



# In Burma, transition neglects press freedom

*A special report by the Committee to Protect Journalists*



Committee to Protect Journalists

## In Burma, transition neglects press freedom

Thein Sein's new civilian government has promised reform, but authorities continue to censor and imprison journalists. Those who report for critical, exile-run media remain at great risk. **A CPJ special report by Shawn W. Crispin**



Burma is at a crossroads between a tradition of military control and prospects for a democratic future. (AP/Khin Maung Win)

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Away from the probing surveillance of Special Branch intelligence agents, a Burmese editor ticks off the recent stories the Press Scrutiny and Registration Department, Burma's powerful state censorship body, would not allow him to publish. The banned topics were wide-ranging: volatility in fuel prices; recent land purchases by Chinese investors around the city of Mandalay; a shortage of fresh water near a southern coast development.

After his paper published a seemingly innocuous story about the falling price of SIM cards—without the censors' approval—authorities reacted swiftly in suspending the publication for two weeks. "We are pushing the limits as much as we can," said the editor during a recent trip to Bangkok. As a small sign of success, he pointed to the publication of a recent series on the struggles of farmers facing high debts. But the censorship process remains arbitrary, intensive, and highly restrictive. "It's like fighting with a spear while on horseback to get news published. ... We must prepare many extra stories each week to fill the spaces for stories that will inevitably be cut," said the editor, who spoke on condition of anonymity for fear of government reprisal.

Despite a recent transition from military to democratic rule, Burma's heavily censored media is still among the most restricted in the world. The historically military-run Southeast Asian country held its first democratic elections in more than two decades in November 2010 and installed a nominally civilian government in March

of this year. President Thein Sein, a former army general who served as prime minister in the previous military junta, has sought international recognition for the transition, urging the United States and European countries to drop the economic sanctions they have maintained for more than a decade and a half in response to the military regime's abysmal human rights record.

While the elections symbolically ended nearly five decades of military rule, the shift to date has been more cosmetic than substantive. Many former high-ranking generals have merely swapped their army khakis for civilian business suits while retaining their top government posts and authoritarian ways. The transition has sparked an important debate about the country's future direction, with many international governments and institutions evaluating their policies on Burma in light of the elections and the government's promises of reform. In a much discussed March 30 speech, Thein Sein hinted at a more liberal media approach, saying that the press should play the role of the "fourth estate," as it does in established democracies. He has also spoken of the need for economic reforms and better governance in one of Asia's poorest and most mismanaged nations.

But with state censors still actively spiking news stories, pervasive state surveillance of reporters' communications and movements, and at least 14 journalists and media support workers behind bars, the government has made virtually no progress on press freedom, a CPJ analysis has found. Under Thein Sein's elected regime, authorities continue to systematically harass, sanction, and imprison journalists, particularly those who report undercover for exile-run media groups.

CPJ interviews with seven Burma-based journalists and six journalists working for exile media revealed that Thein Sein's government has not dismantled the extensive mechanisms of control and repression that the previous military regime employed to stifle independent reporting and critical commentary. Since last year's elections, two journalists have been sentenced to long prison terms and more than a dozen publications have been suspended for their news reporting.

In a sign of the unchanged times, journalists with private media groups said they were barred from entering and reporting from the new national parliament when it officially opened in March. Four journalists were temporarily detained for taking pictures from a distance of the new parliament building, according to a reporter familiar with the arrests. (State media were allowed to film leaders' prepared speeches but not pose questions to parliamentarians, who themselves were required to submit for review to the president any planned public statements two weeks in advance of the session.)



Censorship rules are so extensive that private news publications cannot publish daily. (Reuters/Soe Zeya Tun)

Underscoring the still-omnipotent official threat, nearly all of the Burma-based reporters and editors who spoke with CPJ requested anonymity due to fears of possible reprisal if their names appeared in a report critical of the government. Two CPJ staff members and a freelance reporter working for CPJ were all denied visas to enter the country to conduct research for this report. No reasons were given for the denials.

"There is always a sense of fear that Big Brother is watching you," said a local reporter with an international news agency who spoke with CPJ

on condition of anonymity. “All of our phones are tapped, and we’re all under constant surveillance.” The reporter, a veteran, conducts most of his interviews from home to mitigate the risk of official eavesdropping. No foreign national journalists are legally accredited to work for international news organizations in Burma, and those who parachute in on assignment are often expelled for violations of the no-work terms of tourist visas.

On the surface, Burma-based editors and journalists say, there is a veneer of press freedom on the country’s newsstands. Privately owned and -run news publications have proliferated in recent years, with around 200 journals, magazines, and newspapers currently in circulation. Those publications, however, are heavily censored and are often forced to publish state-prepared news and commentaries that present the government and its policies in a glowing light.

Due to time-consuming pre-censorship requirements, all privately run news publications are forced to publish on a weekly, rather than daily, basis. The government and military, meanwhile, fund and operate four newspapers that are permitted to publish on a daily basis and serve mainly as outlets for pro-government propaganda. The government also dominates the local broadcast media through four state-run TV channels and one radio station.

### Exile media fills news gap

Outside of Burma, exile-run media groups consistently present a diverse range of news and views, including critical reporting on the government and military, along with their associated business interests. For nearly two decades, Burmese exile-run media groups—most prominently represented by the Democratic Voice of Burma (DVB), Mizzima news agency, and *The Irrawaddy* news website, but also by a growing number of ethnic-based publications—have played an essential role in filling the domestic news gap caused by pervasive state censorship.

Many in-country reporters affiliated with private news publications also moonlight for exile media as a way to publish stories that have been spiked by the censorship board, according to exile news editors and in-country reporters who spoke with CPJ. They do so at considerable personal risk: Military authorities have charged and sentenced journalists to long prison terms using laws aimed specifically at curbing the flow of information to exile and international media.

To date, Thein Sein’s administration and parliament have made no move to abolish or amend these draconian and highly arbitrary laws. The 2004 Electronics Act, one such law, imposes harsh prison sentences for using electronic devices, including cameras and computers, to create, receive, or disseminate information that



Undercover reporters for exile media document news that would otherwise go unreported. This photo from a Democratic Voice of Burma journalist shows a 2007 monk-led demonstration. (AP/DVB)

authorities deem to be state secrets or threats to national tranquility. Authorities have also used the Immigration and Unlawful Association acts to harshly sentence journalists who work with exile media.

