

## “Any act detrimental to the security of the state”

Now here’s an exciting piece of news from Bernama, the official Malaysian news service, via Xinhua, monitoring a journal in Yangon: Myanmar is set to go wireless. “Myanmar is striving to introduce a wireless internet system of WiFi by early next year,” an article dated 12 November said. It is also “striving for the development of ICT to contribute its part to the national economic development.”

All that striving is of course not going on willy-nilly but in accordance with a law introduced in 2004, the [Electronic Transactions Law](#). The law aims,

- (a) to support with electronic transactions technology in building a modern, developed nation;
- (b) to obtain more opportunities for all-round development of sectors including human resources, economic, social and educational sector by electronic transactions technologies;
- (c) to recognize the authenticity and integrity of electronic record and electronic data message and give legal protection thereof in matters of internal and external transactions, making use of computer network;
- (d) to enable transmitting, receiving and storing local and foreign information simultaneously, making use of electronic transactions technologies;
- (e) to enable communicating and co-operating effectively and speedily with international organizations, regional organizations, foreign countries, local and foreign government departments and organizations, private organizations and persons, making use of computer network.

Sounds great! But wait, there’s more. The first article of Chapter XII, Offences and Penalties, reads as follows:

33. Whoever commits any of the following acts by using electronic transactions technology shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 7 years to a maximum of 15 years and may also be liable to a fine:

- (a) doing any act detrimental to the security of the State or prevalence of law and order or community peace and tranquillity or national solidarity or national economy or national culture.
- (b) receiving or sending and distributing any information relating to secrets of the security of

the State or prevalence of law and order or community peace and tranquillity or national solidarity or national economy or national culture.

Clearly, just about anything could be a violation of this section. If you're one of the estimated 300,000 people in Myanmar who now goes within reaching distance of a computer with an online connection, then you can be found guilty of something.

That's the lesson of blogger Nay Phone Latt (middle name pronounced "pone" not "fone"), who was sentenced this week to over 20 years in jail under section 33(a), and a couple of other laws to boot. (His photo has already been put on [New Mandala](#) and he has made it onto the [BBC](#).) Apparently, after the police opened up his account they found a bunch of stuff inside it that in their opinion did not enable communicating and cooperating effectively and speedily with people in international and regional organizations, foreign countries and foreign government departments and organizations, etc. etc.. These included what they deemed not-so-funny cartoons and doctored pictures of Senior General Than Shwe. 15 out of the 20-odd years' imprisonment came from Nay Phone Latt's Inbox.

Nay Phone Latt is, as is obvious from the photo, just a kid. He's a kid from Myanmar's small middle class who was doing what millions and millions of kids are doing across the world right now: mucking around with things on the Internet. Like the other 299,999 or so current users in Myanmar, he came into it late but caught on fast, maybe too fast to notice that he was still on the wrong side of the cyberspace superhighway. So while the government carries on with its aims to join in the World Wide Web party (If China can do it, why not us?), Myanmar will have to WiFi on without Nay Phone Latt for a while.