

URGENT ACTION

ACTIVIST ORGANIZATION TARGETED AGAIN

Two members of the Movement for Democracy Current Force (MDCF) have been given jail terms for peacefully exercising their rights to freedom of expression and peaceful assembly. They must be immediately and unconditionally released. Charges against a third person, who is married to one of the MDCF members and was exercising her right to peaceful protest, should be dropped.

On 30 October, **Ko Htin Kyaw**, the leader of the community-based organization Movement for Democracy Current Force (MDCF), was sentenced by the Kyauktada Township Court in Yangon, Myanmar's largest city, to an additional two years' imprisonment under Section 505(b) of Myanmar's Penal Code. Section 505(b) provides 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 tranquility". The charge relates to a letter Ko Htin Kyaw sent to fellow MDCF member **Naung Naung** from Yangon's Insein prison, highlighting the need for the election of an interim government in Myanmar. Ko Htin Kyaw is now serving a total of 13 years and four months' imprisonment in connection with his peaceful activities.

Naung Naung was also sentenced on 30 October by the Kyauktada Township Court to two years and four months' imprisonment under Section 505(b) and for protesting without authorization under Article 18 of the Peaceful Assembly and Peaceful Procession Law, for distributing leaflets on 7 July which stated that Aung San Suu Kyi and ethnic leaders had been elected as an interim government. He was arrested on 8 July.

On 10 October Ko Htin Kyaw's wife, **Than Than Maw**, was also charged under Article 18 of the Peaceful Assembly and Peaceful Procession Law for peacefully protesting in front of Yangon's City Hall, where she was calling on the authorities to solve corruption cases that had been raised by Ko Htin Kyaw. She is not currently detained.

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

- Calling on the Myanmar authorities to release Ko Htin Kyaw and Naung Naung immediately and unconditionally, and all other prisoners of conscience in Myanmar;
- Urging them to ensure that, pending their unconditional release, Ko Htin Kyaw and Naung Naung are not tortured or otherwise ill-treated, or transferred to remote prisons, but that they have regular access to their families and lawyers of their choosing, and are provided with any medical treatment they may require;
- Calling on them to drop the charges against Than Than Maw and all those arrested and charged simply for the peaceful exercise of their human rights;
- Calling on them to repeal or else amend all laws which restrict the rights to freedom of expression and peaceful assembly, to comply with international human rights law and standards.

PLEASE SEND APPEALS BEFORE 18 DECEMBER 2014 TO:

President
U 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
Fax: +95 67 412 439
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@mnhr.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. This is the fourth update of UA 117/14. Further information:

www.amnesty.org/en/library/info/ASA16/020/2014/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. Its leader, Ko Htin Kyaw, is now serving a total of 13 years and 4 months in prison in connection with his peaceful political activities. Between 23 June and 11 September 2014, he was convicted by eleven other township courts in Yangon on ten different counts of violating Section 505(b) of the Penal Code and three separate counts of protesting without permission under Article 18 of the Peaceful Assembly and Peaceful Procession Law. A total of four members of MDCF are now being detained in Insein prison – Ko Tin Maung Kyi and Ko Zaw Win have also been jailed under Section 505(b) of the Penal Code for their peaceful political activities.

Amnesty International is concerned that Ko Htin Kyaw and the MDCF are being targeted in an attempt to silence the organization. Amnesty International is also concerned by reports that Ko Htin Kyaw was held in solitary confinement and refused family visits in October. According to media reports that same month he staged a hunger strike while in detention.

Human rights defenders and activists in Myanmar are being 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 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 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. The former UN Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, has also identified these two laws as among a number of legal provisions in the country used to detain prisoners of conscience. He has repeatedly called on the Myanmar authorities to amend the Penal Code and the Peaceful Assembly and Peaceful Procession Law to bring them into line with international human rights law and standards.

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.

Names: Ko Htin Kyaw (m), Naung Naung (m), Than Than Maw (f), Ko Tin Maung Kyi (m) and Ko Zaw Win (m)

Gender: both

Further information on UA: 117/14 Index: ASA 16/029/2014 Issue Date: 6 November 2014