

Myanmar court jails Reuters reporters for seven years in landmark secrets case

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YANGON (Reuters) - A Myanmar judge on Monday found two Reuters journalists guilty of breaching a law on state secrets and jailed them for seven years, in a landmark case seen as a test of progress toward democracy in the Southeast Asian country.

Yangon northern district judge Ye Lwin said Wa Lone, 32, and Kyaw Soe Oo, 28, breached the colonial-era Official Secrets Act when they collected and obtained confidential documents.

"The defendants ... have breached Official Secrets Act section 3.1.c, and are sentenced to seven years," the judge said, adding that the time served since they were detained on Dec. 12 would be taken into account. The defense can appeal the decision to a regional court and then the supreme court.

The verdict comes amid mounting pressure on the government of Nobel laureate Aung San Suu Kyi over a security crackdown sparked by attacks by Rohingya Muslim insurgents on security forces in Rakhine State in west Myanmar in August 2017.

More than 700,000 stateless Rohingya Muslims have fled into Bangladesh since then, according to U.N. agencies.

The two reporters, who were investigating the killing by the security forces of Rohingya villagers at the time of their arrest, had pleaded not guilty.

Press freedom advocates, the United Nations, the European Union and countries including the United States, Canada and Australia had called for the journalists' acquittal.

"Today is a sad day for Myanmar, Reuters journalists Wa Lone and Kyaw Soe Oo, and the press everywhere," Reuters editor in chief Stephen J Adler said in a statement.

"We will not wait while Wa Lone and Kyaw Soe Oo suffer this injustice and will evaluate how to proceed in the coming days, including whether to seek relief in an international forum."

United Nations Secretary-General António Guterres has urged Myanmar authorities to review their decision, his spokesman Stephane Dujarric said in a statement on Monday.

“It is unacceptable that these journalists were prosecuted for reporting on major human rights violations against the Rohingya in Rakhine State,” he said, adding that Guterres would continue to advocate for their release and for “full respect of freedom of the press and all human rights in Myanmar.”

U.S. ambassador to the United Nations Nikki Haley called for the immediate, unconditional release of the reporters.

“It is clear to all that the Burmese military has committed vast atrocities,” Haley said in a statement.

“In a free country, it is the duty of a responsible press to keep people informed and hold leaders accountable. The conviction of two journalists for doing their job is another terrible stain on the Burmese government.”

The reporters had told the court two police officials handed them papers at a restaurant in the city of Yangon moments before other officers arrested them.

One police witness testified the restaurant meeting was a set-up to entrap the journalists to block or punish them for their reporting of a mass killing of Rohingya Muslims in Rakhine.

More than 80 people, including senior diplomats, were packed into the court on Monday.

Judge Ye Lwin read a summary of witness testimony for about an hour before delivering his verdict, which had been postponed by a week because he was sick.

The court determined that “confidential documents” found on the two would have been useful “to enemies of the state and terrorist organizations”. Documents in their possession and on their phones were “not public information”, he said.

Reuters journalist Kyaw Soe Oo departs Insein court after his verdict announcement in Yangon, Myanmar, September 3, 2018. REUTERS/Ann Wang
'NO FEAR'

Kyaw Soe Oo's wife, Chit Su Win, burst into tears after the verdict, and family members had to support her as she left the court.

Wa Lone, in handcuffs and flanked by police, told a cluster of friends and reporters after the verdict not to worry.

“We know we did nothing wrong. I have no fear. I believe in justice, democracy and freedom,” he said.

Kyaw Soe Oo also said the reporters had committed no crime and that they would maintain their fight for press freedom.

“What I want to say to the government is: you can put us in jail, but do not close the eyes and ears of the people,” he said.

Some of the reporters’ supporters shouted “let them speak” and jostled with police as they were driven back to prison.

Wa Lone and Kyaw Soe Oo both have young daughters and have not seen their families outside of prison visits and court hearings for nearly nine months.

Kyaw Soe Oo has a three-year-old daughter and Wa Lone’s wife, Pan Ei Mon, gave birth to their first child last month.

Government spokesman Zaw Htay didn’t respond to requests for comment about the verdict. He has mostly declined to comment throughout the proceedings, saying the courts were independent and the case would be conducted according to the law.

‘HAMMER BLOW’

U.S. ambassador Scot Marciel said the “deeply troubling” verdict could undermine the confidence the Myanmar people had in the justice system.

“Unbelievable! More and more, responsible journalism is found to be a crime in Myanmar!” Yanghee Lee, U.N. special rapporteur on human rights in Myanmar, said on Twitter.

The U.N. High Commissioner for Human Rights, Michelle Bachelet, said the verdict “sends a message to all journalists in Myanmar that they cannot operate fearlessly, but must rather make a choice to either self-censor or risk prosecution.”

British ambassador Dan Chugg, speaking on behalf of EU members, said the verdict had “dealt a hammer blow for the rule of law”.

France said it deplored “the prison sentences and that the convictions represented a serious violation of press freedom and the rule of law.”

Ed Royce, Republican chairman of the U.S. House of Representatives Foreign Affairs Committee, called for more U.S. sanctions in addition to targeted measures already imposed on a handful of Myanmar military and police commanders.

“This unjust verdict reaffirms that the Burmese government is complicit in the military’s atrocities,” he said in a statement. “The U.S. should respond with more sanctions and a formal determination of genocide. We must act before it is too late.”

In Bangladesh, Iqbal Sobhan Chowdhury, a media adviser to the prime minister, said it was “an open secret” that anyone exposing “atrocities of the Myanmar army” would be persecuted.

Marianne Hagen, deputy foreign minister of Norway, whose state-controlled firm Telenor is the second largest mobile phone operator in Myanmar, urged the authorities to “protect freedom of the press, respect basic human rights and secure journalists’ rights in the court system”.

Reuters called the Myanmar military spokesman but an assistant said the spokesman was busy and unable to speak.

INVESTIGATING KILLINGS

The reporters were arrested on Dec. 12 while investigating the killing of 10 Rohingya men and boys and other abuses involving soldiers and police in Inn Din, a village in Rakhine State.

Myanmar has denied allegations of atrocities made by refugees against its security forces, saying it conducted a legitimate counterinsurgency operation against Muslim militants.

But the military acknowledged the killing of the 10 Rohingya at Inn Din after arresting the Reuters reporters.

A U.N. mandated fact-finding mission said last week that Myanmar’s military carried out mass killings and gang rapes of Muslim Rohingya with “genocidal intent” and called for top generals to be prosecuted. Myanmar rejected the findings.

The International Criminal Court is considering whether it has jurisdiction over events in Rakhine, while the United States, the European Union and Canada have sanctioned Myanmar military and police officers over the crackdown.

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