

Analysis of Counter-Terrorism Law and Its Impact on Press Freedom



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Background History of Athan - Freedom of Expression Activist Organization

Athan - a non-profit organization for the Freedom of Expression Movement in Myanmar, was founded by youth activists on 15th January 2018 and intends to ensure the right to freedom of expression to practice in society.

Athan, a research-based organization, was established by combining two organizations, (RTTL) Research Team for Telecommunications Laws and (WSJ) We Support Journalists, to promote Freedom of Expression with three core approaches - research, advocacy, and awareness-raising. Our organization continuously researches and investigates laws, customs, regulations, and case studies that oppress freedom of expression and works on legal reform according to democracy standards, campaigns, and lobbying to achieve a broader level of freedom of expression in respective country categories based on our research and investigation.

Athan and its founder, Maung Saungkha, earned the Human Rights Tulip Award from the Netherlands in December 2018. Athan's ambition for Myanmar is to become a society with complete freedom of expression, which is one of the democratic standards.

Introduction

It has been twelve years since the Counter-Terrorism Law was passed by the Union Parliament on June 4, 2014, during the government led by U Thein Sein. It has been amended and ratified twice by the military junta on August 1, 2021, and September 26, 2024. The original purpose of this law was to guarantee the authority to target, monitor, and suppress protests against the military's violent repression after the coup. This latest amendment also includes restrictions on prosecutions aimed at controlling media outlets reporting on violence perpetrated by the military junta. Since the amendment to the rules of this law, the military has targeted and prosecuted a large number of civilians, revolutionaries, activists, opposition political forces, and journalists.

Before the enactment of this Counter-Terrorism Law, the rights of press were already being violated under Section 17(1) of the Unlawful Associations Act even before the coup. It had been widely used to prosecute journalists reporting on ethnic armed groups, especially those in areas where they have not signed a Nationwide Ceasefire Agreement (NCA). This law had been used by the authorities as a weapon to suppress press freedom and freedom of expression, and there had been calls in parliament to amend or repeal it, however, this had not happened.

Instead of using the previously common Section 66(d) of the Telecommunications Law, Sections 124(a), 122, 505A of the Penal Code for defamation, and Section 17(1) of the Unlawful Associations Act, more action is being taken under the sections of the Counter-Terrorism Law according to the observations of Athan Organization. Since the coup, 26 journalists have been prosecuted under this law. If journalists violate media ethics in their work, they can be prosecuted under the Counter Terrorism Law, rather than enforcing the criminal penalties and sanctions under the relevant Media Law, is a blatant violation of media freedom. Despite journalists being arrested and imprisoned, the fact that the Myanmar Press Council (MPC) is being used by the military junta without standing up for the rights and grievances of journalists is also a huge blow to press freedom in Myanmar. The Athan Organization believes there is a need to investigate the nature of this law, which seriously threatens journalists' right to information and freedom of expression, how this law is being misused and fair trial standards are being violated, and the cases in which journalists have been prosecuted. In this report, the study mainly focuses on the rights of journalists to access information and their legal protections, losses, and subsequent physical and psychological harm caused by the Counter-Terrorism Law.

The difference between the military junta and the international community in defining terrorism and terrorists

There is no universally accepted definition of the term "terrorism," which is both complex and comprehensive. Numerous definitions have been devised by international organizations and nations worldwide.

The debate regarding the classification of non-state actors as terrorist groups and the inclusion of armed resistance for self-determination in the definition of terrorism presents a global challenge in achieving a shared understanding of terrorism. Despite the fact that self-determination is the most fundamental human right, the struggle for independence and terrorism have not been well-defined globally.

In the interim, the 1994 United Nations Declaration on Measures to Eliminate International Terrorism, which was adopted by General Assembly resolution 49/60, designates crimes committed by an organization or an individual with the intention of causing violence against the public as acts of terrorism without exception, irrespective of political, religious, racial, or ideological differences.¹

The UN's unconditional inclusion of armed violence committed for political and religious purposes as terrorism continues to be a source of disagreement. The Palestine Liberation Organizations, which lack international support, are classified as terrorist organizations by the majority of nations worldwide.²

This disagreement has prompted international scholars to define terrorism in terms of the actions of an organization, in addition to the intent. Consequently, it has become imperative to differentiate between civilians and military targets when distinguishing between armed insurgents and terrorists.³ Actions that predominantly target civilians are the sole definition of terrorism by some. Most authoritarian countries, including major powers, have widely proclaimed ethnic minorities and revolutionary armed groups fighting for democracy and self-rule as terrorist groups due to this disagreement and the inability to define it precisely.

