

# **THE POLITICAL PERSECUTION AND RE-IMPRISONMENT OF U GAMBIRA 2016**

A Log Of The Events Surrounding  
The Political Arrest Of U Gambira in 2016  
[Including The Failure Of Multiple Parties  
To Protect And Support Him And His Wife]



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# 1. THE BACKGROUND

## 1.1 INTRODUCTION - U GAMIRA & THE SAFFRON REVOLUTION

From Wikipedia

U Gambira (born 19 June 1979), is a former Buddhist monk, activist and a leader of the All-Burma Monks' Alliance, a group which helped lead the 2007 protests against Burma's military government. Following the protests, he went into hiding and published two editorials critical of the Burmese government in the Washington Post and The Guardian on 4 November 2007. He was arrested the same day.



In October 2008, he was sentenced to 68 years in prison, including 12 years hard labour; the sentence was reduced to 65 years on appeal. Gambira reportedly protested his imprisonment by organising chanting with other imprisoned monks, boycotting his trial, and going on hunger strike. Human rights groups including Amnesty International and Human Rights Watch also protested his imprisonment.

Gambira was released during a mass pardon of prisoners on 13 January 2012 as part of the 2011–2012 Burmese political reforms. He ceased to be a monk in April 2012, stating that he had been unable to find a monastery to join due to his status as a former prisoner. He was re-arrested at least three times in 2012, and as of 11 December 2012, was released on bail.

Wikipedia Further Detail:

Gambira first became well known in August 2007 during widespread protests against the State Peace and Development Council (SPDC), the military government which had ruled the country since suppressing the previous uprising in 1988. The protests were sparked when the SPDC cut fuel subsidies without warning, causing fuel and other commodity prices to suddenly rise.

The city's Buddhist monks took on a leadership role in these demonstrations, forming the All-Burma Monks' Alliance and lending the uprising its nickname of "the Saffron Revolution", after the colour of the monks' robes. Gambira, then a 29-year-old monk, became one of the new organisation's leaders."

### **Saffron Revolution: Protest, September 2007**

On 24 September 2007, the All-Burma Monks' Alliance released a statement condemning the military government: "In order to banish the common enemy evil regime from Burmese soil forever, united masses of people need to join hands with the united clergy forces ... We pronounce the evil military despotism, which is impoverishing and pauperizing our people of all walks, including the clergy, as the common enemy of all our citizens."

During the demonstrations, Gambira split his time between Mandalay and Yangon, moving between the two cities to avoid arrest.



After government forces violently broke up the protests, killing some monks and other protesters, Gambira went into hiding.

His brother Aung Kyaw Kyaw was arrested on 17 October, in what the AAPP called an attempt by the government to force Gambira out of hiding.

On 4 November, Gambira published editorials in the Washington Post and The Guardian calling for the international community to continue sanctions against Burma's leadership, for Russia and China to cease supporting the SPDC on the United Nations Security Council, and for Burma's people to continue to peacefully protest against the military rulers. "The regime's use of mass arrests, murder, torture and imprisonment has failed to extinguish our desire for the freedom that was stolen from us so many years ago. We have taken their best punch", he wrote in the Post.[9] The day that the editorials appeared, Gambira was arrested in Sagaing Region. His father was arrested as well and detained in Mandalay prison for a month.

### **Imprisonment**

Gambira stated after his release that authorities had beaten him and deprived him of sleep during his imprisonment, and Human Rights Watch reported that he was "badly tortured" and stripped of his monk's robes.

In April 2008, Gambira's sister reported that he was leading a mettā chanting campaign among other imprisoned monks of Insein Prison to protest against their being issued "layperson" identification cards for the upcoming constitutional referendum. He was subsequently placed in solitary confinement. In speaking later of conditions in the prison, Gambira stated that he had malaria for seven of his eight months there. Tomas Ojea Quintana, the United Nations Special Rapporteur on Human Rights for Burma, visited Gambira and four other political prisoners at Insein in August.

Gambira faced a total of sixteen charges for his role in the protests, including membership in an unlawful association and illegal movement across borders. In October 2008, Gambira's lawyer, Aung Thein, resigned from his case, saying that the military government would not allow him the materials to prepare an adequate defence. On one occasion, Gambira refused to appear in court himself, stating that the trial of a forcibly disrobed monk was disrespectful to Buddhism.

In November, Gambira was sentenced to 68 years in prison, at least 12 years of which would be hard labour. In early 2009, five years were taken off his total sentence, reducing it to 63 years.

Both Human Rights Watch and Amnesty International protested his sentence, calling for his immediate release. Aung Ko Ko Lwin, Gambira's brother who had sheltered him from authorities, was sentenced to twenty years in prison, and Moe Htet Hlyan, Gambira's brother-in-law, was also imprisoned. Aung Ko Ko Lwin and Moe Htet Hlyan were sent to Arakan State and Mon State, respectively, to serve their sentences.



Gambira was transferred to a labour camp in Sagaing Region. When his mother visited him in early 2009, she reported that he was on hunger strike, refusing to eat in protest of the conditions of his confinement. Amnesty International reported that he suffered from nervous tension and was in generally ill health. On 31 October 2011, the organisation issued an "urgent action" identifying Gambira as a prisoner of conscience and stating that he was being denied hospitalisation necessary to treat complications from being tortured at Hkamti prison in April 2009.

Democratic Voice of Burma reported that Gambira was being regularly beaten by guards during the same period and was having seizures as a result.

During his imprisonment, Gambira won the Bindmans Law and Campaigning Award in absentia at the 2008 Index on Censorship Freedom of Expression Awards. The prize recognises "lawyers and campaigners who have fought repression or who have struggled to change political climates and perceptions, especially those who have used or established legal means to fight injustice in the field of freedom of expression", and is sponsored by Bindmans LLP.

Also in 2008, the official website of Morbegno, Italy announced that Gambira had been made an honorary citizen of the town.

### **2012 Release And Re-arrests**

On 13 January 2012, Gambira was released in a mass presidential pardon of political prisoners that also included 88 Generation activists Min Ko Naing, Htay Kywe, and Nilar Thein, as well as Shan leader Khun Htun Oo. Gambira stated in an interview that his imprisonment had left him with depression, frequent headaches, and failing memory; however, he said he had difficulty finding a doctor willing to treat him, for fear that it would draw government reprisals. He attempted to leave the country for treatment, but could not get the necessary paperwork.

Gambira told reporters that his organisation would continue to boycott the government despite the amnesty: "The government has transformed its external appearance into a civilian one but their efforts to implement democracy are still rather weak, while many cases of human rights violations continue".

In November 2012, Gambira was seated in the front row for a speech by visiting US President Barack Obama, who cautiously praised seeming democratic reforms including the release of political prisoners like Gambira.



A few weeks after the speech, authorities arrested Gambira again and sent him to Insein prison. The US Embassy released a statement on the arrest, saying, "We're monitoring reports of U Gambira's detention. We urged the government of Burma to be fully transparent and follow due process of law". Gambira's family believed that he had been arrested to prevent him from joining protests by a group of monks against a copper mining project.

Gambira, who is no longer a monk, has been living in Thailand after being re-arrested several times in 2012, and married to Marie Siochana, an Australian citizen.

## 1.2 U GAMBRIRA'S MEDICAL CONDITION

After enduring extreme mental and physical torture over a four year period, U Gambira's health remains perilous.





[Background]

The following is the diagnosis of his mental illness:

**ใบรับรองแพทย์**

**คลินิกแพทย์ประเสริฐ**  
76/4 ถ.สันโค้งน้อย อ.เมือง จ.เชียงราย

วันที่ 29 เดือน 27 พ.ศ. 2559

นายแพทย์ประเสริฐ ผลิตผลการพิมพ์  
ใบอนุญาตประกอบวิชาชีพเวชกรรมเลขที่ 11297

ข้าพเจ้า นายแพทย์..... ใบอนุญาตประกอบวิชาชีพเวชกรรมเลขที่.....  
โรงพยาบาลเชียงรายประชานุเคราะห์

สถานที่ประกอบวิชาชีพเวชกรรม อยู่ที่โรงพยาบาลเชียงรายประชานุเคราะห์ จ.เชียงราย  
ได้ตรวจร่างกาย นาย/นาง/นางสาว..... ( นพ.คิง ( นว ) )  
บัตรประจำตัวประชาชนเลขที่.....

พบว่า..... M.K. NINILIN ( MYANMAR )

สรุปความเห็นของแพทย์ Diagnosis: ORGANIC BRAIN SYNDROME  
or POSTTRAUMATIC STRESS DISORDER

TREATMENT: Trifluoperazine 1 tab @ tid pr  
Buckdole  
Disipm 2

ลงชื่อ AMA ( tab @ ho

Preut Palitpyagapri  
C.D.R. [REDACTED]  
PSYCHIATRIST  
นายแพทย์ประเสริฐ ผลิตผลการพิมพ์  
ใบอนุญาตประกอบวิชาชีพเวชกรรมเลขที่ 11297  
โรงพยาบาลเชียงรายประชานุเคราะห์

## 2. IN THAILAND: THE SEARCH FOR PEACE

After his marriage, with his wife acting as his nurse, U Gambira began the long search for recovery and peace. His treatment was to be lengthy and difficult, but with the correct therapy and medication, he began to emerge from his trauma.

The signs were now promising. Marie stated:

*“He didn't want to be an activist anymore. He was tired and burnt out. He was recovering from massive trauma. He just wanted a normal, quiet and peaceful life. He has suffered more than anyone I know. For the first time since 2009, thanks to his psychiatrist, he was no longer experiencing voices and delusions which he referred to as 'hell'”*



However, the threat of further incarceration was constant, as visits to Myanmar were always stressful, as he was followed and monitored at every step. Thailand, therefore, became their temporary home.

