



PERMANENT DELEGATION  
OF THE REPUBLIC OF THE UNION OF MYANMAR  
TO UNESCO

No. 147/ 35 – 39

Dated, 28 August 2018

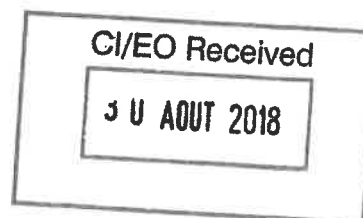
Sir,

I am pleased to refer to the email from Ms. Flavie Romer dated 24 July regarding the reply for the media personnel in Myanmar, which was duly forwarded to the concerned authorities in Myanmar. Based on their reply, I wish to share with you the following information:

- (a) The Myanmar delegation to UNESCO has already provided relevant information as regards the death of Mr. Kenji Nagai, a Japanese journalist, and it was reflected by the UNESCO Director-General's report No. CI-12/ CONF. 202/ 4REV dated 27 March 2012, in paragraph 47. A verdict has been made in accordance with the Criminal Procedures Article No. 176 by the Insein Township court.

The incident of the death of Mr. Nagai took place over 11 years ago, as a result of gunshot wounds in the crackdown by the security personnel on a riot in downtown Yangon on 27 September 2007. Thus, it will not be a right yardstick to assess the situation of media freedom under the present government, which took office in April 2016;

- (b) As regards the death of Mr. Soe Moe Tun, a Myanmar journalist, he was beaten to death at midnight on 13 December 2016, on his way back home from a Karaoke lounge in Monywa Town, Sagaing Region. The case has been passed on to the Criminal Investigation Department of the Ministry of Home Affairs since 8 February 2018. The investigation is ongoing, and it has not been found that the motive of the murder was related to his reporting, according to the statement of the Ministry of Home Affairs. Thus, this case does not serve as an indicator of the press freedom under the ruling government;



- (c) As regards the death of Wai Yan Heinn, a Myanmar journal publisher, he was stabbed to death in his office, Yangon, on 17 April 2017 in connection with a personal social problem. Three suspects were in custody, and action was taken against them under Penal Code. The case is in the process of hearing at the Eastern Yangon District court under Criminal case No. 126/ 2017. Witnesses were re-summoned for the second round of investigation on 24 May 2018. He was allegedly killed in connection with a personal social problem, and it has not been found to be connected with his media business. Thus, this case cannot be considered as a right measure of the prevailing media situation in Myanmar.

With an aim of ensuring the important role of media being the fourth pillar of the country as well as providing press media personnel freedom and rights, the Government of the Republic of the Union of Myanmar enacted the Media Law on 14 May 2014 and rules and regulations of the Media Law on 17 June 2015 respectively.

I wish to seize this opportunity to reaffirm the strong commitment of the Government of the Republic of the Union of Myanmar to freedom of news media and the rights that include ensuring of the safety of news media personnel.

Please accept, Sir, the assurances of my high consideration, along with my best wishes for your good health and success.



(Kyaw Zeya)

Ambassador/

Permanent Delegate

Mr. Moez Chakchouk  
Assistant Director-General for Communication and Information  
UNESCO

Copy to

Mr. Guy Berger  
Director  
Division for Freedom of Expression and Media Development

## **Reply from the Union Attorney-General Office, Republic of the Union of Myanmar**

Dated 25 May 2018

From January 2007 to December 2017, three journalists were reported to be killed in Myanmar. Among them, a Japanese journalist named Kenki Negai was killed in 2007. In fact, the Myanmar delegation to UNESCO has already provided relevant information as regards the death of responded to Mr. Kenki Negai, and it was reflected by the UNESCO Director-General's Report No.CI-12/CONF.202/4REV dated 27 March 2012, in paragraph 47.

Regarding the death of a Myanmar journalist named Soe Moe Tun who passed away in Monywa, Myanmar, in 2016, the investigation has been underway.

As regards the death of another Myanmar journalist named Wai Yan Heinn who passed away in Pazundaung Township, Yangon Region, Myanmar, in 2017, the case has been in the process of hearing at the Eastern Yangon District court under Criminal case No. 126/2017. Sentences were passed on 3 May 2018 against three suspects of the case—Aung Ko Ko in accordance with Criminal Law's article No. 302(1)(B); Pyae Thu Naing Criminal Law's article No. 302(1)(B)/34 and Ma L Ni a.k.a. Ms Rosy Ko in accordance with Criminal Law's article No.201(First component)/202. The case has been underway as witnesses have been re-summoned for the second round of investigation on 24 May 2018.

