


# Political Prisoner Profile

<b>AAPP CASE NO.:</b>	0127			
<b>NAME OF POLITICAL PRISONER:</b>	Wai Lin			
<b>GENDER:</b>	Male	<b>ETHNICITY:</b>	Karen	
<b>DATE OF BIRTH:</b>	1986	<b>AGE:</b>	23 in 2009	
<b>RELIGION:</b>	Buddhist			
<b>PARENTS NAME:</b>	U Mann Kyaw Hla			
<b>EDUCATION:</b>				
<b>OCCUPATION:</b>	Tooth Service and Labor Activist			
<b>LAST ADDRESS:</b>	Mayoungkone Township, Rangoon Division			
<b>ARREST DATE:</b>	1 May 2007			
<b>SECTION OF LAW:</b>	Penal Code, Section 124(a); Unlawful Association Act of 1908, Section 17(1); Law Amending the Myanmar Immigration (Emergency Provisions) Act of 1947, Law No. 2/90, Section 13(1)			
<b>SENTENCING HISTORY:</b>	28 years total and a 1,000-kyat fine (20 years and 1,000 kyat fine + 5 years + 3 years) on 7 September 2007			
<b>COURT HEARING:</b>	Western Rangoon District Court and Insein Prison Special Court			
<b>NAME OF PRISON:</b>	Myitkyina Prison, Kachin State			
<b>RELEASE DATE:</b>				
<b>IMMEDIATE HEALTH CONCERNS:</b>				
<p>On 4 April 2009 Assistance Association for Political Prisoners (AAPP) received information that Wai Lin, while at Myitkyina Prison in Kachin State, was suffering from <b>tuberculosis</b> and that his <b>health was deteriorating</b>. There is no prison doctor at Myitkyina Prison, and the prison is 1,479 kilometers (919 miles) away from his family in Rangoon.</p> <p>In 2008, while Wai Lin was at Insein Prison, AAPP was notified that Wai Lin had been hospitalized for the treatment of <b>tuberculosis</b>.</p> <p>In prison, tuberculosis is often the result of damp prison cells, bad ventilation, and over-crowding.</p>				
<b>CURRENT STATUS SUMMARY:</b>				
<p>Wai Lin is a 23-year-old man who is now serving a 28-year prison sentence for his involvement in the 2007 Saffron Revolution protests. (<i>See details below.</i>) He is currently incarcerated at Myintkyina Prison, which is approximately 1,479 kilometers (919 miles) away from his family in Mayoungkone Township, Rangoon Division. 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.</p> <p>Prison Transfer History:</p> <ul style="list-style-type: none"> <li>• Wai Lin was originally held at <b>Insein Prison</b> in Rangoon Division for over 1½ years.</li> <li>• On 7 November 2008 Wai Lin was transferred to <b>Mandalay Prison</b> in Mandalay Division.</li> <li>• Between November and December 2008 Wai Lin was transferred to <b>Putao Prison*</b> in the far north of Kachin State.</li> <li>• On 4 April 2009 Min Aung was transferred again to <b>Myintkyina Prison</b> in Kachin State.</li> </ul> <p>*While Wai Lin was incarcerated at Putao Prison, authorities did not allow his family to visit him. Wai Lin's brother said, "We left Rangoon on 1 January 2009 for the trip to Putao prison, arriving there on 6 January 2009. We tried to visit him three separate times on 6, 9 and 10 January 2009. But the prison authorities refused us each time. We were just allowed to leave parcels." (Radio Free Asia 15Jan2009)</p>				
<b>CAREER BACKGROUND:</b>				

There is very little definitive information available concerning Wai Lin's history and background prior to the time of his arrest.

#### **ARREST DETAILS:**

On 1 May 2007 Wai Lin was arrested following a May Day celebration at the U.S. Embassy's American Centre in Rangoon. That same day the following five other men were also arrested: Kyaw Min, Kyaw Kyaw, Myo Min, Nyi Nyi Zaw, and Thurein Aung.

According to information obtained by the Asian Human Rights Commission, Wai Lin and his colleagues "had organised for some discussions on labour rights to be held at the American Center in Rangoon. However, the government authorities systematically acted to thwart their plan and arrest the organisers, as follows:

1. "Ko Thurein Aung, one of the organisers, was bringing a group of workers by vehicle to the centre when stopped by officials and arrested; the vehicle and workers were freed to go after publications on workers' rights were removed. They took the arrested man to a special interrogation centre.
2. "As the other organisers arrived at the centre they saw a large group of police outside and further down the road groups of officials, police and unidentified persons on the street corner and inside some shops. Still they went ahead with the programme, on domestic and international standards of workers' rights, and around 50 persons attended. After finishing in the afternoon, they left in small groups of three or four, and finally only three organisers were left. They saw that the officials and others were still waiting outside, and when they left they also were stopped by a group of the men and taken to the same interrogation centre, together with a further person from the gathering....

