

Political Prisoner Profile

AAPP CASE NO.:	0005			 <p style="text-align: center;">Mya Aye</p>
NAME OF POLITICAL PRISONER:	Mya Aye @ Thuya			
GENDER:	Male	Ethnicity:	Burmese	
DATE OF BIRTH:	10 March 1966	Age:	43	
RELIGION:	Muslim			
PARENTS NAME:	U Maung Maung			
EDUCATION:	Graduated			
OCCUPATION:	Vice chairman of the Old Graduated Students League in 1989, A leader of 88 Generation Students group			
LAST ADDRESS:	Mingala Taung Nyunt Township, Rangoon			
ARREST DATE:	22 August 2007		PHOTO DATE:	
SECTION OF LAW:	Section 505 (b) , 130 (b), 17/20, 33 (a), 17/1, 24/1, 32 (b)/36, 6, 5/96 (Section 4), 228			
SENTENCING HISTORY:	Sentenced to six months in prison for contempt of court on October 29, 2008 Sentenced to 65 years in prison on November 11, 2008			
COURT HEARING:	Insein prison special court, Ma-ubin prison			
NAME OF PRISON:	Insein prison, Loikaw prison			
RELEASE DATE:				
IMMEDIATE HEALTH CONCERNS:	Mya Aye has heart disease.			
CURRENT STATUS SUMMARY:	<p>On 11 March 2009, Wai Hnin (Mya Aye' s daughter), held a prayer service along with about 60 others in London to mark his birthday. She told <i>Democratic Voice of Burma (DVB)</i> "This prayer is not only for my dad, but it also for the freedom of all the political prisoners and the people of Burma." (DVB110322009)</p> <p>On 13 January 2009, U Win Tin made special mention of Mya Aye among a few other high profile activists in an interview with <i>Democratic Voice of Burma (DVB)</i> when replying to a question concerning the struggle <i>National League for Democracy (NLD)</i> have to face under th Military regime in Burma (DVB13012009)</p> <p>On 4 December 2008, Wai Hnin's mother, Sandar Win, and 7 year-old sister travelled to Loikaw and were allowed to briefly meet with the detained activist. "I felt so tired after the 24-hour long round trip to the prison camp from here (Rangoon). Moreover, the problem is I also took my seven-year old daughter to the prison camp," Sandar Win told <i>Mizzima</i>. She said that at present, there is no medical staff to take care of prisoners in the detention center."I am so worried that if my husband is not feeling well, the prison authorities will just let him suffer without giving medication....I don't feel anything on the detention of my husband, his imprisonment is not strange to us. I don't even regret his situation because he is being detained for doing good things for the people" "I will also encourage him to keep on with his work for his movement and try to meet him wherever he may be held," she adds. (Mizzima11122009)</p> <p>On 9 December 2008, Mya Aye's daughter Wai Hnin, along with Khun Sai, himself a former political prisoner, briefed British members of parliament on the situation of Burmese political prisoners and their families during a parliamentary meeting. She said that her father was only allowed one hour per day to take a walk inside the camp, the entire time chained by both his hands and legs. Wai Hnin left Burma in 2006 as she felt that there was no freedom in pursuing her further studies in universities in the country. "Whenever I went to school, Burmese spies always followed me. I didn't feel free to study," she claims. "At first, I worried that I would never see my father again," reflects Wai Hnin Pwint Thon "Whenever I think about it, I feel angry with the military regime. Because of their uselessness and baseless laws,</p>			

innocent people are in trouble," she laments. "Also, nobody was willing to give me a job because I was a daughter of a political activist," she explains. Wai Hnin recalls the tense days and sleepless nights she experienced on a daily basis in military ruled Burma before her father was rearrested. "Even after he was released [in 1996], nearly the whole time I was worried that the authorities would knock on the door and pick up my father again," she remembers. Yet, amidst the misery, Wai Hnin seems to take pride in her father being detained in prison for the cause of freedom in Burma. "I am proud of him for what he has done and the way he has sacrificed his life for the sake of [the Burmese] people and freedom," says Wai Hnin. Because of the heavy-handed rule of Burma's generals, Wai Hnin has spent only nine of her 19 years with her father, though she now never gives up hope of his eventual release and expects to see him again in future. "I am looking forward to seeing him again," proclaims a defiant Wai Hnin. (*Mizzima11122008*)

