



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

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# **AAPP 2010 Annual Report:**

## **Political Prisoners in Burma**

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## Summary of 2010

As of 31 December 2010, there were 2189 political prisoners in Burma. This is an overall increase of 12 in comparison to last year's figure of 2,177. In 2010, 53 political prisoners were arrested and 61 were released. The AAPP also received information about activists who were arrested and released before 2010, and this retrospective information explains why there is actually an overall increase of 12 this year.

### The total number of political prisoners is 2189

<b>These prisoners include:</b>	<b>2009 figure</b>	<b>2010 figure</b>
Monks	251	255
Members of parliament	12	12
Students	286	283
Women	178	174
NLD members	430	399
Members of the Human Rights Defenders and Promoters network	34	31
Ethnic nationalities	208	225
Cyclone Nargis volunteers	30	20
Teachers	27	26
Media activists	41	42
Lawyers	11	11
Labor activists	44	44
88 Generation Students	41	39
Doctors	11	11
Individual activists	649	607
In poor health	129	142

## 2010 Trend Analysis

In 2010, 53 political prisoners were arrested, 66 activists were sentenced, 61 were released, and 52 prisoners were transferred. At least 59 political prisoners reported new health problems in 2010, bringing the total number of political prisoners in poor health to at least 142, as of 31 December 2010.

The use of torture and inhumane treatment of political prisoners continued throughout 2010, with numerous accounts of torture, abuse, prisoners placed in solitary confinement, denied adequate medical treatment and transferred to remote prisons far from their families. The death of two political prisoners, this year, highlights the toll these conditions take on political prisoners and the devastating consequences. Dire prison conditions coupled with the denial of medical treatment led to the death of human rights activist, Ko Kyaw Soe, in May and Buddhist monk, U Naymeinda, in December. AAPP has documented 146 cases of political prisoners who died in Burma's prisons as a direct result of torture, inhumane prison conditions: lack of nutritious food and the denial of medical care. If such treatment continues, the lives of the 142 sick political prisoners are at stake.

On 7 November 2010 the military regime held the first elections in Burma in 20 years. The elections should have been cause for celebration; instead the pre-election period, the Election Day itself, and the post election period were marred by widespread political repression and human rights abuses, both in the pre-election period as well as on the day. It came as no surprise that the military backed Union Solidarity and Development Party won the carefully orchestrated elections by a huge majority, gaining over 76% of the parliamentary seats. These elections presented an opportunity for Burma to make meaningful human rights changes on its own terms, and with the world watching. These changes never happened.

The regime unofficially indicated that they would release an estimated 11,000 prisoners, whose sentences were near completion, prior to the elections and allow them to vote. Some speculated that political prisoners might be included in this release. However, such an amnesty was never granted. More than 2,200 political activists spent the election in prison, isolated from the political process and denied the right to vote. Of the current political prisoners, at least 45 also spent the last election, more than 20 years ago, in prison. Of these, 30 had been in there for the entire 20 years.

The release of Daw Aung San Suu Kyi from house arrest came just days after the elections. The timing of her release on 13 November should be seen as an attempt, by the regime, to offer a distraction from the widely condemned elections. For AAPP, the release of Daw Suu, while welcome, is also fraught, with more than 2,100 other political prisoners languishing behind bars. If the regime had been genuinely interested in taking the first steps towards a democratic transition, it would have released Daw Aung San Suu Kyi and the more than 2,000 political prisoners prior to the elections and allowed them to take part in the political process.

## **Torture**

The Assistance Association for Political Prisoners has documented hundreds of cases of torture experienced by political prisoners, dating back to 1988 and as recent as 2010.<sup>1</sup> The research reveals that torture is not limited to isolated cases but inflicted in a routine, if not, systematic manner. Evidence suggests that in Burma the practice of torture, serves the purpose of extracting confessions and information; extracting money; as a punishment; and perhaps, most dangerously, of silencing dissent. The victims are often activists from a variety of backgrounds, and include members of the political opposition, ethnic groups, teachers, human rights defenders, journalists and aid workers.

The use of torture continued unabated in 2010. Recent cases of torture brought to the attention of AAPP are particularly alarming in their severity. According to the testimony of torture victims and their families, detainees in 2010 were subjected to physical, psychological and sexual torture by authorities. In Burma, torture is used to send a strong warning not only to those within political groups, but all citizens, that they do not live in a free or safe society; their basic human rights are neither guaranteed nor respected. This ultimately has a prohibitive effect on peaceful dissent.

### **Torture in political cases**

Nyi Nyi Tun, editor of the Kandarawaddy news publication, was arrested in relation to a series of bomb blasts. The allegations regarding the bomb blasts were later discarded but in an attempt to force a confession, Nyi Nyi Tun was brutally tortured over a six day period. Sixteen police personnel including Police Lieutenant Aung Soe Naing were involved in his brutal torture. He was repeatedly kicked in the head and face with boots. He was sexually abused by the police, who sodomized him with a baton. As a consequence, he received severe wounds to his head and body<sup>2</sup>. AAPP has received reports that Nyi Nyi Tun is now suffering from partial paralysis due to the torture he received. On the 13 October a year after he was first arrested, he was sentenced at a court in Insein prison to 13 years under the Unlawful Associations, Immigration Emergency Provisions and Wireless Acts, on charges which had nothing to do with his original arrest.



**Ko Nyi Nyi Tun**

During the Burmese water-festival, on the 15 April, bombs went off at a stadium in Rangoon killing 10 and injuring 168. Phyo Wai Aung, 31 years, a construction contractor was arrested on 22 April 2010, accused of being involved in the bombings. Though not a

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<sup>1</sup> Interviews with former political prisoners on file with AAPP, from 2000 – to date, interviews with family members of political prisoners, submissions from political prisoners, letters from inside.

<sup>2</sup> Submissions received by AAPP from the family of Nyi Nyi Tun.

political activist himself he had connections with exile groups and had formerly worked with some activists. He was taken to Aung Thabyay Interrogation Centre where he was tortured for six days. Phyo Wai Aung repeatedly declared his innocence and told his interrogators that he had an alibi. He provided witnesses who could testify to his alibi, though the authorities never contacted them. The perpetrators used a variety of psychological and physical torture methods until he was forced to confess. Police Lt. Swe Lin threatened him, saying: "Even if you die during the interrogation, we will be fine." He was told, "All suspects fled the country, so we will interrogate you until we get the confession from you, and we will bring in your family members and torture you in front of them." He was deprived of sleep for five days and made to stand upright for two days. Different police officers tortured him, day and night, as they worked in rotation. He was blindfolded and routinely beaten during the interrogation, including being punched and kicked in the head and body. His calves were jumped on and he was beaten with broom sticks. He was subjected to particularly degrading methods of torture such as being forced to kneel, naked, on sharp gravel with his arms raised above his head and his genitals were burnt.

Once Phyo Wai Aung could no longer withstand the torture he agreed to confess. Then the police let him sleep and gave him food for three days, then tutored him on how to confess and threatened him that if he said something wrong "it will hurt". After that, they took him to the court where he confessed on 3 May 2010 and was then taken to the Insein central prison.

Phyo Wai Aung was tortured for a second time after her received a family visit on 11 May. When his mother and brother visited, he told them that he did not commit the bombings, as he was at work. He named the co-workers he was working with on the day in question and other details. The next day Phyo Wai Aung was interrogated again at the prison until 18 May 2010. The treatment he received was so violent that the superintendent of the prison was worried about Phyo Wai Aung's health, so he watched the interrogation closely, in case he died. Police Lt. Khin Maung Yi told Phyo Wai Aung that the authorities were taking care of his case and, therefore, he did not need to seek any legal assistance. This case highlights the brutality of the regime and the type of torture methods they are resorting to in an effort to force confessions in investigations. Since Phyo Wai Aung's arrest, he has contracted Hepatitis B.

Phyo Wai Aung was kept in solitary confinement for the first two months of detention and he was not allowed outside once. After that, he was allowed out for just one hour every two weeks. He is also forced to sleep in a place in the cell that gets him wet if it rains.

In Burma, there is a well-established pattern of wrongful imprisonment of those who speak out against the regime, as evidenced in the cases of Phyo Wai Aung and Nyi Nyi Tun, with the SPDC blaming political dissidents and democracy activists for crimes they did not commit. This scape-goating amounts to a serious abuse of the criminal justice system. It prevents a proper investigation and ensures the real perpetrators are not brought to justice. This often occurs in relation to bombings as the above cases illustrates. Following

bombings, such as those in 2010, 2005, 1996 and 1989, political activists have been falsely accused, tortured and unlawfully imprisoned for these crimes, in an attempt by the regime to damage the reputation of opposition groups.

On 28 April 2010, U Than Maung, a member of the NLD in Arakan State, who worked voluntarily for the International Labour Organization, was arrested at his home in the middle of the night by members of the army and police. A colleague of U Than Maung said, "A group of law enforcement officers, including army and police, arrested him in his house in Taungup at midnight. During the arrest the officers tortured him severely. This was done by authorities in front of U Taung Maung's family members." The officers had entered the house, without permission, on the pretence of checking the visitor lists. U Than Maung complained angrily at their intrusion. After being arrested, U Than Maung was brought to an unknown location in Taungup. At present his current situation is unclear.

In August, NLD member Htay Aung, went deaf in one ear due to injuries sustained during torture. His sister San San Aye, said that he was being denied medical assistance while in detention. He was told by a doctor that his ear drum was ruptured and needed to be operated on; however, a request for an operation on his ear was ignored by authorities<sup>3</sup>.

### **Torture in non-political cases**

It is not only political prisoners that are tortured in Burma. In 2010, AAPP also received reports of torture in non-political cases.

In one case, in August, six men were randomly assaulted by police officers in Pegu division and held in detention where they were tortured for several hours in the night. They were tortured by five men, four of whom were police officers. They also stole 100,000 kyats from the men. The group was led by Kaung Zan, commander of police station No.1 of Pegu Division. Ko Yan Paing Soe, one of the victims, said that he was taken to the police station at 10 pm after being beaten, and was tortured until 3 am.

*"It was approximately 10pm when we arrived there. They beat me constantly until they got tired. They also broke my mobile phone. They asked us to face them and then they slapped us. When we lowered our heads again, they beat us in the face, asking 'Who the hell are you?' "*

Ko Kyaw Thura was the most heavily beaten among the six who were assaulted. He reported:

*"They took their belts off and beat us. Then they asked us to stand up and take our clothes off; then took my money and threw it away. They asked me to take my "longyi" (Burmese sarong) off. I asked them not to, but they took them off anyway. They burnt my manhood even though I begged them to stop. They beat me again until 3 am. They are worse than the Japanese who tortured Burmese people during World War II. They took my money, about 150,000 kyats (150 USD) and only gave me back about 38,500 kyats (38 USD). I asked them to give me back*

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<sup>3</sup> AAPP [August 2010 chronology](#)

*all of my money but they didn't".*

The victims were released at around 9am the next morning after families arrived at the police station.

In one case, the police cut the throat of the victim during interrogation, severely injured him. Zaw Lwin Oo, from Shwe Bosu village, located in the eastern part of Khayan Township, was taken into custody by local police who were investigating the murder of school teacher, Hmwe Hmwe Khin, on 22 June. His throat was cut by the police during interrogation and he was beaten all over. His parents came to see him but local police did not allow them to meet their son. On 16 July, a relative of Zaw Lwin Oo said the police overdid the interrogation and cut his throat. Zaw Lwin Oo was losing blood and was admitted to hospital where he had seven stitches in his neck. According to the relative, *His face was basically black and blue and he was unconscious until 4pm or 5pm in the afternoon".*

AAPP received reports that U Nay Win, aged 81, and his son U Myo Myint were taken by local authorities from East New Dagon Township to the office of Chairperson of Ward One, Htay Win, following a dispute over land on 26 October. U Nay Win was verbally abused while his son U Myo Myint was severely beaten and has since been hospitalized.

