



CENTRE FOR LAW
AND DEMOCRACY

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Myanmar: Analysis of the Military’s Changes to the Penal Code

Myanmar’s military took control of the country in a coup on 1 February 2021. Just two weeks later, on 14 February, they introduced important changes to the Penal Code and the Criminal Procedure Code which have become the primary legal provisions being used to charge journalists, student leaders, civil servants and others who are opposing the military regime. Today, the Centre for Law and Democracy (CLD) is releasing [Analysis: Amendments to the Penal Code by the State Administration Council](#), which provides a comprehensive assessment of the amendments as against international human rights standards. It is accompanied by a shorter document which is designed to provide a quick overview of the scope and impact of the amendments.

“Detention, criminal charges, harassment and violence against peaceful protesters, journalists and activists has become the new normal in Myanmar,” said Toby Mendel, Executive Director, CLD. *“The changes to the Penal Code are an attempt to give legal cover to these actions, but they do not even begin to pass the test of legitimacy from an international human rights standpoint.”*

New section 505A prohibits causing fear, spreading false news and agitating crimes against a government employee, all punishable by up to three years’ imprisonment. The military is now using section 505A essentially as its default for bringing criminal charges against a wide range of persons deemed to pose a challenge to their authority. Other problematical amendments include:

- Expansions of the scope of high treason and sedition, which make it easier to convict individuals simply for criticising the military (sections 121 and 124A).
- New sections 124C and 124D which make it a crime to hindering the work of the military or government employees.
- A new section 505(a), not to be confused with 505A, which makes it a crime to make a statement undermining the morale of military or government employees.
- Martial law, imposed in some locations since March, allows cases involving these offences to be heard by military tribunals and increases the maximum sentence to death or life imprisonment with hard labour.

The full Analysis and the summary document are available in English and Burmese at: <https://www.law-democracy.org/live/myanmar-analysis-of-the-militarys-changes-to-the-penal-code/>

For further information, please contact:

Laura Notess
Legal Officer
Centre for Law and Democracy
Email: laura@law-democracy.org
+1 782 234 4471

www.law-democracy.org
twitter: @law_democracy