


Political Prisoner Profile

AAPP CASE NO.:	0006				
NAME OF POLITICAL PRISONER:	U Gambira @ Sandor Bartha @ Nyi Nyi Lwin				
GENDER:	Male	Ethnicity:	Burmese		
DATE OF BIRTH:	19 June 1979	Age:	31		
RELIGION:	Buddhist				
PARENTS NAME:	U Min Lwin & Daw Yay				
EDUCATION:	Dhammasariya classes (education and religion)				
OCCUPATION:	Leader of All Burma Monks' Alliance (ABMA)				
LAST ADDRESS:	Htutkyantawya Monastery, Mingaladon Township, Rangoon				
ARREST DATE:	4 November 2007				PHOTO DATE:
JSECTION OF LAW:	Section 17/1, 13/1, 33 (a)/38, 6, 505/b, 295/a, 147, 145, 17/20, 5/j				
SENTENCING HISTORY:	68 years on 21 November 2008 – reduced to 63 years on 26 June 2009.				
COURT HEARING:	Insein prison special court				
NAME OF PRISON:	Kalay Prison, Sagaing Division, Kale Prison (25 June 2010)				
RELEASE DATE:					
IMMEDIATE HEALTH CONCERNS:					
<p>In November 2009, U Gambira was reported to be suffering from malaria. In Kalay prison there is inadequate medical care and there is a low possibility of U Gambira receiving proper treatment for his malaria.</p> <p>When U Gambira arrived at Khamti prison, on 29 May 2009, he was reportedly so weak he couldn't speak, despite this police officers beat U Gambira upon his arrival. He was then denied food and water. In July 2009, it was reported that he had difficulty talking following torture he experienced in Khandi Prison. (RFA 09 July 2009)</p> <p>U Gambira suffers from Bronchitis as of 2 December 2008.</p> <p>U Gambira suffers from nervous tension and he is reportedly in poor health. Whilst in detention, he has been tortured and stripped of his monk's robes. He also suffers from asthma which has got worse in recent weeks.</p> <p>Furthermore, many prisoners in Insein prison have suffered from ill health since Cyclone Nargis struck on 2 and 3 May. A fire broke out during the storm, and thick smoke enveloped the prison. The cyclone also ripped the roof off the food warehouse, and rice stores were soaked. Although the <i>International Committee of the Red Cross (ICRC)</i> replaced the rice as soon as they found out about the situation, prisoners were only fed the new rice on 19, 20, and 21 May 2008. Authorities fed prisoners mouldy, inedible rice. As a result, many prisoners were ill from diarrhea, dysentery, vomiting, dizziness, skin allergies and typhoid. Prison authorities did not provide adequate medical care for those prisoners affected.</p> <p>As of June 2011, U Gambira's health situation worsened. He suffers from malaria and does not get enough medication for it.</p>					
CURRENT STATUS SUMMARY:					
<p>U Gambira's prison sentence was reduced by 5 years, from 68 years to 63 years. The western district court inside Insein prison reduced his sentence on 26 June 2009.</p> <p>On 27 May 2009, it was reported by <i>Mizzima</i> that U Gambira was transferred to Kalay prison. The reason for the transfer was apparently due to the fact that Gambira recently staged a protest by shouting and demanding a face-to-face meeting with Snr. Gen. Than Shwe. Following this show of defiance he was transferred to Kalay prison from Khamti prison in Sagaing Division. "Yesterday my mom called me and said that he was transferred to Kalay as told by her friends. But we still don't know when he was shifted. We heard that he was moved due to his poor</p>					

health,” said elder sister Khin Thu Htay. *Mizzima* also reported that he suffered from brain and neurological diseases while he was being held in Insein prison and he was in poor health. Though his mother, Daw Yay, was planning to visit his elder brother Aung Kayw Kyaw, who is serving 14 years in Taungyi prison in Shan State, she changed her mind to meet U Gambira in Kalay prison instead because of his poor health. “My mom said that she would go there within a week and she would prepare food for him. Khamti is cold and he had asthma when he was young. We spent a lot of time and money to cure the disease. I think now this old disease has resurfaced. She would go to Uzin (monk) first,” Khin Thu Htay said to *Mizzima*. (*Mizzima27042009*)

On 2 April 2009, U Gambira’s relatives were transferred to different prisons; his younger brother, Ko Ko Lwin, was transferred from Insein to Kyaukpyu prison, in Arakan state while brother-in-law Moe Htet Hlyan, was transferred from Insein to Moulmein prison. (*AAPP02042009*) (*DVB 02042009*)

On 16 March 2009, U Gambira passed on a message of support to human rights and democracy activists in Burma to keep fighting for change in the political system, said his mother, Daw Yay. After visiting him the week previous to 16 March, she told *Democratic Voice of Burma (DVB)* that he still remains in solitary confinement. “He reiterated that he was continuing his fight for the people of Burma whose rights were being abused by the government,” said Daw Yay. “He reminded everyone to fulfill their duties.”

