

URGENT ACTION

ACTIVIST CHARGED FOR PEACEFUL ANTI-MILITARY PROTEST

Activist Tin Maung Kyi has been detained for staging a peaceful solo protest calling on the international community to arrest senior Myanmar generals. He has been charged under laws often used to silence peaceful activists and faces up to two years and one month in prison if found guilty. He must be immediately and unconditionally released.

Tin Maung Kyi, activist and a central committee member of the Movement for Democracy Current Forces (MDCF), was arrested and charged for staging a peaceful anti-military protest in Yangon, Myanmar's largest city, on 28 September 2018. Tin Maung Kyi was holding a solo protest in front of the Yangon City Hall, calling on the international community to take action against Myanmar military generals. He had informed local authorities of his intention to protest five days in advance, however was told the request had not been granted. During the protest he held a placard and chanted slogans calling for Myanmar to be referred to the International Criminal Court (ICC).

Minutes after the protest started, Tin Maung Kyi was arrested by around 10 police officers and taken to the nearby Kyauktada police station. He was later charged by Kyauktada Township Court under Article 505(b) of Myanmar's Penal Code and Article 20 of the Peaceful Assembly and Peaceful Procession Act (the Peaceful Assembly Act). Article 505(b) provides up to two years' imprisonment for anyone making, publishing or circulating information which may cause public fear or alarm, and which may incite people to commit offences "against the State or against the public tranquillity." Article 20 of the Peaceful Assembly Act carries up to one month in prison for any person who violates the rules for holding a protest. Tin Maung Kyi has been detained at Yangon's Insein prison since his arrest.

Tin Maung Kyi's arrest took place a day after the UN Human Rights Council adopted a resolution on Myanmar establishing an international mechanism to collect and preserve evidence of atrocities committed by the military and prepare case files for future prosecutions.

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

- Release Tin Maung Kyi immediately and unconditionally as he has been detained solely for the peaceful exercise of his rights to freedom of expression and peaceful assembly;
- Ensure that, pending his release, Tin Maung Kyi is protected against torture and other ill-treatment, that he has unfettered access to his family and legal counsel of his choosing, and is provided with any medical treatment he may require;
- Repeal or amend all laws criminalizing the exercise of the rights to freedom of expression and peaceful assembly, including Article 505(b) of the Penal Code and the Peaceful Assembly Act, and bring them in line with international human rights law and standards.

PLEASE SEND APPEALS BEFORE 17 DECEMBER 2018 TO:

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
Email: mohamyanmar@gmail.com
Salutation: Dear Minister

Union Attorney General
U Tun Tun Oo
Union Attorney General,
Office No. 25, Nay Pyi Taw,
Republic of the Union of Myanmar
Fax: +95 67 404 106
Email: ago.h.o@mptmail.net.mm
Salutation: Dear Attorney General

And copies to:
State Counsellor
Daw Aung San Suu Kyi
Ministry of Foreign Affairs,
Office No. 9, Nay Pyi Taw,
Republic of the Union of Myanmar
Fax: +95 67 412 396

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**



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ADDITIONAL INFORMATION

The Movement for Democracy Current Forces (MDCF) is a community-based organization which campaigns against human rights violations and promotes development in Myanmar. Multiple members have been imprisoned in the past for their peaceful activities criticizing the government, distributing leaflets and holding peaceful protests. In May 2014, Tin Maung Kyi and fellow MDCF member Zaw Win were arrested and charged after distributing leaflets in Yangon for calling on the previous government to resign. They were each sentenced to one and a half years in prison under three counts of Article 505(b) of Myanmar's Penal Code. Tin Maung Kyi was released on 30 July 2015 as part of a Presidential prisoner amnesty, with only one month of his sentence remaining to be served.

Myanmar authorities continue to arbitrarily arrest, detain and prosecute activists, lawyers and human rights defenders solely for the peaceful exercise of their rights to freedom of expression and peaceful assembly, rights enshrined in Articles 19 and 20 of the Universal Declaration of Human Rights (UDHR). A range of laws in Myanmar are used to criminalize peaceful expression and assembly, including Section 505(b) of the Penal Code and Article 20 of the Peaceful Assembly and Peaceful Procession Act. Amnesty International calls on the Myanmar authorities – in particular the Parliament – to urgently repeal or substantially amend all laws that unlawfully restrict the rights to freedom of expression and peaceful assembly, and bring them into line with international human rights law and standards.

The Myanmar military has a long history of committing serious human rights violations and crimes under international law in the country, in particular against ethnic minorities. Investigations into such violations are rare and perpetrators are seldom – if ever – brought to justice and held to account, creating a climate of impunity in the country. Instead, those who report on or speak out about military abuses risk arrest and imprisonment, and often face threats and intimidation in connection with their work.

In August, a report published by the UN Fact-Finding Mission on Myanmar concluded that the Myanmar military had committed the gravest crimes under international law in Rakhine, Kachin and Shan States, and called for senior military officials to be investigated and prosecuted crimes against humanity, war crimes and genocide. The Fact-Finding Mission urged the UN Security Council to refer the situation in Myanmar to the International Criminal Court so that those responsible for crimes under international law can be investigate and brought to justice, however to date no referral has been made.

Name: Tin Maung Kyi

Gender m/f: m

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