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## Freedom House (Author)

## Freedom on the Net 2024 - Myanmar

Not Free

9

/ 100

A Obstacles to Access 2 / 25

B Limits on Content 5 / 35

C Violations of User Rights 2 / 40

Last Year's Score & Status

10 / 100 Not Free

Scores are based on a scale of 0 (least free) to 100 (most free). See the research methodology and report acknowledgements.

## Key Developments, June 1, 2023 – May 31, 2024

Internet freedom in Myanmar marked a historic low during the coverage period, making Myanmar's information environment one of the worst in the world. The military, which seized control of the state in a February 2021 coup, continued to impose localized internet-access blocks, data price hikes,

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online trolling, and arbitrary prosecutions resulting in long prison sentences. The military's direct and indirect control over all major service providers has also enabled the enforcement of strict rules on user identity registration, as well as mass censorship and surveillance.

- Authorities frequently enforced short-term, localized restrictions on internet access to prevent the opposition from organizing or sharing information about atrocities, effectively impacting millions of users (see A3).
- In May 2024, WhatsApp, X, and Instagram were restricted by the government. Alongside the social media platforms, many popular VPNs, including Psiphon and NordVPN, became inaccessible (see B1 and B7).
- In an effort to bypass platform moderation policies, in 2023, the Ministry of Information launched a local YouTube imitator, MTube, to host videos produced by the state and state-controlled channels (see B5).
- Scores of internet users were imprisoned for their online activities during the coverage period; military courts issued multiyear prison sentences and carried out executions (see C3 and C7).
- In May 2024, the military ramped up its offline crackdown on VPNs, arresting and fining those found to have VPN apps on their mobile devices (see C4).

#### Political overview

Military commanders seized control of Myanmar's government in February 2021, ending a period of power sharing between military and civilian leaders under a 2008 constitution that had been drafted by a previous junta. Since the coup, the military has violently suppressed dissent and battled a sizable armed resistance movement that has widespread popular support and includes militias associated with ethnic minority groups. The National League for Democracy (NLD), which led the civilian government before the coup and won a sweeping victory in the November 2020 elections, serves as the political backbone of a self-declared National Unity Government (NUG). Protected by the armed resistance groups, the NUG exercises partial or effective control over a growing swathe of territory outside major population centers. Millions of people remain displaced or have been newly displaced by the ongoing civil war, with many seeking refuge abroad.

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#### A Obstacles to Access

#### A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of 2 / internet connections?

Though internet penetration in Myanmar has generally expanded in recent years, during the coverage period, people's access to internet was limited by power shortages, access restrictions (see A3), and high costs imposed by the military (see A2).

As of January 2024, internet penetration was 44 percent.1 Most internet users in Myanmar rely on mobile services, and the mobile penetration rate was 117.4 percent.2 There were 64.3 million mobile connections in the country as of February 2024, down from 73 million in January 2022.3 The mobile penetration rate was higher during the first two years following the coup because many users had multiple SIM cards,4 discarding and replacing them to avoid surveillance and boycott military-controlled service providers (see A4).5

The fixed-line and wireless broadband penetration rate remained low at 6.7 percent, representing just 0.5 percent of all subscriptions in 2020.6 Average mobile download speeds declined to 24.42 Mbps during the coverage period, while average fixed-line broadband download speeds remained the same at 18.85 Mbps.7

Telecommunications infrastructure has been damaged as a consequence of the armed conflict between the military and resistance groups; expansion has similarly been curtailed by physical insecurity.8 More than 400 cell towers were destroyed in 2021 and an unknown number are not regularly serviced or refueled due to physical risk.9

The NUG stated in February 2023 that it had started providing publicly accessible internet connections in at least 15 townships outside military control, expanding to 60 by the end of 2023.10 However, efforts to establish small-scale infrastructure have faced obstacles (see A2). For instance, during the previous coverage period, an improvised tower erected by one group was

reportedly destroyed by the military.11 The military has also threatened satellite internet users and improvised-tower users with imprisonment.12

Infrastructure development has also been hampered by flooding, unreliable electricity, an inefficient bureaucracy, fuel hoarding, and corruption in the private and public sectors. The amount of electricity produced in the country has also significantly declined since the coup.13 Daily power outages throughout the coverage period ranged from 5 to 16 hours in length.14 In 2022, the Ministry of Power and Energy announced that 24-hour outages could occur in parts of Myanmar due to infrastructure repairs, though other sources claimed that daylong outages were already taking place in Yangon.15

#### A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of 0 / the population for geographical, social, or other reasons?

The average cost of internet access dropped from a peak in 2022 but remains more expensive than before the 2021 coup.16 Price increases imposed by the military—combined with inflationary pressures and increased unemployment17 —have forced poorer people in Myanmar to reduce their usage or stop it altogether.18 Some have sold their devices to pay for basic needs.19

In 2023, 1 gigabyte (GB) of mobile data cost 2081.25 kyat (\$0.98).20 In 2023, telecommunications companies began loaning data to users for later payment. The state-owned operator, Myanmar Posts and Telecommunications (MPT), for instance, offers a hiked rate of 859 kyat (\$0.40) for 350 megabytes (MB) of loaned data and 4,949 kyat (\$2.33) for 2 GB of loaned data, prices which are prohibitively expensive in Myanmar.21

Previously, in December 2021, the military-controlled Ministry of Transport and Communications (MoTC) ordered all mobile service providers to double their data prices,22 with 1 GB of nonpackaged mobile data costing 10,000 kyat (\$4.70) at the time.23 The MoTC also imposed a purchase tax on SIM-card sales in January 2022, 24 tripled telecommunications firms' corporate tax,25 and created a tax for mandatory registration of international mobile equipment identity (IMEI) numbers.26 Mobile service providers that were not at the time affiliated with the military reported that they did not request the increases.27

Users in some urban areas can access fixed-line and wireless broadband.28 As of March 2024, major service providers offer fixed-line connections at rates ranging between 28,000 kyat (\$13.19) to 35,000 kyat (\$16.50) per month.29 Satellite internet connections are significantly more expensive, costing several hundred dollars per month, and only payable abroad.30

