

15th
Annual Edition

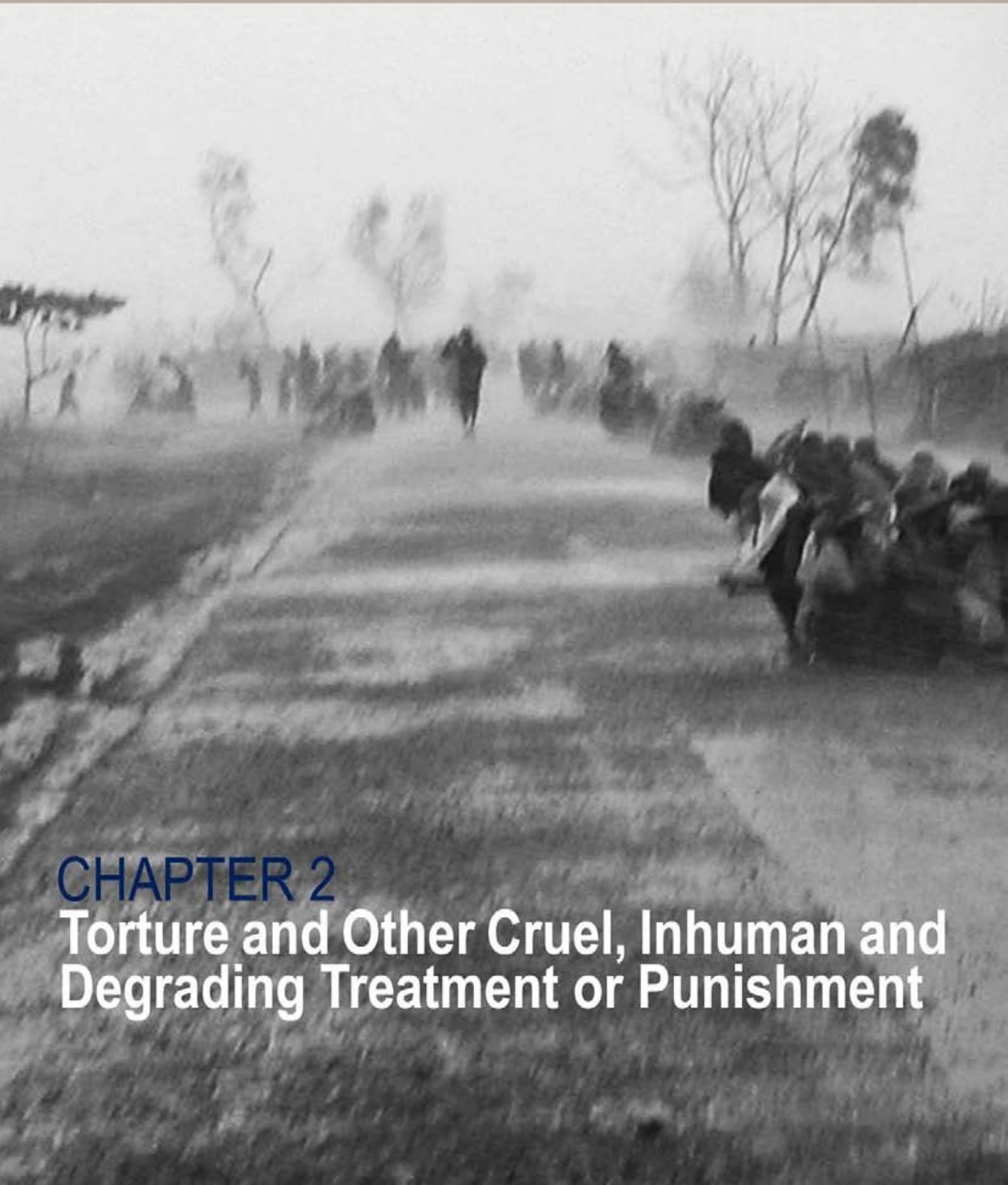
BURMA

HUMAN RIGHTS YEARBOOK

2008



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



CHAPTER 2

Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment

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2.1 Introduction

“One of the most atrocious violations against human dignity is the act of torture.”¹

The use of torture as an extreme form of state-sanctioned violence continues to be widespread throughout Burma. From the military coup led by General Ne Win in 1962 to today, the military regime has maintained its hold over the country through an unwavering campaign of oppression, intimidation and violence only witnessed in a few other countries around the world.

Many international treaties and declarations contain prohibitions on the use of torture and other cruel, inhuman and degrading treatment or punishment.² Two global instruments which are exclusively concerned with these issues are the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1975 (Declaration Against Torture) and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984 (CAT). The CAT currently has 127 States as parties to the convention.³ The widespread ratification of these international agreements along with consistent state practice and ‘*opinio juris*’ (an opinion of law) clearly elevates the prohibition on torture to the level of customary international law, which states must abide by regardless of whether they have ratified the relevant conventions or not. It is now also generally accepted that the prohibition of torture has evolved into a peremptory norm or ‘*jus cogens*’ (from the Latin, meaning ‘compelling law’) meaning that it enjoys a higher rank in the international legal hierarchy than that of treaty law or customary rules.⁴ Despite the legal position of the prohibition of torture, many international agreements do not provide full definitions of ‘torture’ or ‘other cruel, inhuman and degrading treatment or punishment’. Article 1 of the CAT, provides a comprehensive definition, it defines torture as:

“Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”⁵

Torture, therefore, is said to have occurred if three elements are satisfied as outlined in the above definition; the level and type of pain or suffering as severe, whether physical or mental, the mental attitude of the person inflicting the act as intentional and for a specific purpose such as obtaining a confession, and that the person is “*a public official or other person acting in an official capacity*.⁶ Despite Burma not being a signatory to CAT or to the International Covenant on Civil and Political Rights (ICCPR) - which also contains provisions outlawing the use of torture - the prohibition on torture still applies to any act of torture carried out within its borders and by any person acting in an official capacity, as it is prohibited under customary international law which applies to all states.

This prohibition also exists under Burma’s domestic legislation. Articles 330 and 331 of the 1957 edition of the 1861 Burmese Penal Code prohibits “*hurt*” or “*grievous hurt*” inflicted during an interrogation, while obtaining a confession of information.⁷ Similarly, Articles 323 and 325 prohibit the “*hurt*” or “*grievous hurt*” of prisoners outside of an interrogation situation and Article 166 prohibits the same act by a public servant while discharging their duties.⁸

Throughout 2008, acts of torture and other cruel, inhuman and degrading treatment or punishment, continued to be regularly reported across Burma. Reported acts of torture were not confined merely to those in prisons or detention centres but were reportedly perpetrated against regular citizens; men, women and children who live in a country oppressed by a powerful few. The year saw the continuation of human rights abuses against those involved in the Saffron Revolution of September 2007, with trials held in prisons and closed courtrooms. Many activists and members of the opposition were sentenced to long periods of time in prison and relocations of political prisoners to remote prison locations were common throughout the year as the regime made it even more difficult for relatives to visit those imprisoned. Over the course of 2008 the prison population also increased due to the spike in arrests from the end of 2007. With conditions in prisons deteriorating, the human rights situation for those in detention continued to worsen.

Conflict and discrimination against ethnic minorities also continued, with reports of torture used against minority groups including the Karen, the Chin, the Shan and the ethnic Rohingya.

2.2 Methods of Torture

Throughout 2008, the military junta continued to intimidate, control and victimise the Burmese population, both inside and outside of detention, through various methods of torture. The numerous incidents of torture detailed in Section 2.7: Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment – Partial list of incidents for 2008, reveals a range of torture methods used by the junta to punish, humiliate and denigrate individuals and their families. The incidents also illustrate the organised and systematic use of torture against ethnic minorities, members of pro-democracy or dissident organisations. The incidents also highlight cases of abuse against individuals who disobeyed orders issued by the military or were accused of committing crimes, as well as its arbitrary use against those most vulnerable, such as women and children.

