

Burma: Restraint and punishment during election year

No doubt the national elections held on 7 November 2010 preoccupied Burma's military regime. Seen by many observers both inside and outside Burma as an attempt by the junta to seek legitimacy for its hold on power, the election has been stage-managed as early as the first quarter of this year, with clampdown on media reporting and attempts to control the Internet.

The Press Scrutiny and Registration Board (PSRB), also known as the Censorship Board, issued a directive on 8 March prohibiting all weekly publications in the country from publishing any comment or analysis on the electoral laws being announced daily through the state-owned media.

Under this directive, publications were ordered not to print interviews with, or analysis written, by three opposition figures, namely, United Democratic Party leader Thu Way, Shwe Ohn of the Union Democracy Alliance and politician Nay Myo Wai, who had announced their intention of contesting the elections.

As an aside, opposition leader Aung San Suu Kyi's National League for Democracy (NLD) was officially dissolved on 7 May 2010, following a directive from the regime that all political parties not participating in the forthcoming elections would be dissolved. The NLD maintained its refusal to join the polls, claiming that it was neither free nor fair.

All in all, 10 political parties were dissolved while 37 remained to participate in the elections.

The government did not stop at this. It continued to use the law in its favor by coming up with regulations meant to marginalize the opposition parties and at the same time prevent the media from criticizing the government and the party it was sponsoring.

The Censorship Board took another step on 20 July when it issued a directive prohibiting journals from publishing comments or analysis of the 2008 Constitution or election laws at the pain of the journals losing their publishing license.

This new order stemmed from a Supreme Court's reaction to an article in "The Voice" journal on constitutional issues. The court claimed that the article, which had been previously approved by the Censorship Board, had misquoted the Constitution. The board took an about-face and slapped the journal with a two-week suspension.

An editor said these articles on the Constitution and election laws were important because they explained to the ordinary citizen legal terms, laws and their implications to the readers.

Further muzzling the opposition political parties, the regime announced on 17 March 2010 that political parties had to register for printing election-related matters with the government under the 1962 Printers and Publishers Registration Act.

The political party needed to seek permission from the Censorship Board within 90 days after they registered with the Election Commission. Party literature could

criticize the military and the present regime, the announcement said. The printed material could not disturb "law and order and tranquility" of the nation, it added. The party also had to deposit 500,000 Kyat (USD 500) for permission to print.

The government's Union Election Commission (UEC) issued a notice on 14 September 2010 granting "legal" parties the right to campaign on state-run radio and television, with 15 minutes allotted for each campaign speech by their chairmen or secretaries until 25 October 2010. The draft copy of their speeches, as expected, had to be approved by the Censorship Board.

Restrictions

The restrictions on campaign speeches on state-run media included the following:

- "1. Must not give any talks that can harm non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty
- "2. Must not give any talks that can harm security, the rule of law and community peace
- "3. Must not disobey the Constitution (2008) of the Union of Myanmar (Burma) and existing laws
- "4. Must not stimulate sedition or give any talks that can tarnish the image of the state
- "5. Must not give any talks that can lead to the collapse of the Tatmadaw (armed forces) or tarnish the image of the Tatmadaw
- "6. Must not give any talks or undertake organising measures that can lead to conflicts or harm dignity or moral conduct in connection with racism or religion or affairs of an individual or community
- "7. Must not abuse religion for political ends
- "8. Must not give any talks that can harm peaceful pursuit of education
9. Must not give any talks that can discourage service personnel from performing their duties or to abet them to stage protests against the government"

Still, 15 minutes of airtime for the entire campaign is ridiculously short, as one opposition candidate noted. U Zozam, chairman of the Chin National Party said when parties were reporting their policies and positions in the state media, the junta had heavily censored them.

"On state TV, I talked about how the Union Solidarity and Development Association was transformed into the USDP but my comments were not aired. We can access [the electorate] through TV in the countryside but many journals aren't distributed here. I stated my party's policies for about 15 minutes on state TV and almost five minutes were cut."

In addition to these restrictions, the regime still took steps to further limit the parties from making use of the airtime over state-controlled broadcast stations.

