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Permanent Representative

OHCHR REGISTRY

No. 265/ 3-27/ 91

17 MAY 2019

Recipients : APS
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16 May 2019

Dear Madam and Sir,

Referring to my previous letter dated 8 May 2019, I would like to convey additional information received from the authorities concerned in Myanmar regarding the legal action taken to U Myo Aung, Chief Editor of Tanintharyi Journal on the satirical articles of the Journal as follows :

- Media personnel and journalists are expected to perform their duties and responsibilities according to the aims and stipulations of the News Media Law, drafted in line with international standard, enacted by the Pyidaungsu Hluttaw on 14 March 2014.
- Article 19 (3) of the International Covenant on Civil and Political Rights- ICCPR stated that the exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.
- The News Media Law explicitly stated the rights of media personnel and their freedom at Chapter 2 and Chapter 3, in line with international standard.
- According to Article 9 (g) of the News Media Law, media personnel is responsible to comply with refraining from mentioning of writing which

may intentionally affect the reputation of a person or organization and writing which may affect his or her human right if the writing is not related to public interest.

- In addition, Article 25 (b) of the News Media Law stated that any news media personnel shall, if he / she violates any duty and ethics contained in sub-sections (d), (f) and (g) of section 9, on conviction, be punished with a fine which may extend from a minimum of (300,000) kyats to a minimum of (1,000,000) kyats.
- The necessary legal action was taken to U Myo Aung for unethical, public shaming, openly humiliating, and misleading the public with misinformation, defaming the Regional Chief Minister and her family as well as the Regional Government, without any respect to the rights of their reputation.

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



(Kyaw Moe Tun)

Permanent Representative

Special Rapporteur on the situation of human rights in Myanmar

Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression