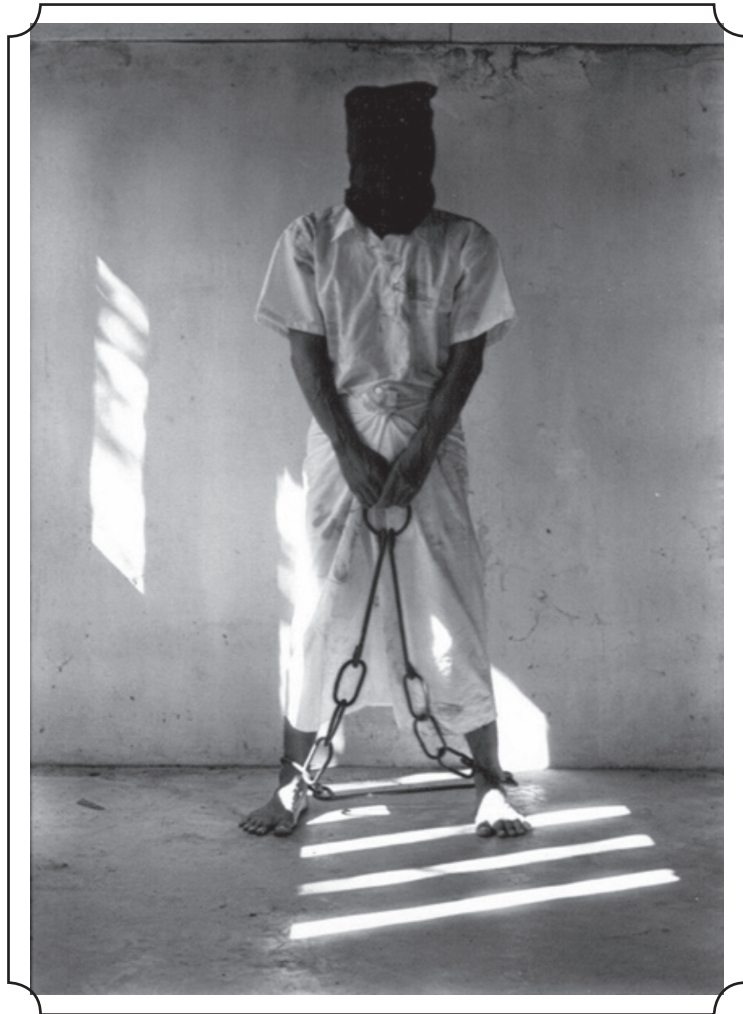


The Systematic use of Torture by  
Totalitarian Regimes in Burma & the  
Experiences of Political Prisoners





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& the Experiences of Political Prisoners

Assistance Association for Political Prisoners (Burma)

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Contact

No.75, Oakthaphayar Street, 33 Extension Ward,  
North Dagon Township, Yangon, Myanmar  
Office: +95 (0) 9 254214175  
email : [info@aappb.org](mailto:info@aappb.org)  
website : [www.aappb.org](http://www.aappb.org)



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# Introduction

This report is an analysis of experiences of political prisoners in Burma. Since November 2013 AAPP has been collecting and maintaining political prisoner profiles, detailing the arrests, sentencing history, activity and experiences of political prisoners in prisons across the country in order to document what political prisoners faced during the military dictatorship. It details torture that took place in prisons and military intelligence centers and police stations across the country and since 2015 AAPP has started providing torture victims support with the assistance of the Ministry of Foreign Affairs of Czech Republic. The eventual aim is for AAPP to collect and document the experiences of every single former political prisoner so that their experiences and sacrifices in the name of democracy are recorded and preserved for future generations. While most of the accounts featured took place after 1988-90, many happened after and during the Saffron revolution and some even later until 2012. These interviews are designed to detail the torture, abuse inflicted upon political prisoners whilst in interrogation centers and prisons in Burma, in order to detail and document the severer physical and psychological effects of torture. All of those interviewed were interrogated before being sentenced and sent to one of Burma's 47 prisons across the country, where overcrowding is rife, abuse the norm and conditions poor.

This report documents different types of torture and details its systematic nature in prisons and in interrogation centers across Burma. It goes into detail about techniques of torture that were used, how torture was used as a tool to oppress political dissidents, different experiences of political prisoners faced and



their long-term challenges. Recommendations are given at the end of the report.

Despite the fact that this torture happened years ago and all of those interviewed have been released, torture and human rights violations inside prisons are still occurring today. Torture and abuse in detention is not only an issue for Burma's past, it is an issue for its present and if action is not taken its future. Torture remains widespread. Action needs to be taken to stop these experiences being repeated again and again.



# Methodology

This report was written after extensive analysis of over 120 political prisoner profiles collected by AAPP over a 4-year period through the victims of torture fund with video documentation. Due to security and confidentiality reasons prisoner's names and all identifiable information has been redacted. All prisoners gave their consent to their experiences being recorded and used in this report.

During the initial preparation for this report our staff undertook documentation and video producing training and then selected the torture sufferers to interview based on case, location and gender to get an equal and representative sample. Then the interviews were held.

Following the interviews, the transcript was typed up, translated into English and edited for clarity before being analysed to produce the report below.



