



# MYANMAR ANALYTICAL ACTIVITY AD HOC INFORMATION REQUEST NO. 014: FREEDOM OF EXPRESSION

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## EXECUTIVE SUMMARY

This report looks at recent trends, patterns, and issues related to freedom of expression, assembly, and association in Myanmar. It examines how laws and regulations are used to restrict freedom of expression, the actors that most commonly restrict free expression, and groups that are specifically targeted.

Long repressed under Myanmar's military dictatorship, freedom of expression rights were expanded following the political transition in 2012. However, under the National League for Democracy (NLD)-led administration that took office in 2016, these basic rights remain under threat. The Government, the military (more commonly referred to as the *Tatmadaw*), local government officials and police, and even regular citizens use a combination of laws created during Myanmar's colonial period, and more recent legislation, to limit other groups and individuals' freedom of expression.

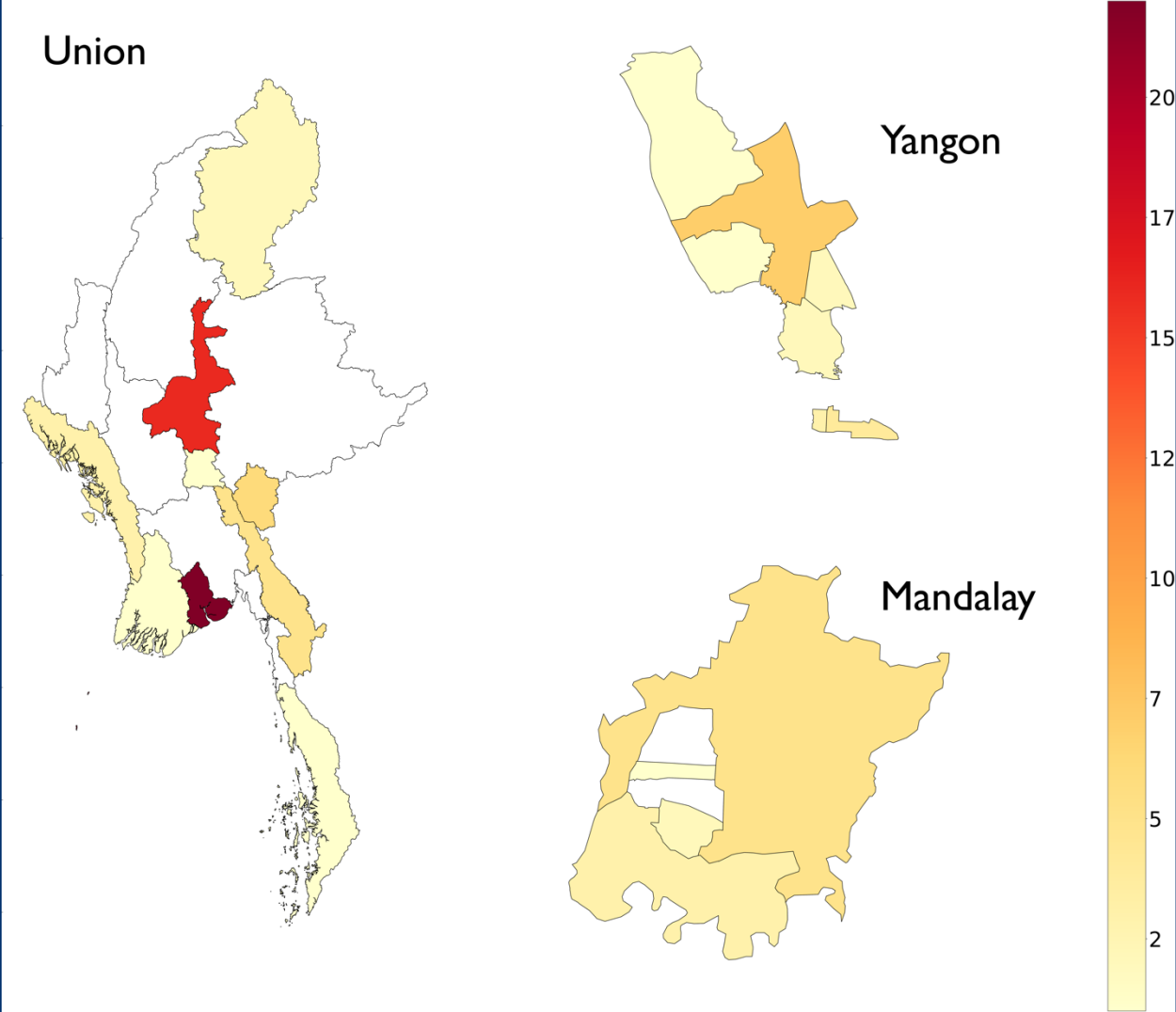
Common laws restricting freedom of expression include:

- Article 66(d) of the *Telecommunications Law*
- Sections 505(a) and 505(b) of the *Penal Code*
- *Peaceful Assembly and Peaceful Procession Law*
- Articles 8(f) and 10 of the *Law Protecting the Privacy and Security of Citizens*
- *Unlawful Associations Act of 1908*
- *Official Secrets Act of 1923*

Groups targeted by these laws include ethnic minority activists perceived to upset or threaten the narrative of national unity; minority religious groups; other minorities, such as members of the LGBTQ+ community; and potentially anyone critical of the *Tatmadaw*, the Government, or the NLD.

Authorities often use laws to restrict freedom of expression, aided by their vague wording, and a distinct lack of understanding of international standards for freedom of expression within the courts and among the general public. Consequently, these laws are often used for political or personal gain, leaving activists, human rights defenders, and the general population with little protection under the rule of law.

The figure below maps freedom of expression cases that moved through the courts in 2019 by township. below This table contains a list of freedom-of-expression cases that moved through the courts in 2019. The cases included imply that charges were filed, a sentencing was announced, a person pardoned, etc. between January and October 2019. For a full description of each case, refer to Annex 3.



Freedom of Expression Hot Spot Map, (January - October, 2019)  
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## INTRODUCTION

This report examines freedom of expression in Myanmar in 2019, focusing on the means of expression and the laws that are invoked to restrict it. The subjects of this report are the laws which the Government of Myanmar, the Tatmadaw, and private individuals use to limit freedom of expression, and the extent to which these laws infringe upon the right to expression beyond the state's right to protect national interests. International human rights law, under Article 19 of the International Covenant on Civil and Political Rights (ICCPR) – to which Myanmar is not a signatory – defines the right to freedom of expression as “the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”<sup>i</sup> The legal definition of freedom of expression varies from country to country, and affords a government varying degrees of control over freedoms of self-expression, assembly, and association in relation to issues of national security, maintaining peace and public order, or public morality.

To understand freedom of expression issues in Myanmar the report draws on a combination of primary and secondary research, including interviews with key informants and focus group discussions (FGDs) in Yangon and Meiktila. The report also looks at freedom of expression in Yangon, Mandalay and Meiktila, Myitkyina, and Loikaw to understand how freedom of expression is restricted in different cities in Myanmar. Finally, annexes two and three contain, respectively, a comprehensive review of laws used in freedom of expression cases and a list of cases that took place in 2019.

## LAWS RESTRICTING FREEDOM OF EXPRESSION IN MYANMAR

Historically, freedom of expression in Myanmar has been severely restricted.<sup>ii</sup> Myanmar's transition to a quasi-civilian government in 2011 led to a pronounced improvement, as Thein Sein's Union Solidarity and Development Party (USDP)-led government lifted many restrictions, loosening censorship and increasing tolerance toward people's right to assemble.

The elections in 2015, which brought the National League for Democracy (NLD) to power, raised hopes that freedom of expression would continue to expand under the new administration, in which 100 members of parliament were former political prisoners.<sup>iii</sup> In 2016, the NLD vowed to protect and promote freedom of expression, but international and local observers describe a situation that has deteriorated. Rather, the Government is increasingly targeting activists and regime critics, as well as limiting people's right to assembly and protest.<sup>iv</sup>

## COLONIAL LAWS USED TODAY

Several of the laws used to limit freedom of expression in Myanmar today were created during the colonial period (1824 - 1948), and include the *Unlawful Associations Act of 1908*, which imposes a sentence of up to three years in prison for any individual found to be a member of, or involved with, an “unlawful” association; and the *Official Secrets Act of 1923*, which prohibits a range of activities “useful to an enemy” and can lead to a prison sentence of up to fourteen years.<sup>v</sup>

The Tatmadaw uses the Unlawful Associations Act to target Ethnic Armed Organizations (EAOs) and their supporters. EAOs and opposition groups were outlawed during the period of General Than Shwe’s dictatorship, and are still considered such by the Tatmadaw.<sup>vi</sup>

The [Penal Code](#), introduced in 1860, is also regularly used to limit free expression, notably [Sections 505\(a\) and 505\(b\)](#), which criminalize any statement, publication, rumor, or report that is made:

*With intent to cause, or which is likely to cause, any officer, soldier, sailor or airman, in the Army, Navy or Air Force, to mutiny or otherwise disregard or fail in his duty as such. [Or is made] With intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility.<sup>vii</sup>*

Other parts of the Penal Code that are used to curb free expression include [Section 124A](#) for sedition and [295A](#) for insulting religion.<sup>viii</sup>

The Penal Code’s vague wording allows the Union and state/regional governments, the NLD, and the Tatmadaw to stifle political dissent, criticism, freedom of assembly, and dissemination of information, leading to imprisonment for up to two years, a fine, or both. It further grants the authorities power to arbitrarily target activists and journalists critical of the Government. The law is used in an inconsistent manner because the law does not define what actions are “against public tranquility.”

For instance, between 2012 and 2017, newspapers published multiple stories about former child soldiers. Neither the journalists nor the former child soldiers were prosecuted. However, in 2017, Aung Ko Htwe, a former Tatmadaw child soldier, shared his story in an interview with *Radio Free Asia*. A Tatmadaw official filed a complaint against him, and Aung Ko Htwe was sentenced to two years in prison for violating Section 505(b) of the Penal Code. A foreign journalist working in Myanmar, said “It was okay to talk about [one’s experience as a child soldier] – then suddenly it wasn’t.”<sup>ix</sup>

## NEW LAWS USED TODAY

In 2016, the NLD amended the [Peaceful Assembly and Peaceful Protest \(PAPP\) Law](#) that required protesters to obtain permission for public gathering and protests. The amended law reduced the advance notification requirement to local authorities to 48 hours. In practice, however, the Government continues to use the law to exert significant control because local authorities interpret the notification requirement as a request for permission.<sup>x</sup> The Government is considering additional amendments to the PAPP Law, which would add further restrictions to the right to assembly, including a requirement that protesters disclose their sources of funding.<sup>xi</sup>

However, it is [Article 66\(d\)](#) of the [Telecommunications Law](#) that has been most pervasive in its use and effects. Introduced in 2013, it imposes criminal penalties for “extorting, defaming, disturbing or threatening [...] of any person by using any telecommunications network,” and has been applied to target activists, journalists and members of the public who express criticism of the Government, religious figures, the Tatmadaw, or certain politicians online.