Poorer and rural internet users, already lacking devices and struggling with the country's rapid postcoup financial downturn,31 experienced far greater relative increases in internet-access costs since the 2021 coup than richer urban users. Online media outlets report that rural audiences no longer look at data-heavy audio-visual content, migrating to low data text-based content on Telegram for instance.32

Gender disparity in internet access has declined in recent years but still remains.33 For women, barriers to owning and using a mobile phone to access the internet include perceived lack of relevance, high costs, and insufficient literacy skills.34

In 2018, the MoTC established a Universal Service Fund (USF), meant to address regional infrastructural gaps and connect 99 percent of the population to telecommunications services by 2022.35 However, in October 2022, the military redirected the fund, which supported by a 2 percent tax on telecommunications providers, toward building a comprehensive SIM Registration Management System (see C4).36

#### A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the 0 / purposes of restricting connectivity?

The military has repeatedly shut down telecommunications services since seizing power. In the early hours of February 1, 2021, armed soldiers forcefully entered telecommunications providers' offices and demanded a nationwide cut to internet access.37 The military also instructed service providers to implement extensive restrictions on specific targets, blocking access to websites, applications, and social media platforms (see B1).

The military has since eased the nationwide restrictions, instead replacing it with localized internet restrictions in areas where resistance groups are particularly active;38 these localized cuts frequently

coincide with offline crackdowns by the military.

The MoTC has significant powers to disrupt connectivity without oversight or safeguards, as it controls much of the telecommunications infrastructure via the state-owned MPT. During the coverage period, cuts were reported in Ayeyarwady Region, Bago Region, Chin State, Kachin State, Kayah State, Kayin State, the Kokang Self-Administered Zone within Shan State, Magway Region, Mon State, Rakhine State, Sagaing Region, Shan State, and the cities of Yangon, Mandalay, and Naypyidaw, affecting millions of users.39 Sagaing Region, a hub of resistance, has faced especially long disruptions.40 The military has reportedly used portable signal jammers to restrict local communications when raiding villages.41 Since 2022, fixed-line connections in Yangon and other cities have been throttled and disrupted.42

Myanmar has three underwater and four overland internet gateways. Private-sector providers were gradually diversifying ownership of mobile infrastructure and the internet backbone prior to the coup; since the coup, however, such efforts have yet to materialize, as the military seeks to strengthen its grip on Myanmar's internet infrastructure (see A4). For instance, in 2023, the military announced that any unlicensed satellite equipment being used to access the internet was illegal and users would be prosecuted.43

#### A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service 0 / providers?

Before the coup, the administration of telecommunications licenses was generally regarded as fair and transparent, and external efforts to influence decisions were largely rebuffed.44 Now, the military directly controls two of Myanmar's four mobile service providers.

The military-owned Mytel, part of which is indirectly owned by the Vietnamese military, was licensed in 2017.45 Despite facing an anticoup consumer boycott in 2021, Mytel had approximately 13 million subscribers in 2023.46 Following the coup, the military also seized control of state-operated MPT,47 which is partly owned by Japanese telecommunications companies KDDI and Sumitomo,48 and, as of early 2024, has 29.6 million subscribers.49 Mytel and MPT are also the

country's leading broadband providers, giving the military significant control over broadband connectivity as well.50

The other two mobile service providers, Atom (formerly Telenor), with 18 million subscribers in 2023, and Ooredoo, with 9 million subscribers in 2022,51 were operated by foreign companies prior to the coup, but are now under the ownership of opaque firms with close links to the military. For instance, in May 2024, Ooredoo completed the sale of its Myanmar operations to Nine Communications, a Singapore-based subsidiary that is reportedly owned by military-linked individuals but continues to operate under the Ooredoo brand.52 Similarly, Telenor sold its Myanmar operations in March 2022 to Investcom, a join venture between M1 Group, a Lebanon-based investing company, and Shwe Byain Phyu, a military-linked local firm. In June 2022, they renamed the provider "Atom."53

In February 2024, after Shwe Byain Phyu was sanctioned by the Canadian and US governments (in September 202354 and January 202455 respectively), the firm sold their majority stake in Atom to Myancom Holding. Since the sale, news site Myanmar Now reported on allegations that the newly incorporated Myancom Holding is a shell company with the same beneficiaries as Shwe Byain Phyu.56

Foreign companies are also divesting from other parts of the telecommunications infrastructure. In April 2024, Malaysian company Axiata said it was seeking regulatory approval to sell at least 3,000 towers to an unknown local buyer, citing difficulties operating in Myanmar.57

#### A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to 0 / operate in a free, fair, and independent manner?

Myanmar's regulatory bodies have been under the authority of the military since the 2021 coup. The MoTC's Posts and Telecommunications Department (PTD) is responsible for regulating the telecommunications sector. As a ministerial department run by former military officers, the PTD has no legal or practical safeguards for its regulatory and operational independence, leaving it completely open to political interference.58

The military has controlled the PTD's regulation of telecommunications companies and licensing since seizing power.59 PTD decisions lack any transparency and demonstrate a bias in favor of the

military's interests. For instance, when Telenor submitted a request for permission to sell its Myanmar operations in 2022, the PTD required the provider to sell to the military's preferred buyer (see A4).60 The PTD has also publicly threatened its own staff for participating in prodemocracy protests and strikes.61

Article 86 of the 2013 Telecommunications Law outlines the responsibilities of a Myanmar Communications Regulatory Commission (MCRC), which has not been established.62 Even though the mandate for the MCRC's composition does not sufficiently safeguard its independence, the Telecommunications Law calls for the MCRC to take over regulatory functions from the PTD. The MCRC would also operate a mechanism to adjudicate any administrative disputes in the telecommunications sector.63 Many analysts suggested that the NLD government failed to establish the MCRC because it was unwilling to relinquish the more direct control it had over the telecommunications sector through the PTD.64

#### **B** Limits on Content

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet 0 / content, particularly material that is protected by international human rights standards? 6

Since the coup, the military has consolidated two distinct blocking regimes. Mobile service providers must block all websites except those on a list preapproved by the military. All fixed-line and wireless broadband service providers, which serve only a small portion of the public, allow access by default but block many specific addresses.