On the horizon, was another threat: U Gambira would have to return to Myanmar for a digital passport, not least to enable him to travel and meet his wife, Marie's, own family in Australia.

The first port of call was an *agency* in Bangkok. This ended in failure, as his money was taken but nothing was delivered. Marie subsequently stated:

*“On the morning before the arrest, he was so excited about applying for a passport the next day in Mandalay so he could come to Australia on a tourist visa. A year earlier a passport agent in Bangkok took his money but never got him a passport.*

Other approaches and initiatives from Thailand proved to be equally fruitless:

*"In August 2013 his application for a passport in Myanmar was rejected. They blocked him at every turn making his life incredibly difficult."*

The couple therefore began to approach appropriate third party organizations, to seek help and assistance.

The first of these was the UNHCR.

### 2.1 THE UNHCR

Marie approached the UNHCR in Australia on 26<sup>th</sup> October 2015, on behalf of her husband, U Gambira, and herself:

From: Marie Siochana  
To: [info@unrefugees.org.au](mailto:info@unrefugees.org.au)  
Subject: Enquiry  
Date: Mon, 26 Oct 2015 15:12:41 +1000

She explained the overall situation, including that the Australian Embassy in Bangkok had advised her to make contact. She stated that:

*"Our problem is that he applied for a passport in Yangon not long after we got married and the application was rejected. The reason it got rejected was because he is an ex prisoner of conscience (political prisoner) "*

She further explained that:

*"We found out last week through at least 6 Burmese people that there is an arrest warrant out for him if he returns to Burma" and that "Many people saw 'wanted posters' up at Tachilek Immigration, on the border" and that "All he needs is a Myanmar passport or travel documents " .*

With this preliminary information she provided the following detail:

*"We visited UNHCR in Bangkok in 2013 and they told us they do not process refugees from Myanmar. He cannot go to a refugee camp because he is very sick and needs me to care for him and monitor his medication. I support him financially in Thailand and take care of his health needs. All he needs is a Myanmar passport or travel documents so we can apply properly for a 'tourist visa' for him to travel to Australia. After that, we can apply for a spouse visa when I can afford it, next year"*

She also provided details of his medical condition, explaining the pressing need to obtain a passport, and that she needed to return to Australia to see her children, but would not leave him alone. She stated that when his Thai ID card expired, he would have to return to Myanmar or become an illegal immigrant. She further stated that *"Our situation feels hopeless"* and that *"We are out of options"*.

## [U Gambia In Thailand]

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This desperate plea for help, sent twice, did not solicit even an acknowledgement. Marie therefore sent a reminder on 3<sup>rd</sup> November 2016:

From: Marie Siochana  
To: [info@unrefugees.org.au](mailto:info@unrefugees.org.au)  
Subject: Enquiry  
Date: Tue, 3 Nov 2015 12:12:56 +1000

Hello,

I wrote to you about my husband eight days ago and haven't received a reply yet. Did you receive my two emails?

Regards,

Marie

A response was forthcoming later on the same day:

From: [info@unrefugees.org.au](mailto:info@unrefugees.org.au)  
To: Marie Siochana  
Date: Tue, 3 Nov 2015 13:31:33 +1100  
Subject: RE: Enquiry

Dear Ms Siochana,

Thank you for contacting Australia for UNHCR, the UNHCR's Fundraising Office in Sydney. We responded to your email on the 27<sup>th</sup> October. As you contacted us via a hotmail account, the email may be in your spam folder.

Please note that your enquiry has been forwarded to UNHCR's Regional Office in Canberra, which represents UNHCR in Australia, New Zealand, Papua New Guinea and the South Pacific. The Regional Office is better placed to assist you with your request. For further information about the Regional Office in Canberra their website is: <http://unhcr.org.au/unhcr/>

Please ensure any further enquiries regarding your enquiry are directed to UNHCR's Regional Office (e-mail address copied)

Regards,

Australia for UNHCR  
PO Box Q428, Sydney NSW 1230  
[www.unrefugees.org.au](http://www.unrefugees.org.au)

## [U Gambira In Thailand]

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On request, *Australia for UNHCR* provided their original 'lost' response:

Dear Ms Siochana,

I am sorry that our office is unable to assist you. Australia for UNHCR is a UNHCR Partner, raising money through fundraising for UNHCR head Office in Geneva.

The Regional Office of UNHCR in Canberra is better placed to assist you. Please contact them directly on:

Email: [aulca@unhcr.org](mailto:aulca@unhcr.org)

Ph: 61 2 6260 3411

Marie provided more information, and specifically to the UNHCR in Canberra, as suggested:

"I also recently contacted UNHCR in Thailand by phone and they told me the same thing we were told in 2013, that my husband's only option was a refugee camp. He is too sick to live in a refugee camp, and besides, he doesn't need to as I support all of his needs eg: food, accommodation, medical bills, medication etc. Out of desperation, I even told the lady I spoke to that I would let him go to a refugee camp if I could go too and she said that was not possible. Sending him to a refugee camp is a waste of resources for someone who is already being properly cared for. It will also have adverse effects on his already fragile condition. He is on 3 different types of anti-psychotic medication and without me he will forget to take them.

I have a massive file full of his recent medical history, along with mountains of proof of who he is and what he went through in prison. He even has a Wikipedia page. [https://en.wikipedia.org/wiki/U\\_Gambira](https://en.wikipedia.org/wiki/U_Gambira)

Now, we will have no choice but to go and live in Burma. Nothing in that country has changed yet, and no one is really sure that it will. It still has 25% military rule and the political prisoners have not been released yet.

My Thai visa expires on January 15<sup>th</sup> and I will have no choice but to return to Australia. Today, I renewed my visa in Chiang Mai. They gave me 30 days. Tonight will be my second night away from him, just for 30 days. My next renewal they will give me 7 days.

I have not contacted this email until now, because we basically gave up trying and decided to go back to Burma. We're been trying now for over 2 years and I guess we just gave up. But as the date we are planning on returning to Burma (February 8<sup>th</sup>) draws closer, I am not so sure it is a good idea. Other people have expressed the same fear. I am also writing this for my records to show that I have contacted this agency. I have 100% proof of who he is, all of his medical records and proof of his imprisonment and extensive torture. All we want is to live together in peace and safety"

## [U Gambia In Thailand]

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This, and all prior information, was forwarded to the Regional Office of UNHCR in Canberra on 14<sup>th</sup> December 2015:

From: Marie Siochana  
To: [aulca@unhcr.org](mailto:aulca@unhcr.org)  
Subject: Enquiry  
Date: Mon, 14 Dec 2015 22:29:18 +1000

As no response was forthcoming, Marie sent a reminder a week later:

From: Marie Siochana  
To: [aulca@unhcr.org](mailto:aulca@unhcr.org)  
Subject: Enquiry number 2  
Date: Mon, 21 Dec 2015 12:26:20 +1000

To Whom it May Concern,

I wrote to this office on the 14th of December 2015 and have not received a confirmation, reply email or phone call as yet. I tried calling the office on [+61-262603411](tel:+61-262603411) today but there was no option to talk to an actual person. My number in Thailand is 088 260 3968. I am an Australian citizen. Can you please respond to my last email.

Regards,

Marie Siochana

Again, no response was forthcoming, so yet another approach was made, on 5<sup>th</sup> January 2016. By now, the situation was becoming desperate:

**From:** Marie Siochana  
**Sent:** 05 January, 2016 10:16 AM  
**To:** Ban Mae Sot Thailand  
**Subject:** Enquiry

Hi,

I will keep this brief as it seems I am wasting my time contacting UNHCR. My recent emails to UNHCR Canberra have both been ignored. I went into the UNHCR office in Bangkok twice in 2013 and talked to someone through a window in the street. They told me, and I've also been told over the phone that the only way to process Burmese asylum seekers is through a refugee camp. Can you please confirm that this is correct with ALL cases.

My husband is an ex political prisoner who was extensively tortured in prison, both physically and psychologically. I am an Australian citizen and we have been legally married for over two years. His government have denied him a passport. He is now suffering from PTSD, schizophrenia and a brain injury.

## [U Gambira In Thailand]

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Last year he had brain surgery. He is seeing a psychiatrist and is on 3 different types of medication which I need to monitor.

I am his wife and carer in Thailand. He is not well enough to go to a refugee camp and besides, I take care of all of his needs with my own money, so sending him to a refugee camp would be a complete waste of resources. Is there any other options for processing him as a refugee? I cannot live in Thailand forever, and I have children in Australia.

I can easily prove everything I say and have a massive medical file full of his medical records. Here is my husband's wikipedia page [https://en.wikipedia.org/wiki/U\\_Gambira](https://en.wikipedia.org/wiki/U_Gambira)

A year ago he paid money to a passport agent in Bangkok, who ran off with his money and he never received a passport. He is risking his life if we go back to Myanmar to again apply for a passport but right now we have little choice but to go back. Just before the elections there were signs up at Tachilek immigration for his arrest and we have no idea why. At least 6 people contacted us with this information.

Is it possible for him to be processed from outside a refugee camp?

Thank you.

Kind regards,

Marie Siochana

On 15<sup>th</sup> January U Gambira and Marie ran out of time, and had to return to Myanmar. On 19<sup>th</sup> January Gambira was arrested on a patently trumped-up political charge. News of this situation was reported across the world, and would almost certainly have reached the UNHCR in Canberra and elsewhere.

