

URGENT ACTION

POLITICAL ACTIVIST DETAINED IN MYANMAR

Political activist Ko Wai Lu has been arbitrarily detained and is facing imprisonment in Myanmar after he provided support to peaceful protesters who are calling on the authorities to resolve their land dispute. Fourteen people have also been charged for taking part in the peaceful protests.

On 18 December 2014, **Ko Wai Lu**, a prominent political activist, was arrested in Yangon, Myanmar's largest city, while he was offering support and encouragement, and reportedly providing water, to protesters from the city's Michaungkan community. The community had been staging a peaceful sit-in protest next to Maha Bandoola Gardens, near Yangon's City Hall, since March 2014. On 12 December, members of the community moved the sit-in protest closer to the City Hall. The protest was in response to failures by the Myanmar authorities to resolve the community's land dispute. They allege that the Myanmar military confiscated their land in the early 1990s, and are calling for its return and for compensation.

Ko Wai Lu was charged on 19 December by the Kyauktada Township Court under Section 505(b) of Myanmar's Penal Code – a law commonly used to detain political activists. It provides for up to two years' imprisonment for publishing or circulating information which may cause public fear or alarm and may incite persons to commit offences "against the State or against the public tranquillity". He is currently detained in Insein prison, Yangon.

On 23 December, 14 members of the Michaungkan community were arrested when police disbanded the protest site. They have all been charged with protesting without permission under Article 18 of the Peaceful Assembly and Peaceful Procession Law and for causing harm by disobeying a public servant's order under Section 188 of Myanmar's Penal Code. They are currently not detained.

Ko Wai Lu and the 14 protesters will next appear before the Kyauktada Township Court on 16 January 2015.

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

- Calling on the Myanmar authorities to release Ko Wai Lu and to drop the charges against him and the 14 members of the Michaungkan community;
- Urging them to ensure that, pending his release, Ko Wai Lu is not tortured or otherwise ill-treated; that he is not transferred to a remote prison; that he has regular access to family members and lawyers of his choosing; and is provided with any medical treatment which he may require; and
- Calling on them to repeal or else amend all laws which unlawfully restrict the rights to freedom of expression and peaceful assembly, to comply with international human rights law and standards.

PLEASE SEND APPEALS BEFORE 20 FEBRUARY 2015 TO:

President

Thein Sein

President's Office

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

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

Fax: +95 1 659 668

Email: winmra@mnhrc.org.mm

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.

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INTERNATIONAL**



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ADDITIONAL INFORMATION

Ko Wai Lu is a well-known activist in Myanmar, who has been arrested and detained multiples times in the past for his involvement in peaceful political activities. His arrest in December came less than a month after he was released from prison, having been sentenced in August 2014 to four months in detention for protesting without permission against a rise in electricity prices in Mandalay.

Amnesty International is concerned that the Myanmar authorities are targeting individuals involved or associated with the Michaungkan community protests. In September 2014, Michaungkan community leader U Sein Than was sentenced to two years' imprisonment for protesting without permission and obstruction (See Urgent Action: <http://www.amnesty.org/en/library/info/ASA16/021/2014/en>). U Sein Than's daughter and four others were also charged with protesting without permission outside one of U Sein Than's court hearings. In addition to the fact that criminally punishing people for peacefully protesting is contrary to international human rights law and standards, she claims that they were not protesting but just attending her father's hearing.

The sit-in protest next to Maha Bandoola Garden by the Michaungkan community followed a similar protest which began in November 2013 at the Myasaryan Pagoda in Yangon. That protest came to an end on 11 December 2013, when villagers agreed to leave the protest site for a period of three months after the Parliamentary Farmland Investigation Commission decided to investigate their case. The Commission failed to resolve the dispute, prompting the resumption of the sit-in protest in March 2014.

Human rights defenders and activists in Myanmar continue to be arrested and detained solely for the peaceful exercise of their rights to freedom of expression and peaceful assembly, rights enshrined in Articles 19 and 20 of the UDHR. A range of laws in Myanmar are used to criminalize lawful expression and peaceful assembly, including Section 505(b) of the country's Penal Code and Article 18 of the Peaceful Assembly and Peaceful Procession Law. The restrictions on the right to freedom of expression imposed by these two laws are phrased in an excessively broad and vague manner, potentially resulting in both an overreach, and a discriminatory application, of the law.

Amnesty International continues to receive reports about poor prison conditions in Myanmar, which do not comply with those set out in the UN Standard Minimum Rules for the Treatment of Prisoners. These concerns include a lack of access to adequate medical treatment, clean drinking water, nutritious food and water for bathing.

Name: Ko Wai Lu (m), 14 Michaungkan activists (m and f)
Gender m/f: Both

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