In the CAT, torture is defined as “severe pain or suffering, whether physical or mental.”⁹ Therefore, torture can encompass physical pain or suffering as well as psychological suffering for victims and their families. Sexual torture results in severe physical consequences but can also severely affect a victim’s mental state and psychological health. Victims of sexual abuse, especially those in the rural ethnic areas are often subject to stigmatisation within their communities following instances of rape. Often the victims are forced to move villages in order to avoid stigmatisation, to secure employment or to find marital partners.¹⁰

Physical Torture

Physical torture is used primarily to inflict pain and suffering on victims. The most common forms of torture used by the military junta in prisons, interrogation facilities and against forced labourers are; physical beatings as a form of punishment, as part of interrogation or simply to intimidate. Physical beatings not only injure and maim, but in some cases have also resulted in death due to their severity or the lack of sufficient or total absence of, medical treatment. Physical torture usually takes the form of beatings in the form of punches and kicks, as well as with implements such as wooden sticks or rifle butts. In some cases, the victims are restrained so they are unable to defend themselves. Indicative of this kind of treatment was an incident reported where a monk accused of being part of the September 2007 Saffron Revolution protests was interrogated around the clock for seven days, without being allowed any water.¹¹ The monk was kicked in the chest and face with combat boots while handcuffed. The monk was also punched and slapped around the head and suffered nerve damage in his hand as a result of arm locks.¹² The monk eventually attempted to render himself unconscious by hitting his head on a table in front of him when could no longer endure the punishment.¹³

In a 2005 report entitled *The Darkness We See*, the Assistance Association for Political Prisoners Burma (AAPPB), provided detailed accounts of the types of torture used by the authorities in Burma’s prison system. The following is a short list of types of torture and the methods and tools used to implement them:

- **Physical restraint:** ankle shackles joined by a steel rod which keeps the feet apart, making walking extremely painful. Handcuffs, thumbcuffs and ropes are also used on prisoners;
- **Sensory Deprivation:** Prisoners can be deprived of food, sleep, water and light for extended periods, especially when held in solitary confinement. Alternatively, prisoners are at times kept in cells with lights constantly on, making it difficult to sleep;

- **Beatings:** According to the APPB, beatings can be inflicted via a range of methods including being:

"punched, kicked, slapped, kneed, and beaten with a variety of implements, including rubber or wooden batons, truncheons, rifle butts, rubber cords, bamboo sticks and plastic pipes. Political prisoners have also been beaten with thick books, chair legs, broomsticks, sandals, belts and other common objects".¹⁴

- **The Iron Rod:** Many prisoners have described receiving this type of torture whereupon authorities take an iron bar or wooden pole and grind the prisoners' shins, often resulting in the prisoner losing skin and flesh;
- **Waterboarding:** Prisoners have a cloth placed over their heads after being held in a horizontal position. Water is then poured over the prisoners face inducing a feeling of drowning and suffocation;
- **Burning;**
- **Electric shocks;** and
- **Stress Positions:** Prisoners are made to stand in the same position for hours on end and are beaten if they break the position (prisoners are commonly made to squat, for example).¹⁵

Besides being a method of torture used to cause physical pain and discomfort, stress positions are in some instances used to humiliate detainees. Following the Saffron Revolution in September 2007 and continuing into 2008, large numbers of civilians and monks were arrested, interrogated and sent to prisons across the country in relation to participation in the uprising. One report has stated that arrested monks were held in degrading conditions in cells referred to as 'dog cells'; poorly ventilated rooms, containing only a thin mat on a concrete floor, measuring a mere two square metres.¹⁶ One detainee was forced to kneel bare-legged on broken bricks and another made to stand on his tiptoes in uncomfortable positions for long periods of time.¹⁷ These stress positions are not only used to increase pain and suffering but to psychologically 'break' the victim in order to obtain information or simply as a form of punishment.

Intense forms of torture alone or coupled with a lack of sufficient medical treatment inside or outside of prison can also cause death. There were reports during 2008 of people being tortured before being killed by State Peace and Development Council (SPDC) military personnel. In one incident, a prisoner who had been arrested on drug charges was beaten to death by SPDC guards in front of other inmates in order to set an example.¹⁸ (For more information, see Chapter 3: Extra-judicial, Summary or Arbitrary Executions).

Sexual Torture

Incidents of rape, sexual assault and humiliation perpetrated by SPDC personnel were also reported with perpetrators continuing to be shielded from the engrained culture of impunity. The reported incidents of sexual torture and rape only explain part of the situation as many incidents continue to go unreported as many victims experience feelings of shame. Many victims also fear further attacks, preventing them from informing authorities. According to Shan Human Rights Foundation, rape in Burma continues to be an effective weapon of war utilised by the military junta to subjugate people, especially those in rural areas.¹⁹ In January 2008, trader Naang Kham Wa (not her real name), aged 18, was raped and robbed by a patrol of SPDC troops from LIB #528, near Nawng Zum village in Ta Kaw village tract, Murng-Paeng Township as she was travelling home after selling her goods in a nearby village.²⁰ Despite reporting the incident to village leaders and elders, the incident was not pursued as the villagers were too scared of the repercussions that they may be subjected to by local SPDC army soldiers.

In a particularly gruesome incident, a 15-year-old girl was gang raped and killed by Burmese soldiers in Kachin State as she was carrying rice to her brother for lunch in a nearby paddy field.²¹ Her naked body was found three days later with stab wounds in seven places on her body (including her vagina).²² Her skull had been smashed, her neck slashed, her eyes gouged out and her face badly mutilated.²³

Psychological Torture

Most often, incidents of physical or sexual torture will contain elements of psychological torture or mental distress. Sometimes, however, it is the full intention of the perpetrator to solely cause psychological damage upon his/her victim. Psychological torture can take many forms. Some of those commonly reported during 2008 included the denial of visitors to those in detention facilities, solitary confinement, raising false hope of release and the severing of communication between prisoners and their friends and family. In one reported incident for example, the wife of a political prisoner was told she could visit her husband on 3 December 2008, but when she arrived she was denied permission to see him and was told she had to wait until the 13 December.²⁴

Following the trials in 2008 of those involved in the Saffron Revolution, many prisoners were relocated to remote prisons as a deliberate form of psychological torture inflicted upon not just those held in detention, but their friends and relatives as well. The relocation of prisoners far from their relatives places a psychological burden on the relatives of prisoners as well as imposing economic hardships on those families wishing to travel to see those incarcerated. The wife of an imprisoned political activist for example, spent 90,000 kyat on a 10-day journey to visit her husband in a prison in Kawthaung, Tenasserim Division in southern Burma.²⁵ In another incident, the sister of labour rights activist Su Su Nway, spent marginally less than 90,000 kyat on a six-day journey to Kale Prison in Sagaing Division.²⁶

According to the Assistance Association for Political Prisoners in Burma (AAPPB), approximately 70 percent of the estimated 215 prisoners who were sentenced in trials in November 2008 were consigned to at least 22 isolated prisons in various remote parts of Burma.²⁷ AAPPB Secretary Ko Tate Naing has strongly condemned the practice of confining political prisoners to remote parts of Burma, calling it “*a systematic plan to make divisions between family, parents and children, wife and husband until they die.*”²⁸

2.3 Torture during Detention

The use of torture by the authorities in Burma has been pervasive and ongoing for many years. In 2005, a 26-year-old woman from Karen State said “*a tatmadaw [Burmese armed forces] soldier said to me that they would torture us until we could not walk anymore.*”²⁹ From incidents reported during 2008, it is clear that this systematic use of torture still remains highly prevalent in both Burma’s detention centres and prisons. Torture was not just inflicted on those inside of prison but on those who were held for questioning or detained by police or the armed forces as well. Torture is used during detention for a number of reasons; to control or denigrate the victim, to gain information or a confession of guilt, to punish the victim or simply to intimidate and frighten. Torture during detention, coupled with the arbitrary arrest and detention of civilians, sometimes in the absence of formal charges or trial before a judge, has created an atmosphere of fear and distrust amongst the general population (For more information see, Chapter 1: Arbitrary Detention and Enforced or Involuntary Disappearances). Maulvi Sayed Amin, a villager in Maungdaw Township of Arakan State, for example, was severely assaulted and left unconscious by police after he was accused of cutting off branches of trees which were growing near his paddy field.³⁰ In another incident, four village headmen in Myit-Tar Sub-township, Tavoy district, Tenasserim Division were arbitrarily arrested, tortured and released in November for failing to report the movements of nearby rebel forces. The four men were;

