

URGENT ACTION

HEALTH CONCERN FOR PRISONER OF CONSCIENCE

Aung Win Hlaing, a member of the National Democratic Force party in Myanmar, has been sentenced to nine months in prison for a Facebook post critical of the President. He is a prisoner of conscience who must be immediately and unconditionally released.

Aung Win Hlaing, aka Anyar Thar, a member of the National Democratic Force (NDF) was sentenced to nine months' imprisonment on 23 September 2016 by the Myawaddy Township Court in Kayin State, south eastern Myanmar. He was charged under article 66(d) of the 2013 Telecommunications Law for a Facebook post calling Myanmar's new President, Htin Kyaw, an "idiot" and "crazy" after his decision to abolish a township level committee which Aung Win Hlaing chaired. The complaint was brought by a local member of the President's party, the National League for Democracy (NLD).

There are concerns for the health of Aung Win Hlaing, who has been in Taung Kalay prison in Hpa-An, the capital of Kayin State, since his arrest on 18 August 2016. His family, who have visited him in prison, fear that the prison hospital may not be able to provide him with the adequate medical treatment he requires. Aung Win Hlaing has a pre-existing kidney condition and, since his detention, has developed a skin disease seemingly due to poor hygiene.

Please write immediately in English, Burmese or your own language calling on the Myanmar Authorities to:

- Immediately and unconditionally release Aung Win Hlaing;
- Ensure that, pending his release, Aung Win Hlaing is provided with adequate medical care and has access to his family and a lawyer of his choice;
- Amend the 2013 Telecommunications Law, in a genuinely open and participatory process, to ensure that it complies with international human rights law and standards to not allow criminal sanctions for defamation.

PLEASE SEND APPEALS BEFORE 20 JANUARY 2017 TO:

President

U Htin Kyaw
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. Kyaw Swe
Ministry of Home Affairs
Office No. 10, ay Pyi Taw
Republic of the Union of Myanmar
Fax: +95 67 412 439
Email: mohamyanmar@gmail.com

Salutation: Dear Minister

And copies to:

U Aye Tha Aung
Chairman
Joint Bill Committee
Amyotha Hluttaw
Yaza Htarni Road
Nay Pyi Taw
Republic of the Union of Myanmar
Email: amyothahluttaw@gmail.com

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
ambassadoroffice@myanmarembassylondon.com
political@myanmarembassylondon.com
generalenquiries@myanmarembassylondon.com

Salutation: Your Excellency

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

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

The Myanmar authorities continue to arrest and imprison individuals solely for the peaceful exercise of their right to freedom of expression. In 2016, the number of activists and individuals prosecuted under Article 66(d) the 2013 Telecommunications Law for “defamatory” Facebook posts has seriously increased.

People have been arrested and charged for Facebook posts critical of the Myanmar Army, the former government as well as members of the new government led by the National League for Democracy (NLD). For instance, on 11 November 2016, Hla Phone was sentenced to two years in prison in Yangon for posts from the Facebook account of Kyat Pha Gyi (“rooster” in Burmese) mocking the Commander in Chief of the Myanmar Army and the former President, Thein Sein.

Article 66(d) of the 2013 Telecommunications Law provides for up to three years’ imprisonment for “extorting, coercing, restraining wrongfully, defaming, disturbing, causing undue influence or threatening to any person by using any Telecommunications Network”. Although Myanmar’s Parliament is currently reviewing the 2013 Telecommunications Law, the legal reform process lacks transparency, and Parliament has so far failed to adequately consult with civil society and legal experts.

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 extends to “all forms of audio-visual as well as electronic and internet-based modes of expression”. Amnesty International opposes laws criminalizing defamation, whether of public figures or private individuals, and considers that defamation should be treated as a matter for civil litigation. In addition, the human right to freedom of expression extends to ideas of all kinds, including those that may be considered insulting or offensive.

There are numerous repressive laws in Myanmar which impose arbitrary and sweeping restrictions on the right to freedom of expression. These laws leave human rights defenders, peaceful activists and ordinary members of the public at risk of arrest and imprisonment for their peaceful activities.

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