‘GOING BACK TO THE OLD WAYS’

A NEW GENERATION OF PRISONERS OF CONSCIENCE IN MYANMAR

AMNESTY INTERNATIONAL

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LEFT
Journalists protest in front of the Myanmar Peace Centre in Yangon during a visit by President Thein Sein on 12 July 2014. © REUTERS/ Soe Zeya Tun

On 8 November 2015 Myanmar will hold widely anticipated general elections – the first since President Thein Sein and his quasi-civilian government came to power in 2011 after almost five decades of military rule.

The elections take place against a backdrop of much-touted political, economic, and social reforms, which the government hopes will signal to the international community that progress is being made.

> **"As the election is getting near, most of the people who speak out are getting arrested. I am very concerned. Many activists… are facing lots of charges. This is a situation the government has created – they can pick up anyone they want, when they want."**
>
> *Human rights activist from Mandalay, July 2015.*

Yet for many in Myanmar's vibrant civil society, the picture isn't as rosy as it is often portrayed. Since the start of 2014, the authorities have increasingly stifled peaceful activism and dissent – tactics usually associated with the former military government. Human rights defenders, political activists and other members of civil society are facing an intensified clampdown on their rights to freedom of expression, association and peaceful assembly. The result has been an alarming increase in arrests and detentions of those peacefully exercising these rights, creating a new generation of prisoners of conscience in the country.

> **"In 2012 and 2013 the situation seemed better and more flexible but in 2014 and 2015 people started being charged and jailed again."**
>
> *Thet Thet Aung, a former prisoner of conscience, June 2015.*

> **"The authorities are targeting leading activists, media people – in particular people who could be doing election monitoring, people who are very active and will support campaigns for certain political parties."**
>
> *Aung Myo Kyaw, a former prisoner of conscience and member of the Assistance Association for Political Prisoners – Burma (AAPP-B), June 2015.*

Under pressure from the international community, in 2012 and 2013 President Thein Sein ordered mass prisoner releases which saw hundreds of prisoners of conscience freed after years – and in some cases more than a decade – behind bars. These releases prompted cautious optimism that Myanmar was moving towards greater respect for freedom of expression. In response, the international community began to relax the pressure, believing that the authorities could and would finally bring about meaningful and long-lasting human rights reforms.

> **"They [the authorities] have enough laws, they can charge anyone with anything. At the same time, they want to pretend that people have rights. But as soon as you make problems for them or their business they will arrest you."**
>
> *Min Ko Naing, former prisoner of conscience and member of the 88 Generation Peace and Open Society, June 2015.*

It was not to be. Without that sustained international pressure, and faced with a growing and increasingly vocal civil society, the authorities have been quick to revert to their old ways. Repression has intensified as the elections have drawn closer, and the authorities have increasingly resorted to a range of tactics to keep activists and campaigners off the streets. These include using draconian, vaguely-worded laws; charging peaceful activists with non-bailable offences so they are kept in pre-trial detention; and imposing longer prison sentences.

Today scores of prisoners of conscience languish behind bars, while hundreds of others are facing charges – and prison – simply for the peaceful exercise of their rights. The jailing of these new prisoners of conscience – student protesters, political activists, media workers and human rights defenders, in particular land and labour activists – should raise some urgent questions about the process of reform. The international community must make a renewed call to the Myanmar government to respect human rights, in particular the rights to freedom of expression, association and peaceful assembly. Myanmar's jails must be cleared of prisoners of conscience once and for all.

WHAT IS A PRISONER OF CONSCIENCE?

Amnesty International considers as a prisoner of conscience any person imprisoned or otherwise physically restricted solely because of his/her political, religious or other conscientiously held beliefs, ethnic origin, sex, colour, language, national or social origin, economic status, birth, sexual orientation or other status, or for exercising his or her right to freedom of expression or other human rights – who has not used violence or advocated violence or hatred.

All prisoners of conscience must be set free at once and without conditions, and all charges or other proceedings against them dropped.

MYANMAR'S NEW PRISONERS OF CONSCIENCE

PHYOE PHYOE AUNG
THE STUDENT LEADER

On 10 March 2015 police arrested Phyoe Phyoe Aung, leader of the All Burma Federation of Student Unions (ABFSU), one of Myanmar's largest and most well-known student movements, in the midst of a violent police crackdown on largely peaceful student protesters. She is currently detained in Tharawaddy prison in Bago Region, where she is facing a raft of politically motivated charges which could see her sentenced to over nine years in prison.

The protests had begun some months earlier, shortly after a new Education Law was adopted by Myanmar's Parliament. Students demanded amendments, arguing that the law limited their academic freedom. In early February, student groups led by Phyoe Phyoe Aung and others organized four concurrent marches of protesters throughout the country, which were to meet in Yangon, Myanmar's main city. As the students got closer to Yangon, tensions began to rise, coming to a head on 10 March when they attempted to dismantle a police blockade. The police responded by beating the protesters with batons, including some who had fallen to the ground.

Phyoe Phyoe Aung and more than 100 other student protesters, their leaders and supporters are now facing a range of criminal charges, including taking part in an unlawful assembly; joining or continuing an unlawful assembly, knowing it has been dispersed; "rioting"; voluntarily causing hurt to deter a public servant from his duty; and inciting the public to commit offences "against the State or against public tranquility".

"I want to be able to contribute, as a good citizen, in whatever way I can, in whatever role I have, either to build the nation, to transform the country, or to revolutionize the system."

Prisoner of conscience Phyoe Phyoe Aung, June 2015.

ABOVE
Phyoe Phyoe Aung at one of her court hearings.
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BELOW
Htin Kyaw is greeted by supporters after being released from Insein prison in Yangon on 31 December 2013.
© Soe Than WIN/ AFP/Getty Images

"Ko Htin Kyaw's morale is good. He is determined to continue his work once outside of prison."

Member of the Movement for Democracy Current Force (MDCF), July 2015.

HTIN KYAW
THE COMMUNITY CAMPAIGNER

Htin Kyaw is a well-known activist and outspoken government critic, who has been sentenced to a total of 13 years and four months in prison for his peaceful political activities. He is the leader of the Movement for Democracy Current Force, a community-based organization which campaigns against human rights violations and calls for justice and accountability for victims and their families.

Htin Kyaw is currently imprisoned in Insein prison in Yangon. He was arrested in the city on 5 May 2014 while making a speech and handing out leaflets criticizing the government and calling on members of parliament to resign. He was initially charged with inciting people to commit offences "against the State or against public tranquility", but since then the authorities have brought a raft of other charges against him for his various peaceful political activities, including a number of peaceful protests against land acquisitions by the authorities in April and May 2014.

Illustrative of the authorities' dogged attempts to target Htin Kyaw is the fact that he has been sentenced to imprisonment under the same law in each of the 11 townships of Yangon where he distributed leaflets. The result is a series of cumulative sentences which add up to lengthy imprisonment. Sentences are served consecutively in Myanmar, rather than concurrently.

The authorities' determination to silence Htin Kyaw and his organization is also apparent in the fact that since his arrest at least nine other MDCF activists have been charged for their peaceful political activities and two others are still detained.

NAW OHN HLA
THE CONSTANT PROTESTER

Naw Ohn Hla is a prominent human rights activist who has been jailed six times for her peaceful activism – in particular for supporting farmers and others involved in land disputes and protesting against forced evictions. She has been sentenced to over five years in prison for a series of peaceful protests, although she still has multiple other charges pending against her, and is currently in Insein prison in Yangon.

After taking part in a peaceful protest in front of the Chinese embassy in Yangon, Naw Ohn Hla was detained on 30 December 2014. She was among a group of around 100 people calling for an investigation into excessive use of force by police during a protest at the controversial Letpadaung copper mine the week before. The authorities charged Naw Ohn Hla and six others with a range of politically motivated offences, including "rioting" and inciting people to commit offences "against the State or against the public tranquility".

But the case didn't end there – Naw Ohn Hla was also charged with "protesting without permission" in each of the six townships she passed through on her way to and from the protest. The authorities also charged her with alleged offences in connection with several other peaceful protests she took part in during 2014. These charges are still outstanding.

