

# MYANMAR

## THE INSTITUTION OF TORTURE

### INTRODUCTION

Torture and ill-treatment have become institutionalized in Myanmar. They are practised by the army as part of counter-insurgency activities; by Military Intelligence (MI) personnel when they interrogate political detainees; by prison guards; and by the police. Patterns of torture have remained the same, although the time and place vary. Torture occurs throughout the country and has been reported for over four decades. Members of the security forces continue to use torture as a means of extracting information; to punish political prisoners and members of ethnic minorities; and as a means of instilling fear in anyone critical of the military government.

Torture and ill-treatment of political prisoners and ethnic minorities in Myanmar are commonplace and have been reported by Amnesty International for over 12 years. However, the State Peace and Development Council (SPDC, Myanmar's military authorities) consistently denies that torture occurs in Myanmar, stating that it is against domestic law.

Articles 330 and 331 of the Burmese Penal Code of 1957, which is believed to remain in force, prohibit torture and ill-treatment during interrogation. However to Amnesty International's knowledge, no one has been charged or tried under these provisions.

In the last 10 years the military authorities have launched a series of crackdowns on the National League for Democracy (NLD) since the party won over 80% of the parliamentary seats in the May 1990 elections. The NLD has not been allowed to form a government, hundreds of its members are imprisoned for their peaceful political activities, and tens of thousands have been forced to resign from the party. In addition, widespread harassment, surveillance, and other forms of control such as forced party office closures are all used by the SPDC to silence any opposition and keep the population in a state of fear. The denial of freedom of expression and assembly is almost complete in Myanmar today. The year 2000 has brought even more repression of the peaceful political opposition. At the time of writing, NLD leader Daw Aung San Suu Kyi and eight other NLD Central Executive Committee members have been held under house arrest since September for attempting to travel outside of Yangon, the capital. U Tin Oo, NLD Vice-Chairman, is currently held at a military detention centre, joining hundreds of others imprisoned for their opposition activities.

The SPDC has also arrested hundreds of students for their political opposition activities. The 1988 pro-democracy movement was led by students, who have traditionally been at the forefront of political activity in Myanmar. Although thousands of young activists fled to neighbouring countries after the military reasserted power in September 1988, others continued their struggle inside the country. They were subjected to a similar pattern of arrests as NLD and other opposition party members. Most recently students staged demonstrations in December 1996 when scores of them were arrested. In the runup to the 10<sup>th</sup> anniversary of the 1988 pro-democracy movement,

scores of young activists were arrested in mid-1998. Arrests of students and other young people have continued into 2000 in pre-emptive moves by the SPDC to eradicate any opposition to their rule.

Political prisoners, believed to number some 1700, are at risk of torture during the initial phases of detention when they are often interrogated for hours or even days at a time by rotating teams of Military Intelligence (MI) personnel. They are also vulnerable to torture and ill-treatment after sentencing, when they can be punished for breaking arbitrary prison rules such as possessing writing paper. Moreover, criminal prisoners are used by the authorities to work in labour camps breaking up stones or constructing roads, where conditions are so harsh that hundreds, perhaps thousands, have reportedly died due to ill-treatment, overwork, and lack of food and medical care.

Former torture victims refer to specific torture techniques which are employed consistently by MI personnel during initial interrogation. These methods include having an iron bar rolled repeatedly up and down the shins until the skin peels off, known as the “iron road”; near-suffocation; and electric shocks applied to various parts of the body. An extensive network of Military Intelligence centres operates throughout the country where these practices are common. When political detainees are arrested, they are usually taken first to these centres, which are known by their assigned numbers. After sentencing they are normally transferred to one of 20 of Myanmar’s 43 prisons,<sup>1</sup> where conditions vary, but in general amount to cruel, inhuman, or degrading treatment. As one form of punishment, prison guards force political prisoners to stay for weeks or months in tiny brick cells with little light or ventilation, known as “*Taik Peik*”. Prisoners are also forced to maintain various difficult positions for prolonged periods, known as “*ponsan*”, which means model in Burmese.

Ethnic minority civilians living in areas of counter-insurgency operations by the Myanmar army, or *tatmadaw*, are also at risk of torture and ill-treatment. Members of ethnic minorities in areas where armed opposition groups are active have been seized by the *tatmadaw* and interrogated and tortured to extract information about the whereabouts of armed ethnic minority groups. In addition they face torture and ill-treatment when they are taken by the *tatmadaw* and forced to carry heavy supplies as porters for days or weeks at a time. If they are not able to keep up with the military column, they are often severely beaten and kicked by troops. Ethnic minority women in areas of counter-insurgency activities can also be at risk of rape if they are taken to porter for the military.

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<sup>1</sup> For a list of prisons and other detention centres please see Appendix 1.

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At least 43 political prisoners have died in custody since the military's violent suppression of the democracy movement in 1988, although the true number is believed to be much higher. Torture and ill-treatment, poor prison conditions, and inadequate medical care, sanitation and diet are all factors contributing to deaths in custody, particularly for the elderly and chronically ill. However some political prisoners are in good health at the time of arrest and are tortured to death. Mohamed Ilyas, a Muslim NLD member in his 60s from the Rakhine State, was arrested in June 1992 for his alleged involvement in a bomb explosion, which Amnesty International believes was a spurious charge. He was reportedly held incommunicado and severely beaten; he was then taken to a hospital where he later died. Although the authorities claim that he died of "acute gastrointestinal disease", sources close to the victim said he was in good health at the time.

