



**Assistance Association for Political Prisoners (Burma)**

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## **AAPP 2011 Annual Report:**

## Summary of 2011

As of 31 December 2011 there were 1,572<sup>1</sup> political prisoners in Burma. This is an overall decrease of 617 in comparison to last year's figure of 2,189. In 2011, 13 political prisoners were arrested and 364 were released. In May and October of 2011 there were 2 presidential orders that facilitated the release of 73 and 247 political prisoners respectively.

The quasi civilian U Thein Sein regime, sworn into power through fundamentally flawed elections, continued to deny the existence of political prisoners. This denial remained official state policy and was iterated at the highest levels of state authority, including by president U Thein Sein. The official dissolution of military power, occurring on 30 March with the first convening of Parliament, did not change Burma's decades-long tradition of being highly resistant to prison transparency. There is a complete lack of public prison records, and releases or arrests of an individual are rarely announced. Due to the secrecy enshrouding Burma's prison complex, the number of political prisoners behind bars or in detention centers is believed to be much higher.

### The total number of political prisoners is 1,572

These prisoners include:	2010 figure	2011 figure
Monks	255	225
NLD	399	341
88 Generation Students	39	35
Ethnic Nationalities	225	317
Cyclone Nargis Volunteers	20	17
Journalists, bloggers & writers (media activists)	42	23
Women	174	142
Human Rights Defenders & Promoters Network	31	26
Labor Activists	44	46
Students	283	268
Lawyers	11	12
Individual activists	607	488

There were 2 presidential orders in the year 2011 that released a limited number of political prisoners. Both of the releases, however, fell short of AAPP's minimum thresholds for an adequate amnesty. Political prisoners were not released with recognition of their political status, some were released conditionally, and with an active criminal record.

### Presidential orders authorizing release of prisoners for 2011

Date and Order	Details	Prisoners Released	Political Prisoners Released	High Profile Political prisoners released:
16/05/2011 Order No. 28/2011	- Prisoners on death row have their sentences reduced to life - Other prisoners'	Approx. 14,600	77 (around 0.4% of the total prisoners freed)	- <b>Zayar Thaw</b> (hip hop artist who helped found Generation Wave, an underground youth

<sup>1</sup> Throughout the year AAPP conducted a comprehensive verification process on the number of political prisoners in Burma's prisons as well as confirming the details of their arrest and imprisonment. Of the 1,572 political prisoners believed to be in prison, 918 have been positively verified to be in prison.

	sentences reduced by one year			activist organisation) - <b>Ashin Sandar Dika</b> (monk imprisoned for waiting outside Insein Prison during Daw Aung San Suu Kyi's trial) - <b>U Kyaw San</b> (elected MP and executive member of the NLD) - <b>Naw Ohn Hla</b> (NLD Member, arrested for holding a prayer service for Daw Aung San Suu Kyi)
11/12/2011 Under article 204 of the constitution	- Prisoners released at President U Thein Sein's discretion	6,359	<b>247</b> (around 4% of the total prisoners freed)	- <b>Zarganar</b> (comedian arrested for providing assistance to Cyclone Nargis victims) - <b>General Hso Ten</b> (Shan State Army leader) - <b>Su Su Nway</b> (Labor activist and NLD member)

## Torture

Though systemic torture is emblematic of the previous military regime and its use is inextricable from brutal dictatorships, the new nominally civilian administration has done nothing to eradicate or minimize the use of torture. Torture continues to be endemic in Burma's secretive prison and detention network – it is widespread, systematic, and carried out in an organized manner arguably as a matter of state policy. Torture is most often used as a form of punishment for not following prison regulations, as a way to extract false confessions, to deter future political activities, and to subjugate ethnic and religious minorities.

Though there were a number of documented cases of torture throughout the year, particularly against those who peacefully exercised their civil and political rights, the presidential adviser, Ko Ko Hlaing, maintains that torture is an aberration and violators will face punishment under the law<sup>2</sup>. In ongoing efforts to render justice and appropriate compensation to victims of torture, AAPP records data on perpetrators of serious human rights violations, including name, rank, and affiliation. To date, however, no one responsible for torture has been held accountable and not one victim has been granted redress for this grave infringement on their basic human right<sup>3</sup>.

The year opened with news that Democratic Voice of Burma reporter Sithu Zeya, 21 years, was placed in solitary confinement after failing to understand prison regulations – though

<sup>2</sup> [Myanmar's army still torturing ethnic minorities](#), The Washington Times, 29 November 2011

<sup>3</sup> Families of torture victims are often bribed financially to keep quiet.

it was never made clear what regulations he had breached. For 9 days Sithu Zeya was taken out of his isolation cell every 15 minutes and forced to squat and crawl. It was also believed he was forcibly given drugs, most likely amphetamine, in an attempt to extract more information on DVB's inside networks. The extreme torture he was subject to during interrogation led him to disclose the identity of his father, Maung Maung Zeya, as a DVB reporter.

In November 2011 the UN Working Group on Arbitrary Detention ruled Sithu and Maung Maung Zeya's detention as arbitrary and demanded their immediate release, yet they continued to be held behind bars. Although it is a basic feature of criminal procedural codes to nullify evidence gathered through violence or intimidation, the vast majority of political prisoners are tortured during the initial interrogation period and the information extracted is used to prosecute them in closed and secret courts.

The blanket conviction of "violating prison regulations" is arbitrarily used to inflict violence and mistreatment upon outspoken and influential political prisoners. Phyo Wai Aung, wrongfully accused for the 2010 water festival bombing and severely tortured to extract a false confession, was placed in a military dog cell. After witnessing a criminal prisoner beat other prisoners on a regular basis, he complained to prison authorities. Rather than investigating and putting an end to the abuse, Phyo Wai Aung was unfairly placed in the dog cell – where conditions are nefarious and the risk of torture is high due to their extreme isolation. It was later revealed that the abusive criminal is actually the "prisoner-in-charge" and his position was allocated to him by the prison warden. Phyo Wai Aung's lawyer, Kyaw Ho, was shown a notice claiming his client had "violated prison's regulations<sup>4</sup>." Authorizing prison authorities to mask their identities and intimidate political prisoners is a well-worn tactic meant to instill fear and silence.

The practice of using criminal offenders to threaten and degrade political prisoners continued when U Yayvata, a monk political prisoner active in hunger strikes demanding better prison conditions, was beaten by a criminal charged with murder in plain view of 3 prison guards. The prison guards did nothing to remedy the situation and U Yayvata has since complained to the prison officer responsible as well as requested to be transferred to a cell block where political prisoners are held, as mandated in the prison regulations. No action has been taken on U Yayvata's requests.

The first visit of Special Rapporteur Quintana to Burma in over a year coincided with the torture of 2 for having posters underneath their motorbike seat calling for the release of political prisoners. Zarni Htun and Wei Phyo were tortured for a period of 2 days, experiencing sleep, food, and water deprivation, in addition to a denial of family visitation rights. They faced trial under the Unlawful Associations Act. Towards the end of Quintana's visit, he expressed concern over the rampant use of torture in Burma's interrogation centers and prisons.

Prison conditions in Burma fall dangerously below minimum international standards and often rise to the threshold of torture. This is in line with the Convention Against Torture, which has identified overcrowding and inadequate living conditions as tantamount to inhumane and degrading treatment. In addition, denial of medical treatment, poor diet, and lack of dental care is in direct breach of Article 7 of the International Covenant on Civil and Political Rights (ICCPR).

Prisons do not even meet the outdated requirements of the domestic prison regulation manual, which was drafted in British colonial times. Though the Ministry of Home Affairs claimed to be designing a new Prison Act in August, the worst aspects of the prison conditions, such as solitary confinement, transferring prisoners to remote prisons, and systematically denying political prisoners adequate food and medical care, showed no signs of improving. By the end of the year there were no updates on purported reform on the Prison Act. There is also concern that if it is drafted without the necessary input from relevant stakeholders, it will not carry the necessary legislation to prevent torture and inhumane treatment of prisoners that are deeply rooted in the prison system.

Throughout the year there was an alarming trend of torturing political prisoners for complaining about issues within the prison system, requesting better prison conditions, or failing to comply with prison rules. There is a clear pattern of abuse against prisoners who criticize conditions in the prison and demand to be treated in compliance with prison regulations. They are often isolated from the outside world by denying them their family visitation rights, subject to particularly harsh physical and mental abuse, and transferred to remote prisons so as to limit their influence. Since the swearing in of the U Thein Sein regime, there were at least 3 hunger strikes led by political prisoners. The hunger strikes had in common the shared demand for recognition of their political status and a restoration of their basic prisoner rights.

All of the 3 hunger strikes were quickly stifled by both prison and state authorities and were preceded by a period of heightened repression and increased security within the prison. In addition, in all cases the perceived leaders of the hunger strikes were tortured. In the November 2011 strike, 8 of the 15 striking political prisoners were placed in the military dog cell. Similarly, in the previous hunger strike, which began on 23 May, 11 of the strikers were put in the military dog cell. This level of punishment for their peaceful protesting is a clear violation of their prisoner rights and undeniably amounts to cruel and inhumane treatment, and even torture. It is minimum international standard that prisoners have the right to complain about conditions in the prison. Political prisoners, however, are severely punished for any complaints made and have no recourse for seeking redress.

The absolute lack of prison transparency breeds a culture of impunity and facilitates the use of torture. There were at least 2 reported deaths as a direct result of torture that took place behind prison bars. In early January news emerged that Ko San Shwe from Mon State was tortured and killed during interrogation following his arrest in July 2010. After he was killed he was dragged out of his cell and buried. Even though families have obtained photographs of where his body is buried, and the 4 individuals that were arrested and

tortured alongside Ko San Shwe have spoken out against this mistreatment, the victim's family members have failed to receive any retribution for their grave loss. Previous appeals to the lower court have also failed, pointing to the impunity that pervades Burma's judicial system.

Deaths in custody are common from cruel treatment, starvation, torture, and denial of medical care. Zaw Lin Htun, a former political prisoner released as part of the presidential order on 12 October, passed away less than 2 months after his release from prison. He had been systematically denied access to appropriate medication for his various cancers even though his family members made the prison authorities aware of his rapidly deteriorating condition and advocated for his early release on compassionate humanitarian grounds.

### **Treatment of prisoners and their family members**

Throughout 2011, AAPP has consistently received reports of the mistreatment of political prisoners and their families. The lack of access to appropriate healthcare in Burma's prisons is of particular concern as many political prisoners endure deteriorating health statuses as a result of authorities cruelly denying or delaying treatment. Political prisoners are often punished by being sent to remote prisons far from their families, rendering visits extremely difficult. With the escalation of the conflict in Kachin State there have also been numerous reports of prisoners being taken to warzones to be used as porters.

This year saw the formation of the Myanmar National Human Rights Commission (MNHRC) by the regime but it became obvious that its purpose is to serve as a propaganda tool for the U Thein Sein regime. After a strike in Insein Prison against the inhumane conditions, the MNHRC conducted a fact finding mission in December. However, it released a statement claiming prison conditions meet international standards and the only potential issue is overcrowding. It was later revealed that MNHRC authorities did not even meet with political prisoners during its mission. This statement served to prove the lack of independence that this body has, and will be used by the regime to deny its human rights violations.