On 30<sup>th</sup> January, the UNHCR in Canberra finally replied to Marie:

From: [thabm@unhcr.org](mailto:thabm@unhcr.org)  
To: Marie Siochana  
Subject: RE: Enquiry  
Date: Sat, 30 Jan 2016 06:39:09 +0000

Dear Ms Siochana,

Thank you for your email and for sharing your situation with us. We are sorry to hear about the difficulties you and your husband are facing.

## [U Gambira In Thailand]

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You are right to note that under the Royal Thai Government's policy of 2006, Myanmar nationals who wish to seek asylum are required to go to one of the nine temporary shelters (camp)s managed by Thai authorities along the Thailand-Myanmar border. Their application will be considered by the Provincial Admission Board (PAB), an administrative body set up by the Royal Thai Government based on its assessment of whether the applicant has fled from fighting or political persecution in Myanmar.

Currently there are limited criteria under which the Royal Thai Government considers applications, which include reasons of family unity or family reunification, as well as medical or protection grounds.

UNHCR does not manage the border camps or control admission to them. Our staff provide technical support by meeting asylum-seekers in the camps and preparing files for submission and review by the PAB.

We understand that there are cases where Myanmar refugees have been allowed to stay outside the camps for a limited time for special reasons. Special permission may be granted on a case-by-case basis at the discretion of the Thai government.

You mentioned that you also approached UNHCR Canberra for advice, and they have contacted us about your case. Assistance with tourist visas or spouse visas to Australia is beyond their remit. You may be aware that the Australian Government has a national humanitarian programme. To fall within the scope of that system, applicants who are not physically present in Australia must ordinarily have been formally recognized as a refugee in their country of asylum before an application for resettlement will be considered by the Australian authorities. UNHCR Canberra observed that you were already receiving from UNHCR locally the necessary counselling on Royal Thai Government asylum processes.

We hope that helps. Please do not hesitate to contact us if you have further queries.

With kind regards,  
UNHCR Mae Sot

Clearly, at the very least, this was too little too late, and perhaps, added insult to injury. Marie, was, quite understandably, frustrated and distressed at this apparent disregard for her husband's dire situation:

From: Marie Siochana  
To: [thabm@unhcr.org](mailto:thabm@unhcr.org)  
Subject: RE: Enquiry  
Date: Sat, 30 Jan 2016 20:48:59 +1000

Thank you for your email but clearly it's too late. I wrote to UNHCR numerous times over the past 4+ months and no replies were ever received so we were left with no choice but to go back to Myanmar to apply for passport.



## [U Gambira In Thailand]

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I have tried to contact UNHCR Canberra and Bangkok several times over the past few months and even offered to stay in a refugee camp with him as his carer, when I called someone from UNHCR in northern Thailand linked with the camps. They told me that was not possible, I could not stay with and care for my own husband.

So as you can see your lack of help or correspondence 'before the fact' left us with no choice.

I never asked UNHCR Canberra about a tourist or spouse visa. Are you kidding me? I know UNHCR has nothing to do with these visas. UNHCR Canberra may have contacted you but they most certainly never returned my emails.

You state: *"We understand that there are cases where Myanmar refugees have been allowed to stay outside the camps for a limited time for special reasons. Special permission may be granted on a case-by-case basis at the discretion of the Thai government"*.

Then why did no one tell us this? Why was my correspondence all ignored? THIS information might have been more useful a couple of weeks ago. Why didn't UNHCR start this process? No forms were sent to me, no correspondence replied so how (even if we knew about this) were we suppose to take steps to start the process?

No, I am not aware that the Australian Government has a national humanitarian programme, because Simon Noble from the Australian embassy in Bangkok never told me this, neither did UNHCR. Besides it doesn't matter as you also write: *"To fall within the scope of that system, applicants who are not physically present in Australia must ordinarily have been formally recognized as a refugee in their country of asylum before an application for resettlement will be considered by the Australian authorities"*. Once again, UNHCR did not help him with 'refugee status' or even bother replying my months of correspondence, until now! Now that he's locked up and perhaps you are worried about the repercussions?

This comment is completely untrue: *"UNHCR Canberra observed that you were already receiving from UNHCR locally the necessary counselling on Royal Thai Government asylum processes"*. How does that work when no one even contacted us or replied my correspondence??

Marie

Despite many efforts to solicit help, the UNHCR demonstrably failed U Gambira and his wife, which in turn, contributed to the events which unfolded from 19<sup>th</sup> January 2016.

### 2.2 THE AUSTRALIAN EMBASSY & DFAT

As Marie was an Australian citizen, she personally approached the Australian embassy, by email, telephone and in person. Her experience was one of sheer frustration.

Her first email was sent on 14<sup>th</sup> October 2015:

From: Marie Siochana  
To: [immigration.bangkok@dfat.gov.au](mailto:immigration.bangkok@dfat.gov.au)  
Subject: Enquiry  
Date: Wed, 14 Oct 2015 18:58:09 +1000

To Whom It May Concern,

I was told today by the Australian embassy in Bangkok to contact this department regarding my situation here in Thailand with my husband and myself. It is quite a complex situation so I'll try and keep it as brief as possible.

I am an Australian citizen, born in Western Australia and he is a citizen of Myanmar. We were married in Myanmar in 2013. Currently we are living in Maesai on the Thai/Burma border. Our problem is that he applied for a passport in Yangon not long after we got married and the application was rejected. The reason it got rejected was because he is an ex prisoner of conscience (political prisoner).

We found out yesterday through a Burmese friend that there is an arrest warrant out for him if he returns to Burma, because he has been speaking to the international media about human rights violations inside Burma. Our plan was to return to Yangon after the elections next month and apply once again for his passport, with me as his sponsor. Now, we cannot do that due to safety issues.

We are both living here in Maesai and have run out of options as the Australian embassy in Bangkok cannot help and neither can the Myanmar embassy in Canberra. We visited UNHCR in Bangkok in 2013 and they told us they do not process refugees from Myanmar.

All he needs is a Myanmar passport or travel documents so we can apply properly for a tourist visa for him to travel to Australia. After that, we can apply for a spouse visa. I have two children in Australia and I want to return there as soon as possible. I cannot leave him as I am his carer. I need to monitor his medication and make sure he is looked after properly. Last year he had brain surgery in Chiang Mai as a result of being tortured in prison. He also spent several months at The Cabin rehabilitation facility, also in Chiang Mai. I can supply documentation proving all of this. While my husband was in prison for 4 years he was tortured and has since developed schizophrenia. Much of his prison time was spent in solitary confinement. He has no violent history and is not a danger to anyone. When he was arrested and jailed in Burma in 2007, he was a Buddhist monk.

## [U Gambira In Thailand]

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We could not find a psychiatrist in Maesai so I have started taking him fortnightly to Chiang Rai (one and a half hours away by road) to see an English speaking psychiatrist.

On our last visit my husband was nearly arrested on our way back because according to the Thai police officer he didn't have the right travel documents. I think he meant passport. My Thai language skills are not that good. Luckily they let us go but we need to return to Chiang Rai in one week to see the doctor again and to get my husband more medication for his condition.

Our situation feels hopeless. Even visiting a doctor is dangerous as he risks arrest and deportation. We are just about out of options.

Today I contacted a lawyer in Bangkok about our situation. I really want to go back home to Australia but I won't leave him here. I shouldn't have to either. He is my husband. We want to build a stable and safe life together which is impossible here. His Thai ID card (I think that's what it's called) expires in a few months, then he will be living here illegally and I will be harbouring an illegal immigrant, which can attract a jail sentence of up to ten-years.

Can you please let me know if you can help him with travel documents or refugee status. I can care for him in Australia at my own expense.

Thank you kindly.

Regards,  
Marie Siochana

She had numerous telephone conversations, primarily with the Second Secretary (Immigration), Simon Noble. She sought to explore a variety of options, but her experiences were not positive:

*"He constantly told me (on the phone) there were only 2 options:*

- 1. Spouse Visa, application fee \$4500, which we didn't have, nor did either of us fit the criteria.*
- 2. UNHCR and UNHCR Canberra. I told him I'd had no luck with UNHCR so he told me to contact the Canberra office, which I later found out don't deal with Thailand cases. I also brought this to his attention after the arrest, and when I saw him in person. He'd conveniently forgotten, and told me to try UNHCR Canberra again!"*

Email, formal written communication, proved to be difficult, as Mr Noble appeared to prefer phone conversations:

## [U Gambira In Thailand]

---

From: [Simon.Noble@dfat.gov.au](mailto:Simon.Noble@dfat.gov.au)  
To: Marie Siochana  
Subject: RE: Enquiry [SEC=UNCLASSIFIED]  
Date: Wed, 14 Oct 2015 09:49:42 +0000

Dear Marie

Thank you for your email outlining the situation of your husband. Do you have a phone number that I can reach you on? It may be easier to discuss options over the phone given the complexity of the situation.

