

Myanmar and Its Vanishing Freedom of Expression: The Situation of Freedom of Expression After Two Years of the Military Coup



November 2023



Table of Contents

Organizational Background	1
Introduction	2
Research's Aims and Objectives	4
Research Methodology	5
Research Findings	8
People's Understandings of Freedom of Expression	8
Freedom of Expression as a Basic Human Need	8
Freedom of Expression as a Basic Human Rights Value	9
Freedom of Expression as a Prerequisite Political Value	10
Exercising Freedom of Expression Amidst Restrictions	13
Primary Groups Threatening Freedom of Expression	15
Coercive Litigations to Suppress Freedom of Expression	17
Violent Tactics and Litigations against Anti-coup Protesters	22
Surveillance Strategies	26
Groups Subjected to Military Surveillance	29
Propaganda through Disinformation and Fake News	32
Safeguarding and Fostering Freedom of Expression	34
Freedom of Expression and the Role of International Human Rights Groups	35
Conclusion	38

Figures

Figure 1: Number of surveyed news agencies	5
Figure 2: Participants' affiliation and organization	6
Figure 3: Participants' gender distribution	6
Figure 4: Participants' regional distribution	7
Figure 5: Number of detainees who arrested due to expressing their free speech	19
Figure 6: Number of detainees per state and region for expressing their free speech	20
Figure 7: Number of civilians arrested while protesting	22
Figure 8: Detainees' gender distribution	23
Figure 9: Number of detainees during protests per state and region	23
Figure 10: Range of years sentenced to prison	25

Tables

Table 1: Status of the detainees after arrest	21
Table 2: Status of detainees who arrested during protests	24
Table 3: Most frequently employed charges	24

Organizational Background

Athan, established by Myanmar's young activists on 15th January 2018, aims to promote freedom of expression on a societal level. Mainly performing research activities, the organization regularly engages in advocacy and capacity building. The organization's broad scope of works includes exploring and recording the laws, customs, traditions, and events that hinder freedom of expression; supporting legislative reforms in line with democratic standards and grounded by conducted research and advocating in different stages and sectors for the full enjoyment of freedom of expression. Athan envisions a society that fully enjoys the freedom of expression as part of the democratic value.

Introduction

Article 19 of the Universal Declaration of Human Rights (UDHR) explicitly affirms that everyone possesses an innate right to freedom of expression¹ by stating that everyone has the right to freedom of opinion and expression, emphasizing that "this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."² Myanmar was one of the earliest signatories of the UDHR.

Similarly, Article 19 of the International Covenant on Civil and Political Rights (ICCPR) stipulates that "everyone shall have the right to hold opinions without interference."³ Moreover, regarding how people may express their opinions, Article 19(2) of the ICCPR clearly states that "everyone shall have the right to freedom of expression" and that "this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or print, in the form of art, or through any other media of his choice."

The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights unequivocally establish that the right to freedom of expression is an inherent and inalienable right of everyone while also serving as a pivotal political right for all citizens. However, for the people of Myanmar, who have endured a series of illegitimate military regimes since the 1962 coup, fundamental human rights, let alone the freedom of expression, were unattainable. The military leaders and their cohorts perceived human rights and democracy as ideas threatening their interests and political authority.

Consequently, students, young people, activists, and politicians advocating for democracy and human rights continue to be systematically imprisoned, subjected to torture, and persecuted by the Myanmar military junta.

¹ Article 19 of the Universal Declaration of Human Rights. <https://www.ohchr.org/en/human-rights/universal-declaration/translations/english>

² Article 19 of the Universal Declaration of Human Rights. <https://www.ohchr.org/en/human-rights/universal-declaration/translations/english>

³ Article 19 of the International Covenant on Civil and Political Rights. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

In an effort to safeguard their political and economic interests and under the guise of achieving a "modern, disciplined, and developed nation," the military leadership initiated a deceptive political transition in 2010. The military junta meticulously crafted the 2008 Constitution over a decade to ensure their continued hold on power. This constitution reserves 25 percent of parliamentary seats in national and local legislatures for unelected military MPs, appointed at the discretion of military leaders. Consequently, these military representatives do not answer the people but are loyal to the junta.

Civilian activists who dared to highlight the pervasive special privileges enjoyed by the military junta were systematically targeted and subjected to legal prosecution, even during the so-called five-year term of the civilian government led by the National League for Democracy (NLD), which secured the 2015 election with a promise of democratic transition, the government and the military engaged in unjust arrests and lawsuits violating freedom of expression. These transgressions were documented in Athan's annual reports. For example, our "2019 Mid-year Report on the Status of Freedom of Expression in Myanmar," published by Athan in early 2020, can be accessed at the following [link](#). Robert A. Dahl, a prominent scholar specializing in democratic transitions, emphasized the pivotal role of freedom of expression in successful democratic transitions in his book "Polyarchy: Participation and Opposition."⁴

In the wake of the 2021 attempted coup, the military junta sought to target pro-democracy protestors and dissidents using various means, including a sustained effort to suppress the people's freedom of expression. Celebrities, journalists, and ordinary citizens who expressed their opinions through multiple media channels, including social media, newspapers, and radio, were systematically arrested, interrogated, and tortured. It is, therefore, all the more crucial to closely monitor how the military junta represses the resistance movement through fear as a means of control. Equally important is studying how people exercise their right to freedom of expression despite facing significant constraints. Such research endeavors will empower people to engage in discussions and propose various methods to protect and promote their freedom of expression.

⁴ Robert A. Dahl. "Polyarchy: Participation and Opposition," Yale University Press, 1971. Pp. 1-31

The primary question behind this report is as follows: How does the military junta exert control and systematically repress the resistance movement by intentionally violating freedom of expression as a strategic means?

Research's Aims and Objectives

The report's primary goal is to analyze the military junta's strategic suppression of the resistance movement. This suppression involves a deliberate and systematic infringement of freedom of expression, starting from the illegitimate seizure of power on February 1, 2021, to August 31, 2023. Additionally, the report will highlight how people exercise their freedom of expression and voice their concerns despite these restrictions.

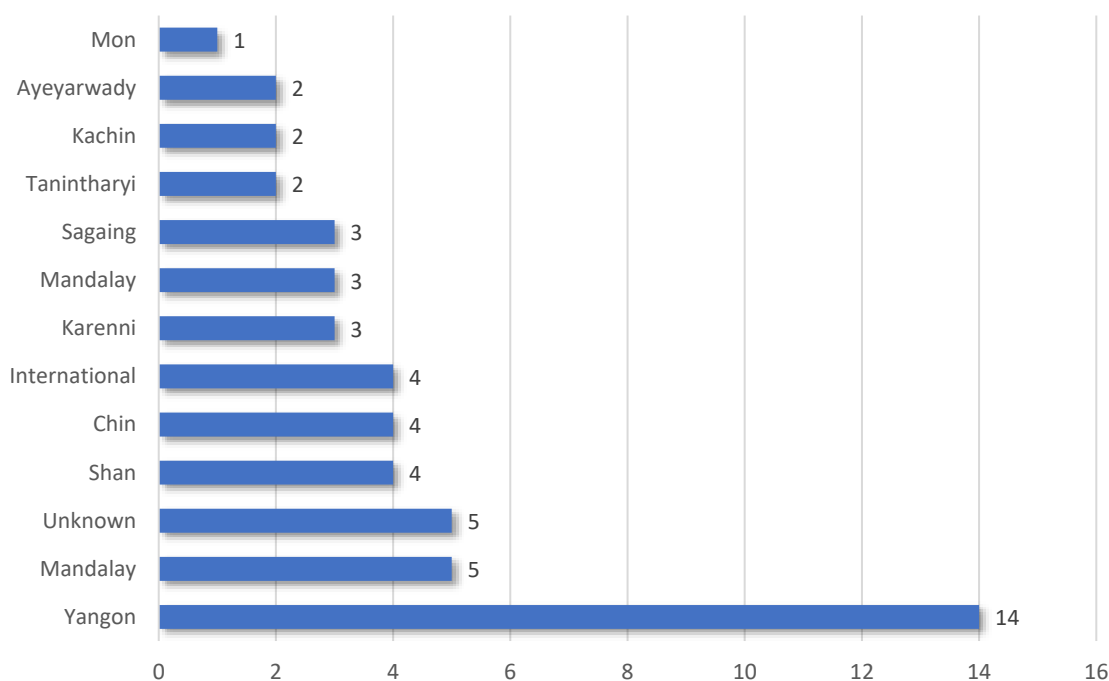
Furthermore, the report will address the surveillance tactics that the military junta uses to undermine those who criticize their actions, which includes activists, students, civil society organizations, social influencers, and artists the military has targeted to weaken the resistance.

