

TIME RECEIVED	REMOTE CSID	DURATION	PAGES	STATUS
February 5, 2018 4:57:26 PM GMT+01:00	0041227327377	93	3	Received
05/02 2018 5:19 PM FAX 0041227327377	MISSION OF MYANMAR			<input checked="" type="checkbox"/> 0001/0003



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Permanent Representative
No. 59 / 3-27/91

5 February 2018

Dear Special Rapporteur

I would like to refer your letter No. UA MMR 9/2017 of 19 December 2017, with regard to the detention of the two reporters, Mr. Wa Lone and Mr. Kyaw Soe Oo. In this connection, I have the honour to convey the information received from the Ministry of Home Affairs on the aforementioned matter, as attached.

Please accept, Sir, the assurances of my highest consideration.

Warm regards,

(Htin Lynn)

Ambassador and Permanent Representative

Mr. David Kaye

**Special Rapporteur on the promotion and protection of the rights of
freedom of opinion and expression**

**Information received from the Ministry of Home Affairs
in response to the detention of the two reporters, Mr. Wa Lone and
Mr. Kyaw Soe Oo**

- On 12 December 2017, while vehicle inspection was being conducted for security reason at No. (3) Road and Nilar Junction, Mingalardon Township, the passersby namely Thet Oo Maung (a) Wa Lone and Kyaw Soe Oo (a) Moe Aung were inspected. They were filed under article 3(1) of 1923 Official Secrets Act of Myanmar at Htauk Kyant Police Station for possessing secret government documents related to the activities of police forces in Maungdaw Township, Rakhine.
- According to interrogation, it was found that Wa Lone and Kyaw Soe Oo, reporters of Reuters News Agency, approached and received secrete information from two police personnel of No. (8) Security Police Force who had returned to the mother unit after their tour of duty in Maungdaw for (8) months. On the same day, authorities found secret documents of Myanmar Police Force, the President Office, Ministry of the Office of the Union Government and other ministries from their possession as well as from their two mobile phones.
- The Chapter (3), section (6), sub-section (a) of News Media Law stated that “A media person has the right to see news and information which are accessible to the public except data, photographs, and records whose status were classified by, law or directives of a certain authority or respective organizations.”
- Under section (3), sub-section (1) (c) of 1923 Official Secrets Act of Myanmar, if any person for any purpose prejudicial to the safety or interests of the State; obtains, collects, records or publishes or communicates to any other person any secret official code or password, or any sketch, plan, model, article or note or other document or information which is calculated to be or might be or is intended to be, directly or indirectly, useful to an enemy.
- Therefore, it was found that Wa Lone and Kyaw Soe Oo are violating the section (3), sub-section (1)(c) of 1923 Official Secrets Act as they illegally possessed the secret lists, graphs, photos and records of the government ministries. The case was filed in accordance with the legal advice from the Union Attorney General Office.

- The detention of two reporters was announced publicly in two Government-run newspapers- The Mirror and Myanmar Alinn on 11 December, 2017.
- According to the article (347) of the 2008 Myanmar Constitution, the Union shall guarantee any person to enjoy equal rights before the law and shall equally provide legal protection. Moreover, article (375) of Constitution also stated that an accused shall have the right of defence in accord with the law. Although the case was needed to bring before the court for measures as two reporters violated the existing laws of Myanmar, they are able to exercise the citizen rights as mentioned in the State Constitution.
- As article (385) of the Myanmar Constitution stated that every citizen has the duty to safeguard independence, sovereignty and territorial integrity of the Republic of the Union of Myanmar, two reporters was charged in line with the existing laws as their actions violated the national sovereignty and territorial integrity as well as rule of law.
- The reason of taking action on Wa Lone and Kyaw Soe Oo is not because the authorities put restrictions on information about humanitarian situation in Rakhine, but the two reporters violated the existing laws of Myanmar which every citizen has to abide.
