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Myanmar: Continue efforts to release all remaining prisoners of conscience

One month after the Myanmar's new administration pledged that it would work to free all prisoners of conscience in the country, the authorities should double their efforts to ensure that no one is left behind bars for peacefully exercising their rights.

Amnesty International welcomes the recent releases of scores of student activists, human rights defenders and peaceful protesters as an important step towards ending the cycle of political arrest and imprisonment in the country. Yet despite these releases, prisoners of conscience remain behind bars while others are still at risk of arrest, conviction and imprisonment for peacefully exercising their rights. If the new government is to close the door on the country's repressive past, it must ensure these individuals are immediately and unconditionally freed and charges pending against other peaceful activists – some in prison awaiting trial; some out on bail – are dropped. Among those still behind bars are:

- Former monk and activist **U Gambira** (aka Nyi Nyi Win) is currently serving six months in prison with hard labour after he was found guilty of immigration-related offences on 26 April 2015. He was found guilty under Section 13(1) of Myanmar's 1947 Immigration (Emergency Provisions) Act, which has often been used against peaceful activists. Amnesty International believes he has been targeted for his previous work as a peaceful human rights activist. U Gambira is detained in Mandalay's Oh-Bo prison, where there are serious concerns for his health. U Gambira suffers from serious mental health issues, including Post-Traumatic Stress Disorder as an apparent result of the torture he was subjected to while imprisoned between 2008 and 2012, and does not have adequate access to the specialist medical care he requires in prison. Moreover, there are concerns that his ongoing detention could seriously exacerbate his already fragile health.
- **Five men**, three Bamar Muslims, one Bamar Buddhist and one ethnic Chinese have been detained for over five months in Yangon's Insein prison. They have been charged with "incitement" under Section 505(b) of the Penal Code, which provides for a maximum of two years' imprisonment. They were arrested in November 2015 after printing a 2016 calendar asserting that the Rohingya are an ethno-religious minority from Myanmar, and including information about their history. They are solely held for peacefully exercising their right to freedom of expression. A sixth man of Rohingya ethnicity remains in hiding, facing the same charges.
- Poet **Maung Saungkha** remains detained in Insein prison six months after his arrest in November 2015 in connection with a poem he wrote and posted online in which the narrator describes having an image of an unnamed President tattooed on his genitals. He has been charged with defamation under Section 66(d) of Myanmar's 2013 Telecommunications Act. His next court hearing is scheduled for 9 May.

Unfortunately, Amnesty International believes that many more individuals are still detained simply for having peacefully exercised their human rights, in particular in ethnic areas where it is more difficult to access information about arbitrary arrests and detentions. It is unclear how the new government will

ensure that none of these people are left behind bars, as there is a lack of transparency regarding the criteria and procedure used to identify prisoners of conscience and other political prisoners for release.

To address this concern, Amnesty International calls on the new government to establish – or re-establish – a committee to review all cases where individuals may have been deprived of their liberty simply for the peaceful exercise of their human rights with a view to securing the immediate release. The committee should also review the cases of those currently on trial who may become prisoners of conscience should they be imprisoned in the future as well as others who have been subjected to politically motivated trials. This committee should have a clear and broad mandate, should be composed of independent experts, including in international human rights law, and able to operate independently, effectively and transparently in consultation with former prisoners of conscience, political prisoners, their families and representatives.¹

Another fundamental step required to put an end to the cycle of political arrests and imprisonment in Myanmar is the review of all laws affecting the human rights to freedom of expression, association, and peaceful assembly. All laws found to contain restrictions which are unacceptable under international human rights law and standards must be repealed or revised. As long as repressive laws remain in place, activists and human rights defenders will remain at risk of arrest and imprisonment for peaceful activities. Amnesty International welcomes recent reports that parliament has begun a process of reviewing known repressive laws. This process should be open, transparent and inclusive, allowing for wide consultation with civil society actors, legal experts and others to help ensure that any revisions are in line with international human rights law and standards.

Finally, it is important to remember that former prisoners of conscience continue to face a range of challenges stemming from their imprisonment and their status as former prisoners. These can include physical and psychological health problems, lack of access to education and employment opportunities and stigmatization. The new government must take swift steps to expunge the criminal records of all those convicted simply for the peaceful exercise of their rights, and to remedy the harm these individuals have suffered. This should include taking all the necessary steps to offer them with rehabilitation, compensation and other forms of support to rebuild their lives.

¹ For further recommendations regarding the mandate of such a committee, see Amnesty International report: *New expression meets old repression: Ending the cycle of political arrests and imprisonment in Myanmar* (Index: ASA 16/3430/2016), 24 March 2016.