, young children, university students, housewives, and doctors demonstrated against the regime. The uprising ended on 18 September 1988, when the State Law and Order Restoration Council (SLORC) ordered a stop; the military opened fire on protestors and thousands were killed while many others were arrested and sentenced to long imprisonments.

U Than Tin maintained his political activism while running a family business selling Burmese traditional medicine.

U Than Tin became a member of the 88 Generation Students, a pro-democracy group formed on 6 September 2005 by Min Ko Naing and other prominent activists. The group's name was based on the students who led 1988 Uprising.

#### **ARREST DETAILS:**

In August and September 2007 the 88 Generation Students led protests in what became known as "The Saffron Revolution." The Saffron Revolution, named after the color of the monks' robes who also led many of the peaceful marches, 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 removed fuel subsidies, causing fuel prices to skyrocket between 100% and 500% overnight. This led to an increase in the price of all transportation and general commodities.

On 19 August 2007, the group led a march of more than 400 people from Rangoon's Kokine junction to Tamwe market in a protest against the high fuel prices. The activists, who had attended a memorial service for late National League for Democracy leader U Kyi Maung in Bahan township, walked to Tamwe instead of paying for the bus fares that were pushed higher by increased fuel prices.

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. **On 26 September 2007, U Than Tin was arrested by police, without warrant, near the Paradise Hotel in Bahan Township, Rangoon Division.**

Following the arrests of the 88 Generation Students leaders in August and September 2007, the families were unable to obtain information on their whereabouts. In September 2007, the families asked the International Committee of the Red Cross in Burma for help in trying to locate the activists. Finally, in November 2007, members of the group were allowed to receive visits from their families for the first time.

"At Insein Prison, each of the '88 Generation [Students] detainees was assigned an interrogation team of three Special Branch officers. During the interrogations, the activists were subjected to sleep deprivation, interrogated for four days and nights without rest and slapped in their faces if they tried to sleep." (Human Rights Watch, *Crackdown* 06/12/2007)

For some period of time during his early detention, U Than Tin was held in a special punishment area of Insein Prison known as the "Military Dog Cells," a compound of nine tiny isolation cells measuring two meters by two meters constantly guarded by a troop of 30 vicious dogs. The cells lack ventilation and toilets. (Human Rights Watch, *Crackdown* 06/12/2007)

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

- Court Location: Insein Prison Special Court
- Judge Chairperson: Thaung Nyunt
- Judge Member: Hla Myint
- Prosecutor: Lieutenant Major Zaw Myint Aung

- Prosecuting Lawyer: Myint Kyaing (district lawyer)
- Defense Lawyers: U Aung Thein, U Khin Maung Shein, Daw Khin Htay Kywe, U Kyaw Hoe, U Myint Thaug, Ko Pho Phyu, and U Nyi Nyi Hlaing

There were 36 members of the 88 Generation Students group tried concurrently, including 26 men and 10 women. The accused included: Arnt Bwe Kyaw, Aung Gyi a.k.a. Aung Thike Soe, Aung Thu, Chit Ko Linn, Hla Myo Naung, Htay Kywe, Ko Ko Gyi, Kyaw Kyaw Htwe, Kyaw Min Yu a.k.a. Jimmy, Min Ko Naing, Min Zeya, Mya Aye, Myo Aung Naing, Nilar Thein, Nyan Lin, Pannate Tun, Pyone Cho a.k.a. Htay Win Aung, Saw Myo Min Hlaing, **Than Tin a.k.a. Kyi Than**, Thaw Zin Tun, Thein Than Tun, Thet Thet Aung, Thet Zaw, Tin Htoo Aung, Zaw Htet Ko Ko, Zaw Zaw Min, Zay Ya, Aye Thida(F), Hnin May Aung(F), Lay Lay Mon(F), Mar Mar Oo (F), Nwe Hnin Ye(F), San San Tin(F), Sandar Min(F), Thara Phe Theint Theint Tun(F), and Thin Thin Aye(F).