With an aim of ensuring the important role of media being the fourth pillar of the country as well as providing press media personnel freedom and rights, the Government of the Republic of the Union of Myanmar enacted the Media Law on 14 May 2014 and rules and regulations of the Media Law on 17 June 2015 respectively.

## Reply from the Ministry of Home Affairs, Republic of the Union of Myanmar

Dated 6 June 2018

2.(a) On September 27, 2017 at 1350 hrs in Sule Pagoda Road, Kyauktada Township, a Japan national named Mr. Kenji Nagai was found dead due to hemorrhage during the riots. The case was investigated by the Kyauktada Township Police under Fatality Case No. (6/2007). According to the findings, a gun shot in the abdomen and liver and right kidney bleeding and hemorrhage resulted in death. The Insein District court investigated the case under General Criminal Case No. (381), and confirmed the death of the said person as a result of the injuries obtained following his presence amid the riot. A verdict has been made in accordance with the Criminal Procedures Article No. 176.

(b) On December 13, 2016, at 0020 hrs, a journalist named Soe Moe Tun (aged 35) from Eleven Media Group was found to be hit on his head by a wooden stick and murdered along Pyidaungsu Road near Aung Chanthar Ward, Monywa, on his way back alone from the Blue Sky Karaoke Lounge/ Massage Parlour in Myothit Ward, Monywa. The motorbike he rode was found intact there and no property was found to be missing. The Monywa Police Station investigated the case as (U)154/2016 under Penal Law Article No.302. Three suspects, namely Aung Myo Han a.k.a. Barbu (aged 32), Blue Sky Karaoke Lounge manager; Aye Min Aung a.k.a. A-shay-gyi (aged 26), a supervisor at Blue Sky Karaoke Lounge; and Tin Soe a.k.a. Ko Soe (aged 41) were investigated; but, due to lack of sufficient proofs to charge against those three, the case has been passed on to the Criminal Investigation Department by February 8, 2018.

(c) Wai Yan Heinn (aged 27), publisher of *Thamani Hninsi Journal*, was found dead with stabbed wounds in the abdomen at Apartment No. (208/B), Botataungzay Road, Pazunduang Township, Yangon on 16<sup>th</sup> April 2017. The Pazaundaung Police Station investigated the case as (U)85/2017 under Penal Law Article No. 302/34/201/202. On 3<sup>rd</sup> May 2018, three suspects namely Aung Ko Ko (aged 31), Pyaye Thu Naing a.k.a. Phaya-pwe (aged 30) and Ma L Ni a.k.a. Ms. Rosy were charged under Article No.302, Article No.302(B)/34 and Article No.202 of the Penal Law respectively. However, all suspects denied the charges, and the investigation is underway.

Reply from the Ministry of Information, Republic of the Union of Myanmar

Dated 1 June 2018

Name of journalist	Gender	Date of alleged murder	Investigating Authority	Case Number	Current Status	Verdict	Additional remarks
Kenki Negai	Male	27/9/2007	-	-	-	-	Killed during the suppression of the riot by the security forces on 27 September 2007.
Soe Moe Tun	Male	13/12/2016	Monywa Police Station, Sagaing Region	(U)1564/2016, Under Article No.302 of the Penal Law	Under investigation by Criminal Investigation Department		Murdered on 13 December 2016, at 0020 hrs, along Pyidaungsu Road near Aung Chanthar Ward, Monywa, on his way back from the Blue Sky Karaoke Lounge in Myothit Ward, Monywa.
Wai Yan Heinn	Male	16/4/2017	Pazaundaung Police Station, Yangon	(U)85/2017, Under Article No.302, No.302(B)/34 and No. 202 of the Penal Law	Under investigation; Heard by Eastern District Court, Yangon Region		Murdered in his office; three suspects namely Aung Ko Ko (aged 31), Pyaye Thu Naing a.k.a. Phaya-pwe (aged 30) and Ma L Ni a.k.a. Ms. Rosy were charged under respective articles of the Penal Law

