

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

Dated, 29 May 2020

No. 56 / 35 - 39

Dear Mr. Assistant Director-General,

I would like to refer to your Note.CI/FEJ/2020/344 dated 2nd April 2020, regarding the information about the safety of journalists and the issue of impunity for crimes committed against them, which was duly forwarded to the concerned authorities of different Ministries in Myanmar. I also wish to refer to our Delegation's previous communications No. 155/ 35 – 39 dated 18th June 2019 and No. 181/ 35 – 39 dated 13th August 2019 in this regard.

You have mentioned in your Note that two cases of journalists, namely Mr. Kenji Nagai, a Japanese journalist, and Mr. Soe Moe Tun, a Myanmar journalist, whose deaths took place in Myanmar remain unresolved. This contradicts the facts provided in our previous replies that a verdict was made on 31st October 2007 by Insein District Court in accordance with the Criminal Procedures Article No.176 while confirming the death of Mr. Kenji Nagai was a result of the gunshot wounds obtained during his presence amidst a riot, whereas the other case is still under ongoing investigation. I would thus highly appreciate that the unresolved list of the death of journalists that occurred in Myanmar is rightly reflected.

With an aim of ensuring the important role of media being the fourth pillar of the State whereby providing news media personnel freedom and rights, the Government of the Republic of the Union of Myanmar has already enacted the Media Law since 14th May 2014 and its Rules and Regulations since 17th June 2015 respectively.

I would like to take this opportunity to reaffirm the strong commitment of the Government of Myanmar to freedom of news media and the rights, among others, that ensure the safety of news media personnel.

Please accept, Mr. Assistant Director-General, the assurances of my highest consideration.

(Kyaw Zeya)
Ambassador/
Permanent Delegate

Mr. Moez Chakchouk Assistant Director-General for Communication and Information UNESCO, Paris 75007

Copy to

Mr. Guilherme Canela
Chief of the Section for Freedom of Expression and Safety of Journalists,
Division for Freedom of Expression and Media Development
Communication and Information Sector

Ms. Sarola McCable
Programme Specialist

Ms. Flavie Romer Programme Assistant

Section 1: Table

Current List of Journalists Killed (as condemned by the UNESCO Director-General) and Legal Investigations (as reported by UNESCO Member States)

Dated 29 May 2020

	Department					
	Investigation	Penal Law				
	Criminal	No.302 of the	Sagaing Region			
	investigation by	Under Article	Station,	,		
	Under	(U)1564/2016,	Monywa Police	13/12/2016	Male	Soe Moe Tun
	5		3	ă.		
Articles No.						
Procedures						
Criminal						
with the						
accordance					22	
2007 in						
November						
	Yangon Region					
be made on	Township Court,					
A verdict has	Heard by Insein	ı	ı	27/9/2007	Male	Kenji Negai
			Authority	murder		journalist
Verdict	Current Status	Case Number	Investigating	Date of alleged	Gender	Name of

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	Region	the Penal Law				
	Court, Yangon	and No. 202 of			2	
resolved.	Eastern District	No.302(B)/34				
since the matter has been	Heard by	No.302,	Yangon			
mentioned any further	investigation;	Under Article	Police Station,			
It should not be	Under	(U)85/2017,	Pazaundaung	16/4/2017	Male	Wai Yan Heinn
reporting.						
murder was related to his						
that the motive of the						
and it has not been found						
Investigation is ongoing,						
since 8 February 2018. The						
Ministry of Home Affairs			-			
Department of the						
Criminal Investigation				×		
has been passed on to the						
Sagaing Region. The case						
Myothit Ward, Monywa,						
Sky Karaoke Lounge in						-
way back from the Blue	5					

or destroyed.		
or his/her equipment being confiscated		
detained by a certain security authority,		
(a) he/she shall be exempt from being		
and demonstration take place;		
wars break out, and where conflicts or riots		
responsible organisation, in the areas where		
regulations specified by relevant and		
trying to obtain news in compliance with		
"Article7 - While a news media personnel is		
rules prescribed in Article No.(7):		
ensure them exemption in accordance with the		
news media personnel in obtaining news and		information.
The enactment of the Media Law helps protect		to provide every citizen with their rights to
this law."		concerned institutions and organizations, and
media in keeping with regulations stated in		disciplines for news media personnel in
independently regarding people from mass		identify responsibilities, codes of conduct, and
organisation which can perform its tasks		freedom and rights to news media personnel,
"Article12 - The Council is the only	professionals	as the Fourth Pillar of the country, provide
established:	media personnel, national and international law	Law in Myanmar with an aim to promote media
and the Myanmar Press Council was	NGOs, INGOs, national and international news	dialogues were organised so as to enact Media
Media law of Myanmar was enacted in 2014,	Legislative, Executive and Judiciary Pillars, CSOs,	Conferences, seminars, workshops and
Outcome(s)	Actors	Activity
Journalists and compat impunity	Positive or Innovative Measures the Member State is taking to promote safety of Jo	Section-2 Positive or Innovative Measures

