

# URGENT ACTION

## ELDERLY ACTIVIST STILL DETAINED, HEALTH AT RISK

**Human rights defender Kyaw Hla Aung is in poor health in Sittwe prison, in Myanmar's Rakhine state. He is suffering from arthritis and high blood pressure, however there are concerns he is not receiving adequate medical treatment in detention.**

**Kyaw Hla Aung**, 75, has been arbitrarily detained for over six months in Sittwe prison. He is suffering from arthritis and high blood pressure and although he is visited by a doctor once a week, the prison does not provide him with the medicines that he needs. Conditions in Sittwe prison are believed to be making his arthritis worse and he is reportedly unable to bathe with hot water. He also suffers from the after-effects of his past years spent in detention. In particular, he reportedly suffers from swelling in the knees during cold periods.

Kyaw Hla Aung remains on trial facing a range of politically motivated charges after he intervened to prevent a protest turning violent in April 2013. Charges against him under Article 505(B) of the Penal Code – a law frequently used to criminalize peaceful dissent – were dropped as part of a December 2013 Presidential pardon; however, he is still facing a lengthy prison sentence if convicted for other charges. Concerns have also been raised about trial proceedings, including his access to legal representation. His trial is due to continue on 27 January.

Kyaw Hla Aung was arrested on 15 July 2013, the same day that Myanmar's President Thein Sein promised that there would be no more prisoners of conscience in the country by the end of the year. Despite this promise, many prisoners of conscience – including Kyaw Hla Aung – are believed to be behind bars in Myanmar.

### **Please write immediately in English or your own language calling on the Myanmar authorities to:**

- Immediately and unconditionally release Kyaw Hla Aung and drop all charges against him;
- Pending his release, ensure that Kyaw Hla Aung is immediately provided with access to adequate medical treatment and that his conditions of detention meet international standards; and
- Ensure that all those imprisoned solely for peacefully exercising their rights to freedom of expression, association and peaceful assembly are immediately and unconditionally released, and dismiss the charges against those facing trial solely for the peaceful exercise of these rights.

### **PLEASE SEND APPEALS BEFORE 7 FEBRUARY 2014 TO:**

Attorney General

Dr. Tun Shin  
Office of the Attorney General Office  
No. 25, Nay Pyi Taw  
Republic of the Union of Myanmar  
**Salutation: Dear Dr. Tun Shin**

Minister of Home Affairs

Lt Gen. Ko Ko  
Ministry of Home Affairs  
Office No. 10  
Nay Pyi Taw  
Republic of the Union of Myanmar  
**Salutation: Dear Minister**

**And copies to:**

Chairman, Myanmar National Human Rights Commission  
U Win Mra  
27 Pyay Road, Hline Township  
Yangon  
Republic of the Union of Myanmar

### **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. This is the second update of UA 213/13. Further information:  
<http://www.amnesty.org/en/library/info/ASA16/006/2013/en>

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### ADDITIONAL INFORMATION

Kyaw Hla Aung was arrested on 15 July 2013 after spending several months in hiding following the arrest of several Muslim leaders accused of orchestrating community protests against a government-led population registration exercise conducted in Rakhine state in April 2013. Tensions arose when members of the Rohingya community refused to identify themselves as “Bengali”, which is viewed by many as a divisive term used to deny recognition to the Rohingya community in Myanmar and imply that all Rohingya are actually migrants from Bangladesh. Protests forced the authorities to suspend the registration exercise. Kyaw Hla Aung was not present during the protests. Instead, he tried to contact other Muslim leaders in an attempt to prevent the protests from becoming violent.

He was initially taken to the Sittwe Police Station No. 1 in Myanmar’s Rakhine state and was subsequently transferred to Sittwe prison on 9 August 2013. He appeared before the Sittwe District Court on 31 July 2013 and was initially charged with three offences under the Myanmar Penal Code. Further charges were added after his trial began on 14 August 2013. He is currently on trial facing charges under Articles 148 (rioting, armed with a deadly weapon), 150 (hiring or conniving at hiring of persons to join an unlawful assembly), 333 (voluntarily causing grievous hurt to a public servant to deter him from his duty), Articles 332 (voluntarily causing hurt to deter public servant from his duty), 395 (robbery by an armed gang), and 109 (abetting an offence) of the Penal Code. Charges against him under Article 505(b) of the Penal Code were dropped as part of a Presidential pardon announced on 30 December 2013.

Kyaw Hla Aung is a prominent Rohingya lawyer and former staff of a humanitarian non-governmental organization. Prior to this most recent arrest, he spent more than 16 years in prison in Myanmar due to his involvement in peaceful activities. Amnesty International continues to receive reports about the arrest, detention, intimidation and harassment of human rights defenders and peaceful political activists in Myanmar.

The Rohingyas have faced discrimination in Myanmar for generations. They are not recognized as an official ethnic group and continue to be denied equal access to citizenship rights. Their rights to study, work, travel, marry, practise their religion, and receive health services are restricted to various degrees.

Name: Kyaw Hla Aung

Gender m/f: m

Further information on UA: 213/13 Index: 16/001/2014 Issue Date: 24 January 2014