In May 2024, the MoTC issued orders to mobile and broadband telecommunications providers to block WhatsApp, X, Instagram, and VPNs; alongside the platforms, many popular VPNs, including Psiphon and NordVPN, became inaccessible soon after.65 In June 2024, the Associated Press reported that only one VPN it tested still worked, and noted slow connection speeds. However, many experts have stated that it will be difficult to determine the full scope of the new blocks, as accessibility in the country varies daily. Signal, an encrypted messaging service, was restricted in July 2024, after the coverage period.66

In June 2024, activist group Justice for Myanmar published a report about the military's use of a new web surveillance and censorship system at the end of May, with potential capabilities "to intercept and decrypt web traffic and block applications and websites, including the widespread use of [VPNs]."67 Activists believe the technology may be being used to implement the blocks.68

The military's attempts to block censorship circumvention tools like VPNs, including via an earlier ban in 2021,69 have been indiscriminate and led to significant collateral damage.70 For instance, immediately after VPNs became inaccessible in May 2024, media outlets saw a massive decline in online audience numbers.71 Blocks have also disrupted content delivery networks like Google and Amazon services,72 banking, transportation, and—during the peak of the COVID-19 pandemic—education and health care. Some businesses and banks have raised concerns about their ability to operate.73 In addition, the blocks have reportedly undermined networks outside the country.74

Previously, in the first year following the coup, the military-controlled MoTC regularly issued secretive blocking orders to service providers—several per week during the most violent periods—with each containing hundreds of thousands of addresses to block.75 The first such order was issued on February 3, 2021, and targeted Facebook and WhatsApp.76 Orders to block Instagram and what was then known as Twitter arrived on February 5,77 followed later by blocks on most independent media outlets and international sources of information such as Wikipedia (see B6).78 Some blocking orders were reversed in May 2021.79

The default blocking on mobile services began on May 25, 2021, when the military ordered providers to obstruct access to all websites and internet protocol (IP) addresses except for 1,200 approved addresses that included a large contingent of banking and financial sites, a small number of entertainment sites like YouTube and Netflix, news sites such as the *New York Times* and US-based Cable News Network (CNN), and gaming platforms.80 The list of approved addresses was updated in 2022 to add business sites, including those of local businesses; it is unclear how many further updates have occurred since then.81

Telenor disclosed that MoTC orders issued immediately after the coup in 2021 required telecommunications companies to block access to URLs and IP addresses under Section 77 of the Telecommunications Law, which allows authorities to issue blocking orders to license holders in

"emergency situations."82 The military cited goals like "preserving stability" and preventing "fake news" from "spreading misunderstanding."83

In the immediate aftermath of the coup, service providers did not implement blocking orders consistently,84 with addresses blocked by some providers but not by others.85 For example, Facebook was accessible via at least one broadband provider, despite being subject to a blocking order,86 and for some Mytel subscribers, despite not being on the list of approved sites.87 It was unclear whether this was due to confusion, technical difficulties, or discretion; some staff at service providers reportedly tried to limit the effects of military orders by interpreting them narrowly or subverting their application.88

#### B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content, particularly material that is protected by international human rights standards?

State and nonstate actors continued to exert pressure to remove content during the coverage period.

Most independent media outlets have closed or gone into exile in response to the coup and the military's pressure, including its demands to cease critical coverage.89 No independent publishers operate freely within military-controlled areas of Myanmar, and those that opted to stay after the coup, such as the previously independent Eleven Media outlet, self-censor (see B4).90

Immediately after the coup in February 2021, the military began pressuring publishers to delete content. Officials graduated from issuing warnings to journalists to later demanding that media outlets cease critical coverage of the military's actions, as well as delete any words translating to "regime" and "junta," and refrain from "biased" reporting (see B5).91 By March 2021, Myanmar's five daily newspapers had closed down.92 One of the largest outlets, 7DayDaily, deleted its entire website in response to the deteriorating situation.93

Due to weak legal safeguards in the country and a pattern of military intimidation, global digital platforms like Facebook have refrained from establishing local entities in Myanmar (see C2). As a result, the military is unable to apply similar pressure to platforms as it does to publishers. In the

month following the February 2021 coup, the military attempted to detain the few platform employees in-country, but the employees were quickly evacuated. Two consultants were detained while trying to leave the country after the military reportedly suspected that they were Facebook employees.94

Messaging and social media platforms such as Facebook, TikTok, and Telegram have faced ongoing calls from international actors to improve their content moderation in ways that address military propaganda, disinformation, and threats.95 Facebook had already come under mounting pressure from civil society, the media, and foreign governments to invest in and improve content moderation beginning in 2018, when it was criticized for failing to contain inflammatory online content that encouraged violence against the Rohingya people.96

Digital rights defenders have raised concerns that Facebook's content moderation has led to the removal of valid content, including commentary and documentation of human rights violations. Some in Myanmar's civil society sector suspect that these problems stem from weak training among staff and deficient algorithms; others have pointed to discriminatory decision-making among content reviewers.97 Myanmar's media outlets have faced particular difficulties in navigating Facebook's community standards while trying to cover the conflict and have reported that they have seen posts removed subject to the platform's policies on coordinating harm and graphic violence.98

Other platforms have also been criticized for their content moderation efforts. For example, while Telegram deleted channels such as Han Nyein Oo and Thazin Oo, which had been promoting the military's propaganda, doxing people, and sexually harassing women activists who opposed the coup, those behind the channels simply started new versions and regained thousands of followers.99

#### B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the 0 / stated aims, or an independent appeals process?

There were no legal challenges to content restrictions either before or after the coup. The NLD government occasionally articulated vague aims, and the military, when it did offer a rationale, included only broad references to "fake news" and the need to protect national stability and ensure public security.100 Since the coup, broad restrictions on digital content have been enforced without

transparency and with gross disproportionality. The military-controlled PTD has administered the military's orders without publishing information on what, why, when, how, or by whom restriction decisions were made.101

The only available sources of information about restrictions have been ministers' comments to the media, service providers' statements, and civil society. The only service provider that documented the receipt of PTD orders, Telenor, stopped soon after the coup,102 providing irregular updates until mid-April 2021, and then stopping reporting on the issue entirely, citing concerns for the safety of its staff.103 No further public information on military blocking orders emerged during the coverage period.

