



Thursday, 1 February 2007

Vol. 2, No. 1

jynbē pīwī f t i f wmeubwifpmapmī l t m&S/vē t cō h t a&; aumf&S iu jrefmē l i h t wō f w&m;
Oya' pī h a&; E s h v t cō h t a&; qī l & m u p & y r s m; u b & ē l ā p & e f w i j y x m; j c i f j z p b n ?

Pyithu Hittaing is a bilingual e-newsletter on rule of law issues and human rights in Burma, initiated by the Asian Human Rights Commission (AHRC)

Pyithu Hittaing online: <http://burma.ahrchk.net>
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“jrefmī yn f u t p & t z t p n f t m; v i l m v i x l u l l
zē y t c y j c, l w k m e a w g j z p a e y w, ? 2006 cē p f
t wō f w i w u a u m i f r e r _ b m w p c r s & t y o b i ?
' i l u a & p y l y i ā &; u 3/4 y j z p j z p / v e t c o h t a &;
u 3/4 r i y b q l v r b 0 a w f f i y z p a p t a y g i
v u o m b m w p c r s r a w a y o b i a m ? ”
-- b m q l v i z m e f ' W A H R C . 0 u k j z p o l

“Burma today [is] a society not where authoritarian rule is successfully maintaining the stability of the state, as promised by its military regime, but rather a country where the rule of law is non-existent and government officers are increasingly running out of control.”
-- AHRC Human Rights Report 2006

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OPEN Vol. 2. No. 1 (PDF file): <http://burma.ahrchk.net/pdf/ph-v02n01.pdf>

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u r i o e f u l l y e f w a e m i r l e , f & p c e f u ' & t l y p h r l e & y l u u m j u d a w l u v m a & m u f a c : a q m i f
o h ; c h y d a e m u i v p a e e n o l a o o q h o h ; c h y g w , ? & a w & & L U E S u r a = u m i h a o o q h c r w m j z p l w , M
r o m ; p l u a j m y g w , ? t j y n p l u A b t h t j r e f m y l f t p d t p o f x l l f E l l f i t a j c p l u f o w i f a x m u f
a ' : a t ; a t ; r m u w i f y x m ; y g w , ?

' l u p e y w o u i y d r o m ; p d i a w l u w m o e & b a w l u t a & ; , h q m i & c u a y ; z h t w l u f A M / c s y f s ; j u d
o e f a & & { & M O W v l l f w l l f r s ; j y n x b & ; o e j u d & c s y f c i & D w & k u l l " g w y l e v u G w l l f u m ; x m ; y g w , ?
j z p l y h ; y l u a w m h a r m i t s r u f t f (a c :) j r i o e f [m r t y i u a e r c r f i d f c l l M e t r n & w l
t r s t o r w p D D u l l y e f w a e m i r l e l l Z e e 0 & D 4 & u b e o u c h v m c h y g w , ? n m ; c p Z e d a r m i E l l m c s r u f t f
& e t p l u z p o b x l l f i n w n t c h y d { n p m & i f w l l c h y g w , ? 10 & u b e o u 12 e m & d f t c e a v m u r f n a w m h
c r u f t f u l z r f q d a c : a q m i o h ; y g w , ? a e m u i v p a e e u r f n a w m h & l v p D D v m a & m u f y d Z e l j z p l o u l l
v m a c : c h w l t a = u m i f t j h e m u r f n a w m h c i y e l j z p l o e t a v m i f u l l a w e & w l t a = u m i f r c r f i d f c l l u
t c k l a j m j y g w , ?