A violent attack by soldiers on a woman in Inn-dine Military district took place on 1 August. The woman, Ma Pane, was severely beaten by soldiers. The soldiers came to her house looking for her brother, Mon Lay, who soldiers had beaten after a verbal confrontation earlier that day. At about 6:30pm, Maj. Zaw Zaw, the battalion commander of 605 artillery and captains came to her residence, along with an estimated 50 soldiers with a military vehicles; artillery haulers, holding guns, iron bars and bamboo rods. She was badly beaten by the soldiers and her house broken into and property destroyed and three roosters killed. After that, all villagers were rounded up and ordered to sit on the road and some of the villagers were beaten by the soldiers.

## **Conditions of detention**

This year witnessed the ongoing suffering of political prisoners as a direct result of inhumane living conditions. As of 31 December 2010, at least 142 political prisoners were in poor health, an increase of 13 in the past year. Harsh detention conditions, transfers to remote prisons where there are no doctors and the denial of proper medical care is taking its toll on the prison population. Research, in 2010, detailing the number of health care professionals on hand uncovered a shockingly low figure with just one doctor available for every 8000 inmates<sup>4</sup>, furthermore at least 12 prisons have no doctor.

During the course of the year, at least 52 prisoners were transferred to remote prisons far away from their families and on frequent occasions prison authorities failed to notify their relatives. Such transfers significantly impacts on the frequency with which families can

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<sup>4</sup> DVB: [Burma has 1 one doctor for every 8000 prisoners](#) 15 October 2010

visit their detained relatives, thus hampering access to vitally important supplementary food and medicine which political prisoners heavily rely on for their survival. Furthermore, prison authorities systematically denied numerous political prisoners their rights to family visits. In many cases, the authorities prevented family members from seeing their loved ones even after they had traveled hundreds of miles to remote jails, often at great expense.

The policy of prison transfers to remote jails is a psychological strategy employed by the regime to breakdown the resolve of political prisoners by attempting to remove the support provided to them by their families.

An extreme example, of this took place in August to Shan leader, General Hso Ten a 74 year old, currently serving a 106 year prison sentence. He was transferred to three different prisons in one week, in a cruel ploy to further weaken the already sick and elderly political prisoner<sup>5</sup>. The total disregard for the health and wellbeing of this elderly and high profile ethnic leader is indicative of the regime's total disregard for genuine national reconciliation with ethnic groups. (Please see ethnic nationalities for further details).

At the end of December 2010, at least 219 political prisoners were held in remote prisons. As the below table illustrates many of these were high-profile political prisoners.

<b>Prison</b>	<b>Division or State No. of political</b>	<b>No. of political prisoner held there</b>	<b>High-profile political prisoners</b>
Hkamti	Sagaing Division	At least 15	Htin Kyaw, founder of the Myanmar Development Committee. De Nyein Lin, leader of the All Burma Federation of Student Unions. Su Su Nway, labour activist.
Kale	Sagaing Division	At least 42	U Gambira, leader of the All Burma Monks' Alliance.
Buthidaung	Arakan State	At least 18	Htay Kywe, leader of the 88 Generation Students group. Sithu Maung, leader of the All Burma Federation of Student Unions.
Kyaukpyu	Arakan State	At least 23	Sai Hla Aung, Shan National League for Democracy member. Thurein Aung, labour activist.
Sittwe	Arakan State	At least 35	General Hso Ten, Chairman of the Shan State Peace Council. Than Tin aka Kyi Than, 88 Generation Students group Member. Kyaw Kyaw aka Zayyar Thaw, rapper and leader of Generation Wave.
Kawthaung	Tenasserim	At least 11	Htay Win Aung aka Pyone Cho, 88

<sup>5</sup> AAPP media release [AAPP denounces inappropriate prison transfers of elderly Political prisoner, Gen. Hso Ten](#) 12 August 2010



	Division		Generation Students leader.
Tavoy	Tenasserim Division	At least 7	Zayya aka Kalama, 88 Generation Students group.
Putao	Northern Kachin State	At least 19	Khun Tun Oo, elected MP from the Shan National League for Democracy. U Ohn Than, solo protestor.
Myitkyina	Kachin State	At least 21	U Thura aka Zarganar, comedian.
Kengtaung	Shan State	At least 6	Min Ko Naing, leader of the 88 Generation Students group.
Monghsat	Shan State	At least 4	Ko Ko Gyi, 88 Generation Students group leader.
Lashio	Shan State	At least 18	Min Zayya, 88 Generation Students Group leader

In May, a political prisoner's mother died after traveling to visit her son in prison. Daw Hla Hla Myint, mother of Mya Than Htike, youth NLD member, passed away at the age of 66 on 15 May 2010 after a visit to her son in Taungoo prison. The visit took place during the hot season and the extreme weather conditions and exhaustion contributed to her death<sup>6</sup>. Mya Than Htike, imprisoned for his involvement in the Saffron Revolution, was refused permission to attend his mother's funeral. This is a sad example of the regime's cruelty to both political prisoners and their families. He had been transferred to Taungoo prison in Pegu Division.

The absence and denial of adequate medical care, torture and mistreatment has led to the tragic deaths of far too many of Burma's human rights defenders and democracy activists. AAPP has documented the deaths of 146 political activists, since 1988, during incarceration as a direct result of severe torture or from the denial of food and medical treatment. Many died needlessly from curable diseases such as diarrhea, tuberculosis or malaria.

On 19 May, political prisoner, Ko Kyaw Soe, age 39, died in Myingyan prison due to prolonged ill treatment in custody and the denial of medical treatment for respiratory problems<sup>7</sup>. Ko Kyaw Soe, a member of the Human Rights Defenders and Promoters Network was tortured during interrogation, reportedly beaten, burnt with cigarettes and electrocuted. He left behind a wife, May Han Ei, and a 7 year old daughter. (Please see Human Rights Defenders and Promoters Network for further details).

Buddhist monk, U Naymeinda, on 8 December became the 146th political prisoner to die, since 1988, in detention. U Naymeinda developed serious mouth ulcers and could no longer

<sup>6</sup> AAPP media release [A Political Prisoner's Mother Died after Her Visit to Her Son](#) 16 May 2010

<sup>7</sup> AAPP media release [A Political Prisoner Passed Away in Myingyan Prison](#) 19 May 2010

eat or drink, though he received no treatment for this. He also had a skin disease but the prison authorities did not provide adequate health care for this either. His body was cremated on 9 December 2010<sup>8</sup>. (Please see Monk section for further details).

A number of prisoners in Cell block 4 in Insein prison are suffering serious health problems including tuberculosis and malnutrition related diseases, according to Ma Soe Soe, the sister of one of the detained. The prisoners do not receive adequate healthcare from the authorities and restricted family visits go further to limit their access to medical supplies and nutritious food. As a result, their health conditions have deteriorated and some of them are suffering from beriberi (a potentially fatal disease which affects the nervous system, associated with a deficiency in thiamine). Beriberi is usually found in countries suffering from famine and is clear evidence of insufficient diet. Only three of the sick prisoners have been identified. They are NLD members Bodaw aka U Khin Win and Ko Aung Myo San aka Sarkalay and student Ko Maung Maung Myint.

AAPP received information from inside Kyaukpyu Prison, Arakan State, detailing the abysmal conditions for prisoners held there. The prison holds political and non-political prisoners, and pre-trial detainees and they all face these same conditions. Prisoners are provided with only the minimum amount of very low quality food each day. This is usually inadequate for the prisoners, yet prison authorities in Kyaukpyu prison are also stealing the food and supplies that the prisoners' families provide for them. Prison officers Moe Myint and Thein Than are reportedly withholding other supplies: essential items such as toothbrushes, utensils, toothpastes and blankets, which had been officially sanctioned by the prison department.

The information revealed that prison authorities submit fake weekly medical records to prison department headquarters in order to hide the real health situation of the inmates. Prisoners who get sick are only hospitalized if it becomes clear that they are about to die. Otherwise, they must care for themselves and each other.

It also reported that prisoners are forced to work. Some prisoners have been iron-shackled indefinitely, without a specified end-date, and assigned to work outside of the prison in civilian neighborhoods. The superiors are also kept from finding out information from the prisoners because prison authorities threaten and beat prisoners who make complaints. The information also indicates that some authorities drink excessive amounts of alcohol at night and wander around inside the prison, using abusive language, swearing, and threatening the prisoners.

Torture and cruel and degrading treatment is meted out to all of the prison population, without distinction to age, health, and the special needs of women, children and those with disabilities. In Burma, victims of torture have included children as well as adults. AAPP has documented cases of children as young as 13 years of age being imprisoned and tortured

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<sup>8</sup> AAPP [December 2010 chronology](#)

due to their political beliefs. Contrary to international standards and to Burma's own Jail Manual<sup>9</sup>, children are equally subjected to the prisons' grossly inadequate conditions.

This practice continued in 2010. On 19 July police arrested a 14-year-old boy in Rangoon after he was caught in possession of books written by Burmese pro-democracy leader Daw Aung San Suu Kyi and her colleague, Win Tin, a National League for Democracy executive member. A Rangoon resident, who requested anonymity, said the boy was caught in a bus station in South Okkalapa Township in Rangoon. At the end of July the boy remained in detention in an undisclosed location. AAPP cannot confirm whether he was freed or imprisoned but feared he might have been tortured for information on how he obtained the books.



U Shwe Maung

Reports from Thandwe prison, in southern Arakan, reveal that prison authorities have been selling bed space to prisoners at high prices, the most attractive sleeping spots being sold at 40,000 to 80,000 kyats per year. As many prisoners cannot afford to pay, they have been relocated to dirty, unfavorable spots inside the prison<sup>10</sup>.

HIV/AIDS is reportedly a serious issue in many prisons in Burma. The actual number of prisoners infected with HIV is unknown but some prisoners, who have contracted the infection, have raised suspicions on how this occurred. AAPP is aware that prison staff re-use needles on inmates, including political prisoners. Further reports reveal that prisoners are not allocated a personal razor for shaving; instead prisoners only have a few razors between them which are kept by the prison authorities who then hand them out randomly, thus promoting the transmission of HIV and Hepatitis.

A farmer, imprisoned for making a complaint to the International Labour Organisation, released in early 2010 described the conditions faced by Burma's political prisoners as life threatening. He described how political dissidents are often detained alongside common criminals. In one case a fellow farmer, U Zaw Htay, was attacked by a common prisoner on death row who beat him and cut his forehead. The farmers and other political inmates wrote a letter to the prison's chief asking that they move the death row criminal to another cell, but no action was taken. Such abuse of political prisoners by common criminals is a recurring problem and, on some occasions, it is encouraged by the prison guards and authorities.

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<sup>9</sup> CRC art. 37(a) (b) and (c); and Jail Manual, Part One, Section XIII - Juvenile Prisoners; and 1984 Prisons Act, section 27. The Prison Acts specifies that male prisoners under the age of 21 should be kept separate from adult prisoners, and of these, those who have not arrived at puberty should be separated from those that have.

<sup>10</sup> AAPP [October 2010 chronology](#)

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NLD member, Ko Shwe Maung, who is currently detained in Pyapon prison, was attacked by prison guards on the evening of 12 November while reading in his cell. The guards threw powder into his eyes causing him excruciating pain throughout the night until he was finally granted permission to see the prison doctor the following morning. The doctor swiftly transferred him to an eye specialist at Pyapon General Hospital stating, "It was already a little late for the treatment he needed"<sup>11</sup>. He has since learnt that his eyes will never fully recover from the assault and continues to struggle to read. Prior to the attack, he was frequently woken by guards during the night and disturbed during meditation sessions.

The Regime's treatment of political prisoners is in direct contravention of international human rights law and standards, as well as its own prison standards, set out in the Jail Manual. International law protects prisoners against discrimination in receiving health care; all people have a right to the highest attainable standard of health. The right of all persons deprived of liberty to the highest attainable standard of health is guaranteed in a wide range of international instruments including; human rights treaties, United Nations Resolutions, and standards and guidelines for the treatment of prisoners adopted by the UN General Assembly.

