


# Political Prisoner Profile

<b>AAPP CASE NO.:</b>	0032			
<b>NAME OF POLITICAL PRISONER:</b>	U Thura @ Zarganar			
<b>GENDER:</b>	Male	<b>Ethnicity:</b>	Burmese	
<b>DATE OF BIRTH:</b>	27 January 1961	<b>Age:</b>	48	
<b>RELIGION:</b>	Buddhist			
<b>PARENTS NAME:</b>	U Nan Nyunt Swe @ U Aung Thein and Daw Kyi Oo			
<b>EDUCATION:</b>	A degree in dental surgery from Yangon University of Dental Medicine in 1985			
<b>OCCUPATION:</b>	Comedian, film actor and director, former political prisoner			
<b>LAST ADDRESS:</b>	Sanchaung Township, Rangoon			
<b>ARREST DATE:</b>	June 4, 2008		<b>PHOTO DATE:</b>	
<b>SECTION OF LAW:</b>	505/b, 295/a, 32/b/36, 33/a, 17/2, 33/a/38,			
<b>SENTENCING HISTORY:</b>	Initially sentenced to 45 years in prison on 21 November 2008 which was then extended to 59 years the following week on 27 November. Then on 13 February 2009 this sentence was reduced to 35 years.			
<b>COURT HEARING:</b>	Special Court in Insein prison – (under the jurisdiction of Rangoon Western District Court)			
<b>NAME OF PRISON:</b>	Myitkyina prison from Insein prison on 4 December 2008			
<b>RELEASE DATE:</b>				
<b>IMMEDIATE HEALTH CONCERNS:</b>	Zarganar is suffering from heart disease. On 16 April 2009 it is believed he lost consciousness for 3 hours.			
<b>CURRENT STATUS SUMMARY:</b>	<p>On 28 April 2009, it was reported that Zarganar was finally allowed a medical check-up after month of deteriorating health. He was taken to Myitkyina People's Hospital in Northern Burma's Kachin state and allowed a check up by a cardiologist. His sister-in-law, Ma Nyein ,who visited him at Myitkyina prison told <i>Mizzima</i>: "There is a prison ward at the hospital but Thura was not admitted. His liver function has improved and is ok now. A senior doctor at the hospital said that he might need oxygen," she added. Zarganar underwent ultrasound, X-Ray and ECG checks and doctors said his heart was swelling. A doctor in Rangoon who wished not to be named said that the cause of this heart swelling could be varied and he might need to have immediate medical attention. Zarganar was escorted to hospital by eight policemen, Township and Ward level Peace and Development Council (PDC) members, personnel of the Police Special Branch and prison staffs in two cars."The jailor sat on the front seat of the jeep. Two policemen sat beside him and another police car carried officials of the local PDC. They were fully armed and didn't seem to like bringing a patient to the hospital. I wept when I saw this." Ma Nyein said. She added said that she could see Zarganar was confined in a 3'x3' cell inside the Myitkyina prison where he is serving time, His family sought permission from the Home Ministry through prison officials for a medical Check-up for hepatitis in a hospital outside. It is learnt that the roundtrip to Myitkyina prison from Rangoon to see him at prison interviews costs his family at least Kyat 700,000. The family has already spent about Kyat 1.4 million in April alone. (<i>Mizzima</i>28042009)</p> <p>On Apr 24, 2009, <i>The Democratic Voice of Burma</i> reported that Zarganar, according to a source close to his family, is in poor health. On 16 April, it is believed he lost consciousness for three hours. His family have requested the authorities the permission to allow him to receive proper medical treatments. (<i>DVB</i>24042009)</p> <p>Zarganar's mother, Daw Kyi Oo, died at her home in Rangoon on 20 March 2009. According to a report</p>			

by *Mizzima*, Daw Kyi Oo had been severely ill for nearly a month and she died of gall-bladder cancer at about 8:15 pm on the Friday of the 20<sup>th</sup>. Daw Kyi Oo, married to fellow writer U Nan Nyunt Swe, was 81 years old at the time of her death. Ma Nyein, sister-in-law of Zarganar, said though family members realized the severity of the illness, they did not divulge it to Zarganar, fearing it would upset him. "Ko Thura [Zarganar] will feel very sad about it, but I have called the prison authorities to inform him," Ma Nyein, sister-in-law of Zarganar told *Mizzima* at the time. (*Mizzima.20032009*)

On 13 February 2009, Zarganar was granted a 24-year reduction in his original 59-year sentence. He still faces 35 years in prison. Zarganar's mother said at the time, "I was not shocked when my son was meted out such a harsh prison sentence, thinking that they did it by exercising undue power in their hands. Now I am not happy when I hear of such commutation of his prison sentence".

