

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

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6 December 2012

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Dr. Tun Shin
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Dear President and Attorney General,

Re: Attacks and arrests of peaceful demonstrators 29 November and 3 December
Re: Arrest of Nyi Nyi Lwin (U Gambira) 1 December 2012

I am writing on behalf of Lawyers Rights Watch Canada (LRWC), a committee of Canadian lawyers who promote human rights and the rule of law internationally. LRWC also provides support to human rights defenders in danger because of their advocacy.

Violent crackdown and arrests of peaceful protestors

LRWC has been extremely disturbed by the violent police crackdown on 29 November 2012 against peaceful villagers and monks demonstrating against expansion of the Lapadaung Taung Copper Mine. More than 50 monks and 40 villagers were injured in attacks by authorities with water cannons and incendiary devices, causing serious chemical burns and other severe injuries. In addition, on 29 November 2012, Yangon police arrested six leaders of a rally in support of anti-mine demonstrators, including **Naw Ohn Hla, Wai Lu, Shan Ma** and others. On 3 December, two other protest leaders, **Ko Moe Thwe** and **Ko Aung Soe**, were arrested, charged with inciting unrest and denied bail.

We have learned that after talks on 30 November 2012 between Daw Aung San Suu Kyi and regional and district police forces, the Police Force in Sagaing Region issued an apology on 1 December to the injured monks. While apologies are important, an apology by local police officials is insufficient. All individuals in the Ministry of Home Affairs and other senior officials who gave the orders for the attacks must be held accountable, and all those injured must be given immediate and fully sufficient medical treatment and compensation for their injuries. Immediate steps must be taken to ensure that no attacks on peaceful demonstrators occur in future.

Arrest and detention of Nyi Nyi Lwin (U Gambira)

LRWC deplores the arrest and detention of former monk, **Nyi Nyi Lwin (U Gambira)** on 1 December 2012. U Gambira was one of several hundred political prisoners released 13 January 2012; he had been imprisoned for leading peaceful demonstrations of monks in 2007. He was reportedly brutally tortured and ill-treated during his imprisonment, resulting in serious deterioration of his physical and mental health. After his release in January, 2012, U Gambira and other released monks reportedly had

nowhere to stay, to U Gambira led monks to enter three monasteries closed by the government. Since then, other monks who were political prisoners have been permitted by the Sangha Council (religious authorities) to reside in these monasteries. The exception is Maggin Monastery in Yangon, from which U Gambira and other monks were evicted in February 2012 by the Ministry of Religious Affairs and Maha Nayaka Sangha Council. In April 2012, U Gambira decided to leave the clergy to resume life as a lay person under his birth name, Nyi Nyi Lwin.

On 19 November, 2012, U Gambira was prominently placed in the front row to listen to the speech by United States President, Mr. Barack Obama, in Yangon. Mr. Obama praised your government's agenda for reform and urged continued transition towards democracy and international human rights particularly freedom of expression and assembly.

At the same time, since U Gambira's release in January, 2012, he has been denied a national identity card and a passport. He has been arrested three times.

- In February, 2012, he was arrested and questioned about "breaching regulations" and released after a night in jail.
- In March, 2012, he was arrested and questioned about a trip to Kachin State to document the situation of war refugees. He was released after two days.
- The circumstances of the third arrest on 1 December are extremely troubling. It is suspected that authorities arrested U Gambira to prevent his possible involvement in peaceful demonstrations related to the Lapadaung Taung Copper Mine. LRWC understands that upon his arrest on 1 December, U Gambira was taken to Insein Prison. His medication—necessary to his health--was reportedly taken from him. Authorities denied to family members that he was at Insein prison. It took two days for authorities to acknowledge that he was, in fact, at Insein prison. LRWC deplores these actions.

LRWC is dismayed that the case against U Gambira has apparently been reopened after being discarded months ago. U Gambira has reportedly now been charged with three criminal offences: House Trespassing (Penal Code section 448), Vandalism (Penal Code section 427) and "Lurking House-trespass or House-breaking in order to Commit Offence Punishable with Imprisonment" (Penal Code section 454). LRWC considers it highly inappropriate to reopen a case that had previously been closed. The facts of this matter indicate no good reason for criminal charges or imprisonment.

These incidents of violent attacks by authorities and arbitrary detentions are a serious regression from the progress of reforms undertaken by your government towards implementation of international human rights standards.

LRWC calls for the unconditional release and dropping of all charges against all peaceful demonstrators including Ko Moe Thwe and Ko Aung Soe, Naw Ohn Hla, Wai Lu, Shan Ma and others

LRWC also urges the immediate and unconditional release of U Gambira. We also urge your government to immediately issue him an identity card and passport and ensure he receives all necessary medical treatment.

We request that you respond to this letter on an urgent basis.

Yours sincerely,



Gail Davidson
Executive Director
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Re: Attacks on demonstrators; Arrest of political dissident, Nyi Nyi Lwin (U Gambira)

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