



**Update on Journalism and Media
in Myanmar**

July - September 2023

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Highlights

Three journalists were arrested and one photojournalist was convicted under Myanmar's military regime during July to September 2023.

This photojournalist, who works for Myanmar Now, was sentenced to 20 years in prison after being convicted under four charges in September. This is the longest combined prison term handed down to a journalist since the military coup of February 2021.

The conviction of another individual, The Irrawaddy's news publisher, is included in this quarter's update, but he was sentenced at the end of June.

During this quarter, there were reports of attacks on two other news persons - a reporter and a former journalist – in northern Kachin state, where insecurity has been running high amid the escalation of decades-long conflict between the Myanmar military and armed ethnic organisations. The motives behind these two attacks are unknown.

The reporter sustained injuries after the motorcycle he was riding on was hit by a car, while the former journalist died from gunshots fired at him while he was on his motorbike.

One former editor, in detention since April, was released in July.

As of end-September 2023, 59 journalists remained behind bars. Since January 2023, a total of eight journalists have been arrested and six journalists have been convicted. The majority of the convictions continue to be under Section 505A of the Myanmar Penal Code, which penalises incitement against government and security forces, causing fear among the public and spreading false news.

Journalists continue to work in dangerous situations in Myanmar's continuing conflict, where they face challenges in physical and digital safety, gathering news, and economic security.

In Rakhine, there are fresh signs that the space for news work is shrinking further in a region whose media community faced restrictions even before the coup.

In the third quarter of 2023, journalists, along with civil society and other activists, were the subject of tighter security checks, more frequent random checks and a stepped-up hunt for them after the Rakhine regional authorities circulated a list of individuals wanted for a mix of security-related crimes.

This is happening against the backdrop of worries about a resurgence of hostilities between the armed forces and the Arakan Army, an ethnic Rakhine armed organisation, whose informal truce since November 2022 appears to be growing more tenuous by the day.

Compared to other regions in Myanmar, Rakhine saw much fewer arrests of local journalists since the coup, owing partly to the truce there. But the situation has been changing, even as observers say a resurgence of armed conflict is likely.

Independent reporting from Rakhine has also been difficult under the military's restrictions in the wake of Cyclone Mocha in May, as the arrest and conviction of the Myanmar Now photojournalist shows.

Arrests and Detention

From July to September 2023, three male journalists were arrested under Myanmar's military junta, called the State Administration Council (SAC). As a precautionary measure since their identities have not been disclosed publicly, this update does not include more details about them.

Convictions

A photojournalist from Myanmar Now, Sai Zaw Theik, was convicted on 6 September, more than three months after his arrest in Sittwe, the capital of Rakhine state, in late May. Also included in this brief is the 28 June conviction of the former publisher of The Irrawaddy, Thaug Win, an incident that was not included in the January to June update of this monitoring project.

Sai Zaw Theik, 40, received a combined sentence of 20 years with hard labour with his conviction for multiple security-related charges. From Yangon, he had travelled to Sittwe to the widespread devastation caused by Cyclone Mocha in western Myanmar in May.

His 20 years' combined sentence is now the longest handed down to a journalist since the February 2021 coup. Prior to Sai Zaw Theik's conviction, the longest combined sentence was 13 years, given to Hmue Yadanar Khet Moh Moh Tun of Myanmar Pressphoto Agency, in May.

Most reports soon after Theik's arrest said that he was charged with four violations of several laws— Article 27 of the Natural Disaster Management Law, Section 66(d) of the Telecommunications Law, and Sections 505A and 124-A of the Penal Code.

However, Myanmar Now's story on its staffer's conviction said that actually, "the number of charges on which the junta court ultimately convicted him is unconfirmed".

Article 27 of the Natural Disaster Management Law punishes "whoever misinforms about the natural disaster for the purpose of dread to the public". Section 66(d) of the Telecommunications Act, a law that has been used against journalists even before the coup, criminalises the acts of "extorting, coercing, restraining wrongfully, defaming, disturbing, causing undue influence or threatening any person using a telecommunications network". Section 505A, the major legal weapon used against journalists, punishes three types of incitement: causing fear, spreading false news, and agitating criminal offence against a government employee. Section 124-A of the Myanmar Penal Code, on sedition, prohibits "any attempt to cause hatred, contempt and disaffection toward the military and military personnel, besides the government". Convictions under these carry sentences ranging from one to 20 years.