Finally, this report aims to set forth recommendations for protecting and promoting the people's right to freedom of expression, which is currently being violated, while underscoring the importance of collaboration with domestic and international organizations and groups in achieving these objectives.

Research Methodology

This research report primarily employed qualitative research methods. The news, events, and speeches referenced in formulating and answering the research questions were either obtained from one-on-one interviews and focus group interviews or compiled from news records, audio recordings, and video recordings found in various media sources and reports related to freedom of speech violations since the 2021 failed coup. The monitored media sources encompassed national and regional news agencies in compiling these facts and data. The table below indicates the number of news agencies surveyed by Athan in each state or region to track freedom of expression violations since the attempted coup.

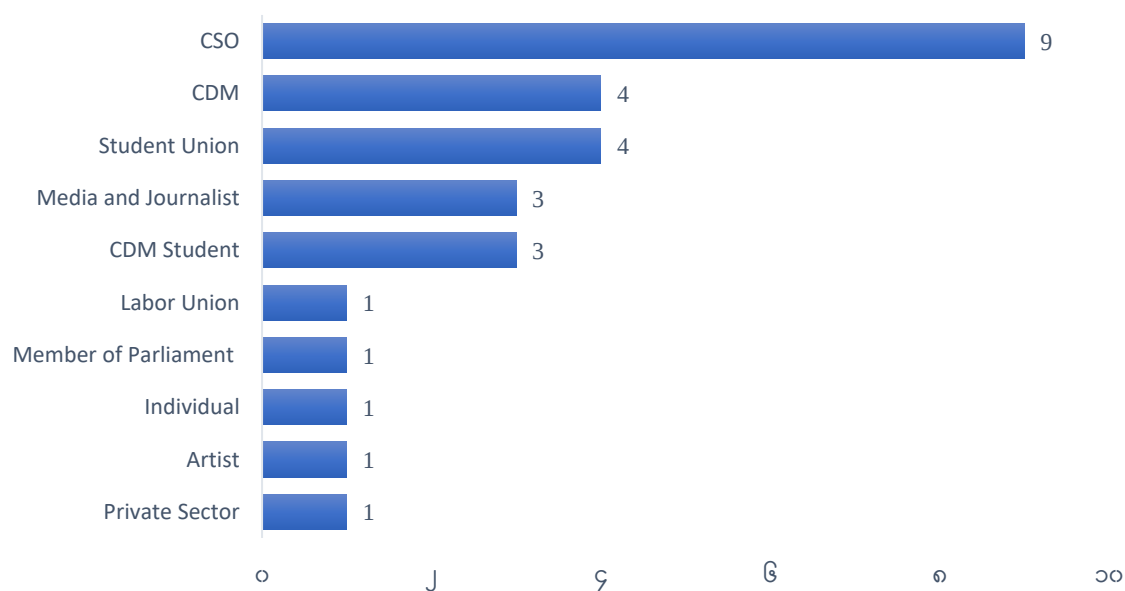
Figure 1: Number of surveyed news agencies



In developing the research questionnaires, pilot interviews were conducted to ensure that participants could effectively respond with a complete understanding of what was being asked. Based on insights, assessments, and recommendations from the pilot interviews, these interview questionnaires were upgraded accordingly. The selection of interview participants in this report followed a purposive sampling approach, considering factors such as familiarity, expertise, work

experience, or prior exposure to matters related to the right to freedom of expression. There were 28 participants, as shown in figure (2), with the majority being students, social workers, artists, and journalists.

Figure 2: Participants' affiliation and organization



Figures (3) and (4) show the gender of the participants and their regional location.

Figure 3: Participants' gender distribution

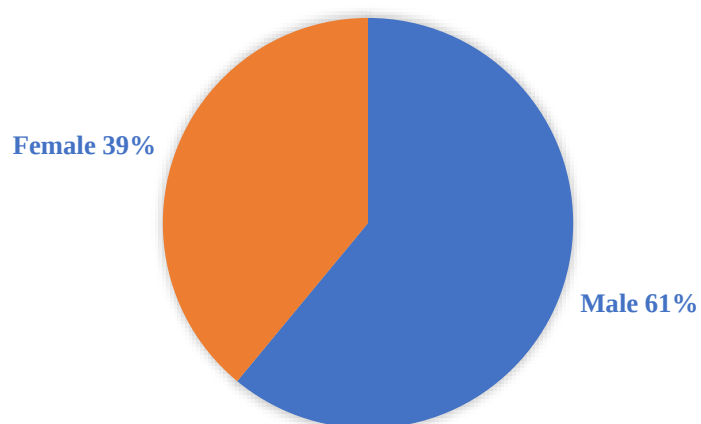
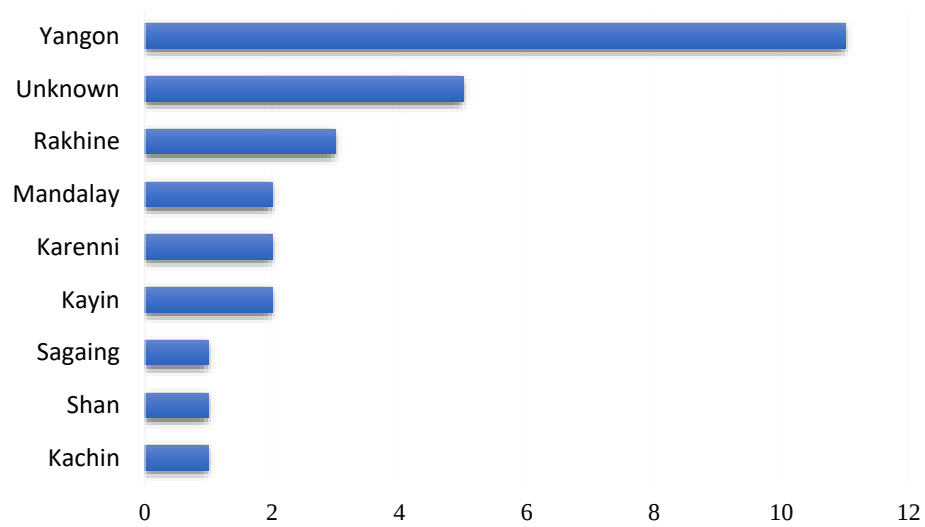


Figure 4: Participants' regional distribution



Research Findings

People's Understandings of Freedom of Expression

This section of the report delves into the participants' understandings of freedom of expression, as conveyed during the interviews, and their insights into why it is an essential element in human societies. Preliminarily, these understandings can be categorized into three main perspectives.

The first perspective views freedom of expression as a fundamental human need. The second perspective regards freedom of expression not merely as a human need but as a human right that society must safeguard and promote. The third perspective considers freedom of speech as an invaluable political asset. This standpoint envisions establishing a new democratic federal state following the eradication of military dictatorship in Myanmar, where freedom of expression is viewed as a crucial democratic value essential for the flourishing of a democratic society.

Freedom of Expression as a Basic Human Need

The participants emphasized that freedom of expression is a basic human need as it is a part of our nature to have opinions. They shared that having personal beliefs and being able to express these opinions through various means are essential for our growth as human beings. Being able to share one's feelings, besides one's views, is also characteristic of freedom of expression. Even when others strongly disagree with these opinions and feelings, expressing them, regardless of their correctness, remains a core element of freedom of expression.⁵

One participant offered their definition of freedom of expression, stating that everyone can form their thoughts and share their opinions on any subject. "Whether you're talking, writing it down, or even performing it, or however we're skilled at expressing, whether through words, an artwork, or an action, I guess all of these qualify as freedom of expression,"⁶ said a male student leader from the Yadanabon University Students' Union shared his thoughts as a participant in the interviews.

⁵ Standino, Vice Executive Director of Burma Academy, in a discussion with researcher

⁶ Min Khant Kyaw Lin, a male student leader from Yadanabon University Students' Union, in a discussion with researcher

In addition to recognizing freedom of expression as a human need, participants emphasized that it should be exercised within certain boundaries. They clarified that these boundaries include refraining from engaging in hate speech or undermining the dignity of others based on personal feelings. They also stressed the importance of self-assessment to ensure one's opinions are appropriate.

Regarding the right to freedom of expression, one participant explained: "A human being thinks and shares their ideas and feelings. Anyone must possess that freedom. But there is a bound to that freedom. Our speech must not cause injury to others. As for our feelings, we're free, of course"⁷. A female participant serving as the Executive Director of the Nyan Lin Thit research group cautioned against violating the rights of others when exercising freedom of speech. She further emphasized the importance of ensuring that exercising free speech does not hinder the access to and dissemination of factual information.

