



A Glance into Myanmar's Suffering

where is our right to freedom of assembly?



“ATHAN
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Executive Summary

- Anti-junta protests constitute 99 % of mass protests, with some socioeconomic protests including protests organized by thousands of garment laborers in the compounds of the Zaykabar company's factory, strikes of Food Panda riders, PMG bottle refinery factory workers' strikes calling for the increase of bonus and riots-like pro-military rallies.

- Following the burning of civilian homes, markets, and public property near flash mobs, the military junta has accelerated its tactics to divide the public and strike organisers.

- In total, military and private vehicles were rammed into peaceful protests and struck 19 times, including eight times in Mandalay Region, five times in Yangon Region, three times in Sagaing Region, and once in each of Shan State, Kachin State, and Tanintharyi State.

- Prison strikes include hunger strikes against the junta, prisoner strikes calling for their rights in prisons and strikes showing solidarity with the oppressed outside. Inmate protesters were beaten, kept in solitary confinement, denied access to letters and family, restricted in security, and tortured to death.

- In many cases, the charges against the detained protesters were replaced with more severe offenses. Demonstrators who have been arrested face criminal prosecution under the Penal Code or the Counter-Terrorism Act rather than under the Peaceful Assembly and Peaceful Procession Law, which is less intense.

- The lawyers defending and providing legal assistance to the detained protesters, politicians, and activists were also jailed. A number of young female lawyers providing legal assistance to the detainees have been sexually harassed by both junta forces and police.

- Despite the violent crackdowns and oppression, anti-coup flash mobs have continued to persist in major cities with peaceful protests such as the main strike of Kalay township, Yinmabin Shwenwethway strike, the "Our Village Searches No Savior" strike in Yinmabin and multi-village strike of eastern Yinmabin and northern Salangyi Sagaing Region.

Chapter (1)

(1.1) International Standards on Peaceful Assembly

The right to freedom of peaceful assembly is primarily related to the right to freedom of expression. Many international treaties including ICCPR protect the right to peaceful assembly along with the right to freedom of expression. The right to peaceful assembly is crucial as it is the foundation for public-involved governance that is based on democracy, human rights, the rule of law, and pluralism. A government’s failure to respect this right represents a sign of oppression of the public. The right to peaceful assembly takes different forms, including;

- Demonstration or protests
- Meeting
- Various types of strikes
- Assembly or Procession
- Rally
- Online assembly

According to Article 20 of the Universal Declaration of Human Rights (UDHR), everyone has the right to peaceful assembly and peaceful association, while no one is subject to forced participation in any association. Also, Article 21 of the International Covenant on Civil and Political Rights (ICCPR) which guarantees the right to peaceful assembly states, “ The right of peaceful assembly shall be recognized. No restrictions

may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.”¹



Protesters from Hle Dan, Yangon in early February, 2021.

¹Freedom of Expression Training Manuel (2020-21), Athan – Freedom of Expression Activist Organization

(1.2) Demonstrations and Protests in Myanmar After the Coup

Protests that erupted in the aftermath of the 2021 coup include rallies, protests, demonstrations, strikes, assemblies and online assemblies and online campaigns. Anti-coup protests constitute 99 % of all protests organised after the coup. Three protests over socioeconomic issues, pro-military rallies, and protest-turned-riots by the pro-junta people were documented.

Civil servants from different fields of the national mechanisms opposed the coup staged by the military in various ways. A pots-and-pans campaign against the military dictator began on 2 February 2021, followed by a Red Ribbon campaign on 3 February 2021.

The protests led by Dr. Tayzar Hsan Bagan began in Mandalay on 4 February, followed by protests in Yangon Region and Tanintharyi Region, in the end resulting in massive peaceful protests and



Mass protests in Sule, Yangon on 22nd February, 2021.

campaigns against the military junta that encompassed millions of people across the country. These omnipresent protests across the country prompted the terrorist military to use unproportionate tactics to crack down on peaceful protests by unarmed people. The military then blatantly committed other acts of violence, such as arrests and beatings and firing real bullets at protesters.

The analysis indicates that peaceful protests and strikes were still orchestrated by millions of people across the country at the end of March and beginning of April 2021 despite the murders and arrests of peaceful protesters by the brutal junta forces and police officers in March 2021. From 27 March, the protests and strikes in swaths of the countries started to shrink stead turning into flash mobs

in cities due to the brutal crackdowns of the military. A strike leader who continues to participate in urban flash mobs said, *“We have started to form flash mobs since 29 March after all township sit-ins were cracked down. We started implementing flash mobs on 30 April”*. Another strike committee member explained how the flash mobs became, adding that they still continued organising flash mobs against the coup. *“I don’t remember the exact date. But the movements resumed in April for sure. I think it may be 25 or 26 April. We resumed the movement by launching this “Who are we? We are Yangonites” protest in the downtown area of Yangon. Since then, we have organised flash mobs in cooperation with different groups and organisations almost weekly. We are still going strong with the momentum accelerated by the flash mobs on 25 April. Flash mobs are still in Yangon.”*



A flash mob in Yangon

(1.3) Protests-Turned-into-Riots

There were pro-coup rallies and demonstrations as well. Analysis reveals that the political activists who support the military and the Ma Ba Tha branches, widely accepted as the ultranationalist network, led the demonstrations and rallies. In some cases, these rallies and demonstrations take the form of riots as opposed to peaceful demonstrations. As a case study, the pro-military crowd beat two journalists covering a pro-military rally next to Yangon town hall on 1 February 2021, resulting in severe injury to one journalist.²

Pro-military protesters holding batons, swords and slingers committed violence toward the bystanders and counter-protesters. As the police demolished the barriers along the streets they marched on, they smashed the windows of the vehicles and looted the vendors. They shot with slingshots at the civilian bystanders when the bystanders counter-protested them by banging pots and pans or showing three-finger salutes, forcing the bystanders to stone back at them. As a result, no less than 10 civilians were injured.³ Furthermore, separate groups of participants returning by six buses from a pro-military rally organised in Ayeyarwaddy Region’s Patheingyi township on 14 February 2021 beat and hit four young people riding motorbikes somewhere on their way as the youths showed them three-finger salutes where they met. Mizzima quoted a pedestrian who witnessed the melee saying, “We were driving back home. About six buses carrying the participants of the pro-military rally stopped next to our car and people from the buses ran and beat the young men with motorbikes. As soon as we stopped, the vehicles drove off. Then a motorbike arrived and two men attacked the boys again. Three boys fled, but one remained. So, the two guys pulled his hair and asked him, “Why did you show three fingers up to us?”⁴

(1.4) Protests over Socioeconomic Issues

Protests were held only three times between February 2021 and September 2022 regarding socioeconomic issues. These protests were organised by Food Panda riders, ADK garment factory workers within the Zay Kabar industrial compound and PMG bottle refinery factory workers.

