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Myanmar: Release detained journalists and ensure press freedom

On World Press Freedom Day 2018, Amnesty International calls on the Myanmar government to immediately and unconditionally release [detained journalists Wa Lone and Kyaw Soe Oo](#) and ensure that journalists and other media workers in the country are able to exercise their right to freedom of expression and carry out their peaceful journalistic activities – including sensitive investigations – without fear of reprisal or arrest.

The last year has seen a worrying erosion of press freedom in Myanmar, where journalists and other media workers face increasing restrictions in connection with their work. Nowhere has this been more clearly seen than in the case of Reuters journalists Wa Lone and Kyaw Soe Oo, who have been in detention since December 2017, accused of breaching Myanmar's 1923 Official Secrets Act. The two men had been investigating [a military massacre of 10 Rohingya men](#) in Rakhine State when they were taken into custody. Despite a police officer admitting in court that the two journalists were framed by the police, both men remain behind bars while pre-trial hearings continue. They face up to 14 years in prison if tried and found guilty under the Official Secrets Act.

The case against Wa Lone and Kyaw Soe Oo has had a chilling effect on media workers in the country and has fostered a climate of self-censorship. However, their case has not occurred in isolation and in the past year other media workers have been arrested, prosecuted and in some cases detained in connection with their work. For example, in June 2017, three journalists were arrested and charged with “unlawful association” after returning from an area controlled by an ethnic armed group operating in northern Myanmar. They were released in September 2017 after charges against

them were dropped.

Also last June, two media workers with *The Voice* newspaper – chief editor Kyaw Min Swe and writer Kyaw Zwar Naing – were arrested in connection with a satirical article which mocked a military produced propaganda film. They were later charged under Myanmar’s Media Law with using “a writing style which deliberately affects the reputation” of a person or organization, while Kyaw Min Swe was also charged with “online defamation” under Section 66(d) of the 2013 Telecommunications Law. In September 2017, the military announced that the charges had been dropped.

The human rights crises that have engulfed Myanmar during the last year including the [crimes against humanity committed by security forces against the Rohingya in Rakhine State](#) leading to the flight of almost 700,000 of them to Bangladesh, the [ongoing violations in the conflicts in northern Myanmar](#) and the rise in religious and nationalist intolerance, have made independent media reporting all the more crucial. But instead of allowing journalists to freely carry out their work peacefully and safely, the authorities have clamped down on the media and increasingly restricted access.

The risk of arrest, prosecution and imprisonment is not limited to journalists but extends to their sources and the people they interview. In October 2017, two Kachin men – [Dumdaw Nawng Lat and Langjaw Gam Seng](#) – were found guilty of a range of criminal offences and sentenced to two years and three months’ imprisonment for assisting journalists reporting on military air strikes near the town of Monekoe, northern Shan State in late 2016. Dumdaw Nawng Lat was sentenced to an additional two years’ imprisonment for “defamation” in connection with a media interview he gave on the military strikes. Both men were released as part of a presidential amnesty in April 2017, however, they should never have been arrested or tried in the first place.

Just over a month ago on 28 March 2018 Aung Ko Htwe, a former child soldier, was sentenced to two years in prison – the maximum possible sentence – under Section 505(b) of Myanmar’s Penal Code. His “crime” was to give a media interview in August 2017, in which he described his experiences as a child soldier, including how the military abducted and forcibly recruited him when he was 14 years old. Section 505(b) is a

vaguely-worded provision which has been frequently used to restrict the freedom of expression.

These cases take place in a wider context of restrictions on the right to freedom of expression in Myanmar, in particular a range of ill-defined laws which have been used to arrest, prosecute and imprison those peacefully exercising their human rights. A series of repressive laws, instead of being repealed, continue to be used by the Myanmar government to intimidate and arrest journalists. Amnesty International calls on the Myanmar authorities – in particular the Parliament – to urgently repeal or amend all laws that unlawfully restrict the right to freedom of expression and bring them into line with international human rights law and standards. This includes, among others, provisions of the Penal Code, Section 66(d) of the 2013 Telecommunications Law, the Peaceful Assembly and Peaceful Procession Act and the 1923 Official Secrets Act.

Amnesty International also calls on the Myanmar authorities to ratify the International Covenant on Civil and Political Rights (ICCPR) at the earliest opportunity, incorporate its provisions into domestic law and implement it in policy and practice.

Journalists and other media workers often play a crucial role in exposing human rights abuses perpetrated both by state officials and non-state actors, and fulfilling the public's right to receive and impart information. However, they cannot do this if they are at risk of arrest, prosecution and imprisonment in connection with their work. As long as repressive laws remain and continue to be enforced, media workers, and human rights defenders more generally, will remain at risk, their voices will remain muffled and the key right to freedom of expression will continue to be severely restricted.

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