Freedom of Expression as a Basic Human Rights Value

Most participants engaged in an extensive discussion of freedom of expression within the context of human rights. The central theme of this discourse is that freedom of expression is not merely a basic human need inherent in every individual but also a requirement that the state must acknowledge and guarantee as a fundamental human right through the enactment of laws and regulations. Throughout the discussion, many participants frequently referenced an article from the Universal Declaration of Human Rights (UDHR) to emphasize that freedom of speech is an intrinsic human right for individuals to lead dignified lives. A female participant articulated her view on freedom of expression:

"Each of us has inherent human rights. We have eyes, ears, and mouths, so we have the right to see, hear, and speak. As these are all inherent human rights, when it comes to freedom of expression, I consider it as an inherent human right."⁸

⁷ Kyaw Yee, A male interviewer from Rakhine state, in a discussion with the researcher,

⁸ Bon, a female participant from Yangon, in a discussion with researcher

Similarly, a male participant working at a civil society organization from the Yangon Region expressed that freedom of expression is the most fundamental human right among all human rights and can manifest in various forms. He explained the concept further by sharing: "Whether through poetry, video creation, or article writing, all of these constitute forms of freedom of expression, in my understanding."⁹ Most participants underscored the critical need to safeguard freedom of expression as a fundamental human right, especially in the oppressive regime of the military in Myanmar.

Freedom of Expression as a Prerequisite Political Value

Most participants expressed their opinion on freedom of expression as a prerequisite to political value to be able to build a successful federal democratic society. Most of them believed that the norm for freedom of expression was a fundamental political value and an essential standard for establishing a democratic federal society. According to those interviewed, freedom of expression is seen as a required political standard for improving the government and society as a whole, as it allows for constructive criticism and feedback across various sectors, including political, economic, and educational structures within the state. The necessary role of freedom of speech in democratic societies was stressed, particularly its theoretical need for free expression, debate, and criticism to facilitate the election of a competent democratic government.

In this regard, a male participant from Rakhine State illustrated the importance of freedom of expression in the context of choosing political representatives in the following way, "When we exercise our freedom of expression and vote for someone because we genuinely support them, it reflects our trust and confidence in that individual. It's a means of expressing our will and making a choice.

"Conversely, if we lack this choice and a high-ranking political leader assumes power without our trust, it leads to doubts and suspicions that society won't progress; this is why freedom of expression is so important."¹⁰

⁹ Pho Cho, a male participant from Yangon, in a discussion with researcher

¹⁰ David, A male participant from Rakhine, in a discussion with researcher

In the discourse surrounding the election of political leaders who truly represent the people, a journalist participating in the interviews highlighted the critical role of freedom of speech in building a thriving democratic society. He stressed the importance of disseminating accurate information to ensure that people have access to the correct information and can effectively exercise their freedom of speech. He also noted the absence of press freedom in Myanmar over successive periods, saying, "As a journalist, I'm constantly thinking and writing. In Myanmar, press freedom has been absent for a long time, even in previous administrations. We were often threatened not to report certain issues, or else we'd face legal consequences. This effectively means we have had no press freedom at all."¹¹

Similarly, a female student leader from Dagon University Students' Union, who participated in the interviews, underscored the significance of freedom of expression in building a robust democratic society. She remarked, "Looking back, the foremost requirement to build a democratic society in Myanmar is freedom of expression. Myanmar's people have been deprived of this fundamental right for years. Therefore, the progress of our nation hinges on the will of the people and their ability to express it. For example, if they aspire to achieve democracy, they must be free to voice their aspirations and select their desired government."¹²

The discussion centered on how the free expression of opinions while rebuilding the nation allows for the sharing and reconciling of diverse viewpoints, ideas, and experiences. This, in turn, paves the way for finding solutions to the complex challenges that surround us from all angles. One of the participants in this discussion was a Captain who defected from the military to join the Civil Disobedient Movement (CDM), and he is actively supporting its growth. He shared his experiences of being unable to express his opinions freely while serving within the military junta and how freedom of expression was repressed within the military.

Moreover, when discussing the importance of freedom of expression, he explained that it plays a highly significant role: We are individuals from diverse sectors and regions with distinct experiences. To synthesize all of these perspectives for the betterment of the state, everyone must

¹¹ Harry Aung, A male Journalist from Yangon, in a discussion with researcher

¹² Yu Wai, a female student leader from Dagon University Students' Union, in a discussion with researcher

be able to express their viewpoints and share their experiences. Only through this process can we reconcile our differences."¹³

He expressed his belief that freedom of expression enables different opinions to be shared, which can be incorporated into making decisions and conclusions. He emphasized this point further by stating that a better nation can be built as people become better skilled at considering freely expressed opinions. He firmly believes that freedom of expression allows the sharing and incorporation of diverse opinions in making decisions or drawing conclusions, and as people become more adept at considering opinions expressed freely.

¹³ Htet Myat, a CDM soldier from Mandalay, in a discussion with researcher

Exercising Freedom of Expression Amidst Restrictions

In the wake of the attempted coup, the military junta persistently violated fundamental democratic and human rights in Myanmar. Participants in the discussions highlighted the severe repression of any form of protest against the illegitimate coup, whether expressed verbally or through written articles. It was unanimously agreed that freedom of expression had nearly wholly disappeared in Myanmar, particularly after the coup. One male participant went even further, stating that freedom of expression was completely eradicated post-coup. To illustrate the contrast before and after the coup, he remarked, "I can't explain how it's entirely gone. The answer is evident. When the military decided to act without constraints, any exercise of freedom of expression faced repression and prosecution. If there was a fraction of freedom of expression [before the coup], it is now utterly nonexistent."¹⁴

Some even suggested that freedom of expression had not merely diminished but had been presented negatively in society.¹⁵ Participants cited examples of individuals arrested for social media posts, underscoring the complete absence of freedom of expression.

Despite enduring numerous repressions, activists within the country are striving to exercise freedom of expression in various forms. Three prevalent methods for expressing one's opinions publicly emerged during the interviews. They include:

- (1) Writing and sharing posts or commenting on others' posts on social media;
- (2) Expressing opinions in media and research interviews and;
- (3) Discussing ideas and viewpoints within trusted circles.

Many participants disclosed that they utilized social media platforms such as Facebook to voice their concerns about the military's reprehensible actions and unjust arrests or to voice their opposition to the military's actions. While some acknowledged that the freedom of expression varied in different regions (e.g., those in liberated zones or outside the country enjoyed freedom

¹⁴ Jon, a male artist from Yangon, in a discussion with researcher

¹⁵ Ring, a female CDM student from Kachin, in a discussion with researcher

of expression), the majority indicated that social media was their primary avenue for necessary expression. A Mandalay youth who had to leave the country post-coup explained, "I'm currently in exile. I've relocated but I continue to voice my opinions on anything I can discuss. Whenever there's an injustice, I make my voice heard through my Facebook account. I express my disagreements on political channels regarding the strikes or education." Much of the discourse on social media revolves around condemning the military junta's extrajudicial killings, arrests, and oppression.

Some participants use pseudonyms on social media to exercise their freedom of expression while safeguarding their identity and occupation. One participant described their activities: "Initially, there were protests, but later, this became impossible. With people no longer having security, I have to use a pseudonym to write articles about freedom of speech and people's rights, discussing topics like how public opinions concerning internet blackouts affect young people and which sectors have regressed."¹⁶

A former military Captain who joined the Civil Disobedient Movement (CDM) used radio platforms, social media, news outlets, and interviews to expose the repression he witnessed within the military. He shed light on how the military concealed internal affairs from the public, restricted external access, and imposed various controls and propaganda. He emphasized, "There are human rights violations within the military that the outside world wouldn't know unless defectors like us share such information."

Participants revealed that their efforts extended beyond exposing crimes committed by the junta; they also engaged in constructive criticism of the revolution's shortcomings. It was shared that since the revolt aimed to eradicate dictatorship, criticisms were essential to prevent the emergence of authoritarian tendencies during the revolution.¹⁷ Most participants indicated that they expressed criticism and support toward revolutionary forces.

