

3. Arbitrary Detention and Enforced or Involuntary Disappearances

3.1 Introduction

“Nothing is more revealing about the situation of human rights in a country than the existence of political prisoners. They embody the denial of the most basic freedoms essential to humankind, such as freedom of opinion and assembly. Moreover, the very manner in which such persons are treated further reflects upon the level of esteem in which a Government holds its own people. At least 1,156 of Myanmar’s citizens are behind bars, without access to the guarantees of due process, for the exercise of their political rights. The judicial system, far from affording individuals basic standards of justice, is employed by the Government as an instrument of repression to silence dissent.”

- Paulo Sergio Pinheiro, United Nations Special Rapporteur on the situation of Human Rights in Burma.¹

“In the plains of 3rd Brigade (Nyaunglebin District), whenever the SPDC are patrolling and see villagers who are able to do their work and become rich, they try to find mistakes to accuse them to arrest and to bribe them. They accuse some people of keeping guns in their houses but the villagers don’t know anything about it. They arrest the villagers and go into their houses searching for things and take the people’s belongings. They accused one Shwe Dan villager, of many things without any evidence and took all of his belongings. The SPDC military is tricking the villagers in many ways to get money.”

- Karen villager, 5 November 2006.²

The Year 2006 provided no relief for upwards of 1,100 political prisoners held in Burma’s prisons and the numerous but unaccounted-for persons detained in military camps in rural areas or at undisclosed locations for political purposes.³ *“No improvement; no improvement at all,”* were the words attributed to the United Nations (UN) Special Rapporteur, Paulo Sergio Pinheiro, on the occasion of presenting his February 2006 report, scrutinising the country’s human rights record. *“The situation has deteriorated,”* he announced.⁴

With the UN Security Council placing Burma on its agenda for consideration on 15 September 2006 and increasing pressure from the Association of Southeast Asian Nations (ASEAN),⁵ the country was under renewed international attention. However, despite repeated calls from opposition groups inside Burma, foreign governments and international organisations around the world for the release of its prisoners of conscience,⁶ the ruling military junta, the State Peace and Development Council (SPDC), continued to arrest and detain persons for their political beliefs.

In his February 2006 report, the UN Special Rapporteur relayed:

“The Special Rapporteur regrets that, according to information received during the last reporting period, the situation regarding the exercise of fundamental human rights and freedoms remains grave. The intimidation, harassment, arbitrary arrest and imprisonment of civilians for peacefully exercising their civil

and political rights and freedoms continue... No transition process is worthy of the name as long as fundamental freedoms of assembly, expression and association are denied; voices advocating democratic reform are silenced; elected representatives are imprisoned; and human rights defenders are criminalized. No progress will be made towards national reconciliation as long as key political representatives are being locked behind bars, their constituents subject to grave and systematic human rights abuses and their political concerns disregarded.”⁷

In response to international condemnation, the junta’s position on the issue of political prisoners remained defiant. On 19 September 2006, the *New Light of Myanmar* reported the SPDC’s claim that there are no political prisoners in the country:

“The U.S.A. and allies falsely accused that over 1,000 political prisoners were detained in Myanmar. In fact, no one is detained for political reasons in Myanmar... Those who violated the existing laws, criminals and felons and terrorists are detained in accordance with the laws concerned... Restrictions are placed upon Daw Suu Kyi as she has constantly been demanding for confrontation, defiance of all orders, utter devastation, resorting to four kinds of sanctions and reliance on external elements all of which will lead to harming the national unity, national stability and national development as well as hindering democratisation process.”⁸

As at the end of 2006, 1,114 political prisoners were reported to remain incarcerated in Burma’s prisons. This number included 13 MP-elects (see appendix I) 188 NLD members, 175 members of ethnic minority political groups, 143 students and 85 monks, all incarcerated for political reasons. These figures do not include the countless persons incarcerated at military camps in the rural areas of Burma, where the threat of arbitrary arrest is constant for the local population. At least 2 prisoners, both MP-elects, remain under executive order detention and approx. 100 political prisoners are reported to be suffering from poor health either caused or exacerbated by unsanitary living conditions, torture or inhuman treatment, diet deficiencies and limited access to medical care.⁹

Recent History

In 2004, Amnesty International (AI) reported that the junta’s attempts – through threats, arrests and detention – to suppress the peaceful expression of political views and prevent association between persons for political purposes had increased in intensity following the 30 May 2003 attack upon the leaders of the country’s main opposition political party, the National League for Democracy (NLD), General Secretary Daw Aung San Suu Kyi and Vice Chairman U Tin Oo in Depayin, Sagaing Division, and their subsequent re-internment.¹⁰

At the same time, in August 2003, whilst Daw Aung San Suu Kyi and U Tin Oo remained under house arrest, the junta announced a seven-point “roadmap” to democracy and the re-convening of the National Convention (NC) for the drafting of a new constitution. However, as per previous years in which the NC was convened (1993 to 1996), the NLD and other opposition parties did not participate largely because the process imposed by the SPDC prohibited the free expression of views. In the lead-up to the next session of the NC in May 2004, AI announced concerns about continued arrests, surveillance, and intimidation of members of opposition political parties. For example, in February 2004, approximately 30

Shan leaders and activists were arrested. In November 2005, they were sentenced to overwhelmingly lengthy prison terms and, in June 2006, their final appeals were rejected by the Supreme Court in Rangoon.¹¹

In October 2004, the junta removed and arrested Prime Minister Gen. Khin Nyunt, disbanding and arresting many members of the chief agencies under his command that had been charged with surveillance of perceived political dissidents: the Office of the Chief Military Intelligence, Military Intelligence and the National Intelligence Bureau (collectively, MIS). However, the end of MIS did not signal the end of military intelligence activities in Burma. In February 2005, it was reported that these functions became the responsibility of the Office of the Military Affairs Security (OMAS), under the direction of the Directorate of Defence Services and SPDC Chairman Sen. Gen. Than Shwe,¹² with the force they control named SaYaPa, or Military Security Force (MSF).¹³ In 2006, the Special Bureau of police (SB) also took on an increased role in intelligence. (See, for example, the incidents below under Section 3.2 dated 24 March 2006; 27 September 2006 and 30 September 2006.)

Year 2006

Monitoring, intimidation, interrogation and detention of perceived oppositional political activists or activities remained a pervasive strategy of the SPDC, despite continued reports by the junta that it is seeking to move towards democracy.¹⁴ The NC reconvened from 5 December 2005 until 31 January 2006, and then again from 10 October until 29 December 2006, but without the involvement of any of the major opposition parties.¹⁵ In September 2006, the UN Special Rapporteur described the process as having become “*strictly limited and delineated*” over the past two years.¹⁶

Reports of surveillance and harassment of former politicians, political prisoners and activists and those suspected of having political affiliations or views were widespread and increasing in intensity throughout 2006.¹⁷ For example, in June 2006, three months before he was again detained in custody, prominent student leader, Min Ko Naing reported that the regime was keeping him and other pro-democracy voices under increased surveillance; with three men following him wherever he went.¹⁸ Additionally, the MSF conducted an increasingly sophisticated campaign of intimidation and monitoring of ‘informers’ throughout the year, interrogating businessmen, journalists and civil servants, on the basis of accusations that they were giving information to foreign-based, Burmese language radio stations.¹⁹

The activities of political parties remained severely repressed and scrutinised. In February 2006, the NLD made a formal offer to recognise the SPDC as the legitimate transitional government if it agreed to convene the Parliament elected in 1990. The SPDC rejected that offer and again intensified its monitoring and harassment of NLD members.²⁰ Offices of the NLD remain closed (save for the headquarters in Rangoon) and political meetings were actively prevented by the authorities. NLD members reported being summonsed and intimidated by authorities and having their private business interests interfered with. According to the junta’s English language newspaper, *New Light of Myanmar*, between 21 April and 8 June 2006, 546 NLD members across Burma quit the party. However, in truth, members (e.g. approx. 1,038 between April and July 2006) were being forced to resign under threat of punitive action or other forms of intimidation.²¹

In 2006, the Assistance Association for Political Prisoners (AAPP) documented 78 persons arrested for political reasons.²² A number of arrests were made immediately preceding

scheduled peaceful ceremonies of political or national significance (see, for example, the incidents below under part 3.3 dated 19 July 2006; 13 August 2006; 27 September 2006; and 10 December 2006), with many of those arrested released soon afterwards. Further, the SPDC utilised common criminal charges as a means of arresting political dissidents,²³ and the arrest, detention and interrogation of family members of those suspected of committing crimes – political or otherwise was common. Arrest in these circumstances can be for the purpose of extricating information that might incriminate the suspect, for punishing the family for association with or assistance to the suspect, or for punishing the family in lieu of a member who might be absent. Family members may also be held, as hostages, in order that the SPDC's prime targets give themselves up. Specifically in respect of political crimes, spouses, children and parents are sometimes charged and sentenced along with the primary target, albeit to lesser terms (see, for example, the incidents below under part 3.3 dated 14 January 2006; 15 January 2006; early February 2006; 21 February 2006 and 22 September 2006; under part 3.4 Arakan State dated 4 November 2006, Chin State dated 14 June 2006; under part 3.5 dated 5 February 2006; 19 March 2006 and 5 July 2006).

Pro-democracy activities continue, however. On 2 October 2006, the 88 Generation Students pro-democracy group began a public campaign to gather signatures for a petition calling for the release of Daw Aung San Suu Kyi and all political prisoners. With the support of the NLD, the petition gathered a total of 535,580 signatures from persons inside Burma and Burmese exiles and refugees in Thailand. It was presented to Sen. Gen. Than Shwe and to the UN.²⁴ On 10 October 2006, 88 Generation Students launched a further campaign named 'White Expression', urging people to wear white clothing to show support for the release of all political prisoners. It was a visible success.²⁵ A third campaign, called 'Multiple Religious Prayer', began on 29 October 2006, urging members of all faiths to pray for a resolution to the political and social problems in Burma.²⁶

These actions were not without consequence, however, with organisers arrested in conjunction with the signature campaign on forgery or falsification charges (see incidents under part 3.3 dated 6 October 2006 and under part 3.5 dated 2 November 2006). In November 2006, Burma's police chief Brig. Gen. Khin Yi and Information Minister Brig. Gen. Kyaw Hsan each openly warned that authorities would take actions against those participating in 88 Generation campaigns: "*We will have to arrest and charge those who are trying to create public unrest and instability and jeopardize the peace and stability of the country,*" Brig. Gen. Kyaw Hsan announced.²⁷ (For more information on the activities of 88 Generation Students, see Chapter 11: Freedom of Expression, Opinion and the Press and Chapter 12, Freedom of Movement, Assembly and Association)

Between 27 and 30 September 2006, five high profile leaders of 88 Generation Students were arrested. They were held in custody for 3½ months, without any communication with the outside world, finally released without charge on 11 January 2007, the day before the UN Security Council's consideration of the situation in Burma.²⁸ It is a frequent tactic of the SPDC to employ the release of political prisoners as political capital in a game of 'cat and mouse' with the international community. In the past, the junta has at times staged en masse releases of political prisoners. For example in 2004 and 2005, the AAPP estimates that approx. 400 political prisoners were released in several stages.²⁹ These releases often preceded engagement by the junta with international organisations such as the UN and ASEAN, and have been seen as an attempt to divert criticism at appointed times.³⁰ A much smaller number of releases of political prisoners was seen in 2006, only 46 in total.³¹

Two notable labour rights activists were in fact released in 2006, following upon pressure from the ILO. On 6 June 2006, Su Su Nway, who had successfully sued her local authorities for perpetrating forced labour, was released after serving almost eight months of an 18 month sentence in Insein prison, on charges brought in retaliation to her suit. Her release came three days after the ILO Governing Body convened a special sitting on forced labour in Burma, recommending that actions be taken against Burma in the International Court of Justice.³² Similarly, on 8 July 2006, lawyer Aye Myint was released after serving nearly one year of a seven year term imposed for charges arising out of his representation of farmers who complained to the ILO against government practices. He was released after the ILO set a 31 July deadline before it would consider taking this and others' cases before the International Court of Justice.³³

Despite these well-publicised releases, Altsean reported that there remained at least nine others in prisons serving terms for contacting the ILO³⁴ Further, persons who had cause to appeal or complain about administrative actions taken by local authorities, or governmental programs (for example, compelled growing of castor oil and psychic nut crops) which adversely affect them or their property, were frequently subjected to reprisal prosecutions, usually for making false complaints or defamation of the government (see, for example, incidents under part 3.2 dated 23 January 2006 and under part 3.4 dated early January 2006; 18 January 2006; 25 February 2006; 8 March 2006; 14 March 2006; 29 March 2006; 5 April 2006; August 2006; 27 September 2006 and 29 December 2006).

In May and again in November 2006, the SPDC permitted, for the first time since 2004, the attendance upon Daw Aung San Suu Kyi of a UN representative, in this instance the UN Under Secretary-General for Political Affairs, Ibrahim Gambari.³⁵ However, a week after Mr Gambari's first visit, Daw Aung San Suu Kyi's house arrest was extended by executive order for a further year.³⁶ The house arrest of U Tin Oo and the long-term detention in prison of two other NLD leaders, Dr Than Nyein and Dr May Win Myint, were also administratively extended, in January and February 2006.³⁷ In this light, the visits were seen by many as deflection tactics, in view of the UN Security Council's then-pending considerations.³⁸

Since the suppression of the democracy uprisings in 1988 through 2006, the number of political prisoners known to have passed away in custody or shortly after their release was 131. This included 93 deaths in custody, 8 in interrogation centres, 4 in labour camps and 11 after having been released from prison, for reasons associated with their detention. Furthermore, 15 activists had disappeared from prison, their whereabouts unknown.³⁹ The figures include, in 2006, five political prisoners who died in prison, all from preventable diseases contracted due to the dire conditions of their internment. Two former political prisoners also died from diseases they had contracted whilst in prison.

Arbitrary arrest, detention and disappearance of civilians in rural areas at the hands of SPDC and allied troops within Arakan, Chin, Karen, Karenni, Mon and Shan States persisted throughout the year. Even where ceasefire agreements were in place, civilian villagers were often arrested on grounds of 'suppression of insurgency'. Arrest and the threat of arrest ensured a supply forced labourers, and a means to extort money, food or other supplies from villagers for military troops.⁴⁰ (For further information see Section 3.3 Arbitrary or Politically-Motivated Arrests of Persons from Ethnic Minority Groups)

3.2 Arbitrary and Politically-Motivated Arrests, Detention and Disappearances in 2006

Burma has a number of laws which provide for the imposition of imprisonment by a court for conduct defined broadly enough to encompass peaceful political resistance. Some laws are remnants of the British colonial period whilst others were instated by the military during moments of perceived unrest, (for example, 1950 ethnic group conflict following Independence, 1988 pro democracy uprising, and 1996 initiation of the National Convention).⁴¹

The most frequently used law to sentence people tried for political reasons is the 1950 Emergency Provisions Act (No. 17/50).⁴² Articles 2, 3, and 4, which concern assisting people involved in treason, all provide for the death penalty or life imprisonment. Articles 5(e) and 5(j) are most commonly used:

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...shall be punished with imprisonment for a term which may extend to 7 years, or with fine, or with both.”*⁴³

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...such a person shall be sentenced to 7 years in prison, fine, or both.”*

The 1908 Unlawful Associations Act criminalizes association with certain groups. Article 15(2) defines “unlawful association” as that “(a) which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts, or (b) which has been declared to be unlawful by the President of the Union under the powers hereby conferred,” providing an unchecked power to the junta to criminalise groups. Article 17(1) provides for imprisonment of two to three years for anyone who “*is a member or takes parts in meetings, or contributes or receives or solicits any contribution for such an association, or in any way assists the operations of an unlawful association*” and Article 17(2) provides for imprisonment of three to five years for anyone who manages an illegal organisation.⁴⁴

The 1923 Official Secrets Act makes it an offence to possess, receive or communicate any document or information of which the disclosure may have an adverse affect on the sovereignty and integrity of the State, or affect foreign relations, or threaten the safety of the state (Article 5).

The 1962 Printers and Publishers Law establishes a scheme of registration and submission to an authority for approval, prior to publication (under threat of seven years’ imprisonment) for any printing or publishing of any materials: Article 3, Parts I, 8. Registration will be withdrawn if it was obtained with a view to “*harming the ideology and views of the Revolutionary Government of the Union of Myanmar*”: Article 10 (Part 4). On 27 June 1989, then Brig. Gen. Khin Nyunt announced that although legally registered political parties could apply for an exemption from the operation of the Law, they could not print material which “*Opposes the SLORC (former moniker of the SPDC) ...Insults, slanders or attempts to divide*

the Defence Forces; Instigates actions that affect law and order and peace and tranquillity...”⁴⁵

The 1996 Law No 5/96 (The Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbances and Oppositions) provides for the imprisonment of a person to between 3 and 20 years as follows: *“No person or organisation is allowed directly or indirectly to violate either of the following prohibitions: instigating, protesting preaching, saying [things] or writing and distributing materials to disrupt and deteriorate the stability of the state, community peace and tranquillity and the prevalence of law and order.”*

Section 10 (A) of the State Protection Law allows the SPDC to detain individuals for up to five years without charge or trial. In 2006, two NLD MP Elects were held under this act.

Arrest and Pre-Trial Interrogation and Detention

“No one shall be subjected to arbitrary arrest, detention or exile.”

-Article 9, Universal Declaration of Human Rights

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

-Article 5, Universal Declaration of Human Rights

As can be seen from the UN Special Rapporteur’s reports throughout 2006 and the incident reports below, in 2006, arbitrary arrests for political purposes remained commonly accompanied by prolonged pre-charge interrogation and torture, whilst the person was unable to contact or be contacted by family or lawyers, and not provided any medical care or access to judicial process.⁴⁶ (See, for example, incidents under part 3.3 dated 14 January 2006; 15 January 2006; 5 February 2006; 24 March 2006; early February 2006; 19 June 2006; 31 July 2006; 27 September 2006; 30 September 2006 (x 2); 6 October 2006 and under part 3.5 dated 18 January 2006; 5 February 2006; 29 March 2006; and 5 April 2006. Similar attributes attended the arrests reported in depth by AI in 2004 in *Myanmar, The Administration of Justice – Grave and Abiding Concerns*, AI, 1 April 2004.)

In particular, MSF and SB police undertake arrests usually at night, from peoples’ homes, who are hooded and handcuffed. They do not provide any reasons for the arrest, any legal documentation, or any advice as to where the person is to be taken or imprisoned, either to the individuals involved, or to family members. There were reports of torture during interrogation, with detainees frequently denied food, water, sleep and the use of toilets.⁴⁷ A number of persons were held incommunicado until a trial date, with access to legal advice often actively prevented.⁴⁸ As AAPP reported in May 2006:

“Among the physical torture endured, brutal beatings are the most common. These beatings frequently last until the prisoner falls unconscious. In many cases, the prisoner is forcibly woken from his or her unconsciousness to be tortured and abused again. Other physical torture includes: rolling an iron bar up and down the shins until the flesh is ripped; forcing political prisoners to hold unnatural positions for extended periods of time; forcing political prisoners to assume positions of an ‘airplane,’ ‘motorbike,’ ‘semigwa dance,’ or ‘crocodile;’ tying political prisoners down for an extended period of time with ropes or chains;

*water torture; beating a single spot on a prisoner's body for hours on end; burning with cigarettes, hot wax, lighters or electric rods; and electric shocks. Among the mental torture inflicted is the use of incommunicado detention. When a political prisoner is arrested, neither their families nor a lawyer is informed of where they are being taken. It often takes weeks, months and even years to learn of a loved ones location. Incommunicado detention is a noted precursor to torture, as no one can be held accountable. It also causes untold mental suffering for the individual detained. Other mental torture includes: blindfolding and hooding a prisoner; blaming the prisoner for the torture; witnessing other prisoners being tortured; no legal recourse to defend oneself; false releases; lack of family visits; isolation and solitary confinement; playing on phobias; and using inappropriate titles of address. Sexual abuse also occurs during interrogation, including: threats of rape; harassment; molestation; beating or electrically shocking an individual's genitals; and one documented attempted rape of a male political prisoner with a dog."*⁴⁹

In his September 2006 report, the UN Special Rapporteur highlighted the lack of censure of such practices by the SPDC as a key feature of the entrenchment of human rights abuses in Burma's justice system:

*"The capacity of law enforcement institutions and the independence of the judiciary have been hampered by sustained practices of impunity... which has become systematic... It has become increasingly clear that the persistent impunity does not only stem from a lack of institutional capacity. Impunity has allowed accountability to be avoided for acts that have oppressed voices questioning existing policies and practices. Several individuals and groups responsible for committing serious violations of human rights, in particular members of the military, have not been prosecuted... Grave human rights violations are received among the established structures of the State Peace and Development Council and indulged not only with impunity but authorized by the sanction of the laws. In that respect, the Special Rapporteur is also very concerned by the continued misuse of the legal system, which denies the rule of law and represents a major obstacle for securing the effective and meaningful exercise of fundamental freedoms by citizens."*⁵⁰

Burma's 1898 Criminal Procedure Code provides some safeguards. Section 61 permits an accused to be detained only for up to 24 hours without charge. For any longer period, an order from a magistrate must be sought, under Section 167 of the Criminal Procedure Code, and such orders can be provided only for up to 15 days, if additional time for investigation is considered necessary. Section 100 provides judicial authority to make "*such an order as in the circumstances of the case seems proper*" if the magistrate has "*reason to believe that any person is confined... that the confinement amounts to an offence.*"

However, police officials advised AI in 2003 that these processes in practice are only taken to apply to the most serious crimes, and not to political crimes. This was somewhat confirmed by the Attorney General who advised that MI interrogations are not considered to amount to arrest and detention. Rather, arrest is only considered to begin (and by inference, these procedures only apply) when the police are involved.⁵¹ It is unclear what the position would currently be in respect of SB arrests. In any case, the incidents below show that charges and appearances before the court are rarely brought within the 24 hour period (see, for example,

incidents below dated 27 September 2006 and 30 September 2006 concerning arrest of 88 Generation Students).