Under the Telecommunications Law, the PTD can direct telecommunications providers to temporarily block and filter content "for the benefit of the people," and there is no mechanism for appeals.104

In March 2024, the Ministry of Information issued three new orders to regulate the production and distribution of movies which undermine the state's policies on cultural and social issues—effectively penalizing the online publication of films that have not been preapproved by the ministry's film censorship board.105 Additionally, the ministry is currently drafting a new law to address the distribution of movies on online platforms and further equip the military to take action against online movies which evade censorship.

A draft Cyber Security Law, introduced in January 2022, would require digital platforms to remove a wide range of content, and offers no transparency or appeal mechanisms (see C2). Sanctions under the bill include blocking orders and criminal liability for company representatives, who could face up to three years in prison for violations.106 The law has not yet been enacted and as of the end of the coverage period, no new details have emerged regarding its current status.

The increase in social media companies' content moderation in recent years has not been matched by an increase in transparency about moderation policies, including appeal processes. Facebook publishes very little information about its approach to moderation and the appeal process in Myanmar, aside from routine transparency disclosures about global content removals.107 Telegram

has also previously displayed pronounced deficiencies in transparency surrounding its content moderation.108

#### B4 0-4 pts

#### Do online journalists, commentators, and ordinary users practice self-censorship? 1/4

Since the coup, self-censorship online has grown significantly. Many journalists, commentators, and ordinary people initially condemned the coup and the military online. However, those living under military rule increasingly self-censor for their own security (see B8, C3, and C7).109 Some have stopped publishing online entirely, while others avoid posting content that risks attracting attention from the military and its online proxies (see B2).110 Increased platform moderation has also led to self-censorship, with users hesitant to post words and phrases that automatically trigger platform warnings and removals.111

Many social media users have removed photos of protests and other material that could attract military attention from their profiles, changed their profiles to hide their identities, and opened new proxy accounts under new identities.112 Before the coup, journalists, commentators, and ordinary people still faced a range of pressures to agree with government narratives and majority beliefs on matters related to the military, powerful businesses, armed conflict, the Rohingya, religion, sex and gender, and other politically sensitive topics.113 For example, most independent media outlets actively self-censored when reporting on the Rohingya to avoid backlash,114 and when they did address the issue, they generally opted to refer to Rohingya people as "Muslims" or "Bengalis," effectively denying their self-identification.115 Women and girls self-censored on a range of topics, particularly those related to sex and gender, due to the risk of abuse and sexual harassment.116

#### B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other 1 / powerful actors to advance a particular political interest?

The military junta has engaged in concerted efforts to control and manipulate information online. On the first day of the coup, the military seized control of all state-owned media and government communications services,117 as well as related social media accounts and broadcasting channels.118 The military then began limiting access to independent sources of information by banning independent media outlets (see B6) and blocking all but a list of approved websites and social media platforms (see B1).

After the coup, the military ordered soldiers to create social media accounts, spread military messages online, and troll sources of information that challenged military narratives. It established and continues to train units specialized in "electronic warfare,"119 running clandestine disinformation campaigns in online groups and fan channels of celebrities and sports teams.120

Some social media platforms have tried to prevent the military from promoting false and misleading narratives online. Following the coup, Facebook, X, YouTube, VKontakte, and TikTok all to some extent banned the military or its representatives from using their services.121

In an effort to bypass platform moderation policies, the military-controlled Ministry of Information launches and promotes replacement or imitation apps of social media platforms. In 2023, the ministry launched a local YouTube imitator, MTube to host videos produced by the state and state-controlled channels.122 The military also promotes OKPar, a local competitor to Facebook, whose content moderation rules ban anything that will "stimulate small or big issues" relating to politics or society.123 Despite claims that the platform is end-to-end encrypted, a 2021 report by the Qurium Media Foundation found that the platform leaks sensitive information.124 Additionally, in April 2024, another Facebook competitor, Myanmar Myspace, was removed from Google's app store soon after launch following public complaints that it was a front for the military.125

In 2022, military proxies began launching "imposter" or sham promilitary media outlets online. By 2023, dozens of propaganda channels had cropped up, posing as media outlets that service specific regions and minority languages.126 Proxies also launched social media accounts, mimicking independent fact-checking sites, to brand independent media content with "fake news" stamps.127 Military supporters, including military members' relatives and members of nationalist groups, have been encouraged to amplify such content.128

Promilitary disinformation networks have migrated to Telegram, which offers fewer restrictions, and promilitary channels like Kyaw Swar and Han Nyein Oo attract large followings on Telegram.129 A 2023 report by Myanmar Witness found that disinformation on Telegram is often sexualized to target

women from or supporting resistance groups (see C7).130 While the platform had removed some promilitary accounts for incitement to violence as of March 2022, many more remained.131

Facebook's moderation of promilitary networks have also sometimes failed to limit the spread of their content. A June 2021 investigation by Global Witness found that Facebook's page-recommendation algorithm had been amplifying promilitary content that violated many of its own violence and misinformation policies.132 Internal Facebook documents leaked in October 2021 also identified the platform's failure to limit the spread of content shared by promilitary accounts.133

#### B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users' ability to publish 0 / content online?

The military has revoked the licenses of many independent media outlets and ordered telecommunications companies to block their websites, most recently banning Mekong News in December 2023 (see B1).134 In March 2021, shortly after the coup, the military declared that anyone caught operating without a license in any area governed by martial law, including parts of the commercial capital, Yangon, would be tried in closed military tribunals rather than in civilian courts.135

Also in March 2021, the military stripped the licenses of five independent media outlets—Myanmar Now, Khit Thit Media, Democratic Voice of Burma, Mizzima, and 7Day News—writing that they were "no longer allowed to broadcast or write or give information by using any kind of media platform or using any media technology."136 The military subsequently raided the offices of outlets with revoked licenses and sought to detain their journalists (see C3).137 License revocations continued during the coverage period (see B2).138

In November 2021, the military amended the Broadcasting Law to criminalize broadcasting, including publishing videos online, without a license, effectively threatening all independent media outlets (see C2).139

While independent media outlets can partially avoid the military's licensing regime by operating in exile (see B2), they then face serious economic constraints due to a reduction in business revenue streams. While some outlets have managed to earn income from advertising-based monetization of

their content, others are inhibited by platform policies, such as those which prevent outlets from participating in monetization programs if they operate directly in Myanmar or have a bank account there.140

#### B7 0-4 pts

#### Does the online information landscape lack diversity and reliability? 1/4

Independent media outlets largely operate in exile and face legal, economic, and social pressures that affect the quality and diversity of their content (see B6). Since the coup, the online information landscape has grown increasingly distorted, rife with promilitary disinformation (see B5).