²အာဏာသိမ်းတော်ကိုင်ခံ့ဆန္ဒပြပွဲ သတင်းယူသူ သတင်းသမားနှစ်ဦး ရိုက်နှက်ခံရ. (2021 February 1).

VOA Burmese <https://burmese.voanews.com/a/journalists-attacked-myanmar-politics/5759585.html>

³အကြမ်းဖက် တိုက်ခိုက်လှုပ်ရှားမှု တွင် တပ်ထောက်ခံသူတွေရဲ့ ဆန္ဒပြပွဲ. (2021 February 26.) The Irrawaddy. <https://burma.irrawaddy.com/news/2021/02/26/238625.html>

⁴လက်သုံးချောင်းထောင်ပြသော ဆိုင်ကယ်နှစ်စီးနှင့် လူငယ်လေးဦးအား တပ်မတော်ထောက်ခံပွဲမှ ပြန်လာသောကားကြော့ကိစီးမှလူတစ်ဦး ပိုင်းဝန်းရိုက်နှက်. (2021 February 14). Mizzima Burmese. <https://www.facebook.com/MizzimaDaily/posts/4096792653688942/>

Case Studies

Case Study 1

Protests were held only three times between February 2021 and September 2022 regarding socio-economic issues. These protests were organised by Food Panda riders, ADK garment factory workers with in the Zay Kabar industrial compound and PMG bottle refinery factory workers.

Food Panda riders embarked on a strike in the middle of March as a response to the cut and exploitation of their wages. The riders demanded eight points: to set 670 Kyat as the minimum wage and increase the wage depending on the distance; to raise the wage based on the levels; to loosen the restrictions controlled by the software; to take responsibility for any damages and injuries to the riders during working hours; to provide a complete holiday per week; to set not only the distance but the travel on Google Map; to release the company’s announcements on the official social media page and Telegram channels one week in advance; to set a direct hotline number to contact in case of any disputes or issues; to publish ID cards for the riders.⁵

Riders of Food Panda were among those subjected to arbitrary arrests, wrong arrests, beatings, and jailing, with customers’ belongings being looted by junta forces with guns after the coup.



Foodpanda riders raising three fingers in a protest in Hle Dan, Yangon on 8th February, 2021.

⁵Food Panda Riders များ အလုပ်မဆင်းဘဲ ဆက်လက်သပိတ်မှောက်မည်. (2022, June 10). Democratic Voice of Burma. <https://burmese.dvb.no/archives/537848>

Case Study 2

About 2,000 workers from the ADK garment factory located in the Zay Kabar factory compound in Yangon Region staged a protest on 7 July 2022 to demand 10 points, including wage increases, professional and product rewards increase, a weekend holiday, ending the use of Sunday as a substitute workday, and providing medical and social leave to end the deduction of salary for absences. The ADK garment factory, which employs almost 7,000 people, produces CRIVIT, an international sportswear brand, among other feather outfits.⁶



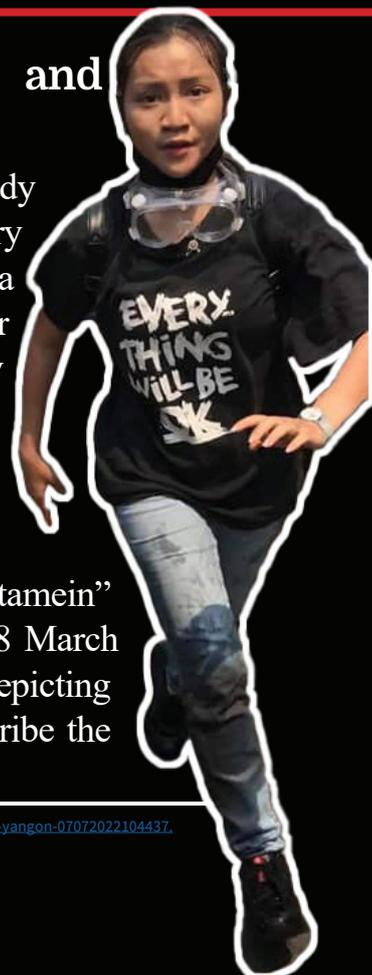
Protestor from Garment Factories of Yangon suburban townships gathered in Hlaing Township, Yangon on 6th February, 2021 as the first gathering for the mass protest.

(1.5) Self-immolation

U Aung Aung, a civilian in Kyaukpadaung township, Mandalay Region, took his life after setting himself on fire before the electric power office on Myingyan – Kyaukpadaung highway on 1 February 2022, marking the first anniversary of the coup. U Aung Aung held a banner that read, *“May the public have access to electricity for 24 hours (a day). We will not revert back to 2001 and 2002”* during his self-immolation.⁷ Local media reported U Aung Aung’s self-immolation whereas the international media did not.

(1.6) Peaceful Protests and the Role of Women and LGBTQIA+

The very first person who sacrificed life in the Spring Revolution is a lady called Ma Mya Thwe Thwe Khaing who passed away on 19 February 2021 after she had been declared brain dead. She had been hit with a brutal shooting by the junta’s security forces in a peaceful protest near Thabyay Gon roundabout in Nay Pyi Daw downtown area on 9 February 2021. Ma Kyal Zin, a 19-year-old girl was shot in the head on 3 March 2021 while participating in a protest and wearing a T-shirt bearing the message *“Everything will be okay.”*



In commemoration of International Women’s Day, women waved the “htamein” (female sarong) as their flags and led protests across the country on 8 March 2021.⁸ Sarong flags and sarong strikes became a campaign not only depicting the courage of women but challenging the orthodox notions that describe the “htamein” (female sarong) as inferior clothing.