Regards

Simon Noble  
Senior Migration Officer, Second Secretary (Permanent Entry)  
Department of Immigration and Border Protection  
Australian Embassy Bangkok  
E: [simon.noble@dfat.gov.au](mailto:simon.noble@dfat.gov.au)

Mr Noble's apparent disinterest caused significant distress:

*"He repeated wrong information to me on multiple occasions before and after the arrest. When I went into the Bangkok office on 17<sup>th</sup> February he had even forgotten who I was, even though I told him about the arrest weeks earlier. He'd forgotten Gambira's name too, and made me write it down."*

*"He wouldn't talk to me face to face without standing behind a caged screen"*

*"The day I went in to see Simon Noble in the embassy I showed him 3 visas that Gambira can now apply for because he's in his own country. These are humanitarian visas. Noble tried to put me off, telling me that Australia only accepts very few of these visa applications. I got kind of angry with him and said well why on earth wouldn't Gambira be accepted – he's got a medical folder as thick as your arm, it's documented all over the media that he was tortured (proven by his doctors), and he's now back in prison and Amnesty International even agreeing that he's a political prisoner. He told me that he couldn't apply inside prison, as he had to visit the "panel doctor" in Yangon. He just kept trying to put me off."*

Mr Noble adopted this position despite receipt of the earlier (detailed) emails, as well as the following, which clearly demonstrated Marie's acute distress:

From: Marie Siochana  
To: [simon.noble@dfat.gov.au](mailto:simon.noble@dfat.gov.au)  
Subject: U Gambira in prison  
Date: Sat, 23 Jan 2016 02:09:22 +1000

## [U Gambira In Thailand]

---

My husband is now in prison because you wouldn't help him. You sent me to UNHCR Canberra and they never replied any of my emails. He is on trumped up charges and everyone knows it including Amnesty International. All because you wouldn't help him get travel documents, knowing full well that neither of us qualified for Spouse Visa !! They are not even letting me visit him.

The lack of support and accurate guidance for Marie, from DFAT officials, left her to cope alone, without any official guidance or help.

The only variance to this position came when Marie, and a supporter in Australia, bypassed them, approaching Foreign Minister Julie Bishop directly, in Canberra, on the issue of prison visits. As a foreigner, Marie was refused access, but Ms Bishop intervened personally, to address what was essentially a case of outright racism. The Consular & Passport Section of Yangoon embassy subsequently provided full support with this aspect.

This contrasts starkly with the failures cited above, which contributed to the dire situation which was to unfold.

### 3. THE RETURN TO MYANMAR

#### 3.1 CROSSING THE (OFFICIAL) BORDER: 15 MARCH 2016

Given the repeated failures to solicit help from third party organizations, the couple realized that they would have to return to Myanmar to obtain a new passport, which in turn would normalize U Gambira’s status in Thailand, and enable a visit to Marie’s family in Australia.

U Gambira and his wife arrived in Myanmar on 15<sup>th</sup> January 2016. They crossed the border between Thailand and Myanmar at an official crossing point without facing any problems with either Myanmar or Thai immigration officials.



Tachilek Immigration

Marie described it thus:

*“I was with Gambira when we both legally crossed the friendship bridge at Maesai into Tachilek on January 15th. We both went through all the correct channels”*

This uneventful entry into Myanmar was hardly a surprise, as both Marie and U Gambira had all the correct and necessary documentation. Bear in mind here that U Gambira was passing through an official border point entering HIS OWN country. The formal documentation follows.

# [The Return To Myanmar]

U Gambira's current Myanmar ID citizen card (valid for 9 years)



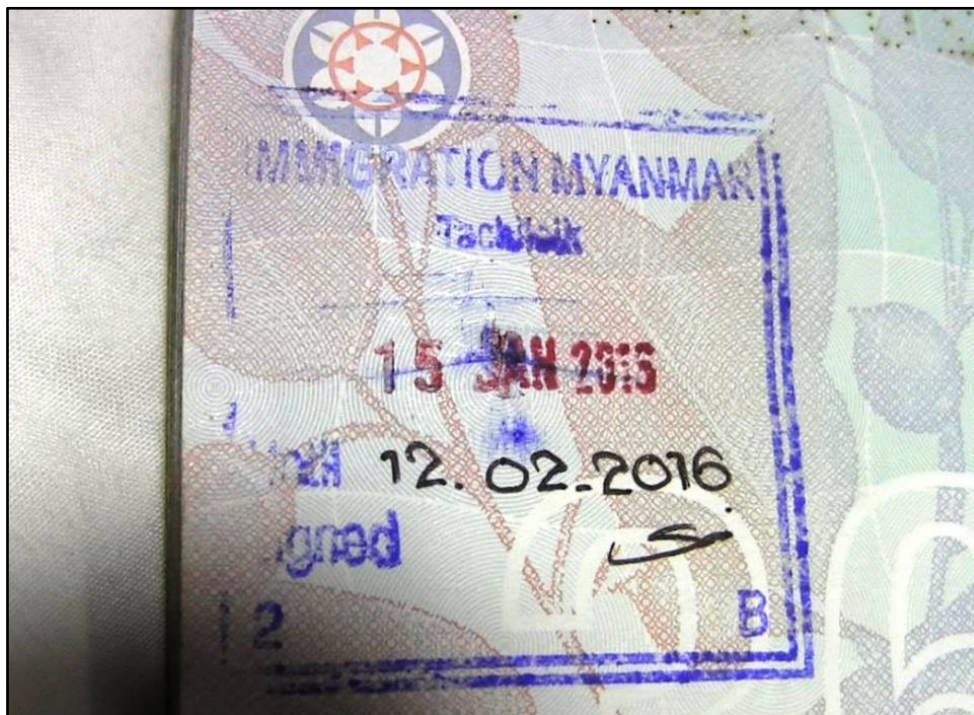
U Gambira's current non-Thai national ID card (valid until March 31st 2016).



## [The Return To Myanmar]

Marie has blurred out personal details, but both cards have been witnessed by everyone involved in the case.

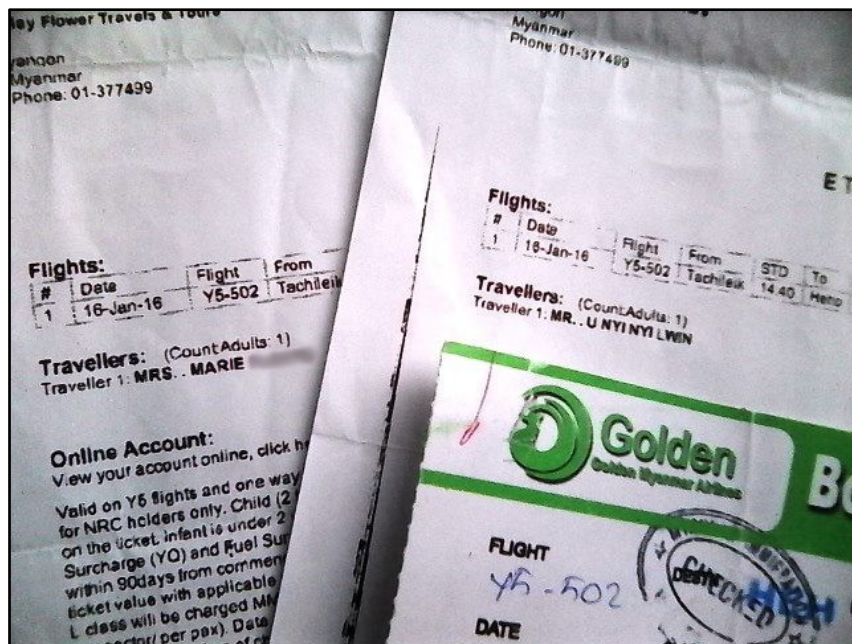
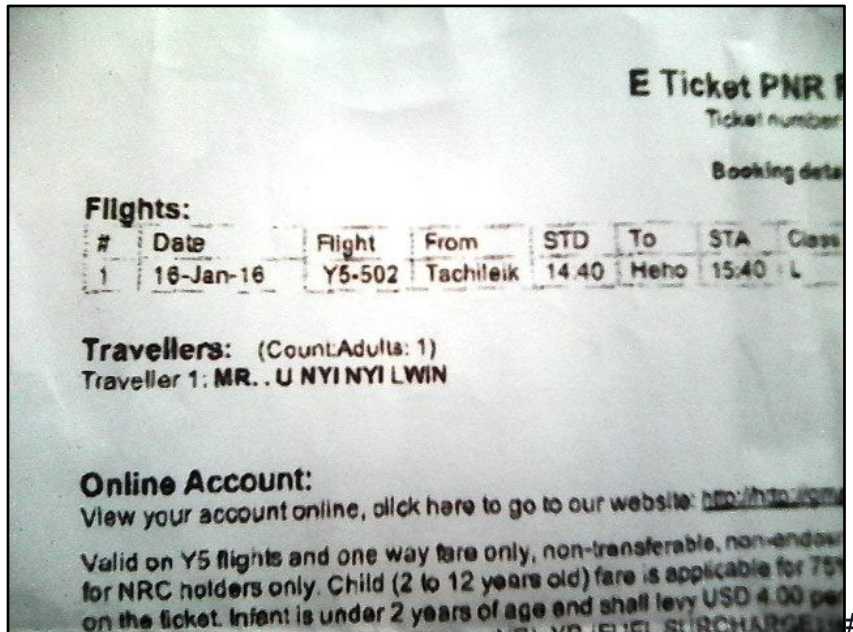
As a non-Myanmar national, Marie's passport was stamped at the border, and her mandatory exit date inserted:





## [The Return To Myanmar]

The couple then flew unhindered from Tachilek to Heho (Myanmar), passing through the various immigration and security checks as normal. The flight documents follow:



Demonstrably, the border was crossed openly, legally and in full possession of the necessary documentation. Regardless, this heralded the start of an apparently endless nightmare.

## [The Return To Myanmar]

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### 3.2 WELCOME TO MYANMAR: SURVEILLANCE & HARRASSMENT

Shortly after arriving in Meiktila, the couple noticed that they were being followed by a variety of individuals. They were followed on the street and followed in the hotel, even to the extent of a plain clothes man stationed outside the door of their room.

When challenged directly, the perpetrators openly admitted that they were acting on behalf of “*the government*”.



