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*Plenary sitting*

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**B8-0374/2018**

11.9.2018

## **MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Myanmar, notably the case of journalists Wa Lone and Kyaw Soe Oo (2018/2841(RSP))

**Charles Tannock, Amjad Bashir, Ruža Tomašić, Karol Karski, Urszula Krupa, Pirkko Ruohonen-Lerner, Jadwiga Wiśniewska, Valdemar Tomaševski, Jana Žitňanská, Ryszard Czarnecki, Monica Macovei, Nosheena Mobarik, Branislav Škripek**  
on behalf of the ECR Group

**B8-0374/2018**

**European Parliament resolution on Myanmar, notably the case of journalists Wa Lone and Kyaw Soe Oo (2018/2841(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Myanmar and on the situation of the Rohingya Muslims;
- having regard to previous Foreign Affairs Council conclusions on the situation in Myanmar;
- having regard to the 26 April and 25 June 2018 Council decisions imposing further restrictive measures on Myanmar, strengthening the EU's arms embargo, and targeting Myanmar army and border guard police officials;
- having regard to statements by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on the situation in Myanmar;
- having regard to the statement from the European External Action Service of 3 September 2018 on the sentencing of Wa Lone and Kyaw Soe Oo;
- having regard to the Geneva Convention of 1949 and the additional protocols thereof;
- having regard to the International Covenant of Civil and Political Rights of 1966;
- having regard to the Universal Declaration of Human Rights of 1948;
- having regard to the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief of 1981;
- having regard to the Rome Statute of the International Criminal Court;
- having regard to the report of the United Nations' fact finding mission on Myanmar, published on 27 August 2018;
- having regard to the Final Report of the Advisory Commission on Rakhine State;
- having regard to the International Declaration on the Protection of Journalists, presented to the International Press Institute World Congress in Doha in 2016;
- having regard to the resolution of the United Nations Human Rights Council of 29 September 2016 on the safety of journalists;
- having regard to the EU's Human Rights Guidelines on Freedom of Expression Online and Offline, adopted by the Council in May 2014;

- having regard to the European Parliament report on Statelessness in South and South East Asia of 13 June 2017;

- having regard to the Freedom House Freedom of the Press report of 2017;

- having regard to Rule 135 of its Rules of Procedure;

A. whereas Reuters journalists Wa Lone and Kyaw Soe Oo were jailed for seven years by a court in Myanmar on 3 September 2018 for violating a state secrets act while investigating the murders of 10 Rohingya men in the village of Inn Din in northern Rakhine state in September 2017;

B. whereas Wa Lone and Kyaw Soe Oo are Myanmar nationals who were working for the international news agency when they were arrested in December 2017; whereas they have consistently maintained their innocence and say they were set up by the police who, they claim, had just given them official documents;

C. whereas in April 2018 seven Myanmar soldiers were sentenced to “10 years in prison with hard labour in a remote area” for participating in the massacre of the 10 Rohingya men;

D. whereas media coverage of violence in Rakhine State is tightly controlled by the military and government, a hallmark of the authorities’ wider measures aimed at suppressing the work of journalists and media organisations;

E. whereas Myanmar was 159th out of 198 countries in the Freedom House 2017 Freedom of the Press rankings, which assess the level of media freedom and editorial independence globally;

F. whereas the government in Myanmar uses harsh defamation and other laws against journalists while media workers also face threats and physical violence in response to critical or investigative coverage, particularly when it focuses on the government, the military, rebel groups, or the status and treatment of the Rohingya;

G. whereas since August 2017 Myanmar authorities have driven out more than 740,000 men, women and children from Rakhine state, torching their homes, crops, and villages, and preventing them from returning; whereas the United Nations and human rights organisations have also documented reports of killings, torture, and the rape of women and children, with many of those fleeing having crossed the border into neighbouring Bangladesh;

H. whereas more than 6,700 Rohingya Muslims, including at least 730 children under the age of five, were killed in the first month of the crackdown;

I. whereas the then United Nations High Commissioner for Human Rights Zeid Ra’ad al-Husseini described the Myanmar government operations as “a textbook example of ethnic cleansing” and “a cynical ploy to forcibly transfer large numbers of people without possibility of return”;

J. whereas the Government of Myanmar and the Myanmar military and security forces have repeatedly denied attacking Rohingya civilians and settlements, attributing incidences of

violence to its campaign against a Rohingya terrorist insurgency or to internal infighting between Rohingya militants;

K. whereas the media in Myanmar is deeply polarised along political lines, and independent outlets struggle for financial sustainability;

L. whereas the editor of The Voice newspaper Kyaw Min Swe and columnist Ko Kya Zwa Naing were charged and detained in June 2017 regarding an article which satirised an army-produced propaganda film; whereas the same month authorities arrested three journalists in northern Shan state on accusations of unlawful association after they covered an event organised by a banned armed ethnic group;