" & l v p a , m u l u i s u z m ; y l O b a E f i u x D i v l a q ; & w i v i u & w , M h a j m y g w , ? t j e p
v r f w p D u i v n f a & m u h a m t j D & t l y u b , M h a j m v b q h w m h t j D q l l u , h e m u l l u s a e m f
v l u o h ; w m / u s a e m h a , m u t a w l u p u l o e l e v m w m u l l o u b , M h a j m v b q h w m h
e i h , m u s n ; u l l h & b u a j y ; r l v e z r f w m w l o l w v m p o l w e f u { n p m & i f u p e v m w m / & b u a j y ; u l l
z r f z e q l y d o l w v m w m v r [w l b l ? t j e p a q ; & h & & & m u a w m h w y o m ; w p a , m u l u l u s a e m l u l l
v h a j m i f a y ; v l u i w , ? n w e f u z r f a c : v m w h u m i a v ; & e r e f r v h a j m w , ? t j l v y i o m ; O b a v ; j u d u
u s a e m y c h u l z u f y d o r d p o v t l l c i l x m ; a y g e m f o r d a , m u l u ; a w m h q h o h ; y l v h a j m w , ? t j g v n f
u s a e m i r , h o ; b l ? a q ; & h k l a & m u o h ; w m a y d o e f s f a & ; a q m i f r n u g y f p a y ; r n / t u u v n f
[y] u l e p a e m u i y d v u i w p z u i u v n f o j u l a w l c w i x m ; w , ? t o u l u i f r h e w m a y g e m f t j e p
u s a e m l u v n f o w l v u l v a y g a e m f i h w m h i c s i f w , f r s u & n l u r x l u b l ? & i x l f i n p h e w m a y d
t j e p o l w r o m ; p a w G t u e l m a & m u f m a w m h u s a e m l u v n f O r t e n f y u f u e b i l v m a y g e m f
r = u m y d o l ? & i t & h y l a r , l v n f u s a & m u s a e m h c t h a w l a e y d a w m h O l l r w l t c e f r n t j f r n a e m u p l u
a w m a w m f a v ; u l a y m h e w , ? v u i w p l u r a v m u a w m h & f n a y d c h D i f o h ; w m ? t j h e m u p e m ; r n
v n f a o f a w l u x l u h e w , ? r s u E n a w l u a & m / a b ; z u a w a & m / v u z z u a w a & m x l u u w i
x m ; w m a w a y g e m f n m z u l f i t f r n a & m e n t e n f r h a r m u a h e w m a y g e m f e n t e n f ! h e w m a y d
a e m u f y d a w m h r & h o p u m ; a j m & i f r p i a w a & m x l u h e w m a w a & m / a p m i f r n a y a e w m a w a & m / t j f r n
v h x l x m ; a e w m a w a y d "

t c k l a d e l x r f a w G & L U E S u r a = u m i h a o o q h c r w , M r o m ; p d i a w l u a j m c h a r m i t s r u f t f [m 10 E p f
12 E p f t & G l u a v v \$ l u a v ; j z p c h y d a z m u x G f r e a x m i f u s c l t w m a w m h & c h w , M h a j y g w , ?
& b u a j y ; a w m h r [l w y d o l q l y d Z e l j z p l o u a j m y g w , ? Z e l j z p l o r c r f i d f c l l f [m ' l u p e y w o u i y d
A [l v & m ; & h c y a & & a e a w e l v i y i y d t r z l z k v n f v l a q m i a e y g w , ? t c k l a t m % m y l l a w l u z r f
q d a c : a q m i o h ; y d a o o q h c r w l t r a w & l u t r s t o m ; ' D l u a & p d t z e s y f v l i , f t z o i f u h t m i E l l D i f & e
t r q l u & & i f t c k t c e f t x d t m % m y l l a w l u z u u t a & ; , h q m i & c u i v m r s t a w G r & h o ; w l t j y i f
Z e l j z p l o e v l l f u m ; c s u a w l u r l e , f w l l f / A [l v & m ; & h t q i l q i u a e y , t s v m u l y j c t h y g w , ?

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2. jrefm t m % myll f m ; . rw & m ; r r m ; u l l t a & ; , h y ; & e f A H R C t a & ; a y : y e f u m ; c s u f x k w f
-- A b t h t / 2 5 Z e e 0 g ; D 2 0 0 7

j r e f m E l l i h t w o f w & m ; O y a ' p h r t a & ; t w l u f t m % m y l l f a w u u d ; v e c l w h j y p r a w f r w & m ; r _
w l l u m ; r a w u l l c s u b s i f i q b v l t a & ; , l w h y e a y ; z h e y l a w m h a [m i a u m i f t a j c p l u f t m & S v e t c o h
t a & ; a u m f & S i u a e t a & ; a y : y e f u m ; c s u f w p a p m i f x k w f y g w , ? ' l u p e y w o u l y d t j a u m f & S & e
a j y m c o & y k k v u u o p a u m a z m f ! e l u q u b o g h a r j r e f x m ; y g w , ?

