Assistance Association for Political Prisoners (Burma)
နိုင်ငံရေးအကျဉ်းသားများကူညီစောင့်ရှောက်ရေးအသင်း (မြန်မာနိုင်ငံ)

The situation of prisons in Burma as of 2006

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Although the SPDC has been expressing vociferously the slogan "No one is above the law," in reality, those who violate the law most are the ones who are shouting the slogan. The armed organizations and subordinate bodies that are said to be guarding the law (such as the military, the police, the prison, the judges, the judicial staffs, military intelligence, civil intelligence) and the Union Solidarity and Development Association are also included in this category.

People in Burma have to live their lives without any security as a result of lawlessness. They have to live in a situation under which they can be arrested at any time and jailed for a long sentence, or even die during interrogation in police stations and interrogation camps. We at the AAPP believe that there will be no law and order as long as the SPDC is manipulating the most important power pillars of the country—the legislative, judicial and administrative power—and issuing directives and orders that to be approved as law.

In consequence, there are numerous reports of people being arrested, tortured, and unjustly killed, or being lost and killed without record in the prisons and labor camps.

There are 78 people who were detained for reasons of political struggle in 2006. Among them, the prominent leaders are Ko Min Ko Naing, Ko Ko Gyi, Ko Htay Kywal, Ko Pyone Cho and Ko Min Zay Yar. Daw Khin Win was also detained for putting forward complaints to authorities against the injustices, exploitations and forced labor practiced by various levels of authorities upon local people.

Among 46 people who have been released, the most outstanding are the lawyer U Aye Myint and Ma Suu Suu Nway, who were arrested and imprisoned for complaining to the authorities about forced labor.

The number of political prisoners released in 2006 is less than the number in 2004 or 2005.

Six political prisoners died in jails in 2006.

Judiciary

There is no improvement in the judicial system of Burma and those detained did not have the right to impartial justice. The police, the intelligence services, the USDA, and the various levels of local authorities directly influence the judicial system and the judges do not have the power of real judges. They must read verdicts as directed by these authorities.

When the authorities arrest political activists, they present no legal documents (such as warrants), no information to the family and the activists about where the activists are to be taken or imprisoned. The authorities do not grant the right to hire a lawyer easily, to contact the family, or to obtain medical care.

Among those who have been detained in 2006, some were not charged with political offenses, but rather other criminal charges. Their number is 23. Moreover, all of them were denied the right to public trial, to contact with family, and to hire a lawyer easily. The judicial system in Burma is not in accordance with international norms and has become a bulwark for the interest of the SPDC.

The Situation of prisons

The SPDC has been aware of the situation of prisons due to the interest in the political prisoners and the pressure of the international community. They give an account of the prisons and political prisoners in their press conferences. Some political prisoners in certain prisons have the limited right to writing and reading books, drinking water and monetary and material supply. However, only a small number have access to this kind of assistance. And what is notable in 2006 is describing the lists of the amount of money donated by the USDA, the MMCWA and individual donors to the prisons in the SPDC's subordinate periodicals.

Nevertheless, the following is the common phenomenon in all prisons: The budget for each prison has been cut and authorities of the prisons have to search for the fund for their prisons on their own in 2009 and after. Therefore the prisons staffs have to take a burden. As a consequence, there is much more corruption, maltreatment, unjust fund-raising events and more forced labor.

Intentional torture to gain bribery

As soon as a prisoner is arrested, he or she must bribe police officers, judges, various levels of prison authorities, officers of the prison (ordinary prisoners) such as *tansees*, room in charge, work in charge and discipline keepers, appointed by different prison authorities. They torture the prisoners with the following means in order to gain bribery.

(a) Passing through discipline keeping room (or) the hell

As soon as a prisoner has been sentenced by a court and sent to Insein prison, his first experience is being asked for travel charges by long-term prisoners who are under trial for another case by order of the on-duty police.

Fresher prisoners have to pay at least 1000 kyat to 5000 kyat for the bus fees. Otherwise, they are beaten all through the trip to the prison.

Afterward, every new prisoner has to enter the discipline room according to rules of the prison. In the discipline room, they are tortured, beaten and kicked instead of being explained the prison discipline. The purpose is to gain a bribe, '*line kyay*' in prison language from the fresher to the prison authority (the ward in charge or jailer) to relieve tortures. In so doing, fresher prisoners will give the *line kyay* to prison authorities (Ward in charge (or) jailer) via the discipline room in charge to relieve torture. Those who can not pay the *line kyay*, are tortured by the discipline room in charge and his companion.

(b) Sleeping Plan (Space for sleeping)

Although there are raised platforms made of wood in the wards, a new prisoner has to pay (15,000) kyat to the ward in charge if he wants to sleep on it. Otherwise, he has to sleep on the cement floor without a bed sheet.

(c) Taking bath and using toilet

A new prisoner has to pay 1,500 kyat for taking a bath and washing clothes and 1,500 kyat for using the toilet (privately in an enclosed latrine) at any time to the officer in charge of the bathroom. In some prisons, as there is no electricity, prisoners must pay for the cost of diesel to get water.

