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Myanmar: Ensure independent and impartial investigation into death of journalist

The Myanmar authorities must ensure a comprehensive, independent, impartial and effective investigation into the death of journalist Aung Kyaw Naing, aka Par Gyi, who was reportedly killed while in the custody of the Myanmar Army in Mon State, Eastern Myanmar, earlier this month. Failure to adequately – and transparently – investigate such serious allegations and hold perpetrators to account would further entrench impunity in the country, and have a chilling effect on other journalists.

According to credible sources, Aung Kyaw Naing, 48, a freelance journalist, was detained by the police on 30 September 2014 in Kyaikmayaw Township, Mon State and later transferred to Myanmar Army's Light Infantry Battalion 208. At the time of his arrest Aung Kyaw Naing was reporting on recent fighting between the Myanmar Army and armed Karen groups, which erupted in September.

His fate remained unknown for about three weeks, when on 24 October the Secretary of the Interim Myanmar Press Council said he received a statement from the Myanmar Army informing him that Aung Kyaw Naing had been shot dead on 4 October while trying to seize a gun and escape military custody. In the statement the Army alleged that Aung Kyaw Naing was a "communications captain" for the Klohtoobaw Karen Organization, an armed group operating in and around Karen State. The Klohtoobaw Karen Organization later denied links to Aung Kyaw Naing. According to the Army statement Aung Kyaw Naing's body was buried in Shwe War Chong village in Mon State.

Ma Than Dar – Aung Kyaw Naing's wife and a renowned human rights activist – had travelled to Mon State on 19 October where she met with local police and the military and unsuccessfully tried to obtain information about her husband's whereabouts. However she was reportedly told in private by a police officer from the Kyaikmayaw Township police station that he had seen Aung Kyaw Naing in military custody and that it appeared Aung Kyaw Naing had been beaten. Amnesty International has also received reports that eyewitnesses claimed to have seen a man being tortured by military soldiers around the same time and in the same place Aung Kyaw Naing is believed to have been detained.

Kyaikmayaw police have reportedly opened an investigation into Aung Kyaw Naing's death, following Ma Than Dar's filing of a complaint. Amnesty International calls on the Myanmar authorities to ensure that the investigation is independent and impartial. Aung Kyaw Naing's family should be kept informed of the status of the investigation, and the results should be made public. All those found responsible for Aung Kyaw Naing's death – including those with command responsibility – must be brought to justice before an independent, civilian court, in trials which meet international standards of fairness and which do not impose the death penalty. His family should receive effective remedies, including adequate reparations.

Human rights activists in Myanmar have reacted strongly to the news of Aung Kyaw Naing's death, and on 26 October staged a peaceful protest in front of Yangon's City Hall calling on the authorities to conduct an investigation. The next day, Kyauktada Township police informed

the media that prominent human rights activist Moe Thway, who was present at the protest, had been charged with protesting without authorization under Article 18 of Myanmar's Peaceful Assembly and Peaceful Procession Law. Amnesty International believes that Moe Thway has been charged solely for the peaceful exercise of his right to freedom of expression and peaceful assembly and calls on the Myanmar authorities to immediately and unconditionally drop all charges against him.

Myanmar, as a UN member state, is legally bound under the UN Charter to promote respect for, and observance of, human rights. Furthermore, Myanmar is bound by rules of customary international law, which among other things, prohibit extrajudicial executions and torture and other cruel, inhuman or degrading treatment (ill-treatment) in all circumstances.

However, Amnesty International continues to receive reports of human rights violations by members of the Myanmar Army. These include allegations of unlawful killings, torture and other ill-treatment, enforced disappearance and rape and other crimes of sexual violence. Independent and impartial investigations into such allegations are rare and suspected perpetrators are rarely held to account, contributing to a culture of impunity in the country.

Amnesty International urges the Myanmar authorities to take immediate steps to guarantee human rights protections and to ensure victims and their families have access to an effective remedy. As a first step, the organization calls on Myanmar authorities to ratify at the earliest opportunity the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), and incorporate their provisions into domestic law and fully and effectively implement them in policy and practice.