y d c l w h A R [t e b u m o y a w ; a e e m ; u a [m i a u m i f r n t a j c p l u w l t m & S v e t c o h t a & ; a u m f & S f
u j r e f m E l l i h u o u q l l & m t m % m y l l f a w g t a e e p t r r e f a y : a y g u a & ; t w l u f c s u b s i f t a & ; , h q m i & l u f
a y ; z h e f t a & ; a y : y e f u m ; c s u f a w u l l x k w f y e b y g w , ? b m a - u m i h t j m l x k w f y e & y g p v l u
t m & S v e t c o h t a & ; a u m f & S u l l q u b o g h a r j r e f & m r n a u m f & S a j y m c o & u

" { & m o w w l l i / y e f w a e m f r e n & u z r f q d c y a E n i f x m ; p o f t w o f r o u f n z g h a o q h c h
& w h j r e f m E l l i h m ; w p D D & a o r a o c i f e y w o u l y d u a e m l w e & & m ; w h o w i f t c s u f t v u f
a w g t a y : r n r l w n f y l a w m h) u d r m ; w p l e f a - u m i h u r a w g j z p & y g w , ? " v e A H R C a j y m c o & u
u a j y m o n ; y g w , ?

Z e e 0 g ; D 1 2 & u h e u { & m o w w l l i f y e f w a e m f r e n v u l w p z u u l o p o m ; u k w i a b m i f r n
v u x y t w l y d ' % & m ' % t s u h a w e a o q h a e & w h a r m i f c r u f f a o q h r u l l t " u x m ; y l a w m h 2 0 0 6
c E p i E p l y w l v n f t p & i c h p m r n a & ; o m ; a z m f y x m ; j c i f j z p l y g w , ? ' g t j y i f r t , p a q ; O g w l u z s u a & ;
t x l & e & l u E S u r a - u m i h a o q h c h w h a r m i h e a z m f j r l e p l y , e p d o w w l l e & l u E S u r a - u m i h a o q h c h
w h u b u E l l D / p p a x m u l e f a & ; w l e E y p u r a - u m i h a o q h c h w h u l t m i m d i f w l e t r a w u l l
v n f t r w l e y g w i v y l y d t a o ; p w f r s w i r f w i a z m f y x m ; w m u l v n f a w e y g w , ? ' e y w o u l y d
a j y m c o & y k k v u

" w u , h j y \ e m u a w m h t z r f c h o l e p e m o e r o m ; p d i f a w u o u b q l l & m u l l
w l l i w e f c i h a y r , f w l l c s u f c l m e & w m y g y ? " v l o u a j y m y g w , ?

' e y w o u l y d t j d y k k v u

" z r f q d c y a E n i f c h o a w & e t r w e y w o u l y d a o a o c m c m p e p l w u s s w i r f w i f
j z p a t m i w i z h e u l p m ; z h e y ? t j m l v y a q m i x m ; j c i f t m ; j z i h a e m i l w p c e r n t j D t r e p
y w o u l y d & E l l i w e n f v r f a w g j z p E l l i w l e d t m ; a w l u h y ; y d u a e m l w e t m ; v l l u l p m ; a y ; E l l f
y g w , ? t x l a j y m - u m ; v l w m u a w m h t r u l r s w i r f w i f j z p a t m i w i f y l a w m h w l l w e f x m ; z h e
y g y ? A H R C a u m f & S f t a e e p a r h n i f x m ; w m u a w m h a e m i l w p a e e r n t r r e f a y : a y g u f v m E l l f
w , l q l v m y g y ? " v e A H R C a j y m c o & u a j y m o n ; y g w , ?

6. ANOTHER YOUNG MAN TORTURED TO DEATH IN POLICE CUSTODY -- AHRC Urgent Appeals desk

From: [UA-023-2007](#), 24 January 2007

The Asian Human Rights Commission (AHRC) has received details from the Yoma-3 News Service (Thailand) and other sources of the alleged death in police custody of another young man in Burma due to assault. According to his wife, Maung Chan Kun was taken by the police from his family's house in the Irrawaddy delta region on January 10. The next morning the police informed the family that he was in the hospital. When they went there, they found him dead, with severe marks to the body, and an apparently fatal injury at the back of the head. The police have said that he died due to malaria. The family has now made complaints calling for justice to the national authorities.

