



Plenary sitting

B9-0428/2022

4.10.2022

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 144 of the Rules of Procedure

on **The Media freedom crackdown in Myanmar, notably the cases of Htet Htet Khine, Sithu Aung Myint and Nyein Nyein Ay**
(2022/2857(RSP))

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on behalf of The Left Group

B9-0428/2022

European Parliament resolution on The Media freedom crackdown in Myanmar, notably the cases of Htet Htet Khine, Sithu Aung Myint and Nyein Nyein Ay (2022/2857(RSP))

The European Parliament,

- having regard to its previous resolutions on Myanmar/Burma and on the situation of the Rohingya,
 - having regard to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and the Prevention and Punishment of the Crime of Genocide,
 - having regard to the Oral Statement by the UN Acting High Commissioner for Human Rights, on the human rights situation in Myanmar to the Human Rights Council, of 26 September 2022,
 - having regard to the Human Rights Council report of the 22 of February 2022 Enabling Atrocities: UN Member States' Arms Transfers to the Myanmar Military;
 - having regard to the UN Human Rights Council (HRC) reports on Myanmar and the situation of human rights of Rohingya Muslims and other minorities;
 - having regard to the declaration by the EU High Representative on behalf of the European Union from 25 July 2022
 - having regard to Rule 144 of its Rules of Procedure,
- A. Whereas, on 1 February 2021, the military of Myanmar/Burma, known as the Tatmadaw, seized power over the legislative, judicial and executive branches of government through a coup d'état;
- B. whereas the UN Independent Investigative Mechanism for Myanmar/Burma (IIMM) has recently reported that since the coup, there is growing evidence of the most serious international crimes including murder, torture, deportation and forcible transfer, persecution, imprisonment, and targeting of civilians; whereas from February 2021 to July 2022, the Assistance Association For Political Prisoners recorded 14,883 arrests and 2,123 junta killings; whereas four pro-democracy activists were executed on July 24, in the first use of capital punishment since 1988;
- C. whereas since the military coup, media freedoms and protections for journalists have rapidly declined; whereas Myanmar/Burma is ranked 176th out of 180 countries in RSF's 2022 World Press Freedom Index;

- D. whereas the junta has formally banned the leading independent media outlets and prevents the media from covering the human rights violations it is committing; whereas some medias were prosecuted while others had their licence withdrawn;
- E. whereas the junta periodically imposed nationwide internet and telecommunications shutdowns and blocked many websites; whereas in areas where there were military operations, internet and WiFi services were suspended and, in some instances, mobile phone networks cut which severely obstructed communications, including those concerning human rights violations committed by security forces, as well as negatively impacting humanitarian operations;
- F. whereas fourth journalist have been killed since the coup; whereas on July 30, Aye Kyaw, a photographer who had covered many anti-junta protests, died in police custody; whereas Soe Naing, another photographer, was declared dead on 14 December after four days of violent interrogation in police custody; whereas the journalists Sai Win Aung and Pu Tuidim were killed by the armed forces in December 2021 and January 2022;
- G. whereas Myanmar/Burma has become the second world's biggest jailer of journalists; whereas at least 110 journalists have been arrested since the military coup, at least 66 are currently imprisoned and dozens have been sentenced by military courts in trial without guarantees;
- H. whereas Htet Htet Khine, a freelance journalist, was sentenced on 15 and 27 September to a total of six years' imprisonment with hard labour on charges of inciting hatred and violence against the armed forces in her reporting and of allegedly contacting illegal organisations; whereas her lawyer pointed out that no evidence had been presented to support the charge;
- I. whereas Sithu Aung Myint, was arrested with Htet Htet Khine and he is still awaiting trial on charges of "incitement" and "sedition" for articles critical of military; whereas in April, his lawyer said his health was deteriorating and that the prison authorities were denying him medical attention;
- J. whereas Nyein Nyein Aye, was sentenced to three years in prison with hard labour in July 2022, on charges of causing fear, spreading false news and agitating crimes against a government employee;
- K. whereas these cases are only a sample of the reality; whereas several journalists such as Maung Maung Myo, Aung San Lin, Naung Yoe, Thu Rein Kyaw and Ko Zaw Zaw, have been tried and convicted in recent months; whereas most of those detained and condemned, have been charged under Section 505(a) of the Penal Code under which "false information" is punishable, Section 50(a) and 52 (a) of Counter-Terrorism Law, which penalises undefined "terrorist" acts and Section 66 (d) of the telecommunications law, which criminalises defamation;
- L. whereas complaints regarding extremely harsh conditions including lack of access to adequate medical care; whereas UN has documented the widespread use of torture by

security forces against detainees, in some cases resulting in death; whereas sexual violence and threats of sexual violence by the security forces were documented including in the context of interrogations; whereas violence was often used during arrests and at least 15 media professionals, including the woman journalist Yin Yin Thein, were badly beaten and sustained injuries when arrested;