⁶ကော့မ္ဘာ့စက်ရုံဝင်းအတွင်း အထည်ချုပ် အလုပ်သမား ထောင်ချီဆန္ဒပြ (2022, July 7). Radio Free Asia. <https://www.rfa.org/burmese/news/workers-protest-in-yangon-07072022104437.html>

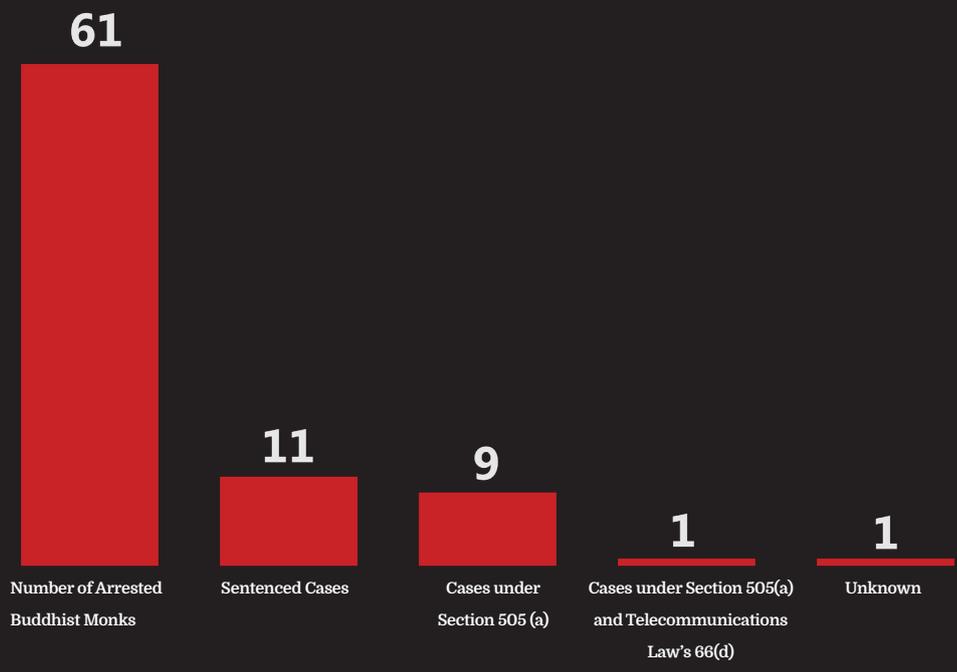
⁷မောင်ရွှေဝါ, (2022, February 1). ကျောက်ပန်းတောင်းတွင် ကိုယ့်ကိုယ်ကိုယ်မီးရှို့၍ စစ်ကောင်စီကို ဆန္ဒပြ. Myanmar Now. <https://www.myanmar-now.net/mm/news/10295?width=500&height=500&inline=true>

⁸စစ်အာဏာရှင် ဆန့်ကျင်ရေး အမျိုးသမီးတို့၏ ထုတ်ဖော်မှု သမိုင်းတိုက်ပွဲ. (2021, March 8). Irrawaddy. <https://burma.irrawaddy.com/news/2021/03/08/239157.html>

LGBTQIA+ people, the community that has faced discrimination from Myanmar society and its timeworn political system over the course of history, have bravely joined the campaigns contributing to the removal of the military dictator since the coup in 2021. Participation of women and LGBTQIA+ people in protests and strikes led by women and LGBTQIA+ people remained active during the movements.

(1.7) Peaceful Protests and the Role of Buddhist Monks

Religious leaders played an influential role in the vigorous anti-coup protests. On 8 March 2021 Christian clergy and a Roman Catholic nun knelt and begged the police not to open fire at the anti-junta protests. Besides, Buddhist monks play a vital role in promoting justice. Sangha (the community of Buddhist monks) has always been subject to arrests, divided into separations, torture and jailing by the military due to their leading and significant role in Myanmar’s history of counter-coup and democracy. The military arrested Myawady Min Gyi Sayadaw Ashin Ariya Vamsa Bivamsa, Ashin Sobhita (Alinka Kyal) and Shwe Nya Wah Sayadaw in Yangon and Mandalay on 1 February. Ashin Sobhita was sentenced to two years in prison. The military’s initial arrests of anti-coup activists, artists and religious leaders involve detaining Buddhist monks. Following the coup, 61 Buddhist monks were arrested, 11 were sentenced under section 505(a) of the Penal Code and the severest punishment is four years imprisonment.



Source – Assistance Association for Political Prisoners (AAPP)

(1.8) Protests in Prison and Repression

Like demonstrations against the military dictatorship all over the country, demonstrations of political prisoners defying the dictatorship in prisons can be seen. When the third wave of Covid-19 hit in Myanmar during the mid of 2021, a protest occurred in Insein prison on July 23 since the authorities ignored the worsening condition of prison inmates, the lack of health care for staff in the prison department and excluding political prisoners among the prisoners granted amnesty by the military council on June 30.

Three demands in that protest were (1) the unconditional release of all political prisoners; (2) access to medical treatment and health care in prison, and (3) relaxation of overly strict prison rules and sang “Thway Thitsar” (Faith of blood or Pledge in blood in Burmese). After the military council troops beat up the political prisoners who participated in the protest, the central executive member of All Burma Federation of Student Unions (ABFSU), Ko Zaw Htet Naing (aka Sitt Naing), and 20 other political prisoners were put in solitary confinement.

After that, the protests in the prison happened gradually, and between February 1st and 6th, about 200 political prisoners participated in a hunger strike which means they protested by not eating the food provided by the prison. On February 12, 2021, political prisoners in Dawei Prison in the Tanintharyi region went on a hunger strike for the second time. Five political prisoners who had been involved in the campaign of ‘222222’ in the Patheingyi prison of the Irrawaddy region were put in solitary confinement and tortured.



A protestor detained inside the prison truck after security forces cracked down on a protest on Anawrahta road, Yangon in early March, 2021.