**MAP OF PRISONS IN BURMA**

**Legend:**

- States
- Divisions
- Prisons

**Prison Locations (Left Side):**

- Hkamti
- Mohmyin
- Katha
- Kale
- Shwebo
- Monywa
- Myingyan
- Pakokku
- Nyaung-U
- Buthidaung
- Meiktila
- Nyaungshwe
- Sittwe
- Magway
- Kyaukpadaung
- Pyaw
- Thandwe
- Dak-U
- Hinthada
- Insein (Central Prison)
- Pathan
- Myaungmya
- Mauhin
- Pyaw

**Prison Locations (Right Side):**

- Putao
- Myittha
- Myittha
- Bamaw
- Lashio
- Hsipaw
- Mandalay (Central Prison)
- Kengtung
- Taung Lay Lone
- Monghsat
- Yamethin
- Lokaw
- Thayet
- Taungoo
- Paungde
- Thayarwady
- Bago
- Thaon
- Hpa-an
- Kyaukse
- Mawlamyine
- Dawei
- Myeik
- Kawthoung

**Scale:** 0 100 200 Kilometers



# The Reason for Torture

Torture was taken by two main groups of people, police and military intelligence.

Police and military intelligence primarily used torture to extract information from the prisoners about their activities, colleagues and movements. Many former political prisoners report being tortured extensively during their interrogation period. They also used torture to oppress, degrade and take revenge on political prisoners. Sometimes revenge was taken by police or a military intelligence unit after that unit was blamed by their superiors for the activities of political activists.

Moreover, the Prison Authorities used torture to oppress and degrade on the Political Prisoners, and to extract information from the prisoners about their activities, colleagues. This also includes number of reasons for breaking rules in prison, such as sleeping with a mosquito net, or communicating with other prisoners.



# Torture in Prison and Interrogation Centers: A Summary

There are many different types of torture that were documented in our interviews. Below follows a number of different types listed and techniques of torture used on political prisoners both during the interrogation period and after being sentenced is documented and split into thematic sections. Extracts from interviews with former political prisoners are given to illustrate prisoner's experiences. It should be noted that a combination of different types of torture was almost universally used on each prisoner and that these snapshots of torture are not indicative of the full wider range of torture and abuse that prisoners suffered at the hands of authorities.

Some of the Most Common Types of Torture we found includes

- Being blindfolded
- Hooded
- Beaten
- Punched
- Kicked
- Made to Stand in Stress position with nails beneath heels



- Being burnt with lit cigarettes
- Interrogated with high voltage electric current (on body/genitals)
- Being burnt with an iron
- Covering the body with poisonous animals
- Rolling an Iron pipe down the shins
- Being Tied upside down from the ceiling
- Dripping water repeatedly onto the skull
- Beating several times in the same place with hard object



# Severe Torture Cases

Severe torture was common and in almost every single prisoner profile analysed we found clear and extensive evidence of prisoners being continually and repeatedly beaten, with fists, batons and other instruments. We have selected just a tiny selection of individual prisoner's experiences to illustrate how this torture is used against them and the conditions they face. This torture was most common during the initial interrogation period, and particularly when carried out by Military Intelligence, but was also used by prison guards after prisoners had been sentenced.

- One prisoner, was arrested for his underground activities on November 1989 by Police Force and Military Intelligence. After his arrest he was interrogated for 10 days where he was blindfolded, and his hands were handcuffed behind his back. He was forced to assume a number of stress positions. For ten days the prisoner was beaten with metal pipes, kicked, punched severely the whole body, boxed his ears and was tied to the ceiling upside down for two times; one time was twenty minutes. As a result, the prisoner has lifelong injuries resulting from this torture and has been left with severe mobility issues.
- A secretary for the Peoples Progressive Party was arrested in Mandalay in 1990 under the Section 5(j) of the Emergency Provisions Act and was taken to Mandalay Military Intelligence Unit 1. He was placed in a room, handcuffed behind his back and blindfold throughout interrogation. He sustained torture for eleven days. Interrogators punched him, beat him



up, kicked him and applied numerous electric shocks to his body until he lost consciousness. He regained consciousness the next morning when the electric shocks continued as If he did not give them the answers they wanted to hear, they punished and tortured him until he gave them an answer.



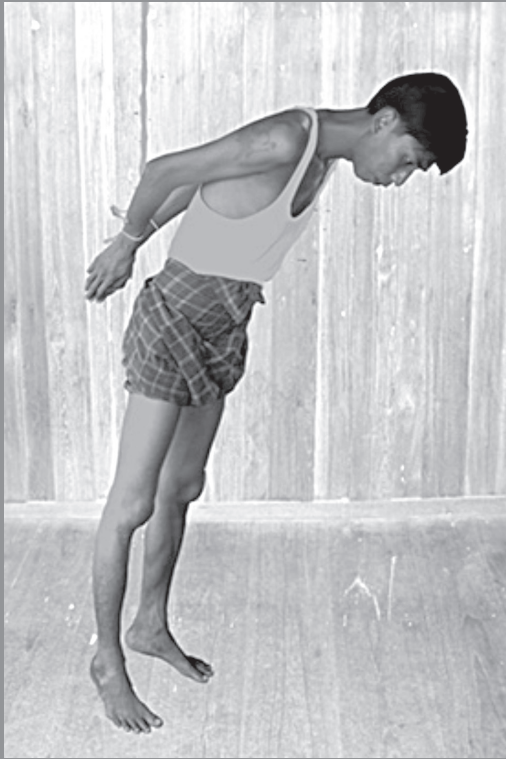
# Torture Positions



The 'motorbike' position, the prisoners hands are held out in front of the body, bending the knees in half squat down. Often nails are placed under the heels



The 'airplane' position involves the prisoner standing with their arms stretched out to the side, standing on one leg, bent over at the waist



A punishment position used frequently during interrogation

## Stress Positions

Almost every single prisoner we interviewed reported being forced to hold stress positions repeatedly and for several hours. These are incredibly common and are still used in Burma today. When held for long enough these positions cause muscle failure and severe long term damage. Below is a list and description of some of the most common stress positions, accompanied with a picture of a former political prisoner demonstrating the position.

