



STATEMENT ON “MYO KO KO SAN” THE TRANSGENDER BEAUTY QUEEN DETAINED BY THE POLICE

Date January 22, 2017

The young Myanmar LGBTIQA icon, Miss International Queen Myanmar Myo Ko Ko San, a native of Mandalay Division, was detained as a suspect by four plainclothes officers upon her arrival from Bangkok at the Yangon International Airport Immigration Department at 9:38 PM on 17 January 2017.

She was transported to Yankin Police Station for investigation although the authorities gave no reason for her detention. According to the accused, she was then formally arrested for allegedly being the administrator of the Facebook page “Cele Cele Small” which has been harassing and attacking many famous Myanmar celebrities with rumors about their personal lives. The identity of the plaintiff remained unknown at that moment. The authorities took her telephone, turned it off, and kept her isolated, denying her communication with any relatives or acquaintances. They then proceeded to violate her privacy by accessing her phone and checking her personal profiles and accounts online. Her friends who had accompanied her from Thailand posted on social media that Myo Ko Ko San had been detained by plainclothes officers.

On January 18, the authorities took mugshots of Myo Ko Ko San in handcuffs from the front and the side. The court assessed her the following morning. The case has been filed by actress Wutt Hmone Shwe Yi (Kit Kit), under the entitlement of violation of code 66(D), the Cyber Act. The Telecommunication Law of Myanmar Article 66(D) is applicable for any individual’s defamation on electronic/ social media networks.

In the courtroom, Myo Ko Ko San was asked whether she was a male or female, to which she responded was the former. The Judge ordered the police to remand Myo Ko Ko San for a period of two weeks while the police investigated the case, meaning she was to remain in police custody until 31 January. Despite her transgender identity, the police imprisoned Myo Ko Ko San in a male cell. The police denied her access to her vital personal property, including her contact lenses and electronic devices.

On January 20, 2017 at 6:30 AM, citing lack of credible evidence, Myo Ko Ko San was released from police custody, before the end of the judge’s recommended period of remand, and the authorities stated that her property would be returned to her the following afternoon.

Due to the above incident, although she has been set free, Myo Ko Ko San is worried about how and when similar situations will occur in the future. Myo Ko Ko San was physically tortured and mentally disturbed as a result of her detention in the male cell despite being transgender, her arrest in a public area without any formal procedures or reasons, her being recommended for a period of remand for two weeks by the court, and the violation, invasion, and exposure of her privacy by the authorities' use of her social media and email accounts.

She is worried about continuing threats to her security due to social and professional rivalries, which the authorities will act upon without evidence and without granting her access to family, friends, or legal assistance.

In a video-interview with Popular Journal on January 20, 2017, Wutt Hmone Shwe Yi said that she filed a case on January 15, 2017 against the administrator of the Facebook page "Cele Cele Small." But in practice, Myo Ko Ko San turned out to be the only person to be detained by the police for investigation for the case. This raised the question for the LGBTIQ community in Mandalay as to whether the authorities were targeting the minority, the LGBTIQ community, on purpose for criminal investigations without evidence.

Myo Ko Ko San was accused of being an administrator of the Facebook page "Cele Cele Small" along with the photos throughout the mainstream media, discriminated against by the public for being transgender and bashed by the online users. These humiliations threaten and disgrace Myo Ko Ko San's, who was Miss International Queen Myanmar 2014, basic human dignity. Her fundamental rights as a citizen were violated as follows :

(A) Although the formal process of detaining a civilian includes acknowledging the recipient the entitlement and issue of the case and the authentication by the officers, she was arrested on-spot in the presence of the public and was humiliated, degraded in her basic human dignity, and disrespected as a citizen. For a country that admires and idolizes a genuine Democracy, violation of –

Paragraph(347)

Paragraph(353)

Paragraph(357)

Paragraph(376) from Chapter (8) for the Citizenship and the Fundamental Rights under the Constitutional Law of the Union of the Republic of Myanmar, is obnoxiously unacceptable. Hereby, we, the LGBTIQ community, representing Mandalay Division of the Union of the Republic of Myanmar, firmly demote and condemn the treatment by the authorities towards the minority, the LGBTIQ community.

Similar incident like this was occurred on July 7, 2013 when the police were seizing innocent citizens and a group of transgender were arrested and tortured, that the LGBTIQA community in Mandalay Region are concerned about their security.

The incident clearly pointed out that the minority LGBTIQA community is still not profoundly granted the Fundamental Rights of the Citizens under Chapter(8) of the Constitutional Law of the Union of the Republic of Myanmar. Hence, we, the LGBTIQA community in Mandalay, demand the following statements :

- (1) We, the LGBTIQA community in Mandalay region, demand the ultimate granting of protection and security of the citizens as stated in the Chapter (8), Citizenship and the Fundamental Rights of the Citizen, under the Constitution of the Union of the Republic of Myanmar.
- (2) Recognition on the LGBTIQA community as typical citizens of the Union of the Republic of Myanmar that will establish fair and equal justice for each and every individual.
- (3) The Telecommunication Law 66(D) is not concrete and unreliable in a way that it is applicable to any individual or organization when the case is filed and the victim can be arrested without any reasons or issues-related warrant. Therefore, we, the LGBTIQA community in Mandalay Region, demand the reinstatement of the Telecommunication Law 66(D), protecting and securing the citizens in every existence and right and every regard.
- (4) We demand that law enforcement officers, police, and authorities engage the judicial system diligently and respectfully under the Rule of Law as the country's mechanism. To avoid similar cases where innocent people are detained by the authorities and our community (including LGBTIQA people) are disrespected, we demand the reassessment and reinstatement of the Telecommunication Laws that are yet to be reviewed and reaffirmed. We demand a better ruling of law in Myanmar and effective judicial system in order to become a country of responsible and respectful citizens.

BY

Mandalay LGBTIQA community &

Mandalay civilians who demand ruling of law.