

LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

NEWSLETTER 201 - 29 July 2025

Dear Readers,

Welcome to a new edition of our newsletter.

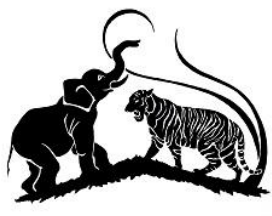
New military secrets law impacts private security services

On 28 July 2025, the State Administration Council (“SAC”) decreed a **Military Secrets Preservation and Protection Law** which impacts private security services.

Apart from that, it should be noted that the new law’s definition of “military secret” is wide and includes “matters related to military general strategies, strategies and tactics, and to military training”. The penalty for soliciting or leaking military secrets is life imprisonment or death. We think that soliciting or sharing information about troop movements, security incidents, the training of conscripts, etc., entails the risk of prosecution under the SAC’s new law.

The impacts on private security services are mainly as follows:

- Former defence personnel members wishing to work for a private security business with a license according to the recently decreed Private Security Services Law ([detailed analysis](#)) require permission from the Ministry of Defence. Those already working as “private security employees” are given 6 months (until and including 28 January 2026 according to our calculation) to obtain this permission.
- “Former defence personnel” means any person who was subject to the 1959 Armed Forces Act or who performed tasks part-time or permanently in any part of the Armed Forces, former Police Force members and former militia (we suppose that this includes the *pyu saw htee*) members. Former conscripts are included as conscripts are subject to the 1959 Armed Forces Act (section 11 [National Service Law](#)).
- The penalty for both the former defence personnel member and the person who hired him as “private security employee” for failing to obtain permission from the Ministry of Defence is imprisonment from 3 to 10 years and potentially a fine of up to MMK 1,000,000.
- Apart from requiring companies that offer security services as a business to be licensed, the Private Security Services Law obliges other companies and organisations that hire their own staff for security duties (e.g., watchmen) to obtain a permit if they have more than 10 security staff. Judging by the use of the expression “private security employee” in both laws, we suppose that permission from the Ministry of Defence is also required if a former defence personnel member wishes to work as security staff for such a company or organisation.



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- It is not apparent from the wording of the law whether permission is required if a former defence personnel member wishes to work for a company or organisation with not more than 10 security staff. This is a space to watch that may be clarified by future by-laws.

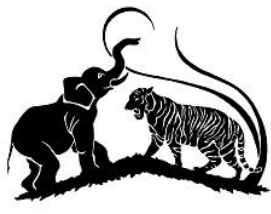
CONVENIENCE TRANSLATION - ACCURACY NOT GUARANTEED

Republic of the Union of Myanmar
State Administration Council
Military Secrets Preservation and Protection Law
(State Administration Council Law No. 44/2025)
1387, 4th Waxing Day of Wagaung
(28 July 2025)

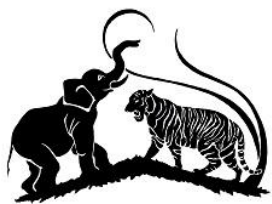
The State Administration Council has enacted this law according to article 419 of the Constitution of the Republic of the Union of Myanmar.

Chapter 1 **Title and definitions**

- This law shall be known as the Military Secrets Preservation and Protection Law.
- The following expressions shall have the meanings given hereunder:
 - "State"** means the Republic of the Union of Myanmar.
 - "Ministry"** means the Ministry of Defence of the Government of the Republic of the Union of Myanmar.
 - "Military secrets"** means the following:
 - Matters related to military general strategies, strategies and tactics, and to military training;
 - military technology, procedures or methods, including information related to military vessels, aircraft, other vehicles, machinery, weapons and ammunition, and to military equipment;



