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Asia - Burma

Arrests and trials

Four detained newspaper journalists appear in court on Emergency Provisions Act charges

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Latest sign of government U-turn on freedom of information

Four of the seven journalists with the weekly *Bi Mon Te Nay* who were [arrested more than two weeks ago](#) on charges of publishing false information and threatening state security were brought before a court in the southern Rangoon suburb of Padeban on 22 July for a preliminary hearing.

The decision to go ahead with their prosecution is the latest move in an ongoing crackdown on freedom of information by the police and judicial authorities. Five journalists with *Unity Weekly* also remain in detention pending the outcome of their appeal against the ten-year jail terms they received on 10 July.

The *Bi Mon Te Nay* journalists are being prosecuted over a cover story misreporting that Aung San Suu Kyi was to head an interim government. They are to remain in detention until the next hearing, which has been set for 4 August.

They are facing up to 14 years in prison under the [1950 Emergency Provisions Act](#) that was often used by the previous military government to jail journalists and bloggers. The prosecution cited paragraphs (d) and (j) of the section 5 of the law, which penalize "alarming" people in such a way as to "create panic," and affecting "morality or conduct" in such a way as to "undermine the security of the union or the restoration of law and order."

The four who appeared in court on 22 July were chief editor **Naing Sai Aung**, editor in charge **Aung Thant** and editors **Ye Min Aung** and **Win Tin**. They were arrested at the newspaper or at home on the night of 7 July and were interrogated by the Special Intelligence Department, also known as Special Branch, about the previous day's cover story, which said Aung San Suu Kyi and community leaders had been elected by the people to be part of an interim government.

The newspaper's owner, **Kyaw Min Khine**, his wife, **Ei Ei San** (who is its publisher), and managing editor **Yin Min Htun** were arrested by the Thai authorities near Mae Sot. Following extradition, they were brought before same court in Padeban and are also facing prosecution under the Emergency Provisions Act.

The 22 July hearing lasted only 20 minutes and seems to have been marred by irregularities. Some of the families were not notified and were therefore unable to attend. The Special Branch has not released any report of the arrests. And the defendants were not allowed to talk to the media.

But the charges against Ei Ei San have been lifted for lack of evidence and she has been granted a provisional release. The journalists are being held in Rangoon's Insein prison.

The Special Branch is meanwhile continuing the [harassment of news media that it began last month](#), above all by means of investigations into their finances. On 23 July, Special Branch officers went to the Myanmar Herald's office and took three of its editors away without giving any explanation.

The three editors – **Kyaw Zwa Win**, **San Win Tun** and **Aung Ko Ko** – were taken the Aung Tha Pyae interrogation centre, questioned about the sources of their funding and finally released seven hours later.

"After the imposition of 10-year jail sentences on five journalists, this recourse to the Emergency Provisions Act, a draconian and antiquated law, confirms that Burma has returned to the era of the military junta," said Benjamin Ismail, the head of the Reporters Without Borders Asia-Pacific desk.

"The government has moved in a very disturbing authoritarian direction. A solution to the *Bi Mon Te Nay* case that would be satisfactory to all parties could easily be found, above all by means of Press Council mediation. The government must end its use of the intelligence services for its unwarranted harassment of the media."

The ten-year jail terms that the *Unity Weekly* journalists received marked the start of a U-turn on freedom of information. The sentences have been widely condemned by civil society and the international community, and have prompted protests by journalists.

When journalists arrived at a presidential press conference on 12 July wearing T-shirts with the words "Stop killing the press," the police denied them entry. They responded by lining up outside, laying their equipment on the ground, and staging a silent protest. More than 50 of them are now [facing charges under Section 18 of the Peaceful Assembly and Procession Act](#) of staging an illegal protest.

Burma is ranked 145th out of 180 countries in the 2014 [Reporters Without Borders press freedom index](#). [Questioned by Voice of America](#) about its low position, deputy information minister and presidential spokesman Ye Htut said: "Burma does not deserve this ranking."
