

10. Freedom of Opinion, Expression, and the Press

10.1. One of the Ten Enemies of the Press

Burma's Senior General Than Shwe is included in the 1997 top ten "enemies of the press" list released by the New York-based Committee to Protect Journalists. In its statement, the SLORC leaders and other listed international leaders were condemned for their "relentless hostility to the very concept of a free and independent press in their own countries and around the world." The ten had "deliberately engaged in hundreds of press freedom violations ranging from censorship, harassment, and physical attack to imprisonment and even assassination," the statement said.

All forms of Burma's public media (television, written press, and radio) are officially controlled and censored by the SLORC. The media continue to be subject to governmental censorship and are largely used as instruments to propagate governmental points of view. With the exception of reporting on some aspects of the National Convention, these official media did not report opposing views except to criticize them.

Foreign radio broadcasts, such as the British Broadcasting Corporation (BBC), Voice of America (VOA), and Norway-based Democratic Voice of Burma (DVB) remained prime sources of uncensored information, though the SLORC attempted to jam or otherwise interfere with the reception of these broadcasts.

The SLORC's power over the media has encouraged self-censorship on the part of writers and publishers in Burma. Private citizens are generally unable to subscribe directly to foreign publications, though a limited selection of foreign newspapers could be purchased in a few hotels in Rangoon. Even where available, however, foreign publications containing unwelcome articles are either banned entirely or redacted by SLORC's censors.

10.2. SLORC's Laws Restricting Freedom of Expression

Freedom of expression in Burma is seriously restricted under a set of SLORC laws which are difficult to reconcile with Article 19 of the Universal Declaration of Human Rights. The right to freedom of expression in Article 19 states "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." These laws affect not only freedom

of expression but also access to information for the people of Burma.

Under the *1962 Printers' and Publishers' Registration Law*, periodicals, magazines and films must be submitted to the "Press Scrutiny Board" prior to being printed or distributed. Authors, editors, publishers and distributors convicted for having transgressed its provisions face harsh penalties, which have been increased in June 1989 by SLORC Order 16/89 to a maximum of seven year's imprisonment and/ or fines of 30,000 kyats for each infringement of the law.

Another law which restricts freedom of expression is the *Myanmar Wireless Telegraphy Act*. This law, which was amended on October 22, 1995 (Amendment Law No. 15/95), stipulated that whoever possesses any wireless telegraphy apparatus without a license shall be punishable with imprisonment for a term which may extend to three years or a fine which may extend to 30,000 kyats, or both. Mr. James Leander Nichols, a former consular representative of some European countries, was arrested in early April under this law for illegal possession of communications equipment (telephones and fax machine). He was sentenced to three years imprisonment on May 18, 1996 and died in custody on June 22, 1996.

During 1996, the SLORC issued a series of decrees designed to strengthen its control over all forms of political expression and its citizens' access to information. On June 7, 1996, the SLORC issued Order 5/96, which prohibited speeches or statements that "undermine national stability" as well as the drafting of a constitution in the National Convention. That law entitled, *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 Opposition*, prohibits, inter alia, the preparation or dissemination of speeches or statements that undermine the stability of the State or are critical of the SLORC, and prescribes up to 20 years' imprisonment for persons violating the law, while organizations taking part in such activities can also be banned and have their funds and property confiscated.

Under the 1985 Video Law, all videos must be submitted to the Video Censorship Board for scrutiny. Those involved in the making, copying, or distribution of videos have been threatened with prison terms of up to three years under the Law. A new *Television and Video Act*, issued on July 31, 1996 requires that:

- (a) Foreign diplomatic missions and United Nations agencies obtain permits to show imported videos at "public exhibitions". Government video censorship boards will have the right to ban, censor, or restrict the audience for such showings;
-

- (b) Private video operators obtain licenses from a “video business supervisory committee” which will be formed in all states and divisions in Burma;
- (c) All videos both imported and locally produced, be approved by the video censorship board. Violations of these provisions are subject to punishments of up to three years’ imprisonment and/or a fine of up to 100,000 kyats. The law also forbids private transmitters that are not authorized by the Government, with five-year prison terms for any offenders.