If prison authorities continue to transfer political detainees to remote prisons far from their families and deny them medical treatment more prisoners are likely to die.

## **Elections**

On 7 November 2010 the first elections in 20 years were held in Burma. The elections were widely seen by both the people of Burma and the international community as a sham purely designed to prolong military rule. The event went ahead with over 2,200 political prisoners incarcerated. The regime indicated that some prisoners whose sentence was soon to expire may be released prior to the elections under a general amnesty; but no such amnesty was granted. Freedom of expression, assembly and association are fundamental components of democratic elections. All parties must have the right to campaign freely in the lead-up to the election. Parties and candidates must be free to hold meetings and rallies to explain their policies to potential voters and persuade voters to elect them to power. Voters need to be confident that they will not face persecution or punishment before or after they vote because of their choice. The people of Burma have no such confidence.

On 8 March the election laws were announced. The laws were designed to exclude the main opposition party, the National League for Democracy and ensure a victory for proxy parties of the ruling military. The laws excluded serving prisoners from voting, being members of political parties, and standing as electoral candidates: a cruel provision that excluded the more than 2,200 political prisoners, including Daw Aung San Suu Kyi and 12 Members of Parliament who won seats in the 1990 election.

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<sup>11</sup> AAPP [November 2010 chronology](#)

To contest the elections political parties were required to expel members who were imprisoned or under detention orders. According to the Assistance Association for Political Prisoners (Burma), an estimated 412 members of the main opposition party, the NLD were imprisoned in the pre-election period. On 29 March, the NLD decided that these legal provisions were unjust and announced it would not contest the elections, with its leader and hundreds of members behind bars. The NLD was formally disbanded on 14 September. The Shan Nationalities League for Democracy (SNLD), which won the second largest number of parliamentary seats in 1990, after the NLD, was also disbanded for the same reasons.

In the pre-election period, the military regime interrogated political prisoners on the upcoming election and their intentions for future political activity, according to reports from the families of political prisoners. Shwe Maung, a Saffron Revolution activist, held in Mandalay Prison said the special police visited him in June and asked his opinion on the elections and whether he would continue to be politically active when released. Another political prisoner, Zaw Thet Htwe, was also interrogated, in June, by the police on what he would do once released. U Gambira, prominent monk leader, held in Kalay Prison, was also asked the same questions by authorities. The reasons for the questioning remain unclear, although it may be an indication that the authorities were considering releasing 'softer' political prisoners prior to elections.



**Ko Zaw Thet Htwe**

With less than a month to go before the elections, the regime announced that foreign journalists would not be granted access to Burma during election. The Election Commission Chairperson, Thein Soe, stated that Burma had a lot of experience with elections and would therefore not need an election watchdog from outside the country. In reality, the 7 November was the third election in the country in 60 years, the previous one 20 years before. Individuals under the age of 38 had never voted before.

Election related violations only amplified in the months leading to the elections, as well as on the day itself. Through Burma's state-run media, the regime warned that anyone who disrupts the country's election could face up to 20 years in prison. It reminded people that the 1996 Law on the Transfer of State Responsibility, providing up to 20 years imprisonment for anyone who "incites, delivers a speech or makes oral or written statements that undermine the stability of the state, community peace and tranquility and prevalence of law and order," is still in force.

In the lead up to the elections the regime introduced new restrictions further prohibiting civil and political rights. Added to the list of oppressive decrees and directives, which ban gatherings of more than 5 people, outlaws debate on the Constitution and criminalize membership in trade unions, human rights organizations and student groups, is Directive

2/2010, issued on 23 June, which prohibits holding flags, chanting slogans and marching to and from an assembly venue<sup>12</sup>.

On the day of the elections family members of political prisoners found that their names were absent from the voters list, while individuals who were previously involved in protests also discovered that they were denied the right to vote.

Estimates suggest that of the 29 million eligible voters, voter turnout on Election Day averaged between 45 percent and 60 percent. Considering this was Burma's first election in over 20 years the voter turnout was extremely low. Contributing factors included a widespread campaign to boycott the elections, lack of civic education and apathy and indifference.

Eleven days after Burma's election the Election Commission, as predicted, delivered news of a USDP victory. Through extensive intimidation, vote buying and suppressive campaign restrictions they had managed to secure 76.5% of the seats. Trailing behind the winner was; the regime supported, National Unity Party, who managed to secure 63 seats. Four pro-democracy parties, deemed to be in opposition to the USDP managed to collect 9% of the seats.

On 17 November, the junta warned that individuals who filed a complaint against the elections risked a three-year prison sentence. The paper stated that accusations of fraud made through foreign radio stations and print media about the elections went against Article 64 of the e Election Laws, and may consequently lead to punishment. This announcement came after several election fraud related allegations, predominantly directed at the USDP, were ignored by the Election Commission.

Shortly after the elections, the regime declared new laws restricting the speech of elected members of parliament. These laws allow for freedom of expression in parliament only if it does not jeopardize national security and the unity of the country, or oppose Constitution. This limits the capacity of parliamentarians to carry out their duties, further restricts those who might challenge the military, and will prohibit a parliamentary review of the Constitution. The new laws also provide a two-year prison term for those who stage protests in the parliament compound. In addition, anyone other than a parliamentarian who enters the parliament hall when the body is in session faces a one year prison term and a fine.

## **National League for Democracy**

There are currently 399 members of the National League for Democracy detained inside Burma's prisons. This represents a decrease of 31 in comparison to the end of 2009, at which time 430 NLD members were detained. Despite a few positive developments, most notably the release of high profile members; party leader, Daw Aung Sun Suu Kyi, in

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<sup>12</sup> Elections Commission, Enlisting the Strength of Political Parties, Directive 2/2010

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November, U Win Htein, in July and Vice Chairman, U Tin Oo, in February, 2010 witnessed the NLD disband as a result of undemocratic electoral laws.

In February 83-year old NLD vice-chairman U Tin Oo, who had been under house arrest for the past 6 years was released. Most observers, however, viewed the release as political posturing, as it occurred just days in advance of the arrival of the UN Special Rapporteur for human rights in Burma, Tomas Ojea Quintana. Later in the year, just days after the widely condemned elections took place, party leader, Daw Aung San Suu Kyi, was released from house arrest after 7 years. Although her release initiated much celebration it also served to veil the regime's cleverly orchestrated elections. In the absence of the rule of law, with the lack of an impartial judiciary and with laws that criminalise basic civil and political rights, Daw Aung San Suu Kyi will continue to face the threat of re-arrest.

On 15 July U Win Htein, a former army captain and personal aide to Daw Aung San Suu Kyi was released from Katha prison in Sagaing Division after spending more than 14 years in prison. Win Htein, aged 68, was originally arrested in May 1996, charged with sending "fabricated news" to foreign media and handed a 14 year jail term.

*At the time of release he said, "I was imprisoned twice—for five years from 1989 to 1995 and then for 14 years and two months from 1996 until my recent release. I was held in Myingyan, Mandalay, Meikhtila and Katha prisons... There were many hardships in prison. At first, the most difficult thing was the lack of food, which was really depressing. But after a while, I got used to having little to eat. I was not ill-treated during these past few years, except for occasionally being subjected to lectures..."* When asked to describe his life in prison in only one word, he said, "Well, to quote U Nai Nai, 'Prison is the hell of human society.'"

In the Shwegondaing Declaration, issued on the 29 April 2009, the NLD stated it would only participate in the 2010 elections after a careful study of any electoral laws, and only then, if certain conditions were met. These conditions were: the unconditional release of all political prisoners; amend the provisions of the 2008 Constitution which are not in accord with democratic principles; and the general election must be inclusive, free and fair and held under international supervision.

Burma's ruling military regime ignored the NLD's request and instead allowed the elections to go ahead with more than 2200 political prisoners behind bars and no foreign media or independent international observers. The NLD decided not to contest the elections due to the discriminatory election laws, which would force them to expel their members in prison, including leader Daw Aung San Suu Kyi. Rather than expelling its leader and the other 413 party members in prison, the NLD disbanded.

The NLD leaders were not discouraged by this and vowed to continue their work for a democratic transition and focus their political efforts on social programs. Members engaged in voter's rights campaigns throughout the country; distributing leaflets among the public conveying the message that citizens had a right not to vote in the elections. In August the NLD announced that they would boycott the elections, highlighting that the

junta's 2008 constitution and 2010 electoral laws were one-sided and unjust. In response the regime warned that continued calls for the people of Burma to boycott the elections could result in a one year prison term or a fine of US\$1,000.

In a move rejected by Daw Aung San Suu Kyi and challenged by some members of the NLD, a group of prominent members from the NLD formed and registered a new political party; the National Democratic Force, who went on to contest in the elections.

Throughout the year members of the National League for Democracy were repeatedly subjected to arbitrary arrests, torture, long-term sentencing, prison transfers to remote areas and the denial of substantial and often urgently needed medical care.

Mya Than Htike, who was arrested in 2007 during the Saffron Revolution, is reportedly in very bad health. He was shot during the demonstrations and at the time of his arrest he had a gun-shot wound and was never offered essential medical treatment to allow him to fully recover. On a prison visit to Taungoo prison, in November his sister arrived to find him unconscious.

Political prisoner, Nay Win Soe, who is currently serving a 15 year sentence, is reportedly suffering from a neurological disorder and has been denied adequate treatment. On 1 October he was transferred from Hkamti prison to Kale prison where there is no doctor.

A number of imprisoned NLD members had their sentences arbitrarily extended in 2010. Former member of the National League for Democracy (Liberated Area) Malaysia Branch, Than Myint Aung, was sentenced to a five year jail term in June because he allegedly entered the country illegally and had made contact with an illegal group. Then in July, while in prison, his sentence was extended by a further 10 years under the Electronics Act, a tool used increasingly by the junta to control dissenting voices.

Ko Min Aung's was taken to Monywa court towards the end of his current sentence relating to his involvement in the Saffron Revolution, and arbitrarily sentenced to a further 15 years imprisonment under new charges. Ko Min Aung's sentence has been altered on several occasions since his initial arrest in 2007.

Towards the latter part of February four NLD members and two others detained in Rangoon's Insein prison engaged in a hunger strike to protest the lack of "basic human requirements" for political prisoners in Burma<sup>13</sup>. The list of complaints included cramped prison cells and the denial of medical treatment. Those involved in the strike were NLD party members Nyi Pu, Kyaw Myo Naing, Nyi Nyi Aung and Nay Moe Aung, as well as Aung Naing Myint and Aung Naing, who are in jail for their links to the banned All Arakan Students' and Youths' Congress. Those believed to have initiated the strike were placed in solidarity confinement. Their demands coincided with a visit to Burma by UN Special Rapporteur for Human Rights, Tomas Ojea Quintana, on 15 February. However, he was denied a meeting with them.

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<sup>13</sup> AAPP [February 2010 chronology](#)



## Students

As of 31 December 2010, there were at least 283 students detained in Burma's prisons. This represents a decrease of three compared to the end of 2009, at which time 286 students were imprisoned across Burma. The military continued to suppress the student population during 2010 and enforce further restrictions and punishment for those who dared to speak out against the regime and its flawed elections.

In September, 11 university students, were arrested in Rangoon for distributing leaflets calling for a boycott of the upcoming elections. These students included technology students Tha Htoo Aung and Zarni Lin; Zin Min Htet, an extra-mural student; Kyaw Thiha and Kyaw Thu Soe, who are studying geography; and economics student Ye Lin Phyo, as well as Cham Myae Aung. Two of these individuals, Ye Lin Phyo and Cham Myae Aung were released, but the other nine remain in detention at an interrogation centre at Insein Prison, where they have been held unlawfully, without trial, for over two months. The students had distributed leaflets reminded citizens of their right not to vote and containing the messages: "If you vote the Union Solidarity and Development Party, monks and people will be killed again" and "the 2008 constitution and elections guarantee that military rule will be prolonged." In August, state media had announced that anyone seen to disrupt the elections could face a prison term of up to 20 years under the State Emergency Act.

