

10. Freedom of Opinion, Expression, and the Press

10.1. One of the Ten Enemies of the Press

Burma's Senior General Than Shwe is included in the 1997 top ten "enemies of the press" list released by the New York-based Committee to Protect Journalists. In its statement, the SLORC leaders and other listed international leaders were condemned for their "relentless hostility to the very concept of a free and independent press in their own countries and around the world". The ten had "deliberately engaged in hundreds of press freedom violations ranging from censorship, harassment, and physical attack to imprisonment and even assassination," the statement said.

The SLORC/SPDC continue to impose severe restrictions on freedom of speech and of the press. The security services continues to harass and repress those attempting to express opposition political views, and many more refrained from speaking out for fear of arrest, interrogation, and other forms of intimidation. The weekend gathering in front of Daw Aung San Suu Kyi's house at which she and NLD leaders U Tin Oo and U Kyi Maung formerly responded to letters from the public and delivered speeches, have been prohibited since late 1996. Barriers blocking access to her house remains in place during the 1997, and her freedom to leave her compound or to receive visitors is severely restricted.

The SLORC/SPDC monopolizes television, written press, and radio. All forms of domestic public media are officially controlled or censored. The media continue to be subject to governmental censorship and are largely used as instruments to propagate governmental points of view. With the exception of reporting on some aspects of the National Convention, these official media do not report opposing views except to criticize them. While the English language daily *New Light of Myanmar* continues to include many heavily edited international wire service reports on foreign news, domestic news hewed strictly to and reinforced the SLORC/SPDC's policy.

Foreign radio broadcasts, such as British Broadcasting Corporation (BBC), Voice of America (VOA), Radio Free Asia (RFA) and Norway-based Democratic Voice of Burma (DVB) remained prime sources of uncensored information, though the

SLORC/SPDC attempts to jam or otherwise interfere with the reception of these broadcasts.

The SLORC/SPDC's power over the media has encouraged self-censorship on the part of writers and publishers in Burma. Private citizens are generally unable to subscribe directly to foreign publications, though a limited selection of foreign newspapers could be purchased in a few hotels in Rangoon. A limited supply of international news magazines and a sizable number of private publications on nonpolitical issues are available to the public, but censors frequently banned issues or deleted articles deemed unwelcome by the authorities.

University teachers and professors remained subject to the same restrictions on freedom of speech, political activities, and publications as other government employees. These includes warning against criticism of the SLORC; instruction not to discuss politics while at work; stricture against joining or supporting political parties; engaging in political activity; or meeting foreigners. Teachers continue to be held responsible for propagating SLORC/SPDC political goals among their students and for maintaining discipline and preventing students from engaging in any unauthorized political activities.

10.2. SLORC/SPDC's Laws Restricting Freedom of Expression

A series of totalitarian decrees issued by the SLORC/SPDC in 1996 designed to strengthen its control over all forms of political expression and citizens' access to information remained in force during 1997. The decrees are very difficult to reconcile with Article 19 of the Universal Declaration of Human Rights. The right to freedom of expression: this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers." These laws affect not only freedom of expression but also access to information for the people.

Under the 1962 Printers' and Publishers' Registration Law, periodicals, magazines and films must be submitted to the "Press Scrutiny Board" prior to being printed or distributed. Authors, editors, publishers and distributors convicted for having transgressed its provisions face harsh penalties, which have been increased in June 1989 by SLORC Order 16/89 to a maximum of seven year's imprisonment and/or fines of 30,000 *kyats* for each infringement of the law.

Another law which restricts freedom of expression is the Myanmar Wireless Telegraph

Act. This, which was amended on October 22, 1995 (Amendment Law No. 15/95), stipulated that whoever possesses any wireless telegraphy apparatus (including telephone and fax machine) without a license shall be punishable with imprisonment for a term which may extend to three years or a fine which may extend to 30,000 *kyats*, or both.

Another law, 1985 Video Law announces all videos must be submitted to the Video Censorship Board for scrutiny. Those involved in the making, copying, or distribution of videos have been threatened with prison terms of up to three years under the law. A new Television and Video Act, issued on July 31, 1996 requires that: foreign diplomatic missions and United Nations agencies obtain permits to show imported videos at "public exhibitions". Government video censorship boards will have the right to ban, censor, or restrict the audience for such showing.

