

# Political Prisoner Profile

<b>AAPP CASE NO.:</b>	0111		
<b>NAME OF POLITICAL PRISONER:</b>	Dr. Tin Min Htut		
<b>GENDER:</b>	Male	<b>Ethnicity:</b>	Burmese
<b>DATE OF BIRTH:</b>	24 May 1952	<b>Age:</b>	57 in 2009
<b>RELIGION:</b>	Buddhist		
<b>PARENTS NAME:</b>	U Tun Kyi and Daw Tin Tin		
<b>EDUCATION:</b>	Graduated from Rangoon Medical University in 1976		
<b>OCCUPATION:</b>	Member of Parliament, Vice Chairman of National League for Democracy at Pantanaw Township, Irrawaddy Division		
<b>LAST ADDRESS:</b>	Pantanaw Township, Irrawaddy Division		
<b>ARREST DATE:</b>	12 August 2008	<b>PHOTO DATE:</b>	Nov 2008
<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>			



## IMMEDIATE HEALTH CONCERNS:

Dr. Tin Min Htut is a 57-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.

## CURRENT STATUS SUMMARY:

As of 16 October 2009, Dr. Tin Min Htut is incarcerated at Insein Prison.

## CAREER BACKGROUND:

Dr. Tin Min Htut was born on 24 May 1952 by U Tun Kyi and Daw Tin Tin in Nyaung Khar Shay village, Waw Township, Pegu Division. He attended middle school in Nyaung Khar Shay village, and he attended high school in both Waw Township and Bago Township. He went on to graduate from Rangoon Medical University in 1976. He worked in North Oakkalar Hospital as an apprentice doctor (1976-1977) and later became the secretary of the Pantanaw Doctors' Association (1981-1989).

Dr. Tin Min Htut is a long-time member of the National League for Democracy (NLD) Party. He began his political career as a member of the People's Council for the Irrawaddy Division (1986-1988); the People's Councils were required to be formed under Article X of Burma's 1974 Constitution. He has been a committee member of the Ward Peace and Development Council, and he was the Vice Chairman of the NLD at Pantanaw Township during the 1988 uprising against the military regime. The 1988 Uprising was a series of pro-democracy marches and demonstrations started 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, after a bloody military coup by the State Law and Order Restoration Council (SLORC). Thousands of deaths have been attributed to the military during this uprising.

**Dr. Tin Min Htut was elected as Member of Parliament (MP), Vice Chairman at the 1990 Multi-party Democracy General Election from Pantanaw Township Constituency No. 1 in the Irrawaddy Division.** He received 21,160 votes which was 57.02% 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 and arrested numerous elected Members of Parliament, including Dr. Tin Min Htut. "Through the Election Commission, the military dismissed from Parliament all MPs who have been charged with an offence and had others banned from running in future elections." (Bangkok Post 12/07/1998)

"On 19 February 1997, Dr. Tin Min Htut, an elected representative of the NLD from Pantanaw, was arrested. The

Pantanaw Township Organising Committee reported the following to the NLD leadership. The Pantanaw Township LORC summoned officials from all departments of the town and asked them if Dr. Tin Min Htut had violated any law. The Township LORC asked them if he regularly paid his bills for water, electricity, sanitation, radio, post and telegram, and his taxes for his cassette player, land and income. When the LORC officials could not find fault with him, the town's police chief ordered a search of Dr. Tin Min Htut's house. He ordered his men to find anything that could incriminate the NLD representative. On 19 February when the police searched Dr. Tin Min Htut's house, they couldn't find any substantial evidence of wrongdoing. However, they found two Singapore coins in a small toy cup Dr. Tin Min Htut's son was playing with. Dr. Tin Min Htut was then arrested for illegal possession of a foreign currency. ...The NLD believes this arrest to be a clear case of illegal entrapment by authorities." (*Letters to a Dictator*, ABSDF 1997, Page 162) Dr. Tin Min Htut was charged with violating Article 24 for illegal possession of a foreign currency, and he was sentenced to three years imprisonment.

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

In July 2008, Dr. Tin Min Htut and four other NLD Members of Parliament wrote a letter of concern to United Nations Secretary-General Ban Ki-moon, for which Dr. Tin Min Htut 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, Dr. Tin Min Htut 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 Dr. Tin Min Htut 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 Dr. Tin Min Htut and U Nyi Pu (MP for Gwa Township, Arakan State) were arrested by authorities from their respective homes.

Dr. Tin Min Htut and U Nyi Pu were among five elected MPs who signed a letter to United Nations Secretary-General Ban Ki-moon in late-July 2008, along with fellow NLD members Pu Cin Sian Thaug, Thein Pe, and Dr Myint Naing. In the letter, the five men:

- Stated that they do not recognize the regime's 2007 constitution or the 10 May 2008 referendum;
- Declared their opposition to the proposed 2010 elections and called for the 1990 election result to be honored and for tripartite dialogue;
- Criticized the ruling military regime's seven-step roadmap toward democratic political reform; and
- Expressed concern about the weakening of the UN's stand on Burma, citing the change in 2003 from the UN's original aim of bringing about national dialogue to now urging all groups to join the government's roadmap to democracy

Dr. Tin Min Htut and U Nyi Pu 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 Dr. Tin Min Htut and U Nyi Pu 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, Dr. Tin Min Htut and U Nyi Pu were held in a detention center for over a month before being transferred to Insein Prison. The two men were unlawfully detained for five months before they were finally taken to court for a formal hearing on 12 January 2009.

Throughout the trial, Dr. Tin Min Htut and U Nyi Pu 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 16 October 2009.\***