In a more recent case of a death in custody due to torture or ill-treatment, Aung Kyaw Moe, a 38-year-old NLD member, died in May 1998 at Tharawaddy Prison, Bago Division, central Myanmar. He was arrested in July 1989 during a massive crackdown on the NLD, imprisoned in Insein Prison, and transferred to Tharawaddy Prison in 1991. He and six other political prisoners began a hunger strike in early May 1998 to protest the prison authorities' continued imprisonment of those who had completed their sentences. The wardens ignored their protest, shackled them and denied them water. They were then ordered to assume a *ponsan* position which entailed standing on tip-toe with knees bent at a 45 degree angle for a prolonged period. The other six prisoners lost consciousness, but Aung Kyaw Moe maintained his hunger strike, refusing to take glucose. He was reportedly severely beaten for nearly an hour and died the same day.

All political prisoners are at risk of torture. James Mawdsley, a dual UK and Australian national, was tortured for a peaceful protest about his prolonged solitary confinement. He was arrested in August 1999 in Tachilek near the Thai border for handing out leaflets calling for peaceful political change in Myanmar. In September 1999 he was sentenced to 17 years' imprisonment and was held in solitary confinement at Kengtung Jail, Shan State. In 1998 he had been detained for almost three months for the same reason, and was badly beaten during his initial interrogation in Mawlamyine, Mon State. He was then deported from the country.

In September 2000 a UK vice-consul visited him and stated that his nose was badly broken and his eyes blackened. He had written "*solitary confinement is inhumane*" and "*release all political prisoners*" on the walls of his cell. Beginning on 21 September he was reportedly beaten on three occasions over three consecutive days by 15 prison guards, five of whom had three-foot wooden sticks. He was later given inedible food and his books were confiscated.<sup>2</sup> Although the UK government issued

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<sup>2</sup> *The Sunday Times*, London, 1 October 2000, Peter Conradi.

strong protests to the SPDC, they continued to deny that torture or ill-treatment occurred, stating that the wounds were self-inflicted. James Mawdsley was released on 20 October 2000 and immediately returned to the UK.

In the most positive development for the protection of human rights in the 1990s, the International Committee of the Red Cross (ICRC) announced in May 1999 that they had signed an agreement with the SPDC for access to Myanmar's prison system. In accordance with the ICRC's working rules, the ICRC can conduct private visits with individual prisoners and repeat visits to all prisons. In April 2000 the ICRC announced that they had visited 30,000 inmates in 25 prisons, 1450 of whom are "security detainees", or political prisoners. They also began visiting prison labour camps in March 2000.<sup>3</sup> However to Amnesty International's knowledge, they do not have access to MI detention centres, where torture during initial interrogation most frequently occurs.

## A SHORT HISTORY OF TORTURE IN MYANMAR

The practice of torture has increased in Myanmar since 1988 when mass protests against 26 years of military rule broke out. Subsequently thousands of people have been arrested for their opposition activities. Amnesty International believes that there are at least 1700 political prisoners currently incarcerated in the Myanmar prison system. With the increase in the number of political prisoners in the last 12 years there has been a concomitant increase in torture and ill-treatment. However the use of torture as a method of extracting information and punishing political prisoners occurred routinely prior to 1988. After General Ne Win overthrew the democratically-elected government in a 1962 coup d'état and formed the Burmese Socialist Program Party (BSPP), those actively opposing the government were at risk of arrest and torture in detention.

A former political prisoner described his ordeal at the hands of Military Intelligence personnel when he was arrested in November 1968. During his initial interrogation he was beaten and kicked while kept with his feet in shackles and his hands tied with rope. He was then blindfolded during which time electrodes were attached to his toes and strong electric shocks administered repeatedly. The shocks increased in duration until finally he lost consciousness. He was later detained without trial for almost four years.<sup>4</sup>

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<sup>3</sup> *Agence France Presse*, Yangon, 9 April 2000.

<sup>4</sup> *Burman in the back row, Autobiography of a Burmese rebel*, by Aye Saung, White Lotus Press, Bangkok, Thailand, 1989.

Another former political prisoner<sup>5</sup> who experienced torture had been arrested for participating in the 1976 student movement to honour the nationalist poet Thakin Kodaw Hmine. Students marched to Rangoon University to commemorate the anniversary of his birth but were later dispersed by the army for breaking Order 144, which forbade public gatherings of more than four people. Order 144 had been decreed in the aftermath of the student uprising in December 1974 when the BSPP government would not give a State funeral to former United Nations Secretary General, U Thant. This prisoner, who was detained without trial from May 1976 until General Ne Win declared an amnesty for political prisoners in May 1980, told Amnesty International about torture he endured during a week of initial intense interrogation. The methods of torture employed by Military Intelligence after the 1988 pro-democracy movement are the same techniques described below.

At the time of his arrest he was handcuffed at the back and hooded so that he was unable to see where he was being taken. He was interrogated for an entire night, with shifting MI personnel questioning him. In order to force him to reveal information, he was tied up by his hands, suspended from the ceiling and spun around, known as the “helicopter”. He was also forced to assume a half-crouching position, while standing on the tips of his toes, known as “the motorcycle”. When asked how long he had to remain in such positions, he said “*until you beg for mercy, maybe 10 or 15 minutes*”. His interrogation period lasted an entire month during which time he was held in solitary confinement. He was also held incommunicado, with no visits from family, medical personnel, or lawyers permitted.

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<sup>5</sup>Amnesty International has deleted the names and any other identifying details about former political prisoners and members of ethnic minorities in order to protect sources.

