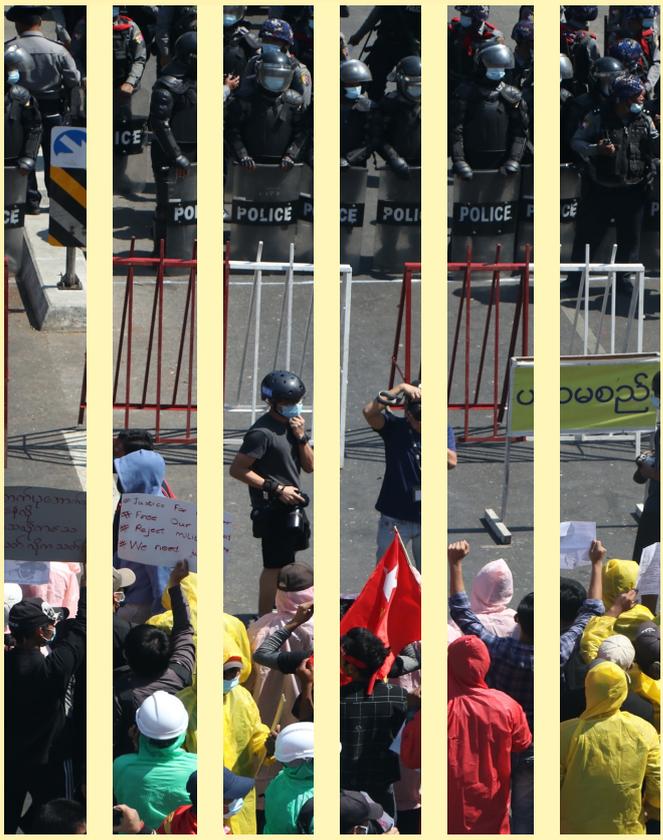




**66 ATHAN 312** Athan – Freedom of Expression  
Activist Organization

# Dictatorship Oppresses Media Freedom



July 2021



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## Dictatorship Oppresses Media Freedom

Media freedom in Myanmar has fallen into the darkness since the day of the military coup on the 1st of February. The coup council has been oppressing media freedom which is one of the main pillars of democracy. There are four levels of violence by the coup council in violation of media freedom.

***In the first phase***, the coup council has started restricting information and usage of terms by media. On the 2nd of February, the next day of the coup, the Ministry of Information of the coup council issued Order No.1/2021 in which describes “not to do in publishing rumors on social media, inciting unrest, releasing statements to incite unrest, and media should cooperate with the government by existing laws”. The freedom of the press was initially deterred by deceiving them as “rumors, publishing statements to cause unrest and turmoil.” The Ministry of Information has instructed the Myanmar News Media Council not to use the term “coup d’état” in the coverage of media and to take action in accordance with the Media Code of Conduct. It was the beginning of the oppression of media freedom.

***In the second phase***, the freedom of media was verbally threatened beyond the written word. At the first conference of the Ministry of Information, Deputy Minister Maj-Gen Zaw Min Tun said that it was not possible to say for sure whether they would guarantee the safety of journalists or not, and if the journalists used the term of coup d’état, it would take action to ban the publication of media. Then, the coup council announced the termination of 23 members of the Myanmar News Media Council on March 4. In fact, 24 out of 26 members of the Media Council already resigned voluntarily on February 18; saying that “it was uncertain to protect freedom of media and journalists anymore.” As a result, Media Council in which can assist media freedom dissolved, as well.

