

URGENT ACTION

ACQUITTED FORMER CHILD SOLDIER REMAINS JAILED

Former child soldier Aung Ko Htwe has been acquitted of the latest in a series of charges against him after he gave a media interview about being forcibly recruited by the Myanmar military when he was only 13. Despite this acquittal, he remains in prison serving two years and six months on other politically motivated charges. He should be immediately and unconditionally released.

Aung Ko Htwe was acquitted of “causing destruction of the whole or any part of the Union Seal” by Yangon’s Botataung Township Court on 30 October 2018. He had been charged with the offence after allegedly stepping on a printed copy of Myanmar’s Constitution in protest of his conviction for other politically motivated charges on 28 March 2018. Had he been found guilty of the charges, under Sections 6 and 7 of the Union Seal Act, he could have been sentenced to up to three years in prison.

Aung Ko Htwe remains in detention in Yangon’s Insein prison, where he is serving prison sentences totalling two and a half years. He has been detained there since his arrest on 18 August 2017 for a media interview he had given earlier that month where he talked about his experiences as a child soldier and how the Myanmar military abducted and forcibly recruited him when he was 13 years old. Aung Ko Htwe was subsequently convicted under Section 505 (b) of Myanmar’s Penal Code, a vaguely-worded provision which criminalizes any person who makes, publishes or circulates information which may cause “fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity”. Aung Ko Htwe was sentenced to 2 years in prison – the maximum sentence.

In addition, Aung Ko Htwe was sentenced to six months in prison in February 2018 after criticizing the judge presiding over his trial. During a court hearing, he announced that he did not have faith in the judicial system and refused to participate in further court proceedings. He was charged under Section 228 of the Penal Code for “intentional insult of a public servant sitting at any stage of a judicial proceeding”.

Aung Ko Htwe should be immediately and unconditionally released as he is being punished solely for the peaceful exercise of his human right to freedom of expression.

Please write immediately in English, Burmese or your own language urging the Myanmar authorities to:

- Immediately and unconditionally release Aung Ko Htwe and quash all convictions for which he is imprisoned, as he is being punished solely for the peaceful exercise of his human rights;
- Ensure that, pending his release, Aung Ko Htwe is held in conditions which meet international standards, and that he has regular access to family, lawyers of his choosing, and any healthcare he requires;
- Repeal or amend all laws – including Section 505(b) of the Penal Code – which criminalize or impose arbitrary or sweeping restrictions on the human right to freedom of expression and bring Myanmar legislation into line with international human rights law and standards.

PLEASE SEND APPEALS BEFORE 26 DECEMBER 2018 TO:

President
U Win Myint
President’s Office, Office No. 18
Nay Pyi Taw
Republic of the Union of Myanmar
Fax: +95 1 652 624
Salutation: Your Excellency

Minister of Home Affairs
Lt. Gen. Kyaw Swe
Office No. 10, Nay Pyi Taw
Republic of the Union of Myanmar
Fax: +95 67 412 439
Email: mohamyanmar@gmail.com
Salutation: Dear Minister

And copies to:
State Counsellor
Aung San Suu Kyi
Ministry of Foreign Affairs
Office No. 9
Nay Pyi Taw
Republic of the Union of Myanmar
Fax: + 95 67 412 396

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY KYAW ZWAR MINN, Embassy of the Republic of the Union of Myanmar, 19A Charles Street, London W1J 5DX, General Office 020 7148 0740 / 020 7499 4340, Ambassador’s Office 020 7148 0749, admin@londonmyanmarembassy.com, ambassadoroffice@londonmyanmarembassy.com

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ADDITIONAL INFORMATION

Aung Ko Htwe's arrest, prosecution and imprisonment followed an interview he gave to *Radio Free Asia* (RFA) which was broadcast in August 2017. In the interview, he described how he was abducted from a railway station in Yangon, Myanmar's main city, in October 2005 and forcibly conscripted into the Myanmar military. He was 13 years old at the time. Two years later in 2007, he and two others tried to escape. A motorcyclist was killed during the attempt, and the three were charged with murder, found guilty and sentenced to death. Aung Ko Htwe's sentence was later commuted to life imprisonment. He was released in July 2017 after servicing 10 years in prison but was arrested the following month in connection with the RFA interview. He has been in detention ever since. In her report to the UN Human Rights Council in March 2018, the UN Special Rapporteur on the situation of human rights in Myanmar raised concerns about the cases against Aung Ko Htwe and called for the charges against him to be dropped.

Myanmar has a long history of recruiting child soldiers into its armed forces. In 2012, the Myanmar authorities and UN signed a Joint Action Plan to end and prevent the recruitment and use of children by the Myanmar armed forces. Since then, hundreds of children and young people have been released from the military and the active recruitment of child soldiers appears to have significantly decreased. However, there are persistent reports of recruitment of children in some parts of the country.

The right to freedom of expression is enshrined in Article 19 of the Universal Declaration of Human Rights (UDHR). Under international human rights law the right to freedom of expression can only be restricted in very specific circumstances, and any restrictions must be clearly defined in law, only imposed to serve a legitimate aim explicitly specified in international human rights law and necessary and proportionate to achieve this aim. Amnesty International is concerned about a number of laws in Myanmar which restrict the right to freedom of expression, including Section 505(b) of the Penal Code, which have been used to arrest, prosecute and imprison individuals solely for the peaceful exercise of their human rights. As long as these laws remain in place, activists, human rights defenders and those who speak out about human rights violations will remain at risk of arrest and imprisonment.