Articles 330 and 331 of the 1957 edition of the 1861 Burmese Penal Code, which remains in force, outlaw “hurt” or “grievous hurt” for the purpose of extorting a confession or information for the detection of an offence, but not specifically “torture”, inflicted during interrogation. These articles provide for up to seven or 10 years’ imprisonment respectively. Use of rape as torture would similarly be prohibited by Article 376, which outlaws rape generally, and also provides a penalty of 10 years’ imprisonment. Articles 323 and 325 of the Penal Code would appear to prohibit “hurt” or “grievous hurt” of detainees and prisoners outside the context of interrogation, with penalties of up to one year and seven years respectively. Article 166 of the Burmese Penal Code prohibits public servants from unlawfully injuring anyone while discharging their duties, and provides a penalty of up to one year for this offence.

However, the junta remains of the position that torture does not occur in interrogations or imprisonment. When AI raised these concerns in December 2003, the Attorney General insisted, without a hint of irony, that such complaints could not be taken seriously as there would be no witnesses, given that the detainees are held incommunicado. The police indicated that police officers higher up would investigate, and the Chief Justice confirmed that at least in principle, Section 342 of the Penal Code which provides offences for those engaging in “wrongful confinement” could be used by the courts. However, in practice, these protections are not made available.⁵² Throughout 2006, it was observed that when reports emerge claiming torture, mistreatment, or even worse, when deaths have occurred in police custody, authorities have denied any responsibility, discrediting the claims, blaming the detainee, harassing those bringing the charges and confirming that appropriate procedures were taken by the police.⁵³

The fact of pre-trial interrogation and torture being meted out to political prisoners whilst held incommunicado is clearly contrary to international law including: the UDHR to which Burma is a signatory; the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;⁵⁴ Basic Principles for the Treatment of Prisoners;⁵⁵ the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;⁵⁶ the UN Standard Minimum Rules for the Treatment of Prisoners;⁵⁷ and the UN Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁵⁸

Denial of Fair and Public Trials and Appeals

“Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.”

-Article 10, Universal Declaration of Human Rights

“Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.”

- Article 11, Universal Declaration of Human Rights

Although remnants of the British-era legal system remain in place in Burma to protect the rights of an accused, the court system and its functions remain highly flawed, and are particularly susceptible in political cases.

The Criminal Procedure Code sets out a number of important safeguards for a defendant in the trial process: the presumption of innocence, the burden of proof to lie with the prosecution, the right not to be compelled to testify against oneself or to confess guilt (Article 342), the right to a 'pleader' (either legal counsel or someone else approved by the court) (Article 340), that all evidence be given in the presence of the defendant or his or her lawyer (Article 353), and the right to cross-examine prosecution witnesses and give and call evidence (Articles 208, 340). The Judiciary Law 2000 requires open court trials (save for as deemed necessary by the presiding judicial officer), that courts run their processes according to law, with a right to defence and a right of appeal (Section 2, see also Articles 408-410 of the Code of Criminal Procedure), including setting out the framework for appeals from Township Courts, District Courts, State and Divisional High Courts, through to the Supreme Court.

However, in practice and despite public statements by the junta to the contrary, former and current political prisoners' accounts show that rarely are these safeguards afforded to persons charged with political offences.⁵⁹

- Public statements by police or military authorities announcing the guilt or confession of persons charged are frequently published, contrary to the presumption of innocence. (See, for example, incidents under part 3.3 dated 14 January 2006; early February 2006; and 27 September 2006 and under part 3.4 dated 5 February 2006.)
- Detainees are often compelled to give an account and confess guilt during pre-trial interrogation. These are frequently used as part of the prosecution case. (See, for example, incidents under part 3.2 dated 14 January 2006; and under part 3.4 dated 5 February 2006.)
- Information on charges, trial dates, legal representation and rights of appeal are frequently not made available to political detainees.
- As also confirmed by the Chief Justice of the Supreme Court to AI in 2003, defendants are not permitted to see a lawyer in advance of the day of court. When legal counsel is permitted, confidentiality and adequate preparation time are not. In practice, defendants in political cases are often not permitted a lawyer at all. (See, for example, incidents under part 3.2 dated 14 January 2006; early February 2006; 27 September 2006; 2 October 2006 and under part 3.4 dated 28 February 2006 and 29 March 2006 (x 2).)
- Trials are often held in camera within a prison, without notice to anyone outside the prison. Occasions are reported where lawyers are actively prevented from seeing their clients and misinformed of trial dates. (See, for example, incidents under part 3.2 dated 14 January 2006; 23 January 2006; 21 February 2006; and 6 October 2006.)
- In some cases defendants are not even able to speak in their own defence, even to cross-examine prosecution witnesses or call any witnesses to support their own case. Sentences are regularly handed down shortly after the trial has begun. Convictions are reported to be solely obtained on the basis of prosecution witnesses and/or a confession extracted

during torture or ill-treatment. (See for example, the incident under part 3.4 dated 29 March 2006 (2).)

- The independence of the judges sitting on such cases is highly questionable. Supreme Court judges are chosen and appointed by the SPDC. In turn, these judges appoint lower level court judges, with the approval of the SPDC. Judges are not protected with tenure and are vulnerable to removal if their rulings do not coincide with the junta's interests. The breaches of due process – as set out above – can only occur with at best, the court's acquiescence. Prisoners have reported appealing to the judge about torture only to be told that nothing can be done about it. It has also been reported that the judges' deliberations consist of little more than reading out a sentence from a pre-written note, usually to impose the maximum penalty available. It is "widely accepted" that Burma's courts are subject to the dictates of the junta in cases with political ramifications, and it seems that this is one aspect of a wider problem, which results in many judgments in proceedings involving the state, ultimately supporting the junta's interests.⁶⁰ (See, for example, the incidents under part 3.3 Arakan State dated 13 November 2006 and part 3.4 dated 29 March 2006.)
- Appeal rights are also illusory, given that it is unlikely that transcripts are prepared and if so, they are rarely available to the defendant (despite being required to be filed along with a petition for appeal under Article 219 of the Code of Criminal Procedure), and appeal processes are almost invariably summarily dismissed without argument, on the same date they are filed. (See, for example, the incidents under part 3.4 dated 29 March 2006; and under part 3.8 dated 2 November 2006.)

As the UN Special Rapporteur reported in February 2006, "*trial procedures of those detained on charges of a political nature fall far below international standards.*"⁶¹

Sentences

As referred to above, in most cases of political offences, the maximum sentence provided for is imposed. Further, where a person faces conviction for several offences, the sentences are applied cumulatively, rather than concurrently, even though there remains some discretion with the judicial officer to choose between the two. The result is that some political prisoners are facing sentences of such length that it is inevitable they will die before the sentence is completed.⁶²

Burma still has the death penalty available for some political (and other) offences. In December 2003, the military junta assured AI that no executions would be carried out. Burma is not known to have carried out judicial executions in past years, but death sentences are still imposed,⁶³ (see, for example, incidents under part 3.2 dated 14 January 2006 and early February 2006; and under part 3.3 Shan State dated 2 January 2006 (4 March 2006).) Despite the absence of judicial executions, arbitrary and summary executions were a pervasive aspect of SPDC governance throughout 2006 (For more information see Chapter 2 Extra-judicial, Arbitrary and Summary Executions).

Theoretically, every prisoner has the right to parole, of at least 60-90 days a year (Chapter 11, Article 59(5) of the Union of Myanmar Prison Manual). However, political prisoners are almost inevitably required to serve the entire sentence imposed. For example, Burmese poet

and journalist Than Win Hlaing has remained in prison many years past his due early release.⁶⁴

Partial List of Activists, Opposition Forces and MP-Elects Arrested and Sentenced in 2006

On 4 January 2006, Aung Kyaw Win, an NLD member from Woontwin Township, Mandalay Division in central Burma, was assaulted and detained by police when celebrating Independence Day. He was later released on bail.⁶⁵

On 14 January 2006, two Burmese students, Maung Maung Oo and Chit Thein Tun, members of the All Burma Students Democratic Front (ABSDF), were taken into custody from Moreh, Manipur in north-east India, by the military junta, for the bombing at Nanthphalon Market in Tamu on 8 January 2006, which had killed one person. Both had escaped from Burma in 1988 after the student uprisings. On 22 February 2006, the Minister for Information reported at a press conference that the men had confessed to their involvement. On 14 May 2006, it was reported by a representative from the India-based Burmese Solidarity Organisation (BSO), that the two men had been held incommunicado since their arrests in places unknown. They had been tortured and summarily convicted and sentenced to death without access to lawyers. The imposition of the death penalty was confirmed by AI on 18 May 2006. Chit Thein Tun's wife, Ma Hnin Hnin, his four year old daughter Ei Po Po and two others, Ko Po Zaw and his wife Ma Aye Myint Ma, were also arrested. The adults were sentenced to 5 years imprisonment for their involvement in assisting him. Ei Po Po has been kept with her grandmother in Yan Lem Phai Village, Sagaing Division, but is under virtual house arrest.⁶⁶

On 15 January 2006, Aye Thein, an NLD member and youth official from Thabeikkyin Township, Mandalay Division, was sentenced to five years imprisonment for human trafficking, contrary to Act-366, due to his eloping and marrying his girlfriend. His friends Tin Htoo, Maung Khaing, Zaw Lwin and Phoe Phyu were each sentenced to three years imprisonment for assisting him, under Act-114. On 26 January 2006, Mandalay NLD spokesperson Win Mya Mya reported that Aye Thein had been transferred to a police-controlled hard labour camp, but by mid-February 2006, his exact whereabouts remained unknown to his family, despite attempts by them to obtain such information from Mandalay prison authorities.⁶⁷

On 23 January 2006, Than Win and Pe Win (a.k.a. Puti), both NLD members, were arrested at Indaw Township, Sagaing Division in upper Burma, for allegedly opposing the military's nationwide forced castor oil plantations. The SPDC has recently decided to force Burmese farmers throughout the country to grow castor oil in an effort to solve the country's fuel shortage. Than Win is respected local political leader, and his arrest was seen by locals as a warning. A local NLD member reported that the court proceeding was held on the same day as the two men's arrests, and family members had been threatened with charges to keep the entire process secret.⁶⁸

In January 2006, two NLD members from Kachin State were also reportedly detained for speaking out against the junta's castor oil project.⁶⁹

Also in January 2006, it was reported that former SPDC Foreign Minister Win Aung was arrested upon charges of corruption and bribery.⁷⁰

On 5 February 2006, Aung Cho Oo, 27 years, was arrested by the SPDC in respect of the May 2005 bombings in Rangoon. On 21 February 2006, SPDC Information Minister Brig. Kyaw San announced that Aung Cho Oo was a member of both the ABSDF and the Network for Democracy and Development (NDD) and that he had confessed to providing security information to Thein Win, an exiled labour rights activist, to carry the bombings out. Both organisations denied any involvement in the bombings and whilst Aung Cho Oo had previously been a member of NDD, he had never been a member of ABSDF. In August 2006, Naing Ko, of the Bangkok-based Federation of Trade Unions Burma (FTUB) reported that 15 people, including the parents, other family members and friends of Thein Win, had been arrested on charges of maintaining unlawful contacts with exiled organisations and tortured with the use of electric shocks. They included Chaw Su Hlaing, Thein Win's pregnant sister. Chaw Su was released after hospital treatment, along with her father, one brother and three others but the other nine persons remained in Toungoo prison, Pegu Division. International labour rights groups have accused the junta of torturing Thein Win's family and associates for the purpose of extracting confessions about his illegal activities, in his absence.⁷¹

On 7 February 2006, Ko Ko Myint and Thein Zaw, two NLD members from Shwegu Township in Burma's northern Kachin State, were each sentenced to seven years imprisonment by the local Township court for possession of opium. Local residents of Shwegu reported that both had been active in the NLD and deeply religious, such that it was believed that neither of them had used or trafficked in drugs. NLD spokesperson Nyan Win reported that prosecution witnesses had given evidence to this effect but the prosecution continued as "*a deliberate act to punish the NLD members.*" An appeal was lodged on 9 February 2006.⁷²

In the first week of March 2006, San Shwe Tun, NLD chairman and Aung Pan Tha, NLD organising committee member, both of Arakan State, Sittwe (Akyab) Township, were each sentenced to three years jail by a local court for trading in illegal foreign currencies under Act 24-1. Local residents reported that the charges were false; that the men had been approached by an unknown currency dealer but had refused to participate, and that no foreign currency had been located when police searched their houses. A family friend reported that the lawyers had advised that sentences of three to six months were usual for these types of offences. The maximum penalty had been imposed. Their appeals to both the District and State level courts were dismissed on 16 June 2006.⁷³

On 14 March 2006, Nay Zaw, 28 years old, the son of an NLD member in Kachin State, Mohnyin Township, was arrested by an anti-narcotics special police force. He was with 3 friends, and they were all stopped and searched for drugs. Although nothing was found, they were beaten and detained. Whilst still in detention, authorities reported that Nay Zaw was hospitalised for 23 days, but died on 2 May 2006. His mother Mi Mi Tun, requested a post mortem, which was refused. However, after she reported the matter to Northern Command Comm. Maj. Gen. Ohn Myint, she became the subject of severe police harassment, such that she fled to the Thai-Burmese border.⁷⁴

On 24 March 2006, Aung Thein (approx. 70 years old), chief auditor of the NLD, was arrested at his home in Rangoon Thaketa Township, by the SB. Family members were not advised of the reasons or to where he had been taken, and were concerned about his bad health. He had been temporarily suspended as a member of the NLD in 2005, but had continued to carry out his duties.⁷⁵

On 29 March 2006, seven students from Pegu College, Pegu were arrested for writing and distributing a poem called *Daung Man* (the might of the fighting peacock). A further person was arrested for printing the poem. Most of the students were released on 10 April 2006, but two students and the printer were detained at Pegu prison. On 25 May 2006, a textile printer was also detained, for printing a T-shirt with the image of a fist, which was found with one of the students. On 9 June 2006, the two students and the two printers were convicted under the Emergency Provisions Act-5J, the Printing Acts-17/1 & 2 and the Unlawful Association Act, and each sentenced to 19 years imprisonment, save for the poem printer, who was sentenced to 14 years imprisonment. The textile printer remained at Pegu Prison and the rest were taken to Insein Jail. The trial was held inside the prison. None had been legally represented, despite lawyers being engaged and attempting to make contact. Each accused was cross-examined by Pegu District assistant judge Tin Htut. Appeals were lodged, despite difficulties in obtaining the transcript and order for that purpose. On 4 August 2006, the divisional court at Pegu summarily rejected their appeals without argument and on 21 November 2006, the High Court in Rangoon dismissed appeals by both the students. The persons arrested and prosecuted were:

1. Hnin Wint Wint Soe, student, later released;
2. May Su Su Win, student, later released;
3. Ne Linn Kyaw, student, later released;
4. Thet Oo, student, later released;
5. Win Min Htut, student, later released;
6. Maung Maung Oo, student, convicted and sentenced to 19 years;
7. Zeya Aung, student, convicted and sentenced to 19 years;
8. Aung Aung Oo, proprietor of A20 Desktop Publishing Business, Pegu,
9. convicted and sentenced to 14 years; and
10. Sein Hlaing, textile printer, convicted and sentenced to 19 years.⁷⁶

On 15 May 2006, four NLD members from Taungup Township, Arakan, were arrested and had their property confiscated. Local police, led by Sgt. Than Zin conducted the arrests. No reasons have been given, but it is believed that it was because of their membership of the NLD, given recent pressures exerted upon NLD members in the vicinity. The members arrested were:

1. Ko Thay (a.k.a. Ko Kyaw Htay), owner of Amar Khan Saw Mill;
2. Ko Aye Tun;
3. Ko Soe Myint; and
4. Ko Tun Naing.⁷⁷

On 9 June 2006, Win Naing, a member of the NLD from Baymet Ward, Yenanggyaung, Magwe Division in central Burma, was arrested by order of the local authority chairman, Aung Win. It is unclear why. He was reportedly arrested for being drunk and disorderly under Act-47 but there were also reports from local NLD organising committee members Than Aung and Tint Lwin that the chairman had not liked Win Naing and had been extorting money from him (along with other residents), which he had been unable to pay.⁷⁸

On 19 July 2006, three unnamed students from Monywa in the Sagaing Division, were arrested for saluting the statue of General Aung San on the 59th anniversary of the Martyrs' day, local residents reported. They were arrested and interrogated but released the next day.⁷⁹

Also on 19 June 2006, lone protester Tun Tun was arrested for shouting pro-Aung San Suu Kyi messages in front of Rangoon City Hall to commemorate her 61st birthday. He had been demanding a transition to democracy and the release of Daw Aung San Suu Kyi. He was bundled into the town hall by authorities but was released 2 days later. He reported that he had not been mistreated, and was released on condition that he sign an agreement confessing to staging a solo protest but agreeing not to do so in the future. Tun Tun is a school teacher. He had previously served 4 years imprisonment as a political prisoner in 1994.⁸⁰

On 7 July 2006, Tun Tun was again arrested, this time for meditating and praying for the release of political prisoners at Shwedagon Pagoda loudly, whilst sitting on a piece of cardboard scribbled with political and religious writings. He was kept at a mental asylum and released a month later, on 9 August 2006. He believed he had been arrested so that he was not at large during the 18th anniversary of the pro-democracy uprising.⁸¹

On 31 July 2006, Nyein Maung, organising committee member and treasurer of Mandalay Division, Madaya Township NLD, was arrested and sentenced to one year's imprisonment, according to NLD MP-elect for Madaya Township, Than Lwin. He had been charged with causing a civil servant undue distress under Act-198, by having an argument with the husband of a judge whilst in her chambers. He was told by the authorities that if he quit the NLD, the charge would be dropped.⁸²

On 7 August 2006, 13 students were reportedly arrested for laying a wreath and saluting those who gave up their lives in the struggle for democracy, at a site where students had been gunned down on 8.8.88, in front of No. 3, State High School, in Pegu. An eyewitness reported seeing them arrested and taken away by security agents, although this report was denied by the local police station and the school.⁸³

On 13 August 2006, 11 members of the NLD youth wing and members of HIV/AIDS support group Friends with a Red Ribbon were arrested in Rangoon for not informing local authorities of an overnight stay at Maggin Buddhist monastery, in Rangoon's Thinganggyun Township, where a memorial service for HIV/AIDS victims was planned. One of those arrested was suffering from AIDS and the majority of arrests were of either NLD members or 88 Generation Students. The event was designed to make those suffering from the disease feel supported, and to raise donations to pay for medical treatment. The event was organised by the patients themselves, who sent a letter of explanation to local SPDC authorities and met with Lt-Col Maung Maung Shein, chairman of the Rangoon's Eastern District Peace and Development Council, to give notice of their intentions. They received little in return for their efforts to go through official channels, however. The association of elder monks threatened to disrobe any member of the monastery involved in the proposed ceremony, while Maung Maung Shein threatened to close down the Tha Zin Clinic-established by a Dutch-based NGO that supported those patients planning to attend the event. The robe-offering ceremony was to begin at 8 am and the arrests were made of some of the leading organisers at about 1.30 am, in a raid at the monastery. All 11 were released about 36 hours later, when the police station where they were held was swamped by supporters. The event had been cancelled. Upon release from police custody, they were taken to the Thinganggyun Township authority office, where they were pressured to sign incriminating pledges, but refused. One of those detained, Than Naing, advised that the authorities were mostly motivated to seek to undermine NLD attempts at assisting HIV/AIDS patients. Local authorities had organised a parallel merit-making ceremony, sponsored by the junta and the Union Solidarity and Development Association (USDA). The monastery was threatened to

only receive donations from the council, and not the student's/NLD organisations. Those arrested were:

