



Assistance Association for Political Prisoners (Burma)

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21 Cyclone Nargis Volunteers Still In Prison

Context

On 2 and 3 May 2008, Cyclone Nargis struck Burma, leaving an estimated 140,000 dead or missing in its wake. Around 2.4 million people were severely affected by the cyclone, including political prisoners held in Insein Prison.^{i and ii} Despite the fact that Cyclone Nargis was the biggest natural disaster to hit Burma in the country's history, the ruling military regime was slow to respond to the crisis. The first UN relief plane was only allowed to land in the country on 8 May, five days after the cyclone had struck. The world looked on as the regime was slow to allow international aid workers in to the country to share their expertise. Foreign naval vessels laden with supplies were never allowed to deliver them directly. "The strings attached to the relief supplies carried by warships and military helicopters are not acceptable to the Myanmar people. We can manage by ourselves," the state-run New Light of Myanmar newspaper said on 21 May. That same day, the UN estimated that 25% of people in need had been reached.ⁱⁱⁱ On 23 May, following a meeting between Ban ki-Moon and Senior General Than Shwe, it was finally announced that all foreign aid-workers would be allowed into the country.

The role of volunteer relief workers

Meanwhile, civic society groups stepped into the breach left by the military regime. Groups like the *Free Funeral Service Society*, *The Group That Buries The Dead*, and comedian Zarganar's group of volunteer relief workers worked hard to safely dispose of bodies and distribute aid in remote areas. At times they faced intimidation and harassment by the local authorities.^{iv}

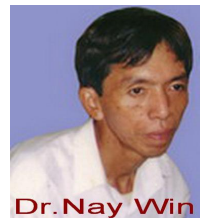
In June 2008, the regime began cracking down on Cyclone Nargis volunteer relief workers. At total of 21 volunteers remain in detention, and face jail terms of 2 to 35 years for their 'crimes'. Five of those volunteer relief workers are former political prisoners who have already spent time in jail for their pro-democracy activities. Several of the volunteers were involved in the Saffron Revolution protests in September 2007, and had been in hiding since then for fear of arrest. After Cyclone Nargis struck they chose to come out of hiding in order to help with independent relief efforts.

Arrested for gathering dead bodies



Aung Kyaw San

On 14 June 2008, on the way back to Rangoon from Chay Chaung village in Bogale Township in the Irrawaddy delta region, members of *The Group That Buries The Dead* were arrested by Military Affairs Security (MAS). Before their arrest, they had helped to gather and bury or cremate over 200 bodies in the Irrawaddy Delta area. The group was led by Aung Kyaw San and Dr Nay



Dr. Nay Win

Win, both former political prisoners. Dr Nay Win has already spent 15 years in jail.^v At the time of arrest, Aung Kyaw San was publisher of the Tribune Journal. He has previously spent 6 years in jail.^{vi}



Linn Htet Naing

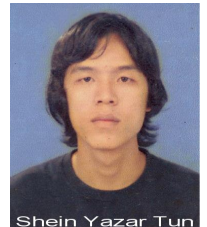
A number of young people were also arrested for participating in the group's activities, including Dr Nay Win's daughter Phyo Phyo Aung and fellow students and members of the All Burma Federation of Student Unions (ABFSU) Shein Yazar Tun, Lin Htet Naing aka Aung Thant Zin Oo, and Phone Pyeit Kywe. All of the students were involved in the protests at the time of the Saffron Revolution in September 2007, but went into hiding at the time of the crackdown on the monks. After Cyclone Nargis struck Burma, they came out of hiding to help gather dead bodies.^{vii}



Phyo Phyo Aung



Phone Pyeit Kywe



Shein Yazar Tun

Their prison terms

On 10 April 2009, the six volunteers from *The Group That Buries The Dead* were handed down prison terms ranging from two to four years, by a special court inside Insein Prison.^{viii} The six were arrested and charged under Sections 6 and 7 of the Law Relating to the Forming of Organisations.^{ix} In a previous court appearance in February, the six were denied legal representation at their trial. According to lawyer Kyaw Hoe, this was on the orders of Special Branch.^x

Arrested for delivering relief supplies



“At the beginning, we took risks, and we had to move forward on our own. Sometime we had confrontations with the authorities. They said they couldn't guarantee our lives. We said we'd take our chances on our own.” Zarganar speaking to exile media outlet Irrawaddy, two days before his arrest.