On 9 December 2008 Mya Aye was prevented from buying basic food supplies with his allowance, which is legal in Loikaw prison in Kayah State. (*RFA 091208*)

CAREER BACKGROUND:

Mya Aye was an activist during the democracy uprising in 1988. He was vice chairman of the *Old Graduated Students League (OGSL)* in 1989 and met with Bransai, Chief of the *Kachin Independent Organization (KIO)*. He was arrested in 1989 and sentenced to 8 years imprisonment charged with violating section 17/2 of the Unlawful Association Act and section 5/j of the Emergency Provision Act. He was then transferred from Insein to Taungoo prison and was released in April 1996.

During 2006-2007, Mya Aye was one of the most vocal leaders of the 88 Generation Students group. He helped lead activities such as the White Sunday Campaign which began in early 2006. Every Sunday around 100 pro-democracy activists wore white clothing similar to that worn by political prisoners, and went to visit the families of political prisoners in an act of solidarity and protest. In the weeks leading up to the October 2006 session of the National Convention, Min Ko Naing, Ko Ko Gyi, Htay Kywe, Min Zeya and Pyone Cho were all arrested, and Mya Aye helped organize the Signature Campaign to win their release. Speaking about the campaign to the BBC on 24 October 2006, Mya Aye said that the 88 Generation Students group was seeking a peaceful political transformation in Burma and encouraging the people to participate: "We will continue with peaceful and legal means to help achieve national reconciliation in Burma".

After Ko Ko Gyi, Htay Kywe and Min Ko Naing were all arrested in September 2006, on October 29, 2006 Mya Aye and other 88 Generation leaders started a third campaign called "Multi Religious Prayer Campaign". The leaders asked people to wear white clothing and hold candlelight vigils and prayers in temples, churches and mosques. Mya Aye helped lead a week-long prayer vigil at Schwedagon Pagoda.

When interviewed by VOA at this time, Mya Aye said: "We talk solely about the paths to national reconciliation-how to bring it about how to rebuild our country. We didn't commit any crimes... We believe only in national reconciliation. We don't want to hurt anyone or favor anyone. The basic principles we hold are that any solution should be based on the results of the 1990 general election, on dialogue, democracy, and human rights... Our spirit is our only defense, and if they come to detain us we will just have to face it."

In 2006, thousands of readers of *Burma Digest* overwhelmingly voted Mya Aye as The Politician of the Year 2006 Burma: "The most significant and most important political movement during this year is the

White-coloured people power movement signifying people's innocent and peaceful desire to get freedom, democracy and human-rights. And it was led by new generation student leaders." (*Burma Digest*).

On 6 April 2007 *Mizzima News* quoted the following statement by the 88 Generation Students Group: "...those who are trying to restore democracy are marginalized from others as political activists, and have consequently become victims of oppression against the free practice of their economic and social rights," The statement was issued, according to *Mizzima*, after the municipal authorities in Rangoon ordered the closure of the Rangoon-Mandalay Thamadi Carrier Service headed by Maung Maung Aung, Mya Aye's younger brother, on March 30.

