

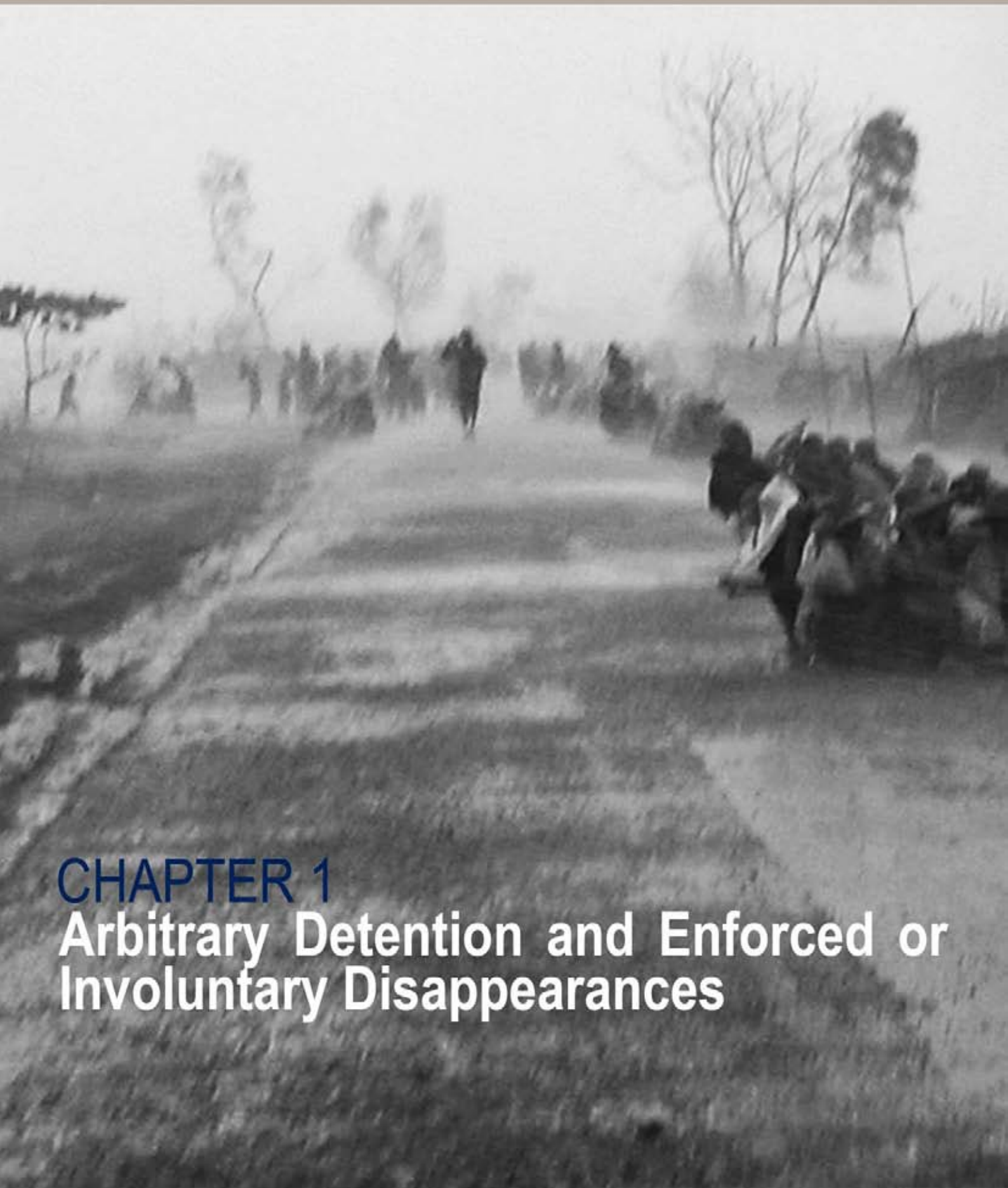
15th Annual Edition

BURMA

HUMAN RIGHTS YEARBOOK 2008



HUMAN RIGHTS DOCUMENTATION UNIT
NATIONAL COALITION GOVERNMENT OF THE UNION OF BURMA



CHAPTER 1

Arbitrary Detention and Enforced or Involuntary Disappearances

BURMA

HUMAN RIGHTS YEARBOOK 2008



1.1 Introduction

“The repression continues daily with activists, monks, and members of opposition political parties arrested and tortured. There are more than 2,000 political prisoners, including heroic figures like leaders Min Ko Naing, Ko Ko Gyi, Su Su Nway, Nilar Thein, Khun Htun Oo, Zarganar and our sister laureate Aung San Suu Kyi. U Gambira, a monk leader of the Saffron Revolution, is imprisoned, awaiting his sentence.”¹

- Statement by Nobel Peace Prize Laureates

Throughout 2008 Burma’s military junta maintained its campaign of oppression and tyranny against ordinary Burmese citizens, ethnic minorities, monks, political opposition groups and pro-democracy activists. Arrests and detention continued against, and were shaped by, a milieu of extremely significant national events.

In August and September 2007, protests against the price increases of fuel erupted throughout Burma. Pro-democracy activists led the initial demonstrations in Burma’s main city, Rangoon. Approximately 400 people marched on 19 August 2007, in what turned out to be the largest demonstration in the military-ruled nation for several years. The authorities moved swiftly to quell the protests, rapidly arresting dozens of activists. Nonetheless, protests continued around the country. Numbers were small, but demonstrations were held in Rangoon, Sittwe and other prominent towns. The protests culminated with the Saffron Revolution; tens of thousands of Buddhist monks joined in a number of protests from 17-26 September. In the brutal crackdown which followed, many were killed and mass arbitrary arrests were carried out. Thousands of activists and monks were arrested and held in make-shift detention compounds.²

The crackdown following the Saffron Revolution continued throughout 2008. Those involved in the protests continued to be hunted down and arrested. Closed trials were conducted behind prison walls and extremely harsh sentences were handed down to activists. Political prisoners were transferred to remote locations and labour camps. Detention conditions deteriorated as the number of prisoners increased.

The devastation wrought by Cyclone Nargis on 2 and 3 May 2008 was an unparalleled tragedy for Burma. The shambolic relief effort which left thousands without aid for weeks added to the suffering of those affected. The regime faced international condemnation for their slow response to the tragedy and consequently sought to strictly control and ‘stage manage’ the relief effort. Many activists and ordinary Burmese citizens volunteered their time and resources to aid in the relief effort. The regime strongly denounced the volunteers as their efforts ran counter to the official line that the relief effort was under firm military control. Subsequently, many private donors and volunteers were harassed and approximately 20 were arrested.³

In April, the junta announced it would hold a referendum on 10 May as the second step of the ‘roadmap to democracy’. Despite the destruction wrought by Nargis, the regime maintained two dates in May for the referendum, 10 May for most areas and 24 May for those areas severely affected by Nargis. The referendum process was one of intimidation of the political opposition and general populace, denial of basic freedoms of expression, association, and assembly, and arbitrary arrests and detention.⁴ Burma’s pro-democracy groups and ethnic organisations urged people to vote ‘No’ in the referendum. ‘Vote No’ campaigns were staged across Burma’s states and divisions. Activists were detained for participating in such campaigns. In May, the regime arrested 67 people for opposing the SPDC’s constitution, bringing to 124 the total of ‘No’ vote supporters arrested since March.⁵ Villagers were threatened with three years imprisonment if they voted ‘No’ in the referendum.⁶ Following the referendum, numerous civilians were arrested for casting negative votes.

The 20th anniversary of the 8.8.88 Uprising was marked on 8 August. On that day back in 1988, cities across Burma were packed with demonstrators. Hundreds of thousands of people marched through the then capital, Rangoon, calling for a transition to democracy and an end to military rule. The protests were met with brutality; it was estimated that approximately 3,000 protesters were killed, with thousands more jailed.⁷ Twenty years later, most of those who led the 1988 protests are either in overseas exile, in hiding or in prison. Many of the 88 Generation Students Group were imprisoned for their roles in the September protests. Commemorating the anniversary in Burma proved difficult as the regime tightened security and sought to curb all political activity. Security was tightened prior to the anniversary and members of the 88 Generation Students Group were arrested.⁸ Small and highly secretive ceremonies were successfully held across the nation. Peaceful public demonstrations were held in two towns in Arakan State, resulting in the arrests of over 60 activists.⁹

At year's end it was estimated that there were 2,100 'security detainees' throughout Burma.¹⁰ The regime claims it holds no political prisoners; a tenuous claim borne of the fact that the judiciary generally charges political detainees with criminal offences. The 'security detainees' include political prisoners, merchants, violators of state security laws, and those accused of fostering religious disturbances.¹¹ Despite government assertions, the vast majority of these prisoners were not believed to have engaged in any violence, theft, or other common crimes.

The year 2008 was extremely significant in terms of arbitrary and politically motivated arrests, trials, sentencing and detention. The continuing crackdown in the wake of the Saffron Revolution of September 2007 occasioned a spike in the number of political prisoners being held in Burma's numerous prisons and hard labour camps. As of June 2008, there were 2,123 political prisoners in Burma, up 78 percent from the UN figure of 1,192 in June 2007.¹²

The record number of political prisoners held in Burma's prisons led to a sharp increase in the use of 'closed' or 'special courts' inside Insein prison. In November 2008 alone, it was estimated that the cases of 215 activists were summarily heard in closed courts and sentences handed down. The trials of activists and opposition leaders were held behind the walls of prisons, away from public scrutiny and comment. The trials were neither free nor fair, the defendants' families and lawyers were rarely notified about the trials and witnesses for the defence were not allowed. Police and judges also violated limits on the length of pre-trial detention.¹³ Prison sentences of up to 65 years were conferred on a number of political prisoners, representing the harshest sentencing handed down in two decades.¹⁴

The increased number of prisoners led to the construction of makeshift detention facilities and overcrowding, with prison conditions continuing to deteriorate as a result. Those condemned to Burma's prisons and labour camps faced overcrowding, unsanitary conditions, indiscriminate torture, arbitrary transfers and a lack of adequate medical care, exercise time, living provisions and food. Cyclone Nargis further deteriorated conditions in Rangoon's Insein Prison, where a quarter of all political prisoners continue to be held.¹⁵ In the chaos and panic during the cyclone, Insein Prison guards believed inmates were rioting and attempting to escape; they shot dead 30 prisoners and injured 70.¹⁶ Following the incident, security in the prison was tightened and visiting and exercise privileges restricted. The junta further sought to isolate political prisoners by transferring them to remote locations and labour camps away from their relatives. More than 100 of the estimated 215 activists sentenced in November to terms of imprisonment of up to 68 years were consigned to at least 20 isolated prisons in various parts of Burma.¹⁷ The policy was described by human rights organizations as a form of torture, imposed not only on the prisoners themselves but also on their families.¹⁸

The aftermath of the Saffron Revolution continued to be acutely felt by Burma's Buddhist clergy. Burma's monks continued to be harassed, arrested, disrobed and sentenced for their involvement in the protests. The junta was holding 212 monks in its prisons as of September 2008.¹⁹ Activists state that this figure represents the largest number of monks jailed at one time by the regime.²⁰ The treatment of detained monks has been a source of concern and outrage for activists. Monks held in detention were disrobed by the authorities and treated like civilian prisoners, in direct contravention of prison regulations.²¹

The international community has renewed its focus on Burma after the Saffron Revolution and Cyclone Nargis. In September 2008 the SPDC released 9,002 prisoners from jails across Burma.²² The move was aimed at defusing international pressure at the UN General Assembly. However, the mass release was not a move towards political freedom. The overwhelming majority of those released were drug dealers and petty criminals as well as SPDC Army and police deserters.²³ Fewer than ten political prisoners were among those released.²⁴

In 2008 the military continued to attack ethnic minorities in conflict areas. Abuses such as arbitrary arrest, forced labour, sexual violence against women and girls, extrajudicial killings, torture and beatings, and confiscation of land and property were widespread. Throughout Burma, the lives of ordinary civilians were strictly monitored and controlled by the regime. Civilians were subjected to arbitrary and politically motivated arrests, interrogations, extrajudicial killings and extortion. Innocent civilians were arrested on the personal whim of authority figures and arrests were at times conducted as a matter of personal retribution. Arrests were frequently made over dubious or fabricated offences, with substantial bribes then demanded for the prisoners' release. The arrest, extortion and release of civilians continue to be an insidious fact of the lives of Burma's citizens.

1.2 Arbitrary or Politically Motivated Arrests, Detention and Disappearances

The credibility of Burma's policing and judicial system continued to decline over the course of 2008. The military regime continues to claim that there are no political prisoners held in the country. Statements such as these arise from the fact that the regime has made sure that those members of the opposition, rights activists and civil society groups have been charged under common criminal codes. In a great majority of cases, those who pose any real threat to the regime have been charged under antiquated and vague laws that are decades old and extremely general, as can be seen from the wording of the laws indicated below. The laws used to imprison activists and the like have been interpreted liberally enough to encompass all manner of threatening public manifestations and activities such as prayer vigils and meetings of more than five.

The severity of sentences handed down for infringements of vague laws speaks to the partiality of the Burmese judicial system and clearly indicates that the courts come under direct pressure from the upper echelons of the SPDC power structure. It is clear that in Burma there is no separation whatsoever between the legislative, executive and judicial arms of the state; meaning that those arrested by states security forces have little to no chance of receiving a fair hearing in anything resembling a political case.

The junta frequently employs section 505 (b) of the Burma Penal Code, employing it as a catch-all charge against opposition groups. Under the penal code, section 505 (b) states that:

*"Whoever makes publishes or circulates any statement, rumor or report.. (b) with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity.. shall be punished with imprisonment which may extend to two years, or with [a] fine, or with both."*²⁵

Even a cursory look at the law indicates the scope with which it could be interpreted, incorporating as it does language such as "public tranquillity", "rumor" and "intent to cause alarm." The phrasing of laws such as this one is of such a general nature that when defendants are accused of violating such things as the 'public tranquillity', the charges are extremely difficult to negate. Charges such as these are seldom accompanied by solid evidence and boil down to the defendant's word against that of a state prosecutor or a member of the security forces with vested interests in jailing activists. That is of course, should there be any semblance of a trial taking place. Many times, those accused are tried summarily and sentenced without the benefit of anything resembling due process.

Apart from the often used Penal Code, the regime commonly employs several other laws including the *Emergency Provisions Act* (1950), the *Unlawful Associations Act* (1908), and the *State Protection Law* (1975). Again these laws and the severity of sentences for transgressing them are outrageously harsh. The *Emergency Provisions Act* (1950) is a commonly used alternative to Section 505(b), used to sentence people for political reasons. The Act carries with it the possibility of a death sentence if convicted of articles 2, 3, and 4, all of which concern assisting in an act of treason. Two of the most common articles used in sentencing are Articles 5 (e) and 5 (j), which state that:

*5 (e) "If anything is done intentionally to spread false news knowing it to be false or having reason to believe that it is false or if any act which is likely to cause the same is done"*²⁶

5 (j) “[Anyone who] causes or intends to disrupt the morality or the behaviour of a group of people or the general public, or to disrupt the security or the reconstruction of stability of the union.”²⁷

Both articles carry seven year prison sentences and heavy fines. Article 5(j) has been used so widely in the indictment of political prisoners that ‘5J’ is often used as short-hand to denote a political prisoner.²⁸

Another law often used to charge members of the pro-democracy movement is the Unlawful Associations Act (1908), which criminalises association with organisations deemed to be threatening to the regime. Note that this law is never applied to any of the so-called government backed civil society groups such as the Swan Arr Shin, the Union Solidarity Development Association or the Auxilliary Fire Brigade. The application of the Unlawful Associations Act has basically meant the extinction of any non-government backed groups within the country. As an example of this, there are no trade unions operating in Burma independently of those sanctioned by the regime. (For more information see Chapter 14: Freedom of Assembly, Association and Movement). The Unlawful Associations Act comprises multiple articles which have been used to charge activists. The ‘offences’ can range from something as simple as an individual who “takes part in meetings, or contributes or receives or solicits any contribution for such an association, or any way assists the operations of an unlawful association,” as in article 17(1), to an individual who “encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts,” as in article 15(2).²⁹

The *State Protection Law* (1975) allows the state to restrict a citizen’s ‘fundamental rights’ during times of state emergency (such as during the aftermath of cyclone Nargis, for example). SPDC authorities can use this law to detain any individual for up to five years without charge or trial if they are suspected of “having performed, or is performing, or is believed to be performing an act endangering the state sovereignty and security, and public law and order...”³⁰

One of the concerns of the SPDC is the ability of activists and members of the opposition to and spread information that would increase awareness levels among the general population and facilitate better organisation among groups. The Electronic Transactions Law (The State Peace and Development Council Law No 5/2004, 30th April, 2004); The Printers and Publishers Registration Law (1962); and, The Television and Video Law (The State Law and Order Restoration Council Law No 8/96, 29th July, 1996) have all been utilised against activists as ways of restricting freedom of information and as a way of punishing those in possession of materials documenting rights abuses.³¹

Disappearances

The disappearances of both private citizens and political activists continued throughout 2008. Disappearances were generally attributed to authorities detaining individuals for questioning without informing family members and the army's practice of seizing private citizens for portering or related duties, often without notifying family members.³² In the more fortunate cases, individuals who were detained for questioning were released soon afterward and returned to their families. Tragically, the fates of disappeared persons were often not known to family members for months, years, or at all. The whereabouts of persons seized by military units to serve as porters, as well as of prisoners transferred for labour or portering duties, often remained unknown. Family members generally learned of their relatives' fates only if fellow prisoners survived and later reported information to the families.³³ Amnesty International considers the lack of protection from arbitrary detention throughout Burma to be a key factor in facilitating violations such as enforced disappearances. They reported that:

*"It has created a situation in which individuals lack access to formal procedures to establish the fate and whereabouts of 'disappeared' relatives. The authorities in Myanmar frequently fail to respect basic rights in arrest and detention procedures; in fact, it is often the case that no arrest or detention procedures are observed whatsoever. State agents frequently arrest individuals without warrants and without providing grounds, hold individuals incommunicado after arrest, and do not routinely disclose the whereabouts of detention to family members or lawyers. If there is considered to be a security dimension to their arrest, it is more likely that detainees are held in unofficial or unacknowledged places of detention during interrogation. Many political prisoners have no access to family or to legal counsel until trial hearings. Detainees also have no effective means to challenge the legality of their detention."*³⁴

Disappearances are often the precursor to forced labour, torture and extrajudicial killing. (For more information, see Chapter 2: Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, Chapter 3: Extra-judicial, Summary or Arbitrary Executions and Chapter 7: Forced Labour and Forced Conscription).

