

URGENT ACTION

MYANMAR ACTIVIST RECEIVES FURTHER SENTENCE

Activist Thein Aung Myint has been jailed for a further six months for participating in a peaceful protest in Myanmar. He is now due to serve a total of one year in prison. He is a prisoner of conscience who must be immediately and unconditionally released.

On 23 April a court in Mandalay, Myanmar's second largest city, sentenced **Thein Aung Myint**, an activist with the community-based organization the Movement for Democratic Current Force (MDCF), to a further six months in prison. He was found guilty of protesting without permission under Article 18 of the Peaceful Assembly and Peaceful Procession Law, a law commonly used to arrest and imprison peaceful political activists.

He was charged after organizing a peaceful protest in Mandalay on 27 October 2014, calling for an investigation into the death in military custody of journalist Aung Kyaw Naing (aka Par Gyi). Although Thein Aung Myint had applied to the local township authorities for permission to protest, the request was rejected, as it had been made one day before the proposed event. The Peaceful Assembly and Peaceful Procession Law states that permission to protest must be sought at least five days in advance of planned demonstrations or assemblies. Despite this the protest went ahead, with around 200 people attending. Thein Aung Myint was subsequently charged.

Thein Aung Myint is currently serving a separate six-month prison sentence for peacefully protesting in March 2014 against electricity price rises. He was sentenced along with three others - his wife Khet Khet Tin, fellow MDCF activist Saw Hla Aung and bystander Kyaw Myo Htun. They were all sentenced under Article 18 of the Peaceful Assembly and Peaceful Procession Law. All four are currently detained in Mandalay's Oh Bo prison and are prisoners of conscience.

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

- Calling on the Myanmar authorities to immediately and unconditionally release Thein Aung Myint, Khet Khet Tin, Saw Hla Aung and Kyaw Myo Htun;
- Urging them to ensure that, pending their release, they are not tortured or otherwise ill-treated; are not transferred to remote prisons; have regular access to family members and lawyers of their choosing; and are provided with any medical care which they may require;
- Calling on them to repeal or amend all laws which impose arbitrary or sweeping restrictions on the rights to freedom of expression and peaceful assembly, in line with international human rights law and standards.

PLEASE SEND APPEALS BEFORE 8 JUNE 2015 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
Salutation: Dear Chairman

Chairman, Prisoners of Conscience Affairs Committee

Br. Gen. Kyaw Kyaw Tun
Ministry of Home Affairs
Office No. 10
Nay Pyi Taw
Republic of the Union of Myanmar
Salutation: Dear General

And copies to:

President:
Thein Sein
President's Office
Nay Pyi Taw
Republic of the Union of Myanmar
Fax: +95 1 652 624
Salutation: Your Excellency

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 75/15. Further information:

<https://www.amnesty.org/en/documents/asa16/1348/2015/en/>

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ADDITIONAL INFORMATION

The Movement for Democracy Current Force (MDCF) is a community-based organization which campaigns against human rights violations and promotes development in Myanmar. Six of its members are currently in prison for criticizing the government and staging peaceful protests.

On 27 October 2014, Thein Aung Myint had been peacefully protesting for an investigation into the death of journalist Aung Kyaw Naing (aka Par Gyi), who had died in military custody earlier that month. Despite both national and international calls for an independent investigation into his death, to date no one has been brought to justice for his death, contributing to an ongoing climate of impunity in Myanmar. (See Amnesty International public statement: <https://www.amnesty.org/en/documents/ASA16/028/2014/en/>).

The Myanmar authorities continue to arrest and imprison activists and human rights defenders simply for peacefully exercising their rights to freedom of expression and peaceful assembly, rights which are enshrined in Articles 19 and 20 of the Universal Declaration of Human Rights (UDHR). Amnesty International is concerned about a number of laws in Myanmar which restrict the rights to freedom of expression and peaceful assembly, including the Peaceful Assembly and Peaceful Procession Law, which has been used to arrest and imprison scores of peaceful activists and human rights defenders since it was enacted in 2012.

Among the human rights concerns relating to the Peaceful Assembly and Peaceful Assembly law is the requirement to apply for consent to protest at least five days in advance of a planned demonstration or procession. The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association has explicitly stressed that no authorization should be required to assemble peacefully. The exercise of the right to freedom of peaceful assembly should be governed at most by a regime of prior notification, which should not be burdensome, the rationale of which is to allow state authorities to facilitate the exercise of the right and take measures to ensure public safety and order and the rights and freedoms of others. The Special Rapporteur has recommended that notice should be subject to a proportionality assessment, and should only be required for large assemblies or those where a certain degree of disruption is anticipated, with a recommended maximum notice requirement of, for example, 48 hours.

Amnesty International continues to receive reports about poor prison conditions in Myanmar, which do not comply with international standards such as 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: Thein Aung Myint (m), Khet Khet Tin (f), Saw Hla Aung (m) and Kyaw Myo Htun (m)
Gender m/f: both

Further information on UA: 75/15 Index: ASA 16/1528/2015 Issue Date: 27 April 2015