

BURMA HUMAN RIGHTS YEARBOOK 2007
CHAPTER 9

**FREEDOM OF OPINION,
EXPRESSION AND THE
PRESS**

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

- Article 19, Universal Declaration of Human Rights

9.1 Introduction

Despite the centrality of freedom of opinion and expression in international law, these fundamental human rights continue to be severely repressed in Burma by the State Peace and Development Council (SPDC) to such degree that these freedoms remain virtually non-existent for the civilian population. The freedom of expression is a fundamental right of every human being in accordance with Article 19 of the Universal Declaration of Human Rights (UDHR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR). Freedom of expression represents the right of every individual to both hold and express opinions and to seek, impart and receive information, through any media, regardless of frontiers.

Throughout 2007, as in previous years, censorship was imposed by the SPDC in the name of national security and the maintenance of Burmese nationalism. In place of a plurality of media and news providers, the State-controlled media runs various pro-regime articles and programs.¹ Through these forums the regime is able to effectively control the dissemination of information, such as when it limited information regarding the extent of anti-junta protests being staged around the country during August and September, or to directly impose and communicate its agenda, such as the warnings given to potential demonstrators or political groups regarding the legality of their actions.² Typically at all times, but especially during the mass protests of August and September 2007, with Internet access blocked, State-controlled newspapers such as *The New Light of Myanmar* published the regime's version of the country's crisis and printed full pages filled with propaganda slogans.³

During 2007, there were no independent radio or television stations, and according to the New York-based Committee to Protect Journalists (CPJ), Burma's media environment remains one of the most repressive in the world.⁴ Furthermore, many writers and poets, editors and publishers have been imprisoned with or without pretext, but typically for what they have written or published

One of the early actions of the junta following their rise to power was the nationalisation of all newspapers. Moreover, it established a Press Scrutiny Board (PSB) to enforce strict censorship on all forms of printed matter.⁵ The Press Scrutiny and Registration Division (PSRD), a division of the Ministry of Information, examines every publication and can reject any document considered to be detrimental or anti-SPDC. There exists a host of similar censorship boards that control the freedoms of opinion and expression in other spheres including but not limited to music, art, film and television, performance and the visual arts. All writers, publishers, journalists and poets must submit a personal biography to the literary censorship board. Upon examination of personal associations, those suspected of having connections with opposition political groups, western influences or other such undesirable traits face restrictions and blanket bans on their publications.

The report on the Worldwide Governance Indicators (WGI) from 1996 to 2007 produced by the World Bank provided Burma with a rank of zero for the degree of freedom that citizens have to voice opinions and select their government, and thus listed the country as "*the worst government in the world*". The WGI research project, covering 212 countries and territories, measured six areas of governance between 1996 and 2007 in calculating its rankings.⁶ Meanwhile, in its 2007 annual report on press freedom in Asia, Reporters Sans Frontieres (RSF), asserted that the privately-owned press in Burma is subjected to tight censorship and that all news regarding Daw Aung San Suu Kyi, Burma's prevailing socio-economic crisis, and important national and international events routinely go unreported. It also reported that the SPDC's Internet policies were even more repressive than China's and Vietnam's with the junta filtering opposition websites, monitoring Internet cafés and prohibiting popular Internet communication tools such as Google's Gmail and Gtalk. It was also reported that the SPDC

have increased surveillance of the press and its capacity for telephone tapping in addition to having trained civilians to identify informants to the international media.⁷ Moreover, the RSF included SPDC leader Senior General Than Shwe on a list of 34 individuals and organizations which stand as direct threats to the freedom of the press.⁸

The New York-based Committee to Protect Journalists (CPJ) reported similar findings in its report: *Attacks on the Press in 2006*, including that Burma's media environment is one of the most repressive in the world, second only to North Korea.⁹ In May 2007, Freedom House released the 2007 edition of its annual *Freedom of the Press*, in which Burma was ranked as being second only to North Korea for the lowest levels of press freedom on the planet.¹⁰ Also, in May 2007, the Committee to Protect Journalists (CPJ) echoed these findings in stating that Burma is among the worst-rated countries for press freedom.¹¹



Burma's Information Minister Brigadier General Kyaw Hsan keeps a tight grip on the media and the flow of information. [Photo: AFP].

9.2 Laws Restricting Freedom of Opinion, Expression and the Press

The laws most commonly used by the SPDC to control the freedoms of opinion, expression and the press are the Emergency Provisions Act 1950, the Unlawful Associations Act 1957, Printers and Publishers Registration Law 1962, and State Protection Law 1975. By the operation of these and other legal instruments, the regime has a range of powers and control mechanisms to restrict the flow of information, ideas and opinions to the Burmese people.¹² Specific sections of these legal instruments that are particularly important regarding the restrictions of the freedoms of opinion, expression and the press include the Law Protecting the State from Destructive Elements or Section 505(b) of the Penal Code, which is usually invoked to suppress elements considered to be dissident; Section 143 of the Penal Code which prohibits unlawful assembly and can lead to up to six months' imprisonment, and; Section 124 of Penal Code which prohibits and punishes failure to disclose to the authorities concerned either an act or a conspiracy that amounts to high treason.¹³

The Official Secrets Act (1923)

Pursuant to Section 5, this law makes it an offence to possess, control, receive or communicate any information that is likely to affect the sovereignty and integrity of the State or relations with foreign nations or is otherwise prejudicial to the safety of the State. There is no exception for the disclosure of classified information on public interest grounds. Anyone convicted under this law is liable to be punished with imprisonment for up to two years or a fine or both.

The Burma Wireless Telegraphy Act (1933)

This Act makes it an offence to possess, without official permission, any “*wireless telegraphy apparatus*.” This law was amended in 1995 and again in 1996 to expand coverage to unlicensed fax machines and computer modems. Anyone found in possession of these devices without official permission is liable to imprisonment for up to three years or a fine of up to 30,000 kyat.

Emergency Provisions Act (1950)

This Act confers sweeping powers on the authorities to silence and punish any real or perceived dissent, even in the absence of a proclaimed state of emergency. Article 2 provides that “*collecting and divulging, or intending to divulge, information to people involved in treason against the State, on the movements, the strength, the location, the guidelines and regional defence strategies of the State military organizations and criminal investigative organizations who are engaged in preserving the stability of the State*” is punishable by death or life imprisonment. A similar punishment is prescribed under Article 3 for any act that is “*intended to cause, or causes, sabotage or hinders the successful functioning of the State military organizations and criminal investigative organizations*”. Similarly, Article 5(a) outlaws actions that violate or infringe upon “*the integrity, health, conduct and respect of State military organizations and government employees*.” Causing or intending to “*spread false news about the Government*” is correspondingly outlawed under Article 5(e) as is causing or intending to “*disrupt the morality or the behaviour of a group of people or the general public*” under Article 5(j).

Section 122, Penal Code of Burma (1957)

This Section of the Penal Code defines and outlaws treason, which is punishable with death or life imprisonment. This law was cited in late 1990 against several NLD functionaries who attended meetings in Mandalay with the intent of forming a provisional government-in-exile. The functionaries were arrested and sentenced between 10 to 25 years imprisonment under Section 122. Similarly, in 2003, nine individuals were arrested under Section 122 and sentenced to death for high treason for having contacted the International Labour Organization (ILO) with information regarding the use of forced labour. The sentence was later commuted to three years imprisonment following international condemnation for the move.

The Printers and Publishers Registration Law (1962)

This law has historically been the main instrument of official censorship, requiring all books, magazines, other periodicals, song lyrics and motion picture scripts to be submitted for review to the regime prior to publication or, in some cases, prior to distribution. According to the censorship guidelines, material that is not tolerated includes anything *“detrimental to the ideology of the State; anything which might be harmful to security, the rule of law, peace, public order, national solidarity and unity; and any incorrect ideas and opinions which do not accord with the times.”* The provisions of this law have been used by the regime to preclude criticism and opposition of the regime. Transgressors could face imprisonment up to seven years and a fine of up to 30,000 kyat.

State Protection Law (1975)

The State Protection Law, a.k.a. the "Law to Safeguard the State from the Dangers of Destructive Elements", under Article 4, provides the power to declare a state of emergency in part or the whole of Burma and to restrict any rights of the citizens in specified regions or in the entire country. This law also allows the junta to restrict the movement of citizens pursuant to Section 11, which provides that anyone can be confined to a specified area or have their freedom of movement otherwise restrained. The junta can also prohibit citizens from possessing or using specified material under Section 11. Appeals of orders passed in accordance with this law are not permitted in any court. Only the Union Cabinet is authorized to hear appeals of such orders. Under the amendment to Article 14 on 9 August 1991, an executive order can sentence anyone charged with suspicion of committing, committing, or about to commit any act that *“endangers the sovereignty and security of the State or public peace and tranquillity”* to imprisonment for up to five years without trial.

The Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbances and Oppositions (1996)

This law makes it an offence to incite, demonstrate, deliver speeches, write statements or disseminate material that would *“disrupt and deteriorate the stability of the state, community peace and tranquillity and prevalence of law and order,”* or *“affect and destroy national reconsolidation”*. It also forbids *“disturbing, destroying, obstructing, inciting, delivering speeches, making oral or written statements and disseminating in order to undermine, belittle and make people misunderstand the functions being carried out by the National*

Convention for the emergence of a firm and enduring Constitution". It also forbids anyone from drafting or distributing the Constitution of the State without legal authorization. Collaboration in any of the abovementioned acts is also considered an offence under this law. Punishment ranges between three months to 20 years imprisonment along with a possible fine. Organizations convicted under these provisions risk being banned and confiscation of their properties.

The Television and Video Law (1996)

This law provides for the compulsory licensing of television sets, video recorders and satellite televisions by the Ministry of Communications, Posts and Telegraphs and of the registration of video businesses by the newly-constituted State or Divisional Video Business Supervisory Committees. The latter is responsible for deciding on the grant of video business licenses and for inspecting and supervising video businesses within their territorial jurisdictions. The law also provides for mandatory censorship of all videotapes, whether locally produced or imported, by the Video Censor Board (VCB). The requirement of obtaining censorship certificates has been extended to videotapes imported by foreign diplomatic missions or agencies of the United Nations for public exhibition. Operation of a television transmission business without permission from the authorities is punishable by imprisonment for up to five years or a fine.

The Motion Picture Law (1996)

This law applies to the censorship of conventional cinematography films. A license from the Myanmar Motion Picture Enterprise (MMPE), a state agency, must be obtained to produce any kind of film. Any violation of the terms and conditions of a license is punishable by a fine ranging from 5,000 to 50,000 kyat and revocation of the license. The law also provides for the establishment of a Motion Picture Censor Board (MPCB). Foreign diplomatic missions and the UN have been made subject to the censorship regime under this law. Appeals against decisions by both entities can only be made to the Ministry of Information, whose decisions are final.