In November 2010, authorities forced Rangoon's estimated 500 Internet cafés—where undercover exile reporters have traditionally filed their news, pictures, and video clips to outside media—to install closed-circuit cameras, screen-capture programs, and keystroke-logging software to monitor and store users' online activities. A ban on the use of flash drives in Internet cafés—imposed in May by the Ministry of Communications, Posts, and Telegraphs—was viewed by exile editors as an attempt to further hamper their reporters' ability to file over the Internet. (Less than 1 percent of Burma's population has home Internet access due to prohibitive costs and bureaucratic hurdles.)

Exile media have also been plagued by a series of distributed denial-of-service (DDOS) attacks that have shuttered or temporarily blocked their websites. While the Burmese government has not taken responsibility for the attacks, exile editors who spoke with CPJ noted that the attacks typically coincide with news events and political milestones deemed sensitive to the regime.

Aung Zaw, founder and editor of *The Irrawaddy*, told CPJ that exile media have been subjected to other, invasive online harassment. This year, unknown hackers used password-cracking software to penetrate *The Irrawaddy's* central computer system and plant bogus news about a Burmese film star on its home page. He said he feared the security breach may have exposed databases that contained the identities of secret in-country sources and contributors.

In another move perceived as targeting exile media and their in-country reporters, authorities in February prohibited the use of online communication tools such as Skype and VZOchat, justifying the move on the basis that such services cause the state provider to lose income from overseas calls. Exile media groups believe, however, that the ban was imposed because of the government's inability to monitor Voice over Internet Protocol communications.

Despite these restrictive measures, the exile-run DVB news service based in Oslo, Norway, has reported and produced a series of groundbreaking video reports that have spoken media truth to military power and won international accolades in the process. Its work has included exclusive footage of a 2007 military crackdown on Buddhist monk-led street demonstrations, during which troops killed at least 31 people and authorities shut down the Internet; and the 2008 Cyclone Nargis disaster, which exposed the military government's mismanagement of a human crisis that left more than 100,000 dead. During both crises, authorities rounded up and imprisoned journalists who sent unsanctioned news outside of the country.

More sensitive, perhaps, was a 2010 exposé produced by DVB and aired by Al-Jazeera that detailed the military's alleged nuclear ambitions and U.N. resolution-defying links with North Korea. Covering topics that domestic media have been unable to touch due to state censorship, DVB's documentaries can potentially reach millions of Burmese viewers through satellite transmission. (Government-licensed satellite dishes are common in Rangoon, although by law viewers are forbidden from accessing censored material such as DVB's video reports.)

Those reports have put DVB's roughly 100 undercover, in-country reporters in the military's line of fire. DVB claims that 17 of its secret video journalists, or VJs, are behind bars. Of those, 12 have remained unnamed due to DVB's concerns that authorities would lengthen their sentences or worsen their already-substandard prison conditions if their professional affiliations were disclosed.

“The government assumes we are enemies of the state,” said Toe Zaw Latt, DVB’s Thailand bureau chief, during a press conference in May to launch a global advocacy campaign for the release of the jailed reporters. “A democracy does not keep its journalists behind bars. ... Theirs is still a culture of denial.”



For DVB and other exile media groups, the regime’s self-proclaimed shift to democracy also presents existential risks. Foreign donor funding cuts, including cutbacks by Norway, Sweden, and Denmark, have forced exile-run

Burma is one of the world's worst jailers of the press. Many journalists are housed in the notorious Insein Prison, above. (AP)

groups to trim their news operations, casting many journalists and their families into uncertain futures and possible forced repatriation. DVB, for one, recently lost some funding and scaled back its broadcasts as a result, its editors say. Analysts say Burmese authorities are giving foreign governments and international organizations an “inside or outside” choice; those that scale back support of exile operations have a better chance of securing official approval for new programs inside the country.

The dynamic poses new risks for exiled Burmese journalists. Neighboring Thailand has traditionally provided sanctuary to Burmese dissident groups, but many in the exile community fear Bangkok could reverse course if building commercial ties and securing energy deals with Burma takes policy precedence. Many Thailand-based exile journalists lack proper travel documents, restricting their ability to travel to border areas to gather news and forcing them to write under pseudonyms to avoid drawing Thai officials’ attention to their presence.

A number of analysts and foreign journalists believe the international community is being led astray by the regime’s promises of reform. Bertil Lintner, a Chiang Mai-based journalist and DVB executive board member, believes that foreign donors are making a short-sighted mistake by reallocating their funds from outside to inside the country in expectation of democracy taking root any time soon.

“What’s happening now in Burma is consistent with the cycle of opening and closing seen since 1962 and is consistent with how the military has always exercised power. During every period of openness people think it’s a trend; history shows it is not,” Lintner said. “Journalists pushing boundaries inside Burma should be supported but not at the expense of exile media.”

Lintner, author of several authoritative books on Burma’s politics, has himself been banned from entering the country since 1989. He argues that if exile media groups are allowed to collapse through funding cuts, it will be very difficult to re-establish their operations if it becomes evident that Burma’s democratic transition allows only nominal press freedom.

### **Marginal new space, severe old limits**

Certain politically connected media owners who openly support the idea of military-led political change, however, see reason for hope. Nay Win Maung, founder of *The Voice* weekly news journal, said the media

environment has improved under the Thein Sein regime. Authorities have allowed his affiliated nongovernmental organization, Egress, to conduct media training sessions and other civil society-promoting activities, some of which have received funding from Western donors.

“It’s a matter of packaging [the news],” he said during an interview in Chiang Mai, Thailand, where he was scheduled to deliver a lecture to ethnic minority groups about their rights under Burma’s new constitution. “If you focus on policy rather than criticism, it’s not seen as harmful to the state.”

Due to his close family connections to powerful military generals, ties he acknowledged in an interview with CPJ, Nay Win Maung is one of the few journalists inside Burma who is willing to speak with foreign reporters on the record and for attribution. Nonetheless, his publication faces frequent penalties, including a one-week suspension in December imposed for publishing front-page photos of opposition leader Aung San Suu Kyi in a size larger and in a format different from what censors allowed. (Nine other outlets were sanctioned for similar violations.) Nay Win Maung said *The Voice* has been suspended five times since 2004; over the same period, intelligence agents have twice searched his house for news material.