The perceived threat students present to the regime is evident in the ban on cameras at Sittwe University, in September, by university authorities, in an effort to prevent them sending photographs to the exile media and democracy activists abroad.

One Sittwe university student described the situation, "*We are unable to take cameras to Sittwe University. The authorities are seizing the cameras from students if they bring them to the university. Many students have lost their cameras after bringing them to the university. The ban is intended to prevent students sending photographs of the university to the media in exile and activists.*"

The prohibition came about after some photographs related to Sittwe University were published on a website and journal of a media in exile during the students' protest in Sittwe last month.

Ko Ni Min Aung, a student leader from Sittwe University, went missing on 21 July when Burmese military intelligence raided the hotel he was staying at in Rangoon's Hlaing Township. He was wanted by authorities for leading several student protests against the government, in Arakan State. Ko Ni Min Aung managed to evade arrest at the time because he was not at the hotel but AAPP has been unable to track his current situation.

In May, reports revealed that All Burma Students' Democratic Front member, De Nyein Lin, was suffering from eye disease. He took a leading role in the September 2007 demonstrations with the 88 Generation students. The junta accused him of holding the

Fighting Peacock Flag (symbol of the struggle for democracy) and leading the march of some 30,000 protesters from San Chaung Township. De Nyein Lin was then arrested on the night of 23 October 2007 and later sentenced to 15 years and 6 months in prison. News in June disclosed further deterioration in his health including kidney stones.

Later in the year, AAPP documented the case of seven individuals, who in 2008 were arrested and accused of having ties with the All Burma Students' Democratic Front. In September of this year, each had their sentence extended by 20 years, on top of their already hash prison term of between 20 and 38 years<sup>14</sup>.

New Generation Student leader, Kyaw Ko Ko's jail term was extended by a further 5 years, in May. Kyaw Ko Ko was originally arrested for his participation in the 2007 Saffron Revolution and sentenced to three years in prison in February 2009 for "video acts".

## **Monks**

September 2010 marked the third year anniversary of the monk-led protests, known as the Saffron Revolution. More than three years after 'Saffron' 255 monks remain in prison, an increase of four in comparison to last year's figure. During this anniversary period, the military regime imposed tight restrictions on Buddhist monks in Rangoon in an attempt to prevent any protests. Monks continued to play a key role in the democracy movement throughout 2010 and voiced their dissatisfaction with the ongoing imprisonment of political activists and the undemocratic election process. Throughout the year, monks reported facing tighter travel restrictions and the suspension of passports for some monks. Monks also complained that the government's passport issuing board in Rangoon was refusing to extend nearly-expired passports. This was seen as an attempt by the regime to block the influential community from going abroad in the lead up to elections.

Monk, U Oakkantha, 28 years, was arrested in January in Thanbyuzayat Township, Mon State, for his opposition to the 2010 elections. He was arrested for painting "No 2010 Election" along the highway from Moulmein to Ye townships to mark New Year's. When he was arrested, police seized a video camera, a computer and leaflets opposing the 2010 election. He was disrobed and tortured by authorities during the initial detention, according to sources from the New Mon State Party. As consequence, he was hospitalised at Moulmein Hospital.

He was sentenced on 27 September 2010 to 15 years imprisonment under three charges – the Press Law, the Electronics Act, and article 505(b) of the Penal Code, for 'disturbing public tranquility' –carrying a sentence of four years, 10 years and one year respectively<sup>15</sup>. AAPP received reports that on 13 October the authorities transferred him from Insein to Bassein Prison, at the time of transfer he was suffering from a fever and stomach problems.

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<sup>14</sup> AAPP [September 2010 chronology](#)

<sup>15</sup> AAPP [September 2010 chronology](#)

On 8 December U Naymeinda, from Tanatpin, Pegu Division passed away. He was 50 years old and became a Buddhist monk 30 years ago. U Naymeinda was arrested for distributing leaflets urging a pro-democracy uprising on 9 September 1999<sup>16</sup>. He was charged under section 17/1 of the Unlawful Associations Act and 5(j) of the Emergency Provisions Act. He was sentenced to a 20-year prison term and was detained at Insein Prison in Rangoon and then in 2000 he was transferred to Moulmein Prison in Mon State, where his health began to deteriorate. He developed serious mouth ulcers and could no longer eat or drink, though he received no treatment for this. He also had a skin disease but the prison authorities did not provide adequate health care for this either. Reports also suggest that he had been on hunger strike at some point in the lead up to his death. According to the monk's donor, his family had difficulties getting to the prison to visit him.

Despite being forced to disrobe during interrogation, he still lived as a monk in prison. Under interrogation he was tortured. Nyein Thit, a poet who was detained with U Naymeinda at Moulmein Prison for seven years, said that U Naymeinda had led the fight for prisoners' rights in the prison.

Monk leader, U Gambira, who is currently serving a 63 year sentence managed to smuggle a letter out of Burma's remote Kale prison. He said in the letter, collected by a visitor and transcribed over the phone by his sister, who is now in Thailand, that "torture and repression is less [bad] here in Kalay prison" than the previous places he was detained in, which included Insein prison in Rangoon. He added that while his health has improved, "my sight is bad [and] my eyes are hurting". Through the letter he welcomed the release of Daw Aung San Suu Kyi, though stressed that the more than 2,000 other political prisoners who remain in detention need to be released. "I will forgive and forget the slander, the brutal torture on me and the harassment of my family, committed by the generals and the clerks. I want you all to concentrate on national reconciliation."<sup>17</sup> Since AAPP received news of his letter U Gambira's condition has once again begun to deteriorate. He is now suffering from malaria but he is not receiving sufficient medicine for the disease.

U Yammarwadi Pyinnyarsara, a monk and researcher of Arakanese history was arrested on 27 July for sexual misconduct, possessing obscene reading material and insulting religion. He was sentenced to 8 years and 3 months imprisonment in a closed trial. According to a lawyer, he was forced to be his own witness as police pressure prevented 34 witnesses from giving testimony in his defence.

U Pyinnyarsara, was the abbot of Mahamuni Buddha Vihara Monastery in Sittwe. He founded an orphanage school in the monastery in 1990 and about 150 children lived there at the time of his arrest. After his arrest the orphanage and monastery were forced to close and the orphans were sent to Magwe and Mandalay Divisions.

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<sup>16</sup> AAPP [December 2010 chronology](#)

<sup>17</sup> DVB [Jailed monk hails Suu Kyi's release](#) 25 November 2010

In October, U Pyinnyarsara was transferred from Sittwe prison to Thayet prison in Magwe division. His family and lawyer were not informed of his transfer and only received the news when friends attempted to visit him but were turned away and informed that he had been moved to an unknown location. His family later learned that he was in Thayet prison but has since been denied the right to visit him.

## **Ethnic Nationalities**

At the end of 2010, there were at least 225 ethnic nationality political prisoners detained in Burma's prisons. This represents an increase of 17 from the end of 2009, at which time there were 208 ethnic nationality detainees. Ethnic minority activists and politicians routinely face extensive surveillance, harassment, discrimination, arbitrary arrest, torture and imprisonment, 2010 was no exception.

This year was a difficult year for Khun Htun Oo, Chairman of Shan Nationalities League for Democracy. He is currently serving a 95 year prison term in Putao prison on charges of treason, defamation, setting up of an illegal organization and violation of the 5/96 Law prohibiting people from criticizing the Constitution. Khun Htun Oo is suffering from bladder distension, peptic ulcer, arthritis in his hands and knees and legs due to inadequate exercise and lack of regular medical treatment.

In February, 66 year old, senior Shan Nationalities League for Democracy member, Sai Hla Aung, was reportedly in bad health; he was suffering from considerable weight and hair loss and had sores on his arms and legs. Sai Hla Aung is just five years into a 79-year prison sentence<sup>18</sup>. He is currently being held in Kyaukphyu prison in Arakan state, where conditions are said to be poor, and like many prisons in Burma, access to medical assistance is severely restricted.

Shan leader, General Hso Ten, was transferred to three different prisons in one week, in a cruel ploy to further weaken the already sick and elderly political prisoner. General Hso Ten, 74 years old, a Shan ethnic politician, is currently serving a 106 year prison sentence.

On 2 August, he was transferred from Khamti Prison to Obo (Mandalay) Prison, then from Mandalay Prison to Insein Prison on 5 August and finally to Switte Prison, where there is no doctor, despite his poor health. He suffers from heart problems, diabetes and has cataracts. The authorities have repeatedly denied him adequate medical care<sup>19</sup>.

When his daughter, Nang Kham Paung, visited him on 11 August 2010, she learned that he had been shackled during the train journey from Mandalay to Insein, which resulted in him dislocating his arm, for which he has not received medical treatment and continues to suffer pain.

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<sup>18</sup> AAPP [February](#) 2010 chronology

<sup>19</sup> AAPP media release [AAPP denounces inappropriate prison transfers of elderly Political prisoner, Gen. Hso Ten](#) 12 August 2010

Throughout April there were numerous arrests in Myitkyina, the capital of Kachin State, in response to two bombings; one on April 17 at the Irrawaddy Myitkyina dam site, and the second on May 5 in Myitkyina city. The junta blamed the Education and Economic Development for Youth organization and arrested many youths but they maintain they had no involvement. Those arrested were severely tortured during interrogation; AAPP can confirm that at least a few were released. Locals believed the junta was using the bombs as an excuse to arrest people involved in a protest against the Myitkyina dam project<sup>20</sup>.

Eleven Arakanese youths, detained for almost a year, received sentences of between 3 to 9 years at a closed court inside Insein Prison in August. They were charged with contacting the exile-based All Arakan Students' and Youths' Congress, recruiting new members for the organisation, selling narcotic drugs for the organisation, carrying arms and ammunition and committing bomb attacks in Burma. However, no evidence or witnesses were presented at their hearing. The 11 are Ko Ray Htet Soe, Ko Mae Lon, Ko Tun Lin Kyaw, Ko Khaing Kyaw Moe, Ko Aung Moe Zaw, Ko Aung Naing, Ko Aung Naing Soe, Ko Kyaw San Thein, Ko Zaw Tun Naing, and another unnamed youth<sup>21</sup>.

October witnessed the NLD meet with 88 Generation Student Group, Ethnic leaders, and prominent politicians to sign the Zomi National Day declaration stating that they were willing to hold a second Panglong Convention to reinstate the aims of the original conference, proposed by Daw Aung San Suu Kyi's father, Aung San, in 1947. In response Burma's state run media warned that such actions went against the regimes seven-step political road map and would "bring more harm than good." The article stated "without the Tatmadaw [armed forces], a conference like the Panglong Conference will be manipulated by organizations that oppose the government and its seven-step political road map, even if it is carried out with good will."<sup>22</sup> Ethnic leaders, however, insist that they do not intend to exclude the military from the process.

## Women

At the end of 2010, there were at least 174 women detained. This represents a minor decrease of four since the end of 2009, at which time there were 178 female detainees. In Burma's prisons, the medical, hygiene and nutritional needs of women are not met. While both men and women experience deficiencies in the medical care received in prison, certain deficiencies are discriminatory due to the disproportionate impact they have on women.

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<sup>20</sup> AAPP [May 2010 chronology](#)

<sup>21</sup> AAPP [August 2010 chronology](#)

<sup>22</sup> Irrawaddy [Second Panglong Would Do 'More Harm Than Good': State Media](#) 8 December 2010

When Ma Sanda, who is currently serving a 1 year and 6 month sentence, complained about the conditions of her living situation she was punished with a transfer to Putao prison, in Kachin State, 1150 miles from her family. Ma Sanda was originally arrested in May 2010 after she raised concerns at Twante Township hospital after witnessing a car accident where a woman did not receive necessary medical treatment due to the absence of medical staff. She was later charged under Article 353 in relation to her complaint. Her transfer came after she complained to prison authorities about the condition of her cell, which was having a negative impact on her heart condition.

