



Assistance Association for Political Prisoners (AAPP) နိုင်ငံရေးအကျဉ်းသားများကူညီစောင့်ရှောက်ရေးအသင်း

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Statement on Prosecution of Right to Freedom of Expression

September 8, 2020

On September 4, Maung Saungkha, the Executive Director of ATHAN, was fined 30,000 Kyat under Section 19 of the Peaceful Assembly and Peaceful Procession Law (PAPPL) by the Kyauktada Township Court in Rangoon Division. If he does not pay the fine, he was to be sentenced to 15 days imprisonment. Similarly to Maung Saungkha, nine Students including general secretary of the Arakan Students' Union Myat Hein Tun were charged and sentenced in July for staging a protest demanding an end to the internet shutdown in Arakan and Chin states. In addition, two Arakan Youths of the Youth Affairs Committee of the Arakan National Party (ANP) are now facing trial.

In relation to freedom of expression, Article 19 of International Covenant on Civil and Political Rights of the United Nations states that "everyone shall have the right to freedom of expression and to hold opinions". Moreover, freedom of expression is enshrined to every citizen in Article 354 Chapter 8 of the 2008 Constitution of the Republic of the Union of Myanmar. PAPPL declares that the state (government) is not only responsible for protecting peaceful assemblies but also to provide the support to accomplish such peaceful assemblies.

However, after Parliament was formed in 2010, both governments have continuously filed lawsuits against the right to free expression.

During the new government from 2016-2020, 18 people were prosecuted under Section 18 of PAPPL, 179 people under Section 19, 20 of PAPPL, 180 people under Section 66(d) of the Telecommunication Law for political movements and calling on human rights. They are political activists, human rights activists, farmers' rights activists, land rights activists, environmental rights activists, former political prisoners, farmers, students and civilians. Among them, 54 people are from the news media and journalists. It is also found that the government takes action not only under Section 18, 19, 20 of PAPPL and Section 66(d) of the Telecommunication Law but also Sections 500, 505(b) of the Penal Code, Section 10/12 of the Law Protecting the Privacy and Security of Citizens, Sections 17(1) (2) of the Unlawful Associations Act and Counter-Terrorism Law against those exercising the freedom of expression. These prosecutions and punishments are used to repress rights to freedom of expression and information, and to prevent human rights violations.

Even though the Civil Society Organizations (CSOs) including the Assistance Association for Political Prisoners (AAPP) repeatedly demand amendments to PAPPL, this law has not yet been amended into a law guaranteeing freedom of expression, repressing citizens right up



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until the close of the second parliamentary term. Provisions for peaceful protests, recommended by AAPP not currently included in PAPPL, must be enacted.

Freedom of expression is explicitly enacted as the right of every citizen in the 2008 Constitution. As prosecutions continue to be made using this law it unnecessarily impacts and delays work for the accused as they have to go to the court several times and their freedom of movement is also restricted. The government needs to allow its citizens to exercise the freedom of expression as a democratic country and also to protect all protestors. As civil liberties are restricted according to the current PAPPL and this law is used as a tool of repression, AAPP urges immediately amending this law to protect the people.

In Solidarity

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