Also in September, the UEC rejected the transcripts of the Democratic Party (Myanmar), the Union of Myanmar Federation of National Politics and 88 Generation Student Youths (Union of Myanmar), to campaign on television, and told the parties the transcripts must be modified. The dates for these campaign spots were also changed to from 27 September-7 October, instead of up to 25 October.

"Our original transcript contains the message that we need a civil government elected by democratic principles. Before that perfect condition, our human rights will still be denied and democracy will not be established. I don't think they liked that message," Union of Myanmar Federation of National Politics chairman Aye Lwin told Mizzima News.

Though the opposition parties were denied access to the state's broadcasting facilities, candidates were still able to spread their campaign messages through private publications.

According to a journal editor, "If we look at the past 20 years, this is the freest time to write about news on political parties and to report on politics in general."

Dr. Than Win, an organizer of the National Democratic Force (NDF) party, which broke away from Suu Kyi's NLD party to take part in the polls, said, "The [private] media is very important because our political activities and policies are not reported in the state media. We were only allowed to broadcast once on state television. But people can access quite freely in the weekly private journals what political parties are doing."

There were still some lines not to be crossed, however, like criticism of the regime's party, the Union Solidarity and Development Party (USDP), or even mention of Suu Kyi's NLD.

Internet slowdown

A week before the elections, Internet speed in the country slowed down. Internet cafés in Rangoon had to close down due to slow connection that frustrated many customers. A cybercafé owner in Rangoon quoted an Internet service provider official as saying maintenance work on the Internet connection was being done at the time.

However, online users accused the junta of being behind the sabotage to restrict the flow of information in and out of the country via Internet.

An editor from a weekly journal said, "I think that the closer we come to election day, the more often connections will be cut. I think their [the Burmese junta's] intention is to block the flow of information out of the country. Not only Internet connection, but also phone links have been disturbed. People think the junta is doing it intentionally".

Aside from Rangoon, web connection in Arakan, Kachin, and Karen states and Tenasserim, Mandalay and Sagaing Divisions were also reported to be very slow.

And to top it all, the government announced on 18 October that it would ban the entry of foreign journalists who wanted to cover the elections or even international monitors. The Election Commission did not grant press visas.

Thein Soe, the commission chairman, said the country did not need any foreign journalists or observers. Only 25 Burmese journalists who worked for the foreign media, along with two Chinese correspondents, were allowed to cover the polls.

On election day itself, Japanese journalist Toru Yamaji, the head of the Tokyo-based news agency APF, was arrested in the eastern border town of Myawaddy for taking pictures of a polling station. Yamaji slipped into the country from Thailand. He was taken by helicopter to the capital city of Naypyitaw for questioning by authorities. He was released two days later.

Also, two Burmese women reporters from the weekly journal "True News" were detained for a few hours by Election Commission authorities near Rangoon. Two other reporters were threatened by USDP supporters in Tamwe Township.

Aftermath

Local reporters working for foreign media said law enforcement agents followed and monitored their movements, usually taking pictures, as they went about covering the election. Some were even searched.

The Eleven Media publications group also reported that authorities ordered its management not to publish election updates in its website or Facebook account.

It was also reported that the authorities deported at least seven foreign journalists when they were caught trying to cover the elections.

Six days after the elections on 13 November, opposition leader Aung San Suu Kyi was released from her house arrest.

As journalists, both foreign and local, sought to cover her release and actions the next few days, the authorities still made its presence felt by doing a crackdown on the local media.

Ten Burmese journals were suspended for coverage of Suu Kyi's release for what the government claimed was too much news coverage of the opposition leader.

"Seven Days Journal" and "Venus Journal" were suspended for three weeks. "Open News Journal", "Messenger", "Myanmar Newsweek", "Voice Journal", "People Age" and "Snap Shot" were suspended for a week.

On the last week of November, the information ministry ordered radio stations not to air the performances of, nor interviews with, singers Saung Oo Hlaing, Anagha, Thantawin and Kyarpauk; bass guitarist Ye Lwin; film directors Myo Min, Min Htin Ko Ko Gyi and Cho Too Zaw; actor Kyaw Thu and his wife Shwe Zigwet; and writer Than Myint Aung. A radio station employee said this move might have been prompted by the artists' open support for Suu Kyi.

The junta also banned Kyaw Thu, founder of the Free Funeral Services Society and former film industry actor, because of his activities in the nationwide monk-led protests known as the "Saffron Revolution" in 2007. He also met Suu Kyi at her home on 14 November, the day after her release from house arrest.