In 2017, the NLD reduced the maximum sentence under Article 66(d) from three years to two and allowed those accused to be released on bail, but it did not address restrictions on freedom of expression.<sup>xii</sup> In fact, the use of the law to restrict free speech is on the rise. Between 2016 and 2019, Article 66(d) went from being applied in 11 cases under the previous USDP regime, to over 190 cases, under the NLD.<sup>xiii</sup> The spike in the number of cases citing Article 66(d) is partly a result of more civilians filing cases against one another, but the Government has used it to charge people 47 times since 2016 (as of June 2019).<sup>xiv</sup>

In March 2017, the NLD introduced the *Protecting the Privacy and Security of Citizens Law*. Ostensibly, the law was created to limit the power of the state by protecting the public against state surveillance and spying.<sup>xv</sup> In practice however, certain clauses would further restrict free expression: Article 8(f) of the law criminalizes defamation by prohibiting “slander” or “harm [of a citizen’s reputation],” and Article 10 provides for a sentence of imprisonment of up to three years. Politicians have used loopholes in Articles 8(f) and 10 to target citizens who post critical comments on social media.<sup>xvi</sup>

**PUBLIC PERCEPTION OF FREEDOM OF EXPRESSION IN MYANMAR**

Myanmar’s people remain deeply uncertain about their rights and the meaning of freedom of expression. In a survey conducted by the International Republican Institute in 2017, 60 percent of respondents felt that either “most” or “some” people are afraid of openly expressing their political views.<sup>xvii</sup> This sentiment was underscored in recent FGDs conducted by MAA researchers in Yangon. Participants noted that people in Myanmar are still afraid to express their political opinions in public.

In a general sense, participants noted that the level of free expression in Myanmar is severely limited, and that the Government enforces a number of laws which restrict free speech and target civil society organizations (CSO) or particular ethnic and marginalized groups. In general, FGD respondents indicated disappointment at the direction of freedom of expression under the NLD government, claiming that restrictions had increased since 2016. Participants also indicated a personal unwillingness to express opinions in public or on social media for a fear of prosecution, particularly in relation to Article 66(d) of the Telecommunications Law. One FGD respondent noted that:

*“I think we have to be careful with the consequence of expressing our opinions, especially on Facebook. So, I try not to write everything on it. I prefer to debate in private conversation at the tea shop rather than quarrelling over heavy issues on social media.”*

The interviews made it clear that the Government was not the respondents’ only source of worry. FGD respondents in Meiktila and Yangon said they feared criticism from the general public, and that it might affect how their local communities perceive them. Some participants noted that they may adjust their privacy settings on social media to limit who sees sensitive conversations. The respondents prefer to express sensitive opinions in private conversations or messages.

Respondents feel restrictions on their freedom of expression not only from particular laws, but from societal, moral and religious norms. In other FGDs conducted in Meiktila, several non-Buddhist

respondents said that their religious leaders warned them against political activism, fearing possible reprisals.

This research suggests that self-censorship is prevalent, and may be more detrimental to freedom of expression than the many laws in place to restrict it.

People’s perceptions of freedom of expression in Myanmar are, to a large extent, curtailed by their limited understanding of the concept. Athan, a youth group promoting freedom of expression, and *Justice Base*, a CSO, study the issue extensively and conduct workshops on freedom of expression rights with defense lawyers (*Justice Base*) and members of the community (*Athan*). *Justice Base* noted that several workshop participants thought criticizing the Tatmadaw or the Government violated freedom of expression laws and was not protected speech. They believe that the Tatmadaw or the Government were off-limits. This view was supported by Myo Myint Nyein, President at *PEN International Myanmar*, who said that the NLD party and its representatives in government remain topics strictly “off-limits.”<sup>xviii</sup>

Far from perceiving their own freedom of expression to be restricted, workshop participants argue that international definitions of free expression were not appropriate for the Myanmar context and that rights to free speech should be limited in particular cases. For example, participants did not see hate speech or discrimination against other communities as violations of freedom of expression. Aung Khant, Program Manager at *Athan*, noted that raising public awareness on the issue is necessary for communities to claim their rights for free expression.

## **RESTRICTIONS ON FREEDOM OF EXPRESSION**

Using secondary research, key informant interviews, and FGDs, this section looks specifically at who restricts these freedoms and how. The section draws on examples of freedom of expression restrictions in five cities in Myanmar where freedom of expression issues are particularly notable: Yangon, Mandalay, Meiktila, Myitkyina, and Loikaw.

### **THE GOVERNMENT’S USE OF LAWS TO RESTRICT FREEDOM OF EXPRESSION**

The majority of freedom of expression cases are not brought by the Government, but as the law-making body in Myanmar, it bears responsibility for the increasing restrictions on freedom of expression. Even purportedly well-intentioned laws, such as the Law Protecting the Privacy and Security of the Citizens, are full of loopholes. Rin Fujimatsu, Advocacy Director at *Progressive Voice* says that, whether due to a lack of capacity in designing and formulating laws or deliberate political calculations, the NLD has introduced and amended laws which contain clauses that severely constrain freedom of expression.

Cases brought against citizens who criticize the Government are usually filed by government officials or public servants.<sup>xix</sup> Officials generally use Article 66(d) of the Telecommunications Law to call any criticism of the government a form of defamation. Since the law was created in 2013, a quarter of the total cases brought forward under the Telecommunications Law were filed by government officials over criticism of the Government.<sup>xx</sup>

Cases filed by members of parliament and other politicians illustrate the particular difficulties of freedom of expression in Myanmar. According to Myo Myint Nyein, NLD lawmakers are generally sympathetic to the concept of free expression. Yet, they do not consider cases filed against their critics to be violations of free expression as defined by international convention.

Analysis conducted in December 2017 by the CSO Free Expression Myanmar reveals that a significant proportion of 66(d) cases were brought forward by a leader, member or supporter of a political party. Of these cases, almost all were filed by individuals affiliated with the NLD.<sup>xxi</sup> Cases usually revolve around one of three topics: criticism of Aung San Suu Kyi, criticism of the NLD or individual lawmakers, or sharing information that contradicts information provided by government officials. Members of the public are by far the most common target of Article 66(d), followed by news media outlets, members or supporters of political parties, and activists.<sup>xxii</sup>

Aung Khant of Athan expresses concerns that laws restricting freedom of expression could be invoked more frequently as the 2020 general election approaches and politicians seek to silence critics. Additionally, restrictions on freedom of expression undermine efforts to fight corruption because people are reluctant to speak out or criticize public officials for fear of criminal ramifications or prosecution.<sup>xxiii</sup> Aung Khant claims that many of the complaints against critics of politicians are filed by supporters among the general public rather than the politicians themselves. But, while definitive links between members of the public and the politicians are difficult to ascertain, the 2017 amendment to Article 66(d) only allows those directly affected by the criticism, or those with permission from the person directly affected, to file charges.<sup>xxiv</sup>

Senior lawmakers in state and regional governments also target people who present a challenge to the Bamar narrative. For example, in August 2019, Kayah Chief Minister L Phaung Sho instructed the Loikaw Township General Administration Department (GAD) to file charges against protesters of a General Aung San statue, despite it being illegal for chief ministers to instruct the GAD to file a complaint on their behalf. The protesters were charged by the Loikaw Township Court under Article 8(d) of the Law Protecting the Privacy and Security of Citizens.<sup>xxv</sup>

Activists and CSOs based in ethnic states tend to be more aware of the international standards on freedom of expression and are more willing to speak openly about the weaknesses of the local standards for freedom of expression.<sup>xxvi</sup> As such, they are often targeted because they provide an alternative perspective on the current state of Myanmar. According to Fujimatsu of Progressive Voice, ethnic human rights defenders are often targeted because celebrating ethnic histories and cultures is not acceptable. Fujimatsu explained that cases in ethnic areas may be underrepresented in data on freedom of expression cases because national newspapers do not always report on these cases, often because local newspapers are not written in Burmese or English.

Restrictions on freedom of expression have affected the Government's progress in peace talks. According to several key informants, the restrictions on ethnic minorities' freedom of expression increases resentment among ethnic minority communities. Maung Saung Kha of Athan claims that this resentment and subsequent lack of trust in the Central Government contribute to the deadlock in the ongoing peace process.



## THE TATMADAW

The Tatmadaw frequently invokes laws that restricts freedom of expression, predominantly using Section 505(a) of the Penal Code to file alleged defamation cases. Of the 11 lawsuits filed under Section 505 in the first half of 2019, seven were filed by Tatmadaw officials.<sup>xxvii</sup> Most of these cases end in prosecution.<sup>xxviii</sup>

While the Tatmadaw often invokes frequent freedom of expression restrictions, it does not seem to target any one group. Anyone who publicly criticizes the Tatmadaw is vulnerable. In Yangon Region, this year alone, the Tatmadaw filed charges against a wide variety of targets, including citizens criticizing the Tatmadaw, film-maker Min Htin Ko Ko Gyi, and five members of the Peacock Generation Thangyat Troupe, who were sentenced to one year in prison under Section 505(a) on October 30.<sup>xxix</sup> This year, Loikaw farmers protesting the dispossession of their land were charged under the Law Protecting the Privacy and Security of Citizens with trespassing; the reporters, accused of assisting the farmers in their protest, were charged with the same violation.<sup>xxx</sup>

A small number of defendants have succeeded in having lawsuits brought by the Tatmadaw withdrawn, or

### MYITKYINA PROTESTERS AND THE TATMADAW

Myitkyina, the capital of Kachin State, is a focal point for protests and other assemblies. Many of the protests focus on the conflict or on the poor conditions that Kachin IDPs face. More recently, demonstrations have covered ethnic and religious minority rights and environmental and social concerns, including a protest demanding freedom of expression and a just legal system.<sup>xxxi</sup>

Protest organizers are a frequent target of the Tatmadaw, having been arrested, detained, and sentenced under the Myanmar Penal code or PAPP.<sup>xxxii</sup> Despite making every effort to follow the law, organizers sometimes find it difficult to fully protect themselves from arrest.<sup>xxxiii</sup> At issue is the broad language and lack of definition within the laws that leave the determination of an offense to the discretion of law enforcement; this ambiguity also limits the ability of an individual to know what violates the law and what does not.<sup>xxxiv</sup>

subsequently received pardons. Other cases were dropped after international pressure was put on the Government of Myanmar or the Tatmadaw, such as the suit against Reverend Hkalam Samson who was accused of defaming the Tatmadaw after speaking to US President Donald Trump, or the pardon of Lum Zawng and Zau Jet who, after protesting poor conditions for internally displaced people (IDP) in Kachin, were also accused of defaming the Tatmadaw.<sup>xxxv</sup>

Notably, while criticisms of the Tatmadaw and protests on its actions are frequently targeted by freedom of expression restrictions, rallies and protests held in support of the Tatmadaw are not. A number of rallies in support of the Tatmadaw have been held in Yangon and Mandalay in 2019. Fujimatsu of *Progressive Voice* also claims that the Tatmadaw frequently organizes pro-Tatmadaw events in ethnic areas.

