



# THE REVOLUTION WILL NOT BE BROADCAST

MYANMAR: IFJ SITUATION REPORT 2022

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**Cover:** A protester makes a three-finger salute as others make noise by hitting metal objects and singing revolutionary songs during a demonstration against the military coup in Yangon's Ahlone township on April 3, 2021. CREDIT: STR / AFP

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## FOREWORD

In the 22 months since the Myanmar military junta took power and amid the ensuing torrid civil war, the state of press freedom in the country has continued to worsen to catastrophic levels. After flouting democracy and the results of a genuine election that would have seen their power greatly reduced, military leaders moved quickly to suppress critical and independent voices.

The progress that had been slowly made in Myanmar – due to the hard work of journalist communities, unions, civil society, law reform experts and press freedom organisations – was effectively obliterated with the passing of laws and targeted attacks on media outlets and individual journalists in the wake of the coup.

Today Myanmar shares company with the highest jailers of journalists globally. Incidents of attacks, harassment, intimidation, censorship, detainment and killings of journalists and media workers continue to be reported almost daily.

Critical setbacks to democracy, freedom of expression, media freedom and fundamental human rights guaranteed under international law have been devastating for Myanmar's people. The killings and mass atrocities waged against its civilians cannot be understated – more than 2,700 killed to date and over a million displaced. With it, the junta continues to intensify restrictions in the online space and is preparing to adopt a cybersecurity law that would grant the regime the power to ban content, access and intercept user data.

In this climate, journalists were forced to flee, go underground and find other work to survive. Attacks against media workers while reporting, the shutting down of independent media, state censorship, satellite blackouts and confiscation of mobile phones have intensified the challenges for reporting.

Critically, inadequate international sanctions and an ineffective five-point consensus from the Association of Southeast Asian Nations (ASEAN) continues to give the junta a pathway to pursue its horrific warfare campaign against its own people.

While the regime is actively contested in the majority of Myanmar's territory, military air strikes on civilians and heavy ground bombardment are now commonplace as it attempts to combat pro-democracy resistance organisations fighting back against the junta. But Myanmar's people are bravely fighting on for their right to self-determination.

This report brings together the lived experiences of Burmese journalists and media workers living under the military junta.

While very few contributors can be mentioned due to ongoing safety concerns, the IFJ thanks its affiliates and the brave journalists in Myanmar for their contributions and their continued commitment to press freedom under immeasurable challenges.

In Myanmar, the revolution will not be broadcast. But the courageous work of Myanmar's journalists is ensuring that the true story of Myanmar gets out to the world so that we can continue to pressure the international community to act and hold its leaders to account.

**IFJ Asia-Pacific**

## CATALYST FOR A COUP

February 1, 2021 was to be the opening session of Burma's newly elected parliament. Instead, Myanmar's President Win Myint and State Counsellor Aung San Suu Kyi were taken from their homes at dawn and locked-up along with national and regional political leaders, activists and National League for Democracy officials and accused of election fraud by the military.

The Myanmar military's illegal coup and its unproven allegations were triggered by Suu Kyi's NLD's massive election win on November 7, 2020. The NLD won 82% - 920 of the 1,117 contested seats. The military's proxy, the Union Solidarity and Development Party, only managed an embarrassing 71 seats or 6.4%.

The USDP's failure at the ballot box and the NLD's landslide victory would have given Suu Kyi's party the electoral approval it needed to amend the 2008 Constitution and introduce much needed economic reforms – undoing the military's stranglehold over the country's political and financial infrastructure.

In the 20 months since Myanmar's military launched its coup, its leaders have dismantled the country's fledgling parliamentary infrastructure, arrested its elected lawmakers, driven the economy into the ground, demolished the country's health system, displaced hundreds of thousands of people and destroyed independent media. Using aerial strikes and on

ground artillery bombardments, it has driven over a million people from their homes.

Myanmar today is in the midst of a savage civil war – yet the story is not being fully told. The military coup marked the end of Myanmar's independent news power to report freely.

IFJ's affiliate, the Myanmar Journalists Network (MJN), explained how the military has criminalised journalism in the period since.

"The independent journalists who are still working in the country face danger every minute, every hour of everyday," it said. "Journalists can be arrested without reason, and in the worst-case scenario, there is the real possibility of a death sentence, and even if they can escape, they have to worry their family can be arrested as a hostage in their place. After being arrested, journalists worry that there is no regular support for their families. To help change this situation, there is now an urgent need for all stakeholders in the media field to work together."

### ACCESS DENIED AMID PROTESTS

Aware of Myanmar people's dependence on the internet for information, the military began blocking internet services in the hours leading up to its coup in February 2021. In the following days it increased its disruptions, surveillance on users and censored or blocked social media apps, denying the



Protestors make a three-finger salute and set off flares during a flash mob protest against the military coup in Yangon on July 7, 2021. The demonstration marked the 59th anniversary of the 1962 student protests and the resulting military crackdown. Credit: Myat Thu Kyaw / NurPhoto via AFP



Protesters take part in a demonstration against the military coup in Yangon on July 7, 2021.  
CREDIT: STR / AFP

country's more than 73.48 million registered mobile phone connections access to news.

The military-led shutdown of the internet systematically and effectively denied the people of Myanmar of their "basic rights - freedom of expression, access to information and privacy - guaranteed under international human rights law.

On day two of the coup, the commander-in-chief of the Myanmar military, General Min Aung Hlaing, installed a puppet governing body - the so-called State Administration Council - with eight of the initial 11 members high-ranking serving military officers.

Meanwhile, nationwide protests erupted and intensified as civilians took to the streets in the tens of thousands. People marched and joined strikes under a Civil Disobedience Movement banner while raising three finger salutes to show their solidarity and opposition to the coup. As strikes and protests grew - railway workers shut down the country's trains, over 3,000 truck drivers joined, miners downed tools and staff at more than 100 hospitals stopped work. Musicians, actors and artists went public with their opposition to the coup and more than 8,000 teachers refused to work under the State Administration Council.

