



Assistance Association for Political Prisoners (Burma)

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UNCAT: United Nations Convention Against Torture

Introduction:

In January 2014, the Government of Myanmar stated their intention to sign the UN Convention Against Torture (UNCAT). Their stated timeframe was to sign this in September 2014. At the time of writing UNCAT remains unsigned.

Deputy Minister of Foreign Affairs Thant Kyaw said that Burma/Myanmar is planning to sign the UN Convention against Torture (UNCAT) to coincide with the 65th anniversary of the UN General Assembly in September 2014. He made the announcement on January 16, 2014. When asked about the potential for signing the convention at a parliamentary meeting by Pwintbyu Township MP Dr. Aung Moe Nyo, Thant Kyaw replied, "Since parliament and related ministries have encouraged, supported and discussed at a parliamentary meeting that Burma/Myanmar is to participate in UNCAT and become a member of UNCAT, which is against torture treatment, and human rights violation or humiliating treatment or punishment, the Ministry of Foreign Affairs plan to negotiate and sign in September 2014." ¹

Reasons why UNCAT must be included in this Resolution:

Despite the promise to sign UNCAT, accounts of torture by various authorities continue to come from all parts of the country. Political prisoners have been subjected to this treatment for years, in detention centers, interrogation centers, prisons and police stations. The brutal physical and psychological oppression of those who have the courage to campaign for basic civil liberties in Burma/Myanmar has not stopped, nor have any significant actions been taken to prevent it. The following discourse will highlight cases of torture that have happened throughout 2014, and reveal the pretexts and prejudices under which many people are detained and abused.

The junta era tactics still exist, and the mentality that allows torture to continue needs to be exposed. If the country is truly moving toward a free society where civil liberties are respected, then the signing of UNCAT is an essential step. Ensuring UNCAT is respected, upheld and, above all, implemented is the responsibility of the international community. The reality on the ground in Burma/Myanmar is quite different from the impression the government has given, as these case examples from this year alone will show. The following cases are those that have been recorded in both media sources and in first

¹ [RFA-Burmese - 16.01.2014](#)

hand accounts documented by AAPP's extensive inside network of colleagues and supporters. These cases are instructive in demonstrating the extent to which prejudice and abuse remain endemic within the institutions of the Government of Myanmar.

Network for Human Rights Documentation Burma (ND-Burma), in their bi-annual report published in August, also documented fourteen cases of torture from January to June 2014. In the report, they state that, "This report offers just a fraction of the true number of human rights abuses that are certain to have transpired in this period", admitting that "this number is almost certainly a low estimate."² Even so, it gives a good indication of the ongoing use of torture throughout the country. The cases were collected from eight of fourteen states and regions in Burma/Myanmar. This report highlights, in particular, the vulnerability of ethnic groups, land rights activists and farmers.

2014 Case Examples: Torture of political activists, human rights defenders and other vulnerable groups:

The following case examples are but some of the accounts of torture committed throughout Burma against the civilian population.

In May, a village chairman of the Shan Nationalities League for Democracy was tortured. Ai Kyein (aka Sai Jan or Sai Ai Keng), a resident of Nant Linn Mai Village in Kengtung Township, was arrested without a warrant around 8pm on May 5, 2014, by Light Infantry Battalion 245. He was originally arrested due to allegations by Military Affairs Security (MAS) that he possessed a gun given to him by the Restoration Council of Shan State/Shan State Army (RCSS/SSA). Ai Kyein was subsequently beaten, tortured, and threatened in an effort to obtain the alleged weapon.³ In addition, his home was searched while the communications office of the RCSS/SSAA in Kengtung was raided.⁴ On May 9, 2014, Ai Kyein was formally charged under Section 17(1) of the Unlawful Association Act; an official statement released by the RCSS/SSA states that he was forced to sign a prepared document which led to the indictment.⁵ On May 30, 2014, the government dropped all charges and he was released after almost a month of detention.

