

URGENT ACTION

TWO JOURNALISTS CHARGED IN MYANMAR

Two journalists who have been detained for more than seven months in Myanmar have been formally charged in connection with their peaceful journalistic activities. They each face up to 14 years in prison. They must be immediately and unconditionally released.

On 9 July the Northern District court in Yangon, Myanmar's main city, formally charged **Wa Lone** and **Kyaw Soe Oo**, two *Reuters* journalists, with breaching Section 3(1)(c) of the country's 1923 Official Secrets Act. The two journalists have been detained since 12 December 2017 when they were arrested shortly after being handed official documents by police officers who had invited them to dinner in north Yangon that evening. At the time, the pair had been investigating a brutal military crackdown in northern Rakhine State against the Rohingya minority which forced more than 700,000 people to flee to Bangladesh. The two men were held incommunicado for two weeks, without access to lawyers or family members.

In January, the Northern District court began pre-trial proceedings to decide whether the journalists should face charges under the Official Secrets Act. The law provides up to 14 years in prison for anyone who obtains, records or communicates secret documents or information that could be "prejudicial to the safety or interests of the state" or "useful to an enemy" of Myanmar. The pre-trial hearings have raised serious concerns about due process and the independence of the judiciary. In April, a police officer acting as a witness for the prosecution told the court that he and his colleagues had been ordered by a superior to "trap" the journalists, however the judge refused to dismiss the case. Both men remain in detention in Yangon's Insein prison. Their trial is due to start on 16 July.

There has been a worrying erosion of press freedom in Myanmar in the last two years, and journalists and other media workers face ongoing restrictions in connection with their work. The operations of independent media outlets have been increasingly undermined, and those who report on sensitive subjects – in particular military abuses, the situation of the Rohingya minority and religious intolerance – face intimidation and harassment and at times arrest, detention, prosecution and even imprisonment.

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

- Immediately and unconditionally release Wa Lone and Kyaw Soe Oo, as they have been detained solely for the peaceful exercise of their human right to freedom of expression, and drop the charges against them;
- Repeal or amend all laws – including the 1923 Official Secrets Act – which criminalize or impose arbitrary or sweeping restrictions on the human right to freedom of expression, and bring Myanmar legislation into line with international human rights law and standards;
- Ensure that journalists in Myanmar are free from harassment, discrimination, and the threat of criminalization; and that they are able to conduct their important work in a safe environment.

PLEASE SEND APPEALS BEFORE 27 AUGUST 2018 TO:

Union Attorney General
U Tun Tun Oo
Office No. 25
Nay Pyi Taw,
Republic of the Union of Myanmar
Fax: + 95 067 404106
Email: ago.h.o@mptmail.net.mm
Salutation: Dear Attorney General

President
U Win Myint
President's Office, Office No. 18
Nay Pyi Taw
Republic of the Union of Myanmar
Fax: + 95 1 652 624
Salutation: You Excellency

And copies to:
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 67 412 396

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 4/18. Further information:

<https://www.amnesty.org/en/documents/asa16/7698/2018/en/>

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ADDITIONAL INFORMATION

At the time of their arrest, Wa Lone and Kyaw Soe Oo were investigating a violent military crackdown against the Rohingya community in northern Rakhine State, and in particular the execution of 10 Rohingya men by soldiers, members of the police and local vigilantes in the village of Inn Din, Maungdaw Township in early September 2017. On 10 January 2018, the same day that Wa Lone and Kyaw Soe Oo were brought before a court for the first time, the military admitted that soldiers had been involved in the killings and that they had launched an investigation. On 10 April 2018, the military announced that seven soldiers had been sentenced to 10 years in prison and dismissed from the army. To date there has been no independent investigation into crimes against humanity and other serious human rights violations by the Myanmar security forces in northern Rakhine State.

The right to freedom of expression is enshrined in Article 19 of the Universal Declaration of Human Rights (UDHR), and includes the right to “seek, receive and impart information and ideas through any media and regardless of frontiers”. Under international human rights law the right to freedom of expression can only be restricted in very specific circumstances, and any restrictions must be clearly defined in law, only imposed to serve a legitimate aim explicitly specified in international human rights law and necessary and proportionate to achieve their aim. While states are permitted, subject to these conditions, to restrict the right to freedom of expression on the ground of national security, Myanmar’s 1923 Official Secrets Act is extremely broad and vaguely worded, and goes beyond what is permissible under international law. Moreover, the Act contains no provisions which allow for the disclosure of classified information on public interest grounds.

Names: Wa Lone (aka Thet Oo Maung Maung) and Kyaw Soe Oo (aka Moe Aung)
Gender m/f: both male

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