A massive blow to the military coup leaders was delivered by the ethnic armed organizations, the Kachin Independence Army and the Karen National Union, which both announced support for the protesters, denouncing the military coup as illegal and offering sanctuary to the political opposition.

In an official statement, the KNU confirmed its opposition to the military regime and its offer of protection to anti-coup protestors and journalists targeted: "We will support and assist anyone who seeks shelters and protection from Burmese military's brutality and atrocities, and we will continue to explore alternative approaches to address the root causes of civil war and bring genuine peace and stability to the country."

The IFJ understands that hundreds of media workers took up the KNU's offer of sanctuary and fled to territory under its control.

### SILENCING DISSENT

Reacting to nationwide protests with lethal force, the military used snipers and live ammunition to target protesters and journalists reporting demonstrations on the ground.

Images of the military's violent and deadly response to the mostly peaceful demonstrations, were tweeted, posted on social media, and shown on international television networks. To stop reports and images of its violence against unarmed pro-democracy opponents of its coup, the military began attacking citizen rights - access to internet content, stopping independent media reports and criminalising journalism.

By February 12, the military-controlled Ministry of Information sent a blunt letter warning independent media organisations against referring to its State Administration Council as a 'coup government' or 'junta', military generals as 'coup leaders' or that there had even been a 'military coup'.

The State Administration Council ordered media organisations to report it as a necessary interference by a lawful governing body because of [unproven] election fraud by the National League for Democracy in the November 2020 elections. It also immediately began to expand and amend laws to arrest and prosecute anyone opposed to its rule - critics, protesters and journalists.

Media organisations and journalists, publishing and covering the country's nationwide opposition to the coup faced harassment, arrest, torture and jail by the military intent to stop credible and vital information getting out to the public and to the international community.

## BENDING THE LAW

Two weeks into the coup, on February 14, 2021, the military-appointed State Administration Council, amended the country's Penal Code and Criminal Procedure Code to give a veneer of legality to the violence wrought against people critical of or in opposition to its rule.

The military sponsored newspaper *Global New Light of Myanmar* published the amendments on Page 2 of its February 15 edition, with the amendments signalling the military's intent to strangle and criminalise freedom of speech, expression and association. Section 124-A; as published in the GNLM states in part: "Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt... and Section 505-A: cause fear, spread false news, agitate directly or indirectly criminal offence against a Government employee..."

The amendments gave the military a weapon to punish anyone critical of its illegal coup, its State Administration Council or the military and its attacks on civilians. In doing so, the military had 'criminalised' accepted international standards of freedoms - speech, expression, assembly and association - to suit its agenda.

With the laws in place, the military's campaign of terror began against the country's civilian population – members of the Civil Disobedience Movement, artists, poets, actors, politicians, health workers, student leaders, civil servants, workers, transport workers and journalists.

## STOPPING THE PRESS

On March 10, the front page of the *Global New Light of Myanmar* confirmed coup leaders had on March 8 revoked the licenses of independent media outlets *Myanmar Now*, *Mizzima*

*Media*, *Democratic Voice of Burma (DVB)*, *7 Day News* and *Khit Thit Media*. The article said the five outlets had been "banned from publishing or broadcasting" or using any kind of media or technology platforms.

Myanmar's military intensified efforts to dismantle the country's independent media and block journalists' ability to work. There are now at least 12 banned media houses.

Delta News Agency (DNA) based in Patheingyi City, the capital of the Ayeyarwady Delta Region, had its licence cancelled in November 2021 and arrest warrants issued for its editors Phyoo and Soe Ya under the amended Penal Code article 505A. By September 2022, Burma Associated Press estimated 15 media outlets had permanently closed.

The military regime also wrested control of all state sponsored media and placed it back under its Ministry of Information – television, radio, print and numerous social media platforms.

Hundreds of journalists have lost their jobs with the closure of independent media outlets. Journalists working for the regime-controlled state media have no space to produce independent content outside of that sanctioned by the military.

Professional independent journalists struggle to verify information. Travel is dangerous. Getting paid pre-coup professional wages is difficult, as many media outlets now offer reporters citizen journalist rates.

Despite the restrictions, many of the banned media groups continue to try to broadcast covertly from border regions under the control and safety of ethnic armed groups or from neighbouring countries.

But with the country now a battle zone, no independent media worker in Myanmar is safe. The military continues



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SUIT ITS AGENDA.**

Media workers seek shelter behind an improvised barricade in Mandalay during ongoing demonstrations against the coup in February 2021.  
CREDIT: SUPPLIED

## MYANMAR MILITARY'S CHANGES TO THE PENAL CODE

A national human rights organisation, Free Expression Myanmar, spent a year monitoring and analysing data specifically around the Penal Code and its amendments on February 14, 2021.

In the executive summary of its report – *505A – Act of Revenge, Review of Myanmar Speech ‘Crimes’* – explained: “The two articles, one written and the other amended by the military since the coup, criminalise individuals for a range of speech ‘crimes’. These include condemning democratic campaigning as ‘incitement’ and persecuting journalism as spreading false information.”

### Key changes to the Penal Code:

**High Treason (Amendments to Section 121):** High treason now includes any attempt to overthrow the “organs of the Union” whether by unconstitutional or any other means. Previously, it was limited to using violence as a means to overthrow these organs.

- Penalty: the same, namely death or 20 years’ imprisonment
- It is also a crime to encourage or harbour a treasonous person (20 years’ imprisonment) or to fail to disclose another’s treason (seven years’ imprisonment)

**Sedition (Amendments to Section 124A):** Prohibits bringing the government, and now also explicitly the military, into contempt or disaffection, meaning disloyalty or feelings of enmity towards them.

