

The Paradox of Political Imprisonment in Myanmar: Military Entrenchment and Repression During the 2010s

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Abstract

The 2011 political transition in Myanmar, following decades of military rule, heralded prospects for democratic reform, yet political imprisonment persisted, revealing a paradox of liberalisation juxtaposed with repression. This study investigates why the criminalisation of dissent endured under the National League for Democracy (NLD) government (2016–2020). Employing a qualitative methodology that encompasses systematic document analysis and 25 semi-structured interviews, the paper applies a combined framework of political repression and the criminalisation of dissent to analyse this continuity. Findings indicate that the political reforms have reduced overt violence but political imprisonment persists through legal mechanisms. This tension reflects Myanmar's oscillating transition, marked by phases of openness and heightened repression. The entrenched power of the military, enshrined in the 2008 Constitution, coupled with a repressive legal framework, enabled the suppression of dissent, posing a significant barrier to genuine democracy. These findings illuminate the fragility of Myanmar's transition, particularly in light of the 2021 military coup, and offer insights into political transitions in military-dominated regimes.

Keywords: military, Myanmar, political imprisonment, repression, transition.

Introduction

The 2011 political reform in Myanmar saw a significant reduction in political prisoners, with the numbers dropping from hundreds to dozens in 2013 (AAPP, 2014; Martin, 2020). However, under the National League for Democracy (NLD) government, politically motivated prosecutions and detentions not only persisted but steadily increased each year: 194 in 2016, 228 in 2017, 292 in 2018, 557 in 2019, and 559 in 2020, respectively (AAPP, 2020; Athan, 2019; Buschmann, 2017; Martin, 2020). This resurgence of politically motivated arrests from 2014 onward defied the expectations of greater tolerance of dissent under a democratically elected government and raised a critical paradox: Why did the government, ostensibly committed to democratic principles, fail to safeguard civil and political liberties but instead continued to perpetuate the incarceration of dissidents?

Conventional transition literature often posits that political liberalisation weakens authoritarian structures and fosters more inclusive and accountable governance (O'Donnell & Schmitter, 1986; Huntington, 1991). Repression is expected to diminish as regimes open up and expand political opportunities (Davenport, 1999; Testas, 2002; Zanger, 2000). Yet, Myanmar's experience complicates this narrative. Political imprisonment under the NLD government suggests that liberalisation alone does not dismantle repressive structures.

This paper discusses the paradox of political imprisonment amid political reforms in the Myanmar context within broader theoretical discussions on political repression across different regime types.

This study applies an integrated framework that synthesises the literature on political repression and the criminalisation of dissent to analyse political imprisonment. Drawing on this framework, the paper identifies the structural conditions and operational mechanisms that sustain repressive practices in Myanmar's transitional regime. The paper argues that the institutional constraints

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within Myanmar's political system effectively crippled the civilian-led political reform under the National League for Democracy (NLD) administration. While there were small steps towards liberalising political spaces and implementing institutional reforms, the NLD operated within a transitional regime structurally dominated by the military. The military-drafted 2008 Constitution entrenched military control over coercive institutions, including the police and armed forces, severely constraining the civilian government's capacity to dismantle repressive apparatuses or implement substantive democratic reform. Political imprisonment, therefore, persisted not as a residual practice of the past but as a systemic and legally sanctioned feature of governance. Laws criminalising dissent remained actively enforced, enabling the authorities to suppress opposition under the guise of legality.

The paper proceeds by introducing political imprisonment as a form of state repression, followed by a discussion of political repression and the criminalisation of dissent, towards an analysis of the persistence of political imprisonment in Myanmar during its transition. It then provides details of the research methodology used. The paper adopts a qualitative approach, integrating systematic document analysis and semi-structured interviews of 25 informants. The main section that follows offers an in-depth analysis of the persistence of political imprisonment during the 2010s. Finally, the conclusion synthesises the findings and discusses their broader implications for understanding political repression in transitional regimes.

Political imprisonment as state repression

Political imprisonment refers to the incarceration of individuals due to their political beliefs, affiliations, or nonviolent actions rather than any criminal wrongdoing. In such cases, individuals are punished not for violating laws but for expressing dissent, engaging in activism, or associating with movements perceived as threatening by the ruling regime. Political imprisonment thus represents a form of punitive state control designed to suppress opposition and maintain authority.

Cingranelli and Richards (1999) define political imprisonment as the “[i]mprisonment of people by government officials because of their ideas, including religious beliefs; their nonviolent religious practices, including proselytising; their speech; their nonviolent opposition to government policies or leaders; or their membership in a group, including an ethnic or racial group” (518). Similarly, Kenney (2017) characterises it concisely as the imprisonment of individuals for political beliefs or actions against the state. These definitions illustrate the close connection between political power and the use of imprisonment as a means of silencing dissent.

While political imprisonment is prominently featured in human rights discourse, it has been extensively examined within the field of repression studies (Poe & Tate, 1994; Cingranelli & Richards, 1999; Anderson & Regan, 2002). Scholars in this tradition depict political imprisonment as a core form of state repression and often use it as a metric to measure the scale and degree of repression within regimes (Poe & Tate, 1994; Cingranelli & Richards, 1999; Davenport, 2007; Haschke, 2013, p. 14). This study builds on that foundation by situating political imprisonment within broader theories of repression and regime behaviour, particularly in transitioning states.

Repression in its broadest sense refers to the actual or threatened use of physical or legal sanctions to deter or punish behaviour perceived as a challenge to state authority (Goldstein, 1978). It can manifest in both violent and nonviolent forms. Violent repression includes political imprisonment, torture, extrajudicial killings, and forced disappearances, and nonviolent repression encompasses restrictions on freedom of speech, assembly, association, and political participation (Davenport, 2007; Cingranelli & Richards, 1999; Poe & Tate, 1994). While violent repression seeks to eliminate individuals or groups perceived as threats through imprisonment or killing, nonviolent repression aims to deter collective action by limiting coordination and mobilisation (Escribà-Folch, 2013).

The nature and degree of state repression are often contingent on regime type. Theoretically, democracies are less likely to use repression to suppress political activities. This is because democratic societies adhere to norms that support citizens' rights to communicate, associate

with one another, access accurate information, express diverse opinions, move freely, and be protected from arbitrary arrest and detention (Dahl, 1971; Gartner & Regan, 1996; Beetham, 2004). Political leaders in democracies face fewer opportunities and weaker incentives to repress, due to institutional constraints and normative commitments to nonviolent conflict resolution. Consequently, repression tends to be less prevalent in democracies (Poe, Tate, & Keith, 1999, p. 293).

On the contrary, autocracies lack the qualities and factors that moderate repression found in democracies (Gartner & Regan, 1996). Repression is the backbone of authoritarian rule (Gerschewski, 2018) and has an ambiguous role in ensuring political survival (Tanneberg, 2020). Authoritarian leaders use vertical repression directed at the population and horizontal repression targeted at counter-elites. In response to threats or challenges, authoritarian regimes bolster their security and repressive mechanisms, using tactics such as imprisonment and restriction on freedom of expression (Bove et al., 2017). Therefore, autocracy is associated with higher levels of repression, while democracy is linked with lower levels of repression (Davenport, 1995).