1. COUNTER TERRORISM AND INTERNATIONAL LAW, KATJA L_H SAMUEL and NIGEL D_WHITE, edited by Katja L_H Samuel, -- 2012, 2012 -- Ashgate Publishing Limited <https://legal.un.org/avl/ha/dot/dot.html>

2. British Broadcasting Corporation. (2024b, October 7). Israel-Palestinian conflict: Life in the Gaza Strip. BBC News. Retrieved from <https://www.bbc.com/news/world-middle-east-20415675>

3. Ganor, B. (2002). Defining Terrorism. Media Asia. <https://doi.org/10.1080/01296612.2002.11726675>

The Counter-Terrorism Law of the military junta is comparable. The junta's Counter-Terrorism law has the potential to arbitrarily detain and punish civilians, political activists, and journalists from independent media organizations who oppose the military rule, given the international disagreement over the norms of terrorism. The military has intentionally capitalized on the absence of a clear legal standard and the disagreement to suppress them.⁴

The penalties for terrorism are severe, as it is classified as an international offense. In order to safeguard against terrorist acts that pose a substantial threat to civilians, it is imperative that effective counter-terrorism legislation be established. Nevertheless, the most fundamental human rights are jeopardized by the prosecution of activists involved in the revolution, ethnic armed groups fighting for autonomy, and independent journalists under the pretext of terrorism.

The nature and characteristics of the Counter-Terrorism Law currently being used by the military junta

The concept of combating terrorism can be understood as the protection of the state and government apparatus from acts that target the lives and property of ordinary civilians. Even in countries that follow the rule of law and have human rights, which follow a democratic system, counter terrorism laws are enacted to prevent and protect the lives and property of civilians, freedom of expression and other rights to freedom of procession and assembly. Therefore, this law can be seen as a necessary law from the perspective of public interest. Regarding the nature of the Counter Terrorism Law, a legal advocate, Mae Aye discussed, *"If there are acts of violence that disturb the public, or when people live peacefully or express their free will, this Counter-Terrorism Law was enacted to prevent it. If you ask whether this Counter-Terrorism Law is necessary in the country, in my opinion, this law is necessary in the country. But the thing is, since this law is a Counter-Terrorism Law, all those who commit acts of terrorism will be prosecuted inclusively under this law. That is the nature of terrorism."*⁵

4. Heywood, A. (2011). *Global Politics*. Saffron House. https://www.academia.edu/28671551/Global_Politics_Andrew_Heywood_pdf

5. Interview with legal advocate, Mae Aye

However, the military junta amended the law in Section (3)(b), which provides a general definition of terrorism. [Counter Terrorism Law Section (3)(b), September 26, 2024 Amendment] In addition, Section (3) does not provide a precise definition of a terrorist, but rather broadly includes concepts that can easily be used to classify those who oppose them as terrorists or terrorist groups. It is found that the National Unity Government (NUG), the Committee of Representatives of the Pyidaungsu Hluttaw (CRPH), the People's Defense Forces (PDFs), the Ethnic Resistance Organizations (EROs), and other political groups are defined as terrorists and terrorist groups, and are interpreted broadly in the law. In addition, the new provision removes the requirement to notify the Ministry of Home Affairs when a complaint is received under the Counter-Terrorism Law, and establishes a committee that grants permission to prosecute up to the regional level, which automatically approves and prosecutes under this Law. Commenting on the formation of such committees, researcher Lily said: *"During the reign of military council, the permission of the Ministry of Home Affairs was abolished. After it was abolished, the Prosecution Permission Committee was formed, and committees were formed from Nay Pyi Taw to the regional levels. ... However, during the military council, they wanted to prosecute everyone under this law, so they formed a committee using this new provision, and that committee automatically approved it."*⁶ Therefore, the ease with which a person suspected of being a terrorist is prosecuted and imprisoned raises questions about the current judicial system.

Section 3(b)(15) of this law states that anyone who commits the offence of “inciting, instigating or recruiting any person to join a terrorist group or to carry out terrorist activities” shall be punished with imprisonment for a term minimum three years and up to seven years, and may also be fined.⁷ This section is intended to threaten the freedom of journalists to obtain and disseminate information and to intentionally restrict the press freedoms. In addition, the Sections of 50 are that can be prosecuted for alleged financial support, and Section 50(j) is the most common type of prosecution and imprisonment. This section provides for a minimum of (10) years in prison and up to life imprisonment. However, the aforementioned sections of the law are being used to sentence journalists to long prison

6. Interview with researcher, Lily

7. Centre For Law and Democracy. (2023, January 26). Myanmar: Note on the 2021 Amendment to the Counter-Terrorism Law. CLD. Retrieved from <https://www.law-democracy.org/myanmar-note-on-the-2021-amendment-to-the-counter-terrorism-law/>

terms, said researcher Ko Htet, *"It is not appropriate to use the CT Law, which is not related to their repression, in any way. Even though it is not appropriate, under the military council, they can use it as they wish. We see this as a method they use when they want to impose long prison terms, or even life sentences."*⁸ In short, this law is being misused to forcibly seize public power and to label the actions of the junta leader Min Aung Hlaing and his group as acts of terrorism. However, the Burmese people and the people of the world are well aware that the civil war and armed conflicts throughout Myanmar are a reactionary revolution that emerged from the oppression caused by the brutal war crimes committed by the military. Therefore, using the Counter-Terrorism Law as a lever can be said to be protecting their interests and power.

The use of the Counter-Terrorism Law by the quasi-civilian government before the 2021 coup

This law was also implemented during the National League for Democracy government prior to the military's assumption of power in 2021. It was primarily employed to apprehend and prosecute individuals who were affiliated with the Arakan Army. The Arakan Army was declared a terrorist organization during that administration. Six individuals, including the leader of the Arakan Association-Singapore charity, Hein Zaw, were charged with providing financial support under Sections 52(a) and 50(j). In theory, this law is well-intentioned; however, the Arakan Army, which fought for freedom in response to oppression during the previous civilian government, was prosecuted and abused by falsely declaring it a terrorist organization.⁹

The use of the Counter-Terrorism Law by the quasi-civilian government before the 2021 coup

The military has been apprehending and imprisoning journalists under the Counter-Terrorism

8. Interview with researcher, Ko Htet

9. British Broadcasting Corporation (BBC). 2019 August 9. "အေအေကို ငွေကြေးထောက်ပံ့တယ်ဆိုပြီး အကြမ်းဖက်ဥပဒေနဲ့ အမှုဖွင့်ခံရသူတို့ရဲ့ တရားခွင့်ဘာထူးလဲ". <https://www.bbc.com/burmese/burma-49294801>

Law for two primary reasons: (1) because journalists have been in contact with individuals and groups designated as terrorists, political forces, and armed groups opposed to the junta, or (2) because they are easily labeled as instigators or terrorists and imprisoned by the junta that they have been spreading fake news and misinformation that causes state stability and public tranquility.

In addition, the junta has portrayed the media as subversive and betraying the country, as efforts to enhance the flow of information in real time have resulted in the dissemination of misinformation and false news. In the military's perspective, there are unilateral restrictions on reporting on individuals and organizations that oppose them, despite the fact that journalists are obligated to provide accurate and impartial information. Regarding this, the researcher Ko Htet stated, *"They are providing the public with inaccurate information due to their interactions with designated terrorists." The concept of a journalist is that they must engage in conversation when investigating. It is imperative that they consider both perspectives of the narrative. It is imperative that they are informed of the facts and the current situation. In such a scenario, they are permitted to take action under the terrorism law after they have interacted. They have already incited terrorism by reporting the news based on the interaction. It is comparable to mobilization"*¹⁰

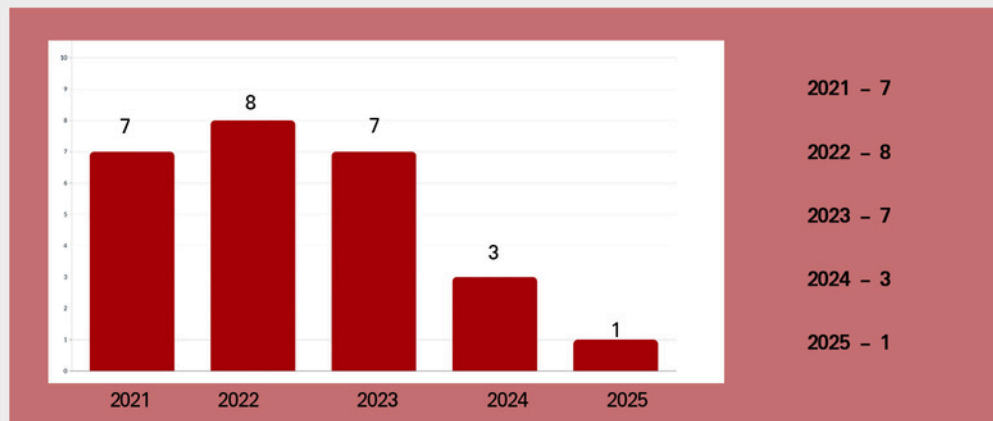
Conversely, the majority of local media outlets are confronted with the situation in which, in the absence of media outlets that advocate for the military, only the military propaganda media can endure in the country. It has been noted that military-owned media outlets and military-affiliated lobbies have been consistently using social media platforms, such as Telegram, to instigate the arrest of journalists and launch propaganda attacks against free and independent media outlets.¹¹

In addition to immediately affecting the public's right to know the truth, the military coup's designation of media organizations as terrorists also acts as a cover for stifling the independent media system in order to conceal grave war crimes and human rights abuses. The cases of journalists who have been charged with and imprisoned under the Counter-Terrorism Law in relation to these information-related matters will be monitored in the interim.

