



Plenary sitting

B8-0376/2018

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))

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on behalf of the S&D Group

B8-0376/2018

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, notably those adopted on the 14 June 2018, 14 December 2017, 14 September 2017, 7 July 2016 and 15 December 2016
- having regard to the Statement of the 9 July 2018 by the EU Spokesperson on the prosecution of two Reuters journalists in Myanmar; and of the 3 September 2018 on the sentencing of Wa Lone and Kyaw Soe Oo in Myanmar
- having regard to the Council conclusions of 26 February 2018 on Myanmar/Burma and of the 16 October 2017
- having regard to the Council conclusions of the 26 April 2018 imposing further restrictive measures on Myanmar/Burma, strengthening the EU's arms embargo and targeting the Myanmar/Burma army and border guard police officials
- having regard to the Report of the Independent International Fact-Finding Mission on Myanmar of the United Nations Human Rights Council of the 24 August 2018
- having regard to the final report and recommendations of the Kofi Annan-led Advisory Commission on Rakhine State,
- having regard to the International Covenant on Civil and Political Rights of 1966
- having regard to international humanitarian law, the Geneva Conventions and their Protocols and to the Rome Statute
- having regard to the Universal Declaration of Human Rights (UDHR) of 1948,
- having regard to the Charter of the Association of South-East Asian Nations (ASEAN),
- having regard to the UN Security Council Report of the Secretary-General on conflict-related sexual violence released on 23 March 2018,
- having regard to the Call to Action on Protection from Gender-Based Violence in Emergencies and the EU's current leadership of the global initiative;
- having regard to Rules 135 of its Rules of Procedure,

A. whereas on 12 December 2017 two journalists, Wa Lone and Kyaw Soe Oo were arbitrarily arrested and detained for reporting on a number of massacres and serious human rights violations carried out by the Tatmadaw (Myanmar Armed forces) in the Rakhine State; Whereas during their arbitrary detention Wa Lone and Kyaw Soe Oo were reportedly held

incommunicado and subjected to maltreatment;

B. whereas the two journalists were subsequently charged under the Official Secrets Acts; whereas on the 3 September they were sentenced to 7 years of imprisonment:

C. whereas civil society actors, including journalists, lawyers and human rights defenders who express critical views of the Myanmar authorities, notably the Tatmadaw and other Myanmar/Burma security forces and the acts carried out by the same in Rakhine State, are arbitrarily arrested, detained or harassed;

D. whereas former child soldier Aung Ko Htwe is serving two years and six months in prison in connection with a media interview he gave about his experiences in the Myanmar military; whereas he was charged under Section 505(b) of Myanmar's Penal Code, a vaguely-worded provision which has frequently been used to curtail freedom of expression;

E. whereas tens of journalists have reportedly been arbitrarily detained since 2016; whereas a number of repressive laws are increasingly being used to silence civil society actors, journalists, lawyers and human rights defenders for perceived criticism of the Government of Myanmar or the Myanmar/Burma military and security forces;

F. whereas on the 27 August, the report of the UN-mandated independent international fact-finding mission on Myanmar was issued (UN FFMM); whereas the report concludes that the most serious human rights violations and gravest crimes under international law, including genocide, crimes against humanity and war crimes were committed in Kachin, Rakhine and Shan States by the Tatmadaw, the Myanmar Police Force, NaSaKa (previous Border Area Immigration Control Headquarter), the Myanmar Border Guard Police and non-state armed groups and further calls for top military generals and those responsible for atrocity crimes against the Rohingya to be investigated and prosecuted internationally;

G. whereas, according to the UNFFM report, the State Counsellor, Aung San Suu Kyi, and the civilian authorities, have contributed to the commission of atrocity crimes through their acts and omissions, specifically via spreading false narratives, denying the Tatmadaw's wrongdoing, blocking independent investigations and overseeing destruction of evidence;

H. whereas the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, announced on 10 September 2017 that the situation in Myanmar 'seems like a textbook example of ethnic cleansing' and on 5 December 2017 that an act of genocide against Rohingya Muslims by state forces in Myanmar cannot be ruled out

I. whereas independent monitors to ensure independent and impartial investigations into allegations of serious human rights violations in Myanmar, in particular in Rakhine State, notably the UN Fact-Finding Mission established by the UN Human Rights Council in March 2017 were and are still being denied their right of access to the region;

J. whereas there is a concerning escalation of hate speech, both offline and online, including on popular social media platforms, against the Rohingya people; whereas such hate speech often includes advocacy of national, racial or religious hatred constituting incitement to discrimination, hostility or violence; whereas hate speech towards the Rohingya has reportedly been state-sponsored.