The SLORC issued Order 5/96 which prohibited speeches or statement that "undermine national stability" as well as the drafting of a constitution in the National Convention. That law entitled, The Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbances and Opposition, prohibits, inter alia, the preparation or dissemination of speeches or statements that undermine the stability of the State or are critical of the SLORC, and prescribes up to 20 years' imprisonment for persons violating the law, while organizations taking part in such activities can also be banned and have their funds and property confiscated.

A law entitled The Computer Science Development Law, issued on September 27, 1996, makes the unauthorized import, possession and use of certain types of computer equipment, for example computers with networking capacity -- punishable with sentences of seven to 15 years in prison and/or a fine. The punishment is prescribed for anyone setting up links with a computer network without prior permission or who use computer networks or information technology for undermining State security, law and order, national unity, the national economy or national culture or who obtains or transmit State secrets. Members of unauthorized computer clubs may be sentenced to prison terms of a minimum of three years. A punishment of five to ten years' imprisonment is prescribed for anyone who imports or exports computer software or information banned by the Myanmar Computer Science Council. The SLORC/SPDC bars most Internet services to citizens.

10.3. Visa restrictions and other Forms of Harassment of Journalists

More restriction on the granting of journalist visa has been imposed. Since June 1996 Burma's authorities has informed its embassies that all requests for journalists' visas had to be approved by the foreign minister. Lasting two weeks, they had to be used in the week after they were issued -- the previous limit had been three months. An air ticket showing the journalist's arrival and departure dates was also required. Some Burmese embassies, and especially the one in Bangkok, had already stopped granting visas to journalists.

Monthly press conferences that had begun in August 1996 were suspended by the authorities in April 1997. Prior to that time, most known foreign journalists, including television crews, had been able to obtain visas to visit and report on developments, although authorities sometimes monitored and restricted their movement. The SLORC/SPDC issued few visas to journalists after April 1997.

The freedom of foreign reporters and journalists are also restricted. Thai reporters accompanying the former Thai Prime Minister Chavalit's visit to Burma in May 1997 were told to avoid meeting with opposition leaders. The restriction was set out in a letter sent to the Thai Foreign Ministry through the embassy in Rangoon. The SLORC made clear its information Ministry would watch the movements of the 15 reporters accompanying Thai PM. According to the official, the regime said reporters should avoid going to Daw Aung San Suu Kyi's house and reporting on the opposition leader's activities. It also asked embassy staff to monitor the reporters.

10.4. Journalists, Writers, and Poets in Burma's Jail

U Win Tin: Imprisoned: July 4, 1989

Win Tin, former editor of *Hanthawaddy*, was arrested on 4 July 1989 and sentenced in October that year to three years' hard labor. The sentence was later extended to 11 years, then reduced to ten years under the January 1993 amnesty. Win Tin was arrested because of his political work for the NLD. The government accused him in particular of encouraging the league to opt for civil disobedience to resist the martial law imposed by the SPDC. Officially, Win Tin was found guilty of "harboring a criminal wanted for arrest" under article 216 of the penal code. The "criminal" in question was reportedly a young woman who had had an abortion, which is illegal in Burma. Win Tin is said to be suffering from inflammation of the spinal column.

Authorities extended U Win Tin's sentence by five more years on March 28, 1996, after they convicted him of smuggling letters describing conditions at Insein prison to Professor Yozo Yokota, the former U.N. Special Rapporteur for human rights in Burma.

In an October alert 1997, Human Rights Watch cited reports that U Win Tin was seriously ill and perhaps close to death in Rangoon General Hospital.

Ma Myat Mo Mo Tun: Imprisoned: 1994

The daughter of imprisoned dissident Daw San San Nwe, Ma Myat Mo Mo Tun, was arrested in 1994 and sentenced to seven years in prison for spreading information injurious to the state. She is alleged to have recorded "defamatory letters and documents," made contact with "illegal" groups and sent anti-government articles to a journal published by an expatriate group.

