

URGENT ACTION

DETAINED MEDIA WORKERS CHARGED WITH DEFAMATION

Two media workers have been detained and charged with “online defamation” in connection with a satirical article mocking the Myanmar Army. They each face up to three years’ imprisonment if found guilty and convicted. They are prisoners of conscience who must be immediately and unconditionally released.

On 2 June 2017, **Kyaw Min Swe**, 47, Chief Editor of *The Voice Daily* newspaper and **Kyaw Zwar Naing**, 30, one of its regular contributors, were arrested in Yangon, Myanmar’s largest city. Early that afternoon, police came to *The Voice Daily*’s office and took the two men to the police station where they were subsequently placed under arrest. Both have been kept in detention since. The next day Bahan Township Court officially opened a case against them for “online defamation” under Section 66(d) of the 2013 Telecommunications Law. The charge carries a maximum of three years’ imprisonment.

The charges relate to a satirical article Kyaw Zwar Naing wrote that was published on 26 March 2017 in *The Voice Daily* and later posted on the newspaper’s Facebook page. The article entitled “Oath of the Nation of Bullets” mocked a military-produced propaganda film, translated as “Union Oath”. Members of Myanmar’s military complained about the article to Myanmar’s Press Council in April, claiming it could cause divisions between senior and low ranking soldiers. *The Voice Daily* reportedly issued an apology on 14 May.

Following a decision on 8 June by Bahan Township Court to deny them bail, Kyaw Min Swe and Kyaw Zwar Naing were transferred to Insein prison, Yangon. Kyaw Min Swe suffers from a health condition which requires daily medication. Their next hearing is scheduled for 16 June.

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

- Immediately and unconditionally release Kyaw Min Swe and Kyaw Zwar Naing and all other prisoners of conscience in Myanmar, as they have been detained solely for the peaceful exercise of their right to freedom of expression;
- Ensure that, pending their release, Kyaw Min Swe and Kyaw Zwar Naing are provided with adequate medical care; have effective access to their family and a lawyer of their choice without delay; and are protected from torture and other ill-treatment while in detention;
- Amend the 2013 Telecommunications Law to ensure that it complies with international human rights law and standards, and in particular, ensure that none of its provisions allow criminal sanctions for defamation.

PLEASE SEND APPEALS BEFORE 21 JULY 2017 TO:

President
U Htin Kyaw
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
Ministry of Home Affairs
Office No. 10, ay Pyi Taw
Republic of the Union of Myanmar
Fax: +95 67 412 439
Email: mohamyanmar@gmail.com
Salutation: Dear Minister

And copies to:
Minister of Transport and
Communications
U Thant Sin Maung
Office No. 5
Nay Pyi Taw
Republic of the Union of Myanmar
Fax: +95 (0) 67 411

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

DETAINED MEDIA WORKERS CHARGED WITH DEFAMATION

ADDITIONAL INFORMATION

The Myanmar authorities continue to arrest and imprison individuals solely for the peaceful exercise of their right to freedom of expression. In the past two years, there has been an alarming increase in the number of activists and individuals prosecuted under Section 66(d) of the 2013 Telecommunications Law for “defamatory” Facebook posts. People have been arrested and charged for Facebook posts critical of the Myanmar Army, the former government as well as members of the government led by the National League for Democracy (NLD).

Article 66(d) of the 2013 Telecommunications Law provides for up to three years’ imprisonment for “extorting, coercing, restraining wrongfully, defaming, disturbing, causing undue influence or threatening to any person by using any Telecommunications Network”. The Myanmar government is currently reviewing the 2013 Telecommunications Law.

The right to freedom of expression is enshrined in Article 19 of the Universal Declaration of Human Rights (UDHR). Under international human rights standards, the right to freedom of expression extends to “all forms of audio-visual as well as electronic and internet-based modes of expression”. Amnesty International opposes laws criminalizing defamation, whether of public figures or private individuals, and considers that defamation should be treated as a matter for civil litigation.

In addition, 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.

There are numerous repressive laws in Myanmar which impose arbitrary and sweeping restrictions on the right to freedom of expression. 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.

Name: Kyaw Min Swe and Kyaw Zwar Naing
Gender m/f: both m

UA: 137/17 Index: ASA 16/6476/2017 Issue Date: 9 June 2017