

11. Freedom of Opinion, Expression, and the Press

11.1 Background

"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

"Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits."

- Article 27, Paragraph 1, Universal Declaration of Human Rights

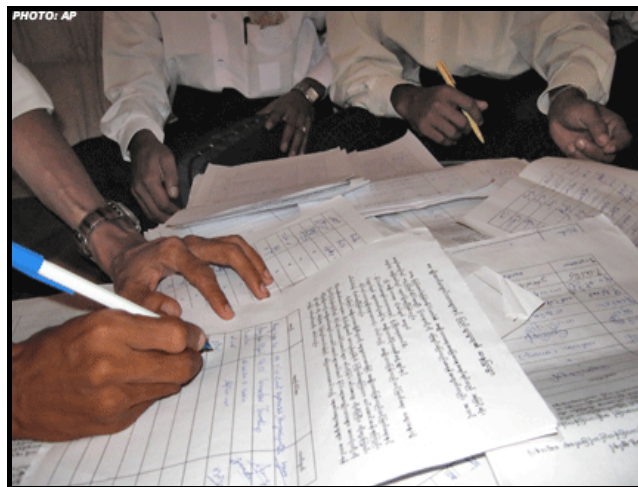
Freedom of opinion, expression and the press has been virtually non-existent in Burma since the military coup of 1988. The junta systematically maintains a tight grip over all forms of expression in the country, suppressing anything deemed harmful to the regime. Through an established legal framework, the ruling junta, the State Peace and Development Council (SPDC) attempts to silence all voices of opposition, both domestically and internationally, and prevent anything regarded as 'too Western' from diluting the sense of Burmese nationalism that it seeks to construct. Peaceful political demonstrations were tightly controlled throughout 2006 with participants often harassed or detained, and complaints made against the regime, its members or affiliates were frequently countered with arrest.

Every effort is made to ensure that people only see, hear, read, and learn about things that support the junta's position in power. The Press Scrutiny and Registration Division (PSRD), a division of the Ministry of Information, examines every publication for anything perceived as "anti-regime." Similar censorship boards retain tight control over art, music, film, performance and all other forms of artistic expression. All authors, publishers, journalists and poets must submit a personal biography to the board of literary censorship. The board then investigates to find out if these individuals have any association to opposition political parties or connections to other people or groups deemed threatening by the regime. Anyone suspected or proved to have "undesirable" connections is placed on a "blacklist" and their work is not allowed to be published.

Burma's press has long remained among the most repressed in the world, and this was again true in 2006. Reporters Sans Frontiers (RSF) placed Burma 164th on its press freedom index, just five places from the bottom;¹ the Committee to Protect Journalists (CPJ) ranked Burma as second in its list of "10 Most Censored Countries;"² and Freedom House listed Burma in its review, "The Worst of the Worst: The World's Most Repressive Societies 2006."³ These figures come in spite of the "flexible censorship policies" introduced by the PSRD in 2005. These regulations were supposed to mark a relaxation in censorship practices and a move towards a more open, independent press. Issues such as HIV/AIDS and bird flu, however, continued to be censored throughout 2006. As many as nine journalists also remained imprisoned for their work by the end of the year, the most prominent of which being U Win Tin: who completed the seventeenth year of a twenty year sentence in July 2006. While a number of new publishing licenses were reportedly granted during the past year, very few of

them resulted in the establishment of viable publications given the excessive restrictions and bureaucratic demands insisted upon by the military regime.

In order to access information about what is really happening within their country, and the rest of the world, many Burmese civilians are forced rely on sources of information outlawed by the regime. The main sources of outside information are the daily Burmese language radio broadcasts by Radio Free Asia (RFA), Voice of America (VOA), British Broadcasting Corporation (BBC) and the Democratic Voice of Burma (DVB). In recent years, there has been an increase in the import of cheap, Chinese-manufactured short-wave radios allowing a greater number of people to access these stations. Meanwhile, the junta continued to crackdown on other forms of outside communication in 2006. The military raided a number of areas across Burma as part of a campaign to eliminate cheap mobile phones smuggled in from bordering countries. The Internet also continued to be censored and extensive efforts were made to block free, independent e-mail services.



In October 2006 pro-democracy activists in Rangoon sign the 88 Generation petition calling for the release of all political prisoners. More than 500,000 people signed the petition. The SPDC responded by imprisoning at least 3 organisers. See Section 11.9 Freedom of Speech and Expression for more information. *[Photo: AP/Irrawaddy].*

11.2 SPDC Laws Restricting Freedom of Opinion, Expression, and the Press

The Official Secrets Act (1923)

Pursuant to section five, 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 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. “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 organisations who are engaged in preserving the stability of the State” is punishable by death or life imprisonment according to Article 2. Similar punishment is prescribed 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” under Article 3. 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 similarly 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 outlaws treason. Treason is punishable with death or life imprisonment. It was used in late 1990 against several NLD functionaries who attended meetings in Mandalay with the intent of forming a provisional government-in-exile after the election results were disregarded by the junta. The functionaries were arrested and sentenced between 10 to 25 years imprisonment under section 122.

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 SPDC 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) a.k.a. the "Law to Safeguard the State from the Dangers of Destructive Elements"

Under section 4, the junta has the power to declare a state of emergency in a 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, 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 allowed in any court. Only the Union Cabinet is authorized to hear appeals of such orders. Under a 9 August 1991 amendment to section 14, 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 above-mentioned acts is also considered an offence under this law. Punishment ranges between three months to 20 years along with a possible fine. Organisations 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 video business 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 a Video Censor Board. The requirement of obtaining censorship certificates has been extended to videotapes imported by foreign diplomatic missions or agencies of the UN for public exhibition. Operation of a television transmission business without permission from the SPDC 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, a state agency, must be obtained to produce any kind of film. Violation of the terms and conditions of a license are 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. 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 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. In addition, 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 illegal. Anyone operating or belonging to an illegal association is subject to punishment up to three years, a fine, or both.⁴

Internet Law (2000)

Regulations issued by the Ministry of Communications, Posts and Telegraphs, in 2000, include the prohibition of the posting of any writings on the internet that may be detrimental to the interests of the Union, its policies or security affairs. Violations of these guidelines are punishable.

11.3 The National Convention: Increased Control over Expression

The junta continued to tightly control freedom of expression during the 2006 National Convention (NC) session. 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 (Order 5/96) 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 authorisation. Punishment ranges between three months to 20 years along with a possible fine. Organisations convicted under these provisions risk being banned as well as having their property confiscated. This law along with others mentioned above enable the junta to tightly control the freedom of expression of both those participating in the Convention and those not.

The 5 December 2005 session adjourned on 31 January 2006 without any significant progress being made. Following a further session running from October through December, the year ended with signs that the Convention could well be finalized at some point during 2007/2008.⁵ Despite purported progress towards the completion of the new constitution, little changed in terms of opening up the Convention to free and open debate. On 7 February 2006, UN Special Rapporteur on the situation of human rights in Myanmar, Paulo Sergio Pinheiro, described the principles and procedures governing the NC as, “*fundamentally anti-democratic*,” in his report to the 62nd session of the UN Commission on Human Rights.

As in May 2004 (when the Convention originally reconvened after an eight-year hiatus), the SPDC continued to handpick pro-regime delegates to participate in the Convention and prohibited free and open debate. In 2004, the regime imposed conditions that precluded the participation of the NLD and other pro-democracy groups, including prohibiting the parties from selecting their own delegates and detaining their leaders. The regime has refused to invite these parties to subsequent sessions of the Convention.⁶ The Shan Nationalities League for Democracy and the Shan State Kokang Democratic party also boycotted the 2006 meeting of the National Convention. The remaining seven legal political parties unquestionably support SPDC policies.