***In the third phase***, mass arrest and targeted arrest of journalists as well as dismissals were done. After a week of the military coup, on February 9, Ba Gyi Aung who was a

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Mandalay-based DVB correspondent, was arrested along with protesters while he was documenting news. He was released from a detained police car owing to the request of other journalists and media. Later, in an event of use of force on a crowd by police in Myitkyina, Kachin state, five journalists who were documenting news were arrested on February 14. Those journalists were Sai Aung Latt from Mizzima, Ko Htwal Aung and Ko Naw Sai from the 74 Media, and Ko Yan Kaung and Ko Wai Yan from Eternal Peace News Network (EPN). Initially, journalists were arrested along with protesters and then targeted arrest has begun two weeks later. At this stage, journalists were being arrested while they were on the ground such as taking news on protests, court hearings, and working as a reporter. Moreover, as the crackdown on protesters escalated, also journalists covering protests were beaten and shot with bow stones. In mid of March, nineteen employees of Mandalay Daily published by the Mandalay City Development Committee were fired for their involvement in the civil disobedience movement (CDM).

***In the fourth phase***, the coup council has been engaging in more violent action to put the media in absolute darkness. On March 8, the Ministry of Information by the coup council banned the publishing licenses of independent media outlets; naming DVB, Mizzima, Khit Thit Media, Myanmar Now and 7 Days News Agency and broadcasting or publishing news using any kinds of media and technology from those media is prohibited. Free-to-air TV channels of DVB and Mizzima have been cut off since February 1. After that, the coup council has also banned publishing licenses of regional media such as Tachileik News Agency, Myitkyina News Agency, and the 74 Media. In addition to banning media publication, armed groups of the coup council raided some media houses including Mizzima, Myanmar Now, Kamaryut media, and the Hakha Post carried out office documents and equipment. Then again, the coup council ordered to remove PSI satellite dishes in various parts of the country as an effort to cut off public information.

In second week of March, not only there were arrests of journalist who were working on ground but there were also arrests of them by shooting at their houses. In the worst-case

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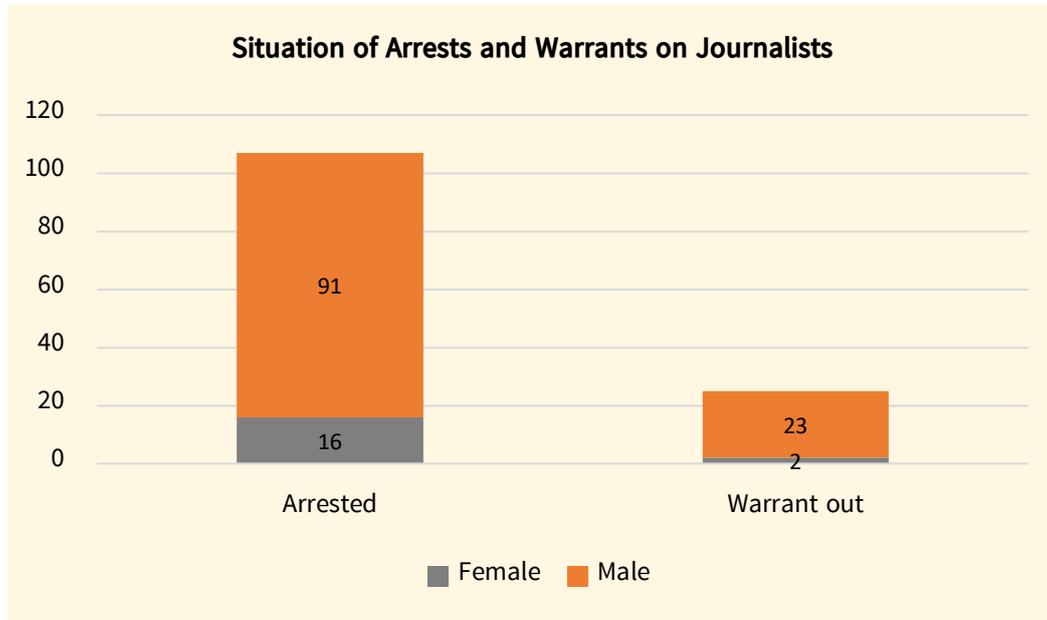
scenario, if the journalist was not found, his/her family members, relatives and husband or wife were also arrested. There were cases of arresting brother-in-law while Salai Bwe Oak Htan, an editor in chief of the Chinland Post, was not found by the army in search of his house, and arresting of her husband, Ko Ye Ko Ko, when Ma Thuzar, a freelance journalist, was not found in raiding of her house where in staff housing of Dagon University, East Yangon township, by police.