The Computer Science Development Law (1996)

This law requires that anyone who wishes to import, possess or use computer equipment, notably those with networking or communication facilities, to obtain a license from the Ministry of Communications, Posts and Telegraphs, now the Myanma Post and Telecommunications (MPT). The Ministry is granted absolute power to consider license applications and determine the license conditions. Failure to obtain a license is punishable by imprisonment for a term between seven and 15 years and a fine under Sections 31 and 32. Those who wish to set up a computer network or connect a link inside the computer network are also required to apply to the Ministry pursuant to Section 28. Furthermore, the Ministry is responsible for approving the activities of computer-related associations. Pursuant to the Ministry's policy, only three such associations may be formed in Burma: computer enthusiasts, entrepreneurs and scientists associations. All others are deemed illegal. Anyone operating or belonging to an illegal association is subject to punishment up to three years, a fine, or both.¹⁴

Internet Law (2000)

In 2000, the SPDC issued new regulations through the Myanma Post and Telecommunications (MPT) regarding the prohibition of the posting of any writings on the Internet that may be deemed detrimental to the interests of the Union, its policies or security affairs. Violations of these guidelines are punishable under Burmese law.

9.3 Freedom of Speech and Freedom of Expression

The SPDC continued to repress the freedoms of expression and speech throughout Burma during 2007. The range of expression that was severely curtailed ranged from religious expression, to political protest, and the year was punctuated by official attempts to repress those forms deemed harmful to the regime.

While the year started promisingly with the “The Open Heart” campaign, a letter writing campaign urging SPDC leaders to progressively reform politics, the economy and social affairs,¹⁵ and also saw the release of five 88 Generation Student Leaders,¹⁶ the year was marked by the bloody repression of the right of expression highlighted during the September ‘Saffron Revolution’ protests. However, there were many cases of repression during the year well before the dramatic rise in prices caused the dramatic scenes of civil unrest. On 7 March 2007, 65-year-old U Thein Zan was arrested after posting a satirical article about the SPDC on his fence. The poster reportedly said that “*Prices have shot through the roof and people are hit*”.¹⁷ Later, on 22 April 2007, Htin Kyaw, along with seven others chanted slogans and waved placards in protest against the price rise, electricity shortages, and the rising levels of unemployment. All eight demonstrators were arrested and Htin Kyaw was still awaiting trial in December 2007 as the official date of his hearing was postponed and moved to a special court after the scheduled hearing attracted a high level of public interest.¹⁸

However, the repression of the freedoms of expression is not limited to the political sphere alone. In September 2007, the SPDC reportedly stepped up its restrictions against the Muslim population, with several Rangoon and Mandalay residents claiming they had been banned from assembling to pray in large groups. Muslims in both cities also said that their local mosques had been banned from airing the daily call to prayer over loudspeakers during the holy month of Ramadan.¹⁹

Throughout 2007 there were also numerous reports of the SPDC using the USDA as a supposed popular-based political party to improve its standing in the community. However, the USDA has repeatedly been reported as being one of the regime's chief weapons in its ongoing campaign to crush all democratic opposition, particularly that of the NLD. Throughout 2007, the USDA attacked opposition rallies and anti-SPDC protests, including the NLD anniversary celebrations of their 1990 election victory.²⁰ In a similar vein, a member of the *Pyitthu Swan Arr Shin*, who spoke to the DVB on condition of anonymity, confirmed that they were responsible for the arrests of a group of 29 Burmese activists in May 2007, including well-known labour rights activist Daw Su Su Nway. The *Swan Arr Shin* (‘masters of physical force’), like the USDA, is another purported pro-SPDC social organization. The inclusion of the word “*Pyitthu*” (‘People’s’) is an attempt to give the impression that the organization is a popular people’s movement. (For more information, see Chapter 10: Freedom of Assembly Association and Movement). The source maintained that he, along with approximately 50 others, had been “*rounded up*” on 14 May 2007, by the Insein Township TPDC and recruited into the *Swan Arr Shin* the day before the activists were due to hold a prayer campaign. He further claimed that the TPDC officials had told them not to refer to themselves as *Swan Arr Shin*, but rather as “*political/general informers*” and also that the activists were preparing to stage a riot and it was their duty to stop them. However, upon arriving at the venue, they found that the activists “*weren’t like that in reality. They were peaceful people*”. These 50 men were not paid, but were instead “*treated at a teashop when the job was done*”.²¹

In other instances however, the SPDC used far less clandestine and more overt methods to repress expression. For example in July 2007, officials from the Taungdwingyi Township TPDC in Magwe Division warned local NLD leaders against celebrate Martyr’s Day on 19

July 2007 to commemorate the anniversary of the assassination of independence hero (and father to opposition leader Daw Aung San Suu Kyi), General Aung San. NLD members in some townships were reportedly forced to sign statements agreeing that they would not publicly mark the event.²²

Though there were a handful of cases of unhindered peaceful protests against the regime and its policies, 2007 was marked by the brutal repression of the freedoms of expression. The most prominent display of this was the bloody suppression of the anti-regime 'Saffron Revolution' protests across the country in September 2007. (For more information, see Chapter 11: The Saffron Revolution – The 2007 Pro-democracy Movement, Chapter 8: Freedom of Belief and Religion and subsequent Section 9.11: The Saffron Revolution below).

On 16 January 2007, an estimated 200 pagoda police, USDA members, and Special Branch police officers physically assaulted a group of ten activists who were holding a prayer vigil for political prisoners at Rangoon's Shwedagon Pagoda. According to reports, the activists were set upon and forced from the pagoda grounds. Ko Than Zaw Myint, who was attending the vigil reported that *"Two [men] grabbed my shoulders and said, 'Don't hang around. Leave here'. I told them I was there not to leave but to pray on the pagoda. They said, 'You want to die?' and gave me a punch across my face"*. Six days later, on 22 January 2007, the ten activists filed a complaint over the incident with the local religious authorities.²³

On 6 February 2007, a group of activists attending a regular Tuesday prayer campaign for political prisoners at Rangoon's Shwedagon Pagoda were doused with water by pagoda security personnel, while loudspeakers were used to disrupt the group's prayers.²⁴

On 20 February 2007, activists attending the Tuesday prayer campaign at the Shwedagon Pagoda were again surrounded and threatened with violence by dozens of USDA members and pagoda security personnel who demanded that the group cease their vigil or face violence.²⁵

On 12 February 2007, which in Burma marks Union Day, SPDC authorities prevented a demonstration from being held at the Shwedagon Pagoda when well-known activist Tun Tun, had tried to display a picture of General Aung San. The SPDC prohibits most activities related to Aung San not only because he was pivotal in and has thus come to represent Burma's independence, but also because he was father to opposition leader, Daw Aung San Suu Kyi.²⁶

Also on 12 February 2007, local SPDC authorities had banned a dinner hosted by the pro-democracy United Nationalities Alliance (UNA) at the NLD headquarters in Rangoon to commemorate Union Day.²⁷

On 22 February 2007, well-known political activist Ko Htin Kyaw led approximately 25 protesters on a 30 minute march to Sule Pagoda in Rangoon, carrying placards and distributing leaflets calling on the SPDC to lower food and commodity prices and improve social welfare services; including improved public healthcare, education and pension benefits. At least nine of the protestors were arrested by the authorities during the demonstration but were later released on 27 February 2007. Three journalists who were covering the event were also reportedly detained.²⁸

In late February 2007, it was reported that a number of individuals had been organized a public literacy seminar in a Buddhist monastery in Paungde Township, Pegu Division had been sentenced to three months imprisonment for having done so. While reports disagreed on the number of individuals jailed, with estimates between three and eight, it appears as though they had been arrested by military intelligence officers under Article 5(j) of the

Emergency Provision Act of 1950, accusing them of attempting to “*disrupt the morality or the behaviour of a group of people or the general public*”.²⁹

On 4 April 2007, SPDC authorities arrested Tin Ko, a HIV patient from Kanma Township, Magwe Division, for staging a brief protest in Rangoon calling for easier access to antiretroviral medications.³⁰

On 5 April 2007, residents of Chauk in Magwe Division petitioned the Chauk Township TPDC office in protest of the recent increases in municipal sales tax. One resident stated that “*The tax rate has doubled. ... The tax we previously paid was 5,000 kyat and now [its] 10,000 kyat. We can not accept this decree and cannot pay that much*”. Approximately 500 persons had reportedly signed the petition, while an estimated 400 had demonstrated in front of the TPDC office. No further reports emerged of the TPDC rolling back its new tax policy.³¹

On 18 April 2007, human rights activists Maung Maung Lay and Myint Naing were beaten so severely that they were both hospitalized and had reportedly required surgery. The two activists were set upon by the mob, estimated to number approximately 100, many of whom were reportedly wielding sticks, as they attempted to leave Oakpon village in Henzada Township, Irrawaddy Division where they had been conducting a human rights awareness raising campaign. It was alleged that the chairperson of the Henzada Township TPDC had orchestrated the attack, although the original articles which had reported the incident had offered little evidence to support this allegation.³²

On 22 April 2007, seven demonstrators calling for a reduction in basic commodity prices, and improvements in public healthcare and utility services were assaulted and arrested by Special Branch Police officers and members of the USDA. Eyewitnesses estimated that approximately 200 Special Branch Police officers had intercepted the protest at the Thingangyun Sanpyat Market in Rangoon soon after it had begun.³³

On 25 April 2007, plainclothes security personnel arrested 61-year-old former political prisoner U Ohn Than for protesting “*to escape from the world's poorest country, demanding establishment of a people's elected government, to get rid of dictators and to invite the United Nation Commission*”. U Ohn Than had earlier staged a similar solo protest in front of the United Nations Development Program office in Rangoon in 2004, after which he was arrested and sentenced to two years imprisonment under Section 505(b) of the Penal Code for causing public mischief.³⁴



U Ohn Than solo demonstration in Rangoon on Union Day 2007. [Photo: PDC]

Also on 25 April 2007, Ko Tin Htay and Ko Than Htun were sentenced to two and four-and-a-half year's imprisonment respectively by the Nyaungdon Township court in Irrawaddy Division simply for possessing copies of the video of the opulent wedding of Senior General Than Shwe's daughter, Thandar Shwe.³⁵

On 16 May 2007, 62-year-old Daw Tin Tin Maw, a member of the Hlaing Township NLD chapter, was arrested after staging a solo protest before the steps of Rangoon's city hall demanding the release of Aung San Suu Kyi.³⁶

According to the Assistance Association for Political Prisoners in Burma (AAPPB), the SPDC and its agents had arrested 99 pro-democracy and human rights activists in May 2007 alone.³⁷

On 20 June 2007, it was reported that SPDC authorities arrested 49-year-old Daw Thaug and 23-year-old Ma Khin Aye, the mother and daughter of 25-year-old Maung Kyaw Naing who had earlier been arrested for protesting against spiraling rates of inflation and high levels of unemployment in Taungup, Arakan State. It appears that the arrest of the two women was directly linked to the solo protest made by Maung Kyaw Naing.³⁸