According to [Myanmar Now](#)'s report, Sai Zaw Theik was denied legal representation and family visits since his arrest. Its editor-chief, Swe Win, said in a statement: "His sentencing is yet another indication that freedom of the press has been completely quashed under the military junta's rule, and shows the hefty price independent journalists in Myanmar must pay for their professional work."

Myanmar Now, which is among the media outlets banned by the SAC, is now based outside the country.

Detained since his arrest at home in September 2022, Thaug Win was convicted of sedition under [Section 124 A of the penal code](#). Held in Insein prison, he was sentenced on 28 June to five years in prison and fined 100,000 kyat (about 47 US dollars) by the Western Yangon District Court.

He is the 16th publisher or co-founder of a news outlet known to have been convicted since the 2021 coup.

Soon after his arrest, Thaug Win was prosecuted under a different charge - violating the Publishing and Distribution Act - for reporting news that "negatively affected national security, rule of law and public peace."

In its report on its ex-publisher's conviction, The Irrawaddy restated the explanation it gave when Thaug Win was arrested - that the former political prisoner and activist was not involved in news operations and just lent his name as publisher when the news organisation

registered in Myanmar in 2012. “During his trial, U Thaung Win, who is in his mid-50s, testified that his involvement with The Irrawaddy was limited to the use of his name in applying for a publishing licence, and that he wasn’t involved in the editorial process,” The Irrawaddy reported.

The Irrawaddy was formally banned by the SAC in October 2022 and is among the 14 news organisations whose licences have been revoked since the coup.

Releases

Kyaw Min Swe, former chief editor of the Voice journal, was released on 7 July after more than two months in prison.

Arrested in April, he was charged with incitement under Section 505A of the Penal Code. Kyaw Min Swe was arrested after changing his Facebook profile picture to black, following a military airstrike in central Sagaing region that killed at least 165 people. His release came while his trial was ongoing in a special court within the Insein prison compound.

His release brings the number of journalists freed from detention this year to 17, a number that includes those freed under the amnesties that the SAC declared for Independence Day on 4 January and for Kason-Full Moon Day on 3 May.

Monitoring of Media Repression in Myanmar since the 2021 Coup

Media repression in 2023			
	Jan-Jun (updated figures)	Jul-Sep	Total (as of 30 Sep)
Journalists and news workers			
Arrested	5	3	8
In detention/serving jail sentences	57		59
Released	16	1	17
Died		-	1
Convicted	5	1	6
News and other licences			
News licences cancelled		0	1

Printing/publishing permits revoked	0	0
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Note: An updated column for January to June 2023 has been included above to reflect corrections in the tally of journalists arrested and released in the first half of the year.

Action against journalists and news workers	Total since the 2021 coup (as of 30 Sep 2023)	Women	Men
Arrested	197	29	168
In detention/serving jail sentences	59	6	53
Released	138	23	115
Died	5		5
Convicted	67	12	55

Status of news and other licenses	Total since the 2021 coup (as of 30 Sep 2023)
News licenses cancelled	14
Printing/publishing permits revoked	9

Breakdown of convictions of journalists by law, 2023

Laws used in convictions	Jul - Sep 2023	Total (as of 30 Sep 2023)
Counter-terrorism Law		1
Natural Disaster Management Law	1	1
Penal Code – Section 124A (sedition)	2	2
Penal Code – Section 505A (incitement)	1	4
Telecommunications Law	1	1
Total		9

Note: The 9 convictions were among 6 journalists. Among these, one was convicted under 4 charges - violating Sections 505A and 124A of the Penal Code, Section 66(d) of the Telecommunications Law and Section 27 of the Natural Disaster Management Law.

Combined prison sentences of journalists (2023)	
Length of sentences	Number of convicted journalists
0-3 years	3
4-10 years	1
11-15 years	1
15-20 years	1

Attacks on Journalists

A former journalist, Than Tun Aung, was shot dead by an unidentified person in Mohnyin city in Kachin state, on 4 September. An online news outlet called Eternally Peace News Network, based in the state capital of Myitkina, posted on Facebook that he was shot four times in the head while he was on a motorcycle with his wife riding pillion. “We are told that [Ko] Than Tun Aung was shot, we don’t know who shot him or what the actual situation is as well,” read the post, quoting a friend of Than Tun Aung.

A journalist for Red News Agency, Tar Lin Maung, was injured after a sports utility vehicle hit his motorcycle from behind in Hpakant, northern Kachin State, on 8 September.