A new law entitled *The Computer Science Development Law*, issued on September 27, 1996, makes the unauthorized import, possession and use of certain types of computer equipment, for example computers with networking capability -- punishable with sentences of seven to 15 years in prison and/or a fine. A “Myanmar Computer Science Council” was established to approve the type of equipment to be restricted. The punishment is prescribed, according to the Government-controlled newspaper “New Light of Myanmar,” for anyone setting up links with a computer network without prior permission or who uses computer networks or information technology for undermining State security, law and order, national unity, the national economy or national culture or who obtains or transmits State secrets. Members of unauthorized computer clubs may, according to reports, be sentenced to prison terms of a minimum of three years. A punishment of five to ten years imprisonment is prescribed for anyone who imports or exports computer software or information banned by the Myanmar Computer Science Council.

The SLORC restricts the reception of satellite television broadcasts. Penalties of up to three years’ imprisonment for operation of unlicensed satellite television receivers can be imposed.

10.3. Visa Restrictions and other Forms of Harassment of Journalists

Burma is strict about ensuring journalists have visas. Its embassies abroad have issued journalist visas on a selective basis only ahead of monthly news conferences organized by the SLORC. SLORC denied visas for foreign journalists whose reports displease the junta. SLORC’s Foreign Minister U Ohn Gyaw said in Jakarta on July 22, 1996, “Correspondents who are persistently attacking or writing bad things will not be allowed visas.” SLORC has repeatedly alleged that international media fabricate reports of human rights abuses in Burma and distort other development there. The SLORC harassed journalists during the abortive September 1996 NLD Party Congress and subsequently during student demonstrations in December 1996.

On December 4, 1996, the Foreign Correspondents Club of Myanmar (FCCM), whose members are all Burmese nationals working for foreign newspapers and wire services, issued a protest at the detention and beating of one of their members, U Myo Thant, a photographer for the Japanese Daily *Yomiuri Shimbun*. U Myo Thant, a 40-year-old Burmese journalist, was beaten around the head and upper body at the Shwedagon Pagoda on December 3, 1996 by Lone Htein riot police despite his attempts to identify himself as a journalist. He was then forced into a police van and taken to the Kyaikkasan racefield. After finally convincing the authorities that he had an official journalist's pass and that he had the authorization to enter the Shwedagon area -- at the time already cordoned-off by the riot police -- he was released and went to Insein General Hospital, suffering from head injuries.

A Japanese journalist working for *Yomiuri Shimbun*, a 39-year-old Shigefumi Takasuka, was badly beaten as he watched the demonstrations on December 7, 1996. He was beaten in the melee while some students were stoned and injured by security forces; he sustained unspecified injuries. He was taken for questioning by military intelligence and finally released two days later. He was turned over to the SLORC intelligence division despite repeatedly explaining he was a reporter. SLORC authorities later said the incident took place "because military and security troops could not understand a journalist's reporting activities on the spot."

At least three other free-lance journalists were deported from Burma during the first week of December 1996. All of them deported were on their tourist visas, and SLORC officials said they were deported because they had worked as journalists while in Burma without permission. On December 9, 1996, a Dutch woman, Williamke Joanna Nyhuis was questioned by Burmese immigration officials about links with the students and deported later for allegedly working as a journalist. She denied the charges when interrogated in Burma.

10.4. Sentencing for a Joke: Case of U Pa Pa Lay and U Lu Zaw

January 4, 1996 marked the 48th anniversary of Burma's independence from the British. On that day some 2,000 NLD members and supporters attended a celebration at Daw Aung San Suu Kyi's home. "Myo Daw Win Mar Anyeint" troupe, a traditional Burmese entertainment group from Mandalay, gave a performance which included dances, songs, and jokes satirizing the authorities. All ten members of the dance troupe, including Myo Daw Win Mar were arrested as soon as they arrived back to Mandalay after their performance. However, Myo Daw Win Mar, Ma Hnin Pa Pa, U Tin Myint Hlaing, U Sein Hla, U Win Htein, U Myint Thein, Daw Myaing and Ma Yin Yin Shwe were later released.