- Penalty remains a potential maximum of 20 years’ imprisonment

**Hindering Performance (New Section 124C):** It is now a crime to sabotage or hinder the success or performance of the military or law enforcement organisations “engaged in preserving the stability of the State”.

- Penalty: up to 20 years’ imprisonment and/or a fine

**Hindering Employees (New Section 124D):** It is now a crime to disrupt or hinder military personnel or government employees in the course of their duties:

- Penalty: up to seven years’ imprisonment and/or a fine

**Undermining Morale (New Section 505(a):** It is now a crime to make statements which undermine the motivation, discipline, health or conduct of military personnel or government employees or which bring their conduct into hatred or disloyalty.

- Former sections 505(a)-(c), on statements causing mutiny, fear or alarm among the public or crimes by one class of person against another have been preserved
- Penalty for all sections: up to two years’ imprisonment and/or a fine

**Causing Fear, Spreading False News and Agitating Crimes (New Section 505A):** It is now a crime to cause fear among a group of citizens (505A(a)), spread false news that one believes to be untrue (505A(b)) or agitate, directly or indirectly, for the commission of a criminal offence against a government employee (505A(c)).

- Penalty: up to three years’ imprisonment and/or a fine

**Source:** Centre for Law and Democracy [www.law-democracy.org](http://www.law-democracy.org), [https://www.law-democracy.org/live/wp-content/uploads/2021/05/Myanmar.Penal-Code-Summary.FINAL\\_.pdf](https://www.law-democracy.org/live/wp-content/uploads/2021/05/Myanmar.Penal-Code-Summary.FINAL_.pdf)



An activist makes a three-fingered salute while protesting the execution of four pro-democracy activists outside the United Nations University in Tokyo on July 26, 2022. Credit Philip Fong / AFP

## THE MYANMAR PRESS COUNCIL CONTINUES TO OPERATE, DESPITE 15 OF ITS MEMBERS RESIGNING IN PROTEST.

to target journalists. The amending of vague laws has criminalized media workers. Reporting on issues vital to citizens understanding of important events to help them make informed decisions, is now a crime.

Meanwhile journalist industry and representative groups have also been forced underground by fears for their safety and the potential for arrest under the amended laws. The Myanmar Press Council continues to operate, despite 15 of its members resigning in protest over restrictions imposed by the military regime, which they said threatened press freedom and restricted their ability to protect journalists. After the resignations, the military loaded its structure with lackeys willing to extol the virtues of the military and ignore the brutal crackdown on democratic organisations.

MPC attempts to lobby, distort and whitewash the military regime’s suppression of media freedoms and arrest of Myanmar’s journalists backfired at the Dili Dialogue Forum in Timor Leste in August 2022. The organisers, the Conselho de Imprensa (Press Council) of Timor-Leste (CITL), said in a statement that it “expressed its serious concerns at the misleading representation of the situation of press freedom in Myanmar” at the forum by a representative of the Myanmar Press Council. *The IFJ supported the Press Council of Timor-Leste for excluding military appointed representatives of the Myanmar Press Council from future regional events. The IFJ said: “Claims made regarding the situation of press freedom in Myanmar are highly concerning, and the Myanmar Press Council must be condemned for abdicating its role as a supporter and advocate of a free press.”*

An online paper by academic Nwet Kay Khine -*The Repression and Erosion of Independent Media in Myanmar Since The Military Coup* – explains: “When the ethical media fades, misinformation and disinformation find more fertile ground to grow.”

## EMERGENCE OF AN OPPOSITION & ARMY

Elected lawmakers, forced into hiding or exile soon established a National Unity Government (NUG) in opposition to military rule in response to the military takeover and jailing of elected politicians.

Formed in April 2021 by the members of parliament voted in at the 2020 elections and outlawed after the coup, the NUG began to act as the country's government in exile. It also formed ministries and a People's Defence Force (PDF). But by May 8, the military-controlled, state television MRTV, labelled the NUG and its People Defence Force, as terrorist organisations, and accusing both of murder, bombings and arson.

In September, 2021 NUG declared a civil war against the regime. In a seven-minute social media broadcast, NUG president Duwa Lashi La announced it was time to put a stop to the military regime's continued torture, detention, jailing and murder of civilian's opposed to the military's coup and its dismantling of the country's parliamentary system. In the address, he called on the PDF to "target military assets...protect lives and property of the people," and urged ethnic armed organizations to "assist and protect PDF and their allies [and] immediately attack Min Aung Hlaing and the military council."

Conflict intensified nationwide as the military tried to crush its political opposition – the NUG, the PDF and ethnic armed groups. Border regions became specific targets as thousands of

activists, politicians, civilians and journalists sought safety.

The military junta was now for the first time waging a nationwide war observers said it could not control and the National Unity Government appeared to be winning support and recognition from both people inside and from the international community.

### ARREST, TORTURE, JAIL

The Centre for Law and Democracy posted on its website that the "military is now using section 505-A [amended Penal Code] essentially as its default for bringing criminal charges against a wide range of persons deemed to pose a challenge to their authority."

Anyone with a phone could now be detained and held indefinitely at an interrogation centre if they had shared a photo, article, cartoon, poem, song or had visited an internet site deemed as critical of the military.

The Assistance Association for Political Prisoners (Burma), reported as of October 19, 2022, the military killed 2,371 people, arrested another 12,700, 1582 are serving sentences, 126 people have been sentenced to death and four have been executed since the military's coup on February 1, 2021.