"They [authority] might have commuted the prison sentence after realizing it is too harsh," his defence lawyer Zaw Lin said. His family members said that they would appeal against the remaining 35 years sentence at the Supreme Court in the coming weeks which followed. (*Mizzima.16022009*)

On 9 February, Ma Nyein, (sister-in-law of Zarganar), said that the family had visited Zarganar in Myitkyina prison in Kachin state where he is being detained and were assured that he was in good health. (*DVB.16022009*)

In January 2009 a petition was released by the media watch group *Reporters Without Border (RSF)* calling for the release of Zarganar as well as blogger Nay Phone Latt who has also been sentenced to long prison terms. *RSF* urged the international community, especially the United Nations special envoy Ibrahim Gambari, to pay close attention to the issue. "They did nothing to deserve the punishment and must be freed," *RSF* said in the petition. (*Mizzima30012009000*)

On 8 January 2009, Prison authorities denied Zarganar and other political prisoners their right to visits from their family. In many cases the authorities denied family members the right to see their loved ones, even after they had travelled hundreds of miles to remote jails to visit them, at great expense. Ma Nyein, (sister-in-law) said in a media interview with *Democratic Voice of Burma (DVB)*, "Prison officials there just rejected our request to visit Ko Thura without giving any reason," Ma Nyein said. "It made us feel sad to see the prison walls, knowing he was on the other side of them," she said. "We just wasted our time, money and energy." According to the regime's own jail manual, political prisoners are entitled to family visits once a fortnight. (*DVB.12012009*)

#### **CAREER BACKGROUND:**

U Thura (also known as Zarganar, meaning 'tweezers' in Burmese) was born into a political and intellectual family; the youngest of three sons of well-known writers Daw Kyi Oo and U Nan Nyunt Swe. U Thura graduated from Yangon's elite Dagon 1 High School in 1977 and received a degree in dental surgery from Yangon University of Dental Medicine in 1985. While in dentistry school, he worked as a volunteer literacy teacher in Chin State and wrote about his experiences in a book, published by the *Sape Beikman*, the country's official literary publishing house.

Although he was a dentist in training, he never practiced and instead chose a career as a comedian and performer after his years in university. Through functions and events in his school and other universities, he became a famous comedian and leader of a performance group called "Mya Ponnama". From the stage, he made famous jokes that criticized the misdeeds of the military government, during the time General Ne Win was in power.

During the 1988 uprising, Zarganar came forward to lead celebrities from all areas of the entertainment industry. In conjunction with students and civilians, they attempted to bring down the military regime. Zarganar was arrested for being an "instigator" on 18 September 1988, severely tortured, and sent to Insein prison for several months. He was released in April 1989.

During March 1990, Zarganar was arrested again for helping his mother during her campaign to run as an independent candidate for the May 1990 general elections in his hometown, Yankin Township, in Rangoon. He was sentenced to four years imprisonment with hard labour for his criticism against the military regime. He was released in 1993. Afterwards, he went back to the entertainment industry to make a living. He directed and produced many movies, but was forbidden from performing on stage and in movies.

In May 2006, Zarganar was banned from performing in the country after giving an interview to the BBC regarding the government's regulations on the Thingyan water festival, and for making a television commercial suggesting Taiwanese Independence.

On 25 September 2007, Zarganar was arrested at his home for his role in the monks' "Saffron Revolution". During the preceding two days he had publicly delivered food and water to Buddhist monks preparing to protest, together with fellow Burmese actor and celebrity Kyaw Thu. The weekend before that, he had urged the public to support the monks in interviews with radio stations based outside Burma. He was released from Insein prison on 17 October 2007. After his release, on 23 October 2007, he reported to *Radio Free Asia (RFA)* on prison conditions: "I started having pneumonia, and I was in trouble," Zarganar said. "I didn't think I was going to be released. I was kept with the military dogs. How rude and wicked. I was there with 30 dogs...I caught a cold because it had a cement floor. It wasn't suitable for sleeping. From there, they sent me to an inner room in unit five, to a special room. It was a bit better there. It's nice in that special room. We can take a bath. So I caught a cold and had pneumonia," Zarganar said. "The lives of youths here have been destroyed. They are in prison, and some have died...In the prison, there were some monks with gunshot wounds on their backs. Also, I saw old monks around the age of 72 who got kicked in the ribs, and so they were leaning on one side."