Less than 2 percent of Burma's annual budget is devoted to healthcare, a figure that translates into heavily limited funding for the prison healthcare system. This is compounded by corrupt prison wardens who only allow prisoners access to healthcare provisions that they badly need if they pay bribes. Many political prisoners are imprisoned hundreds of miles from their families and therefore cannot receive the necessary food, medical packages or financial assistance that they need to pay the bribes. There has been a catalogue of incidences of political prisoners in very poor health in 2011.

In Khamti prison in January, there was a tuberculosis and malaria outbreak and human rights defender, Htin Kyaw (aka) Kyaw Htin contracted malaria. Two other prisoners had died at the same time. In February, the health of ethnic Shan leader, U Khun Htun Oo deteriorated rapidly in the remote Putao Prison, but was denied any healthcare treatment. The monk U Thumana was reportedly suffering from mental health problems but his family is only able to visit him every four

months. In April AAPP learned that Min Aung, an NLD member has been denied urgent medical treatment for a heart disease for over eleven months. It also emerged that Min Ko Naing was being denied medical treatment for heart disease, gout and dizzy spells. In July, a female political prisoner, Ma Khin Khin Nu was suffering from hepatitis C and got to the point where drinking water became a difficulty. In the same month Ko Than Tin's veins in his stomach were bleeding, finally leading him to Sittwe hospital. While there, however, his wrist became swollen as his hand was handcuffed tightly to the bed. Requests from his family to move the handcuffs to his leg were denied.

Since the U Thein Sein regime came to effect on 30 March, there have been at least 6 documented hunger strikes peacefully staged by political prisoners. Although the hunger strikes differed in objectives, from requesting an upgrade in prison conditions to underscoring the inadequacy of a recent prisoner release, all pointed to the importance of transparency and accountability in Burma's prisons and the pressing need for a regular independent body to monitor prison conditions.

In the months of October and November, there were 2 hunger strikes in Insein prison. The first, beginning on 26 October, was initially staged by 15 political prisoners calling for all prisoners to be restored their right to remission days. Political prisoners are generally not accorded their right to a reduction in their sentence, even though this right is clearly authorized in domestic prison regulations. On 28 October, the strikers were punished by having their right to family visits and parcels suspended, as well as denied drinking water. This led to the internal hospitalization of 2 striking political prisoners. At least 8 were placed in the military dog cell for their perceived role in leading the protests. The health situation of the political prisoners was a high concern, as a number of those participating are in poor health and barred from accessing critical medication sent by their family members. The strike lasted 12 days, ending on 7 November.

The second hunger strike, commencing on 10 November, was undertaken by 6 political prisoners in the Insein prison hospital, where they have been hospitalized prior to starting the strike. They are demanding a reform of the prison healthcare system so as to comply with domestic and international standards. Two of those striking are on AAPP's list of prisoners in poor health: Nay Myo Zin, former army captain sentenced to 10 years, suffering from a cracked hip bone, broken ribs, and faces potential paralysis of his lower body; and Aung Cho Oo, serving a 15 year sentence, suffering from severe abdominal pain since February 2011. The prison health care system in Burma falls dangerously below international minimum standards, with a reported 1 doctor for every 7,314 prisoners<sup>5</sup>. Remote prisons tend to have no doctor and no hospitals or clinics nearby.

During the Insein hunger strike that took place shortly after the 17 May release, at least 7 political prisoners participating were placed in a military dog cell twice<sup>6</sup>, an extreme

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<sup>5</sup> "[One doctor for every 7,314 prisoners](#)" Irrawaddy, 29 December 2009

<sup>6</sup> The seven striking political prisoners were first sent to the military dog cell on 24 May and then again on 28 May after talks with prison authorities regarding their demands broke down.

solitary confinement cell that is notorious for the severity of the conditions and level of punishment. This is a common tactic to isolate those who are perceived to be the leaders of the strike from the rest of the prison population and fragment the movement.

In July, Hnin May Aung (aka) Noble Aye, a female political prisoner serving an 11 year sentence, was held incommunicado in an isolation cell with an absolute and indefinite ban on family visits for writing a letter to state authorities asking them to retract statements denying the existence of political prisoners. When her family attempted to visit her, the prison warden claimed she had broken prison regulation.

Such cases show that the Burmese government continues to flout international standards, specifically the United Nations' Standard Minimum Rules for the Treatment of Prisoners, which states that prisoners should have access to health services without discrimination of their legal situation. That many of these prisoners are denied healthcare access due to the political nature of their imprisonment is further persecution. Those who are in particularly dire circumstances can eventually gain access but the authorities blatantly discriminate against them by subjecting them to a lengthy authorization process when seeking outside medical care that does not pertain to criminal offenders.

The U Thein Sein regime has continued its practice of routinely sending political prisoners to prisons far away from their families, despite the existence of prisons significantly closer to their homes. This strategy breaks down the resolve of political prisoners by removing the crucial lifeline provided to them by their families. Even when families do make the often long and expensive journey, visits can be denied at will by the prison officer.

Ni Ni Mar, the wife of political prisoner Myo Min said that she visited her husband on 7 July in Kyaukpyu prison, in Arakan state, and she was only allowed 15 minutes to see him by the prison authorities. Due to the extreme distance from their native town (Rangoon), she is only able to visit him once every 2 years. U Gambira's mother spoke of similar difficulties in an interview where she revealed that her 3 sons are in 3 different remote prisons. It is very difficult for her to visit them. She must take a 3-day bus trip just to see U Gambira. The dangerous road conditions and poor quality of buses prolong the trip. During one trip the bus spent one night stuck in a creek when it failed to make it up a steep hill. She estimated she must pay 60,000 kyats per visit to see one of her sons. Similarly it took three days for U Nyi Pu's family to visit him in Hkamti Prison.

In November the MNHRC sent an open letter to the U Thein Sein regime urging the release of political prisoners. Instead of a release, six high profile figures were transferred, ostensibly to be nearer their families. The reality was that they were only a few miles closer but still hundreds of miles away from home. This treatment has been consistent throughout 2011.

Another worrying trend that has continued throughout 2011 is the use of prisoners in forced labor camps or as porters in ethnic wars. With the eruption of the war in Kachin State in June, this shows no sign of halting while conflict hotspots such as Karen State are



still destinations for Burma's prisoners. In January trucks left Insein prison with approximately 800 prisoners headed for Karen State. Interviews with those who fled from being forcibly placed into the truck revealed that prisoners are used as human minesweepers. One of the men who escaped stated: "the army unit that brought us made us work like animals: our legs were shackled and we were not allowed to relieve ourselves or rear our heads without permission." Though Burma adopted laws outlawing forced labor, there has been limited progress on the ground for those who are most susceptible to abductions to be forced to work against their will. Particularly on the side of the military, there has been no change whatsoever.

The use of prisoners as forced laborers continued in June following the outbreak of fighting in Kachin state. One hundred and fifty prisoners were transported from Insein Prison in two trucks. The trucks returned empty, indicating that they were to be used as porters or human minesweepers. For many, becoming a porter or a human minesweeper in the frontlines of battle is tantamount to a death sentence. From an interview with Radio Free Asia in September, Tin Tun Aung, who was arrested in October 2008, was sent to the frontline to work as a porter. He was effectively used as a human shield and lost a leg when he stepped on a landmine. He received a mere 6,040 kyat (\$6) compensation for this and was released from Mingaladon military hospital in September.

Prisoners are often transferred to forced labor camps – a trend that has shown no signs of abating. Three monks, including U Pyinnya Thiha and U Eahthara who were arrested following the Saffron Revolution and sent to an agricultural labor camp in Moppalin Township, Mon State, were subject to forced hard labor. The health of U Pyinnya Thiha, a 54 year old, deteriorated as a result of the hard labor. Although he was suffering from malnutrition, he was forced to get up at 2am every morning to work.

The treatment of political prisoners continues to be appalling. In a common tactic, prison conditions were temporarily improved when the UN Special Rapporteur for Human Rights in Burma, Tomas Ojea Quintana, visited Insein Prison among other prisons. Away from the gaze of the international community, political prisoners continue to be denied proper healthcare treatment, are transferred to prisons far from their families and are sometimes used as porters in conflict zones or forced labor camps. Any dissent about such treatment causes a repressive reaction from the authorities. The MNHRC has proved to be impotent in its investigation into such human rights abuses and the regime continues to discriminate against political prisoners while they serve sentences given to them by the repressive state.

At least 19 political prisoners were transferred throughout the year.

Six prominent political prisoners, the majority in poor health, were transferred to prisons that were of dubious benefit as they did not experience an upgrade in prison conditions or were placed in prisons significantly closer to their homes or loved ones. This occurred on Monday the 14<sup>th</sup> of November; two days after the regime backed Myanmar National Human Rights Council (MNHRC) sent an open letter to President U Thein Sein urging the release of "prisoners of conscience". The letter was published in the state run newspaper, the New Light of Myanmar on the 13<sup>th</sup>. A previous letter of a similar nature was published the day

before the President ordered the release of 247 political prisoners in October. Expectations, therefore, were high. The letter also stated that: "If for reasons of maintaining peace and stability, certain prisoners cannot as yet be included in the amnesty, the commission would like to respectfully submit that consideration be made for transferring them to prisons with easy access for their family members."

Transferring political prisoners to destinations far from their families is not without precedent. In January, 2011, the musician Win Maw was transferred from Thandwe Prison to Kyaukphyu Prison in Arakan State, around 400 miles from his family in Rangoon. In the same month, Ko Ko Gyi was transferred from Thandwe Prison to Monghsat Prison in Shan State, around 500 miles from his family in Rangoon.

Below is a table detailing information on the prison transfers of prominent political prisoners in November 2011.

<b>Political prisoner</b>	<b>Prison transfer, division or state no. of prison</b>	<b>Distance from family</b>	<b>Health concerns</b>
Min Ko Naing (Former Chairperson of the All Burma Federation of Student Unions (ABFSU) and 88 Generation leader)	Kengtung (Shan State) to Thayet (Magwe Division)	345 miles	Suffering from high blood pressure and pains throughout his body due to the cold, cramped conditions. Eyesight is also deteriorating.
Ma Nilar Thein (88 Generation leader)	Thayet (Magwe Division) to Tharyarwaddy (Pegu Division)	78 miles	Suffering from a peptic ulcer and was vomiting daily while under solitary confinement.
Kyaw Min Yu @ Jimmy (88 Generation leader)	From Taunggyi (Shan State) to Thayet (Magwe Division)	345 miles	No health problems.
U Gambira (Monk leader of the Saffron Revolution, All Burma Monks Alliance (ABMA))	From Kale (Sagaing Division) to Myaungmya (Irrawaddy Division) U Gambira's family is located in Meiktila, Mandalay division.	508 miles	Suffering from mental health problems, a nervous disposition and has had malaria.
U Khun Htun Oo (Ethnic Shan leader of the Shan National League for Democracy)	From Putao (Kachin State) to Taungoo (Pegu Division)	175 miles	Suffering from arthritis and prostrate problems.
Sithu Zeya (Democratic Voice of Burma journalist)	From Insein (Rangoon) to Hinthada (Irrawaddy Division)	120 miles	Suffered from beatings while in Insein Prison.

## **National League for Democracy**

For the first time in over 20 years, the National League for Democracy has been granted official status as a political party. This was after a change in the law in October that allowed former prisoners and people with a foreign spouse to run for office. This effectively allowed Daw Aung San Suu Kyi to run for office. The process was fraught with challenges however, as the U Thein Sein regime continued to view the NLD with suspicion and referred to the party as an “illegal organization” on numerous occasions. Even though the registering of the NLD is an important first step, the military regime, through a deeply flawed constitution, has made sure that their power is unassailable.

