

CIVIC FREEDOM VIOLATIONS COMMITTED BY MYANMAR'S MILITARY JUNTA

FEBRUARY 2021 TO JUNE 2023

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Introduction

This study aims to document trends around civic freedoms violations committed by the Myanmar military and de facto authorities in the post 2021-military coup period, based on the collected data of Spring Archive, a Myanmar-based civil society organization (CSO). The study employs data-based methodology to analyze and document instances of human rights violations committed by the junta against civilians in Myanmar. The study also indicates which laws are regularly used by military actors to suppress civic freedoms.

Selected cases have been monitored through social media channels and information sourced from Spring Archive, which began collecting incident reports in February 2021 immediately after the coup. Documented incidents include a brutal crackdown on peaceful protests, targeted killings and arbitrary arrests of civil society and democracy activists, severe constraints on freedom of expression and restrictions on association, among other egregious crimes. While additional context from reports produced by other CSOs and media outlets focused on civic freedoms has been included in the analysis, the estimates below are based primarily on Spring Archive's non-exhaustive data and are likely to be significant underestimates. Nonetheless, they demonstrate the extent of violations against civic freedoms committed by the military in the post-coup period, and the resultant near closure of civic space.

Attacks on Protest

After claiming voting irregularities in the 2020 General elections, the Myanmar military staged a coup on February 1, 2021 and formed the State Administrative Council (SAC).

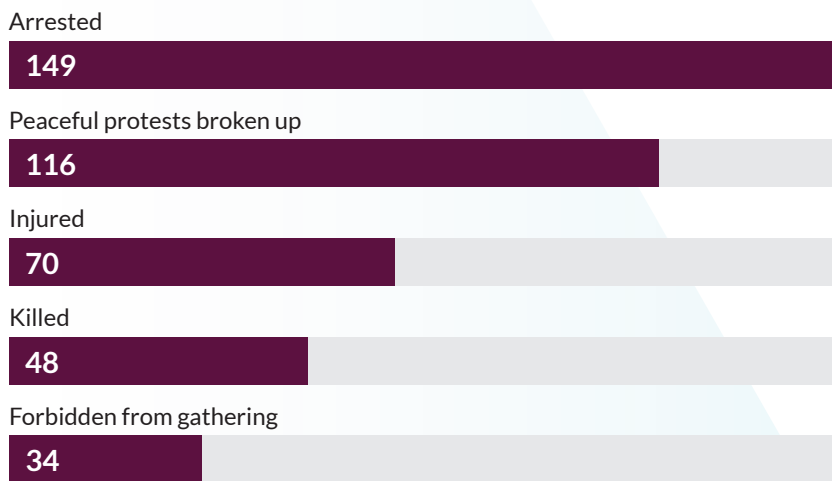
Dr. Tayzar San of Mandalay first led a non-violent protest against the coup on February 4, 2021. Several youths similarly initiated a brief protest near the Gwa market in San Chaung Township of Yangon on February 5, 2021. During an anti-coup protest on February 6 in Hledan of Yangon, workers from factories joined for a large public demonstration. Many people from all walks of life joined anti-coup public demonstrations in towns and cities across the country, beginning the 'Myanmar Spring' movement. As public protests swelled and gained momentum in later weeks, the SAC's security forces used violent methods to stem public opposition.



The first violent crackdown on peaceful protestors began on February 9, 2021, on Taung Nyo road near Thabyay Kone roundabout in Naypyitaw. Mya Thwe Thwe Khaing, a 20-year-old girl, was shot dead at the spot by police using live rounds.¹ In the two years since the coup, Spring Archive has documented violent crackdowns by SAC security forces against peaceful protesters at least 116 times. Security forces also blocked peaceful demonstrations at least 34 times. Based on Spring Archive data, in the same period, SAC security forces arrested and imprisoned at least 300 protest leaders and anti-coup activists.²

Figure 1

Human Rights Violations Against Peaceful Protesters, Based on Spring Archive Data



Security forces have conducted more than 145 searches and arrests of politicians and activists. Their actions have resulted in at least 48 deaths and serious injuries of at least 70 civic activists. (Figure 1) On July 25, 2022, the SAC announced the executions of four prominent, imprisoned activists: Ko Jimmy (Kyaw Min Yu), Phyo Zeya Thaw, Hla Myo Aung, and Aung Thura Zaw.³