(d) Transferring to another prison/ labor/ porter camp

If a new prisoner does not want to be transferred to another prison or labor camp or porter camp, he has to pay 150,000 kyat as a *line kyay* to the superintendent of jail or the jailer for the whole prison term. Moreover, if he wants to be transferred to a comfortable labor camp, he has to pay the *line kyay* according to the kind of camp he wants. For example, if he wants to be transferred to a cultivation camp not far away from Rangoon, he has to pay 100,000 kyat or more. He has to pay additional money for privileges such as cozy accommodations, living together with his family or an occasional home visit.

(e) Situation of labor distribution

A new prisoner has to take a portion of work assigned by the prison authority throughout his prison term. Prisoners may be assigned to work inside the prison or work outside the prison. Work inside the prison may vary from one prison to another. But what is common is giving the *line kyay* 20,000 kyat to the official in charge of work distribution for not working or assigning easy work. Those who can not pay the *line kyay* have to do unhealthy and hard work such as carrying the excrement pails or cleaning the toilets; they are beaten, cursed and abused.

Outside work is called *a pyin bode* and can consist of doing errands in prison department welfare shop, the director general's office, the director general's, director's or the superintendent of jail's house, or cleaning in the compound of the prison department. These kind of works are usually assigned to prisoners whose prison terms are under one

year and those who are about to be released. Those prisoners have to bribe various levels of prison authorities such as the director, the director general, the superintendent of jail and the jailers.

(f) Health care

Although according to the jail manual, if a prisoner is not in good health, he has the right to have a medical treatment according to the jail manual, in reality, the prisons routinely deny the right to health care.

When a prisoner is not in good health, first he must report the official in charge of the room. Only with the permission of the officer in charge of the room can the prisoner visit the medic (also a prisoner). To put his name in the list of people who are to go to a clinic, he has to pay that prisoner medic a sachet of instant coffee mix or 100 kyat. Otherwise, he has no access to health care. Based on the agreement between the medics and the staff of the prison hospital, prisoners have to pay the following rates of payment in order to have a medical check up with the prison doctor and to be hospitalized:

(1) A prisoner has to pay 500 kyat to have an examination with the prison doctor (Remark: this examination is just asking questions from inside of the prisoner who is standing in jail position outside the clinic)

(2) The prisoner patient can be admitted to the hospital only after he has paid 3,000 kyat to the prisoner medic and medical staff. The cause for being admitted to the hospital is not the health condition of the patient prisoner, but the amount of money he pays. Although the admission has to be made according to the results of the examination of the prison doctor, the prisoner medic and medical staff from the hospital decide who to admit to the hospital.

(3) The patient prisoner has to pay 30,000 kyat as a first installment to the prison doctor, the prisoner medic and the medical staff.

As the prison doctors are transferred to other posts alternately, if the patient wants to continue to be admitted in the hospital, he has to pay another 20,000 kyat to newly posted doctor. In this way, the prisoners who can afford to pay for the *line kyay* are admitted to the hospital as fake patient but those who cannot afford the *line kyay* find it very difficult to be admitted to the hospital. Only if the health of a prisoner is in very severe condition is he admitted to the hospital. But the prisoner cannot stay in a comfortable state. He must take his place on the cement floor without sheets between the cozy beds of the fake patient.

When the real patients need to be given injections, the staff uses only one needle and syringe for many patients instead of disposable needles and syringes. In this way, the prison hospitals become distribution centers of HIV/AIDS.

When international organizations monitor the situation of the prison, the real patients have to be transferred to other wards.

Those who can afford to stay in the hospital pretending to be real patients comfortably in bed are photographed and the prison authorities show these photographs to the NGOs who monitor the prisons as though the prison health care system were working well.

As the ICRC is no longer allowed to visit the prisons in Burma, the patients in the hospital are passing their last days on the cemented floor without any treatment due to the lack of medicine. In a hospital ward (called a *gilarna* ward in the prison) where there are patients who are malnourished and scrawny, most of the patients are those whose family cannot come and meet them. For example, whenever Dr Win Pe visited that ward, he used to say, 'Do your family come and meet you? If not, you will die.' This is also true in reality. Those whose family could not come and meet them died in the hospital. Therefore the patients in the *gilarna* ward are listed in the death roll even before they die.

Now they are renovating the prison hospital ward by tiling the wards, painting the walls and extending the building. But the authorities don't manage to get the sufficient medicine for patients trying to survive. The cost for the renovation of the hospital is collected from the fake patients. If the fake patients cannot afford to pay their share, they are discharged from the hospital at once.

Even if the political prisoners are recommended to be referred to outside specialists, they cannot be transferred without the approval of the intelligence services. Under such circumstances, Ko Khin Maung Lwin, a political prisoner, had to die in the Puta O prison in January 2006. Now Dr. Than Nyein is also not permitted to be referred to an outside specialist. He has to ask his family to bring disposable needles and syringes for him.

The events described above directly contradict the facts expressed by the SPDC media such as press conferences, television and broadcasting services, newspapers and periodicals.