However, the charge that best illustrates how the authorities can – and do – arbitrarily use the law to target activists is linked to a 2007 protest in which Naw Ohn Hla participated. Back then, she led a peaceful prayer service at Yangon's Shwedagon Pagoda, calling for the release of opposition leader Aung San Suu Kyi, then held under house arrest, and other prisoners of conscience. But it wasn't until six years later in December 2013 that details surfaced that she had been charged with causing a "religious disturbance" – and more than a year and a half after that, on 26 June 2015, that she was found guilty and sentenced to six months in prison.

BELOW
Naw Ohn Hla speaks to members of the media after she was released from Insein prison in Yangon on 31 December 2013.
© Soe Than WIN/ AFP/Getty Images

RIGHT
Zaw Win
© Private

BELOW RIGHT
Htin Lin Oo is handcuffed during a court hearing on 1 September 2015.
© Burma Campaign UK

"Now the authorities are going back to the old ways. They feel they need to pressure the people – to arrest and imprison them – to get what they want. It was so obvious when they charged Naw Ohn Hla for the Shwedagon Pagoda case. It showed – if they want to arrest and imprison us, they can."

Moe Thway, former prisoner of conscience and President of Generation Wave, June 2015.

ZAW WIN
THE SOLO PROTESTER

Zaw Win is a lawyer from Pyin Oo Lwin Township, Mandalay Region, who provides free legal representation to farmers protesting against land confiscations. His increasing frustration with what he saw as an unfair legal system prompted him to take action in protest.

On 29 May 2014 he was at the Pyin Oo Lwin District Court for a hearing in a case he was pleading. At around 1:30pm, during a break in proceedings, he left the District Court and peacefully walked down the road to the Township Court and back. As he walked, he shouted slogans through a megaphone, demanding the removal of unfair judges and calling for better administration of justice.

After he had finished his protest, Zaw Win simply returned to resume the hearing.

Almost three months later, on the morning of 25 August, he was arrested by police at his home. He was charged with protesting without permission, even though, according to the law, an assembly refers to a gathering of more than one person. The authorities also charged him with "incitement" under Section 505(b) of the Penal Code – a non-bailable offence, and a provision commonly used to detain government critics.

Zaw Win is currently detained in Mandalay's Oh-Bo prison while the cases against him continue.

"The courts commit wrongdoings and take bribes. We filed complaints on this… no action has been taken until today. Oppression is on the rise… because I work for the interest of the farmers, [the authorities] pressure me more. I am not happy with that, so I am protesting."

Prisoner of conscience Zaw Win, 29 May 2014.

HTIN LIN OO
THE VOICE OF TOLERANCE

On 23 October 2014, Htin Lin Oo – a writer and former spokesperson for the National League for Democracy, Myanmar's main opposition political party – gave a speech at a literary event in Sagaing Region, where he criticized the use of Buddhism to promote discrimination and prejudice. His speech – which lasted for around two hours and was addressed to a crowd of around 500 people – criticized groups that he said take advantage of religion to stoke discrimination. His comments came at a time of rising religious intolerance in Myanmar.

In the days and weeks that followed, a 10-minute edited version of the speech began to circulate on social media. Taken out of context, Htin Lin Oo's comments caused outrage, in particular among hardline Buddhist nationalist groups. A complaint was filed against him at the Chaung-U Township police station, and on 2 June 2015, Htin Lin Oo was sentenced to two years in prison with hard labour for "insulting religion". He is currently appealing against the conviction, while serving his sentence in Monywa prison, Sagaing Region.

"Even though he is in prison, Htin Lin Oo is in good health and fighting spirits. Whenever I see him he doesn't talk about himself and his case – he always wants to talk about the political situation in the country, the upcoming elections ..."

Thein Than Oo, a human rights lawyer representing Htin Lin Oo, July 2015.