On April 3rd, due to shouting protests in Monywa prison, the prison authorities opened fire and killed one political prisoner and five political prisoners were injured. On May 8, 19 young people who protested in the Hpa-An prison, Karen State were beaten and tortured after some prisoners were forcibly transferred to the prison. On June 13, 2022, it is reported that 11 political prisoners staged a hunger strike inside Insein prison, Yangon region and were beaten by the prison authorities and put in solitary confinement. A hunger strike is the highest level of demand when it comes to the rights of prisoners in prisons.¹¹

¹¹အင်းစိန်ထောင်အတွင်း နိုင်ငံရေး အကျဉ်းသား ၁၁ ဦး အစာငတ်ခံ ဆန္ဒပြခြင်းဖြင့် ရိုက်နှက်ပိတ်ခံရခြင်းတားရံ (13 June, 2022).

Ayeyarwaddy Times. <https://www.facebook.com/508784185946254/posts/2202256276599028>

(1.9) Torture in interrogation centers and prisons

After the coup, innocent people who were arrested in public movements against the military dictatorship were forcibly taken to interrogation centers by soldiers without legal action and were subjected to many tortures. The statements of those who have been released and the wounds that remain on their bodies are strong evidence of the brutally torture in the interrogation centers.

“Recently, if they have arrested a young man for doing guerrilla strikes, without taking remands in their prison courts according to the law, at first and opening a case, they will conduct this investigation. The relevant inquiry was called first. Last a minimum of (7) days from a week and a maximum of (15) days; up to a month. Depending on how important is the person they captured? And which networks they are connected to. The main point is to be able to chase other related people. Therefore, there are also comrades who died during the interrogation. If they don’t fall, they get various injuries,” said a member of the strike committee, which is organizing the urban guerrilla strikes, in an interview.

People who are arrested for any crime can legally hire a lawyer to face their case, but after the coup d’état, the terrorist army illegally arrests and imprisons them, tortures and interrogations that do not match the procedures, as well as executions and killings. *“When I went to help those who were arrested, I saw in sight that they tortured many of them. In fact, the expression ‘torture’ is the only one I can use. In other words, they are doing it to kill those people gradually and effectively. Torturing is the process of killing them.”*

More than brutally arrested, put in jail and systematic physical and psychological torture, what we have found out is the people were subjected to sexual violence as well. *“I was arrested during the usual protest. At the time of arrest... I would say that when I was at the interrogation center, no water was given. Let me starve. Finally, I was asked the question until I was completely thirsty. Then they hit me with these strings. The back is torn. And these hands are smeared with knives, of course. I kept yelling. The second time at the interrogation center was after my house was robbed. At the center, I was beaten because I did not answer the questions asked by these guys. I was beaten with the ropes. There was a stabbing. And there was a coax that is, if I reveal someone who is in our network, I would be given a year’s sentence off from them. But for not doing this, I was beaten again with a rope. Then they point a gun to me and made it look like about to shoot. And then there is the point-and-shoot with a gun without a bullet. This kind of thing is done by the terrorist army,”* said a young man who personally encountered it during the interrogation and continues to participate in urban guerrilla strikes.

(1.10) Hell for women and LGBTQIA+ in interrogations and incarceration

Women and LGBTQIA+ people who are violently beaten and arrested during strikes are prosecuted under serious legal provisions and are subjected to brutal torture during interrogations. We will study some cases of sexual violence against women and LGBTQIA+ people in prisons and interrogation centers.

In July 2021, a female protester over 30 years old was arrested while blindfolded with a cloth and handcuffed backward. Then, she was beaten, kicked, and tortured by soldiers after they revealed that she was involved in the protest against the military dictatorship on her Facebook account. She was berated with abusive words and beaten with deadly weapons. Moreover, she was threatened to be killed with saw, gun, and hoofs, and asked questions by cutting her toes with a saw, until they get the answers they wanted. During the interrogation, the woman was forced to have her breasts touched by the terrorist soldiers. Forcing her to drink alcohol into her mouth and she was kicked and beaten when she does not drink. She even encountered with forcing to unbutton her shirt and attempt to rape and finally she escaped the incident by lying that she had HIV.¹²

During the anti-dictatorship demonstrations, the transgender people from Myanmar used a variety of dress codes to draw the attention of the world and the international community to the anti-dictatorship protests in various protests. That is why it is found that these people with different sexual orientations are more focused and oppressed by the terrorist army.

The Burma Student Union has issued an announcement that one member of the Union and two male interrogators were abused at the Mandalay Palace interrogation, and they are not allowed to receive medical treatment.¹³ In addition, women in prison face sexual exploitation and abuse on a daily basis.

In situations such as getting to meet prisoners in prison, going out for the trial, and going to the clinic, the staff members of the prison used to grab women's breasts for the reason of searching for illegal substances, drugs, money, and letter. It happens every day that women are subjected to physical examination. During the search, the prison staff sometimes commit sexual harassment like, "Your belongings are big or small".¹⁴ According to NUG government data in May 2021, more than 73 LGBTQIA+ people have been detained and at least 12 have been killed by the terrorist army.

Prominent LGBTQIA+ rights activist Sue Sha Shin Thant was hit by an army car while riding a motorcycle and arrested on 2 October 2021. It is found out that she was dragged upside down from a tree and beaten at the Mandalay police station, and she was sexually assaulted during the interrogation.¹⁵

¹²Moe Oo. (January 2022). အမျိုးသမီးတစ်ဦး ရောက်ခဲ့ရသည့် စစ်ကြောရေးခရီးစဉ် ၃၆ နာရီ။ Myanmar Now. <https://www.myanmar-now.org/mm/news/10110>

¹³အဖမ်းဆီးခံ အမျိုးသမီးရဲဘော်များ၏ စစ်ကြောရေးနှင့်ထောင်တွင်း လိင်ပိုင်းဆိုင်ရာစော်ကားခံရမှုများနှင့် ပတ်သက်၍ ထုတ်ပြန်ကြေညာချက်. (19 February 2022). All Burma Federation of Student Union. <https://www.facebook.com/abfsu.ccc/photos/a.113631383508735/487029066168963>

¹⁴နိုင်ငံကျဉ်း အမျိုးသမီးများ လိင်ပိုင်းဆိုင်ရာ မိန့်ပိခံနေရ. (10 September 2022). The Irrawaddy. <https://burma.irrawaddy.com/news/2022/09/10/254440.html>

In addition, there have also been cases of sexual exploitation in the Monywa prison where a drunken prison guard threatened a transgender woman with obscene sexual terms on June 30, 2022.¹⁶ It has reached a point where it is not even suitable for ordinary people to describe in words the brutality of the terrorist army. It can be said that no matter how much the military group uses violent and aggressive methods, the women and LGBTQIA forces in various fields either within the country or abroad have not stopped their fight for revolution without hesitation.



