

# URGENT ACTION

## FOUR PROTESTERS DETAINED IN MYANMAR

**Four human rights activists have been arbitrarily arrested and detained in Myanmar after participating in a peaceful demonstration against the shooting to death of a protester the week before. The four have been detained solely for the lawful exercise of their right to freedom of peaceful assembly and must be immediately and unconditionally released.**

On 30 December 2014, human rights activists **Daw Naw Ohn Hla, Daw Sein Htwe, U Nay Myo Zin and Ko Tin Htut Paing** were arrested for participating in a peaceful protest in front of the Chinese Embassy in Yangon, Myanmar's largest city, the day before. They were among around 100 protesters calling on the Myanmar authorities to carry out an investigation into the death of **Khin Win**. She was shot dead on 22 December when police opened fire on her and other protesters demonstrating against land being taken over for the Letpadaung copper mine project in Sagaing region.

All four are currently detained in Insein prison, Yangon. Along with protesters **Daw San San Win, Daw Mya Nyunt, and Ko Thant Zin**, the four have been charged by Yangon's Dagon Township Court with protesting without permission under Article 18 of the Peaceful Assembly and Peaceful Procession Law. They have also been charged with a series of offences under the Penal Code: publishing or circulating information which may cause public fear or alarm and may incite persons to commit offences "against the State or against the public tranquility" (Section 505(b)); assaulting or preventing a public servant from the discharge of his duty (Section 353); rioting (Section 147); doing obscene acts in public (Section 294); and "intimidation" (Section 506). Amnesty International believes these charges to be politically motivated and without foundation. If convicted on all counts, they each could face more than eight years' imprisonment.

Their first court hearing is scheduled for 13 January 2015.

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

- Calling on the Myanmar authorities to immediately and unconditionally release Daw Naw Ohn Hla, Daw Sein Htwe, U Nay Myo Zin and Ko Tin Htut Paing and to drop the charges against them and Daw San San Win, Daw Mya Nyunt and Ko Thant Zin;
- Urging the authorities to ensure that, pending their unconditional release, the four are not tortured or otherwise ill-treated; that they have regular access to family members and lawyers of their choosing; that they are not transferred to remote prisons; and are provided with any medical treatment which they may require;
- Calling on them to conduct a prompt, thorough, impartial and effective investigation into the killing of Khin Win and other allegations that police used excessive force against the Letpadaung protesters and bring those responsible for human rights violations to justice in trials which meet international standards of fairness, without recourse to the death penalty.

### **PLEASE SEND APPEALS BEFORE 17 FEBRUARY 2015 TO:**

#### President

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

**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@mnhrc.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

**AMNESTY  
INTERNATIONAL**



Please check with your section office if sending appeals after the above date.

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### ADDITIONAL INFORMATION

The arrests and charges against the peaceful protesters – and allegations of unnecessary or excessive use of force by police – are among many serious human rights concerns surrounding the Letpadaung copper mine. The mine is being developed by Myanmar Wanbao Mining Copper Limited (Myanmar Wanbao) – a subsidiary of the Chinese multinational, Wanbao Mining Limited – and the Union of Myanmar Economic Holdings Limited. Many people have been forcibly evicted from their homes by the authorities. A process of community consultation in 2014 over the mine operation has been strongly criticized. People who refused to relocate to make way for the mine were excluded from the consultations, reportedly on instructions from the government. Numerous other weaknesses in the consultation processes were acknowledged in an Environmental and Social Impact Assessment (ESIA) carried out for Myanmar Wanbao and released in May 2014.

Opposition to the Letpadaung copper mine project is strong, with affected communities, human rights defenders and activists opposing the project. The Myanmar authorities have responded to such opposition by using excessive force against peaceful protesters on several occasions and by resorting to arbitrary arrest and detention – both Daw Naw Ohn Hla and Ko Tin Htut Paing have in the past been arrested and detained for their peaceful demonstrations against the Letpadaung copper mine.

In handling public order operations, including around protests, the police must respect the right to life which is enshrined in Article 3 of the Universal Declaration of Human Rights (UDHR). Under international human rights standards, law enforcement officials must apply non-violent means before resorting to the use of force and firearms. The intentional lethal use of firearms can only be justified if it is strictly unavoidable in order to protect life. The Myanmar authorities must establish whether police used unnecessary or excessive force against the Letpadaung protesters and hold all those responsible to account.

Human rights defenders and activists in Myanmar continue to be 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 UDHR. A range of laws in Myanmar are used to criminalize lawful expression and peaceful 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.

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.

Name: Daw Naw Ohn Hla (f), Daw Sein Htwe (f), U Nay Myo Zin (m), Ko Tin Htut Paing (m), Daw San San Win (f), Daw Mya Nyunt (f), Ko Thant Zin (m) and Khin Win (f)

Gender: both

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