

JUNE CHRONOLOGY 2018

Summary of the Current Situation:

There are **245** individuals oppressed in Burma due to political activity.

39 are currently serving prison sentences,

48 are awaiting trial inside prison,

158 are awaiting trial outside prison.

Farmers and land rights activists from Mandalay division attending a court hearing before their case was dismissed.



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Assistance Association for Political Prisoners (Burma)

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MONTH IN REVIEW

June in Numbers

Arrests: 5

Three people were arrested under Section 10 of the Privacy Law.

Two people were arrested under Section 20 of Peaceful Assembly and Peaceful Procession Law (PAPPL).

Charges: 6

One person was charged under Section 20 of PAPPL.

Two people were charged under Section 10 of the Privacy Law.

Three people were charged under Section 66 (d) of the Telecommunications Law.

Sentences: 4

Four people were sentenced under Section 20 of PAPPL.

Releases: 14

14 people were released this month.

Prisoners in poor health: 2

Two prisoners are in poor health.

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“abysmal prison conditions
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torture.”
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• • • **Torture Cases Continue amidst a Culture of Impunity**

June 26 marked the United Nations International Day in Support of Victims of Torture. AAPP released both its own [statement](#) and a [joint statement](#) together with other Burmese NGOs and Civil Society Organizations (CSOs) to commemorate those who have been tortured, and to speak out against this abhorrent human rights abuse. Unfortunately, despite the transition to nominal democratic rule, the civilian Government has failed to sign or ratify the UN Convention against Torture and Other Cruel, Inhuman

or Degrading Treatment (UNCAT). Indeed, while it was pointed out this month that the Government is still [not ready](#) to sign the treaty, torture continued to be reported across the country.

A high profile instance of torture which came to light in June is that of the two *Reuters* reporters, Wa Lone and Kyaw Soe Oo, who are attending trial under arbitrary allegations that they violated the Official Secrets Act. Upon their initial arrest in December 2017, both journalists were taken to a specialist interrogation center where they were deprived of sleep for three days. Kyaw Soe Oo was also forced to kneel down for long periods of time.

Unfortunately, this incident is far from an anomaly in the system. AAPP has long documented the practice of forcing political prisoners to adopt painful stress positions such as the 'motorbike', 'airplane', and the 'Semigwa dance' (see pages 36-38 of our 2005 report [here](#) and pages 34-35 of our 2016 report [here](#)). The use of stress positions and other forms of torture, including waterboarding, physical and mental abuse, and sexual violence, is systematic in Burma, while torture throughout the country has been repeatedly denounced as a crime against humanity and a war crime under international law (for example, see: IHRC/Harvard Law School, [2014](#), Fortify Rights, [2014](#), Amnesty International, [2018](#)). The continued use of stress positions to torture detainees brings into question whether significant improvements to conditions in interrogation centers and prisons have been made in recent years.

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Kyaw Soe Oo and Wa Lone's spotlighted case also raises concerns as to the treatment of detainees in the darker corners of the penitentiary system, where a staggering lack of transparency allows human rights violations to fester under the cover of impunity. Only the Myanmar National Human Rights Commission (MNHRC) and the International Committee of the Red Cross (ICRC) currently have access to Burma's prisons. ICRC's reports are strictly confidential and are only shared with the prison authorities (see page 5 [here](#)), rendering information on prison conditions, and particularly the extent of torture, even more inaccessible.

AAPP reiterates the demands laid out in the two statements we released this month. We particularly highlight the urgent need for the Government to sign and ratify UNCAT along with its Optional Protocol (OPCAT), which aims to protect those deprived of their liberty from torture and to ensure transparent and independent monitoring in all places of detention. Not only would ratifying the treaty reflect a political commitment to tackling the issue of torture, but it would also be a symbolic pledge of solidarity with survivors. AAPP also calls on the Government to remove the barriers that currently prevent CSOs and human rights organizations from accessing prisons and places of detention. The secrecy currently enveloping the penitentiary system is an outright affront to the values of democracy, creating a culture of impunity that is impeding the national reconciliation process. The transition's success will hinge on the Government's efforts to adhere to the accountability and transparency standards expected of democracies, along with its respect for the rights of all civilians, both inside and outside prison.

