

# Political Prisoner Profile

<b>AAPP CASE NO.:</b>	0002			
<b>NAME OF POLITICAL PRISONER:</b>	Min Ko Naing @ Paw Oo Tun			
<b>GENDER:</b>	Male	<b>Ethnicity:</b>	Burmese	
<b>DATE OF BIRTH:</b>	October 18, 1962	<b>Age:</b>	46	
<b>RELIGION:</b>	Buddhist			
<b>PARENTS NAME:</b>	U Thet Nyunt & Daw Hla Kyi			
<b>EDUCATION:</b>	Third Year Zoology (1988), Rangoon Arts & Science University			
<b>OCCUPATION:</b>	Former chairperson of the All Burma Federation of Student Unions (ABFSU), 88 Generation Students group leader			
<b>LAST ADDRESS:</b>	Thingangyun Township, Rangoon			
<b>ARREST DATE:</b>	August 22, 2007 (3 <sup>rd</sup> arrest in 2007)		<b>PHOTO DATE:</b>	
<b>SECTION OF LAW:</b>	Section 505 (b) , 130 (b), 17/20, 33 (a), 17/1, 24/1, 32 (b)/36, 6, 5/96 (Section 4), 228			
<b>SENTENCING HISTORY:</b>	Sentenced to six months in prison for contempt of court on October 29, 2008 Sentenced to 65 years in prison on November 11, 2008			
<b>COURT HEARING:</b>	Insein Prison Special Court, Ma-ubin prison			
<b>NAME OF PRISON:</b>	Insein Prison, Ma-ubin prison, Kentung prison			
<b>RELEASE DATE:</b>				

### IMMEDIATE HEALTH CONCERNS:

There has been concern that Min Ko Naing's health has been declining since his transferral to Kentung Prison in Shan State. There was evidence in March 2009 that since being in Kentung he has lost mobility in his hands and is suffering from high blood pressure (*DVB30032009*). In December 2008 Min Ko Naing's older sister Kyi Kyi Nyunt visited him in Kengtung Prison and said the cold weather and the lack of healthcare causing the health of her brother to worsen. Min Ko Naing also suffers from eye problems. According to a specialist who treated him in April 2008, Min Ko Naing's eyesight has been affected in this way because he had spent many years in damp conditions in prison.

In November 2009 it was reported that Min Ko Naing continues to suffer from high blood pressure and was in need of immediate medical assistance. His family was preparing to bring medicine to him. Min Ko Naing had been kept in solitary confinement since his transfer to Kentung in November 2008. (*DVB*, 25 November 2009)

### CURRENT STATUS SUMMARY:

Min Ko Naing has been kept in solitary confinement since he was transferred to Kentung Prison in November 2008. His cell offers little protection against the severe weather conditions.

Min Ko Naing celebrated his 47<sup>th</sup> birthday in Kentung Prison on 18 October 2009. His birthday was recognised by organisations in Burma and Thailand. In Rangoon the ABSFU organised the Basic Education Student Union to commemorate Min Ko Naing's birthday. In Mae Sot, students from seven schools organised a birthday party for Min Ko Naing.

On 24 April 2009, AAPP has learnt, Min Ko Naing was awarded a prize by a South Korean foundation for promoting human rights and democracy. The Gwangju Prize for Human Rights honours individuals and groups in Korea and abroad that have contributed to promoting and advancing human rights, democracy and peace in their work. It is awarded by the *May 18 Memorial Foundation*, a South Korean group set up to commemorate the popular uprising on 18 May, 1980 in Korea.

Min Ko Naing's health is continuing to deteriorate. On 20 March 2009, reports suggested that he is suffering from immobility in his hands and high blood pressure due to lack of exercise. In a media interview with his sister Kyi Kyi Nyunt told *Democratic Voice of Burma (DVB)*; "He is not allowed to take a walk. He is not sweating, so they ask him to jump. He only develops pains, but no sweats, he said in a letter." (*DVB30032009*)

On 20 March 2009, there were further concerns about Min Ko Naing's health. Ko Bo Kyi, Joint Secretary of the *Assistant Association of Political Prisoners in Burma (AAPP)*, told *Mizzima* that Min Ko Naing is not only suffering from an eye problem, but is also apprehensive that he might be paralyzed as a result of being detained in a dark-cell, which is small and cold. (*Mizzima20032009*)

### **CAREER BACKGROUND**

Min Ko Naing, 46, has been one of the most prominent and outspoken opponents of the military regime. His original name is Paw Oo Tun, but he acquired his adopted name – meaning “conqueror of kings” – during the 1988 popular uprising.

In the mid-1980s, Min Ko Naing began to express his political dissent through his poetry and satirical cartoons. During Than Gyat, (the performance part of Thingyan, a festival celebrating Burmese Buddhist New Year in April), he and his troupe would perform plays highlighting the lack of freedom and democracy in Burma and satirising the country's corrupt officials and dictators. He and his fellow students also formed a clandestine study group which met to discuss current affairs and how to effect democratic change in Burma.

