

# URGENT ACTION

## FORMER PRISONER OF CONSCIENCE DETAINED AGAIN

**Activist, Htin Kyaw is again being detained solely for the peaceful exercise of his human rights. Arrested in October 2016 for his criticism of the Myanmar justice system, his next court hearing is on 5 April 2017 and, if convicted, he faces up to two years' imprisonment. He must be immediately released and all charges related to the peaceful exercise of his right to freedom of expression must be dropped.**

**Htin Kyaw**, leader of the grassroots Movement for Democratic Current Forces (MDCF), has been charged for a comment he made criticizing Myanmar's justice system. In the statement made outside a court in Yangon on 21 October, he complained that while ordinary people are often sued, courts never accepted lawsuits against military officials accused of committing crimes. His remarks, in which he referred to army generals as "sons of bitches", were recorded in a video which was widely shared online.

Htin Kyaw was arrested on 26 October 2016, five days later, at the MDCF office in Yangon. He was charged with "making a statement with intent to cause, or which is likely to cause, any officer, soldier ... in the Army ... to mutiny or otherwise disregard or fail in his duty as such" under Article 505(a) of the Penal Code. His next court hearing will take place at Yangon's North Okkalapa Township Court on 5 April 2017. If convicted, Htin Kyaw faces up to two years' imprisonment. He is currently being detained in Insein Prison, Yangon, where he has been held since his arrest.

Htin Kyaw's comment about the justice system was made while he attended a court hearing at the North Okkalapa Township Court where he is facing charges in a separate case. In that case, he is accused of "mischief causing damage" under article 427 of the Penal Code and "trespass" under Article 447. The charges relate to a 2014 protest against the privatization of a municipal football field, during which Htin Kyaw removed wire fences around a field. This trial is still ongoing.

### **Please write immediately in English, Burmese or your own language urging authorities to:**

- Release Htin Kyaw immediately and drop all charges against him that relate to the peaceful exercise of his right to freedom of expression;
- Ensure that, pending his release, Htin Kyaw is not tortured or otherwise ill-treated, or transferred to a remote prison, and that he has regular access to his family and a lawyer of his choosing, and is provided with any medical treatment he may require;
- Release all prisoners of conscience in Myanmar and repeal or else amend all laws governing the rights to freedom of expression and peaceful assembly to comply with international human rights law and standards.

### **PLEASE SEND APPEALS BEFORE 6 JULY 2017 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

**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

Email: mohamyanmar@gmail.com  
**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: 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**



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### ADDITIONAL INFORMATION

Htin Kyaw is a former prisoner of conscience who has been imprisoned multiple times for his peaceful activism. He was released from Insein prison on 17 April 2016 as part of a Presidential pardon which saw the release of 83 prisoners. Htin Kyaw was then serving a total of 13 years and ten months' imprisonment for distributing leaflets in Yangon in April and May 2014 calling on the government to resign and for a series of peaceful protests. He was found guilty and sentenced under multiple charges of Section 505(b) of the Penal Code ("incitement") and Section 18 of the Peaceful Assembly and Peaceful Procession Act (protesting without permission).

The right to freedom of expression is enshrined in Article 19 of the UDHR, which states that "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." Such ideas can include political discourse, discussion on human rights, journalism, cultural and artistic expression, teaching and religious discourse and expression that may be deemed "offensive". International experts agree that public figures and institutions are required to tolerate a greater degree of criticism than private citizens.

There is a persistent culture of impunity for human rights violations by members of Myanmar's security forces, in particular the military. Investigations into allegations of human rights violations are rare, and perpetrators are seldom held to account.

Name: Htin Kyaw

Gender m/f: m

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