

14 July, 2017

Joint Statement: Myanmar Authorities Must Immediately Release and Drop Charges Against three Detained Journalists

We, the undersigned civil society organizations, condemn the arrest, detention and prosecution of six people, including three journalists, under the 1908 Unlawful Associations Act in Myanmar. We demand that these charges against them are dropped and that the three journalists are immediately and unconditionally released, as they have been detained solely in connection with their peaceful journalistic activities. The three journalists, Thein Zaw (also known as Lawi Weng) from the Irrawaddy magazine, Aye Nai and Pyae Phone Aung from the Democratic Voice of Burma (DVB), as well as those with them at the time - Mai Tun Aye, Mai San Nyunt, and Mai Aung Kham - were detained by the military on 26 June, 2017 in northern Shan State. They were detained after attending a ceremony in an area controlled by the ethnic armed organization, the Ta'ang National Liberation Army (TNLA).

On 28 June, all six men were charged with being in contact with an unlawful association under section 17(1) of the Unlawful Associations Act, a law that has been in place since colonial times. Mai San Nyunt and Mai Aung Kham, the drivers of the vehicle transporting the journalists, were additionally charged with Article 8 of the 2012 Export and Import Law for using a vehicle without a licence. They are all currently being held at Hsipaw prison in northern Shan State, and their next court appearance is scheduled for 21 July. If convicted under the Unlawful Associations Act, they each face between two and three years' imprisonment as well as a fine. A lack of independence of the judiciary and arbitrary use of the Unlawful Associations Act makes the situation for the six detained individuals particularly worrisome.

The Unlawful Associations Act is often used by the Myanmar Army to arbitrarily imprison people from ethnic minority and conflict affected areas. Myanmar's military has previously launched large scale offensives against the TNLA and fighting between the two continues.

In order to undertake their work, journalists need to be able to report from both sides of a conflict. On 27 June, 25 news outlets, organizations and journalist networks published an open letter to the President, State Counsellor and Commander-in-Chief of the Myanmar Army. The letter described the arrests as "restricting and censoring the press" and argued that all people in Myanmar should be able to receive information from regions controlled by ethnic armed organizations.

The arrest of the three journalists signals the alarming decline of press freedom in Myanmar. Despite the election of a civilian-led government, Myanmar remains a hostile place for journalists and human rights defenders to operate. Defamation suits under Section 66(d) of the Telecommunications Act have been increasingly used against journalists. Harassment using the criminal justice system is a tactic frequently used to delegitimize, undermine and punish the work of journalists and human rights defenders.

Article 6 of the UN Declaration on Human Rights Defenders states that "everyone has the right, individually and in association with others, to know, seek, obtain,

receive and hold information about all human rights and fundamental freedoms, including having access to information.”

We urge the Myanmar authorities to take immediate action to:

- Immediately and unconditionally release Thein Zaw, Aye Nai and Pyae Phone Aung, who have been detained solely in connection with their peaceful journalistic activities;
- Drop all politically-motivated charges against Mai Tun Aye, Mai San Nyunt and Mai Aung Kham;
- Repeal the 1908 Unlawful Associations Act and Section 66(d) of the Telecommunications Act and immediately review, amend or repeal other existing repressive laws including the Peaceful Assembly and Peaceful Procession Law, relevant sections of the Penal Code, the media laws and others to ensure they comply with international human rights law and standards;
- Undertake urgent legal and practical measures to ensure the independence, competence, impartiality and accountability of judges, lawyers and prosecutors;
- Enact specific legislation and other measures to create a safe and enabling environment for journalists and human rights defenders in accordance with international human rights standards.

Endorsed by:

1. Action Committee for Democracy Development (ACDD)
2. All India Network of Individuals and NGOs working with National and State Human Rights Institutions (AiNNI)
3. Amnesty International
4. Arakan Observer Group
5. Arakan Watch
6. Asian Forum for Human Rights and Development (FORUM-ASIA)
7. Assistance Association for Political Prisoners (AAPP)
8. Association Suisse Birmanie (ASB)
9. Banglar Manabadhikar Suraksha Mancha (MASUM)
10. Burma Campaign UK (BCUK)
11. Burma Centre Delhi
12. Burma Human Rights Network (BHRN)
13. Burma Link
14. Burma Monitor Group (BMG)
15. Burmese Rohingya Organisation UK
16. Bytes for All
17. Chin Human Rights Organization (CHRO)
18. Christian Solidarity Worldwide
19. Civil Rights Defenders (CRD)
20. Community Partners International (CPI)

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