The decision to re-register as a party has not been without critics, as U Win Tin, influential executive committee member of the NLD, highlighted the many political prisoners behind bars and the numerous human rights abuses committed by the regime. The All Burma Monks Alliance (ABMA) criticized the decision believing that the political environment was too similar to when the Shwegondine declaration was signed, one stipulation of which was the release of political prisoners.

Meanwhile NLD members have continued to face harassment while many members spent the year in jail enduring terrible conditions. In February, it was reported that Than Myint Zaw had been beaten viciously under interrogation and had wounds to his ear, head and torso. Consequently he suffered from back and ear pain, exacerbated by the cold temperature. His father is also in bad health, as he is suffering from high blood pressure and gastric problems. His family, however, are only able to visit him once every three to four months and the inadequacy of healthcare provision in Burma’s prisons only worsens the situation.

While the U Thein Sein regime has permitted the NLD to participate in mainstream politics, 2011 saw a continuation of politically motivated arrests and re-arrests of NLD members. The Mergui NLD chairman, Soe Lwin, was given a 4 month prison sentence in August simply for fighting off youths who had tried to break his fence gate. NLD member, U Phoe Htaung was re-arrested in August for attending a Martyr’s Day memorial. Although born in Burma, he is a Muslim who holds a foreign identity card as he is denied citizenship and must register with immigration for approval to travel to certain regions. He was sentenced to one and a half years.

The harassment of the NLD is not confined to individual members - the regime also obstructs democratic activities of the main opposition party. In February the NLD produced a landmark report that concluded sanctions against Burma were effective as they affected individuals linked to the military regime as opposed to the general Burmese population and therefore should be maintained. The response from the regime had a harassing undertone and claimed the party would “meet their tragic end” and that they were “going the wrong way.” The regime-controlled media also demanded that the NLD issue an apology to the Burmese people for supporting the sanctions. Similarly in June, after the first NLD gathering since Daw Aung San Suu Kyi’s release, the state media warned the party

from partaking in any more political activities, claiming it contributes to instability and insecurity of Burma.

In recognition of the dire conditions faced by political prisoners, the year saw the NLD engage in various efforts to support those in prison. In January they launched a volunteer support group for political prisoners while in February they started to look for outside, financial support for this group from the Burmese diaspora in Singapore and the US. They sent out a lottery list as part of this project that expanded to 500 sponsors in March. In August the NLD began supporting artists, teachers, doctors, and lawyers who have had their licenses revoked by giving advice and filing petitions for having them reinstated. Students removed from schools were encouraged to re-enroll and given support during process. Such schemes provide a safety net for those that the regime actively persecutes for their political beliefs. The need for such safety nets, however, only highlights the ill-treatment NLD members and affiliates continue to face.

NLD members routinely face harassment, whether in or out of prison, and threats in retaliation for political activity does not reflect a government ready for democracy. There also remain members of the NLD in prison, enduring harsh treatment for their affiliation to a party striving for democracy. The re-engagement of this party in politics therefore should not be taken as a bona fide symbol that democracy is making great progress in Burma. There has been progress but it is not without conditions, stipulations, threats or reservations.

### **88 Generation Students**

At the beginning of the year 88 Generation students released a statement calling on the newly formed Parliament to grant a general amnesty for all political prisoners. Issued on the eve of Union Day, the letter stated that the convening of Parliament represented a new political dimension. Because of this, all old political dimensions should be abolished, particularly draconian laws that were trademarks of the old order. The new political era could only be assessed depending on whether all political prisoners would be freed or not, and whether they are allowed to play a significant role in the new political dimension. The statement also called for all civic groups to join hands in demanding the release of political prisoners, as it is a critical campaign issue for many oppositional political parties.

The health of many 88 Generation students remained an issue of concern through the year, as they have been subject to multiple transfers, relegated to remote prisons, and denied basic medical treatment for chronic diseases. Thet Thet Aung, serving 65 years, was refused medical treatment despite suffering from stomach cramps and hypertension for over 1 month. The only way she can receive medicine is through family visits because the provisions in the prison, including food, are very poor. Similarly, Tin Htoo Aung, serving 33 years in Katha prison, is suffering from lower back pain and skin disease, yet authorities have failed to provide him with the necessary medical treatments for months. The pattern of placing 88 Generation students in remote prisons, far from their family members, creates further obstacles to receiving the adequate medication they so urgently need.

One week after Daw Aung San Suu Kyi held her first meeting with a government representative, prominent leaders of the 88 Generation movement urged for further meaningful dialogues aimed at national reconciliation. Min Ko Naing, Ko Ko Gyi, and Htay Kywe, all referred to the move as a positive step. Ko Ko Gyi, regarded as the strategist of the group, called for Daw Suu to have a broader and leading role in the development of democracy and peace in Burma. While the 88 Generation leaders have sacrificed much for their country, they remained optimistic about the prospect of change with the official dissolution of military rule.

In a rare concession, a group of activists, including NLD members and 88 Generation Students, were left undisturbed by the police when they gathered outside of the Shwedagon Pagoda in Rangoon praying for the release of all political prisoners. This, of course, was the exception to the rule, because less than 3 weeks later a group who gathered to protest on the 4th anniversary of the Saffron Revolution was effectively halted by the police. Although no arrests were made on that day, the laws limiting such gatherings essentially reinforce a repressive state.

Under a presidential amnesty, 10 88 Generation members were released on 12 October. However, the continued imprisonment of 88 generation members is a source of constant frustration for family members and colleagues. The group continues to be the subject of harassment and threats by the government, showing the group, while operating on the sidelines, remains an influential force in the country.

Mounting hopes were dissipated when rumors of a highly anticipated amnesty of prominent political prisoners never materialized. Instead, 6 political prisoners, many in critical health, were transferred. The benefits of the prison transfers remained unclear, as the majority was placed in prisons that continued to be far from their family members and in isolating conditions. For example, Sithu Zeya's mother, Daw Ye Ye Tint, stated the transfer will pose difficulties to her as Myaungmya prison is much farther away from their home in Rangoon than Insein, where Sithu Zeya was previously serving his sentence. The transfers are instead indicative of the lengths the administration will go to eliminate any oppositional voices from entering the political discourse.

Transferring political prisoners to remote prisons is a well-worn strategy to isolate and break down the individual. Their continued detention and arbitrary transfer effectively places them outside the safety of the rule of law, remove them from the political discourse, and isolate them from their loved ones in an attempt to weaken their political and moral resolve. The most recent transfer, however, can also be seen as a cruel ruse to ease international pressure and as a substitute for their freedom.

After meeting Daw Aung San Suu Kyi regarding the upcoming Parliamentary by-elections, the 88 Generation reiterated their long-term policy of not becoming involved in politics until all political prisoners are released. Soe Tun, a former political prisoner representing the 88 Generation group, remarked that "our group will not field any candidate for the coming elections as long as our leaders are not released - but we have no objection

whatsoever to any one joining the elections on an individual basis.” Instead, the 88 Generation group will participate in election trainings to raise public awareness on suspicious activities such as ballot fraud.

### **Ethnic Nationalities**

In Burma torture is used systematically not only on political prisoners but also ethnic minorities. Ethnic people are subjected to harsh physical and psychological torture. The year began with the unsettling news of Ko San Shwe, a Karen national who was reportedly tortured and killed during interrogation. (See torture section for more details). Prison authorities did not inform families of his death. This gross mistreatment of ethnic nationalities only continued throughout the year in what can only amount to a pattern of grave injustices meant to sideline and silence ethnic nationalities.

There has been an unsettling trend whereby the authorities have been arbitrarily arresting Arakan nationals en masse around Rangoon. The arrests took place in March following the bomb blast in Aung Zeya housing complex in Insein Township, whereby those arrested were detained under the Unlawful Associations Act. When the roommate of the suspected bomb carrier fled the scene, police officers began to arbitrarily arrest as many Arakan nationals as possible in Insein, Hlaing Thayar, and other townships around Rangoon. Those held in detention were verbally degraded and physically tortured, with one victim who continually asserted his innocence being told by the police officer, “no matter whether you are convicted or not, you guys have to be punished.”

Successive military regimes, including the current U Thein Sein regime, aim to criminalize and undermine the national reconciliation movement by detaining ethnic nationalities on trumped up violent charges, such as murder. Eleven Karen youths who were accused of plotting a bomb attack appeared at a closed court in Insein prison. Their lawyer was not given a copy of their case and it was unclear as to what incident the court was referring to during the proceedings. The court failed to provide sufficient evidence linking them to the bomb attack and instead charged them with having links with the NLD and Generation Wave in a blatant effort to imprison them by any means necessary. Four of those tried received sentences from 2-8 years, while one, Bo Bo Thein, was handed 11 years on spurious drug charges. There were no witnesses during the trial, only the police report from interrogation.

In a similar case, a landowner was arrested on accusations of making a homemade bomb that exploded in Myitkyina, Kachin State. Residents in Myitkyina, however, believe that the explosion was part of a plot by the authorities to detain ethnic minorities in the area, as information prior to the arrest indicated that an individual on a motorbike threw a parcel, causing the bomb blast.

Ethnic minorities face heavy restrictions on their movement and often face arrest if they leave their township without the appropriate paperwork. State authorities have been using this repressive legislation increasingly throughout the year to send a warning to ethnic minorities. A Muslim NLD member, Pho Htaung, was arrested for failing to notify the

authorities about his plans to travel outside of town. An additional 9 Muslims were arrested and sentenced to 2 and a half years in prison for violating this regulation, even though a few of the sentenced minorities had their national ID cards with them. The regulation states that anyone with a non-citizen ID card must apply to the military's border force anytime they wish to travel outside of their town.

Ethnic minorities continue to face systematic harassment during their imprisonment. Khaing Kyaw Moe, a member of the All Arakan Student Youth Congress (AASYC), feared for his life after a criminal prisoner violently attacked a prisoner he is friends with. The violent prisoner routinely harasses Khaing Kyaw Moe. Even though prison regulations demand that civil offenders and common criminals are kept in separate cells, Khaing Kyaw Moe is being held in a communal cell with common criminals. He is also suffering from piles and rectal bleeding, and has not received medical care.

The deteriorating health of U Khun Htun Oo, prominent Shan leader of 66 years, was of concern throughout the year. The transfer of U Khun Htun Oo from the remote Putao prison in Kachin state to Taungoo was of dubious benefit as the status of healthcare in Taungoo prison is not much better. There were mounting concerns that if he is not allowed to see a doctor in the near future, his diseases will manifest into cancer. Family members were shocked to see the toll prison has taken on his health, as he was losing hair, had sores on his arms and legs, and had lost 40 pounds in a brief period. In March, U Khun Htun Oo was awarded the first Nationalities Hero Prize from the United Nationalities Alliance, a group representing several ethnic nationalities in Burma.

The release of at least 15 ethnic activists under the 12 October amnesty, while welcome, in no way signaled a positive change in the treatment of ethnic minorities in Burma. One month later, 2 ethnic Karen workers for Backpack Medics were arrested and detained by the military. They had gone to administer healthcare in Papun Township. In addition, 3 Arakanese youths were arrested under the allegation of drinking wine.

