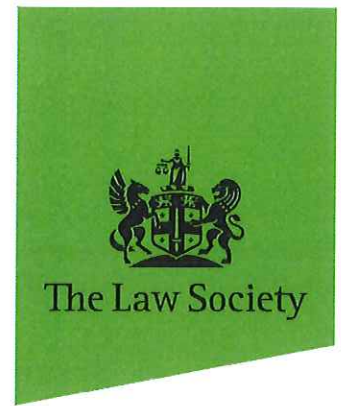


From the President

U Thein Sein
President of Myanmar
President Office
Office No.18
Naypyitaw
MYANMAR



15 September 2015

Dear Mr President

Human Rights Defenders At Risk

The Law Society is the professional body representing more than 166,000 solicitors in England and Wales. Its concerns include upholding the independence of the legal profession, the rule of law and human rights throughout the world.

The Law Society is concerned for Naing Ye Wai, Aung San Oo, Gist Too and Nyan Lin Htet of Mandalay's Yadanabon University. The four human rights defenders were arrested and detained at Mandalay's Oh Bo Prison on the 1 July 2015 for allegedly using spray paint to write messages on the front of the university on 26 June 2015. The messages included 'We don't want the National Education Law' and 'Release students in Tharyarwaddy prison immediately'. The students face charges of incitement, rioting, abetting, and unlawful assembly under Sections 143, 147 and 505 (b) of the Penal Code and Section 18 of the Peaceful Assembly and Peaceful Procession Law. The students have previously been involved in peaceful protests. The students applied for bail in order to sit their student examinations from 17-29 September 2015. This application for bail was rejected by the Ama Ra Pu Ra Township Court (Mandalay division) on 21 August 2015 on the basis that granting them bail would cause too much of a distraction to their fellow students as there was a risk they would start another protest. The hearing lasted for a total of ten minutes.

It has been reported that the students have been held in solitary confinement in punishment cells following Naing Ye Wai commencing a hunger strike because the students were refused bail.

I previously wrote to you in June 2015 to express concern over the detention of Naw Ohn Hla, Nay Myo Zin, Than Swe, Tin Htut Paing, Sein Htwe, and San San Win for peaceful protest. I respectfully reiterate this concern for these and all human rights defenders in Myanmar.

We recall that Myanmar became a member of the United Nations family of countries in 1948 and subscribed to the Charter of the UN and therefore recognises that the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. Further Myanmar is bound by the provisions of the **Universal Declaration of Human Rights (1948)** (UDHR), including those contained in Articles 5, 9, 19 and 20.

Article 5:

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 9:

No one shall be subjected to arbitrary arrest, detention or exile.

Article 19:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20:

Everyone has the right to freedom of peaceful assembly and association.

Further, Myanmar signed the **International Covenant on Economic, Social and Cultural Rights (1976)** (ICCPR) in 2015. Article 10(i) of the ICCPR states that:

All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

Finally, Principle 30 of the **UN Standard Minimum Rules for the Treatment of Prisoners (1988)** states that:

1. The types of conduct of the detained or imprisoned person that constitute disciplinary offences during detention or imprisonment, the description and duration of disciplinary punishment that may be inflicted and the authorities competent to impose such punishment shall be specified by law or lawful regulations and duly published.

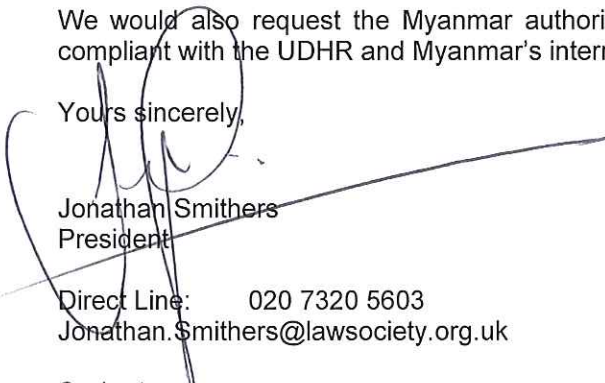
2. A detained or imprisoned person shall have the right to be heard before disciplinary action is taken. He shall have the right to bring such action to higher authorities for review.

We are concerned that the arrest and continued detention of these four human rights defenders appears to be for exercising their rights of freedom of expression and the right to peaceful assembly. Whilst defacing property could be an offence, the charges they face are clearly intended to stifle legitimate expressions of their views. We recall that the Universal Periodic Review of Myanmar in 2011 included the recommendation that it should take steps to review domestic laws with a view to guaranteeing the right to freedom of expression, association and assembly, including assuring a free and independent media and that it should improve conditions in all prisons and detentions to be brought into compliance with international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners.

We would strongly urge the Myanmar authorities to immediately and unconditionally release these four human rights defenders.

We would also request the Myanmar authorities to repeal or amend the Penal Code so that it becomes compliant with the UDHR and Myanmar's international and national human rights obligations.

Yours sincerely,


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President

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