Arrest and Pre-Trial Interrogation and Detention

The legalities of arrests and pre-trial detention have previously been outlined by the U.S. Department of State (DoS) in the 2007 Country Report on Burma, and evidence from 2008 suggests that there have been few changes in the way that the SPDC conducts police actions against activists:

*"By law warrants for searches and arrests are required; however, the MSA and police have special authority to conduct searches and make arrests at will. The law permits a court to detain persons without charge for up to two weeks, with the possibility of a second two week extension. However, authorities frequently extended detentions beyond this period without producing the detainees before a judge. The regime often held persons under the Emergency Act of 1950, which allows for indefinite detention. In practice many persons were held for years without being informed of the charges against them,"*³⁵

The arrest and protracted pre-trial detention of political prisoners was commonly practiced throughout 2008, as a result of the regime's hunt for the leaders of the protests in August and September 2007.

Monks and suspected political leaders were arrested under the cover of darkness, and taken to undisclosed locations to face interrogation. Once in custody, individuals often faced harsh interrogative tactics, such as physical abuse, denial of food and water, and sleep deprivation. Monk U Pyinyarthiri was imprisoned for three years after the peaceful demonstrations in September 2007. He was sent to Lend Tlann prison camp in Tiddim Township, Chin State. After three and half months in the camp, he successfully escaped. U Pyinyarthiri subsequently detailed the torture he endured whilst he was imprisoned:

“They kicked my chest with their combat boots and stomped on my face with my hands handcuffed behind me. Every question was accompanied by kicks and punches to my head and body. I was almost unconscious. I fell on the table in front of me when they kicked me from the back. At last I could not endure anymore such torture. They twisted my arms and tried to break them, which affected the nervous system in my hand. They pressed between my rib bones. They slapped me on my temple and pulled my earlobes violently. They stepped on my shins which left me with severe pain until I was sentenced to prison term. I could not walk well. They interrogated me by all means available to them. My little toes were swollen. When I could not endure anymore torture, I head-butted the table in front of me, trying to knock myself unconscious.”³⁶

As a result of the large number of arrests during the September 2007 protests, detainees suffered worsening conditions as detention facilities became overcrowded. The influx of new prisoners led the regime to create ad hoc detention centres. These new facilities were grossly overcrowded, exposing prisoners to cramped and unhygienic conditions. Moreover there were reports of insufficient food and water, as well as a lack of sanitary facilities. (See section 1.8: Conditions of Detention).

Articles 330 and 331 of the Burmese Penal Code ban interrogators from causing ‘hurt’ or ‘grievous hurt’ to prisoners during interrogation. It also states, under Articles 323 and 325, that detainees and prisoners should be free from ‘hurt’ and ‘grievous hurt’ outside of interrogation. Article 166 states that injury of an individual should not be carried out by a public servant.³⁷ Thus, there are clear stipulations in the code protecting those in custody from abuses at the hands of security forces and other authorities. These regulations continue to be commonly flouted however, and there is little recourse available to those who have suffered abuse in detention when security officials are the perpetrators of these crimes. Those with grievances have very little to look forward to in terms of help from a judiciary crippled by a lack of transparency and which operates under the firm hand of the SPDC.

The existence of abuses in the custodial system in Burma is unlikely to change. Evidence suggests that all members of the security forces such as the police, and members of the regime’s proxy forces such as the Swan Arr Shin and the USDA, are able to conduct the regime’s dirty work, such as night time raids on homes, beating detainees etc, without fear of reprisal. Whilst opposition members and activists face very loose interpretations of vague laws and subsequent severe sentencing, the members of SPDC backed institutions enjoy all but complete immunity from prosecution. As they are acting on behalf of the SPDC, the official and proxy forces operate in a culture of near complete impunity, one maintained by the regime and one which rewards steps to keep the opposition in a position of weakness. The pervasiveness of the corruption inherent in the system is enough to maintain the balance of power in the SPDC’s favour and ensures that there is no political incentive which would induce the regime to address torture or any other abuses that serve to entrench its hold on power.

When necessary, officials simply deny the existence of torture, and routinely cover up evidence. This was the case several times in 2008 when individuals died while in custody. Police typically report that the victim died of natural causes while in custody, although marks of physical abuse have provided evidence to the contrary. In other cases, authorities cremated the bodies of those killed in custody before notifying the family of the death.

Denial of Fair and Public Trials and Appeals

*"We express our grave concern at the state of the law in Burma, where, we have learned that criminal procedure has in many respects been completely abandoned such that parties to cases are denied their most basic rights and political interests and corrupt practices determine the outcome of trials."*³⁸

-The Asian Human Rights Commission

The record number of political prisoners held in Burma's prisons has led to a sharp increase in the use of 'closed' or 'special' courts inside Insein prison. The trials of activists and opposition leaders are held behind the walls of the prison, away from public scrutiny and comment. The trials are neither free nor fair, the defendants' families and lawyers are rarely notified about the trials and witnesses for the defence are not allowed. The police and judges have also violated limits on the length of pre-trial detention.³⁹ The trials held in Insein prison violate international standards as well as Burmese domestic legislation.

Protections for defendants are granted under the *Criminal Procedure Code* (CPC). According to the law, defendants have several rights including: the presumption of innocence, the right not to testify against oneself or be compelled to confess guilt and lastly that the burden of proof must lie with the prosecution, as articulated in Article 342 of the code. In addition, articles 208 and 340 of the CPC, give defendants the right to cross-examine prosecution witnesses, and be allowed to present evidence.

The use of closed courts for trying political prisoners dates back almost two decades. In 1989, Martial Law Orders 1/89 and 2/89 were passed sanctioning the use of military tribunals. These tribunals were subsequently outlawed in September 1992, under Order 12/92. Although Orders 1/89 and 2/89 were revoked, the SPDC continues to hold closed court military tribunals, particularly for political trials.⁴⁰ UN investigators reported that the closed trials were unfair and that the prisoners should be retried in open courts; they stated *"the closed-door hearings are being held inside prisons by courts which lack independence and impartiality."*⁴¹

Pervasive corruption, the misuse of blanket laws and the manipulation of the courts for political ends continue to deprive Burmese citizens of their legal rights. It is evident that the judiciary is not independent. Judges are appointed or approved by the junta, and judge cases according to the junta's orders. People are held without charge, trial, or access to legal counsel for up to five years if the SPDC considers them a threat to the state's security or sovereignty. The regime continues to rule by decree and is impervious to any constitutional or legislative provisions providing for fair public trials or any other rights.⁴²

Sentences

The sentences handed down to political prisoners have increased in severity and length as the regime continued its crackdown after the Saffron Revolution and the suppression of dissidents in the lead up to the 2010 elections. Prison sentences of up to 65 years were conferred on a number of political prisoners; this represents the harshest sentencing handed down since the regime took power.⁴³ These long sentences were designed to send the unequivocal message that political opposition would not be tolerated. From the regime's perspective, a further benefit of the sentences was to ensure that members of the political opposition would definitely be detained throughout the election process in 2010, thereby weakening the opposition political parties.

Activists, Opposition Forces and MP- Elects Arrested - Partial list of incidents for 2008

On 9 January 2008, police arrested NLD member and labour activist Htet Wei while he attended a friend's trial in Rangoon. According to witnesses, police took Htet Wei into custody when they allegedly saw the defendant, detained protester U Ohn Than, pass him a piece of paper. At year's end authorities had not released any information concerning the status of Htet Wei.⁴⁴

On 20 January 2008, Kyaw Win Chay, Maung Maung Than Shwe and Aung Hsun Min were charged with hiding one of the monks at the forefront of the September 2007 protests. The three were arrested by police in October 2007. At the trial, the police who testified against the individuals were not the officers involved in the investigation of the incident, nor could the officers produce any evidence against the defendants. Despite these obvious infractions, members of the police had been ordered to testify against the three men for harbouring the monk, who at the time had not been charged with any specific offence, under the orders of their superior officers.⁴⁵

Also on 20 January 2008, Kam Lat Hkoat, Kat Hkant Kwal and Tin Htoo Aung were all charged with a number of offences for allegedly distributing anti-junta literature and being involved in illegal associations. The three men were arrested at the end of October 2007 in the crackdown following the Saffron Revolution. During their trial, police admitted having no evidence against the accused, and that the alleged confessions were inadmissible in court. Police also confessed under questioning in court that they have testified because they had been ordered to do so by superior officers.⁴⁶

On 22 January 2008, poet Saw Wai of Phyu Township, Pegu Division was arrested. He was charged under section 505(b) of the Penal Code. Saw Wai had written a poem critical of Senior General Than Shwe that was published in the *Love journal*.⁴⁷

On 29 January 2008, Nay Phone Latt, a businessman also known as Nay Myo Kyaw, was arrested at an internet café. Nay Phone Lat was arrested because of opinions expressed on his blog, which gave his perspective on Burma's youth. During closed judicial proceedings held at the Insein compound on 10 November 2008, Nay Phone Latt was sentenced to 20 years and six months in prison by vice district Judge Daw Soe Nyan from Northern Rangoon district.⁴⁸

On 15 February 2008, police arrested Thet Zin, the editor of weekly *Myanmar Nation*, and its manager, Sein Win Maung, during a raid on the newspaper's offices. Police also seized the journalists' cell phones, footage of monk-led antigovernment demonstrations that took place in Burma in September 2007, and a report by former UN Special Rapporteur on Human Rights in Burma, Paulo Sergio Pinheiro. The pair was charged on 25 February with illegal printing and publishing. On 28 November, a closed court at the Insein Prison compound sentenced each of the men to seven years in prison.⁴⁹

On 6 March 2008, Aung Kyaw Oo (born 14 April 1968), son of U Chit Ohn was arrested. Aung Kyaw Oo was charged under Penal Code section 505 (B), Unlawful Association Act 1908 section 17 (1), and Hidden in Darkness section 13 (D) and detained in Insein Prison while awaiting trial.⁵⁰

On 16 March 2008, 27 year old Kyaw Ko Ko, leader of the ABFSU was arrested. He was charged under section 32 (A) and (B) of the Penal Code.⁵¹

At 9 pm on 27 March 2008, Myint Aye, aged 58, one of the founders of the Human Rights Defenders and Promoters (HRDP) was attacked and beaten in Myaynigone junction, Sanchaung Township, Rangoon. He was admitted to Rangoon General Hospital and hospitalised for two days. He was seriously injured, suffering five incisions to his head. Myint Aye reported the assault to the township court in Sanchaung.⁵²

On 1 April 2008, Thingangyun Township officials arrested NLD youth activist Ko Aung Htun at his home. At year's end authorities had not released any information concerning the status of Ko Aung Htun.⁵³

On 2 April 2008, U Ohn Than was sentenced to life imprisonment for staging a solo protest on 23 August 2007. The Asian Human Rights Commission described the trial and '*patently flawed*' and asserted that U Ohn Than had been wrongly detained, tried and imprisoned. After his conviction, Ohn Than was transferred to the Khanti Prison in Sagaing Division, upper Burma.⁵⁴

On 6 April 2008, NLD member Ko Thein Lwin from Ward One in Ramree Township, Arakan State, was arrested. Ko Thein Lwin was arrested after police raided his house and found in his possession statements on the upcoming referendum that were issued by the NLD headquarters in Rangoon. In the statement, the party urged people to vote 'No' on the draft constitution being put to referendum.⁵⁵

On 28 April 2008, U Win Myint Aung, a 1990 people's parliament representative, was arrested by authorities. On 30 April 2008, U Win Myint Aung was sentenced to three years and three months imprisonment by the Depayin Township court under Article 292 (a) of the Penal Code and Article 32 (b) of the video act.⁵⁶

On 3 May 2008, guards and riot police shot dead 38 prisoners and injured 70 in Insein Prison when the inmates rioted. The prisoners numbering 1500 had been locked together in a prison hall after Cyclone Nargis had destroyed parts of the prison. The riot broke out after the prisoners' requests to be moved to safety were ignored. In the investigation which followed, four prisoners were killed during interrogations and 98 put into punishment cells. One of the four prisoners killed was Ko Ohn Kyaw, an Organising Committee member of the NLD Rangoon Division, Dawbon Township, who was bludgeoned to death during rigorous interrogation.⁵⁷

On 4 May 2008, NaSaKa officials from Nasaka Area 7 headquarters, located in southern Maungdaw Township, arrested two villagers Mr Jomar Lu Songn from Zaydibying village tract and Mrs Subira Khatum from Thapyidaw village in Fetlake village tract, Rathedaung Township, Arakan State, for possession of anti-referendum posters. The arrested individuals were taken for interrogation to NaSaKa headquarters but family members of the arrested pair were given no information by the authorities regarding the fate of the two individuals subsequently.⁵⁸

On 5 May 2008, four people from Chin Let Wa Village in northern Paletwa Township in western Burma's Chin State were arrested by police for distributing anti-referendum posters and pamphlets in the area. Those arrested were identified as:

1. U Kho Take, from Laytay Village;
2. U Hla Tun Aung, from Kinwa Village;
3. U Aung Be, from Saluwa Village; and
4. U Hwe Lan, from Latay Village.⁵⁹

On 6 May 2008, three NLD members were arrested in Salin Township, Magwe Division, after distributing a NLD pamphlet which contained information on how to vote in the referendum. The names of the arrestees were Ko Aung Soe, Ko Win Shwe and Ko Thein Lwin. The three were arrested for possession of copies of an NLD statement which provided details on how to vote in the referendum. A NLD spokesperson stated that the pamphlets contained no illegal material and in fact encouraged people to vote.⁶⁰

On 7 May 2008, SPDC Army soldiers arrested four villagers in Paletwa Township, Chin State, for distributing anti-referendum leaflets. The four were identified as Aung Be from Salowa village, Hla Myint Aung from Kinwa village and Tu Lin and Ko Htet from Leite village in Paletwa Township. Local villagers were unsuccessful in attempts to bribe officials to release the activists.⁶¹

Also on 7 May 2008, SPDC authorities in Haka, Chin State, briefly detained NLD members Tial Chin and Ngun Zam for distributing vote 'no' leaflets. The pair were held by the police and questioned for four hours regarding their activities.⁶²

Between 7 and 9 May 2008, NaSaKa arrested 48 people in Maungdaw Township, Arakan State, for distributing anti-referendum posters. At the time of the report those arrested were being held for interrogation at NaSaKa headquarters located at Kyigan Byint on the outskirts of Maungdaw City.⁶³

On 9 May 2008, NaSaKa officials took into custody a Rohingya man for being in possession of anti-referendum papers written in Burmese while he was crossing the Bangladesh-Burma border. The man was identified as 27 year old Dallia, from Tha Yai Gone Tan (Konapara) in Maungdaw Township. He was arrested by officers of the Pa Nyaung Pin Gyi (Daung Khali) NaSaKa camp in Maungdaw Township. Following the arrest, there was no information regarding the victim's whereabouts. As of 14 May 2008, the victim's family did not know whether Dallia was still alive or not.⁶⁴

On 11 May 2008, SPDC authorities in Namhkam Township, Shan State, arrested a former village headman for possession of 'vote no' leaflets. Police entered the home of Sai Ngeun Hsoi Hsai, former headman of Wanpong-Wanoi, Kunlong village tract, claiming to be looking for heroin users. Upon finding anti-referendum leaflets, the accused was placed under arrest.⁶⁵

On 15 May 2008, police attacked and arrested storm victim and South Dagon Township NLD member, Daw Khin Win Kyi. Daw Khin Win Kyi was arrested for attempting to report the sufferings of refugees to senior regime officials, diplomats and UN officials who were inspecting the living conditions of storm victims. According to an observer, "(a) police sergeant punched her, dragged her away and handcuffed her."⁶⁶

On 16 May 2008, two Arakanese youths from Ramree Township in Arakan State were arrested by Ramree Town police at approximately 9:30 pm for disrupting the 10 May referendum process. The victims were identified as 28 year old Tun Thein Maung and 27 year old Kyaw Aung. On 10 May the pair cast 'no' votes in the referendum and left their ballot papers with a note urging others to do the same near the ballot box. The two fled after the incident but were later caught and arrested.⁶⁷

During the early morning of 22 May 2008, police arrested more than ten NLD members in Rangoon. It was stated that as many as 13 may have been arrested, however the NLD party was only able to collect 11 names. Those confirmed to have been detained were:

1. Ko Htun Zaw, NLD youth leader, Upper Burma;
2. Ko Khin Htun, NLD youth leader, Lower Burma;
3. U Thet Wai, NLD chairperson, San Chaung;
4. Ko Kyaw Kyaw Moe from Kemmendinge;
5. Ko Aung Thein from Kyi Myin Dai;
6. Daw Shan Ma from Shwepyitha;
7. Ma Htet Htet Oo Wai from Shwepyitha;
8. Ma Win Pa Pa from Northern Dagon;
9. Ma Ohnmar from Southern Dagon;
10. Ma Cho from Southern Dagon; and
11. Ko Aye Lwin from Southern Dagon.

