

Political Prisoner Profile

AAPP CASE NO.:	0025			
NAME OF POLITICAL PRISONER:	Thet Zaw			
GENDER:	Male	Ethnicity:	Burmese	
DATE OF BIRTH:	4 February 1972	Age:	37 in 2009	
RELIGION:	Buddhist			
PARENTS NAME:	U Than Lwin			
EDUCATION:				
OCCUPATION:	Member of 88 Generation Students; and All Burma Federation of Student Unions (ABFSU)			
LAST ADDRESS:	South Dagon Township, Rangoon Division			
ARREST DATE:	22 August 2007		PHOTO DATE: April 2008	
SECTION(S) OF LAW:	Penal Code, Sections 130(b) and 505(b); Endangering National Convention Law No. 5/96, Section 4; Printers and Publishers Registration Law, Sections 17 and 20; Electronic Transactions Law No. 5/2004, Section 33(a); Unlawful Association Act of 1908, Section 17(1); Law Amending the Control of Money, Section 24(1); Television and Video Law No. 8/96, Sections 32(b) and 36; and Forming of Organizations Law No. 6/88, Section 6			
SENTENCING HISTORY:	65 years on 11 November 2008			
COURT HEARING:	Insein Prison Special Court			
NAME OF PRISON:	Shwebo Prison, Sagaing Division			
RELEASE DATE:				
IMMEDIATE HEALTH CONCERNS:				
On 15 January 2008 Assistance Association for Political Prisoners was informed that Thet Zaw was suffering from paralysis; the cause and current status of this condition is unknown.				
CURRENT STATUS SUMMARY:				
Thet Zaw is a 37-year-old man and former political prisoner who is now serving a 65-year prison sentence at Shwebo Prison for his involvement in the 2007 Saffron Revolution protests against the military regime. <i>(See "Arrest Details" below.)</i>				
Prison Transfer History:				
<ul style="list-style-type: none"> • Thet Zaw was originally held at Insein Prison in Rangoon Division for over one year while awaiting the outcome of his trial. • On 20 November 2008 the Burmese authorities transferred convicted members of the 88 Generation Students from Insein Prison to remote prisons scattered across the country. Thet Zaw was transferred to Moulmein Prison in Mon State where he was imprisoned for nearly one year. (US Campaign for Burma 20/11/2008) • Assistance Association for Political Prisoners was notified that on 12 November 2009 Thet Zaw was transferred back to Insein Prison in Rangoon Division without prior notification to his family. • Immediately thereafter, between 12 and 17 November 2009, Thet Zaw was transferred again from Insein Prison to Shwebo Prison in Sagaing Division. (DVB Burmese 17/11/2009 and AAPP Source) The reason for the transfer is unknown. 				
Shwebo Prison is approximately 810 kilometers (503 miles) away from his family in Rangoon. 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.				
On 19 December 2008 Thet Zaw went on hunger strike in protest at being in iron shackles for a long period of time. (Radio Free Asia 22/12/2008)				
CAREER BACKGROUND:				
Thet Zaw's father U Than Lwin is a member of the National League for Democracy (NLD) in Yesogyo Township				

in Magwe Division.

Thet Zaw was a member of the Yesagyo Students Union and participated in the 1988 Uprising. On 8 August 1988, at the age of 16, he was arrested by police after taking part in a demonstration staged in Yesagyo Township. He was accused of distributing pamphlets criticizing the ruling Burma Socialist Programme Party and was released 23 days later.

** 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.*

In March 1991, Thet Zaw was arrested again and sentenced to four years by the military court of Pakokku Township because he initiated a demonstration of students' rights in Yesagyo Township as a standard eight student. Three years and three months later, he was released from Pakokku Prison, Magwe Division.

After his release from prison in 1994, Thet Zaw opened a photo shop and worked as a graphic designer up until 1999.

He moved to Rangoon in 1995 and joined the All Burma Federation of Student Unions (ABFSU), the umbrella organisation for all the student unions in Burma. He worked together with

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.

On 21 August 2007 Thet Zaw was arrested by special police forces and military intelligence, without a warrant, at Ko Ko Gyi's house in Thingangyun Township, Rangoon Division. He was detained in Cell 3, Cell Block 2 of Ward 5 in Insein Prison. That day many other leaders and prominent members of the 88 Generation Students group were arrested, including Min Ko Naing, Ko Ko Gyi, Htay Win Aung aka Pyone Cho, Min Zeya, 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 media 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." (Democratic Voice of Burma 22/08/2007)

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)

DETAILS OF IMPRISONMENT:

- Court Location: Insein Prison Special Court
- Judge Chairperson: Thaug 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 also accused Min Ko Naing and his colleagues of speaking with the exiled media. Recorded interviews and other items uploaded to websites operated by Burmese exiles were exhibited as evidence. (Irrawaddy 12/09/2008)

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 Thuang, and Daw Khin Htay Kywe, were barred from representing their clients.

On 11 November 2008 Thet Zaw 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, Than Tin (a.k.a. Kyi Than), Thet Thet Aung, 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 many of those convicted would receive further sentences as their trials continued under the remaining 16 counts of the indictment.

This profile was prepared by the Assistance Association for Political Prisoners (Burma) on 18 April 2008 and updated on 24 November 2009.