The coup has also led to a significant decline in the diversity of topics of reliable information available to the public. In late May 2024, the government instructed service providers to block VPNs and many major social media platforms (see B1), effectively preventing people from being able to access websites and platforms blocked and limiting their ability to access necessary and reliable information.

Facebook's dominance over Myanmar's online space is also a threat to information diversity and reliability. In 2020, 78 percent of mobile users had never used an internet browser or app store, with most accessing the internet via Facebook applications on their mobile phones.141 Due to military blocks, some people have turned to alternate ways of accessing the internet (see B1), but Facebook's policies and practices still have an outsized effect on information. For instance, most media outlets do not have individual websites and instead operate exclusively through Facebook. As a result, their editorial decisions are heavily influenced by Facebook's algorithms and community standards.142

Additionally, because many people turn to Facebook for most online information, the blocks against Facebook and the lack of affordable or stable circumvention tools available have severely limited access to crucial news, and even life-saving information like where to safely avoid the military.143

Before acess to social media platforms and VPNs was restricted in May 2024, circumvention and secure communications tools were widespread. One secure communications app, Bridgify, was downloaded over a million times in Myanmar within two days of the coup.144 Psiphon, which is now blocked, was downloaded by nearly two million users during the same period.145

Independent media outlets are also overstretched and often deprioritize topics unrelated to the coup, due to public demand and a need for political news coverage.146 Additionally, sources, including the authorities, are fearful of the repercussions for sharing information (see C3 and C7),147 and it is increasingly difficult to fact-check information in the face of both promilitary disinformation and sham outlets (see B5). In 2023, a human rights defender was forced to flee when she saw her name on a warrant list circulating online and had no way to check the image's authenticity. Exiled outlets frequently rely on freelancers inside Myanmar, known locally as "citizen journalists," who oftentimes lack the training and support needed to safely report on the "fast-moving conflict."148

#### B8 0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, 1 / particularly on political and social issues?

The military continued to impede the public's ability to associate or assemble online throughout the coverage period.149 The military's blunt restrictions on internet access (see A3), blocking of tools like Facebook, WhatsApp, and VPNs (see B1), as well as Signal after the coverage period, use of interception systems and social media surveillance to identify and locate political and community leaders (see C4 and C5), and extrajudicial violence (see C3 and C7) are all designed to prevent popular mobilization.150

The military has forced much of civil society to go into hiding, operate from exile, shift focus to less politically sensitive topics, shut down, or publicly accept the legitimacy of the coup.151 The four organizations that led the precoup Myanmar Digital Rights Forum—an annual discussion venue for stakeholders in the civil society, business, and technology sectors—have shut down, gone into exile, or both.152 Activists based in Myanmar who organize campaigns and civil society events, or speak to the media, do so anonymously out of fear of retribution. Popular online campaigns are run from those in exile.153

Rules adopted in October 2022 require civil society organizations to register with local authorities and then regulate the purposes and activities that registered organizations are permitted to pursue. Organizations that fail to comply face fines and criminal penalties of up to five years in prison for their representatives.154 Despite these restrictions, people continued to use online tools to organize

and share information whenever possible. Online calls to join nationwide offline "silent protests" persisted during the coverage period, as did the sharing of thousands of images of empty streets.155

The Civil Disobedience Movement (CDM) was launched on Facebook the day after the coup started,156 and participants continued to mobilize during the coverage period.157 Political opposition to the military takeover, which was organized within days of the February 2021 coup,158 has since coalesced into the NUG, a broad-based prodemocracy resistance movement that appears to rely heavily on its online presence.159

### C Violations of User Rights

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?  $\binom{0}{6}$ 

The military-drafted 2008 constitution guarantees limited rights for citizens to "express and publish their convictions and opinions," to form associations and organizations, and to "freely develop literature, culture, arts" provided their actions do not contradict laws aimed to protect "security, prevalence of law and order, community peace and tranquility, or public order and morality" in Myanmar.160 The constitution includes no provisions directly related to the internet or access to information, although Article 96 and Schedule 1 (8.m) empower the parliament to establish laws regulating the internet. Myanmar has two special laws that form the basic regulatory framework for the internet. The 2004 Electronic Transactions Law established rules for data management and electronic finance. The 2013 Telecommunications Law added a licensing system for service providers. Both contain harsh criminal penalties for a range of vague offenses (see C2).

The military disregarded these minimal constitutional rights and numerous other constitutional principles when they initiated the coup and declared an effectively continuous state of emergency in February 2021, extended again by six months in July 2024, after the coverage period.161 The military claimed their actions were within the bounds of their constitutional authority, because they were imperative to addressing unsubstantiated allegations of fraud in the November 2020 elections.162

The rule of law has essentially collapsed since the coup, as the military took control of the judicial system.163 The military has suspended habeas corpus and other due process rights, arbitrarily detained thousands of people (see C3), tried civilians in military courts, heard cases inside prisons to prevent observers from attending, harassed lawyers, ignored evidentiary rules, and used torture to extract confessions.164 Members of the Constitutional Tribunal, the one state body that on paper could have held the military accountable to the constitution, were all replaced by the military within days of the coup.165

In April 2021, elected parliamentarians who had escaped the military's growing crackdown declared that they had revoked the 2008 constitution and replaced it with an interim charter under the aegis of the NUG,166 which does not guarantee freedoms of expression or association, the right to access the internet, and many other civil and political rights.167

In March 2021, the military began imposing martial law in areas where they face the greatest opposition and has since continued to increase the number of areas ruled by martial law.168 People who commit any of the following offenses in areas ruled by martial law are tried in closed extrajudicial military tribunals rather than supposedly civilian courts, including:169 inciting disaffection toward the government or military; disrupting the government or military; committing a crime of treason under the penal code; or committing an offense under the News Media Law, Printing and Publishing Law, and Electronic Transactions Law.