1. Strongly condemns the widespread and systematic attacks against the Rohingya committed in Kachin, Rakhine and Shan States by the Tatmadaw and other Myanmar/Burma security forces, which according to the UN FFMM amount to genocide, crimes against humanity and war crimes - the most serious of human rights abuses and violations;
2. Reiterates its continued support for the Rohingya people; calls once again upon the Government of Myanmar and the security forces to stop immediate ongoing violations, killings and sexual violence against Rohingya people and ethnic minorities in northern Myanmar and to ensure that security and rule of law prevail in Myanmar/Burma, notably in Rakhine, Kachin and Shan States;
3. Calls for accountability of all perpetrators of such heinous human rights violations; Takes note of the findings of the UN FFMM and supports its recommendations, notably on ensuring justice and accountability; welcomes the recent ruling that the ICC may exercise jurisdiction over the alleged deportation of the Rohingya people from Myanmar to Bangladesh; recognises however that a referral from the UNSC to the ICC for an investigation of the full scope of human rights violations against the Rohingya as well as other ethnic minorities in Kachin and northern Shan States is still needed; Calls for the Security Council to refer the situation in Myanmar to the International Criminal Court without a delay; Supports the call of the UN FFMM on Myanmar for the identified top military generals to be investigated and prosecuted;
4. Calls upon the EU and its Member States to take the lead in the UN Security Council on the requested reaction to refer the situation to the International Criminal Court; Calls upon the EU and the Member States to take the lead in the UN General Assembly and at the upcoming 39th session of the UN Human Rights Council and to increase their efforts, towards the urgent establishment of an international, impartial, and independent accountability mechanism to support investigations into alleged atrocity crimes and prosecuting those responsible for atrocity crimes;
5. Calls on the Government of Myanmar, in particular State Counsellor, Aung San Suu Kyi, to use all her influence to bring perpetrators to justice; Reminds that Myanmar authorities have a duty to investigate grievous human rights violations and to prosecute those responsible in accordance with international law and obligations;
6. Reiterates its call upon the UN Security Council to impose a global comprehensive arms embargo on Myanmar, suspending all direct and indirect supply, sale or transfer, including transit and transshipment of all weapons, munitions and other military and security equipment, as well as the provision of training or other military and security assistance;
7. Recalls the adoption by the Council of the EU of a legal framework for targeted restrictive measures against certain persons from the Myanmar Armed forces (Tatmadaw) and the border police; Calls upon the EU to impose travel bans, targeted financial sanctions and asset freezes against the Myanmar officials identified by the UN FFM as responsible for atrocity crimes;
8. Strongly condemns the arbitrary arrest and sentencing of journalists Wa Lone and Kyaw Soe Oo for reporting on the situation in the Rakhine State; Calls on the authorities of

Myanmar for their immediate and unconditional release;

9. Further calls upon the authorities of Myanmar to drop all charges against, and to immediately and unconditionally release all persons arbitrarily detained, including political prisoners, journalists and media workers, simply for exercising their rights and freedoms:

10. Condemns all acts of intimidation, harassment or restriction to freedom of expression, notably by the Myanmar/Burma military and security forces: Reminds that media freedom and critical journalism are essential pillars of democracy, promoting good governance, transparency and accountability; Calls on the authorities of Myanmar to ensure adequate conditions for journalists and the media workers to carry out their work without fear of intimidation or harassment, undue arrest and prosecution;

11. Calls once again on the Government of Myanmar to grant domestic and international media organisations, human rights defenders, independent observers and humanitarian organisations full and unhindered access to the Rakhine State and to ensure the safety and security of media personnel;

12. Calls on the Government of Myanmar to work towards strengthening democracy and the rule of law and to respect human rights and fundamental freedoms, which includes fully complying with the international obligations concerning freedom of association and expression;

13. Expresses deep concerns regarding the abuse of repressive legal provisions restricting freedom of speech; calls on the authorities of Myanmar to repeal, review or amend all laws, including the 1923 Official Secrets Act amongst others, which are not in line with international standards and which violate the rights to freedom of expression, peaceful assembly and association; calls on the government to ensure that all legislation is in compliance with international standards and obligations;

14. Reminds that thousands of Rohingya people, many of whom are children, are internally displaced and in dire need of humanitarian assistance and protection; Calls for immediate, unhindered and unfettered access throughout the entire country for delivery of humanitarian aid;

15. Calls on the EU, its Member States and the international community to address the need for increased and long-term humanitarian assistance to the Rohingya people in Bangladesh and their host communities;

16. Reminds that rape and sexual violence have been a recurrent feature of the targeting of the civilian population in Kachin, Rakhine and Shan States; Calls upon the EU, in particular ECHO, and EU Member States to secure improvements in the protection from gender-based violence for Rohingya girls and women;

17. Calls further on the Government of Myanmar to make meaningful progress on implementing the recommendation of the Advisory Committee on Rakhine State to address the root causes of the crisis in Myanmar;

18. Instructs its President to forward this resolution to the Government and Parliament of

Myanmar, State Counsellor Aung San Suu Kyi, the Government and Parliament of Bangladesh, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Commission, the governments and parliaments of the EU Member States, 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.