

URGENT ACTION

TWO REUTERS JOURNALISTS SENTENCED TO 7 YEARS IN JAIL

Wa Lone and Kyaw Soe Oo were sentenced to seven years in jail on 3 September 2018 after being found guilty of breaching Myanmar's Official Secrets Act. The politically-motivated verdict is in connection with their peaceful journalistic activities in Rakhine State. Both men are prisoners of conscience and must be immediately and unconditionally released.

On 3 September 2018, after a postponement of the verdict from 27 August, a judge at the Northern District court in Yangon found **Wa Lone** and **Kyaw Soe Oo**, two *Reuters* journalists, guilty of breaching Section 3(1)(c) of Myanmar's 1923 Official Secrets Act. The two journalists, who have been detained for almost nine months, were each sentenced to seven years in prison. The period they were detained accounts as part of their sentence. The lawyers of the two journalists are reportedly preparing to appeal the decision.

On 12 December 2017, the two journalists were arrested shortly after being handed official documents by police officers who had invited them to dinner in northern Yangon, Myanmar's main city, and whom they had never met before. At the time, the two journalists had been investigating a brutal military crackdown in northern Rakhine State against the Rohingya ethnic minority which forced more than 700,000 people to flee to Bangladesh. The pair were held incommunicado for two weeks, without access to lawyers or family members. 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 officer to "trap" the journalists, however the judge refused to dismiss the case. Later the police officer was sentenced to an undisclosed prison term for breaching Myanmar's Police Disciplinary Act.

There have been worrying concerns about the fairness of proceedings and the independence of the court since the pre-trial hearings began in January 2018, including a police witness testifying that the reporters' mobile phones were searched without a warrant and the information acquired from the phones might be tainted. The treatment of the pair during the interrogation reportedly includes sleep deprivation, covering their heads with a black hood, and forcing them to kneel for hours, violating the right to freedom from torture and other ill-treatment.

1) TAKE ACTION

Write a letter, send an email, call, fax or tweet:

- Immediately and unconditionally release Wa Lone and Kyaw Soe Oo, as they have been imprisoned solely for the peaceful exercise of their human right to freedom of expression, and revoke the convictions against them;
- Repeal or amend all laws – including the 1923 Official Secrets Act – which criminalize or impose arbitrary or sweeping restrictions on the right to freedom of expression, and bring Myanmar legislation into line with international human rights law and standards;
- Ensure protection from torture and other ill-treatment and ensure humane conditions of detention pending their release, including medical care.

Contact these two officials by 18 October 2018:

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: Your Excellency

Ambassador Aung Lynn, Embassy of the Union of Myanmar
2300 S St. NW, Washington DC 20008
Phone: 202 332 3344 OR 202 332 4350 | Fax: 202 332 4351
Email: pyi.thayar@verizon.net
Contact form: <http://www.mewashingtondc.org/content/contact-us>
Salutation: Dear Ambassador

2) LET US KNOW YOU TOOK ACTION

[Click here](#) to let us know if you took action on this case! *This is Urgent Action 4.18*

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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.

In July 2018, the court formally charged the pair of violating the Official Secrets Act. The law criminalizes 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 the enemy” of Myanmar with a maximum of 14 years in jail.

There has been a worrying erosion of the space for a free press in Myanmar, where journalists and other media workers face ongoing restrictions in connection to their work. The operations of independent media outlets have been increasingly undermined, and those who report on sensitive subjects – in particular the situation and treatment of the Rohingya minority – can face intimidation and harassment and at times arrest, detention, prosecution and even imprisonment.

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.

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

Further information on UA: 4/18 Index: ASA 16/9036/2018 Issue Date: 6 September 2018