1. L. Doe, 35, ethnic Karen, Chairman of Kami village PDC
2. Dae’ Ne’, 38, ethnic Karen, Chairman of Gaung Say Chaung village PDC
3. Saw Shee, 30, ethnic Karen, Chairman of Thabyut-Chaung village PDC
4. Par Han, 32, ethnic Karen, Chairman of Nyaung Tone village PDC.³¹

The threat of torture is often used by authorities as a means of securing bribes. It also a means of punishment for bribes that have been demanded but not paid. Therefore, in this manner, torture, or the threat of torture, is used as a means of extorting civilians for money. Often civilians cannot afford to pay the exorbitant amounts demanded of them. These types of incidents were common throughout 2008 and were typified by the following example from Arakan State. The police and Ward Peace and Development Council (WPDC) authorities in Maungdaw Town, Arakan State jointly extorted 600,000 kyat in May from a bridegroom alleging that he had not submitted a guest list to the authorities.³² He was tortured by authorities while in detention and was only let go once he had paid the bribe, which he met by selling his mother’s gold ornaments.³³ In another incident reported on 7 July 2008 a Burmese soldier asked his superior officers if he could leave the army but was told he must pay 20,000 kyat in order to be released from duties. The soldier fled the army instead but was recaptured and had his leg broken whilst in custody.³⁴

Torture by police and regime officials is reported to occur both in pre-trial detention as well as being used consistently within the prison system after a prisoner has been convicted and sentenced. When suspects are arrested they are sometimes not informed of the charges against them, are taken to interrogation centres in locations unknown to them or their families where it is possible for them to be held incommunicado for periods ranging from a few days to several months. This creates a situation where officials can use torture or other techniques without fear of repercussions. In one incident reported on 1 October 2008, Aung Moe Lwin, a 36 year old youth member National League for Democracy (NLD) was arrested and detained without the knowledge of his friends and family.³⁵ They were only informed of his arrest after a fellow inmate was released and said he had seen the man being tortured in prison and that he was in a serious condition.³⁶ Following his arrest, his family were expecting that he would be transferred to Insein Prison in Rangoon so they would be able to visit him. Instead, they got an anonymous phone call stating that he had died from an “overzealous” hand during interrogation.³⁷

Torture inside prisons is also said to be committed by proxy. It has been reported that prison officials sometimes employ criminal prisoners to beat political prisoners. In one incident, a prisoner arrested for his involvement in the Saffron Revolution was beaten up by prisoners serving criminal sentences inside Kalaymyo Prison in Sagaing Division.³⁸

Throughout 2008 there were also many reported incidents of deaths as a result of torture; in pre-trial detention and within the prison system. An unnamed suspected gang member who was accused of stealing Buddhist artefacts died in custody after he was beaten by police officers during an interrogation at Magwe Town police station.³⁹ It was reported that the police officers had ‘overdone it’ during the interrogation and he had died as a result. This incident also exemplifies the culture of impunity which is consistently sanctioned by Burmese police officers and officials, as none of the perpetrators were brought to account for this incident. In another incident, four prisoners who were accused of attempting to escape from Insein Prison after the roof was torn off during Cyclone Nargis, in early May 2008, were subsequently tortured during interrogation with one of the accused dying of his injuries.⁴⁰

2.4 Prison Conditions

In addition to the treatment that prisoners and detainees receive, which can often constitute torture or cruel, inhuman or degrading treatment or punishment, the living conditions in prisons and detention facilities can often cause great suffering. The use of solitary confinement falls into this category. AAPPB and the United States Campaign for Burma reported in September 2008 that there had been a 78 percent increase in political prisoners incarcerated in Burmese prisons from 1192 in August 2007 to 2132 in September 2008.⁴¹ Among those political prisoners being detained, 700 – 900 were arrested during and in the aftermath of the Saffron Revolution of September 2007.⁴² This substantial increase in the number of prisoners can only have negative effects on prison conditions with less space, less guards in proportion to prisoners and the increased strain upon food and medical resources.

On 2 and 3 May 2008, tropical Cyclone Nargis swept across the Irrawaddy Delta and Rangoon Division, affecting 2.4 million people across 37 townships and leaving many thousands homeless or in need of food or medical assistance. The cyclone also left an estimated 84,000 dead and 53,000 missing.⁴³ (For more information see, Chapter 10: Cyclone Nargis – From natural disaster to human catastrophe). The cyclone also severely damaged Insein Prison with the cyclone removing the roofs of multiple buildings, flooding the prison wards, tearing trees from the ground and sparking a fire which saw thick smoke envelope most of the prison.⁴⁴ In the ensuing panic, 36 inmates were shot dead by prison guards and riot police on the assumption they were attempting to escape.⁴⁵ The UN Special Rapporteur on the Situation of Human Rights in Burma, Tomas Ojeá Quintana, called on the SPDC to “conduct a thorough and transparent investigation to clarify the facts and identify the perpetrators of those arbitrary killings.”⁴⁶ The prison authorities accused four unnamed inmates of organising the prison break following the cyclone. The four were subsequently tortured during interrogation with one, an NLD party member, being beaten to death.⁴⁷ Conditions in the prison were said to have worsened following the cyclone, with prison authorities imposing new restrictions including refusing friends and relatives of certain political prisoners permission to visit regularly or supply provisions.⁴⁸ The regulation time for exercise was also reportedly reduced from one hour to only twenty minutes per day.⁴⁹

During the cyclone, the roof of the food warehouse was completely removed, meaning bags of rice were damaged in the heavy rain.⁵⁰ Consequently, the rice bags became mouldy and were thus rendered inedible. In response, the International Committee of the Red Cross (ICRC) replaced the bags with new rice as soon as the situation was discovered.⁵¹ It was reported by AAPPB that prison authorities used the new rice to feed prisoners for three days (19 -21 May) and then reverted to feeding them the spoiled rice.⁵² This resulted in severe medical consequences with prisoners suffering from diarrhoea, dysentery, vomiting, dizziness, skin allergies, swollen stomachs and typhoid. It was also reported that female prisoners located in the women’s compound suffered the effects of the spoiled rice more severely than the general population. Prison authorities also failed to provide those who were suffering with adequate medical care. AAPPB secretary Ko Tate Naing stated at the time that:

“The health situation of prisoners will worsen and become critical if they are fed that bad and inedible food any longer. Contagious diseases will spread very quickly in a crowded place like prison if authorities do not take appropriate actions promptly.”⁵³

Prisoners also continued to be denied medical treatment for conditions suffered inside prisons or detention facilities. A political prisoner held in Bago Prison in Pegu Division committed suicide by hanging himself with his ‘longyi’ (a traditional Burmese men’s sarong) in response to the deprivation of medical treatment and the torture he suffered while in detention.⁵⁴ Maung San, a youth member of the NLD, suffered from gastric complications and liver disease but was denied medical treatment for his condition.⁵⁵ Some remote prisons were also insufficiently protected against weather conditions, especially in winter. One prisoner located in Khamtee Prison in Sagaing Division was reported to be suffering from acute asthma and difficulties breathing during the winter months due to the lack of medical treatment.⁵⁶

2.5 Torture during Forced Portering and Forced Labour

Torture during forced labour and portering continued to be perpetrated by Burmese officials, armed forces and SPDC-aligned militias in 2008. Both civilians and prisoners were forced to provide labour for SPDC officials in a number of activities including the building of roads and army bases, providing food and supplies to soldiers and their families and providing portering and guiding services to soldiers (For more information, see Chapter 7: Forced Labour and Forced Conscription). These kinds of activities can often include torture or other cruel, inhuman or degrading treatment or punishment as porters are often mistreated or killed if they are unable to render services effectively or are used as human shields and mine sweepers for the army. (For more information, see Chapter 4: Arms Proliferation and Landmines).

