

URGENT APPEAL - THE OBSERVATORY

Burma: Human Rights Defenders Sentenced

Friday 10 August 2007, by [FIDH](#), [OMCT](#) (Date first published: 9 August 2007).

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Burma

August 9, 2007

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation against Torture (OMCT), requests your urgent intervention in the following situation in Burma.

Description of the situation:

The Observatory has been informed by reliable sources of the sentences against Messrs. Ko Myint Naing (also known as Myint Hlaing), Ko Kyaw Lwin, U Hla Shien, U Mya Sein, U Win and U Myint, six members of Human Rights Defenders and Promoters (HRDP), a Burmese-based non-governmental organisation dedicated to the promotion of human rights in Burma.

According to the information received, on July 24, 2007, the six activists were sentenced by the Henzada Township Court to four to eight years' imprisonment for "intent to cause public disturbance under the Criminal Procedure Code of Myanmar"[1].

The six activists were kept in custody until their trial. They are presently in prison and will lodge an appeal to the Higher Court.

The six defenders had played an active role in the organisation of a human rights education seminar held on April 17, 2007 that led up to an assault, on April 18, 2007, against six HRDP members who had taken part in this seminar, namely Messrs. Myint Aye, Maung Maung Lay, Tin Maung Oo, Yin Kyi, Myint Naing and Kyaw Lwin (See background

information).

Furthermore, according to the same information, on July 30, 2007, Mr. Ko Min Min, a human rights activist in Pyay Township, Western Bago region, was also condemned to three years' imprisonment and a fine of 300,000 kyats (USD 30) by the Pyay Township Court for "giving illegal tuition classes" on human rights. Mr. Min Min was arrested on July 10, 2007, one day after he had played a leading organisational role in a human rights education session. This event had attracted some 25 members of HRDP as well as other activists and students and included discussions on the importance of United Nations human rights instruments and talks on how better to raise awareness of human rights and human rights mechanisms among the Burmese people. At the time of his arrest, officials confiscated copies of the Universal Declaration of Human Rights.

The Observatory expresses its deepest concern regarding these events, which evidence the extremely repressive environment for human rights defenders in the country.

The Observatory further recalls that according to the United Nations Declaration on Human Rights Defenders adopted by the UN General Assembly on December 9, 1998, *"everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels"* (Article 1) and *"The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the [...] Declaration"* (Article 12.2).

Background information:

On April 18, 2007, four HRDP activists, including Mr. Ko Myint Naing, were assaulted by a group of more than 100 individuals, including members of the Union Solidarity and Development Association (USDA), the civilian wing of the Burmese military government. The victims were returning home following a human rights education seminar held the previous night. Messrs. Myint Niang and Maung Maung Lay were hospitalised in the neurological ward of the Yangon General Hospital as a consequence of the severe beatings sustained in the attack. The assailants reportedly also stole valuable personal items belonging to the victims.

Subsequently, Mr. Myint Naing filed a criminal complaint against Mr. Nyunt Oo, the Secretary of Henzeda Township USDA, and against the Chairman of local Oakpone Village Council as well as against ten of the Chairman's staff for the injuries suffered. To date, only three low-level officials and three civilians have been reprimanded and no

senior official has been held to account or has been called as witness.

Action requested:

Please write to the Burmese authorities urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of the seven above-mentioned human rights defenders;
- ii. Release the above-mentioned human rights defenders immediately and unconditionally since their detention is arbitrary as it merely aims at sanctioning their human rights activities;
- iii. Ensure that they be granted a fair and impartial trial so that the charges against them be dropped as they seem to aim at hindering their activities in favour of human rights and as such are arbitrary;
- iv. Conduct a fair and impartial investigation so that all those responsible for the assault be identified, brought to justice and sentenced according to sanctions provided by law;
- v. Put an end to all harassment and threats against human rights defenders in Burma;
- vi. Conform with above-mentioned Articles 1 and 12.2 of the United Nations Declaration on Human Rights Defenders;
- vii. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Burma.

Addresses:

- Mr. Aye Maung, Attorney General, Office of the Attorney General, Office No. 25, Naypyitaw, Burma, Tel: +95 67 404 088/ 090/ 092/ 094/ 097, Fax: +95 67 404 146/ 106;
- Lt-Gen. Thein Sein, Acting Prime Minister, c/o Ministry of Defence, Naypyitaw, Burma, Tel: + 95 1 372 681; Fax: + 95 1 652 624;
- Maj-Gen. Maung Oo, Minister for Home Affairs, Ministry of Home Affairs, Office No. 10, Naypyitaw, Burma, Tel: +95 67 412 040/ 069/ 072, Fax: +95 67 412 016/ 439, e-mail: ddg.gad gad.gov.mm;
- Mr. Aung Toe, Chief Justice, Office of the Supreme Court, Office No. 24, Naypyitaw, Burma, Tel: + 95 67 404 080/ 071/ 078/ 067 or + 95 1 372 145, Fax: + 95 67 404 059;
- Brig-Gen. Khin Yi, Director General, Burma Police Force, Naypyitaw, Burma, Tel: + 95 1 549 196/ 228/ 209; email: wynnm mpf.gov.mm or mone mpf.gov.mm

- Permanent Mission of Myanmar to the United Nations in Geneva, 47 avenue Blanc, 1202 Geneva, Switzerland, Tel: + 41 22 906 98 70; Fax: + 41 22 732 89 19; Email: mission.myanmar.ties.itu.int

- Embassy of Myanmar in Brussels, 9 boulevard Général Wahis, 1030 Schaerbeek, Brussels, Belgium, Fax: + 32 2 705.50.48.

Please also write to the diplomatic representations of Burma in your respective countries.

Paris - Geneva, August 9, 2007

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need. The Observatory was the winner of the 1998 Human Rights Prize of the French Republic.

To contact the Observatory, call the emergency line:

E-mail: Appeals fidh-omct.org

Tel and fax FIDH + 33 (0) 1 43 55 20 11 / +33 1 43 55 18 80

Tel and fax OMCT + 41 (0) 22 809 49 39 / + 41 22 809 49 29

[1] mhtml:mid://00000007/#_ftnref1 Mr. Ko Myint Naing was sentenced to eight years in prison, while Messrs. Ko Kyaw Lwin, U Hla Shien, U Mya Sein, U Win and U Myint, were sentenced to four years' imprisonment.

Isabelle Brachet

Desk Officer for Asia

International Federation for Human Rights (FIDH)

17, passage de la Main d'Or

75011 Paris - France

tel : + 33 1 43 55 25 18 / fax : + 33 1 43 55 18 80

www.fidh.org