

Congress of the United States
Washington, DC 20515

December 17, 2009

Senior General Than Shwe
c/o Chargé d'Affaires Myint Lwin
Embassy of Burma
2300 S Street, N.W.
Washington, D.C. 20008

Dear Senior General Than Shwe:

We wish to convey our serious concern regarding the treatment and continued detention of American citizen Kyaw Zaw Lwin (a.k.a. Nyi Nyi Aung). We urge the Burmese Government to act in a manner that is consistent with its own legal obligations and those of international law, immediately release Mr. Aung, and allow him to return to the United States.

On September 3, 2009, your government arrested Mr. Aung at the Rangoon airport, and he is currently on trial for fraud and forgery relating to his alleged use of a fraudulent Burmese national identification card and for allegedly illegally importing Burmese and U.S. currency into the country. Mr. Aung was initially charged with violations of various national security laws, which were published in a highly detailed article in your state-run *New Light of Myanmar*. Yet all of those initial charges were dropped, and Mr. Aung was then charged with new offenses, none of which were supported by the alleged facts reported in the article. As a result, we can only conclude that the new charges are pretextual and are, in fact, a direct result of Mr. Aung's longstanding non-violent activities in support of freedom and democracy in Burma.

Based on information relayed by the U.S. Embassy in Rangoon, it appears that Mr. Aung's detention and trial are inconsistent with both Burmese and international law. First, in violation of the Vienna Convention on Consular Relations, to which Burma is a party, government authorities denied Mr. Aung consular access for seventeen days. Second, in violation of the *jus cogens* prohibition against torture, government authorities deprived Mr. Aung of food and sleep for more than a week, beat him, and denied him medical treatment. Third, government authorities are denying Mr. Aung's right under Burmese law to regular access to counsel and a public trial.

On Friday, December 11, we heard the distressing news that Mr. Aung's trial was canceled due to unexplained "health reasons," and that U.S. Embassy has been denied access to see him. As you know, Mr. Aung has been on a hunger strike to protest the conditions of political prisoners in Burma since December 4, and there are reports that his health is seriously deteriorating.


The detention of an American citizen under these circumstances has caused alarm among many Members of the United States Congress, and raises serious doubts about your government's willingness to improve relations with the United States.

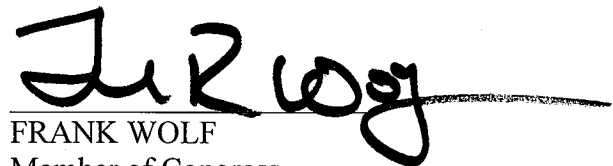
Senior General Than Shwe
December 17, 2009
Page Two

We urge you in the strongest possible terms to immediately and unconditionally release Mr. Aung and allow him to return to the United States.

We believe that the way to move forward for Burma and for our bilateral relations is to release all political prisoners, including Daw Aung San Suu Kyi, and begin the process of genuine political reconciliation before next year's election.