A photo of women arbitrarily arrested after crackdown in North Okkalapa, Yangon on March 3, 2021.

¹⁵LGBT တစ်ယောက်ရဲ့ စစ်ကြောရေးငရဲခန်း. (30 October 2021). BBC News.
<https://www.bbc.com/burmese/59102742>

¹⁶Tun Tun Win. (July 2022). မုံရွာအကျဉ်းထောင်တွင် ထောင်ဝန်ထမ်းက ဖမ်းဆီးခံထားရသည့်
LGBT ခံယူထားသူကို လိင်ပိုင်းဆိုင်ရာ အနိုင်ကျင့် (ဆက်သွယ်မေးမြန်းချက်). Mizzima.
<https://www.facebook.com/216265185075061/posts/5718905161477675>

Chapter (2)

(2.1) Legal Violations

In regard to the military’s violation of legal rights, two types of violations were identified. The first type of violation is the amending and abolishing of laws in order to violate people’s right to freedom of expression, freedom of movement, and freedom of peaceful assembly. Second, draconian laws and articles are used to impose harsh punishments on individuals exercising their intrinsic rights to freedom of expression and peaceful assembly. While the coup de tat the military committed is illegal by any law, the amendments and abolishment the military junta brought about afterward are just as arbitrary disguises. These fraudulent laws were presented in this report to illustrate how the junta used them to suppress the people on the ground.

(2.2) Amendments of the Privacy Law to Hinder Citizen’s Rights

The military announced that it had amended the Law Protecting the Privacy and Security of Citizens which might have protected the privacy and security of citizens to any extent before, making it feasible for it to arrest anyone anytime for opposing it. The military chief announced on 13 February 2021, two weeks after the coup, that “The stipulations of Section 5, 7 and 8 of the Law Protecting the Privacy and Security of Citizens shall be suspended in accordance with Article 420 of the State Constitution.¹⁷

The responsible authorities shall be accompanied by a minimum of two witnesses who comprise Ward or Village Tract Administrators according to article 5 of the Law Protecting the Privacy and Security of Citizens; No citizen shall be detained for more than 24 hours without permission from a court according to article 7 of the law; The responsible authorities shall not enter into a citizen’s private residence or a room used as a residence, or a building, compound or building in a compound, for the purpose of search, seizure, or arrest according to article 8(a); the responsible authorities shall not surveil, spy upon, or investigate any citizen in a manner which could disturb their privacy and security or affect their dignity according to article 8(b); the responsible authorities shall not intercept or disturb any citizen’s communication with another person or communications equipment in any way according to article 8(c); the responsible authorities shall not demand or obtain personal telephonic and electronic communications data from telecommunication operators according to article 8(d); the responsible authorities shall not open, search, seize or destroy another person’s private correspondence, envelope, package or parcel according to article 8(e); the responsible authorities shall not unlawfully interfere with a citizen’s personal or family matters or act in any way to slander or harm their reputation according to article 8(f); and the responsible authorities shall not unlawfully seize the lawfully owned movable or immovable property of a citizen, or intentionally destroy it either directly or by indirect means according to article 8 (g).¹⁸

¹⁷နိုင်လွတ်လဲ့ ဥပဒေပုဒ်မ ၅၊ ၇၊ ၈ တို့ပါ ဖြောင့်ချက်များကို ရုပ်ဆိုင်းသော ပြင်ဆင်သည့် ဥပဒေ ဖြောင့်ချက်. (2021, February 13). Eleven News. <https://news-eleven.com/article/204620>

Following the repeal of these laws, the military arbitrarily trespassed on homes to arrest political activists, protesters, and CDM members, as well as entering civilian homes without official warrants to arrest youth protesters hidden within and the house owners. In addition, the military engaged in stalking, eavesdropping on communication devices, obtaining the personal information of targeted persons from telecom operators, opening envelopes and parcels, abducting family members and spouses, and confiscating citizens' property.



A member of security forces firing at residential housings where protesters are hiding after the crackdown in Sanchaung Township, Yangon in mid March, 2021.

(2.3) Amendment of Ward and Village-Tract Administration Law

The Ward and Village-Tract Administration Law was amended on the same day as the privacy law was amended.¹⁹ By adding a phrase claiming that anyone failing to comply with the guest registration will be fined not exceeding ten thousand kyats or be imprisoned not exceeding seven days, the military junta attempted to prevent people from moving from one ward or village to another and make it difficult for protesters to take sanctuary. In addition to the suspension of some articles of the Law Protecting Privacy and Security of Citizens and the amendment of the Ward and Village-Tract Administration Law, the police and regime troops used excessive force to carry out arbitrary searches, beats, and arrests everywhere in contravention of the ethics of police force, which requires only two officers in uniform to enter and search homes.²⁰

¹⁹နိုင်ငံသားများ၏ ပုဂ္ဂိုလ်ဆိုင်ရာ လွတ်လပ်မှုနှင့်ပုဂ္ဂိုလ်ဆိုင်ရာ လုံခြုံမှုကို ကာကွယ်ပေးရေး ဥပဒေ. (2018, October 7). Myanmar Law Library. https://myanmar-law-library.org/IMG/pdf/protection_of_the_citizen_for_the_personal_freedom_and_personal_security_law_no5_2017.pdf

²⁰ရန်ကုန်မြို့နယ် တချို့တွင် ဧည့်စာရင်းတိုင်ရန် ဖိအားပေးနေ. (2021, March 22). Myanmar Now.

<https://www.myanmar-now.org/mm/news/6216>

²⁰From the interview.