Among the journalists arrested by the coup council, there were two foreign journalists and a foreign editor apart from Burmese journalists. Robert Bociaga, a Polish journalist who was reporting news in Taunggyi, and Yuki Kitazumi, a Japanese journalist who was reporting news in Yangon, were also arrested, and then deported to their home countries by negotiation of two embassies. Danny Fenster, an American and editor of Frontier Myanmar magazine, was arrested at Yangon airport on May 25 and charged under Section 505 (A) of Penal Code.

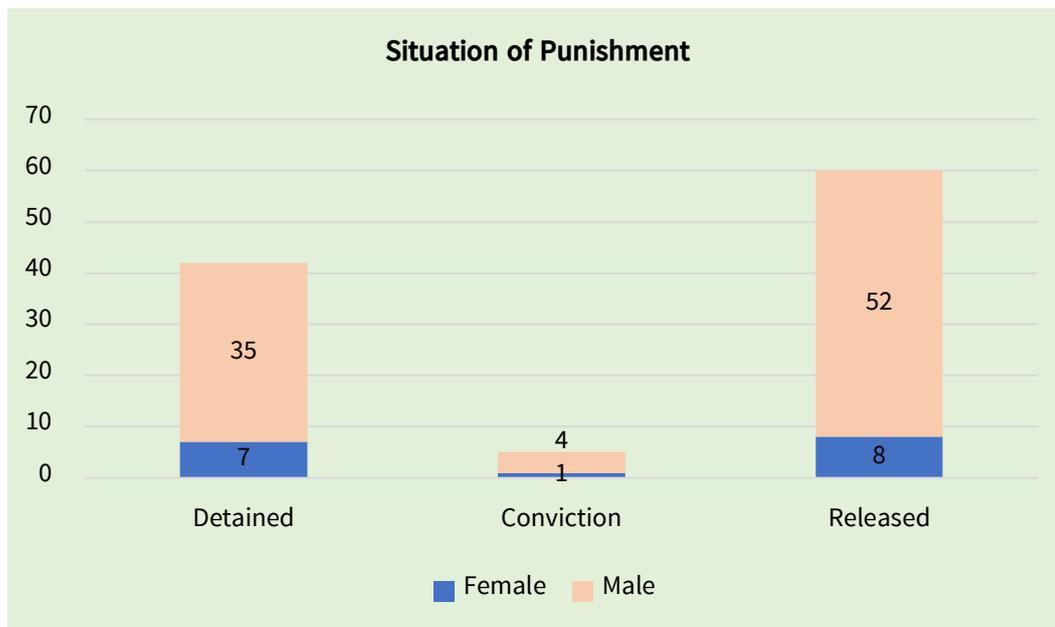
Arrested journalists have been charged under Section 505 (A) of Penal code, Section 505 (B) of Penal code, Section 505 (C) of Penal code, Section 188 for disobedience and including Section for violating curfew. Journalists have been issued warrant under Section 505 (A) and Section 66 (d) of the Telecommunications Law although they have not been arrested yet. Among the arrested and charged journalists, Ko Min Nyo, Pyay-based DVB reporter charged under Section 505 (A), was sentenced to three years in prison during his trial at the military court on May 12, Ko Aung Kyaw, a DVB journalist, and Ko Zaw Zaw, a freelance reporter of Mizzima, were sentenced to two years in prison on June 2, and Ko Thet Naing Win, a freelance journalist from Bago, was sentenced to three years in prison on June 16, respectively.



The following infographics show what is happening in media environment from February 1 to June 30.