## LOCAL GOVERNMENT'S RESTRICTIONS

Although the laws on restricting freedom of expression are formulated at the national level, implementation of these laws occurs at the township level. The structure of the GAD and the Myanmar Police Force are highly centralized, and local authorities generally follow instructions from higher up in

the chain of command. Nevertheless, FGD participants told MAA researchers that pressure on their freedom of expression comes from both local authorities and the Union Government.

In a large number of cases, the local police file lawsuits under Article 19 of the PAPP Law, to arrest and charge protesters for holding a demonstration without the permission of the authorities. These arrests occur despite the amendment to the PAPP that stipulates that protesters only need to notify local authorities of an upcoming demonstration. The PAPP, as written, does not give police the authority to deny protests. Although orders issued by local police are under the authority of the Ministry of Home Affairs (MOHA), FGD participants in Meiktila claim that the public holds local police responsible for restricting protests, especially when local authorities do not follow the PAPP law as it is intended.

Restrictions on freedom of expression often occurs at the local level, under the instruction of the MOHA at the national level. Local township police invoked Article 19 against protesters for alleged unlawful assembly in a number of cases in 2019, including against three activists who organized a demonstration in support of the Karen Martyr’s Day activists in Yangon and a group of demonstrators protesting a cement factory in Mandalay.<sup>xli</sup> Then, in February, seven students who launched protests at Mandalay University against the lack of campus safety were arrested and sentenced.<sup>xliii</sup>

In line with the Union Government, local authorities often target specific communities and people who offer views counter to a Bamar-centric narrative. In Loikaw, recent demonstrations have focused on the statue of General Aung San that was erected in one of the city’s parks, which has brought out thousands of demonstrators expressing their outrage at the commemoration of a man that many ethnic minorities view to be a symbol of the suppression of ethnic rights.

In February 2019, police fired rubber bullets into a crowd of protesters gathered at the statue’s site.<sup>xliii</sup> Since the Aung San statue protests began, a total of 82 individuals, mostly ethnic Karenni, have been arrested under the Peaceful Assembly and Peaceful Procession Law, and section 505 of the Myanmar Penal

**FREEDOM OF EXPRESSION IN YANGON**

As the largest and most populous city in Myanmar, Yangon is the epicenter for protests, rallies, and other forms of political and social expression. In many ways, Yangon has become a vibrant hub of free expression. Demonstrations are frequently held on a number of issues including climate change, constitutional amendments, labor laws, and the views of radical monk Ashin Wirathu.<sup>xxxvi</sup>

Because Yangon is such a hotspot, it is also a magnet for many freedom of expression restrictions. Geographic analysis conducted by Athan found that 82 of the first 200 cases filed under the Telecommunications Law were based in Yangon Region, significantly higher than any other state or region.<sup>xxxvii</sup>

Freedom of expression restrictions manifest in many forms. For example, in November 2017, the Regional Home Affairs Ministry banned protests in 11 Yangon townships due to “public safety concerns.”<sup>xxxviii</sup> The townships constitute Yangon City’s downtown area and other dense metro areas.<sup>xxxix</sup> The ban is still in effect and is invoked on an ad-hoc basis by police and government officials. Another example is the restrictions imposed on Yangon Pride. In January 2019, Yangon Pride was celebrated in public areas around the city, but the Yangon city government did not grant LGBTQ+ activists permission to hold a parade in the city. The parade was instead held on boats floating along the Yangon River.<sup>xl</sup>

Code.<sup>xliv</sup> Though many of these lawsuits have since been dropped, they demonstrate a clear attempt at suppressing freedom of expression.<sup>xlv</sup>

Another group targeted by local authorities is the LGBTQ+ community, particularly in Mandalay and Meiktila. For example, an executive for a CSO working on LGBTQ+ rights notes that police often invoked Article 377 (Unnatural offences) of Myanmar’s Penal Code to arrest and target members of this community. These cases demonstrate how the targeting of marginalized communities may differ according to the local authority and social norms of a particular area.

According to Htein Min Khaing, a member of the 88 Generation based in Meiktila, the application of the freedom of expression laws is influenced by the local GAD. He notes that the GAD is a powerful authority within the township and has significant influence over the police and argues that changes in governance at the township level are more important than changes in laws or administration at the national level. For instance, in Meiktila, the new GAD chief under the NLD has been much more lenient with protests, in contrast to his USDP predecessor who frequently restricted demonstrations without reason.

FGD participants in Meiktila told MAA researchers that maintaining personal relationships with individual GAD officers allows them to more freely express their views in workshops and public events.

**RELIGIOUS TENSION AND FREEDOM OF EXPRESSION**

Both Mandalay and Meiktila, cities in Mandalay Region, are hot spots for hate speech. MaBaTha was founded in Mandalay, and Meiktila was the site of inter-communal violence between Buddhist and Muslim communities in 2013.<sup>xlvi</sup>

Government officials and individuals alike exploit the fear of exacerbating intercommunal tensions and use it as an excuse to restrict freedom of expression. For example, Nayzar Min Swe of *Equity for All*, a CSO based in Meiktila, stated that authorities often prohibit religious events, including religious ceremonies, from taking place, purportedly to prevent inter-communal tensions. Similarly, in March 2019, residents of Meiktila signed a petition protesting against the presence of international nongovernmental organizations in the town, citing the risk of international groups reigniting religious conflict in the area.<sup>xlvii</sup>

**PRIVATE INDIVIDUALS**

Greater access to information and social media has made the public more aware of the laws used to limit freedom of expression. Article 66(D), in particular, allows anyone to file a complaint, with the permission of the individual who is the target of the alleged defamation. As such, charges are often brought forth by members of the general public. According to Aung Khant, ardent supporters of certain politicians or high-ranking Tatmadaw officials file complaints against other citizens in order to silence critics. These cases often lead to prosecutions. For example, chief editor of *Myanmar Now*, Swe Win was charged in 2017 under Article 66(d) over a critical Facebook post about radical monk Ashin Wirathu, after a complaint was filed by a MaBaTha supporter.<sup>xlviii</sup> The case remains ongoing after Mandalay District Court allowed an appeal to be filed against the lower court’s decision to drop the case.<sup>xlix</sup>

Use of the law is not limited to critics of the Government or the Tatmadaw. The country director for Justice Base, for instance, provided examples of a

restaurant owner filing a defamation complaint against a social media user who left a negative review online, and of landlords filing complaints against tenants.

## SELF-CENSORSHIP

A common theme that emerges from the primary data is self-censorship. For example, a number of those interviewed claimed that individuals in Meiktila are careful when expressing opinions on political and religious matters for fear of reigniting inter-communal tensions in the town. Similarly, FGD respondents revealed that members of religious communities were reluctant to post political content on social media or discuss these matters publicly. One FGD participant in Meiktila noted:

*“In 2015, a media interviewed me in relation to the inter-communal violence that occurred in 2013. I answered honestly and discussed openly on the issue to that reporter. Unfortunately, the media included my answers in quotes with my name in their news report. Those who disagree with what I said attacked me on Facebook and posted many abusive comments. It took me some time to cope with it. Since then I am very careful to speak out or express my opinion in public.”*

The same participant was reluctant to speak at all in the FGDs at first. Other participants said that moral and social norms prevent them from freely expressing their opinions. Aung Khant, of Athan, notes that after fifty years of authoritarian military rule, Myanmar has maintained a conservative social culture, where free expression is not welcomed by large parts of the population.

## THE JUSTICE SYSTEM

Once a charge is brought, it is unlikely that the courts will dismiss the case, even if the law is misapplied. Laura Draper, Country Director at Justice Base, told MAA researchers that in general, there is a serious lack of awareness of freedom of expression throughout Myanmar’s justice system. Among the lawyers who participated in workshops conducted by Justice Base, there was a perception that international standards on free expression were not appropriate for the Myanmar context.

Similarly, defense lawyers are not up-to-date on freedom of expression laws, and are unable to adequately defend those accused of freedom of expression violations. Rather than attempting to establish whether the alleged defamation has met the legally-defined definition, cases involving Section 505 of the Penal Code and Article 66(d) of the Telecommunications Law often revolve around establishing whether the alleged statement was made.

Issues surrounding freedom of expression are not covered well in law school nor in legal training. As such, judges also don’t have complete knowledge of freedom of expression laws, and are likely pre-conditioned to hand down sentences that protect Tatmadaw interests. Given the current conditions, some argue that activists targeted by these laws cannot expect justice under Myanmar’s current legal system.<sup>1</sup>

## CONCLUSION

Myanmar’s numerous defamation laws and regulations restrict freedom of expression and create a chilling environment at national and local levels, whether the accuser is public or private. Any citizen criticizing the Government or the Tatmadaw is potentially vulnerable.

Decades of authoritarian rule and little to no public education on freedom of expression has led to misconceptions over what type of expression is permitted. Many FGD participants believe that public criticism of the Government, the Tatmadaw or religious figures is not acceptable, nor protected under their rights to freedom of expression.

To the extent that the public is aware of free expression, they also perceive it to be severely restricted in Myanmar. Individuals are unwilling to publicly express political or personal opinions. Legal, social, and religious norms pressure individuals to self-censure themselves.

The problem is compounded by the lack of understanding of freedom of expression and the rights afforded to citizens under international standards – among the Government and the justice system. Consequently, the very laws meant to protect individuals are used by others for political gain. The highly partial judicial system affords activists and human rights defenders little protection. Further research should be conducted into Myanmar’s legal framework, which is dominated by entrenched Tatmadaw interests, to establish how the rule of law is bypassed and twisted to suit the needs of the elites at the expense of the general population and marginalized communities.

# ANNEX I. PRIMARY RESEARCH

## FOCUS GROUP DISCUSSIONS

Location	Date	Notes
Meiktila	October 18, 2019	FGD was conducted with seven participants aged 21 to 59. Two participants listed their religion as Islam; the rest were Buddhist. Participants were a mix of political activists, CSO workers, and the general population.
Yangon	October 23, 2019	FGD was conducted with eight participants aged 18 to 25. Participants were all either current students or recent graduates.

## KEY INFORMANTS

Name/Affiliation	Date	Notes
Myo Myint Nyein, President of PEN International	October 10, 2019	In-person interview conducted by Mekong Economics researchers.
Rin Fujimatsu, Advocacy Director at Progressive Voice	October 15, 2019	In-person interview conducted by Mekong Economics researchers.
Nayzar Min Swe, Executive at Equality for All	October 19, 2019	In-person interview conducted by Mekong Economics researchers.
Executive at CSO for LGBT+ rights	October 19, 2019	In-person interview conducted by Mekong Economics researchers.
Htein Min Khaing, Member of 88 Generation	October 19, 2019	In-person interview conducted by Mekong Economics researchers.
Aung Khant, Program Manager and Maung Saung Kha co-founder at Athan	October 22, 2019	In-person interview conducted by Mekong Economics researchers.
Laura Draper, Country Director at Justice Base	October 24, 2019	In-person interview conducted by Mekong Economics researchers.