10. Interview with researcher, Ko Htet

11. DW Akademie. (2024, April 5). Myanmar Military weaponizes disinformation against media. <https://akademie.dw.com/en/how-myanmars-military-regime-weaponizes-disinformation-against-independent-media/a-68672257>

Timeline of those charged under the Counter-Terrorism Law



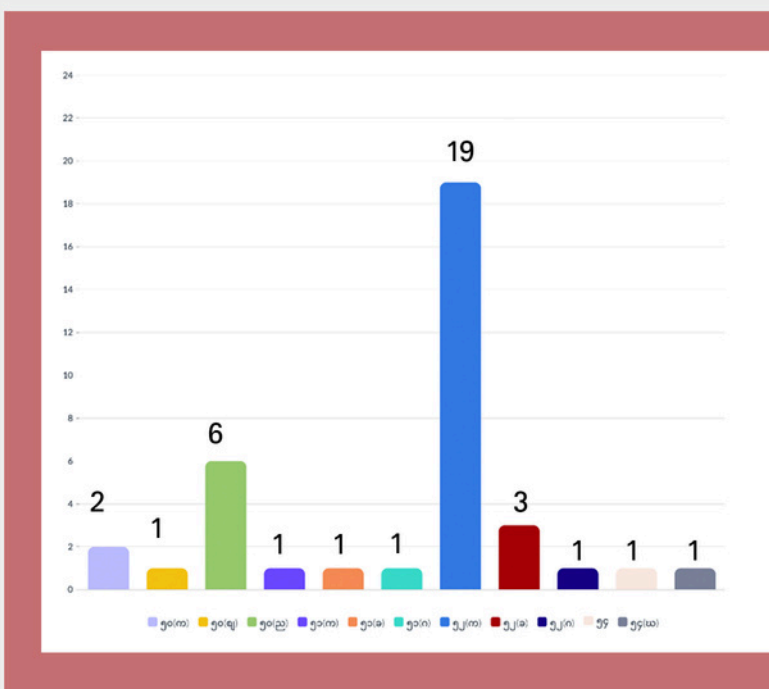
2021 - 7
2022 - 8
2023 - 7
2024 - 3
2025 - 1

As of April 21, 2025, a total of (26) journalists have been prosecuted under the Counter-Terrorism Law, including (3) women and (23) men. 2022 was the year with

Figure (1)

the highest number of prosecutions of journalists under the Counter-Terrorism Law (8), and 2021 and 2023 were the second highest number of prosecutions, with (7) each.

Prosecutions under the Counter-Terrorism Law



50(a) - 2

50(i) - 1

50(j) - 6

51(a) - 1

51(b) - 1

51(c) - 1

52(a) - 19

52(b) - 3

52(c) - 1

54 - 1

54(d) - 1

Figure (2)

The data in this figure shows the number of people charged under the Counter-Terrorism Law. This data does not take into account cases charged under a single section, but rather includes cases of people charged under more than one section, which is higher than the original number of (26).

Note: Of the (26) charged, (21) have been sentenced to final sentences, while the remaining (5) are still facing trial. Among those charged under these laws, one American citizen (Danny Fenster) was released due to pressure from the US government. According to the monitoring of Athan Organization, only one person, Soe Yazar Htun, has been released after he served his prison term.

Level of severity and labeling of journalists' reporting as terrorist acts by the military junta

Under the Counter-Terrorism Law and other legislation, journalists can be arrested and prosecuted in numerous nations, including Myanmar. A serious worldwide threat to press freedom is the legal harassment and incarceration of journalists. Journalists, in particular, have a right to report, and because of the nature of their work, it is crucial to present both sides of an issue. For this reason, it is not uncommon for them to get information by contacting organizations like the People's Defense Forces, the National Unity Government, and ethnic armed groups.

As was previously said, journalists are automatically classified as terrorists and are prosecuted under these rules because the military has designated these groups as Designated Terrorist Groups. The military also punishes the media harshly for covering wars and fluctuation of commodity price, which it claims disturbing public tranquility and state stability. Unless they are disseminating misleading information with malicious intent, the accusations of inciting violence and affiliation with terrorist groups are obviously not terrorist activities. Under the Counter-Terrorism law they have passed, it is punitive for journalists to disseminate misleading information and behave in a way that disturbs the peace and encourages others to follow suit.