1 Radio Free Asia. (February 19, 2021). First Myanmar Protester Death Galvanizes Anti-Coup Demonstrators, Retrieved from <https://tinyurl.com/2fttr9vf>

2 These numbers only reflect Spring Archive media data collection, focused on civic activists and protests. A broader picture is provided by data from the Assistance Association for Political Prisoners (AAPP), which reports (as of August 2023) a total of 4,023 people, including pro-democracy activists and civilians, who have been killed by the junta and pro-military groups during the Spring Revolution; and 24,586 people arrested by the junta in relation to its seizure of power, 19,901 of whom are currently in detention, and 7,210 of whom are serving sentences. <https://aappb.org/?p=26117>

3 BBC Burmese. (July 24, 2022). ဦးဂျင်မီ နဲ့ ဦးဖိုးဖြူဇယျာသတ်အပါ ၄ ဦးကို ပုသိမ်တိုင်းဒေသကြီးတရားရုံးက ခြေစွပ်ချက် စစ်ကောင်စီထုတ်ပုဒ်မဖြင့် အပြစ်ပြစ်ချခဲ့သည်။ Retrieved from <https://tinyurl.com/tc2vdhft>



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The security forces' use of violent means to suppress street demonstrations—and later on, surveillance and other unwarranted means, including torture, to suppress opposition politicians and activists—has led many protest groups to modify their approach. For instance, many protest groups have transformed their strategies to include surprise protests by smaller groups, poster and stickers campaigns, and local pamphlet distribution to drive support for the opposition movement. Despite strict surveillance and frequent arrests of anti-coup protesters by SAC forces, much of Myanmar's population has wholeheartedly joined 'silent strikes' and 'flower protests,' in which many people can voluntarily join in anti-coup activities with little risk.

Attacks on Press Freedom

Since the coup, the junta has tried to suppress people's access to information and sever their communication abilities. As part of this effort, the junta has attacked press freedom, regularly arresting and imprisoning reporters, charging them with unjust crimes, and even killing some of them.

Spring Archive data documents the arrest, torture, and imprisonment of 160 media personnel over two years. Seven reporters have been indicted under various charges. SAC security forces have also killed three journalists in detention and during interrogation. Additionally, a field reporter was killed by shelling on December 25, 2021, while collecting news on the battlefield.⁴

Journalists are typically accused of one of nine types of offenses and unjustly punished with prison terms. The commonly used charges against the journalists include Penal code Section 505 (A) and (B), Section 33 (A) and (B), Section 124, Section 253 (A), Section 13 (1), 52 (A), and 19 (F) (see Table 2 below).

The junta has also revoked the licenses of 15 media agencies as follows:



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⁴ Reporters Without Borders (RSF). (December 25, 2022). Reporter killed in Myanmar military attack near Thai border. Retrieved online at <https://tinyurl.com/yc2t7x88>

Table 1

News Agencies' Licenses Revoked by the State Administrative Council (SAC)

1. 7 Days News	9. Myitkyina News Journal
2. Delta News Agency	10. Tachileik News Agency
3. The 74 Media	11. Zayar Times
4. Democratic Voice of Burma (DVB)	12. Kantarawaddy Times
5. Kamayut Media	13. Ayeyarwady Times
6. Khit Thit Media	14. MCN TV News
7. Mizzima	15. One News
8. Myanmar Now	

SAC security forces have committed various forms of cruelty against arrested journalists during interrogations. In many cases, journalists released from detention have revealed information about the intimidation, forced confession, torture, and sexual abuse endured during detention. A journalist from Frontier Myanmar Magazine, Ye Mon, was arrested in Yangon by security forces, and subjected to repeated sexual assault during the interrogation. According to a September 2022 Frontier Myanmar report, Ye Mon was then forced to sign a document pledging not to reveal any information about authorities' misconduct.⁵

A freelance female journalist in Yangon, Ma Thuzar, was arrested, interrogated, and videotaped by security forces, who threatened to release her personal information and accused her of collaborating with opposition forces. According to her account to Radio Free Asia (RFA) on June 17, 2023, security officials tried to pressure her by threatening her daughter as well.⁶

The junta continues to re-arrest and monitor the movement of released journalists.