M. whereas Myanmar authorities detained Than Htut Aung, chief executive of Eleven Media Group, and Wai Phyto, chief editor of the group's publication Daily Eleven, in November 2016 on charges stemming from an opinion piece suggesting high-level government corruption;

N. whereas on 27 August 2018 a report of the United Nations' fact finding mission on Myanmar concluded that senior military commanders in Myanmar should be investigated and prosecuted for the "gravest" crimes against civilians under international law, including genocide;

O. whereas the UN report also accused the authorities in Myanmar of using various laws to arrest, detain or harass civil society actors, journalists, lawyers and human rights defenders who express critical views;

P. whereas the UN report also sharply criticises Myanmar's de facto leader, Nobel Peace Prize and Sakharov Prize laureate Aung San Suu Kyi, for failing to intervene to stop attacks;

Q. whereas the report says that some abuses were also committed by armed ethnic groups in Kachin and Shan state, and by the Arakan Rohingya Salvation Army (Arsa) in Rakhine;

R. whereas the Myanmar authorities have rejected the findings of the UN report, and in November 2017 published the results of its own internal investigation in which it exonerated itself of blame regarding the Rohingya crisis;

S. whereas the authorities in Yangon have consistently refused to allow the UN Special Rapporteur on the situation of human rights in Myanmar Yanghee Lee to enter the country

T. whereas the United Nations Secretary General Antonio Guterres blacklisted the Myanmar armed forces in his annual report on conflict-related sexual violence, published in April 2018;

U. whereas the Rome Statute of the International Criminal Court, signed and ratified by all EU Member States, affirms that the most serious crimes of concern to the international community as a whole, in particular genocide, crimes against humanity and war crimes, must not go unpunished;

V. whereas in September 2016 the United Nations Human Rights Council adopted a groundbreaking resolution regarding the safety of journalists which called for an end to impunity for attacks on journalists and to maintain, in law and in practice, a safe and enabling environment

for journalists to perform their work without interference;

1. Demands the immediate release of Reuters journalists Wa Lone and Kyaw Soe Oo and for all media to be allowed to investigate allegations of violence and killings in Myanmar without fear of intimidation, violence, arrest, or imprisonment;

2. Condemns the violence against Rohingya men, women, and children since August 2017, including grievous human rights violations, including mass rapes, targeted killings and the destruction of civilian property;

3. Supports the conclusions of the report by the UN fact finding mission to Myanmar and its calls for cases of violence against the Rohingya population to be referred to the International Criminal Court;

4. Demands that the Myanmar authorities grant immediate and unfettered access to independent monitors, international human rights organisations, journalists and other international observers with the aim of conducting independent and impartial investigations in to allegations of serious human rights violations against the Rohingya community, including allegations of sexual violence against women and girls;

5. Urges the Government of Myanmar, and State Counsellor Aung San Suu Kyi in particular, to condemn unequivocally all incitement to racial or religious hatred and to combat social discrimination and hostilities against the Rohingya and other minority groups; further urges the Government of Myanmar to uphold the universal right to freedom of religion or belief;

6. Encourages European Union Member States and their international partners to continue to impose targeted sanctions against those responsible for violence and crimes against the Rohingya people where credible evidence supports such measures;

7. Demands that the Government of Myanmar cooperates with the United Nations, including with UN Special Rapporteur Yanghee Lee, and the Independent Fact-Finding Mission on Myanmar;

8. Urges a reinvigoration of the Myanmar-EU Human Rights Dialogue to specifically discuss issues relating to the Rohingya community and violence against other minority groups;

9. Encourages international support to broker political dialogue between the Government of Myanmar and leaders of the Rohingya community, in line with the conclusions of the UN Human Rights Council resolution of March 2017;

10. Regrets that Myanmar is not a signatory to the Rome Statute and therefore calls on the United Nations Security Council to consider a referral to the ICC Special Prosecutor in order to investigate the issue of forcible deportation and crimes against humanity;

11. Reminds the Myanmar authorities that international humanitarian and human rights law prohibits the targeting of individuals or groups based on religious or ethnic identity, as well as attacks against civilians not taking part in hostilities, and individuals bringing humanitarian aid to those trapped by the conflict;

12. Regrets the delays in legislative reforms to media laws in Myanmar, the increasing use of litigious tactics to hamper press freedom, and the failure of Parliament to undertake any meaningful work on laws guaranteeing the right to access government information; also regrets the substantial increase in authorities' prosecution of online speech under the 2013 Telecommunications Law;

13. Strongly supports the #journalismissnotacrime and related campaigns worldwide and urges the Myanmar authorities to implement measures which protect the rights of journalists and the independent media;

14. Instructs its President to forward this resolution to the Government and Parliament of Myanmar, Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the EU Member States, the Government and Parliament of Myanmar, the Secretary-General of ASEAN, the ASEAN Intergovernmental Commission on Human Rights, the UN Special Rapporteur on the situation of human rights in Myanmar, the UN High Commissioner for Refugees, and the UN Human Rights Council.