The year ended with news that a prominent KNU leader, Mahn Nyein Maung, was arrested in Kunming airport in China. His whereabouts remained unknown and his case rose to the status of an enforced disappearance. Concerned family members pressed state authorities for information on the location of Mahn Nyein Maung but their requests went unfulfilled. It was later revealed he was given 6 month sentence, for breaking immigration laws and possessing a fake passport. He faces further charges under the Unlawful Association Act. Mahn Nyein Maung is also famous for his remarkable escape from the notorious prison on Coco Island over 40 years ago.

Ethnic minorities who have had their rights violated are putting the newly formed Myanmar National Human Rights Commission to the test. The family members of Shan leaders, who have been sentenced to the longest possible prison terms, submitted a complaint letter to the MNHRC to review their family members' cases in order to release them all. Those Shan leaders were arrested for attempting to set up the Shan State Advisory

Council of experts and refusing to attend the sham National Convention led by the former State Peace and Development Council.

Tensions between the U Thein Sein regime and ethnic minorities deepened as attacks against diverse ethnic groups continued. Reports indicate that fighting in ethnic areas has only increased over the past year. The regime's attempt to forge an agreement with ethnic Shan, Karen, and Kachin parties is merely a façade to show the international community there are no civil wars in Burma yet away from the international spotlight, Burma's army continues to torture and kill civilians, while ethnic leaders, activists, and ethnic health workers remain in the prison custodial system.

### **Monks**

Monks who are politically active are held in particular contempt of the U Thein Sein regime. After arrest they are forcibly disrobed and subject to torture and harsh treatment. This is further evidenced by the disturbing pattern of placing monks under "village arrests," the close surveillance of monks upon their release from prison, and the use of degrading terms to insult their religion. Monks are often accused with obscene crimes in an effort to tarnish their reputation and make them appear undeserving of monkhood. For example, in January, U Yamarwaidi Pyinnyarsara, a monk and researcher of Arakanese history, was accused of sexual misconduct, possessing obscene reading material and insulting religion. He was sentenced to 8 years and 3 months in September 2010; appeals to the state court regarding his case throughout 2011 were rejected.

The punishment of monks reached an alarming frequency and level of brutality in 2011. The aggressive tone regarding the treatment of monks was set in January, when a monk from Dharma Vihara Monastery in Rangoon was beaten by 20 members of Swan Arr Shin<sup>7</sup>, a group whose name translates to Master of Force and has ties to the regime, when he briefly left the monastery. The members attacked U Dhamu Thara with batons and knives, throwing his body into a playground outside the township, leaving him for dead. Following the assault U Dhamu Thara was hospitalized and has since gone into hiding in fear that he may be attacked again.

The case of U Gambira, prominent monk political prisoner who played a leading role in the Saffron revolution, is revealing of the disturbing lengths the regime will go to quell activist monks. Family reports revealed that U Gambira has spent over 2 years in extreme solitary confinement, with the door to his cell barricaded with barbed wire. He was subject to constant beatings on his head, a sacred part of the body for monks, every 15 minutes for an entire month. It is believed that this gross mistreatment has led to a brain injury, as he is unable to properly control his mouth and suffers from ongoing headaches. His sister has sent numerous appeals to the U Thein Sein regime calling for his immediate release. In a rare move, a prison authority suggested U Gambira be allowed to seek appropriate medical care, stating the grave nature of his case. This request has not been granted, and U Gambira continues to suffer in isolation.

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<sup>7</sup> The group was established by the regime with thugs, criminals and unemployed in order to attack the opposition.



Monks who openly protested the government were met with heavy restrictions on their freedom of movement and were the subject of a startling trend of “village arrests.” A group of 5 monks conducted a peaceful protest in a monastery in Mandalay where they unfurled banners in Burmese and English calling for the release of all political prisoners, an end to civil war, and the right to freedom of speech. The protest attracted over a thousand supporters and gained widespread media attention. The monks were forced to finish their protest after 2 days at the request of senior abbots, who in turn, had acted upon the behest of the authorities.

The punishment did not end there, however, as the regime is trying to do everything in its power to quell the possibility of an uprising. At least 5 monks<sup>8</sup> involved in the protest at the Mandalay monastery were sent to their home village and barred from leaving. They are under constant surveillance and everything they do is being monitored. Ashin Sopaka and 4 others are currently under village arrest in Thaphyay Aye Village, Sagaing Division, a remote and small village. The 5 monks were ordered by the Sangha Maha Nayaka Council to return to their home villages.

The level of harassment of monks and nuns face following their release from prison continues to be a source of concern. Parallel to the pattern of village arrests, monks and nuns who are former political prisoners are often banished from their monastery, and stripped of their monk/nun hood. Four nuns<sup>9</sup>, released from Insein prison in January, have been banned from re-entering the nun hood. Reports indicate authorities have been pressuring their former ministries not to take them back. According to one of the nuns “it’s like we are being exiled.” So far no monastery has accepted them. The 4 nuns were arrested following the Saffron revolution and sentenced to 4 years and 3 months in prison. Similarly, U Kawvida, a monk released under the 12 October amnesty, has had his daily movements monitored by the Special Branch of the police force, who have also questioned fellow monks in his monastery as to U Kawvida’s activities.

A prominent abbot was deemed disobedient and ordered to leave his monastery by the State Sangha Committee. He has also been banned from delivering sermons for 1 year. Abbot Ashin Pyinnyar Thiha of the Sardu Pariyatti Monastery in Yangon has faced increasing pressure due to his oppositional activities, which include calling for the release of political prisoners and meeting with Hillary Clinton during her visit to Burma. The silencing of Ashin Pyinnyar Thiha was met with contempt by the Burma Buddhist Monks organization, based overseas, who issued a statement contending that the State Sangha Committee is merely a puppet of the authorities and is not legitimate.

### **Cyclone Nargis Volunteers**

The year began with the release of 3 Cyclone Nargis volunteers, and while their freedom was a welcome sign, the conditions surrounding their release fell short. Two of the volunteers released were held in prison for almost an additional year after their original sentence expired - a reminder of how state authorities manipulate their own justice system to persecute humanitarian aid and charity workers. The 2, Aung Kyaw San and Phone Pyae

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<sup>8</sup>The names of the monks are Ashin Sopaka, Ashin Candima, Ashin Magha, Ashin Bhindola, Ashin Jotipala

<sup>9</sup>The names of the four nuns are Daw Pyinya Theingi aka Nyunt Nyunt, DawSeittavati aka San San Htay, Daw Theingi aka Than Yi, and Daw Thila Nadia aka Aye Aye.

Kywe, had their sentences arbitrarily extended by 7 months. Unfortunately the daughter of Dr. Nay Win, the third Cyclone Nargis volunteer, who was released, remained in prison for a year after her father. Holding a family member in prison while releasing another is a cruel tactic actively employed by the U Thein Sein regime to weaken the moral resolve of political prisoners.

Phyo Phyo Aung was sentenced under the Unlawful Associations Act after returning home from providing relief to the victims of Cyclone Nargis. She was ultimately released under the presidential order on 12 October. Upon her release she expressed her dismay at the limited nature of the order in saying, "I'm glad that we were released. But I'm also sad, too, because the government should release more political prisoners<sup>10</sup>." She also shed light on the precarious situation of female political prisoners in Mawlamyine prison – the majority who urgently require medical care. One, Kyi Win, 50 years of age, is suffering from womb cancer and reportedly is bleeding from her womb constantly. Despite petitions for her to receive adequate health care, she has received no response from prison authorities.

Ngwe Soe Lin, a DVB journalist, marked his 30<sup>th</sup> birthday behind bars in Insein prison. He was imprisoned for documenting the hardships of orphans devastated by Cyclone Nargis. His work was later turned into a documentary, *Orphans of Burma's Cyclone*, earning him the prestigious Rory Peck award in 2009.

Zarganar, one of the first to organize relief to the victims of Cyclone Nargis, was released under a presidential order that granted an amnesty to well-behaved, elderly and sick prisoners on humanitarian grounds. He was handed a 59-year sentence for speaking with the foreign media about the devastation caused by the cyclone and criticizing the SPDC's slow aid response. His release was highly trumpeted by the international community as a sign of genuine reform taking root in Burma. However, Zarganar, while popular both at home and abroad as a satiric commentator on frustrations on life in Burma, is not a political activist and is not working towards democratic reform. Zarganar himself acknowledged this in saying the amnesty he was released under is not a signal of freedom of transparency. "I wish everyone inside prison in Burma is released...I don't see a reason to keep them detained for this long when we are looking for reconciliation. Why just do so little when it makes it hard to believe changes are taking place?" State television announced the prisoners were being released to "help build a new nation<sup>11</sup>."

### **Media activists: journalists, bloggers, and writers**

Although the year was marked by a loosening of media restrictions, all printed and electronic media still remain firmly under state control. Journalists, bloggers, and writers continue to operate in an oppressive environment with strict regulations on freedom of speech. Media activists are harassed by state authorities and the national security services. In spite of U Thein Sein's acknowledgment of the media as the 4<sup>th</sup> pillar of the state, Burma holds the second highest number of jailed journalists per capita in the world, according to the Committee to Protect Journalists.

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<sup>10</sup> "[I will continue my activities as a member of ABSFU](#)," Mizzima, 13 October 2011

<sup>11</sup> [Zarganar freed as Burma amnesty begins](#), DVB, 12 October 2011

Barriers to publication were lifted in 2011, with journalists now being able to report on topics such as sports, entertainment, children's literature, technology, and health without the usual required approval from the Press Scrutiny and Registration Division (PSRD). However, any articles that are deemed to be critical of the ruling U Thein Sein regime still face heavy censorship and carry the threat of arrest. A Rangoon based journal faced restrictions after printing an interview with Daw Aung San Suu Kyi and publishing her picture, even though it had received official permission from the press censorship board. In addition, the Information Ministry removed state-run propaganda against exiled news outlets, including VOA, BBC, and DVB, dropping their claims that the aforementioned journals "sow hatred among the people." This move, symbolic in nature, does nothing to ease the heavy restrictions faced by media activists. DVB journalist Sithu Zeya, in the month following the announcement, was charged with a further 10 years imprisonment under the Electronics Act, bringing his total sentence to 18 years.

The pattern of heightening repression against media activists during times of perceived political junctures, while espousing media reform, continued throughout the year. The grand opening of Parliament on 31 January in secret served as a bleak reminder of the limits on media freedom. Although the Information Minister announced reporters were invited, no journalists were allowed inside Parliament to cover the first Parliamentary session in over 2 decades. Approximately 18 foreign news correspondents traveled to Naypyidaw to report on the session, but were blocked as the road to the Parliament had been barricaded with barbed wire. There were also reports of 2 domestic reporters being visited by state authorities and having their names taken down on the same day<sup>12</sup>.

The harassment of journalists and reporters is a serious hindrance to their ability to raise and report on sensitive issues. This is especially apparent when the censorship board (PSRD) banned the media from reporting on any issue related to the Myitsone Dam project, the Save Irrawaddy campaign, and even the Irrawaddy River in general. The construction of the dam was highly controversial as it would devastate the environment in Kachin state and displace a high number of ethnic minorities. This prompted a nationwide grassroots movement calling for an end to construction. Even though president U Thein Sein suspended construction until the end of his term, a move hailed by the domestic and international community, reporters were still being forcibly coerced into remaining silent on the issue.