⁵ Ye Mon. (September 16, 2022). I reported on the military's abuses, and then I became a victim. Frontier Myanmar. Retrieved online at <https://tinyurl.com/33jae8z2>

⁶ Khin Khin Ei (Washington D.C.) (June 17, 2023). အမျိုးသမီးကဏ္ဍ စစ်ကပ်ရှင်း ငရဲခန်းကို ဖြတ်သန်းခဲ့တဲ့ သတင်းထောက်. RFA Burmese. Retrieved online at <https://tinyurl.com/2rfr3u9f>



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Attacks on Free Expression

In addition to crackdowns on journalists, citizens throughout the country have been prevented from exercising their right to free expression, especially with respect to social media. Those who post their opinions on the Internet are repeatedly arrested, indicted, and even tortured. The military uses its own network of accounts on the ‘Telegram channel’ to discredit, harass, and threaten individuals and accounts who express dissent or opposition to the SAC and associated military personnel, along with any who re-share anti-SAC posts.⁷

For instance, many renowned individuals, including social media celebrities and artists from the film and music industries, have expressed disapproval on social media by changing their profiles to black or writing posts opposing the military’s human rights violations. The SAC’s agents regularly monitor social media, and have arrested and prosecuted many prominent individuals for expressing opposition to the coup. On April 10, 2023, prominent journalist Kyaw Min Swe and three artists were arrested and charged after posting disapproving comments on social media in regards to an air attack against citizens in Pazi Gyi village of Kanbalu Township.⁸ On May 24, 2023, a Rap singer, Byu-ha, was arrested for a critical Facebook comment against SAC leaders, including the Minister of Electrical Energy, for their failure to provide regular power to the population.⁹

Spring Archive has documented 52 separate arrests of individuals for expressing opinions on social media or re-sharing those posts. Around 60 people, including celebrities on social media, artists, and music stars have either been arrested or charged with Penal Code Section 505 (a) for their actions criticizing the military coup, expressing support for anti-coup protests, or for writing well-wishes in support of Daw Aung San Suu Kyi’s birthday.¹⁰ To date, only a few charges against artists under Penal Code Section 505 (a) have been withdrawn by military officials.

7 Telegram account of Han Nyein Oo: <https://t.me/nyein9699999>

8 Khin Khin Ei (Washington D.C.) (June 17, 2023). စစ်ကပ်ရဲခင်း ငရဲခန်းကို ဖြောင့်သန်းခဲ့တဲ့ သတင်းထောက်. Radio Free Asia. Retrieved online at <https://tinyurl.com/2rfr3u9f>

9 Radio Free Asia -Burmese. (May 24, 2023). ဟစ်ဟော့အဆိုတော် ဗျူဟာဖမ်းဆီးခံရ. Retrieved online at <https://tinyurl.com/22nrskys>

10 DVB TV News. (April 8, 2021). DVB - ပိုင်တံခွန်ကို စစ်ကား ၈ စီးဖြင့် ဖမ်းဆီးခေါ်ဆောင်. Retrieved online at <https://www.youtube.com/watch?v=muzO1V8RuLE>

Mizzima News. (April 9, 2021). ရုပ်ရှင်သရုပ်ဆောင်ပုဂ္ဂိုလ်များနှင့် အိန္ဒြာကျော်ဇင်တို့ကို ဖမ်းဆီး. Retrieved online at <https://tinyurl.com/342dm65t>

DVB News. (April 11, 2021). သရုပ်ဆောင် ဒေါ်ခင်း အပါအဝင် နောက်ထပ်အယောက် ၂၀ ကို ပုဒ်မ ၅၀၅ (က)ဖြင့် အမှုဖွင့်. Retrieved online at <https://tinyurl.com/2p8bpjeh>

DVB News. (April 11, 2021). တေးသံရှင် ချိုစစ်ဟန်အပါအဝင် နောက်ထပ် အယောက် ၂၀ ကို ပုဒ်မ ၅၀၅ (က) ဖြင့် အမှုဖွင့်. Retrieved online at <https://tinyurl.com/we9yv2b5>

DVB News. (April 13, 2021). အဆိုတော် ဖြူဖြူကျော်သိန်း အပါအဝင်နောက်ထပ် အယောက် ၂၀ ကို ပုဒ်မ ၅၀၅ (က)ဖြင့် အမှုဖွင့်. Retrieved online at <https://tinyurl.com/ye23b7zd>

Tachileik News Agency (June 19, 2023). ဒေါ်အောင်ဆန်းစုကြည်မှူးနှင့် လူမှုကွန်ယက်တွင် ဆုတောင်းစကား ပြောဆိုသူ တချို့ ဖမ်းဆီးခံရ. Retrieved online at <https://tinyurl.com/37x5swpa>