However, repression is not merely a function of regime type. Gartner and Regan (1996) argue that state repression depends on the threats it faces rather than the types of regimes. States with different regime types respond differently to their threats. Democracies tend to encounter fewer anti-government activities and are less likely to perceive dissent as a threat to the regime. Similarly, autocracies can often assume they pose less of a threat since legitimate channels for dissent or conflicting opinions are often absent (Davenport, 1995). Autocracies restrict political pluralism, civil liberties, and media freedom and censor and suppress criticism of the government (EIU Democracy Index, 2019). When citizens overstep the boundaries set by the regime, the regime is unlikely to tolerate such activities and consequently suppresses them through fear and retribution. Citizens understand that their demands will be silenced in various repressive ways; therefore, there is less of a threat in autocratic states (Davenport, 1995).

Compared to democracies and autocracies, transitional or semi-democratic regimes are more susceptible to significant threats (Fein, 1995; Regan & Henderson, 2002, p. 120). In such regimes, people are more likely to raise expectations and make demands. However, since the country's institutional and democratic structures are not yet fully developed, it becomes difficult to address these demands efficiently. As a result, when individuals raise concerns regarding weak institutions and underdeveloped democratic structures, political leaders perceive these voices as challenging their precarious legitimacy. Rather than dealing with dissidents democratically, they are more likely to repress them. Hence, less developed countries with semi-democratic, mixed, or transitional regimes tend to have the highest levels of political repression (Regan & Henderson, 2002, p.124).

Some studies have found that transitional regimes can have a negative impact on repression. As regimes transition away from authoritarian rule, they are expected to become more open and inclusive, leading to lower levels of repression, even in states with previously repressive histories (O'Donnell & Schmitter, 1986, p. 5). Open political systems offer broader avenues for citizen participation, which can mitigate the need for coercive control (Davenport, 1999; Testas, 2002; Zanger, 2000). However, the democratisation process is often tumultuous, particularly during phases of partial liberalisation (Davenport, 2007, p.106). Political openings frequently trigger the emergence of new societal demands, organised movements, and heightened competition among actors, which can overwhelm weak institutional channels for addressing grievances (Davenport, 1999, p. 94; Haschke, 2014). In such contexts, regimes may perceive increased threats to their authority and resort to renewed repression to maintain control (Davenport, 1999, pp.97–101).

Another crucial factor shaping repression in transitional contexts is the role of the military. In transitional regimes, weak civilian oversight enables militaries to act autonomously (Pion-Berlin & Trinkunas, 2007). Militaries often perceive dissent as a security threat and respond with punitive measures designed to maintain order and protect their interests (Huntington, 1968; Pion-Berlin & Trinkunas, 2007). Military involvement in politics tends to entrench authoritarianism rather than facilitate democratic transition (Levitsky & Way, 2010). Acemoglu et al. (2010) describe this dynamic as a “political moral hazard,” whereby military forces, initially empowered to ensure stability, may

subsequently resist reforms and entrench themselves to protect their institutional power. These insights are particularly relevant to understanding the persistence of political imprisonment in Myanmar.

The case of Myanmar from 2011 to 2020 exemplifies the paradox of political liberalisation accompanied by repression. Although the country underwent political reforms that increased the hope for democratisation, the military remained deeply entrenched within state institutions under its drafted Constitution. This constitutional framework preserved military control over state institutions and granted the military autonomy from civilian oversight. Consequently, the civilian government lacked the authority to reform security institutions or to hold them accountable for repressive practices.

While repression studies provide theoretical insights into when and why states repress, they often focus on explicit forms of violent repression and overlook the subtler, legalistic mechanisms through which dissent is suppressed. The criminalisation of dissent offers a complementary lens, focusing on how regimes use the law as a tool of repression. Laws and judicial institutions are central to political repression (Findlay, 1985). In employing repression, “state actors carefully weigh the costs and benefits of engaging in repressive action and also consider a menu of alternative mechanisms of control, as well as assessing the odds of achieving their goals with these tools” (Davenport, 2007, p. 488; Keith, 2011, p.16). Violent repression is likely to decrease the government’s political legitimacy, while restricting civil liberties seems less likely to jeopardise legitimacy (Davenport, 2004, pp. 548–549). Rather than relying exclusively on overt coercion, governments frequently prefer to employ legal instruments, such as vaguely worded laws, selective prosecutions, and judicial harassment, as these tools allow for the suppression of political dissent without incurring the legitimacy and reputational costs associated with explicit violence (Reyes, 2002; Fong, 2018). Such practices effectively depoliticise opposition, turning political conflicts into judicial matters (Findlay, 1985). By criminalising dissent, governments justify the restrictive measures necessary for public order and regime security, thus institutionalising repression within the legal apparatus (Elden, 2003; Barker, 2009; Shattuck, 1974).

In Myanmar, this legalistic mode of repression was evident during the transition period. The military and the civilian governments utilised the legal system to target dissidents while maintaining a facade of legal legitimacy. This strategy enabled the institutionalisation of repression without overtly violating democratic norms, thereby blurring the boundary between authoritarian and democratic practices.

Conceptual framework: structural and operational dimensions of repression

This study adopts a two-pronged conceptual framework grounded in the literature on political repression and the criminalisation of dissent to analyse the persistence of political imprisonment in Myanmar. This framework distinguishes between the structural and operational dimensions of repression.

The structural dimension focuses on institutional legacies and the distribution of power. Drawing on repression literature, this study examines how entrenched military control and weak civilian oversight create conditions conducive to sustained repression. The 2008 Constitution entrenched military autonomy and hindered the meaningful reform of coercive institutions. The military’s dominance allowed it to define dissent as a security threat and to respond with punitive measures independently of the civilian government. Military entrenchment is thus conceptualised as a constraint on democratic consolidation and a structural enabler of repression. Under such conditions, political imprisonment persisted not as a residual practice but as a structural feature of Myanmar’s transitional regime.

The operational dimension centres on the use of legal mechanisms to implement repression. Grounded in the literature on the criminalisation of dissent, this dimension examines how judicial tools, such as vague statutes, selective prosecutions, and administrative detention, legitimise

repression and depoliticise opposition. In Myanmar, legal instruments were deployed to target journalists, protesters, activists and others. This form of legal repression enabled the state to suppress dissent while minimising reputational costs, reinforcing authoritarian control through the law rather than through direct coercion.

By integrating two dimensions, this study explains how Myanmar's transitional regime sustained authoritarian practices through institutional design and legal adaptation. While the structural entrenchment of the military prevented the meaningful reform of repressive institutions, the operational use of legal repression sustained coercive control under the guise of legality. This integrated framework demonstrates that political imprisonment in transitional regimes is not merely a legacy of past authoritarianism but can be actively maintained through strategic governance choices.

Methodology

This study employed a qualitative research design, combining systematic document analysis and semi-structured interviews to investigate the persistence of political imprisonment.