After Cyclone Nargis devastated vast swathes of the Irrawaddy delta, Zarganar was heavily involved in delivering volunteer disaster relief aid in the cyclone-damaged areas. He was one of the first to initiate private aid deliveries to victims; he organised a team of 400 volunteers from the entertainment world who brought relief aid to 42 villages.*(AsiaNews.it)* The difficulties related to these efforts were evident in an interview with *The Irrawaddy* reported on June 5, 2008 after his arrest, during which Zarganar said: "At the beginning, we took risks, and we had to move forward on our own. Sometimes we had confrontations with the authorities...For example, they asked us why we were going on our own without consulting them and wanted us to negotiate with them. They said they couldn't guarantee our lives."  
*(TheIrrawaddy05062008)*

#### **ARREST DETAILS:**

Zarganar was arrested at 9 pm at his Sanchaung home on 4 June 2008. Family members confirmed that the district police commander of Western Rangoon together with 9 other policemen came to the house at 8:30 pm and searched it thoroughly. The police officers confiscated a computer, video CDs of Than Shwe's daughter's wedding, Rambo 4 (banned in Burma) and footage of Cyclone Nargis and its aftermath, a cash account book and 30 foreign exchange coupons (each valued at \$1, used in place of hard foreign currency which is banned in Burma). "They said it would take one or two days but they asked us to pack medications and clothing," Ma Htwe, sister-in-law of Zarganar, told *Radio Free Asia (RFA)*. "They said they would bring him back, but he's still not home. I didn't believe them. They

always do that, they always say one or two days, but I never trust them. They are always trying to twist and turn the law," Ma Htwe said. "We have always been bullied, whatever happens they say it's Zarganar, never anyone else. Everyone from the arts world has done this, but no one else has been called for interrogation. Only Zarganar," she said.

On 9 June 2008, the UN Special Rapporteur on the Human Rights Situation in Burma, Mr. Tomas Ojea Quintana, expressed his concern about the arrest of Zarganar. It was reported in the *The Irrawaddy* that he was worried about the arrest. "I'm very concerned because I don't know so far about his whereabouts," Quintana - who presented a 16-page report to the UN council on the situation of basic rights in Burma - said he asked the Burmese government for clarification about Zarganar's arrest but, "the detention of Zarganar concerns me a lot," (*TheIrrawaddy10062009*)

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

After his arrest in June 2008, Zarganar's trial began inside the Insein Prison Compound on 7 August 2008 along with three others: Zaw Thet Htwe (a former political prisoner and magazine editor), Thant Zin Aung and Khin Maung Aye. All were closely involved in cyclone relief efforts. At that time, his family were unable to see him; nor had they been given information regarding his detention or the charges against him.

On August 21, 2008, Zarganar appeared before Insein Prison Special Court, under the jurisdiction of Rangoon Western District Court. He was accused with a total of 7 charges, brought by prosecutor police major U Ye Nyunt. Also accused were Zaw Thet Htwe (a former political prisoner and magazine editor), Thant Zin Aung and Khin Maung Aye. All were closely involved in cyclone relief efforts.

Zarganar and his co-accused faced the following charges brought by the police prosecutor:

- (1) Section 505 (B) of the Penal Code, for statements inciting public mischief act (or "disturbing public order")
- (2) Section 295 (B) of the Penal Code, for deliberate and malicious insult to religion
- (3) Section 32 (B) of the Television and Video Law
- (4) Section 36 of the Television and Video Law
- (5) Section 17 (2) of the Unlawful Association Act
- (6) Section 33 (a) of the Electronic Transactions Act
- (7) Section 38 of the Electronic Transactions Act

"The prosecution submitted as evidence photos of him that have appeared in Burmese exiled media websites, such as Mizzima News and Irrawaddy. The prosecution claimed that these exhibits illustrated disaffection towards the state and government. They also submitted the transcript of a radio interview given by Zarganar to BBC and VOA," his lawyer U Aung Thein said in a *Mizzima* news report on August 18, 2008.