At the same time as political dissent was being suppressed in Myanmar (then called Burma), the military government of General Ne Win was fighting numerous armed ethnic minority groups in the areas surrounding the central Burman plain. As part of its counter-insurgency operations, troops routinely entered ethnic minority villages when patrolling the countryside. Those civilians suspected of contact with insurgents were at risk of torture by the army. Counter-insurgency activities intensified in 1984, causing civilians to flee in large numbers into neighbouring Thailand. Some reported that they had suffered from a wide range of human rights violations, including torture and ill-treatment. Refugees described being detained by the army in underground pits while being tortured. Techniques such as “the iron road” and near-suffocation, employed by MI personnel in central Myanmar, were also used on ethnic minority civilians. Some villagers seized as porters were force-marched until they collapsed from exhaustion or were severely beaten for not keeping up with the military patrol.<sup>6</sup>

Torture and ill-treatment of political detainees escalated beginning in March 1988 when students led mass pro-democracy demonstrations which were violently suppressed. An estimated 3,000 people were killed by the security forces, who in September 1988 re-asserted control and formed a new government known as the State Law and Order Restoration Council (SLORC). General Ne Win resigned, martial law was declared, and at the same time the authorities announced general elections for May 1990. As political parties became active in the run-up to the elections, the government stepped up arrests, culminating in a massive crackdown in July 1989 when Daw Aung San Suu Kyi, leader of the National League for Democracy (NLD), and hundreds of others were arrested. Students were also targeted for arrest and imprisonment. In a further attempt by the SPDC to prevent any political opposition activities among young people, universities have been closed most of the time since early 1988.

### **TORTURE IN THE 1990s**

*“At the court we complained that we’d been tortured and the judge said that’s normal -- I’ll record it but it won’t help. The judge was sympathetic and afterwards he told me that he couldn’t do anything and he was only allowed to read what he got from MI.”<sup>7</sup>*

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<sup>6</sup> For an extensive discussion of torture and ill-treatment of the Mon, Kachin, and Karen ethnic groups, please see *BURMA: Extrajudicial execution and torture of members of ethnic minorities*, Amnesty International, ASA 16/05/88, May 1988.

<sup>7</sup> Testimony given to Amnesty International by a 23-year-old former political prisoner when describing his trial.

Myanmar's authorities have employed the same torture techniques over several decades and in a wide variety of geographical locations. Former political prisoners have developed a shorthand to refer to standard methods used repeatedly in detention centres by Military Intelligence personnel; in prisons by wardens; and by troops in areas of counter-insurgency activity. Such techniques as the "motorcycle", the "helicopter", and the "iron road" have all entered the lexicon of torture in Myanmar. Other methods which are frequently used include "*ponsan*", which entails assuming difficult positions for prolonged periods, often while being beaten.

Myanmar citizens who report the use of torture are at risk of imprisonment and torture themselves. Maung San Hlaing, also known as Evak and Tin Hlaing, was arrested on 13 June 1996 and sentenced in August 1996 to seven years' imprisonment for speaking to foreign journalists about torture and ill-treatment of political prisoners. He was interviewed on camera by reporters in Daw Aung San Suu Kyi's home compound, where he acted as one of her body-guards, in April 1996. The official Myanmar media reported that he had given foreign journalists "concocted news" about torture, and other "false and fabricated events". Amnesty International considers Maung San Hlaing to be a prisoner of conscience, arrested solely for defending human rights in Myanmar.

In September 1990 dozens of political prisoners in Insein Prison, the largest jail in Myanmar, staged a hunger strike to demand transfer of power to the National League for Democracy (NLD), the opposition party led by Daw Aung San Suu Kyi. The NLD had won the May 1990 elections but the SLORC refused to convene parliament, instead arresting scores of NLD leaders. Several prisoners were severely beaten, including one of the leaders, who was beaten with a rubber pipe about 40 times on the back. During the beatings he was held on the floor with his head under the boot of a prison warden. Over 40 prisoners required hospitalization, and six were reportedly beaten to death. Former political prisoners told Amnesty International that prison guards played popular songs over the loudspeakers in order to drown out the sounds of prisoners' screams. In response to reports that torture was occurring, SLORC officials stated that "internationally-recognized batons" had been used and that only three prisoners had been "slightly injured".

Another example of torture and ill-treatment of a large group of political prisoners occurred in mid November 1995 when prison authorities at Insein Prison began to subject a group of 29 prisoners to severe and prolonged ill-treatment as a punishment for attempting to send a letter about prison conditions to the UN. They were also interrogated for possessing radio sets and for the circulation of a newsletter which the prisoners had produced. All of them were placed in *Taik Peik*, tiny punishment cells with little ventilation or light and only allowed to leave their cells for 10 minutes per day to shower. The cells held four or five people and only measured eight feet by ten feet.

They were kept in these cells for several months and 21 of them were given additional prison sentences by a court inside Insein Prison. Some four months after the trial, one of the group, U Hla Than, an NLD member of parliament-elect, died in custody.

His death certificate is reported to have recorded his cause of death as being pulmonary tuberculosis, and that he had tested positive for the Human Immune Deficiency Virus (HIV). There is concern that the ill-treatment he received in prison contributed to his death.

One political prisoner interviewed by Amnesty International had been held for eight months in *Taik Peik* after the hunger strike. He was moved to Tharawaddy Prison in August 1996 with a group of other political prisoners and kept in iron shackles for one month. The shackles consisted of an iron bar between the feet attached to chains which went around the waist. He said that when the shackles were attached with a hammer and nail, the nail sometimes pierced the shin as it was being hammered into place.