Geoff Hodson, a former Internews training specialist who has worked with many in-country journalists and closely monitors the Burmese-language press, also sees signs of improvement in the reporting environment. In particular, he said, local journalists can now report on many economy-related issues that were considered off-limits as recently as 2009. Earlier this year, he noted, authorities phased out a requirement that journalists request and receive permission letters from government agencies before reporting on their activities. “It effectively removed a second layer of censorship,” Hodson said.

On June 8, the government also dropped requirements that non-news publications, including those covering sports, fiction, art, and health, be reviewed by government censors prior to publication. But observers such as Hodson believe the move simply places a heavier self-censorship onus on editors while leaving in place the threat of punitive fines and bans if boundaries are crossed.

The limited new space has opened largely because private media have consistently challenged the Press Scrutiny and Registration Department’s censorship decisions. The widely read Burmese-language newspaper *7 Day News* repeatedly defied censorship directives to cut sections from its news stories, including a report before Thein Sein’s appointment this year that suggested the military had rigged last year’s election, according to Hodson. The publication escaped with a warning, but other outlets have been suspended for weeks at a time for censorship violations.

Several journalists interviewed by CPJ said they typically resubmit stories, often without revisions, that censors already rejected. One freelancer who spoke on condition of anonymity recently filed the same story on an environmental degradation issue through a dozen different private newspapers until the censorship board finally allowed its publication, albeit in shortened form. In what the reporter likened to a “cat and mouse game,” she has been asked on 70 occasions to sign a pledge not to violate censorship standards. She said she frequently changes pseudonyms once stories filed under one of her many pen names are rejected by the Press Scrutiny and Registration Department.

Faced with these severe restrictions, a group of senior Burmese journalists has lobbied the new government for more rights and standardized rules, including regular press briefings with ministers and politicians, according to one of the reporters involved with the appeal. They made their case in a private letter to the

president in April, citing new statutes that require the president to form a media advocacy body and assign a dedicated government spokesperson.

The president did not formally respond, but on August 12, amid talks with the Suu Kyi-led opposition, the administration held its first formal press briefing, although it allowed questions from only three reporters. That same week, the government announced through state media the formation of a new “spokespersons and information team” to be led by Information Minister Kyaw Hsan and tasked with holding press conferences on political, economic, and security topics.

While the private media’s push represents a positive force for change, the reality is that the new space for reporters is marginal and still subject to the Press Scrutiny and Registration Department’s arbitrary standards. In-country journalists and editors who spoke with CPJ said that banned topics are still wide-reaching and inconsistent with a functioning democracy.

Most notable, they say, is the lack of any probing reports on the personalities or business interests of prominent politicians or military members. No critical commentary has been allowed on the new government’s lack of transparency, a legacy of the military regime that critics say fostered rampant corruption.

Exile media editors note that in-country publications have been silent on recent fighting between the Burmese army and ethnic insurgent groups in the country’s eastern borderlands. The armed clashes have otherwise made global headlines, with international news reports indicating that under-resourced and poorly trained government troops have suffered significant setbacks in their counter-insurgency campaign.

Nor have authorities allowed local media to report freely on the large-scale and often controversial infrastructure projects under way across the country. Those include China-financed pipelines and hydro-power dams, designed to help China meet its burgeoning energy demands but criticized for causing environmental damage and displacing local communities.

The still-yawning gap between local and exile news content was recently documented by Memo 98, a Slovakia-based media monitoring organization that analyzed Burma-related news coverage before last year’s elections and for six weeks soon after Thein Sein was appointed national leader. Despite the shift from military to democratic rule, the group’s findings showed no discernible change in the local media’s tone, emphasis, or bias.

Memo 98’s analysis of state-run Myanmar TV, for instance, showed that the station dedicated less than a half percent of its total coverage to opposition leader Suu Kyi, while the activities of Thein Sein and his two vice presidents accounted for nearly 96 percent of coverage. The military-owned Myawaddy TV dedicated none of its coverage to Suu Kyi, according to the monitoring group’s findings.



Thein Sein's administration agreed to hold a press conference--then took questions from only three reporters. (AP/Khin Maung Win)



The press freedom-related research underscored the lack of genuine democratic change in Burma and the still crucial role that exile media play in presenting diverse news, including critical reporting on the president, government, and military. It's a check-and-balances role that both old and new regimes have been at pains to suppress, and one the international community should continue to support if its objective is the promotion of meaningful democracy for Burma.

*Shawn W. Crispin is CPJ's senior Southeast Asia representative. He is the author of the 2008 CPJ special report, "**Burma's Firewall Fighters.**"*

## **CPJ's Recommendations**

### **To the Burmese government:**

- Release all imprisoned journalists immediately and unconditionally. CPJ research shows at least 14 journalists and media support workers were imprisoned as of September 1, 2011.
- Stop the detention and harassment of reporters who gather news and file stories for exile-run and international media.
- Immediately implement reforms to bring the nation's laws and practices in line with international standards for press freedom and freedom of expression. Put an immediate end to all state censorship of news publications.
- Repeal laws and halt practices aimed at restricting Internet freedom. Stop the surveillance of online users at Internet cafés and lift the blocks on international and exile-run news sites.
- Abolish or amend all laws, including the Electronics Act, the Unlawful Association Act, and the Immigration Act, that are habitually applied and abused to restrict press freedom and punish independent reporters.
- Allow international reporters open access to the country and end the use of governmental blacklists of journalists considered enemies of the state.

### **To the European Union and United States:**

- Maintain current economic sanctions and predicate all future aid and development assistance on a credible democratic transition, including demonstrable progress on press freedom conditions.
- Maintain funding commitments to exile media groups until press freedom has taken genuine root in Burma and exile editors and journalists are safe to return home without fear of reprisal.
- Prioritize the release of all political prisoners, including journalists, as a condition for enhancing diplomatic engagement with the new government.
- Support the establishment of a United Nations-led Commission of Inquiry into crimes against humanity, including the imprisonment and torture of journalists, in Burma.

### **To the United Nations:**

- Establish a Commission of Inquiry to investigate crimes against humanity and other crimes under international law committed under Burma's military regime.
- Prioritize investigations into press freedom violations, including the jailing and torture of journalists.

### **To the Association of Southeast Asian Nations (ASEAN):**

- Predicate Burma's scheduled assumption of ASEAN's chairmanship in 2014 on a credible democratic transition, including demonstrable progress on press freedom conditions.
- Prioritize the release of all political prisoners, including journalists, as a condition for enhancing diplomatic and economic ties with the new government and allowing its representatives greater stature in the regional grouping.

