



Plenary sitting

B9-0431/2022

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 Aye**
(2022/2857(RSP))

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B9-0431/2022

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

The European Parliament,

- having regard to its previous resolutions on Myanmar,
 - having regard to the previous Council decisions on restrictive measures over the military coup and subsequent repression,
 - having regard to the relevant declarations on Myanmar by the High Representative on behalf of the European Union, as well as the relevant statements by the High Representative/Vice-President,
 - having regard to the UN Human Rights Council (HRC) reports on Myanmar, including the oral report of 26 September 2022,
 - having regard to the reports of the Special Rapporteur on the situation of Human Rights in Myanmar, of the Office of the High Commissioner for Human Rights, and to the reports of the ILO supervisory mechanism,
 - having regard to the Geneva Convention of 1949 and the additional protocols thereto,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the 1951 UN Convention on the Status of Refugees and the 1967 Protocol thereto,
 - having regard to the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide,
 - having regard to Rule 144 of its Rules of Procedure,
- A. whereas on 1 February 2021, the Myanmar Armed Forces, also known as Tatmadaw, have established a violent and illegitimate rule in Myanmar following their military coup against the legitimate civilian government in Myanmar; whereas the military extended the unlawful “state of emergency” to August 2023;
- B. whereas the Committee Representing the Pyidaungsu Hluttaw (CRPH) and the National Unity Government (NUG) were formed to represent the democratic wishes of the people of Myanmar; whereas the people of Myanmar have united themselves in an unprecedented manner to oppose the State Administration Council (SAC) and an unprecedented level of conflicts has been witnessed since the 2021 military coup;

- C. whereas the junta has committed killings, enforced disappearance, torture, rape and other sexual violence; whereas as of 26 September 2022, 15.607 people have been arbitrarily arrested with some 12.464 remaining in detention, including journalists, civil society activists and human rights defenders; whereas the junta had jailed 649 opposition National League for Democracy (NLD) members and 14 died in detention; whereas on 25 July 2022, the military regime has executed former NLD Member of Parliament Phyo Zeya Thaw, prominent activist Kyaw MinYu, widely known as ‘Ko Jimmy’, as well as Aung Thura Zaw and Hla Myo Aung; whereas junta troops destroyed and blocked humanitarian aid, shelled and conducted airstrikes on towns, including the latest attack on a school in Tabayin killing at least 10 children, burned civilians alive, and destroyed thousands of homes;
- D. whereas the European Parliament, on numerous occasions, has expressed its condemnation of human rights violations and the systematic and widespread attacks against the Rohingya population; whereas the junta in Myanmar refuses to seriously investigate human rights violations against the Rohingya and hold their perpetrators to account; whereas the most senior military figures who supervised the attacks against the Rohingya remain in their posts; whereas the authorities refuse to cooperate with the UN mechanisms; whereas impunity is deeply entrenched in Myanmar’s political and legal system;
- E. whereas the military has, in parallel, been increasing its crackdown on the media in Myanmar, in order to silence any critical voices and eradicate freedom of expression; whereas according to Reporters without Borders, 144 journalists have been arrested in Myanmar since the military retook power in a coup in February 2021, and 66 are currently imprisoned, thus making Myanmar one of the world’s biggest jailer of journalists; whereas three journalists were killed by the junta in December 2021 and January 2022, two of them dying as a result of abusive treatment while in custody; whereas accounts emerging from Myanmar’s jails indicate extremely harsh conditions and systemic ill-treatment, use of torture;
- F. whereas following the wave of arrests of journalists after the February 2021 coup, now a surge of sentences is being passed in gross violation of fair trial standards and rule of law principles, regularly behind closed doors and by military courts;
- G. whereas on 14 July 2022, Nyein Nyein Aye, a freelance journalist, was sentenced by a court inside the Insein prison to three years in prison with hard labour on charges of “causing fear, spreading false news and agitating crimes against a government employee” under Section 505 (a) of the penal code;
- H. whereas on 15 August 2021, Htet Htet Khine and Sithu Aung Myint, both journalists, were arrested; whereas on 15 September 2022, Htet Htet Khine was sentenced to three years in prison with hard labour in a sham trial and on 27 September 2022, she was sentenced to a further three years, with a reduction for time served; whereas Sithu Aung Myint is still awaiting trial on charges of “incitement” and “sedition” for articles critical of Myanmar’s military, possibly facing a combined sentence of 23 years in prison; whereas Sithu Aung Myint’s health has been deteriorating and prison authorities denying him medical attention;

