



ISP On Point 2026

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Justice Under Martial Law Reloaded

The martial-law order issued after the new administration proclaimed itself an elected government laid bare the realities of Myanmar's political landscape. In 60 of the country's 330 townships—more than 18 percent nationwide—it formally transferred judicial authority directly into military hands.



Justice Under Martial Law Reloaded

Events

Shortly after assuming the presidency, former junta leader Min Aung Hlaing declared a state of emergency in 60 townships and issued a martial law order on April 23, 2026. Prior to this, martial law was implemented in 63 townships. Min Aung Hlaing delegated executive and judicial powers for these 60 townships to his close confidant, the new Commander-in-Chief of Defense Services General Ye Win Oo. In effect, this keeps judicial authority vested in the hands of the Regional Military Commanders [See ISP Mapping (ISP-M2026-017)].

Preliminary Analysis

The townships where martial law has been declared are areas predominantly controlled or contested by Ethnic Armed Organizations (EAOs) and People's Defense Forces (PDFs/LDFs). Because of the martial law order, everything in these townships—from security, social affairs, trade, and transportation to the judiciary—will fall under the jurisdiction of the regime's

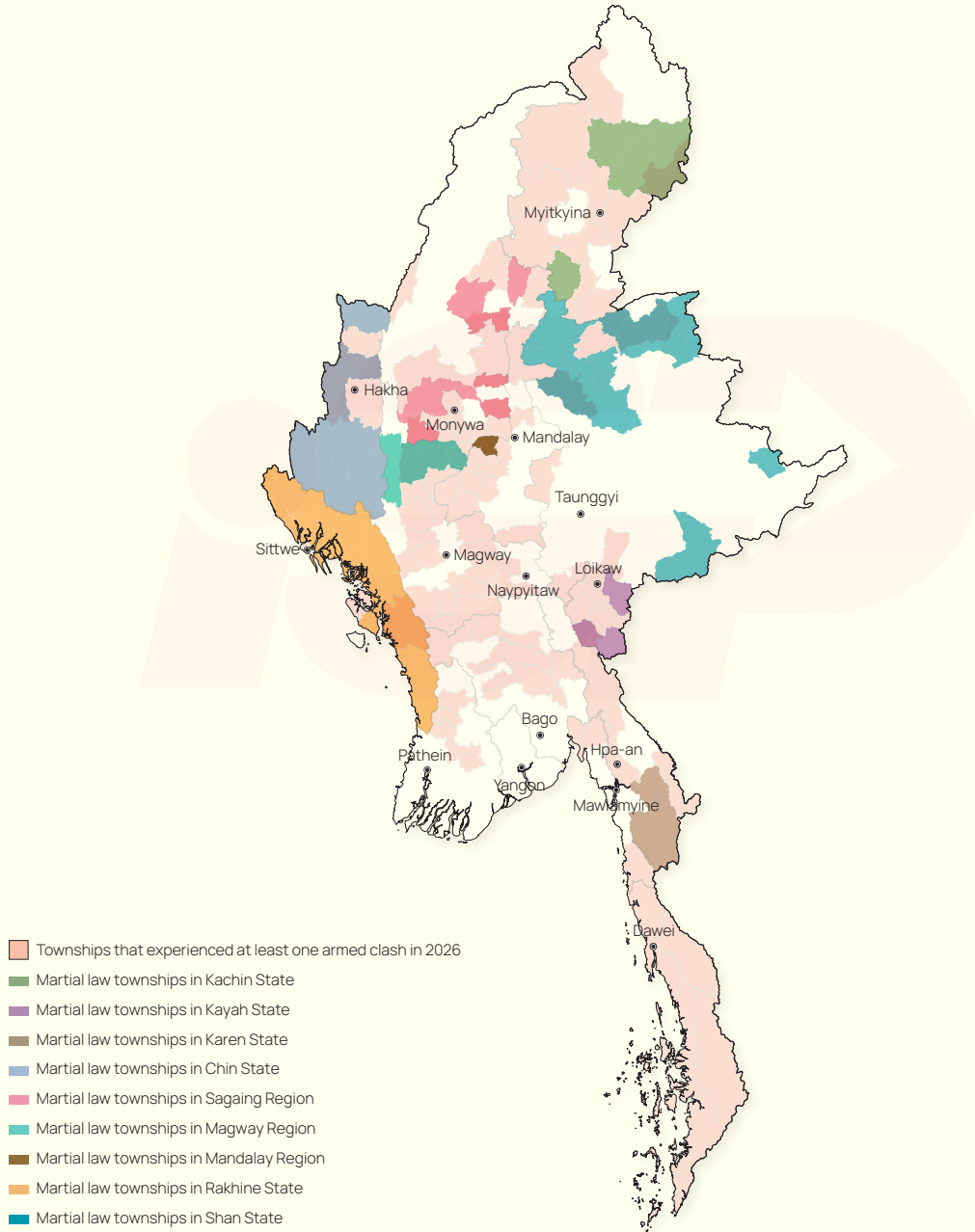
Regional Military Commanders. This will impact not only the local resistance forces but also the civilian population. This development is analyzed based on three aspects: (1) which offenses can be tried under martial law, (2) how it differs from the civilian judicial due process, and (3) how it might affect the judiciary in townships not currently under martial law.

