

URGENT ACTION

MEDIA WORKERS ARRESTED OVER NEWS STORY

Five media workers in Myanmar are facing imprisonment over the publication of a news story. They are prisoners of conscience, detained solely for peacefully exercising their right to freedom of expression.

Reporter **Kyaw Zaw Hein**, managing editor **Ko Win Tin** and editor-in-chief **Thura Aung** of the newspaper *Bi Midday Sun* were arrested on 7 and 8 July 2014 in Myanmar's second city, Yangon, by Special Branch police. The *Bi Midday Sun* had published claims on 7 July that opposition leader Aung San Suu Kyi and ethnic leaders had been elected as an interim government. The three men were taken for interrogation to two different places in Yangon, where they were held for two weeks without access to lawyers or their families, before being transferred to Yangon's Insein prison. Around a week later, on 16 July, the Thai authorities arrested the newspaper's officer-in-charge, **Yin Min Htun** and publisher, **Kyaw Min Khaing**, in the border town of Mae Sot, and handed them over to the Myanmar authorities.

The five were first charged under Myanmar's Emergency Provisions Act, but they are now facing charges under Section 505(b) of the Penal Code, which provides for up to two years' imprisonment for anyone who makes, publishes or circulates information which may cause public fear or alarm, and which may incite people to commit offences "against the State or against the public tranquillity". All five are detained in Insein prison while their trial proceeds at the Pabedan Township Court.

Amnesty International has received information that the Myanmar authorities have pressured four of the media workers into changing their lawyer by threatening them with longer prison sentences. They had previously been represented by a high profile human rights lawyer, U Robert Sann Aung, a former prisoner of conscience with connections to the international community. Such actions represent an arbitrary denial of the right to be represented by a lawyer of one's choosing, and seem to justify concerns that the five – who should never have been charged in the first place – will also be subjected to an unfair trial.

Please write immediately in English or your own language:

- Calling on the Myanmar authorities to release Kyaw Zaw Hein, Ko Win Tin, Thura Aung, Yin Min Htun and Kyaw Min Khaing immediately and unconditionally, and all other prisoners of conscience in Myanmar, and drop charges against all those arrested for the peaceful exercise of their human rights;
- Calling on them to ensure that all five men are granted access to lawyers of their choosing and to their families, and are kept in conditions which meet international standards;
- Urging them to take immediate steps to repeal or else amend legislation which restricts the right to freedom of expression, in strict compliance with international human rights law and standards.

PLEASE SEND APPEALS BEFORE 3 OCTOBER 2014 TO:

President

Thein Sein
President's Office
Nay Pyi Taw
Republic of the Union of Myanmar

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

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

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

Two other people connected to the *Bi Middy Sun* newspaper were also arrested after the article was published. Executive editor Ye Min Aung was arrested in Yangon on 7 July, and Kyaw Min Khaing's wife, Ei Ei San, was arrested in Mae Sot, Thailand on 16 July. Both were later released after charges against them were dropped due to a lack of evidence.

Human rights defenders, journalists and political activists continue to be arrested in Myanmar simply for the peaceful exercise of their right to freedom of expression, a right enshrined in Article 19 of the Universal Declaration of Human Rights (UDHR). Amnesty International has expressed concern about a range of laws in Myanmar, including Section 505(b) of the Penal Code, which are used to restrict the right to freedom of expression, and has consistently called for these laws to be repealed or else brought into line with international human rights law and standards. This call has also been made by the former UN Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, who had particularly identified Section 505(b) as one of a number of laws in the country used to detain prisoners of conscience.

The right to a fair trial is enshrined in Article 10 of the UDHR, which states: "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal". However, Amnesty International continues to receive reports of trials in Myanmar that fall far short of international standards of fairness. Concerns raised include restricted access to independent legal counsel; failure to inform detainees of the reason for arrest; failure to bring detainees promptly before a judge to challenge the lawfulness of their detention; and denial of the right to have access to the outside world.

Amnesty International also continues to receive reports about prison conditions in Myanmar falling below international standards. These concerns include lack of access to adequate medical treatment, clean drinking water, nutritious food, and water for bathing. The organization has called on the Myanmar authorities to ensure that conditions of detention comply with those set out in the UN Standard Minimum Rules for the Treatment of Prisoners.

Names: Kyaw Zaw Hein, Ko Win Tin, Thura Aung, Kyaw Min Khaing and Yin Min Htun
Gender m/f: m

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