Local journals were also told not to write stories about actors Nay Toe, Ye Lay, Tun Tun, Kyaw Kyaw Bo and Moe Moe after they gave a satirical performance entitled "Htarwara Hninzi" ("Eternal Rose"), which criticized the authorities.

Restraint and punishment

Censorship is a fact of life in Burma. The Board of Censorship loom large in the landscape, as private journals are required to submit all their articles for approval before publication, lest they have their publishing licenses revoked. In this case, both prior restraint and subsequent punishment are applied by the government to keep its tight rein on the private journals.

This year, several journals were suspended. The reasons ranged from giving too much coverage to Suu Kyi (see above) to more mundane, if not absurd reasons like weather forecasts.

"The Modern Times" journal was suspended indefinitely in August for publishing an article entitled 'Will September return?', which had not been submitted to the Censorship Board. The article was a weather forecast for September. According to a source, the authorities might have been concerned that the article would only heighten anxiety among the population about the La Nina phenomenon expected to occur from September to November.

A reporter from another journal opined, however, that the junta might have just been concerned that mention of the word "September" would remind the populace of the "Saffron Revolution" which happened in September 2007.

In May, "The Voice" journal was temporarily suspended because it reported that a "Seven Days News" journal reporter had filed an assault case against actress Htet Htet Moe Oo, after she hit the reporter in response to questions about her private life.

Similarly, in July, the "Envoy News" and "Popular" journals were suspended for a week each because they featured actresses in cover photos deemed "incompatible with Burmese culture". Later that month, state censors suspended "The Voice" again for two weeks over an article on constitutional issues by Aung Htut, entitled "Concept and Process".

If they were not being punished for articles they publish, private journals were ordered to print government propaganda.

Three incidents in January illustrated this. The first involved a press release from the government highlighting the efforts of the Burmese ambassador to Israel to defuse a labor situation involving Burmese migrant workers in a factory in Israel.

The second was about a supposed shoot-out between two army units upcountry, which the government branded as just rumor.

The third was a message alluding to the BBC, warning radio listeners to "beware of concocting, fabricated and instigating broadcasters".

Aside from the recently concluded elections, coverage of historical dates like the Martyrs' Day on 19 July was also heavily restricted by the regime. The event commemorates the death of Gen Aung San, who led Burma to independence, and who is also father to opposition leader Suu Kyi.

Only 50 foreign and local journalists were allowed to attend the ceremony at the Martyrs' Mausoleum on the grounds of the Shwedagon Pagoda. The Censorship Board also discouraged journals from placing Gen Aung San's portrait on their covers.

Another regulatory body added yet another level to the bureaucracy. The Myanmar Rail Film and Video Scrutiny Board, which operates under the Rail Ministry, announced in January that all films and videos shot at locations associated with the Burmese Railways must be submitted for review and approval.

Aside from mainstream and online media, the authorities also clamped down on literary and academic forums. According to a directive issued on 27 March, organisers of talk shows and forums were required to submit their applications with a signed acknowledgement along with the names of resource persons, and the number of participants, among others.

Convicted

The number of journalists arrested and subsequently tried and convicted in Burma in 2010 may be fewer than the previous year, but it does not diminish these incidents' impact in the country's freedom of expression situation.

An undercover reporter from the Democratic Voice of Burma (DVB) was sentenced to a total of 13 years in 2010.

Ngwe Soe Lin was given a 10-year jail sentence for violating Section 33(a) of the Electronics Act and an additional three years for violating Section 13(1) of the Immigration Emergency Provisions Act.

Ngwe Soe Lin had been honored with the Rory Peck Award shortly before his conviction for his work in documenting orphaned victims of Cyclone Nargis, which struck Burma in the first week of May 2008.

Meanwhile, a Burmese court upheld on 28 April 2010 an earlier conviction of another DVB reporter, Hla Hla Win.

Hla Hla Win was sentenced in 31 December 2009 to 20 years' imprisonment for violating the Electronics Act and an additional seven years for violation of the Import-Export Act, 5 (1). She is now serving her term at Myitkyina prison in Kachin State.