The New Mon State Party (NMSP), an ethnic ceasefire group, took the decision not to formally participate in the December 2005 and October 2006 meetings of the NC. The group were dissatisfied that a joint proposal regarding legislative and judicial issues submitted by several ethnic ceasefire groups in May 2004 continued to be rejected by the military authorities. The procedural restrictions placed on the participants’ right to free speech were reportedly another reason cited by the ceasefire group for its stance.⁷ Following the adoption of this position by the NMSP, there was a reported increase in the presence of SPDC army personnel in the NMSP region.⁸

For those who attended the Convention, freedom of expression and speech was strictly curtailed. On 13 December 2005, several opposition leaders in Rangoon were warned by authorities that they would be prosecuted under order 5/96 if they criticized the NC and were told not to release information concerning the NC to media groups.⁹

Whilst the SPDC tightly restricted the issuance of visas to foreign journalists throughout 2006, it again issued visas to foreign journalists when the National Convention resumed on 10 October, and staged several press conferences to convey its views on political problems.¹⁰ In one such press conference, held prior to the October 2006 NC session, a senior official reportedly said that the regime would “*crush*” journalists who asked tough questions. In the same briefing, Brig. Gen. Kyaw Hsan shouted down correspondents who raised uncomfortable questions about the Convention or the continued house arrest of Daw Aung San Suu Kyi. In the weeks leading up to the October session the junta also detained several prominent members of the 88 Generation Student Group as a precaution against potential unrest. Min Ko Naing, Ko Ko Gyi, Htay Kywe, Min Zeya and Pyone Cho were each arrested in September 2006 for allegedly creating “*instability and unrest*,” and for having connections with exiled groups.¹¹

The NC continued to be held at an obscure location outside Rangoon in 2006, a move reportedly designed to further minimise any potential disruptions. In 2004, Special Rapporteur Paulo Sergio Pinheiro described the delegates as being, “*virtually under house arrest*” at the specially constructed camp in Nyaungnnapin. The camp was surrounded by military bases and delegates were confined to the compound and forbidden from discussing the proceedings with non-delegates.¹² It was reported that during the first session of the NC in 2006, delegates were subject to a curfew and “*essentially cut off from the outside world*.”¹³

Throughout 2006, the SPDC forced civilians to attend mass rallies across the country in support of the NC. At one rally, in Karen State, the junta-controlled newspaper, the *New Light of Myanmar* reported that over 25,000 people had turned out to show their support for the Convention. Local people complained, however, that they had no choice but to attend. Thant Zin, a resident of the Karen State capital, Pa-an, told *Irrawaddy* in January 2006 that, “*At least one person from each house has to attend the rally...If no one shows up, the household is fined 5,000 kyat and the residents’ details are recorded*.” He also claimed that all students from grades seven to ten were forced to attend. Of the 25,000 people cited by the *New Light of Myanmar* as being in attendance at the rally, Thant Zin said that, “*If it were of their own accord, no one would have been there*.”¹⁴ Rallies were also staged in Rangoon, Kachin State, and Pegu and Mandalay Divisions. In each case there were reports of intimidation and coercion by local authorities and the junta-controlled Union Solidarity and Development Association (USDA). Local people reported that they had been threatened with fines, violence, prosecution and imprisonment for not attending the rallies.¹⁵ (For more information see Chapter 12 Freedom of Movement, Assembly and Association).

11.4 State of Freedom of the Press in 2006

In 2006, Burma's press remained among the most repressed in the world. RSF placed Burma 164th on its press freedom index, just five places from the bottom.¹⁶ Similarly, the CPJ ranked Burma as second in its list of "10 Most Censored Countries;"¹⁷ and Freedom House listed Burma as one of the countries in its annual compilation, "The Worst of the Worst: The World's Most Repressive Societies 2006."¹⁸

In December 2005 it was reported by, state run, the *Myanmar Times* that the PSRD increased its staff to approximately 100 employees, 60 of who were reportedly assigned to censorship work. According to Maj. Tint Swe, the director of the PSRD, "*Each staff (member) is now examining three periodicals every day.*"¹⁹ The 400 or so private journals in Burma are required to submit an application for each publication listing every news article they wish to publish to the PSRD for approval. If an article is censored, the editors are forced to change the entire layout of the magazine to hide the removal of the objectionable material. There is, therefore, a strong incentive for magazine editors and writers to engage in self-censorship to avoid this time-consuming and expensive process.

Foreign journalists, while not subject to the same risk of arrest and intimidation as local journalists, also face restrictions on reporting news from Burma. The few foreign journalists who are allowed to live in Burma are subject to the same censorship laws as their local colleagues. For visiting foreign reporters, the junta requires a special journalist visa as well as a 'Permit to Conduct Journalistic Activities.'²⁰ International journalists who write articles critical of the regime have been blacklisted from the country. As a result of the heavy control of journalism in Burma, compounded with widespread poverty, illiteracy and lack of access to print media, most citizens choose to get their news from various foreign radio stations. These are the BBC, VOA, DVB, and RFA. In 2003, it was reported that close to 95 percent of civilians, as well as members of the military, relied on foreign radio broadcasts for information about events inside Burma.²¹ Similarly, it was reported in June 2006 that 80 percent of townspeople in Sittwe were listening to foreign broadcasts on a daily basis.²² In recent years there has been an increase in the number of cheap, Chinese-made radio receivers, which has likely increased the number of radio listeners.

Meanwhile, new "*flexible censorship policies*" were introduced by Major Tint Swe, head of the PSRD, in 2005. The new regulations outlined a seven-point press policy for writers to adhere to, including; opening up to reporters of journals and magazines on writing about government departments so long as articles were constructive; and permitting of writing on domestic and international news quoting foreign media so long as it was in the interest of the nation, with anything deemed as harming the national interest being rejected. The policy generally rejected writing news comments on foreign affairs, especially anything regarding ASEAN, China and India.²³ The new policy also empowered the PSRD to block the transfer of a publishing license from one publisher to another and tightened control over authorized editorial teams.²⁴

The new regulations included a lifting of the ban on media coverage of poverty, and health issues. Reports on these issues would be allowed if deemed, "*not [to] affect the national interest.*"²⁵ Information about Bird Flu, however, continued to be censored throughout most of 2006; putting the health of Burmese citizens at risk. In March 2006, radio stations reporting from outside Burma released information about an outbreak of the H5N1 virus in Mandalay and Sagaing Divisions. The junta, however, failed to release a statement or

announcement of any form regarding the incident, causing fear and confusion amongst local people. One Rangoon-based magazine editor told DVB that Burmese journalists had been told by the authorities that there was no outbreak, and that any article written about the incident would be banned by the censorship board. The journalist added *“As we have no rights to say these things, it is useless to be a journalist. We are no more real journalists but only people who try to make money as we are unable to do the things we should do.”*²⁶ Only in December 2006 did the junta begin to initiate any precautionary measures against the virus. In cooperation with UNICEF, the Livestock Breeding and Veterinary Department (LBVD) initiated a training workshop for media personnel aimed at raising public awareness of Bird Flu.²⁷ (For more information see Chapter 9 Health and Education). Information regarding HIV/AIDS was also censored by the junta in 2006. Again highlighting the risks involved in press censorship of health issues, one female NGO worker from Mon State told *Kaowao News* that, *“Some young women in my township marry business men suspected of being HIV positive. Some young men have sex with female sex workers even though they know the woman is HIV positive. We need more general knowledge and media access.”*²⁸

The new guidelines also lifted the outright ban on the reporting of natural disasters and crime. Reports about Cyclone Marla, which swept across Burma from 29 April, were permitted by the junta along with stories about cases of robbery and fire incidents. Despite this apparent relaxation, however, Aung Naing, editor of Network Media, told DVB that the restrictions are still there: *“Whatever you call it, you still cannot write the truth about the life of the people or actual events about the people.”* The only real change has come in the junta’s handling of reports about crime and natural disaster. In some instances the junta has even requested articles on these topics. Although, the concessions granted in these cases are minimal and possibly even misleading. According to Aung Naing, in order to publish stories on these topics, *“you have to present it in a way they-the government-want it, and you cannot write freely.”* Ludu Sein Win told DVB that the new regulations only permitted coverage of certain problems, such as narcotics and illiteracy, and not their underlying cause: the political system. The concessions are, therefore, meaningless: *“You need to deal with the main issue to resolve the problem,”* he argued, *“You cannot chop off the branches when the problem is in the trunk.”*²⁹

Conditions for collecting news also became increasingly restrictive in 2006. Journalists’ security worsened as a result of the junta’s refusal to notify them of which areas were off-limits,³⁰ and Burmese journalists seeking news from SPDC officials were ordered to obtain their signatures and stamps; making information harder to obtain.³¹

The military regime has become increasingly restrictive over information regarding the country’s new administrative capital. Despite statements by the junta suggesting that construction at Nay Pyi Daw was at an advanced stage, reports indicate a lack of basic amenities in the city; including food, water, and accommodation. In 2006, the *New Light of Myanmar* reported that, *“staff are eager to move to move to Naypyidaw,”* and that *“all slanderers are silent because of the objective conditions in the capital.”* On 24 August 2006, however, a report in *Irrawaddy* directly contradicted these statements. According to the report, SPDC employees were *“livid”* at being forced to move to the new capital and at the junta’s insistence that no one be allowed to resign. Only two offices were completed in the capital and lower-ranking officials were not due to move into their homes for years, living for the meantime in bamboo huts.³² Foreign embassies, aid agencies and international organisations had reportedly refused to move to the new capital because of its lack of facilities.³³ The junta also stopped covering the travel costs of journalists visiting Nay Pyi

Daw in 2006. Around one-third of invited journalists did not attend press conferences in the capital throughout the year because of the excessive costs involved in doing so.³⁴