On 19 June 2007, celebrations at NLD offices around the country marking the 62nd birthday of Daw Aung San Suu Kyi were disrupted by members of the SPDC-affiliated USDA. Those attending the celebrations were reportedly pelted with sling shots.³⁹

On 24 June 2007, Ko Maung Oo was arrested by members of the auxiliary fire brigade, all of whom also automatically become members of the USDA, for staging a demonstration against the SPDC's misguided economic policies in Rangoon.⁴⁰

On 10 July 2007, Ko Min Min from Prome in Pegu Division was arrested by local police officers for providing human rights workshops to local residents. The police officers denied this and had insisted that Ko Min Min, a former tutor, had been arrested for "*operating as a private tutor without a license*". It was later reported that he had been sentenced to three years imprisonment and fined 30,000 kyat.⁴¹

On 24 July 2007, six members of the Human Rights Defenders and Promoters (HRDP) were given prison sentences by a court in Henzada Township, Irrawaddy Division. Well-known activist Ko Myint Naing, who was among the group sentenced, was given eight years imprisonment, while his five colleagues had each received four-year prison terms under the charge of inciting public unrest.⁴²

On 9 November 2007, U Ne Win and Ba Myint, both NLD members from Kachin State, were sentenced to two years imprisonment in secret closed session courts without proper judicial procedure or access to legal council in Myitkyina and Bhamo Prisons respectively. Both men were charged under Section 505(b) of the Penal Code.⁴³

On 11 November 2007, it was reported that NLD member Maung Khaing Win (a.k.a Salar Vee) was arrested and sentenced under Sections 505(b) and 143 of the Penal Code for having offered water to monks during the September protests. Similarly, U Htay Naing Lin, Ko Pain, U Myint Kyi, Ko Zaw Lin, Ko Chan Aung were all sentenced under Section 505(b) for providing information to the media. Section 505(b) is also known as the Law Protecting the State from Destructive Elements, while Section 143 is in regard to unlawful assembly.⁴⁴

On 13 November 2007, well-known labour rights activist Daw Su Su Nway and one of her colleagues, Bo Bo Win Maung, were arrested after being caught posting anti-SPDC posters in Bahan Township, Rangoon. The posters, hung up beneath a pro-regime billboard which

stated: “Oppose those relying on Americans, acting as stooges, holding negative views”, served as a parody to the propaganda that they outlined, read: “Oppose those relying on China, acting as thieves, holding murderous views”.⁴⁵

In mid November 2007, it was reported that the SPDC had released four women and one elderly man who had earlier been arrested for campaigning against the proposed damming of the Irrawaddy River at Myitsone in Kachin State. It has been estimated that the construction of the dam will inundate at least 47 villages in the immediate vicinity of Myitsone and displace over 10,000 villagers.⁴⁶

On 29 November 2007, Manaung Village Secretary, Ko Win Maung from Manaung Island in Arakan State was arrested for his involvement in the September protests. He was later sentenced on 5 December 2007 to two and a half years imprisonment for “betraying the state for his actions during the protests”.⁴⁷

On 2 December 2007, police officers arrested 52-year-old Hajee Amir Hakim from Tha Yet Pyin village in Buthidaung Township, Arakan State, for writing a letter to the BBC detailing SPDC human rights abuses against the Rohingya. He was released the following day after his relatives paid a bribe of an unspecified amount to the Buthidaung Police Station.⁴⁸



Resorting to silent protest: 20 kyat notes in Sittwe denounce the junta. [Photo: Narinjara News]

9.4 The National Convention

The junta continued to control and restrict the freedom of opinion, expression and the press during the National Convention (NC). The Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbances and Oppositions, a.k.a Order 5/96, continued as the regulatory and operational mechanism for the National Convention. This law was designed to punish, through lengthy imprisonment, those who would criticize the NC. Moreover, all delegates to the NC were forced to agree to the SPDC's ready-made chapters and basic principles, which grant the military's Commander in Chief the supreme power.⁴⁹ Order 5/96, *inter alia*, forbids “*disturbing, destroying, obstructing, inciting, delivering speeches, making oral or written statements and disseminating in order to undermine, belittle and make people misunderstand the functions being carried out by the National Convention for the emergence of a firm and enduring Constitution*”. Punishment ranges between three months to 20 years along with a possible fine. Organizations convicted under these provisions risk being banned as well as having their property confiscated. This Order, in conjunction with other laws, has enabled the SPDC to control the expression of those participating in the National Convention.

Through these limitations the National Convention was able to make significant inroads during 2007 in establishing guidelines for what the chairman of the NC, Lieutenant General Thein Sein, reiterated was the goal of establishing “*a discipline flourishing democracy*”.⁵⁰ The State-controlled newspaper, the *New Light of Myanmar*, reported that the final National Convention document, released at the closing ceremony of the National Convention on 3 September 2007, designated the national flag, state seal, national anthem and the location of the capital, although, like so much of the NC, very little input or debate was permitted from the participants.⁵¹ Following completion of the National Convention the drafting of a new constitution was reported to be the next step on the SPDC's much-touted “*Seven Step Roadmap to Democracy*” announced in 2003.⁵² Lieutenant General Thein Sein, NC Chairperson, promised to review previous chapters and make amendments as necessary to their flaws and weaknesses during the session. Many parties, including the National League for Democracy (NLD), who were not permitted to attend the NC, reported late in the year that they were looking for a chance to participate in the final discussions. However, despite comments professing a desire for democracy and an official statement from Senior General Than Shwe in the *New Light of Myanmar* declaring that the process of building a new nation is a process involving the entire nation, the development of the Burmese constitution, it seems, will be anything but democratic.⁵³ Meanwhile on 3 December 2007, Information Minister Brigadier General Kyaw Hsan dismissed the possibility of opposition groups contributing directly to the drafting of the constitution, and rejected the idea of outside assistance in the country's political development, stating that it's hand-picked 54-member constitutional drafting committee had begun work and did not need any outside help.⁵⁴

The new guidelines drawn up by the National Convention accomplish little more than providing a thin democratic façade to the continued military rule of the SPDC, under the guise of what the regime regards as “*disciplined democracy*”. Under the guidelines, a quarter of the seats in parliament will be reserved for military appointees. The national president will be a military officer, and the army will control important ministries, including defence and home affairs. The army would set its own budget, and would retain the right to declare a state of emergency and seize power whenever deemed necessary.⁵⁵ The guidelines for the new constitution indicate that the military will be entrenched in every state institution including the union presidency, the union government, the union assembly as well as regional and state assemblies. The military, known in Burmese as the *Tatmadaw*, will essentially be established as an ultra-constitutional organization. The constitutional guidelines state that the *Tatmadaw* is the sole existing army and that it must be strong and

modern. Under the new constitution, the commander of the army will be (as he presently is) the single most powerful person in the country. Burma's parliament, which is called the *Pyidaungsu Hluttaw* (Union Assembly), comprises two assemblies: the *People's Assembly*, which is composed of representatives elected on the basis of population, and the *National Assembly*, composed of representatives from different states and divisions. Nonetheless, the commander of the army will have the authority to pick up to one quarter of the total number of members in each assembly. In other words, the military will hold a quota of 110 out of 440 seats in the People's Assembly and 56 out of 224 seats in the National Assembly.⁵⁶



Hand-picked delegates to the junta's National Convention. [Photo: AFP]

However, as in previous sessions, the overwhelming majority of the delegates attending the convention were carefully handpicked by the regime. According to Khun Myint Tun of the NLD, "Only 12 of the convention representatives are elected members of parliament. The rest were hand-picked by the SPDC".⁵⁷ As many as 28 ceasefire groups also sent over 100 delegates to the National Convention - although most realised that this process was designed to perpetuate and institutionalise military rule. The New Mon State Party (NMSP), Kachin Independence Organization (KIO) and several other ceasefire groups issued demands regarding the type of (broadly federal) constitution they would like to see emerging from the convention. In doing so they sketched the outlines of what a future political settlement to "the ethnic question" in Burma might look like.⁵⁸

Critics have labelled the proceedings as a sham because the junta hand-picked most of the delegates and because pro-democracy leader Daw Aung San Suu Kyi remains under house arrest and cannot attend. The charter would ban Daw Aung San Suu Kyi from ever holding elected office, as having been married to a foreigner. The invitation of only hand-picked delegates by the SPDC to the National Convention totally ignored the frequent calls from the UN, US, EU and the wider international community for the inclusion of all parties concerned, including candidates elected in the 1990 election, the NLD and ethnic minority parties.⁵⁹ The US State Department joined the many critics of the National Convention, labelling it as a "total sham", and stating that any political process without the participation of the NLD and Daw Aung San Suu Kyi was "not legitimate".⁶⁰

It has also disappointed the hopes of the country's various ethnic opposition groups for greater autonomy. Many ethnic ceasefire groups have also reportedly been so dissatisfied with the charter that they have begun to rearm and are threatening to break their ceasefire pact with the regime and resume fighting.⁶¹ According to the Burma Campaign UK, "*There appears to be a real possibility that many ceasefire organizations could return to arms, or split, with factions once again taking up their guns*".⁶²

Despite its strict control over who was permitted to attend the National Convention, the SPDC also exercised complete control over media coverage of the process throughout 2007. At the last minute during the July 2007 session, the SPDC reneged on its promise to grant visas to Bangkok-based foreign journalists to report on the convention.⁶³ Only local Burmese journalists were granted limited access to the convention's opening day, presumably so that the SPDC could control what was published. Journalists were forbidden to carry tape recorders or mobile phones, they were not allowed to spend more than a few minutes in the convention room, and they were prevented from interviewing any of the delegates.⁶⁴ As with the four previous sessions, delegates convened at the heavily guarded Nyaunghnapin military base and were rarely allowed to leave the compound or have any contact with the outside world throughout the duration of the entire session.⁶⁵

According to local sources, and despite the concerns of the international community, a large proportion of its own people, and many members of the Convention itself, the Burmese authorities continued to coerce residents of Myitkyina in Mandalay Division to join mass pro-government rallies to show their support for the newly-completed National Convention in late September 2007.⁶⁶ At the same time the *New Light of Myanmar* accused the 88 Generation Students Group of plotting to sabotage the National Convention and claimed that 15 people had been taken into custody on these grounds.⁶⁷

9.5 Freedom of the Press

According to the Southeast Asia Press Alliance (SEAPA), press freedom deteriorated in many Southeast Asian States in 2007 and Burma was no exception to this trend.⁶⁸ As reported by various organizations, including Reporters Sans Frontieres (RSF), the Committee to Protect Journalists (CPJ), the World Bank and Freedom House, the Burmese press has remained one of the most repressed throughout in the world.⁶⁹ Throughout 2007, the Burmese authorities detained at least 11 journalists, seven of whom were sentenced to serve jail terms. The Press Scrutiny Board of the Ministry of Information continued to examine publications and prohibits “any incorrect ideas and opinions which do not accord with the times.” Among the topics that have been forbidden from publication are human rights situation in Burma, the continued house arrest of Daw Aung San Suu Kyi, AIDS education,⁷⁰ and the activities of the armed forces, especially their continuing offensives against civilian villagers in Eastern Burma. In October 2007, RSF released the *World Press Freedom Index 2007*, in which Burma was ranked 164th out of the 169 countries listed in the survey. RSF maintained that journalists in Burma continue to work under heavy censorship and that many writers and journalists continue to be jailed for doing their jobs. It further reported that private broadcasting is not permitted and most websites carrying news about the country are blocked.⁷¹