## **INDIVIDUAL CASES**

### **Case One**

In early 2000 Amnesty International interviewed several former political prisoners who had been tortured and subjected to prolonged cruel, inhuman or degrading treatment during the 1990s. One of them, a 35-year-old former prisoner of conscience with a degree in Burmese literature, was imprisoned twice during the 1990s for his peaceful opposition activities. He was arrested for the second time in July 1994 and held in very bad conditions in a police lockup for nine days and then detained in Insein Prison for one year without trial. After receiving a sentence of five years, he remained imprisoned at Insein.

On 6 July 1996 he was hooded and handcuffed in his Insein Prison cell and taken to the court inside the prison compound. He was interrogated throughout the day and accused of planning to commemorate the 7 July 1962 destruction of the Yangon Student Union by the army.<sup>8</sup> During the interrogation he was forced to lie on his stomach on the ground while interrogators stepped on him and whipped him with a rubber cord about one inch in diameter. He said: "*When I didn't scream they told me I was stubborn and when I screamed they told me I was weak.*"

After being hit 150 times, he lost consciousness. When he woke up, he was taken in chains to a solitary confinement cell. He was then forced to assume various

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<sup>8</sup> After student demonstrations in July 1962 the military opened fire and blew up the Student Union Building of Rangoon University, reportedly killing hundreds of students.



*ponsan* positions for one hour at a time, twice a day. For 12 days he had to perform the same *ponsan* routine, while remaining in chains which encircled his waist and were attached to an iron bar between his legs. He told Amnesty International that he had sores and bruises on his ankles, forehead, elbows, and knees. During that time he was also made to “*hop like a frog*” whilst in chains. He finally threatened to go on a hunger strike, after which time his chains were removed.

He was transferred to Tharawaddy Prison in November 1997 where he remained until his release. After his possessions were confiscated he was held in solitary confinement from November 1997 until May 1998. He was released in October 1998 on completion of his sentence but remained under intense surveillance until he fled the country. He told Amnesty International that as a result of his treatment he is unable to undertake physical work and can not sit or stand for prolonged periods.

## **Case Two**

Another former political prisoner and soldier who was imprisoned from October 1989 until May 1998, was tortured on at least three occasions during his imprisonment. When he was still in the army he joined the 1988 pro-democracy movement and went into hiding but was eventually arrested by Military Intelligence 6. He was initially put into a dark room and handcuffed to the wall for one month.

After being sentenced to twelve years’ imprisonment he was moved to Insein Prison. In late 1989 he was punished with other political prisoners for refusing to work after a political prisoner had been hit while making bricks. Prisoners normally work when incarcerated, where duties include working in the prison farm or making bricks. For a one month period he was forced to assume various *ponsan* positions while being beaten for two hours twice per day in a *taik peik* cell. During this period he was held continually in chains which encircled his waist and were attached to an iron bar between his legs.

He also participated in the September 1990 hunger strike at Insein Prison and reported that after three days they were deprived of water. They were hooded and beaten with a wooden baton, and then dragged back to their cells. He was transferred to Tharawaddy Prison in November 1991 where he served the remainder of his sentence. After being accused of conspiracy to assassinate the prison chief by criminal prisoners, he and 11 other political prisoners were beaten and put in solitary confinement for 14 months from February 1992 until April 1993.

As a further punishment they were sentenced to an additional one year imprisonment and held in chains for one year. In June 1994 he began working in the prison farm and also made bricks. He told Amnesty International that in 1996 he then

SLORC introduced a “self-reliance” program for prisons, which meant that prison directors were required to raise money through prison labour. With the increased demand for hard labour, many prisoners became severely ill. He was experiencing blurred vision because he had been beaten around the eyes and told the prison authorities that he could no longer work. He was then kept in solitary confinement in the prison hospital where he suffered from high fevers, but received no medical treatment. He was finally released in May 1998.

### Case Three

A 35-year-old former university student and political prisoner was also tortured in Tharawaddy Prison. He was arrested in November 1988 for his participation in general strike activities in the pro-democracy movement. After his arrest he was taken by Infantry Battalion 70 and the police to a military outpost on the Dala riverbank, near Yangon. A soldier pointed a gun at his head and questioned him. He was beaten all night with a rifle butt and kicked with military boots until he lost consciousness. He said that as a result of his treatment he sustained permanent hearing loss in his left ear. After being held for two weeks in Dala police lockup, he was taken to Building 5 at Insein Prison, hooded and beaten during further interrogations.

In October 1989 he was sentenced to 10 years' imprisonment and held in Insein Prison and then transferred to Tharawaddy Prison in November 1991. After his transfer, he and other political prisoners complained about the lack of medical treatment for dysentery which had spread through the prison. As a punishment for his protest, he was placed in chains and forced to assume *ponsan* positions for two hours per day, once in the morning and once in the evening, for 22 days. He was not allowed any blankets or mats and slept on the concrete floor during the cold season. There were no toilet facilities whatsoever for the 22 day period. He eventually recovered from dysentery without medical treatment. However in mid-1995 he began coughing blood but only received medication from his family.

He was released in February 1997. He told Amnesty International: *"I want you to understand the plight of the people. Our suffering is not finished after our release - we can't do anything...We are watched by the 100 eyes of the military."*

### Case Four

A 23-year-old former political prisoner and student activist was arrested twice during the 1990s, the first time in 1990 when he was 14 years old. He was held that time for only 25 days but he contracted tuberculosis for which he received no medical treatment. He was subsequently arrested with his associates in July 1994 in Yangon for a small-scale peaceful protest and the possession of All Burma Federation of Student Union (ABFSU) leaflets<sup>9</sup> and the NLD flag. He was later sentenced to five years' imprisonment and released in August 1998.

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<sup>9</sup> The ABFSU, or *BaKaTha* was formed in the 1920s and subsequently led by General Aung San, Myanmar's independence hero and father of Daw Aung San Suu Kyi. The ABFSU has been at the forefront of the independence and pro-democracy struggles in the country.