The document analysis involved systematically selecting primary and secondary sources in both Burmese and English. These included legal documents, reports from civil society organisations (e.g., Assistance Association for Political Prisoners (AAPP)), academic journal articles, official public statements, newspapers, and social media content. Documents were selected based on their relevance to Myanmar's political transition and imprisonment context, with particular attention to the legal frameworks governing political offences, the documented numbers and profiles of political prisoners, commonly cited reasons for political arrests, and factors contributing to political detentions.

The study conducted twenty-five semi-structured interviews from May 2021 to August 2022. Participants were selected purposively based on their direct experiences and expertise related to political imprisonment in Myanmar. Interviewees included 19 individuals facing trial inside and outside prisons, 4 lawyers and prosecutors who represent political prisoners, and 2 representatives of advocacy organisations from the Assistance Association for Political Prisoners (AAPP)¹ and the Athan Organisation². All interviews were conducted by the author in Burmese to ensure linguistic consistency and enhance the contextual credibility of the data collected.

Table 1. Interview participants

No	Group	Participants	Reasons	Total
1.	A	Former political prisoners and individuals facing trial	To examine the nature of their political activities, reasons for arrest, charges, and experience of imprisonment.	19
2.	B	Lawyers and prosecutors	To explore legal perspectives on political imprisonment and the presence of political prisoners.	4
3.	C	Representatives of advocacy organisations	To understand the issues of political prisoners and the challenges these organisations encounter in their advocacy efforts.	2
	Total			25

1 The Assistance Association for Political Prisoners (AAPP), founded in 2000, is an organization that works for the rights and well-being of political prisoners. It documents political arrests and imprisonment in Myanmar.

2 Athan, founded on 15 January 2018, aims to promote freedom of expression and freedom of the press in Myanmar.

The interviewed political prisoners represented a diverse cross-section of Myanmar's society, encompassing activists, students, journalists, social workers, members of the All Burma Federation of Student Unions (ABFSU), the 88th Generation, and workers. Among the interviewees, fourteen had faced prosecution and imprisonment between 2015 and 2020. One participant was incarcerated during the 1988 uprising and continues advocating for political prisoners. Four were incarcerated before 2010 and released in 2011 through presidential pardons. Two were imprisoned following the 2021 military coup.

The study adopts the working definition of political prisoners provided by the Assistance Association for Political Prisoners:

Political prisoners are individuals arrested, detained, or imprisoned because of their perceived or known active role, perceived or known supporting role, or in association with activities promoting freedom, justice, equality, human rights, including ethnic rights, in association with the pro-democracy movement (Assistance Association for Political Prisoners (AAPP), 2014).

Analysis of the persistence of political imprisonment during the 2010s

The following section presents the findings of the study, organised around four themes that explain the persistence of political imprisonment in Myanmar during the 2010s. It examines (1) the continuity of arrests and detentions, (2) the NLD government's authoritarian practices despite its democratic mandate, (3) the structural constraints and military influence rooted in the 2008 Constitution, and (4) the use of repressive legal frameworks to criminalise dissent.

The continuity of arrests and detentions

A general election in November 2010 marked a significant development in Myanmar's political history. While it resulted in a victory for the military proxy party, the Union Solidarity and Development Party (USDP), it could be seen as the start of a political transition away from authoritarian military rule. On 30 March 2011, the military dissolved the State Peace and Development Council (SPDC), which had ruled the country since 1997, and implemented institutional changes to facilitate the transition to civilian leadership. U Thein Sein formally assumed the presidency in March 2011 (BBC News, 2015). Upon taking office, the U Thein Sein government introduced sweeping political, social, and economic reforms (Egreteau, 2012). These included the release of political prisoners, the loosening of censorship, freedom of the press, economic reforms, and the legalisation of political parties and civil society organisations (Buschmann, 2017; Huang, 2017; Ko Ko, 2018; Stokke & Aung, 2020; Martin, 2020). By December 2013, only 25 political prisoners remained behind bars, most of whom were members of the ethnic armed organisations (EAOs) (AAPP, 2014).

Table 2. Number of released prisoners and political prisoners

Year	Political prisoner	Total number of prisoners released
2011	330 ³	14,600
2012	514	1,277 ⁴
2013	144 ⁵	142 ⁶
2014	31 ⁷	3,073 (October)
2015	75 ⁸	6,966 (30 July)
2016	198 ⁹	198 ¹⁰
2017	89	2,242 ¹¹
2018	36	8,451 ¹²
2019	25	23,003 ¹³
2020	10	24,896

Sources: Assistance Association for Political Prisoners (AAPP); Martin (2020)

In the early phase of its administration, the U Thein Sein government signalled the release of all political prisoners behind bars. During his trip to London, President U Thein Sein pledged in front of an audience at the Chatham House think tank in London that there would be no prisoners of conscience in Myanmar at the end of 2013, and there would be a special committee to review the case of each prisoner (Inkey, 2013). The U Thein Sein government reconstituted the Scrutinising Committee as the Prisoners of Conscience Affairs Committee, which addressed the affairs of prisoners of conscience. However, the committee's mandate, procedures, or activities did not appear on the public agenda, nor did they resolve the issue of remaining political prisoners. Instead, it appeared that the committee was established to deflect growing national and international criticism as political arrests and detention persisted (Martin, 2020).

The release of numerous political prisoners under the U Thein Sein government was partly to show the international audience that Myanmar was on the path of a reform process. Transitional periods are typically seen as opportunities to employ amnesties to facilitate peace and the establishment of a new regime, signifying a break from the previous regime that had imprisoned political opposition (Jeffery, 2014). In 2011, Myanmar released hundreds of political prisoners as a tool, functioning as bargaining chips to improve international relations after years of isolation, rather than as a component of transitional justice (Jeffery, 2014). For instance, the U Thein Sein government granted pardons typically during significant events, such as Myanmar's New Year celebration, President Barack Obama's visit to Myanmar in November 2012, and President U Thein Sein's visits to the UK and France in July 2013 (BBC News, 2015).

3 73 in May; 4 in June; 1 in July; 3 in September; 247 in October; 2 in November

4 651 in January; 46 in June; 514 in September; 66 in November

5 63 in April; 21 in May; 53 in July

6 93 in April; 73 in July

7 5 in January; 1 in May; 2 in June; 2 in July; 2 in August; 2 in September; 13 in October; 4 in November

8 1 in January; 3 in March; 7 in April; 2 in May; 7 in June; 17 in July; 12 in August; 15 in September; 8 in October; 3 in November

9 115 on 8 April; 83 on 16 April

10 115 on 8 April; 83 on 16 April

11 1,883 in April; 259 in May

12 8,451 in April

13 9,535 on 17 April; 6,948 on 26 April; 6,520 in May

According to U Bo Kyi, the Joint Secretary of the Assistance Association for Political Prisoners (AAPP)¹⁴, the release of political prisoners during the initial transition period aimed to facilitate political reform rather than genuinely address the issue of political prisoners. U Bo Kyi's observation appears valid. If the political leadership sincerely intended to address the issue, the number of political prisoners could be significantly reduced from hundreds to dozens and ultimately to zero. Unfortunately, politically motivated arrests and detention surged again in 2014 (Bünté, 2014).