### **To the Government of Norway:**

- Maintain funding commitments to exile media groups, including the crucial presence allowed in Oslo to the Democratic Voice of Burma, at least until press freedom has taken genuine root in Burma and exiled journalists are safe to return home without fear of reprisal.

## EU tiptoes toward engagement with Burma

A conflicted European Union considers a new approach toward Burma. Press freedom advocates and human rights defenders are wary. **By Jean-Paul Marthoz**



Opposition leader Aung San Suu Kyi speaks with reporters after a September meeting with the European Commissioner for International Cooperation. (AFP/Soe Than Win)

### BRUSSELS

Seen from inside the Brussels beltway, the “Burma issue” is often hailed as evidence that advocacy groups can influence the European Union’s foreign policy. Indeed, the activism of the pro-democracy Burma lobby and the prestige of Nobel Peace Prize laureate and opposition leader Aung San Suu Kyi are credited with having prevented the EU from normalizing relations with the military regime.

But behind this lofty façade of principled unanimity, the EU has been constantly divided on the issue. Member states such as Sweden, the Netherlands, the Czech Republic, and the United Kingdom consider Burma a litmus test for the seriousness of the EU’s human rights diplomacy. They have consistently backed a tough sanctions policy in the belief that isolating the military and its business cronies would undermine their hold on the country, reinforce the democratic opposition, and create conditions for a genuine political transition. But Germany, Burma’s biggest trade partner in the EU, and European states such as Italy, Spain, and Austria have been pushing for a policy of dialogue and engagement. France has followed a two-track approach, expressing political dissatisfaction with the regime at the same time it has sought to protect its economic interests in Burma, especially those of its huge oil company Total.

Many EU officials say privately that the policy of sanctions has failed to persuade the Burmese regime to moderate its repressive policies. That view was expressed by the analyst Clara Portela in her 2010 assessment of EU sanctions policies. "They are undoubtedly the EU's most comprehensive," Portela wrote of the measures taken against Burma, "but arguably one of its most ineffective sanctions regimes." Some say failure was to be expected because the sanctions exempt the biggest source of export revenue, natural gas, and lack enforcement mechanisms. Others claim the sanctions hurt ordinary citizens instead of weakening the rulers and their business allies. Many, pointing to the wider perspective of EU strategy in Asia, say that reappraising the Burma policy is imperative to ease relations with the Association of Southeast Asian Nations (the 10-member geopolitical and economic group that includes Burma) and compete on better terms with growing Chinese, Japanese, Russian, and Indian interests in the region.

In recent years, as the memory of the 2007 crackdown on the Saffron Revolution has faded, the EU has in fact been looking for opportunities to tone down its sanctions policy. Claiming in its official documents that it follows a "balanced policy," it is trying to square the circle of advancing its regional economic interests without jettisoning its "prime goal, to see a legitimate, democratically elected civilian government established in Burma." Last year, the supporters of a new approach were quick to point to two developments—a U.S. review of its own sanctions policy, and the holding of general elections in Burma—to ratchet up their claim that a change is needed.

EU officials are fully aware of the objections raised by pro-democracy groups. Catherine Ashton, the EU high representative for foreign affairs and security policy, was blunt last November in her assessment of Burma's military-led election: "The EU regrets that the authorities did not take the necessary steps to ensure a free, fair, and inclusive electoral process." Despite criticism of the election, though, the Brussels line increasingly holds that all opportunities should be used to engage with the new government. EU officials keen on starting a dialogue with Burma also point at divisions within the Burmese opposition on the issue of the so-called EU "restrictive measures." In that context, pro-engagement groups in the EU have chosen to interpret the swearing-in of a quasi-civilian government and the release of Suu Kyi from long-standing house arrest as positive steps.

In April, the EU confirmed its common position on Burma and maintained economic sanctions, but it also sent a signal by lifting visa bans on certain senior Burmese civilian officials, including the foreign minister, Wunna Maung Lwin, who is described in Brussels as the key interlocutor for any future policy of dialogue. Then, in June, a senior delegation of the European Commission led by Robert Cooper, director general for political affairs, visited Rangoon and Naypyidaw, where they met government officials including First Vice President Tin Aung Myint Oo, as well as Suu Kyi and leaders of the main opposition party, the National League for Democracy (NLD). Although EU envoys insisted the normalization process would depend on decisive government reforms, the tone clearly indicated a shift from overt antagonism toward cautious engagement.

Even with its sanctions policy, the EU has not been absent in Burma. The European Commission has been providing humanitarian aid and supporting small projects aimed at reinforcing a democratic civil society. Its latest call for proposals, issued in June, refers to "strengthening the involvement of organized civil society in the shaping of local and/or national policies regarding good governance and democratic reform, enhancing the inclusiveness and pluralism of civil society, and empowering underrepresented groups for active citizenship." Through its European Instrument for Democracy and Human Rights, a budget line that serves to fund democratic groups in authoritarian countries, the European Commission has backed groups acting for human rights in Burma.

Notwithstanding this show of support for democratic groups, the trend appears to be toward some form of normalization with the regime. Reflecting the change of atmosphere, the EU is considering opening a EuropeAid office in Rangoon, and a delegation of European companies, led by the Austrian ambassador to Thailand and Burma, went on a "fact-finding trip" to Burma in April. Despite sustained pressure from unions and human rights groups and the commitment of some of its member states, the EU has also refrained from backing international legal actions against the regime, in particular the establishment of a U.N. Commission of Inquiry into war crimes and crimes against humanity, and the referral of Burma to the Hague-based International Court of Justice for its use of forced labor.

Pro-democracy groups are warily monitoring every EU move and word. Battle-tested in the Brussels advocacy campaigns and aware of the support they enjoy in some member states and at the European Parliament, these pro-democracy groups have welcomed statements by the EU representative for the region, David Lippman, who declared in June on Radio Free Asia that "any future changes will depend on the new government's performance. The release of political prisoners and economic reform are high on the agenda."

But advocates remain on their guard. They fear the EU will overestimate the positive effects of a gradual lifting of sanctions. "If the EU is serious," said Mark Farmaner of the London-based Burma Campaign UK, "it needs to set clear benchmarks for change, with a time frame." This position is in line with Suu Kyi's declarations in March that "sanctions should only be lifted when something has changed here." It also reflects a deep suspicion of the current government's intentions.