After his arrest he was taken to Kyeikasan stadium, Tamwe township, Yangon, which is sometimes used as a detention centre during mass arrests. There he was forced to kneel on sharp stones for prolonged periods. He was also forced to stand for extended periods on his tiptoes with a pin under his heel. A plastic bag was placed over his head which made breathing extremely difficult. After one day of torture and interrogation he was taken to MI 12 headquarters. While there he was forced to “ride the motorcycle” and the “airplane”, when he was spun around. He told Amnesty International that during his interrogation he was kicked and beaten almost constantly. He was held at MI 12 headquarters for one month, two weeks of which was “non-stop” interrogation by rotating teams of MI.

He described his situation:

*“I fell down many times. My feet were very swollen from continual standing. MI quarrelled amongst themselves - they were afraid I was going to die on them. I wasn’t very well by then - I was taking medication for TB. After two weeks they finally let me take a shower...I’m not coughing now but I have chest pain in the winter.”*

He was transferred to Insein Prison and held in very crowded conditions in Hall 5 for four months when he suffered from frequent fevers. Prisoners were forced to sleep on their sides because there was not enough space. He was then moved to Myingyan Prison in Mandalay Division, which reportedly has the worst prison conditions in Myanmar. After his transfer he and a group of other prisoners were beaten “for no reason” with rubber truncheons at least 200 times. Each time he fell down he was picked up and the beatings continued. He was then forced to perform *ponsan*. Although his health continued to suffer, he was not allowed to go to the prison hospital and only received paracetamol.

He was held in chains for seven and one half months beginning in September 1995 for attempting to pass information outside of the prison. In November 1996 he was again punished for complaining about the lack of water and poor quality of food. Four criminal prisoners were instructed to beat him with a rubber stick all over his body. He was not allowed to shower for one month. After his release in 1998 he sought medical treatment, but when interviewed by Amnesty International, he was still visibly affected by the torture he had experienced. He said that his doctor had told him that his eyes blinked very rapidly because of prolonged exposure to white light during solitary confinement and because of malnutrition.

The Myanmar authorities continue to use torture and ill-treatment as punishment and as a means of extracting information from political prisoners. Such practices are part of the larger pattern of political repression, which include massive arrests,

widespread surveillance and harassment, and suppression of the National League for Democracy and other peaceful opposition groups. In his interim report to the Fifty-fifth Session of the General Assembly, the UN Special Rapporteur on Myanmar said:

*“...Torture or other forms of inhuman treatment of political detainees are believed to be routine, especially during initial interrogation. Convicted prisoners are also reported to be subjected to torture and other forms of cruel, inhuman or degrading treatment for breaches of prison regulations.”<sup>10</sup>*

## DETENTION CENTRES AND PRISONS

Torture and ill-treatment occur in a variety of detention centres, police lock-ups, Military Intelligence headquarters, military outposts, prisons, and labour camps throughout the country.<sup>11</sup> Both political and criminal prisoners are subjected to such practices, although most of the information provided to Amnesty International concerns political prisoners. However thousands of convicted criminals have been taken from prisons to labour camps where conditions are considerably harsher than those found in prisons.<sup>12</sup> Criminal prisoners are also reportedly taken out of labour camps and forced to act as porters carrying heavy loads for the army. This occurs in areas of counter-insurgency activity against ethnic minority armed opposition groups where the army is patrolling the countryside on a regular basis.

To Amnesty International’s knowledge, political prisoners are generally not placed in labour camps because, as one former prisoner of conscience said: *“they might organize the work force”*. Two known exceptions to this practice are the comedians and prisoners of conscience U Pa Pa Lay and U Lu Zaw, who were arrested in January 1996 and are still serving seven year sentences. They were arrested after having performed at Daw Aung San Suu Kyi’s house for an NLD celebration on the 4 January to mark Myanmar’s independence day. After their sentencing in March of that year they

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<sup>10</sup>*Situation of human rights in Myanmar*, Interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, 22 August 2000.

<sup>11</sup> In addition, these practices occur in areas where there are counter-insurgency activities by the Myanmar armed forces against ethnic minority armed opposition groups. Civilians from the Shan, Karen, and Karenni ethnic minority groups are sometimes tortured and ill-treated by the army. Please see the next section for a complete discussion

<sup>12</sup> For a full discussion please see *Myanmar: Conditions in prisons and labour camps*, AI Index ASA 16/22/95, 22 September 1995.

were initially made to work splitting stones for road construction for a period of several months. They both lost considerable weight and their health deteriorated. U Pa Pa Lay was subsequently transferred to Myitkyina Prison, Kachin State, in the far north of the country, where his health has improved. U Lu Zaw, his cousin, is believed to be held in Katha Prison, Sagaing Division.

Prisoners in labour camps are kept chained with an iron bar between their legs and provided with inadequate food and medical treatment. They are forced to work long hours breaking rocks in quarries and constructing roads. Hundreds are believed to have died as a result. Even women have been taken to labour camps designated for women only. A former female prisoner of conscience reported that in the early 1990s when she was in Insein Prison, there were two such labour camps: Htone Bo quarry, near Maymyo, Mandalay Division, and Yezin Quarry, near Pyinmana, Bago Division. She said that although female criminal prisoners did have their sentences reduced for time spent in the camps, such labour was not voluntary. She also stated that these two female-only prison camps are still in operation.