On 13 March 2009, U Gambira’s brother-in-law was sentenced to five years’ hard labour under immigration laws, said his wife. Moe Htet Hlyan, husband of U Gambira’s older sister, Khin Thu Htay, was sentenced under an emergency provision act by Rangoon’s North Dagon township court yesterday for illegally entering the country. He was arrested on 9 September 2008, while organising an activity to set off hot air balloons in Rangoon to mark the one-year anniversary of the formation of the ABMA. Khin Thu Htay said the court’s judge wanted to let her husband go but was forced to hand down the sentence by high-ranking government officials. “The court judge previously promised me that justice will be sought and that there was not enough evidence to sentence my husband,” said Khin Thu Htay. “But then he was pressured by Burma’s chief judge to pass the sentence.” In other news, two members of the National League for Democracy in Rangoon, Ma Cho and Theingi, who provided aid to victims of cyclone Nargis, were each sentenced to two years’ imprisonment by Insein prison special court under charges of having links with unlawful associations. (*DVB13032009*) (*DVB16032009*)

On 9 March 2009, U Gambira’s mother told *Mizzima* that he is longing for internet and tea. He talked a lot, according to Daw Yay. “I wish to use the internet. I wish to move around freely I want to drink tea and need one more year to complete my studies etc. But I don’t mind having sacrificed my freedom and I’m still struggling,” he was quoted as saying. Daw Yay, sixty years old, travelled eight days to meet her son. This is the first ever visit to Khamti prison by his family which cost them about Kyat 650,000 (more than 600 USD) in travel expenses. “We could talk with him for about an hour. He laughed all the time during our prison interview and said that he had not laughed for a long time,” Daw Yay said. It has also been said that now his family is preparing to appeal against his sentence by consulting his lawyer. (*Mizzima.13032009*)

On 17 January 2009, U Gambira was transferred to Hkamti prison in Sagaing division, according to his sister Khin Thu Htay. “[Prison authorities] told our mother that U Gambira was transferred to Khamti prison on Saturday but they refused to say why,” said Khin Thu Htay. “They also said they only did it after a medical checkup to make sure he was fit for a transfer.” Hkamti prison is located 1200 miles north of Rangoon. Bo Kyi, joint secretary of the *Assistance Association for Political Prisoners (AAPP-B)*, condemned the practice of transferring prisoners without informing their families. “If the government wants to transfer a prisoner from one place of detention to another, they need to inform the prisoner concerned and either his or her family,” Bo Kyi said. (*DVB22012009*)

On 19 January 2009, it was in the news that the family of U Gambira said they had heard reports the monk had been staging a hunger strike since 13 January. Khin Phyu Htway, the monk’s sister, said the family had been told about the hunger strike, a few days before, by a friend in Mandalay. “He said U Gambira had been refusing food and water since last Tuesday and that he could only lie on his bed as he was getting so weak,” Khin Phyu Htway said. “Our mother is travelling to Mandalay on Monday and will try to visit him,” she said. “We are very worried that he will harm himself with what he’s doing as we know he is the kind of person who does not hesitate to do

whatever he thinks is right." Mandalay prison was unavailable for comment. (DVB19012009)

On 10 December 2008, U Gambira was awarded 'honorary citizenship' by Morbegno city, Italy. The award came on International Human Rights day, for his selfless sacrifice made during the Saffron Revolution for the sake of the people and the country. "The people of Morbegno city stand by Ashin Gambira, who led the peaceful protest during the saffron revolution," said the website of this city in northern Italy. The website also said that the city will welcome Ashin Gambira if he wishes to visit after being released from prison. The award was received by U Uttara, Chairman of Sasana Moli and abbot of London Sasanayanthi Vihara monastery on behalf of Ashin Gambira. (Mizzima 121208)

On 11 December 2008, there were difficulties for political prisoners to exercise their right to appeal, and to receive medicine. Daw Yay, mother of U Gambira, and Po Phyu, defense lawyer, went to lodge an appeal for Ashin Gambira. But the court refused to grant it. (DVB12122008)

On 1 December 2008, U Gambira was transferred to Sagaing Division's Hkamti prison, far away from his family. (DVB03122008)

CAREER BACKGROUND:

U Gambira's real name is U Sandor Bartha. He is also known as Nyi Nyi Lwin. U Gambira is a pseudonym, which he began using during the nationwide demonstrations in September 2007.