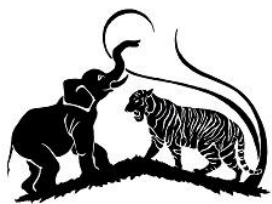
- (3) matters designated as military secrets by the Ministry from time to time.
- (d) **“Defence personnel member”** means any of the following:
 - (1) A person who is subject to the 1959 Armed Forces Act;
 - (2) a person who performs tasks part-time or permanently in any part of the Armed Forces, irrespective of whether he is subject to the 1959 Armed Forces Act;
 - (3) a member of the Myanmar Police Force;
 - (4) a member of a militia.
- (e) **“Former defence personnel member”** means a person who served as defence personnel but is no longer in active service.
- (f) **“Training”** means any of the following training activities using military secrets:
 - (1) Training, whether paid or otherwise;
 - (2) training, whether permanent or not;
 - (3) directing a person to personally teach or train in some way.
- (g) **“Performing tasks”** means any of the following performances of tasks using military secrets:
 - (1) Training or providing services;
 - (2) performing tasks, whether paid or otherwise;
 - (3) performing tasks, whether permanent or not.
- (h) **“Transferring military secrets”** means directly or indirectly transferring, by word of mouth, in writing or in any other way, any military secret so that it may be known;
- (i) **“Government of a foreign country”** means a person of authority or any part or component of the government of a foreign country, or any local government organisation of a foreign country.



- (j) **“Military force of a foreign country”** means any of the following groups:
 - (1) An official armed force established according to the law of the relevant country;
 - (2) an organisation that works together with an official armed force established according to the law of the relevant country;
 - (3) an organisation that operates under the plans or directions of an official armed force established according to the law of the relevant country or that operates on its own free will.
- (k) **“Non-affiliated military organisation of a foreign country”** means any of the following organisations, irrespective of whether they exist inside or outside the relevant country:
 - (1) An armed organisation not established according to the law of the relevant country;
 - (2) a private services company, organisation or association established with the permission of the relevant country to provide security services.
- (l) **“Unofficial armed organisation”** means an armed organisation that is not an official armed organisation of the state and that is not established according to the law, irrespective of whether it exists inside or outside of the state.
- (m) **“Private security services business”** means a private security services business that obtained a license according to the Private Security Services Law.

Chapter 2 Objectives

- 3. The objectives of this law are as follows:
 - (a) To contribute to the national security of the state by preserving and protecting military secrets;
 - (b) to prevent the use of military secrets for training activities, the provision of services or the performance of tasks for the government of a foreign country, the military force of a foreign country, a non-affiliated military organisation of a foreign country, an unofficial



armed organisation and any person, and to prevent the transfer of military secrets to them.

Chapter 3

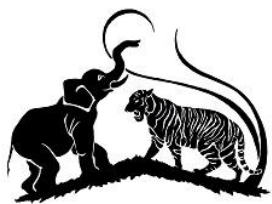
Performing tasks for the government of a foreign country, the military force of a foreign country or a non-affiliated military organisation of a foreign country

4. No defence personnel member or former defence personnel member may perform tasks for or on behalf of the government of a foreign country or the military force of a foreign country. However, tasks performed under an assignment of duties according to the law by the Ministry or with the permission of the Ministry shall not be subject to this section.
5. No defence personnel member or former defence personnel member may perform tasks for or on behalf of a non-affiliated military organisation of a foreign country.
6. Apart from a defence personnel member and former defence personnel member, no one may obtain or use any military secret in any way and perform tasks for or on behalf of the government of a foreign country, the armed force of a foreign country or a non-affiliated military organisation of a foreign country.