In July, 25 year old NLD member, Htet Htet Oo Wai, was beaten up by prison guards when she attempted to stop them from beating up two other female prisoners. The female prisoners were beaten by prison authorities because they were unwell and unable to carry out their hard labour duties. Htet Htet Oo Wai offered to cover their work but was beaten with a stick for her suggestion. Htet Htet Oo Wai was arrested in December 2008 for taking part in a protest in Rangoon calling for the release of Daw Aung San Suu Kyi. She was sentenced to five years' imprisonment and later transferred to Putao prison, in Kachin State, 1150 miles from her family.

A family visit in early December revealed that Nilar Thein, a significant figure within the 88 Generation Students group, currently serving a 65-year prison sentence went on hunger strike on 2 December. Her sister-in-law, Thandar Yu, went to Thayet prison to visit her, bringing along Nilar Thein's three year old daughter, Nay Kyi Min Yu. However, authorities would not permit the family to see her because of her hunger strike and highlighted that she would be banned from such entitlements for two weeks as a result of her actions. Nilar Thein is in solitary confinement and has been kept in isolation since 2008.



**Ma Sanda**

Her sister asked that Nilar Thein be allowed to see her daughter as they had traveled 340 miles to the prison, even if only for 5 minutes, but they were denied any visit. Nilar Thein is currently suffering from eye problems and she has a problem with her uterus/ovaries. The family is unclear of the exact problem but is concerned it is cancer of the cervix or uterus. She urgently needs a medical checkup but has not been allowed.

Of particular note in March, was the testimony of twelve Burmese women at the International Tribunal on Crimes Against the Women of Burma, held at the UN building in New York City on 2 March. Khin San Nwe gave testimony regarding the human rights abuses she and others experienced while detained at Rangoon's infamous Insein Prison. The tribunal was conducted with the hope that the testimony will encourage policymakers

and political leaders to take action with regard to the human rights abuses experienced by women in Burma<sup>23</sup>.

## **Labour Activists**

As of 1 January 2010, 44 labour activists were detained in Burma's prisons. This figure did not change throughout 2010.

In December, Labour Union Member, Naing Lin, was transferred from Insein prison to Kale prison in Sagaing Division, 680 Miles from his home. He suffers from Leukemia and requires a monthly blood transfusion; yet there are no doctors in Kale prison. Without monthly blood transfusions he could die<sup>24</sup>. Naing Lin is just 30 years old and serving an 8 year sentence for attending a political training course in Mae Sot, Thailand, he has been incarcerated since January 2010. Reports since his transfer indicate that he has received one blood transfusion.



**Ko Naing Lin**

During 2010, AAPP received information that three labour activists were in poor health. Khaing Mar Soe detained in Bassein prison, has been suffering from lung problems, since 15 January 2010. Win Myint, a lawyer and labor activist, detained in Tharawaddy prison, is suffering from Hypertension and is not receiving adequate treatment. Tin Hla, Assistance Engineer of Burma Railway Union, detained in Insein prison, is suffering from Diabetes. Furthermore, Su Su Nway, detained in in Kani prison, Sagaing Division, is reportedly in need of medical treatment for Malaria. Since being detained she has suffered from a heart attack and gout.

In August, two labour activists, Myint Maung and Thura Aung, imprisoned for helping farmers file a case against the seizure of their land by a local industry, were released. Their freedom came after their sentences were reduced, though not nullified.

## **88 Generation Student group**

As of 31 December 2010, 39 members of the 88 Generation Student group were detained in Burma's prisons. This represents a decrease of 2 since the end of 2009, at which time 41 members were imprisoned in Burma.

At the beginning of 2010 members of the group released a statement calling for the release of all political prisoners before the elections and an inclusive political process but this was ignored by the regime, who in February attempted to pressure jailed members of the 88

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<sup>23</sup> AAPP [March](#) 2010 chronology

<sup>24</sup> AAPP [December](#) 2010 chronology

Generation Students group into accepting the government's election process in return for their release. The Student leaders refused to sign a 401 release agreement, which is a mechanism of Burma's Criminal Procedure Code used by the Burmese regime to provide conditional suspended sentences to jailed political activists<sup>25</sup>.

Student leaders, including prominent figures Min Ko Naing and Ko Ko Gyi, remained committed to the "Maubin Declaration," an accord they reached in Maubin prison in 2008 before they were transferred to different prisons across Burma. According to the agreement, the group will not lend its support to a general election if the ruling junta does not make the process all-inclusive and does not release all political prisoners without conditions<sup>26</sup>.

Prison authorities failed to address the health needs of numerous 88 Generation Student group members this year, many of whom have been transferred to remote prisons far away from their families, in high malarial zones, with extreme weather conditions, where there are no prison doctors. It is left to the families to provide medicines and food, but prison transfers prohibit this.

Min Ko Naing, is reportedly suffering pain due to cold temperatures in Kengtung, where he is serving a 65-year prison sentence in a remote township in eastern Shan State that is one of the coldest places in the country at this time of year. Suffering from osteoporosis made worse by poor diet and lack of exercise, he is experiencing pains in his arms, hands and legs.

Min Ko Naing's sister Kyi Kyi Nyunt said, "It is like living in a freezer there and he can't do much physical exercise to warm himself up, so his legs and hands are painful." Kept in solitary confinement Min Ko Naing faces severe restrictions on his rights to exercise. He is only allowed out of his cell to wash and he is able to walk around then for about 20 minutes a day. Furthermore, Min Ko Naing is only allowed to meet with family members once every three months.

Concern mounted in April with regards to the health of imprisoned 88 Generation member, Ko Mya Aye, who is serving a 65 year and 6 month sentence. Ko Mya Aye is suffering from a serious heart ailment in addition to hypertension and gastric problems but has been denied medical treatment. On 9th of April he was moved from Loikaw Prison in Karenni State to Taungyi Prison in Shan State, many miles from emergency medical care and his family. His daughter Wai Hnin currently works for Burma Campaign UK and has been involved in extensive campaigning for the release of all political prisoners, including her father. In October she received a standing



**Ko Aung Thu**

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<sup>25</sup> 1 February 2010 Irrawaddy

<sup>26</sup> 25 August 2010 Irrawaddy



ovation for her speech about the situation inside Burma at the Labour Party conference.

In early February 88 Generation leader, Aung Thu, who is serving a 65 year and 6 month sentence was tortured and placed in solitary confinement after he complained to prison authorities' about the use of shackles. At the time, one political detainee at the prison had been shackled for at least five weeks.

## **Journalist, Bloggers & Writers**

Journalists, bloggers and writers continue to face intense suppression and censorship in Burma. As of 31 December 2010, 42 media activists were detained in Burma's prisons. This represents an increase of 1 since the end of 2009, at which time 41 media activists were imprisoned in Burma.

In 2010, Reporters Sans Frontieres ranked the country's media environment at 174 out of 178 - the fifth most repressive in the world, just behind Iran and North Korea<sup>27</sup>. Additionally, according to figures released by a New York-based press safety watchdog Burma is the world's fourth-highest jailer of media workers, following China, Iran and Eritrea<sup>28</sup>.

The family members of, 25 year old, political prisoner and journalist, Hla Hla Win, who attempted to smuggle information to exiled media, publicly disowned her in January because of her political beliefs<sup>29</sup>. Hla Hla Win was first arrested in September 2009, and was initially sentenced to seven years' imprisonment under the Export/Import Act for using an unregistered motorbike. At the time of her arrest she was working for Democratic Voice of Burma. In December 2009, however, Hla Hla Win was found guilty of violating the Electronics Act, which prohibits downloading or uploading data from the internet that is damaging to the security of the military regime. A tactic often used by the regime to imprison video reporters. She was handed a further 20 years and offered no legal representative.



**Ma Hla Hla Win**

In early 2010, Ngwe Soe Lin, also a Democratic Voice of Burma journalist, was charged under Electronics and Immigration Acts and handed a 13 year sentence. Ngwe Soe Lin played a vital role in recording the lives of children left orphaned by Cyclone Nargis in 2008. His video records were turned into a documentary, *'Orphans of Burma's Cyclone'*.

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<sup>27</sup> [Press Freedom Index 2010](#)

<sup>28</sup> DVB [Burma 'fourth biggest jail' for journalists](#) 9 December 2010

<sup>29</sup> AAPP [January 2010 chronology](#)

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In April bomb blasts rocketed through Rangoon during the traditional New Year's water festival. Father and son, Zayya and Sithu Zayya photographed images in the aftermath of the incident but were arrested shortly after. Sithu Zayya was interrogated for five days, tortured and denied food for two days during this period. He has since been sentenced to 8 years imprisonment charged for illegally crossing the border and holding ties to an unlawful organization. However, reports suggest that further charges could be added under the Electronics Act. Sithu Zayya's legal advisor, Aung Thein, stated that none of the accusations were supported by strong evidence. "The verdict was based on informal confession results from torturing the accused while he was under interrogation," said Aung Thein. The charges stem from the Burmese government's draconian press laws, which target media workers suspected to be providing material to exiled news outlets. Zeya, Sithu Zayya's father, is yet to be sentenced.

On October 13, Seikkan Township court in Insein prison sentenced Kandarawaddy news journal editor Nyi Nyi Tun to 13 years imprisonment. He was initially arrested in October 2009 following suspicions that he had connections to a series of bomb blasts that went off in Rangoon earlier in the month; these allegations were apparently discarded but Nyi Nyi Tun was arbitrarily sentenced and charged under section 17(1) of the Unlawful Associations Act, section 13(1) of the Immigration Emergency Provisions Act, section 505(b) of the Penal Code and section 6(1) of the Wireless Act. In 2010 AAPP received information detailing the serve torture Nyi Nyi Tun was subjected to during interrogation. (Please refer to the torture section for further details).

On 18 October the regime, announced that foreign journalists would not be granted access to Burma to observe the elections. However, on the day, Toru Yamaji, a reporter with the Tokyo-based APF news agency, sneaked into Burma, crossing the border from Thailand, to attempt to cover the elections. While taking photographs of voters inside a polling station he was approached by secret police and taken to Myawaddy police station where he was held for two days. "I was put in a single occupancy room that was like a pigsty, covered in a cage," said Tor Yamaji. "A political prisoner who was in a cage next to me said, 'Thank you for working for us'. That made me happy and tearful." The prisoner explained to Yamaji that he had been detained since 1995, and during this time had been tortured. Toru Yamaji was threatened with a 7 year sentence, however, this was dismissed shortly afterwards; officials explained that this was due to the "deep friendship" between Japan and Burma. At the time of arrest he was carrying a pen camera, a passport, an APF press card, a Thai cell phone and an international cell phone, all of which were confiscated by authorities<sup>30</sup>. Toru Yamaji works for the same agency as Japanese video journalist Kenji Nagai, who was shot and killed while covering the Saffron Revolution in Burma in 2007.

As *Reporters without Borders* said, "the military junta denied foreign reporters entry to Burma, it is only natural that some tried to enter without press visas ... We support Toru Yamaji's attempt to do some reporting despite the restrictions. This episode highlights the

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<sup>30</sup> AAPP November 2010 chronology

enormous difficulties that the international media have had in covering these undemocratic elections.”

### **Human Rights Defenders & Promoters Network**

As of 31 December 2010, 31 human rights defenders and promoters network were detained in Burma’s prisons. This represents a decrease of 3 since the end of 2009, at which time 34 were imprisoned in Burma.

In May, political prisoner Ko Kyaw Soe, became the 145th political prisoner to die whilst held in detention. He was just 39 and died in Myingyan prison on 19 May due to prolonged illtreatment in custody and the denial of medical treatment for respiratory problems. Ko Kyaw Soe, a member of the Human Rights Defenders and Promoters Network was arrested on 17 September 2007 and tortured during interrogation, reportedly beaten, burnt with cigarettes and electrocuted. When his family members requested the Myingyan Prison authorities to buy appropriate medicine for Ko Kyaw Soe, the prison authorities replied that they had been taking care of him adequately and carefully. Ko Kyaw Soe has left behind a wife, May Han Ei, and a 7 year-old daughter.