Min Ko Naing strongly believed in the power of peaceful and non-violent student movements and went on to lead the “civil disobedience” movement in opposition to the regime's oppressive laws banning gatherings of more than four people. His speeches, public pledges and poems caught the imagination of the people, and made him a leading light in the peaceful opposition movement to military rule. He became an inspirational figure for his fellow students and the people of Burma.

On 28 August 1988, he was elected Chairperson of the *All Burma Federation of Student Unions (ABFSU)* at the first student conference since 1962. After the military brutally crushed the popular uprisings in August 1988, thousands of students and other activists escaped to the border. Some started an armed struggle alongside established ethnic minority resistance groups, and others fled to safety across the Burmese/Thai border. However, Min Ko Naing refused to flee to safety, choosing instead to remain inside Burma to continue his pro-democracy work. In an interview with *Asia Week* magazine in 1988, he said, "I'll never die. Physically I might be dead, but many more Min Ko Naings will appear to take my place."

Min Ko Naing was detained in March 1989. He was kept in solitary confinement without charge or trial and in December 1991, was arbitrarily sentenced to 15 years' imprisonment. He was released in November 2004 after spending 16 years in jail. In an interview with *Radio Free Asia (RFA)* following his release, he said, “It gave me confidence in prison to know that although my journey is rough and dark, I am not alone, and I am with my comrades. As a result, I have finished the long journey.” He also thanked people around the world for their support: “While we were in prison, they [people around the world] gave their support and encouragement to us; they did their best for us. We felt like a person in a winter river that catches sight of a small light far away. We did not feel it directly; we partially felt it. However, it's enough for us. We will never forget their support. Please, give our thanks to all those who worked for us.”

On 6 September 2005 Min Ko Naing helped found the 88 Generation Students group, together with other prominent activists from the 1988 uprising. On 27 September 2006, he, Min Zeya, Htay Kywe, Ko Ko Gyi and Htay Win Aung aka Pyone Cho were arrested by special police forces for their pro-democracy activities, including 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. The activists were all released on 11 January 2007. On 11 March 2007 they reinitiated the White Sunday Campaign.

In August 2007, Min Ko Naing led 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 activists including Min Ko Naing 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 just attended a memorial service for late National League for Democracy 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 fuels 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. Min Ko Naing said that Rangoon residents who witnessed the protest voiced their support for the group’s move. “We were applauded by people riding on buses. Some even got off the buses and joined us as we walked,” he told *DVB*.

On 22 August 2007, Min Ko Naing and other leading activists were arrested for their roles in organizing the demonstrations against rising fuel and commodity prices.

#### **ARREST DETAILS:**

Min Ko Naing was arrested in a late-night raid on his home, on 22 August 2007, as were many other leaders and prominent members of the 88 Generation Students Group, including Ko Ko Gyi, Htay Win Aung aka Pyone Cho, Min Zeya, Mya Aye, Kyaw Min Yu aka Jimmy, Kyaw Kyaw Htwe, Arnt Bwe Kyaw, Pannate Tun, Zaw Zaw Min, Thet Zaw and Nyan Lin Tun. 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.”

1. Prosecuting police officer Myint Aung (*du-ye`-hmue* or Lieutenant Major) pressed charges against Min Ko Naing using 17/20 and 21 in Dawbon Township Court Case No. 92/2008.
2. Prosecuting Police officer Zaw Min Aung (*du-ye`-hmue-gyi* or Major) accused Min Ko Naing using sections 17/1 and 21 in Thingangyun Township court Case No. 724/2008 and section 22 (a) in Rangoon Northern District court Case No. 90/2008.
3. Prosecuting Police officer Ye Nyunt (*du-ye`-hmue* or lieutenant major) accused Min Ko Naing using section 22 (b) 6 in Thingangyun Township court case No. 725/2008, section 24/1 and 21 in Thingangyun Township court case no.726/2008, and section 24/1 to 21 in Thingangyun Township court case no.727/2008.

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

After his arrest on 22 August 2007, Min Ko Naing was first detained at Insein Prison, No. 1 cell block in Cell No. 10. He was held in solitary confinement for 2 hours and 40 minutes a day.

There is some evidence that Min Ko Naing has been tortured. According to a 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 Min Ko Naing, Mya Aye, Kyaw Min Yu (also known as Jimmy) and Kyaw Kyaw Htwe (aka Marki). The released prisoner said the four had been tortured under interrogation and that screens had been placed around their hospital beds. (*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 mid December, Min Ko Naing, along with some other 88 Generation Students prisoners, was moved from Insein Annex prison to Insein main prison.