On 27 March 2006 two journalists were arrested for filming and taking pictures of the new capital whilst travelling through it on a bus. Thar Cho and Moe Thun were each subsequently sentenced to three years imprisonment for the offence, the maximum sentence possible under Article 32 (A) of the Television and Video Act. The Act imposes legal sanctions against anyone filming commercial video without an official license. Both journalists appealed against their detention, arguing through a lawyer that they did not shoot footage of restricted areas.³⁵ Ann Cooper, Executive Director of the CPJ, described the detention of the two journalists as, “*a travesty of justice in a country where a military government uses the law to crush any attempt at journalism.*”³⁶ Local residents told BMA that soldiers and police were under orders to stop anyone taking photographs near the capital.³⁷ One civil servant told DVB in January 2006 that construction workers had also been arrested for photographing the site: “*Around 4-5-6 people get arrested in a day and their cameras confiscated. Nobody knows where they are going to be imprisoned.*”³⁸

In January 2006, the SPDC fired an army officer for contributing politically sensitive satirical articles to the Yangon Times. Major Wunna, chief of the military’s Aviation Maintenance Department and columnist under the pseudonym, ‘Mar j,’ had allegedly written articles critical of the junta’s move to Nay Pyi Daw and its National Convention.³⁹

Whilst the junta continued to suppress the independent media throughout 2006, it regularly used its own publications to attack opposition parties, with SPDC officials often using pseudonyms to write articles presenting the junta’s own views and opinions, as those of an independent analyst.⁴⁰ During the year, junta-controlled newspapers reported almost daily of NLD members resigning en masse from the party. According to the *New Light of Myanmar*, between 21 April 2006 and 8 June 2006, 546 members quit the NLD, reportedly in protest against the party’s politics and its allegiance to ‘foreign powers.’ In most cases, however, members had been forced to resign under intimidation by the authorities and the military police.⁴¹ (For more information see Chapter 12 Freedom of Movement, Assembly and Association).

The junta also used its publications to justify its own actions during 2006. With increasing reports of brutality by police and local authorities throughout the country, the SPDC moved to construct its own version of particular incidents in an effort to pre-empt or defend against other versions of events. Constructed stories would generally portray the victim of police violence as a person of bad character. This then gives the impression that whatever the authorities did to them was somehow deserved. The stories would also present the authorities as being disciplined and as acting in accordance with the law, thus absolving them from any claims of malpractice.⁴² On 17 March 2006, former political prisoner Thet Naing Oo was brutally murdered by members of the police and fire brigade. In its report of the attack, the *New Light of Myanmar* described Thet Naing Oo as being a drunk, urinating in public and as being out of control at the time of his arrest. Because of his condition, police and fire services, “*who knew their duties,*” were forced to use brutality to contain him. This story caused outrage, however, among ordinary people including the victim’s relatives. “*I regard it as an act of unbearable intimidation and bullying,*” one Rangoon resident told DVB.⁴³ Eyewitnesses were jailed, though reports suggest that Thet Naing Oo was actually drinking tea at the time of his attack. When DVB contacted the *New Light of Myanmar*, an unnamed

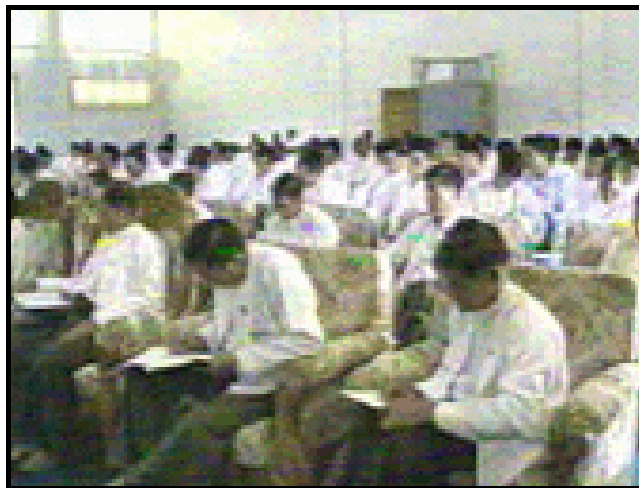
official said the paper had been forced to insert this piece of prevarication by the special branch of the police.⁴⁴

Following news reports of the community backlash over the suspicious killing of Thet Naing Oo, junta-controlled media accused international media outlets of trying to destabilise the country. Moe Shin, a columnist in the *New Light of Myanmar* labelled Thet Naing Oo a terrorist and branded the BBC, VOA and RFA as evil and wicked for colluding to slander and discredit the government.⁴⁵ As a means to counter these foreign media groups, the junta continued to school USDA members in the art of propagandistic journalism throughout 2006. In 2005, the SPDC had begun recruiting members of the USDA into the journalism profession specifically to counter the attacks of these news agencies. International media outlets such as the BBC and VOA regularly criticise the regime for its appalling human rights record, amongst other things. Speaking at the opening ceremony of journalism course Number 7, in Bahan Township, in October 2006, USDA Central Executive Committee (CEC) member, U Aung Min, asserted the importance of effectively and widely applying news and information in propaganda work. He went on to add that, *“In the globalization process, some big nations with superiority in IT development are interfering in the internal affairs of sovereign nations through the media.”*⁴⁶ Such rhetoric is common within the SPDC. In 2005, Information Minister, Brig. Gen. Kyaw Hsan had stated that the media *“will lose its aims and will harm the national interest if it exercises excessive freedom.”* He called on the media to help fight *“saboteurs from inside and outside the nation [who] are trying to destroy the national development in all sectors.”*⁴⁷ Reports in September 2006 indicated that civil servants in Nay Pyi Daw were also to be offered training courses in journalism. The one week course would be taught by news reporters and journalists chosen by Brig. Gen. Kyaw Hsan and officers from the SPDC Psychological Warfare Department.⁴⁸

In an all out bid to counter foreign and exiled media groups, members of the USDA in Arakan State unleashed a new strategy of spreading misinformation about them. One member in Kyaukdaw Township told Mizzima that, *“We are supposed to go to public places and tell people which information by which media last night was wrong. Then we have to explain to the people what the truth is.”* A local resident in Sittwe also said that, *“They [the USDA] are starting to counter the media by spreading false information that the arrest of Sittwe NLD [National League for Democracy] chairman U San Shwe Tun was because of his involvement in smuggling and logging.”* Another resident in Pongnakyon said that the USDA, *“have circulated reports that the death of U Oo Thar Tun was not because of an injection by the authorities as reported by the exiled democratic forces and the Arakan organizations but due to old age.”*⁴⁹

Those civilians who provided information to foreign journalists were among those most severely persecuted. The Military Security Force (MSF) conducted an increasingly sophisticated campaign of intimidation and monitoring of ‘informers’ throughout the year. MSF reportedly interrogated a number of businessmen, journalists, and civil servants, accusing them of giving information to foreign-based, Burmese language radio stations. Burmese officers have also reportedly been trained in methods of identifying sources used by foreign media. Chief trainer, Capt. Aung Kyaw Kyaw, even threatened to kill a number of Burmese citizens accused of acting as informants, according to the Independent Mon News Agency. Purchases by the junta of U.S-made intercept devices have additionally enhanced its capacity to monitor phone calls.⁵⁰

The day after political writer Ludu Sein Win met with a European visitor at his home in Rangoon, the MSF visited his house ordering him to stop talking to foreigners. After arranging a meeting between an American journalist and a freed leader of the 1988 student protests on 2 December 2005, Maung Maung Kyaw Win was told by intelligence officers, *"We know everything. Don't think we know nothing about you. We have been watching you for long years so stay out of politics, stay away from (the student leader) or your wife will become a widow."* Maung Maung Kyaw Win subsequently fled the country to Thailand though he was unable to talk of his experience until his family had been moved to safety in February 2006.⁵¹ According to a report by RSF, on 9 February 2006, two people were arrested in Moulmein, Mon State, for receiving *"suspicious"* international calls on their mobiles.⁵² In the same month, the Ponna Gyunt Township authorities were reported to have established secret agencies in local villages to look for informers feeding foreign media.⁵³



In 2006, members of the SPDC's puppet organisation, the USDA, underwent propaganda training, in an attempt to counter foreign media reports on the abuses and malpractice of the junta. The SPDC controlled newspaper, the *New Light of Myanmar*, ran this picture under the heading "USDA members to inform public of correct news and rebut fabrications: USDA Basic Journalism Course No 5 concludes," on 30 June 2006. [Photo: *New Light of Myanmar*]

11.5 The State of Publications in 2006

The PSRD granted new publishing licenses to 16 new magazines, journals and booklets in June 2006.⁵⁴ In July, however, the *Weekly Eleven News* reported that 13 journals and 23 magazines had been revoked from publication. These included the *Myanmar Economic Journal*, *Interview Journal*, the *Panorama* and *English-English Everywhere* magazines. No reason was given in the report for the move.⁵⁵ A further seven magazines and nine journals were granted licenses in December, bringing the total number of private magazines and journals being sold in the domestic market to 250 and 200 respectively; according to information from the PSRD.⁵⁶ All new publications were required to adhere to restrictions on negative articles about the junta, India, China and ASEAN; and on articles about natural disasters and health issues.