An AAPP, 2022 report - *Accountability for the Junta Criminals - Evidence of Crimes Against Humanity Perpetrated by the Armed Wing of the Junta in Burma Since the 2021 Coup* – documented



Members of the Myanmar military take part in a parade in Naypyidaw to commemorate Armed Forces Day on March 27, 2022. CREDIT STR / AFP



**ANYONE WITH A PHONE COULD NOW BE DETAINED AND HELD INDEFINITELY AT AN INTERROGATION CENTRE IF THEY HAD SHARED A PHOTO, ARTICLE, CARTOON, POEM, SONG ...**

Smoke billows at Bayint Naung Junction, Yangon.  
Credit: Supplied

how arrests of political prisoners came with torture – beatings so severe they resulted in broken bones and fractured skulls, often left untreated in unhygienic conditions. The AAPP data exposed the brutality, systematic violations and inhumane conditions people are subjected to for daring to oppose the military.

AAPP's report also documented not only the physical torture endured by prisoners, but also the psychological – mental and emotional torture induced by long periods of isolation, threats, bullying, constant vilification and sexual violence by the junta.

“Rape and other forms of sexual violence are also used as a method of torture. Such cases have been reported in coercive environments such as prisons and interrogation centres, mostly targeting women but affecting all genders.”

The International Commission of Jurists (ICJ) denounced in a statement on its website that Myanmar's military had destroyed the country's judicial system and left its citizens without legal protection. The International Commission of Jurists (ICJ) is made up of senior judges, lawyers and legal academics,

who advocate and campaign to defend human rights and international rule of law. The ICJ statement explained “there is no credible legal recourse available to thousands of people in Myanmar who have been subject to arbitrary detention, enforced disappearance, torture and ill-treatment, unlawful killings, and forceful displacement.”

The ICJ said Myanmar's judiciary system was ‘overwhelmingly subservient to the military’ and offer no legal protection of human rights and is misusing “military tribunals... to try civilians, frequently resulting in the imposition of the death penalty or lengthy prison sentences with hard labour; illegal arrest and detention of more than 11,000 people on vague or illegitimate charges related to their exercise of their right to freely express themselves; subverting ordinary judicial processes for suspects, including children; widespread use of torture and other ill-treatment to obtain “confessions” and punish political detainees.”



## KILLING THE MESSENGER

The IFJ's affiliate, the Myanmar Journalists Network (MJN), has documented in the 18 months since the coup that 159 journalists were arrested, four have been killed, and 59 are in jail - 47 men and 12 women. Among the media workers killed are:

**Ko Soe Niang, December 14, 2021:** Freelance photojournalist, Soe Naing was arrested and detained at a military interrogation centre in Yangon's Eastern Botahtaung Township on December 10. Soe Naing had covered anti-coup protests for months and was arrested while documenting a 'silent strike' street protest in Yangon. During four days of interrogation and torture, Soe Naing was badly beaten and died from his injuries. He is survived by his wife and a son aged four.

**Sai Win Aung aka A Sai K, December 25, 2021:** Sai Win Aung, better known as A Sai K, the poet and editor of the *Federal News Journal*, was working on stories of the fighting and displacement when he was killed by shrapnel from a Burma Army shell on Christmas Day 2021. Sai Win Aung was sheltering at Htee Mae Wah Khee village school with his close friend, Soe Ya, the editor of Delta News Agency when the Burma Army attacked Mae Taw Talay, Hpalu Gyi, Htee Mae Wah Khee and Yathit Gu villages with its artillery with deadly results. Soe Ya told the IFJ when "the big, heavy weapons began to shell the village, we decided to run to the nearest village, Hpalu." The journalist's killing was condemned in a statement by UNESCO director-general, Audrey Azoulay. "Media workers like Sai Win Aung (aka A Sai K) risk their lives to keep the public informed. Their work deserves to be recognized and their safety protected in line with international humanitarian law, which forbids attacks on civilians."

**Pu Tuidim, January 8, 2022:** Veteran journalist, Pu Tuidim, founder of the Khonumthung Media Group, and of the Burma News International (BNI), was killed by soldiers from the Burma Army's Light Infantry Battalion 140, on January 8, 2022. Pu Tuidim was earlier arrested on January 6, along with 10 civilians, in Matupi Township, Chin State. The 11 civilians were used by the military as human shields before being killed. Pu Tuidim was instrumental in setting up the BNI media alliance in 2003 as editor-in-chief of the Chin based Khonumthung Media Group. A BNI statement at the time of his murder said Pu Tuidim's experience and contribution to ethnic media would be missed that he "helped pave the way for independent news media in Chin State. BNI recognizes his death is an enormous loss not only for ethnic media but also for the whole media community in Myanmar."

**Ko Aye Kyaw, July 10, 2022:** Photographer and activist Aye Kyaw was arrested in the early hours of July 30 and died later the same day. Aye Kyaw's relatives told Radio Free Asia the military arrived at his home in a convoy of six vehicles, under the premise that weapons were allegedly being stored on the property. Ko Aye Kyaw was arrested and taken into

detention despite no weapons being found. Ten hours later, his family was told his body was at Sagaing City Hospital's mortuary waiting to be collected. Aye Kyaw had documented anti-coup protests and his coverage had been shared and posted on social media by politicians and local media.

On August 5, 2022, the IFJ's general secretary, Anthony Bellanger, condemned the ongoing killing of media workers in the country saying: "The military junta's continued assault on independent journalists and media workers has created a deeply hostile environment for the media in Myanmar. The arbitrary killing of a media worker in custody displays utter contempt for fundamental human rights, freedom of expression and freedom of the press."

## POLITICAL PRISONERS EXECUTED

On July 25, 2022, Myanmar's military regime shocked the world when it upped its level of barbarity and announced it had executed four political prisoners. The hanging of Kyaw Min Yu (aka Ko Jimmy), Phyo Zayar Thaw, Hla Myo Aung and Aung Thura Zaw sparked international condemnation.

The South East Asia Journalists Unions (SEAJU) strongly condemned the Myanmar military junta's execution of four pro-democracy activists. The region's media unions said: "The military must immediately cease the state-sanctioned violence, arbitrary arrests and draconian laws that have suppressed activists and stifled freedom of expression."