The SPDC does not deny its use of prison labour:

*“The motto of the prisoner department goes [sic] ‘the debt of crime will be repaid with sweat’, so the prisoners are obliged to pay their debt to society with their labour in quarries, road building, land reclamation thus contributing towards the nation building activities. In doing so, they can contribute towards regional development, earn wages, live better and can finally have their sentence terms reduced.”<sup>13</sup>*

There are 43 prisons in Myanmar, which are divided into three categories. “A” category prisons are the largest, holding those serving long sentences or under sentence of death. The “B” group houses prisoners serving medium length sentences and the “C” group holds those serving less than five years. According to former political prisoners, in the past political prisoners were only held in the “A” category, but are now held in all three types of prisons. Conditions in prisons vary, although Tharawaddy and especially Myingyan Prison, Myingyan township, Mandalay Division are known to be particularly harsh. A former political prisoner explained what had happened in the latter:

*“Before April 1991 it was an okay prison. But then the political prisoners began organizing. The chief and others were arrested for breaking the rules -- being nice to political prisoners and associating with them.. They actually went to prison for three years.”*

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<sup>13</sup> “The Truth” (Volume-1), 14 August 2000, posted on news group *soc.culture.burma*

He reported that the new head of the prison had “*personally instructed every prison guard to beat [political prisoners], even to death*”.

Conditions in most prisons are harsh, due to lack of adequate food, water, sanitation, and medical care. Prisoners rely on their families to provide them with essential food and medication during their fortnightly visits. A hardship which political prisoners can face is being transferred to a prison located far from their homes and families. This makes it difficult for families to visit and provide essential assistance. There have been a number of well-documented transfers of large numbers of political prisoners during the 1990s which former political prisoners believe is a form of punishment. For example in November 1997 over 100 political prisoners were transferred from Insein Prison to Tharawaddy, Thayet, and Mandalay prisons. During April and May 1999 hundreds of political prisoners were reportedly transferred from Insein Prison to prisons far from the capital.

## **TORTURE AND ILL-TREATMENT OF ETHNIC MINORITIES**

Although there are similarities between the torture and ill-treatment of ethnic minority civilians and practices used against political prisoners, important differences remain. Political prisoners are usually held in some kind of government facility, whether a Military Intelligence Headquarters, a police station, a prison, or a “government guesthouse”. Ethnic minority civilians are generally tortured and ill-treated when troops come through their villages on counter-insurgency operations or when they are taken to be porters for the army. However both groups face similar torture methods, characterized most frequently by severe beatings with fists, rifle butts, and repeated kicks with military boots.

Torture and ill-treatment of ethnic minority civilians occur in the context of a pattern of persecution against non-Burman groups, who comprise one third of the population. Ethnic minorities are often deprived of their economic, social and cultural rights on a large scale. Some of them state that the SPDC are employing a “Burmanization program” which denies them the right to speak their own language and practice their religion. The Mon and the Shan people in the eastern part of the country report that the SPDC does not permit the teaching of the Mon and Shan languages in schools. The Chin group, the majority of whom are Christians, have provided evidence that the authorities are trying to force them to convert to Theravada Buddhism, the religion of most Burmans. Church-burning, harassment and detention of pastors, and preferential treatment for local Buddhist civilians have all been reported in the Chin State. The Rohingyas, or Muslims who live in the western Rakhine State just south of the Chin State, have also been persecuted on

account of their religion. In 1991-92 some 250,000 of them fled to Bangladesh to escape forced labour and relocation, rape, and killings at the hands of the Burmese military.

After independence from the UK in 1948, many ethnic minority groups seeking greater autonomy or independence took up arms against the central Burman authorities. Although the military government has agreed 16 cease-fires with most of these groups, three major armed opposition groups continue fighting the government. They are the Karen National Union (KNU); the Karenni National Progressive Party (KNPP); and the Shan State Army-South (SSA-South). But it is the Shan, Karenni, and Karen civilians who are primarily the victims of the conflict. They are targeted for punishment by the SPDC because of their ethnicity and presumed support for armed groups operating near their villages. The vast majority of these people are subsistence rice farmers living in small settlements in the Kayin (Karen), Kayah (Karenni) and Shan States in eastern Myanmar.

Punitive measures by the military include forcible relocation, forced labour, torture, and extrajudicial killings by Burmese troops on patrol in the countryside. Over 300,000 Shan civilians have been forced off their farms since 1996 in order to cut off any alleged support for the Shan resistance. Between 20,000 - 30,000 Karenni villagers have also been relocated from their ancestral lands for the same reason. An unknown number of Karen people have also lost their land in the army's forcible relocation campaigns. In addition troops operating in all these areas routinely steal food and livestock from villagers and force them to work on their former land which the military has confiscated for their own use.

Victims interviewed by Amnesty International most frequently cite forced labour as the circumstances during which torture or ill-treatment occur.<sup>14</sup> There are two broad types of forced labour: portering, which entails carrying heavy loads for the military over rough terrain; and work on construction projects such as roads, railways, and dams. Men, women, and children are all taken for labour duties, and almost never paid for their work. Portering is generally more arduous, as civilians must work for days or even weeks at a time and are kept as virtual prisoners. Torture and ill-treatment occur much more frequently during forced portering, although such practices have occurred during work on infrastructure projects. What follows below are recent examples of torture and ill-treatment in the context of forced portering.

In February 2000 Amnesty International interviewed Shan refugees in Thailand, every one of whom reported being forced to work for the military. One man from Nam Khai village, Nong Hi village tract, Laikha township, was seized as he was searching for his cattle and forced to porter for 11 days in November 1999. He said that he had to carry 40 kilograms of ammunition and was beaten and kicked for not moving

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<sup>14</sup>Unpaid forced labour is in contravention of the International Labour Organization's (ILO) Convention No 29, which the government of Myanmar ratified in 1955.



fast enough. He was beaten on the face until his teeth became loosened, kicked all over his body and hit with a rifle butt on his head. On the 11<sup>th</sup> day he was too weak to go further so he was left by the side of the road. After this experience he sold his cattle and fled to Thailand with his whole family.