In a statement it posted on Facebook along with photos of the incident and the SUV, Red News Agency said it “strongly condemned” any group or individual behind the shooting, but but did not name names.

A former journalist with the Information and Public Relations Department under the Ministry of Information, Tar Lin Maung joined the Civil Disobedience Movement after the coup. The SAC issued a warrant of arrest for him, for incitement.

Deteriorating News Environment in Rakhine

Tensions have been growing in Rakhine, where locals and other observers are bracing for the possible resurgence of open conflict between the Myanmar military and the Arakan Army. While an informal ceasefire has been in place between them since November 2022, more

clashes have been reported this year. A breakdown in the truce appears likely, according to independent assessments.

Rakhine journalists are being more vigilant about their safety and some have gone into hiding after Rakhine regional authorities circulated a list of individuals wanted for a range of security-related crimes. Ten journalists, including nine who are Rakhine-based and work for local media, are in this list of individuals – which also includes civil society campaigners – who face prosecution under charges brought forth before and after the 2021 coup. The journalists in this list of wanted persons face charges of sedition, and violations of Section 66(d) of the Telecommunications Law and the Unlawful Associations Act.

Since this list was circulated across the Rakhine security apparatus, journalists have been reporting more inspections at security checkpoints and while traveling.

Compared to Myanmar's other regions that saw the first arrests of journalists within weeks after the February 2021 coup, Rakhine has seen much fewer arrests of local journalists since the military takeover. The first arrest of a Rakhine-based journalist, freelancer Mrat Thu Aung, was in September 2022, at his home in Mrauk Oo.

But the situation is changing. More recently, independent reporting from Rakhine has been quite difficult under the military's restrictions in the wake of Cyclone Mocha in May, as reflected by the 20-year prison term given to Myanmar Now photojournalist Sai Zaw Theik in the third quarter of 2023.

The restrictions around information come on top of the still-limited access by international humanitarian groups to communities affected by the devastation caused by Cyclone Mocha, one of the strongest cyclones to ever hit Myanmar.

While independent reporting in Rakhine state was a challenge even before the coup – for instance around issues like the plight of the minority Rohingya – the resumption of hostilities between the Arakan Army and the SAC would add another layer of complication to an already hostile environment for news.

About this Brief

This is an update on the challenges and threats to press freedom and media independence in Myanmar, safety issues around journalists and individuals in the news profession, and relevant events and issues in the country's news and information environment since the military coup of 1 February 2021. This brief is produced using verified information, including the tracking of incidents and discussions with journalists and media professionals, to document and provide context for a better understanding of the country's news and information situation.

Some definitions

In the monitoring work for this series of updates, an incident is a verified event that involves action against a journalist due to his or her journalistic activities or background, such as arrest, detention, prosecution, death, torture and acts of violence, surveillance, harassment and/or threats.

Incidents include similar actions against other individuals working in independent newsrooms and news-related operations, such as news management and other administrative, creative and support personnel who are part of the production and distribution of journalistic products. They are called "news workers" in these monitoring updates.

Also included in incidents are actions taken against newsrooms, news organisations and their websites and online spaces, independent associations of professional journalists and press clubs. These include the cancellation of publishing licences, raids on news outlets' premises and their prosecution and the blocking of websites.

In this series of updates, a journalist is an individual who is engaged in gathering and reporting, taking photographs or video footage, editing or publishing and presenting news that has been produced using professional and independent journalistic standards and methods.

A journalist may be in news work as a livelihood, whether paid or not, in different types of media and platforms, and have different types of professional arrangements, such as being full-time staff, freelance, a stringer or occasional contributor.

Included in the journalists covered by the monitoring work are individuals who have been described as being former journalists, or who have left their news organisations. This is for two reasons: first, being or having been a journalist in Myanmar by itself is a risk, and persons have been targeted or arrested because of a past affiliation with a news outlet; second, safety considerations can require an individual's description as a former journalist.

“Journalist” in this monitoring work likewise includes citizen journalists, given that many news organisations in Myanmar work with them on a regular basis. In the Myanmar context, the term “citizen journalist” typically refers to a person who contributes news – whether in the form of raw content, including photographs or video, or full stories. He or she may or may not be paid for contributions and may or may not have had some news training.

After the 2021 coup, news outlets began using material sent voluntarily by citizen journalists after restrictions and arrests made news-related activities dangerous for professional journalists.