### The names of the executed:

**Kyaw Min Yu, 53,** a pro-democracy activist and student leader since the 1988 uprising against the previous regime. He spent a total of 21 years in jail for his political activism. He is survived by a daughter and his wife, Ma Nilar Thein, a leader of the 88 Generation Students Group. She is now reported to be in hiding.

**Phyo Zeya Thaw, 41,** a former National League for Democracy (NLD) politician and a close ally of Aung San Suu Kyi. Before becoming a politician, he achieved fame as a hip-hop artist and founder of one of the country's first rap groups. Phyo Zayar Thaw was jailed for three years in 2008 for his political activism. He was a founding member of Generation Wave, an influential movement among young activists. He was elected as a MP in April 2012.

**Hla Myo Aung and Aung Thura Zaw** were jailed on April 12, 2022 and sentenced to death the next month. The junta alleged they had killed a woman suspected as being an informant for the military. The Assistance Association of Political Prisoners said the two men were from Yangon and had been involved in protests and resistance movements since the 2021 coup.

All four were sentenced to death under the 2014 Counterterrorism Law and Penal Code in a closed trial by what the United Nations has referred to as "an illegitimate court of an illegitimate junta". Acting High Commissioner, Nada Al-Nashif said in his briefing to the UN human rights council, Myanmar military controlled and weaponised the "judicial system to execute its opponents".



## CRIMINALISING JOURNALISM

Myanmar's military regime has turned the country, after China, into the world's second biggest jailer of journalists. Journalists now face arrest and jail sentences from three years to more than 20 for simply doing their job.

Warrants have been issued against journalists if they reported for a banned media organisation or sought comment from spokespeople, from what the military now classified as illegal associations – these included opposition politicians in the NUJ, representatives of an Ethnic Armed Organisation, a member of the PDF militia, a striking health worker or even teacher!

The 59 currently still in jail face torture and denial of their basic human rights.

Aung, an executive member of the Myanmar Women's Journalist Society told IFJ of her concerns. "It's difficult for both men and women. Conditions in jail are notoriously bad. Regular family contact is denied. Political prisoners are transferred without the family being informed. Prison food is of poor quality, without family support, prisoners are denied decent food, medicine, hygiene products and a lack of clean water makes it hard, especially so for women." She also said that political prisoners are routinely tortured, and threats and incidences of sexual abuse are high.

### **Ko Maung Maung Myo – sentenced to six years jail on July 29, 2022:**

Maung Maung Myo (aka Myo Myint Oo) was detained on May 10 at a military checkpoint on the edge of Hpa-an Town, as he was traveling from Myawaddy to Mandalay by bus to see his family in Mandalay and report on the conflict in Sagaing State. Soldiers arrested him after allegedly finding 'banned' content on his phone – Facebook posts, photos and *Mekong News* stories he had shared. As a journalist with MeKong News Agency, Maung Myo reported on a wide range

Protestors show the three-finger salute while protesting the execution of four pro-democracy activists outside the Myanmar Embassy in Bangkok on July 26 2022. CREDIT: MANA VATSYAYANA / AFP

of stories – covid-19, armed conflict in Karen State, politics and the formation of People's Defence Force militia. Nyan Linn Htet, editor at MeKong News, confirmed to IFJ, that Maung Myo was sentenced to six years in jail for violating Section 52 (a) of the Counter Terrorism Act "Maung Maung Myo was arrested, like many reporters, while doing his job as a journalist. There is now no freedom of the press in Myanmar. The military repeatedly violates human rights of citizens and when journalists report their abuse, they're hunted and targeted for arrest." Nyan Linn said in August 2022, Maung Myo was transferred from Taung Ka Lay prison in Karen State, to Kyeik Ma Yaw prison in Mon State. After the coup, the MeKong News Agency was banned by the military- appointed State Administration Council and an arrest warrant issued for its editor, Nyan Linn Htet.

Ma Hmu Yadanar - jailed on December 5, 2021

A group of journalists were attending a protest when they were spotted by soldiers in a military truck. Video footage accessed by IFJ's network shows the driver of the truck accelerate and slam into the group, the force smashing and scattering the unprotected group. Hmu Yadanar, who was working as a videographer, suffered serious head injuries. It was reported at the time military forces also fired into the protesters, killing at least five. Aung, an executive member of the Myanmar Women's Journalist Society told IFJ of her concern for Hmu Yadanar health. Aung said Hmu Yadanar worked for Myanmar Press Photo Agency, and her injuries were horrific, needing specialist medical assessment. "We didn't think she would survive. Despite her injuries she was arrested and jailed. Hmu Yadanar still needs proper medical assessment for her injuries and this help is not available in jail, we worry for her.

## INTERNATIONAL INACTION ON RIGHTS ABUSES

The United Nations agency responsible for Refugees (UNHCR), reported that as of October 3, 2022 civilian displacements in Myanmar was 1,349,800 - including 1,019,000 people displaced since the military takeover in February 2021.

The UN statistics do not include the large numbers of people crossing over into neighbouring countries – India, China, Malaysia and Thailand.

In retaliation for opposition to the coup, the military has burnt and destroyed an estimated 28,434 civilian properties in 645 locations since the coup. Border regions became specific targets as thousands of activists, politicians, civilians and journalists sought safety.

### CONTROLLING THE INTERNET

Myanmar's military regime drafted a cyber security law in January 2022 that allows it to access users' personal data, block and restrict access to websites, block access to the internet, arrest opponents and prosecute representatives of companies refusing to agree to its demands.

On January 13, leaked documents revealed the military's attempts to reintroduce a notorious and oppressive law.