The *New Spectator* magazine was forced to skip publication for the month of July because of censorship. The PRSD rejected four of the magazine's leading articles, including a story based on Whan Chukee's, 'Prospects for our People,' and an article from Prospect magazine titled, 'Public Intellectual.' Ko Aung, editor of the *New Spectator*, told *Mizzima* that, "We cannot release our third issue, as the pages of the magazine are reduced it is not good anymore."⁵⁷ The Burmese media was also prevented from carrying stories about the controversial European cartoons of the prophet Muhammad. One Rangoon-based editor for a local news journal told *Irrawaddy* that, "Our reports [about the cartoons] for the latest two editions have been censored," and that "Some publications did not even submit the story [to PRSD], assuming that they would not get permission."⁵⁸

In January 2006, the Yangon Times journal was permitted to publish the New Year messages of renowned 88 Generation Student leaders Ko Ko Gyi and Htay Kywe, as well as other well-known personages. Sources say the journal quickly sold out because it carried the photographs of those leaders together with their messages. This is the first time that publications have been allowed to carry such news since Min Ko Naing and other student leaders were released from Burmese prisons in 2005.⁵⁹ Ko Ko Gyi, Htay Kywe and Min Ko Naing were all arrested in September 2006, however, in the run-up to the October session of the NC. Junta-controlled media outlets also increased their attacks on the student group in August. The *New Light of Myanmar* reported on 26 August that the 1988 Generation Students' meeting with the British ambassador and their visit to Kale and Kalewa was an attempt to incite public unrest. Ko Ko Gyi, however, stated that, "This is a leisure trip and I duly notified the responsible officials before my departure. At the towns that I visited, local officials also came and saw me." He added that, "This is a very harmful news report written at a time when we are working towards national reconciliation."⁶⁰

11.6 Continuing Detention of Journalists

No journalists were freed in 2006, and as of 31 December 2006, as many as nine journalists remained imprisoned in Burma. This number is however only a rough estimate because of the difficulties involved in obtaining accurate information about the regime's prisons.

U Win Tin

U Win Tin, Burma's longest serving political prisoner, remained in prison throughout 2006. On the occasion of U Win Tin's 76th birthday in March 2006, UN Special Rapporteur for Human Rights in Myanmar, Paulo Sergio Pinheiro and other human rights experts sent a letter to the military-junta calling for his release. This move followed an earlier appeal from RSF and BMA urging the SPDC to reconsider its position.⁶¹ UNESCO Director-General, Koichiro Matsuura, also issued a statement in March 2006 arguing for the release of U Win Tin on humanitarian grounds.⁶² The winner of UNESCO'S World Press Freedom Prize for 2000; he has endured at least two heart attacks whilst in prison. He also continues to suffer from diabetes, prostate inflammation, a degenerative spine condition, heart disease, inflamed knee joints, and dental problems.⁶³ Due to restrictions, the ICRC was unable to visit U Win Tin in 2006 to monitor his condition.⁶⁴

The former editor-in-chief of the daily *Hanthawati* and chairman of Burma's Writers Union, was arrested and sentenced to three years hard labour in 1989 for allegedly being a member of the banned Communist Party of Burma. While in prison, his sentence was extended twice, building to 20 years. On 4 July 2006, U Win Tin completed the seventeenth year of his sentence. To mark the occasion, RSF and BMA mounted a fax-offensive targeted at major Burmese embassies throughout the world. An appeal for his release and petitions signed by more than 5,000 people were sent throughout the day. Though he is now said to be treated with more respect by the military authorities, since his arrest U Win Tin has been deprived of his fundamental human rights, including being allowed to write.⁶⁵ In 1996 he was held for five months in a dog kennel at Rangoon's Insein Prison. Furthermore, in both 2004 and 2005, the junta listed U Win Tin as amongst those political prisoners due for release, only to then renege on this promise at a later stage. Opposition groups and human rights activists saw this as a deliberate attempt to torture him psychologically.⁶⁶

U Win Tin helped establish various pro-democracy publications during the 1988 uprisings that the ruling military junta violently crushed. As a former joint secretary to the main opposition NLD political party, he was considered a close adviser to party leader and Nobel Laureate Daw Aung San Suu Kyi. In 1992, his initial term drawing to an end, U Win Tin saw his sentence extended on charges of "*writing and publishing pamphlets to incite treason against the state*" and "*giving seditious talks*" during the 1988 uprisings. In 1996, military authorities extended his term yet again on charges that he secretly published "*antigovernment propaganda*" from prison, including notes drawn up for a United Nations Special Rapporteur detailing human rights abuses at Insein prison.⁶⁷ On 12 December 2006, U Win Tin was awarded the Foundation de France prize by RSF for his relentless commitment to press freedom.⁶⁸

Aung Htun

Aung Htun, a writer and activist, was imprisoned in February 1998 for writing and publishing a seven-volume book that documented the history of the student movement that led the pro-democracy uprisings of 1988. He was sentenced to a total of 17 years in prison. He was sentenced separately to three years for violating the 1962 Printers and Publishers Registration Act, the military junta's main legal instrument of official censorship; seven years under the 1950 Emergency Provisions Act, which is used broadly to suppress any dissent against the regime; and another seven years under the 1908 Unlawful Associations Act, a holdover law from Burma's colonial era under British rule. The writer's health has deteriorated during his detention. In 2002, Amnesty International issued an urgent appeal requesting that Aung Htun be granted access to medical treatment for complications related to growths on his feet, which had apparently inhibited his ability to walk, as well as a severe asthma condition. According to BMA, his health has deteriorated further in subsequent years.⁶⁹

Maung Maung Lay Ngwe

Maung Maung Lay Ngwe was arrested and charged in 1990 with writing and distributing undisclosed publications that the junta deemed to “*make people lose respect for the government.*” The publications were titled collectively *Pe-Tin-Than*, which from the Burmese translates loosely to “Echoes.” CPJ has been unable to confirm his current whereabouts, legal status, or records of his original sentencing 16 years ago.⁷⁰

Thaung Tun (a.k.a. Nyein Thit)

Thaung Tun, an editor, filmmaker, and poet better known as Nyein Thit, was sentenced on 3 December 1999 to eight years in prison for collecting and disseminating human rights-related information outside of the country. The films depicted topics that exposed chronic mismanagement and human rights abuses under military rule, including footage of forced labour and images of grinding poverty in rural areas. His videotapes were circulated through underground networks inside and outside the country, and copies were eventually captured by military intelligence officials. The 47-year-old was a long time journalist with the *Padaut Pwint Thit* magazine, which the junta shut down in 1995. He was also a member of the opposition NLD party and spent three years in prison for his political activities in the late 1970s. He is currently detained at Moulmein prison in southern Burma, 625 miles away from his family in Mandalay. CPJ honoured Thaung Tun and his colleague Aung Pwint, who was also imprisoned for his role in making the unauthorized documentaries, with the 2004 International Press Freedom Award. Aung Pwint was released in 2005.⁷¹

Monywa Aung-Shin (a.k.a. U Aye Kyu)

In September 2000, Monywa Aung-Shin (a.k.a. U Aye Kyu) was arrested and subsequently sentenced under both the 1962 Press Act sections 17 and 20, and under section 5(j) of the 1950 Emergency Provisions Act to a cumulative period of 21 years imprisonment. Monywa Aung-Shin began writing poetry in 1962 for several popular magazines in Burma. He was banned from publication in 1988 after becoming involved in the national uprising. He was also an editor for the magazine *Sar-maw-khung* (Literary World) before it was banned in 1990. He then worked as one of the NLD's press officers and was arrested, together with five others, for writing an NLD statement demanding the release of Daw Aung San Suu Kyi and

other Central Executive Committee members, and the reopening of NLD HQs. It also called for urgent tripartite dialogue between the junta, the NLD and ethnic groups and denounced the unlawful action of the SPDC. The Voice of America published and distributed the statement.⁷²

Ne Min (a.k.a. Win Shwe)

Ne Min, a lawyer and former reporter for the BBC, was sentenced to 15 years in prison in 2004 on charges that he illegally passed information to “anti-government” organizations operating in border areas. It represented the second time the junta had imprisoned the well-known journalist, also known as Win Shwe, on charges related to disseminating information to news sources outside of Burma. In 1989, a military tribunal sentenced Ne Min to 14 years hard labour for “*spreading false news and rumours to the BBC to fan further disturbances in the country*” and the “*possession of documents including antigovernment literature, which he planned to send to the BBC,*” according to official radio reports. He served nine years at Rangoon’s Insein Prison before being released in 1998.⁷³

Thar Cho (a.k.a. Thaung Sein) and Moe Tun (a.k.a. Kyaw Thwin)