U Gambira was born on 19 June 1979. He started his schooling at the age of five, but this was interrupted following the 1988 popular uprisings, when schools were closed for two years. At the time, U Gambira rebelled against his parents, ran away and became a child soldier at the age of 12.

After learning that he was in a military unit in Rangoon, his parents came and took him out of it. The authorities came to their village in Pauk Township to investigate. His parents, fearing that he would be arrested, imprisoned or forced back to military service despite his young age, sent U Gambira to a monastery to become a novice monk.

U Gambira enjoyed religious life. He learnt the scriptures and passed religious exams with flying colors. As an enthusiast for literature, he collected books on religion, English language and computer technology. He set up a library in his native Pauk Town and donated books to it. He also studied the English language, computer science, political science, literature, poetry and music. He has written religious articles, short stories and poems.

In 2005, whilst attending Dhammasariya (training to become a teacher of Buddhist scriptures) classes, he became acutely aware of people's struggle for their livelihood, education and religion. He started campaigning amongst the monks, and went on to successfully unify the clergy nationwide. After 88 Generation Student members led popular protests against sharp increases in fuel and commodity prices in August, U Gambira founded the All Burma Monks' Alliance (ABMA) with 5 other monks to support the popular protests. U Gambira was the ABMA's spokesperson. Protests by monks quickly escalated, led by the ABMA, which was instrumental in getting hundreds and thousands of monks onto the streets during the so-called "Saffron Revolution" phase of protests in September 2007.

As well as a reduction in commodity prices, they called for the release of political prisoners and a process of national reconciliation. In the evening of 25 September, the authorities began a crackdown on protestors, including raiding monasteries, arresting monks and others. Many activists were forced into hiding around that time, including U Gambira, who was known to be on a list of people wanted by the authorities. After the authorities' brutal crackdown of the peaceful demonstrations, U Gambira said that

he had not anticipated such brutal retaliation from the regime.

While in hiding, U Gambira worked to keep up the momentum of the uprising by giving interviews to international media. Though his friends and colleagues urged him to go into exile, he refused. In an interview he gave to the Democratic Voice of Burma whilst in hiding, he said, "Having a lot of monks and civilians killed and detained during the protests is proof to everyone that these men are not the real leaders of our country. They are just ruthless killers and dictators. Now the whole world has seen what they really are," he said. U Gambira called on the international community to take effective action to help the Burmese people. "This is not the time for arms embargoes and sanctions as they will only show effect in 10-15 years' time. For now, we need something that will have an immediate effect on the current situation," he said. "Rather than the international community calling for meetings and having discussions about Burma, we would suggest they send humanitarian aid to give us a chance to protest without harassment."

U Gambira's brother, Ko Aung Kyaw Kyaw, and father, U Min Lwin, were arrested, on 17 October and 4 November 2007 respectively, as "hostages" in an attempt to force U Gambira out of hiding. U Gambira was then arrested on 4 November and detained in Insein prison. His father, U Min Lwin, was held for a month in New Mandalay prison before being released on 3 December 2007.

His brother, Ko Aung Kyaw Kyaw, is secretary of the National League for Democracy in their hometown of Pauk, Magwe division. He has been sentenced to 14 years in prison and is now being detained at Shan State's Taunggyi jail.

In an opinion editorial piece published in the Washington Post on 4 November, the same day he was arrested by the authorities, he said, "Since August, I have seen my country galvanized as never before. I have watched our 88 Generation leaders bravely confront the military. I have watched a new generation of activists join to issue an unequivocal call for freedom. And I have watched as many in the police and military, sickened at what they were forced to do to their countrymen, give so many of us quiet help."

ARREST DETAILS:

U Gambira was arrested in Singaing township in Mandalay division on 4 November 2007.

DETAILS OF IMPRISONMENT:

On 13 March 14 2008, prison authorities transferred U Gambira to solitary confinement, apparently as a punishment for his role in instigating a metta chanting campaign inside Insein prison.

