

## Myanmar: The unlawful detention of Reuters journalists hindering the democratic transition of Myanmar

(Bangkok, 27 March 2018) The Asian Forum for Human Rights and Development (FORUM-ASIA) expresses grave concern over the continued detention of Reuters journalists Wa Lone and Kyaw Soe Oo in Myanmar. The detention has reached its 106<sup>th</sup> day since 12 December 2017. They face charges under Myanmar's colonial-era Official Secrets Act that dates back to 1923, and next appear in court on 28 March 2018. The continued detention and criminal proceedings against the journalists represent a concerted effort to undermine the press freedom, right to freedom of expression, and due process rights in the country in a bid to suppress reporting about an investigation into the allegation of gross human rights violations in Rakhine.

Wa Lone and Kyaw Soe Oo were arrested on 12 December 2017 right after a meeting with some previously unacquainted police officers, during which they received some documents from the said officers. The documents were reportedly related to security operations in the state of Rakhine in northern Myanmar.<sup>1</sup> The same day they were arrested for allegedly intending 'to send important security documents regarding security forces in Rakhine state to foreign agencies abroad.'<sup>2</sup> The pair had been reporting on the killings of Rohingyas in Rakhine,<sup>3</sup> and it is believed that the Government has arrested and commenced proceedings against the pair for their investigative work.<sup>4</sup>

The oppressive proceeding against the journalists is one of many attempts by the Myanmar Government to create a culture of fear and stifle free expression and the press freedom, consequently preventing objective reporting and constructive debate on important issues of public interest in the country, including issues related to gross human rights violations of Rohingyas and other ethnic minorities in Rakhine as well as Northern Shan and Kachin States. Myanmar cannot assert itself to be a truly democratic country, while at the same time harassing and intimidating journalists who exposed facts and criticised the Government.<sup>5</sup>

Additionally, the manner in which the proceedings have arisen and developed raises questions of the violation of due process rights. Wa Lone and Kyaw Soe Oo were entrapped,<sup>6</sup> arrested and held incommunicado at an unknown location for two weeks,<sup>7</sup> and had their houses searched without the warrant.<sup>8</sup> The court in Yangon furthermore decided that the case was non-bailable without

<sup>1</sup><http://time.com/5206779/myanmar-reuters-reporters-arrested-100-days/>

<sup>2</sup><https://asianhrds.forum-asia.org/?events=myanmar-myanmar-police-arrest-two-journalists-for-allegedly-violating-state-secrets-law>

<sup>3</sup><https://www.reuters.com/investigates/special-report/myanmar-rakhine-events/>

<sup>4</sup>(n 1)

<sup>5</sup>In 2017 alone, FORUM-ASIA's Human Rights Defenders Programme documented at least 7 cases of harassment and intimidation against journalists in Myanmar. All of the cases were judicial harassment similar to the case of Wa Lone and Kyaw Soe Oo.

<sup>6</sup><https://rsf.org/en/burma>

<sup>7</sup><https://www.reuters.com/article/us-myanmar-journalists-explainer/explainer-two-reuters-journalists-due-to-make-second-myanmar-court-appearance-idUSKBN1EW0P1>

<sup>8</sup><https://www.reuters.com/article/us-myanmar-journalists/reuters-reporters-in-court-100-days-after-their-arrest-in-myanmar-idUSKBN1GX0F2>

explanation.<sup>9</sup> Even during court proceedings, a prosecution witness was observed to have referred to notes written on his hands while giving testimony.<sup>10</sup> In view of such a blatant abuse of powers, it is questionable how fair the court proceedings will be.

FORUM-ASIA condemns the continued incarceration of Wa Lone and Kyaw Soe Oo without due process and calls on the Government of Myanmar to release them immediately. The journalists have been working on issues of public interest and significant global importance; they should be protected rather than being punished. A conviction will have a chilling effect on the right to freedom of expression and press freedom in Myanmar, which will inevitably bring the country backward in the transition process.

FORUM-ASIA stands in solidarity with Wa Lone and Kyaw Soe Oo, as well as other journalists who strive for a more transparent and accountable Government in Myanmar.

**About FORUM-ASIA:**

*FORUM-ASIA is a regional human rights group with 58 member organisations in 19 countries across Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Geneva and Kathmandu. FORUM-ASIA addresses key areas of human rights violations in the region, including freedoms of expression, assembly and association, human rights defenders, and democratization.*

**For further information, please contact:**

-East Asia and ASEAN Programme, FORUM-ASIA (ea-asean@forum-asia.org)

---

<sup>9</sup><https://www.reuters.com/article/us-myanmar-journalists/reuters-reporters-arrested-under-myanmar-secrets-act-denied-bail-idUSKBN1FK3C2>

<sup>10</sup><https://www.reuters.com/article/us-myanmar-journalists/forgetful-myanmar-witness-in-reuters-reporters-case-writes-key-detail-on-his-hand-idUSKCN1GC1TT>

Regional Office: S.P.D Building 3rd Floor, 79/2 Krungthoburi Road, Khlongtongsai, Khlongsan, Bangkok 10600, Thailand

International Office: Rue de Varembé 1, 2<sup>nd</sup> Floor, 1202 Geneva, Switzerland

Tel: +41 (0)22 740 2947 Fax: +41 (0)22 740 2948

Jakarta Office: c/o KontraS - Jalan Kramat 2 no.7, Senen, Jakarta Pusat  
10420 Indonesia +62(0)213919006

Kathmandu Office: c/o INSEC – Syuchatar, Kalanki, Kathmandu, Nepal, +9779(0)14278770

Website: [www.forum-asia.org](http://www.forum-asia.org), Email: [info@forum-asia.org](mailto:info@forum-asia.org)