- I. whereas the military has charged 12 news outlets with crimes and/or revoked their licences;
 - J. whereas the junta is increasingly making use of tools of surveillance and censorship through restrictions on telecommunications and the internet;
1. Strongly condemns the military junta's violent and illegitimate rule in Myanmar which attempts to overturn the Myanmar people's strong attachment to democracy and bases on an unlawful coup against the civilian government having resulted in an highly alarming humanitarian situation and a human rights crisis in the country with widespread impunity;
 2. Urges the military junta to immediately and unconditionally release all journalists unjustly detained or imprisoned, among others Nyein Nyein Aye, Htet Htet Khine, Sithu Aung Myint, Thurin Kyaw, Hanthar Nyein, Than Htike Aung, Ye Yint Tun, Tu Tu Tha, Soe Yarzar Tun, Aung San Lin, Maung Maung Myo;
 3. Urges the junta to immediately and unconditionally release all political leaders and other main political figures, civil society activists and all those detained or imprisoned solely for the peaceful exercise of their human rights;
 4. Condemns any use of violence by the junta against its citizens, as well as other forms of harassment, especially towards journalists, human rights defenders and civil society activists;
 5. Deplores restrictions to the right to freedom of expression and other human rights; urges the junta to remove any restrictions on telecommunications and the internet, including the blockage of independent media websites and social media platforms;
 6. Calls for the immediate end of the unlawful state of emergency and end of impunity in the country, the restoration of the civilian government, the re-establishment of a path towards democracy and a swift opening of parliament with the participation of all elected representatives;
 7. Commends the process of drafting a new inclusive constitution and calls on the EU to support this process with a view to supporting mutual trust building among the Myanmar democratic forces and ethnic organisations; calls for moving towards a peaceful coexistence and democratic power sharing; calls on the NUG to clearly express its position on the status of the Rohingya, notably on their right of citizenship and equal recognition an ethnic group of Myanmar;
 8. Calls on the EU Delegation in Myanmar and the embassies of the Member States to closely monitor the cases of journalists, who are currently detained and imprisoned, as well as of political leaders and others;
 9. Calls on these diplomatic missions to strengthen their support for independent media, civil society and the work of human rights defenders; asks these diplomatic missions to offer support and possible protection to people at risk of persecution, including by

providing safe haven at embassies, and facilitating entry for asylum, the issuance of emergency visas, or temporary refuge;

10. Calls on the diplomatic missions and international donors to also put in place mechanisms to support families of journalists in distress, who are partly targeted even after the journalists' arrests, including funds for bail, prison support, protection, including in third countries, as well as to engage in advocacy for a safe environment for Myanmar journalists in exile in Thailand, and with big media outlets/houses, with a view to working towards ensuring fair payment and safety measures for the journalists;
11. Urges the UN special rapporteur on human rights in Myanmar to address the persecution of journalists and to take action to work towards ending this alarming trend;
12. Calls on the EU, Member States and other like-minded partner countries to provide the NUG and other organizations such as the National Unity Consultative Council (NUCC) and ethnic organisations with capacity building on governance and federalism, to allow the NUG to open delegations in their countries and with international organisations, as well as to allow free movement of representatives of NUG and pro-democracy ethnic organisations, as well as of other pro-democracy activists, by granting special visas and passports if necessary, so they can travel to lobby for their cause and to invite pro-democracy and ethnic representatives to speak at national parliaments to explain the situation in Myanmar to lawmakers worldwide;
13. Highlights that it is essential to target the military junta's economic interests, which also requires further close international coordination with like-minded jurisdictions; calls, therefore, on the Council for a fifth round of sanctions, targeting the sources of arms, equipment, and revenue of the Myanmar military, as well as targeting the central bank reserves, while stressing that this would require imposing assets freezes and bans on international financial transfers to the two state-owned banks, Myanmar Foreign Trade Bank (MFTB) and Myanmar Investment and Commercial Bank (MICB);
14. Calls on the Council to add the following arms dealers Naing Htut Aung, Aung Hlaing Oo, Sit Taing Aung on the sanction list for their role in providing the arms and equipment to the military regime;
15. Urges the Council to include the State Administrative Council (SAC) as an entity in addition to its individual members on the list of natural and legal persons, entities and bodies subject to restrictive measures, in order to ensure that all entities under the control of the SAC are included within this designation and financial flows from the European Union to their benefit are prohibited;
16. Welcomes the previous decision by the EU to add MOGE to the list of sanctioned entities; calls on the Council to reverse the derogation explicitly allowing EU oil and gas operators remaining in Myanmar to pursue financial transactions with MOGE and urges Member States to refrain from implementing the derogation; urges the Commission and EU Member States to ensure that the withdrawal of EU companies complying with sanctions does not benefit the junta, in line with the UN Guiding