There are three common “Pone Zan” Positions, listed below.





Sit cross-legged with arms straight out, placing both fists on knees with the face downward



Standing position with the head down and hands crossed over the groin



Squatting position with the arms straight out on the knees, maintaining a straight back with the head down

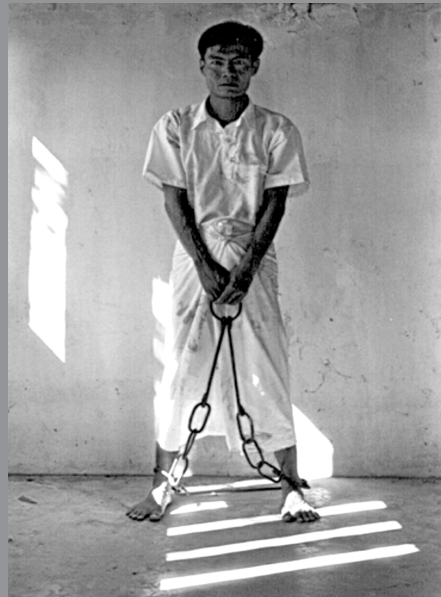


The Pone Zan Gyi prison position

This prison places stress on the joints after being forced to hold it for a long period of time.



The Semigwat Position.



Prisoners held in Shackles

Prisoners are made to crawl on gravel on their knees and elbows with their feet and hands up in the air, holding onto handfuls of gravel, while singing



# Sexual Abuse

We also found numerous accounts of sexual abuse in the interviews, a selection is given below.

- A member of an ethnic armed group was arrested while undertaking part in underground movements in July 1989 at in Shan State and held by Military Intelligence Unit 9 before being sentenced by a military court to life imprisonment in Obo prison. During his time being interrogated by Military Intelligence he was stripped naked and beaten. The Commander stood in front of him and beat him while his two Captains beat him from behind. Then he was forced to stay naked from 6 PM to 10 PM and he was sexually abused for one time during interrogation. He was transferred to Military Intelligence Unit 1, where he was sentenced. While awaiting sentencing his torture continued.
- Another man unconnected with any activist group was arrested in 1999, under Section 5(J) of the Emergency Provisions Act (1950), Section 17 (1) of the Unlawful Association Act and Section 17 (20) of Printers and Publishers Act (1962) and was brought to the Military Intelligence Unit 3 office where he was immediately beaten the whole body with wooden stick, without being questioned. He was handcuffed behind his back and his legs were tied while laying facedown with people standing on his back for hours. The officers burned his back with cigarettes, stung him with nails and then repeatedly hit with wooden stick him on his genitalia. He was not released until October 2011.



- An activist who was arrested and sentenced in 1989 and spent time in Insein, Tharyarwady and Sittwe Prisons was tortured in several ways by interrogators, police and prison authorities, including: being blindfolded, had a rubber baton rolled down on his shins, kicked, punched in the face, chest and stomach for uncountable by police special branch, being bitten by dogs and having his genitals burned when he refused to answer questions by interrogator in Military Intelligence Unit (1). He was beaten for seven days with stave, wire and cane by prison staffs in Mandalay Nan Twin prison.
- In 1996 an activist was arrested in North Dagon Township by military intelligence and taken to Yay Kyi Ai Interrogation Center. He was interrogated for one month in there. This involved him being blindfolded and repeatedly beaten, kicked, punched in the face and caned. Firstly, he was forced to kneel down and was caned on his back, he was then stripped naked and caned again while standing. Then he was beaten on his face and ears until he lost his hearing and broke his teeth as a result of the interrogation. He was left unconscious after 5 persons severely beat him. A medical officer then administered an intravenous injection and he regained consciousness and the beating resumed. While he was being beaten, other political prisoners were forced to watch. Throughout his time in prison he was denied legal representation and was not permitted



any defence under law. Even when it came to food he was abused, he often was denied food at the appointed meal times and was frequently antagonized by prison staff, who would sometimes ban him from receiving food at the time other prisoners were eating. Now, long after his release the prisoner suffers from heart disease, hypertension, broken teeth and deafness as a result of his experiences of torture.

- Another political prisoner documented his genitals being beaten with sticks for 30 minutes in Military Intelligence interrogation center.



# Degrading Torture

Other types of torture that we documented were designed to degrade and insult prisoners, not just cause physical harm but also bring shame upon the prisoner. These are listed below.

