Myanmar: Acts of torture while in custody against Man Zar Myay Mon

Friday 16 July 2021

New information
MMR 003 / 0621 / OBS 066.1
Judicial harassment /
Arbitrary detention /
Torture
Myanmar
July 16, 2021

The Observatory for the Protection of Human Rights Defenders, a partnership of FIDH and the World Organisation Against Torture (OMCT), has received new information and requests your urgent intervention in the following situation in Myanmar.

New information:

The Observatory has been informed about the acts of torture while in custody and the ongoing judicial harassment against **Man Zar Myay Mon**, an environmental and land rights defender, member of the Myanmar Alliance for Transparency and Accountability (MATA) [1] and of the Subnational Coordination Unit (SCU) of the Extractive Industries Transparency Initiative (EITI) [2] in Sagaing Region.

According to a family member, Man Zar Myay Mon had his fingers broken during interrogation at the headquarters of the Tatmadaw's Northwestern Command in Monywa, Sagaing Region, where he was detained following his arrest on June 8, 2021. At the time of publication of this Urgent Appeal, Man Zar Myay Mon was detained in Monywa prison, Sagaing Region.

On July 7, 2021, Man Zar Myay Mon appeared for his third hearing in the Monywa prison court. During this hearing, he was able to meet with his lawyers in person for the first time since his arrest. Man Zar Myay Mon is facing five charges of "incitement" under Article 505(a) of the Penal Code. Among those charges, it is unclear to which alleged actions by Man Zar Myay Mon the charges are related.

The Observatory recalls that Man Zar Myay Mon has worked for many years to promote accountability of the extractive industries for the benefit of local communities. He led a regional mining investigation and helped inform the development of mining legislation in Sagaing Region. Throughout this process he helped uncover many instances of corruption among government officials. He was also active as one of the community leaders in the Letpadaung mine protests in Sagaing Region [3]. Since February 2021, he led non-violent anti-coup protests in Chaung-U Township, Sagaing Region.

Since his arrest, the United Nations (UN) Special Rapporteur on the situation of Human Rights Defenders and the UN Special Rapporteur on the situation of human rights in Myanmar expressed deep concern about Man Zar Myay Mon's arrest.

The Observatory expresses its utmost concern regarding the torture to which Man Zar Myay Mon has been subjected during his detention and alerts on the high risk of further acts of ill-treatment and torture

he is facing while in military custody. The Observatory urges the military junta to immediately release Man Zar Myay Mon, put an end to all acts of harassment - including at the judicial level - against him, and guarantee in all circumstances his physical integrity and psychological well-being.

Actions requested:

Please write to the members of **the military junta** asking them to:

i. Guarantee in all circumstances the physical integrity and psychological well-being of Man Zar Myay Mon, as well as of all human rights defenders in Myanmar, and ensure that they are able to carry out their activities without hindrance or fear of reprisals;

ii. Immediately and unconditionally release Man Zar Myay Mon, as his detention is arbitrary;
iii. Drop all charges against Man Zar Myay Mon and put an end to all forms of harassment, including at the judicial level, against him and all human rights lawyers and defenders in Myanmar;

iv. Carry out an immediate, thorough, transparent, and independent investigation into the above-mentioned acts of torture against Man Zar Myay Mon, in order to identify all those responsible, bring them before an independent tribunal, and sanction them as provided by the law.

Addresses:

• Senior General Min Aung Hlaing, Commander-in-Chief of the Defence Services; Twitter: @CINCDS

• H.E. Mr. Myint Thu, Permanent Representative to the United Nations in Geneva, Switzerland; Email: mission@myanmargeneva.org

• H.E. Mr. Soe Lynn Han, Permanent Representative to the European Union in Brussels, Belgium; Email: mebrussels@skynet.be

Please write to **international and regional organisations**, asking them to:

i. Urge the members of the military junta to immediately and unconditionally release Man Zar Myay Mon, as well as to guarantee his physical integrity and psychological well-being;

ii. Issue public statements condemning the arbitrary detention of Man Zar Myay Mon, the acts of torture to which he has been subjected during his detention and more generally, the ongoing crackdown on human rights defenders and civil society activists in Myanmar;

iii. Urge the members of the military junta, bilaterally and in multilateral fora, to halt the ongoing crackdown against civil society, to observe an immediate ceasefire, and to work towards a non-violent transitional process in order to restore peace in Myanmar.

Addresses:

• Mr. António Guterres, Secretary-General of the United Nations, Twitter: @antonioguterres
• Ms. Michelle Bachelet, United Nations High Commissioner for Human Rights, Email: civilsociety@ohchr.org, Twitter: @mbachelet
• Ms. Christine Schraner Burgener, United Nations Special Envoy of the Secretary-General for Myanmar, Twitter: @SchranerBurgen1
• Mr. Lim Jock Hoi, Secretary-General of the Association of South East Asian Nations, Email: public@asean.org, Twitter: @ASEAN
• Mr. Josep Borrell, European Union's High Representative for Foreign Affairs and Security Policy, Email: cab-borrell-fontelles-contact@ec.europa.eu, Twitter: @JosepBorrellF

Please also write to the diplomatic missions of Myanmar in your respective countries.

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Paris-Geneva, July 16, 2021

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.
The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by FIDH and the World Organisation Against Torture (OMCT). The objective of this programme is to intervene to prevent or remedy situations of repression against human rights defenders. FIDH and OMCT are both members of ProtectDefenders.eu, the European Union Human Rights Defenders Mechanism implemented by international civil society.

Footnotes

[1] The Myanmar Alliance for Transparency and Accountability is a network of over 400 civil society organizations and individuals who work on natural resource governance advocacy across all states of Myanmar. This entails working on extractive governance and promoting transparency and accountability of the exploitation of natural resources and its benefits to the broader public.

[2] The Extractive Industries Transparency Initiative (EITI) implements global standards to promote open and accountable management of oil, gas, and mineral resources.

[3] On November 29, 2012, security forces used white phosphorous, a highly toxic explosive substance, in a deliberate attack on villagers and monks who were protesting the negative impacts of the Letpadaung mine in Salingyi Township, Sagaing Region.