

13 April 2016

### **Update: Myanmar – Cases against student human rights defenders dismissed**

From 8 April 2016 to 12 April 2016, sixty-nine Burmese student human rights defenders, who had been detained since 2015, were freed. The student human rights defenders were on trial for over a year for protesting against the National Education Law. Dozens of other prominent Burmese human rights defenders were also freed following a presidential pardon.

On 11 April 2016, the Tharawaddy Court in Bago region released the General Secretary of **All Burma Federation of Student Unions (ABFSU)** Ms [Phyoe Phyoe Aung](#) together with her husband following the announcement of the presidential pardon. Charges against other leaders of the ABFSU, including Ms [Po Po](#), Mr [Kyaw Ko Ko](#) and Mr [Nanda Sitt Aung](#), were also withdrawn and they have been released. All Burma Federation of Student Unions is a student organisation that has been heavily involved in protests against the National Education Bill since November 2014, which they claim restricted academic freedom when enacted by Parliament on 30 September 2014. Members of the ABFSU insist on the adoption of ethnic languages in school curricula and the right to form student and teacher unions.

Prominent activists, such as Ms [Nilar Thein](#), a member of **88 Generation Peace and Open Society Group**, a former students group established to work for peace and to promote and protect civil society in Myanmar, and the labour and land rights defender and chairperson of **Myanmar's Farmers Union**, Ms [Su Su Nway](#), have also been pardoned and released.

On 8 April 2016, the Tharawaddy Court dismissed the cases of sixty-nine student human rights defenders and their supporters, who had been on trial since the police crackdown on peaceful student protests in 2015. Most were accused of violating the Peaceful Assembly Law and faced charges under articles 143, 145, 147 and 505(b) of Myanmar's Penal Code, which concern unlawful assembly, rioting, incitement, and causing harm to a public servant. Some were facing charges from various townships where the education reform protests occurred and some were already serving their sentences when pardoned by the President. Their release took place over the course of several days.

The Presidential power to grant pardon is based on section 204(a) of the Constitution and article 401(1) of the Code of Criminal Procedure that gives the President the authority to release prisoners at his or her discretion but stipulates that they can be returned to prison at any time to serve out the remainder of their sentence. Those human rights defenders who had been arrested but not yet convicted were pardoned based on section 494 of the Code of Criminal Procedure, which allows cases to be dropped even after a trial has begun. The reliance on the mentioned articles allowed the President to bypass the otherwise required approval of his decision by the National Defence and Security Council, comprised primarily of representatives of the old military government, and therefore quickly implement his decision to grant pardon.



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Front Line Defenders welcomes the decision of the government of Myanmar to grant pardon to student human rights defenders and other prominent human rights defenders in the country and dismiss their cases, as it believes that they were persecuted solely because of their peaceful and legitimate work in defence of human rights in Myanmar. Front Line Defenders, however, calls on the government of Myanmar to release those human rights defenders that remain in detention and to undertake measures to reform the country's repressive legal framework.