U Par Par Lay and U Lu Zaw, both comedians, and U Aung Soe and U Htwe, both NLD members and organizers of the performance, were reportedly sentenced to seven years imprisonment on March 18, 1996. U Pa Pa Lay and U Lu Zaw were charged under section 5(c) of the *1950 Emergency Provisions Act* with spreading false news, since they had allegedly made jokes about the military government in a performance at the Independence Day celebration. The two comedians were sent to a labor camp at Kyein Kran Ka near Myitkyina in Kachin State in early April 1996. They were forced to work with iron bars shackled across their legs, and had lost a considerable amount of weight. These two comedians were detained solely for the peaceful expression of their political views. U Pa Pa Lay had been imprisoned previously in 1991 for one year because he had made a joke referring to the popularity of the NLD. U Aung Soe and U Htwe were initially sent to a labor camp seven miles from Myitkyina in May 1996, they were reportedly moved to Sumprabom in northern Kachin State where they were forced to break rocks. (Source: *AI, Inside Burma*)

10.5. Sentencing for Production of a Video: Case of U Win Htein

U Win Htein, personal assistant to Daw Aung San Suu Kyi, was taken from his home at 10 p.m. on May 21, 1996 to an unknown place. When he asked the arresting officers for a warrant, he was told that a warrant was not needed as charges had already been brought against him. On August 15, he was slapped with a seven-year prison term for his role in the production of a videotape of arid rice fields aimed at countering the government's rosy agricultural projections. Along with U Win Htein, U Po Aye and his son Htein Lin, Hla Tun Aung, Kan Shein, and three other NLD members were sentenced to seven years imprisonment under the *Emergency Act* 5(j). U Win Htein was charged with sending present and former NLD members to collect information on agricultural development in various parts of the country; the others were charged for their part in collecting this information and for sending "false data." The NLD lawyer defending them was not allowed to cross-examine any witnesses during the trial, and he was not allowed to meet with U Win Htein privately. U Win Htein was reportedly sentenced to an additional seven years imprisonment on August 26, under section 5(e) of the *Emergency Provision Act* for having served as a translator for Tin Hlaing at an interview with a foreign journalist. (Source: *Inside Burma*)

10.6. Sentencing for Meeting a Foreign Journalist: Case of San Hlaing

Maung San Hlaing, also known as Tin Hlaing or Evak, a 27-year-old Muslim

bodyguard for Daw Aung San Suu Kyi, was arrested on June 13, 1996. He was sentenced on August 26, 1996 to seven years imprisonment under section 5(e) of the *1950 Emergency Provisions Act*. According to the SLORC media, he had been instructed by U Win Htein to meet with three foreign journalists on April 9, 1996 and had then provided them with information about the military's use of torture against political prisoners. (*Source: Inside Burma*)

10.7. Sentencing for Distributing NLD Video: Case of U Sein Hla Aung and Zaw Zaw Aung

Under the repressive new video law, many people were arrested solely for possessing or distributing video tapes of NLD weekend meetings. In March 1996, U Sein Hla Aung and Zaw Zaw Myaing from Mandalay were sentenced to three- and two-year prison terms, respectively, for distributing video tapes of Daw Aung San Suu Kyi. At about the same time, local officials in Mandalay reportedly began arresting people for watching the videos in private homes.