- One activist was arrested by Military Intelligence on September 1999 and sent to Military Intelligence Unit 16 and charged under Section 5 (J) of the Emergency Provisions Act (1950) for participating in the 9999 Movement. He was hooded while being severely beaten by military intelligence. He was forced to eat cigarettes, after which he suffered from tremors and was beaten again. His interrogator also inserted his police baton into his mouth and beat the inside of his mouth. He was later sentenced to 7 years in Obo Prison.
- After the Saffron Revolution, an elderly activist who had already been imprisoned 3 times in the past was imprisoned in Mandalay Nan Twin prison. He was already in poor health as a result of previous beating and torture. His teeth were badly damaged from previous beating and the officers forced him to eat fried onion and fried gourd knowing that he could not eat it with his damaged teeth. Then his interrogators would show him the water pot but not permit him to drink from it. His body was burned with lit cigarettes and he was arrested in 2007 but not released until 2013.



- One prisoner arrested in 2008 under Section 13(1) of the Immigration and National Registration Law and 17(1) of the Unlawful Association Act; Article 5 and 6 of the Explosive Substances Act was deprived of food and beaten. After the ninth day of torture, he was left no longer able to stand, seriously injured and starving. While he was not allowed food the guards drank energy drinks and ate in front of him
- One prisoner affiliated with an EAG was arrested in Karen state in late 1991. Three days after his arrest he was sent to the Special Operation Management Office in Bogale by boat. During his transit to Bogale, he was forced to lie prone in the boat as others walked over his back. Upon arrival in Bogale his torture continued. He had an iron rod rolled on his shins and his shoulder blades were beaten with rifle butt and was beaten in the head with the butt of a rifle. Authorities ordered another detainee to beat him with a staff. He was forced to stand outside in the rain, and he was kicked when he shook his head to keep rainwater out of his eyes. He was interrogated day and night for one week and was deprived of sleep and adequate food. After his interrogation, he was not given medical treatment despite suffering from gastrointestinal problems, dysentery, diarrhoea, scabies, malaria and tuberculosis. He was not released until 2005.



# Family Torture

There were numerous cases where threats of violence and actual violence was used against political prisoners' families. These types of torture were traumatic not just for the individual prisoner but also for the wider family and are directly related in the creation of long-term trauma for the political prisoner's family.

- One man previously associated with the 9999 movements was arrested on July 2006 by Bago Military Intelligence. He was arrested alongside his wife and 3-year old daughter and during his incarceration he could hear his wife's voice in the next room while he was being tortured. After a while, his wife's voice faded away and he could hear his daughter crying constantly. His wife was give severe high voltage electric shocks until she lost consciousness. The doctors forced Military Intelligence to stop the torture as his wife was close to death. Then they applied used high electric currents against him and applied them on the back of his neck, elbows, and knees joints until he lost consciousness. His captors then told him his wife and child had died. They beat him endlessly for three days without questioning him. He was later sentenced to life in prison in Taunggoo Prison, and released in 2012
- An ethnic activist was arrested and sent to the Yangon Military Intelligence Office. Over the next two days, they put plastic bags over his head, water boarded him and beat him with a police baton. As a result, he suffered severe head injuries. Then the interrogators point a gun against his head and threatened to sexually assault his wife if he would not cooperate. He





was later sentenced to 3 years' imprisonment in November 1991 by the Bogale Military Tribunal.

- An underground activist arrested after the 1988 uprising and who was sentenced for 28 years in prison was kept in Insein and Tharyawaddy prison. He was hooded, blindfolded and beaten with a rope tied around his neck and refused water and food for three days in Yay Kyi Ai interrogation center. Then he was stripped of his clothes and interrogated while being completely naked. He was threatened with sexual harassment by using excessively obscene language for 14 or 15 times and when he could no longer tolerate it, he cursed at and shouted at the guards. He was beaten again until he lost consciousness. When he awoke he was shown a faked letter informing him from the death of his son, the letter said his son was killed as punishment for his reaction to the guards and the beatings continued. He was also forced to assume the 'flying the airplane' (arms stretched out to the side, standing on one leg, bent over at the waist) and the 'riding a motorbike' (hand held out in front of the body, bending the knees in a squat) positions for lengthy intervals and forced to jump like frog. The strain was too much for his body to stand and he fell down. Authorities kept beating him while he was lying on the ground. He wasn't released until 2011.
- A man connected with the KNU was arrested in 1990 and was kept in the Bogalay detention camp. He was tortured every day while he was kept at the detention camp. During both interrogation and detention, he was tortured in a number of ways, including: being handcuffed and blindfolded,



being repeatedly beaten and punched in his face and other part of body every 15 minutes for 15 days, being beaten with a bamboo stick and the edge of a ruler, forced to stand on his knees. He was beaten to the point of unconsciousness. In addition, he was forced to listen to the voices of his relatives in an adjacent room in an effort to extort his confession. The authorities threatened to kill his wife and children if he did not confess. He was later sentenced to life imprisonment under Section 17(1) of the Unlawful Association Act; Section 122(1) of the Penal Code and released in 2000.

- During the interrogation of one activist arrested in late 1988, his father was handcuffed and brought into the interrogation room following his refusal to speak to his interrogators. Then, they threatened to beat and torture the prisoners father if he did not confess.



# Different and Experimental forms of Torture

In all of the below cases, these different types of torture were used in addition to regular beatings and stress positions. This is torture that differs from the more common and well documented beatings and stress positions and is documented below.