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Labor Camps Continue to Stain Burma's Human Rights Record

Along with physical torture, abysmal prison conditions are an often overlooked human rights violation that often constitute a form of torture. This month, prison authorities announced that they will not shut down two female quarrying labor camps which MNHRC recommended for closure due to the unacceptably heavy lifting involved in the quarries, work which was initially designed for male prisoners. MNHRC particularly criticized authorities for forcing inmates to

transport heavy loads of rocks “[every day](#)”, which could cause health issues including reproductive problems and even infertility. Prison officials [responded](#) this month by arguing that “we don’t make the women carry big boulders... only the sizes they can carry”, as well as highlighting that the inmates are taught domestic science to help them make a living after release and insisting that prisoners receive “[regular medical checkups](#)”.

This case highlights a number of widespread problems within Burma’s prison system. First, the Prison Department’s lighthearted response to MNHRC’s recommendations disguises the brutal realities in labor camps. There are currently 50 labor camps in Burma. Latest available figures show that these camps hold an estimated [15,000](#) to [20,000](#) prisoners, although it is probable that the lack of transparency disguises a much higher number. Scores of political prisoners and other inmates have died due to the inhumane conditions and torture in labor camps. Indeed, camps were so grueling that they were branded “[graveyards](#)”, while handing out hard labor was “tantamount to a death sentence” (see page 17 of our 2009 report [here](#)). In 2014, the Ministry of Home Affairs finally announced its first official labor camp death count, revealing that [5,306](#) prisoners had died between 1978 and 2014. Rather than acknowledging torture and abysmal living and work conditions as the true causes of death, the Government instead blamed ‘failure to adapt to weather conditions’ and ‘accidents’.

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Despite official figures showing that death rates in labor camps [fell](#) to around 40 per year by 2014, in reality there has been little improvement in conditions since the transition from a Military Dictatorship to an elected Government. On assuming power in April 2016, the NLD called on all departments and ministries to prioritize reforms for its first 100 days in office. Yet the Correctional Department limited its reform plans to a single sentence; “To increase the duration of family visits in prison from 15 minutes to 20 minutes, and allow family members to visit any day of the week.” The most recent [in-depth information](#) available on labor camps in Burma was published by Myanmar Now in September 2016. Unsurprisingly, it revealed the continuation of systematic human rights violations in camps months after the new Government came to power, including physical abuse and grueling labor conditions.

In spite of evidence exposing the continued horrors that take place in labor camps, the Ministry of Home Affairs has blatantly refused to acknowledge their continued existence, declaring in [December 2016](#) that there are no labor camps, but only “vocational training centers for prisoners”. Attempting to obscure the negative connotations that accompany labor camps by changing their name is disingenuous. It complicates efforts to collect accurate data on the camps and incorrectly implies that they abide by international guidelines such as the Standard Minimum Rules/Nelson Mandela Rules (SMRs), which highlight that vocational training should be made available to prisoners. Yet it is widely documented that many prisoners in Burma’s labor camps never receive any vocational training. Indeed, one camp deputy director even stated in an [interview](#) with Myanmar Now that he could not implement such training even if he wanted to; “We have no authority to conduct vocational training courses... The regular activity at our camp is to extract rocks”. This brings into question the Prison Department’s assertion that the women in the quarrying camps receive ‘domestic science’ training, especially when they are forced to work in the quarries every day. If this is the case, it would contradict the access to vocational training that is outlined in the SMRs, which are universally accepted as the most appropriate international guidelines to ensure best practice in prisons. Further, the

lack of rest days allocated in the quarrying camps is in direct contrast with SMR rule 102 (2), which states that prisoners are entitled to “one rest day a week and sufficient time for education and other activities”, while forcing prisoners to work in the quarries without compensation contradicts SMR rule 98 (3); that prisoners “shall be able to choose the type of work they wish to perform”, as well as the “equitable remuneration” outlined in rule 103 (1).

