

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

Index: ASA 16/1511/2015

23 April 2015

Myanmar: End clampdown on student protesters and supporters

Authorities in Myanmar must end their on-going clampdown on student protesters and their supporters, said Amnesty International today.

A raft of politically motivated charges filed against student protesters over the past month – in addition to surveillance and harassment of human rights defenders and lawyers suspected of supporting the students – is a blatant attempt to intimidate and punish those connected with the student protests, as part of a wider crackdown on freedom expression in the country.

Since the police's violent dispersal of a largely peaceful student protest in Letpadan, Bago Region on 10 March 2015, the authorities have arrested and detained scores of student leaders and protesters and have sought to harass and intimidate those who have spoken out in support of the students.

Over 100 student protesters, leaders and their supporters are facing criminal charges for their participation in the 10 March protest, calling for amendments to the new National Education Law. No less than 70 people are currently detained in Tharawaddy prison, Bago Region, where they are facing up to nine years and six months' imprisonment in connection with the protest. They were charged with taking part in an unlawful assembly (Article 143 of the Penal Code), joining or continuing an unlawful assembly knowing it has been dispersed (Article 145), "rioting" (Article 147), voluntarily causing hurt to deter public servant from his duty (Article 332) and inciting the public to commit offences against the State or the public tranquillity (Article 505(b)). A further 11 people who have been charged and released on bail are each facing over four years' imprisonment under Articles 143, 145 and 147 of the Penal Code.

Amnesty International is deeply concerned that under the provisions criminalizing "rioting" in Myanmar's Penal Code (Articles 146 and 147), any person who took part in an assembly in which some or even only one person engaged in violence can be held criminally responsible irrespective of whether or not they themselves actually took part in the violence. This clearly legitimises collective punishment, in stark violation of a key rule of customary international law binding on Myanmar, under which an individual may only be punished for an act he or she has personally committed.

Many of those detained were arrested while fleeing the crackdown, during which police beat protesters, including some who had fallen to the ground, with batons. Some of them suffered injuries; however, over one month later, some have yet to receive adequate medical treatment. Concerns have also been raised about poor conditions in detention and limited access to lawyers.

The clampdown on student protesters and their supporters did not end on 10 March – since then, student leaders and protesters have continued to be arrested and charged. For instance, on 27 March, seven students were arrested in Myingyan, Mandalay region during a protest calling for the release of those detained at Letpadan. Six are currently detained in Myingyan prison, have been charged and face up to four and half years' imprisonment for taking part in an unlawful assembly, joining or continuing an unlawful assembly knowing it has been dispersed and inciting the public to commit offences against the State or the public tranquillity. A seventh protester was transferred to Tharawaddy prison,

and is among the 70 detainees there. In addition, at least 15 other students and protesters who took part in protests in support of the detained students have been charged with protesting without permission in Yangon, Mandalay, and Myingyan.

Amnesty International is also concerned that Special Branch officials are subjecting student leaders, human rights defenders and lawyers who have expressed their support for the student protests to surveillance, harassment and intimidation.

Amnesty International urges the Myanmar government to immediately and unconditionally release all who have been arrested solely for the peaceful exercise of their rights to freedom of expression and peaceful assembly.

The authorities must allow student protesters and leaders to peacefully exercise their rights to freedom of expression and assembly and immediately end efforts to target student protesters and clampdown on their leaders.

Finally, Amnesty International reiterates its call for the Myanmar authorities to carry out prompt, independent, impartial and efficient investigations into allegations of unnecessary and excessive use of force by police on 10 March in Letpadan. Those found responsible must be brought to justice in trials which meet international standards of fairness.

Background

The clampdown on student protesters and their supporters reflects the Myanmar government's growing intolerance of critical voices and political dissent, and comes in the context of increasing restrictions on the rights to freedom of expression and peaceful assembly ahead of key elections this year.

Scores of peaceful political activists, human rights defenders, journalists, farmers and others have either been imprisoned or charged solely for the peaceful exercise of their rights to freedom of expression and peaceful assembly.

The human rights to freedom of expression and peaceful assembly are enshrined in Articles 19 and 20 of the Universal Declaration of Human Rights (UDHR). In addition, under Article 2 of the UN Declaration on Human Rights Defenders, each state has a duty to create the conditions necessary to defend human rights within their jurisdictions. However, human rights defenders in Myanmar continue to be arrested, detained, imprisoned and harassed simply for their involvement in peaceful activities.

As the country heads towards elections slated for the end of the year, Amnesty International is calling on the Government of Myanmar to ensure an environment in which it is possible to defend human rights without fear of reprisal or intimidation.