

Political Prisoner Profile

AAPP CASE NO.:	0138		
NAME OF POLITICAL PRISONER:	Kyaw Zaw Lwin (a.k.a. Nyi Nyi Aung)		
GENDER:	Male	ETHNICITY:	Burmese
DATE OF BIRTH:	28 October 1969	AGE:	40 in 2009
RELIGION:	Buddhist	STATUS IN U.S.:	U.S. Citizen
PARENTS NAME:	U Aung Din and Daw San San Tin		
EDUCATION:	Diploma in Computer Science from Montgomery College, Maryland State; Student of Computer Science at Indiana Perdue University		
OCCUPATION:	Individual Pro-democracy Activist		
LAST ADDRESS:	Montgomery Village, Maryland, USA		
ARREST DATE:	3 September 2009	PHOTO DATE:	Sept 2009
SECTION OF LAW:	Penal Code Sections 420 and 468; and Foreign Exchange Regulation Act, Section 24		
SENTENCING HISTORY:	3 years <i>concurrently</i> under section 468 of Penal Code, 24 (1) Foreign Exchange Act, section 6 (3) National Registration Act.		
COURT HEARING:	Southern Rangoon District Court inside the Insein Prison Compound		
NAME OF PRISON:	Insein Prison, Rangoon Division		
RELEASE DATE:	10 February 2013.		
IMMEDIATE HEALTH CONCERNS:			
<p>Kyaw Zaw Lwin (a.k.a. Nyi Nyi Aung) was reportedly placed in solitary confinement on 12 January 2010. (DVB 20 January 2010)</p> <p>On 7 December 2009 Assistance Association for Political Prisoners (AAPP) received information that Kyaw Zaw Lin (a.k.a. Nyi Nyi Aung) initiated a hunger strike to protest his loss of prisoners' rights. Specific reasons for the hunger strike are not known to AAPP at this time. Nyi Nyi Aung has been badly tortured under interrogation following his arrest, and has since been denied medical treatment. The torture and ill-treatment that Nyi Nyi Aung suffered in detention included being punched in the face, kicked, having his arms twisted. He was deprived of food for eight days and moved between different interrogation centers. He was not allowed to sleep at night and was kept awake during interrogation by the authorities. There are grave concerns about his health. (Mezzima 24Sept2009 and DVB 24Sept2009)</p>			
CURRENT STATUS SUMMARY:			
<p>On 3 September 2009 Nyi Nyi Aung was arrested by authorities at Rangoon's international airport shortly after arriving on a flight from Bangkok. For three weeks his family did not hear from him or the authorities and did not know where he was being held. (Associated Press 23Sept2009)</p> <p>On 20 September 2009 the United States Embassy in Burma said they were allowed a consular visit to Nyi Nyi Aung. A spokesman for the embassy told international news agency AFP that Nyi Nyi Aung was detained in Rangoon on 3 September 2009 and the consular visit was granted on Sunday 20 September. They could not give details as to why he was held, but that they had passed on information of his circumstances to his family. (AFP 22Sept2009)</p> <p>On 23 September 2009, the government-run newspaper <i>The New Light of Myanmar</i> reported that Nyi Nyi Aung had been arrested on 3 September 2009 and accused him of "instigating unrest" and</p>			

“sabotage” and alleged he was planning to “launch terrorist attacks.” The article accused Nyi Nyi Aung of collaborating with exiled Burmese activists and providing financial assistance to underground activists inside Burma to carry out sabotage and to trigger explosions at strategic locations. In response, an AAPP representative stated, “This allegation is completely unfounded. It is well-known that Nyi Nyi Aung had no links with terrorist groups, or plans to commit terror attacks in Burma.” (AAPP 25Sept2009)