According to the information so far received, 20-year-old Maung Chan Kun and his wife Ma Chan Nyein Khaing eloped from Ma-Ubin to his parents' house in Dawnachan ward of Pantanaw town on January 5. After they arrived, they registered with the local authorities that they were staying as visitors in the ward, which is required by law in Burma.

However, around 12:30am on January 11, a group of eight police lead by Deputy Superintendent Soe Moe came to the house with a local government official and called Chan Kun for questioning purportedly in connection with the guest list, according to his wife.

The next morning a police officer came to the house and told Chan Nyein Khaing that her husband was in the Pantanaw Township Hospital. When she went to the hospital she found her husband lying on his back upon a wooden bed frame in the cleaning room. His clothes were dishevelled and one arm was chained. He was already dead. There were injuries all over his body, in particular, an approximately one-inch-long hole at the back of the head from which blood emerged when his relatives moved his body to take it for autopsy, as no orderlies were around. There was also bruising from his neck to the backs of his ears, and on his face, sides and forearms. There was swelling on his right side.

Burmese radio journalists who contacted the Pantanaw police station from abroad were told that Chan Kun was arrested because he had escaped from an army prison labour camp run by Light Infantry Battalion 304 in Thaton. This is denied by his wife. The police said that after he was brought to the station they had intended to send him to the Ma-Ubin Prison, but before that he had started to show symptoms of malaria so he was sent to the hospital. They denied that he was tortured or that he was chained while in hospital. Hospital personnel contacted said that they were not able to comment.

Many persons saw Chan Kun's body at the hospital, and photographs and other details have been recorded in addition to the official autopsy. On January 14, Chan Nyein Khaing lodged complaints with the national and division council chairmen, home affairs minister and police chief. However, according to the latest information obtained by the AHRC, she was denied an attempt to lodge a complaint in the Pantanaw Township Court.

Photographs of the victim's body in hospital may be viewed on the Yoma-3 website (text in Burmese). Please be informed that these photos are graphic and uncensored:
<http://yoma3.org/gallery/kochankwan.html>

BACKGROUND INFORMATION:

Unfortunately, most complaints of extrajudicial killing by police officers and other state officials in Burma end in failure. Among notable cases taken up by the AHRC have been:

Maung Ne Zaw: allegedly beaten to death in custody by Special Anti-drug Squad police; his mother fled to Thailand after constant harassment and threats due to her attempts to obtain justice ([UA-222-2006](#))

Ko Thet Naing Oo: allegedly beaten to death by municipal officers and fire fighters in a public market; after his mother campaigned for justice, the police arrested and charged a group of innocent bystanders with his death ([UP-064-2006](#), [UP-060-2006](#), [UA-097-2006](#))

Ko Aung Hlaing Win: allegedly tortured to death by military intelligence; his wife lodged detailed appeals in the courts on the irregularities in his case, including the non-return of her husband's body (whom the state claimed died of a heart attack), but these were summarily dismissed at all levels, most recently by the Special Appellate Division of the Supreme Court ([UA-110-2005](#))

These are but a few of the many such cases going on in Burma. Remarkably, the key United Nations agency working on crime with an office in Burma, the UN Office on Drugs & Crime, in its [2005 country profile](#) claimed that there are "not even anecdotal reports of murders, rapes or kidnappings" in Burma and that "crime does not appear to be a major concern among the population" there. Letters sent by the AHRC to the office raising questions about this assessment and offering details of serious crimes where the police and other state officers are the accused met with no reply ([AHRC-OL-030-2006](#)).

See further: [AS-165-2006](#), [AS-070-2006](#) and [AS-015-2006](#).

See also the [2006 AHRC Human Rights Report](#) chapter on [Burma](#), and visit the AHRC Burma homepage: <http://burma.ahrchk.net>.

SUGGESTED ACTION:

Please write to the Minister of Home Affairs and other concerned persons below calling for an immediate investigation into the alleged death in custody. Please note that for the purpose of the letter, the country should be referred to by its official title of Myanmar, rather than Burma, and Irrawaddy Division as Ayeyarwaddy Division.

