

To: The Supervising Immigration Inspector, Nagoya Immigration Bureau

Petition for the provisional release of Philippines national

ABSIN EDEN MONTECLARO

1. Please respect the court decision based on the Convention Relating to the Status of Refugees.

Absin Eden Monteclaro, who was placed in detention at the Nagoya Immigration Bureau on May 24, 2005, is the wife of a Burmese (Myanmar) political refugee. Her husband, Khin Maung Hla, is an ethnic Rohingya who first applied for refugee status on November 22, 2001. His case was rejected on January 18, 2002, but he went on to win a court decision which recognized him as a refugee under the Convention Relating to the Status of Refugees.

Given his history of pro-democracy activism and the ongoing persecution of the Rohingya minority in Burma, it is highly likely that this decision will be upheld. To place the wife of a person in such a position under detention, without waiting for a high-court decision, is to ignore a standing court decision, and clearly exceeds the demands of justice.

2. This detention is inhumane.

Absin Eden Monteclaro and Khin Maung Hla married in a Muslim ceremony in late 2002, and legally registered their marriage in Japan on December 1, 2003. Until she was placed under detention, Ms. Monteclaro worked vigorously with her husband and their Burmese acquaintances for the cause of democracy in Burma. Since their chance meeting in Japan, Ms. Monteclaro and her husband have formed an unbreakable bond, and have worked hard to build a life together. To tear such a couple apart is cruel and unpardonably inhumane.

3. There is absolutely no risk of flight.

It is completely unreasonable to detain Ms. Monteclaro, whose husband has won his case in court and who poses no risk of flight, on the grounds that she herself might flee justice.

4. There is a risk of irreversible damage to her health.

Ms. Monteclaro is in urgent need of medical attention. There is also some concern about her mental health, as she appears to be under a severe psychological strain since her detention. Moreover, she was undergoing dental treatment at the time of her arrest, and failure to promptly complete the work on her teeth could lead to irreversible damage.

We call upon you to grant Absin Eden Monteclaro a provisional release without further delay.

Date: _____

Address: _____

Name: _____

An Urgent Request for Signatures

Help win the release of Absin Eden Monteclaro, wife of a Burmese refugee in Aichi Prefecture

In the early hours of May 24, 2005, Absin Eden Monteclaro (known simply as “Eden”), of Shikatsu-cho, Nishi Kasugai-gun, Aichi Prefecture, was arrested at her home on suspicion of illegally overstaying her visa. She was with her husband, Burmese democracy activist Khin Maung Hla, at the time. At present, she remains in the custody of the Nagoya Immigration Bureau.

In September 2003, in a landmark decision, the Nagoya District Court overturned the Ministry of Justice’s rejection of Khin Maung Hla’s application for refugee status. Although he is now fighting an appeal of that decision, Khin Maung Hla stands a very good chance of winning again on the merits of his case.

Eden’s detention reflects a blatant disregard for the legal verdict relating to her husband, and can thus be considered particularly unjust. Moreover, the stress caused by her detention has taken a serious toll on her health. We therefore demand her immediate provisional release.

Eden is legally married to a Burmese political refugee

At the end of 2002, Eden married Khin Maung Hla, whom she met in Japan, in a Muslim wedding ceremony. Upon the completion of some very intricate official procedures, their marriage was registered at their local public office. In the two years and five months since then, they have constantly supported and encouraged each other, and Eden invariably joined her husband in his political activities, passionately demanding democracy for his native Burma. They are known to their friends and acquaintances as a devoted couple. There is no room for any doubt about the genuineness of their marriage.

Khin Maung Hla has been recognized as a refugee in court

Even though he faced racial discrimination as a member of Burma’s Rohingya minority, Eden’s husband, Khin Maung Hla, became deeply involved in the country’s nationwide pro-democracy movement in 1988. When the dreaded Military Intelligence came after him, he fled to Japan.

However, in the autumn of 2001, when his application for refugee status was being considered, he was taken into custody on suspicion of illegally overstaying his visa and held for a total of six months at the Nagoya Immigration Bureau and the West Japan Immigration Center in Osaka. Remembering his own experience of life in detention, which left him dramatically weakened, Khin Maung Hla must now endure the knowledge that his wife is now undergoing the same suffering.

The Ministry of Justice rejected Khin Maung Hla’s application for refugee status. However, on September 25, 2003, in a landmark decision, the Nagoya District Court overturned the Ministry of Justice’s ruling and granted him recognition as a refugee. He is now awaiting the outcome of an appeal. It is surely an overzealous prosecution of the law to place her under arrest before a High Court decision—, which is expected to uphold the earlier ruling—is reached.

It is inhumane to separate a family when there is no risk of flight

Khin Maung Hla was denied his basic human rights in Burma, and was forced to flee persecution. Now, in Japan, which is supposedly a free country, he has been denied his right to live a decent life. This situation is unacceptable in a country which is a signatory to the United Nations Convention Relating to the Status of Refugees.

Since meeting Khin Maung Hla, it has been Eden's dream to return with him to a democratic Burma. Although immigration officials insist that she must be sent back to the Philippines, Eden says that the only place she wants to go is Burma. There is no risk that this determined couple will flee from justice. Even a short period of detention can be a severe strain on body and spirit; in the case of Eden, whose physical condition is poor, it is an excessively cruel measure to take. And for Khin Maung Hla, to see his wife suffer in this manner is yet another form of persecution.

Please join us in fighting for Eden's freedom!

With their lives hanging in the balance as they await a final court decision, let's show our support for Khin Maung Hla and Eden by fighting for Eden's immediate release from detention. Please sign our petition and help us win Eden's freedom!

Please return your signed petition to the contact address below **by 15:00 GMT on June 30, 2005.**

For further information, please contact:

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This petition is available in the following URLs:

[English]

Web: http://www.burmainfo.org/asylum/ua-kmh200506_en.html

PDF: http://www.burmainfo.org/asylum/ua-kmh200506_en.pdf

Word: http://www.burmainfo.org/asylum/ua-kmh200506_en.doc

[Japanese]

Web: <http://www.burmainfo.org/asylum/ua-kmh200506.html>

PDF: <http://www.burmainfo.org/asylum/ua-kmh200506.pdf>

Word: <http://www.burmainfo.org/asylum/ua-kmh200506.doc>