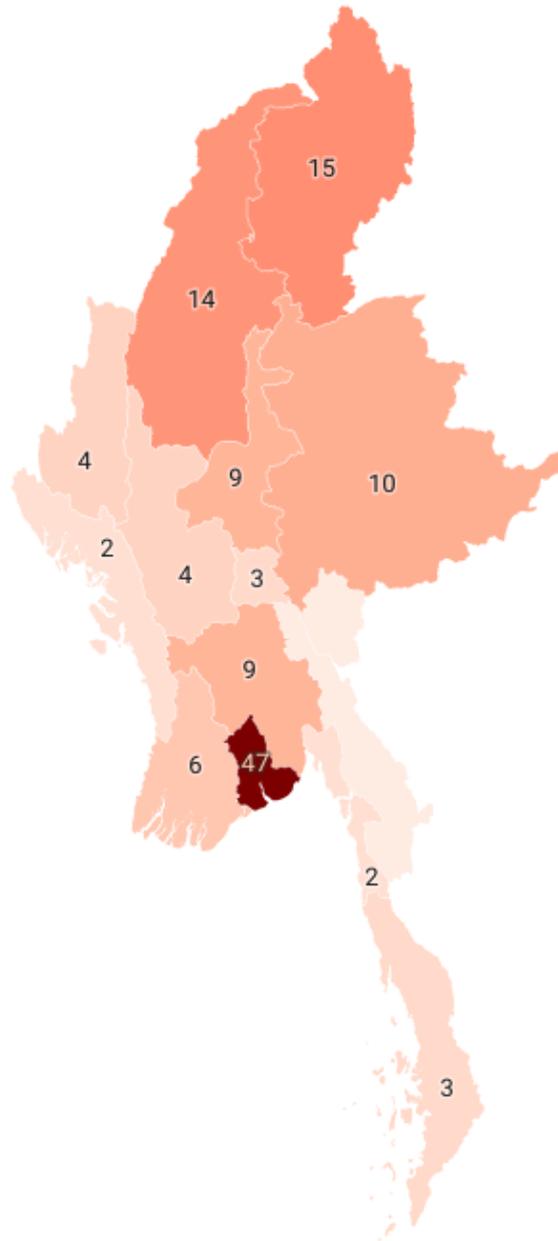
From February 1 to June 30, a total of at least 107 people working in media were arrested and 25 have been warranted. Among those arrested, 91 are men and 16 are women while 23 men and two women among those warranted.



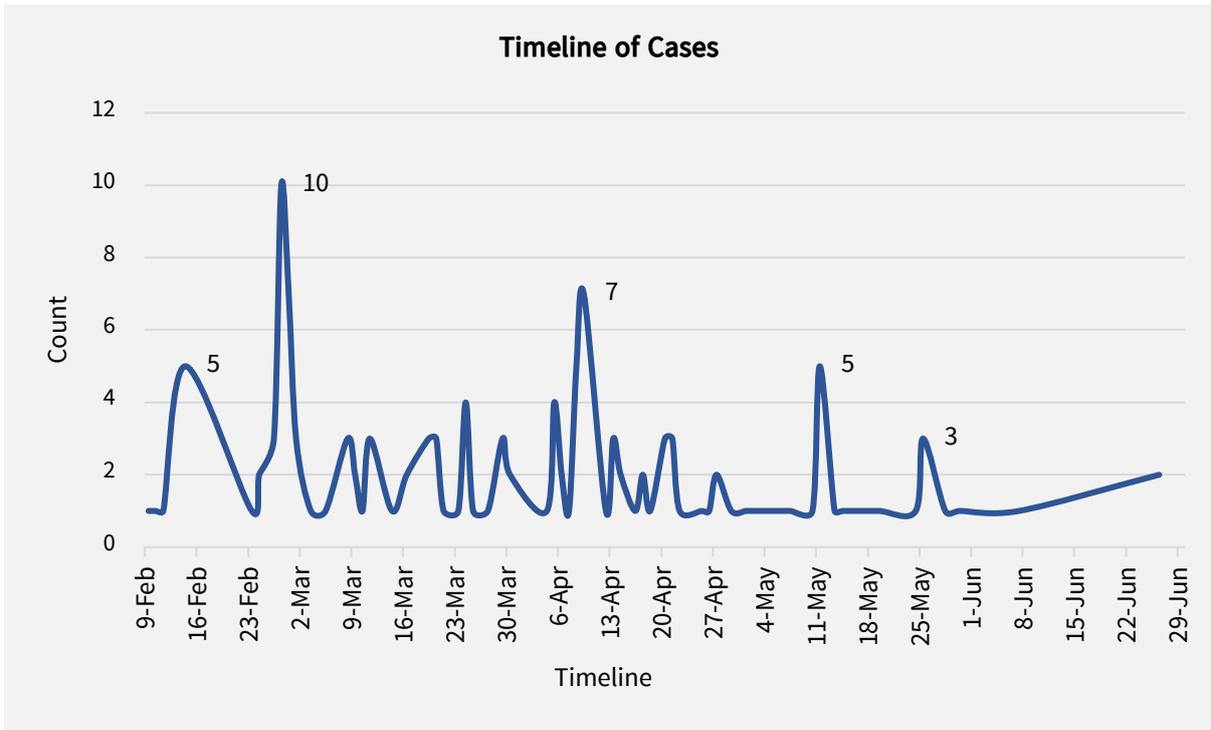
Among those arrested, at least, 52 men and eight women were released whereas 35 men and seven women are still detained. Among those arrested, five journalists have been sentenced to up to three years in prison.