Principles on Business and Human Rights, including by clarifying that companies' shares cannot be sold or transferred to MOGE or other junta enterprises under the enforcement of sanctions;

17. Calls on Commission, EEAS, and Member States to enforce adopted sanctions and the EU arms embargo on Myanmar, ensuring that all dual use products, including surveillance, and equipment that can be used by the military in its crackdown on rights and dissent are covered by the embargo;
18. Calls on the Member States and the EEAS to increase pressure on the UN Security Council with a view to achieving unity in adopting targeted sanctions, including global travel bans, and asset freezes on the leadership of the junta and military-owned conglomerates, in imposing a global comprehensive arms embargo on Myanmar, suspending all direct and indirect supply, sale or transfer weapons and dual use products, munitions and other military and security equipment, as well as the provision of training or other military and security assistance; strongly condemns Russia and China for continuing to provide the Myanmar military junta with numerous fighter jets and armoured vehicles, as well as the roadmap for further atomic energy cooperation between the Myanmar military regime and Russian state-owned nuclear corporation Rosatom of 6 September 2022;
19. Calls on the EU and Member States to explore all avenues for justice and accountability for grave international crimes committed by the security forces, including crimes against humanity committed in the wake of the coup, as well as crimes against humanity, war crimes, and acts of genocide committed in Rakhine and other ethnic regions for decades, by supporting a Security Council referral of the situation to the ICC, formally supporting the case brought by Gambia against Myanmar before the International Court of Justice concerning the Genocide Convention, and continuing to ensure that the Independent Investigative Mechanism on Myanmar (IIMM) is fully funded and supported;
20. Notes that the Five Point Consensus has not led to any results and calls on the Association of Southeast Asian Nations (ASEAN) to acknowledge that Min Aung Hlaing's junta is not a reliable partner; urges ASEAN and its members to negotiate a new agreement on the crisis in Myanmar with the NUG and to provide that new agreement with enforcement mechanisms, with a view to achieving a sustainable, democratic resolution of the crisis in the future;
21. Calls on ASEAN to change the mandate and appointment mechanism for the ASEAN Special Envoy to Myanmar, with a view to making it a full time position, appointed by and accountable to all ASEAN members, rather than linking it to the rotating ASEAN Chair;
22. Calls on the European Commission to closely monitor whether an investigation for EBA withdrawal should be launched with a view of suspending the trade preferences that benefit Myanmar, especially companies of members of the Myanmar military, in specific sectors and to keep the European Parliament duly informed of the steps to take; acknowledges that improvements have been achieved since Myanmar was reinstated into the Everything But Arms (EBA) scheme in 2013 for example with

regard to the creation of jobs in the garment sector, which have particularly benefited women; underlines however that the enhanced engagement process was already launched in 2018 focusing on the compliance with international human rights conventions and labour rights and that the coup restored the state before the democratisation processes and undermines the conditions for granting EBA preferences; aims in this regard within the ongoing revision of the GSP regulation to strengthen the link between trade preferences of the EBA scheme and the implementation of human rights, labour rights and environmental standards;

23. Strongly urges EU based businesses with operations or supply chains in Myanmar to conduct heightened human rights due diligence, and to ensure they have no ties with Myanmar's security forces, their individual members, or entities owned or controlled by them, and that they do not contribute, directly or indirectly, to the junta's crackdown on democracy and human rights; calls on EU based businesses to publicly disclose their conclusions and to work on continually improving labour conditions and environmental standards within their undertakings in Myanmar;
24. Is deeply about Amnesty International's recent findings that the social media algorithms of Meta (Facebook) would have contributed to the atrocities perpetrated by the Myanmar military against the Rohingya people in 2017, by amplifying and promoting the spread of hate speech against the Rohingya, and that the company failed to act; echoes the calls on Meta to be held accountable and to provide reparations to the victims;
25. Instructs its President to forward this resolution to NUG and CRPH, the Tatmadaw of Myanmar, the governments of Thailand, India and China, the Secretary-General of ASEAN, the Secretary-General of the United Nations, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Commission, and the governments and parliaments of the Member States.