1. Than Naing, Taungdwinggyi;
2. Htet Yazar, Twante;
3. Shwe Gyoe, Hlaing;
4. Aye Naing, New Dagon Town;
5. Awta, Yenanggytang;
6. Moe Naing, Bahan;
7. Kan Myint, Hlaing Thayar;
8. Myo Thant, Seikkan;
9. Soe Naing, Hlaing;
10. Than Htut, Hlaing Thayar; and
11. Than Htaik Aung, Hlaing.⁸⁴

On 15 August 2006, Myint Tun, Rangoon Shwepyithar Township NLD member, was detained upon charges of doing a reckless act causing someone's death, under Criminal Act-337, 304a, NLD lawyer Myint Taung advised. The person had apparently died from electrocution near an electric post where Myint Tun sourced electricity for his home. The NLD believes the charges were brought to attempt to hurt Myint Tun and his family. Legal action was brought seeking to join the owner of the wire (not Myint Tun) as a defendant, but on 22 December 2006, that was rejected, Myint Taung said. He has been held in custody pending trial.⁸⁵

On 22 September 2006, Hla Shwe and Yeh Myint, both NLD members at Nattalin, Pegu Division in lower central Burma, were arrested over the stabbing of the former local authority chairman. A local resident reported that the former chairman Yeh Win Tun, had often blamed Yeh Myint with crimes committed in the local area and it is believed that these arrests were politically motivated. The stabbing had occurred on 30 August. Yeh Myint's wife had been arrested in lieu of him on that day, with Hla Shwe's wife being arrested on 10 September, before their husbands were arrested on 22 September 2006.⁸⁶

Arrest of 88 Generation Students

On 27 September 2006, three prominent activists and former political prisoners – Min Ko Naing (a.k.a. Paw Oo Tun), Ko Ko Gyi and Htay Kywe – were arrested shortly after dawn by SB and Ministry of Home Affairs officials. It was the 18th anniversary of the founding of the NLD and the men had been scheduled to attend a ceremony commemorating this at the party headquarters in Rangoon. On 30 September 2006, two more leading pro-democracy activists – Min Zeya and Pyone Cho – were arrested at their homes in Rangoon. Family and friends reported that they were informed that the men were being taken for talks with senior government officials regarding the NC.⁸⁷

All the men were 88 Generation Student leaders who have been actively involved in activities for national reconciliation and democracy for many years. All had served previous prison terms, some for more than a decade. Min Ko Naing had been a student studying Zoology at Rangoon University and the elected chairman of the All Burma Federation of Student Unions (ABFSU). He was captured in early 1989 after which he served 16 years in isolation, before being released in November 2004. Since his release, he has spent his time in pro-democracy activities. Min Zeya had served 8 years and was released in 1997 and Pyone Cho served nearly 14 years, and was released in 2003, for their roles in the 1988 uprising. All had been actively involved in the 88 Generation Students group, since their releases.⁸⁸

Because of medical conditions contracted during their prison terms, family members were concerned about their access to appropriate medicines and food. Both Ko Ko Gyi and Htay Kywe were already suffering stomach conditions. They were held incommunicado at offices of the SB and of the Ministry of Home Affairs.⁸⁹ Pyone Cho's brother, Thet Win Aung, died whilst a political prisoner in Mandalay Jail on 16 October 2006. However, despite written and repeated requests made to Interior Affairs, Pyone Cho was not permitted to attend the funeral or a memorial service at his family home in Rangoon on 22 October 2006. The family was not even able to ascertain whether he knew of the death.⁹⁰ On 13 October 2006, Htay Kywe's mother, Mi Mi Lay, was hospitalised, after being unable to eat and bleeding in her urinary tract as a result of cancer. She had been diagnosed and recommended to stay in hospital for at least 5 days, but then, on 15 October, she was discharged. An anonymous specialist doctor reported the discharge was ordered by officials from the Interior Affairs Ministry.⁹¹

On 3 October 2006, the military junta publicly announced that the student leaders were accused of being involved in terrorism and intending to cause “*internal commotion*” and were being detained for questioning “*in order to prevent internal unrest and instability and terrorism*”, said to be planned to coincide with the UN Security Council's consideration of Burma.⁹² 88 Generation Students issued a statement the same day denying any involvement in causing instability or terrorism.⁹³ On 5 October 2006, the military junta's newspaper claimed that Min Ko Naing and Ko Ko Gyi had corresponded with a member of the exiled ABFSU and they were being questioned in connection with that.⁹⁴ Reports that the SPDC was fabricating evidence against the students emerged from anonymous sources within the USDA on 19 October 2006. According to the source, USDA members U Tuang and Aung Thaung, and information minister Brig. Gen. Kyaw San, had each told their informers to write reports suggesting the detained leaders were attempting to form a domestic political front with monetary support from foreign countries.⁹⁵

On 29 October 2006, the SPDC stated that the 88 Generation Students may have been connected with a brawl at Monya in central Burma on 27 October 2006. The junta controlled paper, the *New Light of Myanmar*, reported that “the 88 generation students and destructive elements at home and abroad are hatching a plot to create unrest and violence in the nation, the incident is under investigation whether it is related to such destructive acts or not”. However the father of a student detained in respect of the 27 October events advised that the matter was not at all political.⁹⁶ At a press briefing on 2 November 2006, Burma’s police chief said the activists had been arrested because of links to illegal organisations and terrorist groups. The *New Light of Myanmar* claimed that the 88 Generation Group had received funding from exiled organisations, including the AAPP through the British and U.S. embassies, in the amount of US\$17,000 and US\$30,000 respectively. Both embassies denied this. On 6 November 2006, the detention of the five was extended by Rangoon’s Bahan Township Court in absentia under the Emergency Provisions Act-5J, for two weeks for further investigation. This news did not circulate until 9 November 2006, the same day UN Under Secretary-General Mr Gambari arrived in Rangoon.⁹⁷

All five were released on 11 January 2007, without charge. It was the day before the UN Security Council was to consider a resolution regarding Burma. In the interim, they had been kept incommunicado, in pre-trial detention, for interrogation, for 3½ months.⁹⁸

On 30 September 2006, another activist, Myint Aye, after issuing a statement regarding the arrest of the 88 Generation Students on behalf of a human rights group he leads, was also detained by the SB. His family were unable to make contact. He was released on 13 November 2006, after being questioned about his political and social views. Myint Aye had been arrested four times prior to this, and was a former NLD chairman of Rangoon Kyimyindine (Kemmdine) Township.⁹⁹

On 6 October 2006, Win Ko Ko and Zaw Tun Latt, youth members of Pegu Division Moe Nyo Township NLD, were arrested for possession of illegal lottery tickets under gambling laws. Win Ko Ko had been active in obtaining all the villagers’ signatures in Yethabya in Moe Nyo Township for the 88 Generation signature campaign calling for the release of all political prisoners, and had been found in possession of about 400 signatures. On 19 October 2006, Win Ko Ko was sentenced to 3 years imprisonment, one day before his set trial date at Lethpandan Court in lower Burma, without the benefit of lawyers or seeing his family. He was convicted of ‘obstructing the work of a government officer’ and sentenced to 2 years, and then another 1 year for possession of illegal lottery tickets, reported NLD lawyer Khin Maung Yin. He was then transferred to Paungde Jail to serve his term, according to advice given to his family.¹⁰⁰ On 9 November 2006, Zaw Tun Latt and Win Ko Ko were each sentenced to an additional 14 years for forging documents and fraud, under Acts-420 and 468, at the Tharawaddy Township Court, on the basis that the signatures were obtained through misrepresentation. They had been moved to several different detention places in order to deny access to lawyers and family members in the interim.¹⁰¹ Zaw Tun Latt’s mother passed away without being able to see her son, on 23 October 2006. It was reported that she had not previously been ill, but died from an anxiety-related illness.¹⁰²

On 2 November 2006, Ye Kyaw Thu was detained for his involvement in helping to collect signatures for the signature campaign in Thailand, after being deported back to Burma from Thailand. He had been arrested in Thailand after failing to provide proper working papers.¹⁰³

On 7 November 2006, 14 pro-democracy activists, including members of the NLD, were detained briefly at Shwedagon Pagoda, reported one of the detainees, Naw Ohn Hla. They were taken into the trustee's office and warned that they could not gather in groups of more than 5 people to pray at the Pagoda. They were released in the evening. The group had been making weekly visits since July 2004 to pray for the welfare of Aung San Suu Kyi.¹⁰⁴

On 10 December 2006, three democracy activists, including U Myint Aye, were arrested at around 9am, approximately an hour before a scheduled ceremony marking International Human Rights Day at Bogalay, Irrawaddy Division. They were released at around 1pm. The arrests meant the cancellation of the planned meeting, said May Ky, a spokesperson for the 88 Generation Students Group.¹⁰⁵

3.3 Arbitrary or Politically-Motivated Arrests of Ethnic Minorities

Most of Burma's ethnic minority regions remained heavily militarised throughout 2006, namely Arakan State, Chin State, Karen State, eastern Pegu Division, Karenni State, Mon State and Shan State, despite the existence of ceasefire agreements in most of these areas. The Karen National Union (KNU) and the Shan State Army (SSA) are perhaps the most formidable of the remaining armed ethnic minority resistance groups, and 2006 saw continual SPDC military offensives mounted in Nyaunglebin, Toungoo and Papun Districts where the KNU maintained a presence.¹⁰⁶ In Papun District, the Karen Human Rights Group (KHRG) asserted that:

*"After clashes occur with the KNLA (Karen National Liberation Army- the armed wing of the KNU), villagers are often detained in retaliation. The SPDC attempts to legitimise such actions under the rubric of 'counter-insurgency'. However, it is more often the case that the detention of villagers has less to do with eradicating the KNU/KNLA than it does with intimidation in support of the general military build-up in the area. Furthermore, villagers are easier targets than KNLA forces who quickly disappear after sudden guerrilla-style attacks. Detentions are often, therefore, perpetrated in a manner aimed at instigating fear amongst villagers so as to make them more susceptible to military control and extortion and weaken their support for the KNU."*¹⁰⁷

Areas of Mon and Shan State have seen similar patterns regarding the detention of civilians in relation to the continued presence of insurgents within the region. However, in those areas where ethnic groups have entered into ceasefires with the SPDC, and where the military enjoys near unchallenged rule over the populace, such as Thaton District, the arbitrary arrest and detention of local villagers continued to be reported in high numbers. As stated by Pinheiro in February 2006:

*"The concerns of the ceasefire groups are compounded by reports of increased militarization in ceasefire areas. Contrary to expectations that entering into a ceasefire agreement would result in a loosening of military control, the confiscation of lands, the continued construction of military camps in ceasefire areas and other activities which have a negative impact on the civilian population, including forced labour demands, are leading many to query the dividends to be gained from entering into ceasefire agreements."*¹⁰⁸

Arrest and detention of civilians in these areas was often ostensibly carried out under suspicion of assisting resistance efforts. However, whilst those for which there was a genuine suspicion of having links to insurgent groups were shown no mercy, numerous other detainees were simply forced to carry out labour duties for the SPDC (such as working on the construction of their camps or portering military equipment).¹⁰⁹ Others were released upon payment of an exorbitant fee (see, for example, incidents under part 3.3, Arakan State dated 8 February 2006; 22 February 2006; 17 August 2006; 8 December 2006; Karen State dated 28 April 2006; Mon State dated 1 February 2006; 4 December 2006; Shan State dated early 2006; 8 July 2006 (2); 9 July 2006; and 17 July 2006).

In areas where the SPDC asserts control over the local ethnic population, villagers are subject to arrest or even arbitrary execution if they are seen outside their village boundaries without the necessary documentation which they are forced to purchase from the SPDC. Village heads are particularly vulnerable to arrest and arbitrary detention; often summoned to the local army camp and blamed for the actions of their fellow villagers, failure to report local insurgents in the area or simply as a means to demand labour, money and goods from the village. Family members are also subject to arrest in lieu of the accused, with women, left in villages after their men have fled, often accused of being married to an insurgent.

The Rohingya, denied citizenship since 1982, and hugely discriminated against at a state and societal level, are particularly targeted and vulnerable to the system of threats, extortion and abuses at the hands of the SPDC which relies on the threat of arrest to continually suppress and exploit this minority ethnic group found mostly in the Townships of northern Arakan. They are generally prohibited from travel under threat of imprisonment,¹¹⁰ and must obtain the permission of the authorities to marry. As the fees garnered from authorities in order to grant permission are often unaffordable and the processing of applications is often delayed,¹¹¹ they are often forced to travel or marry covertly under the threat of arrest for them and their family. SPDC authorities have sought to justify marriage requirements by claiming that the high population growth in the Rohingya community must be checked.¹¹²

Arrest for the purposes of extortion relies upon the threat and practice of torture which was said to be an almost inevitable result of detention at the hands of the *tatmadaw* (See for example, incidents under part 3.3, Arakan State dated 8 February 2006; 18 May 2006; first week of August 2006; 4 October 2006; 9 October 2006; Karen State dated late April 2006; 28 April 2006; Karenni State dated 5 June 2006; Mon State dated 9 November 2006; 15 November 2006; 4 December 2006; Shan State dated 3 May 2006; 8 July 2006; and 9 July 2006 (2).).

Incommunicado detention and disappearances also occurred frequently in 2006. (See for example, incidents under part 3.3 Chin State dated 17 January 2006; Karen State dated 6 February 2006; Shan State dated 9 June 2006; 28 June 2006 and 9 July 2006).

Partial List of Arrests and Detention of persons in Ethnic Minority Areas in 2006

Arakan State

In January 2006, numerous Rohingya civilians in Sittwe, particularly from Kyauktaw, Pauktaw, Mrauk Oo, Minbya, Mraybon, Kyakpru and other towns, were arrested for travelling without a “Form 4” permission to travel.¹¹³

On 8 February 2006, Mohammed Ibrahim and Noor Boshor, two villagers who were forced by the junta troops to perform overnight sentry duty in northern Arakan, were detained overnight, beaten and released the next day with a fine of 6,000 kyat, on allegations of falling asleep on duty.¹¹⁴

On 22 February 2006, Mohammed Jobair, 24 years old, was arrested by SPDC troops at Let Wat Dad Pazzun Chaung village-tract of Buthidaung Township on charges that he had gone to work in Bangladesh secretly. 50,000 kyat was extorted from his father for his release, which his father gathered over the next two days. He was then released.¹¹⁵

On 5 May 2006, 15 men from Sadamaw Village, outside of Sittwe, were arrested when they went to Sittwe to sell goods at the market, for not having village out-passes. They were sentenced to 6 months imprisonment, and released on 5 September 2006, a local elder reported.¹¹⁶

On 11 May 2006, Fawri Islam, 25 years, from Kyar Gaung Toung Village, Nga Khura, Maungdaw Township (NaSaKa area #5) was arrested and detained at NaSaKa outpost #12 for possessing a mobile phone from Bangladesh. He escaped from custody on 17 May 2006.¹¹⁷

On 18 May 2006, a teacher, Mohamed Khalek, 35 years old, was arrested by the junta on charges of smuggling rice to Bangladesh. He was severely tortured in front of his family members, so as to extort money from them. They paid 150,000 kyat in order for the torture to stop. He was then taken to the NaSaKa camp at Aley Than Kyaw, Maungdaw Township for questioning and underwent medical treatment. He had been distributing rice with the UNHCR and it is thought that the Bangladesh charge is false.¹¹⁸

On 30 June 2006, Nami Ullah, 25 years old, and Hasina Begum, 20, from Kon Tan village-tract, Rathedaung Township, were arrested by NaSaKa when preparing to cross to Bangladesh to get married, as they had not been able to obtain permission from the authorities in Burma. They were each sentenced to 3 years jail on 6 July 2006 and are held at Maungdaw jail.¹¹⁹

On 2 July 2006, 2 monks, Wila Tha, and Than Keisa, were arrested in U Shwe Maw Village, Thadwe.¹²⁰

On 13 to 15 July 2006, at least two teachers and four youths were arrested in Kyaukprou and Rambree Towns, on Rambree Island on the Arakan Coast, a day after a clash occurred between police and youths in Kyaukprou, resulting in injuries to Sgt. Aung Kyaw. Those arrested were:

1. Aung Soe Khiang, student, arrested in Kyaukprou by LIB#34 on 13 July;
2. Aye Thein, student, arrested in Kyaukprou by LIB#34 on 13 July;
3. Sara Hla Aung Kyaw, teacher, arrested in Kyauk Town on 15 July;
4. Than Aye, teacher, arrested by authorities in Kyauk Town on 15 July;
5. Tun Tun Naing, student, arrested in Kyauk Town on 15 July; and
6. Myint Oo, student, arrested by authorities in Kyauk Town on 15 July.

Two other youths involved in the incident, Than Myint and Htay Win, were not arrested, and it is not clear whether the arrests on 15 July were in fact connected with the incident.¹²¹

On 19 July 2006, junta troops, NaSaKa troops and police forces raided the homes of every house in the Shwezar quarter of Maundaw Town (consisting of 5 smaller villages, Shwezar Mrauk, Shwezar Guna, Dayla Wra, Kanyin Chaung, and Aung Bala), blocking the roads and moving from house to house throughout the night. At least 70 people, mostly Muslim, were arrested, either on suspicion or for not having proper permission from their village councils to be staying in a different household or town. The reasons for the raid are unclear, but some townspeople believe it was connected to searching for insurgents rumoured to be entering Arakan from Bangladesh or India in order to detonate explosives.¹²²

On 23 July 2006, Marmouk Adular, 42 years, from Padin Village, Maungdaw, was arrested by NaSaKa forces, for being in possession of a cell phone bought from Bangladesh.¹²³

In the first week of August 2006, 22 Rohingyas from Lake Ya Village-tract (Kumir Khali) of Maungdaw Township were reportedly detained by NaSaKa for repairing and rebuilding the Kumir Khali mosque roof in June 2006. NaSaKa requires that permission be obtained for repairs to be undertaken but rarely provides that permission. The men were arrested, tortured and detained in Maungdaw jail. Those detained included:

1. Molvi Mohammed Hossain, 40 years;
2. Ali Zuhar, 15 years;
3. Mahommed Shafi, 40 years;
4. Abdul Hasim, 35 years; and
5. Chairman Din Mohammed (a.k.a. Maung Mon Kha).¹²⁴

On 17 August 2006, 15 Rohingyas in Myoma Kanyin Tan (Siddar Para), Maungdaw Township, were arrested and interrogated by police on charges of stealing electric wires. After a week of interrogation, all were freed without charge on payment of 120,000 kyat each, a relative reported. Those arrested included:

1. Shafi Ullau,
2. Abdul Fayas,
3. Mohammed Hanif,
4. Ziabul Hoque,
5. Azu Meah, and
6. Sayed Kasim.¹²⁵

On 4 September 2006, Mohamed Hussain, 37 years, from Pauktaw Township, was arrested for staying temporarily in Bogar Dill village, Sittwe without an 'out pass' from Pauktaw. He was detained by immigration officers at Sittwe, Myuma Police camp #1. On 8 September 2006, he was sentenced by Sittwe Court to two and a half years imprisonment with hard labour under Acts-2081/06, 188. According to villagers in Sittwe, out passes cost between 1,000 and 1,500 kyat.¹²⁶

Around 15 September 2006, Ko Maung Shwe, arrested for theft, died at the police station at Sittwe after a police interrogation. He was from Renar Byin Block under Wra Gri Mrauk Tract in Sittwe. Police officials found his body in the custody room on 18 September and announced he had hung himself. The Arakan State High Court ordered a report by the 2nd in charge at the station, Aung Kyaw Oo, into the cause of death.¹²⁷

On 4 October 2006, 14 villagers from Ponna Kyunt Township, were arrested by the junta after they assaulted a soldier who was caught stealing a cow. Other villagers reported that those charged had been tortured whilst detained at military headquarters.¹²⁸

On 9 October 2006, Maulana Mohammed Shafique, 27 years old, principal of a *Madrasah* (religious school) and a religious leader, from the KhanYaung Chaung (Khayoung Khali) village of Maungdaw Township, was arrested by NaSaKa, on the allegation that he had been communicating with villagers working in foreign countries and receiving financial support from them for the school. He was detained at NaSaKa camp #6 for three days, and suffered mental and physical torture before being sent to the Maungdaw police station on 12 October 2006. He was later sentenced to two years imprisonment by the Maungdaw Court, a relative reported.¹²⁹

