



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

Dated, 29<sup>th</sup> May 2020

No. 56 / 35 – 39

Dear Mr. Assistant Director-General,

I would like to refer to your Note.CI/FEJ/2020/344 dated 2<sup>nd</sup> 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 18<sup>th</sup> June 2019 and No. 181/ 35 – 39 dated 13<sup>th</sup> 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 31<sup>st</sup> 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 14<sup>th</sup> May 2014 and its Rules and Regulations since 17<sup>th</sup> 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

Name of journalist	Gender	Date of alleged murder	Investigating Authority	Case Number	Current Status	Verdict	Additional remarks
Kenji Negai	Male	27/9/2007	-	-	Heard by Insein Township Court, Yangon Region	A verdict has be made on 31 <sup>st</sup> November 2007 in accordance with the Criminal Procedures Articles No. 176.	Killed as a result of gunshot wounds in the crackdown by the security personnel on a riot in downtown Yangon on 27 September 2007. The incident of the death of Mr. Nagai occurred over 12 years ago. 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.
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

							<p>way back from the Blue Sky Karaoke Lounge in Myothit Ward, Monywa, 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.</p>
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		<p>It should not be mentioned any further since the matter has been resolved.</p>

**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>“Article12 - 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>“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 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>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>(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>Following agreements have been reached during the workshops;</p> <p>-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.</p> <p>-The Council shall advise Legislative, Executive and Judiciary Pillars and media press</p>
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		<p>organizations to organise regular meetings among them.</p> <p>-The Council shall help organise training courses for news media personnel on basic media codes of conduct, and in cooperation with the Governments' spokespersons.</p> <p>-The Council shall hold regional workshops on media development.</p> <p>-The Council shall coordinate with news media personnel for their compliance of the codes of conduct.</p> <p>-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.</p> <p>-Concerned authorities of the States/ Regions shall ensure ethnic press media personnel equal opportunities in getting news.</p> <p>-The Council shall ensure that the news media personnel shall not be discriminated by Legislative, Executive and Judiciary Pillars.</p> <p>- Right to Information Law (Draft) is being drafted.</p>
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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.



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

Dated, 5<sup>th</sup> 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 29<sup>th</sup> 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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Ms. Flavie Romer

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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

Name of journalist	Gender	Date of alleged murder	Investigating Authority	Case Number	Current Status	Verdict	Additional remarks
Kenji Negai	Male	27/9/2007	-	-	Heard by Insein Township Court, Yangon Region	A verdict has be made on 31 <sup>st</sup> October 2007 in accordance with the Criminal Procedures Articles No. 176.	Killed as a result of gunshot wounds in the crackdown by the security personnel on a riot in downtown Yangon on 27 September 2007. The incident of the death of Mr. Nagai occurred over 12 years ago. 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.
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**Section-2 Positive or Innovative Measures the Member State is taking to promote safety of journalists and combat impunity**

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<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>“Article12 - 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>“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 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> <p>-The Council shall help organise training courses for news media personnel on basic media codes of conduct, and in cooperation with the Governments' spokespersons.</p> <p>-The Council shall hold regional workshops on media development.</p> <p>-The Council shall coordinate with news media personnel for their compliance of the codes of conduct.</p> <p>-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.</p> <p>-Concerned authorities of the States/ Regions shall ensure ethnic press media personnel equal opportunities in getting news.</p> <p>-The Council shall ensure that the news media personnel shall not be discriminated by Legislative, Executive and Judiciary Pillars.</p> <p>- Right to Information Law (Draft) is being drafted.</p>
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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>
<p>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.</p>	<p>The Ministry of Home Affairs, relevant authorities.</p>	<p>National &amp; International news media personnel were able to get news in the places where they would like to have access.</p>

**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.
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