Giving journalists a long prison sentence is unjust, DVB (Thai) bureau chief Toe Zaw Latt said. "This is an unjust case. I think they would like to give a clear message to other reporters that if they do the same, they will be given similar punishment. However, we will continue to expose what's going on in Burma".

A journalist, Maung Zeya, and his son were arrested by the police on 17 April 2010 after the son took pictures of the sites of three bomb explosions in Rangoon. The blasts, which happened two days earlier, killed 10 people and wounded 170.

Aung Thu Nyein, 28, an intern for "Weekly Eleven Journal", was arrested on 13 September for taking photos of the flooding that hit Magway in central Burma.

Authorities seized his digicam, deleted the photos and sent him to the township's office to sign a pledge that he will not take pictures again of the floods. When he refused, the police detained him. He was released on 17 September after his editors negotiated with the authorities.

Meanwhile, poet Saw Wei was released from prison on May 2010. He had served his two-and-a-half-year sentence yet remained detained for five more months before being released.

Accused of "inducing crime against public tranquility", Saw Wei was arrested on 2 January 2008 after his poem, "February the Fourteenth" was published in the "Love Journal". The first letter of each of the poem's lines, when put together, read "General Than Shwe is crazy with power" in Burmese.

Cyber attacks

Ever since the military regime put down the Saffron Revolution in 2007 in which bloggers and netizens played a major part, the junta tried to play catch up and sought to suppress online media. Cyber attacks on leading Burmese exile online media during major events have become the tradition.

For at least three days during the last week of September, the websites of the "Irrawady" magazine, Mizzima News and DVB suffered a high volume attack which overloaded their servers' capacity to provide service. This attack, also known technically as "distributed denial of service" (DDoS) was traced by webmasters of the three sites to countries like Russia, Georgia, Vietnam, Israel, Kazakhstan and India. DVB in a news story said it was likely the junta was behind these attacks, which may have been a test run for attempts to disrupt online communications during the 7 November elections. The exile media's websites were also attacked in past anniversaries of the Saffron Revolution.

Aside from these incidents, the regime continued in its attempts to control online media.

In February, authorities ordered Internet café owners in Rakhine and Pegu to keep a record of the names of their customers and the websites they surf.

"Officials have given us a three-page regulation and ordered us to keep a record of the names of users, the websites they visit, who they chat with and who they send emails to. Then officials come on surprise checks to our shops," an Internet café owner said.

However, the government might find this a tall order as the online users, mostly students and middle-aged people, give fictional names and bypass checks and are able to surf websites banned by the government. The prohibitive costs of surfing in the café (ranging from \$76-\$153 per hour according to Mizzima) were also not enough to dissuade netizens.

"We can record only website links the users visit and their list of contacts. If we keep tabs on everything the authorities want, no one will come to the café," another Internet café owner said.

Outlook

This year will see the new "elected" government under the new constitution take charge of the country. It should be well remembered though, that despite the democratic façade, the military still plays a major role in the country's affairs.

The new government would likely be manned by "former generals" who had shed their military uniform to run in the election under the Union Solidarity Development Party (USDP). It is widely believed that the new government will focus on economic issues, rather than the rights of Burmese citizens.

Since the military remains and will continue to play a pivotal role in shaping and implementing the policies of the new government, "national security" and "national unity" will still be the key phrases in the new government of Burma. Therefore, the freedom of expression situation is not expected to change, at least dramatically. The draconian laws curbing the freedom of expression of the citizens and which gives enormous powers to the Censorship Board will likely remain for some years under the new government.

However, the "change" of government and the emergence of other political forces, especially among the ethnic minority groups in different parts of the country, will provide some space for media activities inside Burma. This is especially true after the release of democracy leader Aung San Suu Kyi. Her leadership of the NLD and the party's organising activities will serve as a rally point for people who are looking for positive change in Burmese society.

There is still the danger of another crackdown, and it might send Suu Kyi back to detention. But the Burmese people who struggle for democracy and freedom, including a growing number of media personnel and journalists in Burma, have learned how to use whatever space and opportunity they could to carve out and strengthen these towards a better Burma. The year 2011 can be a better one for Burma in terms of the free flow of information between those inside and outside Burma as well as emerging independent media outlets in the country.

This report was written with the assistance of Mizzima News, a Burmese exile media organization.