On 4 November 2006, it was reported that Morium Khatoon, 35 years old, from Tan May Village, Buthidaung Township, was arrested in lieu of her daughter, who had escaped to Bangladesh with her husband, after being married without the permission of NaSaKa. A relative reported that Morium Khatoon was sentenced to two years imprisonment by the court in Buthidaung on 1 October 2006.¹³⁰

On 8 December 2006, Mohamed Hussain, 25 years old, and his wife, both of Dunsay village, Rathedaung Township, were arrested by NaSaKa because they married without permission. They had been married 12 months previously, secretly, because permission had not been granted. They had a 1 month old baby. Their families attempted to seek their release, but were told the money they had gathered, 40,000 kyat, was not sufficient.¹³¹

On 22 December 2006, U Yaung Chay and U Aung, from Pyilong Gri Village in Mrauk U Township were arrested by the SPDC army, due to allegations of their links to Chin rebels. A family member, who reported the incident, denied that the two men were involved in any anti-government activities, past or present.¹³²

Chin State

Also on 17 January 2006, two high school students, Pa Pa Tha (9th grade) and Maung Shwe (10th grade), from Auk Pin Ti Village of Paletwa Township, southern Chin State, were arrested by SPDC troops on suspicion of being sympathetic to Chin rebels.¹³³

On 14 June 2006, Sun Par, the wife of the village headman of La Lui village, Matupi Township, and her infant son, were arrested by the Matupi TPDC and Capt. Aung Kyaw of LIB #140. Her husband had fled, amidst allegations he had failed to report the presence of an armed group in the area to the SPDC.¹³⁴

Also on 14 June 2006, Aye Thein was arrested in Paletwa by SPDC soldiers from LIB #289, and interrogated, reportedly on suspicion of working for a rebel group.¹³⁵

In the second week of August 2006, three Naga women, Phaitei, Mayraitei and Zin Hnintei, were arrested and their cattle seized by the junta in Swanmayar, on the Indo-Burmese border. The reasons for their arrests are unclear, but villagers report that military troops often come to the village to extort crops, food and cattle.¹³⁶

Karen State

Doooplaya District

On 28 December 2006, troops from SPDC LIB #36, Column 1, led by Comm. Min Tun Aung under TOC #2, arrested Tee-to-kaw villager Naing Taw Kaw (43), Mae-ka-wa villager Saw Pa Pee (39) and looted 1,500,000 kyat from them. After looting, the troops put military uniforms on the two villagers and shot them dead.¹³⁷

Mergui-Tavoy District

On 8 August 2006, troops from SPDC LIB #561, led by Sgt. Tin Htun, seized and questioned Ta-kweh-sweh-plaw village head U Bi Bay, near Tone-ma-kha village. He was beaten severely, because he had approx. 100,000 Thai baht on him.¹³⁸

Nyaunglebin District

On 15 February 2006, Comm. Chit Than Oo and troops from SPDC LIB #351 arrested Saw Ka Wah Htoo (42), Saw Lar Mu (25) and Saw Nyein Heh (40) from Ho-pu village. Saw Ka Wah Htoo was shot. It is unknown why they were arrested.¹³⁹

In late April 2006, according to a report by KHRG, SPDC troops were regularly arresting and detaining villagers in western Nyaunglebin District, ostensibly upon suspicion of links with the KNU, but seemingly to extort funds. Saw Baw Htoo of Way Sweh village was arrested at Mwey Kwin ferry terminal in the plains of western Mone Township by Sgt. Htun Myint of LIB #599. SPDC troops took him to their camp at Myaung Oo where Capt. Khing Maung Myint demanded 500,000 kyat for his release.¹⁴⁰

On 27 April 2006, in Mone Township, SPDC troops from LIB #599 led by battalion second in command, Yan Naing, arrested a number of villagers. It is unknown why. Those persons arrested were:

1. Maung Nyein, Ko-ni village,
2. Naw Lay, Hsai-hswe village,
3. Shawlamon, Hsai-hswe village,
4. Naw Ta Kaw Paw, Nga-pyaw-daw village,
5. Saw Pay Toe, Nga-pyaw-daw village, and
6. Saw Blay Blaw Wah, Nga-pyaw-daw village.¹⁴¹

On 28 April 2006, Warrant Officer Than Htay and Sgt. Yeh Min went to arrest villagers from Way Sweh, Gko Nee and Noh Nya Lah Villages in Mone Township pursuant to orders issued by LIB #599 Battalion Comm. Yan Naing to all Kyun Bin Seik camp officers. A number of villagers were arrested, detained and then severely tortured. On 30 April 2006, the soldiers demanded a 2,500,000 kyat ransom for the villagers and released them upon payment. However one villager, Maung Htay, was not released but sent instead to Kyaw Pya army camp. The villagers arrested were:

1. Nay Lay, Way Sweh village;
2. Sho L'Moh, Way Sweh village;
3. Saw Maung Htay, Gko Nee village;
4. Naw Kri Heh, Gko Nee village;
5. Nay Ger Htoo, Gko Nee village;
6. Naw T'Kaw Paw, Nga Pway Taw village;
7. Saw Bpin Tun Pa, Nga Pway Taw village;
8. Blaw Wah, Nga Pway Taw village; and
9. Saw Pway Moo, Noh Nya Lah village.¹⁴²

Naw Gay Paw, of Kyauk Kyi Township, was also arrested, by SPDC LIB #60 Battalion Comm. Maung Thein Soe, upon allegations of having KNU connections. She was incarcerated in Kyauk Kyi jail for two months, before being transferred to Toungoo prison, where she was forced to pay 500 kyat to use the toilet, 200 Kyat to take a bath and 500 Kyat to get her meals. She was reported to have been frequently tortured. Furthermore, when she became sick she was not permitted to transfer to the hospital. When she was finally allowed to move to the hospital after becoming severely ill, her legs were kept in shackles.¹⁴³

On 1 May 2006, SPDC troops arrested Myo Chit and Kyaw Htoo of Plah-Khee-law village and took them to Tha-htay-gon army camp. The reasons are unknown.¹⁴⁴

On 24 June 2006, troops from SPDC LIB #522 arrested Naw Kwee Kwe (30), and Saw Bi Aw (38) from Kyauk-pya village. Saw Bi Aw was killed and Naw Kwee Kwe is missing. Troops then looted money from the villagers, totalling 2,925,900 kyat.¹⁴⁵

On 30 June 2006, troops from SPDC LIB #522 arrested and seized two villagers from the Ka-Bah-Hta village in Kyauk-Pya village tract, Mone Township. One of them, Saw Bi Aw (38) was found dead on 6 July 2006. The troops burned 381 baskets of paddy, and 28 baskets of rice, and looted cash, gold, tools, water proof sheets and flash lights. Villagers fled their village.¹⁴⁶

On 3 August 2006, LIB #351 Battalion Commander Than Tate arrested Saw P--- in the Hteh Htoo relocation site. He was tied up and accused of having contact with the KNU. SPDC soldiers not only beat him up but they kept him in water overnight, where he was bitten by leeches. He was then placed in a cell for a month, before the SPDC demanded 300,000 kyat for his release, which was collected by the village head.¹⁴⁷

On 28 August 2006, Cap. Kyaw Min Naing and Bo Kyaw Sein Min, with troops from SPDC LIB #351 arrested Pay-tu villagers Saw Kyaw Htoo (40) and Saw Ba Nge and sent them to the No. 2 MOC office in Kyak-kyi Town. They were interrogated and beaten, accused of having a firearm and radio set. Their houses were later looted.¹⁴⁸

On 3 September 2006, LIB #351 Battalion Commander Than Tate arrested villager M--- from the Hteh Htoo relocation site along with three of his friends when they were seen outside relocation site in their boat. They were locked in leg stocks for one week and fined 5,000 kyat each.¹⁴⁹

Interview with Karen villager Saw K--- concerning his arrest

Name: Saw K---
 Age: 35
 Place: Shwe Dan [Kyauk Kyi Township]

At midnight on 3 September 2006, three people [SPDC army soldiers] came and called to me. I woke up and they called me down from the house to follow them. They said ‘come with us for a while’. I went with them but then those three people pointed their guns at me and told me to ride in the car. I acted like I was going to get in the car but then I stood up and ran away. They shot at me one time but it didn’t hit me and I escaped. They could not capture me so they went to my wife and took my wife and my children with them to their LIB #351 battalion headquarters to the west of Than Bon and they kept my children and my wife in the jail. The village head and my eldest son came and he told me that the people [SPDC] keep his mother and his younger siblings in the jail. They left my oldest daughter at home to tell the village head. They took my wife, four of my children and my 6 year-old niece. My youngest child is [just] over one year old and my daughters are 13 years old, 10 years old and 6 years old. They had to stay in jail for one day and one night. When they were captured, the villagers went to meet them but the soldiers, the guards and the officers didn’t allow them to meet them. The people who went to meet my wife and my children were the village chairperson, village secretary, the Tha Pyay Gone village chairperson and my [eldest] daughter. They were released but didn’t have to give money [a bribe]. Though, even now I don’t dare to go home. If I go back home the people [SPDC] will capture me, so I have to stay in the jungle. My children sometimes bring food for me and sometimes my wife brings food for me.

I don’t know the reason why the SPDC wanted to arrest me. Normally they arrest people so they can demand money. I was afraid that they might demand money from me, so I escaped. Now, if the SPDC soldiers see people who have some money and people who can do their work well, they arrest them and accuse them of many things so they can get bribes from the people. They usually accuse the villagers of having contact with the outside people [KNU/KNLA], or of having a gun and a radio [that they are KNU/KNLA], so the villagers must always be afraid of them.¹⁵⁰

On 10 September 2006, LIB #351 Battalion Commander Than Tate arrested Maung Min Oo from Hteh Htoo relocation site, reportedly telling him “*I am arresting you because you came back late and the time is over according to a specific time I set up.*” He had failed to return to the village when the time stipulated on his recommendation letter had expired. He locked him in the stocks (mediaeval-style leg stocks) for a week and fined him 10,000 kyat before releasing him.¹⁵¹

Papun District

On 26 February 2006, in reprisal to a KNU attack upon the Democratic Karen Buddhist Army (DKBA) camp based in Meh Mweh Hta, SPDC soldiers threatened villagers from Wah Klu Ko and arrested two people, a girl of 17 years and the village head. The SPDC soldiers covered the two villagers' faces with a plastic sheet and tied their hands behind their backs. They were detained incommunicado for three hours.¹⁵²

On 6 February 2006, Dta Khaw Hta village head Saw Mer Ler was arrested by SPDC soldiers from LIB #60, accused of writing a travel pass for a man believed to have exploded a bomb at Toungoo on 4 February 2006. Dta Khaw Hta villager Saw Ghay Ler Htoo was also arrested, as he was accused of allowing the same man to sleep at his house en route to Toungoo. But at the same time, SPDC spokespersons were attributing the bomb blast to several opposition groups, without any announcement who the 'man' referred to was. Also, any travel pass issued at Dta Khaw Hta would not be valid for the entire journey to Toungoo. It was thought that these arrests were an attempt to make allegations against the KNU, claiming that the attacker had crossed the Salween from Thailand. Saw Mer Ler and Saw Ghay Ler Htoo were sent to army camps at Saw Hta and then Maw Pu and were held incommunicado. On 10 March 2006, Saw Ghay Ler Htoo escaped. His wife Naw Lah Hser Paw and her infant child were then arrested, but later released. Saw Mer Ler's fate is unknown.¹⁵³

On 18 December 2006, in the Kaw-poke area, one bulldozer and one petrol tanker belonging to the SPDC were destroyed by KNLA troops. However, the SPDC troops arrested the Kaw-poke village head and ordered him to pay for the costs of the vehicles destroyed.¹⁵⁴

Thaton District

On 24 June 2006, Tin Win of the DKBA arrested and beat up Maung Shwee, Kyaw Win and Thin Nyut of Ler-klaw village, Bi-lin Township. The reasons are unknown.¹⁵⁵

On 11 July 2006, DKBA troops led by Than Htun arrested and tied up Ta-eu-ni villager, Saw Mya Oo, in his paddy field hut. He was interrogated and beaten until his skull was fractured.¹⁵⁶

On 28 July 2006, Mae-theh villager, Pa Ta Ba, who had been seized by DKBA troops for use as a porter, stepped on a landmine, in Ta-baw-mu area.¹⁵⁷

On 6 August 2006, Commander Tin Win of DKBA Brigade #333, based in Thaton Township, arrested villager Saw Pa Taw Tee (45), of Noh-ka-day village and Saw Wah Kyo (35), of Mi-gyaung-aing village. Both were accused of working with the resistance, and were detained indefinitely. They were still detained as at February 2007.¹⁵⁸

On 13 August 2006, Kyaw Min of DKBA accused Lay-po-hta villager U Myat Tha Dun of connections with the KNU. He was beaten and 5 viss of pork was then demanded of him.¹⁵⁹

Toungoo District

On 6 February 2006, troops from SPDC LIB #66, arrested Paw-per (Bin-ba), Saw Tha Klow, Ya lo (Myauk chaung), Saw Maw Heh Bweh and Saw Kwar Tay, in the Play-hsa day auk paing Htee plar day areas, Tantabin Township. The reasons are unknown.¹⁶⁰

Between 8 and 14 February 2006, according to a report by the Committee for Internally Displaced Karen People, 135 people were detained from Kaw They Der, Kaw Law Kar, Ky Thay Der and Sar Bar Law Khi villages, for use in forced labour by the military.¹⁶¹

On 13 February 2006, SPDC LIB #80 troops, led by Bo Kyaw Thura, arrested 13 men and 7 women of Ky-thay-doe village, 10 Shar-law-khee villagers and 10 Ler-gi-kho-doe-kar villagers and forced them to cut timber for the Ku-thay-doe army camp.¹⁶²

On 14 February 2006, SPDC TOC #663 troops, led by Maj. Nay Myo Aung, arrested and beat up Paw-per (Bin-ba) villagers, Tantabin Township. Those persons arrested were:

1. Saw Ser Moe Lo aged 35,
2. Saw Maung Kyar Shwe 16,
3. Saw Baw Per 47,
4. Saw Tay Nay Poe 35,
5. Saw Maung Ploe Kaw 18.

These troops also looted from Paw-per (Bin-ba) villagers; 16 sacks of rice, 10 viss of salt, 15 viss of fish past, 3 blankets, 4 shirts, 1 bag, Saw Ser Moe Lo's 2 chickens and Saw Baw Per's 2 chickens.¹⁶³

On 7 May 2006, SPDC troops arrived at the Ye-da-gun camp and seized 2 Ye-da-gun villagers. They were still detained as of August 2006.¹⁶⁴

On 25 June 2006, troops from SPDC IB #14, 4, 5 and 108, arrested villagers in Baw-ga-li village, Ye-tho-gyi village, (3) Thay-mu-doh village (2) and Ka-tho-chee village (2) on the basis of allegations they had sent information to foreign media sources.¹⁶⁵

On 5 September 2006, soldiers from IB #73 under the command of Aung Kah entered Zee Hpyoo John Village and searched through houses. They arrested Saw Htoo Per and his family. Saw Htoo Per's wife and children were ultimately released but Saw Htoo Per and his son Saw Baw Baw Htoo were later executed.¹⁶⁶

In October 2006 soldiers from SPDC LID #66 operating in areas of Kler La Township, were conducting search and destroy missions targeting displaced villagers covertly harvesting their rice. They came cross a group of farmers and opened fire. All the farmers save for Saw Bpin K'Nay, aged 16, were able to escape. Saw Bpin K'Nay was detained at the camp, regularly tortured, and not provided sufficient food. He was later able to escape, despite plans for his execution.¹⁶⁷

On 2 December 2006, soldiers from IB #48 arrested Saw May Htoo (47) and his son Saw Thaw Thi Htoo who resided in Kheh Der village but were visiting Dtaw Gkoo village. On the same day Saw Ba Sein, village head of Zee Hpyoo Kohn (50), U Shwe Maung, (50) village head of Dtaw Gkoo, and the village head of Ray Hla were also arrested. They were detained and tortured for a list of relatives of KNU members in the villages. The Ray Hla village head

was released, but as at February 2007, KHRG had received no further information about the other village headmen.¹⁶⁸

On 23 December 2006, because 30 villagers from Kaw-thay-doe village would not comply with the order of Comm. Aung Soe Win of SPDC LIB #6 to clear bushes along a road where landmines were, Comm. Aung Soe Win detained three villagers as hostages until the villagers did the work.¹⁶⁹

On 28 December 2006, military columns from LIB #6 and IB# 36 under TOC #662 arrested and tortured Saw San (40), of Kaw Thay Doe village, before sending him to Baw-ga-li-gyi army camp.¹⁷⁰

Karenni State

Between January and June 2006, FBR noted that villagers in the Central region (Deemawso, Kaylya, and the No.3 province) were being frequently intimidated and mistreated by SPDC troops. People had been arrested for investigation or to guide troops through the fields, and were particularly at risk if there was nearby shots, or evidence of nearby Karenni resistance forces.¹⁷¹

On 20 February 2006, four villagers from Kaylyar were arrested including the village secretary and beaten by SPDC troops from LIB #102 and #54 due to allegations they had given information to Karenni forces to provoke a gun fight between LIB #102 and Karenni forces the day before.¹⁷²

In the last week of March 2006, the fire watch guard from Lawkykhu, Prusoe Township, was badly beaten by troops from LIB #102 after sounding an alarm whilst on fire duty, when the alarm coincided with the advance of the SPDC. He was accused of warning Karenni rebels of the troops' presence. He was detained in a prison cell overnight and then released.¹⁷³

On 1 May 2006, 32 villagers from Hteekludaw, Hteepawso, Daw Nyekhu and Hsolyaku were arrested by SPDC LIB #428 following a bomb blast on a road between Pruso and Demawso. They were detained at the army base for one week.¹⁷⁴

On 5 June 2006, Berresel, an 8-month pregnant woman who was taken into custody because her husband could not be located, reported that whilst she was kept in custody by the junta's Regional Command in Loikaw, she had been beaten with a stick. Berresel reported seeing other pregnant women being summoned, and the woman in the next cell came back unconscious from a beating. Berresel was released after 15 days, and escaped to the Thai border. She reported that there were at least 5 other pregnant women as well as other women and children at the prison.¹⁷⁵

On 16 June 2006, five Karen from Loikaw and Pasaung Townships were arrested and detained for allegedly having contact with the KNU, under Act 17/1. According to local residents, those arrested are relatives of Saw Ge Thaymu (a.k.a. Saw Nayla) who is being held in connection with bomb blasts that occurred on 3 March 2006 at Toungoo. The persons arrested were:

1. Pastor Boh Reh, South Ward Pasaung;
2. Saw Tamla Htoo, North Ward Pasaung;
3. Saw Bwedo Htoo, Mawchi Village Pasaung;

4. Naw Theh Htoo, Maing Lone Ward Loikaw; and
5. Naw Angela, Maing Lone Ward Loikaw.¹⁷⁶

Mon State

On 1 February 2006, there was an explosion on the gas pipeline near Kwan Hlar village, Mudon Township. Shortly after this, the South East Command of the SPDC army arrested 11 village leaders including the chairman and secretary of the Kwan Hlar Village. All were released in mid-May 2006, after payment of 1,000,000 kyat each and each having signed a declaration that New Mon State Party (NMSP) member, Nai Ong Janah, caused the explosion. The junta's relationship with the NMSP soured after the opposition group refused to participate in the NC.¹⁷⁷

On 9 November 2006, 5 villagers from Khaw-Zar Sub-Town, Ye Township, including a 14 year old boy, were detained and tortured for two days by SPDC troops from IB #31, in connection with the activities of a Mon Splinter armed group.¹⁷⁸

On 15 November 2006, another two villagers from Yin-Yae village, Khaw-Zar sub-Township were tortured by the same troops because they had not advised the SPDC of Mon rebel groups who had been in their village, whilst on forced sentry duty.¹⁷⁹

On 4 December 2006, after a military battle between SPDC troops and a Mon splinter group in an orchard plantation near Khaw-Zar sub-town, troops from SPDC IB #31, led by Lt. Col. Myo Swe arrested, detained, interrogated and tortured approx. 100 civilian villagers, half of whom were women and 15 of whom were children. The torture included electric shock treatment of the men and assaults upon the women. Approx. one to two weeks later, following the interrogation, SPDC officers extorted large sums of money for the release of the villagers. On 13 December 2006, San Shay, a plantation owner who had been arrested near where the battle had been held, was released after he paid 500,000 kyat. Villagers reported that he had suffered terrible injuries, and he fled the area after his release. On 18 December 2006, Ko Kyaw Naing, who had been arrested in Ye Township, was released upon payment by his family of 1,000,000 kyat. Other villagers were released after payment of between 300,000 and 500,000 kyat. Those who could not pay were accused of supporting Mon rebels. Upon their release, SPDC troops banned the villagers from going to plantations and farmlands outside Khaw-Zar and Ye Townships.¹⁸⁰

