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Asia - Burma

Journalist freed

"Information hero" freed after serving three months of jail term

7 July 2014

Court urged to dismiss charges against detained Unity Weekly journalists

Zaw Phay, a *Democratic Voice of Burma* (DVB) reporter who was [sentenced to a year in prison](#) in the northern city of Magway on 7 April on charges of trespassing on government property and disturbing a civil servant, was released on 4 July after a Magway township court reduced his sentence to three months on appeal.

He was one of the [100 "information heroes"](#) that Reporters Without Borders profiled for the latest World Press Freedom Day on 3 May.

The same Magway township court is meanwhile trying the CEO of the *Unity Weekly* newspaper and four of his journalists in connection with a report about an alleged secret chemical weapons factory in the nearby town of Pauk, [where they have been held since February](#). They are facing possible 14-year jail sentences on charges of violating the state secrets law and entering a restricted area.

"We are relieved to learn of the decision to release Zaw Phay, even if it came 83 days too late, because he was unjustly imprisoned," said Benjamin Ismail, the head of the Reporters Without Borders Asia-Pacific desk. "We urge the Magway court not to make the same mistake with the Unity Weekly journalists and to dismiss the charges against them."

The Zaw Phay case dates back to August 2012, when the *DVB* reporter went with Win Myint Hlaing, the father of a student, to the local education department in Magway to interview an official about an alleged irregularity in the allocation of a Japanese-funded scholarship.

The official subsequently filed a complaint against both Zaw Phay and Win Myint Hlaing, which led to their arrests and to the confiscation of Zaw Phay's equipment. Both were sentenced to a year in prison when the trial was finally held two years later.

At the appeal hearing on 4 July, the court ruled that all they did was act as journalists and "simply enquire about a scholarship programme, but did not commit the offences the township court found them guilty of." As they had already served three months of their one-year terms, they were freed after the court reduced their sentences to three months.

Reached by phone after his release, Zaw Phay said: "I have nothing to be grateful about as I shouldn't have been jailed in the first place."

Unity Weekly journalists facing long jail terms

The fact that prosecution under the state secrets law is still one of the threats hanging over Burmese journalists shows that the work of overhauling the legislation governing freedom of information is far from over.

The trial of the four *Unity Weekly* journalists – **Lu Maw Naing, Yarzar Oo, Paing Thet Kyaw** (aka **Aung Thura**) and Sithu Soe – and the newspaper's CEO, **Tint San**, is currently reaching its conclusion.

The offending article, headlined "A secret chemical weapon factory of the former generals, Chinese technicians and the commander-in-chief at Pauk Township," said the plant had been built with the highest level of government's approval and had been visited frequently by succeeding army commanders and vice-presidents from 2009 to 2013.

"As long as all repressive legislation is not repealed and new protective measures are not adopted, news providers will continue to be vulnerable to the attacks of certain government officials, who show they want to keep the media under strict control although military rule is officially over," Ismail added.

The *Unity Weekly* journalists, who were arrested in the week following the article's publication, are being held in the Pauk township prison. A request for their release on bail was rejected on the grounds of the gravity of the charges against them. Their lawyers argue that they should be tried under the media law rather than the state secrets law.

Unity Weekly closed its Rangoon bureau on 30 June because of financial difficulties resulting from their imprisonment.

Despite rising in the [Reporters Without Borders press freedom index](#) in recent years, Burma is still only ranked 145th out of 180 countries.

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