

URGENT ACTION

PRISONER OF CONSCIENCE SENTENCED TO ONE YEAR

A peaceful protester and former election candidate in Myanmar has been sentenced to one year in prison for participating in a peaceful demonstration against the shooting to death of a protester. She is a prisoner of conscience who must be immediately and unconditionally released.

Myat Nu Khaing was sentenced to one year in prison on 31 March by the Dagon Township Court in Yangon, Myanmar's largest city. Myat Nu Khaing is a medical doctor, and at the time of her arrest was running as an independent candidate for Phyu Township, Bago Region in the November 2015 general elections. She was found guilty of "rioting" (Article 147 of the Penal Code) for her participation in a peaceful demonstration on 29 December 2014. The demonstration was calling on the authorities to investigate the shooting to death of protester **Khin Win** by the police at the controversial Letpadaung copper mine.

Amnesty International believes that the case against Myat Nu Khaing is politically motivated. She was charged with multiple criminal offences, including "rioting", despite the fact that credible sources confirm that the protest was peaceful. Moreover, she was arrested on 17 October 2015, just weeks before the 8 November general elections but 10 months after the protest for which she was charged. She remains in Yangon's Insein prison, where she has been detained since her arrest.

She was acquitted of other Penal Code charges for inciting the public to commit offences "against the State or the public tranquillity" (Article 505(b)) and "assaulting or preventing a public servant from the discharge of his duty" (Article 353); and for participating in an unauthorised assembly under Article 18 of the Peaceful Assembly and Peaceful Procession Law. Penal Code charges for performing "obscene acts and songs" in public (Article 294) and "assaulting or obstructing public servant when suppressing riot" (Article 152) were earlier dropped by the court.

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

- Calling on the authorities to immediately and unconditionally release Myat Nu Khaing and all other prisoners of conscience in Myanmar;
- 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;
- Calling on them to conduct a thorough, impartial and effective investigation into the killing of Khin Win and other allegations that police used excessive force against protesters at the Letpadaung mine, 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 17 MAY 2016 TO:

President
Htin Kyaw
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. Kyaw Swe
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
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. This is the first update of UA 237/15. Further information:

<https://www.amnesty.org/en/documents/asa16/2705/2015/en/>

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ADDITIONAL INFORMATION

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 negative impacts on the communities' rights including the rights 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.

On 15 May 2015, 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 on 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 24 March 2016 Amnesty International published a new report on political imprisonment in Myanmar which highlighted the worrying erosion of newly found freedoms of expression, association and peaceful assembly in the country since the start of 2014. The report found that authorities charge activists with multiple offences for the same actions or protests to lengthen their prison sentences, charge people with non-bailable offences to keep them in detention during their trial, and charge human rights defenders and other political activists many months, in some cases years, after the alleged offence took place. These tactics serve to create a climate of fear among human rights defenders and other activists in the country. The report *New expression meets old repression* is available at: <https://www.amnesty.org/en/documents/asa16/3430/2016/en/>

Names: Myat Nu Khaing and Khin Win

Gender m/f: f

Further information on UA: 237/15 Index: ASA 16/3768/2016 Myanmar Issue Date: 5 April 2016