On 28 June 2007, in a *Democratic Voice of Burma* article, the 88 Generation Students group called on the Burmese government and opposition actors to cooperate with each other over political reforms and to engage in genuine dialogue. In a statement, the student group said that the National League for Democracy, the winners of the 1990 election, the State Peace and Development Council and ethnic minority leaders needed to work together on Burma's new constitution. "A friendly political society where all the issues of disagreements and suspicions can be raised, discussed, compromised and made clear in independence and in honesty is essential... We, the 88 Generation Students, would like to urge the Tatmadaw government to create such a political society and that the National League for Democracy and all the ethnic parties to put effort into making this good political society possible." *DVB* also quoted Mya Aye's expression of his hope that the constitution-drafting National Convention process would provide an opportunity for opposition and ethnic minority groups to cooperate and engage in dialogue. "We hope a good situation comes out of it . . . This constitution will look significantly better if the National League for Democracy, whose representatives have won a lot of seats in the 1990 elections, and all the ethnic representatives had a chance to participate in creating it," Ko Mya Aye said. "Dialogue is essential if this is to happen . . . People should not ignore this . . . If we do, our country will go under this dark cloud of extreme chaos. We cannot let this happen. Dialogue should be initiated whenever and wherever possible." (*DVB280620007*)

In August 2007, Mya Aye and other prominent activists were detained following demonstrations against the regime's economic mismanagement, hikes in fuel and commodity prices, and the falling standard of living. On 19 August 2007, 88 Generation Students group activists including Mya Aye led a march by more than 400 people from Rangoon's Kokine junction to Tamwe market in a protest against high fuel prices. The activists, who had attended a memorial service for late *National League for Democracy (NLD)* leader U Kyi Maung in Bahan township, walked to Tamwe instead of paying for bus fares pushed higher by increased gas prices. The Burmese government had raised the price of subsidised fuel by between 100 and 500 percent, causing the cost of public transport and a number of staple commodities such as rice and cooking oil to increase dramatically.

After Mya Aye's arrest, his wife was also arrested in March 2008. She was later released.

In October 2008, the 88 Generation Students, including Mya Aye, who are detained in Insein prison, were awarded "2008 *President's International Democracy Award*" from the American Federation of Teachers (with more than 1.4 million members) in the U.S.

ARREST DETAILS:

Mya Aye was arrested by security officials and members of the state backed Union Solidarity and Development Association (USDA) during a raid on his home late on 22 August 2007 together with the thirteen 88 Generation Students group members, Paw U Tun (also known as Min Ko Naing), Ko Ko

Gyi, Pyone Cho (also known as Htay Win Aung), Min Zeya, Ko Jimmy (Kyaw Min Yu), Zay Ya, Arnt Bwe Kyaw, Kyaw Kyaw Htwe (Marki), Pannate Tun, Zaw Zaw Min, Thet Zaw, Nyan Lin Tun, Ko Yin Htun. At the time, the junta's 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."

According to an August 22nd report in *Burma Digest* (originally printed in FRONT LINE Human Rights Defenders) No warrants were produced for the arrests. Following the arrests, members of the security forces allegedly searched the homes of those arrested and confiscated documents and compact discs. Reports claim that they were detained at Kyaikkasan Detention Centre before being transferred to Insein prison.

DETAILS OF IMPRISONMENT:

There is some evidence that Mya Aye has been tortured. According to a 20 September 2007 report in *The Irrawaddy*: "A prisoner released from Insein prison said four prominent activists arrested with nine others on August 21 were in the prison hospital. He named them as Mya Aye Min Ko Naing, Kyaw Min Yu (also known as Jimmy) and Kyaw Kyaw Htwe (aka Marki). The released prisoner said the four had been tortured under interrogation. Screens had been placed around their hospital beds, he said." (*The Irrawaddy*20092007)

In September 2007, the families of detained 88 Generation Students group leaders asked the *International Committee of the Red Cross (ICRC)* in Burma for help in trying to locate the activists. Finally, in November, members of the group were allowed to receive visits from their families for the first time.

