

URGENT APPEAL - THE OBSERVATORY

MMR 003 / 0713 / OBS 066

Arbitrary arrest /
Judicial harassment

Burma

July 26, 2013

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**.

Brief description of the situation:

The Observatory has been informed by Burma Partnership about the arrest and judicial harassment of Ms. **Khin Mi Mi Khaing**, Head of the women's right organisation Wimutti Volunteer Group, a member of the Women Organization Network (WON), Ms. **Myint Myint Aye**, Head of the organisation Mettila social support team, a member of the Women Initiatives Network for Peace (WIN Peace) and Mr. **Thant Zin Htet**, a university student who accompanied Ms. Myint Myint Aye and Ms. Khin Mi Mi Khaing.

According to the information received, on June 11, 2013, the police arrested without warrant Ms. Khin Mi Mi Khaing, Ms. Myint Myint Aye and Mr. Thant Zin Htet. Ms. Khin Mi Mi Khaing, and Ms. Myint Myint Aye were later charged under Section 6 of the 1988 Law Relating to Forming of Organization¹ and Mr. Thant Zin Htet was charged both under Section 6 of the 1988 Law Relating to Forming of Organization and Article 18 (demonstrating without authorisation) of the Peaceful Demonstration and Gathering Law punished by a maximum of one year of imprisonment. They have to attend weekly trial in Nattalin court and are being detained in Paung Tae prison. Their colleagues noticed heavy security during the court process, because of the farmers gathering to express their support. The next hearing will be at Nattalin court on July 30, 2013 at 12:00 am.

The arrests took place after Ms. Khin Mi Mi Khaing and Ms. Myint Myint Aye were invited by Mr. Thant Zin Htet, from Nattalin, to visit his area to see the farmers' problem. They arrived there on June 9, 2013 and on June 10, 2013, all three attended a farmers' demonstration against land confiscation at Thar Yar Gone, Pae Ma Khan village.

On June 11, 2013, Ms. Khin Mi Mi Khaing, Ms. Myint Myint Aye and Mr. Thant Zin Htet were invited to the Nattalin township general administer office. When they arrived the police arrested and interrogated the three of them and sent them to the court. The police then sent them to Paung Tae prison.

¹ Section 6 provides that "Any person found guilty of committing an offence under Section 3 Sub section (c) or Section 5 shall be punished with imprisonment for a term which may extend to five years".

Section 3 (c) provides that (c) "Organizations that are not permitted shall not form or continue to exist and pursue activities".

Section 5 provides that "5. The following organizations shall not be formed, and if already formed shall not function and shall not continue to exist: (a) Organizations that are not permitted to register under The Political Parties Registration Law, 1988 or if permitted to register, the registration[s] of which have been cancelled by the Multi-party Democracy General Elections Commission; (b) Organizations that attempt, instigate, incite, abet or commit acts that may in any way disrupt law and order, peace and tranquility, or safe and secure communications; (c) Organizations that attempt, instigate, incite, abet or commit acts that may effect [sic] or disrupt the regularity of state machinery; (d) Organizations that are formed with service personnel from the Tatmadaw and the Peoples' Police Force of the defence forces and personnel of public service organizations, State owned economic boards, corporations and other organizations of the State machinery or with service personnel receiving monthly emoluments from the state budget and being either under the influence of or associated with a political party.

The Observatory condemns Ms. Khin Mi Mi Khaing, Ms. Myint Myint Aye and Mr. Thant Zin Htet's arrest and judicial harassment, which seem to merely aim at sanctioning their peaceful human rights activities. The Observatory is also concerned about the health status of Ms. Khin Mi Mi Khaing, who suffers from high tension, as well as of Ms. Myint Myint Aye, who had a mild stroke last year.

Actions requested:

Please write to the authorities of Burma, urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Ms. Khin Mi Mi Khaing, Ms. Myint Myint Aye and Mr. Thant Zin Htet, as well as of all human rights defenders in Burma;
- ii. Release Ms. Khin Mi Mi Khaing, Ms. Myint Myint Aye and Mr. Thant Zin Htet immediately and unconditionally since their detention is arbitrary as it seems to only aim at sanctioning their human rights activities;
- iii. Put an end to acts of any acts of harassment, including judicial harassment, against them as well as against all human rights defenders in Burma;
- iv. Comply with all the provisions of the United Nations Declaration on Human Rights Defenders, in particular with its:
 - Article 1, which provides that "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 6(a), which foresees that "everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms";
 - Article 12.2, which provides that "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 present Declaration";
- v. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights, ratify international and regional human rights instruments.

Addresses:

- U Thein Sein, President of Myanmar, President Office, Office No.18, Naypyitaw, MYANMAR; Fax: + 95 1 652 624
- U Hla Min, Minister for Home Affairs, Ministry of Home Affairs, Office No. 10, Naypyitaw, MYANMAR; Fax: +95 67 412 439
- U Win Mra, Chairman of the Myanmar National Human Rights Commission, 27 Pyay Road, Hline Township, Yangon, Republic of the Union of Myanmar; Fax: +95-1-659668
- Dr. Tun Shin, Attorney General, Office of the Attorney General, Office No. 25, Naypyitaw, MYANMAR; Fax: +95 67 404 146/ 106
- U Tun Tun Oo, Chief Justice, Office of the Supreme Court, Office No. 24, Naypyitaw, MYANMAR; Fax: + 95 67 404 059

- U Kyaw Kyaw Htun, Director General, Myanmar Police Force, Ministry of Home Affairs, Office No. 10, Naypyitaw, MYANMAR; Fax: +951 549 663 / 549 208
- H.E. Mr. Maung Wai, Ambassador Extraordinary and Plenipotentiary, Permanent Representative to the United Nations in Geneva, Avenue Blanc 47, 1202 Geneva, Switzerland. Fax: +41 22 732 89 19, +41 22 732 73 77, Email: mission@myanmargeneva.org
- Embassy of Myanmar in Brussels, Boulevard Général Wahis 9, 1030 Brussels, Belgium, Fax: +32 (0)32 2 705 50 48, Email: mebrussels@skynet.be

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

Paris-Geneva, July 26, 2013

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.

To contact the Observatory, call the emergency line:

- E-mail: Appeals@fidh-omct.org
- Tel and fax FIDH + 33 1 43 55 25 18 / +33 1 43 55 18 80
- Tel and fax OMCT + 41 22 809 49 39 / + 41 22 809 49 29