Pursued Even By Motorbike And On The Street

For obvious reasons, this caused acute distress. Neither Gambira, or Marie, had committed any offence, yet their every moment was observed, witnessed and often photographed by the authorities via a method which was clearly intimidatory.

Fortunately, Marie had the presence of mind to photograph, video and audio record much of this activity. This has been retained and archived for potential future use.

On January 18<sup>th</sup> 2016, she described it as follows:

*“All day from early in the morning until late at night they sit in the foyer at our hotel and across the street. They introduced themselves to Gambira as special branch police (Meikhtila). They even knew what day and time we were arriving in Meikhtila, Myanmar, and picked us up. They follow us everywhere we go.*”

*There are quite a few of them and I've come to recognise their faces which I see constantly. They've made no secret of who they are and one told me this morning he was just following 'government orders'. All they do is watch us, follow us and take our photos. It is a form of intimidation and a psychological head f%&#, and I'm starting to lose it. I have taken dozens of photos and videos of these creepy stalkers and will start posting soon if they don't leave us alone.”*

### 3.3 ARRESTED & FILMED

Given that the authorities were fully aware of where U Gambira was, at every moment of every day, a raid by over 20 police officers, late at night, was clearly and absolutely unnecessary.

U Gambira is not only a man of peace, but is frail, ill, and stood only with his wife. He was neither a threat, nor in hiding. The nature of the raid, however, revealed everything about its real purpose. It was yet another form of abuse and intimidation.

Marie herself described the details of the arrest in her own words, the following day:

*“Last night around 11 pm Myanmar time police hunted me and Gambira down, starting with the clinic where i was being treated for an upper respiratory infection. Then a couple of hours later they came to our hotel and knocked on the door. We were both asleep at the time. We let them in and they showed no police documentation or badges etc. There were between 20 and 25 plain clothes male police officers. Most of them came into our hotel room with at least 3 of them filming us as we sat on the bed half naked.*

*They tried to take Gambira by himself but I insisted on going too. We sat at the police station for a couple of hours while they questioned him in Burmese. Then they told me I needed to leave so they could interrogate him further. I refused but they kept insisting. I got quite upset and they made me get into the police truck and took me back to my hotel. They told me to come back at 7am.*

*Very anxious, I returned at around 3am and they wouldn't let me see Gambira or into the police station. So I sat outside the gates in the freezing cold, while sick, and told them I was not leaving without him.*

*A couple of hours later they let me in only to tell me that I had to come back at 9am. Once again they didn't let me see him.*

*At 9.30am I returned with a lawyer and two BBC journalists. The police talked to the lawyer and journalists for a while and then told us he'd be going to Maha Aung Myay court for a hearing at 2pm on the charges of Immigration act 13A. I returned at around 1.30pm with 3 more journalists. Around 3pm he was handcuffed, bundled into a car full of armed military police, and taken to the court.*

*We followed the car on motorbikes and were met by many journalists when we arrived. He was quickly told his court case would be held on the 3rd of February and was then taken by heavy security to Obo prison, Mandalay.*

*The Burmese police are claiming Gambira entered Thailand illegally. Firstly, I was with him when he entered the first time and I can assure you he had all the correct documents. How could he enter Thailand illegally if he went through Burmese immigration and Thai immigration to get to Thailand? It's not like he swam across the river. He can't swim. He has a current Burmese ID card and current non-Thai national ID card expiry date 31st of March 2016. I have copies of both cards.*

## [The Return To Myanmar]

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*These are politically motivated trumped up charges, and besides, why did the Burmese police need 20+ police officers to arrest one person on an immigration charge? Wouldn't illegally entering Thailand be Thailand's problem? Thailand never had a problem with him when he left the country.*

*His paperwork and documents all checked out fine. He also went through Burmese immigration and 2 airports inside Burma with no problems whatsoever.*

*Me and Gambira took the risk of coming back to Myanmar 5 days ago to get him a passport. Aside from one day in Tachilek, we were harrassed, followed and photographed the whole time we were here, starting in Meiktila. The special branch police even knew the exact time our bus arrived and it was just a random bus we hailed down on the side of the road. 7 or 8 of them were waiting when we arrived. He wasn't arrested then, just typically harrassed which is common in the case of ex political prisoners.*

*We visited Gambira's mother and family when we were in Meiktila and then due to the incessant stalking we decided to go to Mandalay to apply for his passport right away so we could leave the country. His passport application was rejected in Yangon in 2013. A passport agent in Bangkok took his money and ran off with it a year ago.*

*All he wanted was to see his family and get a passport so he could come to my country, Australia, and have the freedom to move freely around Thailand and other SE Asian countries, rather than us being stuck in the border town of Maesai, Thailand.*

*He is not involved in political activities anymore and just wants a normal happy life. Gambira has diagnosed schizophrenia which he's had since 2009, PTSD and a brain injury from extensive torture by prison guards in Burmese prisons when he was a Buddhist monk. He is on medication 3 x a day for his schizophrenia and will be for the next 3 to 5 years at least. He underwent brain surgery last year and spent time in a rehabilitation centre to receive treatment for his PTSD. Because he does not have a passport and is stuck in Maesai, I am now required to go to his psychiatrist's appointments for him. There is no psychiatrist in Maesai so I have to do the 3 hour return trip once a month.*

*His arrest yesterday is 100% politically motivated and he is now sitting in a Burmese prison again when he needs to be home being looked after, and his medication monitored. His psychiatrist has also told me he needs 1 to 2 hours exercise per day which will help with his condition. I take him to play badminton everyday which he loves.*

*I have contacted UNHCR Canberra and UNHCR Bangkok numerous times since October 2015 and my emails have all been ignored. I went into their head office in Bangkok twice in 2013 and they told me that Burmese refugees can only be processed through refugee camps. I spoke to a lady who worked at a UNHCR refugee camp in northern Thailand on the phone recently and told her that he's too sick to stay in a camp and doesn't need one because I look after all of his medical and financial needs. I told her I'd consider letting him stay in a camp (no running water or electricity) if i could stay too and look after him. She said that was not possible.*

## [The Return To Myanmar]

---

*I also contacted the Australian embassy Bangkok several months ago and they passed me on to UNHCR Canberra. Simon Noble from the Australian Embassy told me the only way they could get him travel documents was if we applied for a spouse visa. The application fee for a spouse visa is AU\$4500 and non refundable if rejected. You must also show thousands in your bank account and meet their criteria which we don't. All we needed was a passport for him so we could apply for a 3 month tourist visa (for starters) to Australia. I am an Australian citizen and have two children in Australia.*


*I love Gambira dearly and he loves me. He is a beautiful, kind and loving person. He makes me laugh constantly and is child-like and humble. When I am sick like last night, I could not ask for a better carer. I didn't want to go the clinic but he insisted.*

*For whatever reason the Burmese police have created this horrible situation for Gambira, his family and myself, Immigration act 13A is nothing more than a trumped up charge. They have also taken my Australian passport. They told me it would be returned to me this morning but it wasn't."*

### **3.4 RESPONSE TO THE ARREST**

The political and vengeful nature of the arrest of U Gambira was immediately obvious to all observers.

Amnesty International released the following statement:

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## Myanmar: Release U Gambira (UA 14/16)

**URGENT ACTION** JANUARY 20, 2016

Former Buddhist monk, activist and prisoner of conscience **U Gambira** has been arrested during his visit to Myanmar from Thailand. His arrest is believed to be as a result of his previous work as a human rights activist, which was always peaceful, and he must be immediately and unconditionally released.

**1) Please write immediately in English, Burmese or your own language:**

- Calling on the Myanmar authorities to immediately and unconditionally release U Gambira;
- Urging them to ensure that, pending his release, he is not tortured or otherwise ill-treated; is provided with any medical care, including medicines, which he requires; is not transferred to a remote prison; and has regular access to family members and lawyers of his choosing;
- Demanding that they immediately and unconditionally release all prisoners of conscience in Myanmar, and drop charges against all those who have been arrested solely for the peaceful exercise of their human rights.

**2) For the full Urgent Action, including appeal addresses and further information, please click on the Word or PDF version below.**

**3) Please let us know if you took action so that we can track our impact!**

- **EITHER** send a short email to [uan@aiusa.org](mailto:uan@aiusa.org) with "UA 14/16" in the subject line, and include in the body of the email the number of letters and/or emails you sent,
- **OR** fill out this [short online form](#) to let us know how you took action.

# URGENT ACTION

## FORMER PRISONER OF CONSCIENCE ARRESTED

**Former Buddhist monk, activist and prisoner of conscience U Gambira has been arrested during his visit to Myanmar from Thailand. His arrest is believed to be as a result of his previous work as a human rights activist, which was always peaceful, and he must be immediately and unconditionally released.**

On 19 January at 11pm U Gambira, aka Nyl Nyl Lwin, was arrested without a warrant by around 20 police officers at his hotel room in Mandalay, Myanmar's second largest city, and taken to Mandalay's police station No. 9. On 20 January, he was brought in front of Maha Aung Myay Township Court and charged with entering the country illegally under Section 13(1) of Myanmar's 1947 Immigration (Emergency Provisions) Act. The charge carries up to five years' imprisonment. Following his hearing U Gambira was then transferred to Mandalay's Oh-Bo prison. His next court hearing will take place on 3 February.

U Gambira is a former prisoner of conscience, arrested in 2007 for his role leading mass anti-government protests in August and September of that year. He has been suffering from serious physical and mental health issues, including schizophrenia for which he must take medicine three times a day. It is unclear whether he is being given his medicine while in prison.