In December 2007, Mya Aye and some of the other 88 Generation Students Group activists were transferred from Insein prison Annex to Insein main prison. *The Irrawaddy* quoted Nilar Thein as saying: "Mya Aye is kept inside the same cell as a criminal who received the death penalty for murder; Min Ko Naing is also sharing a cell with a criminal." Soe Tun, another member of the 88 Generation Students movement, said, "We are really worried for Mya Aye's health because he has been suffering with heart failure for a long time. It is inappropriate to keep him with criminals." Prison authorities do not provide nutritious food or medication for prisoners, who usually have to rely on donations from family members.

The trials of the 35 members of the 88 Generation Students group, led by Min Ko Naing, started on 27 August 2008 and continued on 9 September 2008. They, 9 women and 26 men, were brought before Rangoon Eastern District Court which was held inside Insein prison. Most had been detained in prison without trial for more than a year, since August 21, 2007. Their cases were heard by eight courts, 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, all have been held inside the Insein prison.

The accused included Min Ko Naing, Ko Ko Gyi, Pyone Cho, Min Zeya, Mya Aye, Jimmy, Zay Ya, Kyaw Kyaw Htwe, Arnt Bwe Kyaw, Pannate Tun, Zaw Zaw Min, Thet Zaw, Nyan Linn, Than Tin aka Kyee Than, Htay Kywe, Hla Myo Naung, Aung Thu, Myo Aung Naing, Thet Thet Aung, Thein Than Tun, Tin Htoo Aung, Zaw Htet Ko Ko, Chit Ko Linn, Thaw Zin Tun, Aung Gyi @ Aung Thike Soe, Saw Myo Min Hlaing, Thin Thin Aye(F), Sandar Min(F), Nwe Hnin Ye(F), Thara Phe Theint Theint

Tun(F), Aye Thida(F), San San Tin(F), Lay Lay Mon(F), Hnin May Aung(F). On August 7, Mar Mar Oo (F) was arrested and on September 10, Nilar Thein (F), was arrested. On October 13, they were added to this group.

Their seven Defense Lawyers are U Aung Thein, U Khin Maung Shein, Daw Khin Htay Kywe, U Kyaw Hoe, U Myint Thaug, U Pho Phyu, and U Nyi Nyi Hlaing.

They were charged with 21 counts under the following laws:

- 1) Section 130/b of the Penal Code (committing depredation of foreign governments at peace with Burma) for open criticism of China and Russia for their use of veto power to reject the Burma resolution at the UN Security Council;
- (2) Section 4 of 'Endangering National Convention' (SPDC Law No. 5/96) for criticism of the national convention and constitution writing process;
- (3) Section 17/20 of the Printers and Publishers Registration Act for failure to obtain permission to print publicity pamphlets and for possession of printers without registration;
- (4) Section 33(a) of the Electronic Transactions Law;
- (5) Section 17 (1) of the Unlawful Association Act;
- (6) 24/1 of the Law Amending the control of money (for illegal possession of foreign currency);
- (7) 32(b)/ 36 of the Television and Video Law;
- (8) Section 6 of the Organization of Association Law for forming an organization without permission;
- (9) 505(b) of the Penal Code for denouncing the government.
- (10) Section 17 (20) of the Unlawful Association Act

At the trial, on 27 August 2008 nine student leaders (Mya Aye as well as Ko Ko Gyi, Pyone Cho aka Htay Win Aung, Hla Myo Naung, Nyan Lin, Aung Thu, Myo Aung Naing and Ko Htay Kywe) as well as the other detainees demanded that they should not be handcuffed during the hearing and that their family members, public and media should be allowed to attend the hearing. At the hearing on 10 September 2008, they were still handcuffed, but their family members were allowed to attend. The judge heard from the prosecutor who made his cases based on documents obtained from Internet. (*BurmaDigest01102008*)

On 12 September 2008, a lawyer for Min Ko Naing, said that the detained activist was defiant when he appeared in court at Rangoon's Insein Prison. "You can sentence us to a thousand years in prison for our political activities, but we will continue to defend ourselves in accordance with the law. Nobody can hide from justice," the lawyer quoted Min Ko Naing as saying to the presiding judge. (*TheIrrawaddy12092008*)

On 9 October 2008 *The Burma Lawyers' Council (BLC)* called for a lawful trial to be held in public for 21 activists, Min Ko Naing, in accordance with article 10 of the Universal Declaration of Human Rights. (*RFA101008*)

On 15 October 2008, all Township Courts handed over the cases to three District Courts: Rangoon Eastern District Court, Rangoon Western District Court and Rangoon Northern District Court. These three District Courts are hearing the cases inside Insein prison Compound.