In addition to this individual case, there have been a number of groups that have been collectively detained and subsequently tortured. In Chin State, the case of six farmers is telling.⁶ During a harvest festival in Kone Pyin Village, Paletwa Township, villagers fed three armed members of the Chin National Front (CNF). As a result, Major Tin Htut Oo of Light Infantry Battalion 334 ordered for the arrest of six local farmers, who were then arrested on August 24, 2014, by thirteen soldiers. According to a press conference held by Chin activist groups on September 17, 2014, the six individuals were detained for nine days, in which time they were tied up and received beatings while being questioned about their affiliation with ethnic armed forces.⁷ They were only released after having been forced to sign a statement pledging to cease any contact with the CNF. Aung Kyaw Hla, one of the six farmers, had to be

² [ND-Burma - 14.08.2014](#)

³ [RCSS/SSA Official Statement - 16.05.2014](#)

⁴ [Irrawaddy - 16.05.2014](#)

⁵ [RCSS/SSA Official Statement - 16.05.2014](#)

⁶ [Irrawaddy - 18.09.2014](#)

⁷ [Irrawaddy - 18.09.2014](#)

brought to Rangoon with the support of Chin activists in order to receive treatment for a neck injury and possible blood clot in his brain, injuries which were sustained in prison. Given the fact that the CNF and government have signed a ceasefire, there was no legal pretense for their original arrest, let alone their arbitrary detention and torture. On September 19, 2014, the six individuals were called into Light Infantry Battalion 344's base, where they were detained. They were again forced to sign a document, this one stating that they would retract what they had previously said about their detention and torture. Chin NGO's are now helping them to file an official complaint with the Burma/Myanmar Army.

In a similar case, five local Shan community members were also subjected to torture in August 2014. On July 29, 2014, two bodies of soldiers from Battalion 16 of Light Infantry Division 88 were found near Naugmata Village in Shan State.⁸ Soon after, the village chairman, secretary and three community leaders from the village were summoned and brutally tortured for forty-eight hours. The five victims had to be hospitalized, and were treated in a hospital in Ruili, China. Their arrest was based on no evidence, was a clear violation of their basic human rights, and was driven by a need for retribution on the part of the Burma/Myanmar Army.

January 17th saw the beating of five villagers from the Shan State township of Nam Sam were also accused of membership in an ethnic armed force, Ta'ang National Liberation Army (TNLA). They were said to have been beaten and hit by soldiers using their guns, legs and hands. The accusations and torture was in response to the skirmishes between the TNLA and Army forces, and retaliation was brutally carried out by the armed forces on innocent villagers. One villager was said to have been between from his arrest in the afternoon until 6 in the evening because of his brother's affiliation with the TNLA.⁹

Conclusion:

These short case examples are those which have been brought to the attention of AAPP since the beginning of this year. Although not exhaustive, they do demonstrate how torture is still used freely by those in power to intimidate and harm people who are attempting to campaign for basic human rights and freedoms. The International Criminal Court includes torture in its definition of Crimes Against Humanity,¹⁰ particularly when committed in the widespread systematic way against civilians, a system that the previous case examples and ND Burma report demonstrate. The relationship between the signing of UNCAT and the move toward ending human rights abuses is obvious. In signing UNCAT, the Government of Burma/Myanmar is legally bound to implement and enforce the Convention. Victims of torture are afforded the right to submit complaints and inquiries to the UN Committee Against Torture under Article 22, with the Optional Protocol enabling access and visits to Burma/Myanmar by the Sub Committee on Prevention. These provisions would provide victims of torture with increased access to

⁸ [DVB - 05.08.2014](#)

⁹ [ND-Burma- 14.08.2014](#)

¹⁰ ICC. (2014) *What are crimes against humanity?* Available at: http://www.icc-cpi.int/en_menus/icc/about%20the%20court/frequently%20asked%20questions/Pages/12.aspx [accessed 10 October 2014]

support to redress their suffering. More broadly, signing UNCAT would aid efforts to bring justice, truth telling and accountability programs to people in Burma/Myanmar. Those in power need to make apologies for the abuses of the past, as well as enforce laws that will help end systematic torture in the future.

Within this context, the signing of the UN Convention Against Torture as a necessary step towards removing these institutional barriers to the cessation of human rights abuse in Burma/Myanmar. Despite a verbal commitment made on January 16, 2014, by Deputy Minister of Foreign Affairs Thant Kyaw to doing so at the 2014 UN General Assembly,¹¹ no mention was made of this possibility in the Burma/Myanmar delegation's statement at the General Assembly.¹² We therefore urge the current government to make good on their promise, and call on the international community to apply what pressure they can as part of the global effort to afford every human being the right to be free of torture.

¹¹ [RFA/Burmese - 01.16.2014](#)

¹² Statement by His Excellency U Wunna Maung Lwin, Union Minister for Foreign Affairs and Head of the Delegation of Myanmar in the General Debate at the 69th United Nations General Assembly. Available from <http://www.mofa.gov.mm/?p=3934> > [29 September 2014]