However, despite these censures, 2007 also witnessed some apparent developments. Brigadier General Kyaw Hsan, the current SPDC Information Minister held regular press conferences with the local media and international news agencies during 2007 and has allowed preferred journals to report on previously sensitive issues including HIV/AIDS and the new capital at Naypyidaw. However, given that all local media faces heavy censorship by the various established censorship committees and scrutiny boards, it is difficult to say just how much of a concession this really is.⁷²

It was reported in September 2007 that the SPDC would, for the first time permit the introduction of a journalism degree course sometime in the near future. While the SPDC maintains that this will be to encourage the country’s young generation to systematically master the skills of journalism, it is far more likely an attempt to further control and suppress press freedom. A journalism diploma course was only offered in Burma once in the early 1980’s. Students have been unable to study journalism in Burma since that time.⁷³

Operating under the Ministry of Information, is the News and Periodicals Enterprise (NPE), which all news services in Burma must be registered with and conform to the rules of. Under the NPE is the Myanmar News Agency (MNA) and the three official daily newspapers: the Burmese language *Mirror*, the Burmese language *Myanma Alin* and its English language counterpart, the *New Light of Myanmar*. According to the NPE, the *Myanma Alin* is reportedly circulated to over 100,000, while the *Mirror* to over 150,000 and the *New Light of Myanmar* over 10,000. Meanwhile, the authorities have been granting more private publications for circulation in recent years which, according to official figures, has brought the total number of private news journals and magazines being sold in the domestic markets to about 200 and 250 respectively as of the beginning of 2007. According to a report by the Chinese Xinhua news agency, the number of private journals covering domestic news in Burma has grown over the past eight years due to market demand. Among these private news journals are the *Yangon Times*, *Flower News*, *Kumudra*, *Weekly Eleven News*, *Myanmar Times*, *Newsweek*, *Pyi Myanmar*, *Snap Shot*, *Popular*, *7-Day News*, *International Eleven*, *Voice*, *24/7 News*, *Zaygwet* and *Internet*. During 2007, there were also as many as 20 foreign news services stationed in Burma including a number of the world’s leading ones with Associated Press (AP), Agence France-Presse (AFP), and Reuters.⁷⁴

However, other developments belied this semblance of opening up of the Burmese press. Firstly, in February 2007, the Press Scrutiny and Registration Division (PSRD) reportedly told Rangoon-based editors that all stories about bird flu were still off limits, despite the apparent containment of an outbreak of the disease during 2006.⁷⁵ Residents reported that only some people knew about the outbreak and the virus, and chicken was still widely available for sale throughout the country. News of the outbreak first appeared in the international press in mid June 2007, with the Livestock Breeding and Veterinary Department (LBVD) reporting that approximately 1,000 birds from a poultry farm in Pegu (Bago) Division had been culled as a precaution. The LBVD later conceded that the outbreak was more widespread with four new cases identified on farms in three townships in Rangoon and Pegu Divisions, after which, nearly 2,000 chickens were culled.⁷⁶ Despite the seriousness of the outbreaks and the threat to public health, dissemination of such information was strictly curtailed.

Furthermore, the security services, reorganized under the Military Security Force (MSF), increased their surveillance of the media during 2007. According to reports, civilians were also trained to identify informants to the international media.⁷⁷ On 7 September 2007, four residents of Pakokku in Magwe Division were arrested and detained for allegedly providing foreign media with information on the protests.⁷⁸ At the time of and following the September 2007 'Saffron Revolution' demonstrations, journalists were monitored, harassed and detained by the Police Special Branch officers, military intelligence personnel and also by members of the SPDC-affiliated Union Solidarity and Development Association (USDA).⁷⁹

The September 2007 protests also saw increased and direct repression of the press. The SPDC first failed to inform its citizens about the country's largest anti-regime demonstrations in almost two decades and only when reports began to be published in the international and opposition media, and transmitted back into Burma via shortwave radio did they permit local news agencies to carry stories on the protests.⁸⁰ However, all such reports were still subject to heavy censorship where the monks involved in the protests were described as "*bogus*", "*violent*" and "*disrespectful*" in the State-controlled media.⁸¹ The SPDC also started forcing privately owned magazines and newspapers to run statements denouncing the recent wave of public protests, in a move that the Burma Media Association (BMA) called a "*severe violation of personal and media freedom*".⁸² (For more information, see Chapter 11: The Saffron Revolution – The 2007 Pro-democracy Movement, Chapter 8: Freedom of Belief and Religion and subsequent Section 9.11: The Saffron Revolution below).

The BMA and RSF both reported widespread accounts of the use of violence and censorship against Burmese journalists who tried to cover the September protests in a deliberate strategy directly aimed at preventing them from doing their jobs.⁸³ In September 2007, Myat Thura of the *Kyodo News Agency* and two other journalists, Sint Sint Aung of *Nippon TV* and May Thingyan Hein, a freelance journalist, were detained while they covered a demonstration in downtown Rangoon.⁸⁴ Similarly, Aung Khine Nyunt, a reporter at *The Myanmar Nation* was assaulted by two unidentified men, believed to have been members of the USDA, as he was taking photographs at Hledan Market in Rangoon's Kamayut Township. Likewise, Moe Kyaw, a reporter for the weekly news journal *The Voice*, was set upon by six plainclothes men who beat him and stole the digital memory card from his camera as he was covering the march of the monks in front of the La Pyae Won Plaza in Rangoon. Moreover, Aung Hla Tun, a reporter with the Reuters news agency, was pushed by unknown assailants as he also was attempting to cover the protests in downtown Rangoon in September 2007. Authorities also reportedly seized the digital memory card from *TV Asahi* journalist Han Htway Aung as he was taking photographs of the protests, which was only returned to him after he had deleted all of the photographs that he had taken. Similarly, the *Mizzima News* reported that unidentified men grabbed the camera of *Kyodo News Agency* journalist Myat Thu Ya and attempted to push him into a car. He was later released although his camera was not returned.⁸⁵

Perhaps the most widely publicized attack on press freedom during 2007 was the deliberate slaying of 50-year-old Japanese photojournalist Kenji Nagai who was shot and killed as he was photographing the protests in Rangoon on 27 September 2007. His body was later returned to Japan following a formal protest by the Japanese government, although his camera was not.⁸⁶ The SPDC-controlled media initially reported that the Japanese journalist was to blame for his own death because he put himself in harm's way, although footage of his killing clearly shows that he was approached by an SPDC army soldier who shot him in the back at point blank range.⁸⁷ (For more information, see Chapter 3: Extra-Judicial, Summary or Arbitrary Executions).

During the protests many privately-owned weekly news journals in Burma opted to stop publication rather than publish statements in favour of the SPDC and condemning the protestors. All such publications had been given orders by the SPDC to print articles written by the State media blaming the All Burma Students Democratic Front (ABSDF) and the National League for Democracy (NLD) for the protests. *Kumudra, Seven Days, Pyi Myanmar* and a number of other news journals decided to stop or suspend publication, and informed the censor board accordingly.⁸⁸

Still, unlike the mass pro-democracy protests of 1988, the information continued to flow out of Burma during the September 2007 protests despite the SPDC's efforts to suppress it. Scores of 'citizen journalists' sent information out to friends working in the international and opposition media via email, mobile phone and SMS messaging. Numerous media groups operating in exile were quick to set up 'blog' sites (web logs) which featured many photos and videos depicting the protests as they unfolded that had been sent to them electronically by people inside.

A lot of this information also made its way back into the country via shortwave radio through services provided by groups such as the BBC Burmese Service, the Democratic Voice of Burma (DVB), Radio Free Asia (RFA) and the Voice of America (VOA), all of which are broadcast in Burmese.⁸⁹



The State-controlled English-language newspaper, the *New Light of Myanmar* condemns foreign news services. [Photo: unknown]

9.6 The State of Publications

Though official figures have alleged that more privately-owned and operated news and media publications are being sold in Burma, all publications suffer from ongoing restrictions and the threat of cancellation. *Khit Myanmar*, a publication by popular monthly magazine *Living Color*, was reportedly shut down in March 2007, while *The Myanmar Nation*, a weekly publication, was periodically pulled from Burma's newsstands throughout the year.⁹⁰ Similarly, the February 2007 issue of the Burmese language magazine, *Padauk Pwint Thit* ('The New Padauk Flower'; the Burma Padauk is also known as Burmese rosewood), was suspended by Burma's Press Censorship Board without citing any reason.⁹¹

All Burmese journals and magazines have to follow a number of steps in keeping with the censorship board's regulations. The first step in the process is to seek clearance from the Press Scrutiny Board (PSB) for the content of the cover. The second step is to submit the cover along with the journal or magazine's first draft, and finally submission of the finalized version before asking for a distribution permit from the board.⁹²

Declining readership also hit several news journals following the rise in basic commodity prices in August 2007 which followed the sudden increase in fuel prices on 15 August 2007. (For more information, see Chapter 6: Deprivation of Livelihood). The increase in fuel prices, in turn, drove printing and transport costs up – costs which were then passed on to the consumer. Prior to the price increases, most journals sold for between 300 and 500 kyat, however, since the increases, most readers could no longer afford to buy such publications.

Previously, those wishing to publish a journal in Burma had to pay 20,000 to 30,000 kyat per month for a publishing license, depending on the number of copies that were to be produced. However, as of November 2007, those wishing to publish a journal were obliged to pay approximately three million kyat to obtain a publishing licence.⁹³

However, in spite of such strict censorship regulations religiously enforced by the Press Scrutiny and Registration Division (PSRD), a number of privately owned journals and magazines continued to publish throughout 2007. One example is the *Myanmar Than Daw Sint*, or 'Burma Herald,' which was allowed to continue publication because its content is often highly critical of the international community and opposition groups operating both inside and outside the country.⁹⁴ Moreover, the Central Chin Literature and Culture Committee (CLCC), which comprises a number of Chin student leaders from different Burmese universities, was permitted to publish its first magazine in 2007.⁹⁵

However, while there has been a net increase in the number of new publications sold in Burma many of these new publications are controlled by the junta to report favourably on its actions. Those who fail to toe the SPDC line are refused permission to publish or have their publishing licences revoked. According to the Committee to Protect Journalists, the Ministry of Information was reported to have attempted to force a number of private journals to run propaganda straight out of the State-run *New Light of Myanmar*.⁹⁶ One journal was even suspended because of its editor's personal conflict with the pro-junta journalists of the *Snap Shot Journal*. Due to this conflict the *Middle Line Journal* was told by the Press Scrutiny Board that the journal must cease publication for the time being.⁹⁷ Similarly, the newly-created *East Village* journal initially recorded a very low readership because most of people in Burma considered it to be little more than pro-SPDC propaganda.⁹⁸ In addition to this, the SPDC also used many of the State-run publications to communicate what was and what was not permitted to be expressed and opinioned in the press. For example, in February 2007 *The New Light of Myanmar* reported that SPDC Police Chief Brigadier General Khin Yi warned leaders of one of the country's major opposition alliance, the Committee

Representing the People's Parliament (CRPP), against making any political statements. Meanwhile, the issuance of such warnings and restrictions against pro-democracy opposition groups provided pro-regime groups and government-backed associations, such as the USDA greater room to manoeuvre and even allowing them to demonstrate against the United States and the recently adopted UN Security Council (UNSC) resolution on Burma, despite the existence of laws prohibiting gatherings of more than five persons.⁹⁹ (For more information, see Chapter 10: Freedom of Assembly, Association and Movement).