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Labor Camps and the Right to Healthcare

The case of the female labor camps also sheds light one of the key issues that continues to plague Burma’s penitentiary system, namely access to satisfactory healthcare. MNHRC (see the Commission’s 2016 annual report [here](#)) and other human rights bodies have consistently found healthcare provision in prisons to be severely lacking, a problem that is exacerbated in labor camps due to the punishing physical work. In [2009](#) and [2016](#), AAPP released reports detailing the ways in which prisoners’ right to healthcare is systematically denied, as well as the complete inadequacy of the health services that do exist. Some prisons do not have a hospital, while others do not even have a doctor. Further, conditions in labor camps are often [far worse](#) than those in prison, a consequence of multiple factors including a lack of food, clothing and medical supplies, excruciating and dangerous work, physical abuse, extreme weather conditions, and remote, exposed locations (see pages 38-40 of our 2016 report [here](#)). Myanmar Now’s 2016 report most recently highlighted the woeful state of healthcare in labor camps.

Considering the amount of research proving otherwise, it is difficult to take the authorities’ insistence this month that the female quarrying prisoners receive “regular medical check-ups” seriously. In order to comprehend the severity of the health issues MNHRC reported in the quarrying camps this month, it is worth noting the Commission’s poor track record in criticizing penal institutions, and particularly labor camps. In 2016, when faced with evidence of sweeping human rights abuses in labor camps, MNHRC [insisted](#) that these were limited to isolated cases and did not constitute an institutional problem; “There is some scolding and slapping, but no more torture and cruel beatings like in the past.” It is therefore telling that MNHRC deems the health concerns in these quarrying camps severe enough to warrant their closure.

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MNHRC’s defense of labor camps: “There is some scolding and slapping, but no more torture and cruel beatings like in the past”

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Female Labor Camps and the Right to Reproductive Health

The right to health is considered a fundamental human right. Moreover, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women (CEDAW) - the Covenant of the latter has been signed and ratified by Burma - have both clearly [indicated](#) that women’s right to health includes their sexual and reproductive health. States therefore have statutory obligations to respect, protect and fulfill rights related to women’s reproductive health. The Prison Department’s insistence on forcing

female inmates in the quarrying camps to carry out work which endangers their reproductive health and fertility therefore violates these international standards. It deprives inmates of agency over their reproductive choices, consequently denying their fundamental human rights. Concerns as to the impact the work has on prisoners' reproductive health become even greater when we consider the high possibility that their access to reproductive health services is lacking in the camps. Such restrictions on reproductive healthcare have been found to constitute violations of UNCAT because they put women's health and lives at risk or may otherwise cause them severe physical or mental pain or suffering. In any case, women's reproductive choices are their own and it is imperative that the State does not rob them of their right to make decisions over their own bodies.

Although more information is needed to verify the intent, extent, and severity of the forced labor inflicted on female inmates in the quarrying camps, the information that is currently accessible suggests that the practice may overlap with the definition for forced sterilization, which is [widely regarded](#) as a gross human rights abuse and a form of torture. Rather than brushing MNHRC's concerns aside, AAPP calls on the Government to act in accordance with international customary law and investigate allegations concerning prisoners' reproductive health effectively, promptly, thoroughly and impartially. Due to the personal nature of the alleged violations, these investigations must also adhere to CEDAW's requirements that victims' needs and privacy are prioritized. Where appropriate, action must be taken against the perpetrators and victims must be compensated, with the ultimate aim of preventing such abuses from reoccurring.

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Labor Camps: Closure, Transparency, and Rehabilitation

First and foremost, AAPP calls on the Government to prioritize the closure of all labor camps. If it is truly committed to democratic reforms, the State must stop denying the existence of labor camps and instead take measurable steps towards protecting the human rights of its prisoner population. Labor camps in and of themselves violate numerous international human rights standards, undermining the country's democratic transition process. AAPP is also extremely concerned at the lack of recent verifiable data on labor camps, and particularly female labor camps. We urge the Prison Department to allow CSOs, journalists, and human rights organizations access to the camps in order to monitor, evaluate, and report on prisoners' living and work conditions, as well as the quality of and access to healthcare services. Human rights abuses thrive under the cover of impunity, and without this transparency any information the Government releases concerning labor camps cannot be verified. Indeed, we ask why, if it insists that the camps are only vocational training centers, the Government is so opposed to opening their doors to outside scrutiny.