## ANNEX 2. LAWS USED TO REPRESS EXPRESSION

### Telecommunications Law

This law is often used by members of the Government, the Tatmadaw, Parliament, and entrepreneurs to target journalists, activists, online critics, human rights defenders, civilians, religious leaders, politicians, actors and artists.

- **Law:** [Full text here](#)
  - *Section 66(d):* “Extorting, coercing, restraining wrongfully, defaming, disturbing, causing undue influence or threatening to any person by using any Telecommunications Network.”
  - *Section 68(a):* “Communications, reception, transmission, distribution or conveyance of incorrect information with dishonesty or participation.”
- **Sentence:** Imprisonment of up to three years, a fine, or both.
- **Common offences:** Political criticism, criticism of individuals or organizations, news reporting, whistleblowing, incorrect factual presentation.
- **Criticisms:** Vague language used to suppress freedom of expression; used as a means to control media.

### Penal Code

[Full text here](#)

*Sections 141-147: Unlawful Assembly*

- **Law:**
  - 5+ person assembly is unlawful if the objective is to “overawe by criminal force or show of criminal force”; resist the execution of a law or legal process; commit mischief or trespass; obtain possession of property; deprive an individual of right of way or of water, or compel a person to commit illegal acts.
  - An assembly can start as lawful and turn unlawful.
  - Those knowingly and intentionally joining an unlawful assembly can be held liable.
- **Sentence:** Imprisonment of up to two years, a fine, or both.
- **Criticisms:** Definitions are too vague; used in mass arrests of protesters; disproportionate punishment.

*Section 505: Offenses Against Public Tranquility*

This section of the penal code is often used by members of the Government and the Tatmadaw against activists, government critics, and protesters.

- **Law:** “Whoever makes, publishes or circulates any statement, rumor or report” intending or likely to cause any military personnel to mutiny or fail in duty, intending or likely to cause fear or alarm to the public where any person may be induced to commit an offence against the State or against the public tranquility, or intending or likely to incite any class or community to commit any offence against any other class or community.
  - Exception – a person making, publishing, or circulating such statement, rumor, or report has reasonable grounds for believing that such statement, rumor, or report is true and makes, publishes, or circulates it without intent as aforesaid.
- **Sentence:** Imprisonment of up to two years, a fine, or both.
- **Criticisms:** Overly broad; extreme measures; suppresses public debate; criminalizes peaceful expression; lacks enough precision to ascertain what type of speech actually violates the law.

*Sections 499-502 and 130B: Criminal Defamation*

- **Law:**
  - *Section 130B:* “Whoever, by words either spoken or intended to be read or by signs or by visible representations, publishes anything tending to degrade, revile or expose to hatred or contempt any Foreign State, Head of State, Ambassador or other dignitary of a Foreign State, with intent to disturb the peaceful and friendly relationship between the Union of Burma and that Foreign State.”
    - Exceptions: fair comments on matters of public interest without intent to disturb relationship between Union of Burma and State, publish anything true for the public good
  - *Section 499:* “Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person, intending to harm, or knowing, or having reason to believe that such imputation will harm the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person.”
    - Exceptions: anything true if for the public good that imputation is made or published, any opinion respecting the conduct of a public servant in discharge of public functions or respecting his character, any opinion respecting the conduct of a person touching public question and respecting character, publish true report of court proceedings, an opinion respecting the merits of civil or criminal cases decided by court or conduct or character of any party in said case, an opinion respecting the merits of a performance, censure of conduct of subordinate, accusation against those with authority over oneself, impute in good faith for the protection of the interest of oneself or another for the public good, warn another against a person of interest.
  - *Section 500:* “Whoever defames another.”
  - *Section 501:* “Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person.”
  - *Section 502:* “Whoever sells or offers for sale any printed or engraved substance containing defamatory matter, knowing that it contains such matter.”
- **Sentence:** Imprisonment of up to 3 years, a fine, or both.
- **Criticisms:** Disproportionate punishment; suppresses freedom of expression in non-telecommunications devices; restricts truthful and honest news media reporting.

*Section 124A: Sedition*

This section has been used primarily by members of the Government

- **Law:** “Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, attempts to use hatred or contempt, or excites or attempts to excite disaffection toward [the Government established by law for the Union or for the constituent units thereof]” shall be punished with “transportation for life or a shorter term, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.”
  - Explanation. 1.-- The expression "disaffection" includes disloyalty and all feelings of enmity.
  - Explanation. 2.-- Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this sedition.
  - Explanation. 3.-- Comments expressing disapprobation of the administrative or other action of the Government, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.



- **Sentence:** Imprisonment up to life with possible fine, or fine.
- **Criticisms:** Used to silence critics of government; broadly worded; ignores intent; lacks sufficient precision to identify what conduct is in violation; suppresses free speech for fear of prosecution; can easily be abused by authorities wishing to silence criticism and dissent; restricts discussion of judiciary and Government.

*Sections 295A and 298: Offenses Relating to Religion*

This section has been used by groups of Buddhist monks against members of other religious minorities.

- **Law:**
  - *Section 295(a):* “Whoever, with deliberate and malicious intent of offending the religious feelings of any class of [persons resident (whoever causes the death of another person) in the Union] by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or the religious beliefs of that class.”
  - *Section 298:* “Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound within the hearing distance of that person or makes any gesture in the sight of that person or places any object in the sight of that person.”
- **Sentence:** Imprisonment of up to two years, fine, or both
- **Criticisms:** used against religious minorities speaking out against extremism, criminalizes speech that may offend or be perceived as insulting to one’s religion, enables prosecution based on subjectivity, often used by majority to stifle dissent, stifles discussion of religious differences, leads to discrimination,

*Section 504: “Insults” that Provoke a Breach of the Peace*

- **Law:** “Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence,”
- **Sentence:** imprisonment up to two years, a fine, or both
- **Criticisms:** overly broad, criminalizes insulting another; stifles public debate; lacks sufficient precision for a person to know what violates the law; may be abused by government officials wishing to silence critics.

*Section 153A and 505(c): Hate Speech*

- **Law:**
  - *Section 153(a):* “Whoever by words, either spoken or written, or by signs, or by visible representations, or otherwise, promotes or attempts to promote feelings of enmity or hatred between different classes of [persons resident in the Union].”
  - *Section 505(c):* with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community.”
- **Sentence:** Imprisonment up to two years, a fine, or both
- **Criticisms:** Overly broad definitions, suppresses discussion of race and religion.

*Section 503: Criminal Intimidation (appears not to be in use currently)*

- **Law:** “Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as a means of avoiding the execution of such threat, commits criminal intimidation.”
- **Criticisms:** Penalizes speech that threatens to harm another person’s reputation, overly broad.

*Section 509: Insults to Modesty* (appears to not be in use currently)

- **Law:** “Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman.”
- **Sentence:** Imprisonment up to one year, a fine, or both.
- **Criticisms:** Antiquated.

## Media Law

This law has primarily been used against members of the media.

- **Law:** [Full text here](#)
- **Sentence:** Fine.
- **Criticisms:** Overly broad definitions and provisions; fails to require plaintiff to address issues to Press Council for mediation before prosecution; vague restrictions; suppresses freedom of expression; fails to distinguish between types of media; regulation of print and internet media abused by state; fails to guarantee journalists’ rights; state determines the ethical obligations of a journalist; Press Council lacks independence; silences critical media.

## Electronic Transactions Act

*Section 33*

This section of the law has been used against bloggers, activists, and those disseminating information about 2007 Saffron Revolution.

- **Law:** [Full text here](#)
  - “Whoever commits any of the following acts by using electronic transactions technology shall, on conviction be punished with imprisonment for a term which may extend from a minimum of seven years to a maximum of 15 years and may also be liable to a fine: (a) carrying out any act detrimental to the security of the State or prevalence of law and order or community peace and tranquility or national solidarity or national economy or national culture. (b) receiving or sending and distributing any information relating to State security and safety of the State or prevalence of law and order or community peace and tranquility or national solidarity or national economy or national culture.”
- **Sentence:** Imprisonment for 5-7 years and a possible fine.
- **Criticisms:** Vague definitions; disproportionate punishment; overly broad language that encompasses nearly any internet communication; lack of sufficient precision for one to know what conduct violates the law, can be used to suppress communication undesirable to Government; receipt of violating communications is criminalized.

*Section 34(d)*

- **Law:** [Full text here](#)
  - “Creating, modifying or altering of information or distributing of information created, modified or altered by electronic technology to be detrimental to the interest of, or to lower the dignity of, any organization or any person.”
- **Sentence:** Fine
- **Criticisms:** Vague definitions; disproportionate punishment; overly broad language.

## Official Secrets Act

This law has primarily targeted journalists.

- **Law:** [Full text here](#)
- **Sentence:** Imprisonment up to 14 years.
- **Common Offences:** Reporting on Tatmadaw activities.
- **Criticisms:** Overly broad language; disproportionate punishment; lack of definition of terms; can be used to suppress whistleblowing; public interest is not an available defense; receipt of information is a violation; can be used to conceal corruption; can be used to conceal abuses of power; can be used to conceal mismanagement of resources; can suppress legitimate journalism for fear of punishment; burden placed on defendant to prove absence of guilt; can be used against Government critics.

### Contempt of Courts Law

- **Law:** [Full text here](#)
- **Sentence:** Imprisonment up to 6 months, a fine, or both
- **Criticisms:** used to penalize reporting on public interest issues; overly broad language; subjective to judges' interpretations (which vary and renders this law inconsistent); too vague for individual to know what conduct will violate the law; suppresses the ability to discuss court proceedings or opinions of proceedings; suppresses ability of media to report on cases.

### Printing and Publishing Enterprise Law

- **Law:** [Full text here](#)
- **Sentence:** fine
- **Criticisms:** Requires registration of printers and publishers; overly broad restrictions; vague language; disproportionate punishments; suppresses publishing for fear of prosecution; allows politicians to abuse the law when they dislike the content of publication.

### Computer Science Development Law

- **Law:** [Full text here](#)
- **Sentence:** Imprisonment of 7-15 years.
- **Criticisms:** Too much control of population's use of computers; allows Government to access population's computers; permits Government to deny access to critics; overly broad restrictions; vague definitions.

### Television and Video Law and the Motion Picture Law

- **Law:** [Full text here](#)
- **Sentence:** Imprisonment up to three years.
- **Criticisms:** Lack of clear standards; lack of clear guidance; may be used against any content Government finds objectionable; too vague to know which content violates the law.

### Peaceful Assembly and Peaceful Procession Law

This law has frequently been used by politicians, police, and the Tatmadaw against students, activists, religious leaders, and artists.