(2.4) Cases Under the Peaceful Assembly and Peaceful Procession Law

Organisers of a protest can face three months sentence without a permit unless they inform the respective authorities 48 hours in advance according to the Peaceful Assembly and Peaceful Procession Law. The previous civilian government led by the NLD had used the special law to prevent people from exercising their fundamental right to freedom of expression, jailing them. Thus, successive authorities often use the Peaceful Assembly and Peaceful Procession Law to control demonstrations and protests. The military, however, has used Section 505 (a) of the Penal Code which has a longer sentence than the Peaceful Assembly and Peaceful Procession Law in many prosecutions of the detained protesters since the coup. *There are 17 cases under the Peaceful Assembly and Peaceful Procession Law including 13 cases in Rakhine State.*

(2.5) Amendments of Section 505 of the Penal Code

The military declared that it had issued the law amending sections 505 (a), 505(b), 505(c) and 505 (d) of the Penal Code and adding sections 505 – A and section 505 – A (1), (2), and (3) on 14 February 2021. The replacement of section 505 (a) mentions “(a) whoever with intent to cause, or which is likely to cause, a member of the Defence Services or government employees to deprive effect, hinder, disturb, damage the motivation, discipline, health, conduct upon Government or the Defense Services and the duty of government employees or members of defense services to be into the hatred, disobedience, disloyalty” with a penalty of up to two years in prison or fine or both.²¹

Furthermore, Section 505(A) was also added as “cause fear, spread false news, agitate directly or indirectly criminal offense.” After the newly added Section 505(A),

As well as that, Section 505(A) was also added to express “cause fear, spread false news, or agitate directly or indirectly criminal offenses.” After the newly added Section 505(A), “Whoever: Section 505(A)(1) causes or intends to cause fear to a group of citizens or the public; Section(A)(2) causes or intends to spread false news, knowing or believing that it is untrue; Section(A)(3) causes or intends to commit directly or indirectly criminal The punishment is a maximum of three years in prison or a fine or both.²²

These legal amendments and enactments aim to intimidate, suppress, and prosecute the people for exercising their right to freedom of expression and freedom of peaceful assembly. Consequently, most people arrested are prosecuted under Section 505 and sub-sections of that section of the Penal Code rather than under the Peaceful Assembly and Peaceful Procession Law.

²¹ ၂၀၂၁ခုနှစ်၊ ဖေဖော်ဝါရီ ၁၄ ရက်နေ့တွင် တပ်မတော်က ရာဇသတ်ကြီးကို ပြင်ဆင်သည့် ဥပဒေ အနှစ်ချုပ်၊ (2021, May). Centre for Law and Democracy.

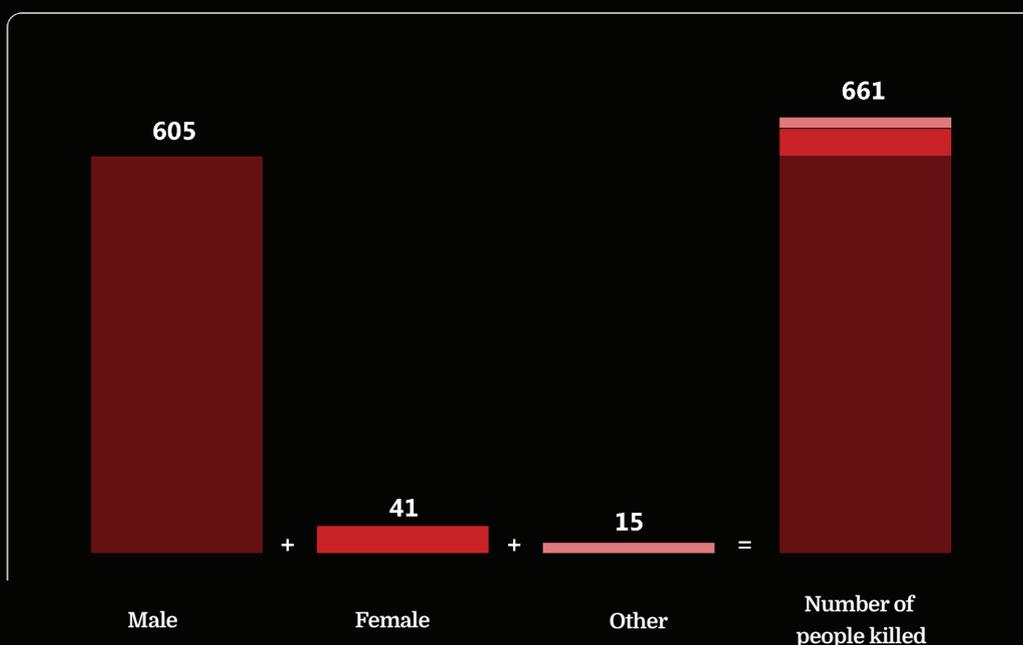
²²ibid.

(2.6) Counter-Terrorism Law

The Counter-Terrorism Law was passed in June 2014 under the quasi-civilian government led by U Thein Sein. The law aims to prosecute if two or more people are convicted of acts of terrorism against the nation or diplomatic organisations. The legal provisions of the law aim to prevent criminal offences but the political issues.²³

There have been a total of 535 prosecutions under the Counter-Terrorism Law since the coup, including the cases lodged for peaceful protests and processions according to the Assistance Association for the Political Prisoners (AAPP). For instance, Ko Wai Yan Kyaw, Ko Chit Naing and Ko Zin Myo Win were prosecuted under the article 52(a) of the Counter-Terrorism Law for organising anti-junta protests in Tanintharyi Region’s Dawei township. Ko Wai Yan Kyaw was sentenced to nine years in prison.

**Number of People killed during the peaceful protests by the killings of the military
(From 1 February 2021 to 30 September 2022)**



²³စစ်ကောင်စီအသုံးပြုနေတဲ့ အကြမ်းဖက်မှု တိုက်ဖျက်ရေးဥပဒေ. (2022, April 5). RFA စကားစိုင်း. <https://www.youtube.com/watch?v=M51A1nwfi2M>

Chapter (3)

(3.1) Unceasing Strikes

Despite the military junta’s extremely brutal arrests and murders, people’s struggle for democracy and freedom has always prevailed, still perpetuating strikes and protests since the first day of the coup. The residents have preserved the protests in Kalay, Yinmabin and Salingyi, the oppressed townships in Sagaing Region. The local community continues to show their adamant dissent with the main strike of Kalay township, Shwenewthway strike and the “Our Village Searches No Savior” strike in Yinmabin, and the multi-village strikes in eastern Yinmabin and northern Salingyin.