Thar Cho, a freelance photojournalist, and Moe Tun, a columnist at the Burmese-language magazine *Dhamah Yate*, were arrested on 27 March 2006, and sentenced the following day to three years in prison for photographing and videotaping while riding on a public bus near Burma’s new capital city, Nay Pyi Daw. The two journalists were charged under the 1996 Television and Video Act, which bars the distribution of film material without official approval. Under the law, every videotape in Burma must receive a certificate, which may be revoked at any time, from the regime’s censorship board. Burmese security personnel were under strict orders to stop and detain anyone found taking photographs near the new capital. Thar Cho and Moe Tun were placed at Yemethin Prison in central Burma. Both journalists appealed the decision but on 21 June 2006 an appeals court upheld the lower court’s verdict without allowing defence witnesses to testify.⁷⁴

U Than Win Hlaing

U Than Win Hlaing was arrested in June 2000 and sentenced to seven years imprisonment under section 17/20 of the Press Act. In the second edition of a 1995 history of prominent Burmese figures in political history, U Than Win Hlaing included information on Gen. Aung San. Although the censors approved the overall content of the book, the junta viewed the information pertaining to Gen. Aung San as a criticism of the present regime. In 2005, U Than Win Hlaing was incarcerated at Thayawaddy Prison.⁷⁵ By January 2006, reports began to suggest that his health was rapidly deteriorating. According to AAPP-B Secretary, Teik Naing, U Than Win Laing was suffering from kidney complaints and diabetes: “*We learnt that the kidney disease is deteriorating considerably,*” he told DVB. He also said that prison authorities had not allowed U Than Win Hlaing to receive treatment at an outside hospital, and had prevented the ICRC from seeing him when they were last able to visit the prison in December 2005. Moe Moe Kyi, U Than Win Laing’s wife, expressed her concern over the health of her husband, telling DVB that she feared for his life.⁷⁶

11.8 Academic Freedom

The lack of freedom of expression in the academic community, together with an ever decreasing standard of education within the country, severely hinders student development within Burma. The junta strictly controlled teachers, students, the academic curriculum and the academic environment. Critical thinking, creativity and respect for a diversity of thought are not promoted within Burma's education system. All new academic programs or courses must be approved by the regime as well as all instructional material used in the education system. Newsletters, research booklets and academic reviews issued by the departments of various educational institutes have been banned since the start of military rule in 1962. Students are also prohibited from publishing course reviews and study guides, and only junta sponsored textbooks are available. Academic papers must be submitted in advance to the preparatory committee of the seminar for prior approval. Scholars who criticise the junta or contradict regime policy are frequently prohibited from publishing articles in their field of study. The authorities have also persecuted students who publish booklets of poems or short stories fearing such publications will prompt political activities among students.⁷⁷

Moderators and university faculty members are hand selected by the junta and are routinely warned against criticising the regime. University professors are forbidden to say anything critical in their lectures about the curriculum, the education system or the military regime in general. Teachers are also instructed not to discuss politics in the classroom and are prohibited from engaging in any sort of political activity. SPDC officials regularly join university meetings to remind academics of these laws to intimidate them into submission. There have also been reports of intelligence agents infiltrating classrooms and reporting on students and teachers who speak out against the regime. The Ministry also requires prior approval for meetings with foreigners.⁷⁸

Undergraduate campuses have been moved out of major cities and placed in remote locations, as a means to dilute any potential unrest.⁷⁹ Student unions are illegal in Burma and anyone participating in a student union is considered a criminal. Student union activists have often been arrested on unsubstantiated charges and student rights defenders have also been imprisoned and tortured. Meanwhile, many students continue to be forced to participate in junta-sponsored groups such as the USDA and the local women's affairs committees. Students and teachers are regularly forced to attend junta organised rallies, often with the promise of better jobs or higher grades in return for their participation.⁸⁰ (For more information see Chapter 9: Rights to Education and Health).

11. 9 Freedom of Speech and Freedom of Expression

Freedom of speech and expression is strictly curtailed by Burma's military junta. Throughout 2006, the SPDC continued its crackdown on all forms of expression deemed harmful to the regime.

The junta forcefully attempted to silence anyone who spoke out against injustices during 2006, despite junta-controlled newspapers regularly running advertisements in 2006 carrying details of new 'corruption hotlines' that would allow members of the Burmese public to lodge complaints against authorities. Many Burmese people though, are afraid of retribution if they report official's crimes. *"If you really go and complain they'll just give you back a lot of harsh time... There are examples you can see, like force labour cases in the country,"* Tin Win, a lawyer from Rangoon told DVB. *"You don't dare to file a report even if you want to... So this new program is like a big joke to people,"* he added.⁸¹

In early January 2006, Kyi Maw, a former school teacher at Kanthaya Ward, Magwe Division, central Burma, was imprisoned for writing a letter of complaint to the municipal authority about the erratic water supply system. He was arrested and charged for filing false reports under Act-192, and sentenced to 6 months in prison, as the authorities said the water had been working, contrary to local residents' reports.⁸²

Yeh Aung from Pe-Kone village, Myothit Township, Magwe Division, was arrested on 8 March 2006 after he attempted to report the corrupt practices of the village authority chairman, Yeh Min. Money gained from the sale of psychic nuts collected from villagers was reportedly being misappropriated to higher district authorities.

In January 2006, two NLD members from Kachin State were also reportedly detained for speaking out against the junta's psychic nut project.⁸³

In August 2006, Nyan Tun from Magyeesin Village, Salin Township, Minbu District, Magwe Division, was released after spending three months in prison for reporting the corrupt practices of local authorities. Nyan Tun had written to Sen. Gen. Than Shwe informing him that money collected from farmers by the local authorities for a generator, had been used instead by to set up a battery charging business. The generator was needed as part of an SPDC project to pump water for farmers in Minbu District. Batteries were being sold to farmers at a cost of 100 kyat each.⁸⁴

On 21 November 2006, it was reported that two men from Bogalay Township, Irrawaddy Division, had been sentenced to two years in prison each after filing a corruption complaint against local officials. Win Nyunt and Aye Min complained that VPDC officials had siphoned money from their yearly agricultural loans. Following an investigation of the men's claims, Phyar Pon division authorities warned the Bogalay Township VPDC and ordered them to maintain a record of all invoices. In retaliation, village authorities imprisoned the men.⁸⁵

The 88 Generation Students Group organised a number of campaigns throughout 2006. In the weeks leading up to the October 2006 session of the NC, Min Ko Naing, Ko Ko Gyi, Htay Kywe, Min Zeya and Pyone Cho were each arrested in what some analysts viewed as an attempt by the junta to mitigate against any potential unrest. In response, on 2 October the student group launched a nationwide petition campaign demanding the release of the detained

leaders, Daw Aung San Suu Kyi and other political prisoners. The group called for “*constructive compromise*” between the SPDC and opposition movements, and warned that “*Burma’s national crisis is at the highest level now.*”⁸⁶ A total of 535,580 persons eventually signed the petition.⁸⁷ The junta attempted to counter this widespread popularity with claims that signatories of the campaign were tricked; something the student group strongly refuted. One leader of the Generation Group told *Irrawaddy* that, “*The junta has accused us of obtaining false signatures because they cannot control the people who have chosen to become involved.*”⁸⁸ As such scenes of public protest are rare in Burma, Mya Aye, one of the organizers of the petition campaign, described the appeal as a great success, “*because people express what they want with more courage than ever.*”⁸⁹

However, Ko Win Ko (aka Win Ko Ko) and Phyo Zaw Latt (Zaw Tun Latt), two organisers of the campaign, were arrested in October 2006, after being found in possession of 400 signatures. On 19 October 2006, Win Ko Ko was sentenced to 3 years imprisonment, one day before his set trial date at Lethpandan Court in lower Burma, without the benefit of lawyers or seeing his family. He was convicted of ‘obstructing the work of a government officer’ and sentenced to 2 years, and then another 1 year for possession of illegal lottery tickets, reported NLD lawyer Khin Maung Yin. He was then transferred to Paungde Jail to serve his term, according to advice given to his family. On 9 November 2006, Zaw Tun Latt and Win Ko Ko were each sentenced to an additional 14 years for forging documents and fraud, under Acts-420 and 468, at the Tharawaddy Township Court, on the basis that the signatures were obtained through misrepresentation.⁹⁰ On 2 November 2006, Ye Kyaw Thu was also detained for his involvement in helping to collect signatures for the signature campaign in Thailand, after being deported back to Burma. He had been arrested in Thailand after failing to provide proper working papers.⁹¹

From 10 October 2006 to 18 October 2006, the student group also launched a ‘White Expression’ campaign. People were urged to wear white shirts as an expression of sympathy for their goals of political reconciliation and freedom for political prisoners.⁹² An estimated 60 percent of townspeople took part in the campaign on its opening day in Arakan State.⁹³ The student group followed this campaign with a ‘Multiple Religious Prayer’ week, commencing on 29 October. Participants were encouraged to wear white clothes and hold candlelit vigils in places of worship. Prayers were offered for a peaceful resolution of the country’s political crisis, for political prisoners, and for victims of the September 2006 floods.⁹⁴ The main focus of the event was the Shwedagon Pagoda in Rangoon, where approximately 1,000 people gathered on the opening day of the campaign to express their support.⁹⁵ Over 2,000 attended the Pagoda on 30 October despite attempts by security personnel to block access. Nay Tin Myint, an 88 Generation Student leader told *Mizzima* that, “*Security personnel are everywhere and they tried to block every entrance to the pagoda.*” He added that those people who had been denied entrance to the Pagoda in Mandalay had managed to hold prayer meetings in their homes instead.⁹⁶ Activists were also reportedly harassed by junta agents in Aungmye, Chauk, and Sittwe.⁹⁷ Speaking at a press conference on 2 November, Information Minister, Brig. Gen. Kyaw Hsan warned the student group that, “*We will have to arrest and charge those who are trying to create public unrest and instability and jeopardise the peace and stability of the country.*”⁹⁸ (For more information see Chapter 12 Freedom of Movement, Assembly and Association).