Zarganar - famous comedian, actor, film-maker and former political prisoner - is a trusted public figure who is well-respected by ordinary people in Burma. After Cyclone Nargis struck, he organised a team of over 400 volunteers, largely made up of friends and colleagues from the entertainment world. They brought aid to 42 different villages in the Irrawaddy Delta area.^{xi} Zarganar also spoke out in the media about what he witnessed in the Delta region as independent relief worker, including the regime's inadequate efforts to provide aid to the people there.^{xii}



Zarganar was arrested on 4 June 2008 and held incommunicado for several weeks. His family were not informed of his whereabouts, or the charges against him. His colleagues and fellow aid-workers Thet Zaw aka Zaw Htet Htway (also a former political prisoner and magazine editor), Thant Sin Aung and Tin Maung Aye aka Gatone were arrested on 13 June 2008 and their trial began on 21 August 2008. Both Zarganar and Thet Zaw aka Zaw Htet Htway have already been political prisoners twice before.^{xiii}

Their prison terms and latest news

In November 2008, Zarganar, Thet Zaw aka Zaw Htet Htway, Thant Sin Aung and Tin Maung Aye aka Gatone were sentenced to a total of 59, 19, 18 and 29 years respectively.^{xiv}

In February 2009 – at the time of a visit by the UN Special Rapporteur on the human rights situation in Myanmar, Tomás Ojea Quintana, to the country – their sentences were reduced. Zarganar still faces a total of 35 years in prison, whilst Thet Zaw aka Zaw Htet Htway, Thant Sin Aung and Tin Maung Aye aka Gatone face 11 years, 10 years, and 14 years in jail respectively. At the time of the sentence reduction, Zarganar's mother Daw Kyi Oo said, "I was not shocked when my son was meted out such a harsh prison sentence, thinking that they did it by exercising undue power in their hands. Now I am not happy when I hear of such commutation of his prison sentence."^{xv}

In December 2008, all four were transferred to promote prisons around Burma. Thet Zaw aka Zaw Htet Htway is currently held in Taunggyi Prison, Shan State, over 450 miles from his family in Rangoon. Tin Maung Aye aka Gatone is in Myingyan Prison in Mandalay Division, almost 400 miles from his family in Rangoon. Thant Sin Aung is currently held in Pa-an Prison in Karen State. Zarganar is currently held in Myitkyina Prison in Northern Kachin State, over 900 miles from his family in Rangoon.

In January, Zarganar's sister-in-law Ma Nyein was denied permission to see her brother-in-law. "Prison officials there just rejected our request to visit Ko Thura without giving any reason," Ma Nyein said. "It made us feel sad to see the prison walls, knowing he was on the other side of them," she said. "We just wasted our

time, money and energy.” At the time, May Zaw also reported that she was denied the right to visit her husband Thet Zaw aka Zaw Htet Htway in Taunggyi Prison, again after travelling hundreds of miles to see him.^{xvi} According to the regime’s own jail manual, political prisoners are entitled to family visits once a fortnight.

In March 2009, Zarganar’s mother Daw Kyi Oo, passed away. He was not allowed to attend her funeral. Zarganar is currently in poor health. He has been suffering from liver problems, hypertension, heart disease, and spondylitis. On 16 April 2009 he lost consciousness for several hours. On 27 April he was finally allowed treatment at Myitkyina People’s Hospital. An EKG test revealed that his heart is swelling, although his liver function has improved.^{xvii}

Arrested for reporting on the cyclone



On June 10 2008, Kyaw Kyaw Thant and Eint Khaing Oo brought some cyclone survivors from Hlaing Thar Yar Township to the offices of the International Committee of the Red Cross (ICRC) and the United Nations Development Program (UNDP) in Rangoon. In the ICRC office, they helped translate for the cyclone survivors who complained about the neglect of the regime and requested assistance from the ICRC. While they were on the way to UNDP office, they were all arrested. The cyclone survivors were later released later, but the two journalists have been held in detention since then. The authorities also accused them of taking photographs of the damage done by Cyclone Nargis and sending them to foreign media.^{xviii}

Their prison terms and latest news

On 14 November 2008, Ein Khaing Oo and Kyaw Kyaw Thant were sentenced to 2 and 7 years respectively, charged under Sections 505/b^{xix} and 124/a^{xx} of the Penal Code.

On 21 February 2009 Ein Khaing Oo was honoured with the first ‘Kenji Nagai Award’, named after the Japanese journalist who was shot dead at point blank range whilst covering the Saffron Revolution protests in Rangoon in September 2007. The Award - which is co-sponsored by the APF and the Burma Media Association (BMA) - will be given every year to outstanding Burmese journalists, who prove their courage in reporting from Burma under the strict surveillance of its military rulers, organisers said.^{xxi}

Kyaw Kyaw Thant is currently in poor health, and has been denied adequate treatment. In March this year he reported having breathing difficulties, after being kept in a small cell and denied regular exercise, according to family members. On 24 April 2009 he reported experiencing chest pains, but his family have not been given permission to take him to a specialist.^{xxii}

Arrested for fundraising



Friends Myat Thu aka Maung Zaw^{xxiii} (also a former political prisoner) Ni Mo Hlaing, Yin Yin Wyne aka Sizar, and Tin Tin Cho were arrested for their efforts to raise funds for independent Cyclone Nargis relief efforts.