Unfortunately, this is not an isolated case. An activist filming a large demonstration led by landless farmers who were protesting the unlawful confiscation of their land by the army was arrested and detained without bail. Myint Naing had his house surrounded by over 30 police officers, and was accused under the Video Act. The excessive force used against Myint Naing is a common tactic used by state authorities to make an example out of an activist and highlight the punishment handed down as a warning call to others to preemptively deter similar cases.

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<sup>12</sup>Journalists barred from Parliament, DVB, 21 January 2011

The favorable mention of political prisoners or the conditions they are held in any media outlet is expressly outlawed in Burma, and remains a primary point of contention for media activists. Nay Phone Latt, a blogger sentenced to 12 years, stated if given the opportunity to meet with the ICRC, he would complain about the authorities' continued refusal to recognize the existence of political prisoners. His statements come at a time when the ICRC was granted limited access to Burma's prisons after 6 years. However, in the latest visit in July, the ICRC delegation was barred from actually entering the prisons and meeting with prisoners. Similarly Zayar Thaw, a founding member of Generation Wave, expressed his frustration with the heavy censorship surrounding the situation and condition of political prisoners.

The use of torture to extract information on how exiled media groups operate within Burma illustrates how the U Thein Sein regime continues to view the media as an opponent to be eliminated rather than a critical facet of a transparent nation. Father and son journalists for DVB, Maung Maung Zeya and Sithu Zeya, were subjected to unusually harsh punishments in an effort to force them to reveal the identities of other reporters working inside Burma. The level of torture inflicted on Sithu (elaborated under Torture Section) forced him to reveal his father as a DVB journalist. Once Maung Maung Zeya was arrested, he was physically beaten while being told he would be released if he told the authorities more information about how DVB works inside Burma. A month later, Maung Maung Zeya was sentenced to 13 years and transferred to the remote Hsipaw prison.

Towards the end of the year, emerging reports revealed that intelligence officials were cataloguing information of it journalists and foreign media news. The surveillance of media activists discourages reporters from writing on important issues that may be deemed critical of the administration.

### **Women**

Concern regarding the plight of women political prisoners in Burma, who are vulnerable to rape, sexual violence, torture, and abuse, remained high throughout the year. The UN General Assembly resolution adopted in 2011 suggests that human rights violations, including rape and other forms of sexual violence against women in Burma, remain to be addressed. Rape continues to be used as a weapon war against women, especially those from ethnic areas.

Women political prisoners are held in contemptible conditions where they are denied the most basic medication, held in remote prisons where there is no doctor, and denied family visits. The conditions Su Su Nway, a labor activist, was held in raised concerns as to the hidden mistreatment of other female political prisoners. She was held in solitary confinement for over a year in remote prisons, including Kale and Hkamti, had family visits banned, and was given improper medication that caused her to collapse upon ingestion. Even though she has been released, she must take a rest to regain her former health status before she can continue her work advocating for fair labor policies.

There is no shortage of examples of the desperate situation of female political prisoners. Honey Oo, student activist, is suffering from gastric problem due to the poor quality of

prison food. She has complained to authorities on the matter but has yet to see any improvements.

Reports of women being punished for allegedly breaking prison rules continued to reach the offices of AAPP. NLD member Htet Htet Oo Wai, suffering from poor health in the remote Putao prison in Kachin state, was denied family visits and parcels for 3 months. She has been placed in solitary confinement. Authorities often fail to notify family members when visits are cancelled. Because the journey to prisons is often long and costly, the practice of holding political prisoners in remote prisons places an unnecessary burden on family members. An example is the case of Htet Htet Oo Wai's daughter who arrived at the prison to see her sick mother only to be turned away. Prison authorities arbitrarily suspend visits from family for political prisoners, as well as intercepting and censoring letters.

The year has seen a worrying trend whereby female political prisoners are routinely subjected to solitary confinement, harassment, and beatings, especially those who speak out. Human rights defender and National Democratic Force candidate, Bauk Ja, was forced into hiding because of the threat of potential arrest. She had written a letter of complaint regarding fraud over results where U Ohn Myint, the military-aligned USDP candidate, was declared winner in her constituency. Political activist Naw Ohn Hla was briefly detained after leading a public prayer to commemorate the anniversary of the crackdown during the Saffron Revolution. She stated that she would continue her prayer campaign until political prisoners are released.

Of concern is the case of Noble Aye, a student activist who was severely punished for criticizing the U Thein Sein regime. After openly denouncing statements made by the U Thein Sein regime denying the existence of political prisoners, Noble Aye was effectively held incommunicado in a remote prison. She had her family visits banned and was indefinitely placed in solitary confinement. When her parents attempted to visit her, prison authorities claimed she had broken prison regulations. The case of Noble Aye was brought to the attention of Special Rapporteur Quintana, who included it in his subsequent briefing to the United Nations.

That the regime continues to refute the existence of political prisoners is a serious point of contention for both the domestic and international community, who have increased their campaigns in calling for their immediate and unconditional release. Seven female prisoners, four of whom were political, began a hunger strike to protest the insufficient amnesty authorized in 17 May. The amnesty resulted in a mere 1-year deduction in prison sentences and a commutation of death sentences to life. In addition, a group of women activists led a campaign to release all female political prisoners to commemorate the International Day for the Elimination of Violence Against Women.

### **Students**

The U Thein Sein regime continues the previous military regime's tactics of wrongfully convicting student leaders under inflated criminal charges. A group of 7 political prisoners

believed to be associated with the All Burma Student Democratic Front (ABSDF) had their sentences arbitrarily extended for a second time by an additional 7-10 years. They were accused of being involved in the Shwe Mann Thu bus terminal bombings, which took place in 2005, and have been charged under the notorious Explosives Act. Kyaw Zwa Lin, 25 years, serving a 58-year sentence, was forced into giving his fingerprints to an empty sheet of paper. As a result, he was handed an additional 10 years to his prison term.

Students groups played an important role in testing the limits of the new nominally civilian regime in their attempts to separate truth from rhetoric. The ABFSU convened a meeting of more than 60 families of political prisoners to strategize how to move forward in the new political era. The result was to resume their activities as a way of challenging U Thein Sein's so-called democracy. In the lead up to the 8 August memorials, commemorating the 8888 uprisings, a group of students in Myitkyina hung over 1,600 posters demanding the government to immediately settle peace, and stop harassing and begin protecting its citizens.

A student activist passed away shortly after his release from prison due to a continued denial of medical treatment for his serious diseases while he was in prison. Zaw Lin Htun, serving a 20-year sentence in Insein prison, was diagnosed with a barrage of serious diseases, including stomach and liver cancer. His health drastically declined after his arrest in 2003 for trying to re-establish the All Burma Federation of Student Unions. His family sent a number of requests to the U Thein Sein regime appealing for his early release on humanitarian grounds, so that Zaw Lin Htun could spend the remainder of his time with his loved ones. He passed away in December 2011, less than 2 months after his release from prison under a presidential order. There have been at least 150 documented deaths of political prisoners. The conditions and tactics that allow for such grim results, such as denial of critical medical care, remain solidly in place.

The harassment of students who are former political prisoners continues well after their release from prison, as they are barred from resuming their studies due to their outstanding criminal record. The ramifications they face in continuing their life after prison was outlined in a letter to the U Thein Sein regime and the Myanmar National Human Rights Commission. The letter, sent by Daw Aung San Suu Kyi's former lawyer, called for the freedom of former political prisoners to continue their studies after release. Doctors and lawyers who were also jailed for their political activities were included in the letter.

New rules enacted in December warn private school teachers that if they teach topics deemed subversive by the regime; they could face up to three years in prison and a \$375 fine. While censorship of the media is seen to be loosening, schools continue to face restrictions on their freedom. That the regime is willing to imprison teachers that deviate from the regime's line of national sovereignty and solidarity is an appalling example of the lengths the regime is willing to go to dull the minds of Burma's students so as to foster complicity in the regime.

## **Labor Activists**

Pressure increased on the U Thein Sein regime to accord laborers with better working conditions and an increase in salaries that often fall desperately below international standards for minimum wage. In March 2011, over 1,500 workers at a factory in Rangoon undertook a strike to demand a pay raise to their unreasonably low daily wages. For a 12-hour workday, employees at the Taiyi shoe factory earn as little as the equivalent of 70 cents (US) a day. They have been refusing to resume their work until employers agree to pay them at least 8 cents (US) an hour.

Workers who are underpaid and forced to work in sub-standard conditions that arguably amounts to slave labor have been flexing their political muscle over the year. Two strikes involving over 700 workers took place in garment factories near Rangoon, whereby the workers refused to work until they experienced an upgrade in working conditions. Their demands were positively met with success. Even though unions have been legal in Burma since 2008, there are heavy restrictions as to the conditions they are allowed to operate under. The formation of a union is allowable only if it does not harm the vaguely defined public order and state tranquility.

Labor rights seemingly improved in the year with the introduction of legislation that legalizes worker representation. In the latter half of the year, the U Thein Sein regime passed a law that permitted unions with a minimum of 30 members to be formed and allowed for strikes as long as advance notice is given. The law was drafted in consultation with the International Labor Organization representative in Burma. Although it is commendable that labor rights was moving from “nothing to something,” as articulated by NLD spokesperson Nyan Win, the concrete benefits of the law, such as whether unions will be able to operate freely, remain dubious given the continued imprisonment of labor activists. Two months after the law was signed into power, a trade union in a textile factory in Bago had its registration application refused by the regime, with authorities stating the law had not yet come into effect.

Prominent labor activist Su Su Nway was released from prison after serving 4 years imprisonment. Like most other political prisoners released under the 12 October amnesty, Su Su Nway condemned the amnesty, saying all political prisoners should be released. For further information, please refer to the Women section.

## **Lawyers**

The continued crackdown on lawyers working for human rights, democracy, and political prisoners is the most salient example that the rule of law and an impartial judiciary still do not exist in Burma. Repression against lawyers intensified throughout the year as enforcement of silencing tactics, such as harassment, license revocations, and public slandering continued to plague lawyers. Those who defend cases where the government's interests are at stake are particularly vulnerable to the repressive tactics. The lack of law enforcement, as highlighted by NLD spokesperson U Tin Oo, means that political prisoners especially suffer.

Lawyers who dare to pursue sensitive cases, such as land confiscations or forced labor, risk having their licenses temporarily suspended or permanently revoked. Doing so causes undue hardship on lawyers, who not only have their source of income stripped from them, but also often have their reputations publicly disgraced. Two lawyers in Mandalay, Shwe Hla and Myint Thwin, who were involved in political and human rights activities, have had their licenses suspended for 3 years for allegedly violating the lawyer's code of ethics. The Asian Legal Resource Centre has advocated on behalf of 32 lawyers, whose licenses have been revoked for political reasons, urging the cases to be reviewed by the country's judiciary and their licenses immediately reinstated.

In addition to the active attempts at silencing lawyers, many political cases are still tried in closed courts where lawyers are denied access to defend their clients. An Arakanese man, Yammarwadi Ashin Pyinnyarsara, has spent the last 14 months in Thayet prison with access denied to all visitors, including his lawyer. The right to a fair trial is a fundamental human right that has been denied to every political prisoner detained and every human rights lawyer who dares to challenge the government's interests.