When the Interior Ministry ordered Suu Kyi and her NLD party in June to stop "their illegal activities that can harm peace and stability and the rule of law as well as the unity among the people," Farmaner was blunt. "Burma's new dictator, Thein Sein," he said, "is emerging as even less tolerant of dissent than [his predecessor] Than Shwe."

*Jean-Paul Marthoz is CPJ's senior Europe adviser.*

## New strains for Burma's exile media

As international donors examine their priorities in light of Burma's new regime, exile-run news media face potential cutbacks. The most critical news reporting on the long-closed nation may be endangered.

By Aung Zaw



The author, founder of The Irrawaddy, says exile media face greater challenges even though the new Burmese government has yet to make good on its democratic promises. (CPJ/Shawn Crispin)

CHIANG MAI, Thailand

*"In medias res,"* the Latin phrase meaning "in the middle of the action," is usually used in a literary context, but sometimes I feel it describes the experience of a journalist in exile. It has been 18 years since I founded *The Irrawaddy*, a news publication (and now multifaceted news service) based in Chiang Mai. That's a long time, but the end of our journey—our eventual return to a democratic Burma—is still nowhere in sight.

Since we don't know how far we are from reaching our goal—which is not really the end, but actually just the beginning of our real work of restoring press freedom in Burma—we feel stuck somewhere in the middle. And so we throw ourselves into the day-to-day routine of running a media organization, all the while wondering when we will be able to practice our trade on our own home soil.

In some ways, being a journalist in exile means being not in the middle of the action, but far from it. These days, however, it is possible to keep your ear close to the ground in one country while keeping your feet firmly

planted in another. Through our network of sources and undercover reporters inside Burma, and greatly aided by the latest technology, we manage to dig a little more dirt every day—like prisoners tunneling our way to a truth the authorities want to prevent us from reaching.

It's laborious work, but the reward is in knowing that every inch we move forward makes a difference. Sometimes, though, it's difficult to know how much of a difference we make. That's why I often wonder what measure of success we can apply to our work.

By the conventional standards of a modern media organization, we're not doing too badly. We can point to our growing range of products—from our original magazine (now a quarterly e-magazine with a limited print run) to our well-trafficked Burmese- and English-language websites, from our blog and podcast to our television and radio programs broadcast by the Democratic Voice of Burma and Radio Free Asia—as evidence of our continued relevance.

We can also look at the numbers: Our websites attract visitors from around the world and increasingly from cyber-savvy viewers inside Burma, where proxy servers bypass government efforts to block “undesirable” content. Between them, our Burmese and English websites receive eight or nine million visits annually, with our Burmese site showing especially strong growth.

The feedback we receive every day from our readers suggests that we are satisfying a demand. Our weekly television show broadcast via DVB has won wide recognition. These days, most people I meet from inside Burma tell me they've seen and appreciate our program.

It would be nice to say that we've helped in some way to improve the media environment inside Burma. But our only contribution in that regard has been to provide an outlet for colleagues working within the country's draconian censorship system who want to share stories that they can't report in the domestic press. Otherwise, the situation of journalists in Burma remains as grim as ever, even under the current “civilian” regime.

Much has been made of the supposed “opening” of the Burmese media since last year's election. The fact that pictures of pro-democracy leader Aung San Suu Kyi, who was released from more than seven years of house arrest a week after the November 7 polls, were allowed to appear in print has been seen by some as a sign of positive change. But I have my doubts.

There are other issues that remain very much taboo to Burma's rulers. In the country's border regions, human rights violations remain rife in conflict zones. No local publication would dare hint of the rape, murder, and forced relocation that are part of the army's campaign to impose its will on ethnic minorities. The brutal suppression of hunger strikes by political prisoners is another subject that will never appear in the Burmese press. Forced labor, child soldiers in the Burmese army, and massive deforestation by cronies of the ruling generals are also among the many unmentionables.

Even the impact of mega-projects that will transform Burma's landscape forever, affecting potentially millions of its citizens, cannot be discussed within the pages of the country's newspapers. Dams in the Kachin, Shan, and Karen states are being built to produce energy for Burma's neighbors, while its citizens continue to live with brownouts. In Arakan state, a gas pipeline for China will enrich the generals but do nothing for local people.

There has been much speculation that Thein Sein, the ex-general and former prime minister who now ostensibly leads the country as its president, will start holding regular press conferences. So far, however, he

remains as remote from the independent press as his predecessors, who were never very interested in answering questions from anybody.

This lack of real progress inside Burma—on the issue of media freedom, or on any other front—hasn't prevented some from declaring this a turning point in the country's transition to democracy. This has put new pressure on the exile media: As some governments move toward more active engagement with Naypyidaw, donors that have long supported our work also seem inclined to shift their attention toward the possibilities, however illusory, of effecting change from within the country.

Does this mean we are losing our allies, the foundations and government agencies that share our commitment to press freedom in Burma? Probably not, but our dependence on their support has never seemed more precarious. And in some cases—in which former supporters have attacked us for our activities, presumably to curry favor with a regime they see as a viable “partner”—we have been forced to ask ourselves who our real friends are.

Meanwhile, we have no doubt who the enemy is—anyone who stands in the way of telling the stories that need to be told. Even when we are being attacked by hackers and other cyber-phantoms, as we recently were, we keep our eyes on what is really happening in Burma and try not to get sidetracked by distractions. If anything, we take these attempts to derail our efforts as a sign that we're on the right track.

Despite the challenges that face us on a daily basis, and the uncertainties that have always hung over us, we know the only way forward is to keep working every day. Eventually, Burma will have that breakthrough moment when everything changes, for real and forever. And when that day comes, we'll be ready for it.

*Aung Zaw is founder and editor of **The Irrawaddy**.*



## Imprisoned journalists in Burma



At a protest in Bangkok, images of the jailed journalist Hla Hla Win.  
(AP/Sakchai Lalit)

Burma has a long record of jailing independent journalists, ranking among the world's five worst jailers of the press for four consecutive years, CPJ research shows. Journalists are typically charged with violating the country's censorship laws, among the strictest in the world, or engaging in "antistate" activities such as disseminating information to the outside world.