Marking the 425th day of the strike, Shwenwethway strike members protested on 30 July 2022 despite the unstable situation in Yinmabin township, Sagaing Region. A young strike leader said, “The youths want freedom. If the military dictatorship continues, the youth will have no freedom. Therefore, the youth are fighting to overthrow the military dictatorship.”²⁴ The main strike of Kalay township also carried out its 516th day of protest on 9 July 2022, holding a banner reading, “Resist until the end. This is the vigor of 5/”.²⁵

(3.2) The Military’s Oppression of Local Peaceful Protesters



Peaceful protestors running away from the crackdown as the security forces fire flash bangs and tear gas in Yangon on 17 March, 2021.

²⁴“ယင်းအပင်ဖြူနယ်တွင် ရွှေတိဂုံဆေးသစ်တံချီတက်ဆန္ဒပြ” (2022 June 30), Mizzima Burmese <https://www.mizzimaburmese.com/article/110384>

²⁵“အဆုံးထိတော်လှန် ၅/ တို့အားမာန်” စာတန်းကိုိုင်ဆောင်ဆန္ဒပြခဲ့တဲ့ ကလေးဖြူပင်မသမိတ်. (2022 July 9), Delta News Agency <https://www.facebook.com/662575584120143/posts/1690612784649746>

In response to peaceful protests, the military fired real bullets at protesters and rammed vehicles into them in its most inhumane and destructive response to peaceful protesters expressing their opinions, thoughts, and demands.

In the aftermath of the coup, the junta troops rammed military vehicles and private cars into peaceful protests 19 times, eight of which occurred in Mandalay Region, five in Yangon Region, three in Sagaing Region, one in Shan State, one in Kachin State, and one in Tanintharyi Region.

Kachin State	08 Mar. 2021								1
Sagaing Region	15 Apr. 2021	22 Feb. 2022	06 Jun. 2022						3
Tanintharyi Region	27 Mar. 2021								1
Mandalay Region	08 Mar. 2021	27 Mar. 2021	14 Jun. 2021	03 Jul. 2021	16 Aug. 2021	11 Sept. 2021	18 Oct. 2021	08 Dec. 2021	8
Yangon Region	05 Dec. 2021	07 Jul. 2021	20 Apr. 2021	27 Jul. 2021	30 May 2021				5
Shan State	15 May 2021								1
	Grand Total								19

Case Study



Soldiers pretended as civilians and rammed into the protesters on 7th July Memorial Day on 7th July, 2022.

Initially after the coup, the terrorist military used various ways to crack down, strike and murder people for their participation in anti-junta public campaigns. Later, they continued to commit further acts of violence including firing guns at and ramming military vehicles or private cars into the flash mobs.

“Ramming cars into protests at an unexpected time has become more common. Second, it (the junta) has arrested the activists by tracking the vehicle license plates. These present us with a challenge. Many youths have been arrested while many other youths have fallen. Many youths sacrificed”; a young participant of flash mobs in Yangon’s various townships recalled the hurdles they encountered in organising mob flashes.

In Monywa township, Sagaing Region, military forces in a car rammed into the protests of “222222 Busy Strike” on the morning of 22 February 2022, arresting five youths and forcing a pregnant protester to miscarry. The military used a private car to ram into a marching strike near Chan Thar Ya pagoda, Chanayethazan township, Mandalay city on 11 September 2022 morning as well, arresting two protesters and killing another one. In addition to car ramming into the flash mobs, the junta forces also raid civilian houses and check “guest registrations” at night after they have tracked the license plate numbers of the cars or vehicles used by the protesters from their sources, CCTV records, or the respective traffic police officers. During the raids and guest registrations at night, they also arrest and torture civilians within the community as well as destroy shops, markets or civilian quarters near the protest area without cause.²⁶

“It has been more than a year since April 2021. The number of flash mobs has not decreased over time. There have been a variety of crackdowns carried out by the enemies during this period. They fire guns when it is convenient for them to do so. Sometimes, they ram a car into the protests. There are a variety of methods they use to crack down,” said another strike committee member.

²⁶From the interview.

(3.3) Violent Oppression and Public Participation

While the terrorist military is cracking down on protesters using a variety of wicked methods, flash mob demonstrations are organized to inform the international community that the terrorist/brutal military has no right to rule and to adjure the public. It has been over a year since an illegal coup has taken place, and the military has committed violent arrests, torture, killings, and other injustices against the people by using various means to organize protests.

For the sake of confusing and dividing the public and the protesters, the military has committed unlawful acts including arbitrary arrests, torture during interrogations, and destruction of public property along the streets, in the neighborhood, and in communities where the protesters have organized flash mobs. *When a strike is organised in front of us, those guys (the junta forces) come to this place and cause trouble for the people. They arrive at midnight to check household registrations and terrorize, beat, and melee the residents. This is the message they wish to convey to the public. There is a message from the dictators that they must do it to the public as retaliation for these strikes. They want to form the idea that they won't need to do such acts if we don't organize strikes,*” a strike committee member commented.

Public participation in anti-junta protests consists of two components: people's support and people's involvement. People's support for the anti-dictatorship revolution has never waned since the coup in February 2021. People's involvement in flash mobs, however, has weakened because of the aforementioned terror acts by the military. *“The military has caused a great deal of division between the public and us, such as the arson attack on Hledan market. With a large number of such divisions, flash mob protesters face the challenge that people are afraid of our actions every day. People start to think, “If we engage in this (flash mob protest), clap, chant the mottos, or encourage here, then the military will perform cruel acts against us.” I saw that they started to think violence happened to them due to our strikes. Consequently, the people's support for our flash mobs has dropped drastically”*, a youth participating in current anti-junta flash mobs explained.