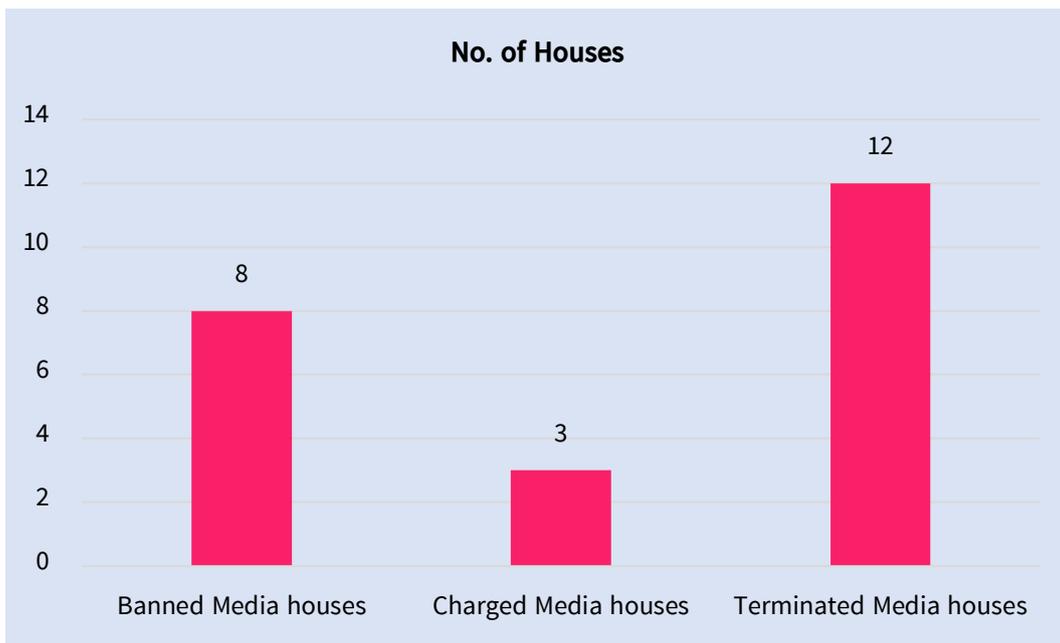
### Nationwide Media Cases



In arrests and warrants of journalists across nation, at least, being of 47 cases in Yangon Region, 15 cases in Kachin State, and 14 cases in Sagaing State are the highest numbers and there is no case in Kayah and Kayan States.



We have found that the most arrests of journalists happened during fourth week of February and arresting and filing warrants continue to occur until now.



Since March, at least eight media houses have been banned their licenses and at least three media outlets have been sued. At least 12 media houses have terminated.



