


Political Prisoner Profile

AAPP CASE NO.:	0128			
NAME OF POLITICAL PRISONER:	Tin Htoo Aung			
GENDER:	Male	Ethnicity:	Arakanese	
DATE OF BIRTH:	11 March 1980	Age:	29 in 2009	
RELIGION:	Buddhist			
PARENTS NAME:	U Thein Aung and Daw Tin Yi			
EDUCATION:	Law student, second year			
OCCUPATION:	Member of 88 Generation Students			
LAST ADDRESS:	Hlaing Township, Rangoon			
ARREST DATE:	Late October 2007			
SECTION OF LAW:	5/96(4), 505/b, 17/20, 4, 6, 13(1), 17(1),			
SENTENCING HISTORY:	33 years` imprisonment sentence handed down on 18 November 2008			
COURT HEARING:	Insein prison special court presided over by a judge from South Dagon Township			
NAME OF PRISON:	Hkamti prison from Insein prison on 29 November 2008			
RELEASE DATE:				
IMMEDIATE HEALTH CONCERNS:				
CURRENT STATUS SUMMARY:				
<p>As of 11 August 2009, Tin Htoo Aung is currently being detained in Hkamti prison, Sagaing division. The prison is situated far from where Tin Htoo Aung`s family live and is located in a malarial area. On 28 May 2008, AAPP Secretary Tate Naing said: “Hkamti is in a tropical malaria zone. Sending political dissidents to this kind of prison is equivalent to a death sentence.” (Irrawaddy, 280508)</p>				
CAREER BACKGROUND:				
<p>In 2003 Tin Htoo Aung joined a student demonstration in Sittwe Township, Arakan state. At the time he was a second year law student at Sittwe University. He was arrested and charged with section 5 (j) of the Emergency Provision Act. Subsequently, he was sentenced to 7 years in jail. In Sittwe prison Tin Htoo Aung briefly met Min Ko Naing – a prominent opposition activist who was serving a 15-year sentence for his leading role in the 1988 protests. Min Ko Naing was held in Sittwe prison from 1998 to November 2004, when he was released as part of an amnesty.</p> <p>On 3 January 2005 Tin Htoo Aung was also released as part of the same amnesty. After his release, Tin Htoo Aung visited Min Ko Naing and gave him back some poetry books he had left behind in prison. He became close with Min Ko Naing.</p> <p>After his release, Tin Htoo Aung talked to foreign media about the worsening living conditions in Arakan state. He also studied English at the British Council learning centre in Rangoon. Later that year he joined the 88 Generation Students group, which was founded on 6 September 2005 by Min Ko Naing, Ko Ko Gyi, Min Zeya, Htay Kywe and Htay Win Aung aka Pyone Cho, following their release from prison after spending more than fifteen years in jail.</p> <p>In September 2006, following the re-arrest of the five prominent leaders of the 88 Generation Students group including Min Ko Naing, Tin Htoo Aung attended a meeting with the remaining leaders and was made responsible for organizing pro-democracy movements and promoting political activities in the ethnic nationality areas of Burma.</p> <p>On 22 August 2007, Tin Htoo Aung together with Nilar Thein, Thin Thin Aye a.k.a. Mie Mie, and Phyu</p>				

Phyu Thin led almost 500 people in a demonstration. They marched along Insein road towards Thamine junction in Rangoon, to demand the release of fellow activists and to continue the protest against the sudden increase in fuel prices. Many of their friends and colleagues had been arrested in late-night raids following a march the previous day – including four prominent leaders of the 88 Generation Students group, Min Ko Naing, Ko Ko Gyi, Min Zeya, and Htay Win Aung aka Pyone Cho.

After those protests on 21 and 22 August, Tin Htoo Aung stayed in contact with the remaining 88 Generation Students` leaders who had gone into hiding: Htay Kywe, Aung Thu, Soe Tun, and Tun Myint Aung about the ways to lead the movement and to continue protests.