#### C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, particularly 0 / those that are protected under international human rights standards? 4

Since the coup, the military has expanded and increased criminal penalties for many offences that encompass online activities, leading to hundreds of individuals being imprisoned (see C3).

In December 2023, the military established a new interdepartmental committee tasked with identifying and prosecuting individuals who post pornography, "fake news," or political criticism on social media under existing laws.170

In January 2022, the military reintroduced, but did not enact, a slightly revised draft of the Cyber Security Law which, if adopted, would introduce further criminal penalties for online activities, such as the use of VPNs, and undermine due process.171 It would also give the military significant control over the internet in Myanmar and extend military jurisdiction to foreign companies abroad.172 The military first proposed the law in 2021.173

In 2021, the military amended the 2004 Electronic Transactions Law to include provisions lifted from a draft of the Cyber Security Law and that criminalize the publication of "false information" or information that could damage Myanmar's foreign relations.174 The law already criminalized an ill-defined range of online activity and was routinely used to criminalize internet activism during the previous period of military rule until 2011.175 For instance, it prohibits "any act detrimental to" state security, law and order, community peace and tranquility, national solidarity, the national economy, or the national culture.

The 2013 Telecommunications Law is intended principally to deregulate the market, but it also includes criminal penalties for legitimate online activities; Article 66(d) addresses defamation, while Article 68 penaltizes disinformation.176

In February 2021, the military ordered an amendment to the penal code to increase the already draconian punishments for treason and sedition, and to add a vague offense under a new provision, Article 505A, which criminalizes causing fear, spreading purportedly false news, or disrupting officials, with a penalty of up to three years' imprisonment, a fine, or both.177 The amended penal code contained other provisions that have been used to a lesser extent, including a revised version of the existing Article 505(a), which criminalizes encouraging officials to mutiny, and Article 505(b), which bans causing fear or alarm in public.

In March 2023, the military amended the 2014 Counter Terrorism Law to list opposition groups as "terrorists" and increase the penalty for violating Article 3(b)(xv), which criminalizes "exhortation, persuasion, [and] propaganda" related to terrorist groups or "activities of terrorism" (see C5).

In November 2021, the military amended the Broadcasting Law to extend criminal penalties to media outlets that publish online without a license, prescribing up to five years in prison for the responsible

individuals (see B6).

The Trademark Law, adopted in 2019, penalizes trademark infringement, counterfeiting, and commercial copying with up to three years' imprisonment and a fine of approximately 5 million kyat (\$2,400).178 It was adopted alongside the Patent Law and the Industrial Design Law, which also include criminal sanctions for violations.179 Each law applies to online content and could be enforced against internet users.

The NLD government in 2020 issued a Directive on the Prevention of Incitement to Hatred and Violence, ordering officials to address the issue of hate speech.180 After the coup, the military began working on a revised hate-speech law that could include punishment for "political" hate speech, which would contradict international human rights standards on the topic.181 As of the end of the coverage period, there have been no updates regarding the status of the draft law.

#### C3 0-6 pts

Are individuals penalized for online activities, particularly those that are protected under 0 / international human rights standards?

Thousands of people have likely been penalized for their online activities in Myanmar's restrictive legal environment. Military-controlled authorities and courts continued to engage in arbitrary and disproportionate arrests, including of internet users, and imposed extreme sentences during the coverage period.

It is difficult to verify how many individuals were prosecuted specifically for their online activities because courts operate in secret. Printouts of individuals' social media posts and other online activities are often used as evidence in political cases, regardless of whether the individual was charged for their online activities.182

As of the end of the coverage period, the Assistance Association for Political Prisoners (AAPP) reported that 26,799 individuals had been detained for political crimes since start of the coup in February 2021183 —indicating 3,905 new political arrests during the coverage period. 20,543 people remain in prison.184 According to the AAPP's database, at least one individual was sentenced to death, at least five individuals were sentenced to life in prison, six individuals were sentenced to 7 years' imprisonment with hard labor, and at least nine received sentences longer than 20 years

under the Counter Terrorism Law during the coverage period. Similarly, under Article 505A of the penal code (see C2), at least two individuals were sentenced to life in prison during the coverage period.185

Hundreds more individuals have been prosecuted for their online activities under other laws of general application. Data for Myanmar, a research group, reported that between February 2022 and January 2024, 1,480 individuals were arrested for "criticizing the junta and supporting the opposition forces online," but they were unable to confirm how many of the individuals were later charged or convicted.186 Free Expression Myanmar (FEM), a civil society organization, reported that many of the individuals were likely charged and convicted under Article 505A,187 but it was difficult to verify the exact number of charges and convictions.188 According to FEM, nearly 4,000 people were charged or convicted under Article 505A in the year after the coup, and an additional 7,200 people were held on unknown charges that may have been under Article 505A.189

Many of the individuals targeted by the military for their online activities had no clear association to journalism, activism, or political parties, and did not have substantial followers. For instance, a woman was arrested in February 2024 for posting on social media that she wished those who were killed in the military crackdown would be reborn in a peaceful country.190 A 25-year-old woman and a 45-year-old man were arrested in August 2023 for allegedly harassing coup leader Min Aung Hlaing online.191

The military also often detains family members if they cannot capture an individual, or if they want to further threaten those caught. A 70-year-old woman and her daughters were arrested in August 2023 because the woman wrote on social media urging opposition groups to look after themselves.192 When the journalist Htet Htet Aung, who reported for the online outlet Thingangyun Post, was detained in 2021, her seven-year-old daughter was also held and questioned for two days before being released.193

A report from the International Center for Not-for-Profit Law found that of the 206 journalists detained since the start of the coup, 59 were still in prison by the end of February 2024.194 Almost all of the detained journalists had worked for online media outlets, and most were charged under Article 505A. 195 In September 2023, Sai Zaw Thaike, a photojournalist for the news site Myanmar

Now, was sentenced to a total of 20 years in prison under various penal code provisions including sedition and Article 505A after covering the aftermath of Cyclone Mocha earlier that year.196

Celebrities and online influencers are also targeted by the military.197 In August 2023, a musician who went by Min Oat Myanmar was sentenced to 20 years in prison for criticizing coup leader Min Aung Hlaing for failing to maintain electricity supplies.198

Hundreds of people who have avoided being brought into custody have faced other penalties.199 For example, the military has confiscated the property of absent dissidents, such as the home of Thalun Zaung Htet, editor of online outlet Khit Thit Media, which was seized in February 2022.200 Individuals who do not receive a custodial sentence after arrest are still forced to delete content.201

#### C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption? 0/4

Score Change: The score declined from 1 to 0 because Myanmar authorities deployed a new censorship system to block most VPNs in May 2024, severely restricting people's ability to communicate anonymously and securely.