Their prison terms and latest news

On 24 March 2009, the four volunteers were sentenced to three years each at a special tribunal held inside Insein Prison compound.^{xxiv} At times during their trial, they were denied legal representation.^{xxv} In December 2008, Yin Yin Wyne aka Sizar was suffering from gastritis and had been vomiting blood. At the time she had only been able to eat rice soup for a period of two months. It is believed she has not received medical treatment for her condition.

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References

ⁱ Source: [Post-Nargis Joint Assessment Report, July 2008](#)

ⁱⁱ The cyclone ripped roofing off buildings and flooded prison wards. A fire broke out, causing thick smoke to envelope much of the prison. In the ensuing panic, 36 inmates were shot dead by prison guards and riot police. The roof of the food warehouse was completely destroyed, so bags of rice were soaked by the heavy rain. The rice became mouldy and inedible. The International Committee of the Red Cross (ICRC) replaced the rice bags, but prison authorities used the new rice provided by the ICRC on just three days.ⁱⁱ They then continued to give the prisoners the mouldy inedible rice. As a result, many prisoners (including political prisoners) experienced diarrhoea, dysentery, vomiting and dizziness, skin allergies, swollen stomachs and typhoid. Prison authorities did not provide adequate medical care for those who suffered. After the cyclone, prison authorities imposed new restrictions, such as refusing to allow relatives of some political prisoners to visit regularly or bring provisions. Walking exercise time was also reduced from one hour to just 20 minutes a day. Source: AAPP, May 2008.

ⁱⁱⁱ Source: United Nations 16052008

^{iv} Source: [Irrawaddy 14052009](#)

^v Dr Nay Win was arrested in July 1989 at the age of 29 and sentenced to 20 years imprisonment with hard labour in November that year. His sentence was later reduced to 10 years, but extended again by 5 years in 1991. During his prison term he was held in solitary confinement for nearly 8 years. He was released in November 2004 after completing his sentence. Source: AAPP, April 2009.

^{vi} Aung Kyaw San was 25 years old when he was arrested in 1989. He was charged under Section 5j of the Emergency Provisions Act, and spent six years in prison. His case was in connection with publishing and distributing an illegal journal. Source: AAPP, April 2009.

^{vii} Source: AAPP, April 2009.

^{viii} Phyto Phyto Aung, Shein Yazar Tun and Lin Htet Naing aka Aung Thant Zin Oo were sentenced to four years each. Dr Nay Win, Aung Kyaw San, and Phone Pyeit Kywe were given 2 years imprisonment each. Source: [\(Mizzima.10042009\)](#)

^{ix} State Law and Order Restoration Council Law No. 6/88 (30 September 1988). Source: AAPP, June 2008.

^x Source: [DVB12022009](#)

^{xi} Sources: [Asia News 01082008](#) and [Irrawaddy 02062008](#)

^{xii} Source: [Irrawaddy 02062008](#)

^{xiii} For Zarganar, the first time was in 1988 for several months, and the second time was in May 1990. He was sentenced to four years imprisonment with hard labour, and was released in 1993. For Thet Zaw aka Zaw Thet Htway, the first time was in 1989, when he sentenced to 3 years imprisonment. In 2003 he was arrested again, and sentenced to death for high treason. In 2004 this sentence was commuted by the Supreme Court, and he was released in 2005 under a general amnesty. Source: AAPP, April 2009.

^{xiv} Source: AAPP, November 2008.

^{xv} Source: [Mizzima 16022009](#)

^{xvi} Source: [DVB 12042009](#)

^{xvii} Sources: [Democratic Voice of Burma 24042009](#), [The Irrawaddy 24042009](#) and [Mizzima 28042009](#)

^{xviii} Source: AAPP June 2008.

^{xix} Section 505/b of the Penal Code: “Whoever makes, publishes or circulates any statement, rumour or report, with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity; shall be punished with imprisonment which may extend to two years, or with fine, or with both.”

^{xx} Section 124/a of the Penal Code: “Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards [the Government established by law for the Union or for the constituent units thereof,] shall be punished with transportation for life or a shorter term, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.”

^{xxi} Source: [Mizzima 25022009](#)

^{xxii} Source: [DVB 24042009](#) and [DVB 06032009](#)

^{xxiii} Myat Thu aka Maung Zaw was arrested in 1999 and released in 2002 after serving three years in prison.

^{xxiv} They were charged under Section 211 of the Penal Code (making a false accusation) and Section 7 of the Law Relating to the Forming of Organisations.

^{xxv} Sources: AAPP, June 2008 and [Irrawaddy 24032009](#), [DVB 12022009](#) and [Irrawaddy 221208](#)