People expected the NLD government to be less repressive and more open to dissenting voices, as many NLD leaders, including Daw Aung San Suu Kyi, had previously been imprisoned for opposing the military and fighting for democracy and freedom (Huang, 2017). During the pre-election period, the NLD promised to 'free all political prisoners' (Gaborit, 2021). For instance, during a 2015 campaign, U Tun Tun Hein, a spokesperson for the National League for Democracy (NLD), promised that the NLD party would not arrest individuals as political prisoners and would develop a definition of political prisoners once in power (Mon, 2016). In her first announcement as state counsellor, Daw Aung San Suu Kyi vowed that her newly formed government in Myanmar would work to free the remaining political prisoners (BBC News, 2016). When it came to power, the NLD government dropped charges against 235 political detainees in 2016 (AAPP, 2016).

Notwithstanding freeing political prisoners, activists, students, workers, farmers, journalists, and civilians continued to be criminalised and imprisoned on political charges (Athan, 2019; Buschmann, 2019; Dean, 2017; Huang, 2020; Martin, 2020). The number of politically motivated prosecutions and detentions increased steadily, from 34 in December 2015 to 194 in December 2016, 228 in 2017, 292 in 2018, 557 in 2019, and 559 in 2020 (AAPP, 2020). The statistics show that politically motivated prosecutions did not come to a complete halt; instead, the number surged each year, with hundreds of people facing politically motivated charges or imprisonment by 2020. The persistence of political imprisonment under the NLD administration poses a paradox: why does this phenomenon endure under a government that came to power advocating for democracy?

The NLD government: democratic promises and authoritarian practices

The landslide victory of the NLD government in the 2015 election appeared to provide a glimmer of hope for further democratisation. The NLD has long been viewed as a champion of democracy and freedom, earning the support of the people due to its consistent efforts in promoting these values since its inception in 1988. The fact that Daw Aung San Suu Kyi, the daughter of General Aung San and an icon of democracy, led the party, further solidified its popularity. The NLD party's electoral successes in 1990¹⁵, 2012¹⁶, 2015¹⁷, and 2020¹⁸, where it won a supermajority of votes, attest to its popularity. The shift from a quasi-civilian government to a people-elected civilian government in 2016 was met with national and international expectations that the NLD government would usher in a new era of greater liberties and facilitate further democratisation (Huang, 2020, p. 140).

Despite its overwhelming mandate and public expectations, the NLD government struggled to deliver on its democratic promises. The NLD government encountered challenges in fulfilling its promises of democratic reforms, economic development, and national reconciliation. Daw Aung San Suu Kyi's personalistic leadership style and lack of governance experience contributed to inefficiencies within the government. Her reluctance to delegate authority and reliance on loyalty over competence for key appointments led to administrative bottlenecks and undermined the government's effectiveness (Barany, 2018).

This governance weakness became particularly visible during the Rohingya crisis. The NLD's handling of the Rohingya crisis damaged its legitimacy, with Daw Aung San Suu Kyi and the NLD leadership facing international condemnation for their silence and perceived complicity in military atrocities against the Rohingya. Daw Aung San Suu Kyi's denial of genocidal intent and reframing

14 Interview with U Bo Kyi, June 2022.

15 In the 1990 election, NLD won 392 of the 492 contested seats.

16 In the 2012 by-election, NLD won 43 out of 45 contested seats.

17 In the 2015 election, NLD won 79 % of the elected constituencies.

18 In the 2020 election, NLD won 82% of the elected constituencies.

of the crisis as a counterterrorism operation at the International Court of Justice (ICJ) in 2019 intensified global criticism, marking a turning point in her international reputation (Ellis-Petersen, 2018; BCUK, 2019).

In addition to international criticism, the NLD faced growing challenges in managing internal conflicts. Despite its emphasis on peace, the NLD government failed to resolve Myanmar's long-standing ethnic conflicts, which have shaped the post-2011 transition. Armed tensions between the military and various ethnic armed organisations (EAOs) not only persisted but also escalated, particularly following the collapse of the seventeen-year ceasefire with the Kachin Independence Organisation (KIO), reigniting hostilities in Kachin State (Egreteau, 2016, p. 102). To address such tensions, the U Thein Sein administration initiated the Nationwide Ceasefire Agreement (NCA) in 2015, which initially generated cautious optimism. The first draft was developed in March 2015, and several EAOs entered negotiations. However, only eight armed groups¹⁹ signed the final document on 15 October 2015. While some EAOs, such as the KIO and the United Wa State Army (UWSA), were reluctant to sign due to internal disagreements, the government and the military deliberately excluded groups such as the Myanmar National Democratic Alliance Army (MNDAA) (Egreteau, 2016, p.107).

Building upon this fragile peace process, the NLD government attempted to revitalise it through the 21st Century Panglong Conference. Nevertheless, it achieved limited progress. Fighting intensified in the Kachin, Shan, and Rakhine States. One of the most prominent examples was the escalating conflict with the Arakan Army (AA), which the government officially declared an unlawful association in March 2020 (Global New Light of Myanmar, 2020). Following this designation, the military and government increasingly invoked the Unlawful Associations Act to arrest individuals suspected of affiliations with EAOs, including civilians residing in conflict areas. For instance, Thazin Legal Institute reported that during the two years of fighting between the military and the Arakan Army (AA), 362 people in Rakhine State were arrested on suspicion of having links to the Arakan Army (AA) under the Unlawful Associations Act (Development Media Group, 24 March 2020). These arrests contributed to a rise in politically motivated detentions and further exacerbated tensions between the state and ethnic stakeholders.

While facing external challenges such as the Rohingya crisis and ethnic conflicts, the NLD government failed to lead according to democratic norms (Roewer, 2017). During its time in power, the government implemented institutional changes and democratic reforms to strengthen political spaces, enhance the rule of law, and protect human rights. For instance, it restructured the number of ministries from 36 to 21 and introduced changes in areas such as justice and the rights of ethnic minorities, including the repeal of repressive laws like the State Protection Law of 1975, which had been used to detain political activists in the past (Thuzar, 2017). Despite these efforts, democratic institutions and cultures remained underdeveloped under the NLD-led government (Loring, 2019, p.289). The government was reluctant to address critical issues such as freedom of speech (Roewer, 2017; Huang, 2020). The initial expansion of sociopolitical pluralism introduced during the U Thein Sein administration has regressed under the NLD government (Huang, 2020, pp.140–141). Following the decline in civil liberties and political freedom, the Economist Intelligence Unit (EIU) Democracy Index (2019) labelled Myanmar as an authoritarian regime in 2019.