The un-rule of law prevailed throughout the year as evidenced by the persecution of lawyers representing opposition groups. One such example is the multiple arrests and mistreatment of Pho Phyu, a high profile lawyer who represents landless farmers. Pho Phyu was arrested for leading a farmer's protest against land confiscations by corporations with government connections in Rangoon. During his interrogation, he was given a foul tasting liquid to drink instead of water. The liquid caused dizziness and nausea, and made breathing difficult. He also claims to have been mentally tortured. Pho Phyu now faces charges of illegal assembly and disobeying government orders. Although he was released the following day, the pervasive air of intimidation and harassment exists for lawyers. It is clear there has been no change in the justice system.

This example of persecution is an ongoing trend for lawyers who often spend time in jail for politically motivated charges. This does not end after release as legal licenses are revoked on the basis that a prison sentence disqualifies legal practice. In a letter to U Thein Sein, Aung Thein, former lawyer for Daw Aung San Suu Kyi barred from representing her for this very reason, appeals against this practice.

### **Individual Activists**

Groups that operate outside of state-run initiatives, including non-political groups, are often viewed with suspicion by the government. Nay Myo Zin, a former military officer turned charity worker, was arrested after donating blood to a youth-led organization, and now has the dubious distinction of being the first political prisoner under the nominally civilian regime. He was charged to 10 years under the Electronics Act for having an e-mail in his draft inbox relaying the merits of national reconciliation to a friend overseas. That the contents of an e-mail are subject to lengthy imprisonment is indicative of the lack of progress in regards the freedom of speech and undercuts any pretense of media reform much-trumpeted in 2011. The details surrounding Nay Myo Zin's cause make this resoundingly clear. He was denied his right to a fair and free trial and no witnesses were present during his closed trial. In addition, it is believed that he was subjected to physical



abuse during his interrogation, as his physical health degenerated rapidly. He now suffers from broken ribs and a cracked hip bone. These injuries make it impossible for him to walk or stand, and disturbingly, he was forced to attend trial in a stretcher while his lawyer's appeals to allow him external hospitalization went unheeded. His family expressed their deep concerns that prolonging his injuries without treatment can lead to potential paralysis of his lower body. The inflated political charges against Nay Myo Zin are also indicative of the contempt in which former military employees are held.

A burgeoning indigenous environmental movement began to gain traction for the first time in Burma. Individual activists banded together on multiple occasions throughout the year to end infrastructure projects that would have disastrous effects on local communities and the quality of the surrounding environment. Although public pressure is being credited for successfully suspending construction of a controversial dam project in Kachin state that would have adversely impacted the environment, activists involved in the protests still faced arrest. One protestor, Naw Ohn Hla, was arrested for his solo demonstration against the Myitsone Dam Project, and another, Bauk Ja, a Kachin activist, has been evading police who are seeking her arrest after leading a signature campaign protesting the Myitsone Dam.

While the international community hailed the suspension of the dam as a sign of genuine reform, environmental activists continued to be harassed by the police. Over 10 youths in Arakan state were forced to take off their t-shirts because the shirts had anti-Shwe pipeline comments written on them. Furthermore, the police collected a list of their names and warned them not to leave town. Silencing and intimidation, hallmarks of totalitarian regimes, are the main policing tactics of the U Thein Sein regime, showing that freedom of speech is still not realized in Burma. Farmers who speak out against their land being unjustly taken from have been similarly stifled and arrested, and ultimately charged with unlawful assembly and civil disobedience.

Individual activists have also been starting to hold signature campaigns demanding release of political prisoners so they can partake in Burma's democratic transition in their attempts to test the limits of what the nominally civilian regime claims are positive reforms. A petition headed by former political prisoner Toe Kyaw Hlaing gathered about 100,000 signatures from citizens all over Burma calling for the immediate release of all political prisoners. This message, the 4<sup>th</sup> to be sent this year, was delivered to the nominally civilian regime in hopes of demonstrating the people's will.

Exiled individual activists returned to Burma at the invitation of the U Thein Sein regime, claiming they are welcome as long as they do not disturb public stability or national unity. U Peter Lin Pin, an activist who won a Parliamentary seat in the 1990 election, and has been in exile for 21 years, returned to the country for the first time and was dismayed at the physical condition of the roads and buildings. He was one of the first few exiles to return to Burma in 2011. The invitation of exiles to Burma is yet another tactic by the regime to lend sheen of democratic legitimacy. However, the fact remains that the reasons many exiles fled Burma remain in staunchly in place. Namely, this includes totalitarian style

laws that authorize the imprisonment of any individual who is seen as critical of the regime.

### **Daw Aung San SuuKyi**

Throughout the year Daw Aung San Suu Kyi was heavily courted by both the U Thein Sein regime and the international community. The former craved her stamp of legitimacy while the latter sought her insight into the rapid processions of small scale reforms in Burma. Her release in November 2010 paved the way for her re-introduction to mainstream politics as her party, the National League for Democracy (NLD) officially re-registered in November. Both Daw Aung San SuuKyi and the regime made verbal concessions regarding the overwhelming victory won by her and the NLD in the 1990 election. She described the result as historic while U Shwe Mann, the speaker in the Parliament recognized the result. Despite such welcome developments, many NLD members remained in prison throughout the year (see NLD section). Her release has not ensured full freedom, however, and many of her comments, speeches and actions have been censored by the U Thein Sein regime. An example of this is when she embarked on her first political tour outside Rangoon in August, to the protestations of regime members who warned her that it would incite riots and chaos. In reality, the tour proved to be peaceful and well-supported.

One of the most striking political developments in Burma in 2011 has been the efforts by the U Thein Sein regime to engage Daw Aung San SuuKyi. Thus, she met with President U Thein Sein in August in which she pledged her trust for his reform plans. The meeting was apparently amicable and encouraging. She also met with the Labor and Social Welfare Minister, U Aung Kyi in the same month. Since the meeting the regime strongly encouraged the NLD to re-register and the courting of Daw Aung San Suu Kyi and the NLD continued throughout the year.

Although these steps are encouraging and Daw Aung San SuuKyi is willing to work with the U Thein Sein regime to attain democracy in Burma, she has not budged on her position regarding political prisoners. She has repeatedly called for the release of all political prisoners while maintaining that the constitution is not democratic. Such sentiments were expressed to Senator John McCain in May in a visit he made to Burma in which she emphasized the need to free political prisoners in order for democracy to develop.

After the presidential orders of May and October that saw dozens of political prisoners released, Daw Aung San Suu Kyi expressed frustration at the small number of those freed in October while in May she decried the use of the term 'amnesty' to describe the release as a genuine amnesty would mean the release of all political prisoners.

The words and images of Daw Aung San Suu Kyi have become much more visible inside Burma which has marked a significant change in the country. Her face was plastered all over news journals in the latter part of the year while articles about her are becoming commonplace. This has not been without problems, however, as censorship of certain issues in which she speaks about still exists (See Media Activists). Meanwhile in September the first article by her in 23 years was published but anything deemed too political was removed by the censors.

In her first full year of freedom since her release, Daw Aung San Suu Kyi has spent even more time in the spotlight. While much of this has been encouraged by the regime this is not to say that she is completely free, or that the regime is co-operating with her demands for the release of all political prisoners, to amend the constitution, or achieving sustainable peace in ethnic regions.

### **Key international developments**

The year was marked by the regime heavily courting the international community in order to receive political legitimacy and financial concessions. In a trend that is emblematic of the previous military dictatorship, the U Thein Sein regime continued to maximize benefits out of the bare minimum of concessions, all the while maintaining its grip on political power. Burma emerged as a key player in the Asian arena towards the second half of the year, with rapid successions of high-level visits by foreign dignitaries aimed at assessing the scale and depth of the reform process. The release of all political prisoners became a main talking point for Western countries supporting the democratic transition - arising as a fundamental precondition for lifting sanctions or paving the way to increased cooperation. This increased visibility meant that the situation of political prisoners is now a hotly contested issue and their continued detention is viewed as a partial barometer of arrested democratic reform.

Burma participated in the Universal Periodic Review (UPR), a new United Nations mechanism that is aimed at improving the human rights situation on the ground for each member state by comprehensively assessing the states' human rights record. The thinly veiled respect Burma has for international human rights mechanisms was blatantly evident during the UPR process. Burma's UPR delegation, led by Deputy Attorney General Dr. Tun Shin, categorically denied state-sponsored and persistent human rights violations against the people of Burma, as well as quickly dismissed any criticism of its human rights record. Even though there was evidence of over 2,190 political prisoners behind bars, Burma disclaimed the existence of political prisoners, saying no one was behind bars for their peaceful activities, only criminals who have breached the prevailing law. In the National Report, prepared by the state under review, Burma claimed it was in the advanced stages of its transition to democracy, yet it did not support the majority of recommendations made by member states and rejected all those relating to the freeing of political prisoners, including allowing the International Committee of the Red Cross, a politically neutral organization, access to Burma's prisons. In addition, claims that Burma cooperates with the United Nations were rendered null by the denial of a visa to Special Rapporteur Quintana since March 2010, when he called for an independent Commission of Inquiry into Burma's human rights record. The Asian Legal Resource Center released a response to Burma's disingenuous participation in the UPR, saying that Burma "persisted with its usual approach, treating the process not as an opportunity for dialogue but as an opportunity for the making of fiction<sup>13</sup>."

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<sup>13</sup> [Myanmar: UPR as an exercise of the making of fiction](#), Asia Legal Resource Center, 21 February 2011

The official dissolution of military rule marked by the swearing in of a nominally civilian regime was met with criticism as the election that brought the new “administration” to power was tarnished by fundamental flaws and electoral irregularities. The United States dismissed the transfer of authority from military to civilian as immaterial and referred to it as a backwards digression. Around the same time of the Parliamentary procession, vocal opposition denouncing the human rights situation in Burma increased. Special Rapporteur Quintana stressed the need to confront truth, justice, and accountability in his progress report and again called for a credible investigation of human rights violations. Otherwise, the international community would have to intervene. Burma Campaign UK published a paper where it claimed the detention and treatment of political prisoners a crime against humanity.

The decision to grant Burma chairmanship of the regional bloc ASEAN in 2014 was met with heavy skepticism, as the nominally civilian regime had done little to address human rights abuses and there was no concrete evidence of serious progress towards democracy. The United States’ increased engagement with Burma and the Southeast Asian region was underscored by the presence of US President Barack Obama at the ASEAN summit in Bali. US President Obama reinforced the need for deepened reform in Burma by acknowledging even though some political prisoners have been released, human rights violations persist. At the summit, however, President U Thein Sein claimed there were no political prisoners in Burma and stated it was unfair to refer to them as political prisoners as “there are a lot of people in prison for breaking the law<sup>14</sup>.” Similar to the UPR process, Burma once again conceded the bare minimum in order to extract long-sought international legitimacy while completely disregarding the need to improve the human rights situation for the people. US and human rights groups viewed the chairmanship as too great a reward for token gestures while genuine reform is still a slow work in progress.

The lack of prison transparency in Burma is evidenced by the refusal of the regime to allow any outside monitors into Burma’s prisons. The failure to do so undermines any claims by the regime that prisoners are held in conditions that conform with international minimum standards. Shortly after the U Thein Sein regime assumed power, US Senator John McCain made clear that allowing the ICRC prison access is a minimum first step to re-establishing US-Burma relations. Within a month, the ICRC was granted access to prisons for 2 days, but their visits were limited to observing water distribution and hygiene. Their visit, while welcome, is not a signal of improving prison conditions as the team was not allowed to meet with any prisoners.