¹⁶ Ring, a CDM student from Kachin State, in a discussion with researcher

¹⁷ Bon, a female participant from Yangon, in a discussion with researcher

Primary Groups Threatening Freedom of Expression

Drawing from their personal experiences, participants deliberated on the challenges and hazards they encountered while exercising freedom of expression. They identified the primary culprits behind these threats. Through a comprehensive discussion, four distinct categories emerged based on common responses. The first category comprises the military, led by the coup leader, Min Aung Hlaing, and their subordinate groups. This encompasses the police, police departments, and all civil servants who did not join the Civil Disobedience Movement (CDM) and actively support the administrative apparatus. This categorization stems from the fact that both civil servants and the military, along with the police, engage in making threats during investigations. As one participant aptly summarized, "It's the police, the military, and their state apparatus. No one is safe now."¹⁸

The second set of groups menacing freedom of expression consists of those funded and supported by the military. These include the Pyu Saw Htee groups, directly armed by the military, and media organizations suspected of being financially backed by the military, effectively functioning as propaganda outlets. According to a participant, Pyu Saw Htee ranks as one of the most life-threatening groups after the military and the police. He noted, "The main [oppressors] are the military, the police, and the Pyu Saw Htee. Possibly so in Mandalay. The military and the police conduct arrests and interrogations. In Mandalay, when they kill, they collaborate with those affiliated with those in the Pyu Saw Htee,"¹⁹ illustrating his experiences as a resident of Mandalay.

The third category comprises groups supporting the military junta's atrocities, which includes the Union Solidarity and Development Party (USDP), led by former military generals, and The Patriotic Association of Myanmar, also known as MaBaTha, in addition to military supporters. Regarding the USDP, a participant recounted his observations, stating, "This is not mere slander. USDP and its members engaged in defamation during the election campaign and are currently proclaiming this era as that of Min Aung Hlaing, all while conducting surveillance

¹⁸ Esther, a female participant, in a discussion with researcher

¹⁹ Min Khant Kyaw Lin, a male participant from Mandalay, in a discussion with researcher

activities to support themselves financially. They effectively serve as informants for the military."²⁰

Additionally, participants emphasized the threats posed by students who align with the military. A CDM-affiliated student from Sagaing shared his experience, saying, "From a student's perspective, some support the military junta, and they inform us. Another thing is that if we respond or comment on an anti-junta post and the social media profile is not locked, military junta's informants will report the account to the military, causing the arrest of the account owner."²¹

The fourth and final category includes certain armed groups involved in the resistance against the military junta. To clarify the term "certain armed groups," participants explained that they were reluctant to disclose specific names out of a need for caution when discussing these armed entities. A participant illustrated that the nature of threats depends on one's location and circumstances. For instance, someone residing in an area controlled by the military junta may face threats from opposition armed groups if they criticize them. In contrast, someone living in a liberated area may encounter threats for criticizing the military.²²

Some participants expressed a hesitancy of all armed groups. A male participant from Rakhine encapsulated the need for vigilance towards all these groups when exercising freedom of expression, stating, "In short, it's all the armed groups. Not just the military junta but all armed groups. The military junta and all other armed groups could potentially harm you for exercising freedom of expression."²³

²⁰ Sai Thu, a male member of parliament from Karen State, in a discussion with researcher

²¹ Kaung Myat, a male CDM student from Sagaing, in a discussion with researcher

²² Nyan Hein, a male participant, in a discussion with researcher

²³ David, a male participant from Rakhine, in a discussion with researcher

Coercive Litigations to Suppress Freedom of Expression

This section of the report delves into the information gathered by *Athan* from reports on direct violations of freedom of speech in the media following the attempted 2021 coup. The discussion is not solely based on the reported facts but also incorporates insights from participant dialogues.

Participants' analyses highlight two fundamental reasons for the military's systematic repression and persecution. The first arises from the military leaders and the junta's desire to conceal the crimes they have committed from public and international scrutiny. As a participant from Rakhine aptly stated, "The military wants to hide the truth." In their quest to conceal their misdeeds, anyone, whether a civilian, activist, or someone with influence over public opinion, who exposes them becomes a target for prosecution. They aim to prevent the widespread mention of the unjust detentions, torture, and human rights violations they perpetrate by exercising freedom of speech, effectively silencing opposition through imprisonment.²⁴

One participant recounted a situation in his town, explaining, "In Mandalay, the owner of a well-known *mohinga* shop faces legal action under Section 50(j) for indirectly stating that they would close the shop due to the silent strike. The military aims to eliminate anyone with a contrasting ideology in this ideological war."²⁵

In the case mentioned above, during the second anniversary of the coup, the entire country engaged in a silent strike by shutting down shops and offices. Since the *mohinga* shop had expressed support for the pro-democracy movement, ten armed soldiers arrived at the shop the next day, beating and arresting the employees. Video footage was uploaded on the Facebook page of Mandalay Press Media, which can be accessed at the following [link](#).

²⁴ Esther, a female student leader from Dagon University Students' Union, in a discussion with researcher

²⁵ Min Khant Kyaw Lin, a male participant from Mandalay, in a discussion with researcher

According to reports by Irrawaddy News Media, businesses that faced persecution for supporting the silent strike movement included traditional Burmese cuisine food and restaurants such as Mohinga shops, Htoe Mont shops, coffee shops, shoe stores, and restaurants.²⁶

The second reason for the systematic repression of freedom of expression is the instillation of fear among the people. Using fear to attempt to assert control, the military aims to quell resistance and strengthen its administrative processes. By restricting freedom of expression, the military junta believes that criticism of their existence, including the political power they seized and their sociopolitical ideologies, will diminish or disappear. A participant pointed out that the military anticipates that people will refrain from discussing the country's situation due to the military's imposition of severe sentences for exercising freedom of expression.²⁷

*"They brutally suppress protests and campaigns that oppose them. They suppress the freedom of expression of those who see through their propaganda (disseminated through MWD and MRTV) more harshly. By silencing these voices, they believe their propaganda will become more effective. If people exercise their freedom of expression, their propaganda and programs will not succeed."*²⁸

Due to these concerns, freedom of expression is one of the military's greatest fears. Consequently, since the attempted coup, the military has continued to make arbitrary arrests by levying various serious charges. According to a participant from Yangon, these legal prosecutions by the military are contrary to the rule of law.

"It cannot be described as the repressing committed by the junta through any legal proceedings. Their repressions are lawlessness. The people do not grant any legitimacy the military sovereign power. These are unlawful detentions, bullying, and killings."

²⁶ Irrawaddy. "အသံတိတ်သပိတ်ကို ထိတ်လန့်သဖြင့် ဆိုင်ဖွင့်ရန် စစ်ကောင်စီက ခြိမ်းခြောက် လက်မှတ်ထိုးခိုင်းနေ,"

January 31, 2022. <https://burma.irrawaddy.com/news/2022/01/31/249452.html>.

²⁷ Nyan Hein, a male participant from AJMM, in a discussion with researcher

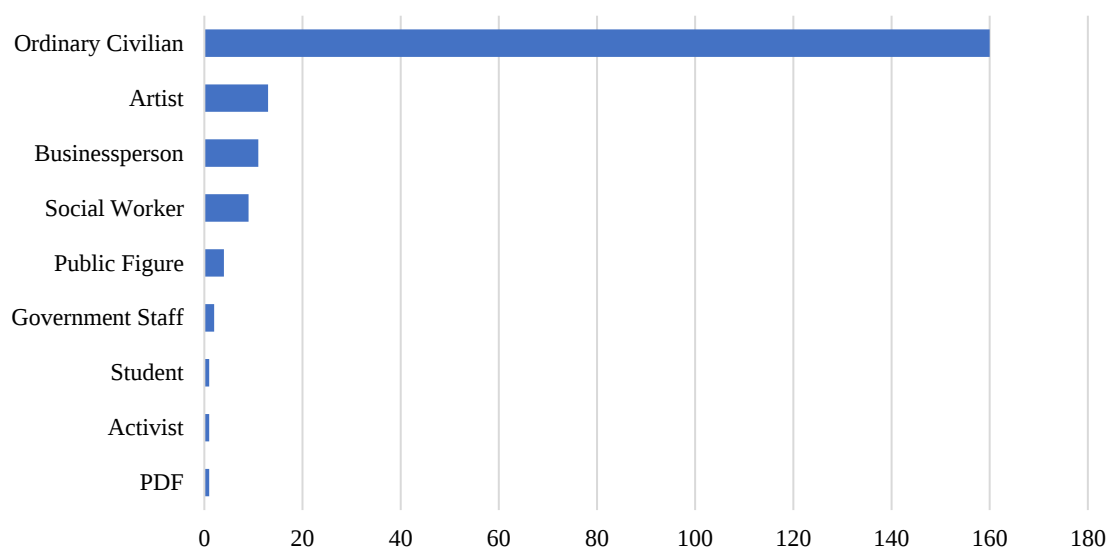
²⁸ Ma Khine, a female CDMer, in a discussion with researcher

*Dictators who seek to exert strict control over the country fear freedom of expression because they want to blindfold us and block our ears."*²⁹

Figure (5) below illustrates the number of people arrested for exercising freedom of expression across various sectors. According to data compiled by Athan, most individuals detained for expressing their freedom of speech are civilians. From the coup until the present day, the estimated total is at least 160 individuals arrested by the regime, primarily for posting commentary on social media that was critical of the junta, including sharing photos and videos from anti-coup protests or expressing support for the National Unity Government (NUG). In these arrests, directors, actors, and singers who can influence public opinion are one of the main targets.