Similarly, according to Freedom House, an independent watchdog organisation that evaluates civil liberties²⁰ and political rights²¹ in countries worldwide, Myanmar remained a not-free country, with no significant improvements in civil or political rights. Independent watchdogs, including Athan (2019), Human Rights Watch (2018), and Article 19 (2020), have all documented the decline of freedom under the NLD government. One prominent case was the 2019 internet shutdown in states

19 Karen National Union (KNU), Democratic Karen Buddhist Army (DKBA), Karen National Liberation Army-Peace Council (KNLA-PC), Arakan Liberation Party (ALP), Pa-O National Liberation Organization (PNLO), Chin National Front (CNF), All Burma Students' Democratic Front (ABSDF), and Restoration Council of Shan State (RCSS)

20 Civil liberties are measured based on freedom of expression and belief, associational and organizational rights, rule of law, and personal autonomy and individual rights.

21 Political freedoms are measured based on the electoral process, political pluralism, and participation, and functioning of government.

of Rakhine and Chin (Al Jazeera, 2020). The shutdown, lasting over a year in some areas, severely restricted access to information and was widely condemned as a suppression of expression and dissent.

Despite its democratic rhetoric and claims of being more democratic than its predecessor, the NLD government, in parallel with the military, resorted to both liberal and illiberal tactics to silence critics on the social and political fronts (Huang, 2020, p. 144). As one political detainee, imprisoned in 2020 for protesting the internet shutdown in Rakhine State, stated:

Compared to the U Thein Sein leadership, many people were imprisoned for exercising their freedom under the NLD administration. Despite its pro-democracy background, the NLD government suppressed voices advocating human rights, the rule of law, and equality. More obviously, it could not free itself from the influence and control of the military. (PP-002, 21 June 2021)

Such testimony, along with the preceding analysis, underscores a central paradox in the governance of the National League for Democracy (NLD). Despite its democratic mandate, the NLD failed to decisively break from authoritarian practices. Rather than dismantling repressive institutions, it sometimes preserved or even reinforced mechanisms of control inherited from military rule. This contradiction is rooted in the structural constraints imposed by the 2008 Constitution, which entrenched military authority and curtailed civilian oversight. The NLD's 2015 electoral victory led to a constrained power-sharing arrangement with the military, which limited prospects for substantive democratic reform (Ko Ko, 2018; Lubina, 2018). Thuzar (2017, p. 14) further emphasises that the legacy of authoritarianism and the institutionalisation of military dominance posed significant barriers to democratic transition. These constraints restricted the NLD's institutional authority and shaped its strategic choices. The following section explores these structural constraints, particularly military entrenchment under the 2008 Constitution and its role in sustaining political repression during the transition.

Structural constraints, military influence, and repression

Despite the introduction of institutional reforms in 2011, allowing civilian leadership to take over, the military continued to exert control over the state through the framework of the 2008 Constitution. As Khin Nyein Chan Soe (2021), a mental health counsellor and human rights advocate, aptly noted:

It is still premature to claim that Myanmar is on the way to democracy. Despite the desire of all stakeholders, including students and young people, to be eager to participate in the transition, we are still under the shadow of the military (Under 30 Dialogue for New Myanmar, January 2021).

This observation highlights the reality that, despite the nominal authority of civilian governments, the military retained substantial control over governance. Hadenius and Teorell (2007) define military regimes as those in which the armed forces exercise direct or indirect power by controlling civilian leaders. For a democratic transition to last, it is essential that transitional states, especially those with a history of military rule, establish civilian control over the military. The military should be subordinated to civilian control and committed to the democratic constitutional order to prevent coups and other military interventions in the state and society (Diamond, 1999; Croissant & Kühn, 2011). Unfortunately, Myanmar's civilian governments were unable to impose normative or institutional control over the military, nor could they remove it from politics. Despite its apparent retreat from direct rule, the military continued to exert significant influence over core aspects of governance.

This dominance was neither incidental nor temporary; instead, it was systematically codified in the 2008 Constitution, which entrenched structural mechanisms to ensure military supremacy over governance. Under the 2008 Constitution, the military has legislative power, as a quarter of the seats in parliament are reserved for military officers (Section 74(b) and Section 141(b)). As constitutional amendments require the approval of more than 75 per cent of the legislature, the military effectively holds a veto over any attempt at meaningful constitutional reform (Section 436 of the 2008 Constitution). This institutional design entrenches the military's political power

and ensures that it remains a co-equal, if not a superior, political actor to the elected government.

Military influence also extends deep into the executive branch. Sections 232(b)(ii) and 232(j) empower the Commander-in-Chief to appoint ministers of Defence, Home Affairs, and Border Affairs – ministries controlling critical functions such as law enforcement (police and prisons) and local administration (General Administration Department). As the Commander-in-Chief of the Defence Services constitutionally appoints the Minister of Home Affairs, the military has maintained firm control over administrative functions at the township and village levels. This arrangement has allowed the military to embed its authority in the daily operations of governance, constraining the civilian government's ability to implement policy or exercise effective authority at the grassroots level. Consequently, civilian power remained fragmented and limited in the sectors of security, justice, and local governance.

Beyond granting sweeping powers over civilian governance, the Constitution allows the military to independently administer and adjudicate all the affairs of the armed forces (Section 20 (b)). It is assigned as the primary protector of national unity and sovereignty (Section 20 (f)), as well as the Constitution (Section 20). Section 445 further shields members of the former State Peace and Development Council (SPDC) and military officials from accountability by granting them immunity for acts committed during their official duties, including human rights violations. These provisions insulated the military from civilian oversight, allowing it to operate as an autonomous political entity.

Constitutionally, the military also has the power to restore direct military rule whenever necessary. According to Section 40(c), the Commander-in-Chief can assume and exercise sovereign state power in accordance with the Constitution's provisions if national solidarity is threatened. A recent and vivid example is that the military can impose martial law, disband parliament, and rule directly by declaring a state of emergency (Sections 417 and 419), as seen in the February 2021 coup. Under the constitutional framework, the military power structure remained largely unaltered, retaining significant institutional control behind the U Thein Sein and NLD governments (Bünthe, 2021).

Rather than establishing a foundation for democratic consolidation, the 2008 Constitution institutionalised military control over the state. This entrenched dominance facilitated the continuation of repressive practices. Literature on the repression-military nexus suggests that military involvement in governance is closely correlated with repression, particularly in non-democratic regimes (Davenport, 1995). In transitional regimes with weak or underdeveloped civilian oversight, militaries often act autonomously to safeguard their institutional interests (Pion-Berlin & Trinkunas, 2007). The institutional inclination of militaries towards coercion and the perception of dissent as a national security threat often result in systematic repression.

Myanmar's political trajectory exemplifies a pattern in which the military has consistently positioned itself as the principal guardian of national unity, sovereignty, and stability – a role formally enshrined in Section 20(f) of the 2008 Constitution. Anchored in a security-centric ideology, the military equates itself with the state, interpreting any challenge to its authority as a threat to national stability. This belief underpins its claim to an indispensable role in preserving order, as demonstrated by its repeated interventions during periods of political crisis in 1958, 1962, 1988, and 2021. Consequently, actions or beliefs perceived as undermining military legitimacy have routinely been met with repression (Fink, 2001).