Chapter 4

Performing tasks for an unofficial armed organisation or a private security services business

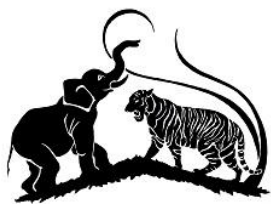
7. No defence personnel member may use any military secret and perform tasks in an unofficial armed organisation or a private security services business, whether inside or outside the state.
8. No former defence personnel member may use any military secret and perform tasks in any of the following organisations:
 - (a) An unofficial armed organisation;
 - (b) a private security services business.
9. Apart from a defence personnel member and former defence personnel member, no one may obtain or use any military secret in any way and perform tasks in any of the following organisations:



- (a) An unofficial armed organisation;
 - (b) A private security services business.
10. A former defence personnel member wishing to perform tasks as a private security employee shall apply as prescribed to the Ministry for permission.
11. A former defence personnel member:
- (a) May not perform tasks as a private security employee without obtaining permission from the Ministry;
 - (b) shall comply with the specifications when performing tasks as a private security employee with the permission of the Ministry.

Chapter 5 Offences and penalties

12. Any defence personnel member or former defence personnel member convicted of having violated the prohibition in section 4 or 5 shall be sentenced to life imprisonment or the death penalty.
13. Any defence personnel member convicted of having violated the prohibition in section 7 shall be sentenced to life imprisonment or the death penalty.
14. Any former defence personnel member
- (a) convicted of having violated the prohibition in section 8 (a) shall be sentenced to life imprisonment or the death penalty;
 - (b) convicted of having violated the prohibition in section 8 (b) shall be sentenced to imprisonment for a minimum of 10 years up to life imprisonment;
 - (c) convicted of having violated the prohibition in section 11 (a) or having failed to comply with the provisions in section 11 (b) shall be sentenced to imprisonment for a minimum of 3 years to a maximum of 10 years and may, in addition, be sentenced to a fine not exceeding 1 million kyats.



15. Any person other than a defence personnel member or a former defence personnel member
 - (a) convicted of having violated the prohibition in section 6 or section 9 (a) shall be sentenced to life imprisonment or the death penalty;
 - (b) convicted of having violated the prohibition in section 9 (b) shall be sentenced to imprisonment for a minimum of 10 years up to life imprisonment.
16. Any person convicted of having transferred any military secret to another person without having obtained permission according to the law from a person entitled to transfer it shall be sentenced to life imprisonment or the death penalty.
17. Any person convicted of having attempted, aided and abetted or conspired to violate any prohibition under this law shall be punished as provided for in this law for that offence.

Chapter 6 Miscellaneous

18. After examining the application according to section 10 as prescribed, the Ministry may approve or reject it.
19. The Ministry may suspend, revoke or cancel the permission granted according to section 18.
20. Notwithstanding anything contained in any other law in force, a person who commits an offence under this law shall be prosecuted only under this law.
21. A former defence personnel member performing tasks as a private security employee since before this law came into force shall apply for permission to the Ministry according to this law within 6 months from the date on which this law came into force.
22. If, at any stage of criminal proceedings in court for any offence charged according to this law, the prosecutor applies for the removal of all or some of the public on the grounds that it would endanger national security if any testimony or statement made by any person during the trial according to this law became public knowledge, the court may make an order in accordance with such application. However, in any matter, the sentence must be issued in public.
23. When implementing the provisions of this law:



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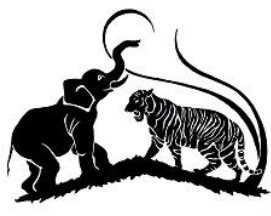
- (a) The Ministry may issue rules, regulations and rules of conduct with the approval of the Union Government.
- (b) The Ministry may issue notifications, orders, directives and procedures.

I have signed according to article 419 of the Constitution of the Republic of the Union of Myanmar.

(Signature) Min Aung Hlaing
Senior General
Chairman
State Administration Council

We hope that you have found this information useful.

Sebastian Pawlita
Managing Director



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About Lincoln Legal Services (Myanmar) Limited

Lincoln Legal Services (Myanmar) Limited provides the full range of legal and tax advisory and compliance work required by investors. We pride ourselves in offering result-oriented work, high dependability and a fast response time at very competitive prices. Please do not hesitate to contact us:

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