U Myo Myint Nyein, U Sein Hlaing: Imprisoned: September 1990

Sein Hlaing and Myo Myint Nyein, both of whom are close to the NLD, were arrested in September 1990 and sentenced to seven years in jail for publishing an "antigovernment propaganda". U Myo Myint Nyein and U Sein Hlaing were arrested for contributing to the preparation, planning, and publication of the satirical news magazine, What's Happening, which the government claims is anti-government propaganda. They too are being held at Insein prison. From mid-November 1995, Myo Myint Nyein, Win Tin and several of their fellow prisoners were interrogated about letters found in their possession and addressed to Professor Yozo Yokota, the United Nations' special rapporteur on human rights in Burma. The letters described the harsh conditions in which they were being held and the ill-treatment to which they had been subjected. For instance, they were forced to sleep on the concrete floor without mattresses or blankets, in tiny cells normally used as kennels for army dogs. Family visits, usually allowed once a fortnight, had been banned, which meant relatives were not able to bring them the food and medicine the prison authorities refused to provide. In March 1996, Win Tin was sentenced to another five years and Myo Myint Nyein to another seven years for passing on information to Professor Yokota. Sein Hlaing, who had also signed the letter, had his sentence extended by seven years. The hearing was held behind closed doors inside the prison and the journalists were not allowed lawyers or any form of legal assistance. Eighteen other prisoners received similar sentences for the same reasons. A United Nations resolution specifically forbids punishing someone for giving information to a representative of the organization.

U Ohn Kyaing: Imprisoned: 1990

U Ohn Kyaing has been in jail since 1990. Also known by the pen name of Aung Wint, he worked for the daily Botataung before joining Win Tin on Hanthawaddy. He became a member of the NLD central committee in 1988 and was elected to parliament in 1990. He was arrested in August 1990 for condemning the bloody repression of demonstrations staged by students and Buddhist monks, and on October 17, 1990 he was sentenced to seven years in jail for writing and distributing “seditious leaflets” and writing an “antigovernment report”. On 15 May 1991, he was sentenced to another ten years under article 5 of the emergency law.

U Maung Maung Lay Ngwe: Imprisoned: September 1990

U Maung Maung Lay Ngwe was arrested and charged with writing and distributing publications that “make people lose respect for the government.” The publications were titled, collectively, Pe-Tin-Tan.

Daw San San Nwe, U Sein Hla Oo: Imprisoned: August 5, 1994

Daw San San Nwe and journalist U Sein Hla Oo were arrested on charges of spreading information damaging to the state and contacting anti-government groups. San San Nwe and Sein Hla Oo were sentenced on October 6, 1994 to 10 years and seven years in prison, respectively. Three other dissidents, including a former UNICEF worker, were sentenced to between 7 and 15 years in prison on similar charges. Officials said the five had “fabricated and sent anti-government reports to some diplomats in foreign embassies, foreign radio stations, and visiting foreign journalists.” San San Nwe allegedly met two French reporters visiting Burma in April 1993 and appeared in a video they produced to spread propaganda about the government.

According to reports citing Burmese officials, authorities seized confidential Energy Ministry data, as well as documents and compact discs containing anti-government materials from one of the dissidents. Both U Sein Hla Oo and Daw San San Nwe were previously imprisoned for their involvement in the NLD. As of December 1994, all five were being held at the Insein Prison in Rangoon.

Ye Htut: Imprisoned: September 27, 1995

Ye Htut was arrested on charges of sending fabricated news abroad to Burmese dissidents and opposition media. Among the organizations to which Ye Htut allegedly confessed sending reports was the Thailand-based Burma Information Group (BIG), which publishes the human rights newsletter The Irrawaddy.

Burma's official media claimed that BIG had presented a false picture of the country to foreign governments and human rights organizations. He was sentenced to seven years in prison. In 1997, CPJ was unable to obtain new information on his status.

Saung Win Latt: Imprisoned: 1997

A famous short story writer detained since early 1997, Saung Win Latt is serving a seven-year jail term. He was accused of violating the press act. In reality, he made a joke about the junta during a literature talk.