Coordinated advocacy and diplomacy efforts on behalf of the international community played a role in raising visibility on the political prisoner issue and making it an issue of priority for the U Thein Sein regime. However, this heightened awareness prompted aggressive responses from state authorities, who actively sought to criminalize political prisoners and wrongfully frame them as violent threats to peace and stability. It was reported that in a meeting with Special Rapporteur Quintana, Minister of Home Affairs Lt.

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<sup>14</sup>[TheinSein says no political prisoners](#), DVB, 21 November 2011

Gen. Ko Ko responded to the issue of political prisoner numbers by claiming at least 100 of individuals considered “political” are in fact criminals associated with violent crimes such as murder, bomb blasts, drug offences, and insurgencies<sup>15</sup>. Lt. Gen. Ko Ko’s accusations came at the same time as the proposal of a law in Parliament that would ban anyone who has been convicted of certain political laws, including the Unlawful Associations Act, from participating in politics for life.

The perceived opening in Burma was met with a flurry of high level visits of prominent diplomats and state authorities eager to independently assess the thawing of Burma’s political landscape. For the first time in over 50 years, a US Secretary of State visited Burma and the visit was preceded by an increased level of diplomatic engagement, including appointing a US Special Representative. Special Rapporteur Quintana was granted a visa after a year of rejections. The widespread consensus was there is a great need to reinforce legitimacy in Burma’s actions and that the small-scale reforms, while welcome, are no indication of a democratic transition. Quintana released a statement after the 12 October prisoner release stating that all prisoners of conscience should be released if it is serious about making political reforms. Similarly, Hillary Clinton vowed sanctions would remain in place until political prisoners are released.

The hollowness of the reform process in regards to affecting the human rights situation on the ground was reflected in the strongly worded resolution passed by the United Nations in December. Eighty-three countries supported the resolution that expressed “grave concern about the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar<sup>16</sup>.” The lack of civil and political rights in Burma is clearly evidenced by the continued detention of political prisoners in Burma. President U Thein Sein has the authority to immediately issue an amnesty to prisoners without any conditions. As stated by Quintana, this decision cannot wait any longer.

## **Conclusion**

The denial of the existence of political prisoners remained official state policy throughout the year. The new nominally civilian President U Thein Sein iterated on several occasions to high-ranking foreign officials that no one in Burma is imprisoned for their peaceful activities, and those behind bars breached prevailing law. This is in line with statements by the Minister of Home Affairs that numbers compiled by exiled opposition groups were inaccurate and consisted mainly of drug offenders, terrorists, and bomb assassins. The refusal to acknowledge the state-sponsored infringement of civil and political rights revealed that the so-called transition to democracy in Burma is a dangerous misnomer. On the situation of political prisoners, President U Thein Sein did little to differentiate himself from the previous military dictator Ret. Senior Gen. Than Shwe and show that he is more committed to ensuring the dignity of political prisoners than his predecessor. In regards to political prisoners U Thein Sein emerged as more hostile than Ret. Senior Gen. Than Shwe, who, within his first few months in office, recognized the existence of political prisoners

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<sup>15</sup> [Free all political prisoners without delay](#), Irrawaddy, 14 October 2011

<sup>16</sup> [UN denounces Burma’s violation of human rights](#), Mizzima, 26 December 2011

and authorized an amnesty for those detained under political laws. In one motion, 427 political prisoners were released with recognition of their political status.

This is in direct contradiction with prisoners released under President U Thein Sein. Under his tenure until the end of the year, he authorized 2 presidential orders that resulted in the release of over 26,000 prisoners, of which less than 300 were political prisoners. Worse, their releases were not part of an unconditional general amnesty, but were effectively meager sentence reductions and commutations of death to life sentences. Daw Aung San Suu Kyi expressed similar sentiments when, after the presidential order on 17 May, she explained, “The word, ‘amnesty’ means an order by a government that allows prisoners to be free. It was just commuting sentences. It was just a reduction in severities of punishments. It is just a commutation, not an amnesty<sup>17</sup>.”

Conditional releases authorized without an acknowledgement of a prisoner’s political status has long-term consequences on their successful reintegration into society. For example, an outstanding criminal record heavily tarnishes the reputation of an individual in Burma, and leaves them vulnerable to ongoing harassment and deprivation of their right to development. Excitement over the releases of political prisoners over the year was tempered by worrying trends of former political prisoners having their relative freedom critically jeopardized. Their systematic mistreatment at the behest of state authorities took various forms, including denial of educational opportunities, restrictions on freedom of movement, revocations of professional licenses, and violations to their right to privacy as those viewed as influential or outspoken of the regime faced invasive monitoring by intelligence services. According to U Aung Thein, the plight of a former political prisoner “is like punishing a person twice. We were imprisoned and when we were released lawyers and doctors cannot do their work and students have been dismissed from school. In this era, that should not happen.”

These repressive measures are aimed to ensure former political prisoners are unable to resume normal lives after their release. The post-prison landscape for former political prisoners in essence resembles a larger prison as it is marked by considerable barriers to fundamental freedoms, harassment, and surveillance. The result of these collective abuses is that former political prisoners often face deepening impoverishment and due to the heavy monitoring, have the sense of being societal outcasts. There is absolutely no viable and independent mechanism for former political prisoners to seek redress for these wrongs. A number of ex-detainees submitted appeals, along with substantive evidence, to the national human rights body seeking clarification on the legal basis for miscellaneous human rights violations, such as lawyers who were former political prisoners having their licenses arbitrarily revoked. No submissions have received responses as of the end of the year.

Rather than furthering an environment of repression, the U Thein Sein regime should embrace a culture of appropriate reintegration and rehabilitation for former political

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<sup>17</sup>[Suu Kyi says presidential commutation not amnesty](#), Mizzima, 20 May 2011

prisoners. An appropriate mechanism must be established to investigate allegations by former political prisoners on any restrictions to their freedoms. To be genuine in democratic reform means to replace secrecy with transparency and dismantling the culture of impunity. State authorities responsible for perpetrating the infringement should be held accountable. The former political prisoner subject to arbitrary and illegal abuse should receive compensation for injuries incurred.

The issue of prison transparency, or lack thereof, became a contentious focal point throughout the year. In order to secure the release of every political prisoner, it is integral to have accurate, reliable, and up-to-date information on each detainee imprisoned for their political activities. The unwillingness of the U Thein Sein regime to allow outside monitors to verify the remaining numbers of political prisoners, going so far as to refuse to publicize prisoner lists, is indicative of a regime based on cruelty and suppression rather than dignity and human rights.

Tracking the number of political prisoners is undermined by the complete lack of transparency in Burma's prisons. Throughout the year state authorities and prison administrators remained highly resistant to public monitoring and publishing information about prison systems. The lack of transparency and openness blunts public accountability and reform efforts. Prisoner lists are not publicly available, and prisoner releases and prison transfers are rarely announced in advance, whether publicly or privately to prisoners' family members.

It is incumbent on the administration, not the opposition, to publicly account for each prisoner to ensure they are being treated humanely and held in conditions that do not violate their basic prisoner rights. For this reason, AAPP fully supports calls made on 1 November by the Special Rapporteur on the human rights situation in Burma, Tomas Ojea Quintana, to authorize an independent investigative body, such as the International Committee of the Red Cross or an UN-led delegation, to verify the number and status of political prisoners in Burma. This call gained considerable traction towards the end of the year with international organizations such as Human Rights Watch and Amnesty International also requesting an independent verification into the number of political prisoners.

The releases of political prisoners throughout 2011, coupled with the dispute over the numbers of political prisoners, may cast a shadow over the political prisoners that remain behind bars and they are at risk of being forgotten about by the international community. An international and independent body is urgently needed, now more than ever, to verify the numbers of political prisoners remaining and secure their immediate release. The international community must take advantage of the current opportunity to put an end to the debate on political prisoner numbers. As stated by US Secretary of State Hillary Clinton, one political prisoner is one too many.

### **AAPP's work and contributions in 2011**

Two long-term projects that AAPP has been involved in have gained a high profile in 2011. Firstly, the photographer James Mackay published his book, 'Abhaya: Burma's

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Fearlessness' in which he documents Burma's political prisoners. Many AAPP members featured in the book, with the names of current political prisoners written on their raised hand. While Daw Aung San Suu Kyi wrote the introduction for the book, AAPP contributed the conclusion. The portraits have appeared in the Guardian, the Telegraph, and the Independent in the UK and the New York Times in the US among others. AAPP has worked closely with James Mackay on facilitating the project and the publication has been met with success.

The second long-term project has been Jeanne Hallacy's film, 'Into the Current.' AAPP has played a large role in the production of this film that documents political prisoners. The center of the film is AAPP's work, and in particular AAPP Joint Secretary, Bo Kyi. The film was finalized in late 2011 and advanced screenings were held in the US and the UK for favorable reviews. A more comprehensive release and tour is planned for 2012.

In January, Joint-Secretary Bo Kyi and fellow AAPP member Min Min went to Geneva as representatives for the Burma Forum for the Universal Periodic Review (BF-UPR) in order to lobby representatives from other countries. The BF-UPR met with a delegation of Latin American embassies including Brazil, Mexico, Argentina and Uruguay. This was constructive as AAPP had no previous ties with Latin American countries and was particularly relevant as Brazil had just opened an embassy in Burma. Lobbying continued in Geneva and Bern with Min Min and Bo Kyi meeting with the Swiss foreign ministry about a potential Commission of Inquiry into crimes against humanity in Burma. The BF-UPR also met with the Office of the UN Special Procedures for Torture to brief them on the current situation. After they left Geneva, Bo Kyi and Min Min went to France and held meetings with politicians, diplomats and NGOs. The French Foreign Ministry of Affairs stated its support for a Commission of Inquiry.

Bo Kyi carried on his work internationally throughout 2011. In June he went to Sweden and Belgium to attend a seminar and met with EU officials, as well as the Swedish and Belgian Foreign Offices. In October, along with AAPP Secretary Tate Naing, he attended the Forum 2000 in the Czech Republic. Later in the year, Bo Kyi had the honour of being a pall bearer to the Czech democracy hero Vaclav Havel, who died on December 18th. In May AAPP Chief of Office, Aung Khaing Min attended the 2011 ASEAN Civil Society Conference in Jakarta while a month later, US Senator, John McCain met with Bo Kyi in Mae Sot. AAPP has also had continued communication with UN Special Rapporteur for Human Rights in Burma, Tomas Ojea Quintana.

AAPP staff member, Min Min, gained a place at the University of York's Protective Fellowship Scheme for human rights defenders at risk in the UK. Thus, starting in September, 2011 he has been able to utilize the facilities and working environment of one of the UK's most well respected universities to conduct research and develop an AAPP project for the mental health of former political prisoners.

Joint-Secretary Bo Kyi received an award in 2011 for his tireless work for Burma's political prisoners. He was given the Freedom and Human Rights Award (2011) by the Freedom and



Human Rights Foundation in Berne, Switzerland. In an interview with the Amnesty International Switzerland's Action Magazine he stated that the award "is symbolic. It is for all the political prisoners, not only for me."

AAPP will continue to raise the profile of political prisoners in 2012 with a diversity of advocacy strategies. 2011 has proved that the work we do does not go unnoticed and that the organization is a key stakeholder in international policy towards Burma.

