

Burma News International (BNI) Briefing Paper on Violations of Media Freedom by Myanmar Military Council

1. Background

The Myanmar military council took over power by declaring state of emergency on 1 February 2021 with the excuse of election fraud in the 2020 general election. Before declaring the coup, U Win Myint, President, Daw Aung San Suu Kyi, State's Counsellor, Union Ministers, Ministers of civilian cabinet and elected representatives in 2020 general election were detained. This coup is a U-turn for Myanmar's democracy path after 2010 and set even more challenges for basic human rights such as freedom of speech, media freedom and free access to information that still need to be rooted in the country after decades of civil war.

2. Violations of Media Freedom under the Myanmar Military Council

2.1. Internet Shutdown and Blockage of Social Media

Media freedom and freedom of speech that were not fully accessed even under the previous civilian government, have become more oppressed under the military dictatorship. On 1 February 2021, the first day of the coup, internet and mobile phone connections were shut down and the information flow between media and people was halted. Although the internet and mobile phone connection were restored in the afternoon of the first day of coup, the restrictions were initiated a few days later. The military council instructed communications operators and internet service providers on 4 February 2021 to ban Facebook, the most popular social media in Myanmar where people distribute most of the news, until 7 February 2021. Consequently, Instagram and Twitter, another popular social media, were also banned on 5 February 2021 until further notice. Until the time of writing this briefing paper, these social media are still banned and people have had to utilize Virtual Private Network (VPN) to use these social media.

Because of the internet shutdown, correct information flows among the people were limited and fake news and rumors like the release of the State's Counsellor was spread among people in the night of 6 February 2021. Since 14 February 2021, the night time internet shutdown from 1 AM to 9 AM was initiated every day. During this night time internet shutdown, the armed forces of the Myanmar military council have been violently arresting the civil servants who participate in the Civil Disobedience Movement (CDM), protesters who participate in anti-coup protests, political activists and celebrities who campaign the anti-coup revolution. This kind of partial internet access limits the people's access to information.

In addition, mobile internet was shut down in Hlaing Thar Yar Township, Yangon Region, where anti-coup activities were intense, in the evening of 14 March 2021 and it was shut down on a countrywide scale since 15 March 2021 until the time of writing this briefing paper. Wireless broadband type wifi network was also cut off on 1 April 2021. Due to mobile internet and wifi network shutdowns, there have been huge limitations to cover and report the news about violent torture by armed forces of the military council on protesters and people. Although the FTTB internet network can still be used, since most of the people are

dependent on mobile internet, it sets huge limitation on flows of information and due to news blackouts in the certain townships where armed forces oppress, it is worrisome for the safety of the people in these townships.

2.2. Ban on News Channels and Media Houses

Since 1 February 2021, the first day of coup, the international news channels, Mizzima TV which is the news channel of Mizzima Media, a BNI member and DVB-TV, a news channel of DVB Media were cut off. However, as these news channels can still be accessed via PSI satellite TV, the Myanmar military council has been confiscating PSI satellite dishes and takes actions against the civilians who have them. After banning the independent news channels, the Myanmar military council took control over state-owned television channel, Myanmar Radio & Television (MRTV). Then, since 1 February, military owned Myawaddy television channel and MRTV broadcast false news that are in line with military's propaganda agenda and do not reflect the practical situation.

After declaring the coup, various independent local media attempted to cover and report the news about terrorist actions of armed forces of the Myanmar military council in the whole country. The attempt by the military council to control these local media that report the correct up-to-date news began three weeks after the first day of coup. Through the Myanmar Press Council, the military council threatened the local media not to use the term military regime or their publishing license would be revoked.

Not long after the threat, it initiated the direct oppression against the local media. On March 8 2021, the Myanmar military council declared that it revoked the publishing licenses of five Rangoon based media, Mizzima, DVB, Myanmar Now, 7 Day and Khit Thit Media and they could no longer report the news by any types of media or technology. Then, the offices of Mizzima Media and Kamayut Media were raided on 9 March. The Chief Editor and Co-founder were arrested while Kamayut Media office was raided.

Subsequently, the Myanmar military council sued another Rangoon media group, Irrawaddy News with Section 505 (A) of the Penal Code. It was the first case of charge against a news media group since the coup. (Before the coup, 2 BNI member ethnic state news agencies were already in hiding, including their editors) The reason for the charge was news reporting that the Police Force demanded 13 million Kyat from relatives of detained doctors who participated in protest to be released.