Pegu Division

On 27 June 2006, 6 villagers including Pastor Saw Tun Ni from Bo Kone Village, Khintanggyi hamlet in Tawkywe-inn Township, eastern Pegu Division, were arrested in their homes and detained in Toungoo Jail, then transferred, first to Mandalay Prison and then Khamti Jail. It is unclear for what they were arrested, save for it is understood that they may have been accused of being KNU supporters.¹⁸¹

On 13 July 2006, SPDC troops forcibly gathered villagers in the Maw-nay-pwa area, in Tabin Township and sent them to Tat-pu army camp near Tat-pu village, forced to carry food supplies for the army.¹⁸²

Shan State

On 2 January 2006, 40 soldiers of the Shan State Army South (SSA-S) Brigade #241 and its commander, Sa Khun Kyaw, surrendered to the SPDC army near the village of Namtee, Nam Kham Township in northeast Shan State. On 4 March 2006, Sa Khun Kyaw and 24 soldiers were sentenced to death at a trial in Lashio Prison in northern Shan State. They were accused of being involved in drug trafficking, murder and use of child soldiers. An SSA-S spokesperson refuted those accusations.¹⁸³

On 12 January 2006, a Kachin Independence Army liaison officer, Lt. Laphai Yaw, was on his way to attend a funeral of his colleagues killed by SPDC soldiers at Mu-Se in northern Shan State, and was detained for a night, before he was permitted to continue.¹⁸⁴

On 17 January 2006, Ti-Ma and Naang Poi, a husband and wife from Ka Li Village, in Ka Li Village tract, Kun-Hing Township, disappeared after being arrested by a patrol of SPDC IB #246. Other villagers observed their arrest and interrogation in the forest where the troops had come across them. They were reportedly beaten during the half hour interrogation, before being taken away by the troops. They were not seen again.¹⁸⁵

In early 2006, rice traders at the Kaeng-Tung Township were arrested after being accused of trading in rice without permission, even though permission had been obtained from the very same troop arresting them; SPDC troop LIB #314. Their rice and trucks were seized at the Ta Ping village checkpoint and they were arrested despite paying money extorted from them to avoid arrest. They were then required to pay more money for their release and it was expected at the time of this report that further money would be needed to get their trucks back.¹⁸⁶

On 18 April 2006, 38 persons returning to Shan State from a Christian congregation held in northern Thailand were detained by Wa troops in Monmai, north of the Wa capital Panghsang. Charges brought included giving sermons and distribution of papers without official permission. Nineteen of the group, mostly in their teens, were released not long after, but others were still in custody a month later.¹⁸⁷

On 3 May 2006, SPDC troop LIB #574 arrested 55 year old Lung Ma-La, at his sesame farm in Ton Hung Village tract, Kaeng Tawng Sub-Township. He was beaten and interrogated until the village leaders pleaded for his release, but his mental health had already been permanently damaged. The reason for his arrest is unknown.¹⁸⁸

On 9 June 2006, Zaai Awng, a Palaung villager of Ho Ha in Kun Mong Village tract, was arrested and interrogated by SPDC troops. He already suffered from a mental condition prior to the attack. He was taken with the soldiers when they left. As of November 2006, his whereabouts were unknown.¹⁸⁹

On 28 June 2006, a car travelling towards Murng-Ton Township was stopped by SPDC patrol LIB #332 to check the passengers ID cards. A 19 year old novice monk, from Wan Naa village in Kaaad Phui Village tract in Murng-Kerng Township did not have any ID, but was found to be in possession of 1,000,000 kyat. Upon finding the money, the soldiers accused him of carrying a gun, and being a deserting Shan soldier. His fellow passengers, who reported the event, do not believe this to be the case, asserting that they knew him to be a genuine monk. He was detained and as of December 2006, he had not been seen since.¹⁹⁰

On 7 July 2006, the village headman of Nam Lawd Village in the Mawk-Mai Township was arrested by SPDC LIB #322. He was accused of recruiting Shan resistance soldiers and sentenced to two years' imprisonment. Similarly, the village tract headman from Kaa Ha Village and Paaung Zurng Village, Lung Haeng Pan-Ta, was accused of collecting money for the Shan resistance and detained at the military base.¹⁹¹

On 8 July 2006, Zaa Ti, 19 years of age, was arrested by soldiers from SPDC IB #99. He was interrogated about the presence of Shan troops in the area, then tied up with a rope and beaten until he was unconscious. He was released after his father and community leaders spoke to the troops.¹⁹²

Also on 8 July 2006, a couple and their 2 daughters from Laai Paang village in Ho Yaan Village tract, in Kun-Hing Township, were travelling on a bus from Murng-Pan to Murng-Ton. They were arrested by SPDC troops LIB #519 in transit at Saa-Laa Village in Murng-Ton Township and detained in a Buddhist monastery for 4 days until they paid a 220,000 kyat fine, on the basis that their daughters were underage and ought not to be travelling with them to the Thai border.¹⁹³

On 9 July 2006, SPDC troops from LIB #524 led by Capt. Naing Kyaw Oo, entered Loi Khu Village in Wan Paang Village tract, Kun-Hing Township and surrounded the temple, where the villagers were gathered to observe the first day of Buddhist Lent. The troops interrogated the villagers, and beat them, on the basis that Shan soldiers went through the village that day. Ten villagers, 7 men and 3 women, were seriously injured. The troop continued on to Wan Paang Village, and asked more villagers about Shan soldiers. There, the villagers reported sighting the soldiers. The troops then returned to their base.¹⁹⁴

Also on 9 July 2006, a different set of SPDC troops from the same battalion, LIB #524 led by Lt. Hpyu Myint, went to Naa Khu Naa Pe village in Wan Paang Village tract, Kun-Hing Township and interrogated and beat upon villagers who had been gathered in the temple, on the basis that some Shan soldiers had gone through the village. After doing this, and seriously injuring approx. 5 persons, they conscripted 5 women as porters. The women were released when they reached the Nam Khaam village. On 19 July 2006, the village tract headman of Wan Paang tract, Lung Mae-Tha, 56 years, was arrested and detained by the troop. On 21 July 2006, secretary Lung Tin Awng, 55 years, and village headman of Nam Khaam village, Lung Pan-Nya, were also arrested and detained by the same troop. On 22 July 2006, the village headmen of Waeng Naang Village, Lung Lung, and of E-Kaw Village (name unknown) were also arrested and detained. The men were detained, interrogated and tortured at the troop's base for a number of days before most were released. However, the fates of Lung Pan-Nya and the headman of E-Kaw village are unknown.¹⁹⁵

On 17 July 2006, soldiers from SPDC LIB #363 arrested 6 villagers from Loi Kok, a Lisaw Village in Ho Loi village tract, Mawk-Mai Township. They were detained at the Murng-Nai Township and a fine of 1,000,000 kyat each was demanded and paid. Their 3 motorcycles which had been seized were returned, although 10 pigs and 1½ baskets of opium seeds were not.¹⁹⁶

On 24 July 2006, SPDC troops from IB #248 arrested and detained the headman of Tawng Gyi village, Lung Wi-Sa, after they found some opium seeds in his house. He was tied up for one night and released, his opium seeds seized.¹⁹⁷

On 5 August 2006, a patrol of about 40 SPDC troops from IB #246, led by Commander Zaw Lwin, arrested 5 villagers of Nam Khaam village, Wan Paang village tract, Kun-Hing Township. The five men arrested and their ages were;

1. Lung Pan-Nya, 58;
2. Lung Ta, 59;
3. Lung Zit-Ta, 53;
4. Lung Kaw-Wi, 62; and
5. Pi Saang Aw, 49.

The villagers were detained in a lockup in the military base and were taken out at night to be interrogated about the activities of Shan soldiers in the area, with their interrogators often inebriated. During interrogations, the villagers were beaten with sticks and even shocked with electricity, sometimes leading them to lose consciousness. The interrogations continued right through August. On 1 September 2006, Lung Pan-Nya, was accused of being an agent of Shan soldiers and taken to the Nam Pang river at night where he was beaten to death and dumped into the water, about 2 miles southeast of Kun-Hing town. The four other men have since disappeared, and are also believed to have been killed.¹⁹⁸

On 13 August 2006, 42 year old Zaai Yaw of Huay Lin Lam village in Murng Phong village tract, Tachilek Township, was stopped by police at a checkpoint outside of Tachilek town. The police fined him 3,000 Thai baht as he had no tax certificate and attempted to confiscate his motorcycle. Zaai Yawd disputed the confiscation of his motorcycle with the police, claiming that there were no known designated places in which to pay vehicle tax in the area. In response the police officers accused him of defying their authority. He was arrested and subsequently sentenced to 10 years imprisonment. Community leaders managed to secure his release with a payment of 200,000 Thai baht to the authorities, whereby his sentence was reduced to 10 years' probation.¹⁹⁹

During September 2006, a number of villagers in the northern Shan state were arrested for tending poppy farms, by police and SPDC soldiers from LIB #130, led by North Eastern Division Strategic Comm. Lt. Col. Myo Hla. On 25 September 2006, Jone Ja Village head Kon San Sar and U Nyi Sen, Aik Lu and Nai Dyat were arrested; and on 27 September 2006, 10 Palaung villagers from Naw Yreang village, Manton Township were also arrested. These villagers say they are finding work in the poppy fields because there is no other way of earning money in order to buy food. They are suffering from famine-like conditions. The owners, and organisers of the farms, who they suggest are primarily Chinese, are not being arrested.²⁰⁰

On 2 November 2006, soldiers from LIB #144 led by Lt. Myo Thura arrested and beat U Nai Haing, Nai Htin, Aik Htwe, Aik Kyan and U Man Naw (Palaung and Kathin ethnic men) of Pan Khar Village, Laow Homg tract, Nam Kham Township, under accusations of using illicit drugs. After that, U Aik Ngo Kharan and his sons Long Pha and Kyar Pha were detained and beaten, U Kharan sustaining a serious eye injury. The following day, Kon Aye Htan Kyaw Min, his wife Daw Nang San and Aung Kyaw Moe were all beaten. All villagers were taken to the village headman's house, where they were interrogated and tortured, until 6 November, when all were released without charge.²⁰¹

In mid-November 2006, police based in Nam Kham led by Kaung Htut arrested and beat a man from the Nam Kham Township, Ben More new quarter, Northern Shan State, under accusation of selling opium. Police reportedly sought 1,000,000 kyat for his release from his wife Daw Aye Aie.²⁰²

3.4 Arbitrary or Politically-Motivated Arrests of Civilians

In January 2006, the Hong Kong-based Asian Human Rights Commission (AHRC) issued a damning report about the human rights situation in Burma, laying blame with the junta for its failure to provide an adequate legal system to protect its own citizens from incidents of arbitrary arrest, forced labour, torture etc: AHRC claimed “*Thuggery and coercion by local authorities and police are part of life for people throughout Burma, whether inside prisons or out.*”²⁰³

Extra-judicial beatings, killings and other abuses perpetrated by the police, army, local government officers and other officials are conducted with impunity (see for example the incidents under part 3.4 dated 14 March 2006; 19 March 2006; 25 March 2006; June 2006; 8 June 2006; 19 June 2006 and 27 June 2006). And it is not merely those facing charges of perceived political conduct who suffer from the flaws within the Burmese justice system. A December 2006 AHRC report said:

*“In Burma today it is unsurprising to hear that someone has been assaulted or killed over the alleged possession of a small quantity of drugs; supposed suspicion of petty theft; urinating in a public place, or otherwise doing anything that may cause offence to local officials. None of these are the sort of celebrated political cases for which Burma usually obtains attention. But they are the sort that affects the overwhelmingly large number of people in the country.”*²⁰⁴

Often, an ongoing dispute can be traced between the arrestee and somebody within a position of authority or close to the SPDC within the area.²⁰⁵ Ordinary persons who have cause to appeal or complain about administrative actions taken by local authorities, or governmental programs (for example, compelled growing of castor oil and psychic nut crops) which adversely affect them or their property, are frequently subjected to reprisal prosecutions, usually for making false complaints or defamation of the government, (see, for example, incidents under part 3.2 dated 23 January 2006 and under part 3.4 dated early January 2006; 18 January 2006; 25 February 2006; 8 March 2006; 14 March 2006; 29 March 2006; 5 April 2006; August 2006; 27 September 2006 and 29 December 2006.)

Furthermore, despite the well-publicised releases of Su Su Nway and Aye Myint in 2006 following pressure from the ILO, there remained at least nine other persons languishing in Burma’s prisons, serving terms for contacting the ILO²⁰⁶ Citizens also faced arrest under accusations of giving information to foreign-based, Burmese language radio stations. In February 2006, the Ponna Gyunt Township authorities were reported to have established secret agencies in local villages to look for informers feeding foreign media.²⁰⁷

Partial List of Arbitrary and Politically-Motivated Arrests and Detention of Civilians in 2006

In early January 2006, Kyi Maw, a former school teacher at Kanthaya Ward, Magwe in central Burma, was imprisoned for writing a letter of complaint to the municipal authority about the erratic water supply system. He was arrested and charged for filing false reports under Act-192, and sentenced to 6 months in prison, as the authorities said the water had been working, contrary to local residents’ reports.²⁰⁸

On 16 January 2006, it was reported that many construction workers working on the construction of Burma's new capital Nay Pyi Daw, had been arrested for taking photos of the new capital. An anonymous civil servant reported that between 4 and 6 people were being arrested per day.²⁰⁹

On 18 January 2006, Ko Aung Myint Oo was arrested in Meikhtila, Mandalay, and savagely assaulted with various objects around the roadside. Police led by Dep. Sup. Aung Than Htay, claimed that Aung Myint Oo had brandished a weapon. After Aung Myint Oo was sentenced, the judge ordered that he be treated in hospital, due to the extent of his injuries. However, police instead first took him to prison and then to an outpatient clinic. Both agencies refused to admit him, due to his serious condition. He was finally taken and registered in the Township hospital, with two broken ribs and severe injuries to his face and body. A week later, police removed him with shackles and handcuffs, against medical advice. Aung Myint Oo's family made a complaint about this treatment. Police investigators, led by Dep. Police Comm. Ko Than Htun repeatedly questioned, harassed and coerced his mother and wife, until they agreed to discontinue their complaints.²¹⁰

On 9 February 2006, two people were arrested in Moulmein, Mon State, for receiving "*suspicious*" international calls on their mobiles.²¹¹

On 25 February 2006, a member of the Rangoon Insein Township Phawkkhan Christian evangelical church, Yeh Zaw, who had written, together with several church leaders, to SPDC chairman Sen. Gen. Than Shwe urging the end of persecution of his church, was arrested and detained in Pa-an, Karen State. His wife Naw Sa Eh advised that on 9 March 2006, his family was finally advised that he was detained for lying and travelling without an identity card under Act-420, 406. She also said that Yeh Zaw had been interrogated on 10 March 2006 and was transferred to Pa-an Prison from the police station on 16 March 2006.²¹²

On 28 February 2006, 41 persons were arrested by authorities in connection with anti-Muslim riots in Chauk, Magwe Division. Initially, 14 people were arrested, interrogated and sentenced to 2 years in Tahyet prison. Residents in Chauk reported that they had not had access to lawyers before the trial. Another 27 persons, including a 73 year old man, remained in Magwe police custody without charge. The vast majority of those arrested were reported to be Muslim. The riots reportedly arose over the allegation that two Muslim men had raped a Burmese girl. In the result, two mosques were destroyed, houses and shops damaged and several people were injured. The riots first broke out in Ushik Kone Village in Sin Phyu Kyun Township, Magwe Division on 16 February before spreading to Salin, Pwintphyu and Chauk Townships over the next few days.²¹³

On 8 March 2006, Yeh Aung, 30 years, from Pe-kone Village, Myothit Township, Magwe Division in central Burma, was arrested for 'criticising' the government-imposed nationwide castor oil/physic nut plantation project. He was arrested after attempting to report the village authority chairman Yeh Win for misappropriating money, to higher district authorities. Local residents reported that Yeh Win directed Yeh Aung's arrest after hearing of the complaint.²¹⁴

On 19 March 2006, police officers assaulted the family of a man they were seeking to arrest for causing a noise when forced to guard a security checkpoint overnight, at Daik-U, Pegu Division. Naing Too had resisted the arrest, wounding one of the police officers, and then escaped. Police savagely and publicly beat up his family members with sticks, including his 70 year old father, Tun Shwe, his mother Yin Myint, younger brother Zeya San and his wife

Ni Ni Mar, before detaining the family. The matter was reported by neighbours who witnessed the beatings.²¹⁵

On 24 March 2006, two journalists, Thaacho (Hinthada) (a.k.a. Thaung Sein), and Moe Tun (a.k.a. Kyaw Thwin) were each sentenced to the maximum three years imprisonment, for videotaping and taking pictures of Burma's new administrative capital Nay Pyi Daw, for commercial purposes without permission, under Video Act-31A. They had been arrested on 23 December 2005 and detained at Yamethin Prison. Their appeal to the Yamethin District Court in April 2006 was rejected, as was the further appeal to the Mandalay regional court, delivered on 21 June 2006.²¹⁶

On 25 March 2006, Wai Phyo Naung, a young cart-pushing porter at Kaingdang Market in Mandalay, was arrested for loitering and beaten up by municipal officers. He was then handcuffed and handed to police officers who interrogated him. Police claimed he hung himself in the police station on 26 March 2006; however, other reports suggest he was beaten to death.²¹⁷

On 29 March 2006, U Tin Nyein, 49 years old, was jailed for two years, for complaining that his crops were destroyed after embankments on a stream were demolished by SPDC workers. He was sued for spreading "false information" and convicted in Bogalay Sub-Township Court without a hearing of his defence. He successfully defended this on appeal, but the higher court did not order his release. Rather, the court instructed that he instead be prosecuted under a different provision, which was then submitted by the authorities and of which he was duly convicted (of causing a breach of the peace and upsetting public tranquillity), despite his having 7 witnesses to support his original case.²¹⁸

On 5 April 2006, 23 members of the Booshwemaw Village, Taungup Township religious committee in Arakan State were arrested by the SPDC on the basis that they had opposed the government. The former village secretary and ex-chairman of the committee, Tun Khin, had made the complaint when he was requested by the committee to show account for the loss of 6,000 tins (bushels) of communal paddy during his chairmanship. Family members were not permitted to see those detained. Local residents report that the members of the committee are not NLD members, but rather, members of the pro-military junta party National Unity Party (NUP) and the USDA.²¹⁹

On 30 April 2006 it was reported that police had arrested and interrogated hundreds of civilians, investigating bomb blasts in Rangoon on 20 April. The bomb blasts exploded in Rangoon's Kyaktada, Lanmadaw and Dagon Townships, causing minor damage to a post and telecommunications building, but no human injuries or casualties. It is understood that up to a thousand civilians throughout the country were interrogated, although the police advised that no one had been detained. One former detainee reported that police demanded 30,000 kyat off him for his release.²²⁰

In May 2006, Nyan Tun, a farmer from Magyeesin Village, Salin Township, Minbu District, Magwe Division, was imprisoned for writing to Sen. Gen. Than Shwe to complain of corrupt practices by local authorities (namely collecting money for a generator for an SPDC water project for farmers in the Minbu District and instead using it for their own battery business, later selling batteries to farmers at 100 kyat each). He was sentenced to 3 months and released on 21 August 2006. No action was taken against the authorities.²²¹

On 8 June 2006, Ma Khin Mar Lwin, 24 years, a washerwoman from Ohbo ward, Kyimyintaing Township, Rangoon, was arrested upon allegations she had stolen some belongings. She was allegedly beaten so severely by police officer Ne Myo that her eardrums broke and her body was covered in bruises. She was reportedly offered money to stay silent about the ordeal, but she refused it, saying she would complain to higher authorities.²²²

On 19 June 2006, Ma Nyo Kyi, 23 years old, was arrested by police Dep. Sup. Zaw Lwin in Yetashe Township, Pegu Division, while on her way home from a shopping trip. The reason for her arrest is unknown. She had her 8 month old baby with her, and both stayed in custody overnight. Police delivered the baby back to her family in the morning, but when the family brought the baby back for feeding, the police on duty told them that Nyo Kyi had been sent to hospital after hanging herself in the cell. The doctors found severe injuries on the head and back of the dead woman.²²³

