

URGENT ACTION

FORMER CHILD SOLDIER JAILED AFTER MEDIA INTERVIEW

Former child soldier Aung Ko Htwe is serving two years and six months in prison in connection with a media interview he gave about his experiences in the Myanmar military. He faces a further three years in prison after he protested his conviction. He should be immediately and unconditionally released.

Aung Ko Htwe, now 26, was arrested on 18 August 2017. His “crime” was to give a media interview, broadcast earlier that month, in which he described his experiences as a child soldier, including how the military abducted and forcibly recruited him when he was 13 years old. He was charged under Section 505(b) of Myanmar’s Penal Code, a vaguely-worded provision which criminalizes any person who makes, publishes or circulates information which may cause “fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity”. The provision has frequently been used to arbitrarily restrict the right to freedom of expression in Myanmar. On 28 March, Aung Ko Htwe was convicted and sentenced to two years in prison – the maximum sentence under Section 505(b).

During the trial at the Dagon Seikkan Township court, Yangon, Aung Ko Htwe criticised the presiding judge, announced that he did not have faith in the judicial system and refused to participate in further court proceedings. For this, he was charged with “intentional insult of a public servant sitting at any stage of a judicial proceeding” under Section 228 of the Penal Code. On 14 February 2018, he was found guilty of this offence and sentenced to six months in prison. He has decided not to appeal against his convictions, believing he will not get a fair decision.

Immediately after his conviction under Section 505(b) and in protest against the sentence, Aung Ko Htwe reportedly stepped on a printed copy of Myanmar’s 2008 Constitution. In response, the court charged him with “causing destruction of the whole or any part of the Union Seal” under the Union Seal Law (Sections 6 and 7). He faces up to three years in prison if found guilty. On 3 July, following a request by his lawyer, the case was transferred to the Botataung Township court. His next hearing is scheduled for 23 July. He is currently detained in Yangon’s Insein prison.

Please write immediately in English, Burmese or your own language urging the Myanmar authorities to:

- Immediately and unconditionally release Aung Ko Htwe, drop remaining charges against him and quash all convictions for which he is imprisoned, as he is being punished solely for the peaceful exercise of his human rights;
- Ensure that, pending his release, Aung Ko Htwe is held in conditions which meet international standards, and that he has regular access to family, lawyers of his choosing, and any medical treatment he requires;
- Repeal or amend all laws – including Section 505(b) of the Penal Code – which criminalize or impose arbitrary or sweeping restrictions on the human right to freedom of expression, and bring Myanmar legislation into line with international human rights law and standards.

PLEASE SEND APPEALS BEFORE 12 OCTOBER 2018 TO:

Minister of Home Affairs
Lt. Gen. Kyaw Swe
Minister of Home Affairs
Office No. 10, Nay Pyi Taw
Republic of the Union of Myanmar
Fax: +95 67 412 439
Email: mohamyanmar@gmail.com
Salutation: Dear Minister

Union Attorney General
U Tun Tun Oo
Union Attorney General Office No. 25
Nay Pyi Taw,
Republic of the Union of Myanmar
Fax: + 95 067 404106
Email: ago.h.o@mptmail.net.mm
Salutation: Dear Attorney General

And copies to:
State Counsellor
Aung San Suu Kyi
Ministry of Foreign Affairs
Office No. 9
Nay Pyi Taw
Republic of the Union of Myanmar
Fax: + 95 67 412 396

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY KYAW ZWAR MINN, Embassy of the Republic of the Union of Myanmar, 19A Charles Street, London W1J 5DX, General Office 020 7148 0740 / 020 7499 4340, Ambassador’s Office 020 7148 0749, admin@londonmyanmarembassy.com, ambassadoroffice@londonmyanmarembassy.com, salutation: Your Excellency

Please check with your section office if sending appeals after the above date.



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ADDITIONAL INFORMATION

Aung Ko Htwe's arrest, prosecution and imprisonment stem from an interview he gave to *Radio Free Asia* (RFA) which was broadcast in August 2017. In the interview, he described how he was abducted from a railway station in Yangon, Myanmar's main city, in October 2005 and forcibly conscripted into the Myanmar military. He was 13 years old at the time. Two years later in 2007, he and two others tried to escape. A motorcyclist was killed during the attempt, and the three were charged with murder, found guilty and sentenced to death. Aung Ko Htwe's sentence was later commuted to life imprisonment. He was released in July 2017 after servicing 10 years in prison, however was arrested the following month in connection with the RFA interview. He has been in detention ever since. In her report to the UN Human Rights Council in March 2018, the UN Special Rapporteur on the situation of human rights in Myanmar raised concern about the cases against Aung Ko Htwe and called for the charges against him to be dropped.

Myanmar has a long history of recruiting child soldiers into its armed forces. In 2012, the Myanmar authorities and UN signed a Joint Action Plan to end and prevent the recruitment and use of children by the Myanmar armed forces. Since then, hundreds of children and young people have been released from the military and the active recruitment of child soldiers appears to have significantly decreased. However, there are persistent reports of recruitment of children in some parts of the country.

The right to freedom of expression is enshrined in Article 19 of the Universal Declaration of Human Rights (UDHR). Under international human rights law the right to freedom of expression can only be restricted in very specific circumstances, and any restrictions must be clearly defined in law, only imposed to serve a legitimate aim explicitly specified in international human rights law and necessary and proportionate to achieve their aim. Amnesty International is concerned about a number of laws in Myanmar which restrict the right to freedom of expression, including Section 505(b) of the Penal Code, which have been used to arrest and imprison individuals solely for the peaceful exercise of their human rights. As long as these laws remain in place, activists, human rights defenders and those who speak out about human rights violations will remain at risk of arrest and imprisonment.

Name: Aung Ko Htwe
Gender m/f: male

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