Finally, we would like to draw attention to the decisions of the courts, which are the reason why inmates are forced into labor camps in the first place. Sentencing prisoners to hard labor is based on the outdated principle of punishment. International standards, however, increasingly emphasize the importance of reintegrating and rehabilitating prisoners (see SMR rules 4, 88 and 91-94, Article 10 of the International Covenant on Civil and Political Rights (ICCPR), and Basic Principle No. 10). The United Nations Human Rights Committee has also noted that 'no penitentiary system should be only retributory; it should essentially seek the reformation and social rehabilitation of the prisoner' (see pages 75-76 [here](#) for more

information). The established norm in Burma, however, contradicts these guidelines. Instead, the culture of sentencing involves dealing out harsh punishments, including hard labor, as a form of revenge for an alleged crime. This practice falls far short of the objectivity and fairness that must be central to the considerations of any judge. AAPP therefore recommends that judicial reforms are made to ensure sentencing respects the rights of prisoners and is passed with a view to rehabilitation rather than punishment. These reforms would effectively render labor camps unnecessary and thus push Burma further forward towards becoming a fully functioning democracy.

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Tentative Prison Reforms: A Step Forward?

One minor advance this month was the handing over of a medical clinic to the Government in Myitkyina prison. It marks the first of four clinics that are being constructed by the Three Millennium Development Goal Fund (3MDG) in Burma's prisons, which will offer basic healthcare and are designed to specifically focus on diagnosis and treatment for tuberculosis and other diseases. AAPP commends the State's efforts to improve access to healthcare in prisons, an issue we have been advocating for since we were first founded. Another improvement to prison facilities in June was the announcement of an upgrade to the visitors' area in Insein prison. Fully financed by the ICRC, the 'facelift' will include improved lighting, ventilation and privacy, new bathrooms, a coffee shop, and a playground. AAPP welcomes the long overdue renovation, especially considering the infrastructure issues facing Insein, which is over 130 years old.

Failure to Address Overcrowding

Despite the above examples illustrating the limited efforts that have been made to improve prison conditions, there are underlying issues that must be prioritized before superficial 'facelifts' and clinics that treat symptoms rather than causes can make any significant gains on prisoners' actual living standards. Firstly, the updated visitors' area will do little to address overcrowding, which remains one of the key obstacles to improving conditions in prisons across the country, and particularly at Insein, where [prison data](#) indicates that inmates receive approximately 7,000 visitors a week. The problem of overcrowding is huge in both scale and severity. Overall, Burmese prisons are overcrowded by 39%. Insein in particular is almost three times over capacity, housing a staggering 12,392 inmates in a building built for 5,000. Overcrowding contributes to a huge number of problems, including poor sanitation, the spread of diseases, mental health issues, and increased violence and riots, to name but a few. Due to the severity of the human rights abuses it can lead to, AAPP argues that overcrowding constitutes a form of torture. We therefore call for the Government to take concrete steps to reduce overcrowding, including measures such as ensuring that prisoners are separated according to crime status and crime type, reducing non-bailable offenses, and ending pre-trial detention.

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large-scale upgrades to prison conditions must be undertaken as a matter of urgency
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Prevention must be Prioritized alongside Treatment

Please see AAPP website to download full stories for June



Likewise, while the new clinics announced this month will be able to provide ‘basic’ treatment for inmates who are already ill, they will not tackle the initial development of diseases. This is particularly significant considering that many of the physical health problems prevalent in Burma’s prisons, including tuberculosis, cholera, dysentery, hepatitis, scabies, and malaria, are all preventable. In other words, if Burma ensured adequate living standards for its prisoners, none of these health issues would exist. Most of the aforementioned diseases are directly related to overcrowding, poor sanitation and hygiene, contaminated water, and malnutrition (see page 7 of our 2009 report [here](#)). As the root causes of preventable diseases, it is vital that these issues are immediately addressed alongside their symptoms. AAPP argues that, in order to achieve this, large-scale upgrades to prison conditions must be undertaken as a matter of urgency. Alongside curbing overcrowding, these would include separating drinking water from sewage, providing enough restrooms and showers for prisoners, ensuring meals are sufficiently nutritious, and completely redesigning prison cells. Although such improvements would lead to much more meaningful progress in prisoner health and welfare, [Insein’s Central Prison Department](#) announced this month that they “still don’t have a plan for upgrades inside the prison cells”.