Similarly, in Minchaung village of Inle lake in Nyaungshwe, U Nhuang, U Aung Ba, U Soe Win, and U Chit Pwe were sentenced to two years imprisonment each for watching a video tape that featured Daw Aung San Suu Kyi. (*Source: SAIN*)

Similarly, on June 30, 1996, Daw Aye Aye Win was reportedly arrested at her home in Tharketa township, Rangoon after police officers had searched her house and confiscated 40 cassette recordings of speeches given by Daw Aung San Suu Kyi together with some NLD papers. She was sentenced to a seven-year prison term on August 15, 1996. (*Source: SAIN*)

10.8. Sentencing for Espousing Peaceful Dialogue: Case of U Kaythara

U Kyathara, a Buddhist monk also known as U Kyaw, was arrested in late May 1996 for putting up a poster calling for dialogue between the SLORC and the NLD in front of Sule Pagoda in Rangoon. He was sentenced to a seven-year term in prison on August 15, 1996. He was arrested for his non-violent expression of a peaceful political views. (*Source: Inside Burma*)

10.9. Sentencing for Two Songs: Case of Shwe Than Zin Band

It was reported that two musicians, Ko Min Maw and Ko Zaw Win from *Shwe Than Zin* band were arrested by the SLORC military intelligence and sentenced to jail for seven years in Rangoon for the creation of two democracy songs in March 1997. The two musicians recorded these two democracy songs in May studio in Rangoon and sent them to Democratic Voice of Burma (DVB) based in Oslo, Norway for broadcasting. These two songs were broadcast on March 3, 10, and 17, from DVB's "Songs in the Sky section." May studio was also raided and the owner of the studio was investigated by the SLORC MI. According to the sources in Rangoon, U Hla Min, the NLD-elected representative from Kawthaung (Victoria Point) constituency, Tenasserim Division, was arrested by the SLORC MI for having connections with the two musicians. (Source: ABSDF)

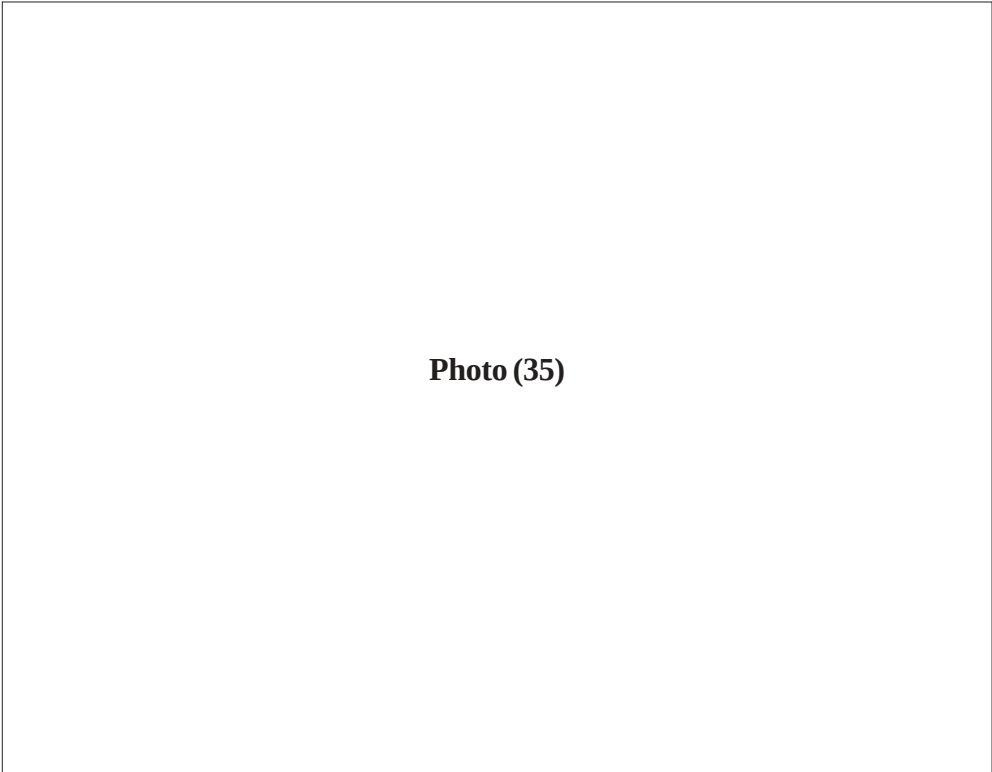


Photo (35)

This "People's Forum" where Burmese people briefly enjoyed their freedom of opinion and expression, has now been banned. (Photo by SAIN)