A 40-year-old man from Na Poi village, Kaeng Kham village tract, Kunhing township told Amnesty International that he had to carry rations and mortar shells for *tatmadaw* unit 244 for 17 days in December 1999. He was tied up in a long line of about 40 Shan male porters and fed only a little rice each day. At one point when he sat down on the ground from fatigue, soldiers pressed the crossbar of a yoke on his neck until he lost consciousness. He was then dragged to his feet and forced to march all night.

Members of the Karen ethnic minority have been forced to perform porter duties for many years. A 42-year-old Christian farmer from Mee Prah village tract, Hlaingbwe township, Hpa'an District, Kayin State, was taken every month as a porter, and after the last time in January 1999 he and his family fled to Thailand. He described his treatment to Amnesty International:

*"We had to give troops what we have - our money. I never asked for money or I would be kicked. I was always being beaten on the back with a bamboo stick if I slowed down or stopped. I was also kicked in the back and buttocks. I was black and blue all over and now I have a pain in my chest."*

Women who are taken as porters are vulnerable to rape by soldiers when they are effectively held as prisoners for a period of days or even weeks at a time. A 29-year-old Buddhist woman from Ha Ta Re village tract, Hpa'an District, Kayin State told Amnesty International about the reported rape and murder of her 12-year-old niece, **Naw Po Thu** in October 1998. She was taken with two other people to act as guides for SPDC troops based in Myawaddy. She was allegedly raped by a major and managed to escape, but was recaptured and raped again and then shot dead. Two eye-witnesses, one unidentified soldier and one village boy, told her aunt about the rapes. The next day she saw her niece's body which villagers had retrieved and brought back to the village pagoda. She said that a gunshot wound from a handgun had entered the body at the vagina and exited at the chin. The major gave the girl's family compensation for her death, which consisted of one sack of rice, one measure of sugar, one tin of condensed milk, and 100 *kyat*.<sup>15</sup>

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<sup>15</sup> Burmese currency unit. Six *kyats* are worth one US dollar by the official SPDC exchange rate; the unofficial exchange rate is over 300 *kyat* to the dollar.

Civilian members of the Karenni ethnic minority, who are closely related to the Karen, are subject to forced labour and also interrogation about activities of the KNPP. A Karenni Christian farmer from Loikaw township, Kayah State, reported that he was arrested by the army and accused of working with the KNPP after a battle between the two groups in February 2000. He described the treatment he received:

*“They tied my hands with rope behind my back and interrogated me about where KNPP troops were....I did not know anything about them so I sincerely answered that I did not know...They did not believe me and started to beat me. Three soldiers and one officer beat me with rifle butts on my head and punched my face. I got cut on my head and blood was running down from my nose. When I fell down, they kicked me with military boots. My hearing is still bad...”*

After further torture he was forced to accompany troops as a guide for one week during which time he was beaten every day with sticks and tied with a rope. He commented: *“The soldiers said we deserved that kind of bad treatment because the Karenni armed group attacked them.”* He finally escaped, and after returning to his village he hid with his family in the jungle for two weeks, after which time he decided to flee to Thailand.

Modern counter-insurgency tactics, such as forced relocation, interrogation under torture, and destruction of villages by the military, have brought enormous suffering to civilians taking no part in the hostilities. However the Myanmar army has added a new dimension to internal armed conflict, which is the use of civilian porters, who are frequently starved and beaten. Members of the Shan, Karen, and Karenni ethnic minorities seized as porters are most at risk of torture and ill-treatment.

## **CONCLUSION AND RECOMMENDATIONS**

Torture and other cruel, inhuman or degrading treatment or punishment is universally condemned in international human rights and humanitarian law. However its practice is widespread in Myanmar, affecting political prisoners; criminal convicts who are forced to work in labour camps; and civilian members of ethnic minorities suspected of any contact with the armed opposition. Torture of political prisoners most often occurs when they are held incommunicado during interrogation, but also as a punishment for breaking harsh prison rules. Criminal convicts are forced to work in conditions amounting to cruel, inhuman or degrading treatment in labour camps breaking stones or building roads. Shan, Karen, and Karenni civilians are routinely forced to carry heavy loads for the army and are frequently beaten and kicked if they cannot keep up with the military column.

They are also at risk of torture and ill-treatment if the army suspects that they have knowledge about the armed opposition.

Amnesty International makes the following recommendations to the State Peace and Development Council with regards to torture and ill-treatment:

1. Issue clear orders to Military Intelligence personnel, armed forces involved in counter-insurgency operations, prison guards, and members of the police to stop the practice of torture and ill-treatment immediately.
2. Initiate prompt, impartial and independent investigations into allegations of torture, deaths in custody, and ill-treatment of prisoners, whether they are held in prisons or other official places of detention, or forcibly detained by the military to serve as porters or labourers.
3. Bring perpetrators to justice where there is evidence of involvement in torture or ill-treatment.
4. Prohibit incommunicado detention and ensure that all prisoners have immediate and regular access to relatives, doctors, and lawyers.
5. Keep procedures for detention and investigation under regular review. All prisoners should be promptly told of their rights, including the right to lodge complaints about their treatment.
6. Adopt safeguards to ensure that detention does not become an opportunity for torture. It is vital that all prisoners be brought before a judicial authority promptly after being taken into custody.
7. Ensure that confessions or other evidence obtained through torture may never be invoked in legal proceedings.
8. Accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