- **Law:** [Full text here](#)
- **Sentence:** Imprisonment of up to six months, fine, or both.
- **Common Offences:** Staging protests for ethnic rights; staging protests to pray for peace; staging protests for student rights; staging protests against conglomerates.
- **Criticisms:** definitions are too narrow and limit the scope of rights to be protected; some sections too ambiguous, requirements to assemble onerous and gratuitous; information requirements provide basis for illegitimate restrictions; no provision for spontaneous assemblies;

no clear process for authorities and organizers to discuss and agree upon conditions of assembly; no means of appeal; organizers not given proof of notification; restrictions on content and conduct; ability to stop or dismiss assembly if any rule is violated; lack of legitimate aims; violation of some sections are criminal offences; designation of locations irrelevant to the assembly purpose; restrictions on protesters' speech, often used by Government to silence its critics.

### **Law Protecting the Privacy and Security of Citizens**

This law has been used by members of the Government against private citizens, members of other political parties, activists, and journalists.

- **Law:** [Full text here](#)
- **Sentence:** imprisonment up to three years and a fine.
- **Common Offences:** practicing online self-expression, submitting public complaints to authorities, online criticism of others.
- **Criticisms:** Broadly worded; suppresses freedom of speech; can be used to silence criticism and allegations of corruption; allows third-party defamation complaints.

### ANNEX 3. FREEDOM OF EXPRESSION CASES IN 2019

This table contains a list of freedom-of-expression cases that moved through the courts in 2019. For example, charges filed; sentencing announced; a person pardoned, etc. Because MAA researchers cannot access to complete court records, cases were found in news articles as well as lists of cases compiled by CSOs that follow freedom-of-expression issues in Myanmar. As a result, this is not a comprehensive list.

DEFENDANT NAME / DEFENDANT DESCRIPTION / TIME PERIOD	LAW CITED / OFFENSE	PLAINTIFF / PLACE	RESULT
Five comedians, from the Zwe Anyeint troupe  March: complaint filed <sup>ii</sup>	CHARGE: satirical performance at a pro-constitution amendment rally	Lieutenant Colonel Myint Oo  Za Bu Thi Ri Township, Nay Pyi Taw	No further information could be found
Twenty-five Aung Thabyay villager that faced or are facing charges  Protesters  July 2018: charges filed Protests in 2019 July 2, 2019: four sentenced <sup>iii</sup>	<ul style="list-style-type: none"> <li>Section 19: Peaceful Assembly and Peaceful Procession Law</li> <li>505(b): Penal Code</li> <li>333: Penal Code</li> <li>435: Penal Code</li> <li>114: Penal Code</li> </ul> CHARGE: staging protest to abolish coal-powered cement factory in Aung Thabyay village and to release arrested farmers from previous protests	Patheingyi Township, Mandalay	As of July 2019, 12 have been arrested, 4 were sentenced to 14 months imprisonment
Aung Myint	<ul style="list-style-type: none"> <li>Section 19: Peaceful Assembly and Peaceful Protest Law</li> </ul> CHARGE: supporting Fu Yuen Garment Labor Protest	Kyauktada Township, Yangon	Sentenced to 15 days imprisonment or 20,000 MMK
Aung Pyae San Win  Sept 18: charges filed	<ul style="list-style-type: none"> <li>66(d): Communications Law</li> </ul> CHARGE: posting memes	NLD Mandalay Region office	No recent updates

DEFENDANT NAME / DEFENDANT DESCRIPTION / TIME PERIOD	LAW CITED / OFFENSE	PLAINTIFF / PLACE	RESULT
	about Mandalay chief minister on a satirical Facebook page		
Aye Maung Lawmaker  Jan 18, 2018: arrested March 19, 2019: sentenced <sup>liii</sup>	<ul style="list-style-type: none"> <li>• 505(b): Penal Code</li> <li>• 122: Penal Code</li> </ul> CHARGE: treason and defamation over an inflammatory speech	Sittwe, Rakhine	Sentenced to 20 years in prison for high treason and 2 years for defamation of the state in Sittwe
Chaw Su  Feb 19: sentenced	<ul style="list-style-type: none"> <li>• 505(b): Penal Code</li> </ul> CHARGE: Blocking the road and protesting the destruction of houses in Patheingyi Township	Patheingyi Tsp, Mandalay	Sentenced to one year and six months in Obo
Dee De Karenni activist  Jun 21: arrested Aug 26: charged with slander <sup>liv</sup>	<ul style="list-style-type: none"> <li>• Article 10: Citizens Privacy and Security Law</li> </ul> CHARGE: Defaming the Kayah State Chief Minister and Planning and Finance Minister	Deputy Director of Kayah State Government Thet Naung  Loikaw, Kayah State	Awaiting trial in Loikaw prison
Hnin Haymar Win  Feb 19: sentenced	<ul style="list-style-type: none"> <li>• 505(b): Penal Code</li> </ul> CHARGE: Blocking the road and protesting the destruction of houses in Patheingyi Township	Patheingyi Tsp, Mandalay	Sentenced to one year and six months in Obo
Phone Myint Kyaw Yadanabon Student Union member and protester  Jan 2: arrested Feb 19: sentenced <sup>lv</sup>	<ul style="list-style-type: none"> <li>• 505(b): Penal Code</li> <li>• Section 19: Peaceful Assembly and Peaceful Protest Law</li> </ul> CHARGE: Leading a protest regarding	Amarapura Township, Mandalay	Three months hard labor under PAPPL 19 and Penal Code 435

DEFENDANT NAME / DEFENDANT DESCRIPTION / TIME PERIOD	LAW CITED / OFFENSE	PLAINTIFF / PLACE	RESULT
	Yadanabon		
Htay (aka Tin Tin Win)  Feb 19: sentenced	<ul style="list-style-type: none"> <li>505(b): Penal Code</li> </ul> CHARGE: Blocking the road and protesting the destruction of houses in Patheingyi Township	Patheingyi Tsp, Mandalay	Sentenced to 1 year and six months in Obo
Htin Kyaw  Anti-Tatmadaw activist and Movement for Democracy Force (MDCF) founder  Aug 31, 2018: arrested Jun 27: sentenced <sup>lvi</sup>	<ul style="list-style-type: none"> <li>505(b): Penal Code</li> </ul> CHARGE: Criticizing the judiciary, the Ministry of Home Affairs, and the current Government in front of the Yankin Township Court	Yankin Township Court  Yankin Township, Yangon	Sentenced to two years of hard labor in Insein
Kay Khine Tun  Peacock Generation Thangyat Troupe Member  April 15: arrested April 22: denied bail, sent to Insein Prison <sup>lvii</sup>	<ul style="list-style-type: none"> <li>505(a): Penal Code</li> <li>66(d): Communications Law</li> </ul> CHARGE: criticizing the Tatmadaw's role in politics; criticizing the Government and the situation in the country	Lieutenant-Colonel Than Tun Myint  Mayangon Township, Yangon	Awaiting trial in Insein Prison
Khu Kyue Fal Kay  Karenni activist  Jun 2: arrested Aug 26: charged with slander <sup>lviii</sup>	<ul style="list-style-type: none"> <li>Section 20: Peaceful Assembly and Peaceful Procession Law</li> </ul> CHARGE: Defaming the Kayah State Chief Minister and Planning and Finance Minister	Deputy Director of Kayah State Government Thet Naung  Loikaw, Kayah State	Awaiting trial in Loikaw prison
Khu Re Du  Karenni activist	<ul style="list-style-type: none"> <li>Article 10: Citizens Privacy and Security Law</li> </ul>	Deputy Director of Kayah State Government Thet	Awaiting trial in Loikaw prison

DEFENDANT NAME / DEFENDANT DESCRIPTION / TIME PERIOD	LAW CITED / OFFENSE	PLAINTIFF / PLACE	RESULT
Jun 21: arrested Aug 26: charged with slander <sup>lix</sup>	CHARGE: Defaming the Kayah State Chief Minister and Planning and Finance Minister	Naung  Loikaw, Kayah State	
Khun Thomas  Karenni activist  Jun 21: arrested Aug 26: charged with slander <sup>lx</sup>	<ul style="list-style-type: none"> <li>Article 10: Citizens Privacy and Security Law</li> </ul> CHARGE: Defaming the Kayah State Chief Minister and Planning and Finance Minister	Deputy Director of Kayah State Government Thet Naung  Loikaw, Kayah State	Awaiting trial in Loikaw prison
Kyaw Min Swe  Chief Editor of <i>The Voice Daily</i> <sup>lxi</sup>  June 2, 2017: arrested Aug 4, 2017: released on bail Sept 14, 2017: charges dropped	<ul style="list-style-type: none"> <li>25(b): Media Law;</li> <li>66(d): Telecommunications Law</li> </ul> CHARGE: defaming the Tatmadaw in a satirical article	Lt-Col Lin Tun  Bahan Township, Yangon	Released on bail August 4; Charges dropped by Tun on September 14
Kyaw Zin Latt  Member of Movement for Democracy Current Force -MDCF  Feb 21: arrested July 17: sentenced <sup>lxii</sup>	<ul style="list-style-type: none"> <li>Section 20: Peaceful Assembly and Peaceful Procession Law</li> <li>505(b): Penal Code</li> </ul> CHARGE: staging a protest over the 2008 Constitution and called for the resignation of the Minister of Home Affairs	Yankin Township, Yangon	Sentenced to two years imprisonment and a fine of 10000 kyat
Kyaw Zwa Naing  Satirist <sup>lxiii</sup>  June 2, 2017:	<ul style="list-style-type: none"> <li>25(b): Media Law;</li> <li>66(d): Communications Law;</li> </ul>	Lt-Col Lin Tun	Charges under 66(d) dropped and Naing was released on bail on June 16; Charges under 25(b) dropped by Tun on September 14



DEFENDANT NAME / DEFENDANT DESCRIPTION / TIME PERIOD	LAW CITED / OFFENSE	PLAINTIFF / PLACE	RESULT
<p>arrested June 16, 2017: acquitted and released</p> <p>court will rule to drop 66(d) charge on Sept 29</p>	<p>CHARGE: defaming the Tatmadaw in a satirical article</p>		
<p>Maung Oo</p> <p>Karen Land Rights Activist</p> <p>April 22, 2019: arrested and detained<sup>lxiv</sup></p>	<ul style="list-style-type: none"> <li>● Section 19: Peaceful Assembly and Peaceful Procession Law</li> <li>● Section 20: Peaceful Assembly and Peaceful Procession Law</li> </ul> <p>CHARGE: staged a protest for not abolishing the Shwe Mya Sandi Housing</p>	<p>Myawaddy Myoma Police</p> <p>Myawaddy, Kayin State</p>	<p>No update found since arrest</p>
<p>Min Han Htet</p> <p>Youth activist</p> <p>Jul 18, 2019: arrested<sup>lxv</sup></p>	<ul style="list-style-type: none"> <li>● 332: Penal Code</li> <li>● 353: Penal Code</li> <li>● 186: Penal Code</li> <li>● 114: Penal Code</li> <li>● Peaceful Assembly and Peaceful Procession Law</li> </ul> <p>CHARGE: opposing the handcuffing of defendants, “allegedly abetting an offense, as well as obstructing and causing bodily harm and assaulting police officers to deter them from carrying out their duties.”<sup>lxvi</sup></p>	<p>Yan Paing</p> <p>Yangon</p>	<p>Refused to pay bail, under trial in Insein prison</p>
<p>Min Htin Ko Ko Gyi</p> <p>Filmmaker</p> <p>April 12, 2019:</p>	<ul style="list-style-type: none"> <li>● 66(d): Telecommunicati ons Law</li> <li>● 505(a): Penal Code</li> </ul>	<p>Lieutenant colonel Lin Htun...</p> <p>Yangon</p>	<p>Sentenced to one year of hard labor</p>

