



Plenary sitting

B8-0371/2018

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 Verts/ALE Group

B8-0371/2018

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, in particular those of 12 June 2018, 14 December 2017, 14 September 2017, 7 July 2016 and 15 December 2016,
- having regard to the Council conclusions on Myanmar/Burma of 16 October 2017, and of 26 February 2018,
- 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 press release by the UN High Commissioner for Human Rights Michelle Bachelet on the conviction of two Reuters journalists in Myanmar of 3 September 2018,
- having regard to the statement by UN Secretary General Antonio Guterres of 3 September 2018, urging authorities to review the unacceptable sentencing of journalists;
- having regard to the press release by Ms. Yanghee Lee, Special Rapporteur on the situation of human rights in Myanmar, and Mr. David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, on the sentencing of Wa Lone and Kyaw Soe Oo, of 3 September 2018,
- having regard to the Statement of the High Representative/Vice-President Spokesperson on the sentencing of Wa Lone and Kyaw Soe Oo in Myanmar of 3 September 2018,
- having regard to the joint press release on the fourth EU-Myanmar Human Rights Dialogue of 5 March 2018,
- having regard to the Final Report of the Advisory Commission on Rakhine State,
- having regard to the Report of the Independent International Fact-Finding Mission on Myanmar, published on 26 August 2018, which will be presented in the Thirty-ninth session of the Human Rights Council,
- 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 Rules 135(5) and 123(4) of its Rules of Procedure,

- A. Whereas Wa Lone and Kyaw Soe Oo, two Reuters journalists who had been investigating the death of ten Rohingya men and other abuses involving soldiers and police in Inn Din, were arrested in Yangon on 12 December 2017;
- B. whereas, on Monday 1 September, Wa Lone and Kyaw Soe Oo were sentenced to seven years in prison, after which they were found guilty of violating the Official Secrets Act;
- C. 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 the estimate of up to 10 000 deaths is conservative;
- D. whereas women and girls were systematically abducted, detained and raped in military and police compounds, often amounting to sexual slavery; whereas rape and other forms of sexual violence were perpetrated on a massive scale;
- E. whereas on 24 August 2018 the Independent International Fact-Finding Mission on Myanmar published its report which contains evidence according to which actions from Myanmar's armed forces, known as Tatmadaw, amounted to the gravest crimes under international law, this is, genocide, crimes against humanity and war crimes; whereas the Mission has drawn up a non-exhaustive list of alleged perpetrators of crimes under international law, which includes Tatmadaw Commander-in-Chief Senior General Min Aung Hlaing, Deputy Commander-in-chief, Vice Senior-General Soe Win, Commander Lieutenant General Aung Kyaw Zaw, Commander Major General Maung Maung Soe, Commander Brigadier-General Aung Aung and Commander Brigadier-General Than Oo;
- F. whereas according to the International Fact-Finding Mission on Myanmar, 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; whereas, 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; whereas the report concludes that through their acts and omissions, the civilian authorities have contributed to the commission of atrocity crimes;
- G. whereas impunity is deeply entrenched in Myanmar's political and legal system; whereas none of the ad hoc inquiry commissions and boards created by Myanmar authorities meets the standard of an impartial, independent, effective and thorough human rights investigation;
- H. whereas 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;

- I. whereas in April, the International Criminal Court's (ICC) prosecutor Fatou Bensouda asked the court to rule on whether the ICC can exercise jurisdiction over alleged deportation of the Rohingya people from Myanmar to Bangladesh; whereas the ICC confirmed on 8 September that the Court may exercise jurisdiction over the alleged deportation of the Rohingya people from Myanmar to Bangladesh;
 - J. whereas social media platforms have been used in Myanmar to spread smear campaigns and conspiracy theories targeting Rohingya and Muslims in the country; whereas the United Nations Special Rapporteur on the situation of human rights in Myanmar Yanghee Lee warned that the agitation against Rohingya on social media had increased massively and was inflaming the conflict;
1. Calls on the Myanmar authorities to 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 drop all charges against them;
 2. Profoundly praises the work of all journalists who devote their lives to seek the truth despite the risks involved; deeply regrets that the Myanmar court has failed to recognise the importance of independent journalism, freedom of expression and the public's right to know;
 3. 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;
 4. Calls on the Myanmar authorities to 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 to bring Myanmar legislation into line with international human rights law and standards;
 5. Expresses profound outrage and strong condemnation of Myanmar army's acts which amount to crimes against humanity, genocide and war crimes against the Rohingya population, and conveys profound dismay at the Myanmar government's refusal to cooperate with the UN Fact-finding Mission and the UN Special Rapporteur; expresses grave concern at the increasing gravity of the humanitarian and human rights situation;
 6. Recalls the need for medical and psychological assistance to be provided in the refugee camps particularly tailored for vulnerable groups including women and children; calls for increased support services for victims of rape and sexual assault; stresses the importance of providing access to information and services on sexual and reproductive health including contraception and safe abortion;
 7. Calls on the authorities of Myanmar to grant immediate and unfettered access into Rakhine state to independent monitors, in particular the UN Special Rapporteur, to ensure further independent and impartial investigations into allegations of serious human rights violations by all parties;
 8. Welcomes the decision by the ICC regarding its jurisdiction over the deportation of the Rohingya people from Myanmar; calls on Chief Prosecutor Fatou Bensouda to open a

preliminary investigation in this regard; stresses the need for accountability with respect to the rest of atrocity crimes which have been committed in Myanmar; urges the UNSC to take action and to refer the situation to the ICC or to create an ad hoc international criminal tribunal; urges the EU and the EU Member States to take the lead in taking the necessary further steps within the UN Security Council in that respect; is of the view that justice is a fundamental component of a sustainable solution to ensure the return of Rohingya;

9. 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, suspending all direct and indirect supply, sale or transfer, including transit and trans-shipment of all weapons, munitions and other military and security equipment, as well as the provision of training or other military and security assistance;
10. Urges the EU and the EU Member States to take the lead in the 2018 Autumn sessions of the UN Human Rights Council and the UN General Assembly and 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; urges the EU and the EU Member States to take the lead in ensuring that a strong resolution is adopted during the next session of the UN Human Rights Council;
11. Welcomes the recent Council's decision to extend the arms embargo against Myanmar and urges the Council to agree on targeted sanctions against those responsible for atrocities, including those mentioned in the UN Fact-Finding mission report, for preventing access to Rakhine state and for obstructing genuine and impartial criminal investigations;
12. Calls on the European Commission to launch an investigation under the mechanisms provided for in the Everything But Arms agreement with the view of suspending the trade preferences that Myanmar benefits of;
13. Calls on ASEAN and regional governments to continue to take action and to increase pressure on the Government of Myanmar and the country's military in order to halt rights abuses and to protect all civilians in Rakhine state and throughout Myanmar;
14. Urges the European Parliament to seriously consider whether the Sakharov Prize could be revoked in cases where laureates have committed or being complicit of the gravest human rights violations;
15. Urgently calls social media platforms to take action with regards to the spread of hate speech towards Rohingya and Muslims in Myanmar, especially with regards to the people accused of committing atrocity crimes in the UN Fact-Finding Mission report; welcomes recent steps to block the social media accounts of some of the people accused of inflaming ethnic and religious tensions by the UN Fact-Finding Mission report;
16. 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.