**Ko Kyaw Soe**

In July, human rights activist, Pauk Taw, was transferred from Buthidaung prison in Arakan state, where his family live, to Myung Mya prison in Irrawaddy Division. Reports in October revealed that due to financial restrictions his family had been unable to visit him since his transfer. It is currently unclear whether his family has since visited. At the time of his arrest he was working with Arakan Human Rights Defenders, he was sentenced to five years under several charges including supposedly crossing the border to Bangladesh illegally. Since Pauk Taw was detained, his family has struggled financially and one of his daughters has been forced to drop out of University.

### **Cyclone Nargis Volunteers**

At the end of December 2010, 20 Cyclone Nargis volunteers were detained in Burma’s prisons; this represents a decrease of 10 in comparison to 2009 when there were 30 in detention.

Since May, 49 year old Zarganar, who is currently serving a 35 year sentence for his efforts to distribute aid following Cyclone Nargis and criticizing the government’s slow response

to foreign media, has faced a total ban on family visits, according to Ma Nyein his sister in law. He has received no family visits for 7 months; the last visit was on 17 May 2010. He was not allowed to attend the funeral of his father earlier in July 2010. A new regulation, confirmed on 25 June, permits only Zarganar's wife and children to visit him. Zarganar's wife Lwin Mar Oo, his 24-year-old son Myat Kaung and 19-year-old daughter Nge Oo Mon live in the United States.

According to the prison manual, a relative of a prisoner or a person that can prove he or she is related to a prisoner is entitled to visits. There is no regulation in the prison manual that permits only husband and wife, father, mother and children to meet a prisoner. The authorities must permit anyone who can prove being a relative of the prisoner or anyone whose name is included in the family household registration certificate. Ma Nyein's name is included on the family household registration certificate as she is the younger sister of Lwin Mar Oo and prior to this year was able to visit Zarganar every two months.

Political prisoner Myo Min Wai, aged 25, who voluntarily worked to collect the dead after Cyclone Nargis struck, was diagnosed with requiring surgery for a hemorrhoid in March 2009; however, authorities chose to ignore his condition and transferred him to Hkamti Prison in Sagaing Division 1200 miles from his parents. In August 2009, Myo Min Wai's parents were granted permission to visit him but learnt that he was still waiting for treatment. His parents reported that he was struggling to eat because of the hemorrhoid and had not used his bowels for five consecutive days.

## **Lawyers**

Lawyers, especially those who provide legal assistance to political dissidents, continue to face harassment from the military regime. As of 1 January 2010, there were 11 lawyers detained in Burmese prisons for giving legal assistance to politically active members of Burmese society. This figure did not change throughout 2010.

The Junta's continued pressure on defense lawyers in Burma has led to a diminishing number of lawyers advocating on behalf of political prisoners. Defense lawyers for political prisoners subject themselves to financial risk, as the Junta often pressures these lawyers' non-political clients to find legal representation elsewhere, which, coupled with the risk of imprisonment and other forms of harassment, dissuades other lawyers from advocating on behalf of political dissidents. Furthermore, many lawyers are disbarred following imprisonment, further reducing the legal support for political prisoners.

In 2010, Tomas Ojea Quintana, United Nations' Special Rapporteur on the situation of Human Rights in Burma, met with lawyers connected with Daw Aung San Suu Kyi including her personal lawyer Nyan Win. The lack of independence in judicial processes and the lack of open court was explained as were restrictions on freedom and the harsh sentencing

handed down to political activists. Emphasis was also placed on the details of Daw Suu's case<sup>31</sup>.

Young Lawyer Pho Phyu was released in March, after the regime scaled down his four year sentence. He was put in prison after taking up the case of a farmer complaining to the International Labor Organisations regarding land confiscation. He was arrested on his way to court to submit evidence in the trial in January 2009.

The right to a lawyer at trial is a fundamental right of all prisoners. By arresting prisoners' defense lawyers and interfering with legal advice, the legal system in Burma is failing to protect the rights of citizens.

Robert San released Robert San Aung was released from detention after serving a 2 year and 6 month sentence for his part in a demonstration outside the home of Daw Aung San Suu Kyi. The demonstration marked Daw Suu's 62nd Birthday and drew attention to the extension of her house arrest. Robert San Aung is a trained lawyer; he was barred from practicing law by the High Court in Burma in 1993 and served seven years in prison between 1997 and 2003 as a result of his political activities.

### **Individual Activists**

At the end of December 2010, 607 individual activists were detained in Burma's prisons, compared to 2009 when there were 649 in detention.

Burmese born US citizen, Nyi Nyi Aung, was sentenced to 3 years imprisonment with hard labour in February. He was found guilty of forging a national identity card, failing to declare currencies at customs, and not renouncing his Burmese citizenship. He was originally arrested on his arrival at Rangoon airport, in September 2009, with the intention of visiting his ailing mother but was immediately arrested. His charges were widely condemned and described as a ploy to punish him for his activism since he fled Burma in 1993. In the lead up to his trial he was tortured both physical and mentally, deprived of sleep for 14 days, put in solidarity confinement on more than one occasion and then transferred to Prome prison in central Burma the day after his trial. Following his sentencing, the US government immediately urged the regime to release him. They finally granted him freedom on 18 March<sup>32</sup>.

Ye Htut Khaung, who is currently serving a three year sentence for his involvement in the Tuesday prayer group is reportedly partially paralyzed. It is believed that his condition has come about as a result of severe torture and dire prison conditions. His family visited on 4 December and was threatened by authorities because they had previously raised his case with the media, after a November visit. They were told by the head of Insein prison, where he is currently detained, 'if you talk to media again and misinform them we will charge you'.

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<sup>31</sup> AAPP [February](#) 2010 chronology

<sup>32</sup> AAPP chronologies for [January](#) [February](#) and [March](#)

U Ohn Than, renowned for his solo peaceful protests, released a statement from Kale prison, shortly after the election results were announced, stating that he did not support the results. As a punishment, he was transferred to Putato prison, in Kachin State.

## **Daw Aung San Suu Kyi**

Highlighting 2010, just days after the elections, was the release of Daw Aung San Suu Kyi. Her freedom came, on 13 November, after 7 years of isolation.

During her first meeting with her National League for Democracy members, Daw Suu stated that she wanted to form a strong “people’s network” and respond to the people’s needs “I want to listen to the people of Burma’s voices. I want to obey the people’s wishes. So I want to engage in activities that put me in touch with the people.” At the meeting emphasis was placed on prioritizing the release of all political prisoners, pressing for national reconciliation and initiating positive interactions with the military.

After the meeting Daw Suu called for direct talks with the military leaders in the interests of national reconciliation. Following the party meeting Daw Suu spoke publicly to her supporters outside the gates of the NLD office about the need for public engagement to move towards democracy. "I think we all have to work together. I wish to work in unison with the people of Burma," she said. Adding that, after 50 years of military rule, she alone could not lead the country through a democratic transition. "I don't believe in one person's influence and authority to move a country forward," she said. "One person alone cannot do something as important as bringing democracy to a country." In her speech she also requested that the people of Burma pray for the release of all political prisoners still detained inside the countries prisons<sup>33</sup>.

Since her release, among several political figures, Daw Suu has met with the ambassador of Belgium, which currently holds the rotating EU presidency; he reiterated support for her fight for democracy and said that the European Union would back efforts to bring democracy to the country. Daw Suu also talked with the International Committee of the Red Cross and highlighted the mounting challenges facing political prisoner inside Burma, whilst also touching upon the possibility of raising funds to cover the high travel costs incurred when families visit their loved ones. On a less positive note Daw Suu has, disappointingly, received no response from the regime in relation to her calls for dialogue.

Daw Aung San Suu Kyi has also focused her attention on engaging with Burma's younger generation. A conference was held at the NLD head office in Rangoon towards the latter part of the year which was attended by an estimated 300 people under the age of 35. The meeting was a first step on her social networking map and allowed guests to ask questions and share their suggestions on how the country should face reform. Furthermore, Radio

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<sup>33</sup> AAPP [November 2010 chronology](#)

Free Asia has launched a weekly question and answer show with Daw Suu giving the people of Burma a rare opportunity to communicate with their democracy leader<sup>34</sup>.

Burma's highest court agreed to hear an appeal against the house arrest of Daw Suu, in early January, relating to her latest sentence of 18 months charged for breaching the terms of her house arrest following an uninvited visit by US citizen, John Yettaw, who swam across Inya Lake to her home in 2009. The appeal was rejected. A third and final appeal went ahead in October but this was also rejected<sup>35</sup>. The ruling did not come as a surprise, as her latest sentence was largely seen as a politically motivated attempt to prevent the detained opposition leader from taking part in the 2010 national elections.

## **International Developments**

In February UN Special rapporteur for human rights situation in Burma, Tomas Ojea Quintana's visited Burma. While in Burma, Quintana met with recently released NLD vice-chairman U Tin Oo senior members of the military regime, and visited Rangoon's Insein Prison, as well as Buthidaung prison and Sittwe prison in Arakan state. However, Quintana's failure to secure meetings with Daw Aung San Suu Kyi, and Senior General Than Shwe, led many observers to qualify the trip as disappointing and unproductive.

Following his return Tomas Ojea Quintana said; *"I see no indication that the Government is willing to release all prisoners of conscience, and that fundamental freedoms will be granted. ... Without full participation, including by the 2100 prisoners of conscience, and an environment that allows people and parties to engage in the range of electoral activities, the elections cannot be credible."*

On March 15, Tomas Ojea Quintana delivered his annual report to the Human Rights Council in Geneva. In the report Tomas Quintana endorsed the call of Burma activists around the world and urged the UN *"to establish a commission of inquiry with a specific fact finding mandate to address the question of international crimes"* in Burma. This was the first time a Special Rapporteur had referred to crimes against humanity in relation to human rights taking place in Burma, during their mandate.

The body of states supporting the establishment of a UN Commission of Inquiry into the perpetration of war crimes and crimes against humanity in Burma grew after the release of Tomas Ojea Quintana's report. By the end of the year countries which publically supported were France, the United Kingdom, Australia, Canada, the USA, New Zealand, the Netherlands, Czech Republic, Slovakia, Hungary, Ireland, Estonia and Lithuania.

On the 26 March the Human Rights Council adopted a resolution (A/HRC/13/L.15) on the situation of human rights in Burma, without a vote. The resolution on the situation of human rights in Burma strongly condemned the ongoing systematic violations of human rights and fundamental freedoms of the people of Burma. The resolution extended the

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<sup>34</sup> AAPP [December](#) 2010 chronology

<sup>35</sup> AAPP [October](#) 2010 chronology

mandate of the Special Rapporteur, for one year, and urged the Government to implement the recommendations contained in his reports and in Council resolutions.

In response to the announcement of the election laws UN Secretary-General Ban Ki-moon wrote a letter to Senior-General Than Shwe expressing concern with regard to the reconciliation process in Burma, and urged the release of all political prisoners as a prerequisite for free and fair elections. In August, Ban Ki Moon called on the junta to release all political prisoners ahead of the elections, expressing his deep frustration over the upcoming election and unwillingness of the military junta to engage

In May, Kurt Campbell visited Burma and met with Daw Aung San Suu Kyi and NLD leaders. He expressed his “profound disappointment” with the pre-election conditions and called for the release of political prisoners. He later issued a warning to the junta, who may have imported nuclear arms, saying that “United States maintains the right to take independent action.” Following his visit, the US extended sanctions saying, “Burma continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States”. In a show of solidarity, on the 20<sup>th</sup> anniversary of the 1990 election, six US Senators issued a joint statement condemning the Burmese regime’s ongoing dictatorship and suppression of democratic freedoms.

August brought Tomas Quintana, the UN Special Rapporteur for Burma, to Thailand to meet with activists ahead of his report to the General Assembly in October. His visit came after he was denied a visa to Burma. While in Mae Sot he visited AAPP and other human rights organizations, as part of a fact-finding mission.