CPJ research shows that at least 14 journalists and media support workers were imprisoned as of September 1, 2011, although the actual number may be higher. CPJ's prison surveys, conducted worldwide on December 1 of each year and in specific countries in response to events, include only those cases in which the identities of the imprisoned journalists can be confirmed. The Democratic Voice of Burma, or DVB, an exile-run news organization, says that in addition to the five identified DVB journalists in prison, another 12 unidentified DVB journalists are being held as well. DVB does not identify them for fear they will be subjected to further reprisal should their affiliations become known.

**Ne Min (Win Shwe), freelance**  
**Imprisoned: February 2004**

Ne Min, a lawyer and a former stringer for the BBC, was sentenced to 15 years in prison on May 7, 2004. He was charged with illegally passing information to "antigovernment" organizations operating in border areas,

according to the Assistance Association for Political Prisoners in Burma, a prisoner aid group based in Thailand.

It was the second time that Burma's military government had imprisoned the well-known journalist, also known as Win Shwe, on charges related to disseminating information to news sources outside Burma. In 1989, a military tribunal sentenced Ne Min to 14 years of hard labor for "spreading false news and rumors to the BBC to fan further disturbances in the country" and "possession of documents including antigovernment literature, which he planned to send to the BBC," according to official radio reports. He served nine years at Rangoon's Insein Prison before being released in 1998.

Exiled Burmese journalists told CPJ that Ne Min had provided news to political groups and exile-run news publications before his second arrest in February 2004.

### **Win Maw, Democratic Voice of Burma**

**Imprisoned: November 27, 2007**

Win Maw, an undercover reporter for the Democratic Voice of Burma, an Oslo-based Burmese exile news organization, was arrested with two friends by military intelligence agents in a Rangoon tea shop soon after visiting an Internet café. He is serving a 17-year jail sentence on charges related to his news reporting.

Authorities accused him of acting as the "mastermind" of DVB's in-country news coverage of the 2007 Saffron Revolution, a series of Buddhist monk-led protests against the government that were put down by lethal military force, according to DVB.

The frontman for the well-known pop band Shwe Thanzin (Golden Melody), Win Maw started reporting for DVB in 2003, a year after he was released from a seven-year prison sentence for composing pro-democracy songs, according to DVB. His video reports often focused on the activities of opposition groups, including the 88 Generation Students group.

After being arrested in November 2007, Win Maw was sentenced in closed-court proceedings in 2008 to seven years in prison for violations of the Immigration Act and sending "false" information to an exile-run media group. In 2009, he was sentenced to an additional 10 years for violations of the Electronics Act, according to the exile-run news website *The Irrawaddy*.

Win Maw was being held at the remote Thandwe Prison in Arakan state, nearly 600 miles from his Rangoon-based family. Family members said police had tortured him during interrogations and denied him adequate medical attention.

Win Maw received the 2010 Kenji Nagai Memorial Award, an honor bestowed on Burmese journalists in memory of the Japanese photojournalist shot and killed by Burmese troops while covering the 2007 Saffron Revolution. The award was created by APF, a Japanese video news agency, and the Burma Media Association, an exile-run press freedom group.

### **Nay Phone Latt (Nay Myo Kyaw), freelance**

**Imprisoned: January 29, 2008**

Nay Phone Latt, also known as Nay Myo Kyaw, wrote a blog and owned three Internet cafés in Rangoon. He was arrested under the 1950 Emergency Provision Act on national security-related charges, according to news reports. His blog posts provided breaking news updates on the military's crackdown on the 2007 Saffron

Revolution, and the reports were cited by a number of international news outlets, including the BBC. He also served as a youth member of the opposition National League for Democracy party, according to Reuters.

In July 2008, a court formally charged Nay Phone Latt with causing public offense and violating video and electronic laws when he posted caricatures of ruling generals on his blog, Reuters reported.

During closed judicial proceedings at Insein Prison on November 10, 2008, Nay Phone Latt was sentenced to 20 years and six months in prison, according to the Burma Media Association, a press freedom advocacy group, and news reports. He was transferred from Insein to Pa-an Prison in Karen state in late 2008, news reports said. The Rangoon Divisional Court later reduced the prison sentence to 12 years after Nay Phone Latt's two-month appeal.

In 2010, he was honored with the prestigious PEN/Barbara Goldsmith Freedom to Write Award for his creative and courageous blog postings. At the New York ceremony honoring him, chairman and editor Tina Brown read a statement that Nay Phone Latt managed to dispatch from prison: "This award is dedicated to all writing hands which are tightly restricted by the unfairness and are strongly eager for the freedom to write, all over the world."

### **Sein Win Maung, *Myanmar Nation***

**Imprisoned: February 15, 2008**

Sein Win Maung, office manager of *Myanmar Nation*, a weekly journal based in Rangoon, was serving a seven-year sentence on charges that he violated the Printer's and Publisher's Act, which requires that all publications be checked by state censors before publication, according to the Assistance Association for Political Prisoners in Burma.

Sein Win Maung was arrested in conjunction with a police raid on the offices of *Myanmar Nation*, during which agents seized cell phones, footage of the monk-led anti-government demonstrations of September 2007, and a report by Paulo Sergio Pinheiro, U.N. special rapporteur for human rights in Burma, according to Aung Din, director of the Washington, D.C.-based U.S. Campaign for Burma. The rapporteur's report detailed killings associated with the military government's crackdown on the demonstrators. Authorities also confiscated handwritten poems from Sein Win Maung's desk.

Also arrested in conjunction with the raid was Thet Zin, the journal's editor, who was freed in 2009 as part of a government amnesty program.

The New Delhi-based Mizzima news agency cited family members as saying the two were first detained in the Thingangyun Township police station before being charged with illegal printing and publishing on February 25. On November 28, 2008, during a closed-court hearing at the Insein Prison compound, they were each sentenced to seven years in prison.

Police ordered *Myanmar Nation's* staff to stop publishing temporarily, according to the Burma Media Association, a press freedom advocacy group with representatives in Bangkok. The exile-run news website *The Irrawaddy* said the newspaper was allowed to resume publishing in March 2008; by October of that year, exile-run groups said, the journal had shut down for lack of leadership.

Sein Win Maung was being held in Kengtung Prison in Shan state, about 400 miles from his family in Rangoon.

### **Maung Thura (Zarganar), freelance**

**Imprisoned: June 4, 2008**

Police arrested Maung Thura, a well-known blogger and comedian who used the professional name Zarganar, or "Tweezers," at his home in Rangoon, according to news reports. The police also seized electronic equipment at the time of his arrest, according to Agence France-Presse.

