



Plenary sitting

B8-0379/2018

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))

Fabio Massimo Castaldo, Ignazio Corrao, Isabella Adinolfi
on behalf of the EFDD Group

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 the Universal Declaration of Human Rights of 1948,
- having regard to the International Covenant on Civil and Political Rights of 1966 and the International Covenant on Economic, Social and Cultural Rights of 1966,
- having regard to the ASEAN Charter,
- having regard to the 1951 UN Convention Relating to the Status of Refugees and the 1967 Protocol thereto,
- having regard to the Geneva Convention of 12 August 1949¹, in particular Article 79 of its Additional Protocol I regarding the protection of journalists engaged in dangerous professional missions in areas of armed conflict,
- having regard to the UN Convention on the Rights of the Child,
- having regard to the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness,
- having regard to the UNHCR Global Action Plan to End Statelessness 2014-2024,
- having regard to the 27th special session of the UN Human Rights Council on the human rights situation of the minority Rohingya Muslim population and other minorities in Rakhine State, Myanmar,
- having regard to the report of the Special Rapporteur on Myanmar on the situation of human rights in Myanmar of 9 March 2018,
- having regard to the Final Report of the Advisory Commission on Rakhine State,
- having regard to the Council conclusions on Myanmar/Burma of 16 October 2017, and of 26 February 2018,
- having regard to the UN Office of the High Commissioner for Human Rights report of the Special Rapporteur on the situation of human rights in Myanmar of 9 March 2018,
- having regard to the Report of the Independent International Fact-Finding Mission on Myanmar, of 27 August 2018, to be presented in the Thirty-ninth session of the Human Rights Council,

¹ <http://www.un-documents.net/gc-p1.htm>.

- having regard to the statement of the Spokeperson of the UN Secretary-General António Guterres of the 3 September 2018,
 - having regard to the statement of U.N. High Commissioner for Human Rights, Michelle Bachelet, of the 3 September 2018,
 - having regard to the statement of HR/VP Federica Mogherini, of 9 July 2018, and to the Statement of her Spokesperson of 3 September 2018, having regard to her previous statements on the latest developments in Rakhine State, Myanmar and the border region in Bangladesh, including the ones of 6 September 2017 and of 11 September 2017,
 - having regard to its previous resolutions on Myanmar and on the situation of Rohingya, in particular those of 14 June 2018¹, 14 December 2017², 14 September 2017³, 7 July 2016⁴ and 15 December 2016⁵, and of 13 June 2017 on statelessness in South and South East Asia⁶,
 - having regard to its previous resolution on the freedom of press and media in the world, of 13 June 2013⁷;
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. Whereas Wa Lone and Kyaw Soe Oo, two Reuters journalists were arrested, in Yangon, were arrested, on 12 December 2017;
 - B. Whereas, at the time, the two men had been investigating the massacre of 10 Rohingya Muslim men and boys in a village in Rakhine state and other abuses involving soldiers and police in Inn Din, a village in Rakhine State.
 - C. Whereas the journalists have been accused of threatening national security, as a consequence of the fact that they had the telephone number of some Arakan Army rebel; whereas to contact rebel or ethnic armed groups for interviews is a common practice for journalists investigating on the many conflicts inside the country and along disputed borders;
 - D. Whereas the two journalists were held incommunicado for two weeks before being transferred to Yangon's Insein prison;
 - E. Whereas, on Monday 1 September, Wa Lone and Kyaw Soe Oo were sentenced to seven years in prison, after they were found guilty of breaching the country's Official Secrets Act, one of a number of repressive laws in Myanmar that carries a maximum

¹ Texts adopted, P8_TA(2018)0261.

² Texts adopted, P8_TA(2017)0500.

³ Texts adopted, P8_TA(2017)0351.

⁴ Texts adopted, P8_TA(2016)0316.

⁵ Texts adopted, P8_TA(2016)0506.

⁶ Texts adopted, P8_TA(2017)0247.

⁷ Texts adopted, P7_TA(2013)0274.

sentence of 14 years in prison;