On 24 September 2009 the U.S. Embassy submitted an official letter of complaint to the military government of Burma, protesting the alleged mistreatment and torture of imprisoned American citizen, Nyi Nyi Aung. (Mizzima 24Sept2009 and Radio Free Asia 25Sept2009). Nyi Nyi Aung has also been denied family visits. On 24 September 2009, Nyi Nyi Aung’s aunt Su Su Kyi told *Democratic Voice of Burma* that she had visited Rangoon’s Insein prison where he is being held, on Monday 21 September 2009, but she was denied access. “Officials at the prison told me that [Nyi Nyi Aung] was only a concern for the US embassy as he was an American citizen,” she said. (DVB 24Sept2009)

During the first week of November 2009, after approximately two months in prison, Nyi Nyi Aung was finally granted permission to see his relatives for the first time since he was detained in Rangoon’s Insein prison on 3 September. The meeting with his two aunts also coincided with the arrival on Tuesday of the most senior-level US delegation to visit Burma in 14 years. (DVB 09Nov2009)

CAREER BACKGROUND:

Kyaw Zaw Lin (a.k.a. Nyi Nyi Aung) has been involved in the pro-democracy movement for over 20 years. At the age of 18 years old, Nyi Nyi Aung was arrested in March 1988 and briefly detained at Insein Prison. During that time he was badly tortured during his detention. Nyi Nyi Aung was an active participant in the demonstrations against the military government during the 1988 Uprising.* He was a member of All Burma Students Democratic Movement Organization (“Makada”) and played a crucial role in organizing high school student groups and later served as one of the organizers of the nationwide demonstrations against the military junta.

** The 1988 Uprising was a series of pro-democracy marches and demonstrations initiated by students in Rangoon on 8 August 1988. The protests spread throughout the country. Hundreds of thousands of people including monks, young children, university students, housewives, and doctors demonstrated against the regime. The uprising ended on 18 September 1988, when the State Law and Order Restoration Council (SLORC) ordered a stop; the military opened fire on protestors and thousands were killed while many others were arrested and sentenced to long imprisonments.*

In October 1988, in the aftermath of the 1988 Uprising, Nyi Nyi Aung fled to Thailand due to oppression and persecution by the authorities and the constant threat of arrest. There he worked to seek aid to sustain the movement inside Burma. In December 1988 he joined the All Burma Students Democratic Front (ABSDF) on the Thai-Burma border for a short period. Shortly after he left the ABSDF he co-founded the Burmese Students Social Affairs Committee, which was funded by the Jesuit Refugee Service to provide humanitarian and medical assistance to Burmese students and illegal immigrants in Thailand. While he was in exile in Thailand, Nyi Nyi Aung was arrested by the Thai authorities and held in the immigration jail for his role in publicly protesting the Thai government’s deals with Burma’s military junta. After his release in May 1992, he assisted in a public health project sponsored by the Harvard School of Public Health. This public health survey was an investigation into the state of health of exile Burmese students living in Thailand. In 1992 he was also elected General-Secretary of the Overseas National Students Organization of Burma (ONSOB), a group working for human rights and democracy in Burma from exile.

In October 1993 Nyi Nyi Aung resettled in the United States as a political refugee, and in time was

naturalized as a U.S. citizen.

In 1994 he worked as a research assistant for the international refugee advocacy organization, Refugees International and *Burma Debate* magazine. Between 1998 and 2004 he worked with various Burmese democracy groups in the United States to support the democracy movement inside Burma. Nyi Nyi Aung has remained a tireless supporter and promoter for human rights and democracy in Burma, although he is not known to be a member of any political group. He identifies himself as an individual activist. In 2005 he returned on a trip to Thailand to continue his work. Nyi Nyi Aung's mother Daw San San Tin and two female cousins are currently imprisoned for their roles in the 2007 pro-democracy movement, known as the Saffron Revolution.** All three women were arrested during an early morning raid by security forces on Daw San San Tin's house on 19 October 2007.