RFA Burmese. (June 20, 2023). သရုပ်ဆောင်ပိုးကပ်ဖြူခင် ဖမ်းဆီးခံရ. Retrieved online at <https://tinyurl.com/3shysxp5>



Internet and Communication Shutdowns

On the day of the military coup on February 1, 2021, the junta shut down phone and Internet connections throughout the country. In the two years since, the junta has severed phone connections at least 23 times, and shut down the Internet at least 33 times, as documented by Spring Archive.¹¹

In January 2022, the junta revised its draft cyber security law to punish anyone who uses a VPN (Virtual Private Network) system without legal permission with up to three years' imprisonment.¹² Although the law was not formally passed, the military has enforced its restrictions and arrested individuals found with a VPN on their devices.

The junta has also intentionally blocked and hindered communication among citizens to limit information flows to the population about what is happening in the country. This has forced much of the population to rely on propaganda transmitted through official newspapers and television channels for the latest developments.

Further Restrictions on Association and Assembly

IMPOSITION OF MARTIAL LAW

Since February 8, 2021, the junta has used Penal Code Section 144 to ban gatherings of more than five people, restrict freedom of movement, and impose curfews, essentially instituting martial law to suppress association and assembly. In the two-year post-coup period, the junta enforced Penal Code Section 144 on townships at least 16 times,¹³ for instance on Mindat Township of Chin State on March 13, 2021. On March 14, 2021,



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11 Democratic Voice of Burma (DVB). (March 4, 2022). စစ်ကောင်စီက စစ်ကိုင်းတိုင်း ၃၃ မြို့နယ်ကို အင်တာနက် ဖြတ် တောက်. Retrieved online at <https://tinyurl.com/wx2d9jhf>
Democratic Voice of Burma (DVB). (May 29, 2022). မကွေးနှင့်စစ်ကိုင်းတိုင်းက မြို့နယ် ၉ ခု ဖုန်းနှင့်အင်တာနက်လိုင်း များ ဖြတ်တောက်ခံရ. Retrieved online at <https://tinyurl.com/nhx4hybn>
12 BBC Burmese. (January 23, 2022). VPN သုံးရင် ထောင် ၃ နှစ်ချနိုင်တဲ့ ဥပဒေ ပြဋ္ဌာန်းဖို့ စစ်ကောင်စီ ပြင်ဆင်. Retrieved online at <https://tinyurl.com/3hm79cw7>
နွဲ့ဦးလုံခရိုင်: <https://t.me/SpringRevSecurity>

13 Myawaddy. (February 9, 2021). ရန်ကုန်တိုင်းဒေသကြီး အတွင်းရှိ မြို့နယ်များ၌ ရာဇဝတ်ကျင့်ထုံး ဥပဒေ ပုဒ်မ ၁၄၄ အရ အမိန့်ထုတ်ပိတ်. Retrieved online at <https://www.myawaddy.net.mm/node/8208>



the junta extended martial law to Hlaing Tharyar and Shwe Pyi Thar townships of Yangon Region, and on March 15, to Dagon Myo Thit (North), Dagon Myothit (South), Dagon Myothit (Seik-kan) and North Okkalapa townships of Yangon. Over the course of post-coup period, the junta extended its restrictive powers of martial law to 37 townships in four States and regions of the country, and placed another three townships from Sagaing Region under martial law on February 22, 2023.¹⁴

NEW REGISTRATION RESTRICTIONS AND ARRESTS OF CSO REPRESENTATIVES

The SAC enacted Myanmar's new Association Registration Law on October 28, 2022,¹⁵ imposing tighter restrictions such as mandatory registration on all associations operating in the country, along with burdensome funding and reporting requirements.

In addition to heavily controlling the operations of non-profits, SAC security forces have arrested and imprisoned at least twelve community volunteers in the two years since the military coup, while additionally arresting and imprisoning at least seven CSO representatives, according to Archive records.

Common Charges Used Against Civic Activists

Protesters, activists, and human rights defenders have commonly been charged by the SAC using one of the following 25 criminal offenses, including Penal Code sections 17/1, 19 (c), 19 (e), 19 (f), 49 (a), 50 (a), 52 (b), 52 (i), 122, 124, 124 (A), 143, 144, 145, 148, 302, 302 (1) (b), 307, 323, 395, 397, 436, 505 (A)¹⁶ (a) (b)¹⁷ and (c), and Section 66 (d) of the Telecommunications Law.