MYO MIN MIN, NAING HTAY LWIN, NAING ZAW KYI WIN AND THU ZAW KYI WIN

THE LABOUR ACTIVISTS

Four labour activists are in prison for leading and supporting striking garment workers. The workers – from factories in the Shwe Pyi Thar Industrial Zone in Yangon – had gone on strike on 2 February 2015 and organized protest camps and marches to demand higher wages.

On 20 February, union leaders and factory workers Myo Min Min and Naing Htay Lwin were arrested shortly after giving a press conference to local media to explain the workers' demands.

Four days later, 22-year-old student Naing Zaw Kyi Win was arrested by plain clothes police officers in the house of a factory worker. He had been advising the workers of their rights, including helping them to submit applications to the authorities to hold a protest, and had been trying to negotiate with police not to use force against protesters.

His older brother, Thu Zaw Kyi Win, was arrested on 4 March, after the striking workers decided to move their protest from the Shwe Pyi Thar Industrial Zone to Sule Pagoda, next to Yangon's City Hall. A short time into the march, police surrounded the protesters, blocking their way, and a stand-off ensued which ended with a number of protesters arrested but later released. Thu Zaw Kyi Win was arrested while sitting in a nearby tea shop.

On 11 September, Myo Min Min and Naing Htay Lwin were both sentenced to two years and six months' imprisonment for committing offences "against the State or against the public tranquillity", protesting without permission and for breaching the conditions of permission to protest. Thu Zaw Kyi Win and Naing Zaw Kyi Win are still on trial awaiting a verdict under the same charge of committing offences "against the State or against the public tranquillity". All four are currently detained in Insein prison in Yangon.

"The police asked lots of questions. They kept on asking, 'who organized the protest? Who is mobilizing the people?' They showed me photos of Myo Min Min and Naing Htay Lwin and asked if they were behind the protest. They warned me, 'we will take legal action against you if you make any more problems'… Now we have no more plans to protest – our leaders are in prison, and some of the workers were fired after the protests… people are afraid to take action."

A factory worker and protester, June 2015.

ABOVE
Naing Htay Lwin (left) and Myo Min Min (right), two of the imprisoned labour activists from factories in Shwe Pyi Thar.
© Private

RIGHT
Unity Weekly journalist Sithu Soe is handcuffed at a court appearance.
© Private

YARZAR OO, LU MAW NAING, PAING THET KYAW, SITHU SOE AND TINT SAN

THE *UNITY* FIVE

Five media workers for the *Unity Weekly* newspaper are serving seven years' imprisonment with hard labour in Pakokku prison in Sagaing Region, after the paper published an article about an alleged secret chemical weapons factory.

The five men were arrested in January and February 2014, a week after the article was published. The government was quick to deny the story, and seized copies of the newspaper across the country. State media later confirmed that the five had been charged with "disclosing State secrets, trespassing on the restricted area of the factory, taking photographs and the act of abetting".

They were originally sentenced to 10 years in prison with hard labour by the Pakokku Township Court in July 2014. In October that year this was reduced on appeal to seven years.

With its staff members imprisoned, *Unity Weekly* was forced to close, further deepening the shadow over media workers in Myanmar, who fear arrest and imprisonment simply for peacefully undertaking their work.

"In Myanmar, the family members of the prisoners of conscience also face harassment in their business and social activities… I worry about the situation of my family outside, their livelihood, as well as the prospects for the future."

Prisoner of conscience Lu Maw Naing, June 2015.

"The government may stop the work of newspapers by detaining and pressing charges against journalists and jailing them, but they will never manage to change journalists' conviction to stand by the side of the people. The government should not view the media as an enemy but instead value press freedom."

Prisoner of conscience Sithu Soe, June 2015.

PRISONERS OF CONSCIENCE

Amnesty International believes that there are at least 91 prisoners of conscience in Myanmar. However, the actual figure is likely to be higher. They are currently languishing in prison or in detention awaiting trial. These individuals must be immediately and unconditionally released.