The military has tried to restrict individuals' ability to communicate online anonymously or using encryption.

In May 2024, many popular VPNs became largely inaccessible in Myanmar, after the MoTC ordered a nationwide ban on VPNs, as well as Instagram, X, and WhatsApp (see B1).202 Access to Signal, an encrypted messaging service, was blocked in July 2024, after the coverage period. Prior to the blocks, a significant portion of the population used VPNs to evade the military's censorship and safely access websites without revealing their location, service provider, or IP address.203 Additionally, most businesses in Myanmar use applications and systems that use encryption and VPNs for security purposes.

In 2021, the military started using its large network of checkpoints to search people's devices for VPNs, and detained, beat, and extorted bribes from individuals caught with the technology.204 In May 2024, alongside the new blocking regime, the military simultaneously ramped up its offline

crackdown on VPNs.205 In June 2024, the Associated Press cited Radio Free Asia when it reported that 25 people were arrested and fined in Ayeyarwady Region after authorities found VPN apps on their devices.206

Additionally, the military's draft Cyber Security Law would, if adopted, criminalize the possession of VPN software and the use of pseudonyms on Facebook, with a sentence of up to three years' imprisonment in both cases (see C2).207

Anonymity is limited by mandatory SIM-card registration requirements. After the coup, the military required all subscribers to reregister their SIM cards with their official identity documents. In September 2022, authorities warned that SIM cards would be permanently blocked if they had not been reregistered with correct data by January 2023.208 The military has also called for mandatory registration of the IMEI numbers of all devices, with those that are not registered risking exclusion from telecommunications services; the demand was ostensibly linked to the collection of registration fees (see A2), though it was not yet enforced during the coverage period.209

It is unclear whether the military has continued to advance plans for biometric registration of SIM cards that were initiated prior to the coup.210 In 2019, the NLD government had issued a tender for a biometric SIM-card registration system,211 which would include fingerprints and facial-recognition information.212 The military's biometric system for citizenship identity cards has separately continued, albeit very slowly.213

#### C5 0-6 pts

#### Does state surveillance of internet activities infringe on users' right to privacy? 1/6

The military's online surveillance and interception efforts have grown since the coup, dovetailing with its comprehensive offline capacity to intrude on citizens' privacy.

In June 2024, Justice for Myanmar reported that the military was using a new system that may allow it to decrypt and inspect web traffic, including individual users' online traffic, and may also allow it to monitor individual use of applications including VPNs.214

Soldiers and police also conduct physical surveillance of devices through random spot-checks and at fixed checkpoints throughout Myanmar, looking for censorship circumvention tools or politically

sensitive content in photo albums, messages, and social media posts (see C4).215 Checkpoints are unpredictable but usually involve handing over identity documents and mobile phones which are first manually searched and sometimes plugged into forensic technology, such as Israeli software Cellebrite,216 which can restore deleted content.217 Those caught with compromising material may be detained, beaten, or face demands for bribes up to 100,000 kyat (\$47).218 Women have reported being sexually assaulted at checkpoints and then harassed by phone afterwards.219

The military's Public Relations and Information Production Unit, known as the Ka Ka Com, reportedly had a network of teams comprising hundreds of soldiers nationwide that were responsible for identifying suspected "watermelons" online (seemingly promilitary supporters who secretly support Aung San Suu Kyi, the deposed state councillor) and infiltrating their networks;220 military surveillance networks also utilized information from the devices of detainees,221 and from security cameras equipped with facial-recognition technology.222 The communications of soldiers themselves are also under surveillance by the military leadership to identify possible defectors.223

According to a May 2021 Reuters report, former military officials pressured service providers in late 2020 to install interception technology that would enable the military to view texts and emails, listen to phone calls, and locate users without assistance or approval.224 A January 2023 report by the Israeli newspaper *Haaretz* indicated that the technology, sold by Israeli company Cognyte, had been due to go live in June 2021, though the technology's operational status has remained unclear since the report was published.225

Civil society activities believe that the military has access to interception technology. 226 Before the coup, the Social Media Monitoring Team (SMMT),227 a body established under the MoTC,228 spent its \$4.8 million budget on tools from vendors based in Canada, the United States, Sweden, and Israel, among others.229 Purchases included MacQuisition forensic software, which can extract data from Apple computers; tools that can extract deleted content from mobile devices; and additional technology for determining the home addresses of online critics.

Soon after the coup began, the military suspended most of the limited privacy protections stipulated in the Law Protecting the Privacy and Security of Citizens.230 In March 2023, the military introduced new bylaws to the Counter Terrorism Law, including a new chapter that grants the authorities

sweeping powers to intercept, block, or restrict mobile and electronic communications without court oversight or any other form of due process.231

The 2004 Telecommunications Law allows for military interception of communications on the grounds of national security and rule of law, which are defined vaguely; the law does contain a clause that states all interception should be done "without affecting the fundamental rights of the citizens." However, the law also grants the government power to request and examine data without a warrant, as well as inspect equipment and intercept communications in an undefined "emergency situation," relating to any citizen, in Myanmar or abroad, and without probable cause.

The draft Cyber Security Law, if passed, will strip away almost all remaining privacy protections and require all data to be stored on devices and servers designated by and accessible to the military, without any form of oversight (see C2).232 Additionally, the military unilaterally amended the Electronic Transactions Law in February 2021 to grant authorities broad powers to inspect any device on vague bases such as "misuse."233

#### C6 0-6 pts

Does monitoring and collection of user data by service providers and other technology 0 / companies infringe on users' right to privacy?