On 27 June 2006, Maung Maung, 40 years, from Dawpon Township, Rangoon Division, was arrested in regards to the death of his father, and was interrogated. However police later advised his family that he had to be taken to hospital under emergency, from where he had escaped. He is feared dead.²²⁴

On 5 July 2006, Awih Zan, 52 years old, from Tahan block, Kalaymyo, Sagaing Division, was arrested in lieu of her son Salai Cin Sian Mung, 16 years, who was wanted by authorities for the theft of a motorcycle. In mid-September, after 2 months in custody, Awih Zan was sentenced to a further 3 months imprisonment for her son's alleged crime.²²⁵

On 16 July 2006, ex-SPDC Sergeant, Naing Oo, from Hlegu Township, was arrested for staging a solo protest outside Rangoon City Hall against the junta's failure to increase war veterans' pensions. He carried posters bearing the slogans, 'Increase our Pensions' and 'Release Daw Aung San Suu Kyi.' The protest came in the wake of a five-fold salary increase for civil servants, which angered many citizens, because of the rampant inflation that would result.²²⁶

In August 2006, U Tin Kyi, 65 years old, a farmer of Kyaung Gone in the western delta region, was sentenced to 4 months' imprisonment for resisting efforts to turn land neighbouring his property into a plantation under a government scheme. He was charged with having threatened and abused a group of workers on the site, sued by the local council chairman, and convicted despite the allegations being hearsay only, with no other evidence. The land is being taken over by the son of a senior military officer. Further charges are apparently being prepared against Tin Kyi and other farmers in the area.²²⁷

Also in August 2006, it was reported in the *Myanmar Times* that police in Rangoon detained over 1,500 homeless people, as part of a new tough approach to street crime. The police stated that these people were connected to 157 theft cases reported in Rangoon over the two previous months. Over 300 of those arrested were homeless gypsies, nearly 350 were beggars and nearly 1,000 were rubbish collectors, most of whom were under 16 years old.²²⁸

On 3 August 2006, 10 rice merchants, including former rice merchant association chairman U Nyein, were arrested in Rangoon by authorities, allegedly for selling rice at more than 1000 kyat a *pyi*. On 23 August 2006, the men remained imprisoned, and their colleagues, other rice merchants, reported that they were being interrogated and prosecuted, contrary to public

statements by SPDC Information Minister Brig. Gen. Kyaw San, who had claimed they were there for ‘co-operation’.²²⁹

On 17 August 2006, the director and general manager of Arakanese oil company, Daung Min, Khin Maung Than and Aung Kyi Aye, along with other senior staff members of the company were sentenced to lengthy periods in jail (35 years for the executives and between 7 and 15 years for the staff). It is unclear what they were sentenced for, but it is thought that the junta wanted to control the fuel import market.²³⁰

In the first week of September 2006, U Ngai Za Than, the VPDC chairman from Cinmual block, Falam Township, was arrested and interrogated, before being sentenced to 6 months imprisonment under charges of state mutiny for failing to report in a timely manner to meetings. The role of chairman is a compulsory appointment, without a salary.²³¹

On 18 September 2006, tomato sellers were barred from selling their produce at Kaingdan Market in Mandalay, central Burma, with some vendors being arrested.²³²

On 22 September 2006, around 30 students were reportedly detained at Myingyan Degree College, Mandalay Division, after staging an impromptu demonstration. As of 24 September 2006, they remained in military custody.²³³

On 27 September 2006, Daw Khin Win, 51 years old, from Rangoon’s Kawhmu Township, was counter-sued by Win Shein, a local member of the Nyaungbintha VPDC, for “false claims” against an official. On 6 November 2006, she was released on bail. In November 2005, Khin Win had sued Win Shein for extortion, illegal land transactions of state land and acquiring diesel and fertilizer by falsifying data about the cultivation of rice. On 13 November 2006, the junta’s newspaper, *New Light of Myanmar*, reported that Khin Win, with the help of NLD members and others, filed false claims, and that local residents had criticised attempts by the NLD and Su Su Nway to influence the outcome of the case. Both of these facts are heavily disputed.²³⁴ On 29 December 2006, Daw Khin Win was sentenced to 1 year in prison for filing a ‘false suit’ against her VPDC.²³⁵

In the week of 9 October 2006, famous astrologer and novelist Min Thein Kha, was arrested for predicting that the new capital Nay Pyi Daw will last only two years, when there will be a change of government. Reports from inside Insein Jail indicated that he was being held there, although officials would not confirm or deny this. Min Thein Kha had previously been arrested during the 1988 uprising.²³⁶

On 21 November 2006, it was reported that Win Nyunt and Aye Min, both from Bogalay Township, Irrawaddy Division, were sentenced to two years imprisonment for filing a corruption complaint against local officials. They had complained that VPDC members had siphoned money from their yearly agricultural loans. Following an investigation of the claims, Phyar Pon Division authorities warned Bogalay Township VPDC and ordered that they keep better records. In retaliation, the VPDC detained the two men.²³⁷

3.5 Foreigners Arrested and Detained in 2006

On 6 May 2006, 21 Indian villagers living and working on the Indo-Burma border were arrested by the SPDC LIB #269, led by Maj. Kan Maw and Lyin Oo of the Cikha police. The villagers were arrested felling trees in Aisih village, under Cikha Sub-Township of Tonzang Township, northern Chin State. Three trucks and an estimated 5 tonnes of pine were seized and the villagers placed into custody.²³⁸

On 13 May 2006, 21 villagers were arrested at Maungdaw Township, Arakan State, including 5 Bangladeshi and 16 Burmese from Buthidaung Township, working in Maungdaw Township as wood-cutting labourers.²³⁹

On 16 August 2006, NaSaKa reportedly abducted three Bangladeshi labourers from the Naf River in Teknaf Township, Bangladesh. Teknaf Police reported that NaSaKa intruded into Bangladesh territory and shot several gunshots before abducting Faridul Alam, 34, Shabuddin, 40, and Mokter Hossain, 38. The men were held at a NaSaKa camp in Maungdaw Township until a ransom was paid. Two further Bangladeshi's were reported to have been abducted in a similar fashion on 13 August 2006.²⁴⁰

On 10 October 2006, NaSaKa forces abducted 30 Bangladeshi nationals from a border area of Cox's Bazaar district, near the Bandom border of Bangladesh, opposite Burma's new Sub-Township Taungbro, 60 miles north of Maungdaw. They had intruded into Bangladesh territory to do so. The detainees were taken to a NaSaKa border camp at Dheki Bonia. The reason for the arrests is unknown. Earlier that week, NaSaKa had also abducted three Bangladeshi citizens on extortion charges.²⁴¹ On 29 December 2006, by agreement with Bangladesh, 26 Bangladeshi prisoners were to be returned to Bangladesh. However, NaSaKa reported that three of the prisoners had died in custody, so only 23 were returned.²⁴²

On 22 December 2006, NaSaKa forces seized a Bangladeshi fishing boat and detained its crew of 12 from the Naf River in Bangladesh territorial waters, reported Koniya, from Zadi Moral Village in Teknaf. The boat was owned by a member of the Zadi Mora village in Bangladesh, Khobir Ahamed. NaSaKa were from Toinnga Duang (Ywet Nhyo Daung) camp, Maungdaw Township. The men were detained until one was released on 23 December 2006 to collect 1000 *taka* per head for the men's release. He managed to do so, and all were released, along with the fishing boat.²⁴³

3.6 Prolonged Detention

Burma's 1975 State Protection Law ('The Law to Safeguard the State Against the Dangers of Those Desiring to Cause Subversive Acts') permits 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 fact that authorities are able to order such prolonged detention on such vague grounds has been a matter of concern to the UN for some years.²⁴⁴ Regardless, the junta continued to maintain that such laws were necessary for maintaining peace and order throughout 2006. Revision of such measures, the Attorney General advised AI in 2003, will only occur once peace and order are achieved.²⁴⁵

These provisions provide the junta with unchecked power to hold senior members of the NLD under house arrest and in prison for extended periods. The political benefits for the SPDC in the effective incapacitation, or at least withdrawal from the public eye, of for example, Daw Aung San Suu Kyi, are apparent. The only avenue of appeal from Act-10A decisions is an internal government review.²⁴⁶

On 18 January 2006, the prison term of Dr Than Nyein, MP-elect of Rangoon Kyauktan Township, was extended for a further 12 months under Act-10A. He had been sentenced to seven years in 1997 for forming a NLD youth organisation and arranging a public rally for Daw Aung San Suu Kyi at nearby Mayanggone Township and had been due to be released in July 2004. His sentence has been continuously extended since that time. NLD lawyer Nyan Win advised that an appeal was lodged on 28 March 2006, however, as of May 2006, there had been no response.²⁴⁷

On 3 February 2006, the prison term of Dr May Win Myint, 56 years, MP-elect of Rangoon Mayanggone Township was extended by one further year under Act-10A, according to her husband. This was the fifth extension of her term, a seven year term originally imposed in 1997 in connection with her formation of the youth branch of the NLD at Mayanggone Township.²⁴⁸

On 13 February 2006, NLD spokesperson Myint Thein advised that the house arrest of NLD vice-chairman, U Tin Oo had been extended for another year by the SPDC. U Tin Oo has been detained since 30 May 2003, when he and Daw Aung San Suu Kyi were ambushed by thugs at Depayin in upper Burma. He was initially held at Kalemmyo Prison, northwest Burma, for a couple of months before being placed under house arrest in Rangoon.²⁴⁹ On 8 March 2006, he was permitted to briefly attend a wake for his nephew, before being returned home.²⁵⁰

On 27 May 2006, Daw Aung San Suu Kyi's house detention order was extended for a further year by the junta under the State Protection Act-10B. The Burmese police chief, Maj. Gen. Khin Yi, was reported as saying the extension was due to the fact that she poses a threat to the security of the nation. The junta-run newspaper, *New Light of Myanmar*, reported that she was being detained for her own safety as well as that of the country. It also said that her days were "*numbered*," that she and her party were heading for a "*tragic end*"; "*The restrictions will never be lifted until she abandons her practice of the liberal policy.*" Her current term of detention commenced on 30 May 2003, when she was travelling in Depayin in upper Burma and was ambushed by USDA thugs said to have been sponsored by the

military junta. She had to be treated in hospital for injuries, but has been kept under house detention ever since. This had followed earlier periods of house arrest, from 19 July 1989 to 10 July 1995, then from 21 September 2000 to 6 May 2002. She has thus been under house arrest for almost 11 years of the past 17 years. The NLD reported that an appeal would be lodged, despite the fact that appeals from the earlier extensions had been lodged and ignored.²⁵¹

Another method that is used by the SPDC to extend incarceration of opposition party members and activists is the laying of further charges whilst in prison.

On 20 February 2006, it was reported by Monywa Township NLD organising committee member Khin Than, that the sentence being served by Nyunt Aung, youth leader of Monywa Township NLD, Sagaing Division, had been extended by six years and nine months. This had occurred seemingly as a result of further charges being imposed, after Nyunt Aung was severely beaten during a riot at Kalembo Prison, despite reports from some prison officers that Nyunt Aung had not been involved in the riot. Nyunt Aung had been actively involved in organising Daw Aung San Suu Kyi's visit to Monywa in May 2003 and had been arrested, fined 30,000 kyat and sentenced to three years imprisonment for giving 'illegal private tuition classes' under the Education Law. Locals insist he was instead arrested for being an NLD member and political activist.²⁵²

On 17 May 2006, Sagaing Division NLD Organising Committee member Khin Than verified reports that the prison term of Dr Win Aung, Sagaing Division Khin-U Township NLD chairman, had been extended within the prison for a further period of seven years on the basis of new charges of inciting people under the Emergency Provision Act-5J. Dr Win Aung had been serving a 10 year sentence at Shwebo Prison, imposed jointly upon him and Khin Maun Lwin in July 2005 for distributing video tapes of Daw Aung San Suu Kyi's trip to Sagaing Division and a book about the late dictator Ne Win authored by exiled writer Kyemon U Thaung contrary to the Video and Press Act. The sentence of Khin Maung Lwin was also extended.²⁵³

3.7 Conditions of Detention

Of Burma's 39 prisons, 20 are known to house political prisoners. Those jailed for their political convictions include journalists, editors, writers and poets; parliamentarians; Buddhist monks; political activists belonging to the opposition party, the NLD; political leaders of Burma's ethnic communities; students and family members of activists. Conditions between prisons vary, but all have been described as "*generally harsh*" and "*dire*" and dangerous to the health and wellbeing of prisoners.²⁵⁴

In 2006, it was reported that the junta's prison budget had been cut dramatically. On 29 June 2006, an anonymous official from Insein Prison reported that an Interior Ministry directive in May had advised that the SPDC will no longer fund prisoners' food supplies, but instead, will only provide salaries and subsidised rice to prison staff, who must then make arrangements for prisoner meals by using prisoner labour to cultivate their own food and/or earn money.²⁵⁵ In January 2007, the AAPP reported that the junta's budget stipulates that by 2009, prisons will be entirely self-funding. As a result, prisons are increasingly hiring out prisoners for labour as well as employing some to cultivate fields and farm around the prisons (e.g. around Tharrawaddy prison, Zee Gone Township). It has been reported that some prisoners are being used instead of oxen, for ploughing. Types of work engaged in outside the prison includes factory work (e.g. working in a sugar mill in Phaw Kyuu village, Okkan Township), construction, carpentry, making scented sticks, bricks, cheroot, shoes, growing garlic, and farming.

Another consequence of the tightened budget is that prisoners are now more regularly required to make payments for basic necessities.²⁵⁶ For example, on 4 March 2006, a recently released inmate from Insein prison anonymously reported that prison staff were extorting money from inmates and bullying or torturing those who could not afford to pay.²⁵⁷

Living Conditions

Daily life usually involves three to four prisoners kept together in small cells measuring 8 by 12 ft. (2.6 by 3m) for more than 20 hours per day. There are problems of overcrowding. For example, it was reported that there are approximately 70 patients in a 15 x 20 ft. room in the Tharrawaddy prison ward.²⁵⁸ Prisoners typically eat, sleep and defecate inside the cell, making for unsanitary conditions. Mats for sleeping are sometimes provided. However, recently prisoners have been asked to pay around 15,000 kyat for this privilege. Otherwise, some prisoners are left to sleep on the floor. Mosquito nets are not provided, rendering prisoners vulnerable to disease-carrying insects. Prison cells are often infested with insects and animals; including flies, lice, leeches, maggots, mice, mosquitoes, rats, scorpions, snakes, spiders and worms. Only two uniforms are provided per year, and washing is generally only permitted once a week. Uniforms deteriorate rapidly, and warm clothing for cool conditions is rarely available. During the 88 Generation Student Group's White Expression campaign, in 2006, many prisoners were actually provided with a new uniform; a blue one, whilst handing their old white ones back to the prison authorities. Increasingly, even taking a bath, or using the toilet, requires payment of 1,500 kyat.²⁵⁹ In April 2006, Naw Gay Paw, of Kyauk Kyi Township, was imprisoned at Toungoo prison by the military for having connections with KNU. It was reported that on her arrival at the prison, police demanded 2,000 kyat from her. She was required to pay 500 kyat to use the toilet, 200 kyat to take a bath and 500 kyat to get her meals.²⁶⁰

Burma's Prison Manual (Article 670) permits the reading of books and the writing of letters in prison, however political prisoners are frequently denied these rights. Restrictions reportedly eased in 1999, such that religious books and some periodicals are now permitted. However, officials often censor materials, seizing them either permanently or with extended delays. In 2006, whilst some political prisoners were noted by the AAPP to have access to these materials, it was a minority.²⁶¹ For example, imprisoned journalist Win Tin and writer Than Win Hlaing reportedly have no access to writing materials, and sometimes not even to reading materials.²⁶²

Inadequate food and medical care are the norm. Food portions are small, and of poor quality, usually comprising of rice with bean or vegetable soups and fish paste, sometimes supplemented with a type of meat or egg once during the week. The AAPP reports that even the minimal amounts prescribed by the Burma Prison Manual for C (lowest) class prisoners are not actually provided. Former prisoners have reported that the food has little to no nutritional value, and is often rotten or filled with rubbish or stones.²⁶³ However, if complaints are made, punishment can be severe. On 18 December 2006, the Toungoo prison Superintendent asked prisoners to complain freely to him about their conditions. One prisoner complained of the prices for goods inside the prison being very high. After this he was placed into solitary confinement for 7 days.²⁶⁴

Medical Concerns

In such circumstances, it may not be surprising that the most common diseases and ailments among prisoners are those caused by the malnutrition, poor sanitation, unhealthy or partially cooked food and restrictions on water usage. For example, between December 2005 and January 2006, at least 12 prisoners died and more than 80 prisoners were admitted to the prison clinic, at Sittwe jail during a cholera outbreak. The outbreak reportedly originated from spoiled food supplies (cabbages grown on plots laced with human excrement), coupled with further poor sanitary conditions within the prison. Relatives have reported to local residents in Sittwe that burials of the dead occurred without prior notification to them.²⁶⁵ Similarly, on 30 May 2006, an anonymous prison warder from Tharawaddy Jail reported that the cause of the cholera outbreak in 2005 which killed nearly 20 prisoners was the sale, by prison authorities to prisoners, of a pig which died unnaturally, for their food. This person also reported that the decision had been made by the prison's governor, U Myint Swe.²⁶⁶ And on 23 June 2006, an outbreak of an acute stomach virus left some women inmates at Insein prison in a life-threatening condition (approx. 17), according to an anonymous staff member. The outbreak was triggered by the authorities feeding inmates with rotten fish curry and it spread throughout the jail. Many more women were affected, with less serious symptoms.²⁶⁷

On 15 March 2006, a duty doctor at Tharawaddy prison reported that at least 40 prisoners had died that year from HIV/AIDS,²⁶⁸ and on 19 August 2006, it was reported by family members, that many inmates at Tharawaddy prison were suffering from contagious diseases, such as TB and AIDS without appropriate care and treatment.²⁶⁹

There are very limited and constantly reducing stocks of medicines in the prisons for various diseases, including malaria, heart problems and diabetes, even for common ailments. The problem is worst in remote prisons, where malaria is rampant. On 15 July 2006, it was reported that severe weather in northern Burma has caused a number of illnesses for prisoners at Kale (a.k.a. Kalaymyo) and Lashio Jails. Resultant skin infections had also spread due to

lack of soap and medicine.²⁷⁰ On 7 November 2006, the AAPP reported that Kale prison in particular, due to the harsh weather, lack of mosquito nets, insufficient water and poor hygiene, was conducive to prisoners contracting malaria. Thet Win Aung contracted malaria within months of being transferred there, after which other diseases followed. Khin Maung Myint died from malaria there in July 2000. Khin Maun Lwin, who had been transferred away from there, died on 11 January 2006. Although there is a prison hospital, there is no prison doctor, only a warder who is supported by prisoners acting as nurses.²⁷¹

Many political prisoners suffer from chronic health problems caused or exacerbated by the harsh prison regime, and are reliant on families to provide supplementary food and buy medicines. Complications arise, however, because prisoners are generally prohibited from receiving visitors until they have been sentenced, and for political prisoners, the period before charge or trial is sometimes extensive. Post-sentence, visits are routinely permitted every 2 weeks, and limited to 15 minutes. They are monitored and discussion about the prison or conditions is prohibited. Additionally, as a method of punishment and psychological torture, many political prisoners are placed in correctional facilities located extremely far away from their families' homes. This compromises the family's capacity to provide necessities.²⁷² Arrangements for visits are subject to the discretion of the prison staff. On 12 August 2006, political prisoner Nyan Lin Tun (a.k.a. Nyan Gyi) was barred from seeing his family for a month, for 'talking back' to prison authorities at Insein prison. Nyan Lin Tun was actively involved in the 1996 student protests and reportedly made contact with the exiled ABFSU in 1999. In 2003 he was arrested for distributing pamphlets on the 83rd anniversary of Burma's National Day. He was indicted under the Emergency Provision Act-5J and Unlawful Association Act-7/11 and sentenced to 22 years in jail.²⁷³

Burma's Prison Manual states that if a prisoner is in bad health, he or she has the right to medical treatment. However, many reports from the prisons indicate that prisoners receive minimal to no medical treatment unless the condition has reached a critical stage. In order to be added to a waiting list for entrance to the prison medical clinic, money has to be paid to the prisoner medic. Based upon agreements between the medics and the staff in the prison hospital, the figures are approximately: 500 kyat for an examination by a prison doctor; 3,000 kyat to be added to the hospital list, but still subject to a decision by the prisoner medic and medical staff; and 30,000 kyat as a first instalment to the prison doctor, prison medic and medical staff for hospitalisation. In addition, political prisoners cannot be transferred to an outside specialist without the approval of intelligence services.²⁷⁴ Deaths which might have been avoided with proper medical care have occurred. Further, when political prisoners die in prison, their corpse is sometimes cremated and buried without the consent of the family, making the true circumstances of the death unverifiable. Reports of false autopsy reports and family members being bribed for their silence have been received. And even if funerals are permitted, there are often strict time frames set by the authorities, which leave some family members unable to attend, and the possibility of a post-mortem medical examination out of reach.²⁷⁵

Both criminal and political prisoners endure deplorable conditions which fall far short of international standards. They also breach local standards, such as those proscribed in Burma's Prison Manual.