At midnight on 24 August 2007, in an attempt to crack down on the most active opposition leaders, about 40 police officers and members of the USDA raided the residence of Tin Htoo Aung. He narrowly escaped through a back door, according to a friend. (Irrawaddy, 250807)

On 5 October 2007, spokespeople from the 88 Generation Students and the Ethnic Youth Cooperation Group urged the people of Burma to take part in prayer meetings across the country. Tin Htoo Aung of the Ethnic Youth Cooperation Group said he hoped that people from all regions and ethnic groups of Burma would join in the prayers. "We would like to urge the people Burma to leave fear aside and follow the lead of the People's Movement Leader Committee. It is our responsibility to do this for the sake of future generations. If we fail this time, they will have to live under this regime with no independence and no security," he said. (DVB, 05102007)

ARREST DETAILS:

Tin Htoo Aung, Chin activist Kam Lam Hkoap a.k.a. Kyaw Soe and Kub Kham Khwar a.k.a. Kwalpi a.k.a. Antomy a.k.a. Charl Fee were all arrested in late October 2007 at Dagon Center, Myanigone, Sanchaung Township in Rangoon. They were accused of a variety of offences in relation to the events of August 2007, including that they printed and distributed anti-government materials at that time, and that in 2006 they had travelled to Thailand illegally and met there with members of organisations banned in Burma.

However, the three men were not taken to a police station and then brought before a magistrate as required by law (Criminal Procedure Code, CrPC, section 61). Instead they were held incommunicado and the charges framed and presented against them in court only on 20 January 2008. Thus they were kept in illegal detention in the interrogation cells within the central Insein Prison for 82 days, during which time it is alleged that they were tortured. It is also revealed that the case was in the hands of the army intelligence unit Military Affairs Security throughout this time and it was only turned over to the police for them to put the case into the court. (AHRC - Urgent Appeal Case: AHRC-UAC-177-2008 - *BURMA: Three more persons charged without evidence over September protests*, 080807)

DETAILS OF IMPRISONMENT:

The charge against the three men was lodged on 20 January 2008. They appeared in South Dagon Township Court on 12 March 2008.

The court proceedings were presided over by a South Dagon Township Judge Daw Htay Htay (L.L.B) (Special Powers). The case was submitted by police lieutenant major Myo Thant. Prosecution was represented by a township lawyer Win Tin. Tin Htoo Aung and others were represented by defense lawyer Kyaw Hoe.

He was charged under the following sections of law:

- 1 – section 4 of 'Endangering National Convention' (SPDC Law No. 5/96) for criticism of the national convention and constitution writing process;
- 2 – section 505(b) of the Penal Code for denouncing the government;
- 3 – section 17/20 of the Printers and Publishers Registration Act 1962, Felony Case No. 353/2008 for failure to obtain permission to print publicity pamphlets and for possession of printers without registration;
- 4 – section 6 of the Organization of Association Law for forming an organization without permission;
- 5 - section 13(1), Immigration Law (Emergency Provisions, Temporary) 1947, Felony Case No. 354/2008;
- 6 - section 17(1), Illegal Associations Act 1908, Felony Case No. 355/2008;

Primary officials involved:

1. Captain Myo Min Latt, Military Affairs Security
2. Police Lieutenant Major Myo Thant, No. La/127091, Special Branch, Dagon-seitkan Police Station
3. Inspector Hla Htun, No. La/124578, Special Branch
4. Inspector Htun Thein, No. La/112687, Criminal Investigation Department
5. Police Lt-Colonel Maung Maung Oo, No. La/59041, Special Branch
6. Sub-Inspector Myo Maung, No. La/139200, Special Branch
7. Inspector Myint Aye, No. La/127086, Special Branch
8. Warrant Officer Aung Ko Ko, No. La/145985, Special Branch
9. Inspector Htun Soe Thein, No. La/139240, Special Branch
10. Inspector Win Myint, Special Branch
11. Inspector Thet Tin, No. La/123903, Special Branch
12. Inspector Khin Myint, No. La/126459, Special Branch

When the case was brought into the court, it was found that the police officers presenting it have no evidence at all against the accused. The Special Branch officer in charge of the case admitted he could not name what dates the supposed offences were supposed to have been committed. Other questions they refused to answer on grounds of national security or because they were not authorized.

The police had no material evidence to show the court to prove any of the allegations. An officer from the Criminal Investigation Division just read confessions supposedly obtained from the accused. It is a violation of the law for a confession obtained in this way to be given in the court (Evidence Act, sections 25-26). When the defence lawyer for the three accused asked the police officer reading the confessions if he knew this, he said yes, but that he was following orders. (AHRC - Urgent Appeal Case: AHRC-UAC-177-2008 - *BURMA: Three more persons charged without evidence over September protests*, 080808) UPI Asia.com, *No evidence please, we're Burmese police*, 070808)

On 18 November 2008, he was found guilty and sentenced to 33 years in prison and on 29 November 2008 transferred to Hkamti prison from Insein prison.

Profile prepared by the Assistance Association for Political Prisoners (Burma) on 13 August 2009.