Individuals Penalised for Their Expression - Partial List of Incidents for 2006

On 25 February 2006, Yeh Zaw, a Christian residing in the compound of Rangoon Insein Kanphawt evangelical church whose members were banned from worshipping by the local authorities, was arrested in Pa-an, Karen State, for travelling without an identity card. He was later charged under Penal Code Sections 406 for criminal breach of trust and 420 as a confidence trickster. Yeh Zaw had previously written a letter to SPDC Chairman Sen. Gen. Than Shwe urging him to end the persecution of his church.⁹⁹

On 19 June 2006, the Burmese junta cancelled the passport of Chin human rights activist, Salai Tun Than, and prevented him from returning to his home country from the USA, via Thailand. Salai Tun Than rightly claimed *"I am barred from returning home, this is a human rights abuse."* He was refused permission to board a flight in Thailand after declaring his intention to stage a protest on his return, and as such became effectively stateless.¹⁰⁰

Also on 19 June 2006, Tun Tun, a former political prisoner, was arrested for staging a one-man protest in front of Rangoon City Hall in honour of Aung San Suu Kyi's 61st birthday. Tun Tun was released on 21 June 2006 only to be rearrested again on 7 July, this time for reportedly praying loudly for those who gave up their lives for democracy and human rights in 1962.¹⁰¹ Tun Tun was released on 9 August 2006 after spending 33 days in a mental asylum at Ywathagyi.¹⁰²

On 16 July 2006, it was reported that an ex-Burmese military Sergeant was arrested for staging a solo protest outside Rangoon City Hall against the junta's failure to increase war veterans' pensions. Naing Oo, from Hlegu Township, carried posters bearing the slogans, 'Increase our Pensions,' and 'Release Daw Aung San Suu Kyi.' The protest came in the wake of a five-fold salary increase for civil servants, which angered many Burmese civilians because of the rampant inflation such a move would cause.¹⁰³

In August 2006, 11 volunteers were arrested the night before a Buddhist merit-making ceremony in honour of those who are suffering or who have died from HIV/AIDS. The volunteers were due to participate in the ceremony along with 52 HIV/AIDS patients. The event was designed to make those suffering from the disease feel supported, and to raise donations to pay for medical treatment. The event was organised by the patients themselves, who sent a letter of explanation to local SPDC authorities and met with Lt Col Maung Maung Shein, chairman of the Rangoon's Eastern District Peace and Development Council, to give notice of their intentions. They received little in return for their efforts to go through official channels, however. The association of elder monks threatened to disrobe any member of the monastery involved in the proposed ceremony, while Maung Maung Shein threatened to close down the Tha Zin Clinic-established by a Dutch-based NGO- that supported those patients planning to attend the event. Furthermore, local officials and members of the USDA visited the Meggin monastery to insist that the monks hold a parallel event, scheduled for the same time as that proposed for the merit-making service. This posturing by the junta ended at midnight on the day prior to the scheduled ceremony, when officials raided the monastery and arrested the volunteers for not obtaining permission to stay over night. The volunteers were released after less than a day in custody, however, the event was cancelled.¹⁰⁴

On 19 July 2006, three students from Sagaing Division were arrested for saluting a statue of Aung San on the 59th anniversary of Martyr's Day. The students, from Monywa

Technological University and Computer University, were released the following day after interrogation by the police. No explanation was given by the military authorities for the arrests.¹⁰⁵

On 7 August 2006, 13 students were arrested for laying a wreath and saluting at a spot where pupils and civilians were killed by security personnel during the 1988 pro-democracy uprising. The students were reportedly from No.3 State High School in Pegu.¹⁰⁶

11.10 Freedom of Expression in the Arts

Throughout 2006, the junta continued to place heavy censorship restrictions on all mediums of artistic expression. Writers, poets, filmmakers, actors, musicians, painters and other artists in Burma are all subject to numerous regulations that seriously inhibit their freedom of expression. Heavy censorship ensures that artistic expression is confined only to approved topics. The censorship board also makes sure that nothing produced in Burma or imported from outside is, or can be interpreted as, “anti-military” or “Western-influenced.” In addition, the SPDC attempts to influence artists to advance pro-regime propaganda and produce pro-regime works through incentives such as grants, large subsidies, awards, luxuries and opportunities. Artists who fail to fall in line with regime policy are isolated and unable to get their work published, distributed, or displayed. Many well known writers and artists have been imprisoned or forced into exile because of the content of their artistic expression.

Censorship of Film and Television

Censorship of film projects by the junta is seriously stifling the country’s film industry. In an interview with DVB in December 2006, film director Ko Thura, otherwise-known-as comedian Zargana, expressed his concern over the regular curtailment of artistic expression by the SPDC. When asked by DVB whether the lack of diversity in Burmese-produced films was a result of little imagination, Zargana suggested not: *“I’ll say that’s because of the censor-law. There are about 20 short films I made. They are ready to publish. But the censor board didn’t approve them.”* As a result of such interference by the authorities, the quality of film content has declined in Burma over recent years, and along with it, the number of movie-goers. The lack of public interest in Burmese produced films has seen production rates fall to as low as ten features a year.¹⁰⁷

The junta enforces strict censorship policies over film projects in Burma. In order to produce a film, permission must first be sought. After this a story board must be submitted for review. If this is approved then production can go ahead. Once ready, it is again submitted for approval. If anything needs to be changed then it is returned for modification. There are only two creditable directors sitting on the censor board, with the remaining members coming from such organisations as the Myanmar Maternal and Child Welfare Association. Members of the Police Bureau also sit on the board.¹⁰⁸

The censorship boards are notoriously sensitive about what might be interpreted as “anti-regime.” Physical intimacy between lovers as well as anything deemed too “Western” is typically censored, as well as anything deemed critical of the SPDC. They are additionally restricted in how much film they can buy and the junta may occasionally even pressure them into producing propaganda films. Actors are enticed into working on pro-regime propaganda films through benefits offered by the junta, including the possibility of winning a Burmese Academy Award. Actors have also featured on posters and TV specials that promote SPDC forces.¹⁰⁹

On 24 November 2006, it was reported that a dance sequence being shot for the film, ‘Heritage of Mon Culture,’ was stopped by authorities despite the fact that permission had been granted for the shooting. The Township Peace and Development Council (TPDC) of Mudon Township had originally given permission for two days of shooting. However, the Mon State authorities intervened after only one day to close the production down. The film

was the third in a series produced by the Mon Literature and Culture Committee aimed at spreading awareness about Mon culture.¹¹⁰

On 28 November 2006, the junta officially banned a VCD depicting a traditional *anyein* performance on the grounds that some of its content was critical of military regime. The VCD titled, “The Colourful,” had initially had its script passed, but was subsequently barred from circulation following its release. The film reportedly made references to electricity shortages in the country, problems with public health assistance, Burma’s national football team, and news readers on the junta-run MRTV network.¹¹¹ In May 2006, the films, ‘*Thee Makhan Nai Taw Bu*’ (Intolerance), ‘*Mee Chit*’ (The Lighter), and ‘*Shar Ahay Kya Thu Myar*’ (The Chatterbox) were all reportedly banned by the junta.¹¹²

Throughout 2006, the junta continued to ban all foreign films in Burma, including cartoons and nature documentaries. The ban applied to the sale and distribution of foreign feature films on videotape, DVD and VCD. The ban was reportedly aimed at preventing the “corruption” of Burma’s youth through uncensored foreign films. According to a video rental shop owner, sales dropped 75 percent after the ban took affect in 2005. Video rental shops were left with only a limited number of local films, which reportedly sold at twice the price of cheap pirated foreign films imported from China.¹¹³

