

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.

1) TAKE ACTION

Write a letter, send an email, call, fax or tweet:

- 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.

Contact these two officials by 6 July, 2017:

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

Ambassador H.E U Kyaw Myo Htut
Embassy of the Union of Myanmar
2300 S St. NW, Washington DC 20008
Fax: 1 202 332 4351 | Phone: 1 202 332 3344 | Email:
mewdcusa@yahoo.com
Salutation: Dear Ambassador

2) LET US KNOW YOU TOOK ACTION

Here's why it is so important to report your actions: we record the number and types of actions taken—letters, emails, calls and tweets--on each case and use that information in our advocacy.

Either email uan@aiusa.org with "UA 73/17" in the subject line or [click this link](#).

**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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