

URGENT ACTION

ELECTION CANDIDATE HELD FOR PEACEFUL PROTEST

A candidate standing for election to Myanmar's Lower House of Parliament has been detained and charged for participating in a peaceful protest that took place 10 months ago against the shooting to death of a protester. She is a prisoner of conscience who must be immediately and unconditionally released.

Myat Nu Khaing, a medical doctor and independent election candidate in Phyu Township, Bago Region was arrested by the Phyu Police Chief on 17 October at a restaurant as she was taking a lunch break from her campaigning activities. She was arrested for participating in a peaceful protest which took place in Yangon, Myanmar's largest city, on 29 December 2014, during which protesters were calling on the Myanmar authorities to investigate the death of **Khin Win**.

Khin Win was shot dead on 22 December 2014 when police opened fire on protesters demonstrating against land being taken over for the Letpadaung copper mine project in Sagaing Region, central Myanmar. Local communities and activists have been opposing the development of this copper mine because of concerns about environmental damage, risk of forced evictions and the negative impact on the communities' rights including to housing, food, and work. The Myanmar authorities have responded to such opposition by using excessive force against peaceful protesters on several occasions and by resorting to arbitrary arrest and detention.

Following her arrest, Myat Nu Khaing was taken to the Dagon Township police station in Yangon. On 19 October, the Dagon Township Court charged her with a series of offences under the Penal Code including: inciting the public to commit offences "against the State or the public tranquillity" (Article 505(b)); "assaulting or preventing a public servant from the discharge of his duty" (Article 353); performing "obscene acts and songs" in public (Article 294); "assaulting or obstructing public servant when suppressing riot" (Article 152); and "rioting" (Article 147). Myat Nu Khaing was also charged with participating in an unauthorised assembly under Article 18 of the Peaceful Assembly and Peaceful Procession Law. She faces up to nine years and nine months in prison. She was denied bail at the court hearing and is currently detained in Insein prison in Yangon.

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

- Calling on the Myanmar authorities to immediately and unconditionally release Myat Nu Khaing and drop all charges against her as she has been charged solely for the peaceful exercise of her human rights;
- Urging them to ensure that pending her release, Myat Nu Khaing is not tortured or otherwise ill-treated; not transferred to a remote prison, has regular access to family members and a lawyer of her choosing and is provided with any medical treatment that she may require; and
- Calling on them to conduct a prompt, thorough, impartial and effective investigation into the killing of Khin Win and other allegations that police used excessive force against the Letpadaung protesters and bring those responsible for human rights-related offences to justice in trials which meet international standards of fairness, without recourse to the death penalty.

PLEASE SEND APPEALS BEFORE 1 DECEMBER 2015 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
Lt 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: chmyanmarnhrc@gmail.com

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

ELECTION CANDIDATE HELD FOR PEACEFUL PROTEST

ADDITIONAL INFORMATION

Amnesty International believes Myat Nu Khaing's arrest is politically motivated. Myat Nu Khaing, is an independent candidate standing for election to Myanmar's Lower House of Parliament in Phyu Township in Bago Region. She is standing in the same constituency as Shwe Mann, the current speaker of Myanmar's parliament, as well as Ko Ko Kyaw, a former deputy director-general of President Thein Sein's office. The charges against her come 10 months after the protest in respect of which she has been detained and charged.

Myat Nu Khaing has also been charged under Article 149 of Myanmar's Penal Code, under which any person who took part in an unlawful assembly in which some or even only one person committed an offence can be held criminally responsible, irrespective of whether or not they themselves actually took part in the offence. This clearly legitimizes collective punishment, in stark violation of a key rule of customary international law binding on Myanmar, under which an individual may only be punished for an act for which he or she is individually responsible.

On 15 May, human rights activists Naw Ohn Hla, San San Win (aka Lay Lay), Sein Htwe, Nay Myo Zin, Tin Htut Paing and Than Swe, were each sentenced to four years and four months' imprisonment by the Dagon Township Court in Yangon, for participating in the same protest of 29 December 2014. (See Urgent Action: <https://www.amnesty.org/en/documents/asa16/1682/2015/en/>). They have also received additional prison sentences in other townships which they walked through during the protest. All are currently imprisoned in Insein prison.

On 8 October Amnesty International released a briefing highlighting how Myanmar's authorities have intensified repression over the past two years and in particular by clamping down on freedom of expression in the lead up to general elections scheduled for 8 November. See: <https://www.amnesty.org/en/documents/asa16/2457/2015/en/>.

Amnesty International has undertaken a detailed investigation into the Monywa mining project, of which the Letpadaung copper mine forms part. For further details, see Amnesty International's briefing *Open for business? Corporate crime and abuses at Myanmar copper mine* available at: <https://www.amnesty.org/en/documents/asa16/0003/2015/en/>.

Name: Myat Nu Khaing and Khin Win

Gender m/f: f

UA: 237/15 Index: ASA 16/2705/2015 Issue Date: 20 October 2015