Sample letter:

Dear _____,

MYANMAR: Alleged death of Maung Chan Kun on 11 January 2007 due to assault in custody by Pantanaw Township Police Station personnel

Name of victim: Maung Chan Kun (a.k.a. Maung Myint Thein), 20 years old, son of U Chit Htoo, resident of Dawnachan Ward, Pantanaw Township, Ayeyarwaddy Division (deceased)

Complainant: Ma Chan Nyein Khaing, wife of victim, daughter of U Chit Tin, 2nd year economics student (distance), Ma-Ubin Township, Ayeyarwaddy Division

Alleged perpetrators:

1. Police Deputy Superintendent Soe Moe and seven subordinates of the Pantanaw Township Police Station
2. Police Deputy Superintendent Htay Aung (duty officer in charge)

Date of incident: 11 January 2007

Place of incident: Pantanaw police lockup

I am writing to express my dismay at the news that a young man allegedly died after being assaulted by personnel of the Pantanaw Township Police Station, Myanmar Police Force, on 11 January 2007, and to seek your urgent intervention.

According to the information that I have received, Maung Chan Kun and his wife Ma Chan Nyein Khaing travelled from Ma-Ubin to his parents' house in Dawnachan ward of Pantanaw town on January 5. After they arrived, they registered as visitors in the ward as required by law.

However, around 12:30am on January 11, a group of eight police lead by Deputy Superintendent Soe Moe came to the house with the ten-household head and called Chan Kun for questioning.

The next morning a police officer came to the house and told Chan Nyein Khaing that her husband was in the Pantanaw Township Hospital. When she went to the hospital she allegedly

found her husband lying dead on his back upon a wooden bed frame in the cleaning room. She and many witnesses observed grave injuries to his body, in particular an approximately one-inch-long hole at the back of the head. There was also bruising from his neck to the backs of his ears, and on his face, sides and forearms. There was swelling on his right side.

I am informed that personnel of the Pantanaw police have said that Chan Kun died due to malaria, of which he started to show symptoms after being held in the lockup. However, I find this claim incredible and unbelievable in view of the other details of the case that have been brought to my attention.

I am aware that the wife of the victim on January 14 lodged requests for justice with the Chairman of the State Peace & Development Council, Chairman of the Ayeyarwaddy Division Peace & Development Council, Minister for Home Affairs and the Director General of the Myanmar Police Force.

I sincerely urge you to ensure that these complaints are acted upon and call for an immediate investigation into this alleged assault with a view to laying charges of homicide under section 304A of the Penal Code against the perpetrators. At the same time, there should be preliminary and departmental inquiries to determine wrongdoing of all concerned persons with a view to laying further charges or taking other action as necessary against all state officials allegedly involved in the case.

The loss of a young person's life is a tragedy which is compounded further when no redress is forthcoming. I note with concern that most such complaints made against state officials in Myanmar are unsuccessful, not for want of evidence but because the concerned authorities are unwilling to act upon them. This is despite the fact that under Part III of the Citizen's Rights Protection Law 1975 (Parliamentary Act No. 2/1975), citizens are entitled to lodge complaints where they believe that their rights have been infringed.

I am aware that in recent times there have been a growing number of serious and substantiated allegations of deaths in custody in Myanmar. It is clear that this trend is causing growing alarm among the public which can only lead to greater instability, to the detriment of everybody. To address the trend it is necessary for you to give the public confidence that the authorities are acting to investigate properly and bring to an end such incidents through prosecutions and punishment of the alleged perpetrators, and by protection of witnesses and compensation for victims and their families.

Yours sincerely

PLEASE SEND YOUR LETTERS TO:

Maj-Gen. Maung Oo
Minister for Home Affairs
Ministry of Home Affairs
Naypyitaw
MYANMAR
Tel: +95 67 412 040/ 069/ 072
Fax: +95 67 412 016/ 439

PLEASE SEND COPIES TO:

1. Lt-Gen. Soe Win
Prime Minister
c/o Ministry of Defence
Naypyitaw
MYANMAR
Tel: + 95 1 372 681
Fax: + 95 1 652 624

2. U Aye Maung
Attorney General
Office of the Attorney General
101 Pansodan Street
Kyauktada Township
Yangon
MYANMAR
Fax: + 95 1 371 028/ 282 449 / 282 990