Maung Thura mobilized entertainers and more than 400 volunteers to help survivors of Cyclone Nargis, which devastated Rangoon and much of the Irrawaddy Delta in May 2008. His footage of relief work in hard-hit areas was circulated on DVD and on the Internet. Photographs and DVD footage of the disaster's aftermath were among the items police confiscated at the time of his arrest, according to the Assistance Association for Political Prisoners in Burma and the U.S. Campaign for Burma.

In the week he was detained, Maung Thura gave several interviews to overseas-based news outlets, including the BBC, criticizing the military junta's response to the disaster. The day after his arrest, state-controlled media published warnings against sending video footage of relief work to foreign news agencies.

During closed proceedings in August 2008 at Insein Prison in Rangoon, the comedian was indicted on at least seven charges, according to international news reports.

On November 21, 2008, the court sentenced Maung Thura to 45 years in prison on three separate counts of violating the Electronics Act, which allows for harsh prison sentences for anyone who uses electronic media, including the Internet, to send information outside the country without government approval. Six days later, the court added 14 years to his term after convicting him on charges of communicating with exiled dissidents and causing public alarm in interviews with foreign media, his defense lawyer, Khin Htay Kywe, told The Associated Press. On appeal, the Rangoon Divisional Court later reduced the sentences to a total of 35 years.

Maung Thura had been detained on several occasions in the past, including a September 2007 episode in which he was accused of helping Buddhist monks during the Saffron Revolution protests, according to the exile-run press freedom group Burma Media Association. He had maintained a blog, *Zarganar-window*, detailing his work.

The Oslo-based Democratic Voice of Burma reported that Maung Thura was transferred in December 2008 to the remote Myintkyina Prison in Kachin state, where he was reported to be in poor health. His sister-in-law, Ma Nyein, told the exile news website *The Irrawaddy* that the journalist suffered from hypertension and jaundice.

A total ban on family visits has been in effect since May 2010. The denial of family visits can have a devastating impact on the health and well-being of prisoners as they rely on family members for food and medicine and other essential supplies that are not adequately provided for them in the prison system, according to the Assistance Association for Political Prisoners in Burma.

In 2009, Maung Thura was awarded the Pen/Pinter Prize for an International Writer of Courage at a ceremony in London. The 2010 documentary film, "The Prison Where I Live," detailed his ordeal.

### **Zaw Thet Htwe, freelance**

#### **Imprisoned: June 13, 2008**

Police arrested Rangoon-based freelance journalist Zaw Thet Htwe in the town of Minbu, where he was visiting his mother, Agence France-Presse (AFP) reported. The sportswriter had been working with comedian-blogger Maung Thura in delivering aid to victims of Cyclone Nargis and videotaping the relief effort.

The journalist, who formerly edited the popular sports newspaper *First Eleven*, was indicted in a closed tribunal on August 7, 2008, and tried along with Maung Thura and two activists, AFP reported. The group faced multiple charges, including violating the Video Act and Electronics Act and disrupting public order and unlawful association, news reports said. The Electronics Act allows for harsh prison sentences for anyone who uses electronic media to send information outside the country without government approval.

The Thailand-based Assistance Association for Political Prisoners in Burma said police officials confiscated a computer and cell phone during a raid on Zaw Thet Htwe's Rangoon home.

In November 2008, Zaw Thet Htwe was sentenced to a total of 19 years in prison, according to the exile-run Mizzima news agency. The Rangoon Divisional Court later reduced the term to 11 years, Mizzima reported. The journalist was serving his sentence in Taunggyi Prison in Shan state, nearly 400 miles from his home and family, including his 4-year-old daughter.

Zaw Thet Htwe had been arrested before, in 2003, and given the death sentence for plotting to overthrow the government, news reports said. The sentence was later commuted to three years in prison, according to exile-run news website *The Irrawaddy*. AFP reported that the 2003 arrest was related to a story about a misappropriated sports grant.

**Thant Zin Aung, freelance  
Imprisoned: June 13, 2008**

Thant Zin Aung, an independent video journalist from Rangoon, was arrested as he was about to board a flight to Thailand with a video showing the destruction caused by Cyclone Nargis, according to the Assistance Association for Political Prisoners in Burma. He was tried alongside journalists Maung Thura and Zaw Thet Htwe.

The trial, conducted inside Insein Prison, led to prison sentences in November 2008 that totaled 18 years. Thant Zin Aung's sentence was later reduced to 10 years. In 2011, he was being held in Pa-an Prison, in the eastern state of Karen.

Thant Zin Aung was sentenced under the Television and Video Law, which prohibits copying or distributing video that is not approved by government censors, and the Electronics Transactions Law, which sets broad prohibitions against using technology for perceived "antistate" reasons.

**Zaw Tun (Win Oo), *The News Watch*  
Imprisoned: June 18, 2009**

Zaw Tun, a freelance journalist and former chief reporter for the magazine *The News Watch*, was sentenced to two years' imprisonment after being arrested in June 2009, according to the Assistance Association for Political Prisoners in Burma. At Bahan Township Court, he was charged with obstructing a public servant

A security officer found Zaw Tun near the home of the opposition leader Aung San Suu Kyi, who was then under house arrest. The officer arrested the journalist for purportedly responding impolitely to questions. In 2011, Zaw Tun was being held in Insein Prison.

**Ngwe Soe Lin (Tun Kyaw), *Democratic Voice of Burma*  
Imprisoned: June 26, 2009**

Ngwe Soe Lin, an undercover video journalist with the Democratic Voice of Burma (DVB), was arrested after leaving an Internet café in Rangoon, according to DVB. Before the journalist's conviction, DVB had publicly referred to him only as "T."

Ngwe Soe Lin was one of two cameramen who took video footage of children orphaned by the 2008 Cyclone Nargis disaster for a documentary titled, "Orphans of the Burmese Cyclone." The film was recognized with a Rory Peck Award for best documentary in November 2009. DVB said that another video journalist, identified only as "Zoro," went into hiding after Ngwe Soe Lin's arrest.

On January 27, 2010, a special military court attached to Rangoon's Insein Prison sentenced Ngwe Soe Lin, also known as Tun Kyaw, to 13 years in prison on charges related to the vague and draconian Electronics and Immigration acts, according to a DVB statement. The Electronics Act allows for harsh prison sentences for anyone who uses electronic media to send information outside the country without government approval.