Access Now, a not-for-profit organization that advocates for digital civil rights and freedom of expression, said Myanmar's draft cybersecurity law would "effectively extinguish any remaining avenues for dissent and expression against an increasingly violent regime." The law essentially conferred overbroad powers to the junta to censor expression online and

undermine data protection, with no prospect for independent oversight or effective remedy. Military-controlled ministries would be granted powers to implement the law — including the Ministry of Defence (Ch. 1) with its decades-long history of human rights abuses, including serious international violations amounting to crimes against humanity and genocide.

Access Now went on to say the bill would "enshrine in law the death of online civic space in Myanmar — throttling any remaining rights of the people of Myanmar to freedom of expression, association, information, privacy, and security". Under the draft law, the use of an unauthorized VPN would be punishable by up to three years in prison. The regime would be able to remove any content it considered critical of its rule or its leaders.

Human Rights Watch said that under the draft cyber security legislation "Digital Platform Service Providers would be required to keep a broad range of user data, including the person's name, internet protocol (IP) address, phone number, ID card number, physical address, "user record," and "other information as directed" for up to three years."

On June 7, 2022, four United Nations special rapporteurs released a statement condemning the military junta's internet restrictions – access, shutdowns, online censorship, surveillance "and other barriers to internet access." Irene Khan (protection of freedom of opinion and expression), Dr Ana Brian Nougères (right to privacy), Clément Nyaletsossi Voule (freedom of peaceful assembly and association) and Thomas



Improvised barricades line a highway in Mayangone Township in April 2021. CREDIT: SUPPLIED



People cycle past a makeshift burning barricade made by demonstrators in Yangon's Tamwe Township on April 3, 2021. CREDIT STR / AFP

## ONLINE ACCESS TO INFORMATION IS A MATTER OF LIFE AND DEATH FOR MANY PEOPLE IN MYANMAR.

Andrews (human right situation in Myanmar) – urged the international community to do more to protect the people of Myanmar's "fundamental rights to freedom of expression, access to information and privacy, which are guaranteed by international human rights law."

The UN experts explained how important access to an unfettered internet is for Myanmar citizens: "Online access to information is a matter of life and death for many people in Myanmar, including those seeking safety from indiscriminate attacks by the military and the millions trying to navigate a devastating economic and humanitarian crisis. The junta is using internet shutdowns and invasive surveillance to undermine widespread public opposition and prop up its attacks on the people of Myanmar."

### PROPAGANDA INFLUENCES SPREAD

Aware of the reach of social media apps, the Myanmar military has used it to target those opposed to its coup and rule. And without a free and independent media to scrutinise and hold those in power to account for their actions and to inform

citizens about important events, a fundamental pillar of democracy crumbles. In its place misinformation, corruption and abuse of power has flourished.

Myanmar's military has for generations used its propaganda and division to fuel its war against the country's ethnic people.

Brigadier General Zaw Min Tun fronts the military's press conferences. The list of his titles includes Deputy Minister of Information, head of the armed forces True News Information Team and boss of the military appointed State Administration Council's media team. He also fronts the Directorate of Public Relations and is head of the army's Psychological Warfare department. A Reuters report in 2018 gave an insight into the department's work when it revealed it had used 'fake' photographs to claim Muslims were killing Buddhists. The investigation into the origin of the photograph "showed it was actually taken during Bangladesh's 1971 independence war.

On September 7, 2022, the *Global New Light of Myanmar* reported that Maj-Gen Zaw Min Tun had "signed an agreement between the Sputnik news agency, the State-owned media and Myawaddy TV" to share content. The directorate is now using the Russian owned social media *Telegram* app to publish and spread propaganda and to target its critics. It also trawls the app for its pro-democracy opponents - celebrities, writers, artists, CDM activists, politicians and journalists – including profiles, shares and locations.

## MILITARY HEARINGS DENY RIGHTS

The International Commission of Jurists explained that under military rule ‘hearings’ are now held in prisons making it impossible for journalists or the public to attend.

It said: “Sham trials are conducted without due process and fair trial rights, resulting in improper convictions and sentences for thousands of people. Detainees are condemned under absurd charges using secret evidence that is not contestable before the courts.”

People suspected of being opposed to the coup are arrested either by the military or police and detained at interrogation centres, often without reason, for weeks and months without charge. Often suspects are interrogated and tortured to give up names and a confession. If they do get to a ‘hearing’ it is held in secret. There will be no evidence presented by the prosecution or defence allowed. If a lawyer is allowed, they are regularly threatened and harassed.

The ICJ has confirmed the risks: “Lawyers are often threatened in front of judges and are actually arrested in courtrooms for asking witnesses questions about torture and ill-treatment their clients have experienced or for requesting fair trials.”

The Assistance Association for Political Prisoners documented that as of July 8, 2022 as many as 40 lawyers had been arrested by the military since its 2021 coup.

Nada Al-Nashif, the United Nations Acting High Commissioner for Human Rights on 26 September 2022 briefed the Human Rights Council. “There are 111 reported cases of people being burned, either alive or after being executed, in what appears to be a tactic of summary executions and attempts to destroy evidence of crimes.”

## MYANMAR BURNING

The military regime’s ground troops, under intense pressure from the nationwide conflict, has resorted to the use of air strikes, heavy ground bombardments to combat the increasing numbers of resistance forces opposed to its rule.

An independent group of former UN human rights

investigators, the Special Advisory Council for Myanmar (SAC-M), released a report on 5 September, 2022 points out the military regime’s “legitimacy has been shredded since its February 2021 coup with widespread violence against its own citizens compounded by an inability to control security, provide basic services or collect taxes.” It said the NUG and resistance organizations now had effective control over 52 per cent of Myanmar’s territory: “The Myanmar military can only claim to have stable control over 17 per cent of the country, as its rule is being actively contested elsewhere...the regime is unable to govern and is reduced to being an occupying military force in a diminishing amount of territory.”

On September 7, 2022, a year after announcing its people’s defensive war against the military regime, NUG’s acting president, Duwa Lashi La, claimed its 300 battalions and ethnic armed groups had control of at least half the country.