Torture

It is clear that torture of political prisoners in Burma's prisons continues, including: the use of corporal punishment, shackling, solitary confinement in darkened cells; food, water, sleep and light deprivation; forced squatting for prolonged periods; beatings and other forms of ill-treatment.²⁷⁶ Often recent inductees will be tortured, in order to procure bribes (*line kyay*), paid to prevent them being tortured in the future. New prisoners will be taken to the 'discipline room', where beatings will occur, after which money is sought.²⁷⁷ In February 2006, a representative from U.S.-based Human Rights Watch (HRW) stated:

*"We are very, very confident that torture continues. It's an instrument of policy. This is not a country where it happens by chance, committed by a few rotten apples."*²⁷⁸

In an article published on 2 January 2006, two former political prisoners, Min Ko Naing and Myo Myint, described their experiences of torture whilst in prison. Myo Myint was held in Insein prison in the 1990s. He described being forced by prison officers to lie facedown for 7 hours during the course of a strike, while they stood on his arm and leg (he only has one of each, as a landmine blew off his other arm and leg). On some days they made him squat for 4 hours, blindfolded. Another time he was stripped, blindfolded and forced to perch on a stool, which would be kicked out from under him, and he was beaten with canes. He was also beaten and starved until he suffered rectal bleeding. Min Ko Naing spent 16 years in solitary confinement in a very small cell at Insein prison, until his release in late 2004.²⁷⁹ On 24 January 2006, a riot between prisoners and prison authorities at Kale jail resulted in the severe beating of inmates, including political prisoners. A local resident reported that a recently released inmate had asserted that 2 people died in the riot, around 80 were beaten, 17 seriously, of whom 4 were in critical condition. Teacher and Monya Township NLD youth member, Nyunt Aung, was reportedly amongst those most seriously hurt, despite the fact that he was reportedly not involved in the riot.²⁸⁰ On 7 June 2006, upon her release from Insein prison, Su Su Nway reported that whilst she had been imprisoned, her hot water bottle for taking medicine and her dried fish box had been spiked with mothballs. Further, she was aware of criminal alliances between serious criminals and prison staff.²⁸¹ In July 2006, it was reported that Naw Gay Paw, imprisoned for having KNU connections, suffered regular reprimands and torture at Toungoo prison. She soon became ill, but was not taken to hospital until her illness became severe.²⁸² In October 2006, San Myint and Myo Thura Tun, two political prisoners, were beaten by guards at Moulmein jail, after staging a hunger strike to protest being forced to share cells with mainstream prisoners. After hearing of the beatings other political prisoners demonstrated by refusing to return to their cells. In response the warden employed criminal prisoners to beat the political prisoners housed with them.²⁸³

There are also threats to physical safety from other prisoners. For example, on 2 January 2006, Ko Aung San Myat, Ko Thiha Tun and Ko Han Win Aung, three political prisoners at Insein prison, were beaten by a group of five criminal inmates after having been moved into a ward with general prisoners, according to other prisoners. Despite this occurring in front of prison guards (including Officer Win Maung) the assault was allowed to continue and Ko Aung San Myat suffered facial injuries with the others also injured. It is common for authorities not to intervene in such attacks against political prisoners and to take no action against assailants.²⁸⁴ On 18 March 2006, it was reported that 10 former MI agents were recently transferred to Pa-an Prison, causing concerns for the safety of three political prisoners there; Nanda Sit Aung, Ne Kyaw and Wunna Soe. Each of them had been

sentenced to 17 years imprisonment for distributing leaflets denouncing the junta-sponsored NC and had been transferred to Pa-an in mid-2005 for staging hunger strikes at Insein Jail to protest unfair treatment.²⁸⁵ (For more information see Chapter 4 Torture, and other Cruel, Inhuman and Degrading Treatment and Punishment)



Former political prisoner recreating the hooding and handcuffing which generally accompanies the arrest of political dissidents in Burma. These arrests are usually undertaken at night, from the person's home. They do not provide any reasons for the arrest, any legal documentation, or any advice as to where the person is to be taken or imprisoned, either to the individuals involved, or to family members. *[Photo: AAPP]*.

Deteriorating Conditions: Cessation of the International Committee of the Red Cross visits

In January 2006, and again in November 2006, the AAPP reported that conditions in the prisons were deteriorating. Since 1999, the International Committee of the Red Cross (ICRC) had been conducting visits to the prisons and labour camps of Burma. Whilst the junta's actions sometimes thwarted its efforts, it had made approximately 400 visits and had been able to conduct interviews with political prisoners and check upon living conditions and prison facilities. ICRC were accredited with providing 50 percent of the medicines held by the prison hospitals, as well as supplies to outside hospitals in surrounding villages. It also at times compelled prison authorities to refer cases to hospitals for treatment. Its scheme had been previously reported by AI to have led to improvements of conditions in the jails.²⁸⁶

However, in 2005, the SPDC insisted that officers from the junta affiliated USDA escort members of the ICRC on their prison visits. Reports also circulated that ICRC medical supplies were being diverted away from the prisoners. The ICRC refused to conduct the visits under such circumstances, and have subsequently been prohibited from attending the prisons since January 2006. The resultant loss of medical supplies, particularly in the remote northern prisons, is of grave concern. For example, on 11 August 2006, Thant Zin Oo, who had visited his father Hla Aye on 4 and 9 August, reported that the drugstores operated by authorities inside Insein prison had closed indefinitely, by order of higher authorities.

Further, donation of medicines from outside was prohibited, causing serious concern for inmates. Hla Aye himself takes daily medicines for high blood pressure. Thant Zin Oo also reported that food parcels donated to inmates were being dismantled, with most of the food being taken by each level of prison authorities, before being delivered to the prisoner.²⁸⁷ On 20 September 2006, released prisoner Lt. Sgt. Ricky Thet of the KNU, reported that healthcare at Thayet jail is almost non-existent, with no access to medicines and many ill prisoners dying for no apparent reason.²⁸⁸ His co-accused, Saw Richard, upon his release on 18 October 2006, echoed this. He also said that food supplies were dire.²⁸⁹

In late 2006, despite calls to permit the resumption of ICRC's programs, the junta confirmed that the prison visitation aspect of the ICRC's role in Burma would not be resumed.²⁹⁰ In place of the ICRC, the junta announced that the junta affiliated USDA would fulfil their former role. USDA officials are appointed by the SPDC, and the group is in truth an administrative wing of the junta. Following the dispute with ICRC in August 2005, USDA officers were reported to have visited Tharawaddy jail to write letters on behalf of prisoners. However, a prison officer reported that for this service, they collected 2,000 kyat from each cell. The visit was marked with a banquet with prison authorities inside the prison. Following the death of Thet Win Aung, in October 2006, the USDA visited political prisoners in Mandalay Jail and took photos of them to give to loved ones, and gave each prisoner 10-20,000 kyat. However, such efforts are reportedly lacking in any sort of thoroughness and seem to be mounted more as an attempt to placate the international community than out of any genuine concern for the welfare of prisoners.²⁹¹

Perhaps also prompted by the international attention that followed Thet Win Aung's death in Mandalay Prison in October 2006, on 2 November 2006, the junta held a press conference to announce that all rights afforded by the Prison Manual are enjoyed by prisoners. Later that month, the *New Light of Myanmar* also reported that an SPDC affiliated social organisation called Association of Public Relations (APR) visited inmates at Pyapon Prison and found that all rules and regulations were being enforced and medical, social and religious welfare of inmates was good.

However the AAPP rejected both claims, saying that no improvement in prison conditions had been observed. Remote transfers, lack of medical care, psychological and physical torture and deaths as a result of these conditions continue. As at November 2006, it placed the death toll of political prisoners who have, since 1988, died in interrogation, prisons, labour camps and the frontlines at 131.²⁹²

Women in Prison

According to the AAPP, as at September 2006, 56 female political prisoners remain in custody in Burma.²⁹³ The conditions set out above are equally applicable to them, although they are held separately from male inmates.

Unlike male prisoners, female prisoners also face threats of sexual harassment, assault and rape during interrogation and detention, either from officials or other prisoners. They also face additional hardships surrounding sanitation during menstruation, given the lack of extra clothing or access to washing facilities, and health and safety during pregnancy. Imprisoned pregnant women lack access to prenatal care. Women who give birth while in prison are frequently not permitted to have the assistance of a doctor, and must rely on the assistance of other prisoners, often leading to adverse health effects for both mother and child. Infants are

cared for in the same unhealthy and restrictive conditions within the prison, often leading to sickness and in some cases, death.²⁹⁴

Monks in Prison

The majority of the population of Burma is Buddhist. Thus, the monkhood plays an integral role in civil society. They have also been involved in the various political movements that have transpired. As a result, the junta put into place laws to dictate the association and activities of monks, enforced under threat of prison and/or disrobing. (For more information see Chapter 10 Freedom of Belief and Religion).

The AAPP records that as at September 2006, there were 86 monks in prison for political reasons. Monks taken into custody are disrobed and some have been ordered to renounce their vows. Both these actions are highly disrespectful and contrary to the Buddhist beliefs. However, resistance has been dealt with severely. Disrespect, including name-calling: *ka-done* ('baldy'), slapping, and other particularly degrading treatment is reported to be frequent.²⁹⁵

3.8 Political Prisoners in Poor Health

In July 2006, AAPP reported that there were over 1,000 political prisoners, approximately 100 of whom were suffering from serious health problems.²⁹⁶

On 16 January 2006, writer and political prisoner, Than Win Hlaing, at Tharawaddy Prison in Pegu Division near Rangoon, was reported by his wife Moe Moe Kyi to be suffering from a type of kidney stone. She said he was thin and dizzy, at her recent visit. The news of his deteriorating kidney condition was confirmed by AAPP Secretary Teik Naing, on 25 January 2006. Further, AAPP reported that he was also suffering from diabetes but has not received any hospital treatment. At a visit on 9 June 2006, family members observed that Than Win Hlaing's condition had continued to deteriorate, he was suffering high blood pressure and liver complaints, he looked pale and his flesh was swollen, like a TB sufferer. Than Win Hlaing had participated in the Democracy Front for National Reconstruction (Union of Burma) and subsequently came under the watch of the military regime. His book 'Historical Burmese Persons Talk through Statues,' was first published in 1997, but after its second edition was published in 2000 he was arrested and detained. On 2 August 2000, he was sentenced to seven years' imprisonment under the Printers and Publications Act-17/20.²⁹⁷

On 17 January 2006, Kyaw Khin, 69 years, MP-elect of Shan State capital, Taunggyi Township, who is imprisoned at Taung-lay-lone Prison outside Taunggyi, was reported by his wife Khin Ohn Myint, to be suffering from an eye disease, most likely cataracts. On 9 March 2006, his wife again reported that despite it causing him great pain, he had been denied treatment for his eyes and is almost blind. Kyaw Khin is serving a sentence of 14 years imprisonment for breaches of the Emergency Provision Act-5J and Act-17/20 because some pamphlets were 'found' near him in a classroom. He had earlier been arrested and imprisoned in 1996 for attempting to form the Committee Representing People's Parliament, and this second arrest came soon after his release from that term.²⁹⁸

On 19 January 2006, political prisoners Saw Win and Aye Aung, detained at Kalaymyo Prison were suffering illnesses, Aye Aung's mother Mya Yi reported. Saw Win was suffering from a severe kidney problem whilst Aye Aung had gastric complaints, a swollen face and severe back pain. On 26 March 2006, it was reported by a person who visited with Saw Win's mother, that both had been barred from receiving medical treatments, and conditions in the damp cells were not helping. There is no prison doctor at Kalemmyo, although his mother brought medicines for him. In late June 2006, Saw Win's mother reported that Saw Win's severe back pain (likely resulting from liver disease) was continuing, and he had started suffering gastric complications. He had lost weight and had lost his appetite. Aye Aung's gastric condition remained. Both Saw Win and Aye Aung were arrested in 1997 for distributing political pamphlets under Act-5J. Saw Win is serving a 10 year sentence; Aye Aung is serving a 59 year sentence.²⁹⁹

On 2 February 2006, political prisoner Tun Lin Kyaw was hospitalised at Insein Township General Hospital due to chronic tuberculosis, after he vomited blood. He was finally prescribed anti-TB medicine. On 16 March 2006, his condition remained severe, reported NLD lawyer Myint Thaung. His health had deteriorated due to severe malnutrition, and he remained hospitalised. Tun Lin Kyaw was a youth member of Rangoon Dagon NLD, and had been charged with responsibility for Aung San Suu Kyi's personal safety. He was arrested on 14 December 2004 for staging a solo protest outside Rangoon's Kyaktada

Township town hall under Act-5J, and sentenced to seven years imprisonment. An appeal submitted to the District Court was rejected.³⁰⁰

On 13 February 2006, it was reported that NLD vice-chairman U Tin Oo, 79 years, continued to suffer from urinary stone disease.³⁰¹

On 17 February 2006, Dr Zaw Mying Maung, 50 years of age, MP-elect of Mandalay Division, Amarapura Township, who is serving a lengthy jail term in Myinkyina Prison, in northern Burma's Kachin State, was reported by his wife Dr Yu Yu May, as having been quite ill for the past 15-16 days. He was suffering from severe indigestion and was unable to eat. On 20 February 2006, it was reported that he was permitted to see specialist doctors at Kyintkyina General Hospital, who had taken a number of tests, including an ultrasound.³⁰²

On 11 March 2006, it was reported that Burmese poet and journalist Win Tin's current health condition was very poor, by Maung Maung Khin, who visited him that day. He is 76 years old, suffering from high blood pressure, a heart condition and diabetes. On 2 July 2006, he reported that his conditions were being managed. Win Tin is held at Insein jail, serving a 20 year sentence, which was imposed in July 1989, for being a member of the Communist party and writing anti-government propaganda. He has suffered whilst in custody, including having been kept for 5 months in a dog kennel in 1996, and because of his advanced age and medical condition. He is the longest-held prisoner of conscience, and his term has been extended whilst in custody by a further seven years following a letter of concern he wrote to the UN. A number of international agencies, including *Reporters San Frontieres* and UNESCO, have called for his release. In 2005, he had been told he would be released, and was taken to the front gate, only to be returned into custody. His parole and/or good behaviour remissions should have led to his release already.³⁰³

On 16 March 2006, Rangoon Kyaktan Township's MP-elect Dr. Than Nyein was reported by his wife Khin Aye to be suffering from severe blood pressure, liver complaints, urinal tract problems and gastric complaints. In July 2006, Khin Aye advised that he was also suffering from potentially cancerous prostate and liver diseases. However, he had not been permitted to see specialist doctors outside the prison. His wife brings medicines to him, prescribed by doctors she sees in Rangoon. The doctor at Prome Prison, where Dr Than Nyein is being held, left earlier in the year, and no replacement had been appointed. The prison relies upon local doctors in the event of emergency. Dr Than Nyein was sentenced to seven years' imprisonment in 1997 for trying to form the Rangoon Mayanggone Township NLD Youth. He was due for release in 2004, but his detention has been administratively extended under Act-10A on five consecutive occasions since, for 60 days each time.³⁰⁴

On 7 April 2006, Nanda Sit Aung, a political prisoner serving a lengthy jail term at Pa-an Prison, Karen State, was reported, by concerned family members, to be suffering from severe degenerative nerve disease.³⁰⁵

On 12 April 2006, it was reported by her family that political prisoner and MP-elect of Rangoon Mayanggone Township, Dr May Win Myint, was taken to Rangoon General Hospital for throat disease. She is also suffering from eye, blood and heart disease, which require monthly medical checks in hospital.³⁰⁶

On 21 May 2006, political prisoner Thet Oo, detained at Insein Jail, was reported by his wife Pyone Pyone Aya, to have a stone in his urinary tract, such that his health was deteriorating.

She also reported that whilst she has been able to see her husband fortnightly, the visits are getting more difficult, as food and medicines are being confiscated from her.³⁰⁷

On 8 June 2006, Daw Aung San Suu Kyi was treated by her doctor at home with severe diarrhoea. The NLD had reported earlier, on 7 April 2006, its concerns that her family physician had not been permitted to attend upon her for more than a month and there were more concerns that on this instance, his attendance was delayed due to the need to obtain permission. On 13 June 2006, her physician confirmed that she was in good health. UN Under Secretary General for Political Affairs, Ibrahim Gambari, who met with her on 20 May 2006, also indicated that she was well.³⁰⁸

Concerns arose again that Daw Aung San Suu Kyi's doctor had been denied access to her, in November 2006. On 16 November 2006, Dr Tin Myo Win was permitted to see her, to undertake an ultrasound and general check up; however, that was the first occasion since 24 August 2006. He reported that she was well. The junta's police chief, Maj. Gen. Khin Yi, dismissed allegations that the doctor had been prevented from attending. However, Aung San Suu Kyi did say to Ibrahim Gambari when he visited her that month that she was well, but hoped for more frequent visits from her doctor, for herself, and for the woman who lives with her.³⁰⁹

On 4 July 2006, NLD MP-elect of Tantse Township, Sagaing Division, Kyaw San, 75 years, who is in prison at Insein Jail, was reported by his wife, May Nwet, to be suffering from eye and ear complaints, such that he required surgery. She also described him as becoming feeble from age-related illnesses. Kyaw San had been convicted of possession of illegal goods belonging to his son's friends, members of the Democratic Karen Buddhist Army (DKBA), in March 2005, despite evidence from DKBA leader, Col. Saw Chit Thu, that the goods had nothing to do with Kyaw San. On 7 April 2006, his appeal against the convictions had been rejected.³¹⁰

In July 2006, Nai Yekha (a.k.a. Ne Win), member of the New Mon State Party (NMSP), who is imprisoned at Insein Prison, was suffering complications with his diabetes, as well as general poor health, depression and gastric problems, according to NMSP liaison officer Nai Ong Ma-ngae. Despite this, he had not been permitted outside treatment. Nai Yekha was arrested along with 11 others for an assassination attempt in July 2003. He had originally been sentenced to death but this was commuted to life imprisonment.³¹¹

On 4 July 2006, NLD MP-elect of Toungoo Township, Aung Soe Myint, was reported by his wife, Aye Aye San, to be managing his conditions sufficiently, but requiring medication for diabetes, nerve tonic and brain tonic. He was imprisoned at the end of 2003 in connection with a motorcycle incident and sentenced to seven years.³¹²

On 15 July 2006, NLD MP-elect of Lashio Township, Than Htay, in custody in Kalaymyo jail, was reported by his son Ko Min, who had visited him in June 2006, to be frequently ill and suffering skin diseases due to lack of soap and medicines and as a result of the extreme weather conditions. Than Htay, and his eldest son Ko Too, were imprisoned in August 2004, charged with violating import/export Acts by possessing 'illegal' cordless phones. Before his charge and sentence, Than Htay had been the subject of pressure to quit the NLD, but had refused.³¹³

On 1 August 2006, political prisoner Myo Min Zaw, was reported by his mother Myint Myint Aye, to be suffering from acute skin complaints. Also, his nails were dropping off from a fungal infection. ABFSU representative, Min Naing, advised that they understood that the skin disease was caused by unhygienic water, food, toilet and lack of soap. Myint Myint Aye advised that prison authorities have been prohibiting her from bringing medicines or food into the prisons 'for security reasons', but rather, that prisoners have been advised they can buy food inside the prison or obtain medicines from the prison. AAPP spokesman Tate Naing advised that medical care and food and water supplies are far from sufficient. Myo Min Zaw is serving a jail term of 52 years in Mandalay Prison, after being sentenced in September 1998 for leading a student's demonstration in Mandalay in December 1996 and August 1998.³¹⁴

On 11 August 2006, detained Rangoon Hlaing Thayar Township NLD chairman Hla Aye, who had been imprisoned whilst in hospital, was at risk of losing access to his daily medicines for high blood pressure, his son reported, given that the drugstore inside the Insein prison had been closed.³¹⁵

