



Objection against the NLD's legal comment on the case of the three journalists, illegally detained by the Myanmar Armed Forces

The Myanmar Armed Forces illegally detained the journalists – the Irrawaddy's Nai Lawi Weng and DVB's U Aye Nai and U Pyae Phone Aung – on June 26. After two days illegal detention, they were transferred to the police and indicted in accordance with the Section 17(1) of the Unlawful Association Act. The law provides as follows:

"Whoever is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the purpose of any such association, or in any way assists the operations of any such association, shall be punished with imprisonment for a term (which shall not be less than two years and more than three years and shall also be liable to fine)."

Out of the abovementioned four ingredients of the law, only the last one 'in any way assists the operations of any such association' may be considered whether the suspects complicit with it. However, the journalists are totally clear simply because they conducted their responsibility; they attempted to get information about the eradication of narcotic drugs, elaborated by the Taan National Liberation Army (TNLA) to the public; and they did not assist the operations of any unlawful association. Unfortunately, U Win Htein, one of the top leaders of the NLD, stated that those journalists broke the law but there is no problem when the other responsible persons meet the said unlawful association.

U Win Htein's statement is totally false. Equality before the law is one of the major undisputed principles of the Rule of Law. There is no exception for the government officials. It applies every person or persons, including those assigned by the government. If the meeting of any ordinary citizen with an association unilaterally declared by the ruling regime is criminalized, it should apply any government official or the others sent by the government.

During peace dialogue processes conducted around 1963, the then ruling military regime, led by Gen. Ne Win, suspended that controversial Unlawful Association Act and met with the leaders of rebellious organizations.¹ The NLD government has not yet done so. As such, meeting of Dr. Tin Myo Win and his team with the UWSP leaders after making trip to

¹ Explanation made by experienced journalist Po Thauk Kyar.

Wa territory is also illegal. Similarly, meeting of Aung San Suu Kyi with the leaders of the seven ethnic armed organizations, including the TNLA, shall be criminalized. The abetment to illegal action of the Myanmar army leaders by the NLD government, which has targeted at the journalists, is unlawful, thereby causing denial of the freedom of expression, being spearheaded by the independent Medias.

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