**Section-2 Positive or Innovative Measures the Member State is taking to promote safety of journalists and combat impunity**

Activity	Actors	Outcome(s)
<p>Conferences, seminars, workshops and dialogues were organised so as to enact Media Law in Myanmar with an aim to promote media as the Fourth Pillar of the country, provide freedom and rights to news media personnel, identify responsibilities, codes of conduct, and disciplines for news media personnel in concerned institutions and organizations, and to provide every citizen with their rights to information.</p>	<p>Legislative, Executive and Judiciary Pillars, CSOs, NGOs, INGOs, national and international news media personnel, national and international law professionals</p>	<p>Media law of Myanmar was enacted in 2014, and the Myanmar Press Council was established:</p> <p>“<b>Article12</b> - The Council is the only organisation which can perform its tasks independently regarding people from mass media in keeping with regulations stated in this law.”</p> <p>The enactment of the Media Law helps protect news media personnel in obtaining news and ensure them exemption in accordance with the rules prescribed in Article No.(7):</p> <p>“<b>Article7</b> - While a news media personnel is trying to obtain news in compliance with regulations specified by relevant and responsible organisation, in the areas where wars break out, and where conflicts or riots and demonstration take place;</p> <p>(a) he/she shall be exempt from being detained by a certain security authority, or his/her equipment being confiscated or destroyed.</p>

		<p>(b) he/she shall be entitled to call for their safety and protective measures from relevant security organisations.</p> <p><b>Rules 32</b></p> <p>(a) In the areas where wars break out, and where conflicts or riots and demonstration take place, he/she shall be entitled to call for their safety and protective measures from relevant security organisations upon presenting of their media ID cards. In getting news, news media personnel shall comply with the codes of conduct.</p> <p>(b) Concerned authorities and organizations shall provide news media personnel with information that is for public awareness upon request.</p>
<p>In cooperation among Legislative, Executive and Judiciary Pillars and the Myanmar Press Council conducted Workshops involving Four Pillars on 30 December 2016 and 21 February 2018 respectively.</p>	<p>Officials concerned from Legislative, Executive and Judiciary Pillars, Myanmar Press Council members, representatives from news media organisations</p>	<p>Following agreements have been reached during the workshops;</p> <ul style="list-style-type: none"> <li>-Concerned news media organisations shall report to the Myanmar Press Council regarding identity cards of their news media personnel, and the Council shall ask them to use their cards.</li> <li>-The Council shall advise Legislative, Executive and Judiciary Pillars and media press</li> </ul>

		<p>organizations to organise regular meetings among them.</p> <ul style="list-style-type: none"><li>-The Council shall help organise training courses for news media personnel on basic media codes of conduct, and in cooperation with the Governments' spokespersons.</li><li>-The Council shall hold regional workshops on media development.</li><li>-The Council shall coordinate with news media personnel for their compliance of the codes of conduct.</li><li>-The Council shall coordinate continued meeting among Legislative, Executive and Judiciary Pillars and news media personnel, and facilitate holding of regional workshops in States and Regions involving all Three Pillars and news media personnel.</li><li>-Concerned authorities of the States/ Regions shall ensure ethnic press media personnel equal opportunities in getting news.</li><li>-The Council shall ensure that the news media personnel shall not be discriminated by Legislative, Executive and Judiciary Pillars.</li><li>- Right to Information Law (Draft) is being drafted.</li></ul>
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<p>The Ministry of Information in coordination with relevant Ministries and State/Region governments has been facilitating the safety of national and international journalists in getting news in conflict areas.</p>	<p>The Ministry of Home Affairs, the Ministry of Information and State/Region governments.</p>	<p>National &amp; International news media personnel were able to get news in Maungdaw, Rakhine State and Kachin State.</p>
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**Section-3 Steps the Member State has taken to consider the specific risks faced by women journalists in the exercise of the work**

- Article (348) of the Constitution of Myanmar states: “The Union shall not discriminate any citizen of the Republic of the Union of Myanmar based on race, birth, religion, official position, status, culture, sex and wealth.
- Articles (350), (351) and (352) of the Constitution of Myanmar ensure women equal rights.
- The Media Law of Myanmar has provided equal rights to press media personnel regardless of their race, religion and sex.