

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights in Myanmar; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

REFERENCE: : UA G/SO 214 (67-17) G/SO 214/62-11 G/SO 214 (53-24)  
MMR 1/2011

1 June 2011

Dear Mr. Htin Lynn

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights in Myanmar; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 16/4, 16/24 and 16/23.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding **seven female political prisoners** in Insein Prison in Yangon, Myanmar who are continuing to stage a hunger strike. It is reported that on 17 May 2011, seven female political prisoners began a hunger strike following the release of prisoners who had had their prison sentences reduced by one year in a special amnesty announced by President Thein Sein. These women are reportedly protesting their discontent with of the amnesty which many had hoped would entail a wider release of political prisoners. Among the seven are Aye Chan, Yin Kyi, and Ohnmar Myint.

On 22 May, the female prisoners were joined in their hunger strike by 17 male political prisoners who were protesting the denial of their rights under the standard regulations of the Myanmar Correctional Department. A further five political prisoners had joined the protest through a sit-in strike in their prison ward. According to the information received, some of these prisoners were placed

in solitary punishment cells while others were told to prepare their belongings for transfer to another prison. The transfer of prisoners to prisons far from their home and families is a practice that is allegedly being used to inflict additional punishment on prisoners and their families. The distance creates a burden for their families in terms of time, money and the arduous nature of long-distance travel inside Myanmar. Additionally, these family visits are often the only way for prisoners to receive the necessary supplementary food and medicines.

It is reported that some of the prisoners initially ended their hunger strike and protest following a meeting with Zaw Win, the Director General of the Prisons Department on 25 May. According to information received, we understand that 13 political prisoners who had been sent to solitary confinement cells where dogs are usually kept were returned to their previous cells. These prisoners included: Nyan Lin Tun (aka) Nyan Gyi, Aung Kyaw Soe, Nyi Nyi Tun, Soe Moe Tun, Zaw Tun Naing, Zaw Latt, Aung Naing, Zin Min Shein and Min Thu.

The protesters issued a list of six demands including: adequate and hygienic daily food rations; appropriate prison uniforms; clean and safe living space with protection against rodent and insect bites; access to stationary, newspapers and books; and the same family visiting rights that are provided to foreign prisoners, namely the right to speak confidentially to family members.

According to information received, on 27 May, some of the political prisoners met with a group of intelligence officers from the Special Investigation Department in Nay Pyi Taw who travelled to Insein prison to discuss the six-point list of demands with them. It is alleged that the authorities were prepared to grant five out of the six demands. In response, the political prisoners began shouting anti-government slogans. The prison authorities allegedly responded by again placing the political prisoners in solitary confinement and limiting family visits while rejecting all of the demands.

Without in any way implying any conclusion as to the facts of the case, we should like to appeal to your Government to seek clarification of the circumstances regarding the cases of the persons named above. We would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In this regard, your Government, under the Universal Periodic Review, endorsed in March this year the

recommendation to “ratify and fully implement, step by step, all universal core human rights treaties” (A/HRC/17/9, para. 104.2).

With regard to the prisoners that have been put in solitary confinement, we would like to draw your Government’s attention to paragraph 6 of General Comment 20 of the Human Rights Committee. It states that prolonged solitary confinement of the detained or imprisoned person may amount to acts prohibited by article 7 [on the prohibition of torture and other cruel, inhuman or degrading treatment or punishment] of the International Covenant on Civil and Political Rights (adopted at the 44th session of the Human Rights Committee, 1992). In this regard, we would also like to draw your attention to article 7 of the Basic Principles for the Treatment of Prisoners, which provides that “efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged”. (Adopted by the General Assembly by resolution 45/111 of 14 December 1990).

Our source informs us that the current living conditions of the prisoners are unsuitable. In this connection, we would also like to draw your Government’s attention to the Standard Minimum Rules for the Treatment of Prisoners. (Adopted by the Economic and Social Council by resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977). We would also like to draw your attention to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly on 9 December 1988. (Adopted by General Assembly resolution 43/173 of 9 December 1988). The Committee against Torture and the Human Rights Committee have consistently found that conditions of detention can amount to inhuman and degrading treatment.

Similarly, we would like to draw your Government’s attention to Principle 19 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly on 9 December 1988 which states that, “A detained or imprisoned person shall have the right to be visited by and to correspond with, in particular, members of his family and shall be given adequate opportunity to communicate with the outside world [...]”. We would also like to draw your attention to rule 37 of the Standard Minimum Rules for the Treatment of Prisoners adopted on 30 August 1955 by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which provides that “Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.”

In addition, given our concern that the above-mentioned political prisoners may have been placed in solitary confinement as a result of peacefully expressing their

opinions in the form of a hunger strike, we would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the UDHR, which provides that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

We urge your Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Government adopt effective measures to prevent the recurrence of these acts.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Government to safeguard the rights of the above-mentioned persons in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the full details of the condition of detention of the prisoners, including where they are currently being held if they have been moved and the reasons for their being moved. Similarly, we would like to know what actions your Excellency's Government has taken to address grievances raised in this letter.

5. Please provide information on the measures taken to ensure the safety of above mentioned.

We undertake to ensure that your Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

Please accept, Mr. Htin Lynn, the assurances of our highest consideration.

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to freedom of  
opinion and expression

Tomas Ojea Quintana  
Special Rapporteur on the situation of human rights in Myanmar

Juan E. Méndez  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or  
punishment