14 နိုင်ငံတော် ဖွဲ့စည်းပုံအခြေခံဥပဒေဆိုင်ရာ ခုံရုံး (မကြံမာ)။ (Date unknown). စစ်အုပ်ချုပ်ရေးဆိုင်ရာ အမိန့်များ။ Retrieved online at <https://tinyurl.com/4c3wsy83>

15 Myawaddy news. (October 28, 2022). အသင်းအဖွဲ့မှတ်ပုံတင်ခင်းဆိုင်ရာ ဥပဒေပြောင်းလဲခြင်း။ Retrieved online at <https://myawaddy.net.mm/node/32040>

16 The SAC inserted a new provision, section 505A, that could be used to punish comments regarding the illegitimacy of the coup or the military government, among others. The new section would criminalize comments that "cause fear," spread "false news, [or] agitates directly or indirectly a criminal offense against a Government employee." Violation of the section is punishable by up to three years in prison.

17 Section 505 (a) and (b) of the Myanmar Criminal Code prohibits anyone who "makes, publishes or circulates any statement, rumor, or report" with the intent or likelihood to cause a member of the military "to mutiny or otherwise disregard his duty."



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Table 2

Description of Penal Code Sections¹⁸

1.	Section 17/1	Membership in or association with an unlawful association can result in three years in prison.
2.	Section 19	Disrupting or hindering defense services personnel or government employees from carrying out their duties.
3.	Section 49	Where the word “year” or the word “month” is used, it is to be understood that the year or the month is to be reckoned according to the British calendar.
4.	Section 50	**
5.	Section 52	Nothing is said to be done or believed in “good faith” which is believed without due care and attention.
6.	Section 66(d) (Telecommunications Law)	Anyone found guilty of extorting, coercing, restraining wrongfully, defaming, disturbing, causing undue influence or threatening any person by using any telecommunications network shall be punished with a maximum three years in prison, a fine or both.
7.	Section 122	Whoever commits the act of high treason within Myanmar shall be punished with death or transportation for life.
8.	Section 124 and 124-A	The SAC also significantly broadened the “treason” provisions in section 124 of the Penal Code. Section 124A, which already criminalized comments that “bring into hatred or contempt” or “excite disaffection against” the government, was expanded to include comments relating to the defense services and defense services personnel. (Violation is punishable by up to 20 years in prison.)
9.	Section 143	Punishment for being a member of an unlawful assembly (6 month imprisonment).
10.	Section 144	Joining an unlawful assembly armed with deadly weapon (2-year prison term).
11.	Sections 145	Joining or continuing in unlawful assembly, knowing it has been commanded to disperse (2-year prison term).
12.	Section 148	Rioting, armed with a deadly weapon.

¹⁸ English translations are taken from the unofficial translation of the Myanmar penal code and were not edited.

Description of Penal Code Sections (con't)

13.	Section 302 and 302 (1)(b)	Punishment for murder; pre-mediated murder.
14.	Section 307	Attempt to murder.
15.	Section 323	Voluntarily causing grievous hurt.
16.	Section 395	Punishment for dacoity [robbery by an armed gang].
17.	Section 397	Robbery or dacoity, with attempt to cause death or grievous hurt.
18.	Section 436	Mischief by fire or explosive substance with intent to cause damage.
19.	Section 505A	New section criminalizes comments that “cause fear,” spread “false news, [or] agitate directly or indirectly a criminal offense against a Government employee.” Violation of the section is punishable by up to three years in prison.
20.	Section 505 (a) and (b)	Criminalizes the publication, making, or circulation of any statement, rumor, or report” with the intent or likelihood to cause a member of the military “to mutiny or otherwise disregard his duty.”

Conclusion

It is no surprise that the Myanmar military and its governing junta, the State Administrative Council, have been responsible for the rapid decline in civic freedoms and massive human rights violations perpetrated against the people of Myanmar in the post-coup period. Nevertheless, the information collected by Spring Archive documents just how many times military authorities have relied upon brute force and tyrannical laws to suppress the basic civic rights of their people – and directly targeted civic activists.

This weaponization of legislation should raise concern around authoritarian regimes’ abuse of laws whose purported aim is national security, counterterrorism, disinformation, or sedition. All efforts should be made to protect and institutionalize civic freedoms through enabling measures, and to enforce accountability for actors who continually abuse these fundamental rights.