The trials of the 25 members of the 88 Generation Students Group, led by Min Ko Naing, started on August 27, 2008 and continued on September 9. 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 Lin, 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 12, 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 120/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 22(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) 22(b)/ 26 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 (Min Ko Naing, Ko Ko Gyi, Pyone Cho aka Htay Win Aung, Mya Aye, 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* 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 October 15, 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 were hearing the cases inside Insein prison Compound.

While the trial was in progress, on 19 October 2008, Burmese young people living in Kuala Lumpur held a birthday ceremony for 46 year-old MinNaing together with Malaysians who are interested in Burma. (*Hittaing 191008*)

On 24 October 2008, Min Ko Naing and other members of the 88 Generation Student group renewed their call for the right of their families to attend court hearings to be respected. Min Ko Naing, Ko Ko Kyi, Hla Myo Naung, Pyone Cho, Jimmy, Htay Kywe, Myo Aung Naing demanded that an earlier court ruling by a judge in Rangoon northern district court - that family members should be allowed to attend court hearings - should not be overruled by Insein Special Prison Court. In response the activists were reportedly accused of being in contempt of court and charged under statute 228. (*RFA24102008*)

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, Min Ko Naing 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, Min Ko Naing 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 Min Ko Naing and eight other student leaders; 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. Prosecutor lawyer is U Myint Kyaing in this case. (*AAPP29102008*)

On October 31, 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 November 1, 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 Min Ko Naing 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 ၃ 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, Min Ko Naing 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). They were sentenced for five counts of indictment; 15 years each for four counts under Section ၃၃ (A) of the Electronic Transactions Law and 5 years imprisonment for one count under Section 6 of the Law Relating to the Forming of Organizations.

On 15 November 2008 Min Ko Naing and eight other 88 Generation Student group members; 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; Min Ko Naing was then transferred to Kengtung Prison in Shan State, where he is currently held (*US Campaign for Burma* 15112008)

On 22 November, Min Thein, NLD party member, walked into the middle of the street in front of the party headquarters and stood silently with a placard reading, "Release Min Ko Naing and other political prisoners." Plainclothes police took videos and photos of Min Thein's lone protest but did not arrest him during the minutes he stood silently. "I am expressing my feelings and I am ready to face all consequences," Min Thein told reporters after the protest. (*AssociatedPress* 22112008) According to *Radio Free Asia* (*RFA*,) on 9 December 2008, Min Ko Naing's family were asked to leave their guesthouse by the owner, because local authorities investigated the owner while Min Ko Naing's family were staying there, in Kengtone town, Shan State. (*RFA* 09122008)

On 10 December 2008, Min Ko Naing's older sister Kyi Kyi Nyunt became concerned about the health of her brother after her visit to him in Kentung Prison. In a media interview, Kyi Kyi Nyunt told *Democratic Voice of Burma* (*DVB*) "His eyes are aching again. He is not allowed to walk around or go out in the sun, he is stuck in his cell. He was keeping his back to the sun when I saw him – he said it was the first time he had seen sunlight since his arrival there." Kyi Kyi Nyunt said the cold weather in Kengtung was also taking its toll on Min Ko Naing, who told her there was no doctor in the prison. Min Ko Naing told his sister that monk U Eindriya of Ngwekyaryan monastery, Thein Zaw from Monywa, Nyi Nyi Zaw from Rangoon and another activist were also being held in Kengtung. It was also reported that Min Ko Naing and other 88 Generation Students group members, including Htay Kywe, have been singled out for harsh treatment in the respective prisons where they are being held. Min Ko Naing, Thin Thin Aye aka Mie Mie and Htay Kywe are all in poor health as a result of the harsh prison conditions. Min Ko Naing and Htay Kywe have both been denied the right to exercise. (*DVB* 11122008)

On 1 January 2009, The NLD Executive Committee made special mention of Min Ko Naing when they released a statement, calling for the release of him as well as Aung San Su Kyi, U Tin Oo, U Khun Tun Oo, monks, and all other political prisoners. It was signed by NLD Chairman U Aung Shwe, and other ethnic leaders. (*bp*.01012009)

### **HONOURABLE AWARDS:**

1. 1991 – John Humphrey Freedom Award. (Canada)
2. 2000 – Homo Homini Award (Czech Republic)
3. 2001 – Student Peace Prize (Norway)
4. 2002 – Honorary Citizenship (Italy)
5. 2005 – The Civil Courage Prize (United States)
6. 2008 (6 October) – 88 generation students including Min Ko Naing, who have been detained in Insein Prison, were awarded the “2008 *President’s International Democracy award*” from the *American Federation of Teachers* (with more than 1.4 million members) in the United States.
7. 2009 (24 April) - The Gwangju Prize for Human Rights which honours individuals and groups in Korea and abroad that have contributed to promoting and advancing human rights, democracy and peace in their work. The prize was awarded by the *18 Memorial Foundation*, a South Korean group

**\*Profile prepared by the Assistance Association for Political Prisoners (Burma) on May 6, 2008 – updated on 27 April 2009 and 11 Feb 2010.\***