The American Centre in Yangon provided limited access to foreign films, books and the internet in 2006. In November, it was reported that membership of the Centre had reached 15,899; almost double that of the previous year, when numbers stood at approximately 8,000 as of July 2005. Despite such popularity, many Burmese civilians were too afraid to visit the centre in 2006. Todd Pierce, Public Affairs Officer at the U.S. Embassy in Yangon and the operator of the Centre, told *The New York Times* that reports of a military presence at the Centre often affects attendance rates.¹¹⁴

Television is similarly subject to restrictions by the junta. The SPDC monopolises domestic television,¹¹⁵ and state-run television stations in Burma are known for their overt endorsement of the military regime and most of the programming is dedicated to showing the “achievements” of the military. There are a limited number of Chinese and Korean TV programs that make their way onto the air. In 2005, China Central Television (CCTV), Cable News Network (CNN) and the Japanese Broadcasting Corporation (NHK) provided TV Myanmar with satellite news. In September 2005, Deutsche Welle, a German company, also agreed to allow TV Myanmar to screen their satellite programs as part of a program exchange between the two countries.¹¹⁶ On 28 May 2005, the DVB bypassed the censors and launched a Burmese language satellite television service inside Burma. The service provides coverage of Burma related news and information concerning the pro-democracy movement.¹¹⁷ The regime has condemned the broadcast, however, and has reportedly tried to block transmissions.¹¹⁸ In December 2006, MRTV-4, originally a paid channel jointly implemented by the Myanmar Radio and Television Department (MRTV) and the privately-run Forever Group, began airing on a pilot basis free of charge. The station shows entertainment programmes, Sunday talks and documentaries, and is the first free of charge channel to be implemented jointly by the junta and a private organization.¹¹⁹

Censorship of Music

Musicians face many difficulties in finding ways to express themselves through their music in Burma. The economic situation has made music an inaccessible occupation as instruments and music lessons are prohibitively expensive for all but the military and business elite, and performance venues are hard to find. Music lyrics are subject to the same censorship as other writings. In addition, the musical style itself is also censored. While rock music and other western influenced styles, such as rap, are becoming more common in Burma, the lyrics are translated and changed to be innocuous to the regime and “national culture.” Some bands have attempted to bypass the censors by launching their music on the Internet. The website, <http://www.myanmar-xbands.com/>, is a popular site that allows bands to share their music with the wider population. It also acts as a forum for music lovers to share their views on various issues. The regime also monitors the dress styles and hairstyles of musicians.

Incentives are often given to musicians that sing pro-military songs and perform at junta-sponsored events. Those who refuse, however, risk having their music banned from production and, in more extreme cases, risk being physically forced into performing. In April 2006, Nai Zahan Mon, a leader of a Mon music band ‘Gita Mon’, was forced at gunpoint to sing a Burmese song by a military officer during a stage show in Khaw Zar town, southern Mon State. Capt. Aung Myeik Myo told the singer, *“If you do not sing the song, you will bring all women musicians to meet me.”* Rather than endanger the lives of the female band members, Nai Zahan Mon sang two Burmese songs to overcome the problem. Jai Toi Nai, a fellow performer, said later that *“We musicians felt sad that they frightened us with a gun and forced us to sing a Burmese song. We sang in tears.”*¹²⁰

Censorship of Visual and Performance Arts

Comedians are amongst those most persecuted for their artistic expression in Burma. Maj. Myit Tar, a comedian and singer, was banned from performing in 2001 after making a joke on television about the country’s frequently shut-down university system. One woman comedienne who shares a name with the country’s leader, Than Shwe, was also blocked from working in 1997 after she refused to change her name.¹²¹ In 1996, two members of the Moustache Brothers comedy trio were arrested whilst performing at the home of Daw Aung San Suu Kyi. Having spent five years in prison, the brothers were released in 2001 after an international campaign led by Amnesty International pressured the junta into freeing them two years early. Now reunited, the trio continued to perform nightly throughout 2006 at their home in Mandalay, as they are barred from touring with their act. Their performances in 2006 were in the vast majority of cases only frequented by foreigners as any Burmese attending the blacklisted performance, under constant Government surveillance, risked arrest. Though the show still contains elements of political satire, this is mainly left up to Lu Maw: the brother who did not go to jail. Pi Pi Lay and Lu Zaw remain too jaded by their experiences to openly mock the regime and risk imprisonment again.¹²²

Arguably Burma’s most famous comedian is Ko Thura, or Zargana as he is more commonly known. Zargana is renowned not only for the quality of his comedy, but also for the level of repression it subsequently attracts from the SPDC. On 14 May 2006, Zargana was banned from performing after giving an interview to the BBC in which he criticized the junta’s conservative policies on culture. In fact, the SPDC banned Zargana from all of his professional activities including writing, performing comedy shows, directing and acting in videos/movies, and blocked all public screenings of the actor-director’s new film, “We Can’t

Stand Anymore,” a satire on Rangoon’s social life. Zargana believes the ban was also linked to a TV commercial he had appeared in a few months previous. In the advert, a map of Asia was shown in the background. The map recognised Taiwan as an independent territory, in contravention of the SPDC’s zealous support for China’s one-China policy.¹²³ On 18 May 2006, RSF and BMA issued a joint statement calling for a retraction of the ban. They appealed to visiting UN Under-Secretary of Political Affairs, Ibrahim Gambari, to intercede on Zargana’s behalf and on behalf of all imprisoned journalists in Burma. *“The military junta uses every possible means to restrict freedom of expression,”* the two organizations said. *“It does not stop at press censorship, and wields very strict control on all artistic expression. We call on the authorities to immediately lift the ban on Thura and to put an end to the censorship of his work.”*¹²⁴



The Mandalay based ‘Moustache Brothers’ now perform almost exclusively to foreign visitors. With their shows under constant SPDC surveillance, local residents dare not risk attending. Two of the trio were released from prison in 2001 after spending 5 years in detention. The political satire is now generally left to the third brother, Lu Maw [Photo: © Joffre Salkeld].

Painters, photographers, sculptures and other visual artists are all subject to military scrutiny. As visual art played an important role in the 1988 uprisings, the regime has taken efforts to put an end to art deemed “revolutionary.” After the military re-established power in 1988, the fine arts building at Rangoon University was destroyed and the fine arts program discontinued. Today, it is only possible to study visual arts under costly private tutelage or at the Cultural University (CU), a military institute in Rangoon. The CU only accepts 100-150 students per year and all students are required to be USDA members. The students have been guaranteed positions in the regime by the Minister of Culture if they refrain from participating in student strikes and protests. Meanwhile, students of music and the dramatic arts are prohibited from studying international music and Western plays at CU. The professors and lecturers at the university are also academics from the elite military society. Many visual artists are therefore forced to rely on self-study and assistance from art books, which are scarce and expensive in Burma.¹²⁵

Poetry is also subject to severe repression by the junta. Seven students from the University of Pegu were arrested in March 2006 for writing and publishing a pro-democracy poem book. The book bore the title, ‘Daung Man’ or ‘Strength of the Fighting Peacock’- the symbol of the Burmese pro-democracy movement.¹²⁶ A further person was arrested for printing the poem. Most of the students were released on 10 April 2006, but two students and the printer

were detained at Pegu prison. On 25 May 2006, a textile printer was also detained, for printing a T-shirt with the image of a fist, which was found with one of the students. On 9 June 2006, the two students and the two printers were convicted under the Emergency Provisions Act-5J, the Printing Acts-17/1 and 2 and the Unlawful Association Act, and each sentenced to 19 years imprisonment, save for the poem printer, who was sentenced to 14 years imprisonment. The textile printer remained at Pegu Prison and the rest were taken to Insein Jail. The trial was held inside the prison. None had been legally represented, despite lawyers being engaged and attempting to make contact. Each accused was cross-examined by Pegu District Assistant Judge Tin Htut. Appeals were lodged, despite difficulties in obtaining the transcript and order for that purpose. On 4 August 2006, the divisional court at Pegu summarily rejected their appeals without argument and on 21 November 2006, the High Court in Rangoon dismissed appeals by both the students.