Sincerely,


HOWARD BERMAN
Member of Congress

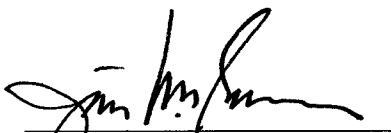

FRANK WOLF
Member of Congress


STENY HOYER
Member of Congress

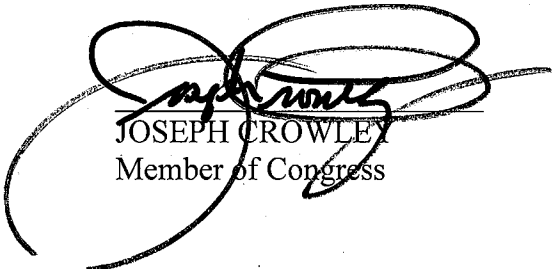

DANA ROHRABACHER
Member of Congress


BARNEY FRANK
Member of Congress


DONALD MANZULLO
Member of Congress


JAMES MCGOVERN
Member of Congress

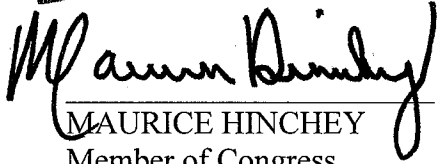

PETER KING
Member of Congress



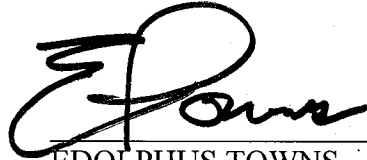
JOSEPH CROWLEY
Member of Congress




MARK KIRK
Member of Congress



MAURICE HINCHEY
Member of Congress



EDOLPHUS TOWNS
Member of Congress



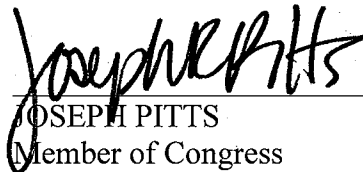
BOB INGLIS
Member of Congress



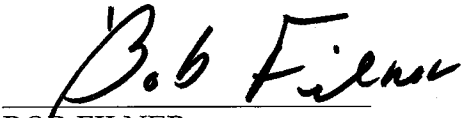
ANH "JOSEPH" CAO
Member of Congress



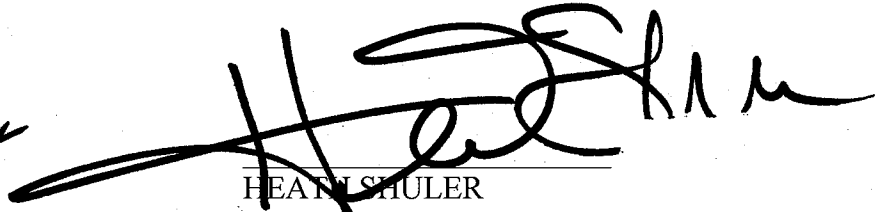
MICHAEL CAPUANO
Member of Congress



JOSEPH PITTS
Member of Congress



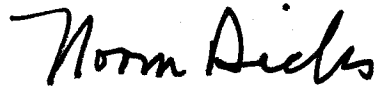
BOB FILNER
Member of Congress




HEATH SHULER
Member of Congress




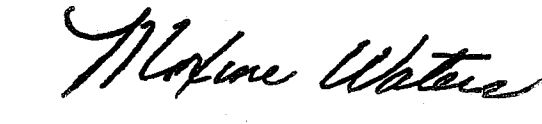
MADELENE BORDALLO
Delegate




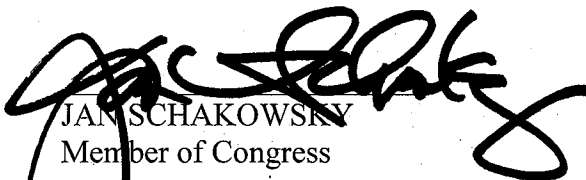
NORMAN DICKS
Member of Congress



EDDIE BERNICE JOHNSON
Member of Congress

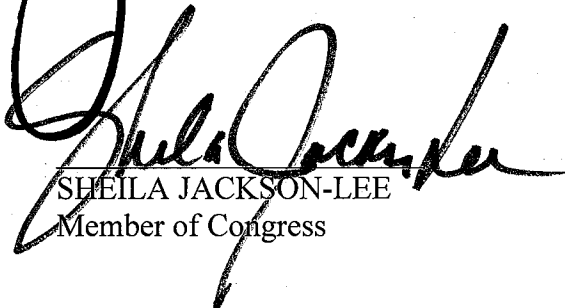

ALBIO SIRES
Member of Congress


MAXINE WATERS
Member of Congress



JOHN BOOZMAN
Member of Congress

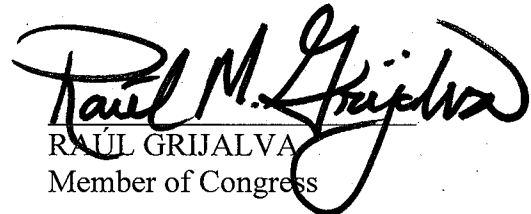

JAN SCHAKOWSKY
Member of Congress


