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Attacks on Freedom: Violations Online and Restrictions Offline

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In the early morning of February 01, 2021, the junta suspended connections to the internet across Burma.¹ The internet remained offline before returning at 1 p.m. However, on February 06, the country plunged into its second internet outage in a week, this time lasting for 30 hours. The internet returned with no interruptions from February 07 until February 15, when the junta initiated the third internet shutdown in a month, which lasted from midnight to 9 a.m. the following day. Although the Ministry of Transport and Communication had previously imposed a long-term internet outage in the Rakhine State, these nationwide shutdowns were the first on this scale.² The post-coup internet outages foreshadowed months of nightly internet blackouts across the country and the junta's tightening control on civil liberties.

Nightly Shutdowns

The imposition of internet curfews lasted for approximately 72 nights until April 28, 2021. During the first internet outages, the severity and duration of internet loss varied across Burma.³ However, the nightly curfews were synchronized and uniform in their coverage. This is perhaps owing to military officers manually disconnecting internet service by storming internet data centers and holding engineers and service workers at gunpoint.⁴ Conversely, by the time the nightly outages began on February 15, 2021, the junta utilized a new level of technological and logistical sophistication in their censorship abilities. The junta lifted its nightly internet curfew in April, but sporadic internet outages continue to impact some townships where fighting is ongoing between junta troops and local resistance forces.⁵

Internet Slowdowns and Cellular Data Restrictions

Though internet services returned during the daytime, netizens across Burma remained plagued by slow internet speeds. In addition to fixed online outages, the junta shut down mobile data access from March 15 until late April 2021.⁶ This is significant because fixed fiber-optic and cable connections require more

¹ "Update: Internet Access, Censorship, and the Myanmar Coup," *Access Now*, January 27, 2022, <https://www.accessnow.org/update-internet-access-censorship-myanmar/>.

² Jacob Goldberg and Cape Diamond, "Myanmar Cuts Internet to Rakhine State amid Unrest," *The Guardian*, June 25, 2019, <https://www.theguardian.com/world/2019/jun/25/myanmar-cuts-internet-to-rakhine-state-amid-unrest>.

³ Ramakrishna Padmanabhan et al., "A Multi-Perspective View of Internet Censorship in Myanmar," in *Proceedings of the ACM SIGCOMM 2021 Workshop on Free and Open Communications on the Internet* (2021), 27–36, <https://doi.org/10.1145/3473604.3474562>.

⁴ Andrea Januta and Minami Funakoshi, "Myanmar's Internet Suppression," *Reuters*, April 7, 2021, <https://graphics.reuters.com/MYANMAR-POLITICS/INTERNET-RESTRICTION/rlgpdbreepo/>.

⁵ "Military Cuts off Internet Connection in 11 More Townships in Northwestern Myanmar," *Myanmar NOW*, September 25, 2021, <https://www.myanmar-now.org/en/news/military-cuts-off-internet-connection-in-11-more-townships-in-northwestern-myanmar>.

⁶ "Internet Disrupted in Myanmar amid Apparent Military Uprising," *NetBlocks*, January 31, 2021, <https://netblocks.org/reports/internet-disrupted-in-myanmar-amid-apparent-military-uprising-JBZrmlB6>.

infrastructure and are more cost-prohibitive for individuals. Thus, most people in Burma — over 70 million in 2020 compared to 77,000 fiber internet users — rely on mobile connections to access the internet. This contributed to the deterioration of reliable banking services across the country.⁷

Without mobile data, the vast majority of the population struggled to access the internet to communicate and conduct their daily business operations.

Rewriting of Penal Codes and Self-Censorship

Not only has the junta inhibited access to the internet, but it has also revised penal codes to undermine civil liberties.⁸ For example, on February 13, 2021, the junta revoked sections that prevented arbitrary detention and unwarranted search, surveillance, and seizure from the Law Protecting the Privacy and Security of Citizens. The next day, the junta added Section 505A, making it punishable by up to three years to “cause fear, spread false news,” or directly or indirectly instigate crimes against junta staff. Similarly, the junta amended the 2004 Electronic Transactions Law, criminalizing online statements deemed to be misinformation or disinformation aimed at inciting public alarm, social division, or loss of trust in the junta.⁹ Violators of the new code may receive prison sentences ranging from one to three years. By using vague, open-ended terms, these revisions expand the legal grounds on which the junta can jail and prosecute critics while also discouraging criticism, civil disobedience movement (CDM), and activism at the outset. As Burma enters its second year since the military coup, the junta has not shown any signs of loosening its grip on civil liberties. On January 13, 2022, the junta published a draft bill proposing to ban Virtual Private Networks (VPNs) and digital currencies. Violators will be subject to fines of up to US\$2,800 and prison sentences between one and three years, presumably to limit CDM organizing and fundraising.¹⁰

Reverberating Effects

The COVID-19 pandemic exacerbated the negative consequences of the junta infringing on internet freedoms. After the imposition of COVID-19 movement restrictions in 2020, nearly 38% of wholesale and retail businesses adopted e-commerce platforms. Meanwhile, online payments increased by over 70% compared to 2019. Amidst the influx of businesses transitioning to online commerce platforms, internet restrictions hindered entrepreneurs reliant on platforms like Facebook and Amazon Web Services for operation.¹¹

⁷ Ministry of Transport and Communications, “Establishing Internet Exchange in Myanmar,” <https://www.unescap.org/sites/default/files/6%20Myanmar%20CLMV-%20Internet%20Exchange1.pdf>; “Myanmar’s Mobile Internet Unblocks Online Banking,” *KrASIA*, April 28, 2021, <https://kr-asia.com/myanmars-mobile-internet-unblocks-online-banking-possible-national-intranet-prompts-concerns>.