ZAW WIN MYINT M
Student protester, Tharawaddy prison

YE HTUT LWIN M
Student protester, Tharawaddy prison

YAN PAI SOE M
Student protester, Tharawaddy prison

YAN NAUNG PHYO M
Student protester, Tharawaddy prison

WUNNA SOE M
Student protester, Tharawaddy prison

WAI YAN TUN M
Student protester, Tharawaddy prison

THIHA WIN TIN M
Student protester, Tharawaddy prison

THAW ZIN TUN M
Student protester, Tharawaddy prison

THAN HTIKE M
Student protester, Tharawaddy prison

ZA WIN M
Student protester, Tharawaddy prison

TA ZAR TUN M
Student protester, Tharawaddy prison

SWE LINN TUN M
Student protester, Tharawaddy prison

SOE NAING M
Student protester, Tharawaddy prison

PHYOE PHYOE AUNG F
Student protester, Tharawaddy prison

NANDAR SITT AUNG M
Student protester, Tharawaddy prison

PHYU PHYU KHAING F
Student protester, Tharawaddy prison

MON YI KYAW F
Student protester, Tharawaddy prison

KHAING MAR NYEIN F
Student protester, Tharawaddy prison

HONY OO F
Student protester, Tharawaddy prison

EI THIN ZAR MAUNG F
Student protester, Tharawaddy prison

SAN LWIN OO M
Student protester, Tharawaddy prison

PHYU ZIN AUNG M
Student protester, Tharawaddy prison

PHYO DANA CHIT LINN THIKE M
Student protester, Tharawaddy prison

PAYE PHONE PAI M
Student protester, Tharawaddy prison

PAYE LWIN M
Student protester, Tharawaddy prison

NYEIN KYAW THU M
Student protester, Tharawaddy prison

MYO MYAT SAN M
Student protester, Tharawaddy prison

Phyoe Phyoe Aung [centre] along with protesters against the National Education Law in November 2014.
© Private

MYO HTET PAI M
Student protester, Tharawaddy prison

MYITTA OO M
Student protester, Tharawaddy prison

MYAT SOE OO M
Student protester, Tharawaddy prison

MYA GYI M
Student protester, Tharawaddy prison

MOE HTAT NAY M
Student protester, Tharawaddy prison

MIN THWAY THIT M
Student protester, Tharawaddy prison

MIN MIN ZAW M
Student protester, Tharawaddy prison

MAUNG MAUNG THEIN M
Student protester, Tharawaddy prison

MAR NAW M
Student protester, Tharawaddy prison

LWIN KO KO AUNG M
Student protester, Tharawaddy prison

KYAW SWAR LINN M
Student protester, Tharawaddy prison

KYAW KYAW TUN M
Student protester, Tharawaddy prison

KO THEIN M
Student protester, Tharawaddy prison

KHIN MAUNG WIN M
Student protester, Tharawaddy prison

KHANT AUNG M
Student protester, Tharawaddy prison

HTAY NAING M
Student protester, Tharawaddy prison

HTAIN LINN AUNG M
Student protester, Tharawaddy prison

HEIN ZAW WIN M
Student protester, Tharawaddy prison

BO BO MYO M
Student protester, Tharawaddy prison

AUNG SI THU M
Student protester, Tharawaddy prison

AUNG MYO OO M
Student protester, Tharawaddy prison

AUNG CHO OO M
Student protester, Tharawaddy prison

AUNG MYINT HAN M
Student protester, Tharawaddy prison

AUNG KO KO M
Student protester, Tharawaddy prison

AUNG HTET M
Student protester, Tharawaddy prison

AUNG HMINE SAN M
Student protester, Tharawaddy prison

AUNG CHAN MIN M
Student protester, Tharawaddy prison

HTIN LIN OO M
Charged with religious defamation, Monywa prison

NAW OHN HLA F
Peaceful protester, Insein prison

SEIN HTWE F
Peaceful protester, Insein prison

TIN HTUT PAING M
Peaceful protester, Insein prison

SAN SAN WIN F
Peaceful protester, Insein prison

THAN SHWE M
Peaceful protester, Insein prison

HTIN KYAW M
Community campaigner protesting against the government, Insein prison

NAUNG NAUNG M
Community campaigner protesting against the government, Insein prison