The reason for the arrests was unknown; however it was believed to be linked to the constitutional referendum scheduled for 24 May.⁶⁸

On 24 May 2008, Ko Aye Thaung, a NLD member in North Okkalapa Township was physically attacked by Ko San Htway, a member of Tadagyi Ward Union Solidarity and Development Association. U Myint Soe, the Kyauk Yay Dwin Ward Peace and Development Council chairman ordered the attack which came after Ko Aye Thaung monitored the referendum vote count at his township's ballot station (2) on Phaung Taw Oo Pagoda Street. Koh Aye Thaung attempted to press charges; however, he was instead countersued on 2 July 2008 under sections 323 and 294 of the Penal Code.⁶⁹

On 25 May 2008, an unknown number of private donors were detained by authorities after distributing relief supplies to cyclone victims in townships in Irrawaddy Division. More than 40 cars belonging to private donors on their way back from Dadaye and Pyapon Townships were held at Pan Hlaing Bridge at the entrance to Hlaingthaya Township, Rangoon Division. The detainees were released at midnight. When asked, the arresting officers refused to comment on whose orders they were acting under and stated that they themselves did not know the reasons for the arrests.⁷⁰

On 27 May 2008, approximately 30 NLD youth wing activists were arrested in a junta crackdown related to Aung San Suu Kyi's extended detention. Eighteen were arrested while they held a brief protest in front of the party head office in west Shwegondine in Bahan Township, and marched towards party leader Suu Kyi's residence demanding her release. The remaining twelve were arrested from their various residences later that evening. Those detained included:

1. four NLD members from Hlaing Tharyar Township;
2. two NLD members from San Chaung;
3. two NLD members from Mingalardon;
4. two NLD members from Dala;
5. one NLD member from Kyi Myint Taing;
6. Kyaw Myi Naing from Tamwe;
7. Aung Phe from Ton Tay;
8. Htet Htet Oo Wei from Shwe Pyi Tahr; and
9. Yint Min Htet Oo, 12 year old son of Htet Htet Oo Wei.⁷¹

On the evening of 4 June 2008, comedian and activist Maung Thura, better known as Zarganar, was arrested from his residence in Sanchuang Township. Zarganar was arrested after returning from a trip to the Irrawaddy delta where he donated supplies to victims of Cyclone Nargis. It was widely believed Zarganar was arrested for aiding the cyclone relief effort.⁷²

It was reported on 9 June 2008, that five people were arrested by authorities in Rauk Koon village in Myebon Township, Arakan State, for setting fire to a school that was serving as a polling station during the referendum on 10 May 2008. The five were identified as Ko Khin Maung Hla, Aung Than Kyaw, Ba Myint, Maung Thein Aung, and Nga Sein Lon from Rauk Koon Village. Ten others had already been arrested in relation to the fires.⁷³

On 10 June 2008, police detained Eine Khine Oo (23), from *Ecovision Journal*, for taking photographs of a demonstration by cyclone survivors outside the UN Development Program office in Tamwe Township, Rangoon, in Rangoon Division. Police alleged that she intended to distribute the photographs to overseas media outlets. In a closed-door trial on 14 November, the court ruled that Eine Khine Oo's coverage had 'disturbed public tranquillity' and sentenced her to two years in prison.⁷⁴

Also arrested on 10 June 2008, for documenting the same demonstration was Kyaw Kyaw Thant, a freelance journalist. Prosecutors accused Kyaw Kyaw Thant of being a leading participant in the demonstration. On 14 November, a court sentenced him to seven years in prison on anti-state charges.⁷⁵

On 12 June 2008, three private aid workers were arrested in Rangoon. Yin Yin Wie, Tin Tin Cho and Myat Thu were detained by the special branch of Burma's police in Sanchaung Township in Rangoon. Officers told the detainees family members that the case was in relation to 'donations from friends abroad'. The junta had officially stated that, "*Everybody may make donations freely. Everybody may make donations to any person or any area.*"⁷⁶

On 12 June 2008, the junta detained at least three members of the 88 Generation Students Group. Three senior members, Myet Thu, Yin Yin Wyne and Tin Tin Cho, were arrested in Maynigone, Rangoon, for organizing cyclone relief efforts and aid distribution.⁷⁷

Also arrested on 12 June 2008, were other activists and volunteers aiding in the Nargis relief effort. Ma Sizar, Ko Zaw, Tin Maung Oo, Ma Ni Moe Hlaing and Toe Kyaw Hlaing were arrested by the Special Branch of the police from separate locations. Toe Kyaw Hlaing was arrested from his home in Tamwe Township in Rangoon, Rangoon Division. Videos of the cyclone relief campaign and his computer were also seized by the police.⁷⁸

On 13 June 2008, sports writer Zaw Thet Htway was arrested while in Minbu visiting his mother who had suffered a stroke. Zaw Thet Htway had been helping to distribute aid to cyclone victims, though police officials denied that this was the reason for his arrest.⁷⁹ On 21 November, he was sentenced to a total of 19 years in prison on charges of violating the *Electronic Act*.⁸⁰

Also arrested on 13 June 2008, was prodemocracy activist Myat Thu, alleged to be a leading figure in the 88 Generation Students Group; he was arrested along with two other members of the group, Ma Yin Waing, and Ma Tin Tin Cho, as the group sat in the Shwe teashop in Myenigon Hledan, Rangoon. Police forces also searched the homes of the trio who had been helping deliver relief supplies to survivors on the Irrawaddy Delta.⁸¹

On 14 June 2008, seven civilian volunteer aid workers from the team known as 'The Group that Buries the Dead' were arrested following their efforts to bury victims of Cyclone Nargis. The known identities of those arrested were Lin Htet Naing, Hnin Pwint Wei, Hein Yazar Tun and Aung Kyaw San. Lin Htet Naing and Hnin Pwint Wei were leading members of the All Burma Federation of Students' Unions and had been in hiding since September 2007. The group was arrested at a checkpoint as they were returning from Bogale to Rangoon.⁸²

On 15 June 2008, Aung Kyaw San, editor of the *Myanmar Tribune*, was arrested along with 16 other people who had volunteered to help bury the cyclone dead. The group of volunteers had buried more than 400 bodies and were arrested as they returned to the main city of Yangon to collect more burial sacks. At the time of the report the group was being held in detention in northern Rangoon's Insein Prison.⁸³

On 19 June 2008, 13 members of the opposition party were arrested after calling for the release of pro-democracy leader Aung San Suu Kyi as she marked her 63rd birthday.⁸⁴ The 13 people were put into a truck after dozens of Suu Kyi's supporters gathered outside the NLD headquarters in Rangoon. An NLD spokesperson later estimated that the number of arrestees could have been as high as 25. Some of those arrested were identified as:

1. Ko Htun Myint, Bahan NLD Secretary;
2. U Hla Aye, Hlaingthaya NLD campaigning wing member;
3. Ko Maung Maung Thein of Mingalardon;
4. monk U Myint Swe;
5. U Soe Oak, Bahan NLD Joint-Secretary;
6. U San Baw of Chit Khin;
7. Ton Tay also of Chit Khin;
8. U Maung Sein of Insein; and
9. U Htay Aung, Wah Khe Ma NLD Deputy-Chairman.⁸⁵

On 25 June 2008, a lone women demonstrator was arrested in Rangoon after she called for the release of political prisoners. A worker near Rangoon City Hall confirmed that an unidentified woman staged a solo protest in front of the building at about 2pm on Wednesday. The identity of the woman remains unknown.⁸⁶

It was also reported that on 25 June 2008, an unidentified woman was arrested after staging a solo demonstration near Sule Pagoda in Rangoon. Witnesses say the woman began her protest at 4:30 pm and was arrested shortly thereafter. It was unclear whether this incident is related to the protest above.⁸⁷



Truckloads of uniformed police arrive near the NLD headquarters in Rangoon following a violent assault by State-sponsored thugs on Aung San Suu Kyi's birthday celebrations on 19 June 2008. As many as 25 NLD members were reported to have been arrested after calling for Suu Kyi's release. [Photo: © Irrawaddy]

On 18 July 2008, the authorities detained four NLD members, who were identified as:

1. Ko Myint Htay, Rangoon Division NLD youth support member;
2. Ko The Han, Dagon Township NLD member;
3. Ko Win Myint Maung, Kayan Township NLD youth wing member; and
4. Ma Htet The Oo Wei, Shwepyithar NLD member.

The reasons for the arrests, which took place late at night and in the early morning, were unknown; however a NLD spokesperson believed they were detained in relation to the activities planned for the 19 July Martyr's Day. Government officials have routinely detained political activists in the past prior to politically symbolic events.⁸⁸

On 27 June 2008, Burma's Supreme Court denied an appeal by six activists to overturn their lengthy jail sentences for attending a Labour Day event. Thurein Aung, Wai Lin, Kyaw Min, Myo Min, Nyi Nyi Zaw and Kyaw Kyaw were arrested on 1 May 2007, after attending a Labour Day function at the American Centre of the US Embassy in Yangon.⁸⁹

On 27 June 2008, four members of Burma's main pro-democracy party who campaigned against the draft constitution proposed by the military government were jailed for one year on charges of "*trespassing with intent to commit offense.*" They were arrested in Taungup in western Arakan state in March for distributing leaflets urging voters to reject the draft charter.⁹⁰

It was reported on 25 July 2008, that in the week prior, ten young students were each sentenced to two years imprisonment at Kyauktada Township Court, Rangoon. They were arrested in October 2007 for participating in the Saffron Revolution. After they were sentenced, they were sent to forced labour camps, by order of the Minister for Home Affairs. The 10 students and their destinations were as follows:

1. Tun Myint Aung (Muslim): Kyaikmayaw New Life (6) forced labor camp;
2. Tun Tun Naing: Kyaikmayaw New Life (6) forced labor camp;
3. Eisud (aka) Thaug Htut (Muslim): Paan New Life (7) forced labor camp;
4. Naing Lin: Paan New Life (7) forced labor camp;
5. Nyi Nyi Zaw (Muslim): Zinkyaik gravel forced labor camp;
6. Kyaw Hlaing (aka) Japangyi (Muslim): Zinkyaik gravel forced labor camp;
7. Myo Thant (Muslim): Yinnyein gravel forced labor camp;
8. Myo Win (Muslim): Yinnyein gravel forced labor camp;
9. Han Thaw Min Aung (Dala): Taungzun forced labor camp; and
10. Nay Lin Oo (Muslim): Taungzun forced labor camp.⁹¹

On 6 August 2008, Human Rights Defenders and Promoters (HRDP) member Myo Min was arrested. The following day on 7 August, another HRDP member, Ko Thant Zaw Myint, was also arrested. The full details of the circumstances of the arrests were unknown at the time of reporting.⁹²

On 7 August 2008, three members of All Burma Federation of Student Unions (ABFSU), Aung Kyaw (Rangoon Western University), Htain Lin (University of Education, Rangoon) and Chit Tun Lwin (Maubin University), two members of the 88 Generation Students Group, Mar Mar Oo and Myo Thant, and three visitors were arrested by junta authorities. The arrests came after intelligence officials forcibly entered and searched a number of houses where the group was staying on the night of 7 August. It is believed the activists were arrested as part of a security crackdown before the 20th anniversary of the 8.8.88 uprising.⁹³

Also on 7 August 2008, HRDP member U Myo Myint from Kyi Myint Taing Township was arrested at his home. Authorities also seized his camera and three CD's. No specific reason for the arrest was given. A HRDP colleague said, "*Our group's work is nothing provocative; if [the authorities say] something has happened then I can find a way to explain it.*"⁹⁴

On 8 August 2008, a protest was conducted in the town of Taungup, Arakan State, to commemorate the 20th anniversary of the 8.8.88 uprising. It was reported that 43 people who joined the silent march were arrested; all but five were released the following day. The five who remained in detention were identified as NLD youth members, Ko Moe Naing Soe, Ko Maung Maung Thet, Ko Chit Maung Maung, Ko Than Lwin and Ma Ni Ni Nay Myint. They were sentenced to two and a half years imprisonment by Sandoway Township Court on 15 August.⁹⁵

Also on 8 August 2008, a similar protest in another town in Arakan State resulted in numerous arrests. Authorities arrested 21 activists near Nackmoaw village some distance from their intended destination of Taungup. They were released after questioning and signing an undertaking pledging not to engage in similar activities in the future. However, five men who played a leading role in the protest were kept in custody. Also on 8 August 2008, in Ramree, Maung Aye Thein, a teacher of State Middle School No 1 and U Thumana, an abbot from Ramree Taung Kyaunn monastery were detained.⁹⁶

On the evening of 8 August 2008, U Myint Aye, a prominent member of the Human Rights Defenders and Promoters network, was arrested at his house in Kemmendine Township, Rangoon. Township police chief U Myat Linn and divisional investigation police deputy chief U Kyaw Htin, accompanied by ward authorities, arrived at the house at approximately 4pm and began searching the premises. The authorities seized documents relating to U Myint Aye's Cyclone Nargis relief efforts and took him into custody. U Myint Aye was later charged with misappropriating aid, despite a lack of evidence supporting the charge.⁹⁷

On 8 August 2008, U Peter and Nu Nu Swe, the parents of Sithu Maung, were sentenced to six years in prison. They charged with resisting officials after they failed to open a door when intelligence officers tried to enter their home while searching for their son.⁹⁸

On 11 August 2008, U Saw Hla Maung from Mizan Ward in Sittwe, the capital of Arakan State, was arrested by police during a night raid. U Saw Hla Maung is a democratic activist who staged a protest against the government in Sittwe along with five other people during the Saffron Revolution. He had been in hiding since his involvement in the protests.⁹⁹

On 12 August 2008, Nyi Pu, chairman of Arakan State NLD and Dr Tin Min Htut, a Member of Parliament from the Panthanaw constituency in Irrawaddy Division, were arrested by police from their Rangoon homes. Nyi Pu was arrested from his residence at Rangoon's Bahan Township, while Dr Tin Min Htut was arrested from his residence in Buthidaung Township. It was suggested by the joint-secretary of the Arakan State NLD, Thein Hlaing that the arrests could have been in connection with the Arakan State NLD's appeal to UN Secretary-General Ban Ki-moon regarding rejecting the junta's constitution and the May referendum. Thein Hlaing also suggested, authorities might have suspected the two for master-minding the then recent protests in Taungup Township on the 20th anniversary of the 8.8.88 uprising. Arrests in Arakan State increased during August with extra security forces called to the area in order to prevent demonstrations by local residents.¹⁰⁰

On the evening of 27 August 2008, Hlaingthaya Township NLD members U Tin Yu, U Kyaw San, U Soe Min and Daw Hla Hla Maw, and Kemmendine member U Yan Naing Tun were arrested by the authorities. Lawyer U Phoe Phyu stated, "*the reason [for their arrest] is that on 15 May they walked from Shwe Yin Aye bus stop to Nyaungdon road in a peaceful protest carrying banners reading 'Free Daw Aung San Suu Kyi'*". The month of August saw a series of arrests of NLD members.¹⁰¹

It was reported on 28 August 2008, that junta authorities re-arrested five NLD supporters from their homes in Hlaingthaya Township. The names of those arrested were U Tin Yu Ko San Naing, Ko Soe Min Min, Ma Hla Hla Maw and Ko Yan Naing Tun (Kemmine). The five were originally arrested in May 2007 on their way to a pagoda for a prayer meeting for Suu Kyi's release from detention. They were released after 40 days in detention and signed pledges not to protest again. Local authorities re-arrested them as news of Daw Aung San Suu Kyi's refusal to accept food supplies spread among the people.¹⁰²

On 2 September 2008, Generation Wave member Ko Win Maung from Hmawbi Township, Rangoon disappeared. A week later, authorities disclosed he had been arrested but gave no information as to the circumstances of his arrest or where he was being held.¹⁰³

On 4 September 2008, Ko Tin Myo Htut, also known as Ko Kyaw Oo, 32, and another unidentified activist were arrested in Mayangon Township, Rangoon, by government officials in plain clothes. Ko Tin Myo Htut was a student activist in the 1988 nationwide uprising and he was imprisoned in Insein prison for five years in 1992 for his political activities.¹⁰⁴

On 5 September 2008, six dissidents, identified as Zin Min Shein, Tay Zar, Baw Lay, Doh Lay, Zaw Latt and Tin Min Htut (aka Kyaw Kyaw), were arrested in Rangoon.¹⁰⁵

On 6 September 2008, six members of the NLD in Magwe Division's Pwintbyu and Salin Townships were arrested. The names of those arrested were not known, however, four were said to be from Pwint Phyu Township and two from Salin.¹⁰⁶

On 8 September 2008, at least eight dissidents, including members of the NLD, were arrested by security forces, in Yenangyaung Township in Magwe Division, central Burma. The eight arrested men were identified as:

1. Myint Wai;
2. Win Myint Hlaing;
3. Khin Win;
4. Tint Lwin;
5. Aw Gyi (aka Win Hlaing);
6. Than Aung;
7. Nang Win; and
8. Maung Maung.¹⁰⁷

On 9 September 2008, six activists were arrested in Rangoon and sent to Insein Prison. One of the detained activists was identified as monk leader U Gambira's brother-in-law, Ko Moe Htet Hlyan. He was arrested at his home in Rangoon at 7:30 pm.¹⁰⁸

On 10 September 2008, 88 Generation Students Group activist Nilar Thein was arrested. Nilar Thein had gone into hiding in September 2007, after her involvement in the September protests made her a target of the regime. No details regarding the nature of the arrest were available and it was unknown at the time of the report as to where the activist was being held. Nilar Thein's husband, Kyaw Min Yu, also a member of the 88 Generation Students Group, was arrested on 21 August 2007 along with 12 colleagues.¹⁰⁹

On 11 September 2008, eight activists were taken into custody in Meiktila, Mandalay Division. One of the eight people arrested was activist Aung Ko Ko Lwin, the younger brother of prominent activist-monk U Gambira.¹¹⁰

On 18 September 2008, Ko Myo Min Wai, one of the NLD youth members in Shwepyithar, Rangoon was arrested. It was believed that Ko Myo Min Wai was arrested for his supposed connection to a bomb blast in Shwepyithar.¹¹¹

On 24 September 2008, Win Htein, a member of the National League for Democracy, was re-arrested. Win Htein had been released the day prior from Katha Prison in Northern Burma as one of just 7 political prisoners amongst the 9,000 prisoners released by the junta. He had been originally imprisoned under suspicion of being involved in a coup plot. The reason for his re-arrest was unknown.¹¹²

On 27 September 2008, nine NLD members were arrested while they were travelling to attend the 20th anniversary celebration of the party's founding day. Those arrested, including Htet Htet Oo Wai and Daw Shan Ma, were rounded up by plainclothes security personnel as they stepped off a bus near the NLD head office in Shwegondine Street in Bahan Township in Rangoon.¹¹³