Service providers are obliged to hand data over to the state without sufficient oversight or safeguards. Myanmar lacks a robust data protection law, despite years of calls from a range of stakeholders in the private sector and civil society.234

The Electronic Transactions Law, which was amended by the military soon after the coup, obliges data controllers to submit information to state authorities without adequate protections for user privacy. The law does assign some duties for data controllers, but those duties are ill-defined, and the amended bylaws were not published.235

The Law Protecting the Privacy and Security of Citizens, passed in 2017 and partially suspended since the coup,236 prohibits the interception of personal communications without a warrant, but it contains a vague exception allowing surveillance if permission is granted by the president or a government body. The law does not outline clear procedures governing how data can be collected, stored, or destroyed, nor does it provide for judicial review.237

The Telecommunications Law grants the government the power to direct unspecified persons "to secure any information or communication which may harm security, rule of law, or peace of the state." 238 The law also authorizes the government to inspect the premises of telecommunications firms and to require them to hand over documents—for the ill-defined purposes of defending the "security of the state" or "the benefit of the people"—without safeguards for individuals' privacy and other human rights.239 A 2018 amendment to the Narcotic Drugs and Psychotropic Substances Law included a new provision requiring telecommunications firms to disclose user information without due process.240

The draft Cyber Security Law would require platforms and service providers with over 100,000 users in Myanmar to store data on servers designated by and fully accessible to the military, functionally amounting to data localization. The bill would also impose broad retention requirements for user data (see C2).241

There is little room for service providers to push back against the military's instructions, and the military's direct or indirect control of the country's providers facilitates even more seamless access to user data. Between February 2021 and February 2022, the military-controlled MoTC handed Telenor more than 200 data-request orders under the Telecommunications Law,242 requiring call records and call locations spanning months, covering thousands of users.243 Telenor reportedly complied with all of them.

In at least one instance, providers did successfully resist a military order for information. In March 2022, a regional military official ordered service providers to disclose subscriber lists in order to identify who still had internet access; the companies reportedly appealed successfully to the military on the grounds that the move would violate their license requirements.244

The military has increased regulatory requirements for digital payment operators in an effort to track down donors to the prodemocracy opposition movement.245 Operators are required to verify their customers' identities and transaction records, and to submit such records to the authorities.246 Penalties for opposition supporters are extremely punitive, and several young

women have received 10-year prison terms, in each case for transferring the local equivalent of less than \$10 to an opposition group.247

#### C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or 0 / any other actor in relation to their online activities?

The military and its proxies continued to threaten, extort, physically assault, forcibly disappear, torture, and kill online and offline opponents with complete impunity during the coverage period. Many people in Myanmar face extralegal intimidation and violence on a daily basis amid ubiquitous military propaganda, constant surveillance, and physical searches, including of devices.248

The military has used threats and violence against people who supported online resistance or participated in protests, the CDM, and political opposition groups, especially the NUG itself (see B8).249 The imposition of martial law (see C1) and the threat of capital punishment has an intimidating effect among protesters, strikers, political activists, journalists, and human rights defenders.250

By May 2024, at least 124 people, including two children,251 had received death sentences from military courts since February 2021. At least four people were executed in July 2022, including252 Kyaw Min Yu, a writer and political activist who was initially arrested for threatening "public tranquility" with social media posts criticizing the military coup.253 Phyo Zeya Thaw, another civil society activist executed that year, was a prodemocracy rapper and NLD parliamentarian with a large following online. Their executions marked the first uses of the death penalty in Myanmar in decades.

At least 5,173 people have been killed in military crackdowns since February 2021, including at least five journalists who worked for or were previously employed by online media outlets.254 In February 2024, the military shot, killed, and hid the body of Myat Thu Tan, an detained online journalist.255

As of the end of the coverage period, at least 20 civil society workers and activists and over 120 students have been killed since the coup.256 In January 2024, social media influencer Kyaw Zan Wai and former journalist Myat Thu Tun were killed by the military while being held in detention.257 In

March 2023, Thit Sann Oo similarly died in detention; he was arrested in September 2022 for social media posts criticizing the military.258

"Watermelons," or individuals who outwardly support the military but actually prefer the prodemocracy movement, came under attack during the coverage period. Promilitary users with large followings called for information on "watermelons" and doxed those they accused; such users have also offered bounties for their targets' deaths.259 The military also collected the social media profiles of all individual soldiers and leveled threats against them for any banned online activity,260 including their VPN-enabled use of Facebook.261

Soldiers, nationalists, and other military proxies, such as members of the "Blood Comrades" group, also tracked down social media users who were opposed to the military,262 and issued threats,263 particularly on Telegram.264 The military has awarded influential promilitary social media users with national commendations for services to combat what it says is disinformation.265

Activists, journalists, human rights defenders, and other dissidents have been regularly doxed since the coup, usually over Telegram, TikTok, and Facebook.266 While men were typically smeared by military proxies as "terrorists," women faced various forms of sexual intimidation, such as nonconsensual sharing of sexually explicit images—including fabricated images—and calls for offline punishment.267

#### C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users 1 / subject to widespread hacking and other forms of cyberattack?

Websites, Facebook accounts, and email services have been subjected to technical attacks in Myanmar, and the military has reportedly attempted to recruit hackers.268

Human rights defenders, journalists, and political activists continued to report regular, often weekly, attempts to hack their devices, email, and social media accounts during the coverage period.269 Several media outlets also claim to have had their Facebook and YouTube accounts hacked since the coup, before later restoring them.270 Prior to the coup, pro-Rohingya and Muslim

activists reported frequent hacking attempts, and online activists noted that Google regularly warned them of "government-backed attackers" attempting to hack their Google accounts.271

Advanced spyware has been identified in Myanmar,272 and human rights defenders, journalists, and political activists have reported the presence of spyware on their mobile phones (see C5).273 Advanced espionage malware, thought to originate in China and be state sponsored,274 has repeatedly been found hidden in widespread Burmese-language fonts that are commonly shared via USB sticks or available for download online, including on the national presidential website as of June 2021.275

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