Nada Al-Nashif, the United Nations, Acting High Commissioner for Human Rights in his briefing on September 26 to the Human Rights Council in Geneva said the military regime attacks were targeting not only its armed opponents, but also civilian communities.

“The growing use of air power and artillery during the monsoon season is significantly impacting civilians and residential areas,” he said. “In Magway and Sagaing regions as well as Kachin, Shan, Karenni, and Karen states, residential buildings – as many as 30,000 - schools and other civilian infrastructure have been burnt to the ground during military ground operations.”

He also said: “Expressions of solidarity on social media to the National Unity Government and Peoples’ Defense Force, including by posting a “like” or an emoji, risked up to 10 years’ imprisonment.”

## SANCTIONS INADEQUATE

In retaliation to Myanmar’s 2021 military coup and the violent response to dissent, the UK, US, EU, and Canada, imposed sanctions targeting the military, its leaders and its financial resources. International and regional humanitarian



Displaced Karen villagers. Karen state is one of many areas devastated by junta airstrikes in 2021. CREDIT: KIC



Protestors in Japan chant slogans to free Toru Kubota outside Japan's Ministry of Foreign Affairs on July 31, 2022. Kubota was sentenced to 3 years imprisonment by the Myanmar Junta in October 2022 for his photography during anti-junta demonstrations. CREDIT: PHILIP FONG / AFP

## THE ACTIONS TAKEN BY THE UN SECURITY COUNCIL AND BY ASEAN HAVE BEEN INSUFFICIENT TO CONVINCING MYANMAR'S MILITARY TO CEASE ITS VIOLENCE.

organisations criticized Australia and Japan's actions and sanctions as not tough enough and for sanctions to achieve maximum impact, they should be in line with their four allies.

A report, released 18 months later by the UN Human Rights Office on September 16, 2022 said international governments had to do more to stop Myanmar's military access to foreign revenue and weapons.

The report called for the international community to increase its support for the people of Myanmar and to stop the military receiving any revenue. The UN report also called for sanctions to "be implemented in consultation with civil society and the democratic movement, including trade unions and the National Unity Government, to calibrate their impact."

### UN SECURITY COUNCIL FAILS

Despite ongoing Myanmar military attacks resulting in civilian deaths, destruction of houses, churches, schools and villages and displacement of more than a million civilians, the UN Security Council response was to release a statement in November 2021 saying its members "expressed deep concern at further recent violence across Myanmar."

An independent group of former UN investigators and

international human rights experts now working as the Special Advisory Council for Myanmar's (SAC-M) issued a statement that criticized the UN Secretary General for 'a lack of leadership' and "paralysis within the Security Council have added another eight months to years of failure in Myanmar."

Yanghee Lee, a former UN Special Rapporteur on the situation on human rights in Myanmar and a founding member of SAC-M said in a statement released on July 25, 2022: "The international failure of the Myanmar people cannot continue. Min Aung Hlaing and his illegal barbaric junta are not people that can be reasoned with. The UN and ASEAN must exert as much pressure on the junta as possible to bring this crisis to an end."

On 28 January 2022, the United Nations high commissioner for human rights, Michelle Bachelet, confirmed in a media statement that "the actions taken by the UN Security Council and by ASEAN have been insufficient to convince Myanmar's military to cease its violence."

In a report to the UN Human Rights Council on February 22, 2022, Special Rapporteur on Human Rights in Myanmar, Tom Andrews "identified China, Russia and Serbia as Member States who have, since the coup, been supplying the junta with weapons of the sort that are being used to attack civilians."

Chris Sidoti, former UN special investigator, now working at the Special Advisory Council for Myanmar' (SAC-M) in a

statement released on April 18, 2022 contrasted the UN Security Council's quick response to the Russia invasion of Ukraine with its inability to pass a resolution on Myanmar.

"UNSC members took less than 24 hours to table a resolution condemning Russia's invasion of Ukraine," he said. "It was a timely and necessary response to the situation. By contrast, no UNSC member has ever tabled a resolution on Myanmar."

On July 26, 2022, Reuters quoted Tom Andrews saying: "The first option, the best option, is for the UN Security Council to convene to pass a strong resolution of not only condemnation, but clear strategic action, sanctions, economic sanctions and arms embargo" and refer the case to the International Criminal Court, he added in the same interview from Washington.

### ASEAN DITHERS

In April 2021, the Association of Southeast Asian Nations (ASEAN) agreed to a five-point consensus - an immediate stop to the violence in Myanmar, constructive dialogue among all parties, the appointment of a special envoy to enable dialogue, humanitarian assistance and for the envoy to visit Myanmar.

Despite agreeing to the five-point consensus, coup leader, General Min Aung Hlaing and his State Administration Council increased its violence the against opposition to its coup. Airstrikes, artillery bombardments and ground troops have torched thousands of homes displacing over a million people nationwide.

Since the five-point consensus was agreed to more than 2,367 people killed (including 237 children) and another 12,674 arrested and 126 people sentenced to death.

ASEAN's special envoy, Prak Sokhonn after visiting Myanmar was reported in a Japan daily, *The Mainichi* as being "pessimistic about immediate chances for a ceasefire to end the violence."

Former UN investigator Chris Sidoti, now working at the

Special Advisory Council for Myanmar' (SAC-M) agreed.

"The UN Security Council backed ASEAN and its Five-Point Consensus, but ASEAN and its consensus have failed. There is now no alternative but for the Security Council itself to take the lead and take the responsibility for meaningful action on Myanmar. The Security Council cannot continue to ignore the cries of the people of Myanmar for international action to end the military's violence."