Pressing Need for Comprehensive Prison Reforms

Finally, AAPP stresses its concerns that the Government continues to rely on funding from outside sources to implement its prison reform projects. The Correctional Department is not transparent regarding the budget it puts aside for prison reforms, which suggests that the funding that it does provide is insufficient enough to cause embarrassment if it were revealed to the public. Without the financial and political backing of the Correctional Department, the comprehensive overhaul of the prison system that is necessary to truly improve conditions for inmates will remain blocked in bureaucracy. Compartmentalized reforms that take place in the meantime will ultimately be ineffective, and in some cases may even be counterproductive (see page 4 [here](#)). We therefore reiterate that a change in attitude and commitment to funding more strategic reforms would not only protect prisoners’ rights, but would also ensure a safer society and make a positive impact on poverty alleviation, public health, and social cohesion. In the long run, these effects could lead to huge savings, as well as rebuilding public trust and respect for the rule of law (see pages 64-65 of our 2016 report [here](#) for more details).

A Reign of Impunity: Targeting Civilians

The continued conflicts between the Military and EAOs led to drastic consequences for civilians who found themselves caught up in the fighting this month, posing a constant threat to their fundamental rights to life and safety. Examples abound. In a village in Shan State, an eight-year-old boy was killed when the Military shelled his family’s house. Seven others were also injured. Another child of ten years old was injured after being shot by Burmese border guards while playing in a strip of no-man’s land near the Burma/Bangladesh border. In Arakan State, an elderly man was shot by the Military while out fishing with his son.

It should go without saying that the Government and the Military must protect the human rights of all civilians, yet the events described above illustrate the extent to which the enjoyment of basic rights still remains out of reach in Burma. Their actions this month directly contravene Article 3 of the Universal Declaration of Human Rights (UDHR) and Articles 6 and 9 of the International Covenant on Civil and political Rights (ICCPR), which guarantee an individual’s inherent right to life and require it to be protected by law. It is particularly concerning that such grave violations continue uninhibited under a civilian Government, especially when the government vowed to bring peace to a country wracked by decades of internal conflict. Unfortunately, human rights abuses such as those observed this month will not cease until the

Government adheres to the law and commits to ending the impunity enjoyed by the perpetrators of such

abuses. In addition, AAPP again urges the Government to sign the ICCPR, a recommendation which it accepted during the November 2015 Universal Periodic Review (UPR). This would signify an important step towards recognizing the rights of Burma's citizens and working to bring state violence into check.

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A Reign of Impunity: Failure to Protect Children

Furthermore, the cases this month also highlight the devastating effects that conflict have on children, the most vulnerable of all a nation's citizens. A [report](#) released by the United Nations Secretary-General in 2017 pointed to the web of violence that Burma's children find themselves caught up in. It revealed that children continue to be victims of improvised landmines and explosive remnants of war, as well as indiscriminate attacks, including shelling and cross-fire incidents between EAOs and the Military. Most of these cases occurred in Shan and Kachin States and, since 2016, also in Arakan State. Burma signed the Convention on the Rights of the Child (CRC) in 1991, but the State consistently fails to protect its children. AAPP calls on the Government to commit to its legal obligations along with allowing international organizations to access the regions, and specifically conflict areas, where children are most at risk.

A Reign of Impunity: Forced Disappearances

AAPP is particularly concerned this month about the continued disappearances that are being reported in Kachin State. Five civilians are recorded as having disappeared from the area since February 2018. The bodies of two victims who were detained by the Military in Mansi Township in February were found a month later with signs of being beaten, while villagers insisted Military officers were attempting to put KIA uniforms on one of the men when he was last seen (see pages 10/11 of AAPP's [March 2018 Chronology](#)). Another man disappeared in Sumprabum Township after being detained by the Military, and is yet to be found (see page 8 of AAPP's [April 2018 Chronology](#)). Most recently, two residents from Namati Town went missing in May after leaving for their farms. The situation is even more alarming considering the fact that the two men have disappeared in an area in which the Military has been known to forcibly recruit soldiers in its offensives against the KIA.