3. Brig-Gen. Khin Yi
Director General
Myanmar Police Force
Naypyitaw
MYANMAR
Tel: + 95 1 549 196/ 228/ 209

4. Mr. Shariq Bin Raza
Representative
UN Office on Drugs and Crime
11A Malikha Road
Ward 7, Mayangone Township
Yangon
MYANMAR
Tel: +951 666 903/ 660 556/ 660 538/ 660 398/ 664 539
Fax: +951 651 334
E-mail: fo.myanmar@unodc.org, shariq.raza@unodc.org, camila.vega@unodc.org

5. Professor Paulo Sergio Pinheiro
Special Rapporteur on Myanmar
Attn: Mr. Laurent Meillan
c/o OHCHR-UNOG
1211 Geneva 10
SWITZERLAND
Tel: + 41 22 9179 281
Fax: + 41 22 9179 018 (ATTN: SPECIAL RAPPOREUR MYANMAR)
E-mail: imeillan@ohchr.org

6. Professor Philip Alston
Special Rapporteur on Extra-judicial, Summary, or Arbitrary Executions
Attn: Ms. Lydie Ventre
Room 3-016, c/o OHCHR-UNOG
1211 Geneva 10
SWITZERLAND
Tel: +41 22 917 9155
Fax: +41 22 917 9006 (ATTN: SPECIAL RAPPOREUR EXTRAJUDICIAL EXECUTIONS)

7. Prof. Manfred Nowak
Special Rapporteur on the Question of Torture
Attn: Mr. Safir Syed
c/o OHCHR-UNOG
1211 Geneva 10
SWITZERLAND
Tel: +41 22 917 9230
Fax: +41 22 9179016 (ATTN: SPECIAL RAPPOREUR TORTURE)

Thank you.

Urgent Appeals Programme
Asian Human Rights Commission (AHRC) (ahrchk@ahrchk.org)

8. BURMA: THE MYTH OF STATE STABILITY & A SYSTEM OF INJUSTICE -- AHRC Human Rights Report 2006 (Part I)



During 2006 Burma continued to be characterised by wanton criminality of state officers at all levels, and the absence of the rule of law and rational government. Throughout the year, the Asian Human Rights Commission (AHRC) documented violent crimes caused by state officers, and the concomitant lack of any means for victims to complain and have action taken against accused perpetrators.

Three versions of violent crime in Burma

In July 2006, staff persons of the AHRC were surprised to read the assertion in the December 2005 country report on Burma of the UN Office on Drugs and Crime (UNODC) that

“As in many tightly controlled and socially conservative societies, there is very little violent crime: not even anecdotal reports of murders, rapes or kidnappings. There is some petty crime, especially burglaries, but these tend [sic] to be non-violent. In general, crime does not appear to be a major concern among the population...”

Similar statements were repeated elsewhere in the report: all of them contradict the findings of human rights defenders, independent journalists, lawyers and others which reveal that Burma is no exception from most other countries in Southeast Asia in that the primary cause of lawlessness there today is the violent crime committed by police, soldiers, local government officials and officials of mass-movement bodies, and paramilitary units.

The AHRC immediately wrote to the UNODC, and in addition to citing cases, asked the office to identify the research, studies or other work conducted by its office that have led it to this conclusion. It also raised questions about the capacity of the UNODC to function effectively in Burma:

“Where the police, state authorities and their accomplices are themselves responsible for perpetrating and instigating crimes with impunity, what possibility is there that other criminal activities can be addressed? How can the UN Office on Drugs and Crime expect to deal with the massive narcotics trade of Burma or ‘transnational organised crime’ with which it seems more concerned than day-to-day criminality when the state agents themselves are the planners and agents of killing, torture, abduction and cross-border trafficking? How can it expect to sincerely raise questions about violence against women and children or arbitrary detention without recognition of this reality? That violent crime by state officers is the primary cause of lawlessness in Burma appears to be an enormous and glaring omission from the work of your agency there.”

The AHRC received no reply from the UNODC, and staff persons at the office who were contacted by broadcast journalists on the matter also declined to comment. However, a letter was received from the government’s representative in Hong Kong, Chan Kyaw Aung:

“We would like to inform you that the accusations you described in the letter were groundless and exaggerated. It was mainly based on information obtained from anti-government elements or neo-colonialists who just want to create unrest in our country for the sake of outside intervention. Our government’s position and policy toward law and order situation [sic] is very clear and well known...”