Unpaid forced labour contravenes international law under the International Labour Organisation's (ILO) Convention concerning Forced or Compulsory Labour, 1930 (No. 29), which Burma ratified and thus became a State party to in 1955.⁵⁷ The Convention outlaws the use of forced or compulsory labour (Article 1) except in cases of emergency including war (Article 2(2) (d)); however, in 1998 a special ILO Commission of Inquiry appointed specifically to investigate alleged cases of forced labour in Burma stated:

*"There is abundant evidence before the Commission showing the pervasive use of forced labour imposed on the civilian population throughout Myanmar by the authorities and the military for portering, the construction, maintenance and servicing of military camps, other work in support of the military, work on agriculture, logging and other production projects undertaken by the authorities or the military, sometimes for the profit of private individuals, the construction and maintenance of roads, railways and bridges, other infrastructure work and a range of other tasks, none of which comes under any of the exceptions listed in Article 2(2) of the Convention."*⁵⁸

Forced labour is typically more prevalent in rural areas and areas populated by ethnic minorities as villagers are recruited to undertake portering duties for ammunition and other army supplies, sentry duties to keep watch for rebel forces and to perform duties inside army camps. These kinds of activities often involve beatings and torture and risk the lives of those involved. On 17 September 2008 it was reported that in Mong Kung Township, in Loilen District, Shan State villagers were interrogated and beaten with bamboo sticks and rifle butts as punishment for not keeping a constant watch around their village and failing to report a nearby firefight to the authorities.⁵⁹ In another incident in Kunhing Township in Loilen, Shan State, villagers were forced to provide security, portering services and to chop wood and build fences for Light Infantry Battalion (LIB) #524 and Infantry Battalion (IB) #246.⁶⁰ According to reports, one person from each household was forced to do sentry duty at the command post five days a week and if villagers were unable undertake their duty or provide portering services they were required to pay fines;

*"Each (person) from every household must take turns going to do sentry duty at the local command post for 5 days a week. If we refuse to comply, we would be fined Kyat 1,500 (US \$ 1.25) per day."*⁶¹

Those villagers refusing to porter for the army were also subject to fines, according to villager Nang Hurng, 23;

"Moreover, widows are required to pay Kyat 2,500 (US \$ 2) if they can't go and a person who is absent for portering must pay Kyat 10,000 (US \$ 8). We even have no time to work for our livelihood,"⁶²

In Keng Tawng sub-township, Mongnai Township, on 16 July 2008, soldiers from LIB #569 based in Keng Tawng forced villagers from Hsai Khao Village, Hsai Khao village tract to carry weapons and to show SPDC forces the shortcut to the location of Shan State Army – South (SSA-S) insurgents. One man who was chosen was not from that township and so was unable to direct the soldiers; one witness stated that he was beaten around the head until he began to bleed.⁶³

Prisoners continued to be used as free labour by the regime to be porters for the army, build roads and work on plantations. Prisoners from nearby Lentlang labour camp were forced to work on rebuilding a part of the Tiau-Tidim-Kalemyo road in Tiddim Township, Chin State, wearing leg cuffs, while being supervised by at least five SPDC army soldiers.⁶⁴ The junta had already allocated funds for the rebuilding of the road but the local authorities kept these funds for themselves (presumably) and then used prisoners as free labour, rather than paying money for professional labourers.⁶⁵

2.6 Torture of Villagers in Ethnic Minority Areas

Villagers living in ethnic minority areas are at greater risk of experiencing torture and other cruel, inhuman or degrading treatment or punishment due largely to their assumed affiliation with resistance groups, as a consequence of their minority status or as a result of their vulnerability to arbitrary practices, such as beatings, at the hands of military personnel. Throughout 2008, SPDC army units continued to attack civilians in areas of continuing ethnic conflict, particularly in Karen and Shan States.⁶⁶ Under the guise of counter-insurgency and security operations, the SPDC's military forces have caused the displacement of more than 40,000 civilians in these states alone.⁶⁷

A report released in 2008 by Amnesty International (AI), *Crimes Against Humanity in Eastern Myanmar*, documents systematic human rights violations in eastern Burma (specifically in Karen State and Pegu Division) during an ongoing military offensive that began in 2005.⁶⁸ The report stated that during the military offensive by SPDC army soldiers, widespread human rights abuses including: unlawful killings, torture and other ill-treatment of detainees and prisoners, enforced disappearances and arbitrary arrests, the imposition of forced labour, portering, displacement; and the destruction or confiscation of crops and food-stocks and other forms of collective punishment were committed.⁶⁹ Numerous reports published by local human rights organizations have confirmed these allegations. Consistent reports throughout 2008 indicate that these crimes continued to be committed in eastern Burma. In Tenasserim Division, for example, four men were accused of having connections with the Karen National Liberation Army (KNLA; the armed wing of the Karen National Union), interrogated and severely beaten.⁷⁰ One of the victims was taken from his home, tied up with a rope and kicked in the head and back repeatedly while being asked about his affiliations with the armed opposition group.⁷¹ After denying the accusations, the soldiers stabbed the man in the arms, back, chest and legs with a bayonet before looting his home and stealing family belongings, said to be worth 120,000 kyat.⁷²

Exploitation, extortion and severe restrictions on movement were also faced by ethnic minorities living in SPDC and Democratic Karen Buddhist Army (DKBA)-controlled areas of Karen State. These restrictions limited access to livelihoods, increased poverty and restricted the provision of education and health care services. (For more information, see Chapter 14: Freedom of Movement, Assembly and Association).⁷³ According to the Karen Human Rights Group (KHRG), villagers living in Dooplaya District, Karen State were required to supply the army with labour, money, food and supplies to the extent that some were forced to find work in Thailand in order to send money back to their families for their daily subsistence needs.⁷⁴

Throughout 2008, widespread human rights abuses against the Rohingya Muslim minority in Arakan State continued to be regularly reported. Regular incidences of religious persecution, forced relocation and labour, rape, arbitrary arrests, torture, extrajudicial killings, extortion, land seizures, restrictions on movement and the denial of citizenship were documented. The Rohingya were also required to obtain permission from the authorities in order to marry.⁷⁵ In one incident of torture, the Burmese border security forces (NaSaKa) arrested a Rohingya student on 23 August 2008. The youth was severely tortured and forced to provide names of six other students who were involved in political activities.⁷⁶

2.7 Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment – Partial list of incidents for 2008

Arakan State

On 7 June 2008, two Rohingya villagers were tortured by NaSaKa forces after being arrested on suspicion of being human traffickers. The basis of the allegations was that the two men had been found to have contacted individuals living in Malaysia and Saudi Arabia. NaSaKa personnel from Sector #3, arrested Ahmed Ullah, 27, and Osman Haque, also 27, both from Lake Ya village in Maungdaw village on the evening of 6 June 2008. After detaining them in their camp and severely torturing them on 7 June 2008, NaSaKa officers told their families they would have to pay 800,000 kyat for them to be released. After receiving the money on 8 June 2008, the two men were released and ordered not to go to the government hospital or any other clinic, presumably in order to keep the torture of the men from becoming public knowledge.⁷⁷

On 26 June 2008, it was reported that a schoolteacher identified as Anwar Mail, aged 60 from U Hlapee village tract of Buthidaung Township, was tortured by SPDC army soldiers from LIB #551 after it was alleged that he had enlisted foreign support to aid his son who was studying at Akyab College. The victim suffered two broken ribs during the ensuing beating and was only released after paying 80,000 kyat in bribes to the soldiers.⁷⁸