Media ethics are already being broken by this action. However, according to the law, the degree of provocation is not significant, and violence does not exist until such an act is committed. According to the study, present Myanmar laws only apply arbitrary penalties by appropriate higher orders and do not describe the level of incitement related to terrorism. *"If the degrees are to express the government's intention to incite, that is not included in the degree of incitement," attorney Mae Aye noted in reference to the degree of incitement to violence and the type of punishment. The level of incitement is not taken into account by the courts, as I have stated. The level of incitement is not assessed or punished under Myanmar's legal system. It can only be granted by a higher authority's order.*" ¹²

Interrogation Process

Suspected journalists have been beaten and detained by the military junta, in violation of the law. Within twenty-four hours of being detained for interrogation, the initial interrogation is conducted using cruel torture techniques. The Criminal Procedure Code's Article 61 states that a case must be opened within twenty-four hours in order for the investigation to be finished. Generally speaking, if someone needs to be held for longer than twenty-four hours, the judge must be presented with the facts and the accused's information before issuing a warrant for additional detention (remand). The court may impose a remand for a duration of fourteen to fifteen days, and the judge must hold a hearing for the remand. The attorney has the legal right to refuse the remand at this point.

However, based on the data and events gathered by Athan, military intelligence officials frequently hold, torture, and question journalists for one to three months at a time. The lawyer is subjected to extraordinarily stressful conditions throughout the interrogation and is not permitted to interview the client. The attorney's right to defend his client is already being violated, and torture is a clear violation of human rights.

12. Interview with legal advocate, Mae Aye

In a case, the investigation uses solely the statements from the questioning to file a case, rather than the police first visiting the place of the occurrence and taking a First Information Report (FIR). Without this crucial FIR phase, the results of the questioning have no legal significance. The military is depriving journalists of the legal minimum rights and a fair trial even during the interrogation phase. The court has crumbled under military rule as a result of corruption, misuse of power, ethical transgressions, and a lack of respect for the rights of those who uphold the authority of the law, including judges and police.

Fair Trial Rights

Access to justice is a cornerstone of democracy and a pillar that helps to create a just society for all citizens and to limit abuses by governments and state authorities. Fair trial practices also include journalists in any court, in which they are impartial and transparent, in accordance with procedural rules.¹³

To guarantee that the public has access to timely and reliable information, journalists should also be free to gather and report information in line with media ethics. The loss of fair trial procedures is a significant issue, and journalists are being branded as terrorists and subject to arrest, imprisonment, and death under Counter-Terrorism Law for disclosing such material.

Press freedom in Myanmar is still in jeopardy, though, as journalists have been singled out as terrorists since the military took over, issuing arrest warrants, beatings, and deaths, and open courts were not fully established when the civilian government took over. What they say is "in accordance with the law" is only because the military regime is above the law; fair judicial procedures are a tool of the military dictatorship.

13. Centre for Law and Democracy. (2022, May 30). Myanmar: Summary of the Right to a Public Trial. <https://www.law-democracy.org/myanmar-summary-of-the-right-to-a-public-trial/>

Procedures of Arrest

According to the Police Procedure, there are two types of police procedures to be followed when making an arrest for an offence: police-related and non-police-related. According to Section 8(3) of the Rules of Procedure, since (a) to (j) are police-related cases, the police can arrest directly without the need for an order or warrant from a Criminal Procedure Judge.¹⁴ In non-police-related cases, the police, regardless of their seniority, can only arrest a person if they have a warrant from a Criminal Procedure Judge. The police record, which documents the information received by the police through various means, such as a complaint made in person at the police station or by telephone, is called a First Information Report (FIR). Regarding this arrest practice, Legal Advocate Hnin Win Aung explained, *"There are cases where a warrant is issued and then an arrest is made. In such cases, what he has to do is go to the criminal judge and then report it. If he has reported it, only his assistant officer can arrest him. A sergeant or someone cannot arrest like that. What that officer does is go and investigate the person who committed the crime, and then find and arrest him. That's the process that should be followed."* she explained.¹⁵ However, the person who wants to sue, who is perceived as a victim, does not open an FIR at the police station and only after arresting and torturing him, continues this step, which can be found to be illegal and reversed.

The Role of the Prosecutor

Prosecutors are responsible for thoroughly investigating the actual victims and the accused in a case, as well as the witnesses, and must consult with lawyers and prosecutors on the charges. The prosecutor first collects witnesses for the prosecution. If necessary, he or she begins to build the case only after conducting verifications. Second, he or she interviews the accused. Then, he or she writes an investigation report which sections to open the case under. Finally, he or she takes the collected evidence

14. Pg 16(January 20, 2016) Amendment to the Criminal Procedure Act

15. Interview with legal advocate, Hnin Win Aung

and the report and files the case in court. In some cases, the investigator does not carefully examine the statements sent by the investigator, but even copies the same information for the next case and reuses the file with that information. Regarding this, *"In my experience, when all cases are prosecuted, it is a copy-paste system. All FIRs that can be filed are copied and pasted from one case to another. The reason for this transfer is that we have found that the name of the case being investigated is not even changed, even the location, but is copied and pasted and then used in the next case,"* Mae Aye said.¹⁶

Courtroom Appearance

The right of a lawyer to apply for bail for his client before the trial is also denied at the initial stage. This law is not a bail-able law, but under the exception of Section 497 of the Criminal Procedure Code, it states that “children under 16 years of age, women and anyone who is sick” can be granted bail.¹⁷ However, on December 5, 2021, journalist Hmue Yadana Khet Moh Moh Htun was hit by a car during a protest on Panpingyi Road, resulting in multiple fractures and injuries, and was sentenced to 10 years in prison without bail under Section 50(j). The judge did not exercise his legal authority to administer justice, but rather, without reasoning, imposed the sentence on the basis of the superior’s authority.