In his report to the UN General Assembly, the Special Rapporteur urged the international community to act immediately to ensure his recommendations became a reality. The report exposed the increasing repression faced by the people of Burma in the lead up to the elections, and called for the unconditional release of all political prisoners, and for accountability and justice through a commission of inquiry. the Special Rapporteur’s repeated calls for the military regime to release all prisoners of conscience and said: *“Some have already spent most of the past two decades imprisoned...for their involvement in calling for democratic transition in Myanmar, such as the leaders of the 88 Generation students’ group, currently serving 65-year prison sentences. He recalls that he “met some of these women and men — student leaders, monks, political party leaders and ethnic minority leaders — during prison visits...These people have a legitimate role to play in these historic elections. An immediate unconditional release of all prisoners of conscience is necessary for the elections to be credible”.*

Quintana’s report placed responsibility for the fate of the Burmese people in the hands of the international community: “The pursuit of justice and accountability will require tremendous effort. The international community must stand ready to help and support the people of Myanmar as they undertake these steps”.



This report goes further than his ground-breaking March 2010 report to the Human Rights Council by stating: *If the Government fails to assume this responsibility, then the responsibility falls to the international community... [Of] particular concern is article 445 of the 2008 Constitution, which may impede the Government from effectively addressing justice and accountability in the future. With the possibility of impunity enshrined in the Constitution, the United Nations can establish a commission of inquiry into crimes against humanity through resolutions adopted by the Human Rights Council, the General Assembly or the Security Council, or the Secretary-General could establish it on his own initiative.*

In the lead up to the elections there was significant international media attention and commentary from the international community. Tomas Quintana, the UN Special Rapporteur on the human rights situation in Burma released a report exposing the increasing repression faced by the people of Burma in the lead up to the elections and called for the unconditional release of all political prisoners, and for accountability and justice through a commission of inquiry.

Towards the latter part of November Vijay Nambiar, the UN Secretary General Ban Ki-moon's chief of staff, spent two days in Burma. He called for the release of the more than 2,000 political prisoners currently detained and requested that the regime address the many concerns highlighted by parties with regards to the recent elections, emphasizing that it was "important for laying the foundation of a credible transition". During his visit he met with Daw Aung San Suu Kyi who felt that the meeting was a success but hoped it would be the first of many to come in order to resolve the problems in Burma.

Michael Posner, US Assistant Secretary of State for Democracy and Human Rights, visited AAPP on 18 December. AAPP staff showed him around the political prisoner museum and shared their prison experiences with him. There was discussion regarding the human rights situation in Burma, and political prisoners more specifically.

### **AAPP activities and publications**

In March, AAPP celebrated its 10<sup>th</sup> anniversary in Mae Sot. The event was attended by over 100 former political prisoners, and also coincided with the release of a new AAPP report titled "[The Role of Political Prisoner in the National Reconciliation Process](#)". This report sets out the vitally important role of Burma's political prisoners in a process of national reconciliation, leading to democratic transition. Emphasizing that a crucial first step would be the official recognition of all Burma's 2,100 plus political prisoners accompanied by their unconditional release. In the report AAPP calls on the international community to pressure the military junta to release all political prisoners, review the 2008 constitution, and engage in a tripartite dialogue for national reconciliation.

In July, AAPP submitted a report to the UN Office for the High Commissioner for Human Rights for the Universal Periodic Review (UPR). The UPR is a new mechanism of the Human Rights Council (HRC) aimed at improving the human rights record of all 192 UN Member States. Burma is up for its first review in the 10th session of HRC, on 27 January 2011. For

countries, like Burma, with a poor human rights record and a low ratification rate of international human rights treaties, the UPR provides a unique opportunity to put them in the hot seat and have their rights record publicly scrutinized.

In preparation for the UPR submission AAPP interviewed former political prisoners to document the human rights violations they suffered while in prison.

AAPP also worked with other human rights organizations working on the border and inside the country to form the Burma Forum for UPR. The Forum is comprised of 13 different civil society organizations documenting a wide range of human rights issues in Burma. The Burma Forum for UPR submitted a joint-submission to the UPR. AAPP contributed to this submission and participated in the UPR lobbying process.

AAPP published a further three key reports this year: [“Torture, Political Prisoners and the Un-rule of Law: Challenges to Peace, Security and Human Rights in Burma”](#). The paper explores the nature of torture in Burma’s interrogation centres and prisons, revealing that torture is not limited to isolated cases but inflicted in a routine, if not, systematic manner. Evidence suggests that in Burma the practice of torture, serves the purpose of extracting confessions and information; extracting money; as a punishment; and perhaps, most dangerously, of silencing dissent. The report was presented by AAPP Joint Secretary, Ko Bo Kyi and AAPP human rights advisor, Hannah Scott at the International Conference on Human Rights in South East Asia, in Bangkok. The second paper [“Silencing Dissent”](#) examines the year leading up to the 2010 elections with reference to the imprisonment of political activists, individuals associated with activists, as well as civilians peacefully expressing their basic civil and political rights. An increase in political prisoners during the pre-election period was evident, as was the ongoing abuse of political prisoners through torture and dire prison conditions, resulting in serious health problems and sometimes even death. At the end of the year AAPP released a report, *The Ten Year Fight For Burma’s Political Prisoners: a history of the Assistance Association for Political Prisoners*. The report is a combination of memoirs, prose, excerpts from past reports and other commentary documenting the establishment of AAPP and its first decade.

Ko Bo Kyi, AAPP’s Joint Secretary, visited Geneva, in March, to attend the UN Human Rights Council meeting and to speak at a conference on human rights.

As part of Amnesty International’s Myanmar Freedom Campaign, Aung Khaing Min, a former political prisoner and the Office In-Charge of AAPP, spent two weeks touring New Zealand in October to tell his story and to inform New Zealanders of Burma’s struggle for freedom. Speaking at a Foreign Affairs Select Committee he asked the New Zealand government to denounce Burma’s elections and not recognise the result. He drew attention to the regime’s endeavor to convince the international community that they were holding free and fair elections. Aung Khaing Min also asked the New Zealand Government to convince ASEAN countries to recognise human rights violations and denounce the unfair elections. The New Zealand Parliament passed a motion calling on the regime to guarantee

the three freedoms of expression, association and peaceful assembly, and to immediately and unconditionally release all political prisoners.

Ex-political prisoner and AAPP member, Aung Myo Thein, organized and undertook a two week long study trip to Europe in September with the aim to gaining insight into the role of the UN and European human rights institutions with a focus on organizations in countries that have been through a democratic transition. A further purpose was to advocate on behalf of Burma related issues and create links to such organizations.

## **Conclusion**

In Burma, being held behind bars has life-threatening consequences. There are at least 2,189 political prisoners in Burma, reflecting the systematic denial of the fundamental freedoms of expression, assembly and association. Their treatment violates the right to life and dignity, to be free from torture, and the right to health and an adequate standard of living. Untreated injuries from torture, transfers to remote prisons, grossly inadequate medical care and routine violence are taking a toll on the health of prisoners. The deaths of human rights defender, Ko Kyaw Soe, and Buddhist monk, U Naymeinda, this year, reflect the brutal treatment political prisoner's face on a daily basis. The number of non-political prisoners who die in Burma's prisons are untold and they go unaccounted, some worked to death in the hard-labour camps, where conditions are particularly severe.

Throughout the past year, AAPP has documented the ongoing imprisonment of political activists, individuals associated with activists, as well as ordinary civilians peacefully expressing their basic civil and political rights. Fifty-three political prisoners were arrested in 2010. Not only was there an increase in the number of political prisoners in the past year but the cases of abuse and torture, documented, were particularly alarming in their severity.

The number of political prisoners has doubled since 2007 – jumping from about 1,100 in 2006 to 2123 in September 2008. Among these political prisoners, about 700-900 were arrested during and in the aftermath of the peaceful protests led by the 88 Generation Students group in August 2007 and peaceful marches led by monks in September of the same year. The figure steadily increased throughout 2009 and 2010. In the two months before the election, there were 18 new arrests and only 6 releases.

The inhumane conditions of political prisoners' confinement violate international norms, which require all people in custody be treated humanely with respect for their dignity. The regime's treatment of political prisoners is also in direct contravention of its own prison standards, set out in the Jail Manual. Malnutrition, poor sanitation and unclean water are a serious problem throughout the prison system, posing a major health risk. Many prisoners face starvation.

Many 88 Generation StudentGroup leaders and other high profile prisoners are kept in solitary confinement, including Ko Min Ko Naing and Nilar Thein. Min Ko Naing was kept in

a cell on his own for 16 years during his first imprisonment and now after his third imprisonment, in August 2007, is again kept in solitary confinement in Kentung prison in Shan state, facing many limitations on family visits and time out of his cell.

Long-term solitary confinement is imposed, along with prison transfers to punish and further intensify the isolation and suffering of prominent political activists, removing them from their potential audiences, their fellow political prisoners, as well as limiting their contact with the outside world. Sporadic and often brief family visits ensure minimal human contact. Transfers to remote prisons often prohibit such interaction and when visitation rights are granted prison guards are almost always present recording the conversations.

Torture in Burma's prison's and interrogation centers is widespread and systematically used as a psychological tool to punish, extract false confessions, and as an attempt to force victims to give up on their political activities and beliefs. Almost all political prisoners are subjected to torture during interrogation and many are left permanently maimed, as evidenced in the case of journalist, Nyi Nyi Tun, who is now partially paralysed and NLD member Htay Aung, who has lost his hearing.

The military regime routinely breaches international norms and standards pertaining to the right to a fair trial in political prisoner cases - including the right to communicate with counsel and have adequate time and facilities for the preparation of the defence; the presumption of innocence; the right not to be forced to confess guilt; and the right to witnesses. Phyo Wai Aung's case is illustrative of this. The authorities reliance on a confession obtained under torture in Phyo Wai Aung's case vitiates his trial and renders his continued detention of arbitrary. Intimidation of potential witnesses and the reliance on witnesses who were intimidated by the Police mean the testimony is tainted. The fact that Phyo Wai Aung was subjected to torture and solitary confinement further points to the unlawful nature of his detention. His detention and trial, like most of the other political prisoner cases, is in violation of the Universal Declaration of Human Rights<sup>36</sup> and the International Covenant on Civil and Political Rights<sup>37</sup>.

Based on evidence obtained by AAPP, it is clear that most political prisoners in Burma have been subject to arbitrary detention. Political prisoners are commonly arrested without warrant and held longer than 48 hours (in many cases for several months and in some cases more than a year) without being brought before a judicial authority. Many have been held incommunicado, without access to lawyers, or family. This year a number of political prisoners had their sentences arbitrarily extended, while in prison, they had additional charges added to their sentences without a trial and no right to appeal. In September, seven

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<sup>36</sup> Articles 5, 9, 19, and 20

<sup>37</sup> Articles 7, 9, 10, 14, 19, and 21 of the

political activists, already serving long sentences of between 20 and 38 years, had their sentences extended by another 20 years.

The nature of the arrest of political activists and the judicial system through which they are sentenced are illustrative of the lack of rule of law operating in Burma.

The harsh sentences handed down and the torture and punishments inflicted on political activists threatens the wider population, sending a clear message: refrain from opposition activities or risk the consequences. The consequences are well known. These practices ensure populations live in fear, thereby preventing any politically critical activities. This fear stifles dissent, prevents a vibrant civil society and halts any criticism of the regime; key components of a genuine democratic transition.

The regime must recognize the existence of all political prisoners detained throughout Burma's custodial prison and grant them all immediate freedom, pending this, the regime must ensure all political prisoners have access to medical care and provide them with nutritional food to prevent malnutrition and starvation. The 142 political prisoners in poor health must be released immediately, and if not, at the least be kept in prisons with full medical facilities close to their families.

At the international level repeated concerns have been raised over the SPDC's continuing practice of arbitrary detentions, enforced disappearances, rape and other forms of sexual violence, torture and cruel, inhuman and degrading treatment. These crimes continued unabated in 2010 and an independent international investigation is desperately needed into all reports of human rights violations that have taken place and are still taking place in Burma.

