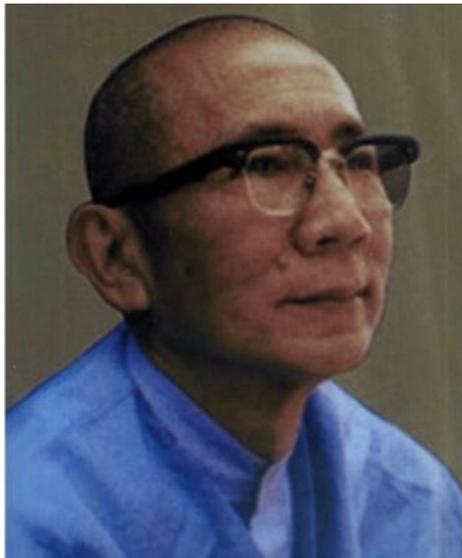


Burmese religious elder imprisoned for peaceful practice of faith

Urgent Appeals desk

Elderly religious leader Shin Nyana was arrested and imprisoned in 2010 under laws established to politically control religious groups, for establishing a religious order in Burma that claims to adhere to Buddhist teachings but rejects orthodox doctrine. He has now exhausted his judicial appeals, and his followers are calling on the head of state in Burma to intervene in the case.



Shin Nyana began his practice as a monk, but because he did not agree with some aspects of orthodox Buddhist practice in Burma, he left the monkhood in 1979. He continued to preach according to his own understanding of Buddhist teachings, as a lay religious figure, and in 1983 left the orthodox Buddhist tradition in Burma. He set up his own religious group, known colloquially as Moepyar. In the subsequent years, the group remained small, with gatherings of adherents in the hundreds at most, and with a number of modest centres scattered around the country. They taught and practiced their faith and distributed materials (books, tapes, CDs and so on) only in the centres, and did nothing to disturb the enjoyment of other people to their own faiths.

Nonetheless, in 2010 the religious affairs ministry initiated legal action against Shin Nyana, accusing him of setting up a sect that does not adhere to the official doctrine laid down by the peak Buddhist body, which is under the control of the government. After police investigated, it brought six charges in four cases against the 75-year-old religious leader, who in court denied wrongdoing on the grounds that his group was not part of the orthodox Buddhist order and was not beholden to its orders, and nor did it constitute any form of schism. Despite his arguments, the courts sentenced him to a total of 20 years in jail.

After appeals against the convictions failed, in 2011 some followers of Shin Nyana lodged a writ petition to the Supreme Court, but it also failed. Now, they have submitted a special request asking for the intervention of the president, on grounds that the imprisonment of Shin Nyana violate the right to religious freedom under the 2008 Constitution and also under the Universal Declaration of Human Rights. Furthermore, they note that the sentencing of Shin Nyana on multiple charges for the same alleged offence is illegal under the domestic law of Burma.

In 1984, a court already once sentenced Shin Nyana to three years in prison for allegedly impersonating a monk. However, in 1985 the apex court then overturned the ruling on the ground that as Shin Nyana wore light blue traditional shirts and trousers, he did not commit any offence of impersonation.

After the antigovernment protests in 1988, a new military regime in Burma imposed martial law and established military tribunals to try people for a range of offences. At

that time a tribunal also summarily sentenced Shin Nyana to 10 years in prison, from which he was released in 1998, having served over seven years of the sentence.

Religious discrimination and political control

The appeal for the release of Shin Nyana by his followers comes at a time that Buddhist monks are again becoming increasingly active in the political life of Burma, as they have been for centuries. The Asian Human Rights Commission recently issued an appeal on the repeated re-arrests of Shin Gambira ([AHRC-UAC-044-2012](#)) after his release from prison in January. It has also been following the case of another monk, the Shwenyawar Sayadaw, who was forced to vacate his monastery after allowing the National League for Democracy to use it for advocacy purposes.

The laws that were used to imprison Shin Nyana have been introduced by successive military authoritarian regimes precisely with the objective of politically controlling monks and other religious figures who fail to comply with government dictates. If the government of Burma is genuinely committed to proceeding along political change and a democratic path, these laws are among others that need to be reviewed by the legislature and either significantly amended or revoked, so that people in Burma can in fact enjoy the rights that they deserve to enjoy, including those to allow for peaceful practice of religious faith, irrespective of creed.

To support Shin Nyana's case, please visit: www.humanrights.asia/news/urgent-appeals/AHRC-UAC-046-2012. For more commentary on these and other human rights issues in Burma, visit <http://www.humanrights.asia/countries/burma> as well as the [AHRC Burmese-language blog](#).