The practical implications of this ideological and institutional dominance were evident during Myanmar's political transition, as reflected in the data on political detentions. Statistical evidence indicates that arrests related to criticism of the military were widespread under the NLD government. In 2019, for instance, 36% of plaintiffs in cases involving Section 500 of the Penal Code, the Unlawful Associations Act, and the Telecommunications Law were military personnel, while 25% were police officers under military control (Athan, 2019). The likelihood of arrest often depended on whether political movements were perceived as threatening to military interests. Criticism of the military was routinely equated with threats to national security. For example, when asked about legal actions against critics, military spokesperson Zaw Min Tun defended such measures as necessary to protect the military's reputation and to ensure national stability

and unity (San Yamin Aung, 2019). This mindset institutionalised a culture of repression, where dissent was systematically criminalised and framed as disloyalty to the state. The persistent criminalisation of dissent illustrates not only the enduring dominance of the military but also the legacy of authoritarian legal traditions that continue to shape state-society relations in Myanmar.

Repressive legal framework

Political imprisonment in Myanmar is intertwined with a long-standing legacy of authoritarian legalism. This legal framework has served as a cornerstone of institutionalised repression (Fink, 2001; Taylor, 2009). Successive governments, from colonial rulers to military regimes and civilian governments, have consistently relied on legal instruments to criminalise dissent and suppress political expression (Gutter & Sen, 2001, p.2). Many existing laws, such as the Penal Code of 1861, the Unlawful Associations Act of 1908, and the Official Secrets Act of 1923, were introduced during the colonial period to suppress anti-colonial resistance. These laws were later adapted by post-independence and military governments to target political opponents, activists, journalists, and ethnic minorities. For instance, the State Protection Law of 1975 permitted detention without trial for up to five years, allowing authorities to imprison those deemed threats to state security arbitrarily. Similarly, the Printers and Publishers Registration Law of 1962 criminalised ideas, writings, or acts perceived as harmful to the state's ideology, national unity, or public order, effectively curbing freedom of expression and dissent (Fink, 2001; Hudson-Rodd & Htay, 2008).

Although civilian governments introduced legal reforms following the political opening in 2011, these changes did not dismantle the repressive legal architecture. The U Thein Sein and NLD governments passed laws addressing labour rights, media freedom, and civil society organisations (Crouch & Lindsey, 2014, p. 47). Notable examples include the Labour Organisation Law (Law No. 7/2011), the Peaceful Assembly and Peaceful Procession Law (Law No. 15/2011), the Telecommunications Law (Law No. 31/2013), and the News Media Law (No. 12/2014). While these laws ostensibly expanded the political space, their application often mirrored the practices of previous regimes. For instance, Section 66(d) of the Telecommunications Law was often used to prosecute critics for defamation, while the Peaceful Assembly and Peaceful Procession Law restricted public protests without prior approval (Athan, 2019). In 2019, Athan reported 36 cases under Section 66(d) of the Telecommunications Law and 70 cases under Section 19 of the Peaceful Assembly and Peaceful Procession Law within the first six months of the year, with charges filed by the government, the military, and even the NLD itself (Athan, 2019). This illustrates how legal reforms failed to dismantle the repressive framework; instead, they institutionalised repression within a formal legal structure (Buschmann, 2017; Dean, 2017).

Political prisoners observed this lack of meaningful legal reform. Many viewed civilian governments as intentionally maintaining laws without amending or revoking them, enabling the continued suppression and silencing of dissent. A political prisoner expressed that the NLD government failed to amend Section 505(b) of the Penal Code or repeal Section 66(d), ensuring that these provisions remained tools for criminalising opposition. Another political prisoner remarked:

The predecessors, General Ne Win and General Than Shwe, framed laws that suppressed anyone who opposed them, and the successors, the U Thein Sein and NLD governments, kept those laws unchanged to prevent the opposition from challenging their power. (PP-001, 22 May 2021)

Such an assertion resonates with Nick Cheesman's (2015) analysis in *Opposing the Rule of Law*, which vividly illustrates how laws and judicial mechanisms in Myanmar have been systematically weaponised to suppress opposition and entrench state power. Crouch and Lindsey (2014, p. 34) likewise note that laws have often been imposed upon fragile institutional frameworks and used to legitimise violence, exploitation, and military rule. A range of studies (Buschmann, 2019; Dean, 2017; Athan, 2019; Martin, 2020; Huang, 2020) also illustrate how both the U Thein Sein and NLD governments utilised colonial-era statutes as well as newly enacted legislation to curtail political activism.

Given the frequent use of outdated and undemocratic laws to prosecute individuals critical of the government and the military, human rights groups called for the amendment or repeal of

repressive laws. However, neither the U Thein Sein nor the NLD government effectively amended controversial laws (Huang, 2020). Athan²² and AAPP²³ note that they, along with other organisations, have persistently advocated for the amendment of repressive laws under the NLD government. However, as noted by U Bo Kyi (AAPP, 2022), their efforts have been unsuccessful due to a lack of political will and resistance from military representatives involved in committees such as the Human Rights Commission and Prison Reform, who typically opposed such reforms and argued that these laws are essential for national security and sovereignty.

Upset with the repressive laws, some activists have chosen to deliberately disregard the laws, perceiving them as unjust tools of state control. A notable example is the student union protests against the internet shutdown in the Rakhine and Chin states. These protests, organised without prior approval, defied the 2011 Peaceful Assembly and Peaceful Procession Law. Protesters argued that seeking official permission would imply tacit support for repressive laws restricting freedom of assembly and expression. One political prisoner articulated this rationale:

Many laws curtail the right to freedom of speech, expression, assembly, and association. For instance, provisions such as Section 505(b) of the Penal Code could imprison a person for expressing divergent views. Sometimes, we deliberately disregard the law. (PP-005, 30 May 2021)

Such accounts demonstrate how repressive legal frameworks compel individuals to challenge the law not in defiance of justice but as a moral stand against systemic injustice. The persistence of these legal mechanisms and the failure to reform them reveals that legal reforms without structural political change merely repackage authoritarian control under the guise of legality, undermining the foundations of democratic transition.

Conclusion

This study examined the paradox of political imprisonment in Myanmar during the 2010s – a decade that outwardly marked a transition to democratic governance yet remained deeply embedded in repressive practices. Contrary to expectations that liberalisation would dismantle authoritarian mechanisms, the findings reveal that political imprisonment persisted not as a residual legacy but as a legally sanctioned and structurally reinforced feature of Myanmar's transitional regime. This persistence challenges dominant assumptions in the democratisation literature that equate political opening with a decline in state repression. As the saying goes, the devil is in the details. In retrospect, democracy should not be viewed purely from the perspective of who has been elected, but rather from what has changed.

The analysis shows that political imprisonment in Myanmar was sustained through a two-pronged mechanism: structurally, via entrenched military power under the 2008 Constitution, and operationally, through the deployment of legal instruments to criminalise dissent. This integration of military dominance and legal repression demonstrates how authoritarian practices can be preserved and legitimised even under civilian-led administrations.

At the structural level, Myanmar's transition was constrained by the military's institutional supremacy. The Constitution guaranteed the military 25% of parliamentary seats, control over core security ministries, sweeping emergency powers, and constitutional immunity. It also formally enshrined the military's role as the guardian of national unity, sovereignty, and constitutional order. These provisions ensured that the military retained autonomous control over the coercive apparatus and was shielded from civilian oversight.