Ngwe Soe Lin was charged with sending illegal video footage to DVB and illegally entering Thailand to attend a training session with DVB, according to the Hong Kong-based Asian Human Rights Commission. In 2011, Ngwe Soe Lin was being held in Lashio Prison.

### **Hla Hla Win, Democratic Voice of Burma**

**Myint Naing, freelance**

**Imprisoned: September 11, 2009**

Hla Hla Win, an undercover reporter with the Democratic Voice of Burma (DVB), was arrested on her way back from a reporting assignment in Pakokku Township, Magwe Division, where she had conducted interviews with Buddhist monks in a local monastery. Her assistant, Myint Naing, was also arrested, according to the independent Asian Human Rights Commission.

Hla Hla Win was working on a story for the second anniversary of the 2007 Saffron Revolution, in which Buddhist monk-led protests were put down by lethal military force, according to her DVB editors.

In October 2009, a Pakokku Township court sentenced Hla Hla Win and Myint Naing to seven years in prison each on charges of using an illegally imported motorcycle.

After being interrogated in prison, Hla Hla Win was also charged with violating the Electronics Act and sentenced to an additional 20 years on December 30, 2009. Myint Naing was sentenced to an additional 25 years under the Electronics Act, the Asian Human Rights Commission said. The act allows for harsh prison sentences for anyone who uses electronic media to send information outside the country without government approval.

Hla Hla Win first joined DVB as an undercover reporter in December 2008. According to her editors, she played an active role in covering issues considered sensitive to the government, including the local reaction to the controversial 2009 trial of opposition leader Aung San Suu Kyi, a Nobel Peace Prize laureate.

The Assistance Association for Political Prisoners in Burma said that Hla Hla Win was not provided legal representation during the trial. The court refused to hear her appeal in April 2010, and her family members publicly disowned her because of her activities, the association said. She has been transferred to Katha Prison, where she continues to serve a 27-year term.

In 2010, Hla Hla Win received the Kenji Nagai Memorial Award, an honor bestowed on Burmese journalists in memory of the Japanese photojournalist shot and killed by Burmese troops while covering the 2007 Saffron Revolution. The award was created by APF, a Japanese video news agency, and the Burma Media Association, an exile-run press freedom group.

**Nyi Nyi Tun, *Kandarawaddy***  
**Imprisoned: October 14, 2009**

A court attached to Rangoon's Insein Prison sentenced Nyi Nyi Tun, editor of the *Kandarawaddy*, a news journal based in Karenni state, to 13 years in prison in October 2010, a year after his initial detention.

The court found Nyi Nyi Tun guilty of several antistate crimes, including violations of the Unlawful Associations, Immigration, and Wireless acts, according to Mizzima, a Burmese exile-run news agency, and the Asian Human Rights Commission.

Nyi Nyi Tun was first detained on terrorism charges in October 2009, according to the Assistance Association for Political Prisoners in Burma (AAPPB), a Thailand-based advocacy organization. Authorities originally tried to connect him to a series of bomb blasts in Rangoon, but apparently dropped the allegations.

Nyi Nyi Tun told his family members that he had been tortured during his interrogation, Mizzima reported. The reported torture lasted for six days and included sodomy and repeated kicks to the head and face, according to the AAPPB. Nyi Nyi Tun now suffers from partial paralysis.

After his arrest in 2009, Burmese authorities shut down *Kandarawaddy*, a local-language journal that operated out of the Kayah special region near the country's eastern border, according to the Burma Media Association, a press freedom advocacy group.

**Sithu Zeya, *Democratic Voice of Burma***  
**Imprisoned: April 15, 2010**

Sithu Zeya, a video journalist with the Democratic Voice of Burma (DVB), was arrested while covering a grenade attack that left 10 dead and hundreds injured during the annual Buddhist New Year water festival in Rangoon, according to the Asian Human Rights Commission. On December 21, 2010, he was sentenced to eight years in prison on charges of illegally crossing the border and having ties to an unlawful organization.

DVB editors said Sithu Zeya was near the crowded area where the blast occurred and started filming the aftermath as authorities began to arrive on the scene. Police officials seized his laptop computer and arrested him immediately.

A police official, Khin Yi, said at a May 6, 2010, press conference that Sithu Zeya had been arrested for taking video footage of the attack. His mother, Yee Yee Tint, told DVB after a prison visit in May that the journalist had been denied food and that the beatings he suffered during police interrogations left him with a constant ringing in his ear. DVB Deputy Editor Khin Maung Win told CPJ that Sithu Zeya had been forced to reveal under torture that his father, Maung Maung Zeya, who was arrested two days after Sithu Zeya, also served as an undercover DVB reporter.

The Assistance Association for Political Prisoners in Burma reported that Sithu Zeya was placed in an isolation cell in January 2011 for failing to comply with prison regulations. He was taken out of the isolation cell every 15 minutes and forced to repeatedly squat and crawl as punishment.

**Maung Maung Zeya, Democratic Voice of Burma  
Imprisoned: April 17, 2010**

Maung Maung Zeya, an undercover reporter with the Democratic Voice of Burma (DVB), was taken into custody two days after his son and fellow DVB journalist, Sithu Zeya, was arrested for filming the aftermath of a fatal bomb attack during a Buddhist New Year celebration, according to DVB.

Maung Maung Zeya, also known as Thargyi Zeya, was sentenced in February 2011 to 13 years under the Unlawful Association Act, Electronics Transactions Law, and Immigration Act. He was being held in 2011 in remote Hsipaw Prison, away from his son in Insein Prison and his Rangoon-based family, according to the Assistance Association for Political Prisoners in Burma.

Maung Maung Zeya was first detained and interrogated at the Bahan Township police station in Rangoon and transferred on June 14, 2010, to Insein Prison. A legal adviser for the two men said Maung Maung Zeya was drugged during the interrogation, according to the Asian Human Rights Commission.

DVB editors said Maung Maung Zeya was a senior member of their undercover team inside Burma and was responsible for operational management, including assigning stories to other DVB journalists. DVB Deputy Editor Khin Maung Win told CPJ that authorities had offered to free Maung Maung Zeya if he divulged the names of other undercover DVB reporters.

*(Reported by Anna Bahney and Shawn W. Crispin)*



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