Ma Thida [Sanchaung]: Imprisoned: August 1993

Ma Thida is a short story writer and physician who has worked with the NLD. She has been detained since August 1993. She was accused of printing and publishing materials which opposed the military's National Convention. In reality, she was sentenced to twenty years' imprisonment for possession of a copy of the Khit Pyaing journal. She is in bad health.

Maung Hming: Imprisoned: December 1991

Maung Hming, a well-known poet, was arrested in December 1991 and is serving a fifteen-year jail term. He is a member of the All-Burma Federation of Student Unions. He joined a peaceful demonstration on the campus of Rangoon University on 10 December 1991. He distributed many poems written about Aung San Suu Kyi. He is now in Thayat prison. He is a student of Rangoon University.

Aung Gyan (Monywa): Imprisoned: December 1991

Aung Gyan is a well-known poet detained since December 1991. He is serving a fifteen-year jail term. He is a final year agricultural student and a member of ABFSU.

U Moe Thu: Imprisoned: May 1996

A writer and journalist who worked closely with Aung San Suu Kyi, U Moe Thu has been detained since May 1996. He was charged under Section 10(A) of the State Protection Law of 1975. He was arrested before the sixth anniversary of the 1990 election. In 1989 he was sentenced to 3 years' imprisonment. His translation of Exodus is among his more well-known works.

Dr. Aung Khin Sint: Imprisoned: 1996

A senior NLD leader, Dr. Aung Khin Sint contributed health, education and general knowledge articles to numerous magazines and journals. He has been detained since 1996. This is his third prison term under the junta.

Nyi Pu Lay: Imprisoned: November 1990

Nyi Pu Lay is a well-known short story writer who has been detained since November 1990. He is serving a ten-year jail term. His parents are well-respected writers Lu Du U Hla and Ludu Daw Amar. According to the jail manual rules, he should have been released at the end of 1997.

Kyi Tin Oo: Imprisoned: 1993

Kyi Tin Oo is a short story writer and poet detained since 1993. Accused of publishing documents against the junta, he is serving a twelve-year jail term. He is now suffering from heart disease. During the junta's March crackdown, Kyaw Zaw Oo, his son, was arrested and given 14 years.

Aung Zin Min; Imprisoned: 1997

Aung Zin Min is a well-known poet and writer detained since early 1997.

Myat Hlaing: Imprisoned: December 1991

Myat Hlaing is a well-known poet and NLD Youth member detained since December 1991. He is serving a 15-year jail term. He participated in a peaceful demonstration on the campus of Rangoon University on December 10, 1991, when Daw Aung San Suu Kyi was awarded the Nobel Peace Prize. He is now in Myingyan prison. He was a chemistry student in his final year.

Maung Thar Manya (or) Khin Maung Soe: Imprisoned: January 1993

Maung Thar Manya is a short story writer and philosopher detained since January 1993. Accused of violating the Press Act, he is serving a seven-year jail term.

Zarni: Imprisoned: August 1992

Zarni is a poet and former member of the Burmese Students' Union. He has been detained since August 1992 and is serving a ten-year jail term. He was accused of

publishing documents opposed to the military's National Convention. He is now in Myingyan prison. He is a student of Rangoon University.

Maung Wuntha: Imprisoned: 1996

Detained since 1996, Maung Wuntha was charged under Section (A) of the State Protection Law of 1975. This is his second prison term under the SPDC. He was arrested in November 1990 and sentenced to 10 years' imprisonment in April 1991. In April 1992, he was released from prison under the limited amnesty order 11/92. He has written several books, including a translation of Watergate. He was forced to resign as editor of the Botataung daily after the 1988 uprising.

Nay Min: Imprisoned: October 1988

Nay Min, a journalist and lawyer jailed since October 21, 1988, is reported to have been released in November 1998, five years before the end of his sentence. Accused of "giving false information to the BBC" and "possessing antigovernment books," he was sentenced to 14 years' hard labor on 5 October 1989. According to various sources, he was tortured and is seriously ill. No explanation has been given for his release. (Source: *Committee to protect Journalists, BIG*)