- M. whereas authorities have been committing the crimes against humanity of apartheid, persecution, and severe deprivation of liberty against 600,000 Rohingya remaining in Rakhine State; whereas no one has been held accountable for the crimes against humanity and acts of genocide committed against the Rohingya population in 2017;
- N. whereas the Tatmadaw and its generals are deeply involved in the economy of Myanmar/Burma, since they own powerful conglomerates, control the country's trade in precious jade and timber, manage infrastructure, and run banks, insurance, hospitals, gyms and the media; whereas Canada, the European Union, the United Kingdom, and the United States have imposed targeted sanctions against Myanmar/Burma's top military officials and members of the junta, conglomerates, and companies owned or controlled by the military; whereas the inclusion in the regime of a derogation which explicitly allows EU oil and gas operators remaining in the country to pursue financial transactions with MOGE (Myanmar Oil and Gas Enterprise); whereas this derogation, appears to have been tailor-made to respond to TotalEnergies' concerns in the context of its withdrawal from Myanmar/Burma;
1. Denounces once again the military coup in Myanmar/Burma and urges to rescind the "state of emergency" and all abusive orders, decisions, and policies adopted by the National Security and Defence Committee and State Administrative Council since February 2021; urges to respect the results of the 8 November 2020 elections and to immediately reinstate the civilian government; recognizes and engages with the National Unity Government as the legitimate governing body of Myanmar/Burma, and calls on the EU and its member states to do the same;
 2. Expresses its support for the people of Myanmar/Burma in their struggle for democracy, freedom and human rights;
 3. Condemns all human rights violations committed by military junta, against journalists, bloggers, human rights defenders, lawyers, political activists, members of the opposition, trade unionists, minorities groups and others for merely exercising their human rights; asks the junta to end its abuses against those opposed to military rule;
 4. Affirms that deaths of people in custody are among the hidden atrocities that junta security forces are committing; strongly condemns the death of Soe Naing, Sai Win Aung, Pu Tuidim and Aye Kyaw and calls on authorities to immediately investigate these cases, so the perpetrators can be brought to justice;
 5. Urges military junta to end its ongoing persecution of the media including arbitrary arrests and unfair trials, to protect the rights of journalists and media workers to report without fear of persecution, to remove blockage of independent media websites and

social media platforms and to immediately lift internet restrictions;

6. Demands the junta to unconditionally release all journalists and media workers arbitrarily detained including, among the most emblematic cases, those of: Htet Htet Khine, Sithu Aung Myint, Nyein Nyein Aye, Maung Maung Myo, Aung San Lin, Naung Yoe, Thu Rein Kyaw, Ko Zaw Zaw and Toru Kubota; demands that the charges against them be immediately dropped or cancelled, to provide the necessary medical care to Sithu Aung Myint whose conditions are extremely worrying;
7. Calls to release all political leaders, civil society activists and all those detained or imprisoned solely for the peaceful exercise of their human rights including Aung San Suu Kyi, government ministers, regional chief ministers, activists and all other civilians arbitrarily detained;
8. Calls on the authorities to put an end to the abominable use of torture, to open investigations into all allegations and to make those responsible accountable; stresses that any alleged information obtained as a result of torture and ill-treatment should never be admitted as evidence in a judicial proceeding;
9. Strongly condemns and rejects that sexual and gender-based violence perpetrated by the military; condemns all forms of violence against women which constitute a serious violation of the human rights and dignity of women and girls;
10. Reiterates its strong opposition to the use of the death penalty in all cases and under all circumstances; urges the junta to commute all death sentences and to introduce a moratorium on executions as a first step towards the abolition of capital punishment;
11. Asks the authorities to promptly amend its Penal Code, the Counter-Terrorism Law, the telecommunications Law and all other legislation that limit freedom of expression and political freedoms and which are not fully conform to international obligations and standards;
12. Condemns the repression of the workers and the denial of the right to strike; condemns all brands that were or are, directly or indirectly, providing support to the military and police oppressing and issuing arrest warrants against trade union leaders ;
13. Stresses that local and multinational businesses operating in Myanmar/Burma must respect human rights and stop enabling perpetrators; in that sense strongly urges EU-based businesses to ensure they have no ties with Myanmar/Burma's security forces, their individual members, or entities owned or controlled by them, and that they are not contributing, directly or indirectly, to the military's crackdown on democracy and human rights; calls on EU-based undertakings, including parent holdings and subsidiaries, to urgently suspend any relationships with companies linked to the military; calls for the Commission and the Member States to assess and adopt appropriate measures to identify, prevent, cease, mitigate and remedy the potential or current human rights violations that business operating in the European Union cause, contribute to or are directly linked to in Myanmar in light of the current situation; calls on the Commission and the Member States to introduce enhanced and specific due diligence obligations for undertakings operating in high risk areas in the proposed directive on corporate sustainability due diligence, including areas affected by conflicts and areas