⁸ “Myanmar: Post-Coup Legal Changes Erode Human Rights,” *Human Rights Watch*, March 2, 2021, <https://www.hrw.org/news/2021/03/02/myanmar-post-coup-legal-changes-erode-human-rights>.

⁹ “State Administration Council Order No (64/2021),” *The Global New Light of Myanmar*, February 15, 2021; “Law Amending the Electronic Transactions Law,” *OpenDevelopment Myanmar*, <https://data.opendevmyanmar.net/en/dataset/law-amending-the-electronic-transactions-law-15-feb-2021>.

¹⁰ “Junta Makes Another Bid to Introduce Draconian Cyber Law,” *Myanmar NOW*, January 25, 2022, <https://myanmar-now.org/en/news/junta-makes-another-bid-to-introduce-draconian-cyber-law>.

¹¹ World Bank Myanmar Office, “Myanmar Economic Monitor: Progress Threatened, Resilience Tested,” July 2022; Pei-hua Yu, “Myanmar’s Entrepreneurs Are Struggling as Coup Upends Business Activity,” *South China Morning Post*, April 23, 2021, <https://www.scmp.com/week-asia/politics/article/3130750/myanmar-coup-entrepreneurs-struggle-internet-blackouts-cash>.

Selective Censorship

Recognizing the costs to the economy, the junta shifted from blanket internet bans to a whitelist of permitted sites, which it released on May 25, 2021.¹² These included online banking platforms, Instagram, Viber, Zoom, and WhatsApp. The list excluded Facebook and Twitter, two applications popular among activists and the population. Curiously, the whitelist also included entertainment applications and sites like YouTube and Candy Crush, likely owing to the junta's desire to keep young people distracted from political developments. A year later, these restrictions remain in place, forcing Burma's netizens to rely on virtual private network connections (VPNs) to access blocked sites. In January 2022, VPN research firm Top10VPN reported that VPN demand increased by 464% since the coup and that internet restrictions cost the Burma economy US\$2.78 billion in 2021.¹³

Data Privacy Infringements and Surveillance

Additionally, these internet restrictions have accelerated the deterioration of civil liberties as the junta imposed internet restrictions in tandem with increased intrusions on data privacy. An investigation by activist group *Justice for Myanmar* revealed that the junta had been purchasing dual-use surveillance technologies under the guise of general law enforcement and internet-access expansion.¹⁴ These technologies, which the junta circumvented international embargoes through intermediaries, include "Israeli-made surveillance drones, European iPhone cracking devices, and American software that can hack into computers and vacuum up their contents." Since the coup, the junta has utilized such software to increase its surveillance of the public.

For example, Telenor, one of four telecom providers in the country, disclosed in spring 2021 that the junta secretly ordered internet service providers to install surveillance technology into their networks.¹⁵ Telenor initially resisted but, in July 2021, announced its intention to sell its Burmese holdings to investment firm M1 Group. The Norwegian telecom cited concerns that giving the junta a backdoor to users' call, text, and web history, as well as their locations, would compromise the privacy and safety of users.¹⁶ Given the M1 Group's track record of complying with authoritarian governments, activists have raised alarm that, with the finalization of the sale, the junta will wield outsized influence over three of the four telecoms in Burma further infringing the privacy of the general population.¹⁷

¹² "Myanmar Allows Tinder but Axes Dissent Havens Twitter, Facebook," *Nikkei Asia*, May 21, 2021, <https://asia.nikkei.com/Spotlight/Myanmar-Crisis/Myanmar-allows-Tinder-but-axes-dissent-havens-Twitter-Facebook>.

¹³ Simon Migliano, "VPN Statistics: VPN Demand Surges Around the World," January 26, 2022, <https://www.top10vpn.com/research/vpn-demand-statistics/>.

¹⁴ Hannah Beech, "Myanmar's Military Deploys Digital Arsenal of Repression in Crackdown," *The New York Times*, March 1, 2021, <https://www.nytimes.com/2021/03/01/world/asia/myanmar-coup-military-surveillance.html>.

¹⁵ "Junta's Demand to Spy on Customers Prompts Telenor to Leave Myanmar," *The Irrawaddy*, September 15, 2021, <https://www.irrawaddy.com/news/burma/juntas-demand-to-spy-on-customers-prompts-telenor-to-leave-myanmar.html>.

¹⁶ Fanny Potkin and Poppy McPherson, "How Myanmar's Military Moved in on the Telecoms Sector to Spy on Citizens," *Reuters*, May 18, 2021, <https://www.reuters.com/world/asia-pacific/how-myanmars-military-moved-telecoms-sector-spy-citizens-2021-05-18/>.

¹⁷ Brett Solomon, "Access Now Letter to Telenor Board," October 12, 2021, https://www.accessnow.org/cms/assets/uploads/2021/10/Telenor_Board_Myanmar_Sale_M1_Oct_2021.pdf.