THEIN AUNG MYINT M
Peaceful protester, Oh-Bo prison

LU MAW NAING M
Journalist, Pakokku prison

YARZAR OO M
Journalist, Pakokku prison

PAING THET KYAW M
Journalist, Pakokku prison

SITHU SOE M
Journalist, Pakokku prison

TINT SAN M
Chief executive of a weekly newspaper, Pakokku prison

MYO MIN MIN M
Labour activist, Insein prison

NAING HTAY LWIN M
Labour activist, Insein prison

NAING ZAW KYI WIN M
Labour activist, Insein prison

THU ZAW KYI WIN M
Labour activist, Insein prison

ZAW WIN M
Lawyer, Oh-Bo prison

WIN HLAING M
Solo-protester, Prome prison

NAING YE WAI M
Student protester, Oh-Bo prison

AUNG SAN OO M
Student protester, Oh-Bo prison

JIT TOO M
Student protester, Oh-Bo prison

NYAN LINN HTET M
Student protester, Oh-Bo prison

ZAYAR LWIN M
Student protester, Insein prison

PHAING YE THU M
Student protester, Insein prison

KHIN THANDAR TUN F
Student protester, Myingyan prison

KYAW THAN TUN M
Student protester, Myingyan prison

NYAN MYINT THAN M
Student protester, Myingyan prison

SEIN WIN M
Student protester, Myingyan prison

SITHU MYAT M
Student protester, Myingyan prison

SOE HLAING M
Student protester, Myingyan prison

THANT ZIN M
Student protester, Myingyan prison

ZIN KO THANT M
Student protester, Myingyan prison

TUN THUREIN M
Charged with religious defamation, Insein prison

HTUT KO KO LWIN M
Charged with religious defamation, Insein prison

PHILIP BLACKWOOD M
Charged with religious defamation, Insein prison

CREATING AND MAINTAINING A CLIMATE OF FEAR

The fact that the authorities can – and do – arrest people for exercising their rights creates a climate of fear among Myanmar's civil society.

The authorities compound this fear of arrest with other forms of intimidation, which include a pervasive system of monitoring and harassment. Activists are subjected to many forms of surveillance – including being followed; having their photo taken when attending events and meetings; midnight inspections in their offices and homes; and harassment of their family members, colleagues or friends.

> **"This is their message to activists: if we do something they [the authorities] don't like, they will simply find ways to arrest us."**
>
> *Thet Swe Win, Co-founder and Director of the Center for Youth and Social Harmony, July 2015.*

This constant surveillance, coupled with the fact that old repressive laws remain in force and new ones are enacted, create the perpetual fear that anyone may be arrested for their peaceful activities, at any time.

> **"Whether they want to arrest us or not, the decision is in their [the Myanmar authorities] hands because we have no good laws."**
>
> *A student activist, July 2015.*

> **"There is no rule of law in [Myanmar] and anyone can be arrested at any time. The laws used by the authorities to oppress political activities haven't changed yet."**
>
> *Aung Myo Kyaw, a former prisoner of conscience and member of the Assistance Association for Political Prisoners – Burma (AAPP-B), June 2015.*

BELOW
Police line up against student protesters during a demonstration in Yangon on 30 June 2015 against unelected soldiers who make up a quarter of parliamentary seats. Yangon, 30 June 2015.
© Ye Aung Thu/AFP/Getty Images

RIGHT
Police surround a journalist taking photographs at a protest over imprisoned colleagues near the Myanmar Peace Centre during a visit by Myanmar President Thein Sein. Yangon, 12 July 2014.
© EPA/LYNN BO BO

MYANMAR'S REPRESSIVE LEGAL FRAMEWORK

The Myanmar authorities have a long history of relying on a wide range of repressive and vaguely-worded laws to restrict the rights to freedom of expression, association and peaceful assembly. As long as these laws remain in force, peaceful activists will continue to fear arrest and prisoners of conscience will continue to fill Myanmar's jails. Among the laws used are:

2011 PEACEFUL ASSEMBLY AND PEACEFUL PROCESSION LAW

Commonly used to arrest peaceful protesters, this law requires protesters to apply for permission to demonstrate and allows the authorities to deny applications which pose a threat to "the security of the State, rule of law, public tranquility and the existing laws". Protesting without permission can be punished with up to six months in prison under Article 18, while breaching the terms under which permission to protest is granted can be punished with up to three months under Article 19.