First, the lawyer was not allowed to speak to the client privately before the trial began, and there was little time to prepare for the trial. At the beginning of the trial, the lawyer did not receive the case file submitted by the plaintiff, but immediately filed a power of lawyer and examined it. In some cases, there were cases where a copy was not even received. The clerks who kept the records did not dare to provide the case file and did not have time to prepare for the defense, which is a big challenge.¹⁸

Through this, the court does not allow the prosecution to call witnesses and cross-examine them after the prosecution has presented its evidence in chief examination. The judge also abuses his power without properly examining the authority granted to him by the law and neglects the rights that should be given to the defense. Therefore, the defense lawyer Mae Aye pointed out that the defense is not fully

16. Interview with Mae Aye

17. Pg 174(January 20, 2016) Amendment to the Criminal Procedure Act

18. Interview with legal advocate Hnin Win Aung

protected, saying, *"We have the rights called presumption of innocence. This is the right to be presumed innocent. In our cases, the defendants were already in prison before the court arrested them. When we had to go and present those people, we lost the confidence that we would stand up for the law and defend ourselves. That is the most damaging factor to our passion and motivation."*¹⁹ Furthermore, the burden of proof is still on the complaint, and in recent cases, the defense has been forced to testify.

As discussed above, journalists who have been charged under this Counter-Terrorism Law have not only lost their right to a fair trial due to the weak and corrupt judiciary, but also continue to suffer physical and psychological consequences due to the use of this law and other repression by the military junta.

The difficulties and psychological impacts in journalist profession

(a) Scarcity of job opportunities and wage crisis

Since the military seized power in Myanmar, it has engaged in human rights violations, arson attacks, airstrikes, and the arbitrary arrest, detention, and killing of journalists who are covering politics and conflict. The military has apprehended and detained (58) journalists and issued arrest warrants for (54) since February 2021, during which time 11 journalists have lost their lives as a result of the military's arbitrary repression. Many journalists and their families have been compelled to escape to "liberated areas" controlled by local defense forces and ethnic rebel groups, border areas, and third countries as a result of the military's targeting. Although these escapes may appear to be a means of evading the military, they also pose a threat to journalists who work in the media industry as a way of life. They are encountering challenges in their efforts to continue their journalistic and media work in third countries and border regions.

19. Interview with Mae Aye

*"The livelihood of journalists is also a concern. Journalists are suffering from unemployment."*²⁰

During the initial stages of the revolution, journalists were able to rely on international assistance to survive. However, as the revolution progressed, the availability of international support and emergency aid diminished, making it increasingly challenging for them to continue their media work. Journalists employed in the media industry pursued odd employment in their communities to sustain their families and themselves as international support diminished. Furthermore, a significant number of journalists who emigrated abroad encountered a situation in which the wages and expenditures of the media industry were not in equilibrium. Consequently, they were compelled to leave their journalistic and media positions and pursue positions that offered a decent income in order to sustain themselves. In an interview, journalist researcher Thu Thu Aung emphasized the following in relation to the aforementioned subject:

"Whether it is due to financial, security, or familial pressure, individuals are compelled to leave this journalism position; they are unwilling to persist." As per a previous paper she conducted, it is necessary for at least fifty individuals employed in the news industry to resign."²¹

(b) The difficulties and psychological impact of reporting on news

Three primary factors can be identified when analyzing the challenges that journalists encounter when reporting on news: (1) Reduced public participation; (2) Difficulties in procuring information as a result of the necessity to flee to foreign countries; and (3) Psychological trauma as a result of the challenges and difficulties of work.

The initial explanation is that the military coup's violent suppression has resulted in a decline in public participation. The media industry has also been impacted by the significant decline in public participation, which is a significant setback for the revolution. Reporters are now confronted with challenges in reporting news as a result of the absence of public participation during their on-site assignments. This is a distinct indication that the military has severely restricted freedom of expression and writing in Myanmar.

20. Interview with Reporter Nay Myo

21. Interview with journalist researcher, Thu Thu Aung

Three primary factors can be identified when analyzing the challenges that journalists encounter when reporting on news: (1) Reduced public participation; (2) Difficulties in procuring information as a result of the necessity to flee to foreign countries; and (3) Psychological trauma as a result of the challenges and difficulties of work.