As of July 2023, thirteen artists had been arrested for posting or sharing content on social media. The third-largest group charged comprises small business owners, including restaurant proprietors, tea shop owners, pharmacy owners, and print shop operators, totaling eleven individuals. From the fourth-largest group, nine social workers were arrested for exercising freedom of speech. Students, activists, General Administration staff, and NLD members have also faced arrests individually.

Figure 5: Number of detainees who arrested due to expressing their free speech



²⁹ Pho Cho, a male participant who works in a civil society organization, in a discussion with a researcher

The regional distribution of the number of people arrested for expressing political opinions addressing general hardships under the regime or supporting silent strikes or flower strikes on their social media pages is presented in figure (6). According to the Table, the total number of arrests is 202, with the Irrawaddy Region recording the highest number of arrests, 64. Yangon Region follows with 39 arrests, and subsequent regions include Kachin State (17), Mandalay Region (13), Shan State (13), and Magway Region (11). Notably, there were no reported arrests for exercising freedom of speech in Karen and Karenni States in the media, although this doesn't necessarily mean such cases didn't occur. Specifically, these figures pertain to exercising freedom of expression, while the overall number of civilian arrests is considerably higher.

Figure 6: Number of detainees per state and region for expressing their free speech

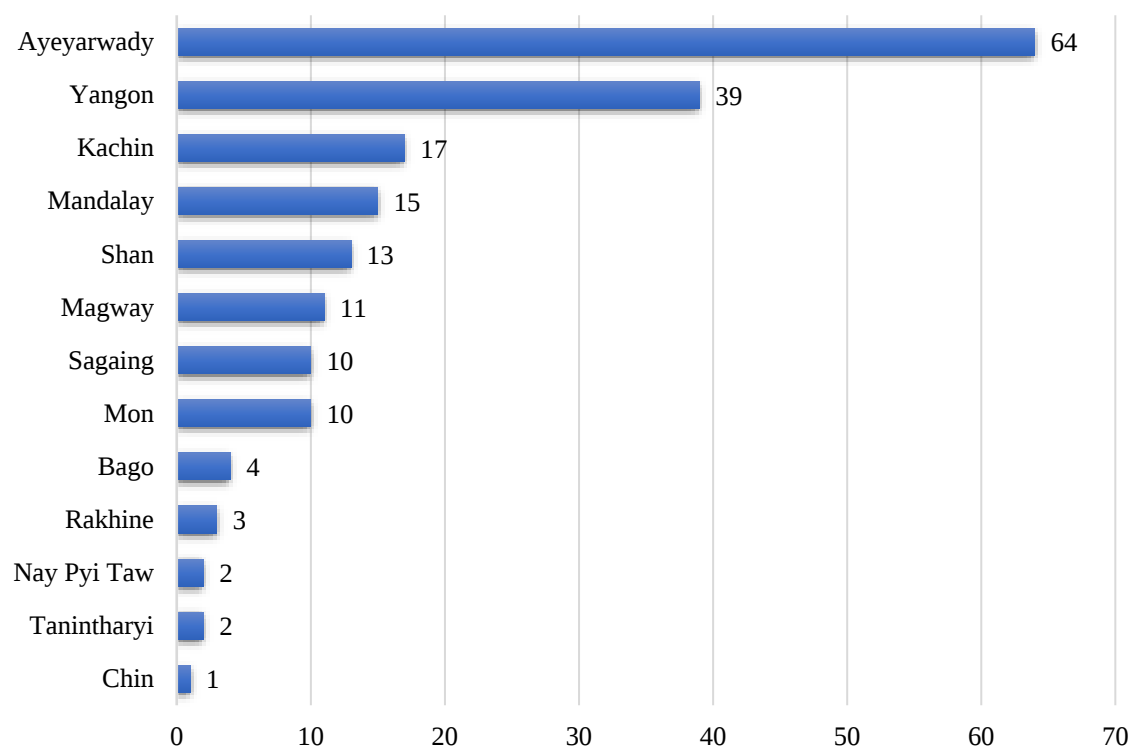


Table 1: Status of the detainees after arrest

No.	Status	Cases
1	Arrested, prosecuted & convicted	85
2	Arrested	109
3	Arrested & killed	4
4	Warranted	3
5	Beaten	1
	Total	202

Among the 202 arrested individuals, including those with warrants issued against them, only 60 have completed their trials, 25 are still facing trial, and 109 detained individuals have yet to face trial. Tragically, four individuals were arrested and subsequently killed for expressing their freedom of speech. Two of them lost their lives due to the torture inflicted during military interrogations. The most frequently employed charge by the military against civilians is under section 505(a), cited a minimum of 24 times in news reports. However, the actual number is likely much higher.

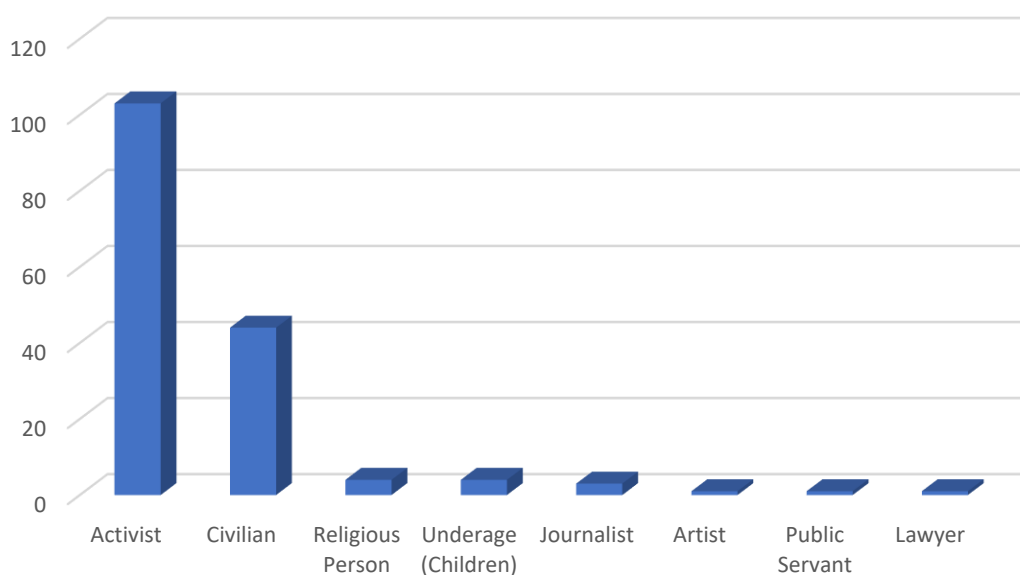
Additionally, other charges used to suppress freedom of expression include section 52(a) of the Counter-Terrorism Law, section 52(j) of the Counter-Terrorism Law, section 50(j) of the Counter-Terrorism Law, and section 33(a) of the Electronic Transitions Law.

Violent Tactics and Litigations against Anti-coup Protesters

Based on the data compiled by Athan, the following table shows the number of civilians arrested. At the same time, the military violently crushed the anti-coup protests (by crashing a car into a crowd of protesters, for example).

Drawing from the data collected by Athan, the figure below illustrates the count of civilian arrests that occurred as the military employed violent tactics to quell anti-coup protests, such as driving vehicles into crowds of demonstrators.

Figure 7: Number of civilians arrested while protesting



Remark: a lawyer of Ko Wai Moe Naing was issued an arrest warrant by the junta. He has not been caught and remains in hiding.

