


Political Prisoner Profile

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AAPP CASE NO.:					
NAME OF POLITICAL PRISONER:	U KyawHlaAung				
GENDER:	Male			Ethnicity:	
DATE OF BIRTH:				Age:	74
RELIGION:	Muslim				
PARENTS NAME:					
EDUCATION:	Law				
OCCUPATION:	Lawyer				
LAST ADDRESS:					
ARREST DATE:	2014: September 26 2013: July 15 2012: June 11 1990 1986		PHOTO DATE:		
SECTION OF LAW:	2014: September 26: Section 147 of the Penal Code (rioting) 15 July 2013: (charged) Burmese Penal Code: Article 109: Abetting an offence; Article 148: Rioting, armed with a deadly weapon; Article 150: Hiring or conniving to hire persons to join an unlawful assembly; Article 332: Voluntarily causing hurt to deter public servant from his duty; Article 333: Voluntarily causing grievous hurt to a public servant to deter him from his duty; Article 395: Dacoity (banditry); Article 505(b): Statements conducing to public mischief (all charges, other than Section 147, were dropped when he was sentenced in 2014) 11 June 2012: Charged under Section 505(b) of the Burmese Penal Code 1990: Section 5 of the Emergency Provisions Act 1986: Section 5 of the Emergency Provisions Act				
SENTENCING HISTORY:	2014: <i>September 26:</i> Sentenced to 18 months imprisonment under Section 147 of the Penal Code by Sittwe Township Court 1990: 14 years imprisonment under Section 5 of the Emergency Provision Act (sentenced later reduced to 10 years) 1986: 2 years imprisonment under Section 5 of the Emergency Provisions Act				
COURT HEARING:	4 August 2014: Sittwe District Court 8 January 2014: Nay Pyi Daw Supreme Court 22 August 2013: Sittwe District Court 14 August 2013: Sittwe District Court 31 July 2013: Sittwe District Court 30 July 2013: Sittwe District Court				
NAME OF PRISON:	15 July 2013 - Present: Sittwe Prison 1986-1988: Sittwe Prison				
RELEASE DATE:	2014: 7 October 2012: 16 August 1997 1988				
IMMEDIATE HEALTH CONCERNS:					
U KyawHlaAung suffers from hypertension (high blood pressure) and gastric problems and requires regular treatment with medicine. He is also arthritic. He also suffers from the after-effects of his past years spent in detention. In particular, he reportedly suffers from swelling in the knees during cold periods.					

CURRENT STATUS SUMMARY:

On July 15, 2013, U KyawHlaAung was arrested, charged under three sections of law, and transferred to Sittwe Prison. When his trial began on August 14, 2013, four more charges were laid against him. He has now been charged under 7 different sections of the Burmese Penal Code, including: Article 109 (abetting an offence); Article 148 (rioting, armed with a deadly weapon); Article 150 (hiring or conniving to hire persons to join an unlawful assembly); Article 332 (voluntarily causing hurt to deter public servant from his duty); Article 333 (voluntarily causing grievous hurt to a public servant to deter him from his duty); Article 395 (dacoity/banditry); and Article 505(b) (statements conducing to public mischief). On December 30, 2013, due to the presidential pardon, the charges under Section 505(b) were dropped, while the others were transferred to the Supreme Court in Nay Pyi Daw. However, on January 8, 2014, the Supreme Court decided to transfer the case back to Sittwe District Court.

His imprisonment has been denounced by both local and international human rights groups. Amnesty International issued an urgent appeal back in November 2013 calling for his immediate release. More recently, Fortify Rights, a South East Asia based human rights group, issued a statement stating, “his ongoing detention violates his basic human rights and is an affront to the rule of law.”

On September 26, 2014, KyawHlaAung was sentenced to 18 months imprisonment by Sittwe Court under Section 147 of the Penal Code. All other charges against him have been dropped. Amnesty International released an urgent appeal after his sentencing, stating: “Among the concerns raised have been a lack of access to legal representation and the failure to provide adequate security and protection to defense witnesses. Amnesty International believes that U KyawHlaAung has been targeted because he is an influential human rights defender with connections to the international community, and that the charges against him have no basis.”

[\(Amnesty - Urgent Appeal\)](#)

On October 7, 2014, KyawHlaAung was released under presidential amnesty.

CAREER BACKGROUND:

U KyawHlaAung is a lawyer, Rohingya community leader, and human rights activist in Arakan (Rhakhine) State. He served as a clerk in Sittwe District Civil Court and Section Judge Court from 1961 to 1965. In 1965, he became a stenographer. On September 7, 1983, he was retired from the services and then became a lawyer. He is also a former staff member of Medicines Sans Frontiers.

In 1986, U KyawHlaAung was imprisoned for 2 years under Section 5 of the Emergency Provisions Act for supporting a group of farmers who had their land seized.

In 1989, him and his colleagues establish the National Democratic Party for Human Rights in the hope of achieving equal rights for Muslims in Arakan State. In the 1990 elections, he ran for parliament in Sittwe. During the campaign, he was again arrested under Section 5 of the Emergency Provisions Act and was sentenced to 14 years imprisonment. His sentence was subsequently shortened to 10 years, 7 years of which he served in prison before being released on August 28, 1997.

On June 11, 2012, he was charged under Section 505(b) of the Burmese Penal Code for inciting public mischief. The charges were related to allegations by the authorities that they had a letter proving his connections with Al Qaida. However, no evidence was ever produced, and he was released on August 16, 2012 after being detained illegally for 66 days. All charges were dropped.

Most recently, U KyawHlaAung was re-arrested on July 15, 2013, and charged under Section 109, 148, 150, 332, 333, 395, and 505(b) of the Burmese Penal Code. He was sentenced on September 26, 2014, but was then released on October 7 in a presidential amnesty.

ARREST DETAILS:

On April 26, 2013, the local government of Arakan State undertook a survey of Muslim internally displaced persons (IDPs) and others currently living in Sittwe in order to provide the authorities with population data. The authorities required all Rohingyas to be recorded as ‘Bengalis’, a term that is both divisive and derogatory. A few members of the community contested being called ‘Bengali’. Some children and youth protested, and some violence ensued. Mr. KyawHlaAung was at home at the time and later intervened by telephone with the Rohingya

community leaders to help ease the violence. Nevertheless, the April 26-related events have since been used as a pretext to accuse Mr.KyawHlaAung.

At noon on July 15, 2013, a police officer and two men without uniform (thought to be special branch police) arrested Mr.KyawHlaAung. He was taken to appear before the court on July 31, 2013. His trial began on August 14, 2013.

DETAILS OF IMPRISONMENT:

There is concern that he may not have access to appropriate medical treatment or a lawyer of his choosing and that the conditions of detention fail to meet international human rights standards. Due to his age, and the fact that this is the fourth time that he has been imprisoned (he has spent over ten years in prison in total), his unlawful detention must be seen as especially harsh.

***Profile prepared by the Assistance Association for Political Prisoners (Burma) on March 9, 2015*.**