Although international humanitarian law treaties do not refer to the term "enforced disappearance" as such, the practice directly contravenes a number of customary rules outlined in international humanitarian law, which is all the more relevant considering that Burma is yet to sign or ratify many of the treaties which exist to protect civilians in conflict. Examples of rules violated include the prohibition of arbitrary deprivation of liberty, the prohibition of torture, and the prohibition of murder (for more information, please see ICRC's study [here](#)). Forced disappearances therefore violate the fundamental and non-derogable human rights to life, freedom and personal safety. Further, under the Statute of the International Criminal Court, the systematic use of enforced disappearance constitutes a crime against humanity. While the list of those disappeared continues to grow, families will continue to be torn apart and wider relationships between communities and the authorities will continue to remain strained. The National Reconciliation Process cannot move forward without first working to build a foundation of trust between groups across Burma. AAPP therefore urges

the Government to take immediate action in investigating the cases of forced disappearances independently and transparently.

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The systematic use of enforced disappearance constitutes a crime against humanity

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A Reign of Impunity: No Justice for Murdered Kachin Teachers

The ongoing reign of impunity throughout the country was also evident this month in the case of two Kachin volunteers who were brutally raped and murdered in 2015 while they were teaching in Northern Shan State. The Military was widely accused of committing the atrocity, but an internal investigation which culminated in June resolved the officers involved of any responsibility, instead placing the blame on the KIA. AAPP strongly recommends that the investigation be initiated with a view to acknowledging the facts surrounding the case and identifying the true perpetrators. The process must be transparent and in line with international human rights standards to prevent further miscarriages of justice. Perpetrators, especially when in an authoritative capacity, must not be exempt from punishment, especially in a democratic society. Returning to investigate the case fairly will mark a move towards bringing about justice for the victims' families as well as one towards a peace process that is truly committed to breaking with the violent ways of the past.

Land Rights Denied, Protesters Criminalized

Despite the fact that the Government claims that it has been handling land issues, the number of land rights cases is on the rise. With few options, many turn to protesting in an attempt to retrieve their stolen land or to receive some form of compensation for what was taken. Consequently, farmers and land rights activists continued to be arrested, prosecuted and sentenced throughout Burma this month. According to AAPP's records, a total of 101 farmers are currently awaiting trial for land rights activism both inside and outside prison. Three farmers are currently serving prison sentences.

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One of the primary actors involved in land seizures is the Military. In June, two out of the five protests relating to land rights concerned Military confiscations, namely in Northern Shan State and Sagaing Division. It was also reported that farmers in Southern Shan State have been facing hardship since the Military has prevented them from cultivating ten acres of their land. In sharp contrast to recognizing and addressing these shortcomings, the Deputy Defense Minister, Major-General Myint Nwe, instead announced to Parliament this month that the Military will not return confiscated land to civilians, specifically that which it seized from civilians for security and training purposes in a village in Northern Shan State and another in Arakan State. The Military has also refused to provide residents with compensation.

Myint Nwe's comments directly contradict Article 26 in Burma's own 2012 Farmland Law (see page 19 [here](#)), which stipulates that the Government shall coordinate compensation for those whose land has been seized by the State. The failure to adequately compensate farmers for past confiscations, as well as the ongoing land seizures, poses a great threat to the success of the country's National Reconciliation Process. A democracy built on the repression of farmers, whose work forms the basis of Burma's economy, will only serve to silence the

majority rather than listening to their needs. AAPP therefore calls on the Government to launch investigations into cases of land confiscation in order to bring justice and dignity for those

affected. We therefore welcome the issuing of a statement from the President's Office this month, which stated that there should be no delay when resolving land seizure cases. However, while the authorities maintain a leisurely pace when solving these issues on the ground, conflicts and protests will only continue to increase.

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