- A member of the ABSDF who had been producing and distributing leaflets was arrested while planning to flee to Thailand due to safety concerns. He was sent to Military Intelligence Unit 3. Over a period of ten days, he was tortured and questioned. While handcuffed and blindfolded, two officers stood on his back and used an iron pipe to beat his legs until they bled. They then put salt on the wounds and stepped on the wounds with their boots. Then the police officer placed a hook underneath his jaw, around his neck, with which he was kept up straight. He was stripped from his clothes and officers beat him and beat his genitalia with a plastic pipe whilst interrogating him questions. He was later sent to Bago Prison, Insein Prison and Thayet Prison and released in November 10, 2002
- An activist arrested in late 1990 charged under the Section 5(j) of the Emergency Provisions Act was sent to Insein prison. After being beaten and physically tortured, he was blindfolded and had the smoke from a car exhaust smoke blown into his face until he lost consciousness.



- A member of the All Burma Federation of Student Unions was arrested under the Emergency Provisions Act and served a total of 10 years in prison in both Insein and Thayet prison. He was interrogated for three days in Pabedan township police station and forced to kneel on pieces of broken glass, he was stripped of his clothes and brought to a very dirty and polluted lake where they forced him into the lake and made him stand there for a long time, while being bitten by mosquitos.
- A prisoner in Insein prison sentenced for ten years' incarceration under Section 13(1) of the Immigration Act and Section 7 of the Organization of Association Law, in 2008 received severe chest injuries after being stabbed in the chest 15 times during his interrogation. He was also routinely beaten, smashed and punched in his face unaccountably with batons, chair legs and forced to assume stress positions throughout his interrogation.
- An activist who had worked with a number of political groups said he was kept in dark room for seven days as soon as he was beaten severely with cane and punched by five prison staffs and then he was took his all clothes except short pants in the winter and forced to eat glue throughout solitary confinement whilst being incarcerated in Mawlamyine prison.
- An activist working with underground groups who was arrested in 2008 and sentenced to 13 years in prison under Section 13 (1) of the Immigration Act and Section 17 (1) of the Unlawful Association Act was tortured during detention and interrogation. Aside from beating him, his interrogators



tortured him by firing his eyes with a gas lighter and beating his fingers with a hammer as he refused to give them his computer password. He was released in 2012.

- Others prisoner were degraded by staying in dog cells in Insein prison which are dirty, small and unhygienic.
- An activist arrested and interrogated by Military intelligence after the 1988 uprising in Yangon and was subjected to brutal torture. They burnt him with cigarettes and scratched off his tattoos with a knife. He was later sentenced to 20 years to imprisonment and served time in Insein, Obo prison and Nan Twin prison before being released in 1998
- An activist arrested in Myawaddy in 2003 was sent to be interrogated in Hpa-an. When he arrived at the Military Intelligence Unit in Hpa-an, he was blindfolded and handcuffed then forced to stand on his toes while lit cigarettes were placed under his heels. He was then made to kneel down on sharp pebbles under bright sunlight.
- One activist who had been repeated arrested and detained for his activism, in addition to being tortured and beaten in prison, was punched in his chest by an interrogator.
- Sleep deprivation was also commonly used as detailed by one activist who took part in the 8888 uprising and worked with the Dagon University Students Union before being arrested in 1989. While he was being interrogated for six days by Military Intelligence 26, he was beaten, kicked,



smashed in his face, punched in his chest and had an iron rod rolled on his shins during his interrogation. He was made to strip naked and was deprived of sleep for 8 days.

- Another prisoner who was arrested in Yangon in 1989 detailed Military Intelligence Unit 7 using sound torture and blasting loud music during his interrogation, as a result he has suffered from long term hearing damage.
- Prison guards and Military Intelligence also used to practise different types of torture on political prisoners. A student activist who took part in the 8888 uprising was arrested in October 1988 and sent to Insein prison. During his incarceration he was taken to a special room to be tortured. On the evening of his first day, a class of interrogators entered the room to gain practical experience in torture techniques. One by one they practiced torturing him with different techniques. One method they used was to place small rolls of paper deep inside his ears until his ears began to bleed. As a result of this act, he has permanently lost the ability to hear in one ear. The pain from this torture led the activist to attempt to commit suicide. He was not released until 1996 from Tharyawaddy Prison.



# Use of animals

Animals have also been used to torture political prisoners. This includes insects being encouraged to burrow into the prisoners' skin and dogs encouraged to bite and attack prisoners. This is not just horrifically painful; it is also degrading. Numerous political prisoners recorded insects being used in their interrogation

- A member of the ABSDF who was arrested in 1988 detailed being brutally tortured by Military Intelligence Unit 6. He was beaten for hours in the head, chest and back with sticks. Sometimes, his legs were tied and he was hung upside down or an iron stick was pushed into his mouth. Insects were used to torture him. They were placed on his naval and covered from escaping with a bowl secured to his body, leaving the insect nowhere to go but dig into his flesh to try and escape which caused immense pain and suffering.
- A member of the 1988 uprising was participating in the one-year commemoration of the 88 uprising in 1989 when he was arrested by military intelligence under Section 5 (J) of Emergency Provision Act (1950) and questioned at a temporary interrogation centre at the Yangon Regional stadium. Here after being beaten and forced into stress positions, a mug full of insects was then placed on his belly and he was scratched by the insects' claws. Then he was tied naked to a pillar and water boarded for one week. Then the guards put a rotting dead mouse in his water jug and refused to bring him clean water.