On the evening of 1 October 2008, Ohn Kyaing, an elected Member of Parliament from the 1990 general elections, was arrested at his home in South Okklapa Township, Rangoon. NLD spokesman Nyan Win told media outlets that there was no information provided to the arrested man's family and that the prisoners whereabouts remained unclear.¹¹⁴

It was reported on 3 October 2008, that NLD youth member, Aung Moe Lwin, was found alive by his father at a Rangoon police station. Aung Moe Lwin had been missing since August and was reported dead after his brother received an anonymous phone call saying he had died at the hands of interrogators.¹¹⁵

On 6 October 2008 the lawyers Aung Thein and Khin Maung Shein, who had been acting on behalf of several activists, were sentenced on 7 October by the Hlaing Township court to four months imprisonment for contempt of court. The two lawyers were set to serve out their sentences in Bassein Prison and Myaung Mya Prison in Irrawaddy Division respectively.¹¹⁶

On 9 October 2008, seven youth were arrested from a house in South Okkalapa Township and another was arrested on 10 October in connection to the same case of the distribution of anti-junta pamphlets. Four of those arrested were members of Generation Wave and were identified as:

1. Khaing Mon (aka Nyein Chan);
2. Ye Thu Ko (aka Nyi Nyi);
3. Zin Min Aung; and
4. Aung Paing.

The four others were held at South Okkalapa Police Station, their identities were unknown.¹¹⁷

On 13 October 2008, Aung Thu a member of the 88 Generation Students Group Group, from Kemmendine Township, Rangoon, was arrested. He was charged under the Printers and Publishers Act and detained in Insein Prison.¹¹⁸

On 16 October 2008, Khin Moe Aye (40) a prominent social and political activist, was sentenced to three years imprisonment, along with former student leader Kyaw Soe, at Rangoon's Insein prison court. The activist who had been arrested three times previously was accused of illegally handling foreign currency.¹¹⁹

On 22 October 2008, ABFSU leader Si Thu Maung was charged with unlawful association and crimes against state tranquillity at Tamwe Township Court, Rangoon. Sithu Maung was arrested in Tamwe in connection with the Saffron Revolution in 2007.¹²⁰

On 24 October 2008, MP-elect and NLD Mandalay Division Vice-Chairman Than Lwin, was sentenced to eight years imprisonment for his role in the Saffron Revolution under charges of intention to insult religion under penal code section 295 and section 505(b) of inducing crime against public tranquility.¹²¹

On 7 November 2008, Htun Htun Naing, a resident of Insein was sentenced to 19 years imprisonment in connection with the 2007 September protests. The sentence was handed down by Judge Sein Hla Oo of Eastern Rangoon Province court inside Insein prison. Htun Htun Naing was unable to appeal the charges as his lawyers, U Khin Maung Shein and U Aung Thein, had been recently jailed on charges of contempt of court.¹²²

On 13 November 2008, NLD activists Thant Zin Myo, San Win and Kyaw Soe Win were sentenced by the Hlaingthaya Township special court in Insein Prison to seven years imprisonment each under sections 143, 145, 147, 152 and 505(b) of the Penal Code.¹²³

Also on 13 November 2008, activist and University of Rangoon student Honey Oo was sentenced to nine years and six months imprisonment.¹²⁴

On 14 November 2008, the Kamayut Township special court in Insein Prison sentenced the following NLD activists:

1. Thant Zin Myo and San Win to an additional nine years and six months imprisonment;
2. Kyaw Soe Win received a seven year and six month sentence;
3. Thant Zaw Myint was sentenced to nine years and six months imprisonment;
4. Thike Min and Nge Ma were sentenced to seven years and six months in the Kamaryut Township special court; and
5. Shwe Maung, Zaw Win and Wunn Aung from the Mandalay Division NLD party were sentenced to four years imprisonment each.¹²⁵

Also on 14 November 2008, Tin Myint, the chairman of Thaketa Township NLD party, was sentenced to two years and six months imprisonment by the Thaketa Township special court in Insein Prison.¹²⁶

Also on 14 November 2008, Tin Win and Nyi Nyi Min, both members of the South Dagon Township NLD party, were sentenced to two years imprisonment by the South Dagon Township special court in Insein Prison.¹²⁷

Also on 14 November 2008, Kyauktada Township special court in Insein Prison, Nay Zar Myo Win, Kyaw Kyaw Linn, Aung Kyaw Oo, Kyaw Zin Win and Kyi Kyi Wah, all members of the youth wing of the Dawbon Township NLD, were sentenced to five years imprisonment.¹²⁸

On 17 November 2008, nine political activists were sentenced by special courts in Insein Prison on charges including involvement in public demonstrations, illegal assembly and resisting officials, according to sources familiar with the prison.¹²⁹ Those sentenced were:

1. Htin Kyaw, one of the solo protesters in the 2007 demonstrations against deteriorating economic and social conditions, received a 12 and a half year sentence; and
2. Sandar Wara, a monk from Thiri Zayyar Monastery in North Okklapa Township in Rangoon, received an eight and one-half year sentence.¹³⁰

Six and a half year sentences were handed down to four leading members of the All Burma Federation of Student Unions (ABFSU):

3. Sithu Maung;
4. Ye Min Oo;
5. Ye Myat Hein; and
6. Zin Lin Aung.¹³¹

Six and a half year sentences were also handed down to three activists from the NLD Youth Division:

1. Myo Thant;
2. Kyi Phyu; and
3. Thein Swe.¹³²

Also on 17 November 2008, Burmese blogger, Nay Phone Latt, who had earlier received a 20-year prison sentence, was transferred from Insein Prison to Pa-an Prison in Karen State.¹³³

On 11 December 2008, Ohn Kyaing, Chairman of the NLD's Cyclone Rescue Committee, and MP-elect for Mandalay's Southeast Township, was released from Rangoon's Insein prison after being held without charge for more than two months. Ohn Kyaing was originally arrested on 1 October 2008.¹³⁴

On 19 December 2008, 35 year old political prisoner, Maung San committed suicide in Pegu Prison. It was reported that he committed suicide in a prison restroom, following the refusal of prison authorities to provide proper medical treatment outside the prison. He suffered from intestinal problems and liver disease.¹³⁵

On 28 December 2008, labour rights activist Htay Lwin Oo died in Mandalay Prison. His wife Khin Hla Myint told media sources that he died of tuberculosis which had been left untreated by prison authorities. Htay Lwin Oo, a 46 year old schoolteacher, was sentenced to seven years imprisonment in 2003 for his labour rights activities.¹³⁶

On 30 December 2008, at least nine members of the NLD were arrested near the parliament building in Rangoon while calling for the release of Aung San Suu Kyi. The nine were identified as:

1. Tun Tun Win;
2. Tun Tun Linn;
3. Pyae Pyae Aung;
4. Win Myint Maung;
5. Min Thein Kaung;
6. Htet Hlaing;
7. Phyo Wai;
8. Yeni Soe; and
9. Htet Htet Oo Wai.¹³⁷

1.3 Arbitrary or Politically Motivated Arrests of Ethnic Minorities

The Burmese military continued to attack civilians in ethnic conflict areas throughout the duration of 2008. Abuses such as forced labor, sexual violence against women and girls, extrajudicial killings, torture and beatings, and confiscation of land and property were widespread.¹³⁸ Arbitrary arrest and detention, often on false accusations, remained instrumental in the SPDC Army's suppression of the populations under their control.¹³⁹

The regime regularly arrests and imprisons members of ethnic minority communities, including children, to stifle political dissent, intimidate and oppress ethnic villagers, and restrict basic freedoms. The arrest and detention of civilians in ethnic conflict areas is often a result of the SPDC's suspicion that civilians may be assisting resistance groups. Treatment of villagers suspected of supporting resistance efforts varied; some were shown no mercy, while numerous other arrestees were simply forced to carry out labour duties for the SPDC. Such duties range from building military camps to portering for the army. Reports indicate that the Tatmadaw also arbitrarily detained persons for forced labour and portering, with no clear end date.¹⁴⁰ (For more information, see: Forced Labour and Forced Conscription).

Other reasons for arrest were the breaking of curfews and travel restrictions in areas controlled by SPDC forces. In SPDC-controlled areas of the ethnic minority regions, villagers faced arrest or even arbitrary execution if caught outside village boundaries without the necessary travel permits. Particularly vulnerable to arrest and arbitrary detention were village heads, who were often summoned to local army camps and blamed for the actions of their fellow villagers. Accusations against village heads varied widely, including such crimes as failing to report the activities of insurgent groups in the area. Often times the spurious charges were simply a pretext for which the SPDC commanders could demand forced labour, money and goods from the village as a fine.

In other ethnic minority areas not facing direct conflict, such as in Arakan State in western Burma, there were still abuses carried out against ethnic minorities. The Rohingya Muslim minority faced widespread rights violations including religious persecution, forced relocation, land seizures, and denial of citizenship and identity papers.¹⁴¹ Persecution of the Rohingya community in Maungdaw Township by the district police was an insidious feature of daily life in 2008 and arbitrary arrests were frequently made in order to extort money for the release of those arrested.¹⁴²

Arbitrary or Politically Motivated Arrests of Ethnic Minorities – Partial list of incidents for 2008

Arakan State

On 19 March 2008, 30 year old Jahida Begum, wife of Amir Hussain, from Sin Thay Pyin village of Loung Don village tract of Maungdaw Township was arrested. It was believed that the woman was arrested for the gifts including three wrist watches and two audio cassettes sent to her by her husband from Saudi Arabia. Jahida Begum was released after midnight after she paid 100,000 kyat to the police.¹⁴³

Also on 19 March 2008, Noor Hussain from Kryat village of Maungdaw Township was arrested by Bawli Bazaar police on the charge that an unknown man had filed a case against him, claiming that Noor Hussain owed him money. Hussain believed the police had fabricated the charges after they failed to produce or contact the supposed plaintiff. Hussain arranged with family members for a 20,000 kyat bribe to be paid to the police for his release.¹⁴⁴

Also on 19 March 2008, 35 year Nur Hussain from Kryat village of Loung Don village tract of Maungdaw Township was arrested by police of Bawli Bazaar on the allegation that he brought 50,000 taka, given to him by his relatives in Bangladesh, into Burma recently. According to relatives, he had never even been to Bangladesh. Nur Hussain was released after paying a 20,000 kyat bribe.¹⁴⁵

On 30 March 2008, ten Muslim community leaders were arrested in a raid by a high-level team of army officials in the town of Maungdaw. Among those arrested was president of the Maungdaw District Myanmar Muslim League, advocate U Than Tun, also known as Muhammad Solin, and the owner of three diamond and gold shops, U Niramad. Townspeople in Maungdaw believed the arrest was related to politics.¹⁴⁶

On 2 April 2008, military authorities arrested three more Muslim leaders in the western border town of Maungdaw. Dr Kyaw Myint, Dr Tun Aung, and Nur Kobi, a car driver, were arrested by Burmese intelligence forces and taken to the SaRaPa Intelligence headquarters for interrogation. Ten other Muslim leaders were arrested on 30 March. The arrests were believed to be in connection to the anti-referendum campaign.¹⁴⁷

On April 10 2008, 25 year old Rul Amin and 19 year old Anwara Begum were arrested by NaSaKa after they married secretly without the requisite permission from the authorities.¹⁴⁸

On 19 May 2008, 38 year old Rohingya farmer Sayedullah from Loung Don village tract in Maungdaw Township was arrested by the SaRaPa for filling a pond near his farmland. The pond was of little use to the farmer so he was filling it with soil to grow paddy. The SaRaPa initially demanded 300,000 kyat for Sayedullah's release; he was freed on 21 May after paying 30,000 kyat.¹⁴⁹

On 4 June 2008 at approximately 10 pm, police arrested 16 Rohingya villagers from Phone Nyo Hlake village of Buthidaung Township. The 16 were arrested on the allegation that they had received money from foreign countries from their relatives. They were taken to Buthidaung Naytin police station, where they were detained for two days. They were released on 7 June, after paying 100,000 kyat per person.¹⁵⁰

At 7am on 4 June 2008, Rohingya villager Jakir Ahmed, aged 35, from Kyauk Chaung (Shilkhali) village in Maungdaw Township was arrested on the allegation that he had come from Bagladesh after selling shrimp, despite there being no evidence to support the allegation.¹⁵¹

On 3 July 2008, a villager in Maungdaw Township was sentenced to three months in jail by the Maungdaw court for felling timber in order to construct a house. The defendant was identified as Kamal Hussain, from Bawli Bazaar Alay Ywar (village) in Maungdaw Township. Kamal Hussain had obtained the necessary permission to cut wood after paying money to the authorities in June. He was arrested by a NaSaKa section that had not received payment for the permission and was released after paying them a bribe. He was then summonsed to court on 3 July, where he was re-arrested and sentenced.¹⁵²

It was reported on 7 July 2008, that in May, police and Ward Peace and Development Council authorities in Maungdaw Township jointly extorted 600,000 kyat from a bridegroom alleging that he had not submitted a guest list to the authorities. The victim, who was arrested and tortured, was identified as 20 year old Ziaul Haque, from Kan Hpoo (Gozobill) village of Aley Than Kyaw village tract in Maungdaw Township.¹⁵³

On 11 July 2008, an altercation occurred between police and labourers at No.1 jetty in Sittwe, the capital of Arakan State, after police attempted to forcibly take 'taxes' from the labourers. During the clash, a policeman U Than Lwin died on the spot, and three labourers were critically injured. Afterwards, four labourers; two Arakanese and two Rohingya Muslims, were arrested by police.¹⁵⁴

On 28 July 2008, the owner of a teashop located near Maungdaw High School, who was identified only as Mohamed, was summoned by Maungdaw police station and arrested on the allegation that he was involved in illegal cattle trade to Bangladesh. Mohamed strongly denied the charge; it was believed he was arrested by police for the sole purpose of extorting money from him. Police demanded 300,000 kyat for his release. This was the latest in a string of arrests of business operators in the area conducted for the sole purpose of extortion.¹⁵⁵

On 1 August 2008, Maulana Oli Ahmed, 35, from Tha Yai Gone Bong in Maungdaw Township was arrested. He was detained for nearly a month by the Nasaka, Burma's border security force for constructing a house, even though he had procured permission from the authorities. He was released later after paying officers 2.5 million kyat.¹⁵⁶

On 17 September 2008, 105 Muslims in Sittwe were sentenced by military authorities to six months in prison for attempting to travel from Sittwe to Rangoon by bus without government permission. The community leader said, *"I heard that the army authority also seized 80.5 million kyat from them, which was money they'd had to pay all the checkpoints along the Sittwe-Rangoon highway."*¹⁵⁷

In the first week of October 2008, Moulvi Joher, from Poug Zaar village of Maungdaw Township was arrested under allegations that he was involved in human trafficking. He was released after paying 500,000 kyat to officers from the Bureau of Special Intelligence (BSI). The victim also paid another 100,000 kyat to Sha Alam, a local employed by the BSI to torture detainees, not to be beaten more than he already had been.¹⁵⁸

On 6 October 2008, Maung Tin, from Shwe Zaar village was arrested by the BSI on the allegation of smuggling Yaba tablets (methamphetamine) and was released after paying an 800,000 kyat bribe.¹⁵⁹

In the second week of October 2008, police came to the house of Shobbir Ahmed in order to arrest the man. Finding that Ahmed was not at home at the time, BSI officers arrested his son instead. The son was released after paying 300,000 kyat.¹⁶⁰

On the evening of 30 October 2008, authorities raided a religious ceremony in Maung Hna Ma Village under Nasaka section Aung Mangahla. The ceremony was being held in the house of Abu Subayan and a woman identified as Mrs Amina. The couple were known as being wealthy members of the village. Abu Subayan was arrested and the authorities demanded 120,000 kyat to not file a case against him.¹⁶¹

On 11 November 2008, a villager in Maungdaw Township was arrested and severely assaulted for cutting off branches of trees which had been growing near his paddy. The victim was identified as Maulvi Sayed Amin (28), from Kyat Chaung village under the Loung Don village tract of Maungdaw Township. He was beaten unconscious by police and then released after the family paid a 50,000 kyat bribe.¹⁶²

On 8 December 2008, 108 people from Arakan State were arrested at Rangoon's Thilawa port as they attempted to illegally leave Burma for Thailand. The group members, who included a number of Muslims, each paid 60,000 kyat for the journey to agents. The boat driver and passengers were arrested by soldiers; the boat owner and the agents who had organised the trip were not detained. A resident of Taungup claimed that local authorities and agents in Arakan had been collaborating to make money from Muslims who faced severe restrictions on their freedom of movement in Arakan state.¹⁶³

Chin State

On 24 July 2008, three Chin hill-side cultivators were severely tortured and their tents torched by the Burmese Army on suspicion of having connections with the insurgent group the Arakan Liberation Party. The victims were identified as U Tha Aung (47), U Kyaw Zan (48), and U Ba Tun (50) and from Phone Yang Wa Village of Kin Thalin Village tract, Paletwa Township.¹⁶⁴



On 23 September 2008, the SPDC released 9,002 prisoners from various jails across the country. Of this number, however, only nine were political prisoners. Burma's longest serving political prisoner, U Win Tin, was among those released. He had been arrested in 1989 on charges of "*spreading anti-government propaganda*" and had served 19 years of a 20 year sentence. This photograph shows the friends and family members of those who were to be released waiting in front of the gates of Insein Prison in Rangoon. [Photo: © Mizzima News]

Karen State

On 22 May 2008, Saw Koh Koh a 42 year old resident of Gklay Kee Village was detained by SPDC soldiers from MOC #21 who executed him for no apparent reason.¹⁶⁵

On 24 June 2008, four villagers, including Saw Mya Lay Htoo and Saw Commardo, were captured by the the SPDC Army in a betel nut plantation. While two of the villagers were subsequently released, Mya Lay Htoo and Commardo were taken to Tha Aye Hta camp. It was not known at the time of the report what had become of the two.¹⁶⁶