## **Myanmar Prisons and Detention Centres**

**MI** - Military Intelligence    **DDSI**- Directorate of Defense Services Intelligence

### **Ayeyarwady Division**

<b>Prison</b>	<b>Location</b>
Hinthada Prison	Hinthada
Maubin Prison	Maubin

Kyaiklat Prison	Kyaiklat
Myaungmya Prison	Myaungmya
Patheingyi Prison	Patheingyi
Pyawbwe Prison	Pyawbwe
<b>MI Detention Centre</b>	<b>Location</b>
MI-4 Office	Patheingyi Hill

### **Bago Division**

<b>Prison</b>	<b>Location</b>
Bago Prison	Bago
Paung Tay Prison	Paung Tay
Pyawbwe Prison	Pyawbwe
Tharawaddy Prison	Tharawaddy
Toungthaungmye Prison	Toungthaungmye
<b>MI Detention Centre</b>	<b>Location</b>
MI-16 Office	Toungthaungmye
MI-3	Bago
MI-2	Pyawbwe

### **Chin State**

<b>Prison</b>	<b>Location</b>
Falam Prison	Falam
Hakha Prison	Hakha

### **Kachin State**

<b>Prison</b>	<b>Location</b>
Bhamo Prison	Bhamo
Manchanbaw Prison	Manchanbaw
Myittha Prison	Myittha
<b>MI Detention Centre</b>	<b>Location</b>
MI Office	Myittha
<b>Police Detention Centre</b>	<b>Location</b>
Special Branch Police II	Myittha
<b>Military Camp</b>	<b>Location</b>
Army HQ #8 Northern Command	Myittha

### **Kayah State**

<b>Prison</b>	<b>Location</b>
Loikaw Prison	Loikaw
<b>MI Detention Centre</b>	<b>Location</b>
MI-27 Office	

### **Kayah State**

<b>MI Detention Centre</b>	<b>Location</b>
MI-5	Hpa-an
MI-25	Myawaddy

<b>Police Detention Centre</b>	<b>Location</b>
Police Station	Hlaingbwe
<b>Military Camp</b>	<b>Location</b>
Thayin 28 Headquarters	Hlaingbwe

## Magway Division

<b>Prison</b>	<b>Location</b>
Magway Prison	Magway
Thayet Prison	Thayet
Nyaung Oo Prison	Nyaung Oo
Pakokku Prison	Pakokku
<b>MI Detention Centre</b>	<b>Location</b>
MI-12	Magway Township
MI Office	Chauk Township
Military Camp	Location
Military Compound Division 88	Magway Township

## Mandalay Division

<b>Prison</b>	<b>Location</b>
Mandalay Prison	Mandalay
Myingyan Prison	Myingyan
Yamethin Prison	Yamethin
Meiktila Prison	Meiktila
MI Detention Centre	Location
MI office	Mandalay Prison
<b>Police Detention Centre</b>	<b>Location</b>
Special Branch Police	Mandalay
Police Station	Mandalay
Police Station No.8	Mandalay

## Mon State

<b>Prison</b>	<b>Location</b>
Thaton Prison	Thaton
Mawlamyine Prison	Mawlamyine
Chaungzon Prison	Chaungzon
<b>MI Detention Centre</b>	<b>Location</b>
MI Office	Mawlamyine
<b>Police Detention Centre</b>	<b>Location</b>
Police Prison	Zin Kyet, Thaton Township

## Rakhine State

<b>Prison</b>	<b>Location</b>
Kyaukpru Prison	Kyaukpru
Sittwe Prison	Sittwe
<b>MI Detention Centre</b>	<b>Location</b>

MI-18	
MI-5	Hpa-an
MI-25	Myawaddy
<b>Police Detention Centre</b>	<b>Location</b>

### **Sagaing Division**

<b>Prison</b>	<b>Location</b>
Katha Prison	Katha
Monywa Prison	Monywa
Shwebo Prison	Shwebo
Kalay Prison	Kalay
Khanti Prison	Khanti

### **Shan State**

<b>Prison</b>	<b>Location</b>
Lashio Prison	Lashio
Taunggyi Prison	Taunggyi
Kengtung Prison	Kengtung
Mogok Prison	Mogok

### **Tanintharyi Division**

<b>Prison</b>	<b>Location</b>
Dawei Prison	Dawei
Kawthaung Prison	Kawthaung
Myeit Prison	Myeit
<b>MI Detention Centre</b>	<b>Location</b>
MI-19	Mergui/Kawthaung
MI-25	Dawei

### **Yangon Division**

<b>Prison</b>	<b>Location</b>
Insein Prison	Insein
<b>MI Detention Centre</b>	<b>Location</b>
MI-12	Thinganyun Township
MI-7	Manawheri, Dagon Township
MI-6	Prome Road, Mingaladon Township nr Golf Course
MI Yangon	Okkalapa Township
MI-26	Thanhutsung, Botataung Township
MI-14	Baungdari
MI Detention Centre	Ye Kyi Aung, Mingaladon Township
MI HQ/DDSI	
<b>Police Detention Centre</b>	<b>Location</b>
Konmyinthaya Detention Centre	8 miles from Yangon
Kyeikkasan Stadium	Tamwe Township
Special Branch	Aung Thabye Camp, Mayangone Township
Bureau of Special Investigation	Behind Strand on Lewis Street

Police Station	Insein
Sanchaung Police Station	Sanchaung Township
Police Station	Thinganyun Township
<b>Military Camp</b>	<b>Location</b>
Yemon Military Youth Camp/ Wahteka MI	nr Hlaka