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Commissioner Chris Patten
Commissioner for External Relations
The European Commission
Rue de la Loi 200
1047 Bruxelles
BELGIUM

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Dear Commissioner

Re the detention of U Saw Naing Naing MP and U Soe Han, Myanmar

My constituents have drawn to my attention the cases of two men who are prisoners of conscience in Myanmar. They are serving prison sentences of 21 years, solely for speaking out about the arrest of fellow political party members and about restrictions on the National League for Democracy (NLD) opposition party.

As you know, at the beginning of October, in Hanoi, the fifth summit will take place between the EU and the 10 ASEAN countries (the ASEM meeting). "The political situation in Myanmar ... has not improved and gives rise to grave concern" said the Dutch presidency, reiterating the EU's call for the release from (illegal) house arrest of NLD leader Daw Aung San Sui Kyi. I would ask that the EU maintains its position on Myanmar and demands that the authorities unconditionally release all prisoners of conscience.

Amnesty International believes that there are over 1,350 political prisoners detained in Myanmar, including almost 100 prisoners of conscience. These include people from all walks of life, many sentenced at unfair trials by military tribunals which are no longer in operation, others by civilian courts under a judicial system which does not guarantee fair trial. The cases of just two men are described below:

U Saw Naing Naing, aged 60. In 1990 he was elected as a member of parliament for the NLD Party in Pazundaung township, a suburb of the capital, Yangon, but the military authorities did not recognise the results of the election, and refused to transfer power.

U Soe Han, aged 78. He is a lawyer, a former chief court advocate, chairman of the NLD Legal Advisory Body and member of the NLD's Yangon Division Organizing Committee. They, and three other men (two journalists and a teacher) have been imprisoned since September 2000.

In late August 2000 Daw Aung San Sui Kyi, the leader of the NLD attempted to leave Yangon to meet members of her party at Dallah township. The authorities had blocked her route, and she and her senior party officials spent several days at the roadside, waiting for the permission to pass. In

early September they were forcibly removed by riot police, returned to Yangon and held incommunicado. The NLD put out a statement on 12 Sept 2000, known as the NLD member's statement, in which they affirmed that the political role of the NLD enhanced national unity and solidarity. They called on the authorities to lift restrictions on the leaders and the party, and to reopen the party's headquarters.

U Saw Naing Naing, U Soe Han and the three others were arrested on 13 or 14 Sept 2000; it is believed because of their prominent roles within the NLD and for their part in issuing the NLD member's statement. They were detained incommunicado and tried by a military tribunal within Insein Prison, without legal representation. They were sentenced on 14 Dec 2000 to a total of 21 years under the Emergency Provisions Act 1950 section 5[j], the Printers and Publishers Registration Act 1962 section 17 and the Unlawful Associations Act section 17(1).

The Unlawful Associations Act provides for detention for any person who has had contact with any organisation to be deemed by the authorities to be against state interests. The Printers and Publishers Registration Act has also been used to silence peaceful dissent: it requires approval by a censor of anything written and distributed in the country, including all books, periodicals, song lyrics, film scripts etc. The Emergency Provisions Act confers sweeping powers on the authorities to silence and punish any act of real or perceived dissent. The law's vague wording has allowed the authorities to use it extensively to criminalise many forms of dissent, from peaceful demonstrations, to speaking to foreign journalists or even telling jokes, and thousands of people have been imprisoned for their peaceful opposition. The United Nations Working Group on Arbitrary Detention has stated that "*in most cases section 5[j] Emergency Provisions Act is invoked against them because they have contested the political regime in power, without resorting to violence.*"

Amnesty International is concerned that this legislation circumscribes rights and freedoms more than is needed to preserve security and has called on the authorities to carry out a review of all security legislation which is being used to criminalise peaceful dissent and freedom of assembly, expression and association, and to revoke it or amend it to ensure conformity with legal standards. Both U Saw Naing Naing and U Soe Han have previously been detained in connection with political activities. U Saw Naing Naing was imprisoned for 9 years after the 1990 elections, when the NLD were discussing the setting up of a parallel government, after the authorities refused to transfer power. While in Insein Prison he was twice held in cells designed for prison dogs and deprived of food and water. The UN Working Group on Arbitrary Detention has found that U Saw Naing Naing is being arbitrarily detained for his peaceful exercise of the right to freedom of opinion and expression, and has called on the authorities to take steps to remedy this. Both men are reportedly in ill health. Amnesty International believes that they are prisoners of conscience and is calling for their immediate and unconditional release from detention.

I trust that that the EU will make clear to the authorities in Myanmar the support for U Saw Naing Naing and U Soe Han within the European Union.

I look forward to hearing from you.

Yours sincerely

Caroline Lucas
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