

URGENT ACTION

DEMAND RELEASE OF MYANMAR LABOUR ACTIVISTS

Two labour activists are currently on trial for providing striking garment workers in Myanmar advice on their rights. Two other union leaders have already been sentenced to two years and six months in prison for their role in leading and supporting the workers. All four are prisoners of conscience who must be released immediately and unconditionally.

Student **Naing Zaw Kyi Win** and his older brother **Thu Zaw Kyi Win** were detained after providing support to the striking garment workers, including advising them on their rights. The workers, from factories in Yangon's Shwe Pyi Thar Industrial Zone, went on strike on 2 February, organizing protest camps and marches to demand higher wages. On 24 February, Naing Zaw Kyi Win was arrested by plain-clothes police officers in the house of a factory worker. Thu Zaw Kyi Win was arrested on 4 March as he was accompanying the striking workers who tried to move their protest to Sule Pagoda, next to Yangon's City Hall. The two brothers are currently on trial at Yankin Township Court facing charges of inciting offences "against the State or against the public" under Section 505(b) of Myanmar's Penal Code, with a verdict expected soon.

Union leaders and factory workers **Myo Min Min** and **Naing Htay Lwin** were arrested on 20 February shortly after giving a press conference explaining the workers' demands. They were sentenced on 11 September to two years and six months' imprisonment under Section 505(b) of Myanmar's Penal Code for protesting without permission (Article 18) and violating the conditions of permission to protest (Article 19) under the Peaceful Assembly and Peaceful Procession Law. All four are currently in Insein Prison, in Yangon.

On 8 November Myanmar will hold general elections. This is an important opportunity to call on Myanmar's President Thein Sein to declare a prisoner amnesty and release all prisoners of conscience.

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

- Calling for the immediate and unconditional release of Naing Zaw Kyi Win, Thu Zaw Kyi Win, Myo Min Min and Naing Htay Lwin, and drop all charges still pending against them;
- Urging the authorities to ensure that pending their release, Naing Zaw Kyi Win, Thu Zaw Kyi Win, Myo Min Min and Naing Htay Lwin are not tortured or otherwise ill-treated; not transferred to a remote prison, have regular access to family members and lawyers and are provided with any medical treatment that they may require; and
- Calling on them to repeal or else amend all laws which unlawfully restrict the rights to freedom of expression and peaceful assembly, and to comply with international human rights law and standards.

PLEASE SEND APPEALS BEFORE 10 NOVEMBER 2015 TO:

President

Thein Sein
President's Office
Office No. 18
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
Fax: +95 67 412 439
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: chmyanmarnhrc@gmail.com

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

Thu Zaw Kyi Win has been sentenced for his peaceful activities before. On 3 June 2015, while held at Insein prison on his current charges, the Shwe Pyi Thar Township Court sentenced him to a one-month prison sentence for protesting without permission in connection with a protest against the trial of a fellow activist.

Human rights defenders and activists in Myanmar are being 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 Universal Declaration of Human Rights (UDHR). A range of laws in Myanmar are used to criminalize freedoms of expression and peaceful assembly, including Section 505(b) of the country's Penal Code and the Peaceful Assembly and Peaceful Procession Law.

Section 505(b) provides up to two years' imprisonment for any person who incites the public to commit offences "against the State or the public tranquility". The Peaceful Assembly and Peaceful Procession 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. The restrictions on the right to freedom of expression imposed by these 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: Naing Zaw Kyi Win, Thu Zaw Kyi Win, Myo Min Min and Naing Htay Lwin
Gender m/f: all m

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