The initial explanation is that the military coup's violent suppression has resulted in a decline in public participation. The media industry has also been impacted by the significant decline in public participation, which is a significant setback for the revolution. Reporters are now confronted with challenges in reporting news as a result of the absence of public participation during their on-site assignments. This is a distinct indication that the military has severely restricted freedom of expression and writing in Myanmar.

"In the past, individuals would communicate with news outlets. They previously engaged in communication with journalists. However, we were compelled to concern ourselves with their safety in the future, as they were apprehensive about being detained for speaking out, having their phones searched, or being exposed in some way. The majority of individuals were no longer willing to express their opinions. (...) Reporting on the news became exceedingly challenging when such circumstances transpired."²²

The second reason is that journalists have been compelled to flee abroad for the safety of themselves and their families as a result of the inhumane actions of the brutal army. They have been compelled to confront a situation in which they have been able to independently acquire information, and they are now in a position where they are disconnected from the ground. Journalists have a fervent desire to consistently seek and uncover the requisite evidence to present accurate information, whether by residing in close proximity to the ground or conducting in-person investigations. However, the constraints have

22. Interview with Freelance Journalist, Esther J

resulted in difficulties in disclosing information, conducting research, and writing news. They have been compelled to relocate and are unable to access certain sources. This situation has also been accepted by them, despite their aversion to it. Consequently, the coup has also decimated the country's emerging independent media landscape.

"We would be reprimanded and detained if we were to report on the ground." This is the number of journalists who were apprehended. We were unable to function at that time due to the circumstances. We were unable to produce news, despite our desire to do so." ²³

As previously mentioned, journalists in exile have been relying on news sources that have been sent to their news websites and received through online social media after losing access to the ground. The reliability of sources has also become a challenge due to the necessity of contacting local residents through social media platforms or phone lines during follow-up investigations.

"We were compelled to flee to another country and seek refuge. In that scenario, we were compelled to monitor the majority of the news online. There were fewer reporters present on the ground. (...) We monitored the news from a distance, relying solely on the information we found online. The news industry faces numerous obstacles in this scenario, including the necessity to report the news with accuracy and truth. Additionally, we cannot depend on information that originates from a significant distance." ²⁴

23. Interview with Reporter Nay Myo

24. Interview with Freelance Journalist, Esther J

The third reason is that journalists encounter professional difficulties and challenges, as well as the psychological repercussions of propaganda that is directed at their reporting. As previously mentioned, journalists who encounter professional obstacles and obstacles from all angles have experienced a decline in self-assurance and have begun to doubt their own professional abilities. Nay Myo, a journalist, stated in an interview that the psychological well-being of journalists is significantly impacted by the situation of being unable to independently obtain and seek information at the local (ground) incident site.

"Occasionally, I question whether the news we are producing is truly having an effect. The primary issue is that the inability to independently acquire information on the ground has resulted in significant psychological damage. (...) I am left wondering, "I am powerless; what can I do?"²⁵

In the early days, certain journalists were able to travel to the "liberated areas" through the border areas by connecting with local defense forces and ethnic resistance forces and freely gathering information, despite feeling helpless and dissatisfied while living abroad, searching for news, analyzing, and publishing the information they received. Nevertheless, it has been discovered that the local defense forces and ethnic resistance forces have subsequently implemented certain restrictions on the right to freely obtain information in the areas they control, masquerading as "territorial security."

"We are limited to the areas that have been liberated. The media has been subjected to restrictions in these regions in recent times. Additionally, there has been a lack of confidence in journalists."²⁶

25. Interview with Reporter Nay Myo

26. Interview with Freelance Journalist, Esther

Furthermore, the local populace is being indoctrinated with the notion that certain military operations, including aerial bombings, artillery shelling, and assaults on "liberated areas," are the result of journalistic reporting. He emphasized that journalists are encountering numerous challenges in their efforts to collect information on the ground as a consequence of this propaganda. The Irrawaddy News Agency's "Anyar Dubai" article and the military bombardment incident were associated with the aforementioned issue. In an interview, reporter Nay Myo made the following comments.

***"We are not in favor of bombings solely for the purpose of writing articles. It is illogical, you know."*²⁷**

The study indicates that journalists are facing restrictions from local defense forces and ethnic resistance forces, despite their efforts to ensure that information is accessible to the public in any manner possible.

(c) Psychological trauma and healing procedures, and therapies

The widespread restrictions on the right to write and freedom of information have resulted in psychological distress and have caused damage to journalists. The procedures and therapies employed to address the psychological trauma of journalists are frequently ineffective, causing them to relive forgotten traumatic events and experiences. Simultaneously, organizations and individuals who are engaged in and providing psychological treatment are increasingly querying and doubting whether they are actually adhering to the appropriate standards, professional ethics, and regulations.