ARTICLES 143, 145 AND 147 OF THE PENAL CODE

These provisions allow authorities to imprison any person who participates in an unlawful assembly. Sentences range from six months to two years in prison.

ARTICLE 295(A) OF THE PENAL CODE

Allows the authorities to imprison for up to two years any person who outrages religious feelings by insulting religion or religious belief.

ARTICLE 505(B) OF THE PENAL CODE

Commonly used to detain government critics, the law provides up to two years' imprisonment for any person who incites the public to commit offences "against the State or the public tranquility".

1923 OFFICIAL SECRETS ACT

Under this law it is an offence to possess, control, receive or communicate any document or information which, if disclosed, could be "prejudicial to the safety or interests of the state". It grants the Government broad powers to determine what is classified as "secret" while there are no provisions which allow for the disclosure of classified information on public interest grounds.

These laws place unlawful restrictions on the rights to freedom of expression and peaceful assembly and must be repealed or amended to comply with international human rights law and standards. As a UN member state, Myanmar has an obligation to respect human rights in accordance with the UN Charter and with the Universal Declaration of Human Rights (UDHR). The UDHR states among other things that everyone has the right to freedom of expression, which includes freedom to seek, receive and impart information and ideas through any media and regardless of frontiers, as well as freedom of peaceful assembly and association.

Under international human rights law any restrictions placed on the exercise of these rights must be exceptional and are permissible only if they meet three key criteria:

- they must be provided by law;
- they are only for certain specified permissible purposes, namely to protect the rights and reputation of others; national security or public safety, public order, public health, or public morals; and
- they must be demonstrably necessary and proportionate for that purpose.

It is clear that the laws highlighted above, under which human rights defenders and peaceful activists are criminalized and imprisoned, do not meet these criteria.

Villagers protest against a copper mine project in front of Letpadaung hill during a visit by pro-democracy leader Aung San Suu Kyi in Sarlingyi township. 13 March 2013.
© REUTERS/Soe Zeya Tun

A UNIQUE OPPORTUNITY FOR CHANGE

The ongoing arrests and imprisonment of human rights defenders, political activists and other civil society members has to stop.

It is time for President Thein Sein to finally deliver on his promise to release all prisoners of conscience in Myanmar.

In the past, the authorities have shown that they are susceptible to pressure from abroad. The attention that will be directed at Myanmar in the run-up to the November elections offers a crucial opportunity for the international community to take action to ensure that prisoners of conscience are freed, not forgotten. Anything less would jeopardize an important chance for change, and seriously call into question international commitments to improving the human rights situation in Myanmar.

TIME TO ACT

The Myanmar authorities must immediately and unconditionally release all prisoners of conscience. To convince them to do so, those who have the greatest influence on Myanmar – the international community, in particular the USA, the EU and its member states, and governments of the Association of Southeast Asian Nations (ASEAN) – must:

- publicly call on the President of Myanmar to immediately and unconditionally release all prisoners of conscience and drop all charges against those who are facing imprisonment solely for the peaceful exercise of their human rights; and
- raise concerns regarding human rights violations in Myanmar at every available opportunity, including in bilateral and multilateral forums and during the country's upcoming Universal Periodic Review in the UN Human Rights Council in November 2015.

The Myanmar government must:

- immediately and unconditionally release all prisoners of conscience;
- drop all charges against those who are facing imprisonment solely for the peaceful exercise of their human rights; and
- repeal or amend all laws that violate the rights to freedom of expression, association and peaceful assembly – in particular the Peaceful Assembly and Peaceful Procession Law, Articles 143, 145, 147, 295(a) and 505(b) of the Penal Code, and the Official Secrets Act – to ensure these conform with international human rights law and standards.

Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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(COVER IMAGE) Student protesters try to speak to family members from a prison vehicle as they are transported to a court in Letpadaung. 11 March 2015. © Ye Aung Thu/AFP/Getty Images

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