The following event occurred in Taungoo prison in December, 2006:

The superintendent of jail paid his regular inspection to all wards on December 18, 2006.When he went round the prison, he permitted the prisoners to submit anything they wanted by saying 'Tell me frankly of anything. Only when you tell me anything, I can know what is going on. Tell me anything.' Therefore a prisoner submitted that 'when I bought items in the welfare shop of MMCWA, their prices were different from the prices in the market.' He explained that the price of a sachet of instant coffee mix is 83 kyat and a packet of London cigarettes is 930 kyat respectively, but in prison they sell a sachet of instant coffee mix for 120 kyat and a packet of London

cigarette for 1300 kyat. When the superintendent of jail heard that he was outraged and told that prisoner; 'Are you sure this is true? If it is not true, you will be hurt. If it is true, I will coordinate with them. Then I will inquire about it.' When the inspection was over, they took the prisoner and told him; 'You are wrong. The price of a sachet of instant coffee mix is 100 kyat.' Then he was put in solitary confinement as a punishment for 7 days. They told him that they would coordinate with the welfare shop for the cigarette, but no action was taken with the staff of the welfare shop.
After that happened, there was a joke about it whispering around the prisoners which is 'one will be put into solitary confinement if one submits things when one is offered to do so. Therefore when we are offered to submit next time, we will tell him that "No we dare not submit because we are afraid if solitary confinement."'

On another occasion, a prisoner complained to the superintendent of jail about the pea soup. He replied, 'the pea soup in the army is not better than that. We have to mange to get along with the share given from above.'

'The real life is totally different with what Khin Yee, the police chief, talked about in the press conference,' said a political prisoner from Taungoo jail. 'There is almost no amiable relationship between prison staff and prisoners. Tin Maung, a main jail sergeant, is always cursing the prisoners without any cause. He is always holding a baton in his hand. He is threatening the prisoners with his baton cursing with 'f' words all the time. U Tin Oo, the officer in charge of ward 6, hit the cheek of a prisoner who entered into his kitchen ward.'
'After the press conference with the police chief Khin Yee, the USDA came to the Taungoo prison. It is said in the press conference that their donation valued 70 millions kyat. But their donation in Taungoo was just a packet of China-made biscuits for one room and 10 pieces of small washing soap. It was not enough for the 100 people in this room, so they donated them to the monk in a sermon giving day. The personnel from ICRC took off their shoes when they entered the room. But the members of the USDA who wore slippers did not take off their slippers when they entered the worshipping room. They were very rude.'

Prison authorities, businessmen and prisoners

The budget for the prison department has been cut, so the authorities of respective prison have to cope with the budget problem on their own. One way is selling the labor of the prisoners. Therefore businessmen are getting interested in prisoners—whose labor charges are comparably very cheaper than outside workers—if the businessmen get along with the prison authority. They do not need to care about the labor rights. For example, prisons in Tharrawaddy prison group have to pursue their food supply on their own as the state can not supply them. There are 500 acres in Zee Gone Township, a 200-acre deep water cultivation field, and 60 acres around the prison owned by the prison. The prisoners have to cultivate in these fields. Sometimes, when ploughing the fields, prisoners have to take the place of oxen. In addition, some prisoners have to work in the factories for 700

kyat a day. In Phaw Kyuu village, Okkan Township, prisoners work in a sugar mill which is a joint venture of the government and individuals. Other businesses are making scented sticks or making bricks. In making scented sticks, prisoners have to make 3000 sticks a day. Making cheroot is also a common business in every prison. In Theyet jail, a prisoner has to peel off one viss of beans a day. They have to get up from bed one hour earlier than their regular wake up call.

Prisoners are forced to work in fields including construction, carpentry, making cheroot, making shoes, peeling garlic, livestock, farming, and others. The profit of this work goes only to various levels of prison authorities, not to the prisoner.

Prison labor camps

There are 91 prison labor camps according to official SPDC announcements. In addition, there are operation service camps, camps where prisoners are kept for use as porters in the front line of the battle zones.
(For more details, see the Karen Human Right Group (KHRG) www.khrg.org)

Relationship between international and the SPDC

At the present time, the Burma issue is in the agenda of the United Nation Security Council (UNSC), and the call for the release of political prisoners is at its highest. However, the UN Human Rights Special Reporter is not allowed to enter Burma, and the ICRC is hindered in various ways from entering into the prisons. It is a great loss for prisoners.

In conclusion, the health care system of Burma's prisons is rife with corruption, shortage of medicine, lack of skilled medical staff, and lack of preventive measures. Most prisoners have to die prematurely due to AIDS, TB, malaria, diarrhea or dysentery. As the diet in the prisons is not in accordance with the jail manual, most of the prisoners are malnourished and prone to infectious diseases. A large crowd of prisoners have to live in small rooms, which again are not in accordance with the jail manual. For instance, there are 70 patients in a 15 x 20 foot room in the hospital ward of the Tharrawaddy prison. There are reports of deaths from the hardships of labor camps and the front lines of warring areas. Yet the SPDC has never announced officially the list of prisoners who died in these areas. The death rate of prisoners who died in this way may be soaring. Moreover, what is the worst is that prisoners have to stay in the prison at their own expense, or else it is very difficult to survive in prisons.

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