DEFENDANT NAME / DEFENDANT DESCRIPTION / TIME PERIOD	LAW CITED / OFFENSE	PLAINTIFF / PLACE	RESULT
Arrested Aug 1, 2019: Formally charged under 505(a) of Penal code Aug 29, 2019: sentenced <sup>lxvii</sup>	CHARGE: online defamation for criticizing 2008 Constitution and for criticizing the Tatmadaw's role in politics on Facebook		
Mya Sint  Jun 18: arrested Feb 25: sentenced	<ul style="list-style-type: none"> <li>505(b): Penal Code</li> </ul> CHARGE: Blocking the road and protesting the destruction of houses in Patheingyi Township	Patheingyi Tsp, Mandalay	Sentenced to 1 year and six months in Obo
Myo Win  Jun 20: arrested and detained	<ul style="list-style-type: none"> <li>Section 20: Peaceful Assembly and Peaceful Procession Law</li> </ul> CHARGE:] gave speech without permission	Mandalay	Incarcerated in Obo
Myo Hlaing Win Karenni activist  Jun 21: arrested Aug 26: charged with slander <sup>lxviii</sup>	<ul style="list-style-type: none"> <li>Article 10: Citizens Privacy and Security Law</li> </ul> CHARGE: Defaming the Kayah State Chief Minister and Planning and Finance Minister	Deputy Director of Kayah State Government Thet Naung  Loikaw	Awaiting trial in Loikaw prison
Naing Ko Thu Youth activist  June 12, 2019: arrested June 14, 2019: released on bail <sup>lxix</sup>	<ul style="list-style-type: none"> <li>114: Penal Code</li> <li>186: Penal Code</li> <li>332: Penal Code</li> <li>353: Penal Code</li> </ul> CHARGE: supporting Peacock Generation youth at court hearing, "allegedly abetting an offense, as well as obstructing and causing physical harm and assault to deter police officers	Botahtaung Township Police  Botahtaung Township, Yangon	Released on bail

DEFENDANT NAME / DEFENDANT DESCRIPTION / TIME PERIOD	LAW CITED / OFFENSE	PLAINTIFF / PLACE	RESULT
	from carrying out their duties. <sup>11bxx</sup>		
<p>Naing Zaw Oo (aka Ahtee)</p> <p>Cartoonist</p> <p>Sept 17: charges filed<sup>1bxxi</sup></p>	<ul style="list-style-type: none"> <li>66(d): Telecommunications Law</li> </ul> <p>CHARGE: defaming township electoral committee and the NLD in cartoons that criticized NLD's shortcomings</p>	<p>NLD</p> <p>Maubin Township, Ayeyarwady</p>	<p>Released on bail</p>
<p>Nan Lin</p> <p>Youth activist</p> <p>June 12, 2019: arrested</p> <p>June 14, 2019: released on bail<sup>1bxxii</sup></p>	<ul style="list-style-type: none"> <li>114: Penal Code</li> <li>186: Penal Code</li> <li>332: Penal Code</li> <li>353: Penal Code</li> </ul> <p>CHARGE: supporting Peacock Generation youth at court hearing, "allegedly abetting an offense, as well as obstructing and causing bodily harm hurt and assault to deter police officers from carrying out their duties."<sup>1bxxiii</sup></p>	<p>Botahtaung Township Police</p> <p>Botahtaung Township, Yangon</p>	<p>Released on bail</p>
<p>Nang Pu</p> <p>Kachin Activist</p> <p>May 8, 2018: charged</p> <p>Dec 7, 2018: sentenced<sup>1bxxiv</sup></p> <p>April 7: released</p>	<ul style="list-style-type: none"> <li>500: Penal Code</li> </ul> <p>CHARGE: defaming the Tatmadaw in a protest calling on the government to help civilians trapped in war zones</p>	<p>Lt-Col Myo Min Oo, Northern Command</p> <p>Myitkyina Township, Mandalay</p>	<p>Sentenced to six months in prison and a fine of K500,000. Released from Myitkyina Prison on health grounds on April 7<sup>1bxxv</sup></p>
<p>Naw Ohn Hla</p> <p>Apr 22: arrested and detained<sup>1bxxvi</sup></p>	<ul style="list-style-type: none"> <li>Section 19: Peaceful Assembly and Peaceful Procession Law</li> <li>Section 20: Peaceful Assembly and</li> </ul>	<p>Myawaddy Myoma Police</p> <p>Myawaddy Township, Kayin</p>	<p>No update found since arrest</p>

DEFENDANT NAME / DEFENDANT DESCRIPTION / TIME PERIOD	LAW CITED / OFFENSE	PLAINTIFF / PLACE	RESULT
	<p>Peaceful Procession Law</p> <p>CHARGE: staged a protest for not abolishing the Shwe Mya Sandi Housing</p>		
<p>Naw Thein (aka Nan Khin The...)</p> <p>April 22: arrested and detained<sup>lxxxvii</sup></p>	<ul style="list-style-type: none"> <li>Section 19: Peaceful Assembly and Peaceful Procession Law</li> <li>Section 20: Peaceful Assembly and Peaceful Procession Law</li> </ul> <p>CHARGE: protesting the Shwe Mya Sandi Housing</p>	<p>Myawaddy Myoma Police</p> <p>Myawaddy Township, Kayin</p>	<p>No update found since arrest</p>
<p>Nay Myo Zin<sup>lxxxviii</sup>, former Myanmar army captain</p> <p>Final verdict to be delivered Sept 26 in Irrawaddy and Oct 1 in Sagaing</p>	<ul style="list-style-type: none"> <li>505(a): Penal Code</li> </ul> <p>CHARGE: critical public remarks about Tatmadaw leadership</p>	<p>Lieutenant Colonel Toe Lin<sup>lxxxix</sup></p> <p>Taikkyi Township, Yangon</p>	<p>Sentenced to one year in prison; appeal will not be pursued; other Tatmadaw officers filed charges for the same offence in Ayeyarwady Region and Sagaing Region for public remarks in these regions.</p>
<p>Nge (aka Than Hlaing)</p> <p>April 22: arrested and detained<sup>lxxx</sup></p>	<ul style="list-style-type: none"> <li>Section 19: Peaceful Assembly and Peaceful Procession Law</li> <li>Section 20: Peaceful Assembly and Peaceful Procession Law</li> </ul> <p>CHARGE: staged a protest for not abolishing the Shwe Mya Sandi Housing</p>	<p>Myawaddy Myoma Police</p> <p>Myawaddy Township, Kayin</p>	<p>No update found since arrest</p>
<p>Nilar Thein</p>	<ul style="list-style-type: none"> <li>114: Penal Code</li> </ul>	<p>Botahtaung</p>	<p>Released on bail</p>

DEFENDANT NAME / DEFENDANT DESCRIPTION / TIME PERIOD	LAW CITED / OFFENSE	PLAINTIFF / PLACE	RESULT
<p>Democracy Activist</p> <p>May 21, 2019: case opened against her, detained for questioning</p>	<ul style="list-style-type: none"> <li>• 186: Penal Code</li> <li>• 332: Penal Code</li> <li>• 353: Penal Code</li> </ul> <p>CHARGE: supporting Peacock Generation youth at court hearing, “allegedly abetting an offense, as well as obstructing and causing bodily harm and assault to deter police officers from carrying out their duties.”<sup>lxxxix</sup></p>	<p>Township Police</p> <p>Botahtaung Township, Yangon</p>	
<p>Nyein Chan Soe (a.k.a Chit Youne)</p> <p>Member of Peacock Generation Thangyat Group</p> <p>April 15, 2019: arrested May 17, 2019: denied bail<sup>lxxxix</sup></p>	<ul style="list-style-type: none"> <li>• 505(a): Penal Code</li> <li>• 66(d): Communications Law</li> </ul> <p>CHARGE: criticizing the Tatmadaw’s role in politics; criticizing the Government and the situation in the country</p>	<p>Lieutenant-Colonel Than Tun Myint</p> <p>Mayangone Township, Yangon</p>	<p>Denied bail, awaiting sentencing</p>
<p>Paing Phyto Min (aka D Yay)</p> <p>Member of Peacock Generation Thangyat Group</p> <p>April 15: arrested April 22: denied bail, sent to Insein Prison<sup>lxxxix</sup></p>	<ul style="list-style-type: none"> <li>• 505(a): Penal Code</li> <li>• 66(d): Communications Law</li> </ul> <p>CHARGE: criticizing the Tatmadaw’s role in politics; criticizing the government and the situation in the country</p>	<p>Lieutenant-Colonel Than Tun Myint</p> <p>Mayangone Township, Yangon</p>	<p>sent to Insein Prison</p>
<p>Paing Ye Thu</p> <p>Member of Peacock Generation Thangyat Group</p> <p>April 15: arrested April 22: denied bail, sent to Insein Prison<sup>lxxxix</sup></p>	<ul style="list-style-type: none"> <li>• 505(a): Penal Code</li> <li>• 66(d): Communications Law</li> </ul> <p>CHARGE: criticizing the Tatmadaw’s role in politics; criticizing the Government and the</p>	<p>Lieutenant-Colonel Than Tun Myint</p> <p>Mayangone Township, Yangon</p>	<p>sent to Insein Prison</p>