The trial continued on 27 October 2008. Many defendants withdrew their attorney power from their lawyers, as they believed the trial was not fair. Some refused to answer the questions of the prosecutors. Security was still tight and the defendants were concerned for their safety.

On 29 October 2008, Mya Aye was sentenced to 6 months imprisonment in Insein Prison special court. The court was under the jurisdiction of two judges from Northern Rangoon District Court. During the court hearing, Mya Aye and other defendants stood up and complained about the lack of a free and independent judiciary. The presiding judge accused them of interrupting court procedures and charged them under Section 228 of the Penal Code for contempt of court. He handed down a six-month sentence for Mya Aye and eight other student leaders; Min Ko Naing, Ko Ko Gyi, Mya Aye, Pyone Cho (aka) Htay Win Aung, Aung Thu, Htay Kywe, Nyan Lin, Myo Aung Naing, and Hla Myo Naung. The remaining defendants in court stood up and demanded that the judge sentence them too. The judge ordered security forces to remove the defendants from the court and adjourned the trial. The prosecuting lawyer was U Myint Kyaing. (AAPP29102008)

On 31 October 2008, the nine who were convicted were transferred to Ma-ubin prison in the Irrawaddy Division. Their trial continued in Ma-ubin District Court, which will be held inside the Ma-ubin prison Compound.

On 1 November 2008, their families were allowed to visit them in Ma-ubin prison.

On 9 November 2008, NLD lawyers U Khin Maung Shein and U Aung Thein, who were representing Mya Aye among other high profile activists, were each sentenced to four months' imprisonment for 'contempt of court' (DVB071108) (*The Irrawaddy*07112008). They were charged under section 3 of the Contempt of Court Act (*US Campaign for Burma* 07112008) and (*RFA*06112008). The two lawyers had appeared in court to defend themselves on 6 November (AAPP 07112008).

On 11 November 2008, along with the other eight prisoners held at Ma-ubin, Mya Aye was sentenced to 65 years in prison. The sentence was handed down behind closed doors in Insein prison special court. According to reports; family members were not allowed to attend the hearing. (AAPP 11112008 and *DVB*121108). He was convicted of 5 counts of the indictment:

- 1) One charge under Section 6 of the Organization of Association Law for forming an organization without permission; for this charge he was sentenced to 5 years.
- 2) Four charges under Section 33(a) of the Electronic Transactions Law; for each of these he was sentenced to 15 years.

On 15 November 2008, Mya Aye and eight other 88 Generation Student group members; Kin Ko Naing, Ko Ko Gyi, Mya Aye, Htay Kywe, Pyone Cho (aka) Htay Win Aung, Aung Thu, Hla Myo Naung, Aung Naing (aka) Myo Aung Naing and Nyan Lin were transferred back to Insein Prison from Ma-ubin Prison. They arrived at Insein Prison in the afternoon and were allowed to meet with their family members, who had been on their way to visit them at Ma-ubin Prison and had to rush back to Insein instead. On the same day Min Ko Naing and other members of the 88 Generation Students group were transferred from Insein prison to prisons far away from Rangoon; On 16 November 2008, Mya Aye was transferred to Loikaw prison in Kayha division, southeastern Burma, 551 miles from Rangoon. (*US Campaign for Burma* 15112008)

***This profile was prepared by the Assistance Association for Political Prisoners (Burma) on 29 April 2008, added facts on 15 September 2008 and updated on 23 November 2008 and 22 May 2009**