U Gambira, who now lives in Thailand, arrived in Myanmar on 15 January in order to apply for a passport. He crossed the border between Thailand and Myanmar at an official crossing point without facing any problems with either Myanmar or Thai immigration officials. According to a source close to him, U Gambira had been followed and monitored by officers from the Special Branch state security agency since arriving in Myanmar. Amnesty International believes the charges pressed against him are contrived, arbitrary and politically motivated.

### **Please write immediately in English, Burmese or your own language:**

- Calling on the Myanmar authorities to immediately and unconditionally release U Gambira;
- Urging them to ensure that, pending his release, he is not tortured or otherwise ill-treated; is provided with any medical care, including medicines, which he requires; is not transferred to a remote prison; and has regular access to family members and lawyers of his choosing;
- Demanding that they immediately and unconditionally release all prisoners of conscience in Myanmar, and drop charges against all those who have been arrested solely for the peaceful exercise of their human rights.

### **PLEASE SEND APPEALS BEFORE 2 MARCH TO:**

**President**  
Thein Sein  
President's Office  
Office No.18  
Nay Pyi Taw  
Republic of the Union of Myanmar  
Fax: +95 1 652 624  
Salutation: Your Excellency

**Minister of Home Affairs**  
Li Gen. Ko Ko  
Ministry of Home Affairs  
Office No. 10  
Nay Pyi Taw  
Republic of the Union of Myanmar  
Fax: +95 67 412 439  
Salutation: Your Excellency

And copies to:  
**Chairman, Myanmar National Human Rights Commission**  
U Win Mra  
27 Pyay Road, Hline Township  
Yangon  
Republic of the Union of Myanmar  
Fax: + 95 1 659 668  
Email: chmyanmamhro@gmail.com

### **Also send copies to:**

Ambassador H.E. U Kyaw Myo Hlut, Embassy of the Union of Myanmar  
2300 S St. NW, Washington DC 20008  
Fax: 1 202 332 4351 | Phone: 1 202 332 3344 | Email: pylthayar@verizon.net or pylthayar@yahoo.com or myanemb@yahoo.com

Please let us know if you took action so that we can track our impact! EITHER send a short email to [uan@aiusa.org](mailto:uan@aiusa.org) with "UA 14/16" in the subject line, and include in the body of the email the number of letters and/or emails you sent, OR fill out this [short online form](#) to let us know how you took action. Thank you for taking action! Please check with the AIUSA Urgent Action Office if taking action after the appeals date.

**AMNESTY  
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# URGENT ACTION

## FORMER PRISONER OF CONSCIENCE ARRESTED

### ADDITIONAL INFORMATION

U Gambira was previously arrested on 4 November 2007 for his role as one of the founding member of the All Burma Monks Alliance (ABMA) – the main organizer of the major anti-government demonstrations that began in August 2007, also known as the “Saffron Revolution”. The authorities brought the protests to an end with a violent crackdown in late September 2007. U Gambira was sentenced in November 2008 to a 68-year sentence under several different laws.

U Gambira was released in a presidential amnesty on 13 January 2012. On his release, he continued his activism and was twice detained for short periods by Myanmar police. In April 2012, U Gambira decided to disrobe and return to layman status and he later moved to Thailand to receive specialist medical treatment for post-traumatic stress disorder following his years in prison.

The Myanmar authorities continue to arrest and imprison activists and human rights defenders on politically motivated charges, part of an ongoing clampdown on the rights to freedom of expression, association and peaceful assembly which are enshrined in Articles 19 and 20 of the Universal Declaration of Human Rights (UDHR).

Name: U Gambira, aka Nyi Nyi Lwin  
Gender m/f: male

UA: 14/16 Index: ASA 16/3244/2016 Issue Date: 20 January 2016



Commentators and human rights observers were scathing:

*“It reeks of retro-vengeance and neo-paranoia on the part of the authorities to target someone they have already tortured and apparently want to ensure will never pose a threat to the military’s interests again,” said David Mathieson, a senior researcher with Human Rights Watch in Myanmar. “If this is the new post-election Burma, it is looking disturbingly like the Burma of nine years ago that U Gambira was trying to peacefully change.”*

Even qualified medical professionals were moved to speak out:

### A letter from Rory Magee, the trauma specialist who treated **U Gambira** in Chiang Mai.

I felt great sadness and anger when I heard that he had been imprisoned last night. This action will have produced a catastrophic effect on his fragile recovery from PTSD. The experience of imprisonment will have retraumatized Gambira and he will have already experienced unbearable amounts of psychological suffering since being arrested. Re-experiencing imprisonment will have triggered many of the traumatic memories that he still holds within his mind of all the diabolical torture he experienced 7 years ago from the same authorities. This will result in overwhelming physiological and physical distress such as extreme terror, insomnia, panic, despair, hopelessness, flashbacks and thoughts of suicide. When people with PTSD are exposed to triggers of their original trauma, it feels as if all the trauma is happening again in the here and now and this further traumatizes the person and installs further traumatic memories. The effects on both the body and the central nervous system are overwhelming.



The international media reported the arrest as follows:



The image is a screenshot of a BBC News article. At the top, the BBC logo is on the left, followed by a 'Sign in' button and a notification bell. Navigation links for 'News', 'Sport', 'Weather', 'iPlayer', 'TV', and 'Radio' are on the right. Below this is a red banner with the word 'NEWS' in white. Underneath the banner is a menu with 'Home', 'UK', 'World', 'Business', 'Politics', 'Tech', 'Science', 'Health', 'Education', and 'Entertainment'. The 'World' section is selected, and sub-sections for 'Asia', 'China', and 'India' are visible. The main headline reads 'Saffron Revolution monk U Gambira arrested in Myanmar'. Below the headline, it says '20 January 2018 | Asia'. A large photograph of U Gambira, a man with a shaved head, is shown. A caption below the photo states: 'U Gambira was one of the most prominent monks during the Saffron Revolution'. The article text below the photo reads: 'A former monk who led the 2007 street protests in Myanmar has appeared in court in Mandalay charged with immigration offences. U Gambira, who is no longer a monk, has been living in Thailand and returned to Myanmar, also known as Burma, to try and obtain a Burmese passport. He was one of the most prominent monks during the Saffron Revolution. As leader of the All Burma Monks Alliance he helped organise weeks of protest against the military regime. U Gambira's Australian wife said the couple wanted a passport so they could travel to her home country.'

"I'm worried about him because he can't get bail," Marie Siochana **told the Irrawaddy magazine**.

"He is mentally ill and needs to take medicine regularly. He needs to look after his health, and I wonder why they still want to arrest him."

The former monk is being charged with an immigration offence that relates to illegally crossing the border.

But his supporters say it is just the latest incident in a long history of harassment by the authorities in Myanmar.

U Gambira was sentenced to 68 years in prison in 2008 for his role in the demonstrations, but was released in an amnesty in 2012.

After being freed, U Gambira said he had been tortured and severely beaten in jail.

He moved to Thailand after being re-arrested several times in Myanmar.



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Posted on: Thursday, January 21, 2016 20:57 | Comments Off

## Call for release of U Gambira

By NJ Thakuria

Guwahati (Narinjara)

21 January, 2016



Parliamentarians from various southeast Asian nations have raised concern at the re-arrest of pro-democracy leader U Gambira by the Burmese authority on alleged immigration offences. They also called on authorities to ensure an immediate and safe release of the former monk, who had sacrificed a great deal to support the Burmese people's fight for democracy.



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## Parliamentarians call for release of U Gambira after his re-arrest in Myanmar

Sat, 2016-01-23 09:15 — editor



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**Jakarta, 23 January, (Asiantribune.com):** Parliamentarians from across Southeast Asia raised concern at the re-arrest of former monk and pro-democracy leader U Gambira in Myanmar on alleged immigration offences, and called on authorities to ensure his immediate and safe release.

“This arrest seems to be on trumped up charges and is most likely politically motivated. Gambira has sacrificed a great deal to support the rights of the Myanmar people to fight for democracy and should be treated accordingly – not hounded and thrown in jail,” said Son Chhay, Cambodian Member of Parliament and Vice Chair of ASEAN Parliamentarians for Human Rights (APHR).

“As parliamentarians with commitments to democratic values, we must raise our voices in concern when those that fight peacefully to



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## Burmese former monk Gambira arrested while preparing to travel to Australia

January 21, 2016 ☆ Read later

Lindsay Murdoch

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Gambira and his wife Marie Siochana. *Photo: Facebook*

**Bangkok:** Myanmar authorities have arrested and jailed a former monk and leader of a 2007 uprising who returned to the country from Thailand to apply for a passport so he could travel to Australia.

Authorities in Mandalay, the country's second largest city, claim they arrested Gambira for illegally crossing the border from Thailand, where he has lived on and off for several years. But Ms Siochana said she travelled with her husband through proper immigration channels in both Thailand and Myanmar last week without problems.

She said more than 20 plain-clothes police entered the couple's hotel room with at least three filming them as they sat semi-naked on the bed, before they took him to a police station.



Gambira, right, at a temple in Chiang Mai, last year. The former monk was a volunteer teacher at the local temple, providing lessons to migrant workers and their families. *Photo: Steve Sandford*

Ms Siochana, who insisted on going with him but wasn't allowed in, spent hours waiting outside while her husband was interrogated.

"He is not involved in political activities and just wants a normal life," she said.

Ms Siochana has two children in Australia. She said Gambira needs a passport so he can apply for a tourist visa to travel to Australia, where they hope to eventually settle, and be able to travel to other countries.

