

Burma's Confidence Building and Political Prisoners

In Burma, talks between the military government known as the State Peace and Development Council (SPDC), and the opposition party, the National League for Democracy (NLD), have been ongoing for the past one and a half years. However, as of yet neither the junta nor the NLD has released any statements regarding these negotiations. This paper will analyze the degree to which progress has been made in improving human rights conditions in Burma, specifically in the context of confidence building efforts between the NLD and the SPDC, who have yet to transfer power to the elected Members of Parliament. This paper will focus mainly on the progress of the talks as they pertain to the condition of political prisoners.

Progress

Release of Political Detainees

In early 2001, approximately 100 NLD members who had been detained for months in a military compound outside Rangoon, were released. They were arrested in Rangoon railway station after attempting to meet with their leader Aung San Suu Kyi. Daw Aung San Suu Kyi was at the railway station planning to travel to Mandalay, but banned by military authorities.

Release of Political Prisoners

Since the talks began in October 2000, 212 NLD members, including those mentioned above, have been released. Among them, were three NLD members who were reportedly released before their prison periods were finished. The members were:

- (1) Dr. Aung Khin Sint, MP elect in Mingalar Taung Nyunt Township
- (2) Khin Hla Htay, a NLD youth member, Irrawaddy Division and
- (3) Cho Aung Than, Aung San Suu Kyi's cousin and assistance.

State Media Slander

Since the talks began, the SPDC's official press has stopped printing disinformation and insults about Aung San Suu Kyi. However, state media organs continue to insult exiled activists who continue to point out the injustices of the SPDC.

Reopening NLD Branch Offices

In the past 13 years almost every NLD office has been forced to shut down. Since the initiation of the talks, 30 offices have been allowed to reopen in Rangoon Division. However, there are still over 300 NLD offices throughout the country that have been unable to open.

Human Rights Training Workshops

Recently the Junta permitted a series of Human Rights Training workshops to be held in Rangoon. However, the SPDC failed to formally announce these trainings to the public.

Establishment of the Human Rights Committee

There are reports that a Human Rights Committee was founded, with military leaders participating.

Monitoring of Prison Conditions

The International Committee of the Red Cross (ICRC) and Special Rapporteur on the Situation of Human Rights in Burma are now allowed to visit prisons and political prisoners when they get permission from the SPDC. In the past two years ICRC has been able to visit every prison at least once.

Decline

Ignoring UN Decision

In 2001 the United Nations (UN)'s Working Group on Arbitrary Detention (WGAD) in 2001 decided that SPDC is arbitrarily detaining Min Ko Naing and seven other political prisoners. 1 However, the SPDC failed to respect the decisions of WGAD.

Prisoners Remain Without Hope of Release

38 political prisoners remain imprisoned in very poor conditions, even though their prison periods have been totally finished. (See the list in the attach)

Ten Political Prisoners Have Their Sentences Extended

At the end of 2001, the SPDC extended the sentences of 10 political prisoners in Taungoo Prison, middle Burma. 2 Reports indicate that these political prisoners had a quarrel among themselves, which didn't disturb the security of the prison. However, they were still each given an additional seven years imprisonment.

The SPDC has also held NLD leader, the Nobel Peace Laureate, Aung San Suu Kyi, under house arrest since September 2001, after she attempted to go to Mandalay.

Lack of Health Care and Death in Custody

The political prisoners continue to be forced to rely on their families and ICRC for medicine. When the medicine is given, the

prison authorities keep the medicine and do not distribute it properly and systematically. Moreover, receiving medical treatment is very rare. As a result, the health condition of the political prisoners generally deteriorates and some have died while in custody. AAPP information sources report that four political prisoners have died in prison since the beginning of the peace talks. These prisoners are:

Ko Khin Maung Myint, Kale prison
Ko Sithu, Tharawaddy prison
U Tin Maung Lay, Mandalay prison
U Tin Saing, Tharawaddy prison

Rights of Prisoners to Read and Write

According to Burmese jail manuals, prisoners have the right to read books. For the past three years, they have been allowed to read religious books in some prisons. However, despite the fact that religious books are supplied by their families, the authorities usually hold the book for weeks and censor it, before giving it to the prisoners.

Writing is prohibited although the prisoners are legally allowed to write. ICRC visits a prison once or twice a year, and during these visits the prisoners can send messages to their families. At all other times, they are brutally beaten and put in solitary confinement for weeks if are caught holding even a small piece of paper or pen.

These practices contradict the prison rules stated in the Burmese Jail Manual, including the following:

Burmese jail manual's paragraph 670 (6): "They may be allowed the use of books from the jail library, and also to read books and magazines from outside (purchased at their own expense), subject to the approval of the Superintendent."

Burmese jail manual's paragraph 670 (8): "Ordinarily they may be allowed to write and receive one letter, once a fortnight."

Human Rights Training Workshops

Although, SPDC has been some human rights training workshops, it failed to announce publicly. It's interests on human rights is very doubtful.

Human Rights Committee

There have been no activities of the Human Rights Committee for almost two years. Nobody in Burma knows about the committee as the SPDC has failed to mention it to the public. Therefore, it is abundantly clear that the SPDC's recent show of respect for human rights indicated by the formation of the HR Committee is indeed only a "show" for the international community.

Number of Political Prisoners

The UN reports that Burma has detained an estimated 1500-1600 people "for having peacefully expressed their views, verbally, through participation in peaceful demonstrations, or activities in political parties, for having written about human rights or political issues in the country, or for possessing prohibited writings." 3

According to Amnesty International, there are 1850 political prisoners. 4 However, SPDC continues to firmly deny that Burma has any political prisoners.