“In any country, legal action will be taken against those who violate respective law [sic] and regulations. You can not claim the law breakers as victims of Human Rights violation [sic].”

In reply, the AHRC wrote that,

“You argue that persons who violate a country’s laws should face sanctions. In fact, this is the essence of our letter to the UNODC. Where legitimate complaints of illegal actions are made by

citizens against state officers, it is a duty of the state to investigate these, and where necessary, commence prosecutions. It is a duty of the state to put in place proper institutions to receive and investigate such complaints, so that the work will be credible and the public will have confidence in its outcomes. International organisations like the UNODC may be able to assist with money and training.

“Unfortunately, at this time in Myanmar [Burma] no such institutions exist for credible investigations of state officers. Therefore, criminality is rampant among the police and other government officials...”

Earlier, an unusual story had appeared in state-run daily newspapers. It said that a man identified as Wai Phyo Naung killed himself in a police lock up in Mandalay after being arrested for loitering in the early morning of March 25. According to the report, he had twisted his sarong into a rope and hanged himself from a bar in the ceiling at around 2pm on March 26.

The report followed a press conference in which the chief of police emerged to answer questions together with the ubiquitous military officers. A journalist from a weekly crime journal asked him,

“Due to the accusations of foreign media, there were suspicions among the public that some members of [the police] tortured and bullied the people. Are there any such incidents or not? If such incidents are found, is there any response? If there is any, to what extent action is taken against those who committed the incidents?”

In reply, Police Brigadier General Khin Yi cited the case of Ko Thet Naing Oo, which had been widely reported on from outside the country and was by that time already well known to people around Rangoon. Thet Naing Oo was beaten to death by municipal authorities and reservist fire fighters in a suburban marketplace on March 17. They had set upon him after an altercation over his supposedly urinating in a public place. His mother’s attempts to obtain justice led to a special tribunal being established to examine the case. It operated behind closed doors and ended with some innocent bicycle rickshaw drivers being charged instead of the actual perpetrators. Thet Naing Oo’s friends were also taken into custody and forced to go along with the government version of events.



Ko Thet Naing Oo

It was in the past uncommon for Burma’s tightly-controlled press to carry detailed rebuttals of individual cases of alleged abuse. But with more and more stories spreading of brutality by police and local authorities, the government seems to have decided that it is better to construct its own version of reality, rather than let others come up with it first.

Interestingly, the style and content of rebuttal has more in common with that of governments in neighbouring countries of South and Southeast Asia than with the conventional propaganda to which people in Burma are accustomed. Specifically, it has two important characteristics.

Firstly, the authorities portray the victim as a person of bad character. It is then understood that whatever happened, he somehow deserved it. Wai Phyo Naung is described as having had a record of loitering, been covered in tattoos, and apparently on drugs. “His brothers told police that he was a bad youth, never listened to his parents, and used to be on alcohol,” the newspapers reported. As for Thet Naing Oo, he was a former political troublemaker who got drunk and went looking for trouble. Both were socially undesirable. If they wound up dead somehow, it was no loss.

Compare this with the language and mentality of the authorities in Thailand. When the government there organised the killing of thousands of alleged drug dealers in 2002, it set out by categorising them as people who deserved to die, who had nothing to contribute to the country. Likewise, over one thousand young men who were arrested outside Tak Bai District Police Station in Narathiwat Province during October 2004 were also described as drug users and hooligans, although these allegations were later shown to be baseless. And to the present day, reports on deaths in custody invariably dwell on the alleged wrongdoing of the deceased in order to distract attention from the actual issues. One way or another, the population of Thailand is

reminded incessantly that bad people deserve bad things, and therefore, if something bad happens to someone, they must be bad.

Secondly, the authorities portray their own personnel as disciplined and following regulations. It is then understood that whatever happened, it was not the fault of the police or other state officers. The policeman discovering Wai Phyo Naung is described as springing to his aid and calling for others to help. Although they rushed him to hospital, it was too late. An autopsy was carried out which absolved the police of wrongdoing, and the matter was reported to the magistrate. Correct procedure was fulfilled. Thet Naing Oo too, it is said, was immediately sent to hospital but could not be saved. Special inquiries into the case have followed, as required by law and circumstances.