- F. Whereas military operations in northern Rakhine State, on which the two journalist were investigating while been arrested, were marked by crimes against humanity targeting the Rohingya population, including deportation, unlawful killings, rape, torture and burning of homes and villages;
- G. Whereas Myanmar has denied allegations of atrocities made by refugees against its security forces, alleging that the Government conducted a legitimate counterinsurgency operation against Muslim militants;
- H. Whereas the military acknowledged the killing of the 10 Rohingya at Inn Din after arresting the Reuters reporters;
- I. Whereas the UN mandated fact-finding mission, in its report of 24 August 2018, recognized that Myanmar's military carried out mass killings and gang rapes of Muslim Rohingya with "genocidal intent" and called for top generals to be prosecuted. Whereas Myanmar rejected these findings;
- J. Whereas Rakhine State in Myanmar is home to approximately one million Rohingya, a predominantly Muslim minority group facing repression and continued serious human rights violations, including threats to life and security, denial of the right to health and education, malnutrition and food insecurity, forced labour, sexual violence and limitations on their political rights;
- K. Whereas the Rohingya are one of the most persecuted minorities in the world, and whereas they are denied full citizenship rights and rendered stateless under Myanmar's 1982 Citizenship Law; whereas the Rohingya are largely confined to camps with severe restrictions placed on free movement within and outside Rakhine State;
- L. Whereas since August 2017 more than 700 000 Rohingya have fled for safety to neighbouring Bangladesh; whereas the total number of Rohingya refugees in Bangladesh has now exceeded 1 million of which approximately 400,000 are children; whereas the murder, rape and torture of Rohingya and the burning down of their villages in Rakhine are used as a tool to permanently damage the social structure of the Rohingya and to traumatise the population; whereas Rohingya women who are pregnant or who have small children have travelled many miles afoot, arriving to the refugee camps sick from mental and physical stress, starvation and injury;
- M. Whereas on 8 September the International Criminal Court's (ICC) declared its capacity to exercise jurisdiction over the alleged deportation of the Rohingya people from Myanmar to Bangladesh;
 - 1. Urges the Myanmar authorities to immediately and unconditionally release Wa Lone and IKyaw Soe Oo;
 - 2. Condemns any attack, intimidation and unlawful exercise of force committed by state authorities against journalists peacefully exercising their right to inform people; recalls the right to freedom of expression is a universal human right, which lies at the basis of

democracy, and is essential to the realisation of other rights;

3. Denounce that Myanmar authorities use a various number of laws, including the Official Secrets Act, to arrest, detain or harass civil society activists, journalists, lawyers and human rights defenders who express critical views; Calls on the Myanmar authorities to repeal this Act and all laws which criminalize or restrict the right to freedom of expression, and to bring Myanmar legislation into line with international human rights law and standards;
4. Condemns the lack of reaction both from President Win Myint and from Aung San Suu Kyi, who have not spoken up in support of freedom of expression;
5. Takes note of the finding of the Report of the Independent International Fact-Finding Mission on Myanmar, of 27 August 2018, according to which “The State Counsellor, Daw Aung San Suu Kyi, has not used her *de facto* position as Head of Government, nor her moral authority, to stem or prevent the unfolding events, or seek alternative avenues to meet a responsibility to protect the civilian population. On the contrary, the civilian authorities have spread false narratives; denied the Tatmadaw’s wrongdoing; blocked independent investigations, including of the Fact-Finding Mission; and overseen destruction of evidence. Through their acts and omissions, the civilian authorities have contributed to the commission of atrocity crimes”;
6. Decides to open a special procedure at its CoP in order to consider the withdrawal of the Sakharov price from Daw Aung San Suu Kyi due to her contribution in the commission of atrocity crimes through her acts and omissions;
7. Calls on the authorities of Myanmar to grant immediate and unfettered access into Rakhine state to independent monitors, including the UN Special Rapporteur, to ensure further independent and impartial investigations into allegations of serious human rights violations by all parties;
8. Profoundly praises the work of all journalists who seek the truth and work to the ensure the enjoyment of the public’s right to know, contributing to a more democratic environment; praises in particular the ones who risk their own lives to document war scenarios or severe violation of human rights;
9. Expresses its deepest condemnation of genocidal acts, war crimes and crime against humanity committed against the Rohingya population by Myanmar army and condemns the Myanmar government’s refusal to cooperate with the UN Fact-finding Mission and the UN Special Rapporteur;
10. Strongly welcome, in this respect, the decision by the ICC regarding its jurisdiction over the deportation of the Rohingya people from Myanmar and calls on Chief Prosecutor to urgently open a preliminary investigation in this regard;
11. Urges the EU and the EU Member States to take the lead in the 2018 Autumn sessions of the UN General Assembly and the UN Human Rights Council to ensure the urgent establishment of a dedicated UN International Independent Impartial Mechanism (IIIM) with a mandate to gather, preserve and analyse evidence of serious violations of international law in Rakhine state;

12. Welcomes the Council's decision to extend the arms embargo against Myanmar and urges the Council to agree on targeted financial and travel sanctions against those responsible for atrocities and for obstructing genuine and impartial criminal investigations;
13. Urges the UNSC to adopt targeted individual sanctions, including travel bans and asset freezes, against those who appear responsible for serious crimes under international law, and to impose a global comprehensive arms embargo on Myanmar;
14. Recalls the need for urgent medical and psychological assistance to be provided in the refugee camps; recalls that vulnerable groups, such as women and children are in need of special protection and care, including health service and education;
15. Instructs its President to forward this resolution to the Government and Parliament of Myanmar, 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 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.