# Female prisoners

Throughout Burmese political history there has been no political movement which has been without female involvement, and as a result many females have been arrested all for their political involvement and female political prisoners also suffered heavily at the hands of prisoner guards and military intelligence as detailed below.

- In 1991 a Karen woman unaffiliated with political organisation was arrested and sent to Bogale Police Station where she was interrogated and sentenced to four years' imprisonment. She gave birth to a child while she was in prison, and she and her child were denied proper healthcare. They were both ill, and although she consistently asked prison authorities for assistance, she was never given medicine nor visited by a doctor. While denying her treatment the authorities told her that because she was a Karen rebel she deserved the treatment she received.
- A female who performed many political activities with the National League for Democracy and other underground groups was arrested in 1991 and was interrogated for 5 days. On the first day of interrogation, she was forced to stand with her hands up for many hours. In the early morning of the following day, she was dragged from her room beaten with a plank, where she sustained severe injuries to the right thigh and buttock. She was then kicked in the waist when she said that she did not know the answer to their questions. The interrogator said "your mother said you suffer from kidney disease, so I kick your waist". She was not allowed





to take shower and she was hooded throughout the interrogation, the hood was only taken off when having a meal. She was later convicted in a martial court under S: 5 (J) of Emergency Provision Act (1950) and served 6 years in Insein prison.

- A female prisoner was arrested in November 1990 by Bahan police and sent to a Military Intelligence interrogation centre. She was interrogated for 2 days and was blindfolded whilst questioned. She was threatened and verbally abused during her interrogation. She was deprived of sleep and did not know whether it was day or night during interrogation periods. She did not have any food or water and was forced to drink water from the toilet.



# Miscellaneous Issues

There were other issues that prisoners reported in their prisoner profiles that we have listed below.

## Drunk Officials

- Many prisoners reported that in their beatings they could smell alcohol or assumed their prison guards were drunk. For example, a student activist arrested in Mandalay in September 1989 reported that on one occasion, his captors from Military Intelligence Unit (1) returned drunk and begun to torture him at around 7pm. Where they stripped him down to his underwear, covered his face with a mask and beat him repeatedly. He was released in 1992 after being convicted in 1990 under Section 122(1) of the Penal Code.

## Arbitrary Punishments

- A prisoner and activist held at Tharyarwaddy Prison, who had suffered numerous health problems in the past was shackled with three bars and beaten and then transferred to Insein prison because he was found to be sleeping with a mosquito net, which was in violation of prison rules. Because of this violation, he was transferred to Insein Prison.
- Another activist was caught smoking in prison; he was beaten to his body and as punishment, was forced to jump around like a frog before being beaten.



- Another activist who was serving a to 3 year imprisonment in Tharyarwaddy and Insein prison was kept in solitary confinement after taking anti-labour strike action. After he was beaten all over the body with an iron pipe he was then shackled and sent to his punishment cell, where he was ordered to remove his slippers. He refused and thus taken out of his cell and he was beaten again. Then authorities placed broken bricks in the corridor leading to the punishment room entrance and forced him to crawl back over the broken bricks.



# Long Term Legacy of Torture

As a result of the torture suffered in interrogation centers and prison many political prisoners suffer from long term physical and mental health problems. As a result of the torture suffered long after release political prisoners struggle with disabilities resulting from their torture, which are only made worse by the inadequate health care system inside prison. Dealings with these problems has been made harder by a lack of government assistance and reparations for former political prisoners. Even though many of them were managed to admit the hospitals, many cannot afford proper or adequate treatment due to the high cost of hospital fees and the medication. The high fees are compounded by the fact that many former political prisoners are unable to work after torture due to the severity of their injuries. As a result, AAPP has been providing humanitarian assistance to victims of torture who are also former political prisoners for many physical and mental health problems. Alongside AAPP, the U Win Tin foundation and Healthcare Centre for Political Prisoners (HCPP) foundation are also providing healthcare services. A small sample of the issues that the prisoners we spoke with have suffered from as a result of their torture, and that AAPP have helped provide healthcare funding for are listed below.

- Hypertension
- Kidney Disease
- Diabetes
- Stroke



- Asphyxiation & Anaemia
- Heart Disease
- Piles
- Heart & Stoke Disease
- Stroke
- Hepatitis B
- Neuritis
- Liver Cancer
- Mental Trauma
- Coronary Artery Disease
- Rheumatism
- Osteoarthritis
- Hemorrhoid
- Lumbago
- Pneumonia
- Lung Disease
- HIV



- Malaria,
- Gout
- Hearing loss and trouble in hearings

Many former political prisoners have had mental health issues such as trauma and depression during prison and long after release. Again the government healthcare available for this is wholly inadequate. This is why since 2010, AAPP has been running a Mental Health Assistance Program (MHAP) designed to offer counseling and mental health care to vulnerable populations like former political prisoners who suffered at the hands of the military dictatorships.

Even after political prisoners were released, the absence of government-led programs working towards rehabilitation for former political prisoners has meant that former political prisoners have struggled to overcome the numerous long term physical, mental, social and financial effects of incarceration. Their hardships are far from over. In the case of former political prisoners from rural areas who were landowning farmers and who lost their lands after they were confiscated by the authorities when they were imprisoned, discovered that their livelihoods had been completely lost. Due to the effects of torture and imprisonment, they are facing difficulties with subsistence. The majority of the former political prisoners family's experience deterioration in their financial, social and education status. During their family members imprisonments, children lost out on education opportunities due to financial difficulties within the family.