relevant security organisations. Rules 32 (a) In the areas where wars break out, and where conflicts or riots and demonstration take place, helshe 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. (b) Concerned authorities and organizations shall provide news media personnel with information that is for public awareness upon request. (c) Concerned authorities and organizations shall provide news media personnel with information that is for public awareness upon request. (b) Concerned authorities and organizations shall provide news media personnel with information that is for public awareness upon request. (b) Concerned authorities and organizations shall provide news media organizations shall report to the Myanmar Press Council during the workshops; Concerned news media organizations shall report to the Myanmar Press Council personnel, and the Council shall ask them to use their cards. The Council shall advise Legislative, Executive in the Myanmar Press Council use their cards.	and Judiciary Pillars and media press		
(a) Officials concerned from Legislative, Executive Fol and Judiciary Pillars, Myanmar Press Council dumembers, representatives from news media organisations	-The Council shall advise Legislative, Executive		
(a) Officials concerned from Legislative, Executive and Judiciary Pillars, Myanmar Press Council dumembers, representatives from news media organisations	use their cards.		
(a) Officials concerned from Legislative, Executive and Judiciary Pillars, Myanmar Press Council dumembers, representatives from news media organisations	personnel, and the Council shall ask them to		
(b) Officials concerned from Legislative, Executive and Judiciary Pillars, Myanmar Press Council du members, representatives from news media organisations	regarding identity cards of their news media		2018 respectively.
(a) Officials concerned from Legislative, Executive and Judiciary Pillars, Myanmar Press Council du members, representatives from news media (b)		organisations	Pillars on 30 December 2016 and 21 February
R (a) I (b) Officials concerned from Legislative, Executive Follo and Judiciary Pillars, Myanmar Press Council durin		members, representatives from news media	Council conducted Workshops involving Four
R (a) I (b) Executive Officials concerned from Legislative, Executive Follo			and Judiciary Pillars and the Myanmar Press
	Following agreements	Officials concerned from Legislative, Executive	In cooperation among Legislative, Executive
	upon request.		
safety and protective measures from relevant security organisations. Rules 32 (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. (b) Concerned authorities and organizations shall provide news media personnel with	information that is for public awareness		
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7	(b) Concerned authorities and organizations		
7	comply with the codes of conduct.		
77	getting news, news media personnel shall		
7	presenting of their media ID cards. In		
77	from relevant security organisations upon		
77	for their safety and protective measures		
99	take place, he/she shall be entitled to call		
	where conflicts or riots and demonstration		
safety and protective measures from relevant security organisations. Rules 32			
safety and protective measures from relevant security organisations.	Rules 32		
safety and protective measures from	relevant security organisations.		
	safety and protective measures from		
(b) he/she shall be entitled to call for their	(b) he/she shall be entitled to call for their		

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organizations to organise regular meetings among them.

-The Council shall help organise training courses for news media personnel on basic media codes of conduct, and in cooperation with the Governments' spokespersons.

-The Council shall hold regional workshops on media development.

-The Council shall coordinate with news media personnel for their compliance of the codes of conduct.

-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.

-Concerned authorities of the States/ Regions shall ensure ethnic press media personnel equal opportunities in getting news.

-The Council shall ensure that the news media personnel shall not be discriminated by Legislative, Executive and Judiciary Pillars.
- Right to Information Law (Draft) is being drafted.

on and State/Region governments. were able to get news in Maungdaw, Rakhine State and Kachin State.	
, , , , , , , , , , , , , , , , , , ,	news in conflict areas.
, i	national and international journalists in getting
Ç,	governments has been facilitating the safety of
	relevant Ministries and State/Region Information and State/Region governments
stry of Home Affairs, the Ministry of $ $ National & International news media personnel	The Ministry of Information in coordination with The Ministry of Home Affairs, the Ministry of

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.



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

Dated, June 2020

No. 62 / 35 - 39

Dear Mr. Assistant Director-General,

I would like to refer to our Delegation's Note No. 56/ 35–39 dated 29th May 2020 regarding the information about the safety of journalists and the issue of impunity for crimes committed against them.

In this connection, I have great pleasure in forwarding the reply from Ministry of Home Affairs as follows:

"The Ministry of Home Affairs has always placed emphasis on the safety of the national and international journalists after examining the situation on the ground for the places where they would like to have access. Furthermore, the Ministry has been coordinating with relevant authorities for the safety of the journalists in terms of the road safety, motorcade safety and accommodation safety of permitted travels."

I also wish to inform you that the information of the legal investigation of the killing of journalists that we provided can be posted on your webpage for the sake of transparency.