On 26 August 2008, troops from MOC #21 arrested ten villagers who were gathering their harvest near old Kgo Pu village. Six of the captured villagers were women; the soldiers took them to Hsaw Me Le camp and then released them. The remaining four men were held at Muthé Camp until 2 September after which they were released. The villagers were from Kgo Pu and Hsaw Me Lu village.¹⁶⁷

On 9 October 2008, Column #1 of LIB #285, commanded by Lieutenant Colonel Khin Maung Than arrested, interrogated and assaulted ethnic Karens suspected of having contact with the Karen National Liberation Army (KNLA) in Thabyut-Chaung village in Tavoy District, Tenasserim Division. The following is a list of arrests conducted by the soldiers all on the same day:

- 1 At 10:00 am, Column #1 arrested Saw Pho Pha (42) and Saw Htoo Bleh (32). According to an eyewitness from the area, the two men were accused of having contact with the KNLA and were subsequently bound and severely beaten. Approximately two hours later, the commander asked relatives of the victims to pay 50,000 kyat each for their release.¹⁶⁸
- 2 At 1:30 pm, Column #1 arrested Saw L Swe (25). Saw L Swe was also accused of having contact with the KNLA. Saw L Swe was bound and beaten while being interrogated. He was then stabbed on his arms, chest, back and legs with an army knife after denying the accusations. The soldiers then looted his home and stole family belongings, estimated to be worth 120,000 kyat.¹⁶⁹
- 3 At 5:00 pm, Column #1 arrested and interrogated Saw Phe Doh (35). He was also accused of being a KNLA supporter, beaten and then robbed of belongings thought to be worth 100,000 kyat.¹⁷⁰

On 10 December 2008, eight soldiers from KNU Battalion #16 ambushed over one hundred Burmese soldiers near the entrance to Thi Pout Ka Low village in Kya In Seik Kyi Township, killing four Burmese soldiers. After the attack, the Thi Pout Ka Low Village headman and two other male residents suspected of supporting the KNU were detained for three days by SPDC forces in retaliation for the attack. They were freed after three days in detention.¹⁷¹

Mon State

Over the course of two days on 28 and 29 May 2008, troops from the SPDC's Infantry Battalion No #31 based in Khaw-Za sub-township arrested a VPDC village headman and five individuals from Yin Ye village. The VDPC members were identified as Chairman Nai Maung Ba (47), Secretary Nai Kyaw Hein (41) and member Nai Sein Maung (41), all of whom were arrested on 29 May 2008. The other three individuals were identified as Nai Gare, Nai Kya Kaung and Nai San Yi. All six men were accused of supporting the rebel group Monland Restoration Party, and were held, interrogated and tortured before being released by the soldiers. The VDPC members were stripped of their roles and were informed by the troops that they would have to report to the base of IB #31 every three days to sign forms as a way of preventing their departure from the area.¹⁷²

On the morning of 21 November 2008, Mon rebels locally known as the 'Chan Dein group' arrested 102 villagers while they travelled to their rubber and betel nut plantations. Those arrested included 62 plantation owners and 40 workers from Sin Koo, Toe Thet Ywar Thit, Yin Ye, Yin Dein and Kabyar villages. The villagers were forced to pay ransoms for their release. All villagers from Yin Ye were able to pay their ransoms. The SPDC responded by arresting and interrogating the villagers who had been extorted by the rebel group. (See below for more information)¹⁷³

On 24 November 2008, troops from LIB #31, led by Lieutenant Han Win Kyaw, entered Yin Ye village and arrested 6 people. Those arrested were interrogated and asked how and where they made contact to pay rebels operating in the region. According to residents from Yin Ye, the SPDC troops held a burning torch under the arms and legs of one of the arrested men and burned him until he gave them information. The six men were released later that night after they gave the troops consistent answers.¹⁷⁴

On 25 November 2008, Lieutenant Commander Myo Swe returned to Yin Ye and arrested 7 more people, including 3 women. One of those arrested was beaten by soldiers after he stuttered when responding to their questions.¹⁷⁵

Shan State

On 2 April 2008, after a skirmish between SPDC troops from IB #247 and Shan soldiers on 1 April, 10 villagers of Wan Nawng village in Wan Nawng village tract, Nam Hsan Township, were accused of supporting Shan soldiers. The ten were arrested and put in jail in Nam Hsan Town.¹⁷⁶

On 11 May 2008, a sergeant and two soldiers from the Mong Pan-based LIB #385 were shot at the vegetable garden of a Hophai villager while stealing vegetables. The sergeant died and his body was taken to Mong Pan Hospital where an investigation found that he was shot by handmade bullets made of lead. In their search for the gunmen the authorities arrested the following people:

1. On 12 May 2008, the farm owner Sai Ni (45), his wife Nang Poi (30), and his son Sai Kham (18) were arrested. They were accused of planning murder and of being spies of the Shan State Army (SSA). The family was beaten during the interrogation yet maintained they did not know who the gunmen were. Nang Poi and Sai Kham were released on 14 May.
2. On 16 May 2008, the authorities arrested all the farmers whose land in Mong Pan they had seized in late April and took them to the LIB #520 command post, but some were able to escape. Those detained were Long Keng Village headman Zarm Hsa, Sai Nu, Sai Kham (Sai Ni's son), Ai Di, Ai Kya and Zingna. All members of the group were beaten and tortured daily and were later moved to the base of LIB #332.
3. On 19 May 2008, the authorities detained Ai Mart and Kungna from Long Keng. Also detained were the Kong Kieng tract headman, the village headman and the secretary. All were taken to the LIB #332 command post.¹⁷⁷

On the 17 August 2008, the village headmen from Lwe-Tafree, Nar-Boung and Kaung Muu Bwar in Si-Sine Township were arrested under suspicion of providing money to the PNLO armed rebel group.¹⁷⁸

1.4 Arbitrary or Politically-Motivated Arrests of Civilians

The army, police and local officials continued to strictly control the everyday lives of ordinary civilians in 2008. Civilians were subjected to arbitrary and politically motivated arrests, interrogations, extra-judicial killings and extortion. Innocent civilians were arrested on the personal whim of authority figures and arrests were made as personal retribution (see incidents dated 24 February 2008, 1 May 2008 and 17 December 2008 in partial incident list below). Arrests were frequently made for dubious or fabricated offences, with substantial bribes then demanded for the prisoners' release. The arrest, extortion and release of civilians continued to be a common occurrence in the lives of Burma's citizens.

In the continuing crackdown after the September 2007 protests, the junta not only arrested student leaders and monks who took part in the protests, but also their family members and close relatives. (See Incidents dated 9 and 11 September 2008).

The mass arrests of innocent civilians continued to be used pervasively as a form of reprisal against the community at large when acts of protest or violence were perceived to have been committed against the junta. An example of this could be seen in the police response to the stabbing death of two policemen in Kathay Wra Ward in Sittwe on 22 August 2008. Thirty locals were arrested following the incident; a male arrestee stated:

*"We were not involved in the murder but the authority arrested us because our homes are located near the scene of the incident in which riot police were murdered. After arrest, the authority severely beat and tortured us while asking many questions about the murder. The whole of my body is still in pain and I am now unable to walk for long distances because the riot police severely beat me along with other innocent civilians soon after arresting us. They tortured me whenever I denied that I had any involvement in the murder."*¹⁷⁹

It was reported that people in the ward believed that the authorities knew who committed the murder but arrested the local residents in retaliation.¹⁸⁰

Arbitrary or Politically Motivated Arrests of Civilians – Partial list of incidents for 2008

On 24 February 2008, 12 villagers of Thinn Baw Gwe (Kol Loon) in Maungdaw Township, Arakan State, were sentenced to seven years in jail by the Maungdaw High Court for renovation of a mosque and Hafez Khana (Quran/Koran memorial centre). The villagers had renovated the village mosque and Hafez Khana after acquiring necessary documents and permission from the Commander of NaSaKa area No 8 of Maungdaw Township, three months beforehand. However, the Commander was transferred and a new NaSaKa Commander was appointed to NaSaKa area No 8, in the period following the original granting of permission. The new Commander was not happy with the renovations and arrested the group. Some of those arrested were identified as:

1. Hashim Ullah (40);
2. Rahamat Ullah (30);
3. Latif Mistry (50);
4. Noor Mohamed (50);
5. Sayed Yullag (40);
6. Mohammed Rofique (40); and
7. Nur Islam (50).¹⁸¹

On 3 March 2008, Mohammed Hassan, 25, from Ward No 5 in Maungdaw Township was arrested after being caught attempting to smuggle teak to Bangladesh. After apprehending the man, police beat him severely before taking him to the local station. Relatives of Mohammed Hassan made enquiries but were unable to obtain any information as to where he was being held. Hassan's relatives believe that he was killed by police and that the body was buried secretly.¹⁸²

On 21 February 2008, five Rohingya men were arrested for smuggling scrap metal to Bangladesh. The five received permission to send shrimps to Bangladesh after paying Major Then Lun, the commander of NaSaKa area No 5 of Ngar Khu Ya village tract in Maungdaw Township. In addition to carrying shrimp, the five also loaded some scrap metal onto the boat. As they informed NaSaKa that they were ready to cross the river, they were arrested for carrying scrap without permission. The five were all from Maungdaw Township and were identified as:

1. Mahbu Rahaman (30);
2. Hamid Hussain (28);
3. Mohammed Alam (35);
4. Shabbir Ahmed (30); and
5. Mohammed Idris (35).

The five individuals were sentenced to three months in prison by the Maungdaw Township court.

On 4 April 2008, two Muslim religious leaders from Maungdaw Township were arrested by NaSaKa on charges that they were involved in anti-government activities and that they were linked to exiled rebel groups. The arrested leaders were identified as 45 year old Maulana, Mohammed Hamid Hussain, and 43 year old Maulana, Mohammed Nuzu Meah, both hailing from Taungbro in Maungdaw Township.¹⁸³

On 1 May 2008, a Rohingya businessman was arrested and illegally detained at Maungdaw police station on account of not having repaid a loan taken from a policeman. The detainee was identified as thirty year old Ba Bu Ya (alias) Win Myint (aka Kahlu) from Myoma Ka Nyin Tan village in Maungdaw Township. In 2007 Sergeant San Win of Maungdaw police station loaned Win Myint 300,000 kyat, with 120,000 kyat interest, to be repaid in one year. When Win Myint was unable to repay the original loan Sergeant San Win asked his boss, OC Nain Hlwin Soe, to demand 700,000 kyat from Win Myint. When this demand could not be met, Win Myint was arrested. As of 26 May he had still not been formally charged with an offence, nor had he faced court.¹⁸⁴

On the referendum election day of 10 May 2008, it was reported that six people at the Thayet Cement Factory who had voted 'No' were arrested for their vote at the Yone Gyi quarter polling station in Magwe Division.¹⁸⁵

On 10 May 2008, SPDC authorities briefly detained one villager from Lake Ya in Maungdaw Township, Arakan State, for casting a 'no' vote. The man was released after two hours in detention.¹⁸⁶

On 29 May 2008, Muang Waik, one of Burma's richest men and an ally of the regime, was arrested and detained on charges of drug trafficking. It was reported that the arrest was part of a crackdown on associates of Aung Zaw Ye Myint, son of the chief of the Bureau of Special Operations, Lieutenant-General Ye Myint. Observers said that the authorities were less interested in pursuing the whole network than in finding a scapegoat so they could release Aung Zaw Ye Myint. Rangoon-based journals and magazines were forbidden to publish news of the arrests.¹⁸⁷

On 15 July 2008, 15 people from Maungdaw Township were called to Maungdaw NaSaKa Headquarters of Kawar Bill, then detained and tortured by NaSaKa intelligence. Their 'crime' was that they had given bribe money to NaSaKa intelligence officer 2nd Lieutenant Myo Aung. In May 2008, Officer Myo Aung and his accomplice Jamil were arrested by a special group on corruption for taking bribes. The 15 people arrested all gave statements against the officer saying that he had taken bribe money off them. Rather than being viewed as victims of extortion, they were arrested for bribing officials. Some of the group that were arrested were identified as:

1. Taher (40), the former village Chairman of Maung Ni Para of Maungdaw Township;
2. Salim(30) from Ward No 2 of Maungdaw Township;
3. Abu Siddique (45) of Hitaliya village tract of Maungdaw Township;
4. Kamal (44), from Ward No 5 of Maungdaw Town; and
5. Ismail (40), former village secretary of Maung Ni Para.¹⁸⁸

On 23 August 2008, a youth identified only as Redowan (18), from Ramiya Khali village of Maungdaw Township was arrested after NaSaKa officials found him to be in possession of a history of Arakan State and other school materials when he crossed the border from Bangladesh. After the arrest, Redowan was taken to the NaSaKa camp and tortured severely on the accusation that he was involved in politics. After being tortured, he confessed that he and others were involved in political affairs. Following this 'confession', police arrested six other Rohingya youths on 27 August 2008. They were identified as:

1. Jaber (16);
2. Mubarak (17);
3. Fotiqua(15);
4. Nurul Nezam (16);
5. Abdullah(17); and
6. Moulvi Shamshu Alam (35)¹⁸⁹

On 26 August 2008, four ferry operators from the western Burmese border were arrested by NaSaKa forces on suspicion that they had helped ferry three NaSaKa deserters to Bangladesh in their boats. All the men were from Shwezar Guna village in Maungdaw Township, and worked ferrying people between Burma and Bangladesh across the Naff River.¹⁹⁰

Also on 26 August 2008, authorities arrested over 30 people in Sittwe, Arakan State and subjected them to interrogations and severe torture after two riot police were killed by local youths during an altercation on 22 August. The 30 arrested individuals had no tangible involvement in the crime; they merely lived near where the altercation took place.¹⁹¹

On 9 September 2008, the brother in law of U Gambira, Ko Moe Htet Hlyan, and five of his friends were arrested in Rangoon at 7:30pm. Police seized the man's computer, disks, a memory stick and an Mp4 player. According to the arrested man's wife, "*The officials said they had received information that my husband was planning to raise a lantern on the anniversary of last year's Saffron Revolution*". U Gambira's sister, Ma Khin Thu Htay, said the officials had wanted to arrest her too but decided to let her go because she was seven months pregnant.¹⁹²

It was reported on 9 September 2008, that cyclone refugee U Nyan Win was arrested in the Burmese capital of Naypyidaw where he was trying to secure the right for other survivors of Cyclone Nargis to remain at refugee camps 3 and 5. Nyan Win, who was residing at camp 3 at the time, collected the names, signatures and fingerprints of 200 refugees and went to the capital to plead their case. The report alleged that military officials framed Nyan Win, claiming that the signatures collected were fakes aimed at dispossessing storm victims of property allocated to them as refugees. At the time of the report Nyan Win was facing charges under sections 420 and 486 of the Penal Code relating to dishonesty and forgery and was facing a jail term of up to eight years.¹⁹³

On 11 September 2008, Tin Tin Win, the 70 year old mother of 88 Generation Students Group leader Aunt Phwe Kyaw, was arrested. Officials picked up Tin Tin Win from her residence in a Government Housing Complex in Yankin Township. The arrest followed a visit to her house of student activist Nilar Thein. Tin Tin Win was subsequently released after four days in custody.¹⁹⁴

Also on 11 September 2008, authorities arrested eight local youths including U Gambira's younger brother Ko Aung Ko Ko Lwin from their houses in Meikhtila, Mandalay Division.¹⁹⁵

On the evening of 16 September 2008, officials from the criminal investigation department and ward authority members went to Maung Win Sithu's house and arrested him. Maung Win Sithu was a former child soldier who was allowed to leave the army when he was found to be underage. He was arrested by authorities on his 18th birthday.¹⁹⁶

On 20 October 2008, three farmers who reported the seizure of their farms to the International Labour Organisation's office in Rangoon were detained by the army. U Hla Soe, U Sein Steen and U Nay Lin from Natmauk Township's Myetyehkan village in Magwe Division, were arrested along with 43-year old Ko Zaw Htay from nearby Aunglan who helped them report their grievances to the ILO. In their report to the ILO the farmers claimed that five thousand acres of their land had been seized by the army and that soldiers had been extorting money from them.¹⁹⁷

On 17 December 2008, Zaw Naing Htwe, brother of political prisoner Kyaw Kyaw Htwe, was given a nine-year prison sentence by a court in Insein Prison for receiving a letter from his brother. Three prison guards who helped Kyaw Kyaw Htwe to send the letter were also jailed.¹⁹⁸

Also on 17 December 2008, police from Bawli Bazaar in Maungdaw Township arrested Jamal Hussain (35) from Lone Don Krat village of Maungdaw Township. Jamal Hussein had guided a policeman's wife to a house where he believed she could buy coconuts. However, the owner refused to sell her any coconuts despite having a plentiful supply. The woman was said to be embarrassed and angry at being refused service so went and complained to her husband, saying Jamal Hussain had misguided her. He was arrested at 8pm that night without charge and police demanded 300,000 kyat for his release.¹⁹⁹

1.5 Foreigners Arrested and Detained in 2008

At 11 am on 1 June 2008, NaSaKa of Mingalayi outpost of Maungdaw Township abducted two Bangladeshi fishermen while they were fishing in the Naff River. The arrested men were identified as Shaffi Ullah, 35, and Sarwar, 25, from Natong Para village of Teknaf Union of Bangladesh. They were arrested and tortured severely under allegations of being smugglers; however authorities could not find any evidence to support this. They were released after paying 5,500 kyat each.²⁰⁰

On 4 June 2008, a Bangladeshi citizen was abducted and his row boat seized by Burma's border security force while he was fishing in Naff River. The Bangladeshi man went to the Naff River to catch fish in the morning when he was kidnapped by NaSaKa. The abducted fisherman was identified as 25 year old Abul Hossain, hailing from Holu Banna of Whykong Union, Teknaf, Cox's Bazaar district.²⁰¹

On 10 June 2008, five Bangladeshi nationals who had been held in detention for two months were released and handed over to Bangladeshi Rifles (BDR) personnel. The Bangladeshi fishermen had gone to the Bay of Bengal to catch fish in a boat near Burmese territorial waters. The engine of the boat stalled and it had drifted across the line of Burmese territorial control. The fishermen were caught by NaSaKa personnel and sent to jail. The Bangladeshi nationals were identified as