The offenses subject to trial under martial law can be broadly categorized into 12 types of political offenses, nine types of criminal offenses, and two types of offenses related to press freedom [See ISP Data Matters (ISP-DM2026-039)]. This list reintroduces many of the legal sections typically weaponized to oppress and prosecute political activists, alongside the most common criminal offenses. Regional Military Commanders will possess the authority to adjudicate these cases either in existing courts or by convening military tribunals. Civilian courts in martial law areas will essentially be restricted to hearing only civil cases.

The judicial process under martial law differs significantly from the civilian system. While civilian courts utilize summary trials only for minor offenses, martial law permits summary trials for any case. Even major offenses

Townships Declared Under Martial Law

On April 23, 2026, Min Aung Hlaing declared martial law in **60 townships**. This includes **five townships** from Kachin State, **three townships** from Kayah (Karenni) State, **two townships** from Karen State, **seven townships** from Chin State, **14 townships** from Rakhine State, **15 townships** from Shan State, **eight townships** from Sagaing Region, **five townships** from Magway Region, and **one township** from Mandalay Region.



Data from January 1, 2026, to April 30, 2026, is part of research conducted by ISP-Myanmar's Conflict, Peace and Security Studies. It may vary from other sources due to differences in methodology and data availability.

What Military Tribunals Can Prosecute

In townships declared under martial law, offenses will be tried by military tribunals. The triable offenses include **12 types** of political offenses, **nine types** of criminal offenses, and **two types** of offenses related to the news and media.

Types of Offenses	Legal Sections
Political offenses commonly charged after the coup	<ul style="list-style-type: none"> • High Treason • Attempt to excite disaffection towards the Government • Sabotages or hinders the performance of the Defence Services of the Union or law enforcement agencies • Disrupts or hinders Defense Services and Government employees • Penal Code Section 505 • Penal Code Section 505-A • Cases against the Unlawful Associations Act • Cases against the Arms Act • Cases against the Anti-Corruption Law • Cases against the Electronic Transactions Law • Cases against the Ward or Village-Tract Administration Law • Cases against the Counter-Terrorism Law
Criminal offenses	<ul style="list-style-type: none"> • Murder • Homicide • Rape • Theft • Robbery • Offenses under the 1993 Narcotic Drugs and Psychotropic Substances Law • Offenses under the Public Property Protection Act • Offenses under the 1963 Protection of Public Property Act • Offenses under the 1947 Myanmar Immigration (Emergency Provisions) Act
Laws Restricting Press Freedom	<ul style="list-style-type: none"> • The News and Media Law • The Printing and Publishing Enterprise Law



Among the three pillars of government ... the judiciary is the one institution that could, in theory, check military interference. However, under martial law, the judicial pillar has fallen into the hands of Regional Military Commanders ...

- ▶ carrying the death penalty or life imprisonment are decided swiftly, bypassing the standard stages of calling witnesses and hearing pleadings. The penalties imposed are severe, and the right to appeal is explicitly prohibited. Even the Union Supreme Court, the country's highest judicial body, lacks the authority to overrule the decisions of these military tribunals.

In practice, there is unlikely to be a significant difference in the judicial reality between townships under martial law and those that are not. Some of the offenses triable by military tribunals in martial law townships are identical to the types of crimes categorized as related offenses under the Anti-Money Laundering Law, which Min Aung Hlaing enacted before convening the parliament. Under that law, for related offenses, the Ministry of Home Affairs can conduct investigations, take action, and make arrests without a court warrant (even though it lacks direct judicial authority). This grants the ministry the power to monitor and investigate everyone, from ordinary citizens to current government employees and political officeholders [[See ISP OnPoint No. 2/2026: Myanmar's New Anti-Money-Laundering Law: Targeting Scammers or Political Opponents?](#)]. Therefore, just as the judiciary is controlled via Regional Military Commanders in martial law areas, it will be controlled via the Ministry of Home Affairs in non-martial law areas.



Scenario Forecast

As the Min Aung Hlaing administration attempts to position itself as a civilian government, there must be a framework of accountability for the past actions and decisions through military tribunals. Similarly, the new Commander-in-Chief of Defense Services, who was delegated this authority, should report to and be accountable to the parliament regarding his actions. Decisions by military tribunals should not be absolute; for severe sentences, there should be an avenue to appeal to the Union Supreme Court. Without these safeguards, the impact on the public's daily security will be catastrophic. The range of offenses under the jurisdiction of military tribunals is exceptionally broad. They possess the power to impose prison sentences for infractions as minor as failing to register overnight guests. The risk of individuals being subjected to maximum penalties without the right to an adequate defense or appeal is deeply alarming.

Another critical risk is the potential collapse of the country's independent judicial pillar. Among the three pillars of government—legislative, executive, and judicial—the judiciary is the one institution that could, in theory, check military interference. However, under martial law, the judicial pillar has fallen into the hands of Regional Military Commanders,

and even the highest court, the Union Supreme Court, offers no reliable recourse. Of the current nine justices of the Union Supreme Court, five are men, and four are women; critically, four of the male justices are former military officers. Furthermore, the Constitutional Tribunal Law was amended to Min Aung Hlaing's exact preferences before the parliament was even convened. While it may not yet be practically feasible to appoint military officers to township courts, which interact most closely with ordinary citizens, Min Aung Hlaing is clearly attempting to dominate the judicial pillar through martial law orders and preemptively enacted laws. As projected in *State of Myanmar: ISP–Myanmar's Annual Strategic Review and Foresight 2025–2026*, these maneuvers align with conditions allowing him to expand his sphere of power not only across the executive and legislative pillars but also deeply into the judiciary. Ultimately, this trajectory could result in limitless presidential power, effectively breathing life into a consolidated system of personalistic dictatorship. ■