DEFENDANT NAME / DEFENDANT DESCRIPTION / TIME PERIOD	LAW CITED / OFFENSE	PLAINTIFF / PLACE	RESULT
	situation in the country		
<p>Paw Lu</p> <p>Kachin peace activist</p> <p>June 10: charges filed June 11: pled not guilty August 26: hearing Sept 6: sentenced, given additional sentence<sup>lxxxv</sup></p>	<ul style="list-style-type: none"> <li>Section 19: Peaceful Assembly and Peaceful Procession Act</li> </ul> <p>CHARGE: organizing unauthorized drama performance depicting IDP challenges in conflict</p>	<p>Myitkyina police</p> <p>Myitkyina Township, Kachin</p>	<p>Sentenced to 30,000 kyat fine or 15 days in prison. Sentenced to an additional three months for giving a set of broken judicial scales to the judge at sentencing hearing</p>
<p>Phoe Thar (aka Zaw Linn Htut)</p> <p>Member of Peacock Generation Thangyat Group</p> <p>April 15: arrested April 22: denied bail, sent to Insein Prison</p>	<ul style="list-style-type: none"> <li>505(a): Penal Code</li> <li>66(d): Communications Law</li> </ul> <p>CHARGE: criticizing the Tatmadaw's role in politics; criticizing the government and the situation in the country</p>	<p>Lieutenant-Colonel Than Tun Myint</p> <p>Mayangone Township, Yangon</p>	<p>Sent to Insein Prison</p>
<p>Pyar Lay</p> <p>Karenni activist</p> <p>Jun 21: arrested Aug 26: charged with slander<sup>lxxxvi</sup></p>	<ul style="list-style-type: none"> <li>Article 10: Citizens Privacy and Security Law</li> </ul> <p>CHARGE: Defaming the Kayah State Chief Minister and Planning and Finance Minister</p>	<p>Deputy Director of Kayah State Government Thet Naung</p> <p>Loikaw Township, Kayah State</p>	<p>Awaiting trial in Loikaw prison</p>
<p>Sayadaw Arriyawuntha</p> <p>Buddhist monk</p> <p>Sept 10, 2019: lawsuit filed<sup>lxxxvii</sup></p>	<p>Law not yet named, case still under investigation; may be filed under 505: Penal Code or 66(d): Telecommunication Act</p> <p>CHARGE: criticizing the Tatmadaw in the media</p>	<p>Lt-Col Thawdar Dwe, Mandalay's Field Engineer Battalion</p> <p>Pyigyitagon Township, Mandalay</p>	<p>Charges filed; under investigation</p>
<p>Sein Ti Ta</p> <p>Buddhist monk</p>	<ul style="list-style-type: none"> <li>66(d): Telecommunications Law</li> </ul>	<p>Lt-Col Thant Zaw Oo</p>	<p>Previously charged under 505(b): Penal Code, but lawsuit dropped; current charges filed under 66(d);</p>

DEFENDANT NAME / DEFENDANT DESCRIPTION / TIME PERIOD	LAW CITED / OFFENSE	PLAINTIFF / PLACE	RESULT
Sept 9, 2019: lawsuit filed <sup>lxxxviii</sup>	CHARGE: criticizing the Tatmadaw on social media		
Seng Nu Pan Kachin peace activist  June 10: charges filed June 11: pled not guilty August 26: hearing Sept 6: sentenced Sept 16: released <sup>lxxxix</sup>	<ul style="list-style-type: none"> <li>Section 19: Peaceful Assembly and Peaceful Procession Act</li> </ul> CHARGE: organizing unauthorized drama performance depicting IDP challenges in conflict	Myitkyina police  Myitkyina Township, Kachin	Sentenced to 30,000 kyat fine or 15 days in prison - she chose prison. Released on September 16, 2019
Shar Yamone Youth activist  June 12, 2019: arrested June 14, 2019: released on bail <sup>xc</sup>	<ul style="list-style-type: none"> <li>114: Penal Code</li> <li>186: Penal Code</li> <li>332: Penal Code</li> <li>353: Penal Code</li> </ul> CHARGE: supporting Peacock Generation youth at court hearing, "allegedly abetting an offense, as well as obstructing and causing hurt and assault to deter police officers from discharging their duties." <sup>xc</sup>	Botahtaung Township Police  Botahtaung Township, Yangon	Released on bail
Su Yadana Myint Member of Peacock Generation Thangyat Group  April 15: arrested April 22: remanded to Insein Prison <sup>xcii</sup>	<ul style="list-style-type: none"> <li>505(a): Penal Code</li> <li>66(d): Communications Law</li> </ul> CHARGE: criticizing the Tatmadaw's role in politics; criticizing the government and the situation in the country	Lieutenant-Colonel Than Tun Myint  Mayangone Township, Yangon	Sent to Insein Prison
Swam Ka Bar  Sept 18: charges filed <sup>xciii</sup>	<ul style="list-style-type: none"> <li>66(d): Communications Law</li> </ul> CHARGE: posting memes about Mandalay chief minister on a satirical Facebook page	NLD Mandalay Region office	No update found since chargers were filed

DEFENDANT NAME / DEFENDANT DESCRIPTION / TIME PERIOD	LAW CITED / OFFENSE	PLAINTIFF / PLACE	RESULT
<p>Swe Win</p> <p>Editor-in-chief of <i>Myanmar Now</i></p> <p>July 30, 2017: arrested July 2, 2019: case dropped<sup>xciv</sup></p>	<ul style="list-style-type: none"> <li>66(d): Communications Law</li> </ul> <p>CHARGE: defamation for sharing, via Facebook, a news story critical of Wirathu published in an online news outlet</p>	<p>Kyaw Myo Shwe</p>	<p>Charges dropped</p>
<p>Tanintharyi Journal</p> <p>Feb 18, 2019: fined<sup>xcv</sup></p>	<ul style="list-style-type: none"> <li>25(b): Media Law;</li> </ul> <p>CHARGE: publishing a satirical article in 2017</p>	<p>Deputy Director of regional government office</p> <p>Dawei Township, Tanintharyi</p>	<p>Fined 500,000 MMK (\$327)</p>
<p>Thandar (aka Sandar Myint)</p> <p>April 22: arrested and detained<sup>xcvi</sup></p>	<ul style="list-style-type: none"> <li>Section 19: Peaceful Assembly and Peaceful Procession Law</li> <li>Section 20: Peaceful Assembly and Peaceful Procession Law</li> </ul> <p>CHARGE: staged a protest for not abolishing the Shwe Mya Sandi Housing</p>	<p>Myawaddy Myoma Police</p> <p>Myawaddy Township, Kayin</p>	<p>No updates found since arrest</p>
<p>Thawbita</p> <p>Buddhist Monk</p> <p>Sept 27: turned himself in to authorities, released on bail<sup>xcvii</sup></p>	<ul style="list-style-type: none"> <li>66(d): Telecommunications Law</li> <li>Undetermined law</li> </ul> <p>CHARGE: defamation of the Tatmadaw in Facebook posts</p>	<p>Lieutenant Colonel Aung Myo Kyaw</p> <p>Amarapura Township, Mandalay</p>	<p>Released on bail, expelled from monastery</p>
<p>Tin Maung Kyi</p> <p>Activist</p> <p>Sept 28, 2018:</p>	<ul style="list-style-type: none"> <li>505(b): Penal Code</li> <li>Article 20, Peaceful Assembly and</li> </ul>	<p>Kyauktada Police Station</p> <p>Yangon</p>	<p>Sentenced to six months and 15 days in prison. Sentence shortened, released 13 days earlier</p>



DEFENDANT NAME / DEFENDANT DESCRIPTION / TIME PERIOD	LAW CITED / OFFENSE	PLAINTIFF / PLACE	RESULT
arrested February 11, 2019: sentenced March 29, 2019: released <sup>xviii</sup>	Peaceful Procession Law  CHARGE: staged a protest without permission; called on international community to arrest senior Myanmar generals		
Toe Gyi  Land rights activist  Jun 20: arrested and detained	<ul style="list-style-type: none"> <li>Section 20: Peaceful Assembly and Peaceful Protest Law</li> </ul> CHARGE: Delivered a speech without permission	Mandalay	Incarcerated in Obo
Wai Hin Aung  Author  Jan 16, 2018: arrested March 19: sentenced <sup>xix</sup>	<ul style="list-style-type: none"> <li>122: Penal Code</li> <li>505(b): Penal Code</li> </ul> CHARGE: treason and defamation over an inflammatory speech	Sittwe, Rakhine	Sentenced to 20 years in prison for high treason and two years for defamation of the state in Sittwe
Winn Naing Oo  Journalist with <i>Channel Mandalay</i>	<ul style="list-style-type: none"> <li>66(d): Telecommunications Law</li> </ul> CHARGE: broadcasting a piece titled "Farmers' Lands confiscated for Cow Fostering Project"		
Ye Linn Aung  Yadanabon Student Union member and protester  Jan 2: arrested Feb 13: sentenced <sup>c</sup>	<ul style="list-style-type: none"> <li>505(b): Penal Code</li> <li>Section 19: Peaceful Assembly and Peaceful Protest Law</li> </ul> CHARGE: Leading a protest regarding Yadanabon	Amarapura Township, Mandalay	3 months hard labor under PAPPL 19 and Penal Code 435

DEFENDANT NAME / DEFENDANT DESCRIPTION / TIME PERIOD	LAW CITED / OFFENSE	PLAINTIFF / PLACE	RESULT
<p>Ye Ni</p> <p><i>Irrawaddy</i> Burmese-language editor</p> <p>April 12: charges filed<sup>ci</sup></p>	<ul style="list-style-type: none"> <li>66(d): Telecommunications Law</li> </ul> <p>CHARGE: defamation in website's unfair coverage of the armed clashes between government forces and Arakan Army</p>	<p>Yangon Region Command</p> <p>Kyauktada, Yangon</p>	<p>Posted bail the same day as the complaint</p>
<p>Zaw Win Naing</p> <p>Feb 8: arrested</p>	<ul style="list-style-type: none"> <li>17(1): Unlawful Association Act</li> </ul> <p>CHARGE: Posting video on Facebook that showed security forces' tracks</p>	<p>Ywar Haung Ward, Ponnagyun Tsp, Rakhine State</p>	<p>Under trial</p>
<p>Zeyar Lwin</p> <p>Member of Peacock Generation Thangyat Group</p> <p>April 15: arrested April 22: denied bail, sent to Insein Prison<sup>cii</sup></p>	<ul style="list-style-type: none"> <li>505(a): Penal Code</li> <li>66(d): Communications Law</li> </ul> <p>CHARGE: criticizing the Tatmadaw's role in politics; criticizing the government and the situation in the country</p>	<p>Lieutenant-Colonel Than Tun Myint</p> <p>Mayangone Township, Yangon</p>	<p>Sent to Insein Prison</p>
<p>Zin Min Phyo</p> <p>Youth activist</p> <p>Jul 18, 2019: arrested<sup>ciii</sup></p>	<ul style="list-style-type: none"> <li>Peaceful Assembly and Peaceful Procession Law</li> </ul> <p>CHARGE: staged a protest march on July 7</p>	<p>Hlaing Township Police</p> <p>Yangon</p>	<p>Refused bail, under trial in Insein prison</p>

## ANNEX 4. ENDNOTES

<sup>i</sup> UN General Assembly, *International Covenant on Civil and Political Rights*, December 16 1966, United Nations, Treaty Series, vol. 999, p. 171. Available at: <https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf> [Accessed October 30 2019]

<sup>ii</sup> Aye Min Thant, “Human Rights Watch says Myanmar government using ‘abusive laws’ to punish critics” *Reuters*, February 1 2019. <https://www.reuters.com/article/us-myanmar-journalists-rights/human-rights-watch-says-myanmar-government-using-abusive-laws-to-punish-critics-idUSKCN1PQ3L9>

<sup>iii</sup> Lakhdir, Linda, “Dashed Hopes: The Criminalization of Peaceful Expression in Myanmar” Human Rights Watch, January 31 2019. <https://www.hrw.org/report/2019/01/31/dashed-hopes/criminalization-peaceful-expression-myanmar>

<sup>iv</sup> Kijewski, Leonie, “Myanmar freedom of expression getting worse ‘day by day’ report finds” *The Guardian*, February 1 2019. <https://www.theguardian.com/world/2019/feb/01/myanmar-freedom-of-expression-getting-worse-day-by-day-report-finds>

<sup>v</sup> Article 19, “Myanmar Briefing Paper, Criminalisation of Free Expression”, Article 19, May 2019.