822 NLD members still remain in various jails in the country according to U Lwin, the secretary of NLD. 5

Therefore, it is no surprise that the SPDC continues to abuse the rights of political prisoners as they officially deny their very existence.

Concern

Union Solidarity and Development Association (USDA) officially supported and led by SPDC has a history of holding rallies around the country to show their support for the work of SPDC. The gatherings, which were last held about two years ago, have recently been recommenced. The SPDC has been reportedly managing such gatherings. At the same time, anytime someone mentions his or her beliefs, arrest and torture will follow. For example, Dr. Salai Tun Than, 74, a former university rector was arrested last December for protesting against SPDC. He stood in front of Rangoon City Hall distributing copies of a petition letter he had written to demand political reform. Though his arrest occurred in December, it was not reported till two months later by a publication in exile. As Burma has no human rights watch groups, there is little knowledge of the arrests of the people who are simply expressing or participating in activities according to their beliefs.

According to former prisoners recently released from prison, the behavior of prison authorities and military intelligence personnel on political prisoners is still brutal.

As prisoners are not allowed to read or write (or in some prisons, even talk), their mental health condition is also affected.

General

"Most reports I have received indicate that prison conditions as a whole are still inadequate, but the prisons visited by my team looked clean and tidy," said Mr. Paolo Sergio Pinheiro, Special Rapporteur on the Situation of Human Rights in Burma, on 9 November 2001. The authorities have enough time to prepare properly in prison before the prison visits of UN or ICRC. According to former political prisoners recently released from prisons, food supply, health care, sanitary (toilet) system and etc are as bad as before.

As the food supply is not suitable for health, the prisoners rely on their families. Most do not receive outside support, as their families cannot afford to support them, or unable to travel to the prisons. In addition, in some prisons (such as Insein)

prisoners are not allowed to share food given by their families. Talking to each other is also banned in some prisons (such as Myingyan). Political prisoners' families have to wait for hours to have 15 minutes meeting with their loved ones. The family visits are totally controlled by MI personnel.

Conclusion

SPDC's deputy foreign minister, Khin Maung Win, said that the pace of the talks seemed "a bit slow" for the outside world, but that "for us it is going reasonably well." 6

The SPDC has released some NLD members, such as those detained in the Rangoon railway station and those from prison who had completed prison periods. Till now only a total of 212 political prisoners have been released. However, some governments (especially the Japanese government) see this as SPDC generosity and as tangible progress from the peace building progress.

The NLD is also upset over the slow progress of the confidence building talks, the NLD has recently demanded that talks should move towards "meaningful political dialogue."7

For the time being, NLD and others members of the international community including the UN have frequently asked SPDC for the unconditional release of political prisoners. On the other hand, even during the ongoing confidence building process the SPDC has almost neglected the requests. Some progress has occurred involving the bad conditions in prisons, however the mistreatment of political prisoners has continued. The SPDC not only continues to hold approximately 2000 people in prisons for their beliefs, but has also put elected national leader, Aung San Suu Kyi under house arrest. While this is occurring, both SPDC and NLD continue to say nothing about their current secret talks. So, what then is the current state of the confidence building efforts in Burma as pertains to political prisoners? The answers come not from official statements by the SPDC or NLD, but from an examination of the continuing situation involving all persons detained for the peaceful expression of their views.

Assistance Association for Political Prisoners (Burma)

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Foot Notes:

1- WGAD's sent a number of Communications to the SPDC.

2- AFP news agency, Nov 20, 2001

3- Statement by Mr. Paolo Sergio Pinheiro, Special Rapporteur on the Situation of Human Rights in Burma, 56th Session of the General Assembly Third Committee, Item 119, New York, 9 November 2001

4- Amnesty International's release in Apr 2001, (AI Index: ASA 16/006/2001)

5- Kyodo news agency, Dec. 19, 2001

6- AFP news agency, Nov 25, 2001

7- NLD's statement on 4th January 2002

Attach

List of the political prisoners whose prison periods were finished

Name Prison

1- Aung May Thu Tharawaddy

2- Aung Than Bassein

3- Ba Htoo Maung Myingyan

4- Bala Gyi Taungoo

5- Bo Bo Han Taungoo

6- Hla Nyein Myingyan

7- Htay Kywe Tharawaddy

8- Htay Lwin Myingyan

9- Htay Thein Mandalay

10- Htway Aung Insein

11- Khin Maung Than Mandalay

12- Khin Maung Ye @ Tin Aye Mandalay

13- Ko Hmaing @ Myo Min Hlaing Myingyan

- 14- Ko Ko Gyi Thayet
- 15- Kyaw Lwin Myingyan
- 16- Kyaw Mya Taungoo
- 17- Min Ko Naing @ Paw Oo Tun Sittwe
- 18- Myat San Taungoo
- 19- Naing Myint @ Myint Soe Mandalay
- 20- Soe Moe Hling @ Mae Gyi Tharawaddy
- 21- Soe Myint Mandalay
- 22- Soe Win Myingyan
- 23- Than Saw Myingyan
- 24- Than Swe (NA)
- 25- Thaung Hteik @ Than Hteik Tharawaddy
- 26- Thet Khaing @ Ko Latt Insein
- 27- Thet Tun @ Tin Htut Myingyan
- 28- Tin Aung Kale
- 29- Tin Aye Kyu@Hmaing Lwin Mandalay
- 30- Tin Htay @ Phone Thar Mandalay
- 31- Tin Myint Mandalay
- 32- Tin Tun Insein
- 33- Ye Nyunt Mandalay
- 34- Zaw Aung Tharawaddy
- 35- Zaw Khin Thayet
- 36- Zaw Min Thayet
- 37- Zaw Min, Dr Mandalay
- 38- Zay Ya Tharawaddy