## [The Return To Myanmar]

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Gambira received treatment at Chiang Mai hospital in 2014 for illnesses connected to his ill-treatment in Myanmar's prison system. *Photo: Steve Sandford*

She said Gambira, who underwent brain surgery last year, needs medication which is not available in jail.

The arrest has highlighted the refusal of Myanmar's military rulers to release hundreds of political prisoners awaiting trial on politically motivated charges, despite repeated promises made three years ago to do so.

US Assistant Secretary of State Antony Blinken this week called on the military to release the prisoners before a new government led by Nobel Laureate Aung San Suu Kyi is sworn into office early in February.

Human Rights advocates say there are an estimated 128 people who have been convicted and are serving time for political offences in the country also known as Burma.

Another 472 detainees are facing apparently politically motivated charges, including 23 arrested since elections on November 8 that swept Ms Suu Kyi's National League for Democracy into power.

Ms Siochana began campaigning for Gambira in 2011 as he faced continued harassment in Myanmar where he has fought for labour rights, stood up for the poor whose land was taken away from them and clashed with pro-government elements in the powerful Buddhist clergy. They married after he had quit as a monk.

Gambira became one of Myanmar's best known political prisoners after he was sentenced to 63 years jail for leading anti-government protests in 2007 that became known as the Saffron Revolution. Then troops opened fire on protesters, killing scores.

Gambira was released in 2012 as the military promised to end its 50 years of repressive rule but was jailed again after trying to re-open a monastery that had been sealed, and has suffered continuing harassment, supporters say.

Gambira's struggle against repression was acknowledged in late 2012 when he was among a select number of guests invited to hear US President Barack Obama speak at Rangoon University.

Ms Siochana said, for whatever reason, Myanmar authorities have created a "horrible" situation for Gambira and his family.

"I love Gambira dearly and he loves me," she said.

"He is a beautiful, kind and loving person. He makes me laugh constantly and is child-like and humble."

## 4. POLITICAL SHOW TRIAL & DISCRIMINATION

### 4.1 THE HEARINGS

With U Gambira being held in prison, a lengthy series of ‘hearings’ followed. His wife, Marie, attended, until she was forced out of the country via visa expiry. The United States Embassy in Yangon sent a representative to observe proceedings:



US Representative and U Gambira's Wife, Marie, At the First Hearing

Over the coming weeks and months, the sort of chaotic nature which might be expected of a political charge was played out to the gallery. Incidents included witnesses that failed to appear (citing the most feeble of excuses), witnesses that were unable to explain their presence in court at all (let alone provide any semblance of evidence), and ‘files’ which were ‘missing’. However, the protests of the one direct witness to hand, Marie, were simply ignored.

The instrument used to create the political charge was, appropriately, the discredited colonial era *Burma Immigration (Emergency Provisions) Act* of 1947.

The media reported these farcical events as seriously as possible:

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## Saffron leader's trial starts with glitches, sends him back to jail

By Khin Su Wai | Thursday, 04 February 2016

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It was a long wait for activists, embassy officials, family members and media gathered yesterday morning for the trial of former Saffron Revolution leader and political prisoner U Gambira, who has been arrested on immigration charges.



U Gambira leaves Maha Aung Myay Township Court on February 3. Photo: AFP

The ex-monk's supporters anticipated a 10am bail hearing. Instead, the sluggish proceedings at the Maha Aung Myay Township Court in Mandalay didn't get under way until after 3:30pm. When a lawyer asked about the hold-up, he was told the judge had yet to receive U Gambira's file.

U Gambira, who was a prominent figure in the 2007 street protests, was arrested on January 19 around midnight at his hotel in Mandalay where he and his Australian wife were staying. U Gambira, who is no longer a monk and lives in Thailand, had crossed into Myanmar at the Mai Sai-Tachileik crossing on January 16 and was charged related to the entry. His supporters believe the case is politically motivated, and continues a long history of police harassment. Local and international rights groups have urged U Gambira be immediately and unconditionally released.



HEARTBEAT OF THE NATION

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## Police testify over U Gambira's arrest

By Khin Su Wai | Wednesday, 17 February 2016

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A police officer who arrested U Gambira on suspicion of immigration offences told court yesterday that he **detained the leader of the 2007 uprising following a verbal request from the immigration department, but was not shown any evidence to support allegations of illegal entry from Thailand.**



U Gambira's defence team yesterday repeated a request for bail based on health reasons.  
Photo: Khin Su Wai / The Myanmar Times

The prosecution alleges that U Gambira, also known as U Nyi Nyi Lwin, entered the country illegally at the border crossing of Mae Sai-Tachileik on January 16. He is charged under Section 13(a) of the colonial-era Burma Immigration (Emergency Provisions) Act of 1947.

Three police officers were due to appear in a Mandalay court yesterday as witnesses, but two did not attend the hearing. U Ba Maw from the Special Branch – who in an earlier case charged BBC reporter Ko Nay Myo Linn for assault – claimed to have lost his voice, while another officer, U Kyaw Swar Linn, was on duty.

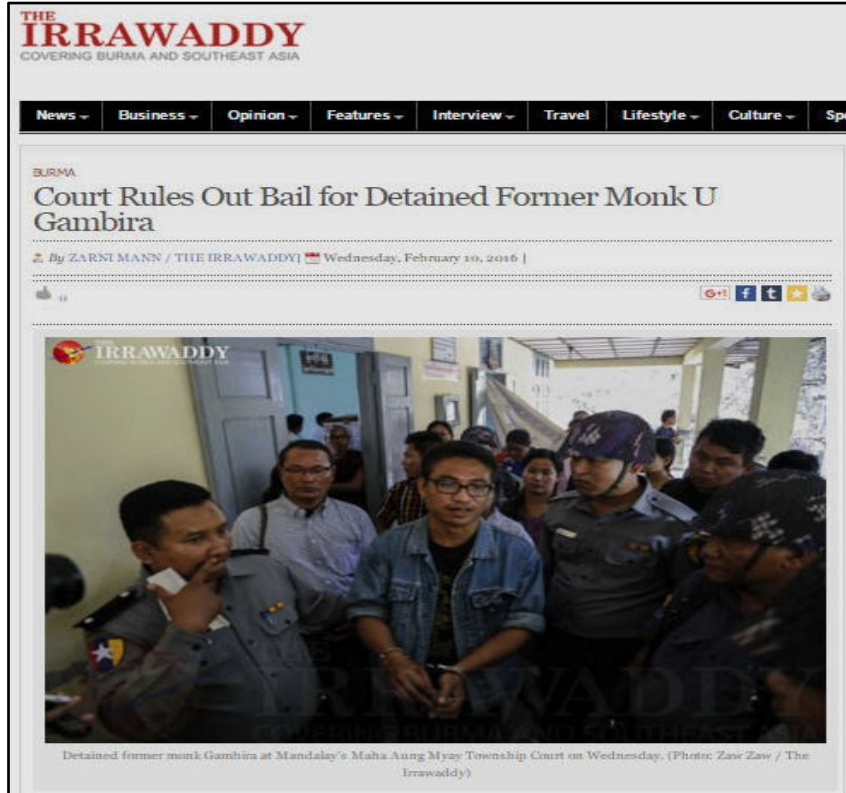
Only officer U Moe Win Sein gave testimony at Maha Aung Myay Township Court yesterday. He said under questioning that immigration officers had come to his police station to ask for cooperation in U Gambira's case. In his testimony, he said that immigration officers did not show him any evidence. He was unsure whether evidence had been given to the head of the police station.

Rights groups have **expressed concern** that the charge may be politically motivated and have called for the activist to be immediately and unconditionally released.

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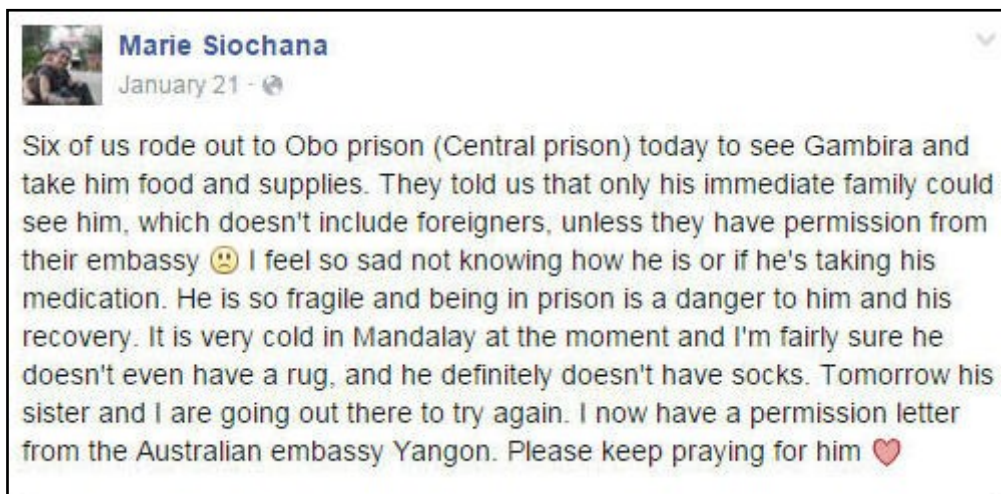
Despite his poor health, and the severe risks posed by his incarceration, bail was refused. The pleadings of doctors and physicians were simply ignored, as his trauma continued.



#### 4.2 FLAGRANT DISCRIMINATION

Having been parted from her husband, the situation was to get even worse for Marie. Day after day she attempted to visit her husband in prison, Day after day she was turned away... because she was a foreigner. Legal documentation, pleading, rational argument: nothing made a difference to this overtly racist stance.


