



TEXTS ADOPTED

P8_TA(2018)0345

Myanmar, notably the case of journalists Wa Lone and Kyaw Soe Oo

European Parliament resolution of 13 September 2018 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 Rohingya people, notably those adopted on 14 June 2018¹, 14 December 2017², 14 September 2017³, 7 July 2016⁴ and 15 December 2016⁵,
- having regard to the statement by the spokesperson of the European External Action Service (EEAS) of 3 September 2018 on the sentencing of Wa Lone and Kyaw Soe Oo in Myanmar and that of 9 July 2018 on the prosecution of two Reuters journalists in Myanmar,
- having regard to the Council conclusions of 16 October 2017 and of 26 February 2018 on Myanmar,
- having regard to Council decisions (CFSP) 2018/655 of 26 April 2018⁶ and (CFSP) 2018/900 of 25 June 2018⁷ imposing further restrictive measures on Myanmar, strengthening the EU's arms embargo and targeting the Myanmar 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, which will be presented at the 39th session of the UN Human Rights Council from 10-28 September 2018,

¹ Texts adopted, P8_TA(2018)0261.

² Texts adopted, P8_TA(2017)0500.

³ Texts adopted, P8_TA(2017)0351.

⁴ OJ C 101, 16.3.2018, p. 134.

⁵ OJ C 238, 6.7.2018, p. 112.

⁶ OJ L 108, 27.4.2018, p. 29.

⁷ OJ L 160 I, 25.6.2018, p. 9.

- having regard to the statement of 3 September 2018 by the UN High Commissioner for Human Rights, Michelle Bachelet,
 - 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 the Protocols thereto and the Rome Statute of the International Criminal Court (ICC),
 - 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 of 23 March 2018,
 - having regard to the decision of Pre-Trial Chamber I of the ICC of 6 September 2018,
 - having regard to Rules 135(5) and 123(4) 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 allegations of reporting serious human rights violations carried out by the Tatmadaw (Myanmar Armed forces) in Rakhine State;
 - B. whereas the journalists Wa Lone and Kyaw Soe Oo were subsequently charged under the Official Secrets Acts of 1923; whereas on 3 September 2018 they were sentenced by a court in Myanmar to seven years of imprisonment; whereas this landmark case further undermines freedom of expression, democracy and the rule of law in Myanmar;
 - C. whereas diplomats of the European Union and EU Member States have been among the many international observers present at every court hearing since the journalists' arrest on 12 December 2017 and have continuously raised the matter with the Government of Myanmar;
 - D. whereas civil society actors, including journalists, lawyers and human rights defenders who express views critical of the Myanmar authorities, notably the Tatmadaw and other Myanmar security forces and the acts carried out by them in Rakhine State, are reportedly arbitrarily arrested, detained or harassed; whereas media coverage of violence in Rakhine State is tightly controlled by the military and the government;
 - E. whereas Rohingya human rights activist Wai Nu, who was imprisoned from the age of 18 until she was 25 years old, remains one of the many examples of activists targeted by the Myanmar authorities;
 - F. 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;

- G. whereas tens of journalists have been reportedly arrested and detained since 2016; whereas the Myanmar authorities use a number of repressive laws, including the Official Secrets Act, to arrest, detain, silence or harass civil society actors, journalists, lawyers and human rights defenders who express views critical of the Government of Myanmar or its security forces; whereas Myanmar ranked 159th out of 198 countries in the Freedom House 2017 Freedom of the Press rankings;
- H. whereas the report of the UN-mandated Independent International Fact-Finding Mission on Myanmar (IIFMM) of 24 August 2018 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 (previously the Border Area Immigration Control Headquarters), the Myanmar border guard police and non-state armed groups; whereas the report also states that the Arakan Rohingya Salvation Army launched coordinated attacks on a military base and several security force outposts across northern Rakhine State to mount pressure on Rohingya communities; whereas the report further calls for senior military commanders in Myanmar and those responsible for atrocity crimes against Rohingya people to be investigated and prosecuted internationally; whereas Myanmar has rejected these findings;
- I. whereas the IIFMM report states that Myanmar's State Counsellor, Nobel Peace Prize and Sakharov Prize laureate Aung San Suu Kyi has failed to use her de facto position as Head of Government or her moral authority to stem or prevent the unfolding events in Rakhine State; whereas the civilian authorities have also contributed to the commission of atrocity crimes through their acts and omissions, specifically by spreading false narratives, denying the Tatmadaw's wrongdoing, blocking independent investigations and overseeing the destruction of evidence;
- J. whereas on 8 September 2018 the ICC confirmed that the Court may exercise jurisdiction over the alleged deportation of Rohingya people from Myanmar to Bangladesh;
- K. whereas social media platforms have been used in Myanmar to spread smear campaigns and conspiracy theories targeting Rohingya and Muslims in the country;
- L. whereas Rohingya represent the largest percentage of Muslims in Myanmar, with the majority living in Rakhine State; whereas conservative estimates place the death toll at 10 000; whereas since August 2017, more than 700 000 Rohingya people have fled for safety to Bangladesh, of which approximately 500 000 are children, many of whom travelled alone after their parents were killed or after being separated from their families;
1. Strongly condemns the arbitrary arrest and sentencing of journalists Wa Lone and Kyaw Soe Oo for reporting on the situation in Rakhine State; calls on the authorities of Myanmar to release them immediately and unconditionally and to drop all charges against them and all persons arbitrarily detained, including political prisoners, human rights defenders, journalists and media workers, simply for exercising their rights and freedoms;
 2. Condemns all acts of intimidation, harassment or restriction of freedom of expression, notably by the Myanmar military and security forces: underlines that media freedom and critical journalism are essential pillars of democracy, promoting good governance, transparency and accountability and calls on the authorities of Myanmar to ensure