Moreover, such constitutional safeguards rendered elected governments structurally subordinate. Despite a democratic mandate, the NLD government lacked the institutional leverage to challenge military prerogatives or implement substantive reform. Importantly, this subordination was not

22 Interview with Athan Organization, 10 December 2021.

23 Interview with AAPP, June 2022.

entirely passive. As the finding shows, the NLD government failed to reform repressive institutions and utilised laws it had once opposed to silence government detractors. This convergence between structural constraints and civilian complicity is crucial to understanding the persistence of authoritarian practices in Myanmar's transitional regime. Whether these actions reflected a strategic attempt to appease the military or a genuine shift in political orientation remains an open and complex question.

The operational dimension of repression was equally significant. Rather than resorting to overt violence and arbitrary detention, authorities institutionalised repression through legal frameworks that criminalised dissent. Laws such as Section 505(b) of the Penal Code and Section 66(d) of the Telecommunications Law were frequently used to prosecute dissidents and curtail civil liberties. Vaguely defined and selectively enforced, these laws enabled the state to suppress dissent while preserving the appearance of legality.

This shift from extrajudicial coercion to legal repression aligns with what scholars such as Cheesman (2015) term “rule by law” – a system in which the legal apparatus is weaponised to enforce political control. Under this model, courts and statutes replace arbitrary violence, offering a veneer of legitimacy while continuing to undermine democratic norms. In Myanmar, criminal trials, pretrial detentions, and administrative harassment replaced the overt brutality of earlier periods, but the function of repression has remained intact.

Crucially, this form of repression was not exclusive to the military and its backed government. Despite its historical role as a pro-democracy movement, the NLD also used legal instruments to prosecute government detractors. This underscores a central finding of the study: repression in transitional regimes can stem not only from authoritarian resistance but also from the strategic choices of elected leaders operating within constrained and illiberal systems.

This study contributes in several ways to the broader literature on repression and transitional regimes. First, it shows that democratisation does not inherently reduce state violence or protect civil liberties. Repression can become more systematic, bureaucratic, and less visible when authoritarian legacies remain embedded in legal and institutional structures.

Second, it challenges the binary distinction between authoritarian and democratic regimes by demonstrating how legal repression can operate within democratic institutions. In Myanmar, formal repression embedded in legal frameworks such as criminal laws gradually replaced informal methods such as arbitrary detention. This shift did not emerge as a byproduct of democratisation but rather as a continuation of authoritarian control, now exercised under the guise of legality. The change in form did not reflect a change in function; repression remained aimed at neutralising dissent.

Third, the analysis highlights that legal frameworks are central to sustaining repression in transitional regimes. Because these frameworks are embedded in institutions essential to democracy, such as the judiciary and law enforcement, they are challenging to reform. As such, efforts to promote democratisation must go beyond electoral reform and address the deeper legal and institutional architecture that enables repression.

This lens also helps to contextualise the 2021 military coup not as a rupture but as a reassertion of a structural reality that had never been fully dismantled. The constitutional framework that enabled repression under the NLD government also provided the legal foundation for the military's return to direct rule. In this sense, the coup marked the continuation, not the breakdown, of a regime in which military power remained dominant and dissent continued to be criminalised.

Looking forward, any meaningful pathway to democratic restoration in Myanmar must address both dimensions of repression identified in this study. Structurally, this entails reconfiguring civil-military relations, implementing constitutional reforms to dismantle military prerogatives, and establishing effective civilian oversight over coercive institutions. Operationally, it requires the repeal of repressive laws, judicial reform, and mechanisms to hold perpetrators of legal repression accountable. Without these foundational changes, future political transitions are likely

to reproduce the same patterns of repression that have characterised Myanmar's modern history.

While grounded in empirical data, the study's focus on a single country and its limited timeframe restricts its broader generalisability. Future research could build on this work through comparative studies that examine how legal frameworks, informal coercion, and external influences shape repression in transitional regimes.

References

- Assistance Association for Political Prisoners. (2014). *The release of political prisoners in Myanmar*. <https://aappb.org/wp-content/uploads/2014/10/The-Release-of-Political-Prisoners-in-Burma.pdf>
- Assistance Association for Political Prisoners. (2016, April). Chronology of political prisoner events in April 2016. <https://aappb.org/?p=4487>
- Acemoglu, D., Ticchi, D., & Vindigni, A. (2010). A theory of military dictatorships. *American Economic Journal: Macroeconomics*, 2(1), 1–42. <https://doi.org/10.1257/mac.2.1.1>
- Al Jazeera. (2020, June 21). Internet blackout in Myanmar's Rakhine enters its second year. <https://www.aljazeera.com/news/2020/6/21/internet-blackout-in-myanmars-rakhine-enters-its-second-year>
- Athan. (2019). *Mid-year report on status of freedom of expression in Myanmar*. <https://athanmyanmar.org/2019-mid-year-report-on-status-of-freedom-of-expression-in-myanmar/>
- Barker, V. (2009). *The politics of imprisonment: How the democratic process shapes the way America punishes offenders*. Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780195370027.001.0001>
- Barany, Z. (2018, January). Burma: Suu Kyi's missteps. *Journal of Democracy*, 29(1), 5–19.
- Beetham, D. (2004). The quality of democracy: Freedom as the foundation. *Journal of Democracy*, 15(4), 61–75.
- BBC News. (2015, July 8). Timeline: Reforms in Myanmar. <https://www.bbc.com/news/world-asia-16546688>
- BBC News. (2016, April 7). Myanmar political prisoners to be freed - Aung San Suu Kyi. <https://www.bbc.com/news/world-asia-35987069>
- Bove, V., Platteau, J. P., & Sekeris, P. G. (2017). Political repression in autocratic regimes. *Journal of Comparative Economics*, 45(2), 410–428.
- BCUK. (2019). The legacy of Aung San Suu Kyi's defence of the military at the International Court of Justice. Burma Campaign UK, 18 December. <https://burmacampaign.org.uk/the-legacy-of-aung-san-suu-kyis-defence-of-the-military-at-the-international-court-of-justice/>
- Büntel, M. (2014). On the road to democracy? Political liberalisation in Myanmar. *Asia Policy Brief* 2014/01, January 2014.
- Büntel, M. (2021). Myanmar: civil-military relations in a tutelary regime. In *Oxford Research Encyclopedia of Politics*.
- Buschmann, A. (2017). Myanmar in 2017: Democratic progress or authoritarian rollback. *IAPS Dialogue*.
- Buschmann, A. (2019). Reforms, protest, and repression in democratic transition: A hypothesis-generating case study from Myanmar (2011–2015).
- Cheesman, N. (2015). *Opposing the rule of law*. Cambridge University Press
- Cingranelli, D. L., & Richards, D. L. (1999). Respect for human rights after the end of the Cold War. *Journal of peace research*, 36(5), 511–534.
- Croissant, A., & Kühn, D. (2011, February). Civilian control, the military, and the democracy in East Asia: A new conceptual approach and its empirical application. In *security in a changing global environment* (pp. 275–305). Nomos Verlagsgesellschaft mbH & Co. KG.