People welcomed the flash mobs by clapping, encouraging and helping them in the early stages of their emergence in several townships. However, the number of people taking part in flash mobs dramatically declined later due to military oppression. Regarding this fact, another member of a strike committee also highlights the case of Hledan market and changes related to the decline of people's involvement in strikes as follows; *“The military changed its tactics a little in the transition of 2021-2022. If they cannot arrest or oppress protesters, they tend to oppress the protest areas. A protest erupted in the Hledan 50-foot market as an example. The market was set on fire at night and property was destroyed. Thus, flash mobs were organized in three to five different locations in Yangon at the beginning of 2022. The public supports them but is fearful of showing their support. Afterward, people avoided flash mobs when we organized them. Let's leave it at that If there is a trishaw driver in the area. His only action is to move away from the mob. In the case of a vendor, he or she collects their merchandise and leaves. This is more likely a result of fear than a lack of support. In their minds, they support them. However, they are terrified to attend and participate in protests. I found that change. Support does not weaken over time. People got scared.”*



A vendor from Kamaryut Township in Yangon participated in beating pots and pans campaign in early February, 2021.

(3.4) Flash Mobs in Cities and Risk of Digital Surveillance

Despite the fact that the terrorist military has been in an illegal grip of power for more than a year, the people's revolution against it remains steadfast, with protests, anti-coup campaigns and flash mobs taking place throughout the country. As part of its efforts to clamp down on such activities, the junta has installed closed-circuit televisions equipped with artificial intelligence and facial recognition technology in major cities.

Regime forces and police have used CCTV cameras to track public movements, recorded the cars and motorbikes used in the protests, and communications between activists. They also identified the homes and checkpoints of the protesters, committing consecutive arrests, imprisonment and murders. *"In the vicinity of the Sule pagoda roundabout, two CCTV cameras may be installed every 10 x 10 square feet. At least 40 or 50 CCTV cameras have likely been installed around the Sule pagoda. Several CCTV cameras are deployed at the entrances and exits of the military-owned Moe Kaung Treasure Maternal and Child Hospital and other hospitals. According to media reports, these CCTV cameras are capable of performing facial recognition. We can't verify it but we are sure the number of CCTV cameras is increasing. The surveillance system of the enemy is advanced,"* a strike committee member said.

According to the analysis, informants and lobbyists of the terrorist/brutal military have circulated Facebook accounts, profile pictures and other personal information about the protesters of the flash mobs via their Telegram channels, encouraging the terrorist military to arrest and murder them. In commemoration of the 34th anniversary of the 8888 uprising, prominent lobbyists of the terrorist military circulated the Facebook profile and some information about a youth who took part in the “Umbrella Strike” staged in the Yangon downtown area on 8 August 2021. The terrorist/brutal military then violently stormed his home as a result.

(3.5) Effectiveness and Impacts of the International Laws on the People Under Oppression



A protestor holding a placard in front of UN office in Yangon in February, 2021 while he protests against the UN position in Myanmar.

Local protesters and unjustly arrested people were not protected by international law and standards after the coup. A legal expert said *“The ability of international laws to protect people is zero percent. Why? Let’s take a closer look at the nature of international law. Legal binding requires “Force” if there are laws. There is a law, and there is a force as well, so there will be law enforcement. Without force, the law won’t be enforced. It is like the absence of the law. Therefore, there are laws in the international community. There is no force in Myanmar to enforce the laws. How can we ensure the protection of the law in Myanmar unless the enforcement of the law impacts Myanmar? This is not possible at all. This is impossible.”* The military not only disobeys international law but blatantly breaches it, while international law stands as a standard in Myanmar’s revolution.

(3.6) Sexual Harassments of Woman Lawyers

The junta troops have subjected young female lawyers providing legal representation to political prisoners arrested for participating in the protests to various forms of sexual harassment, according to one of these lawyers. Previously, female lawyers were permitted to meet with detainees with the approval of the prison warden. Lawyers often experience verbal harassment and physical harassment by drunk soldiers assigned as guards in the prison while visiting detainees there. When a female lawyer met her client at a court hearing in Yangon, a soldier “said, “Madam, I will walk you to the defendant” and touched her shoulder, back and finally her bottom. In a separate court hearing, the sexually perverted soldiers used vulgar language referring to us - that is difficult for me to mention here – and stared at our top and bottom”,²¹ a woman lawyer said.

According to the answers, verbal sexual harassment has become a common practice for ordinary soldiers. During working hours, junta soldiers sexually harass young female lawyers, and no legal protection is available for being bullied by them with arms, posing dire security risks for them without any response.

Chapter (4)

Conclusion

There have been a number of protests against the terrorist military since the coup on 1 February 2021. Such movements have gained massive public participation and involvement from people across the country since the initial stage. However, public participation in protests has declined significantly since the military started cracking down violently on peaceful protests. Soldiers loyal to the terrorist organization have used assault weapons to suppress the protests of the populace and have committed unjust arrests, beatings and murders of innocent people. The terrorists have also used all available means to suppress flash mobs in the cities in a widespread and effective manner.

In many cases, the terrorist military sentenced the unjustly arrested people to heavy imprisonment terms under irrelevant legal provisions or charges after forced detention in the interrogation centers without compliance with the code of judiciary procedures. However, the people continue participating in respective fields of public revolution against the junta from the beginning of the protests despite various ways of oppression by the terrorist military.

Research Methodology and Challenges

This research report is based on the data consistently collected by Athan on social media regarding the peaceful assemblies and public demonstrations against the military's grip on power in Myanmar following the coup, as well as unlawful and brutal crackdowns on protests, as well as separate interviews with participants of the public campaigns, strike committees, and lawyers with legal expertise.

According to the analysis of the reasons, some people were arrested in protests in association with exercising their right to peaceful assembly and procession, some others were held at home or other locations for allegedly participating in past protests, and some were taken into custody arbitrarily without committing any offences. As a result, we found it quite challenging to verify whether every individual in our findings was arrested for participating in peaceful assemblies.

As a significant challenge, the research team could not conduct in-person interviews with the interviewees due to security concerns based on the ongoing situation on the ground.

Another challenge was the fact that the active youth participants of the flash mobs could not attend the interview appointments afterward because they had to hide from the terrorist junta.

Acknowledgment

We would like to thank everyone for taking the time to provide information that is useful in the anti-junta revolution as well as for contributing to any aspect of the revolution.



Athán, 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, and traditions, and events that hinders freedom of expression; supporting legislative reforms in line with democratic standards and grounded by conducted researches, and advocating in different stages and sectors for the full enjoyment of freedom of expression. Athán envisions a society that fully enjoys the freedom of expression as part of the democratic value