Further illustrating the SPDC's control over the press, in January 2007, approximately 30 weekly journals in Rangoon ran an identical article written under the pseudonym "Yan Yan", which attacked well-known pro-democracy activist, Naw Ohn Hla, by linking her to a widely known pimp from an area in Rangoon where she lived. In response, Naw Ohn Hla filed a defamation case against 123 editors and publishers of those journals.¹⁰⁰

Later in the year, during the September 2007 'Saffron Revolution' protests, the SPDC sought to maintain rigid control of all media sources and attempted to limit the press to only running stories which presented the SPDC's version of what was happening at the time, grossly misrepresenting the reality of the ongoing civil unrest throughout the country. The junta even issued an order to all Rangoon-based journals and periodicals to publish a statement denouncing the ongoing protests. According to the BMA, PSRD Director, Major Tint Swe, instructed all journals and periodicals to publish a declaration stating that they were "*not a part of the association and not interested in taking part in the protest*".¹⁰¹ The State-run papers then ran a swath of questionable stories allegedly reporting on the protests. In early September 2007, SPDC-mouthpiece, the *New Light of Myanmar* reported that "*Internal and external destructive elements are inciting a period of civil unrest like the one in 1988*".¹⁰² Similarly, the *New Light of Myanmar* published another article which had maintained that SPDC security forces had fired three rounds into the air to disperse a crowd of approximately 100 monks who had gathered outside the Bawdi Mandine Monastery in Pakokku, Magwe Division, because they believed that the abbot, Tay Zaw Batha (known as U Tejobhasa), and "local bystanders" were in danger.¹⁰³ Unsurprisingly, the article made no mention of the underlying socio-political causes of the protest.

Following the 'Saffron Revolution' protests, the SPDC prohibited the sale of all foreign publications which featured stories of the protests or the subsequent crackdowns visited upon them. According to an article published in the *Irrawaddy*, book stores throughout Rangoon could no longer sell news publications such as *Time*, *Newsweek*, *Reader's Digest* and the Thai English-language newspapers including *The Bangkok Post* or *The Nation*.¹⁰⁴ Moreover, in November 2007, the *7 Days News* journal was forced by the Press Scrutiny Board to cover over its front page news story with silver ink because about the recent visit to the country by the United Nations Special Rapporteur on Burma, Professor Paulo Sergio Pinheiro – the first of its kind in almost four years. The story had to be covered with silver ink because the issue had already been printed. Myo Tha Htet, editor of the journal, believed that "*[m]aybe they think the news is a bit sensitive to be featured on the front page*", while U Zin Linn, Deputy Director of the Burma Media Association (BMA), said "*Maybe the [SPDC] is trying to prevent Mr. Pinheiro from becoming familiar to the Burmese people. Also, I think they do not want people to hear Mr. Pinheiro's opinions on Burma*".¹⁰⁵

The restrictions on the press in Burma during 2007 were not strictly limited to news services, but also related to the publication of historical material. The biography of Burma's late Prime Minister U Nu was to be published on his 100th anniversary of his birth on 25 May 2007, but the book's distribution was blocked by the PSRD, who had simply said that it was "*not the right time to distribute it*".¹⁰⁶

9.7 Continuing Detention of Journalists

As of February 2007, Burma remained one of the most repressive places on Earth for journalists, trailing only North Korea on the *10 Most Censored Countries* list in the global survey conducted by the Committee to Protect Journalists (CPJ).¹⁰⁷ According to a report released in February 2007, Burma was also listed as having the world's fifth highest number of journalists in detention. According to this report, at least seven journalists remained in prison across the country as of 1 December 2006, including U Win Tin and Maung Maung Lay Ngwe; writer and activist Aung Htun; editor, filmmaker and poet Thaug Tun; lawyer and former BBC stringer Ne Min; photojournalist Thaug Sein; and columnist Kyaw Thwin.¹⁰⁸ Thaug Tun and Than Win Hlaing (not named in the report) were both released on 3 January 2007.¹⁰⁹ Due to the difficulties in obtaining reliable data regarding the incarceration of prisoners, it is quite likely that considerably more journalists than this remained in detention throughout Burma.

In February 2007, Vincent Brossel, the Asia Pacific director of Reporters Sans Frontieres (RSF), had stated that the SPDC continued with its policy to arbitrarily arrest and detain journalists.¹¹⁰ In August 2007, the editors of *Eleven Media* were summoned to a meeting by the Special Branch of the Police in Rangoon where they were interrogated for being deemed to be too pro-National League for Democracy.¹¹¹

The detention of journalists in Burma is not limited to Burmese-based publications alone. On 22 February 2007, 34-year-old journalist, Myat Thura, with the Japanese *Kyodo News Agency* was arrested for interviewing demonstrators protesting against the regime in downtown Rangoon.¹¹² Then on 21 May 2007, SPDC authorities took into custody Aung Shwe Oo and Sint Sint Aung, two journalists on assignment for the Japanese television news agency *Nippon News Network* (NNN) in Rangoon. The reporters were believed to have been detained for covering the arrival of a North Korean ship supposedly carrying armaments to Burma. Both journalists were later released.¹¹³ Myat Thura and Sint Sint Aung, had earlier been detained for five hours, along with May Thagyan Hein of *Dhana Economic Magazine*, at the Aung Tha Pyay police guest house in Rangoon after being arrested while covering a peaceful demonstration in Rangoon.¹¹⁴

The SPDC further increased its repression of journalists during the September 2007 popular protests, which brought with it a marked increase in the incarceration of journalists. On 30 September 2007, Min Zaw of the *Tokyo Shimbun* newspaper was taken from his home by plainclothes security personnel.¹¹⁵ The 56-year-old journalist was taken in for questioning after he had reported on the ongoing demonstrations against the military regime. At least three other Burmese journalists disappeared in late September and were believed to have been arrested for having reported on the protests. According to one Rangoon-based editor, Kyaw Zeya Tun, 23, from *The Voice* journal; Nay Lin Aung, 20, from the *7 Day News* journal; and one unnamed female journalist from *Weekly Eleven News* journal all disappeared in late September 2007.¹¹⁶

The SPDC continued to exert its strict controls over the media right throughout October 2007. In late October, Aung Khine Nyunt, a reporter at *The Myanmar Nation*, was taking photographs at Rangoon's Hledan Market when he was set upon by two plainclothes men, believed to both have been members of the USDA. An eyewitness to the scene reported that "*The two men beat up Aung Khine Nyunt. One grabbed him and held him while the other man punched him. He was then called to the police station and questioned for about three hours*". Similarly, an unidentified journalist who tried to take photographs of Buddhist pilgrims at Rangoon's Shwedagon Pagoda was immediately surrounded by a crowd of approximately a dozen riot police, one of whom reportedly confiscated the digital memory card from his camera.¹¹⁷

U Win Tin, who has remained behind bars for the past 18 years, remains Burma's longest serving political prisoner.¹¹⁸ The 77-year-old suffers from diabetes and a serious heart condition and while incarcerated has suffered two heart attacks, prostate inflammation, a degenerative spine condition and heart disease.¹¹⁹ Yet, in spite of his apparent frailty, the Rangoon General Hospital, where he is interned, keeps him confined to a 15 square metre room.¹²⁰ In July 2007, the BMA called on the Burmese military junta to release U Win Tin unconditionally after the end of his 18th year in prison, but all calls to this effect went unanswered.¹²¹



U Win Tin, Burma's longest serving political prisoner. *[Photo: Narinjara News]*

On 3 January 2007, 48-year-old Than Win Hlaing was released from Tharrawady Prison after having served a seven year jail term for writing a reference to Daw Aung San Suu Kyi in her father Aung San.¹²²

9.8 Academic Freedom

The lack of freedom of the press and freedom of expression greatly hinders the academic and student community in Burma. Any new academic programs, like publications, must be approved by the regime which allows for ruling authorities to control all levels of education within the State. All academic journals and other publications from various education institutes have been banned in Burma since the military coup of 1962. It is only State-sponsored educational material that is available to students.

On 7 September 2007, six labour activists were sentenced to lengthy prison terms of up to 28 years for hosting a seminar about labour rights at the American Center in the US Embassy in Rangoon. According to their lawyer Aung Thein, the six activists, all in the 20s were found guilty of showing "*hatred or contempt*" to the regime. According to the report, which was originally published in the *Irrawaddy*, a number of the group were also charged with "*being members of illegal associations and violating immigration laws*". The names of the six activists and the durations of the sentences handed down are as follows:

1. Thurein Aung, 28 years;
2. Wai Lin, 28 years;
3. Myo Min, 28 years;
4. Kyaw Win, 28 years;
5. Nyi Nyi Zaw, 20 years; and
6. Kyaw Kyaw, 20 years.¹²³

In 2007, 84 students were barred from appearing for their matriculation examinations at the Tha Ohn Computer University in Mandalay, ultimately meaning that they could not graduate. The reason given for their omission was that they did not have the mandatory 75 percent attendance; however, the majority of the 84 students had all earlier been accused of political activity by inciting and assembling people to demonstrate.¹²⁴ In the aftermath of the September protests, the military issued orders to abbots not to accept more than 350 novice monks per university in the two Buddhist monastic universities in Rangoon and Mandalay. Prior to this, there had been approximately 450 novices living in each of these two universities. The junta also maintained the right to investigate all monks staying in the universities.¹²⁵ Furthermore, university students who wore black clothing to their exams as a mark of respect for those killed during the September protests were ordered to discontinue their campaign.¹²⁶ (For more information, see Chapter 12: Right to Education).