1. Zafar Alam (20);
2. Shamsul Alam (38) from Shapuri Dip;
3. Zubair (25);
4. Jamil Hossain (40); and
5. Mohammed Alam (18), from Mosuni village.²⁰²

On 11 July 2008, it was discovered that ten fishermen from the Indonesian province of Aceh, who had been missing since February, were serving two-year prison sentences in a Burmese prison. The ten were arrested in February for unauthorized entry into Burmese territorial waters and detained in Mergui Prison, in Burma's Tenasserim Division.²⁰³

On 2 August 2008, border security forces arrested 12 Bangladeshi fishermen when they were fishing in Naff River in Burmese territorial waters. The fishermen had worked in the area previously after obtaining permission from the NaSaKa after paying bribes. On the occasion when they were arrested, they had failed to take this precaution. Following their arrest and detention at the Langdong NaSaKa post, officials demanded a bribe of 6,000 kyat per man to secure their release and the release of the fishermen's boats.²⁰⁴

On 2 December 2008, authorities at the frontier town of Tachilek arrested a group of 19 North Koreans trying to reach neighbouring Thailand. A Burmese official stated, *"Arrangements are underway to put them on trial for illegal entry. I should say they may get two or three years in jail. I just don't know for sure what will happen to them after that."* Many North Koreans escape their impoverished homeland by crossing into China and then travelling through Laos and Burma to Thailand, where they hope to get visas to resettle in South Korea.²⁰⁵

1.5 Arrest of Monks

During the Saffron Revolution in September 2007, thousands of monks took to the streets in protests against the junta. In the crackdown which followed, monks were shot and beaten by heavily armed soldiers and riot police. The aftermath of the crackdown continues to be acutely felt by Burma's monks, a supposedly revered section of society. Members of the Sangha continue to be harassed, arrested, disrobed and sentenced for their involvement in the protests. (For more information, see Chapter 12: Freedom of Belief and Religion)

In 2008 monks were subjected to increased scrutiny, surveillance and pressure by the authorities. Riot police were stationed around Rangoon's best known monasteries, particularly those which had direct links to the protests. Plain clothes security forces carefully observed the monks daily routines and kept watch for any signs of anti-junta activities.²⁰⁶ On 5 September 2008, before the one year anniversary of the Saffron Revolution, a directive was issued to monks by the Sangha Maha Nayaka Committee ordering them not to take part in any political activities.²⁰⁷ The edict stated that swift action would be taken against any monks found to be breaking the law. A Chauk monk claimed at the time that security around the monasteries was tightened and the monks closely watched.²⁰⁸

The junta crackdown against monks and nuns following the Saffron Revolution resulted in countless arrests. According to the Assistance Association for Political Prisoners Burma (AAPPB), the junta was holding 212 monks in its prisons as of September 2008.²⁰⁹ Activists state that this figure represents the largest number of monks jailed at one time by the regime.²¹⁰ The treatment of detained monks has been a source of concern for activists. Monks held in detention were disrobed by the authorities and treated like civilian prisoners in direct contravention of prison regulations and Buddhist custom.²¹¹ The Burma Lawyers' Council (BLC) and the AAPPB have both stated that prison regulations allow for monks to wear robes and continue to observe their religious duties whilst in prison and on trial.²¹² Aung Kyaw Oo of the AAPPB stated that;

*"What is going on is a great violation of the [rights of] monks in prison. ... The authorities are violating the laws written in two manuals, the court manual and the jail manual. We need to put pressure on the regime to at least comply with the existing national laws of the country, although they may want to ignore international human rights law."*²¹³

The majority of monks and nuns have been tried in special courts convened within the compound of Insein Prison. None of those who played a leading role in the 2007 protests have had public court appearances since they were taken into custody.²¹⁴ The trials have been conducted secretly and many of the monks were not permitted access to lawyers.²¹⁵ (See section 1.2: Arbitrary or Politically-Motivated Arrests, Detention and Disappearances). Criticism against the regime has also focused on the legality and morality of trying monks in civilian courts. Attorney Khin Maung Shein asserted that, *"The law states that monks should be first tried in the religious tribunal formed by the monks."*²¹⁶ After which time, if monks are found guilty, they should be de-robed and handed over to the civilian court.²¹⁷

The case of prominent monk U Gambira illustrated the plight of monks who have been detained, charged, tried and sentenced. Gambira was one of the founders of the All Burmese Monks' Alliance and played an important role in organising the mass protests of the Saffron Revolution.²¹⁸ Gambira was arrested on 4 November 2007 and disrobed by prison authorities.²¹⁹ It was not until 18 August 2008 that the case lodged against him was brought to court. Gambira was charged with multiple separate offences.²²⁰ The Asian Human Rights Commission followed the case and documented a number of procedural

errors and violations of the junta's own Criminal Procedure Code. These errors and violations should have rendered Gambira's ten month detention prior to being charged illegal, the evidence against him inadmissible, and the charges invalid.²²¹ Gambira's lawyer was forced to resign during the trial as the court failed to produce the required case information to allow him to prepare a defence.²²² Despite the obvious breaches of both domestic legislation and international legal norms by the regime in the trial, the court found Gambira guilty and he was convicted on several charges and sentenced to a total of 68 years imprisonment.²²³

Arrest of Monks – Partial list of incidents for 2008

As of February 2008, monk Taw-Ling had still not been permitted to return to his monastery. Taw-Ling was arrested after SPDC troops searched his monastery in Mong Ton Township, southern Shan State, in October 2007. Community leaders and his fellow monks attested to his innocence but the authorities kept him under arrest at the Mong Ton Township Office. He was released without charge one and a half months later, however he was sent to a monastery near a military base so that SPDC troops could continue to watch him. Following the Saffron Revolution, incidents were reported where monks who had not taken any part in any of the mass protests and rallies were arrested, only to be released after being forced to endure inhumane treatment and torture for some time.²²⁴

On 27 February 2008, eight monks and seven nuns from Thitsar Tharaphu Monastery and one monk from Hantharwaddy Monastery appeared in North Okkalapa Township Court. All 16 were arrested in raids on their monasteries on 6 October 2007, accused of participating in the September 2007 demonstrations. The length of the sentences that they received was unknown.²²⁵

On 19 June 2008, members of the USDA forced their way into celebrations at NLD headquarters in Rangoon. Monk U Tun Myint and three other persons were arrested for taking part in celebrations to mark the 63rd birthday of Daw Aung San Suu Kyi.²²⁶

On 15 July 2008, nine monks were arrested while waiting at a railway station to return to their monasteries. According to witnesses, the monks arrived at the platform separately and were not communicating with each other. Shortly after the arrests they were each sentenced to two years imprisonment on charges of bringing the Sasana into disrepute. The monks remained unidentified.²²⁷

On 19 August 2008, Abbot Ashin Kawida from Kamahtan Monastery in East Dagon Township, Rangoon, appeared in a special court in Insein prison. Ashin Kawida refused to participate in proceedings because *"they were not consistent with the code of conduct of Buddha's doctrine."* The monk was taken away and allegedly tortured. He was forced to return before the court again on 27 August 2008.²²⁸

On the 23 August 2008, two young monks were arrested from Thardu Monastery in Rangoon's Kemmendine Township. The monks were identified as Damathara and Nandara by their colleagues. The reason for the arrests was unknown.²²⁹

On 28 August 2008, U Ku Tha La and U Okkan Tha, monks from Shwekuu Monastery, Tavoy Township, Tenasserim Division, were arrested.²³⁰

On 4 September 2008, Sayadaw U Panna Wontha from Shwe Taung Monastery in Mingala Taung Nyunt Township and his nieces Ma Ei and U Thuta Nyanna were sentenced in Mingalar Taung Nyunt Township court. They were arrested in connection to the Saffron Revolution.²³¹

It was reported on 5 September 2008, that U Dammah Tharya and U Nandika, two student monks from Aung Mingalar Theikdi Monastery, were arrested by authorities. The two monks were detained in Insein Jail.²³²

On 8 September 2008, monk U Kawvida (aka Maung Gyi, Kyaw Nyein) from South Okkalapa Township, Rangoon, was forcefully brought to court with his hands tied with rope. He was forced to court in this manner after originally refusing to appear because he believed he should be tried in a religious court.²³³

On 18 September 2008, U Pannya Zawta, a student monk from the Warzo Monastery in Sanchaung Township, Rangoon, was arrested by the authorities. The regime's security forces, led by Police Deputy Major Htay Aung raided the monastery at midnight, checked all the monks against the photos taken during the protests in September last year and arrested U Pannya Zawta, who appeared in some of the photos. He was taken to Insein Prison.²³⁴

On 27 September 2008, U Thawpanat, a monk from Arthawkayon monastery in Ywakyemyak ward near Donetaikkwin, was arrested. The arrest followed a peaceful march in Sittwe involving approximately 300 monks, marking the one year anniversary of the Saffron Revolution. It was unclear why U Thawpanat was specifically targeted.²³⁵

On 6 November 2008, two monks arrested in connection to the Saffron Revolution were sentenced by Rangoon's Kyauktada Township court. Sayadaw U Indaka, abbot of Maggin monastery, was sentenced to 16 and half years imprisonment and monk U Eindriya was sentenced to eight years. A lawyer for the monks claimed at the time that the pair could possibly receive further jail time in addition to the original sentence, as the jail time was a penalty for only one of the charges brought against them.²³⁶

On 7 November 2008, Reverend U Thattama of Garna Puli monastery in Twante, Rangoon, was sentenced to 19 years imprisonment in connection with the 2007 September protests. The sentence was handed down by Judge Sein Hla Oo of Eastern Rangoon Province court inside Insein prison.²³⁷

On 9 November 2008, it was reported that Ashin Sadama, 39, from Garna Puli Monastery in Twante Township and Ko Htun Htun were sentenced to 19 years imprisonment each in connection with the Saffron Revolution.²³⁸

On 11 November 2008, five monks were sentenced to six and-a-half years in prison for their involvement in the Saffron Revolution. The monks were identified as U Nanda, U Wilar Thekka, U Agga Dhama, U Eithiriya and U Zarnayya from Ngwe Kyar Yan monastery in Rangoon. Their case was heard by a special court inside Insein prison, where they were sentenced on charges of *"unlawful assembly, joining unlawful associations, inducing crime against public tranquility and committing disaffection towards the state and government."*²³⁹

On 17 November 2008, Sandar Wara, a monk from Thiri Zayyar Monastery in North Okklapa Township in Rangoon, received an eight and a half year sentence. The sentence was handed down by a closed court in Insein Prison.²⁴⁰

On 18 November 2008, U Kaylatha, a monk from Mandalay, was sentenced to a 35-year jail term under the Unlawful Association Act. U Kaylatha was sentenced by the Kemmendine Township special court in Insein prison.²⁴¹

On 21 November 2008, All-Burmese Monks' Alliance leader U Gambira was sentenced to a further 40 years imprisonment; in addition to the 27 year sentence he had already been given earlier.²⁴²

It was reported on 29 November 2008, that in the week prior, a monk was arrested in Nyangcho Township whilst visiting his relatives. The monk was identified as Ashin Seinaya, from Ah-Naut Taik [West] Monastery in Pakokku Township. The reason for his arrest was unknown.²⁴³

The fates of other monks involved in the Saffron Revolution were published on 14 December 2008 by DVB.²⁴⁴ The listed monks and their situations as of December 2008 were:

1. U Khaemar Sarya (aka Ko Chan Thar) from Buddha University, faced trial at Mayangone Township Court;
2. U Pyinnyar Tayza (aka Ko Hla Min Khaing) from Koe-htat-kyi Monastery, faced trial at Mayangone Township Court;
3. His brother, U Nanda Thiri (aka Ko Naing Linn) was sent to Shwebo Prison;
4. U Pyinnyar Wontha (aka U Shwe Soe) from Sittwe, Arakan State, was hospitalized in Insein Jail;
5. U Khaeminda (aka U Ko Ko Than, U Wilatha, Ko Win Min Htun) and 4 lay brothers faced the trial at Tamwe Township Court;
6. U Pyinnyar Nanda (aka Ko Myo Naing) from Thitsar Tharaphu Monastery in North Okkalapa Township had been sentenced to four years and six months;
7. U Wimala (aka Ko San Aung Win) from Pegu was sentenced to six years;
8. U Pyinnyar Wontha (aka Ko Zaw Htay Aung) from Shwepyitha Township was sentenced to two years;
9. U Dammah Daya (aka Ko Naing Win) from Mingalardon Township was in Insein Jail;
10. U Thuta Nyanna from Shwe Taung Monastery in Mingalar Taung Nyunt was sent to Kyaington Prison in Shan State;
11. U Zawana (aka Ko San Win) from Dammahyon Monastery in Mingalar Taung Nyunt was sent to Obo Prison in Mandalay;
12. U Weila Seikka (aka U Pyi Kyaw) from Mingalar Taung Nyunt was transferred to Monya Prison;
13. U Thumala (aka Ko Min Set from Masoeyein Monastery in Mandalay was transferred to Kyauthaung Prison;
14. U Panna Wontha (aka U Pyi Kyaw) from Mingalar Taung Nyunt was transferred to Buthidaung Prison;
15. U Pyinnyar Thiha (aka Ko Myint Oo) was sentenced to seven years and transferred to Motpalin Hard Labour Camp in Mon State in November;
16. U Zarnaya (aka U Myo Myint Aung) from Sasana Theikpan Monastery 58 years, was transferred to Puta-O Prison;
17. U Sandima from Sasana Theikpan Monastery was sentenced to eight years;
18. U Thatama (aka Ko Thet Zaw) from Maungtee Monastery in Ton Tay was sentenced to eight years and was shackled while being tried at the west district court in Rangoon;
19. U Sandar wara (aka U Nyan Win) from Thiri Zeyar Monastery was transferred to Meikhtila Prison in Mandalay Division;
20. U Eikhtiya (aka Ko Aung Ko Nyein) from Ngwe Kyar Yan Monastery was transferred to Kyaikton Prison;
21. U Nanda (aka Ko Than Htut Aye) was transferred to Myaungmya Prison in Irrawaddy Division;
22. U Eindaka (aka U Aung Than Myint) was transferred to Larsho Prison;
23. U Eitayira (aka U Aye Maung, Gyaung Gyaung) was transferred to Thipaw Prison; and
24. U Satdama from Ton Tay was transferred to Myitkyina Prison;

1.7 Prolonged Detention

In 1975 Burma established the so-called Protection Law ('The Law to Safeguard the State against the Dangers of Those Desiring to Cause Subversive Acts'). The advent of this piece of legislation has allowed the junta to prolong detention of any individual without trial. Furthermore, the law allows extra-judicial, executive authorities *inter alia* to order a person's detention in prison (Article 10A) or under house arrest (Article 10B) for up to five years (Article 14) without charge or trial if the person "*has performed or is performing or is believed to be performing an act endangering the state sovereignty and security, and public law and order...*" (Article 7). The provisions in this law allow the SPDC to unquestionably hold any parties which are seen as politically threatening, such as senior members of the NLD, under house arrest or in prison for extended periods. This process benefits the regime by keeping key leaders, like Daw Aung San Suu Kyi, out of the public eye and attention; an essential practice for the regime in the lead-up to the 2010 elections. Only an internal government review can appeal decisions stemming from Act 10A, and such measures have ceased to exist in recent years.

Many political prisoners continued to be held in Burma over the course of 2008 without much hope of having cases reopened or reassessed despite growing international pressure over the regime's treatment of political prisoners. The junta extended the sentences of four MPs including U Tin Oo, and Aung San Suu Kyi. The regime continues to hold additional members of parliament and has consistently ignored their judicial rights. Many of those nearing the end of their sentences are entitled to remission under Burmese law. In spite of this, officials continue to extend the sentences of some of Burma's most influential politicians.

On 13 February 2008, the junta extended the house arrest of U Tin Oo, the deputy of Aung San Suu Kyi. Tin Oo (80) was ordered to remain confined to his Rangoon home for another year.²⁴⁵ Tin Oo, 81, has been in detention since May 2003, when a pro-junta mob attacked a motorcade carrying him and NLD general secretary Aung San Suu Kyi; an attack that resulted in the deaths of around 100 NLD members and supporters. A spokesperson for the party described the extension as "*meaningless and unjust.*" Tin Oo is not allowed to receive visitors and has been denied regular medical checkups.²⁴⁶

On 27 May 2008, the detention of Daw Aung San Suu Kyi was extended for a further 12 months, her sixth straight year under house arrest. Suu Kyi's original one-year sentence has been extended every year since she was placed under arrest in May 2003. Under Burmese law, no one can be held longer than five years without being released or put on trial. She has been confined without trial for nearly 13 of the past 18 years.²⁴⁷ Commentary in the *New Light of Myanmar* newspaper stated that detentions are permissible for as long as six years under a 1975 Law Safeguarding the State from Dangers of Subversive Elements. Yearly extensions must be approved by the Council of Ministers and then by the Central Body, which includes the home, defence and foreign affairs ministers, the newspaper said.²⁴⁸

There was a large amount of international pressure placed on the regime to release Suu Kyi in 2008 as she has been detained for more than 12 of the last 18 years at her home in Rangoon. Condemnation for the extension of her detention conditions in 2008 was voiced by the Secretary General of the United Nations, ASEAN, world leaders, international organisations and activists. The extension came amidst efforts by the international community to persuade the generals to allow access to cyclone hit regions and calls for international donations to aid the recovery effort.²⁴⁹

1.8 Conditions of Detention

“The military authorities confine you in an undersized cell, 8.5 by 11.5 feet, with only a bamboo mat on the concrete floor. Sleeping, eating, walking and going to the bathroom are all done in the same place. You cannot see the sun, the moon or the stars. You are intentionally barred from breathing fresh air, eating nutritious food and drinking pure water. Books, periodicals, radio and television are out of the question. If you get sick, no medical worker will check on you until you have lost consciousness.”²⁵⁰

- Zin Linn, former political prisoner

Detainees are held across the regime’s 43 prisons and up to 70 prison labour camps throughout Burma in trying conditions.²⁵¹ Approximately a quarter of political prisoners, particularly prominent activists, are held in Rangoon’s notorious Insein prison.²⁵² Those condemned to Burma’s prisons and labour camps face overcrowding, unsanitary conditions, indiscriminate torture, arbitrary transfers and a lack of adequate medical care, exercise time, living provisions and food.

