

# URGENT ACTION

## HUMAN RIGHTS DEFENDER ARRESTED AND DETAINED

**Human rights defender Ko Htin Kyaw has been arrested in Myanmar for his peaceful activism and is currently detained in Yangon's Insein prison. He is a prisoner of conscience and must be immediately and unconditionally released.**

**Ko Htin Kyaw**, a human rights defender and leader of community-based organization the Movement for Democracy Current Force (MDCF), was arrested at around 9am on 5 May 2014 in South Okkalapa Township in Yangon. He was arrested while delivering a speech and distributing leaflets criticizing the Myanmar government and calling on members of parliament to resign.

South Okkalapa Township police arrested him at the Nandawun Market and reportedly took him to the South Okkalapa Township police station. He was charged under Section 505(b) of Myanmar's Penal Code, which provides for up to two years' imprisonment and a fine for any person who makes, publishes or circulates information which may cause public fear or alarm, and which may incite persons to commit offences "against the State or against the public tranquillity". According to reliable sources, Ko Htin Kyaw is facing 11 different charges under Section 505(b) for distributing leaflets in 11 different townships. He appeared before the South Okkalapa Township Court on 5 May before being transferred to Yangon's Insein prison later that day. On 8 May, he appeared before the North Okkalapa Township Court.

Ko Htin Kyaw is a prisoner of conscience, detained solely for peacefully exercising his right to freedom of expression. He joins a growing number of "new" prisoners of conscience jailed in Myanmar this year. All must be immediately and unconditionally released.

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

- ✓ Calling on the Myanmar authorities to immediately and unconditionally release Ko Htin Kyaw and drop all charges against him;
- ✓ Urging them to ensure that, pending his unconditional release, Ko Htin Kyaw is not tortured or otherwise ill-treated and that he has access to lawyers of his choosing and to visits from family members;
- ✓ Calling on them to repeal or else amend all laws which restrict the right to freedom of expression, to comply with international human rights law and standards; and
- ✓ Calling on them to immediately and unconditionally release all prisoners of conscience in Myanmar, and to drop charges against all those who have been arrested solely for the peaceful exercise of their right to freedom of expression.

### **PLEASE SEND APPEALS BEFORE 20 JUNE 2014 TO:**

<u>President</u>	<u>Minister of Home Affairs</u>
Thein Sein	Lt Gen. Ko Ko
President's Office	Ministry of Home Affairs
Nay Pyi Taw	Office No. 10
Republic of the Union of Myanmar	Nay Pyi Taw
<b>Salutation: Your Excellency</b>	Republic of the Union of Myanmar
	<b>Salutation: Dear Minister</b>

### **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

Ko Htin Kyaw is the leader of the Movement for Democracy Current Force (MDCF), a community-based organization which campaigns against human rights violations and promotes development in Myanmar. He has been arrested and imprisoned for his peaceful activism many times before. Most recently, between 21 October and 29 November 2013, five different courts sentenced him to at least 33 months' imprisonment on multiple charges under Article 18 of Myanmar's Peaceful Assembly and Peaceful Procession Law. This law is frequently used by the authorities to detain peaceful activists. He was released on 11 December 2013 as part of a Presidential amnesty, but was arrested and detained the same day, again facing charges under the Peaceful Assembly and Peaceful Procession Law. He was released a few weeks later on 31 December, as part of a Presidential pardon.

Amnesty International is concerned about the ongoing arrest and detention of human rights defenders and activists in Myanmar, merely 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). A range of laws in Myanmar are used to criminalize peaceful expression, including Section 505(b) of the country's Penal Code. The restrictions on the right to freedom of expression imposed by Section 505(b) are phrased in an excessively broad and vague manner, potentially resulting in both an overreach of the law and a discriminatory application of the law. The UN Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, has also identified Section 505(b) of the Penal Code as one of 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 to bring it in to line with international human rights law and standards.

Amnesty International continues to receive reports about poor prison conditions in Myanmar, which fall below international standards. These concerns include lack of access to adequate medical treatment, clean drinking water, nutritious food, and water for bathing. The organization calls 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.

Name: Ko Htin Kyaw  
Gender m/f: m

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