The junta has also been highly restrictive of other educational and academic mediums. A video documentary team, led by Zin Yaw Maung Maung, was denied permission to take footage of SPDC Minister for Industry Colonel Aung Thaug making an offering to monks in a monastery in Mandalay soon after the September protests.¹²⁷ Moreover, the authorities banned the distribution of a VCD (video compact disc) showing two highly respected senior Buddhist monks, U Nyanithara and U Kawvida, giving *Dhamma* (Buddhist scripture) teachings because they were deemed to have been critical of the junta's crackdown on the monk-led demonstrations.¹²⁸ The SPDC also prohibited certain leading Buddhist monks in Rangoon from giving *Dhamma* talks and seminars for the same reasons. Those monks who had been banned from speaking were U Kawthala (a.k.a *Dhamma Sedi Sayadaw*), U Kawvida (a.k.a *Mizzima Gon Yi Sayadaw*), U Nadapadi (a.k.a *Pyu Sayadaw*), and U Sadila (a.k.a *Lu Yay Chun Sayadaw*).¹²⁹

9.9 Control of Computer Technology and Communications

The Internet

Burma maintains some of the world's most restrictive Internet controls, including State-administered blocks on foreign news sites and the use of popular email services. Certain Internet email servers and search engines, including Google and Yahoo, are also banned. Regulations issued to Internet café owners prohibit customers from downloading websites and visiting politically affiliated sites. Every two weeks Internet cafés are required to submit the personal details of their customers and records of their internet use, along with periodic screenshots taken during their usage sessions.¹³⁰

In August 2007, it was reported that the SPDC had plans to implement the rather ambitious 'Cyber Village Project' which would enable every village in the country, in both urban and rural areas, access to the Internet. According to the same report, the SPDC also plans to introduce 400 public Internet service centres in 324 townships throughout the country within the next three years.¹³¹

According to the Myanma Posts and Telecommunications (MPT), the number of Internet users in Burma reached nearly 300,000 during 2007.¹³² This claim was supported by the Open Net Initiative (ONI) Bulletin, which found that Burma is one of 30 countries that has less than one percent Internet penetration, with an estimate of just under 300,000 Internet users nationwide.¹³³ However, many of the Internet Service Providers (ISPs) in Burma are controlled by the SPDC. Bagan Cybertech, a "semi-State enterprise" is only the second ISP in Burma. It was established by Dr. Ye Nai Win, son of former military intelligence chief, General Khin Nyunt.¹³⁴ Therefore, in order for the SPDC to create their envisioned 'cyber villages', outside investment and technologies were required. A number of companies from Thailand, China, Malaysia and Russia reportedly invested in the planned Yadanabon Cyber City being built on almost 10,000 acres of land in Maymyo Township, Mandalay Division.¹³⁵ In spite of this apparent opening up of the Internet in Burma, control of access to the Internet remains firmly with the junta. On 14 December 2007, the Yadanabon Cyber City, also known as the Burma Yadanabon Information and Communication Technology (ICT) Park, was officially opened by the SPDC. It was also reported that two days prior to the opening, on 12 December 2007, the SPDC had signed a Memorandum of Understanding with the Indian Government to establish an "IT enhancement centre" in Rangoon.¹³⁶

Despite the seeming growth in Internet usage in Burma, Internet censorship in Burma in 2005 was considered to be among the "most extensive" in the world according to the OpenNet Initiative (ONI), a joint research project on Internet censorship issues headed by Harvard University. A survey of websites containing material known to be sensitive to the regime found that 84 percent of pages tested by ONI were blocked in 2005. These sites included nearly all political opposition and pro-democracy sites.¹³⁷ The regime also reportedly maintained an 85 percent filtration rate of well-known email service providers. Meanwhile, RSF reported the SPDC's Internet policies to be even more repressive than those of China and Vietnam. In the beginning of the year the junta banned a number of proxy sites such as www.polysolve.com, www.glite.sayni.net, www.3proxy.com, www.unipeak.com. However, in spite of this, some Burmese Internet users have still been able to use facilities such as G-talk, Skype and VZO chat. They use such messengers via a proxy site or use 'Freedom' software which has been banned by the SPDC.¹³⁸ According to the India-based administrator of www.glite.sayni.net, popularly known as Glite, the Glite program has been downloaded by tens of thousands of Internet surfers and resides on hundreds of private and public servers in Burma, allowing its users to access Gmail accounts that the regime has tried to block. Other popular proxy servers in Rangoon's Internet cafés are Your-freedom.net and Yeehart.com, both of which similarly maintain new, updated versions to

bypass SPDC firewalls.¹³⁹ In November 2007, RSF conducted a new study of *"Internet Enemies"* in which surveyed levels of Internet censorship, in which it placed Burma as the world's fourth most repressive regime, behind Iran, China, and Tunisia.¹⁴⁰

Many of the junta's capacities to restrict access and control information on the Internet were revealed during the September protests. During this time, the regime, in an attempt to try and stem the flow of information leaving the country turned off all access to the Internet. According to the OpenNet Initiative (ONI) report, *"Pulling the Plug: A Technical Review of the Internet Shutdown in Burma"*, the junta became only the second State power to ever completely turn off the Internet (the other occurrence coming in Nepal in 2005). The report identified a two-week period, from the evening of 29 September 2007 to the afternoon of 13 October 2007, during which the Internet was either completely or largely switched off. SPDC authorities blocked numerous websites and blogs in an attempt to block the flow of information. Prior to this, on 3 September 2007, SPDC authorities blocked access to YouTube, which featured videos of the ongoing anti-junta demonstrations sweeping Burma. On 26 September 2007, SPDC authorities closed Internet cafés in Rangoon and on 28 September, the regime went so far as to shut off the country's only two Internet service providers.¹⁴¹

In spite of the implementation of such drastic measures, the SPDC was described as being *"ill-prepared"* for the flood of outgoing information resulting from the protests as its focus before the recent uprising was on the prevention of incoming information.¹⁴² While the Police Force had formed a special information technology (IT) unit to combat probable cyber crime and had many powers relating to the censorship and control of information on the Internet,¹⁴³ SPDC censors proved ineffectual at stopping the outflow of information and images over the Internet to the outside world during the September protests. The authorities initially ordered a blackout on all local media coverage of the protests but despite such bans, journalists and dissidents continued to send information and video clips of the protests over the Internet to foreign-based news organizations.¹⁴⁴ Most of the images and stories that made international headlines came from one of more than 100 students, activists and ordinary citizens who fed reports, images and video of the violent events onto the Internet and other media sources. Information technology played a critical role in helping news organizations and international groups follow Burma's biggest protests in nearly two decades.¹⁴⁵ During the protests, Kyaw Zwa Moe, the managing editor of the *Irrawaddy* news magazine stated that his office had received numerous emailed pictures taken on mobile phones and digital cameras.¹⁴⁶

However, the SPDC was able to limit certain aspects of the information flow on the Internet, particularly in late September. SPDC authorities blocked some domestic blog sites to restrict and stop free flow of information out of the country, including the popular blogs at <http://www.kohtike.blogspot.com> and <http://niknayman.blogspot.com>.¹⁴⁷ "Moezak's Web Blog" disappeared after just one day of posting images of the monks' protests¹⁴⁸ and another blogger, Thar Phyu, in Mogok Township, Mandalay Division was reportedly issued a warning by local authorities to desist.¹⁴⁹ The SPDC also closed Internet cafés in Rangoon while the junta-controlled ISP, Bagan Cybertech, reduced its bandwidth, dramatically effecting Internet traffic speed.¹⁵⁰ This state-affiliated ISP was apparently acting on government orders to slow down the speed of its Internet connections so that Internet users could not upload photos and videos.¹⁵¹ This order remained active through to early October when Myanmar Teleport, one of Burma's two ISPs was terminated. The Burmese junta reportedly terminated all services from Myanmar Teleport to check the flow of information because it had chiefly provided services for civilian use, including commercial activities such as public Internet cafés. Meanwhile, all services provided by Myanma Post and Telecommunications (MPT) were maintained as it mainly provides services to a few select civil servants. The Internet lines not reconnected until around 10 October 2007.¹⁵²

Even with this crackdown on Internet services, some technologies were employed to pursue the goal of press freedom. It was reported that approximately 200 Internet cafés in Rangoon continued to operate during the protests, drawing tech-savvy university students who transmitted photographs and video clips taken on mobile phones and digital cameras to friends and contacts outside Burma.¹⁵³

On 6 October 2007, the SPDC partially restored Internet connection across the country. The Internet was initially available only during hours when residents were under curfew, with the connection being slow and irregular, while most Internet shops in Rangoon remained closed. At the start of November, Internet access throughout Burma was once again cut off, but was later restored on 3 November 2007, although connection was still reportedly very slow.¹⁵⁴ During this time, RSF had determined that Burmese Internet users had only three or four hours of access a day. Even then, SPDC censors continued to block most websites, sift through emails, and even take frequent screen shots of users' computers in public Internet cafés.¹⁵⁵

Telecommunications

During 2007, the Myanmar Post and Telecommunications (MPT) decided to install Code Division Multiple Access (CDMA) phone lines in Arakan State along with other coastal areas in Burma. The stated intention was to build better communication links with other parts of Burma, particularly to improve the flow of information about weather conditions. According to the MPT, by July 2007, approximately 30,000 CDMA phones had been installed in Rangoon, Mandalay, and Mogok.¹⁵⁶ In the beginning of the year, the SPDC had extended its telephone network in Kannan village in Tamu Township, Sagaing Division, and provided telephone connections at appropriate rates compared to the previous year.¹⁵⁷ The SPDC also reportedly planned to introduce 140,000 GSM phones - double the 2006 number - to facilitate communication links across the country. The SPDC reportedly plans to have 81,000 GSM phones in Rangoon alone in the near future. This figure amounts to approximately one phone per 40 people, as compared to one GSM phone per 74 people as it stood in mid 2007.¹⁵⁸ Though still lagging far behind other countries, the estimated number of people inside Burma using cell phones has mushroomed from 3,000 users in 2000 to some 200,000 users in 2006.¹⁵⁹ However, just how the SPDC intends to implement this ambitious project and how the civilian population is expected to afford it remains to be seen.

