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Monday, June 19, 2006

Commissioner Surasee Kosolnavin  
The National Human Rights Commission of Thailand  
422 Phya Thai Road, Pathum Wan District  
Bangkok, Thailand 10330

Re: Request Assistance for SPDC 's denial of Dr. Salai Tun Than's citizenship rights  
and  
human rights

As legal representatives of Dr. Salai Tun Than, we are writing to inform you about a human rights violation which occurred against Dr. Salai Tun Than this morning at the Bangkok International Airport. We ask for your assistance as an intermediary between Dr. Salai Tun Than and the Thai government in seeking answers regarding his legal situation. We appreciate your continued dedication to human rights and believe this situation will qualify for the expertise and authority of your office.

Dr. Salai Tun Than is a Burmese professor who became an activist in 2001 when he staged a solo protest against the military regime. He was arrested and served one and a half years of a seven year sentence before being released due to international pressure. After his release, he secured a valid passport and traveled to foreign countries to share his story of resistance. He planned to return to Burma to continue encouraging his countrymen to participate in democracy through non-violent political action.

In San Francisco, he purchased a ticket to fly to Yangon following a two week stop in Thailand. On June 6<sup>th</sup>, he heard on the radio that his passport had been made 'null and void' by the Burmese government. Having received no notice of suspension, he sent a fax on June 16<sup>th</sup> to the Burmese embassy asking them three questions. First, he inquired if his passport had been suspended. Second, if the passport has, in fact, been suspended, what were the legal reasons for the suspension. Third, if the passport had been suspended, he requested that an official travel document be issued to allow him to travel back into the country. He wants to return to Burma without sacrificing his legal status.

This morning, Monday, June 19, 2006, Dr. Salai Tun Than attempted to board flight T.G. 303 at 8:05 a.m. from Bangkok to Yangon. The airline forbid him from boarding the flight. They told him that they were not concerned about the validity of the passport. Instead, they refused his entry because the Myanmar embassy instructed the airline that if they allowed him to board the plane, the airline would not be permitted to operate flights into Burma.

There is no provision in Burmese law to unilaterally revoke the passport or a citizen. No provision of the Burma Passport Act (1920) gives the government this power. Similarly, the Burma Citizenship Act (1982) only allows for citizenship and its

attendant rights to be removed if the person has received citizenship from another country. Dr. Salai Tun Than only maintains citizenship in Myanmar, with valid, lawfully-obtained passport and visas for international travel. Therefore, forbidding his return constitutes a violation of international law codified in The Universal Declaration of Human Rights, Article 9, guaranteeing that no person shall be subjected to arbitrary exile.

Immediately after refusal of Airline, Dr. Salai Tun Than requested the assistance of the Thai Ministry of Foreign Affairs speaking to the authorities about his legal situation. They have agreed to talk with the government in Burma to clarify the legal reasons for denying his reentry. He does not wish to concede his legal status as a citizen of his country by becoming a refugee. We are writing to elicit the help and authority of your office to ensure that Dr. Salai Tun Than is allowed his legal right to reenter his country. Without clarification of his legal status, he is vulnerable of becoming a stateless person. Without citizenship in any country, he may be subject to the detention of Thai authorities, or arbitrary acts of violence by the supporters of the military regime. It is critical to his safety that the legal issues regarding his citizenship be clarified.

Thank you for your attention in this matter.

Best Regards,

Aung Htoo

M.A. ( Human Rights ), R.L.

General Secretary

Burma Lawyers' Council

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