### STAND UP, SPEAK UP

ASEAN's principle of sticking by its position of non-interference in member states affairs, had been shaken the failure of its Five-Point Consensus and the sheer destruction caused by the military regime to Myanmar – the collapse of the economy, air strikes on civilian communities and over a million people displaced, the murder of 2,300 civilians, execution of four political prisoners and the jailing of another 15,000.

Individual member states, in particular, Indonesia and Malaysia, broke ranks to criticise and earn the anger of Myanmar's military regime.

Indonesian Foreign Minister Retno Marsudi in a video statement said Indonesia had failed to see any real commitment or goodwill from Myanmar's military regime in response to ASEAN's Five-Point Consensus. The minister took it further and pointed out that the 10-nation bloc had received 'many broken promises' from the military regime.

Speaking to journalists in Bangkok and reported by Channel News Asia (CNA) Saifuddin Abdullah, Malaysia's foreign minister "it was of the "utmost importance" that ASEAN members morally support Myanmar's people and engage with opposition groups formed after the coup, including a shadow government outlawed by the junta." •



Police are seen arresting Myanmar Now journalist Kay Zon New in Yangon on February 27, 2021, following a demonstration against the military coup. CREDIT: YE AUNG THU / AFP

## RECOMMENDATIONS

The serious rights abuses uncovered in Myanmar may amount to war crimes and crimes against humanity, according to the UN High Commissioner for Human Rights, Michelle Bachelet, who said this year that the international community must take “concerted, immediate measures to stem the spiral of violence” there. The military coup has devastated Myanmar’s economy, displaced at least a million people, and livelihoods and incomes have been lost with more than 14 million people in urgent need of humanitarian assistance. While Myanmar’s people have bravely fought and continue to resist the military’s attempts to assert control, they have suffered greatly as a result.

For the media, the situation is critical in documenting this crisis, while also keeping themselves safe.

### The IFJ in this report wishes to make the following recommendations:

- 1.** The international community must do all it can to resolve the crisis and hold perpetrators of gross violations of international human rights law accountable for the heinous crimes against the people of Myanmar. Abuses include detentions, arbitrary arrests, forced disappearances, use of civilians as human shields and targeting of children. Since the coup, at least 2,371 people have been killed by the Myanmar military, including four media workers. The junta has also barbarically executed four activists. The country is now in the grip of a bloody civil war as Myanmar citizens attempt to defend and fight for the continuation of a legitimate democracy. Governments must increase pressure on the military leadership in every way possible including the use of laws to sanction violators of international human rights outside of the country.
- 2.** The international community must do more to guarantee the Safety of Journalists and Human Rights in Myanmar and to reject the military junta in every possible forum and event where such participation serves to give a voice to a regime that is slaughtering, torturing and jailing its citizens.
- 3.** International support and solidarity are vitally needed to advocate for Myanmar’s people, and channel direct aid where it is desperately needed. Such aid should also provide a lifeline of support for journalists and media workers endeavouring to continue to report while living under the coup, as well as those continuing to tell the story of Myanmar’s people from its borders and beyond.
- 4.** The military junta must cease its restrictions on internet access, including surveillance, censorship, and shutdowns, and protect the people of Myanmar’s fundamental rights to freedom of expression, access to information and privacy, as guaranteed under international human rights law.
- 5.** In the space of less than two years, Myanmar has taken up the mantle as one of the highest jailers of journalists globally. The IFJ and the South East Asian Unions (SEAJU) call for the immediate release of the 59 journalists and media workers presently incarcerated by the junta and for all sentences against activists and political prisoners to be revoked.
- 6.** The Association of Southeast Asian Nations (ASEAN) must take urgent and serious steps to act on its pledges to press the junta to end its continued human rights and freedom of expression violations. Despite the five-point consensus on the crisis in Myanmar, ASEAN’s inability to date to press the military junta is allowing it to continue its rampage under its watch. The junta continues to show flagrant disregard for ASEAN as well as internationally enshrined protections for human rights. ASEAN must set clear demands and a deadline for the release of political prisoners and an end to the attacks on civilians or face clear penalties should it fail to meet them.
- 7.** Governments in South East Asia must coordinate on overdue action to hold the junta to account and call for a return to democracy. The IFJ urges ASEAN to take urgent regional leadership to spearhead discussions for a global arms embargo and the adoption of targeted sanctions against the Myanmar military and its economic and business interests.
- 8.** Journalists, media organisations and civil society members have a significant role to play in drawing the attention of local governments to the atrocities committed in Myanmar and encouraging further sanctioning of the military regime. The work of IFJ affiliates working to hold the junta to account must be commended on this front, including the Aliansi Jurnalis Independen (AJI) Indonesia and other pro-democracy activists who filed a petition to the Constitutional Court of the Republic of Indonesia to allow Indonesian courts to prosecute human rights violation cases from Myanmar through the Indonesian legal system.
- 9.** All media bodies must work to combat misinformation from the Tatmadaw and hold the junta to account. Such was the case in September 2022, when the Conselho de Imprensa (Press Council) of Timor-Leste (CITL) expressed serious concerns at the misleading representation of the situation of press freedom in Myanmar at the Dili Dialogue Forum by a representative of the Myanmar Press Council.
- 10.** Governments bordering Myanmar must immediately stop the return of asylum seekers or refugees in the region back to the country where they face grave dangers for their lives or lengthy prison sentences without any hope of fair delivery of justice. With that, specific provisions for journalists and media workers forced into exile for simply doing their jobs must be a priority.
- 11.** As the death and jail toll inside the country rises and civilian displacement worsens, it is imperative that the global community takes note to seriously increase their humanitarian intake of Burmese refugees among their humanitarian intakes. •

### Links:

[https://ifj.org/fileadmin/user\\_upload/Links\\_-The\\_Revolution\\_Will\\_Not\\_Be\\_Broadcast.pdf](https://ifj.org/fileadmin/user_upload/Links_-The_Revolution_Will_Not_Be_Broadcast.pdf)







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