Figure 8: Detainees' gender distribution

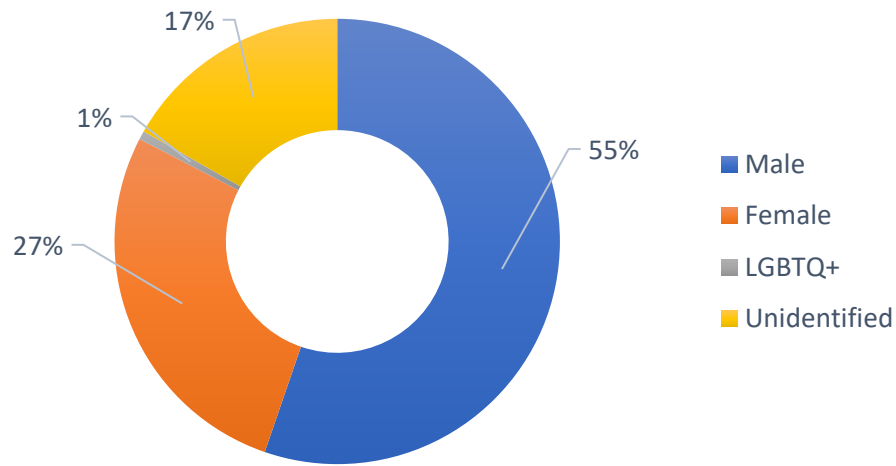


Figure 9: Number of detainees during protests per state and region

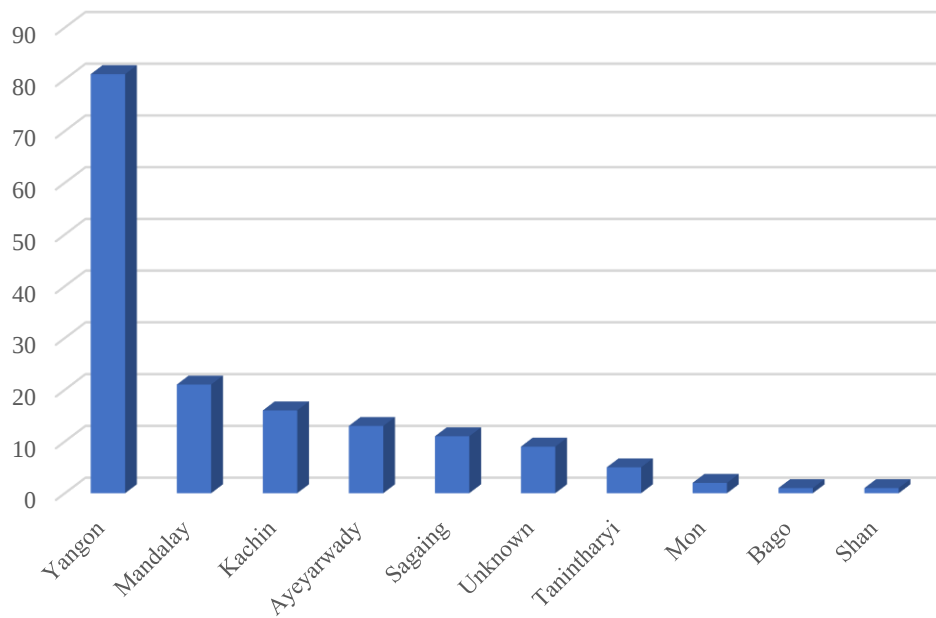


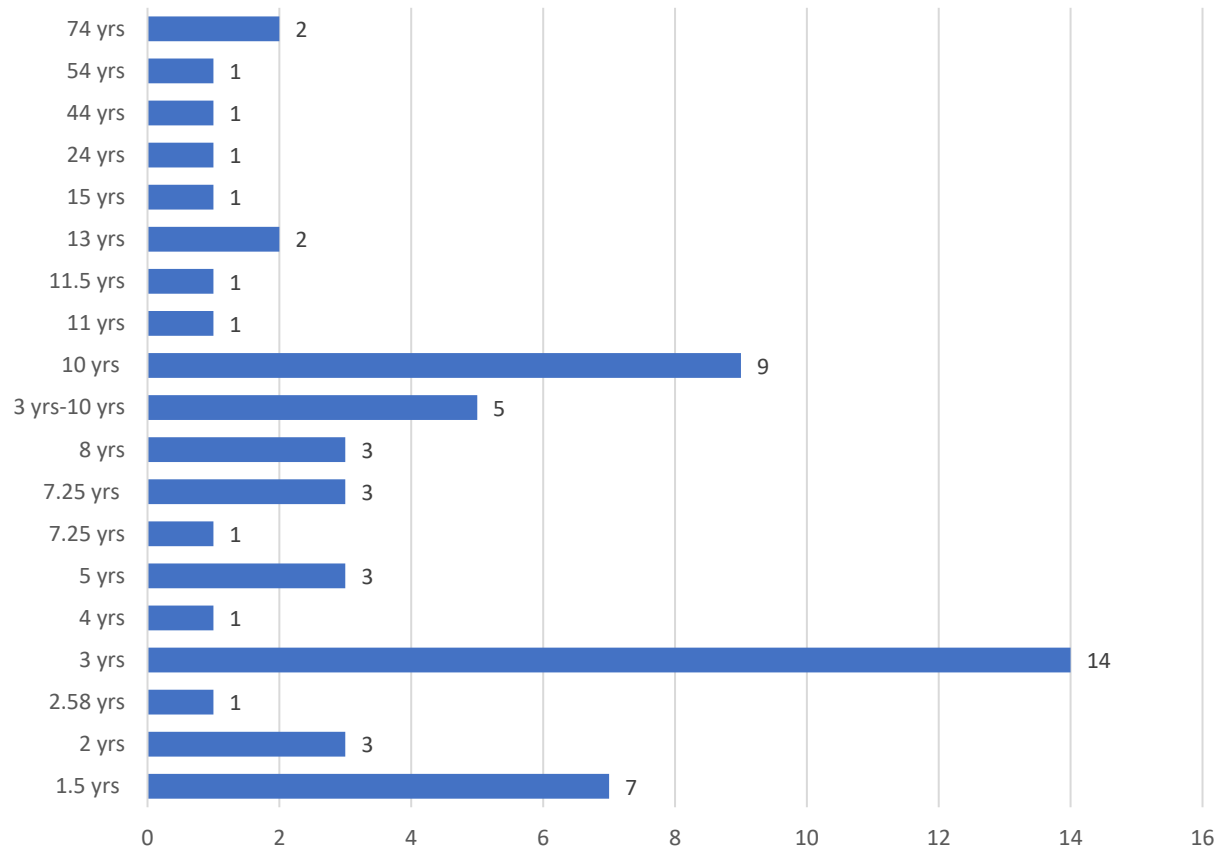
Table 2: Status of detainees who arrested during protests

No.	Status	Cases
1	Detention	82
2	Prosecution	16
3	Conviction	62
4	Decease	1
Total		161

Table 3: Most frequently employed charges

Type of Lawsuit	Frequency of using
Unidentified	96
Section 50 of the Counter Terrorism Act	1
Section 50 (c) of the Counter Terrorism Act	1
Section 50 (i) of the Counter Terrorism Act	1
Section 50 (j) (a) of the Counter Terrorism Act	1
Section 19 of the Arms Act	1
Section 8 of the Control of Imports and Exports	1
Section 468 of the Penal Code	1
Section 420 of the Penal Code	1
Section 395 of the Penal Code	1
Section 148 of the Penal Code	1
Section 505	1
Section 505 (b)	1
Section 17 (1) of the Unlawful Association Act	10
Section 505 A	10
Section 52 (a) of the Counter Terrorism Act	11
Section 50(j) of the Counter Terrorism Act	15
Section 505 (a)	49

Figure 10: Range of years sentenced to prison



Remark: 3-year to 10-year cases cannot confirm who is convicted to how many years with what exact lawsuits.

Surveillance Strategies

By surveillance strategies, we mean the various surveillance strategies employed by the military junta to monitor the activities, statements, and interactions of civilians, activists, civil society organizations (CSOs), and political groups. Based on the insights gathered during participant interviews, the surveillance strategies utilized by the military can be classified into five categories.

- 1) Social Media Surveillance:** The military has developed an extensive digital surveillance network over the past two years since the coup. They closely monitor posts and comments on social media platforms like Facebook, collecting user profiles and making arrests through informant telegram channels such as Han Nyein Oo, Ba Nyunt, and 52 News. One participant explained what they noticed about the military's propaganda media and surveillance channels.

"Lately, the military junta's social media surveillance teams have increased. For example, Han Nyein Oo's Telegram channel is quite well-known. But Han Nyein Oo is not an individual account but work with a team that has a specific mission. Now, like Han Nyein Oo's channel, many others such as Kyaw Swar and Tin Oo have appeared. This is a systematic effort for surveillance and intelligence."