## Case Studies

### Case of Min Nyo, who is a DVB journalist got arrested and beaten

During the cracking down of protesters by police and soldiers in Pyay on March 3, Ko Min Nyo, a DVB journalist, was beaten and arrested while he was documenting news. Then, he was charged under Section 505 (A) of Penal Code and was sentenced into three years in prison on May 12. He is the first person to be sentenced the highest imprisonment among those who have been imprisoned.

### Case of Journalists Htet Myat Thu and Naing Lin Tun who were arrested with shot

Htet Myat Thu is a local journalist at the Voice of Thanphyuzayat, and he got shot by police and soldiers of coup council at crackdown on protest while he was documenting news. Due to the gun shot, the bullet passed through his leg and he had been tortured. Ko Htet Myat Thu was, then, detained at Thaton City Police Station and charged under Section 505 (A) of Penal Code.

Ko Naing Lin Tun is a journalist at Dawei-based Dakkhina Insight News Agency in Tanintharyi Division, and he was shot and arrested with wounds while covering an anti-coup movement on April 21. After getting arrested, his laptop and mobile phone were confiscated, and he has been filed under Section 505 (A), Section 505 (C), and Section 145 of Penal Code. Section 145 describes that whoever, joins or continues in an unlawful assembly, knowing that such unlawful assembly has been commanded in the manner prescribed by law to disperse, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Even though journalist shall be entitled to ask for their safety and protective measures from the security related organizations in the areas where wars break out, and where conflicts or riots and demonstrations take place according to Section 7 (B), Chapter (3) of News Media Law, they are beaten, and gun shot in real.



### Case of violently arresting journalist Ko Aung Myat Hlaing @ Ko Aung Kyaw from DVB

At the night of March 1, seven or eight military vehicles drove into Ko Aung Kyaw's house in Myit Nge ward, Myeik township where he was shot, beaten, and arrested. According to Ko Aung Kyaw's wife talk to media, *"I hear noises of breaking and beating at downstairs. As soon as beating, my husband goes live on DVB page. During the live broadcasts, I heard his screams. At that time, I was watching after my sleeping daughter who is less than two years old. The pebble stones are kept coming in. There is no way to get close to him"*.

Soldiers and police who broke into door came to upstairs and arrested Ko Aung Kyaw. Although the wife asked for a check on her husband's wounds, she was refused, and soldiers and police were kept staying at a ready position outside to shoot with more pebble stones. Ko Aung Kyaw was, then, charged under Section 505 (A) of Penal Code and sentenced into two years in prison on 2<sup>nd</sup> June.

In addition to the above incidents, there was also a violence that a journalist got beaten and shot with rubber bullets in Pyay and Pathein though he was not arrested. Ko Lay @ Ko Kyaw Kyaw Win, CEO of Monywa Gazette, who was broadcasting the protest live in Monywa was beaten, arrested and his phone was broken down by whom wore civilian clothes from the coup council on 27 February. Then, he was released on 28 February. On April 5, a photojournalist was beaten and arrested in Kyauk Myaung, Yangon.

It is found out that some of incidents in which journalists were detained were not revealed since the families of victims did not want them to be disclosed. This is because if the list was published, the coup council might pay more attention; filing under serious Sections, being more difficult to release and possibly even imprisoning the victims.



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As a result, media freedom in Myanmar has been severely oppressed since the military coup, with journalists being violently arrested and imprisoned at its worst. These lists and contents are based on accessible information only and are likely to be more in numbers and worse in the ground context, nationally.

### **Research Methodology**

In conducting this research report, data and cases are based on daily monitoring of online media, taking interviews, and confirming with some trusted individuals who are working in the media environment. An inductive reasoning is used to analyze the research. The research team has conducted many times of meeting and discussions for this report.

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*Note: We use the term “journalist” not only to refer correspondence, but it also tends to mean photojournalist, freelance, sign signal reporter, editor, chief editor, camera man and founder of media. Thus, we would like to refer ‘journalist’ for all those who works in media environment.*

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