- Crouch, M., & Lindsey, T. (Eds.). (2014). *Law, society and transition in Myanmar*. Bloomsbury Publishing.
- Davenport, C. (1995). Assessing the military's influence on political repression. *Journal of Political & Military Sociology*, 119–144.
- Davenport, C. (1999). Human rights and the democratic proposition. *Journal of Conflict Resolution*, 43, 92–116.
- Davenport, C. (2007). State repression and political order. *Annu. Rev. Polit. Sci.*, 10, 1–23.
- David, R., & Holliday, I. (2018). *Liberalism and democracy in Myanmar*. Oxford University Press. <https://doi.org/10.1093/oso/9780198809609.003.0008>
- Dean, K. (2017). Myanmar: surveillance and the turn from authoritarianism? *Surveillance & Society*, 15(3/4), 496–505.
- Diamond, L. (1999). *Developing democracy: Toward consolidation*. JHU press.
- Elden, S. (2003). Plague, panopticon, police. *Surveillance & Society*, 1(3), 240–253.
- Egreteau, R. (2012). Burma/Myanmar. *Political Insight*, 3(2), 30–33.
- Egreteau, R. (2016). *Caretaking democratisation: The military and political change in Myanmar*. Oxford University Press.
- Ellis-Petersen, H. (2018, 23 November). From peace icon to pariah: Aung San Suu Kyi's fall from grace. *The Guardian*. <https://www.theguardian.com/world/2018/nov/23/from-peace-icon-to-pariah-aung-san-suu-kyis-fall-from-grace>
- Escribà-Folch, A. (2013). Repression, political threats, and survival under autocracy. *International Political Science Review*, 34 (5), 543–560. <https://doi.org/10.1177/0192512113488259>
- Findlay, M. (1985). "Criminalisation" and the detention of "political prisoners"-An Irish perspective. *Contemporary Crises*, 9(1), 1–17. <https://doi.org/10.1007/BF00730683>
- Fink, C. (2001). *Living silence: Burma under military rule*. Zed Books.
- Fong, W. (2019). Depoliticisation, politicisation, and criminalisation: how China has been handling political prisoners since 1980s. *Journal of Chinese Political Science*, 24 (2), 315–339. <https://doi.org/10.1007/s11366-018-9569-0>
- Gaborit, L.S. (2021). "Beyond the prison gate": Exploring recognition through photography with former political prisoners in Myanmar. *Visual Anthropology*, 34, 3–20. <https://doi.org/10.1080/08949468.2021.1851575>
- Gartner, S.S. & Regan, P.M. (1996). Threat and repression: The non-linear relationship between government and opposition violence. *Journal of Peace Research*, 33, 273–287. <https://doi.org/10.1177/0022343396033003003>
- Goldstein, R.J. (1978). Political repression in modern America from 1870 to the present. (No Title).
- Gutter, P., & Sen, B. K. (2001). Burma's State Protection Law. *Burma Lawyers' Council, Bangkok*, 10243.
- Haschke, P. (2014). Democracy and the human right to the physical integrity of the person. <http://hdl.handle.net/1802/28530>
- Huang, R.L. (2017). Myanmar's way to democracy and the limits of the 2015 elections. *Asian Journal of Political Science*, 25, 25–44.
- Huang, R. (2020). *The paradox of Myanmar's regime change*. Routledge. <https://doi.org/10.4324/9780429322013>
- Huntington, S. P. (1991). Democracy's third wave. *Journal of democracy*, 2(2), 12–34. Huntington, S.P. (1993). *The third wave: Democratisation in the late twentieth century*. University of Oklahoma Press.
- Hudson-Rodd, N., & Htay, S. (2008). *Arbitrary confiscation of farmers' land by the State Peace and Development Council (SPDC) military regime in Burma*. Washington DC: Burma Fund. <https://www.burmalibrary.org/en/arbitrary-confiscation-of-farmers-land-by-the-state-peace-and-development-council-spdc-military>
- Kenney, P. (2017). *Dance in chains: Political imprisonment in the modern world*. Oxford University Press. <https://doi.org/10.1093/oso/9780199375745.001.0001>

- Ko Ko, N. (2018). Democratisation in Myanmar: Glue or gloss? *Panorama*, 1(1), 35–46. <https://hdl.handle.net/1885/196641>
- Levitsky, S., & Way, L. A. (2010). *Competitive authoritarianism: Hybrid regimes after the Cold War*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511781353>
- Loring, N.A. (2019). The roadmap to liberalisation: Myanmar's transition from military to civilian rule.
- Lubina, M. (2018). Set the torturers free. *Polish Political Science Yearbook*, 47(1), 77–96.
- Martin, M. F. (2020). *Burma's political prisoners and US sanctions*. Congressional Research Service.
- Mon, Y. (2016). NLD pledges no more political prisoners. *Myanmar Times*.
- O'Donnell, G., & Schmitter, P. C. (1986). *Tentative conclusions about uncertain democracies* (Vol. 4). Verlag nicht ermittelbar.
- Pion-Berlin, D., & Trinkunas, H. (2007). Attention deficits: Why politicians ignore defense policy in Latin America. *Latin American Research Review*, 42(3), 76–100. <https://doi.org/10.1353/lar.2007.0031>
- Regan, P. M., & Henderson, E. A. (2002). Democracy, threats, and political repression in developing countries: Are democracies internally less violent? *Third World Quarterly*, 23(1), 119–136. <https://doi.org/10.1080/01436590220108207>
- Roewer, R. (2017, April). Myanmar's National League for Democracy at a crossroads. <https://nbn-resolving.de/urn:nbn:de:0168-ss0ar-51657-3>
- Shattuck, P.T. (1974). Law as politics. *JSTOR*.
- San Yamin Aung. (2019, November 1). In Myanmar, courts increasingly used to silence criticism of military and govt. *The Irrawaddy*. <https://www.irrawaddy.com/opinion/analysis/myanmar-courts-increasingly-used-silence-criticism-military-govt.html>
- Taylor, R.H. (2009). *The state in Myanmar*. NUS Press.
- Testas, A. (2002). Political repression, democratisation and civil conflict in post-independence Algeria. *Democratisation*, 9, 106–121. <https://doi.org/10.1080/714000287>
- Thuzar, M. (2017). Understanding democracy, security, and change in post-2015 Myanmar. *The Journal of Asia Studies*, 22(1).
- Zanger, S.C. (2000). A global analysis of the effect of political regime changes on life integrity violations 1977–93. *Journal of Peace Research*, 37, 213–233.

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Acknowledgements

I would like to express my deepest gratitude to my supervisor, Dr. Bencharat Sae Chua, for her invaluable guidance and support throughout the development of this research. I am especially grateful to the Dignity Scholarship for its generous support during my PhD journey. I am also sincerely thankful to the anonymous reviewers for their constructive comments which have helped strengthen this article. My heartfelt appreciation goes to all interview participants for generously sharing their time and insights.