Prominent individuals with social influence who support the revolution are a primary target of this surveillance. A participant noted, "Celebrities, even if they have relocated to liberated areas, have their posts and shared content scrutinized, with screenshots sent to Han Nyein Oo. The junta has a lot of informants. Based on their information and through their widespread channels, activists and those who exercise freedom of speech are persecuted."

- 2) Checkpoint Surveillance:** The second strategy involves collecting personal information and investigating national IDs and mobile phones at checkpoints, particularly at town entrances and exits. Military personnel examine national IDs to determine if they match their activist watchlists and also inspect phones for any anti-MILITARY JUNTA content

on social media. These inspections often lead to drivers and travelers being extorted for money under various pretexts.

- 3) **Administrative Apparatus Surveillance:** This strategy is consistently used by previous regimes, involving surveillance through registering overnight guests. The military employs this method to track protesters and protest leaders, gathering information about their whereabouts from overnight guest registrations. Those identified by military intelligence face imprisonment. Additionally, undercover agents often wander around the neighborhoods and sit in small betel nut shops to collect information and arrest people. One participant described it: "General administration and ward administration offices, which serve as grassroots building blocks, maintain a database. If an informant reports that a new face, particularly a young person, has arrived, they cross-check their database. This seems to have been their approach at the grassroots level for some time."
- 4) **CCTV Surveillance:** Two years since the failed coup, CCTV footage has emerged as one of the biggest threats to civilian demonstrators, anti-coup protesters, activists, and journalists. CCTV cameras installed along roads, outside houses, and shops are widely used to track and arrest leaders and participants of urban protests. As people have installed CCTVs since they no longer feel safe in their daily lives, if a protest occurs near their residences or businesses, the military demands access to these CCTVs and conducts searches before the day ends, tracking the license plates of vehicles used by young protesters.

One participant shared an unsettling experience: "We have had our share of these experiences. We reported news within the crowd during a flash mob protest in June and July 2021. Later, at Panpingyi Street, a car deliberately hit us, injuring an acquaintance. Another female journalist's leg was broken; she is currently in jail." After requests were made from the revolution's side to remove CCTV near protest areas due to safety concerns, the junta arrested individuals who took down their CCTV and ordered the installation of more CCTVs.

5) **SIM Card Surveillance:** On September 19, 2022, the junta's Ministry of Transport and Communications announced the cancellation of all unregistered SIM cards, requiring people to register their cards with their national ID.³⁰ This news raised concerns that the military junta might intercept phone calls and SMS using information technology. Approximately 80% of the participants believed that their SIM cards could be used for interception, location tracking, and monitoring of their contacts. One participant said, "We have experienced signal disruptions as if someone were eavesdropping on us from the other end."

Another participant shared their experience: "In the past, we didn't believe that our phones were being monitored and investigated. We didn't know. But now, we have experienced it firsthand. If they want to track someone, they can do so by monitoring their SIM card and intercepting their calls, even leading to the arrest of their associates. I had an incident where I helped a CDM soldier escape; he was still carrying the tracked SIM card he hadn't discarded, ultimately leading to his arrest."

KBZ Pay accounts and SIM cards require personal information registration, allowing authorities to monitor money transfer frequencies and amounts. This led to suspending accounts associated with fundraising for the revolution and subsequent arrests.

³⁰ RFA Burmese. "Myanmar Activists Say Junta Will Use SIM Card Registration to Target Opposition," October 3, 2022. <https://www.rfa.org/english/news/myanmar/simcards-10032022211504.html>.

Groups Subjected to Military Surveillance

While the military employs various strategies to surveil and restrict the movements and expressions of civilians, some groups serve as primary targets for military surveillance.

Types of Groups	Reason of Surveillance	Tactics
Public Figures (artists, writers, politicians, journalists, workers' leaders)	This group comprises anti-coup, pro-revolutionary writers, artists, politicians, journalists, workers' leaders and philanthropists monitored by the military intelligence networks due to their significant influence and fundraising capabilities for the revolution.	Online/ social media
CDMers	Individuals participating in the CDM can be divided into two categories: famous CDMers and ordinary CDMers. CDMers famous on social media are monitored through their online accounts, while ordinary CDMers are tracked using data from their ward, village, and previous workplace.	Online/ social media
Protest forces, protest leaders	Since February 2021, strike forces, strike committees, and participants have been monitored for their social media posts and personal information. The military conducts arrests at their homes, confiscates their properties, and even watches and detains their family members.	Online/ social media

Types of Groups	Reason of Surveillance	Tactics
NLD members, their family members, and supporters	Likewise, NLD members, their family members, and supporters are monitored for their social media activity and personal information. The military conducts arrests at their homes, confiscates their properties, and monitors and detains their family members.	Online/ social media
Activists	Activists and their family members are closely monitored for social media posts and personal information. This monitoring may lead to arrests at their homes, property confiscation, or surveillance and detention of family members.	Online/ social media
Youths	Youths play a vital role in the anti-coup movement. Both well-known and local youths in towns and villages are monitored through social media and on-ground intelligence networks operated by the military. As per one participant's account during the interviews: "To speak of something plain to see, if three young people move into a new place in a township, they're under surveillance. The ward administration office keeps tabs on their activities, tracking what they do, when they leave and return, who they are, and more. They closely monitor these details."	Online/ social media

Explaining how CSOs and youths get monitored, a participant said, "You can count the number of CSOs in northern Shan State with your fingers. As a result, most individuals who

actively engage with young people in discussions about politics or offer political science lectures become subjects of surveillance. Why do they attract attention? One reason is the significant influence that youth leaders hold over the younger generation."

Regarding monitoring individuals who actively participated in protests, a participant explained, "Some who were actively involved in protests later switched to other methods, while others became inactive. The military watches to see if they remain inactive or not. We know this because news of these investigations reaches our ears. For instance, when they travel, the authorities investigate their whereabouts. Sometimes, we know someone is being monitored because we encounter these investigations."

Furthermore, a female participant shared her experiences regarding investigations into CDMers, saying, "As a former civil servant, we had to provide detailed personal information, including details such as how many siblings I have from my father's side, for example. For us, CDMers, we are on their blacklist. The military junta often put on the blacklist for those who involved in CDM, strike leaders, politicians, social influencers. When I needed to visit a government office for tasks like extending my national ID, registering land, or obtaining land grants, they already had my information, which revealed my involvement in the CDM." Describing the violations and restrictions faced by CDMers, she continued, "One significant issue is that obtaining a passport becomes impossible. I was even once arrested at the passport office. They took me to an examination room, conducted an investigation, and received a code number from the blacklist. It has a '3' as its last digit to designate those from the education sector. I don't remember the preceding digits. They asked me which school I worked for and confiscated my national ID during this incident."

Propaganda through Disinformation and Fake News

Fake news and disinformation have become pervasive, influencing public perception of conflicts, ethnic concerns, and politics. Disinformation is rampant on topics related to the PDFs, the revolution, and the personal lives of revolutionaries. These false narratives are disseminated through pro-military channels on platforms like Telegram, in print through pamphlets, or even broadcast via state-controlled media outlets like MWD and MRTV. The military junta employs disinformation as a tool for domestic propaganda.

While most of the population strongly opposed the military coup, some individuals supported the military and those who remained neutral. The military junta aims its propaganda efforts at these two groups, utilizing human resources and technological means. One participant explained this strategy: "Structurally, the military's propaganda is sustained through misinformation and disinformation. Their goal isn't necessarily to convert supporters of the PDFs or pro-democracy activists into military sympathizers. Their primary target appears to be military supporters, aiming to ensure their number remains steady, if not increased. The next target is the neutrals, individuals who may not be NLD supporters, to portray the revolution negatively and discourage their involvement. The content of this propaganda often revolves around issues of nationality, language, and religion, often with the rhetoric of Myanmar being at risk of foreign invasion without the military junta."

Analyzing the impact of military propaganda, primarily driven by fake news and disinformation, on people's access to information, it's evident that following the events of 2021, as people witnessed the military's brutality and violence against unarmed civilians, their propaganda has lost its effectiveness now, unlike during the previous regimes. People have completely lost faith in the military and its propaganda channels. However, this is not the case for elderly individuals with limited social media literacy, who may still be influenced to some extent by the military's propaganda.

A participant described this phenomenon: "During the internet blackouts, other media channels are inaccessible, and so the military utilizes its channels for propaganda. For instance, my grandmother believed some of what they said, and I had to explain the situation. It's incredibly

challenging for those who solely watch MRTV. These narratives can sway many neutral individuals who lack information. However, this propaganda has little to no effect on active revolution supporters.