Please accept, Mr. Assistant Director–General, the assurances of my highest consideration.

(Kyaw Zeya)

Ambassador/

Permanent Delegate

Mr. Moez Chakchouk Assistant Director–General for Communication and Information UNESCO, Paris 75007

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Section 1: Table

Current List of Journalists Killed (as condemned by the UNESCO Director-General) and Legal Investigations (as reported by UNESCO Member States)

Dated 4 June 2020

13/12/2016 N	6 Monywa Police Station,		Monywa Police Station,
		-	
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			Yangon Region
			Township Court,
t		•	- Heard by Insein
Authority	rity	rity	rity
Investigating	ating	ating Case Number	

	Region	the Penal Law					
	Court, Yangon	and No. 202 of					
resolved.	Eastern District	No.302(B)/34					
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It should not be	Under	(U)85/2017,	Pazaundaung	16/4/2017	Male	Wai Yan Heinn	
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murder was related to his							
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and it has not been found							
Investigation is ongoing,							
since 8 February 2018. The							
Ministry of Home Affairs							
Department of the							
Criminal Investigation							
has been passed on to the							
Sagaing Region. The case							
Myothit Ward, Monywa,							
Sky Karaoke Lounge in							
way back from the Blue							

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

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

and Indiciary Pillars and media press		
-The Council shall advise Legislative, Executive		
use their cards.		
personnel, and the Council shall ask them to		
regarding identity cards of their news media		2018 respectively.
report to the Myanmar Press Council	organisations	Pillars on 30 December 2016 and 21 February
-Concerned news media organisations shall	members, representatives from news media	Council conducted Workshops involving Four
during the workshops;	and Judiciary Pillars, Myanmar Press Council	and Judiciary Pillars and the Myanmar Press
Following agreements have been reached	Officials concerned from Legislative, Executive	In cooperation among Legislative, Executive
upon request.		
information that is for public awareness		
shall provide news media personnel with		
(b) Concerned authorities and organizations		
comply with the codes of conduct.		
getting news, news media personnel shall	-	
presenting of their media ID cards. In		
from relevant security organisations upon		
for their safety and protective measures		
take place, he/she shall be entitled to call		
where conflicts or riots and demonstration		
(a) In the areas where wars break out, and		
Rules 32		
relevant security organisations.		
safety and protective measures from		
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drafted.	
- Right to Information Law (Draft) is being	
Legislative, Executive and Judiciary Pillars.	
personnel shall not be discriminated by	
-The Council shall ensure that the news media	
equal opportunities in getting news.	
shall ensure ethnic press media personnel	
-Concerned authorities of the States/ Regions	
Pillars and news media personnel.	
in States and Regions involving all Three	
and facilitate holding of regional workshops	
Judiciary Pillars and news media personnel,	
meeting among Legislative, Executive and	
-The Council shall coordinate continued	
of conduct.	
personnel for their compliance of the codes	
-The Council shall coordinate with news media	
media development.	
-The Council shall hold regional workshops on	
with the Governments' spokespersons.	
media codes of conduct, and in cooperation	
courses for news media personnel on basic	
-The Council shall help organise training	
among them.	
organizations to organise regular meetings	

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	motorcade safety and accommodation safety	journalists in terms of the road safety,	relevant authorities for the safety of the	the Ministry has been coordinating with	they would like to have access. Furthermore,	situation on the ground for the places where	international journalists after examining the	emphasis on the safety of the national and authorities.	The Ministry of Home Affairs has always placed The Ministry of Home Affairs, relevant	news in conflict areas.	national and international journalists in getting	governments has been facilitating the safety of		The Ministry of Information in coordination with The Ministry of Home Affairs, the Ministry of
	accommo	of the 1	or the sa	en coordi	e access.	for the p	after ex	y of the	ffairs has a		al journalis	facilitating	and	ion in coor
	dation safety	road safety,	ifety of the	inating with	Furthermore,	places where	amining the	national and	ılways placed		sts in getting	the safety of	Ministries and State/Region Information and State/Region governments.	dination with
								authorities.	The Minist	.19			Information	The Ministry
									ry of H				and State/	of Home
									lome Afi				Region go	e Affairs, t
									airs, rele				vernments	he Ministr
				F										y of
							would like to have access.	were able to get news in the places where they	National & International news media personnel			State and Kachin State.	were able to get news in Maungdaw, Rakhine	National & International news media personnel
							ess.	s in the place	nal news med			ίρ	vs in Maungd	nal news mec
								s where they	dia personnel				ław, Rakhine	lia personnel

Section-3 Steps the Member State has taken to consider the specific risks faced by women journalists in the exercise of the work

- based on race, birth, religion, official position, status, culture, sex and wealth. Article (348) of the Constitution of Myanmar states: "The Union shall not discriminate any citizen of the Republic of the Union of Myanmar
- 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.