The spike in arrests and prisoner numbers in the wake of the Saffron Revolution resulted in the hasty creation of makeshift detention facilities. Thousands of persons detained in connection with September’s demonstrations were held at improvised prisons, including Plate Myot Police Center in Mandalay, the Government Technical Institute (GTI), Kyaik Ka San Interrogation Center, Police Center Number 7, Aung Tha Paye, and Riot Police Center Number 5 in Rangoon. Witnesses at the GTI estimated that well over 2,000 persons were held in a facility designed for no more than 1,500.²⁵³ Persons released from the GTI reported that detainees were held in overcrowded, unsanitary, degrading, and dangerous conditions. According to several eyewitnesses, few of the holding areas had adequate toilet facilities, forcing detainees to relieve themselves in plastic bags or on the floor where others slept. Female detainees reported that they were not provided with sanitary products and were forced to improvise under harsh and public conditions. Food and water were unclean and resulted in many detainees becoming sick, further exacerbating the unsanitary conditions.²⁵⁴

The daily living conditions inside Burma’s official prisons are abysmal. Released detainees report being kept in cramped conditions in small rooms and in cells that lacked ventilation and toilets. Detainees are generally only allowed minimal exercise outside their cells each day, and this privilege is often revoked. Prisoners also reported a lack of food and drinking water and being denied adequate medical attention by prison staff. The U.S. Department of State reported,

“Food, clothing, and medical supplies reportedly were scarce in prisons. There were reports that authorities in some prisons forced prisoners to pay for food. Bedding consisted of a single mat on the floor. Prisoners were forced to rely on their families, who were allowed one or two visits per month, for basic necessities. The government solicited private donations of food, clothing, and medical supplies as well as books and television sets for prisoner use but reportedly diverted all donated goods to government officials. Prisoners were held without being charged for weeks or months, and until a prisoner was officially charged with a crime, families could not visit or send critical supplementary food.”²⁵⁵

Security at Insein Prison was tightened following Cyclone Nargis on May 2-3. The Cyclone tore the roof off one of the prison buildings. In the ensuing panic, 36 inmates were shot dead by prison guards and riot police. Since then prison authorities imposed new restrictions, including refusing to allow relatives of some political prisoners to visit regularly or bring provisions. Walking exercise time was also reduced from one hour to just twenty minutes per day.²⁵⁶ The brutality of Insein Prison authorities was also witnessed in the direct aftermath of the cyclone. The prison's rice stores were damaged in the cyclone, and despite being given replacement stocks by the ICRC, the authorities fed the mouldy rice to inmates. After eating the spoiled rice prisoners suffered from diarrhoea, dysentery, vomiting and dizziness, skin allergies, swollen stomach and typhoid. Female prisoners in the women's compound of Insein prison were reported to have suffered even more severely than others. It was also reported that prison authorities did not provide adequate health care to those affected.²⁵⁷

In a further attempt to silence dissidents, the regime transferred a number of activists to remote prisons throughout Burma. According to the AAPPB, more than 100 of the estimated 215 activists sentenced in the November trials to terms of imprisonment of up to 68 years were consigned to at least 20 isolated prisons in various parts of Burma.²⁵⁸ According to the Burma Jail Manual, prisoners must be kept in prisons nearest to their family members. However, the prison authorities clearly violated this provision and sent political prisoners to remote prisons away from their home towns, effectively preventing family visits. The policy was described by human rights organizations as a form of torture, imposed not only on the abused prisoners themselves but also on their families.²⁵⁹

In a number of the remote prisons and camps which activists were transferred to, political prisoners were forced to work in labour projects alongside civilian prisoners. Monk U Pyinyarthiri, who was arrested in connection to the Saffron Revolution, detailed his experience working in Lend Tlann prison camp in Tiddim Township, Chin State:

"We had to start hard labour by carrying heavy logs for firewood while fettered. In hilly Chin State... there are many ravines and steep hills. We had to carry these heavy logs from the bottom of the ravines to the hilltops, including Sundays, without holidays. When carrying logs, the man in back must keep pace with the front man, otherwise the security guards would beat him up. When someone fell to the ground from exhaustion after a long workday, a security guard would come and kick him in the chest. We had such ill-treatment and persecution in this labour camp. We had our meals rationed, the notorious so-called 'Briyani' (Danbauk) meal. It was a mixture of small stones, un-husked paddy and even some mice feces. The work was so hard but we were poorly fed. Within two to three weeks, the prisoners became pale and lost weight due to malnutrition. Some fell ill and others got bruises and abscesses due to our fetters. Some got boils. I myself got a boil three or four times. A monk from Myitkyina died of the harsh prison environment on the last full moon day of Waso."²⁶⁰

The account of U Pyinyarthiri is echoed by other testimonies from political prisoners detained in various labour camps.

The majority of prisoners forced into hard labour were civilians convicted of criminal offences such as theft and drug trafficking. Generally, those sent to hard labour have been handed long sentences of ten or more years. However, 2008 saw an increase in the number of prisoners serving shorter sentences being sent to labour camps.²⁶¹ The conditions in the labour camps are dire. An escapee of Yazakyo Camp near Kalay Town in Sagaing Division stated, *"They treat us like animals and force us into hard labour the whole day. It was like*

hell.”²⁶² Detainees are forced to work long hours, are given inadequate food and are banned from using mosquito nets. As a result many die from malnutrition, diarrhoea and malaria. Commenting on another notorious labour camp, Taung Soon prison labour camp, Tate Naing of the AAPPB stated, “*There have been suicides every month as some of the inmates cannot stand the hard work and the pain anymore.*”²⁶³

Health of Detainees

The health of prisoners is a continuing concern as the regime denies adequate medical care to the thousands of detainees in Burma’s prisons. Medical services in prison fall well short of international standards and obligations, although they generally reflect the poor health care services available to the general population. The International Committee of the Red Cross has not been able to visit prisons in Burma since the end of 2005.²⁶⁴ Human rights groups argue that since that time, conditions have deteriorated even further. Despite a lack of ICRC oversight, the poor health of Burma’s prisoners has not gone undocumented.

In the first report from the UN Special Rapporteur on the situation of human rights in Burma, concerns were raised over detention conditions.²⁶⁵ In response, the regime delivered a ‘rebuttal statement’ at the UN Human Rights Council which claimed that, “*The prisoners receive regular medical check-up by the prison doctors and when a prisoner needs a special attention of the Specialist, the prison authority arranges him/her to see the Specialist Medical Practitioners.*”²⁶⁶ This claim by the SPDC is contrary to independent reports and testimonies which detail poor health care standards in prisons.

The families of prisoners and released detainees report that authorities did not provide medical care to treat chronic and serious health conditions.²⁶⁷ Authorities frequently deny access to doctors and the medication required to treat medical conditions. As of September 2008, the AAPPB could confirm that at least 108 political prisoners in various prisons were in dire need of proper medical treatment.²⁶⁸ Prisoners routinely relied on family members to supply medicines and supplement their food; but this was made increasingly difficult as the regime carried out its policy of transferring political activists to remote prisons.

The spread of HIV/AIDS, Tuberculosis, and other communicable diseases, has been on the rise in prisons throughout Burma in recent years, due to unhygienic conditions and lax medical care. HIV/AIDS infection rates in prisons remain high due to communal use of syringes for injections and sexual abuse by other prisoners.²⁶⁹ The use of ‘fake’ or substandard medicine is also widespread in the jail system. The ICRC has made several substantive medical donations to Burma’s penal authorities, however it has been reported that most of it is sold by the regime rather than supplied to the prisoners.²⁷⁰

Prominent political prisoners who suffered from deteriorating health included NLD MPs - elect Than Nyein, May Win Myint, Naing Naing, and journalist Win Tin. The health of writer Than Win Hlaing, held in Tharawaddy Prison in Pegu Division, continued to deteriorate due to harsh prison conditions; however, prison authorities continued to reject his family’s appeals for medical treatment. Rohingya MP-elect Kyaw Min also continued to experience health problems.²⁷¹

The Shan National League for Democracy reported that imprisoned member U Sai Hla Aung, who suffers from high blood pressure and diabetes, had not been seen by doctors in more than three years. In December 2007, his family again asked authorities for permission to have doctors treat him but had not received a response at year’s end.²⁷²

Conditions of Detention – Partial list of incidents for 2008

On 25 February 2008, it was reported that Arakan state NLD financial coordinator U Myint Aung had been kept in shackles for two weeks. U Myint Aung was shackled while being transferred from Sandoway prison, Arakan state, on 8 February and remained in shackles after his arrival at Insein prison in Rangoon. His mother stated, *“He apparently asked the prison authorities about it, and they said they had forgotten to take them off.”*²⁷³

On 7 May 2008, it was reported that following an investigation into the prison riot that broke out following cyclone Nargis in which 36 prisoners were shot, a total of 98 prisoners were moved into isolation for interrogation over the riot. As result, a further four prisoners died.²⁷⁴

On 10 May 2008, five political prisoners from No.5 ward of Insein prison were hooded, severely beaten, and held in punishment shackles in solitary confinement. The prisoners were apparently punished for refusing to carry out prison duties, normally only allocated to criminal prisoners. The prisoners were identified as:

1. U Tin Mya, Chairman of the NLD, Thingangyun Township;
2. U Myint Htun from the NLD, Shwepyithar Township;
3. Ko Thant Zaw from the NLD;
4. U Damica (aka U Htun Htun) from the KNU;
5. U Kyaw from the KNU; and
6. Saw Naing from the KNU.²⁷⁵

It was reported on 28 May 2008 that, solo protestor U Ohn Than, 62, was suffering from cerebral malaria while in solitary confinement in Khandi Prison in Kachin State. U Ohn Than was arrested in August 2007 when he staged a solo protest by holding placards in front of the US Embassy in Rangoon, and was sentenced to life imprisonment on 2 April 2008.²⁷⁶

On 3 June 2008, 128 prisoners from Ann Prison commenced work as labourers for Physic nut cultivation in fields owned by Western Command Commander Headquarters, in An Township, Arakan State. The Physic nut cultivation area covered 50 acres and the prisoners were forced to cut grass, dump soil, fertilise the plants and fence the area. The operation was led by the Deputy Commander of Western Command, Tin Haling. The prisoners were ordered to remove their prison uniforms and wear plain clothes while in the fields. They were not allowed to contact anyone outside and nobody was allowed near the cultivation area.²⁷⁷

It was reported on 6 June 2008 that, Myo Yan Naung Thein, who was arrested on 14 December 2007 due to his participation in the 2007 September Saffron Revolution, was severely tortured during interrogation. He was also accused of being mentally ill and purposefully transferred to a special ward for mentally impaired people after arguing with prison authorities. It was reported that in recent visits Myo Yan Naung Thein required assistance to help in walking to the visiting room to see his family on visiting days.²⁷⁸

On 8 June 2008, Su Su Nway, a prominent labour activist, was put into solitary confinement after she asked prison authorities for better medical care. Bo Kyi of the AAPPB stated, *“She suffers from heart problems and requested regular checkups. But prison officials denied her request and put her into solitary confinement instead.”*²⁷⁹

On 9 June 2008, it was reported that inmates of Insein prison became ill after being given rotten rice to eat by prison authorities. Rice stores were damaged when Cyclone Nargis hit the prison on 2 May. Damaged rice bags were mouldy and inedible so the International Committee of the Red Cross replaced them with new bags. The prison authorities fed the prisoners with the new rice from 19 to 21 May, but then switched to using the damaged rice.

The AAPPB said that prisoners had developed various illnesses as a result of eating the rice, *“Prisoners are mainly suffering from diarrhoea, dysentery, vomiting and dizziness, skin allergies (having bumps on the whole body), swollen stomach and typhoid.”*²⁸⁰

On 1 July 2008, it was reported that according to the AAPPB, an exercise ban had been imposed on political prisoners in Rangoon’s Insein prison. The regular supplies of books from family members and friends were also stopped by the authorities.²⁸¹

In July 2008, 500 to 600 prisoners from Buthidaung jail worked on the Maungdaw-Buthidaung highway when it was destroyed following heavy rains. They had to work for 15 days to reconstruct the road from 7 am to sunset without sufficient food.²⁸²

On 4 August 2008, Ko Nay Linn Soe was injured while working at the labour camp in Mon State’s Taung Soon Township where he was detained. A boulder fell on top of him while he was working; following the incident he was taken to Taung Soon hospital’s emergency ward. Ko Nay Linn Soe was one of 10 Muslim students sentenced to two years imprisonment in July and sent to hard labour camps for their participation in demonstrations in September 2007.²⁸³

Between 27 August and 15 September 2008, prison labourers, including political prisoners from Sandoway jail and An jail, were used as forced labour to repair the Sandoway-Gwa highway from pillar number 51 to 55. There were 275 prison labourers working on the project. Work hours were from 7:30 am to 4:30 pm, the labourers received lunch but no other food is given to them while they are working on the project.²⁸⁴

On 9 September 2008, five young political prisoners began a hunger strike at Thandwe prison, Arakan State, to oppose their unjust punishment by the authorities. The young political prisoners were identified as:

1. Ko Moe Nay Soe;
2. Ko Than Htay;
3. Ko Chit Maung Maung;
4. Ko Maung Maung Thet; and
5. Ms Ni Ni May Myint.

All prisoners were from the town of Taungup in Arakan State and were arrested by police while they were marching to protest the military government on the 20th anniversary of the 8.8.88 uprising in Burma.²⁸⁵

It was reported on 27 September 2008 that in the preceding days a number of political prisoners involved in the Saffron Revolution had been transferred to more remote prisons away from their families. Some of those who were transferred from Insein Prison to Myingyan and Pakokku jails in upper Burma were identified as:

1. Bogale NLD chairman U Aung Khin Bo;
2. Township NLD members U Maung Muang Chit;
3. Daw Mi Mi San;
4. Daw Khin Lay;
5. U Thet Tun; and
6. U Thein Tun.²⁸⁶

On 30 September 2008, approximately 100 prisoners from Buthidaung jail in Arakan State were made to work in a Physic nut plantation near the 3-mile camp on Maungdaw-Buthidaung road. The programme was led by NaSaKa from 3-mile camp. The prisoners had to lay manure, clear the grass and fence off the field.²⁸⁷

It was reported on 3 October 2008 that, Shan New Generation member Sai Myo Win Tun had been in hospital for more than a month due to deteriorating health. He was reported to be suffering from heart disease, haemorrhoids and a mental disorder. Sai Myo Win Tun, aged 47, is currently serving a 79-year prison sentence at Myingyan prison in Mandalay Division.²⁸⁸

On 6 October 2008, it was reported that a staff member from Buthidaung jail in Arakan State had been using prisoners to earn extra income by hiring out prisoner labour to local villagers. It was reported that, *“The jailor took out prisoners from the jail and used them as labourers for local villagers to grow paddy and do other work at the rate of kyat 1500 per day per head while the labourer charge is 2000 kyat per day. The money went to the jailor’s pocket.”*²⁸⁹

It was reported on 16 October 2008 that the health of Nyo Gyi, Vice-Chairman of Mandalay’s Madaya Township NLD, had deteriorated in prison. It was reported that he had been suffering from heart disease, high blood pressure and chest infections. Nyo Gyi, aged 70, was sentenced to seven years imprisonment in 2007 for alleged intimidation of USDA officials and is being held in the remote Khamtee prison in Sagaing Division.²⁹⁰

On 31 October 2008, nine political activists from the 88 Generation Students Group were transferred from Rangoon’s Insein Prison to Maubin Prison in Irrawaddy Division two days after they were sentenced to six months imprisonment for disrespecting the court. The nine political prisoners were named as:

1. Min Ko Naing;
2. Ko Ko Gyi;
3. Pyone Cho (aka Htay Win Aung);
4. Htay Kywe;
5. Mya Aye;
6. Hla Myo Naung;
7. Nyan Lin;
8. Aung Thu; and
9. Myo Aung Naing.²⁹¹

On 2 November 2008, a number of political prisoners were transferred to remote prisons away from their families. Ko Tu Rein Aung and Ko Kyaw Min were sent to Sittwe prison in Arakan State, Ko Kyaw Kyaw and Ko Wei Lin were moved to Mandalay prison in Mandalay Division, and Ko Nyi Nyi Zaw was sent to Taunggyi prison in Shan State.²⁹²

It was reported on 13 November 2008 that, detained poet Aung Than was in a critical condition, suffering from the HIV virus. He was believed to have contracted the virus after being forcibly injected with a used syringe in Insein prison hospital in 2006.²⁹³

On 18 November, authorities transferred prominent former student leader Ko Thay Kwe to Buthidaung in Arakan State, from Sittwe the capital city on board the Danyawaddy ferry. A local witness stated,

*“We thought at first he was a godfather of criminals because his feet and hands were bound with iron chains and many police constables were escorting him on the ship. But we came to know later that he was a former student leader being shifted to Buthidaung prison from Rangoon.”*²⁹⁴

Ko Thay Kwe was sentenced to 65 years in prison along with other student leaders for his role in leading the September protests.