Yet, despite this planned growth in telecommunications within Burma, the junta also reportedly stepped up its telephone tapping capacity in 2007. According to Aung Naing, chief editor of the Thailand-based Network Media Group, *"People are too afraid to talk on the phone as the lines are tapped. We can still call some numbers but these are very limited calls. Many people can still use email but they are careful because these too are being monitored"*.¹⁶⁰

Corruption has also had a dire effect on telecommunications in Burma. The Ministry of Telecommunications, Posts and Telegraphs is reputed to be one of the most corrupt of all of Burma's ministries. According to a report in the *Irrawaddy*, staff are known to accept bribes to install phone lines and approve mobile phone purchases. While the official rate for the purchase and installation of a new telephone line in Burma is 500,000 kyat, businesspeople and individuals can reportedly obtain one for 3.2 million kyat should they wish to avoid the official channels.¹⁶¹

There were also restrictions enforced on the use of satellite phones and foreign-registered phones during 2007. On 20 October 2007, 45-year-old Nai Aung Khin from Khaw Zar sub-township in Mon State was arrested for possession of a satellite phone. On 22 October 2007, he was sentenced to seven years imprisonment for possessing the phone and for having listened to BBC, VOA, and RFA radio broadcasts.¹⁶² Meanwhile, throughout mid November 2007, the homes of SPDC-allied Kachin Independence Organization (KIO) officials were raided by local SPDC authorities who seized Chinese-registered mobile phones. Authorities first seized only the telephones held by officials of the KIO and their armed wing, the Kachin Independence Army (KIA), but this was soon followed by seizures of phones held by ordinary citizens who had reported the initial confiscations to exiled media. Although the phones are technically illegal in Burma, it was believed that the confiscations were conducted in retaliation to the KIO's failure to release a statement condemning the recent statement read out by UN Special Envoy Ibrahim Gambari on behalf of the detained Aung San Suu Kyi.¹⁶³ It was later reported on 14 December 2008 that the Falam Township TPDC in Chin State was selling Chinese-registered mobile phones which had been seized by the authorities for 1.8 million kyat each. It was speculated that these may well have been the very same phones which had been seized from civilians in raids the previous month.¹⁶⁴

During the September 2007 'Saffron Revolution' protests the SPDC had also used its capacity to cut off phone services and landlines to many areas in Burma in an attempt to stem the flow of information. According to U Myint Thein, a spokesman for the NLD, several pro-democracy activists' mobile phones were cut off during this time. The SPDC suspended service to many prominent pro-democracy activists' mobile phones, including NLD spokespersons U Myint Thein, U Soe Myint, and U Nyan Win, labour rights activist Su Su Nway, HIV campaigner Phyu Phyu Thin and Amyotharye U Win Naing.¹⁶⁵ The mobile phones of other activists who had gone into hiding, including Htun Myint Aung, Hla Myo Naung and Toe Kyaw Hlaing of the 88 Generation Students' Group, were also cut. Moreover, the mobile phone of leading activist U Soe Myint Htain of the Myanmar Development Committee (MDC) was also reportedly cut.¹⁶⁶ According to a report in the *Irrawaddy*, more than 50 phone services, most of which were mobile phones used by activists and other members of the opposition movement, were cut.¹⁶⁷ On 12 September 2007, the SPDC also cut mobile and landlines to the NLD headquarters in Rangoon.¹⁶⁸ At the same time, phone lines were also cut and mobile phones and computers reportedly seized in raids on dozens of monasteries across the country.¹⁶⁹

Phone services to journalists and news services were also suspended during the September protests.¹⁷⁰ At approximately 3:00 pm on 27 September 2007, at the height of the bloody crackdown on the protestors, the SPDC disconnected almost all of the country's mobile phone lines, preventing journalists and demonstrators from reporting on the events that were unfolding right before their eyes. The mobile phones and landlines of several Rangoon-based foreign correspondents were also disconnected.¹⁷¹ Taken in combination with the closing of many Internet cafés in Rangoon and the shutting down of many blog sites and websites, the SPDC had tried to shut the country off from the outside world.¹⁷² Some lines, however, were kept open and, unlike the protests of 1988, the information was still able to get out.

9.10 Freedom of Expression in the Arts

The Burmese military continued to place heavy censorship and other restrictions on all mediums of artistic expression, including but not limited to writers, poets, photographers, filmmakers, actors, musicians, painters and other artists. Only certain subject material is approved by censorship authorities and anything that can be interpreted as pro-Western or as influenced by Western ideas, or, alternatively, is considered negative to the regime is strictly prohibited. Many artists and writers have been imprisoned because of the content of their expression.

Film and Television

All film projects in Burma are strictly regulated and censored by the censorship board. Every film is required to be first approved for production and then, upon endorsement, the film producer must also submit its storyboard for review. Upon completion the movie is again submitted for approval and any changes demanded by authorities must be adhered to. Yet, Burma's film industry has also been under constant pressure by authorities to produce material that is sympathetic of the junta's actions. A clear example of such overt demands being made on the film industry was when the Burmese military demanded that the film association come out openly in support of the China/Russia veto in the UN Security Council resolution on Burma in January 2007. However, Burma's leading film association refused to countenance these demands. Sources in Burma's film industry told DVB that despite Burma's literature and media associations issuing forced statements denouncing the United States, Myanmar Cinematic Association chairman U Kyi Soe Tun, refused to follow suit.¹⁷³

The SPDC also caused major disruptions to Burma's Academy Awards. This important event for the Burmese film industry was originally to be held in December 2006 but was cancelled due to a junta decision to relocate the ceremony to Naypyidaw.¹⁷⁴ The awards ceremony was then rescheduled for 5 March 2007 reportedly due to the lengthy delays in the construction of the new capital. Though the event eventually went ahead, the duration and content of the awards ceremony was dictated by the military. During a speech on the night, Information Minister Brigadier General Kyaw Hsan said that it were foreign movies, VCDs and CDs that posed a threat to the local film industry as well as to national culture. Moreover, it was speculated by numerous observers that a high degree of corruption exists among awards nominees and that the regime played a major role in deciding the winners in the annual event.¹⁷⁵

To be in possession of certain film and television material can also result in lengthy jail terms. For example, in April 2007, Ko Tin Htay and Ko Than Tun from Nyaungdon were sentenced to four and half years imprisonment simply for possessing a VCD copy of *The Night of Diamonds* – a documentary film which compared the lavish and extravagant wedding reception of Thandar Shwe, the daughter of Senior General Than Shwe, with the miserable daily life of the common Burmese people living in abject poverty.¹⁷⁶ Similarly, the public viewing of any film deemed inappropriate by the regime can result in arrest and detention. For example, three owners of small video theatres in Sittwe of Arakan State were arrested on 14 November 2007, after monks had gathered in the theatres to watch videos. It was believed that this restriction was imposed for fear that the monks may attempt to organize and resume the anti-regime protests such as those witnessed across the country in September.¹⁷⁷ Following the nationwide September protests, SPDC authorities sought to requisition all video footage taken during the demonstrations from video shop owners in Mon State. According to owner of one video rental store in Moulmein, local police personnel entered his store in late November 2007 demanding a list of names of anyone who had rented any CDs or videos of anything related with the September protests.¹⁷⁸ Moreover, on

12 November 2007, it was reported that the SPDC had recently shot a propaganda film in Prome, Pegu Division with members of the USDA and *Swan Arr Shin* which depicted the September protests, but in a way which represented the monks and civilian protests as being responsible for the violence. One source who witnessed the filmed reported that:

*"The film looks like it's about the monk protests, but it shows the township police trying to suppress the violence initiated by monks. Then they have to call in the military when they can't overpower the monks. ... So the military arrive, and first they fire rubber bullets into the crowd and some people get hit, but they made it look as though they had not choice but to fire as the monks were really getting out of hand".*¹⁷⁹

Visual and Performance

Visual and performance artists remained highly scrutinised by SPDC military authorities throughout 2007 and were frequently arrested for their expression. Any work that is considered detrimental to the regime is typically banned and this prohibition extends even after the death of the performer. For example, U Tin Moe, who is widely regarded as Burma's most outstanding contemporary poet and whose works are considered milestones in Burmese literature, died on 22 January 2007. However, even after his death, all of his works continued to be banned in Burma.¹⁸⁰ Similarly, in November 2007, another poet, Kyaw Thu Moe Myint, was forced to flee Burma for fear of being arrested for "illegally" publishing poetry.¹⁸¹

During 2007, as in past years, comedians were among those most persecuted performers in Burma for their artistic expression. For example, celebrations to mark the completion of renovations to a monastery in Mandalay were largely undermined when the SPDC stepped in to stop more than a dozen of Burma's leading comedians from performing at the ceremony. The comedy acts had reportedly been organised by Par Pay Lay of the well-known Moustache Brothers who live next to the monastery. Par Par Lay and his brothers who form the comedy troupe are no strangers to repression, all of whom have been jailed for their comedy acts and now cannot tour with their act but must perform from their home.¹⁸² Sixty-year old Par Par Lay, who has been arrested three times, was arrested on 25 September 2007 and imprisoned for over a month for providing food to the demonstrating monks.

In November 2007, Ko La Raung, a well-known Arakanese comedian from Mrauk U was arrested following a performance in which he depicted the shooting of a monk, which was clearly considered by the authorities to be too close to the reality of what had occurred on the streets in September. Ko La Raung was released from police custody after three days, only after the troupe owner had given assurances to the authorities that the act would be stricken from the bill and that they would never perform that particular skit anywhere again.¹⁸³

However, it was primarily during the 'Saffron Revolution' protests in September 2007 that both the potential and the limit of expression of performance artists in Burma was best displayed. A number of celebrities, including well-known comedian Zarganar, actor Kyaw Thu, writer Than Myint Aung, poet Aung Way and others formed a group to regularly and publically offer alms and basic assistance to the demonstrating monks.¹⁸⁴ Several high-profile members of Burma's entertainment industry expressed their support for the wave of protests against the military regime and called on other artists to follow suit. Zarganar publically stated that it was time that actors and musicians spoke out against SPDC oppression.¹⁸⁵ However, a group of writers and poets from Kyaukse in Mandalay Division

who staged a protest against high fuel prices were not so lucky.¹⁸⁶ According to eyewitnesses many of these artists and poets were arrested and detained by authorities. Among those arrested was the high-profile activist and poet who goes by the pseudonym Min Ko Naing ('Conqueror of Kings') and who had only just been released from prison in 2006 after serving a 15-year sentence.¹⁸⁷

On 18 November 2007, Burmese rapper G-Tone was arrested following a performance in Rangoon in which he removed his shirt to display a large tattoo on his back depicting "two hands clasped in prayer holding prayer beads". The scuffle with the security officials sparked an angry response from the crowd, which led to the outbreak of a riot in the concert hall. The Myanmar Music Association (MMA) then handed down a one-year ban on all performances by the rapper, and his band, *Cyclone*. The MMA also announced a new edict which required all performers to submit details of their original names, any pseudonyms or performance names that they may use, their national identity card number, and their full address before they would be granted permission to perform.¹⁸⁸



Amyotharyar U Win Naing, comedian Zarganar, and actor Kyaw Thu, offering alms to monks at Shwedagon Pagoda in a public display of defiance against the regime during the September 2007 Saffron Revolution. [Photo: *The Irrawaddy*]

9.11 The Saffron Revolution

In August and September 2007, the people of Burma took to the streets in protest against the continued rule of the military regime in what quickly became the largest display of discontent against the junta in almost two decades. That which follows is a brief overview of the 'Saffron Revolution' protests from the perspective of the freedoms of opinion, expression and the press. The protests are dealt with in greater detail in Chapter 11: The Saffron Revolution – The 2007 Pro-Democracy Movement. For further information, readers should also view the highly acclaimed HRDU report entitled, *Bullets in the Alms Bowl; An Analysis of the Brutal SPDC Suppression of the September 2007 Saffron Revolution*. This 180-page report provides arguably the most complete picture of events leading up to, during, and following the protests that swept Burma during August and September 2007.

On 15 August 2008, the SPDC suddenly and without any prior warning, slashed fuel subsidies. Almost immediately, fuel prices shot up dramatically. The price of diesel doubled, while the cost of petrol rose by 60 percent. However, the greatest increase was observed in the price of compressed natural gas (CNG), which witnessed a five-fold increase. It was largely the increase in the price of CNG which affected the population the most acutely in that the majority of Burma's public buses are fuelled by it. Correspondingly, bus fares doubled overnight, leaving many commuters unable to afford to the fares, and thus unable to travel to work.