## **Timeline of the situation of political prisoners in 2011**

### **January**

- Early Jan – Ko San Shwe, was tortured and killed during interrogation in July 2010. He was alleged to have connections with the Karen National Union (KNU). He was dragged out of his cell and buried after he died. His co-defendants were also tortured, while one of them, Ko Law Kwat, was tortured with a method where a plastic material is melted down with fire and poured on his body, including the genitals.
- 12<sup>th</sup> – AAPP learns of the Burmese army's continuing use of prisoners as porters and human minesweepers. Information from 3 escaped porters indicates that around 600 prisoners have been used in the army's offensive against the Democratic Karen Buddhist Army (DKBA) since November 2011.
- 17<sup>th</sup> – Reports emerge from an unnamed prison source that Sithu Zeya is being tortured on a daily basis: "He is taken out of his cell every 15 minutes and forced to do squats and crawls for not knowing the prison customs," said the source, adding that this had stretched over 9 days and was being sanctioned by the prison's deputy chief, Thein Myint. He was also moved to Insein Prison the week before for failing to comply with prison regulations.
- Reports also emerged that political prisoners have been given amphetamine during interrogation, with Sithu Zeya a particular victim.

### **February**

- 4<sup>th</sup> – Phyo Wai Aung witnessed a fellow criminal prisoner (who was the 'prisoner-in-charge') regularly beat others and as punishment for complaining about the violent criminal's behavior, was put in solitary confinement in the 'dog cell'.
- 9<sup>th</sup> – Female political prisoner Htet Htet Oo Wai, in Putao Prison, where there is no doctor, is being denied urgent medical treatment. Her daughter went to visit her, a trip that took 5 days, but was denied access. Her mother is in solitary confinement and is losing feeling in her leg.
- 9<sup>th</sup> – U Khun Htun Oo is having problems with his prostate and fears it is cancer. He is being denied access to medical treatment.
- 11<sup>th</sup> - Reports of truckloads of prisoners are seen leaving Insein Prison and other prisons. Similar previous behavior points the trucks heading for the warzones.
- 13<sup>th</sup> – 12 prisoners who released a statement supporting Daw Aung San Suu Kyi's release and NLD's democratic efforts are put in punishment cells in Taungoo Prison.
- 14<sup>th</sup> – AAPP has received reports of violence and abuse in room (3), Ward (1), Insein prison. Khaing Kyaw Moe, a member of the All Arakan Student Youth Congress (AASYC), fears for his life after a criminal prisoner violently attacked a prisoner he is friends with. The attack

left the prisoner hospitalized. The violent prisoner routinely harasses and bullies Khaing Kyaw Moe, a source reveals.

### **March**

- U Pyinnya Thiha and U Eahthara imprisoned in an agricultural labor camp, in Moppalin Township, Mon State are suffering from malnutrition and are forced to wake up at 2am every morning to work. Furthermore, there is insufficient medicine for the prisoners at the labor camp.
- Two members of the banned All Arakan Students and Youths Congress (AASYC) Kyaw Wong aka Kyaw Win and Tun Lin aka Tun Lin Kyaw aka Tun Lun Kyaw were transferred to remote prisons, far from their families.
- Thet Thet Aung, a member of the 88 Generation Students group, serving a 65-year sentence, was refused medical treatment despite suffering for over one month with stomach cramps and hypertension.
- Monk U Thumana, serving 8 year sentence, is suffering from mental health problems. His family is unable to pay him regular visits.
- Reports of torture emerged after dozens of Arakan people were arrested. Kyaw Hla Sein and Saw Hla Aung were tortured while being interrogated. Beatings with sticks and being hung upside down while being insulted occurred.
- Thet Thet Aung, a member of the 88 Generation Students group, has been refused medical treatment despite suffering for over a month with stomach cramps and hypertension.

### **April**

- 19<sup>th</sup> – Reports emerge of 2 political prisoners being denied much needed healthcare. Ko Min Aung, a member of the NLD has been denied urgent medical treatment for heart disease for over 11 months. Compounding his frail health status is the remote location of his prison; he is currently serving a sentence in Kale prison, Sagaing division, which is 800 miles from his home. Min Ko Naing, is suffering from heart disease, gout, and is often very dizzy. He is being held in a remote prison, making it very difficult for his family to provide him with essential medicine.

### **May**

- 20<sup>th</sup> – Hunger strike at Insein Prison, including 7 female prisoners.
- 24<sup>th</sup> – In Insein prison 7 prisoners who were involved in a hunger strike for better prison conditions were sent to military dog cells for their alleged leadership role.
- 27<sup>th</sup> – U Gambira's family visits are stopped after his part in a signature campaign for better prison conditions
- 28<sup>th</sup> – 30 more prisoners family visits are stopped.

### **June**

- 5<sup>th</sup> – After a family visit to monk political prisoner, U Yayvata, his mother told of how he has been severely beaten by a criminal prisoner charged with murder in front of three guards who did nothing to prevent the beating.
- 17 – More than 150 prisoners were taken away in trucks from Insein prison. It is believed they were to be used as porters in the war in Kachin State.

## July

- 4<sup>th</sup> –Htin Kyaw, in Hkamti prison, writes a complaint letter calling for action to be taken against the Hkamti prison superintendent who has abused his position and authority to mistreat political prisoners and his lower ranking staff. The letter was submitted to 10 departments, including the Minister of Home Affairs in Nay Pyi Taw on the 4th of July 2011.
- 19<sup>th</sup> - Hnin May Aung (aka Nobel Aye), submitted a complaint letter to President U Thein Sein and his quasi-civilian regime demanding them to withdraw recent statements regarding the denial of the existence of political prisoners in Burma. As a consequence, the authorities at Monywa prison punished her by banning her family visits and placing her in solitary confinement for breaking ‘prison rules’.
- 22<sup>th</sup> – Ko Than Tin, suffering from bleeding veins in his stomach, is hospitalized in Sittwe hospital. His wrist is swollen as his right hand has been handcuffed to the bed. Family members have requested the police to cuff his leg instead, though this request has been denied.
- Honey Oo, serving her sentence in Lashio prison, is suffering from a gastric problem due to the poor quality of the prison food.

## August

- 25<sup>th</sup> – After a 5 day visit to Burma, including some of its prisons, UN Special Rapporteur, Tomas Ojea Quintana expressed concern about the conditions inside Burmese prisons. In particular he was disturbed by the alleged abuse of prisoners, including beatings, dripping hot candle wax on their exposed bodies, and many other flagrant violations of human rights.
- 26<sup>th</sup> – The day after Quintana leaves, Nay Myo Zin is sentenced. Reports emerge of severe health problems and he cannot walk due to problems in his pelvic/lower back area. Evidence indicates he was tortured as he was in good physical condition upon arrival to prison.
- 30<sup>th</sup> - Parliamentary efforts this month to reform the grievously outdated Prison Act and to revoke the crippling 1950 Emergency Provisions Act were immediately rejected.

## September

- Zaw Lin Htun has been diagnosed with a barrage of serious diseases, including stomach and liver cancer. His family has sent a letter to U Thein Sein appealing for an early release, so that he can spend the remainder of his time with his loved ones.
- Another request for immediate health care came from NLD member Thandar, serving a 26 year sentence. She is suffering from a narrowed artery in her heart, along with kidney problems. Her family is also concerned that she will not receive medical attention soon enough to stave off a worsening heart and kidney condition. Doctors have already neglected earlier visits to treat Thandar.
- The Network for Assisting Political Prisoners’ Families (Burma) submitted a petition to the regime this month. In it, they list numerous human rights violations ongoing in Moulmein Prison. A clear pattern of rampant extortion has been exposed, extending from the prisoner level up to the highest officers in the prison.
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## October

- 12<sup>th</sup> – After the presidential order authorizing release of prisoners, many political prisoners spoke of the conditions inside:
  - Su Su Nway explained that in Hkamti prison she had a lack of medication for 4 months and was in poor health. There is no prison doctor in Hkamti and no hospital. She was only treated by a medic and kept in solitary confinement the entire time.
  - Nyi Nyi Oo, wrongfully accused for a bomb plot, suffered a stroke while in Taungoo prison in 2006 after his blood pressure skyrocketed, leaving him paralyzed on one side of his body. Since then, he had been denied necessary x-rays and external treatment while in prison. Only after his release was he able to seek help.
  - Hla Soe spoke about other political prisoners still suffering in prison –an abbot named U Zanita who suffered a heart attack in prison and Hla Myo Naung who has continued eye problems and lower back pain.
  - U Ithiriaya (aka Ngwe Kyar Yan) a recently released monk detailed how prison conditions improved at Kengtung prison shortly before the general elections. However, afterwards conditions reverted and unfair restrictions were imposed including: denying certain foods to political prisoners and revoking personal materials such as poems written by one of the political prisoners.
  - Thet Oo revealed some of the corruption involved in Mawlamyine prison. He felt deeply oppressed by the conditions forced upon political prisoners. One example, prisoners are forced to serve as porters and work in labor camps. If someone wishes to avoid forced labor, they must bribe the authorities. Likewise, if a prisoner desires a particular job, a bribe must be given. Some bribes can cost as much as 150,000 Kyat (US \$140), a fee which places the prisoner and family members under undue stress. In addition to the forced labor, physical assault is also commonly experienced by political prisoners in this prison.
  - Phyto Phyto Aung simply stated that nothing is different in prison conditions between the former regime and the current nominally civilian one.
- 14<sup>th</sup> – In an interview with Radio Free Asia, former prisoner, Tin Tun Aung told how he was sent to the frontlines to work as a porter. He stepped on a landmine and lost a leg, receiving only \$6 in compensation.
- 27<sup>th</sup> – Hunger strike in Insein Prison is underway to protest against prison conditions and the treatment of political prisoners. The response of the prison authorities has been to deprive those strikers from drinking water, refuse them their right to family visits and any care packages which may contain much-needed medicine. At least 8 strikers have been placed in the military dog cells.

## November

- 2<sup>nd</sup> - Information continues to emerge from Insein prison where Nay Myo Zin is in particularly poor health. According to his lawyer he needs surgery for a broken pelvis incurred through being beaten during interrogation.

- 10<sup>th</sup> - 6 political prisoners from Insein prison hospital initiated a second hunger strike demanding adequate healthcare in prison and the same rights as other prisoners with regards to sentence reduction.

## **December**

- 1<sup>st</sup> - Ex-political prisoner Zaw Lin Htun, who was suffering from a barrage of diseases including stomach and liver cancer and was released as part of the October release, died at his home in Pegu Division this month. His family believes that the authorities knew he only had a short time to live since August, after his diagnosis, but refused to provide adequate healthcare treatment until he was released in October.
- The family of Thet New (aka) Nyein Lu is particularly concerned about his health. He was severely tortured and is suffering from a damaged nervous system and mental problems ever since. Although he has seen a mental health specialist in Insein Prison hospital before, his treatment while in prison has been to leave him in solitary confinement with infrequent checks by prison wardens. He was finally admitted to Insein public hospital twice this month. The first time was for an enlarged liver and a build-up of water on his lungs. An excessive amount of water removed from Thet Nwe's lungs. When water was initially removed, two and a half bottles worth were taken and a further two bottles of water removed the second time. After suffering from bouts of unconsciousness and not being able to speak he was admitted to hospital a second time. He is suffering from dementia and could not even recognize his sister.

Assistance Association for Political Prisoners (Burma)

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