27. Interview with Reporter Nay Myo

"Are those who claim to offer mental therapy truly qualified? Currently, we are aware that they offer three weeks of training and counseling. Citizen journalists from Mae Sot have reported that they have spoken out. However, they cease to speak out when they believe that the individual they have spoken to is disseminating their statements in an unethical manner. There is no longer any trust, you know?"²⁸

Nay Myo stated that the most effective approach to tending to the wounded of journalists is to continue to work in the news that interests them and to investigate, research, and report on the news based on the reporter's experience. Journalists experience a sense of relief and gratification when they learn that the news they have written and disseminated, despite the numerous obstacles they faced, has captured the public's attention and has contributed to the ground revolution in various regions.

Research Methods and Limitations

This research report concentrates on qualitative research methods that analyze information obtained through interviews with defense lawyers, journalists, and researchers. Furthermore, trusted internal network sources and information and documents obtained from independent local and foreign media were analyzed as secondary sources. (2) Lawyers, (3) researchers, and (4) journalists were interviewed. (3) of the (9) respondents were interviewed in person, while (6) were interviewed via the Zoom Online Platform.

Challenges: Due to the restrictions imposed by the military administration, only family members and witnesses were allowed to attend court hearings, and because hearings were held in some cases of

28. Interview with Journalist Researcher Thu Thu Aung

military courts, lawyers were not allowed to present evidence, which limited access to detailed case information. While observing court records, researchers were unable to visit the courts in person due to security concerns. In addition, it was also a challenge to include interviews with family members of the injured journalists, which were not possible due to security, communication and other reasons. The information presented in this report is derived from systematic, verified sources, including internal sources and reputable online news outlets. However, there may be some discrepancies in the information.

Conclusion

The Counter-Terrorism Law is designed to safeguard the lives and property of the public from terrorist acts and attacks. However, it is currently being employed by the majority of authoritarian countries, including Myanmar, to target and suppress political opposition organizations, resistance groups that are fighting against injustice, and journalists. The military coup has also exploited this law to apprehend and torture journalists. As of April 30, 2025, 26 individuals have been apprehended under sections 52(a), (b), and 50(j) of the Counter-Terrorism Law. The provisions of this law are broadly defined to classify journalists as terrorists. If they engage in communication with those who are designated as terrorists, they are accused of disseminating false information and being terrorists, thereby discrediting them.

Journalists are being prosecuted and imprisoned on orders from above, despite the fact that their reporting does not comprise violence, as they are being accused of. The military junta may perceive this law as a significant advantage in suppressing journalists, despite the fact that it may be interpreted as a feeble interpretation of the law's essence. This practice is in violation of the fundamental rights of a citizen, including the right to not be detained for more than 24 hours as stipulated by law, the right to employ a lawyer after arrest, the right to apply for bail, the right to refuse representation by a lawyer, and the right to defend oneself in court. The aforementioned oppression is causing journalists to experience a heightened level of psychological and physical distress. Domestic correspondents who are subject to surveillance are no longer secure and encounter challenges in obtaining information. The security situation has compelled media outlets to migrate to liberated and border areas, where they are confronted with challenges in terms of their work and survival. Only media outlets that are biased towards the

military and report on the situation locally have survived.

Furthermore, the scarcity of employment opportunities, the security dilemma, and the difficulty in obtaining information have resulted in a lack of platforms for the discussion and exploration of psychological trauma. In conclusion, the right to freedom of expression should not be enshrined in terrorism, as per the recommendations of international legal experts. National security is not violated by reporting on human rights violations committed by the state. National security is violated by human rights violations. Indeed, the Counter-Terrorism Law should be implemented with the primary objective of combating terrorism. It should also be implemented to safeguard the safety of journalists and prevent the use of the law to suppress opposition forces.

Recommendations

1. The NUG and future legislators should consider the broad definitions of terrorism and terrorists in this law. These definitions should be defined in detail and clarity, and punishments should be graded according to the severity of the violence when drafting and revising Counter-Terrorism Law.
2. The prosecuting agencies, which include the police, investigators, law enforcement officers, judges, and other judicial bodies, are required to be an institution that can accurately and systematically implement the processes and methods (procedures) for prosecution, punishment, and arrest in a manner that is independent, impartial, and fair when taking action against journalists under Myanmar's severe criminal laws, including this law. The process must be executed and the case must be prosecuted in accordance with the fair trial standards outlined in the Criminal Procedure Code, the court manual, and the police manual.
3. Research organizations should also document and research other laws, such as this one, that restrict and suppress freedom of expression. They should encourage local revolutionary forces and the National Unity Government to act in accordance with democratic standards through advocacy methods.
4. Additionally, international organizations must offer effective support and assistance to journalists and their families in order to address the psychological and physical challenges they encounter.



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