



Urgent Action Office 3-1992 Yonge Street Toronto ON M4S 1Z7 Phone: (416) 363-9933 Fax: (416) 363-3103 urgentaction@amnesty.ca

UA 13/17, **UPDATE 2**, AI Index: ASA 16/6688/2017 of 11 July 2017

The original index number is ASA 16/5483/2017 of 16 January 2017.

MYANMAR KACHIN PASTORS FACE ADDITIONAL CHARGE

Dumdag Nawng Lat and Langjaw Gam Seng are facing an additional charge of defamation for speaking to media about human rights violations committed by the Myanmar Army. If convicted, they each face up to 8 years in prison for charges Amnesty International believes are politically motivated. There are also concerns for their health.

Dumdag Nawng Lat and Langjaw Gam Seng face an additional charge of "defamation" under Section 500 of Myanmar's Penal Code, after an Army Colonel filed a lawsuit against them in February 2017. The charge relates to an interview they gave to a newspaper in which they talk about human rights violations committed by the Myanmar Army during fighting in Monekoe town, northern Shan State, Myanmar at the end of 2016.

The two pastors were arrested on 24 December 2016 and charged in January 2017 for being in contact with an unlawful association under Article 17(1) of the 1908 Unlawful Association Act, and for having an unlicensed motorbike under Article 8 of the 2012 Import and Export Law. They now face up to a total of eight years in prison if found guilty of all charges. Their trial is still ongoing. Amnesty International believes that these charges are politically motivated in that they relate to the role of the two pastors in organizing a visit by journalists in late November 2016 to Monekoe town to show the destruction caused by what believed to be Myanmar Army airstrikes.

Both men who are currently detained in Lashio prison, northern Shan State, were reportedly too sick to eat for five days at the beginning of July 2017. Although they are now eating again, this incident has raised concerns about their health while in detention especially of Dumdag Nawng Lat, who is over 65 years old.

Please write again, calling on the authorities

- * to drop all politically motivated charges against Langjaw Gam Seng and Dumdag Nawng Lat;
- * to make sure that, pending their release, Langjaw Gam Seng and Dumdag Nawng Lat are not tortured or ill-treated in other ways, are held in humane conditions and have access to lawyers, family and adequate medical care;
- * to repeal or amend all laws, including the 1908 Unlawful Association Act and Section 500 of Myanmar's Penal Code, which impose arbitrary or sweeping restrictions on the human right to freedom of expression, in line with international human rights law and standards.

Direct your messages to

Union Attorney General

U Tun Tun Oo

Union Attorney General Office No. 25

Nay Pyi Taw

Republic of the Union of Myanmar

Fax: 011 95 67 404 106

Email: ago.h.o@mptmail.net.mm

Salutation: Dear Attorney General

Director General of Lashio Prison

Lashio Prison, Lashio Township

Northern Shan State

Republic of the Union of Myanmar

Salutation: Dear Director General

Please send a copy to

His Excellency Kyaw Myo Htut

Ambassador for Myanmar

336 Island Park Drive

Ottawa, Ontario K1Y 0A7

Fax: (613) 232-6999

Email: meottawa@rogers.com

Via website: <http://www.meottawa.org/index.php/contact>

State Counsellor

Daw Aung San Suu Kyi

Ministry of Foreign Affairs, Office No. 9

Nay Pyi Taw

Republic of the Union of Myanmar

Fax: 011 95 67 412 344 or 011 95 67 412 009

Additional information

The Myanmar authorities continue to arrest and imprison individuals solely for the peaceful exercise of their right to freedom of expression. The right to freedom of expression is enshrined in Article 19 of the Universal Declaration of Human Rights (UDHR). There are numerous repressive laws in Myanmar which impose arbitrary and sweeping restrictions on the right to freedom of expression, including the 1908 Unlawful Associations Act. These laws leave human rights defenders, peaceful activists, journalists and ordinary members of the public at risk of arrest and imprisonment for their peaceful activities. For instance, on 28 June 2017, three reporters were charged under the 1908 Unlawful Associations Act for reporting

from conflict-affected northern Shan State. See *Three media workers detained and charged* (Index: ASA 16/6627/2017, <https://www.amnesty.org/en/documents/asa16/6627/2017/en/>).

In the past two years, there has also been an alarming increase in the number of activists and individuals prosecuted for “defamatory” comments in particular under Section 66(d) of the 2013 Telecommunications Law. The human right to freedom of expression extends to ideas of all kinds, including those that may be considered insulting or offensive. The mere fact that forms of expression are considered to be insulting to a public figure or institution, who are legitimately subject to criticism, is not sufficient to justify the imposition of penalties. In particular, states should not prohibit criticism of institutions, such as the army. Amnesty International opposes laws criminalizing defamation and considers that defamation should be treated as a matter for civil litigation.

The armed conflict between armed ethnic groups and the Myanmar Army in Kachin and northern Shan states has entered its seventh year. Fighting seriously intensified in November 2016 when the Brotherhood of the Northern Alliance - a coalition of four ethnic armed groups - launched coordinated attacks on security outposts. In a report released in June 2017, Amnesty International documented human rights violations committed by the Myanmar Army in late November 2016 in Monekoe town where the Army arbitrarily detained dozens of civilians from ethnic minorities and then used them as human shields along the inner perimeter of a hilltop base there; several were killed and others seriously wounded by gun and grenade fire. See “*All the Civilian Suffer*”: *Conflict, Displacement and Abuse in Northern Myanmar* (Index: ASA 16/6429/2017, <https://www.amnesty.org/en/documents/asa16/6429/2017/en/>).

Amnesty International continues to receive reports about poor prison conditions in Myanmar, which do not comply with those set out in the UN Standard Minimum Rules for the Treatment of Prisoners. These concerns include a lack of access to adequate medical treatment, clean drinking water, nutritious food and water for bathing.