

URGENT ACTION

JAILED SATIRE PERFORMERS FACE MORE CHARGES

Five members of the Peacock Generation, a *Thangyat* or a satirical poetry troupe, have been sentenced to one year's imprisonment, after being detained for over six months, for their performance criticizing the military. They are facing further charges in different townships where they have also performed, including for livestreaming their performances. If found guilty of all charges, they face up to eight additional years in prison.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

President U Win Myint
President's Office,
Office No. 18 Nay Pyi Taw
Republic of the Union of Myanmar
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Dear President U Win Myint

I am writing to express my concern regarding the ongoing prosecution of **members of the Peacock Generation**, a *Thangyat*, or satirical poetry troupe, for their peaceful performances of the traditional art form.

Five members, Kay Khine Tun, Paing Pyo Min, Paing Ye Thu, Zayar Lwin, and Zaw Lin Htut, who have been detained in Insein prison since their arrest in April 2019, were convicted and sentenced to one year in prison on 30 October 2019 under Section 505 (a) of Myanmar's Penal Code. These five individuals, as well as two additional members of the troupe, Nyein Chan Soe and Su Yadanar Myint, are facing trial on the same charges at Yangon's Botahtaung Township Court.

Given that they have already been imprisoned for peacefully expressing their right to freedom of expression, it is of particular concern that additional charges, and risk of additional prison time, continue to be laid against troupe members. Similar complaints have also been filed against Peacock Generation members, including some of those already convicted, in Dedaye Township and Pyapon Township in Ayeyarwady Division.

Furthermore, four of the seven members, including three of the individuals who were convicted on 30 October, have been accused of "online defamation" under Section 66 (d) of the 2013 Telecommunications Law for sharing photos and videos and livestreaming their satirical performance on Facebook.

Thangyat is a time-honoured tradition in Myanmar, and I believe that no one should face charges, let alone prison, for peacefully performing it. It is of grave concern to me that these oppressive laws continue to be used to violate freedom of expression and to target peaceful activists, critics and human rights defenders.

I am therefore writing to urge you to:

- Immediately and unconditionally release all jailed members of the Peacock Generation, quash their convictions and drop further charges against them and other members;
- Ensure that, pending their release, members of the Peacock Generation are held in conditions which meet international standards, and that they have regular access to family, lawyers of his choosing, and any healthcare they require;
- Repeal or amend laws that arbitrarily restrict the right to freedom of expression, including Section 505(a) of the Penal Code and 66(d) of the 2013 Telecommunications Law, to bring them into line with international human rights law and standards.

Yours sincerely,

ADDITIONAL INFORMATION

Five members of the Peacock Generation—Kay Khine Tun, Paing Pyo Min, Paing Ye Thu, Zayar Lwin, and Zaw Lin Htut—were arrested in April 2019 after they performed *Thangyat*, a traditional performing art similar to slam poetry. They were wearing military uniforms and criticized the authorities. After spending six months in detention, the five were convicted on 30 October of violating Section 505 (a) of Myanmar’s Penal Code by making “statements conducing to public mischief” at Mayangon Township Court in Yangon, Myanmar’s largest city, and sentenced to one year in prison.

For sharing photos, videos and livestreaming performance on Facebook, Zayar Lwin, Paing Pyo Min and Paing Ye Thu also face charges under Section 66 (d) of the 2013 Telecommunications Law for “online defamation” at Mayangon Township Court where the five members were convicted. An additional member of the troupe, Su Yadanar Myint, also faces these charges.

Members of the troupe are facing the same charges in different townships because they were performing in various townships around Myanmar’s new year water festival in April. All charges have been filed by different military representatives (Lieutenant Colonels).

The Myanmar military continues to wield significant economic and political power in the country. It operates independently of civilian oversight. Under Myanmar’s 2008 Constitution, the military also has a guaranteed 25 per cent of seats in Parliament, giving it an effective veto over key constitutional amendments. It also controls the three key ministries of Defence, Border Affairs, and Home Affairs.

Section 505 (a) of the Penal Code criminalises anyone who “makes, publishes or circulates any statement, rumour or report,— (a) with intent to - cause, or which is likely to cause, any officer, soldier, sailor or airman, in the Army, Navy or Air Force to mutiny or otherwise disregard or fail in his duty”, and carries a maximum sentence of two years in prison. The provision is a “non-bailable” offence, and the decision to grant bail rests with a judge. In this case, the judge denied their bail request. Section 66 (d) of the 2013 Telecommunication Law carries a maximum two-year prison sentence.

Thangyat is a Myanmar traditional art form which fuses poetry, comedy and music, and is usually performed during Myanmar’s New Year water festival in April and on other festive occasions. Public performances of *Thangyat* were banned in 1989 by the military but were allowed again in 2013. In March 2019, ahead of this year’s water festival festivities, authorities in Yangon required *Thangyat* lyrics to be submitted to a government panel for approval.

The Myanmar authorities continue to arrest and imprison activists and human rights defenders simply for peacefully exercising their right to freedom of expression, which is enshrined in Article 19 of the Universal Declaration of Human Rights (UDHR). Amnesty International is concerned about a number of laws in Myanmar that arbitrarily restrict the right to freedom of expression, including Section 505 of the Penal Code and Section 66(d) of the 2013 Telecommunications Law.

Earlier this year, the military arrested filmmaker Min Htin Ko Ko Gyi under Section 505 (a) of the Penal Code for making a series of Facebook posts criticizing the Myanmar’s military’s role in politics. Despite his health concerns – he underwent a major surgery for liver cancer early this year – his bail request was denied and he received a one-year prison sentence.

PREFERRED LANGUAGE TO ADDRESS TARGET: English
You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 17 December 2019
Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Members of the Peacock Generation (they/them)