On 19 August 2007, a procession of approximately 500 people, led by members of the 88 Generation Students' Group, marched in Rangoon against the price-rises, which by this time had already begun affecting basic commodity prices. Two days later, on 21 August, well-known activist Min Ko Naing, was arrested along with six other activists for their involvement in the demonstration. According to Amnesty International (AI), in the days that followed, an estimated 150 people were arrested, also for their part in the protest.¹⁸⁹ While some of the student leaders, including Ko Hla Myo Naung managed to escape arrest, by the end of the day the SPDC had detained 17 leaders of the 88 Generation Students' Group.¹⁹⁰ Those arrested were reported by the State-controlled media to have been responsible for "*terrorist and subversive acts*" under the Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbances and Oppositions (a.k.a Order 5/96), for which they could face up to 20 years imprisonment.¹⁹¹

A number of further protests were staged in Rangoon over the following days, several of which were comprised of hundreds of protestors. While many of these were permitted to pass without incident, a number of protestors were set upon by members of the USDA and *Swan Arr Shin*.¹⁹²

Then, on 28 August 2007, approximately 200 Buddhist monks marched in protest through the streets of Sittwe in Arakan State, marking the first entry of the monastic community into the protest movement.¹⁹³ The entrance of the monastic community into the protests was soon to prove crucial, providing legitimacy to the movement.

Undeterred by the large numbers of arrests, and seemingly encouraged by the introduction of the monastic community, the protests increased in number and participation over the next days and weeks as they moved into September. On 3 September 2007, crowds estimated to have been in excess of 1,000 took to the streets of Lawputta in Irrawaddy Division, with the stated intent to march the 270 kilometres (170 miles) to Rangoon. However, the procession was stopped by members of the USDA who arrested three of the organizers. A source in Lawputta described what happened: "*The march was stopped by the authorities outside the town ... and at least three leading activists, including Aung Moe Win, were*

arrested".¹⁹⁴ Seven others activists involved in the so-called 'long march' were also later arrested.¹⁹⁵

Despite witnessing the protests over the fuel price hikes and having been presented with numerous photographs of events, producers of Rangoon-based journals and newspapers reported that any articles on these matters were rejected by the Press Scrutiny and Registration Division of Ministry of Information. At the same time that the censors were ensuring that the local media did not report on the continuing protests, the SPDC-controlled media ran fabricated stories accusing and condemning members of the 88 Generation Students' Group and the NLD for instigating public unrest and riots.¹⁹⁶ The SPDC ordered Rangoon-based journals and periodicals to denounce the demonstrations and to print articles accusing pro-democracy activists of orchestrating the protests. However, several privately-owned publications decided to cease publication rather than printing complete falsification of events which were little more than pro-regime propaganda.¹⁹⁷

Meanwhile, a number of solo protestors were arrested for expressing their views. On 31 August 2007, two protestors, Ko Than Lwin and Ko Si Thu, were arrested for staging a protest in Taungup, Arakan State, but were later released after a crowd, estimated to have been 2,000 – 3,000 strong, demanded their release.¹⁹⁸ Also in Taungup, on 4 September 2007, a lone protestor identified as Soe Aung was sentenced to four years imprisonment after calling on the excommunication of Senior General Than Shwe.¹⁹⁹

In a pivotal event, on 5 September 2007, SPDC army soldiers attacked a group of approximately 500 monks protesting in Pakokku, Magwe Division. According to reports, the soldiers fired warning shots over the heads of the monks and the soldiers, alongside members of the USDA and Swan Arr Shin, set upon the monks and bystanders with bamboo staves. One monk was tied to a lamppost and severely beaten by the soldiers with the butts of their rifles, while another monk was reportedly killed.²⁰⁰

Outraged over the treatment of their fellow monks, the following day, a group of monks in Pakokku took between 10 and 20 SPDC officials hostage for six hours when they had visited Maha Visutarama Monastery. The monks then set fire to four of the vehicles that the officials had arrived in.²⁰¹ Three days later, on 9 September 2007, a newly-formed group of monks referring to themselves as the All Burma Monks Alliance (ABMA) issued a list of demands unto the SPDC with the ultimatum that should these demands not be met by 17 September 2007, they would call for a nationwide boycott and excommunication of the SPDC. The demands included an immediate public apology for the treatment of monks in Pakokku; an unconditional reduction in fuel and commodity prices; the release of all political prisoners in Burma; and the commencement of dialogue with the opposition movement for positive change in Burma.

With the arrival of Monday, 17 September 2007, and with the SPDC not having made any attempts to meet any of the demands, the boycott and excommunication orders were enacted. The ABMA also called for the resumption of protests.

The next day, on 18 September 2007, the protests resumed in earnest across the country with thousands of monks marching through the streets of Rangoon and other towns around the country chanting the *Metta Sutta* (the Buddha's words of loving kindness).²⁰² Hundreds of Buddhist monks staged protests in Kyauk Padaung in Mandalay Division and Aunglan and Pakokku in Magwe Division also as the wave of demonstrations gathered momentum.²⁰³ According to reports, nearly 1,000 monks were joined by thousands of laypersons who walked alongside them in the greatest sign of public participation since the protests began a month earlier. SPDC army personnel and police mostly stood back as the columns of monks paraded through the streets, however, members of the USDA and *Swan Arr Shin* continually monitored the monks, filming and photographing them, presumably so that they

knew who to target for future arrests.²⁰⁴ Meanwhile, in Sittwe, Arakan State, far from the prying eyes of not only the outside world, but also the rest of Burma, security forces physically disrupted demonstrations by firing rubber bullets and tear gas directly into the crowds in the first real display of force.²⁰⁵

Despite the growing security presence on the streets, protests not only continued around the country, but grew in size significantly. On 22 September 2007, a crowd of approximately 2,000 protestors, approximately half of whom were monks, were permitted past security barriers to assemble outside the home of detained opposition leader Daw Aung San Suu Kyi. Suu Kyi emerged from her home, reportedly on the verge of tears to pray with the monks. Why the security officials allowed this meeting to take place remains unknown. Either way one looks at it, it was a serious tactical blunder on the part of the SPDC.

By 24 September 2007, just two days after the audience with Suu Kyi, and with some of the monk leaders now calling on civilians to join the demonstrations, the crowds of protestors on the streets of Rangoon and other parts of the country, had swelled to an estimated 100,000 people. The processions of monks, nuns were joined by ordinary citizens, MP-elects, representatives of the NLD, prominent activists and a number of Burmese celebrities. In a statement which indicated the collective solidarity of all those involved in the protests, well-known Burmese actor, Kyaw Thu, publicly stated *"If they try to arrest the monks they will have to face us [the laypeople] first. This time, there is no need for us to be scared"*.²⁰⁶ Even in the face of so much open public dissidence, SPDC security official continued to hang back, though, as in previous days, paramilitary forces, some of whom were reportedly armed with shotguns, followed the processions.²⁰⁷ However, that night, SPDC Minister for Religious Affairs, Brigadier General Thura Myint Maung, announced on State-controlled television that action would be taken against the monks and protestors if they continued to demonstrate against the regime. Meanwhile, trucks toured the streets announcing over loudspeakers that any gatherings of more than five people were illegal under Order #2/88 and that those continuing to demonstrate would be arrested under Section #144 of the Burmese Penal Code. Regardless of these threats, the protests continued.

It was not until Wednesday, 26 September 2007, that the SPDC fulfilled its promises and enacted the crackdown on protestors that everyone had been expecting. Many Burma watchers remain mystified why the SPDC had waited so long to respond in seemingly the only way that they know how – violently. Riot police, soldiers, and members of the USDA and *Swan Arr Shin* beat monks and civilians with sticks and batons, sometimes to death. Reports also emerged of live rounds being fired directly into crowds. According to some reports, in the initial attack on the morning of 26 September outside the Shwedagon Pagoda, at least five people were killed.²⁰⁸ Following the first crackdown, the crowd dispersed but soon reassembled a short distance away to continue their protest.

Over the next two days, a deadly game of 'cat and mouse' was acted out between the protestors and the security officials, who would break up every demonstration only to have the crowd disperse and reassemble elsewhere. According to Shari Villarosa, the U.S. *Charge d'Affaires* in Burma, *"These were peaceful demonstrators, very well behaved ... The military was out in force before they even gathered and moved quickly as small groups appeared breaking them up with gunfire, tear gas and clubs"*.²⁰⁹ It was reported that, in all, there were at least 227 separate protests staged in at least 66 towns and cities across the country during August and September 2007.²¹⁰

Credible reports also emerged of the intentional targeting of journalists and anyone carrying a camera, video camera or mobile phone.²¹¹ Perhaps the most widely publicized fatality from the protests was the apparent deliberate shooting of Japanese photojournalist Kenji Nagai near Sule Pagoda on 27 September 2007. Photo and video footage of the incident clearly shows that he was shot in the back at point blank range by an SPDC army soldier

who then stood over him and shot him again after he had fallen to the ground. Armed with nothing more than his camera and from the range that he was shot, it would have been near impossible to mistake him for anything other than a member of the media.²¹²

Starting on the night of 26 September 2007, SPDC security personnel also began raiding monasteries around the country in an apparent attempt to remove the monastic community and the legitimacy that they provided to the protests. According to the AAPPB, at least 52 monasteries throughout the country were raided between 25 September and 6 October 2007.²¹³

By the end of September 2007, the protest movement had diminished dramatically. As HRDU stated in its report on the protests, *Bullets in the Alms Bowl*:

*"[T]he large number of arrests both on the streets and during night time raids, particularly on monasteries, coupled with a more established security presence in strategic areas throughout Rangoon, assured that protestors were not taking to the streets in the same numbers as they had in the days prior."*²¹⁴

Although there were no further mass protests during October, security forces pursued those who had been involved, with the assistance of the *Swan Arr Shin* and USDA who had taken many photos and video of those participating in and supporting the demonstrations. By the end of the first week of October 2007, an estimated 6,000 individuals, of whom an estimated 1,400 were monks, had been arrested since the onset of the protests.²¹⁵

Yet, in spite of the brutality visited upon the protestors during the crackdowns, and the many ways in which the SPDC attempted to abrogate the freedoms of expression and opinion of the Burmese population, *"This time, Burma received the full attention of the international media, world leaders and people around the world. The media, the Internet, digital cameras, blogs, cell phones and email invigorated the demonstrators who knew the world was watching, listening and reading about what they did and said"*.²¹⁶



Japanese photojournalist Kenji Nagai was shot in the back from point blank range by an SPDC army soldier as he was taking photographs of the protests near Sule Pagoda in Rangoon on 27 September. [Photo: Reuters]

Endnotes

- ¹ Source: "Burma's State Media Accuses Suu Kyi of Tax Evasion," *Irrawaddy*, 18 January 2007.
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