

URGENT ACTION

PASTORS FACE IMPRISONMENT FOR TRUMPED UP CHARGES

Following international pressure, the Myanmar Army announced that two missing Kachin pastors, Dumdaw Nawng Lat and Langjaw Gam Seng, are now in police custody and face what Amnesty International believes to be politically motivated charges. If convicted they would face up to 6 years in prison. There are concerns for their health in detention.

The Myanmar Army issued a press release on 19 January 2017 stating that they had arrested **Dumdaw Nawng Lat** and **Langjaw Gam Seng** on 24 December 2016 and kept them in detention under Article 376 of Myanmar's Constitution, for informing, financially supporting, and recruiting for ethnic armed groups. The two men were detained for almost a month in military custody, without charge or any access to their lawyers and family.

Following the press release, Dumdaw Nawng Lat and Langjaw Gam Seng were transferred to Muse police station in Shan State, northern Myanmar, where they remain detained. The men have been charged under Article 17(1) of the 1908 Unlawful Association Act, as well as under Article 8 of the 2012 Import and Export Law for having an unlicensed motorbike. Both charges carry a maximum penalty of up to three years' imprisonment. Their next hearing is scheduled for 6 March 2017 at the Muse Township Court.

According to relatives, Dumdaw Nawng Lat and Langjaw Gam Seng are church men and are not members of any ethnic armed group. The 1908 Unlawful Association Act is a vaguely worded law which has long been used by the Myanmar authorities for political ends. Amnesty International is concerned 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 they say was Myanmar Army airstrikes.

There are health concerns for both men as Langjaw Gam Seng is believed to be suffering from a fever and Dumdaw Nawng Lat is complaining about a bad cough and chest pain. They have been able to see a nurse, however it is unclear whether an examination of their condition by a doctor has been undertaken.

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

- Drop all politically motivated charges against Langjaw Gam Seng and Dumdaw Nawng Lat;
- Ensure that, pending their release, Langjaw Gam Seng and Dumdaw Nawng Lat are not tortured or otherwise ill-treated, are held in humane conditions and have access to lawyers, family and adequate medical care; and
- Repeal or amend all laws – including the 1908 Unlawful Association Act – which impose arbitrary or sweeping restrictions on the human right to freedom of association, in line with international human rights law and standards.

PLEASE SEND APPEALS BEFORE 12 APRIL 2017 TO:

Minister of Home Affairs

Lt. Gen. Kyaw Swe
Minister 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

State Counsellor

Daw Aung San Suu Kyi
Ministry of Foreign Affairs, Office No. 9
Nay Pyi Taw,
Republic of the Union of Myanmar
Fax: + 95 (0) 67 412 396

Salutation: Your Excellency

And copies to:

Head of Muse Police Station
Muse Police Station
Muse Town, Muse Township
Shan State
Republic of the Union of Myanmar

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. This is the first update of UA 13/17. Further information:

<https://www.amnesty.org/en/documents/asa16/5483/2017/en/>

**AMNESTY
INTERNATIONAL**



URGENT ACTION

PASTORS FACE IMPRISONMENT FOR TRUMPED UP CHARGES

ADDITIONAL INFORMATION

According to the press release issued on 19 January 2017, the Myanmar Army detained Dumdaw Nawng Lat and Langjaw Gam Seng under Article 376 of Myanmar's Constitution which authorizes the detention of an individual without judicial review as "a precautionary measure ... for the security of the Union or prevalence of law and order, peace and tranquillity".

The visit of journalists to Monekoe town in late November 2016 included a tour of the church that, according to Kachin organisations, had been partially destroyed by Myanmar army airstrikes following fierce fighting between the Myanmar Army and the Brotherhood of the Northern Alliance, a new coalition of four armed ethnic groups in northern Myanmar. Access to the area is heavily restricted. The armed conflict between armed ethnic groups and the Myanmar Army in Kachin and northern Shan states has entered its sixth year. Fighting seriously intensified in November 2016 when the Brotherhood of the Northern Alliance launched coordinated attacks on security outposts. The group said the attacks were in response to ongoing offensives by the Myanmar Army. In response, the Myanmar Army has allegedly been resorting to airstrikes and shelling.

According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), over 100,000 people have been displaced by fighting in Kachin and northern Shan states. However, humanitarian access for UN and other humanitarian agencies and actors to people displaced in areas not under the control of the Myanmar Army is severely restricted. Violations of international humanitarian law and human rights abuses have been reportedly committed by both government and ethnic armed groups in areas of conflict, including rape and other forms of sexual violence, kidnapping, arbitrary arrest and torture, forced labour and indiscriminate use of landmines.

Under the 1908 Unlawful Associations Act, the President of Myanmar has the power to unilaterally declare any association or organization unlawful without having to demonstrate that the association has committed acts of violence or represents a threat. Under Article 17(1) of the Act, "[w]hoever is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the purpose of any such association or in any way assists the operations of any such association, shall be punished with imprisonment for a term which shall not be less than two years and more than three years and shall also be liable to fine." The fact that anyone in any way associated with an unlawful organization may be punished with imprisonment has allowed the authorities to use Section 17 for political ends.

Name: Dumdaw Nawng Lat and Langjaw Gam Seng
Gender m/f: male

Further information on UA: 13/17 Index: ASA 16/5790/2017 Issue Date: 1 March 2017