# Domestic Laws Prohibiting Torture

Torture, is outlawed under Burmese domestic law and while there are no provisions using the exact word torture, the prohibition of torture is provided in Burma's domestic law. "Hurt" and "grievous hurt" are outlawed the Articles 319 and 320 of Burma's Penal Code. Besides, the law expresses the injury of anyone by a public servant under Articles 330 and 331 specifically forbid "hurt" and "grievous hurt" during investigation.

According to Article 166, it states that any public servant disobeying law with intent to cause injury to any person shall be punished one year imprisonment or with fine or with both.

In both the Prisoner Act and Jail Manual, two provisions include specific situations concerning the use of different punishment means and the restriction of prison authority to suffer harm on detainees.

Punishments that are defined in the Prison Act are allowed to be inflicted on prisoners in accordance with the provisions. According to Article 49 of the Prison Act, no one can punish detainees beyond specific punishment techniques which are provided in the law.

Under the Article 50 of the Prison Act, when a prisoner shall be executed such severe punishments, he or she has been examined by the Medical officer to certify to fitness of prisoner prior to punishment. Besides, under the Article 829



of Jail Manual is described this provision repeatedly.

Under the Article 33 of Jail Manual, no police officer shall be allowed to interrogate any prisoner without the special permission of the higher government authority such as District Magistrate or the Commissioner of Police and the interrogation shall take place in the presence of a jailor. There is providing exactly who is able to manage and empower to award punishment under Articles 113 and 815 of Jail Manual.

Additionally, according to Article 132 of Jail Manual, it states that any jail staff member who is guilty of any violation of duty is liable to prosecution under section 54 of the Prisons Act.

It also provides under Article 114 of Jail Manual that, “no officer shall, on any pretext, strike a prisoner, except in self-defence, or in defense of another, or in the repression of disturbance, and no more force shall then be used than is absolutely necessary.”

Yet despite such prohibitions, the interrogators and prison authorities have refused to comply with the provisions and continue to recklessly punish and torture prisoners as they wish.





# International Laws Prohibiting Torture

There are no small number of international treaties that prohibit torture. Under international human rights law, the prohibition of torture is absolute, with no mitigating circumstances, and thus there is no excuse.

Some treaties that prohibit torture include:

- Article 3 of Universal Declaration of Human Rights
- Article 7 of International Covenant on Civil and Political Rights (ICCPR)
- Declaration on the Protection of All Persons for Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- United Nations Convention against Torture

While Burma has not signed or ratified these laws, the norms of customary international law, the prohibition of torture has been classed as a peremptory norm, which means that state is bound to uphold the prohibition, regardless of whether the state has signed that law.

It is not just important that Burma signs and ratifies international treaties that abolish the use of torture, but they should also adopt the UN Standard Minimum Rules for Treatment of Prisoners. This sets standards for the quality of prisons, which is especially important as due to the very poor standard of prisons in Burma at the moment, torture is not only from the physical abuse of prisoners,



but mere imprisonment in such poor conditions. AAPP has long considered the state of overcrowding in Burma's prisons are so bad that being incarcerated in itself is a form of torture due to sub-standard prison conditions.



# Need for Reparations

As we can see, victims need reparations for several reasons, as compensation for the severe abuse they suffered, as recognition of their struggle and to help them pay for healthcare required to deal with their physical ailments. Reparation will not only bring dignity to victims, but the reparation process will also support the peace across the country and the National Reconciliation process. Further, reparation also form an important aspect of Transitional Justice and guarantees the non-repetition of the past violations. Yet reparations also form an important aspect of Transitional Justice. Indeed, Burma cannot fully move on without dealing with the legacies of the past

## South Africa: A Case Study for Truth, Reconciliation and Reparations

In South Africa, following the end of Apartheid, the Truth and Reconciliation Commission (TRC) was established to investigate apartheid era crimes and assist transitional justice efforts. As a result, in 2003, the South African government declared it would adopt the recommendations of the TRC and make a payment of 30,000 South African Rand (\$3,890) each former political prisoner identified by the TRC as a victim of gross human rights violations<sup>1</sup>. Further in 2013 the government initiated the Prevention of Combating and Torture of Persons Act in order to create a comprehensive legal document to abolish all forms of torture

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1. <https://www.irishtimes.com/news/south-africa-to-pay-reparations-to-victims-of-apartheid-1.472227>



avoid future cases of abuse.

This act notes “that that the Republic of South Africa-

- has a shameful history of gross human rights abuses, including the torture of many of its citizens and inhabitants;
- has, since 1994, become an integral and accepted member of the community of nations;
- is committed to the preventing and combating of torture of persons, among others, by bringing persons who carry out acts of torture to justice as required by international law;
- is committed to carrying out its obligations in terms of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; “

Here we see that in south Africa, the TRC not only granted reparations and recognition to former political prisoners, but it also helped shape new laws which should outlaw and effectively prohibit cases of torture in the future, thus dealing with past issues and avoiding future ones. The TRC model has been widely praised and adopted in many nations across the world after civil war or severe political strife such as in Sri Lanka, Nepal and Peru. This is a mode Burma should consider using.