On 12 August 2006, the health of both detained NLD members in Sittwe jail, U Shan Shwe Tun, President of Sittwe Township NLD and U Aung Ban Tha, General Secretary of Sittwe Township NLD, is deteriorating, a colleague reported after a visit. They are each suffering from heart, liver and kidney complications, which had deteriorated over the previous week. Whilst medicines had been delivered by relatives, it was unclear whether they were receiving them, and treatment inside the jail was insufficient. Both were arrested in 2005, accused of illegally holding Indian Rupees. However, family members say they were instead arrested because of their membership of the NLD and U San Shwe Tun's connection with Daw Aung San Suu Kyi, who stayed at his house during her tour of Arakan. Both were sentenced to 4 years' imprisonment, in July 2005.³¹⁶

On 18 August 2006, family members advised that two NLD youth members from Rangoon Thayin Township, Nyi Nyi Oo and Than Zaw, who have been detained since 1989, were suffering from troubling health conditions. Nyi Nyi Oo is detained in Toungoo Jail, and was reportedly suffering from acute high blood pressure, which was worsening. Than Zaw, in Thayet Prison in upper Burma, had 'swollen gut' disease, which is life-threatening and can only be treated by urgent surgery. Both were arrested on suspicion of planting a bomb at Tanyin. However, their co-accused have all been long released (despite having similar length sentences). It is believed these two have not been released because of their NLD membership.³¹⁷

On 22 August 2006, political prisoner Saw Min Naing, 22 years, serving a 24 year jail term in Toungoo Jail, Pegu Division in central Burma, suffered a severe stroke, paralysing him from the waist down. He was being treated in the prison clinic, his family reported. He had developed a mild form of paralysis in December 2005, as a result of vitamin deficiency and weak nerve muscle. He is also suffering from depression. He was only 15 years old when he was arrested in 1999, for participating in the foiled 9/9/99 uprising. As a result of his involvement, his father had lost his civil servant job and his sister had had to leave school and work to support the family.³¹⁸

On 23 August 2006, Kamayut Township NLD youth member Khin Kyaw, 30, was reported to be vomiting blood, despite having been hospitalised for over a month at the Insein prison clinic. His wife had requested that he be treated in a hospital outside of the prison, but did

not receive any response. Khin Kyaw had been arrested on 22 December 2005, and sentenced to life on 12 June 2006, for breaking national security laws, along with several other NLD and Democratic Party for a New Society political figures.³¹⁹

On 14 September 2006, Rev. U Zawana, the abbot of Shwepyithar religious college, who is serving a life sentence at Toungoo Jail in Pegu Division, was taken to the prison clinic for treatment for piles, for the second time in a year. Earlier he was operated on at Toungoo Hospital. Rev. Zawana was arrested for accepting former members of ABSDF into the monkhood.³²⁰

On 20 September 2006, recently released Lt. Sgt. Ricky Thet advised that the health condition of U Kyaw Thaung, held at Thayet Jail, was dire. He was not able to walk.³²¹

On 17 October 2006, the treasurer of Mandalay Division, Madaya Township NLD, Nyein Maung, was reported by his son Myint Soe, as having been held in the prison clinic at Mandalay jail for a month because of his deteriorating health. He was suffering from back pain, passing blood and had severe weight loss. Nyein Maung had been imprisoned in July 2006, for charges following his refusal to resign from the NLD.³²²

On 18 October 2006, released political prisoner, Saw Richard, reported that his co-accused, Saw Tookie (a.k.a. Khin Maung Lin) was unable to walk and unable to afford to pay for operations on his legs.³²³

On 2 November 2006, teacher Aung Pe, 40 years, held at Insein prison, was reported by his wife Htay Htay Lwin, to be seriously ill, suffering acute stomach pain, gastric complaints and piles. She was not permitted to bring medicines inside with her, and was aware he was not obtaining medicines in jail. He had been arrested on 14 February 2005, and sentenced to three years' imprisonment on 23 August 2005 for saluting a photograph of Aung San, and had been beaten by Scorpion gang members in Insein Jail in October 2005. His appeal to the High Court in Rangoon was both submitted and summarily rejected on 20 February 2006.³²⁴

On 28 November 2006, it was reported that Thet Naung Soe, a political prisoner who is serving 14 years jail for staging a solo protest in August 2002 was suffering from mental problems.³²⁵

Also on 28 November 2006, it was reported that Hkun Htun Oo, chairman of the Shan Nationalities League for Democracy, who is serving a 93 year sentence, was suffering from hearing problems.³²⁶

3.9 Deaths of Political Prisoners in 2006

As at May 2006, the AAPP had documented 127 deaths of political prisoners, 90 of which were in prison, 8 in interrogation centres, 4 in labour camps and 10 shortly after having been released from prison, since the 1988 uprising. 15 activists had disappeared from prison, their whereabouts unknown. Throughout 2006, 6 political prisoners died in prison, all from preventable diseases contracted due to the dire conditions of their internment. Further, two former political prisoners also died from diseases they had contracted whilst in prison. Leading AAPP to assert “[t]he increased number of deaths in the past year is reflective of the rise in torture and ill-treatment.”³²⁷

On 11 January 2006, Khin Maung Lwin, 38 years, (a.k.a. Nay Min Aung) died in Puta-O prison. He had been in custody since 1998, when he was sentenced to 10 years imprisonment for writing a leaflet titled *Kal Daw Mu Gya Per* (‘Help’), describing the plight of the Burmese people, of which he sent copies to Daw Aung San Suu Kyi, the SPDC and senior monks of the Sangha Maha Nayaka (Top Buddhist Abbots’ Council). He had been charged under Act-17/20 (Illegal publishing and printing) and Act-124A (Disrespectful behaviour to the country). During his sentence, he had spent a brief time at Insein, and the majority of his time at Kale and Loikaw prisons, before being taken to Puta-O. Immediately prior to his death, he had been suffering from high blood pressure, hypertension, heart disease, severe piles, malaria, haemorrhoids and dysentery. A colleague reported that he died as the direct result of not being permitted treatment. AAPP secretary Tait Naing confirmed that permission for outside medical treatment had been repeatedly sought by him and his family, including through the ICRC, on the prison doctor’s recommendation and via the Prison Chief Warden five times. However, the requests had been rejected by the Prison Department. He had finally been taken to hospital the day before his death. Khin Maung Lwin had been actively involved in the 1988 nationwide pro-democracy uprising. He had led the *Kyel Sein Lu-Nge Tat Oo* (Green Star Youth’s Front) at the demonstration in front of the Rangoon General Hospital. He later stood as a Democracy Party candidate for Rangoon Koonchankone Township constituency during the 1990 election. He had also served an earlier 18 month prison term in 1995 for assisting a rape victim obtain legal protection.³²⁸

On 17 March 2006, former political prisoner Thet Naing Oo, 40 years, from Kyimyintaing (Kemmdine) Township died in a brawl in Rangoon. His mother San Yi reported that he was beaten by members of police and fire fighters in charge of nearby Thiri Mingala Market after a quarrel between he and others at the market escalated. Thus, an initial inquiry may have been required into the cause of the dispute. He was beaten, and continued to be beaten by authorities even after he was handcuffed and placed in a trishaw to go to hospital. He was declared dead at hospital.³²⁹ San Yi proceeded to request an investigation into the death, a call supported by opposition groups including the NLD, ABFSU and the AAPP. Police detained several eye-witnesses, including Thet Naing Oo’s friends, Win Myint, and Khin Maung Zaw. They were interrogated and forced to sign false statements to the effect that Thet Naing Oo was a drunk, and it was not the fault of the police that he had been killed. A special tribunal was then held at Kyimyintaing police station, on 29 March 2006, to which San Yi was invited, but then excluded. Local residents reported that police were pressuring eyewitnesses and trishaw drivers to provide false statements. Win Myint and Khin Maung Zaw were each charged with obstructing government officials and held incommunicado, until being released approx. 1 month later, on 12 April 2006. Seven trishaw drivers were also interrogated and ultimately charged. Fire brigade officers had been interrogated but released and no police officers were investigated.³³⁰ The newspaper published by the Rangoon

municipal department described Thet Naing Oo as an out-of-control drunk who needed to be contained. An anonymous officer at the newspaper reported that the paper had been ordered to publish this.³³¹ Court actions seeking to include further defendants to be held responsible for his killing were unsuccessful, and all appeals denied, according to San Yi's lawyer, Khin Aung Shein.³³² Thet Naing Oo had been a student at Rangoon University in 1988 and was involved in the pro-democracy movement there. He then joined the armed student group, the ABSDF, in the jungles but was captured in 1998 and sentenced to 14 years imprisonment. He had been released in November 2002.³³³

On 23 March 2006, U Ko Oo, 64 years, political prisoner at Tharawaddy Jail near Rangoon, died from liver failure, within an hour of being taken to Thayet hospital. Since April 2000, he had been serving a term of nine years imprisonment at Tharawaddy Jail (two years was the initial sentence, but a further sentence of seven years was added after his imprisonment) for his political activities as an active member of the NLD. He had been suffering from a liver condition, arthritis and gastritis, but had not been provided with adequate medical treatment. His liver condition had developed due to poor nutrition and insufficient health care. Ko Oo's condition had started to deteriorate seriously in February 2006 and his family members had requested the prison authorities to allow him to receive proper medical treatments at an 'outside' clinic, but this was refused. Only when his condition deteriorated beyond repair was Ko Oo sent to an outside hospital, but this was too late. Ko Oo was allowed to be buried 'freely' on 24 March, according to his former colleague Nyein Maung. Ko Oo had been the secretary of the Thayet Township NLD, Magwe Division, and had been arrested in 1998 for his active political activities. He had been arrested and detained twice. He had been an active member of the NLD from its founding, and had refused continuously, despite pressure from the junta, to resign from the party or remove party signposts from his house.³³⁴

On 24 March 2006, former political prisoner, Tin Tun, 62 years old, died 1 year and 9 months after his release from prison on 20 June 2004, from tuberculosis contracted in prison. Tin Tun had been sentenced to 20 years imprisonment in 1993 for copying and distributing *Khitpyaing Journal* ('New Era', a political news journal published by exiled Burmese activists). He had been released because of his severe coronary arteriosclerosis and other diseases. He was also a former national boxing champion.³³⁵

On 2 May 2006, Shan leader U Myint Than, 54 years old, died at Thandwe hospital, according to his lawyer Aung Then. He had suffered a stroke and been reportedly operated on 3 times over the previous month, during which time he had been hospitalised. He had been arrested on 9 February 2005 and sentenced to 79 years imprisonment *inter alia* for forming the Shan State Consultative Council, a Shan advisory group for parties attending the NC, together with 9 other Shan leaders (creating "illegal" organisations). U Myint Than had been adept in maths and was teaching at the university when he first took part in the 1988 pro-democracy uprising. His health had been good before his internment, but was reported to have deteriorated whilst at Thandwe Prison.³³⁶

On 12 August 2006, former political prisoner Than Lwin (a.k.a. Anaing) died of a HIV related illness at North Okkalapa Weibagi Contagious Diseases Hospital, less than a year after his release from prison. He had contracted the disease whilst in prison. Than Lwin had been arrested and indicted under the Emergency Provision Act-5J in 1998 for distributing copies of exiled opposition news journal, *New Era*, and sentenced to 14 years imprisonment. He spent 7 years in jail before being released in 2005. Despite his illness, he had spent his last years continuing his political work. Burmese authorities pressured his family to reject

the NLD offer to assist in arranging a memorial service for him, and to not invite any political people or non-authorised Buddhist monks.³³⁷

Around 15 August 2006, political prisoner Nyunt Yin, 60, died in Insein Jail. Originally from Pgamoeyeik Project-32 Ward, Thinganggyun Township, she had been sentenced to death, which was later converted to life imprisonment, due to her role in the 8/8/88 uprising. She is believed to have died vomiting blood at the end of a lengthy illness, but the exact date of her death is unknown. She had no family, and was buried by the prison.³³⁸

On 16 October 2006, student activist and political prisoner Thet Win Aung, 34 years, died in Mandalay Prison. He had been arrested in October 1998 and in January 1999 was sentenced to 52 years imprisonment (later increased to 59 years, after further investigation) for organising peaceful student protests and associating with “unlawful associations”. Friends say he was denied treatment for several serious ailments for many years. He had suffered severe torture during interrogation in 1998, and developed health problems, including malaria, whilst in prison at Kale Prison. He became depressed, leading to a mental illness and was reported in 2005 as not being able to walk without assistance. Many national and international appeals for his release were ignored. The SPDC reported to his family that he had died from heart failure, of natural causes. “Torture is not our policy and we have strict rules and regulations which forbid abuse of prisoners, Ye Htut, an Information Ministry Official said. However, AI has called for an independent investigation.

Since 1988, Thet Win Aung had been involved in organizing student protests. He became Vice-General Secretary of the unauthorized Basic Education Student Union (BESU) and in 1989, and was dismissed from school and imprisoned in September 1991 for 9 months for his BESU activities. He was tortured immediately following his arrest and his health deteriorated, despite medical treatment. Following his release, he became a leader of the ABFSU, involved in publishing leaflets and organising demonstrations, but was forced to go into hiding through fear of arrest in 1994. He nevertheless took part in student demonstrations in December 1996, and 1998, against the poor quality of education and denial of human rights.

He was imprisoned far away from his family and when he died, only his father was able to attend to see his body before its cremation. The authorities refused to return his body to his family in Rangoon for the funeral. A hasty funeral and cremation occurred in Mandalay and a memorial service was held in Rangoon. His brother, Pyone Cho, another student leader, was in prison at the time of his death, and not permitted to attend the funeral.³³⁹

Also on 16 October 2006, former MI officer Myo Khin, 40 years, died in Paletwa Jail, southern Chin State, from heart and kidney disease. He had been arrested along with other officers when MIS chief General Khin Nyunt was dismissed as Prime Minister. He had reportedly been suffering from his diseases for several months but treatment was not provided until just before his death. His body was buried at the Paletwa graveyard the day after his death.³⁴⁰

On 26 October 2006, political prisoner Maung San died in Moulmein Prison minutes after a paramedic treated him for gastric pain. He had been denied permission to be treated by a qualified doctor.³⁴¹

3.10 Release of Political Prisoners

As noted above, most political prisoners are required to serve the entirety of their sentences. Early release or suspension of sentence is often conditioned on the person refraining from political activities, under threat of re-arrest. This renders released political prisoners more vulnerable to re-arrest, on the basis of the authorities' perceptions of their activities.³⁴² Once released, former political prisoners and their families are often subject to ongoing monitoring, questioning, harassment and interference by the authorities, especially at politically sensitive times, such as opposition or national anniversary dates. For example, on 26 May 2006, former political prisoner Shwe Maung, who in November 2005 completed a three year jail term imposed for moulding a statute of the golden *khamauk* (Burmese bamboo hat, the symbol of the NLD), advised that he had been harassed by local members of the USDA and the SB. He reported interference in his business transactions, where authorities had actively discouraged other parties from dealing with him, surveillance, and threats of further arrest and confiscation of assets.³⁴³ Some former prisoners flee the country to avoid such persecution.³⁴⁴

List of Releases in 2006

On 8 February 2006, Shan leader Shwe Ohn, 84 years, was released from one year's house arrest in Taunggyi. In an interview with DVB on 10 February, Shwe Ohn indicated that he had been detained after having formed part of an advisory group to those attending the NC (including the SSA and the National Army, Karen, Palaung, Wa and Pa-O groups), and attending a Shan State Day dinner party. He had been detained under Act-10B. Nine other Shan leaders, including Shan Nationalities League for Democracy chairman Khun Htun Oo who had also attended had been arrested and sentenced to lengthy prison terms. He stated that he had been released without condition.³⁴⁵

On 6 June 2006, Su Su Nway, who had successfully sued her local authorities in Htan Minaing and Mya Sinnai villages, Rangoon Division, for perpetrating forced labour, was released after serving almost eight months of an 18 month sentence in Insein Prison. Her sentence had been imposed on 13 October 2005 for charges of "*besmearing*" the authorities' reputation and "*criminal intimidation*", which had been brought in retaliation to her suit. Her release came three days after the ILO Governing Body convened a special sitting on forced labour in Burma, recommending that actions be taken against Burma in the International Court of Justice. Her imprisonment had been the subject of extensive international criticism. Her health had earlier been reported by her father as deteriorating, as she had become anaemic and was suffering from chronic heart disease.³⁴⁶

On 8 July 2006, lawyer Aye Myint was released from Pegu Prison after serving nearly one year of a seven year term imposed for the charge of dispersing false information, contrary to Article 5(e) of the Emergency Provisions Act. He had represented farmers from the Paungdawthi Village, of the Daik-U Township, Pegu Division, whose land had been confiscated by the authorities and redistributed to SPDC organisations, as well as assisting farmers to contact the ILO. He had been arrested in October 2005, and convicted and sentenced to seven years imprisonment in late 2005. His appeals had been summarily dismissed on the days of lodgement, and his practicing certificate cancelled, but he was released after the ILO set a 31 July deadline before it would take Aye Myint's and others' cases of imprisonment for the reporting of forced labour before the International Court of

Justice. He was required to sign a pledge that the remaining six years of his sentence would be served if he committed a crime in the future. Aye Myint had previously been arrested and sentenced to death in November 2003 (as one of the ILO three, together with Shwe Mann and Kin Kyi) for filing forced labour reports, but ILO pressure had resulted in his release in early 2005.³⁴⁷

On 28 July 2006, Rangoon Yankin Township NLD member Myo Khin was released from Prome Jail at the end of his 3 years imprisonment under Act-17/1, imposed for having unlawful contact with the ABSDF. This was his second term of imprisonment for political reasons. He is a video artist and had been actively involved in the pro-democracy movement, since 1988. In 1997 he had been arrested for forming and performing a dance troupe called *Khutdaung Ar-man* (the strength of the fighting peacock). He was released in 1999. During this term he had been incarcerated at Insein Jail, before participating in a hunger strike against unfair treatment. As a result, he was beaten by prison authorities and transferred to Prome Jail.³⁴⁸

On 20 September 2006, KNU member, Lt. Sgt. Ricky Thet, 54 years, who had been imprisoned since 1982, was released from Thayet Jail in central Burma. He had been arrested while he and other KNU members were attempting to seize control of the Burmese broadcasting building in Rangoon. He had served the entirety of his 25 year sentence, imposed when he was 29 years old.³⁴⁹

On 18 October 2006, another KNU member charged at the same time, Saw Richard, 56 years, was also released, having served just under 24 years of his 25 year sentence. His health had deteriorated, and he was suffering from a swollen lung disease. Upon his release, he said: *"I hope to resume my unfinished duty. I remember our political activists. May God bless them."*³⁵⁰

On 19 October 2006, Ohn Than and Rangoon Sanchaung Township NLD chairman Thet Wai (a.k.a. Pauksa), who had been arrested and sentenced to two years imprisonment in September 2004 for staging and assisting in a peaceful solo protest outside of the UN Development Program office demanding the release of Daw Aung San Suu Kyi and the intervention of the UN Security Council, were released. Ohn Than was released from Moulmein Jail, and Thet Wai, who had been suffering boils during his incarceration, was released from Insein Jail in Rangoon. Both had served their full sentences.³⁵¹

3.11 List of MP-Elects who remain Imprisoned in 2006³⁵²

No	Name	State/ Div	Constituency	Party	Date of Arrest	Prison	Sentence
1	Dr. Zaw Myint Maung	Mandalay	Amarapura (1)	NLD	11/90	MyitKyina	37 Yrs
2	Khin Maung Swe	Rangoon	Sanchaung	NLD	05/08/94	Myingyan	7 Yrs
3	Than Nyein Dr.	Rangoon	Kyauktan (1)	NLD	28/10/97	Pyey	8 Yrs
4	Dr. May Win Myint (F)	Rangoon	Mayangone (2)	NLD	28/10/97	Insein	7½ Yrs
5	Yaw Hsi	Kachin	Putao	NLD	02/10/98	Myitkyina	5 Yrs
6	Naing Naing	Rangoon	Pazundaung	NLD	08/00	Insein	21 Yrs
7	Aung Soe Myint	Pegu	Taungoo (1)	NLD	31/08/03	Thayet	7 Yrs
8	Khun Tun Oo	Shan	Thibaw (1)	SNLD	09/02/05	Rangoon	93 Yrs
9	Kyaw Khin	Shan	Taung-gyi (1)	NLD	25/02/05	Taung-gyi	14 Yrs
10	Kyaw Min	Arakan	Buthetaung (1)	NDPHR	17/03/05	Rangoon	47 Yrs
11	Kyaw San	Sagaing	Tantse	NLD	17/03/05	Rangoon	7 Yrs
12	Saw Hlaing	Sagaing	Inndaw	NLD	30/03/05	Kathar	12 Yrs
13	Khin Maung Win	Pegu	Oaktwin (2)	NLD	31/03/06	Insein	---

Endnotes

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