On the morning of 24 November 2008, at least 15 convicted political activists were transferred from Insein Prison to outlying areas of the country. Some of those moved were identified as:

1. NLD member Tun Tun Naing, who was sent to Meiktila prison;
2. ABFSU member Ye Myat Hein, who was sent to Kalemmyo prison; and
3. Buddhist monk Thaddama (aka Thet Zaw), who was sent to Myingyan prison.²⁹⁵

On 28 November 2008, three monks and one politician were also transferred to Buthidaung prison from Sittwe on board a ferry after they had been brought from Rangoon by air. A witness stated, *"We found out that they were monks because the police officer explained to us their identities on the ship, but the monks were in plain clothes and their hair had grown a little long."* The identities of the inmates were unknown. Buthidaung prison in Arakan State is infamous for the oppression of political prisoners through forced labour at brick kilns and road construction in the township.²⁹⁶

On 29 November 2008, Zomi National Congress party chairman Pu Cing Sian Thang's son Gatlamkhop (aka Ko) and nephew Gatlankhwa (aka Anthony) were transferred to Myaungmya jail and Bassein jail respectively. Both prisons are located in the Irrawaddy Division. An Arakan youth identified as Tin Htoo Aung, was sent to Sagaing Division's Khamti jail.²⁹⁷

On 30 November 2008, Nai Cheem Gakao, aged 42, who was serving a life sentence, was transferred to Tharawaddy in Pegu Division from Insein Prison in Rangoon. It was reported that his new location, about 100 kilometres north of Rangoon, would make it difficult for his family to visit him.²⁹⁸



Prominent political activists and leaders of the 88 Generation Students Group, Min Ko Naing (left) and Ko Ko Gyi (right) were among nine activists sentenced to six months imprisonment on 29 October 2008 on charges of disrespecting the court. These two men, like other members of the 88 Generation Students Group have spent the better part of the last 20 years in jail as political prisoners. Min Ko Naing, for example, was initially arrested in 1989 for his leading role in the 1988 pro-democracy demonstrations and spent the next 16 years in solitary confinement before being released in 2004. Since then he has been re-arrested and re-released numerous times, typically in the lead up to key dates or events as the regime fears his ability to organize and lead dissenting groups of individuals. [Photo: © AFP]

On 1 December 2008, monk leader U Gambira and five other political detainees were transferred to remote prisons away from their family members. U Gambira was transferred to Sagaing Division's Khamti prison while his brother Aung Kyaw Kyaw was sent to Shan State's Taunggyi jail. Mandalay native Wunna Aung was sent to Bago jail, Thiha Thet Zin and Thein Zaw of Bogalay were sent to Myitkyina in Kachin State and Kengtung in eastern Shan State respectively, and Tun Tun Oo (aka Ngar Kalar) was transferred to Tounggoo prison in Pegu.²⁹⁹

On 3 December 2008, political prisoners including popular hip hop singer Zeya Thaw and his three colleagues were transferred to remote prisons. Zeya Thaw, aged 27, who was sentenced to six years in prison in November, was transferred from Rangoon's Insein prison to Kawthaung prison in Burma's southern most division of Tenassarim. In addition, his colleagues Aung Zay Phyo was moved to Tounggoo prison in Pegu division, Thiha Win Tin was sent to Nyaung-U prison in Mandalay division, and Arkar Bo to Kyauk Pyu prison in Arakan state.³⁰⁰

On 10 December 2008, it was reported that detained student leader Min Ko Naing was suffering from a severe eye ailment and was in need of immediate attention from an eye specialist. Min Ko Naing was being held in solitary confinement in the Keng Tung prison.³⁰¹

On 17 December 2008, it was reported that NLD youth member, Aung Kyaw Oo, who was serving a 19 year sentence in Pegu Prison, had been savagely beaten and denied medical treatment.³⁰²

It was reported on 23 December 2008, that prisoners in Lent lann prison camp were being forced to work on re-building a motor road in Tidim Township, Chin state. The prisoners were forced to work everyday repairing the Indo-Myanmar trade road linking Tiau-Tidim-Kalemyo from 8am to 4pm. The regime had sanctioned enough funds to repair the roads; however the local authorities used prisoners, instead of spending the money to hire day labourers.³⁰³

On 24 December 2008, it was reported that detained 88 Generation Students Group member Htay Kywe, had been tortured physically and mentally by prison authorities. Prison officials denied Htay Kywe regular food and reduced his rations. He was also detained in solitary confinement and denied physical exercise under the orders of Home Affairs Minister Major-General Maung Oo. The orders appeared to have been made with the knowledge that Htay Kywe had a serious gastric problem and had undergone a major operation during his first imprisonment. There is no proper medical care in Buthidaung and the nearest proper hospital is situated in the Arakan State capital, Sittwe.³⁰⁴

1.9 Deaths in Detention

*“Too many have already died in prison, due to torture, ill treatment, and being denied medical care. The UN must do everything in its power to secure the immediate release of all Burma’s political prisoners. We cannot allow them to meet the same fate.”*³⁰⁵

- Bo Kyi, Association of Assistance to Political Prisoners Burma

On 21 February 2008, police in Sittwe, Arakan State, severely beat Zawmir Uddin who subsequently died in police custody.³⁰⁶

On 6 March 2008, Win Tin aged 30, a youth member of the NLD, died of tuberculosis in Tharawaddy Prison in Burma, while serving a 24-year sentence of hard labour. Win Tin was arrested in 1999 for his political activities. Myat Hla, the chairman of the NLD office in Pegu, said,

*“He [Win Tin] had been suffering from tuberculosis for a long time. We heard often that his health condition was bad, and he didn’t receive medical treatment in prison. This morning, when his family members went to see him, he had already died.”*³⁰⁷

At approximately 8pm on 27 January 2008, San Thaug died on his fourth day of detention at Salay police station in Chauk Township, Magwe division. He was arrested on 27 January on suspicion of stealing gold accessories from a local resident during an ordination ceremony. Townspeople were suspicious that the man may have died as a result of rough treatment at the hands of authorities after witnesses noticed bruising on the man’s body at the funeral.³⁰⁸

On 19 April 2008, 30 year-old Azizullah from Zu Pyin of Rathedaung Township, Arakan State, died in Sittwe jail. It was reported he had been suffering from fever but did not get proper medical treatment. His body was not handed over to his relatives, but buried in Sittwe city.³⁰⁹

On 20 May 2008, SPDC Army soldiers tortured to death a 35-year old retired New Mon State Party medical worker during interrogation in Khawzar police station, Mon State. The man was accused of bombing a polling station in Yindein on 10 May, during the referendum process. The victim had been arrested by troops from IB #30 and handed over to police officers. The man had been found in possession of anti-referendum fliers and a VCD of the 2007 uprising.³¹⁰

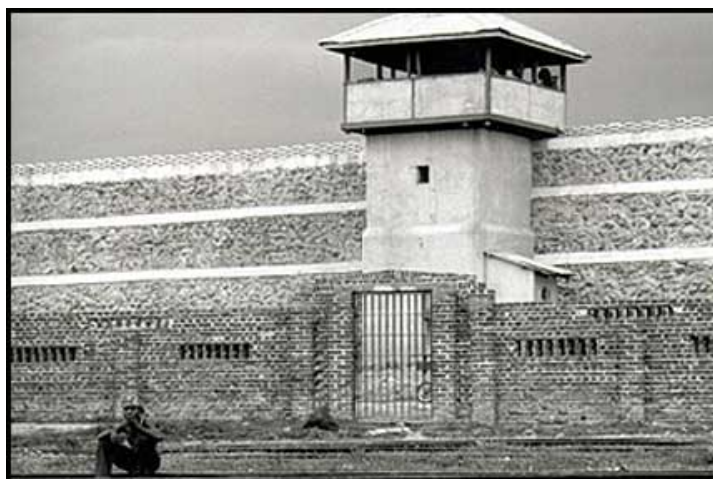
On 25 June 2008, it was reported that in the week prior, a man had died after he was beaten by police officers during interrogation at Magwe police station No #1. The man was accused of involvement with a gang responsible for the theft of Buddha statues in Magwe division; his identity was unknown.³¹¹

On 18 July 2008, Khin Maung Tint, who had been held in Mandalay Prison since 1998, became the 137th political prisoner to die in prison. Khin Maung Tint had suffered from tuberculosis for two years. AAPPB secretary, Tate Naing, stated, *“Because inadequate healthcare is normal in Burma’s prisons, he didn’t get sufficient treatment by the authorities. That why Burma has lost another political prisoner.”*³¹² Khin Maung Tint was arrested and sentenced to 20 years imprisonment for his pro-democracy activities in 1998.

On 21 July 2008, an inspector from Maungdaw police station, Nyi Nyi Lwin Soe, tortured and killed a Rohingya businessman in custody. The victim was identified as Asharaf Meah aged 50, from Aley Than Kyaw village in Maungdaw Township. He was arrested by the police on

10 July on suspicion of being involved in business with a man who had fled with money stolen from another businessman.³¹³

On 5 September 2008, Maung Win Cho from Kalemyo Township's Kokeko village, who had been imprisoned for two months on drug charges, was beaten to death by prison officials in front of inmates to set an example.³¹⁴



Mandalay prison, located in the city of the same name houses a prison population of 6,000 inmates. During 2008, Khin Maung Tint and Htay Lwin Oo both died while detained in Mandalay prison, becoming the 137th and 138th political prisoners, respectively, to have died in detention in Burma. *[Photo: © AAPPB]*

On 19 December 2008, political prisoner Maung San committed suicide at Pegu jail. Maung San, a youth member of the NLD, used his longyi (traditional sarong) to hang himself in a toilet. It was reported that he had nearly finished serving a two-year sentence, but committed suicide in protest at the deprivation of medical care and torture he had undergone. The authorities refused to return his remains to his family home and instead buried him in Pegu.³¹⁵

On 28 December 2008, labour rights activist Htay Lwin Oo died in Mandalay prison; the 138th political prisoner to die in detention. Htay Lwin Oo's wife, Khin Hla Myint, stated at the time that he had died of tuberculosis, which she said had been left untreated by the prison authorities. Htay Lwin Oo, a 46-year-old schoolteacher, was sentenced to seven years imprisonment in 2003 for his labour rights activities.³¹⁶

1.10 Release of Political Prisoners

“Whether the release of some nine thousand prisoners from Burma’s jails last week was an act of self-described goodwill or a strategic manoeuvre by a government preparing the latest phase in its program for continued political control is of little significance when seen against the country’s unchanging legal codes, courts and policing agencies. The excitement over the discharge of star political prisoner U Win Tin, who is a former senior journalist and veteran activist, has not been matched by scrutiny of the laws and institutions that made his long imprisonment possible.”³¹⁷

- Awzar Thi, Asian Human Rights Commission

In September the SPDC released 9,002 prisoners from jails across Burma.³¹⁸ The regime claimed that the mass release was a gesture of *“the government’s loving kindness and goodwill.”*³¹⁹ Regardless of the regime’s justifications of the move, the release seemed to be nothing more than a transparent attempt aimed at defusing international pressure at the UN General Assembly. Evidence to support this assertion came by way of an examination of those released. The overwhelming majority released were drug dealers and petty criminals as well as SPDC Army and police deserters.³²⁰ Fewer than ten political prisoners were among those released.³²¹

For those released from prison, there is always a chance of re-arrest. Many political prisoners are required to sign forms guaranteeing that they will not become involved in political activity upon release. An agreement of this sort however, does not guarantee that former prisoners will not be re-arrested by authorities who keep close tabs on ex-political prisoners.

On 5 February 2008, NLD members Ko Than Htay and Ko Zaw Naing, from Taungup Township, Arakan state were released by Taungup Township court. They were arrested on 22 January after they rode around the township on bicycles shouting out pro-democracy slogans.³²²

On 14 February 2008, private tutor U Aung Pe from Twante Township, Rangoon Division, was released from prison after serving a three-year sentence. U Aung Pe was arrested on 14 February 2005 for saluting the independence monument in downtown Rangoon while holding a picture of Aung San on 13 February. As a continued punishment, U Aung Pe was prevented from renewing his tutor licence.³²³

On 4 March 2008, U Thet Wai, the NLD Chairperson of Sanchaung Township, was released on bail from Insein prison. He was arrested and charged after he was found to have evidence and documents with which to complain to the ILO.³²⁴

On 23 May 2008, 10 of 13 youth members of the NLD were released by junta authorities in Rangoon after being detained briefly on the previous day by the Special Branch of the Rangoon Police.³²⁵

On 20 April 2008, Deputy Home Minister Brigadier General Pone Swe ordered authorities to release the arrested Myanmar Muslim Council (MMC) members of Maungdaw Town who had been arrested on 30 March and on 1 April 2008.³²⁶

On 9 June 2008, fifteen members of the NLD, who were arrested on 27 May as they demonstrated for the release of party leader Aung San Suu Kyi, were freed. The 15 held their demonstration on the 18th anniversary of the 1990 general election, which resulted in an overwhelming victory for Suu Kyi and the NLD. They were identified as:

1. Htet Htet Oo Wai;
2. Yan Naing;
3. Htun Htun Win;
4. Saw Pyit Pyo Aung;
5. Htet Soe Lin;
6. Aung Pe;
7. Thet Naing Htun;
8. Pyit Pyit;
9. Kyaw Myo Naing;
10. Kyaw Naing;
11. Maung San;
12. Kyaw Din;
13. Hla Myo Naing;
14. Htun Win Thein; and
15. Kyi Lwin.³²⁷

On 16 June 2008, two communists from Arakan State were released from Tharawaddy prison after serving twenty year jail terms. The released men were identified as Khaing Kyi Soe and Maung Ray Khaing from the Arakanese Communist Party, which was dissolved in 2004 after the party integrated with the National United Party of Arakan, and umbrella organisation of Arakanese revolutionary groups. The two men were arrested by Burmese authorities in 1986 along with other members of the ACP after the party had engaged in a heavy fire fight with the police and occupied the town of Minbya in central Arakan State.³²⁸

On 19 and 20 July 2008, seven NLD members who were arrested prior to Martyrs' Day were released after the day had passed. They were identified as:

1. Rangoon NLD social welfare member Ko Myint Htay;
2. Shwepyithar Township member Ma Htet Htet Oo Wei;
3. New Dagon Township youth wing member Ko The Han;
4. Social welfare member U Thein Myint Htun;
5. Kayan Township youth wing member Ko Win Myint Maung;
6. Private tutor U Aung Pe of Twante Township; and
7. South Okkalapa NLD member Ko Kyaw Zeya.³²⁹

On 9 August 2008, authorities released 43 demonstrators who held one of the country's few protests marking the anniversary of the 1988 pro-democracy uprising. They were part of a group of 48 young protesters who marched peacefully on 8 August in Arakan State. The remaining five were held for further questioning.³³⁰

On 23 September 2008, the SPDC released 9,002 prisoners from jails across Burma. Only nine of those released were political prisoners. The freed political prisoners included the following MPs:

1. Dr May Win Myint;
2. Aung Soe Myint;
3. Khin Maung Swe; and
4. Dr Than Nyein.³³¹

The following NLD members were also released:

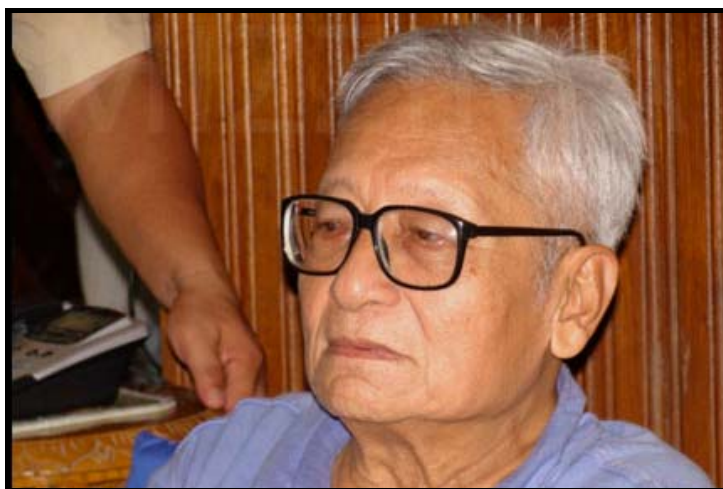
1. Thein Naing;
2. Win Htein. (Win Htein was re-arrested without charge the following day; he was freed for less than 24 hours);
3. Former army Major Myint Lwin; and
4. Thiha.³³²

Also released was U Win Tin, Burma's longest serving political prisoner. Win Tin, former editor of the influential newspaper *Hanthawaddy*, vice-chairman of the Writers' Union, and an active participant in the 1988 pro-democracy uprising, was arrested in 1989 and sentenced to 20 years on charges that included 'anti-government propaganda'.³³³

On 21 October 2008, Saw Myint Than, the former chief correspondent of *Flower News Journal*, a privately-owned magazine was released. He was held for seven weeks without being tried and without having any opportunity to defend himself.³³⁴

On 11 December 2008, NLD member U Ohn Kyaing was released from Rangoon's Insein jail. Ohn Kyaing, 64, who is also known as Aung Wint, is the MP-elect for Mandalay's Southeast Township and a researcher for the NLD. The authorities arrested Ohn Kyaing from Mandalay Southeast Township Constituency (2), on 1 October 2008 while he was serving as the party Cyclone Nargis Relief Committee Chairman.³³⁵

On 12 December 2008, authorities released the daughter of the country's former dictator Ne Win after six years under house arrest. Sandar Win had been under house arrest at her lakeside home in Myanmar's main city Rangoon since 2002 after being convicted on treason charges for plotting a coup.³³⁶



Veteran journalist U Win Tin, Burma's longest serving political prisoner, was released from prison on 23 September 2008 after spending the past 19 years in jail. On his release, U Win Tin vowed to continue to fight until Burma received democracy. He was 79 years old at the time of his release. [Photo: © Mizzima]

Endnotes

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- ³³⁵ Source: “Opposition MP Released,” *Mizzima News*, 12 December 2008 and; “Breaking News: NLD Ohn Kyaing Released From Insein Jail Today,” DVB, 11 December 2008.
- ³³⁶ Source: “Former Myanmar Dictator’s Daughter Released from House Arrest,” AFP, 15 December 2008.



The Human Rights Documentation Unit (HRDU) is the research and documentation division of Burma's government in exile; the National Coalition Government of the Union of Burma (NCGUB). The HRDU was formed in 1994 to document the human rights crisis confronting the many and varied peoples of Burma, and to defend and promote those internationally recognised human rights that are inherent and inalienable for all persons irrespective of race, colour, creed, ethnicity or religion. To this end, the HRDU published the first *Burma Human Rights Yearbook* in 1995 to comprehensively document the systematic and egregious nature of the human rights abuses being perpetrated in Burma throughout the previous year. This report, the *Burma Human Rights Yearbook 2008*, represents the 15th annual edition of the *Burma Human Rights Yearbook*, which, combined with all previous editions collectively comprise well over 10,000 pages of documentation and provide an unbroken historical record spanning the past one and a half decades.

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