As freedom of expression erodes, disinformation often takes the form of news that lacks a clear source. For example, the source allegedly being an insider, a family member, a witness, or the text “Crd to original uploader” or “Crd” makes verifying its legitimacy difficult. Shortly after the coup, during internet blackouts, rumors about the release of the detained State Counselor and Head of State, Daw Aung San Suu Kyi, spread quickly and led to excitement, some even celebrating with fireworks. Subsequently, social media users began to share unverified information without concrete sources.

A participant shared their perspective on this issue: "Since there is no freedom of expression for individuals, no one wants to take responsibility as a news source, making it challenging to confirm the legitimacy of news.

Instead of attributing news to a specific individual like 'Aung Zan,' it simply becomes 'according to a source.' Some news media outlets adopted this trend, relying on the 'according to an anonymous source' format. When the military wishes to discredit the NUG, they spread rumors, such as allegations of corruption, attributing the information to an unknown source. The military wants to distort the situation in any way that aligns with their agenda.

It is, unfortunately, the same for the NUG. There needs to be more reliable sources who are named and identified. Still, many decide not to reveal their identities due to harsh repercussions and a lack of freedom of expression. The absence of freedom of expression leads to misinformation and disinformation, resulting in negative consequences."

Safeguarding and Fostering Freedom of Expression

In the previous section, we highlighted the participants' discussion, emphasizing the significance of freedom of expression as both a fundamental human right and a critical political standard essential for establishing a democratic federal state. While safeguarding and promoting freedom of expression during a period marked by an illegitimate coup is undoubtedly challenging, the participants provided insightful suggestions for fostering freedom of speech among the people.

Among these suggestions is implementing educational campaigns to instill freedom of speech as a fundamental value within the population. These campaigns may encompass short-term and long-term training programs accompanied by attention-grabbing educational messages and cartoons. Participants emphasized that one reason for these campaigns is to empower people to distinguish between legitimate freedom of speech and hate speech, which abuses the concept of free expression. They also pointed out that another reason for these campaigns is for people to become aware of their entitlement to this right, empowering them to fight more effectively to preserve freedom of speech.

Freedom of Expression and the Role of International Human Rights Groups

Therefore, with the evidence presented in this report, it is clear that people's right to freedom of expression has been violated through various means across different sectors. Unfortunately, international human rights activist groups have been largely ineffective in preventing these repressions.³¹ Despite continuous calls from CSOs urging ASEAN to go beyond the Five-Point Consensus, ASEAN has ignored these appeals and failed to implement the Five-Point Consensus.³² This has been particularly disappointing for those on the ground, who have expressed their frustration with the lack of tangible action.

As one participant from Yangon expressed,

*"We initially protested with high hopes for the UN and R2P, but our experiences revealed that relying on them was not feasible."*³³

Nearly three years have passed since the coup, and the situation concerning freedom of expression has only worsened. Daily reports of arbitrary arrests and extrajudicial killings have become distressingly common. People have implored international organizations to curb the military's violent repressions and hold them accountable under international law. However, their perceived effectiveness has fallen short of expectations. Many have concluded that the only way forward is through their efforts in the ongoing revolution.

In an interview with Athan regarding international groups, a former Member of Parliament from Karen State explained, "When looking at the international community, each country primarily acts in its national interest. If a country is pro-democracy, it might support democratic actors. But their support often remains in the realm of encouragement. Given the current situation, intervention is not straightforward. Even the UN can only issue statements. I doubt they can do more. We must rely on ourselves."³⁴

³¹ David, Meal from Rakhine State, in a discussion with researcher

³² BBC News. "အထမြောက်မလာတဲ့ အာဆီယံ ဘုံသဘောထား ၅ ချက် နေရာမှာ ဘာတွေနဲ့ အစားထိုးနိုင်လဲ," April 27, 2022. <https://www.bbc.com/burmese/burma-61250535>.

³³ Bon, a Female from Yangon, in a discussion with researcher

³⁴ Sai Thu, a male parliament representative from Karen, in a discussion with researcher

As the revolution continues, the international community's interest in Myanmar has waned, making it increasingly challenging for multinational groups to intervene effectively. This situation is exacerbated by the fact that even domestic groups face severe restrictions on freedom of expression, and their lives are constantly threatened, as a former journalist from Rakhine State notes.³⁵

Beyond the violations of freedom of expression, the military junta has continually pursued its campaign of burning villages, bombing homes, schools, religious buildings, and other heinous crimes against humanity. The people of Myanmar are deeply disappointed by the lack of effective international action in response to these crimes. A Yadanabon University Students' Union member pointed out the absence of necessary aid for the people of Myanmar, stating, "There's much that can be done, but they choose not to. It's genuinely disheartening. We were long since disappointed with both ASEAN and the United Nations. The international community remains largely silent about our country and seems reluctant to take a stand or provide meaningful assistance."³⁶

Analyzing the foreign relations of the military junta, it becomes evident that they maintain strong ties with Russia and China, rivaling European democratic superpowers and their leaders. Although economic sanctions can pressure the military junta, their complex geopolitical circumstances make implementing concrete and transparent programs for change challenging, as a female CDM student from Kachin highlighted during the interviews.

"All we have is each other. We must support each other. We must grow stronger. And we must not fall. We believe that only we can bring an end to dictatorship."

- a social worker from Yangon who participated in the interviews.

"There are not more than four groups which unwaveringly support us. The situation is quite challenging."

- a male student leader from Yadanabon University Students' Union

³⁵ Aung Zan, a male Freelance Journalist from Rakhine, in a discussion with the researcher

³⁶ Ring, a female CDM student from Kachin, in a discussion with researcher

“There are dedicated groups within Myanmar working for the cause of freedom of expression. International organizations should provide support through these local groups. This will empower them to fight for people's freedom of expression.”

- a female student leader from the Dagon University Students' Union

Conclusion

The research findings reflect the widespread dissatisfaction among most interview participants with the actions and programs of the National Unity Government (NUG), the people's government, in collaboration with domestic and international partners. In a country rife with conflicts, arbitrary detentions, and loss of innocent lives, the overall condition of the people across various sectors, including social, economic, health, and education, has deteriorated alarmingly. Amidst these hardships, the people look to the NUG and its allies for hope. However, as the revolution persists, more and more people voice concerns about the slow progress and call for more effective NUG programs. Furthermore, some celebrities offer false hope to the people, a practice criticized by the participants. One participant elaborated:

"People have been exposed to disinformation and false hopes. We now hear claims that the revolution will conclude next year with a victory. However, this sentiment doesn't align with people's perception."³⁷

It's indisputable that a government must remain closely connected to its people to understand their aspirations and effectively fulfill its duties and programs. As the NUG endeavors to establish a democratic federal society, it should collaborate with allies to ensure the full enjoyment of freedom of expression through legislative and other necessary means. As a female Dagon University Students ' Union member pointed out during the interviews, this requires working in tandem with CSOs, who are actively engaged with the people.³⁸

*"The important point is that firstly, to hear people's voices louder, we might need to lower our own."*³⁹

When people feel lack of trust in the government they chose, it leads to discontent among the people of Myanmar. Participants encourage the NUG to work closely with its allies to create comprehensive and effective programs for the benefit of the people. However, establishing

³⁷ J-Paing, the founder of MPA from Yangon, in a discussion with researcher

³⁸ Yu Wai, A Female student leader from Dagon University Students' Union from Yangon, in a discussion with researcher.

³⁹ Harry Aung, A male journalist from Yangon, in a discussion with the researcher

alliances with local actors presents numerous challenges, as a female CDM student from Kachin noted.⁴⁰

An interesting finding in this research report is that even under the NUG, a government chosen by the people and its ministries, freedom of expression seems compromised. Criticisms frequently trigger negative responses rather than welcome and open dialogue. This leads to people questioning the presence of restrictions within a government that is expected to foster a democratic society where freedom of expression is a cornerstone.

“Without freedom of expression on the path to democracy, the result is a democracy that is both absurd and dysfunctional.”

- A male member of AJMM

“Given the significance of freedom of expression within revolutionary circles, the exchange of ideas between groups should not foster division but promote mutual respect viewpoints. There must be rights and freedom for everyone, everywhere.”

- a female interview participant

“The approach should shift from people reaching out to institutions and groups to institutions and groups proactively engaging with people, with a primary focus on listening to the people’s voices.”

- Mon Yi (executive director of Nyan Lin Thit research group)

⁴⁰ Ring, a female CDM student from Kachin, in a discussion with researcher

Athan - Freedom of Expression Activist Organization