The violations committed in the past year took place within a culture of impunity. Those who commit these abuses do so without fear of repercussions and accountability. The regime has done nothing to address the endemic nature of torture throughout the country and has made no changes in practice or in law to end torture. Victims of torture have no effective mechanism to seek redress and the government denies independent monitors access to prisons.

Evidence suggests that police and military officials, operate above the law. Without the rule of law, reform of the judiciary, a review of the Constitution, and other draconian legislation, human rights violations will continue. An independent Commission of Inquiry is necessary to deter further violations of international criminal and human rights law and to seek accountability for past violations, bringing those responsible to justice.

## Timeline of key events

### January 2010

- ARRESTED                **8** activists arrested including Monk, U Okkantha, on 7 January and 5 Labour Unionists on 22 and 24 January.
- RELEASED                **1** labour activist, Soe Myin, released.
- 6 January                Journalist, Hla Hla Win, sentenced to 20 years imprisonment.
- 12 January                Aung Thu and Min Min Htun, moved to solitary confinement. US citizen, Nyi Nyi Aung, has been in solitary confinement since 7 Dec.
- 13 January                Shwe Gyo, Ma Cho and Sein Hlaing, sentenced to three years with hard labour.
- 21 January                8 activists, including 4 monks and a teacher, charged for their role in the 2007 Saffron Revolution.
- 27 January                Reporter, Ngwe Soe Lin, sentenced to 13-years imprisonment.

### February 2010

- ARRESTED                **1** NLD member, Aye Ko, arrested on 9 February.
- RELEASED                **15** activists released including NLD vice-chairman Tin Oo (U) on 13 February, Democratic United Front member Ba Myo Thein on 4 February, HRDP member, Chan Aung, and author, Zaw Naing, on 10 February.
- 1 February                88 Generation Student leaders Min Ko Naing and Ko Ko Gyi refused the regime's offer to "sign Article 401", which would suspend their sentences and allow for their release. The offer was on the condition that both leaders accept the junta's election process.
- 3 February                3 monks, U Waryama, U Yaywata and U Weithuda and 2 civilians were handed lengthy prison sentences for their role in the Saffron Revolution.

- 3 February Mya Mya Theint, transferred on 19 January from Mandalay prison to the remote Myitkyina prison. 16 other political prisoners transferred to remote prisons without their families being notified.
- 9 February NLD member Myo Kyaw Zin and 88 Generation Students' leader Aung Thu tortured and placed in solitary confinement. Three NLD members, Shwe Gyo, Sein Hlaing and Ma Cho, transferred to remote prisons.
- 9 February Sai Hla Aung, senior member of the Shan National League for Democracy (SNLD) suffering poor health.
- 10 February US citizen, Nyi Nyi Aung, sentenced to 3 years in prison with hard labour.
- 15 February 4 organizers of the weekly prayer ceremonies, Naw Ohn Hla, Cho Cho Lwin, Cho Cho Aye and San San Myint, sentenced to 2 years imprisonment with hard labour.
- 15 February Nyi Nyi Aung transferred to Pyay prison.
- 16-17 February UN Special Rapporteur, Tomas Ojea Quintana, visits Sittwe and Buthidaung prisons.
- 17 February Buddhist monk, U Gawthita , sentenced to 7 years imprisonment.
- 22 February 6 political prisoners, including NLD party members Nyi Pu, Kyaw Myo Naing, Nyi Nyi Aung and Nay Moe Aung on hunger strike in Insein prison regarding prisoner rights.
- 88 Generation leader, Aung Thu, tortured and placed in solitary confinement.

### **March 2010**

- ARRESTED 3 activists arrested including Lawyer, Aye Thein aka Yan Naing, on 19 March, and ex NLD student leader, Nay Chi Win, on 28 March.
- RELEASED 4 activists released including U.S. citizen, Nyi Nyi Aung, 88 Generation member Myat San, Lawyers, Yan Naing Aung and Lawyer, Pho Phyu.

4 March Naw Ohn Hla, a former member of the NLD and a prominent activist, transferred to Taungoo prison. Cho Cho Aye transferred to Yamethin prison, and San San Myint sent to an unidentified prison.

9 March Junta issues new election laws.

10 March UN special Rapporteur, recommends the UN established a Commission of Inquiry (CoI) on Burma to investigate possible crimes against humanity and war crimes.

17 March Australia joins the call for a UN Commission of Inquiry into war crimes and crimes against humanity in Burma. The UK follows.

23 March Activists and foreign volunteers celebrated the 10th anniversary of the Assistance Association for Political Prisoners (Burma) at the Thai-Burma border.

29 March NLD decided not to participate in elections this year.

30 March NLD member, Kyaw Myo Naing, sentenced to 2 additional years in prison.

## **April 2010**

ARRESTED **12** activists arrested including construction contractor, Phyo Wai Aung, on 22 April, Maung Maung Zeya and his son Sithu Zeya on 20 April and writer, U Zeya, on 20 April.

RELEASED **3** activists released, including NLD leader Aung Khin Bo and NLD Joint Secretary, Mi Mi Sein, on 9 April.

8 April Czech Republic, followed by Slovakia, voiced support for a Commission of Inquiry (CoI)

28 April Ko Mya Aye, one of the leaders of 88 Generation Group, denied access to medical treatment.

## **May 2010**

ARRESTED **3** activists arrested, including a youth leader in Myitkyina on May 23 and Phyo Wai Aung on 7 May.



RELEASED                    **1** activist, Poet Saw Wai, released on May 26

10 May                        Senior US diplomat Kurt Campbell met Daw Aung San Suu Kyi.

14 May                        Di Nyein Lin suffering from eye disease.

19 May                        Ko Kyaw Soe, a member of Human Rights Defenders and Promoters Network, died in Myingyan Prison.

21 May                        New Generation Student Leader, Kyaw Ko Ko's, sentence extended by five years.

30 May                        NLD Tamwe Township youth wing chief, Kyaw Moe Naing, sentence extended to 14½ years.

## **June 2010**

ARRESTED                    No arrests.

RELEASED                    No releases.

2 June                        Than Myint Aung, a former member of NLD (Liberated Area) Malaysia branch sentenced to five years' imprisonment

14 June                        Maung Maung Zeya, sent to Insein prison.

19 June                        Daw Aung San Suu Kyi's 65<sup>th</sup> birthday.

27 June                        88 Generation leaders De Nyein Lin and San San Tin in poor health.

28 June                        Shwe Maung in poor health. Prison authorities refused to let him undergo a medical examination outside the prison.

## **July 2010**

ARRESTED                    **2** activists arrested including Arakanese historian monk Ramar Waddy U Pyinya Sara on 27 July and Yammar Vadi Pyinnyasarra, monk, on 27 July

RELEASED                    **4** activists released including U Win Htein, former army captain and former personal aide to Daw Suu, 88 Generation Member Kyaw Kyaw Soe and Karen National Union member, Than Myat Swe.

1 July                        General Hso Ten, Shan leader, suffers from several diseases and is in need of urgent medical attention.

- 10 July Female political prisoner, Htet Htet Oo Wei, in Putao prison beaten up by prison guards.
- 21 July Su Su Nwe, a labor activist, suffering from Malaria and needs medical treatment in Hkamti prison, Sagaing.
- 30 July Venerable Sandardika (a.k.a Nyi Nyi San), urgently needs medical health care.

### **August 2010**

- ARRESTED 2 activists arrested including NLD member, Myint Soe, on 18 August and Myint Soe, case related to ILO, on 17 August.
- RELEASED 5 activists released including Labour activists, Myint Maung, Thura Aung, and Tin Ko Ko.
- 9 August General Hso Ten, transferred to three different prisons in one week.
- 11 August Eleven Arakanese youths sentenced to 3 to 9 years imprisonment.
- 17 August US supports establishment of UN Commission of Inquiry.
- 19 August NLD leaders have decided to officially boycott the election.
- 21 August Myo Win Wai, a Cyclone Nargis volunteer, denied medical care
- 30 August Three female students, Pyu Pyu Win, Hla Thein Khaing and Hla Than New arbitrarily detained in Sittwe, since 27 July.  
Htay Aung, sustains injuries during torture.

### **September 2010**

- ARRESTED 13 activists arrested including NLD member, Tun Yin, on 1 September, 11 university students on 11 September, and reporter Aung Thu Nyein, on 15 September.
- RELEASED 4 activists arrested including NLD member, Tun Yin, student, Cham Myae Aung and Ye Linn Phyoe and journalist, Aung Thu Nyein.
- 2 September Canada announced its support for a UN Col.
- 6 September Hungary expresses support for a UN Col.

- 11 September Khun Htun Oo, party leader and elected MP for Hsipaw, Shan State suffering from bad health.
- 14 September Burma's Union Election Commission (EC) officially announced the dissolution of 10 political parties, including the NLD.
- 17 September France joins calls for a UN inquiry into crimes against humanity in Burma.
- 21 September The Netherlands and New Zealand join the call for a CoI.
- 23 September France joins the call for a CoI.
- 25 September Ireland weighs in on UN CoI into Burma abuses.
- 27 September Third anniversary of the Saffron Revolution. Monk Gambira is reportedly unwell due to torture and other mistreatment.
- 27 September Burmese court sentences Monk Okkantha to 15 years in prison
- 27 September U.N. Secretary-General Ban Ki-moon called for a "fair, transparent and inclusive" vote in Burma.
- 28 September Lithuania joins the list of supporters for a UN Commission of Inquiry in Burma

## **October 2010**

- ARRESTED 5 activists arrested including 5 members of the ABSDF on 14 October.
- RELEASED 2 activists released including NLD Vice President, Chit Phay, and NLD Twante Township organizer, Aung Soe Wai, on 20 October.
- 1 October Nay Win Soe, transferred from Hkamti prison to Kale prison. He is reportedly suffering from poor health
- 6 October Estonia joins the call for an UN Commission of Inquiry in Burma
- 13 October Seikkan Township court in Insein prison sentences journal editor Nyi Nyi Tun and businessman Soe Tun Oo to 13 and 8 years imprisonment.
- 13 October Monk U Okkantha, transferred from Insein to Pathein prison in Irrawady Division. He is in poor health.
- 18 October Foreign journalists banned from entering Burma during the elections.

25 October NLD, 88 Generation Student Group, Ethnic leaders, and prominent politicians sign the Zomi National Day declaration.

## **November 2010**

ARRESTED 3 activists arrested including NLD member, Aye Thwin, on 2 November, Toru Yamaji, AFP journalist on 7 November and solo protester Ko Tun Nu on 25 November.

RELEASED 6 activists released including Daw Aung San Suu Kyi and her two house companions Khin Khin Win and Win Ma Ma on 13 November. As well as Ko Aye Thwin , Ko Tun Nu and Japanese journalist, Toru Yamaji.

7 November Elections held in Burma for the first time in 20 years.

7 November DKBA troops seized the Burma border town of Myawaddy. 20'000 flee to Mae Sot, Thailand.

12 November Ko Shwe MOUNG, attacked by prison guards in Pyapon Prison.

13 November Daw Aung San Suu Kyi released from house arrest after her sentence expires.

14 November 8 Rohingya leaders reportedly arrested.

18 November Final election results announced.

## **December 2010**

ARRESTED 1 activist, Maung Maung Soe aka Ko Aung, arrested on 15 December.

RELEASED 17 activists released including Buddhist monk, U Sandima, Kyaw Kyaw San, Chit Khin, Myint Swe, Thein Win, Han Sein, Htay Aung, San Baw, Soe Ohn, Tun Myint, Maung Maung Than, Robert San Aung, Thin July Kyaw and three members of the All Burma Federation of Student Unions (ABFSU), Kyaw Kyaw, Lwin Ko Latt and Han Win Aung.

8 December Buddhist Monk U Naymeinda dies in prison.

16 December Reports of arbitrary arrests of Rohingyas in Maungdaw.

22 December DVB Journalist Sithu Zeya sentenced to 8 years.