☐Mother: Nyi Nyi Aung's mother Daw San San Tin is an individual activist. She was sentenced to nine years imprisonment, which was reduced on appeal to five years in March 2009. (Mizzima 11Mar2009) She is 60 years old and is currently in Meiktila Prison, which is 338 miles from her family in Rangoon. According to family members she has a tumor on her neck, stomach problems, and hypertension. (DVB 29Jan2008) She has not received any medical check-up or treatment for her health problems since her arrest.

☐Cousin: Nyi Nyi Aung's female cousin Thet Thet Aung is a member of the 88 Generation Students group, a pro-democracy group lead by Min Ko Naing, a prominent student leader during the 1988 Uprising. She was sentenced to a 65-year imprisonment in November 2008 for her role in the early stages of the 2007 Saffron Revolution. She is currently in Myingyan Prison, which is 396 miles from Rangoon. Her husband, Chit Ko Lin was also arrested for his involvement in the 2007 Saffron Revolution. He was sentenced to 11 years in prison in November 2008, later reduced to seven years on appeal. He is in Pakokku Prison, 440 miles from Rangoon. Thet Thet Aung and Chit Ko Lin have three sons, two of primary school age and a toddler. Thet Thet Aung is suffering from heart disease, hypertension and gout.

Her health condition has been rapidly deteriorating since May 2009.(Radio Free Asia 18June2009)

☐Cousin: Another female cousin Noe Noe (a.k.a. Nwe Hnin Yi) is a 21 year-old member of the All Burma Federation of Student Unions (ABFSU). She was sentenced to 11 years imprisonment in November 2008, her sentence was reduced on appeal to seven years in March 2009. (Mizzima 11Mar2009) She is in Maubin Prison, nearly 60 miles from Rangoon.

*** The Saffron Revolution was named after the color of the monks' robes who led many of the peaceful marches in August and September of 2007. It was a multi-day series of demonstrations that spread throughout Burma to protest the military regime's economic mismanagement and the falling standard of living. In August 2007 the regime abruptly removed fuel subsidies, causing fuel prices to skyrocket between 100% and 500% overnight. This consequently led to a dramatic increase in the prices of transportation and general commodities. Throughout the protests activists were arrested, and beginning on 26 September 2007 the military used force with a violent crackdown on the protestors and the monks to end the demonstrations.*

In June 2009 Nyi Nyi Aung traveled to the United Nations office in New York as part of the Free Burma's Political Prisoners Now! campaign delegation, representing himself as a family member of political prisoners.

The delegation delivered a petition to UN Secretary-General Ban Ki-moon, demanding he make it his personal priority to secure the release of all Burma's political prisoners. Almost 680,000 signatures were collected in just ten weeks in a massive global coordinated action for Burma. At the time, Nyi Nyi Aung said, "My message to Mr. Ban Ki-moon is simple. Your words show you take this issue seriously. But

now I want to see what action you will take to secure the release of my family and all Burma's political prisoners."

ARREST DETAILS:

On 3 September 2009 Nyi Nyi Aung flew to Rangoon from Bangkok. He had a US passport and had been issued a visa to visit Burma from the Burmese embassy in Bangkok, Thailand prior to his departure. His reasons for travelling to Rangoon are unknown. Shortly after landing, he was arrested by authorities at Rangoon's international airport. (Associated Press 23Sept2009) Nyi Nyi Aung has been badly tortured under interrogation following his arrest, and has since been denied medical treatment. The torture and ill-treatment that Nyi Nyi Aung suffered in detention included being punched in the face, kicked, having his arms twisted. He was deprived of food for eight days and moved between different interrogation centers. He was not allowed to sleep at night and was kept awake during interrogation by the authorities. There are grave concerns about his health. (and DVB 24Sept2009)

DETAILS OF IMPRISONMENT:

On 10 February 2010 the Rangoon southern district court convicted Nyi Nyi Aung a.k.a. Kyaw Zaw Lwin under section 468 of the Penal Code (forgery – holding fake national ID), section 24(1) of the Foreign Exchange Act and under section 6(3) of the National Registration Act. He was given three years in prison for forgery and was accused of altering a national ID card with his photograph. In two other cases he was given a year in prison each. *The sentences will run concurrently.* (Mizzima 10 February 2010)

Kyaw Zaw Lwin (a.k.a. Nyi Nyi Aung) was sentenced to 3 years imprisonment on 10 February 2010. He was initially due to be sentenced on 27 January 2010. His family were due to see him on the 18 January, but were denied access to him. Nyi Nyi Aung's family were first told they would be able to visit on the 27th January the day he was due for sentencing, however shortly after they were informed that they wouldn't have any further access to Nyi Nyi Aung and that the sentencing had been postponed.

On 2 October 2009, the U.S. Embassy requested High Court Advocates Kyi Win and Nyan Win to represent Nyi Nyi Aung's case as his defense lawyers. The two lawyers also represent 1991 Nobel Peace Prize winner Daw Aung San Suu Kyi, who is a pro-democracy leader under in-house arrest. (AFP 03Oct2009) Nyi Nyi Aung was originally charged under the following laws:

1. Penal Code, Section 420 – Fraud: Cheating and dishonestly inducing delivery of property (7 years max.)
2. Penal Code, Section 468 – Forgery: Forgery of purpose of cheating (3 years max.)

Defense lawyer Nyan Win told DVB, "He was charged for two separate accounts of fraud for using a fake identification card." (DVB 15Oct2009) At the 23 October 2009 hearing, prosecution witnesses, including a police officer and an immigration official, claimed that Nyi Nyi Aung intended to enter Burma using a Burmese national's identification card with his photo pasted onto it. Defense lawyer Kyi Win stated, "He entered the country using his American passport, not by using the ID the officials had mentioned. They only found the ID in his possession after they searched him." (DVB 26Oct2009)

On 30 October 2009 the presiding judge for Minglardon Township Court transferred the case to Southern Rangoon District Court, a higher court also within the Insein Prison compound without giving any official reason. (Mezzima 30Oct2009 and 06Nov2009) When a case is transferred to a higher court, not only can new charges be added, but the trial has to start over again in front of the new judge.

On 6 November 2009, the Southern Rangoon District Court presiding judge added a new charge to the previous charges of fraud and forgery:

1. Foreign Exchange Regulation Act, Section 24 – For possession of Burmese currency exceeding value of \$US2000 (Mizzima 06Nov2009 and DVB 23Nov2009)

Defense lawyer Nyan Win commented to DVB on a potential inconsistency in the prosecution's case, "Nyi Nyi Aung was accused of possession of Burmese currency exceeding value of \$US2000. But by the time he was arrested, he was still waiting in a queue to reach the airport's custom checkpoint to make a personal declaration [of the items and money he was carrying.] The government prosecutors said they had already handed a declaration form to passengers to fill out on the plane before it landed. [Nyi Nyi Aung] handed that to the officials so he didn't have to go through the custom check point. This is an interesting point." (DVB 23Nov2009)

Defense lawyer Kyi Win told Mizzima that Nyi Nyi Aung had been handcuffed during the court sessions, which he said was against Burma's law. Kyi Win objected to handcuffing Nyi Nyi Aung during the trial and submitted an objection letter; however, it was rejected by the court. According to the veteran lawyer, Burma's law does not permit an accused to be handcuff unless there is a special exception. (Mezzima 27Nov2009)

More than 50 US lawmakers wrote to Than Shwe urging him to release Nyi Nyi Aung. They said the charges Nyi Nyi Aung were a pretext to hold him and that his "longstanding non-violent activities in support of freedom and democracy" in Burma were the real reason for his imprisonment.

This profile was prepared by the Assistance Association for Political Prisoners (Burma) on 25 September 2009 and updated on 8 December 2009 and 12 February 2010.