

Lt. Gen. Soe Htut

Minister of Home Affairs

Ministry of Home Affairs Office No. 10, Nay Pyi Taw

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Dear Minister,

I am writing to express my concern about the prosecution of lawyer **Kyee Myint**, poet **Saw Wai** and former military captain **Nay Myo Zin** who are facing charges in connection with their peaceful exercise of their right to freedom of expression and calling for constitutional reforms. Amnesty International believes the prosecution of the activists to be politically-motivated, and I urge you to immediately and unconditionally release Nay Myo Zin and drop all charges against the three men.

The Kawthaung Township Court began proceedings on 20 January 2020 against the three activists after a member of the Myanmar military filed a complaint against them for speeches criticising the military and calling for constitutional reforms at a rally in Kawthaung in April 2019. Kyee Myint, Saw Wai, and Nay Myo Zin are charged with “statements conducing to public mischief” under Section 505(a) of Myanmar’s Penal Code. If convicted, they each face up to two years in prison.

While I am pleased that Kyee Myint and Saw Wai have been granted bail, the fact remains that none of the three men should be facing prosecution in the first place. I am concerned that Nay Myo Zin remains in detention in Kawthaung prison, where he is serving a one-year prison sentence for another speech given at peaceful rally in Yangon Region in April. It is important that people in Myanmar are able to freely discuss constitutional reform issues – in particular as the government has established a specific committee to examine and propose amendments to the Constitution.

Finally, I remain concerned by the ongoing use of repressive laws, including Section 505(a) of the Penal Code, to arrest, prosecute, and imprison peaceful activists and human rights defenders in Myanmar. These laws arbitrarily and unlawfully restrict the right to freedom of expression. As Myanmar prepares for elections in late 2020, it is essential that the Myanmar authorities commit to respecting and protecting the right to freedom of expression and other human rights of everyone.

I therefore urge you to:

- Immediately and unconditionally release Nay Myo Zin, as he is being detained solely for peacefully exercising his right of freedom of expression;
- Drop all charges against Kyee Myint, Saw Wai, and Nay Myo Zin;
- Review and repeal or amend laws that unlawfully restrict the right to freedom of expression, including Section 505(a) of the Penal Code, to bring them in line with international human rights standards.

Yours sincerely,