<sup>vi</sup> A foreign advisor to pro-democracy and human rights movements in Myanmar, personal communication with authors, October 2019.

<sup>vii</sup> *Myanmar Penal Code, 1862*. [http://www.burmalibrary.org/docs6/MYANMAR\\_PENAL\\_CODE-corr.1.pdf](http://www.burmalibrary.org/docs6/MYANMAR_PENAL_CODE-corr.1.pdf)

<sup>viii</sup> Article 19, “Myanmar Briefing Paper, Criminalisation of Free Expression”, Article 19, May 2019.

<sup>ix</sup> Linda Lakhdir, *Dashed Hopes: The Criminalization of Peaceful Expression in Myanmar*, (United States: Human Rights Watch, January 31 2019). [https://www.hrw.org/sites/default/files/report\\_pdf/myanmar0119\\_web3.pdf](https://www.hrw.org/sites/default/files/report_pdf/myanmar0119_web3.pdf)

<sup>x</sup> Freedom House, “2019 report on Myanmar”, 2019. (Accessed October 25 2019) <https://freedomhouse.org/report/freedom-world/2019/myanmar>; Linda Lakhdir, *They Can Arrest You at Any Time: The Criminalization of Peaceful Expression in Burma*, (United States: Human Rights Watch, 2016). [https://www.hrw.org/sites/default/files/report\\_pdf/burma0616web.pdf](https://www.hrw.org/sites/default/files/report_pdf/burma0616web.pdf)

<sup>xi</sup> Editorial, “Peaceful protest is a right, not a privilege”, *Frontier Myanmar* (Yangon, Myanmar). April 12 2019. <https://frontiermyanmar.net/en/peaceful-protest-is-a-right-not-a-privilege>

<sup>xii</sup> Article 19, “Myanmar Briefing Paper, Criminalisation of Free Expression”, Article 19, May 2019.

<sup>xiii</sup> #SayNOto66d, Homepage, 2019. (Accessed October 25 2019). <https://www.saynoto66d.info/>

<sup>xiv</sup> Athan, “No Time to Dawdle Anymore: Short Analysis on 200 Cases” June 23 2019

<sup>xv</sup> Law Protecting the Privacy and the Security of Citizens, Union Parliament Law 2017. [https://www.myanmar-responsiblebusiness.org/pdf/Law-Protecting-Privacy-and-Security-of-Citizens\\_en\\_unofficial.pdf](https://www.myanmar-responsiblebusiness.org/pdf/Law-Protecting-Privacy-and-Security-of-Citizens_en_unofficial.pdf)

<sup>xvi</sup> Nyan Soe Win, “Netizen Sued After Criticizing Mon State Chief Minister on Facebook”, *The Irrawaddy* (Yangon, Myanmar) January 8 2018. <https://www.irrawaddy.com/news/burma/netizen-sued-criticizing-mon-state-chief-minister-facebook.html>

<sup>xvii</sup> IRI (International Republican Institute), “Survey of Burma/Myanmar Public Opinion”, April 2017. [http://www.iri.org/sites/default/files/8.25.2017\\_burma\\_public\\_poll.pdf](http://www.iri.org/sites/default/files/8.25.2017_burma_public_poll.pdf)

<sup>xviii</sup> Rin Fujimatsu, personal communication with the authors, October 15, 2019.

<sup>xix</sup> Athan, “No Time to Dawdle Anymore: Short Analysis on 200 Cases” June 23 2019.

<sup>xx</sup> Ibid.

<sup>xxi</sup> Free Expression Myanmar, “66(d): No real change”, December 2017. Available at: <http://freeexpressionmyanmar.org/wp-content/uploads/2017/12/66d-no-real-change.pdf>

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<sup>xxii</sup> Athan, “No Time to Dawdle Anymore: Short Analysis on 200 Cases” June 23 2019

<sup>xxiii</sup> Al Jazeera, “Myanmar using “oppressive laws” against peaceful critics: HRW” Al Jazeera, February 1 2019. <https://www.aljazeera.com/news/2019/02/190201053329198.html>

<sup>xxiv</sup> Zeldin, Wendy. “Burma: Telecom Law Amended but Key Defamation Provision Remains Unchanged”, Library of Congress, September 6 2017. Available at: <https://www.loc.gov/law/foreign-news/article/burma-telecom-law-amended-but-key-defamation-provision-remains-unchanged/>

<sup>xxv</sup> Htet Khaung Lin, “Karenni Activists Charged in Loikaw, in Myanmar’s Kayah State,” *The Irrawaddy* (Yangon, Myanmar) August 26, 2019. <https://www.irrawaddy.com/news/burma/karenni-activists-charged-in-loikaw-in-myanmars-kayah-state.html>

<sup>xxvi</sup> Interview with Aung Khant, Program Manager at Athan

<sup>xxvii</sup> Athan, “2019 Mid-year Report on Status of Freedom of Expression in Myanmar” September 2 2019.

<sup>xxviii</sup> Justice Base Interview with Authors

<sup>xxix</sup> Htet Khaung Lin, “Yangon Court Jails Former Myanmar Army Officer for Criticizing Commanders”, *The Irrawaddy* (Yangon, Myanmar) September 20 2019. <https://www.irrawaddy.com/news/burma/yangon-court-jails-former-myanmar-army-officer-criticizing-commanders.html>; Naw Betty Han, “Filmmaker Min Htin Ko Ko Gyi sentenced to one year’s hard labour”, *Frontier Myanmar* (Yangon, Myanmar) August 29 2019. <https://frontiermyanmar.net/en/filmmaker-min-htin-ko-ko-gyi-sentenced-to-one-years-hard-labour>; *The Irrawaddy* “Five Members of Thangyat Troupe Jailed for Criticizing Military” *The Irrawaddy* (Yangon, Myanmar) April 22 2019. <https://www.irrawaddy.com/news/burma/five-members-of-thangyat-troupe-jailed-for-criticizing-military.html>; Human Rights Watch, “Myanmar: Actors Convicted of Criticizing Army”, Human Rights Watch, October 31 2019. <https://www.hrw.org/news/2019/10/31/myanmar-actors-convicted-criticizing-army>

<sup>xxx</sup> Htet, Naing Zaw, “Myanmar Military Sues 3 Reporters over Farmers’ Protest in Loikaw,” *Irrawaddy*, June 21, 2019, <https://www.irrawaddy.com/news/burma/myanmar-military-sues-3-reporters-farmers-protest-loikaw.html>

<sup>xxxi</sup> Ye Mon, “Kachin youth activists handed prison sentences for ‘defaming’ the Tatmadaw,” *Frontier Myanmar*, December 7, 2019, <https://frontiermyanmar.net/en/kachin-youth-activists-handed-prison-sentences-for-defaming-the-tatmadaw>; Network Media Group, “SYCB Joins Myitkyina Protests to Demand Free Speech,” *BNI*, October 21, 2019, <https://www.bnionline.net/en/news/sycb-joins-myitkyina-protests-demand-free-speech>; Htet Kaung Lin, “Rally in Northern Myanmar Highlights IDPs Plight,” *Irrawaddy*, September 5, 2019, <https://www.irrawaddy.com/news/burma/rally-in-northern-myanmar-highlights-idps-plight.html>; Chan Thar, “Thousands protest against Myitsone dam in Kachin,” *Myanmar Times*, February 8, 2019, <https://www.mmtimes.com/news/thousands-protest-against-myitsone-dam-kachin.html>; Nan Lwin Hnin Pwint, “Thousands March Against Myitsone Dam in Myitkyina,” *Irrawaddy*, February 7, 2019, <https://www.irrawaddy.com/news/thousands-march-myitsone-dam-myitkyina.html>

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<sup>xxxiii</sup> Linda Lakhdar, *Dashed Hopes: The Criminalization of Peaceful Expression in Myanmar*, (United States: Human Rights Watch, January 31 2019). [https://www.hrw.org/sites/default/files/report\\_pdf/myanmar0119\\_web3.pdf](https://www.hrw.org/sites/default/files/report_pdf/myanmar0119_web3.pdf)

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<sup>xxxvi</sup> AFP, “Myanmar’s first LGBT pride boat parade sets sail”, *Bangkok Post* (Bangkok, Thailand) January 27 2019. <https://www.bangkokpost.com/world/1618630/myanmars-first-lgbt-pride-boat-parade-sets-sail>; Asia News, “Yangon youth take to streets against climate change”, *Asia News* (Yangon, Myanmar) September 23 2019. <http://www.asianews.it/news-en/-Yangon-youth-take-to-streets-against-climate-change-48080.html>; Thu Thu Aung and Zaw Naing Oo, “Suu Kyi’s bid to reform charter sparks rival protest in Myanmar”, *Reuters*, July 17 2019. <https://www.reuters.com/article/us-myanmar-constitution/suu-kyis-bid-to-reform-charter-sparks-rival-protests-in-myanmar-idUSKCN1UC0KM>; Zaw Zaw Htwe, “Thousands of workers march for stronger labour laws”, *Myanmar Times* (Yangon, Myanmar) February 11 2019. <https://www.mmtimes.com/news/thousands-workers-march-stronger-labour-laws.html>; Zaw Naing Oo, “Hardline Myanmar monk’s supporters protest arrest warrant”, *Reuters*, May 30 2019. <https://www.reuters.com/article/us-myanmar-buddhist/hardline-myanmar-monks-supporters-protest-arrest-warrant-idUSKCN1T0151>

<sup>xxxvii</sup> During an interview with MAA researchers, human rights CSO Progressive Voice explained that even though Yangon has the highest number of reported cases of freedom of expression restrictions, cases in ethnic areas may be under-represented in freedom of expression data due the lack of reporting in ethnic states and the language barriers involved; Athan, “No Time to Dawdle Anymore: Short Analysis on 200 Cases” June 23 2019.

<sup>xxxviii</sup> Tin Htet Paing, “Police Confirm Protest Ban in Downtown Yangon”, *The Irrawaddy* (Yangon, Myanmar) November 10 2017. <https://www.irrawaddy.com/news/police-confirm-protest-ban-downtown-yangon.html>

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