"...On July 5 the state-run media recorded that Thurein Aung and others had received money from abroad to hold meetings with workers in order to discuss 'about the difficulties they were facing in an exaggerated manner to create outrage [among the] workers and then to incite protests.'"(Asian Human Rights Commission 08/08/2007)

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

- Court Location: Western Rangoon District Court and Insein Prison Special Court
- Judge: Aye Lwin, Vice District Judge (1) from Western Rangoon District Court
- Prosecutor: Police Lieutenant Major Myo Thant
- Lawyer for the Prosecution: Daw Hla Hla Myaing, District Second Judiciary Officer
- Defense Lawyers: None. (*See Below.*) The defendants did not have legal representation and defended themselves in court.

**ORIGINAL TRIAL:** Beginning on 24 July 2007 Wai Lin was tried concurrently with the following five activists: Kyaw Kyaw, Kyaw Min, Myo Min, Nyi Nyi Zaw, and Thurein Aung. Each accused was charged with various counts under the following laws:

1. Penal Code, Section 124(a) – Sedition for exciting disaffection toward the government;
2. Unlawful Association Act of 1908, Section 17(1) – For participating in an unlawful association; and
3. Law Amending the Myanmar Immigration (Emergency Provisions) Act of 1947, Law No. 2/90, Section 13(1) – Crossing an international border without permission.

The group of six defendants was originally represented by defense lawyers U Aung Thein and U Khin Maung Shein; however, the both resigned from the case on 3 August 2007 after prison guards repeatedly conducted inappropriate body searches on both men on three or four separate occasions. "The two lawyers told the activists they had resigned to avoid causing further problems for the men in court." (Democratic Voice of Burma 07/08/2007)

Before the lawyers resigned, they argued (albeit unsuccessfully) to allow the trial to be open and public, as required under Burmese law. "We have been told that it is enough for our clients to be allowed lawyers. But this is obviously not enough. The defendant's families have been prevented from attending let alone the public," defense U Aung Thein said. (Democratic Voice of Burma 03/08/2007) The group was also

prohibited from presenting defense witnesses.

Wai Lin and all five of his co-defendants were accused of making a plan to organize a group of laborers during the May Day celebrations at the American Centre in Rangoon. It was alleged that Wai Lin and the other five men would discuss labor rights so as to make the laborers act “disrespectfully and hatefully” toward the government. For this all six men were sentenced to **life imprisonment (20 years) and a fine of 1,000 kyat under Penal Code, Section 124(a) for sedition** on 7 September 2007 at Western Rangoon District Court.

Wai Lin and three of his co-defendants (i.e., Kyaw Min, Myo Min, and Thurein Aung) were also charged with illegally crossing the Thai-Burma border to meet with the Federation of Trade Unions-Burma (FTUB), a labor rights organization. The four men were sentenced to **five (5) years in prison under the Law Amending the Myanmar Immigration (Emergency Provisions) Act of 1947, Law No. 2/90, Section 13(1)** on 7 September 2007 at Western Rangoon District Court.

In addition to the above, Wai Lin and three of his co-defendants (i.e., Kyaw Min, Myo Min, and Thurein Aung) were charged with participating in an unlawful association. The four men were sentenced to **three (3) additional years in prison under the Unlawful Association Act of 1908, Section 17(1)** on 7 September 2007 at Insein Prison Special Court.

**In total, Wai Lin was sentenced to 28 years in prison and a 1,000-kyat fine.**

**APPEAL PROCESS & ILO SUPPORT:** After the initial sentencing on 7 September 2007, Wai Lin and his five co-defendants pursued an appeal process with support from the International Labour Organisation (ILO). The ILO is the United Nations’ tripartite agency (i.e., providing government, employer and worker representation from each member country) established to seek the promotion of social justice and internationally-recognized human and *labour* rights. Following is an account of the appeal process and the ILO’s public support:

- On 12 September 2007 the ILO released an official statement calling for the six men to be released immediately. “The ILO statement pointed out that Burma had ratified the [ILO’s] Freedom of Association Convention No 87 and had an international legal obligation to respect its citizens’ right to associate freely.” (Irrawaddy 12Sep2007)
- On 15 November 2007, defense lawyer U Aung Thein filed an appeal on behalf of the six men. (Democratic Voice of Burma 16Nov2007)
- On 19 November 2007 the appeal was rejected by the Rangoon Divisional Joint Court. (Democratic Voice of Burma 19Nov2007)
- In January 2008 the families of the labor activists requested assistance from “the ILO to intervene in the case and secure their release. One of the relatives of the detained activists said, “They [the ILO] have told us that they would try their best and would meet the detainees. Without help from the ILO, we have no hope because they [the junta] have sentenced the activists to lengthy prison terms,” he added.” (Mezzima 22Jan2008)
- In the spring of 2008 an appeal to Burma’s Supreme Court was filed and subsequently rejected.
- On 11 July 2008, the ILO released another statement speaking out against the Burmese Supreme Court’s decision to deny the appeal, stating that “the court’s rejection of the appeal was ‘extremely disappointing’ and ran counter to the government’s obligations under the ILO convention on freedom of association.” (Democratic Voice of Burma 11Jul2008 ) Kari Tapiola, the ILO executive director for the Standards and Fundamental Principles and Rights at Work office, said, “This remains a priority for the ILO, and the government is strongly urged to review the situation in order to secure an early release of the persons concerned.” (Irrawaddy 11Jul2008)

**\*This profile was prepared by the Assistance Association for Political Prisoners (Burma) on 3 December 2009.\***