that are environmentally sensitive;

14. Takes notes of the EU additional sanctions against military enterprises and military assets responsible for the military coup; calls to assure that these sanctions do not adversely affect the population and workers; is alarmed by the inclusion in the regime of a derogation which explicitly allows EU oil and gas operators remaining in the country to pursue financial transactions with MOGE; highlights the fact that this is a huge missed opportunity for the EU, its member states and its business sector to uphold their international human rights obligations and that seems that the derogation have been adopted in violation of treaty provisions and essential procedural requirements; denounces therefore the derogation's illegality and urges member states to abstain for implementing it;
15. Asks to block payments to the junta and state-owned enterprises including banks from foreign-financed oil and gas projects; calls on banks to act by divesting from companies linked to the military;
16. Asks the UN Security Council to urgently take measures against the junta, including by referring the situation in the country to the International Criminal Court and passing a resolution to impose a global arms embargo;
17. Calls on the member states to maintain the embargo on the direct and indirect supply, sale, and transfer, including transit, shipment and brokering, of all weapons, munitions, and other military, security and surveillance equipment and systems, as well as the provision of training, maintenance and other military and security assistance;
18. Recalls the multi-ethnic nature of Myanmar/Burma and urges the Tatmadaw to fully respect each ethnicity's inalienable rights; strongly condemns the military's ongoing commission of crimes against humanity against the 600,000 Rohingya remaining in Myanmar, including apartheid, persecution, and deprivation of liberty;
19. Notes that Meta's algorithms and pursuit of profit substantially contributed to the atrocities perpetrated by the Myanmar military against the Rohingya people in 2017; in that sense, asks Meta to be held to account and to provide reparations to all those who suffered the violent consequences of their actions;
20. Regrets that the 2022 Joint Response Plan for the Rohingya humanitarian crisis has received only a quarter of its requested and demands to increase funding;
21. Denounces that the military units implicated in the Rohingyas' genocide are now implicated on the ongoing deterioration of fundamental freedoms and the rule of law in the country; affirms that impunity protects those responsible for the abuses; calls for an immediate, rigorous, independent and transparent investigation of the crimes committed in the country and for their perpetrators to be held to justice; urges to suspend immediately from frontline duties anyone suspected of responsibility for crimes under international law and other serious violations of international human rights law;
22. Asks the EU Member States to explore every avenue for justice and accountability for security forces' crimes against humanity, war crimes, and acts of genocide, including prosecutions under the principle of universal jurisdiction, and by formally supporting

the case under the Genocide Convention brought by Gambia against Myanmar before the International Court of Justice;

23. Calls on the EU to continue programmes that help the country's citizens and to step up support where necessary in the light of the current crisis, including humanitarian assistance; asks the EU and its Member States to ensure that any international aid, development projects, or financial assistance to Myanmar/Burma does not benefit the military and support the commission of more human rights violations; calls for provision of cross-border humanitarian aid and direct support to local civil society organizations (CSOs), particularly the ethnic organizations;
24. Instructs its President to forward this resolution to the Council, the Commission, the VP / HR of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, President and National Unity Government of Myanmar/Burma, the Committee Representing the Pyidaungsu Hluttaw, the State Counsellor of Myanmar, the Tatmadaw, the Member States of ASEAN, the Secretary-General of the United Nations and the General Assembly of the United Nations.