Those persons arrested and prosecuted were:

1. Hnin Wint Wint Soe, student, later released;
2. May Su Su Win, student, later released;
3. Ne Linn Kyaw, student, later released;
4. Thet Oo, student, later released;
5. Win Min Htut, student, later released;
6. Maung Maung Oo, student, convicted and sentenced to 19 years;
7. Zeya Aung, student, convicted and sentenced to 19 years;
8. Aung Aung Oo, proprietor of A20 Desktop Publishing Business, Pegu,
9. convicted, and sentenced to 14 years; and
10. Sein Hlaing, textile printer, convicted and sentenced to 19 years.¹²⁷

Art exhibitions are strictly censored in Burma. Exhibitions are usually only held in small, private galleries in Rangoon and Mandalay. Art pieces must be approved by the Ministry of Information prior to exhibition though it is not uncommon for exhibitions to be closed down altogether. As modern art is more open to interpretation than traditional forms of art, according to one journalist, *“people here (in Burma) believe that modern forms of art are attacked by the censorship board whether they understand it or not.”*¹²⁸

Although the SPDC has promoted dance as part of its campaign to retain “national culture,” dancers are limited to performing in junta-sponsored events and venues. In November 2006, members of the SPDC army from Arakan State actually formed their own dance troupe to mobilize people in support of SPDC forces and the military junta. Audiences said that the content of the shows focused on the military junta and the struggle for Burmese independence from Britain and the establishment of the country. Any love story performed by the troupe depicted a woman from an ethnic minority falling in love with an SPDC officer. The troupe also performs comedies satirising democracy activists and western cultural influences in Burma.¹²⁹

11.11 Control of Computer Technology and Communications

Telecommunications in Burma

In March 2006, the total number of telephones in Burma reached 513,301, according to the Myanmar Post and Telecommunications. GSM (global system for mobile), cellular and CDMA (code division multiple access) accounted for 146,320, while fixed landline telephones numbered 303,228. These figures, however, represented only a small percentage of Burma's 52 million inhabitants. Only eight persons out of every 1,000 owned a telephone in 2006, and those who did were predominantly members of the military elite.¹³⁰ One of the main reasons for this low figure was the excessive cost of telecommunications in Burma. The official price of a GSM mobile phone was 2.5 million kyat (approximately US\$1,850), and applying for a mobile phone connection from the MPT can take years to process. As Burma's annual per capita income is US\$225, mobile phones remained simply too expensive for the majority of civilians in 2006. The lack of technological infrastructure in Burma was another major factor contributing the country's limited communications services. With Myanmar Posts and Telecommunications the country's only mobile phone service provider, users regularly complained of poor servicing and connection.¹³¹

To get around the problem of cost, many civilians buy cheap mobile phones imported illegally from places such as China, Thailand and Bangladesh. Throughout 2006, however, the SPDC launched a widespread crackdown on this trade, imposing harsh penalties on anyone thought to be involved. In August 2006, officials in Myitkyina raided a number of homes and made three arrests in connection with the sale and use of Chinese-made phones. The phones were thought to have been imported across the Kachin-China border and cost around 100,000 kyat (US\$76). The offices of local NGO, the Metta Foundation, were also said to have been raided by police during the crackdown.¹³² Also, according to eyewitnesses, as many as seven Thai-made phones were seized from residents in Thanpyuzayart Township, Mon State, on 25 October 2006. One woman told IMNA that the authorities, "*plan to search and seize telephones from one village each day.*"¹³³ Many people went into hiding following police raids across Mon State. "*They (authorities) have warned phone owners that they would be put in jail if wireless phones are seized again. So phone owners have been hiding,*" Mobile phones are used by residents in Mon State to maintain contact with family members working in Thailand so as they are able to arrange for money to be sent home to them. It is reported that before the crackdowns phone owners would pay 100,000 kyat per month as a bribe to local authorities and the military.¹³⁴ In another incident, Habibur Rahaman and Hafizur Rahaman of Arakan State were detained for four days and one week respectively for possession of Bangladeshi-made mobile phones. The two men were also forced to pay 35,000 kyat each for the offence.¹³⁵ On 11 May 2006, Mr Fawri Islam from Kyar Gaung Toung village, Nasaka Area #5, was arrested by NaSaKa, the border security force, in a village in northern Maungdaw for illegally possessing a mobile phone sent from Bangladesh.¹³⁶ NaSaKa authorities also arrested another man, Marmouk Adular from Padin village, Maungdaw, on 23 July for possession of a Bangladeshi mobile phone. Although, NaSaKa officers often permit civilians in Maungdaw Township to own Bangladeshi phones in return for bribes.¹³⁷

The junta's control over the allocation of mobile phones raises vast revenues for the regime. In September 2006, the SPDC announced that more than 10,000 GSM mobile phones were to be 'allocated' to residents in Rangoon. The phones would be sold at a cost of 1.5 million kyat each and distributed on a lottery basis. Application forms alone cost an additional 200 kyat per copy. Thousands of people reportedly applied for the phones, which can sell for up to 3 million kyat each on the black market.¹³⁸ On 25 September 2006, however, reports suggested that civil servants and the public were becoming increasingly disgruntled. The phones had mainly been sold to Ward and Township authority members, women affairs organisations and USDA members. One civil servant told DVB that these groups were set to make significant amounts of money by re-selling the phones on the black market. A member of the Rangoon Division USDA also said that the USDA central office and ministerial offices in Nay Pyi Daw had instructed lower authorities to use the sale of the phones in recruiting hardcore USDA members.¹³⁹

The junta also continued to heavily control all other forms of electronic communication equipment in 2006, mainly through the use of licensing and rationing policies. The possession of unregistered equipment such as telephones, fax machines, or modems was punishable under the 1996 Computer Science Development Law with a prison sentence of 7 to 15 years and a fine.

The Internet and Electronic Mail

Burma's military junta retains a tight and systematic control over all use of Internet and electronic mail in the country. In November 2006, RSF named Burma on its list of 'Enemies of the Internet': countries identified as the most serious culprits of online censorship.¹⁴⁰ In December 2006, an online poll conducted by RSF recognized Burma as the world's worst offender of Internet freedom. RSF explained that "*the Burmese government's Internet policies are even more repressive than its Chinese and Vietnamese neighbours.*"¹⁴¹ Figures released by MPT indicated that the number of Internet users in Burma reached almost 300,000 in November 2006. The junta also announced plans to introduce 400 public Internet service centres in 324 Townships within the next three years, adding to the 50 that were opened during 2006. Given the level of censorship in Burma, however, the expansion of Internet service provision has done little to enhance people's access to information.¹⁴²

According to a study conducted by the OpenNet Initiative, a collaboration between Harvard University, the University of Toronto and Cambridge University, the regime's censoring is motivated by its desire to "*monitor e-mail communication by its citizens and control political dissent and opposition movements.*"¹⁴³ The Burmese authorities have ordered filtering of independent online newspapers, websites defending human rights or promoting democracy, and publications supporting the claims of the Karen people. The SPDC blocked web sites containing certain words such as Burma, military government, democracy, student movement, 8888, and human rights. Whilst users could sometimes reach the home pages of DVB and BBC's Burma service they were unable to access articles within the site.¹⁴⁴ Since May 2004 the junta has been using Internet filtering software sold by the US firm Fortinet. Every computer in the country has to be registered with the MPT, with those failing to do so liable to a sentence of up to 15 years in prison. The creation of a website also has to be approved by the authorities, and under legislation introduced in 2000, anyone discussing political issues online or posting articles "*likely to damage the interests of the Myanmar Union*" or "*directly or indirectly harmful to state security policy*" is liable to a six-month prison sentence.¹⁴⁵

The excessive cost of online services prohibits the majority of Burmese civilians from using the Internet. In fact, only 0.1 percent of the population used the Internet in 2006,¹⁴⁶ and these were predominantly either businessmen or members of the military-regime. Since the MPT took control of Bagan Cybertech (BC) in 2005, and became the country's sole Internet Service Provider (ISP), broadband fees had reportedly risen to US\$35 per month, by the end of 2005.¹⁴⁷ Installation can also cost as much as US\$2000.¹⁴⁸ Internet cafes have subsequently become popular in Burma. These provide a more affordable opportunity for people to use the Internet. It is the junta, however, that grants licenses to these cafes, and they are forced to adhere to strict regulations. Clients are required to produce proof of identity and software must be installed which takes screen captures every five minutes. All the data has to be kept on CDs and regularly sent to the authorities for review.¹⁴⁹

On occasions, e-mails arrived in the receiver's in-box only after a delay of several days, frequently with attachments deleted. It has been claimed that this was the result of SB's censoring of e-mails.¹⁵⁰ Furthermore, the junta prevented civilians' from communicating both nationally and internationally by blocking free, independent e-mail services. In June 2006, the junta banned the increasingly popular Google Talk and Gmail messenger programs as well as Skype. This followed on from its previous policy of barring the Yahoo, Hotmail, and Sailormoon e-mail services. RSF said that the move was aimed at both clamping down on unchecked communications and at eliminating competition to its own telephone and e-mail services. The free web-based communications systems were undercutting the junta's revenues from its telephone services. Civilians could use the messenger system to call anywhere in the world for the price of an Internet connection. In comparison, a call to the U.S. on the junta-controlled telephone service costs US\$4.5 a minute.¹⁵¹ The junta has long tried to ban free e-mail services. According to research conducted by the OpenNet Initiative, 85 percent of web-based e-mail was blocked in 2005.¹⁵² This allows Myanmar Teleport (MT), the company that evolved from Bagan Cybertech, to maintain a monopoly in the domestic market and to increase its capacity to monitor users. An e-mail account with MT's Mail4U can be purchased for 8,000 kyat per month and requires account holders to submit detailed personal information.¹⁵³

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