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MYANMAR: RELEASE FOUR ACTIVISTS JAILED FOR PEACEFUL PROTEST

The Myanmar authorities should immediately and unconditionally release four activists who have been convicted and sentenced to one month in prison simply for the peaceful exercise of their rights to freedom of expression and peaceful assembly, Amnesty International, Human Rights Watch, and Civil Rights Defenders said today.

On 17 January, the Myawaddy Township court in Kayin/Karen State, south eastern Myanmar, sentenced four activists – Naw Ohn Hla, Maung U, U Nge (aka) Hsan Hlaing, and Sandar Myint – to one month in prison after finding them guilty of protesting without authorization under Article 19 of the Peaceful Assembly and Peaceful Procession Law. The law officially only requires notification of a protest but in practice, authorities treat the notification requirement as a request for permission. It has frequently been used to target peaceful activists, in particular those campaigning for justice for communities affected by human rights violations and abuses.

Police charged the four activists after they participated in a peaceful demonstration organized by residents of the Shwe Mya Sandi housing project in Kayin/Karen State on 19 April 2019. Residents had been protesting against demolition of their homes in February 2019, after the government declared that the land used for the project had been acquired unlawfully and began demolishing their homes. Protest organizers Maung U, U Nge (aka) Hsan Hlaing, and Sandar Myint had notified authorities of their intention to march along the Myawaddy road. Naw Ohn Hla was not involved in organizing the protest, however she joined in a show of solidarity. All four were arrested soon afterwards and charged under Article 19 of the Peaceful Assembly and Peaceful Procession Law. The court sentenced each of them to one month in prison. They are currently detained in Hpa An prison, Kayin/Karen State.

Amnesty International, Human Rights Watch, and Civil Rights Defenders consider all four activists to be prisoners of conscience, imprisoned solely for the peaceful exercise of their rights to freedom of expression and peaceful assembly. All three organizations call on the Myanmar authorities to release them immediately and without conditions, and quash their convictions.

The rights to freedom of expression and peaceful assembly are enshrined in Articles 19 and 20 of the Universal Declaration of Human Rights (UDHR). Under international human rights law and standards, certain restrictions on the rights to freedom of expression and peaceful assembly may be imposed, but only in narrow, clearly defined circumstances. Such restrictions must be provided by law; be limited to certain specified purposes such as national security, public order or respect of the rights or reputation of others; and be necessary and proportionate to the achievement of one of those permissible purposes. Amnesty International, Human Rights Watch, and Civil Rights Defenders are concerned about a number of laws in Myanmar – including the Peaceful Assembly and Peaceful Procession Law – which are incompatible with the rights to freedom of expression and peaceful assembly and which are used to arrest, prosecute and imprison human rights defenders and other peaceful activists. Our organizations urge the Myanmar authorities – in particular Parliament – to take immediate action to review and repeal or amend all such laws to bring them into line with international human rights law and standards.

Human rights defenders play a vital role in the protection and promotion of human rights, and it is crucial that they are able to speak out freely on human rights violations, including those committed by the military against civilians in areas of armed conflict, without fear of repercussions. Under Article 2 of the UN Declaration on Human Rights Defenders, each state has a duty to create the conditions necessary to defend human rights within their jurisdictions. Amnesty International, Human Rights Watch, and Civil Rights Defenders call on the Government of Myanmar to ensure an environment in which it is possible to defend human rights without fear of reprisal or intimidation.

BACKGROUND

Naw Ohn Hla, an ethnic Karen woman, is a prominent activist in Myanmar, who has frequently been targeted for arrest, prosecution and imprisonment by the Myanmar authorities. Most recently, she was imprisoned along with two other ethnic Karen activists – Saw Albert Cho and Saw Thein Zaw Min – for their role in organizing a peaceful event

commemorating Karen Martyrs Day in Myanmar's main city Yangon, on 12 August 2019. The group had notified local authorities of their intention to hold the event, however were told they were not allowed to use the word "martyr" during the event. The event went ahead, but the restricted word was used. Police subsequently charged the three organizers under Article 20 of the Peaceful Assembly and Peaceful Procession Law, for using the word "martyr" and therefore violating the notified conditions for the event. They were each sentenced to 15 days in prison by the Kyauktada Township Court on 2 October 2019.