## The Philippines: Reparations for Victims of Human Rights Violations

After the end of the Marcos dictatorship in the Philippines, the Human Rights Reparation and Recognition Act of 2013 was implemented. This act enabled the government to offer reparations and compensation for victims of human rights abuses. This compensation was funded by funds belonging former President Marcos left in Swiss Bank accounts. 10 billion Philippine pesos were allocated for this reparation. A Human Rights Victims Claim Board was created in order to collect and process claims. By May 2018, it had processed over 75,000 claims for reparations and approved 11,000<sup>2</sup> claimants. The amount of compensation provided was worked on via a point system in relation to the violations suffered. For example victims families of an enforced disappearance or killing gain 10 points, victims of torture 6-9 points, depending on the type and severity of torture and victims of arbitrary detention are 3-5 points. Victims received P176,779 (3,397.02) for each point<sup>3</sup>

Alongside money, victims of these human rights violations are also entitled to received social welfare benefits from Department of Health and Department of Social Welfare and Development.

This model provides not only reparations and recognition to the Human Rights Violations suffered at the hands of the Marcos regime, but also much needed financial assistance and provisions of social welfare and healthcare for victims.

2. CNN Philippines <http://nine.cnnphilippines.com/news/2019/02/28/humn-rights-victims-martial-law-fund-extended.html>
3. Rappler, 2018 <https://www.rappler.com/nation/202033-human-rights-victims-claims-board-final-list-eligible-claimants-released>



With many former political prisoners in Burma struggling to afford healthcare, this is a model that if adopted in Burma, would have clear benefits to former political prisoners.



# Conclusion

As we can see from the above, the torture political prisoners suffered at the hands of the military dictatorship was degrading, severe and left long term legacies. Torture and abuse at the hands of authorities started from the first time the prisoners were taken into custody and continued throughout their stay, although the most severe torture was mainly during the initial interrogation period. This torture was not just designed to hurt and extract information, but to humiliate and break the spirit of prisoners. The military dictatorship saw these activities as a threat and wanted them to be broken both mentally and physically upon release, no longer able to pose threat to the military regime.

This is just a small sample of up to 10,000 former political prisoner's experiences but all accounts we collected, though they differ in details, are similar. Democratic activists were beaten, tortured continuously in complete violation of the UDHR and Geneva convention. This abuse and torture cannot be forgotten, the sacrifices these PPs made cannot be forgotten

The impact of torture does not end upon release. They have gone on to suffer a myriad of physical and mental health issues and the government has neither apologised, nor done nothing to help them rehabilitate or recover from their severe physical and psychological injuries, it has been left to CSO organisations, like AAPP, to pick up the pieces. It isn't just healthcare that is a challenge, but rehabilitation back into civilian life and re-entering the workplace is a real challenge.



There are approximately 10,000 former political prisoners in Burma today. All have suffered at the hands of the military regime and all today lack proper reparations and recognition. Without reparations and recognition, they cannot move forward. It is imperative for transitional justice that the struggle and sacrifices of political prisoners are recognised.

Worse still is the fact that torture still continues in interrogation centres and prisons today as are deaths in custody particularly those detained by the army. Efforts must be made for non-reoccurrence and to secure reparations for both victims and their families. We need a reparation law and we need MPs to urgently sign and ratify international human rights treaties like the UN Convention against Torture and the ICCPR to route out torture in Burma. Further action needs to be taken so that those who committed acts of torture should not just be charged and punishment within their institutions, such as within the army, but rather they need to be charged with Burma's public laws and given custodial sentences if found guilty. Most importantly of all, the torture and sacrifices these activities made must never be forgotten.





# Recommendations

## Recommendations to the Burmese Government and Parliament

- Release all political prisoners unconditionally, acknowledge Political Prisoners and define the term of Political Prisoner
- Terminate arbitrary arrest and torture the people who live in conflict areas
- Act in accordance with international standards upon detainees as government security agencies
- Adopt a Reparations Law that recognize the victims who sustain the impact of Human Rights Violations
- Acknowledge Human Rights Violations which have been committed, apologize and redress the victims who have been violated
- Amend the draft Prisons Law by the international standards on treatment of prisoners
- Ratify the International Covenant on Civil and Political Rights and UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment



- Review all legislations pertaining to the prison sector in order to bring it in line with international standards in collaboration with civil society.
- Establish a Ministry of Justice and transfer control of the prison administration to this new ministry
- Ensure all prison staff are adequately trained, including in human rights and the use of force, in line with international standards

## **Recommendations to Political Parties and Civil Society Groups of Burma**

- Advocate and urge the Burmese government and parliament to immediately recognise the definition of a political prisoner
- Provide political prisoners in Burma with all available assistance, raise awareness of their cases and actively campaign for their release and recognise the struggle of ex-PPs and their family members and support their rehabilitations and reintegration
- Advocate and urge the Burmese government and parliament to immediately ratify UNCAT and ICCPR.

## **Recommendations to International Community**

- Urge the Burmese government and Parliament to immediately implement the above recommendations



- Monitor the arbitrary arrest and imprisonment of political activists and urge the Burmese government to stop these arrests
- Ensure their remains an active commitment to achieving freedom for basic human rights and civil liberties
- Co-operate, support and advocate for the release of all remaining political prisoners
- Provide technical support and other necessary support for the rehabilitation and reintegration of ex-PPs
- Co-operate on humanitarian grounds with the groups working on the political prisoner issue including the Burmese government