The following posts, from the timeline of Marie's own Facebook page, demonstrate her frustration and hurt as these events continued:




Forced smiles, before being rejected again.

## [Hearings & Discrimination]


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 **Marie Siochana**  
January 25 - 🌐

Going to the prison again tomorrow to try again to see Gambira. Hopefully it will be third time lucky. Wish me luck 😊 Thanks everyone for your support ❤️ Goodnight

 **Marie Siochana**  
January 26 - 🌐

They still won't let me see him, not even for one minute. I wait all day in the sun at the gates... 4 times now, watching the Burmese wives and families walk thru, but they won't let me. 😞 I don't know what to do. I can't live without him 😞

 **Marie Siochana**  
January 28 - 🌐

Still no word on visiting him. Not sure how long it's been since I've seen him. 😞 My heart physically hurts all the time. Don't want to go walking coz they follow me everywhere. Stuck in hotel room depressed. 😞 #FreeGambira

 **Marie Siochana**  
January 30 - 🌐

I am still NOT ALLOWED to visit my own husband in prison. 😞 😞



**NOBODY IS BORN RACIST**

## [Hearings & Discrimination]

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But They Did.....



Marie complained to the Australian Embassy regarding this and other matters, but no help was forthcoming. The following email is illustrative of the general position:

From: [austembassy.yangon@dfat.gov.au](mailto:austembassy.yangon@dfat.gov.au)  
To: Marie Siochana  
Subject: Consular role [SEC=UNCLASSIFIED]  
Date: Mon, 1 Feb 2016 01:35:46 +0000

**UNCLASSIFIED**

Dear Marie

We have sought advice from our head office in Canberra. However they have advised that as Gambira is a foreign national, there is no consular role for the Australian Government and we are unable to interfere with the operation of Myanmar laws in

## [Hearings & Discrimination]

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relation to prison access arrangements. We regret that there appears to be little more we can provide at this point.

Yours sincerely,

Melita Tickner

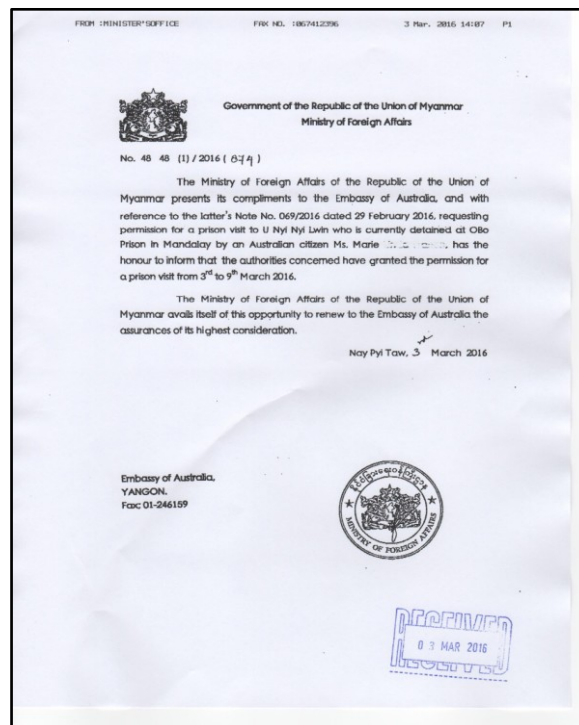
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Senior Administrative Officer and Consul  
Australian Embassy  
88 Strand Road, Yangon, Myanmar

The racism continued unabated. Finally, Australian Foreign Minister, Julie Bishop, was approached directly by Marie, and via a friend in Queensland, who wrote:

*“The issues she approached you with also remain unaddressed. She still has no access to her husband, and is being refused on the basis of her race. She still has no extension to her visa, and will have to leave the country on the 12<sup>th</sup> February if this is not dealt with. She has asked directly, on record, for the urgent help of DFAT and the Australian Government on all these pressing matters. I am extremely concerned that she may not be receiving appropriate or adequate assistance”.*

Ms Bishop intervened directly, and Marie was finally allowed to see her husband in prison:



Note From Myanmar Ministry Of Foreign Affairs To DFAT

### 4.3 FURTHER SURVEILLANCE & INTIMIDATION

With her husband, U Gambira, incarcerated, the authorities continued their harassment of his wife. Having changed her hotel accommodation, she had hoped for privacy and peace, whilst she awaited the outcome of the endless series of hearings.

Unfortunately, the authorities located her. At various times, individuals were stationed in the hotel lobby, and outside her door. She was also being overtly followed wherever she went.

Investigating this, she also directly established that, five days previously, a person calling himself General [Redacted-Pending-Legal] made enquiries with at least one third party regarding her current whereabouts.

Noting that exactly the same process had occurred prior to U Gambira's political arrest, she became increasingly concerned about her own welfare.

She again brought this to the attention of the Australian government in Canberra.





#### 4.4 MORE ADJOURNMENTS & VISA EXPIRY

The hearings continued through February and into March,

On 3<sup>rd</sup> February, Marie was forced to leave the country, as her visa expired. Her passport also needed to be extended due to a lack of space for new immigration stamps. Weeks passed, as she waited for bureaucracy, but eventually, she was able to return to Mandalay on 2<sup>nd</sup> March 2016.

During this period Marie sought to obtain yet more material evidence regarding the legal border crossing she had undertaken with her husband. As might be expected, the Myanmar side blocked her from accessing his records and also claimed their CCTV cameras weren't working. However, she did discover that the following picture had been displayed at Tachileik immigration on the border since at least November 2015. It appears that there was intent to follow and/or arrest him regardless of how he returned to his own country.



To the current date, U Gambira remains incarcerated, for political reasons, in open and direct breach of his human rights.

## 5. CURRENT STATUS: NOWHERE TO TURN

The trumped-up nature of the political charges against U Gambira have been well documented and reported by the world's media. Even immigration officials understand this, as Marie explains:

*"I was with Gambira when we both legally crossed the friendship bridge at Maesai into Tachilek on January 15th. We both went through all the correct channels. I recently spoke to a Thai immigration officer who said that because Gambira had a current Myanmar ID card and is a citizen of that country he cannot understand on what grounds he was arrested, entering his own country.*

This is very much a human story, about a seriously ill man, his wife, and his family.

U Gambira's mental health is of serious concern, and it is worth re-iterating the statement made by trauma specialist, Rory Magee:

A letter from Rory Magee, the trauma specialist who treated **U Gambira** in Chiang Mai.

I felt great sadness and anger when I heard that he had been imprisoned last night. This action will have produced a catastrophic effect on his fragile recovery from PTSD. The experience of imprisonment will have retraumatized Gambira and he will have already experienced unbearable amounts of psychological suffering since being arrested. Re-experiencing imprisonment will have triggered many of the traumatic memories that he still holds within his mind of all the diabolical torture he experienced 7 years ago from the same authorities. This will result in overwhelming physiological and physical distress such as extreme terror, insomnia, panic, despair, hopelessness, flashbacks and thoughts of suicide. When people with PTSD are exposed to triggers of their original trauma, it feels as if all the trauma is happening again in the here and now and this further traumatizes the person and installs further traumatic memories. The effects on both the body and the central nervous system are overwhelming.



## [Nowhere To Turn]

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Whilst U Gambira deteriorates in prison, and remains at such terrible risk, his wife, Marie, struggles outside, having to tackle the most fundamental obstacles with minimal help. She has faced unremitting bureaucracy, outright racism, personal intimidation, and subsequently, total disinterest from a variety of official parties whose remit is actually to assist those facing her predicament.

Meanwhile, she campaigns tirelessly for the release of her husband, as well as supporting him emotionally whenever she is allowed to visit. Her worst fear is that the political internment will continue for a lengthy period, which could even prove to be fatal, given his perilous medical condition.

The following extract, from a [media report](#) (7/3/16) summarizes the situation:

[At the present time, as Myanmar awaits the inauguration of a new president, Gambira sits in a cell once more. This time, his plight barely noticed by the global press, he has come to symbolize how little some things have changed in the *“world’s newest democracy.”*

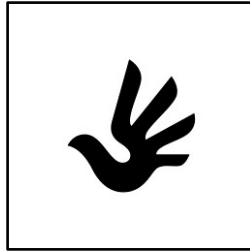
The authorities have accused the former monk of entering the country from Thailand illegally, an allegation that even police representatives have admitted they have seen no evidence for. The relevant law, an *“emergency”* edict dating from 1947, carries with it a maximum sentence of five years; Amnesty International has called the charges *“contrived, arbitrary and politically motivated.”* (PDF)

Gambira has never fully recovered from the trauma of his torture. While he is sustained by his Buddhist faith, his mental state is nonetheless extremely fragile; his partner, Marie Siochana, told me recently that he has been diagnosed with schizophrenia. A trauma specialist who treated him in Thailand has expressed the view that his *“imprisonment will have retraumatized Gambira and he will have already experienced unbearable amounts of psychological suffering since being arrested.”*

Rights groups believe Gambira has been targeted because of his past. Phil Robertson, deputy Asia director for Human Rights Watch, told The Daily Beast that he sees the former monk’s arrest as *“politically motivated payback for the years of his activism against the past military governments of [Myanmar].”*

*“I’m sure the authorities know that Gambira has a mental disability from his years of detention in Burma for which he was treated while in Thailand, and now that they have him again in their clutches, they are making him suffer,”* he added.]

This suffering must end. All parties must surely bring the necessary pressure to bear for the immediate release of U Gambira, and indeed, all political prisoners being held in Myanmar. It is clear from the medical reports that time is in short supply. Urgent action is of vital importance.



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**End of Report**