JOHN HALL
Member of Congress



SHEILA JACKSON-LEE
Member of Congress



SUE WILKINS MYRICK
Member of Congress


BART GORDON
Member of Congress


RAÚL GRIJALVA
Member of Congress


JOE WILSON
Member of Congress

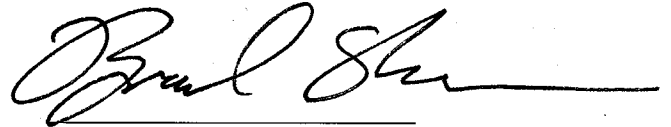

GEORGE MILLER
Member of Congress


AARON SCHOCK
Member of Congress

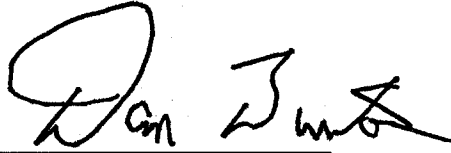

STEVE ISRAEL
Member of Congress



JAMES MORAN
Member of Congress



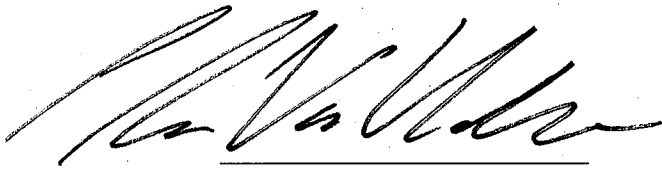
BRAD SHERMAN
Member of Congress



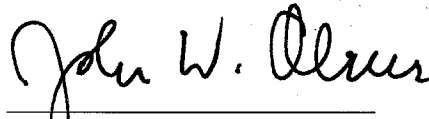
DAN BURTON
Member of Congress



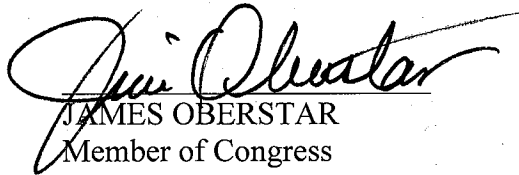
AL GREEN
Member of Congress



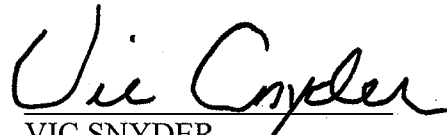
CHRIS VAN HOLLEN
Member of Congress



JOHN OLVER
Member of Congress



JAMES OBERSTAR
Member of Congress



VIC SNYDER
Member of Congress



RUSH HOLT
Member of Congress



MICHAEL HONDA
Member of Congress




BRIAN BILBRAY
Member of Congress



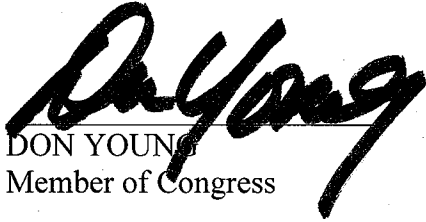
DONALD PAYNE
Member of Congress

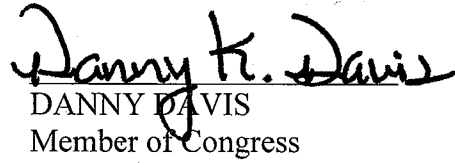


DEBBIE WASSERMAN SCHULTZ
Member of Congress

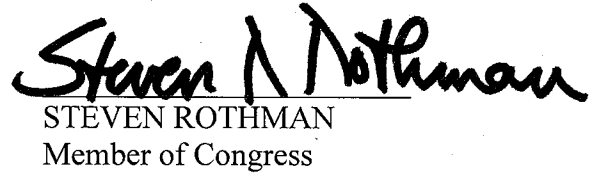


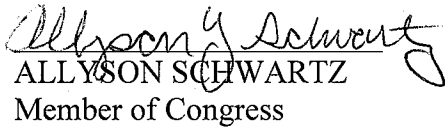
GWEN MOORE
Member of Congress


DON YOUNG
Member of Congress


DANNY DAVIS
Member of Congress


TAMMY BALDWIN
Member of Congress


STEVEN ROTHMAN
Member of Congress


ALLYSON SCHWARTZ
Member of Congress