On October 9 2008, prosecutor police major U Ye Nyunt (who brought the charges in Zarganar's case) attempted suicide, according to *Radio Free Asia (RFA)*. Relatives of his clients have said he had become friendly with them and often apologized for prosecuting them. At the time, three sources who asked not to be named, identified his whereabouts as being in hospital under tight security. (*RFA15102008*)

On October 15 2008, Zarganar's family members became very worried when he asked for medicines for a liver problem and a gastric ulcer from his family, through a security guard when he was produced before the Rangoon West District court inside the Insein prison. "We are worried about his health. We don't know why he asked for the medicines and are wondering whether it is a preventive measure or for emergency use. We could not meet him in court. A security guard said that Thura had asked for the medicines," Zarganar's mother Kyi Oo told *Mizzima*. "We couldn't go because it is far, so we sent my elder son to see him. He seemed to be thinner. We can send the medicines on Monday," she added. Though his condition was fine when he appeared in court, he has been suffering from many chronic diseases, his defence lawyer Khin Maung Shein pointed out. Zarganar had been suffering from hypertension, gastric ulcer, spondylitis, heart disease among other ailments before he was arrested. Once he collapsed from hypertension and was sent to Maharmyaing clinic by his friends, before his arrest. (*Mizzima18102008*)

During the time of the trial, on 20 October 2008, National League for Democracy lawyer U Aung Thein, who had been representing Zarganar, said that he and another client U Gambira would withdraw the power of attorney from their lawyer in protest at the unfair way in which their trials are being conducted. U Aung Thein and his colleague U Khin Muang Shein were both sentenced to 4 months in prison on 7 November on charges of contempt of court. (*211008 DVB*)

On 21 November 2008 Zarganar was convicted on several criminal charges, including infringements of the Electronic Transactions Act (for 'disaffection towards state and government' by using the internet according to *Mizzima*) and 505 b of the Penal Code, and sentenced to 45 years in prison. On the same day, his colleagues Zaw Thet Htway and Thant Zin Aung were both sentenced to 15 years. They also face outstanding charges. Khin Maung Aye was also sentenced on the same day, to 29 years. On November 21, *Mizzima* reported the following interview with Zarganar's sister-in-law, Ma Nyein: "I am proud of my elder brother-in-law. He was arrested because of his relief effort among Cyclone Nargis victims. The government's action is arbitrary. My brother cracked a joke when the judge pronounced his judgment. 'I was given 45 years prison term on an 'I' case. I was sent to Insein prison when I used Internet to study IT (Information Technology)'." The *Mizzima* report added that family members were not allowed to attend the court proceeding. Only his defence counsel Khin Htay Kywe was allowed to enter the courtroom. She served as defence lawyer in this case along with lawyers Aung Thein and Khin Maung Shein. The court fixed November 27 to hear five remaining cases against him.

On 27 November 2008 Zarganar and his two journalist friends were given additional prison terms by a special court in Rangoon's Insein Prison. Zarganar received an additional 14 year prison term for offences under four sections of the criminal code—17/2, 32 (b), 295 (a) and 505 (b). This meant that Zarganar was to be facing a prison sentence of 59 years.

Zarganar was transferred to Myitkyina prison in Kachin State on 4 December 2008. (*VOA 041208*)  
On 13 February 2009, Zarganar was granted a 24-year reduction in his original 59-year sentence. He still faces 35 years in prison.

#### **HONOURABLE AWARDS :**

1. He won the Cyber-dissident award from *RSF (Reporters Without Borders)* along with Burmese Blogger Nay Phone Latt on 4 December 2008. In a statement by *RSF* announcing the prizewinners, Zarganar was described as having become before his arrest “a reliable source of information in a country strangled by censorship and repression”. (*DVB.041208*)
2. In 2008 *PEN Canada* launched its 25th Anniversary by granting its “*One Humanity Award*” to Zargana. He was also given “Empty Chair” recognition at the festival at which the award was presented. The *One Humanity Award* is given to intellectuals or writers whose works reflect "honest, good judgment and a courageous belief in the peaceful expression of ideas through any medium." In a press release, the president of *PEN Canada*, Nelofer Pazira, reiterated the association's support for "fearless" writers who, because of their work, have been reduced to silence in various ways. "Writers are routinely killed, imprisoned, threatened and harassed for expressing their ideas," Pazira said. (quoted in *AsiaNews.it*, October 22, 2008).
3. He received the Lillian Hellman and Dashiell Hammett Award, given by the Fund for Free Expression, a committee organized by New York based *Human Rights Watch* in 1991.
4. He has held honorary membership in *PEN Canada* since 1990.

**\*Profile prepared by the Assistance Association of Political Prisoners (Burma) on 19 June 2008, and updated on 30 April 2009.\***