On 14 August 2008, it was reported that U Gambira raised the issue of the imprisonment and disrobing of monks by the Burmese regime in a meeting with United Nations human rights rapporteur Tomas Ojea Quintana, the previous week. U Gambira's sister, Ma Khin Thu Htay, said her brother had spent 20 minutes with the special rapporteur. "He said the meeting took place at night time and they had a lot of privacy, but U Gambira didn't get to tell him about all the important things, only general things – such as about 200 monks being thrown into prison and then disrobed," Khin Thu Htay said. "He told Mr Quintana that he was being detained in prison without a court hearing or remand. He wanted to tell him a lot but there wasn't much time," she said. "Mr Quintana promised him he would do his best." (DVB14982008)

On 2 September 2008, the court in Insein prison rejected the defense lawyer's appeal to postpone the case of U Gambira, who had been disrobed and appeared at the trial handcuffed, which is in violation of Burmese jail and court regulations. (TheIrrawaddy02092008)

On 3 September 2008, U Gambira's lawyer, U Aung Thein, insisted that the military junta does not have a case against the monk leader. "There is no law in Burma forbidding persons from chanting the Metta Sutta [the

Buddha's Words on Loving Kindness]." Furthermore, U Gambira, told his family that he will not go to the next court hearing handcuffed, disrobed, or conducted in a limited area – not public court, according to friend close to the family at the time.

U Gambira's family members were also arrested on 9 and 10 September 2008. They include Moe Htet Hlyan, husband of U Gambira's sister, Ma Khin Thu Htay, along with Ko Hlaing Moe, Ko Thura, Ko Kyaw Myo Set, Ko Kalar, Ko Ye Ko Ko, and one other. Police confiscated their computer, campaign papers and posters for the 20 year anniversary of 8-8-88 as well as other supplies. Also U Gambira's brother, Ko Ko Lwin was arrested in Meiktila Township, Mandalay Division, along with Ko Ye Nyunt, Ko Soe Lwin and another 5 people on 10 September 2008.

On 6 October 2008, U Gambira did not appear at his scheduled hearing due to illness, his lawyer said. The lawyer, Khin Maung Shein, told *The Irrawaddy* that Ashin Gambira was reportedly sick and receiving medical treatment at Insein Prison (*TheIrrawaddy*06102008)

On 18 November 2008, U Gambira was given his first sentence of 12 years and 6 months of imprisonment with hard labour at the Kyee Mying Daing Township Court located inside Insein Prison. Two days later, a further 15 years was handed down.

On 21 November 2008, U Gambira received another 40 year sentence, bringing a total of 68 years. His defense lawyers were initially U Aung Thein, U Khin Maung Shein, and U Pho Phyu; however, on 7 November, U Khin Maung Shein and U Aung Thein were both sentenced to 4 months' imprisonment on charges of 'contempt of court'.

U Gambira's cases were heard by Kamaryut Township Court, Kyauktada Township Court, Dagon Township Court, Alon Township Court, Kemmedine Township Court. All the hearings were held inside Insein Prison Compound.

U Gambira was accused of a total of 16 offenses by the Police Special Branch with several charges. Among them are;

- (1)Section 33 (a)/38 of the Electronic Law and Transaction Law (5/2004)
- (2)Section 6 of Organization of Association Law (1988)
- (3)Section 13/1 of Immigration Act
- (4)Section 505/b of Statements conducing to public mischief Act
- (5)Section 295/a of Deliberate and malicious acts mended to outrage religious feeling of any class by insulting its religion or religious beliefs
- (6)Section 147 of Punishment for rioting
- (7)Section 145 of Joining or continuing in unlawful assembly
- (8)Section 17/1 of Unlawful Association Act (1908)
- (9)Section 17/20 of Printers and Publishers Act (1962)

Honorable Awards:

(10)Section 5/j of Emergency Provision Act (1950)

1. On 10 December 2008, Human Rights Day, the city of Marbengo, Italy awarded U Gambira "Honorary Citizenship".

2. U Gambira was announced as the winner of the "Bindmans Law and Campaigning Award" at the *Index on Censorship* awards ceremony, which took place in London on 21st April 2008. The award was accepted on his behalf by U Uttara, the highest ranking Burmese monk in the UK.

http://www.legal500.com/firms/336%20%20%20%20/press_releases/5405

3. The influential Burmese website *The Burma Digest* announced on 31 December 2007 the results of its poll for "Person of the Year 2007" in Burma. U Gambira got the highest number of votes; and accordingly was named as

"The Person of the Year 2007 in Burma". <http://www.scoop.co.nz/stories/WO0801/S00002.htm>

This profile was prepared by the Assistance Association for Political Prisoners (Burma) on 18 June 2008, and updated on 13 June 2011