adequate conditions for journalists and media workers to carry out their work without fear of intimidation or harassment, undue arrest or prosecution;

3. Reiterates its call on the Government of Myanmar to reverse its decision to discontinue its cooperation with the UN Special Rapporteur on the situation of human rights in Myanmar and to grant domestic and international media organisations, human rights defenders, independent observers and humanitarian organisations, in particular the UN Special Rapporteur, full and unhindered access to Rakhine State and to ensure the safety and security of media personnel;
4. 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, which are not in line with international standards and which criminalise and violate the rights to freedom of expression, peaceful assembly and association; calls on the Government of Myanmar to ensure that all legislation is in compliance with international standards and obligations;
5. Strongly condemns the widespread and systematic attacks against Rohingya people committed in Rakhine State by the Tatmadaw and other Myanmar security forces, which according to the IIFFMM amount to genocide, crimes against humanity and war crimes – the most serious of human rights abuses and violations; is deeply concerned at the increasing gravity and scale of human rights violations accommodated by the Government of Myanmar;
6. Reiterates its continued support for the Rohingya people; calls once again upon the Government of Myanmar and the security forces to put an immediate stop to ongoing violations, killings, destruction of property and sexual violence against Rohingya people and ethnic minorities in northern Myanmar and to ensure that security and the rule of law prevail in Myanmar, notably in Rakhine, Kachin and Shan States; reminds the Myanmar authorities of their international obligations to investigate and prosecute those responsible; urges the Government of Myanmar and State Counsellor Aung San Suu Kyi to condemn unequivocally all incitement of hatred and to combat social discrimination and hostilities against Rohingya people and other minority groups;
7. Takes note of the findings of the IIFFMM and supports its recommendations; welcomes the recent ruling that the ICC may exercise jurisdiction over the alleged deportation of Rohingya people from Myanmar to Bangladesh; recognises, however, that a referral from the UN Security Council (UNSC) to the ICC for an investigation of the full scope of human rights violations is still needed; calls on the ICC Chief Prosecutor to open a preliminary investigation in this regard; calls on the UNSC to refer the situation in Myanmar to the ICC without a delay; supports the calls of the IIFFMM and ASEAN Parliamentarians for Human Rights (APHR) for the military generals responsible to be investigated and prosecuted;
8. Calls on the EEAS and the Member States to seek accountability in multilateral fora for the perpetrators of crimes in Myanmar; calls for the EU and the Member States to take the lead in the UNSC on the requested reaction to refer the situation to the ICC, as well as 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 the prosecution of those responsible;

9. Reiterates its call on the UNSC to impose a global comprehensive arms embargo on Myanmar, suspending all direct and indirect supplies, sales or transfers, including transit and transshipment of all weapons, munitions and other military and security equipment, as well as the provision of training or other military or security assistance; 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;
10. Calls on the Commission to consider an investigation under the mechanisms provided for in the Everything But Arms agreement, with a view to reviewing the trade preferences that benefit Myanmar;
11. Welcomes the Council's adoption on 26 April 2018 of a legal framework for targeted restrictive measures against officials responsible for serious human rights violations and strengthening the EU's arms embargo and a first list of designations established on 25 June 2018; urges the Council to impose travel bans, targeted financial sanctions and asset freezes against the Myanmar officials identified by the IFFMM as responsible for atrocity crimes;
12. Recalls 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; insists that the Government of Myanmar guarantee safe, voluntary and dignified return, with full UN oversight, for those who want to return to their land;
13. Calls for 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;
14. Recalls that rape and sexual violence have been a recurrent feature of the targeting of the civilian population in Kachin, Rakhine and Shan States; calls for the EU, in particular the Commission's Civil Protection and Humanitarian Aid Operations department (ECHO), and EU Member States to secure improvements in the protection from gender-based violence of Rohingya girls and women;
15. Recalls the need for the provision of medical and psychological assistance in refugee camps, particularly assistance tailored for vulnerable groups including women and children; calls for greater support services for victims of rape and sexual assault;
16. 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.