

URGENT ACTION

NEWSPAPER EDITOR DENIED BAIL AGAIN

Newspaper editor Kyaw Min Swe remains in detention after a court in Yangon, Myanmar's largest city, again rejected his request for bail. While charges against his colleague, Kyaw Zwar Naing, have been dropped, Kyaw Min Swe remains on trial for "online defamation" in connection with a satirical article mocking the Myanmar Army. He is a prisoner of conscience who must be immediately and unconditionally released.

The bail request for **Kyaw Min Swe**, charged under Section 66(d) of the 2013 Telecommunications Law, was rejected again by the Bahan Township Court, in Yangon, on 30 June 2017. Arrested on 2 June 2017, along with writer and regular contributor to *The Voice Daily* **Kyaw Zwar Naing**, the men were accused of "online defamation" in connection with a satirical article Kyaw Zwar Naing wrote. The article was published on 26 March 2017 in *The Voice Daily* and later posted on the newspaper's Facebook page.

On 16 June, the court dropped charges and released Kyaw Zwar Naing on the basis that he wrote the article for print media and did not post it online. Nevertheless, following a summons of both men to the Bahan Township police station on 25 June 2017, there are fears that additional charges may be laid against them.

The article in question, 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 2017.

Kyaw Min Swe, who suffers from a health condition which requires daily medication, remains in detention in Yangon's Insein Prison. His next court hearing is scheduled for 7 July 2017.

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

- Immediately and unconditionally release Kyaw Min Swe 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 his release, Kyaw Min Swe is provided with adequate medical care; has effective access to his family and a lawyer of his choice without delay; and is protected from torture and other ill-treatment while in detention; and
- 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 15 AUGUST 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,
Nay 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. 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, ambassadoroffice@myanmarembassylondon.com, political@myanmarembassylondon.com, generalenquiries@myanmarembassylondon.com, salutation: Your Excellency

Please check with your section office if sending appeals after the above date. This is the first update of UA 137/17. Further information: <https://www.amnesty.org/en/documents/asa16/6476/2017/en/>

**AMNESTY
INTERNATIONAL**



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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. Section 66(d) provides up to three years’ imprisonment for “extorting, coercing, restraining wrongfully, defaming, disturbing, causing undue influence or threatening any person by using any Telecommunications Network”. 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).

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”. 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. 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.

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.

Further Information UA: 137/17 Index: ASA 16/6658/2017 Issue Date: 4 July 2017