On 7 July 2008, it was reported that 20-year-old Zia ul-Haque from Aley Than Kyaw village tract in Maungdaw Township was detained and tortured after police and WPDC authorities arrested him for not informing the authorities of his planned visit to his mother-in-law's house. All Rohingya are required to report their movements within Arakan State. He was subsequently released only after he had paid a bribe of 600,000 kyat. His mother-in-law was forced to sell her gold jewellery to raise the money to secure his release. The Rohingya are often detained for the slightest infringements or on trumped up charges purely so that the arresting officers can extort large sums of money from detainees and their families.⁷⁹

It was reported on July 15 2008 that fifteen ethnic Rohingya villagers from Maungdaw Township were detained and tortured by NaSaKa intelligence officer 2nd Lieutenant Myo Aung and his co-worker Jamil from Shwe Zaar village of Maungdaw Township in May. Myo Aung had been on duty at the entry and exit gate of Maungdaw Township and had accused several of the victims of involvement in a variety of activities such as smuggling and human trafficking. In order to have the charges dropped, the individuals concerned were forced to pay bribes. Based on patterns of abuse in Arakan state against the Rohingya people, it is likely that the individuals were targeted due to their ethnicity. The victims of the extortion were made to pay 5 million kyat collectively. The victims were identified as:

1. Taher, male, 40, former village Chairman of Maung Ni Para village
2. Ismail, male, 40, former village Secretary of Maung Ni Para village
3. Abu Siddique, male, 45, from Let Tha Para village
4. Salim, male, 30, from Ward 2 of Maungdaw
5. Kamal, male, 44, from Ward 5 of Maungdaw.⁸⁰

On 23 August 2008, a Rohingya student, identified as 18-year-old Redowan, from Ramiya Khali village in Maungdaw Township was arrested, detained and tortured by NaSaKa personnel. The previous day, NaSaKa personnel had seized a number of documents from him which he was attempting to reclaim at the time of his arrest. According to reports, the soldiers opened fire upon the boy, but did not hit him. Redowan was captured when he attempted to flee. Following his arrest he was taken to a nearby NaSaKa camp and severely

tortured to obtain the names of students involved in politics in the area. Following the torture the victim admitted that some of his classmates were indeed involved in political activities.⁸¹

On 26 August 2008, it was reported that SPDC authorities arrested over 30 people in Sittwe and subjected them to interrogations and torture after two riot police were killed by local youths during an altercation. The report did not make clear if the deaths of the police officers were due to the youths acting in self-defence or not. Many of the youths who were arrested were not involved in the deaths of the police officers, but were arrested on suspicion nonetheless simply because they happened to live near the scene. The incident took place in Kathay Wra Ward on 22 August 2008 and one of the riot police killed was identified as Sergeant Zaw Myo Tun. It was reported that following the torture some of the victims were unable to walk long distances. After a 19-year-old suspect was arrested for the killing of the policemen, all but two of the detainees were released.⁸²

In September 2008, it was reported that a woman was arrested and detained by NaSaKa personnel from Nasaka of Area No.6 of Maungdaw Township, for allegedly having an affair with a man in Maungdaw Township. The woman was beaten severely during her interrogation by Major Win Tin of NaSaKa Area #6. She was released the following day after paying 1.3 million kyat as a bribe to the soldiers. Some villagers believed that she had also been raped while being detained at the camp. The victim was identified as 20-year-old Momtaz Begum from La Baw Zaar village.⁸³

In October 2008, Moulvi Joher from Poung Zaar village of Maungdaw Township was arrested and tortured on the allegation that he was involved in human trafficking. He was later released after paying 500,000 kyat to SPDC authorities.⁸⁴

It was reported on 7 November 2008 that in September, a clash occurred between the Maungdaw police and the residents of Kilaidaung village. The conflict arose over the monthly payments made to the camp commander of Magee Chaung NaSaKa camp of Nasaka Area #7 of Maungdaw Township, in exchange for the villagers' use of mobile phones to make contacts abroad. Despite having already paid their 'fees' to the NaSaKa, local police officers had attempted to arrest a number of villagers, resulting in a clash between the two sides. More police were deployed to the site and it was reported that the arrested villagers, including women, were tortured.⁸⁵

On 11 November 2008, a villager from Maungdaw Township, reported to be 28-year-old Maulvi Sayed Amin from Kyat Chaung village under the Loung Don village tract of Maungdaw Township, was severely assaulted for cutting the branches off trees growing near his paddy field. A family member told the *Kaladan News* that the victim was beaten by police from Loung Don village until he vomited blood and was later rendered unconscious. He was released following the payment of 50,000 kyat. A close relative stated at the time that the victim was in a critical condition in Bawli Bazaar clinic.⁸⁶

On 14 November 2008, at Dil Para of Myouma Kayindan village tract of Maungdaw Township, a clash broke out between police and villagers after a policeman was reported to have taken goods from a shop without paying. The policeman reportedly beat the shopkeeper, neither of whom was named in the report, whereupon the shopkeeper's relatives retaliated and proceeded to beat the policeman. More policemen were called as reinforcements who proceeded to brutally beat the shopkeeper and other residents of the village. The shopkeeper was arrested but the rest of the villagers escaped without charges.⁸⁷

On 15 November 2008, it was reported that 20 civilians had been hospitalised after SPDC army soldiers and residents clashed in Minbya Township. The incident was said to have occurred after some soldiers from LIB #379 insulted several young girls in Zinar Land Ward

of Min bya. The offending soldiers were initially set upon by a number of youths but were able to return to their barracks to report the incident to their superiors. They then returned to the scene reinforced with approximately 30 soldiers, including the battalion commander, upon which time they began attacking villagers seemingly at random, including those who had not been involved in the original dispute. A number of villagers were beaten, kicked and even stabbed with knives in the onslaught, leaving approximately 20 people hospitalised. No deaths were reported.⁸⁸

On 12 December a 55 year old man was arrested and tortured following a clash between betel nut farmers and NaSaKa forces in Maungdaw Township, Arakan State. The betel nut farmers had mistakenly identified the patrol of NaSaKa officers as Natala villagers (Natala villagers are residents of SPDC sponsored villages constructed in Arakan State to house ethnic Burman migrants). The previous day, the farmers had driven off Natala villagers who had attempted to steal betel nut from the farm by throwing stones at them. The NaSaKa forces threatened to shoot the farmers, forcing them to flee, but leaving a man identified as Hassan from Wabeg village in the Kawarbill village tract behind. NaSaKa forces arrested the man and tortured him. He was released the following day.⁸⁹

On 15 December 2008, conditions inside Buthidaung Prison were reported by a current inmate who sent a letter to *Mizzima News*. The inmate stated that the chief warden in Buthidaung Prison, U Sein Htun, physically assaults prisoners if he dislikes them or forces them wear iron bars between their ankles connected by iron rods to a waistband. Moreover, the prisoners were not provided with enough water to wash, leading to skin infections like scabies. They also suffered from vitamin deficiencies such as beriberi, as well as swelling to their reproductive organs, stomach, arms and legs. The inmate stated that there were at least ten prominent political prisoners in the prison who were not treated well including Ko Htay Kywe, Pyi Phyoe Hlaing and Sithu Maung, all of whom had been earlier transferred from Insein Prison.⁹⁰

Chin State

On 24 July 2008, three Chin farmers from Phone Yang Wa village in Paletwa Township were detained and beaten by SPDC army soldiers on suspicion of having connections with the opposition Arakan Liberation Party (ALP). The three were arrested as they were working in their fields at approximately 1:00 pm by members of LIB #289 from Paletwa Township. The field huts, where their families had been resting, were burned to the ground and the entire group was forced to return to their village. Although it was reported that the villagers were arrested and beaten on suspicion of affiliation with opposition groups, it is far more likely that their treatment had more to do with the fact that they were caught outside their village. In parts of Chin State, much as in other ethnic areas of Burma, villagers are subjected to draconian movement restrictions which require them to obtain official permission to leave their village. Punishment for non-compliance typically includes beatings and other forms of torture. The three victims were identified as:

1. U Tha Aung, male, age 47;
2. U Kyaw Zan, male, age 48; and
3. U Ba Tun, male, age 50.⁹¹

On 31 October 2008, *Mizzima News* reported that U Pyinharthiri, a monk who had been imprisoned for three years for his involvement in the September 2007 Saffron Revolution, had been subjected to torture before managing to escape from Lend Tlann prison camp in Tiddim Township. The monk stated that he was slapped about the face, had been kicked in the head and chest by soldiers wearing combat boots, and had his shins stomped on, all the while being handcuffed with his arms behind him.⁹²

Irrawaddy Division

On 14 May 2008, it was reported that soldiers from IB #66 had prohibited villagers from Kya Chaung, Sat Kyun, Ayeyar Dan and Pade Kaw villages in Bogale Township from seeing the bodies of their relatives killed during tropical Cyclone Nargis. Such prohibitions are tantamount to psychological torture. It was also alleged that soldiers had cut off the hands and fingers of some of the corpses so that they could steal the jewellery that the deceased had been wearing.⁹³

Kachin State

On 27 July 2008, 15-year-old school girl, Nhkum Hkawn Din, was gang raped and killed by SPDC army soldiers in Bhamo Township. According to reports, she was delivering rice to her brother who was working in their family's paddy field near Nam Sai village when the three soldiers apprehended her. She was taken to the LIB #437 army camp in Nam Sai village commanded by Major Aung Myint Htun and raped by Corporal Aye Thein and two other soldiers, Soe Tu Win and Tu Ra from LIB #437. According to her family, her mutilated naked body was found approximately 60 metres from the army post three days later. Her skull had been smashed, her throat slit, her eyes gouged out, and there were no fewer than seven stab wounds on her body, including in her abdomen and her vagina. As there were no witnesses to the crime, it remains unknown if these injuries were inflicted before or after her death.⁹⁴

On the evening of 19 September 2008, Myitkyina Ward Secretary Gam Awng and two of his companions tasked with sentry duty in Myitkyina were beaten by a SaYaPa (Military Affairs Security) officer after they had questioned him about why he was walking the streets late at night. Villagers and townsfolk are often ordered to stand sentry at night and report on any movements after curfew. This incident clearly illustrates the duplicitous nature of such orders which seemingly are only meant to apply to the civilian population.⁹⁵

On 21 October 2008, Na Tat, a 30-year-old businessman dealing in gold, was detained and tortured at the SPDC Army Regional Operation Command headquarters in Tanai under the orders of Brigadier General Khin Maung Aye. According to reports, he was arrested aboard the Myitkyina-Mandalay train as he was returning to his home in Namti from the gold mines in Kachin State's Hukawng Valley. He was detained for the next three days, during which time he was repeatedly beaten and tortured. His face and chest were reportedly covered in bruises, bearing the evidence of the prolonged beatings that he was subjected to. Throughout his detention his legs were locked in mediaeval-style leg stocks, known in Burmese as a 'chauk pauk'. He was only freed following a payment of over 700,000 kyat. It is common for Burmese civilians to be arrested purely so that the authorities can extract a bribe from them in order to secure their release⁹⁶

Karen State

On 25 March 2008, the FBR reported that on 25 December 2007, SPDC army soldiers from LIB #401 (Tho Tho Twin commanding), operating under MOC #8, tortured and killed two Karen villagers from Tee Law Bler village as they were tending to their rice field in Dooplaya District. The two victims, identified as 13-year-old Saw Dee Klee and 25-year-old Saw No Maw, were reportedly tortured, beaten to death and mutilated before being burned. According to the report, the Achilles Tendons of both feet and the throats of both victims had been slashed. Saw No Maw had also been disembowelled, but it remains unclear if this was done before or after his death.⁹⁷

On 29 September 2008, Saw G--- and Saw H---, both aged 28 from C--- village, crossed the border into Thailand to buy food in Wah S'Kay village. On the way to Wah S'Kay the men passed through a DKBA #999 Special Battalion camp and registered. Once in Thailand the men bought groceries and drank alcohol. Upon crossing back into Burma a DKBA soldier named Saw Pah Bper accused them of smelling of alcohol. Saw Pah Bper repeatedly hit Saw H--- with the butt of his gun and beat him until his face was swollen. For the rest of the day the two villagers were beaten and tortured by the DKBA and then detained for the night.⁹⁸

On 9 October 2008, Column #1 of LIB #285, commanded by Lieutenant Colonel Khin Maung Than arrested, interrogated and assaulted several ethnic Karen suspected of having contact with the Karen National Liberation Army (KNLA) in Thabyut-Chaung village in Tavoy District, Tenasserim Division.

- At 10 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.⁹⁹
- 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.¹⁰⁰
- At 5 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.¹⁰¹

It was reported on 29 December 2008 that a recaptured SPDC army deserter suffered a broken leg while in custody. Thet Oo, a 20-year-old private, who served in the Taungoo-based advanced communication corps for three years had reportedly requested to be discharged from the military but was told that his leave would only be granted following payment of a 20,000 kyat fee. Unable to pay this sum, the soldier deserted from his unit only to be later recaptured and subjected to beatings.¹⁰²

Magwe Division

On 25 June 2008, it was reported that an unidentified suspected gang member, accused of stealing Buddhist statues in Magwe, Minbu and other townships in the area, died after being badly beaten during an interrogation with the police in Magwe police station.¹⁰³

Mandalay Division

On 25 August 2008, Aung Zaw Myo, was returning home from work on a local Mandalay-Thar Si train when he was apprehended by SPDC army soldiers. The soldiers confiscated his national identity card, lead him into a small room near the ticket booth and attempted to coerce him into joining the army. When he refused, the soldiers proceeded to beat him for the next hour until he was able to call out to the ticket vendor for help. He managed to escape but left behind a bag containing clothes, 50,000 kyat and his national identity card. Without his ID card, Aung Zaw Myo would be in a particularly vulnerable position. Should he be approached again at any time in the future and asked to produce his ID card, he would either be forced into military service or threatened with imprisonment for his inability to do so. This is a tactic commonly employed by SPDC recruiting officers when conscripting underage soldiers.¹⁰⁴

On 10 September 2008, 19 people were abducted and forced to join the army by SPDC army soldiers attached to LIB #420 as they were travelling on a train to Meiktila. When one of the men, identified as Kyaw Oo, refused to sign up to the army, he was beaten and tortured by the soldiers. His shins were scraped with a large stick (a common form of torture) and threatened to send him to prison for bombings that had occurred recently in Rangoon. (For more information, see Chapter 4: Arms Proliferation and Landmines). After being held in the barracks for two weeks, five of the men, including Kyaw Oo managed to escape. The fate of the other 14 men remains unknown.¹⁰⁵

Mon State

On 9 June 2008, it was reported by the *Independent Mon News Agency* that a village headman and five villagers, all from Yin Ye village in Khaw Zar sub-township were interrogated and tortured by SPDC army soldiers under allegations of supporting Mon insurgents alleged to operate in the area. SPDC army soldiers from IB #31 released the villagers after they provided guarantees and signed documents stating that they would not support opposition groups. According to reports, all six men were forced to sign documents every three days at the IB #31 army camp to ensure that they would not flee. It was also reported that all six men were publicly beaten in the middle of the village. The six men were identified as:

1. Nai Maung Ba, male, age 47, village chairman;
2. Nai Kyaw Hein, male, age 41, village secretary;
3. Nai Sein Maung, male, age 41;
4. Nai Gare, male;
5. Nai Kya Kaung, male; and
6. Nai San Yi, male.¹⁰⁶