Each accused was charged with up to 21 counts under the following laws:

1. Penal Code, Section 130(b) – Libel against foreign powers (for open criticism of China and Russia for their use of veto power to reject the Burma resolution at the UN Security Council);
2. Endangering National Convention Law No. 5/96, Section 4 – Criticism of the national convention and constitution-writing process;
3. Printers and Publishers Registration Law of 1962 (as amended in 1989), Sections 17 and 20 – For failure to obtain permission to print publicity pamphlets and for possession of printers without registration;
4. Electronic Transactions Law No. 5/2004, Section 33(a) – Acts using electronic transactions detrimental to the security of the State;
5. Unlawful Association Act of 1908, Section 17(1) – For participating in an unlawful association;
6. Law Amending the Control of Money, Section 24(1) – For illegal possession of foreign currency;
7. Television and Video Law No. 8/96, Sections 32(b) and 36 – For copying, distributing, hiring or exhibiting video tapes not approved by the Video Censor Board;
8. Forming of Organizations Law No. 6/88, Section 6 – Forming an organization without permission; and
9. Penal Code, Section 505(b) – Statements conducing to public mischief (for denouncing the government).

The trials of the 36 members of the 88 Generation Students Group started on 27 August 2008 and continued several times. The members 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 21 August 2007, without trial. Their cases were to be heard by eight courts, all inside Insein Prison: 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.

At the 27 August 2008 trial, nine of the group leaders (i.e., Aung Thu, Hla Myo Naung, Ko Htay Kywe, Ko Ko Gyi, Min Ko Naing, Mya Aye, Myo Aung Naing, Nyan Lin, and Pyone Cho a.k.a. Htay Win Aung) demanded that the group members should not be handcuffed during the hearing and that their family members, public, and media should be allowed to attend the hearing. During the 10 September 2008 hearing, they were still handcuffed, but their family members were allowed to attend. On that day, the judge heard from the prosecutor who made his case based on documents obtained from Internet rather than hard evidence.

On 15 October 2008, the six participating Township Courts handed over the cases to three District Courts: Rangoon Eastern District Court, Rangoon Northern District Court, and Rangoon Western District Court. These three District Courts continued hearing the cases inside the 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 prosecutors' questions. Security was still tight and the defendants were concerned for their safety.

On 29 October 2008, the nine group leaders who previously demanded to have their handcuffs removed (i.e., Aung Thu, Hla Myo Naung, Ko Htay Kywe, Ko Ko Gyi, Min Ko Naing, Mya Aye, Myo Aung Naing, Nyan Lin, and Pyone Cho a.k.a. Htay Win Aung) were sentenced by the Rangoon Northern District Court inside Insein

Prison to 6 months imprisonment under Penal Code Section 228 for contempt of court after refusing to respond when asked by the presiding judge three times whether they were guilty or not. According to defense lawyer U Aung Thein, 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.

On 7 November 2008 two of the group's defense lawyers, U Aung Thein and U Khin Maung Shein, were sentenced in absentia to four months detention for contempt of court based on their clients' statements that the trial was unfair. Also beginning in early November, three other defense lawyers, U Kyaw Hoe, U Myint Thaug, and Daw Khin Htay Kywe, were barred from representing their clients.

**On 11 November 2008 U Than Tin was sentenced to 65 years in prison**, along with 13 of the other activists (i.e., Arnt Bwe Kyaw, Kyaw Kyaw Htwe a.k.a. Marky, Kyaw Min Yu a.k.a. Jimmy, Mar Mar Oo, Min Zeya, Nilar Thein, Pannate Tun, Sandar Min a.k.a. Shwee, Thet Thet Aung, Thet Zaw, Thin Thin Aye a.k.a. Mie Mie, Zaw Zaw Min, and Zay Ya a.k.a. Kalama). **All 14 members were convicted of the following five counts of the 21-count indictment:**

**1. Forming of Organizations Law No. 6/88, Section 6 for forming an organization without permission:  
One charge at 5 years = 5 years in prison**

**2. Electronic Transactions Law No. 5/2004, Section 33(a) for acts using electronic transactions detrimental to the security of the State: Four charges at 15 years each = 60 years in prison**

It was expected that those convicted would receive further sentences as their trials continued under the remaining 16 counts of the indictment.

On November 12, 2008 the Democratic Voice of Burma reported: "Cho Cho Myint, younger sister of Ko Than Tin (a.k.a. [Kyi] Than) said she was left speechless when she heard the sentence. 'Words can't express the way I am feeling right now. My brother has been suffering from stomach problems and he needs serious care,' said Cho Cho Myint. 'Throwing him into jail for 65 years is a very unfair thing to do. I have never heard of such a thing in my life,' she said. 'My brother and his colleagues are innocent. They were only making the voice of our people heard,' she added."

**\*This profile was prepared by the Assistance Association for Political Prisoners (Burma) on 7 April 2008 and updated on 26 November 2008 and again on 23 November 2009.\***