Although above mentioned Rangoon media were mainly oppressed by the Myanmar military council since the coup, ethnic media in different parts of Myanmar also faced harassment and arrest. Especially, those media houses which have been sued by the military even before the coup feel threatened; targeted editors and journalists cover and report the news in hiding.

2.3. Threats to Journalists' Safety

The oppression on media freedom by the Myanmar military council creates concerns for the safety of the journalists who are covering news on ground. Since the mid-February when anti-coup demonstrations became more intense, not only protesters but also journalists who were covering the news about protests have been detained. From 1 February to 19 April, 70 journalists have been detained and only 32 of them were released.¹ Among 36 detainees, 19 have been charged mainly with Section 505 (A)² of the Penal Code and other charges including Section 114³, 118⁴, 332⁵ and 436⁶.

Yangon Region and Kachin State are the areas where the most of the journalists are arrested with 26 in Yangon Region and 12 in Kachin State.⁷ The other towns where journalists were arrested are Ho Pone, Taunggyi, Mone Ywar, Nay Pyi Taw, Pathein, Pyay Hakhar, Myeik Hti Lar, Myeik, Minbu, Kyike Hto and Mawlamyaing.⁸

Among the detained journalists, 57 are males and 12 are females.⁹ (one cannot be confirmed yet.) Journalists from 33 media houses and 16 freelance journalists are included. Among the 33 media houses, Rangoon based media such as 7 Day News and Eleven Media Group, international media such as BBC Burmese and Associated Press and ethnic media houses which reside in ethnic regions are included. In term of foreign journalists, a Japanese freelance journalist and a Polish journalist from DPA News were arrested. Although both of them were released, the former was arrested again on the evening of 18 April. The journalists

¹ <https://www.reportingasean.net/in-numbers-arrests-of-myanmar-journalists/>

² 505. Whoever makes, publishes or circulates any statement, rumour or report,—

(a) with intent to -cause, or which is likely to cause, any officer, soldier, sailor or airman, in the Army, Navy or Air Force [* *] 1 to mutiny or otherwise disregard or fail in his duty as such shall be punished with imprisonment which may extend to two years, or with fine, or with both.

³ 114. Whenever any person, who if absent would be liable to punished as an abettor, is present when the act or offence for which he would be punishable in consequence of the abetment is committed, he shall be deemed to have committed such act or offence.

⁴ 118. Whoever, intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable with death or transportation for life, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence or makes any representation which he knows to be false respecting such design, Shall, if that offence be committed, be punished with imprisonment of either description for a term which may extend to seven years, or, if the offence be not committed, with imprisonment of either description for a term which may extend to three years ; and in either case shall also be liable to fine

⁵ 332. Whoever, voluntarily causes hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or order that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servants, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

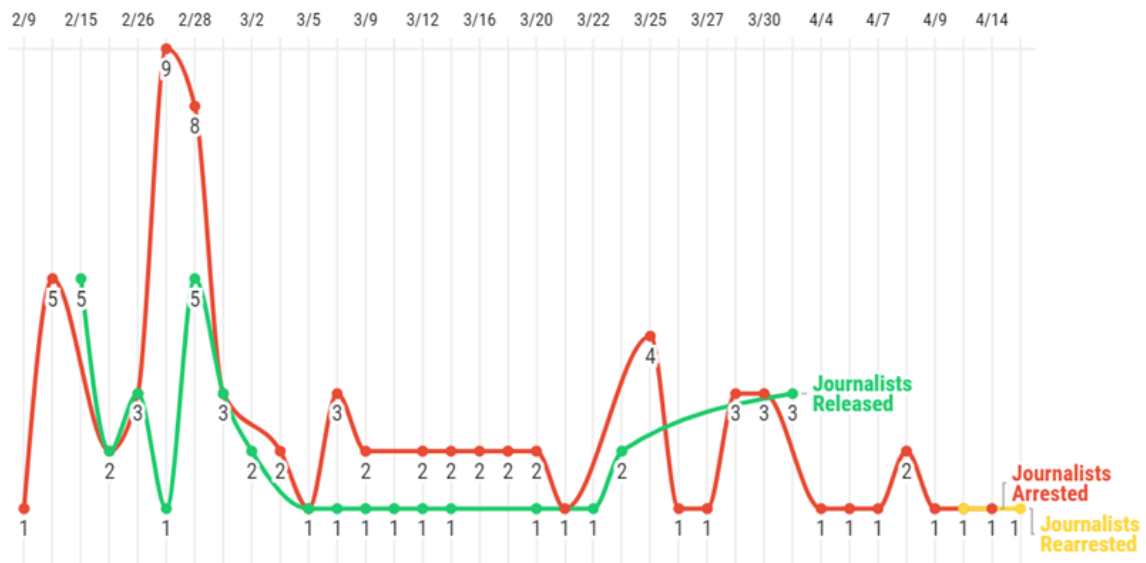
⁶ 436. Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, the destruction of any building which is ordinarily used as a place of worship or as a human dwelling or as a place for the custody of property, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine

⁷ <https://www.reportingasean.net/in-numbers-arrests-of-myanmar-journalists/>

⁸ <https://www.reportingasean.net/in-numbers-arrests-of-myanmar-journalists/>

⁹ <https://www.reportingasean.net/in-numbers-arrests-of-myanmar-journalists/>

have been arrested since 9 February and the highest number of detainees was on 27 and 28 February.¹⁰



Data since the Feb 1, 2021 coup from the Detained Journalists Information Myanmar group, and information verified independently
Data viz by Yvonne T. Chua

Journalists are arrested not only while they are covering news during the protest but also their houses or hideout places have been raided. For example; Kaung Myat Hlaing, a journalist from DVB media, was abruptly arrested at his house in the evening of 1 March by police threatening him with gunshots. Since the Coup Council armed forces use live bullets to crackdown on the demonstrations, some journalists were shot and wounded. On 27 March, with the highest rate of death and injury, a journalist from Frontier Myanmar and a freelance journalist were shot and injured in Mandalay and Kyike Hto respectively.

A Co-founder and Director, an Editor, a Deputy Manager of Administration Department, two freelance journalists (Myeik and Yangon) and a driver from Mizzima Media, have all been arrested since the coup began. Moreover, in Kachin State, one of the states where the highest number of journalists have been detained, three journalists from Myitkyina News Journal were arrested on 13 April and investigated at the Military Investigation Center.¹¹

Most of the journalists still reporting is doing so in hiding as the military council attempts to oppress the local and international media houses that cover and report the news about the violent torture of the military council every day. For example, 17 other journalists of Myitkyina News Journal are in hiding as the Myanmar military council has all their names on a list to arrest them.¹² Some other media houses have to shut their offices down and relocated to new temporary offices for security concerns. This unsafe situation makes the independent ethnic media houses, who reside in ethnic areas, more difficult. Since most of

¹⁰ <https://www.reportingasean.net/in-numbers-arrests-of-myanmar-journalists/>

¹¹ <https://burma.irrawaddy.com/news/2021/04/17/240790.html>

¹² <https://burma.irrawaddy.com/news/2021/04/17/240790.html>

the ethnic media are smaller media houses and they do not have strong financial support like the Rangoon-based media houses, they are struggling to continue news operation.

3. Conclusion

The Myanmar media sector that saw some improvements with the reforms of the previous decade, has now turned back to the past dark days along with the February 1st coup. Although there was oppression on media under the previous civilian government, mainly on the ethnic state-based media, since it was under the democratic regime, media houses, local and international CSOs could take public advocacy actions on media freedom, freedom of speech and press freedom. After taking over the State's power in February, the Myanmar military council banned the local media, raided their offices, detained and charged journalists and editors.

Despite this, most local media keeps reporting accurate news and information in accordance with the ethics and dignity of the media. Through the news reported by local media, international news agencies are aware of what is happening in Myanmar and the international community can then be able to take serious action, if they decide to, on Myanmar's affairs. For ethnic media, as the civil war has never ended in the half of the country, they have long and bitter experience in reporting from war zones and thus have been able to use this to continue news coverage of their states.

In the current situation BNI recommends the following:

1. Neighboring countries, Bangladesh, China, India and Thailand, should give refuge to journalists fleeing Myanmar and allow them to continue their work. It is for the benefit of all our neighbors to have continued and accurate news coverage of the uprising.
2. International media freedom and media support organizations should find new ways to support ongoing news coverage inside Myanmar and not, once again, neglect media based in ethnic states.
3. Given the crackdown by the military council on internet, TV and radio broadcasting, there needs to be international support for alternative broadcasting networks to allow the people of Myanmar to continue to receive accurate news and information.
4. The new National Unity Government of Myanmar must embrace a free and open media, now and in policies for a future federal democratic government. These policies should support news in all the languages of Myanmar.