On 21 November 2008, Mon insurgents from the Chan Dein group arrested 102 villagers from Sin Koo, Toe Thet Ywar Thit, Yin Ye, Yin Dein and Kabyar villages in Ye Township as they went to work in their rubber and betel nut plantations. Of the 102 villagers, 62 were plantation owners and 40 were workers on those plantations. The villagers were released later that same day so that they could return home to retrieve their ransom which was set at 300,000 kyat for plantation owners and 30,000 for workers. At midnight on the same day, soldiers from LIB #31 led by Lieutenant Han Win Kyaw entered Yin Ye village and arrested six people. They were tortured by holding burning torches under their arms and legs to find out the location of the insurgents. After those detained gave consistent answers they were released. The following day, on 22 November, “Lieutenant Commander” Myo Swe (Lieutenant Commander does not exist as a rank in the Burmese Army, it is unclear whether Myo Swe is in fact a Lieutenant or a Lieutenant Colonel) returned to Yin Ye village and arrested an additional seven people including three women. One of those arrested was beaten by soldiers after he stuttered when responding to questions.¹⁰⁷

Pegu Division

On 17 December 2008, it was reported that NLD member Aung Kyaw Oo, who was serving time as a prisoner of conscience in Pegu Prison, had been badly beaten by prison authorities and denied medical treatment for his deteriorating health and the injuries sustained under such beatings for staging a hunger strike while in detention. It was also alleged that he had been detained in a dog kennel as additional punishment.¹⁰⁸

On 19 December 2008, a political prisoner named Maung San committed suicide at Pegu jail in protest at being deprived of medical care and the torture he suffered at the hands of the prison authorities. The youth member of the NLD, used his *longyi* (traditional Burmese men's sarong) to hang himself in the toilet. It was reported that Maung San had been routinely denied medical care despite the fact that he suffered from gastric and liver diseases.¹⁰⁹

Rangoon Division

On 8 May 2008, it was reported that Ko Ohn Kyaw, a member of the Dawbon Township chapter of the NLD, was bludgeoned to death inside Insein Prison following a riot which broke out soon after Cyclone Nargis ripped part of the roof off the prison on 3 May 2008. Ko Ohn Kyaw was accused of instigating the riot and attempting to lead an escape and was thus beaten to death during interrogation. He had originally been arrested for his alleged involvement in the September 2007 Saffron Revolution. (For more information, see Chapter 3: Extra-Judicial, Summary or Arbitrary Executions).¹¹⁰

On 10 May 2008, six political prisoners were beaten, shackled and held in solitary confinement for ten days in Insein prison's No. 5 ward, as punishment for not carrying out prison duties. Three of the prisoners involved were NLD members and the other three were reportedly members of the KNU. Although the names of the KNU members were not reported, the three NLD members were identified as:

1. U Tin Mya;
2. U Myint Htun;
3. Ko Thant Zaw.¹¹¹

On 6 June 2008, it was reported that Myo Yan Naung Thein, who was arrested on 14 December 2007 for his participation in the September 2007 Saffron Revolution protests, was suffering from wounds sustained from torture at the hands of prison authorities, leaving him with injuries severe enough to require assistance when walking to the visitor's room at Insein prison. He was also reportedly transferred to a special ward for those suffering from mental illness after an argument with prison authorities.¹¹²

On 1 October 2008, it was reported that Aung Moe Lwin, a 36-year-old member of the NLD in Natmauk Township, Magwe Division died while in custody in Rangoon. According to reports, he disappeared from South Dagon Township at the beginning of August 2008. His detention was only reported after a fellow inmate was released and stated that he had seen the victim being subjected to torture and was in a serious condition. Though Aung Moe Lwin was last said to have been held at the Rangoon divisional office, it is unclear whether he died there or at another location.¹¹³

On 14 November 2008, a volunteer police officer and fireman, Ko Than Khine of Myoma Taung ward in Thanlyin Township, was arrested and detained after being suspected of theft and forgery. Sources have maintained that Ko Than Khine was held overnight at a station in Rangoon, during which time the police officers stripped him, beat him repeatedly and scraped his shins with a heavy pole.¹¹⁴

Sagaing Division

On 5 September, Maung Win Cho from Kokeko village in Kalaymyo Township who had been imprisoned for two months on drugs charges was beaten to death in front of inmates as an example.¹¹⁵

On 24 September 2008, NLD member U Aye Thein, recently released from Kalaymyo Prison, reported that he had suffered mistreatment by the authorities, and that he and others had been held in isolation in dark cells up until the time of his release. He said he had also witnessed torture and punishment of other prison inmates. Aye Thein also mentioned that U Michael Win Kyaw from Kalaymyo, who was imprisoned for his role in the Saffron Revolution, was beaten up by prisoners serving criminal sentences, on the orders of the prison authorities.¹¹⁶

Shan State

On 13 January 2008, a trader, identified as 18-year-old Naang Kham Wa from Nawng Zum village in Mong Ping Township was robbed and gang raped by 12 SPDC army soldiers from LIB #528, led by Sergeant Tin Aye. According to reports, Naang Kham Wa was returning home after selling her goods in a neighbouring village when she encountered the soldiers. The soldiers wanted to buy some cheroots from the girl; however, as she had just sold everything, she had nothing left for the soldiers. Angered over her response, Sergeant Tin Aye then ordered his soldiers to stand guard as he raped her. Adding to the ignominy of the sexual assault, the Sergeant also stated that it was a criminal offence to sell goods to opium farmers (which she had admitted to earlier) and she was forced to pay a fine of 40,000 kyat.¹¹⁷

On 3 July 2008, three villagers from Kunhing were beaten by soldiers from Kholam-based IB #66 led by Lieutenant Aung Chan Tha, as they were working in their fields. The villagers were beaten because they denied having seen Shan State Army-South (SSA-S) insurgents operating in the area. The three men, Long Hsu, 60, Sai Lern Hsai, 18, and Sai Doo, 18, were “beaten until blood came out of their mouths and their heads and faces became swollen.”¹¹⁸

On 15 July 2008, it was reported that seven members of the same family were killed in Sora Pheku village, Pekhon Township after SPDC army soldiers found a ‘no vote’ campaign flyer in front of the house. Prior to the vote on the draft constitution, flyers were used by activists to urge civilians to caste a vote against the constitution drafted by the military in the May referendum. Only one of the family members, Shar Reh, managed to escape. According to Khu Oo Reh, the joint secretary of Karen National Progressive Party (KNPP), the town administrator, Nyar Reh and township Union Solidarity and Development Association (USDA) secretary, Noe Reh were responsible for committing the murders. It was also reported that the victims were killed following torture. The victims were identified as:

1. Phray Myar, female;
2. Mee Myar, female;
3. Phe Bu, male;
4. Oo Reh, male;
5. Ree Reh, male;
6. Toe Reh, male;
7. Taw Reh, male.¹¹⁹

On 16 July 2008, a group of SPDC army soldiers from LIB #569 ordered the Hsai Khao village headman to provide them with villager porters to carry supplies and to show them the way to the location of Shan opposition forces in Kunhing Township. One man, identified as 28 year old Sai Nanda was chosen as a guide, however, as he was not a native of Hsai Khao he was thus unable to show the soldiers the correct path. According to an eyewitness, "*he was beaten about the head until blood came out*", and was later sent back to the village with multiple injuries sustained from the beating.¹²⁰

Tenasserim Division

On 8 October 2008, four Karen village headmen from Myit-Tar sub-township, Tavoy Township were detained, interrogated and beaten by SPDC army soldiers for failing to report the movements of Karen National Liberation Army KNLA troops in the area. Lieutenant Colonel Khin Maung Than, commander of Infantry Battalion #285 Column #1, entered Myay-Khan-Baw village tract in Myit-Tar with an estimated 50 SPDC army soldiers and arrested the four Village Peace and Development Council (VPDC) chairmen. The four headmen were interrogated and kept in leg stocks, made of logs through which holes had been bored. One source stated that when they were released six days later on 14 October 2008, all four headmen looked as if they have been kicked and beaten with sticks or the butts of rifles. The four village chairmen were as follows:

1. Saw L. Doe, age 35, Kami Village Chairman;
2. Saw Dae' Ne', age 35, Gaung Saw Chaung Village Chairman;
3. Saw Shee, age 30, Thabyut-Chaung Village Chairman;
4. Saw Par Han, age 32, Nyaung Tone Village Chairman.¹²¹

At approximately 10:00 am on 9 October 2008, Lieutenant Colonel Khin Maung Than, commanding officer of IB #285 Column #1 led his soldiers to Thabyut-Chaung village, Tavoy Township and arrested two villagers, Saw Pho Pha 42 and Saw Htoo Bleh 32, that they suspected of having contact with the KNLA. The two men were tied to a tree and beaten with a bamboo stick and the soldier's elbows. Two hours later, the commander demanded that the relatives of the victims pay 50,000 kyat for the release of each man. After releasing the men at around 1:30 pm, the soldiers arrested a third man, Saw L Swe, 25, also on suspicion of having contact with the KNLA. He was tied up with a rope and kicked in the head and back repeatedly by three soldiers while being asked questions about his connection with the KNLA. When he denied having any involvement, the soldiers began to beat him more viciously. At this point one of the soldiers drew his bayonet and stabbed him repeatedly on his arms, legs, chest and back. Before leaving, the soldiers looted his home and stole some of his family belongings, valued at an estimated 120,000 kyat. The man was later sent to Myit-Tar Sub-Township hospital for treatment. Around 5:00 pm that evening, a fourth man, Saw Phe Doh, 35, was apprehended and interrogated regarding his alleged support of the KNLA. It was reported that the soldiers stole an estimated 100,000 kyat worth of possessions from this man also.¹²²

On 31 October 2008, Lieutenant Colonel Ko Ko Lwin, commanding officer of LIB #15, Column #2, led an estimated 45 SPDC army soldiers into Pawa-Kwin-Shay village of Tenasserim Township and arrested nine men. It was reported that the men were accused of hiding an AK-47 assault rifle belonging to the KNLA. The men were bound and publicly beaten in the centre of the village. Seven of the men were later released but two were forced to porter army supplies for the soldiers. The two men have not been seen since and their fate remains unknown. The villagers involved were:

1. Paw Lu;
2. Waw Dee;
3. Khaw;
4. Hla Naing;
5. Cho;
6. Ki;
7. A-Phoe-Luu-Suu;
8. Nyein Oo
9. Pha Ma.¹²³

Unknown Locations

On 7 August 2008, it was reported that three men, Kyaw Soe, Kwalpi and Tin Htoo Aung and one other unidentified man were detained at the Insein prison in Rangoon from October 2007 to January 2008 without trial and were tortured by military intelligence officers until they were finally handed over to the police, whereupon their case was registered in court. The men were charged with contacting illegal groups outside the country as well as distributing anti-regime flyers.¹²⁴

In December 2008, it was reported that U Myint Aye, the founder of the group Human Rights Defenders and Promoters (HRDP) Network, was tortured while in custody. The lawyer for U Myint Aye, Saw Kyaw Kyaw Min, said that prison authorities questioned him continuously for five days depriving him of sleep until he eventually collapsed.¹²⁵

Endnotes

- ¹ Source: Vienna Declaration and Programme of Action (VDPA), Chapter II B5 (adopted by consensus on 25 June 1993 at the 1993 United Nations World Conference on Human Rights).
- ² Source: Article 5 Universal Declaration of Human Rights 1948, Article 7 International Covenant on Civil and Political Rights 1966, Article 3 European Convention on the Protection of Human Rights and Fundamental Freedoms 1950, American Convention on Human Rights 1969 and Article 5 African Charter on Human and Peoples' Rights 1981.
- ³ Source: UN Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, Article 1, 1984, accessed online at: http://www.unhchr.ch/html/menu3/b/h_cat39.htm.
- ⁴ Source: "Taking off the Blindfolds: Torture by Non-State Actors," *Human Rights Law Review*, 2001.
- ⁵ Source: UN Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, Article 1, 1984, accessed online at: http://www.unhchr.ch/html/menu3/b/h_cat39.htm.
- ⁶ Source: *Ibid.*
- ⁷ Source: Burma Penal Code. Accessed at <http://www.blcburma.org/html/Myanmar%20Penal%20Code/mpc.html>, on 7 August 2009.
- ⁸ Source: *Ibid.*
- ⁹ Source: *Ibid.*
- ¹⁰ Source: *Unsafe State*, Women's League of Chinland, 2004: 15.
- ¹¹ Source: "Labor Camp Escapee Tells Of Harrowing Tale," *Mizzima News*, 27 November 2008.
- ¹² Source: *Ibid.*
- ¹³ Source: *Ibid.*
- ¹⁴ Source: *The Darkness We See: Torture in Burma's Interrogation Centres and Prisons*, AAPPB, 2005: 31.
- ¹⁵ Source: *Ibid.*, 34.
- ¹⁶ Source: *State of the World's Human Rights*, Amnesty International, 2008.
- ¹⁷ Source: *Ibid.*
- ¹⁸ Source: "Freed Political Prisoner Tells Of Prison Abuses," DVB, 24 September 2008.
- ¹⁹ Source: "Commentary," *SHRF Monthly Report*, SHRF, July 2008.
- ²⁰ Source: "A Petty Peddler Raped, Robbed of her Money, in Murng-Paeng," *SHRF Monthly Report*, SHRF, July 2008.
- ²¹ Source: "Teenaged Kachin Schoolgirl Gang Raped and Killed By Sadistic Burmese Soldiers," KNG, 9 August 2008.
- ²² Source: "15 Year-old Schoolgirl Gang-raped and Mutilated by Burmese Soldiers," Burma Campaign UK, 15 August 2008.
- ²³ Source: *Ibid.*
- ²⁴ Source: "How the Regime Punishes Political Prisoners' Families," *Irrawaddy*, 17 December 2008.
- ²⁵ Source: *Ibid.*
- ²⁶ Source: *Ibid.*
- ²⁷ Source: "Mon Political Prisoner Transferred from Insein to Tharawaddy Prison," IMNA, 16 December 2008.
- ²⁸ Source: "Where Children Count the Years Before They Rejoin Their Mothers," *Irrawaddy*, 19 December 2008.
- ²⁹ Source: *Crimes against Humanity in Eastern Myanmar*, Amnesty International, June 2008.
- ³⁰ Source: "Police Beat a Villager Unconscious," *Kaladan News*, 15 November 2008.
- ³¹ Source: "Four Village Headmen Detained, Beaten During Interrogations in Tavoy," IMNA, 6 November, 2008.
- ³² Source: "Police and WPDC Extort Kyat 600,000 from Bridegroom," *Kaladan News*, 7 July 2008.
- ³³ Source: *Ibid.*
- ³⁴ Source: *Ibid.*
- ³⁵ Source: "NLD Youth Member Reported Dead In Custody," DVB, 1 October 2008.
- ³⁶ Source: *Ibid.*
- ³⁷ Source: *Ibid.*
- ³⁸ Source: "Freed Political Prisoner Tells Of Prison Abuses," DVB, 24 September 2008.
- ³⁹ Source: "Suspected Gang Member Dies Under Interrogation," DVB, 25 June 2008.
- ⁴⁰ Source: "NLD Party Worker Beaten To Death during Interrogation," *Mizzima News*, 8 May 2008.
- ⁴¹ Source: *The Future in the Dark: The Massive Increase in Burma's Political Prisoners*, AAPPB and United States Campaign for Burma, September 2008.
- ⁴² Source: *Ibid.*
- ⁴³ Source: *World Report 2009 – Burma*, Human Rights Watch, January 2009.
- ⁴⁴ Source: "Cyclone Nargis' Aftermath in Insein Prison," AAPPB, 6 June 2008.
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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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