Compare this too with the case of Mousumi Ari in West Bengal, India. Mousumi was murdered by her in-laws in October 2003. However, because one of them had connections to the local police, the crime was made to appear as a suicide. The police, judicial magistrate and autopsy doctor all performed in the charade. The supposed separation of powers was reduced to farce. Only through the heroic efforts of the victim's family and local human rights defenders was the struggle against lies won, and it was finally revealed through a later independent autopsy that the death was a murder. The perpetrators were charged, although none of the authorities responsible for the cover-up have ever been punished.

Not even these few avenues exist in Burma. There are, as Brig-Gen. Khin Yi puts it, "lots of rules and regulations" with which the police are expected to comply. In fact, they are practically the same rules and regulations as in West Bengal, as a consequence of a shared colonial legacy. But lots of rules and regulations mean nothing without functioning, independent institutions to enforce them and provide redress to persons who suffer abuse. In Thailand, India and most other parts of Asia, these are few and far between. Those that exist, struggle to survive. In Burma, they are simply non-existent. There is no legislature. There is no competent judiciary. There are no independent government bodies. There are no international agencies with credible mandates to assist in reform. Nor is there any commitment to any of these.

"If a row takes place involving a police member, he faces action under the police code of conduct, civil laws, and administrative action," Brig-Gen. Khin Yi said. Were it so, Burma would be a dramatically different country from what it is today. While exceptional cases give cause for hope, such as the conviction of two police officers for rape, under existing arrangements they will remain exceptional. The norm will continue to be extrajudicial killings, torture and other gross abuses practiced by the police, army, local government officers and other officials with impunity.

Violent crime by state officers

The growing numbers of bloody assaults and killings of ordinary people by police and other state officers in the cities and towns of Burma are in fact exposing the myth of "state stability" that the military government there uses to justify its prolonged existence.

The AHRC on July 7 issued an appeal on the alleged assault and subsequent death in police custody of Maung Ne Zaw, whose mother had fled to Thailand. Her son, she complained to the regional army commander, was stopped, illegally detained and beaten on the side of the road in Kachin State by Special Anti-drug Squad police on March 14. He died in detention on May 2, she said, after failing to obtain proper medical treatment. Even a post mortem examination was not possible. When she asked a doctor about cause of death he gave a range of implausible answers, from cerebral malaria to HIV, either out of fear or due to some tacit agreement with the police.

News of Maung Ne Zaw's death followed reliable reports that police in Yetashe Township in Pegu Division also murdered a young mother in their custody on June 19. Ma Nyo Kyi a 23-year-old who was living in Shwemyaing ward in Myohla town was reportedly arrested earlier by Police Deputy Superintendent Zaw Lwin and another officer while on her way home from a shopping trip. Her eight-month-old baby was taken into custody with her for a night, but sent back to the family in the morning. When the family brought the baby for feeding the police on duty said that Nyo Kyi had been sent to hospital after being found hanging in her cell. However, doctors who declared her dead reportedly found severe injuries on her head and back. According to local

sources, the same township police also tortured a young man to death at the end of 2005 but had warned the family against taking any action.

Soldiers taking responsibility for railway line security in the same township also allegedly beat a young man to death at the start of June. Twenty-three-year-old Maung Soe Lin Aung was the second person to be assaulted by the soldiers within a few weeks. In May, another young man was hospitalised after encountering the drunken troops on the wrong side of the tracks.

Similarly, a 24-year-old woman reportedly suffered life-threatening injuries after being assaulted by a police chief in Kyimyintaing Township, Rangoon on June 8. Ma Khin Mar Lwin, a washerwoman living in Ohbo ward, was arrested after a housewife alleged that she stole some belongings. Having arrested her, Police Station Officer Ne Myo is alleged to have beaten Khin Mar Lwin so severely that her eardrums broke and her body was covered with bruises. She was also allegedly sexually abused by a family member of the accusing person. Upon her release, Khin Mar Lwin was purportedly offered money by the family member and local officials in order to stay silent about her ordeal. However, she is said to have refused the money and insisted that she would complain to higher authorities.

Elsewhere in Rangoon Division a man was feared dead after disappearing from police custody. U Maung Maung, a 40-year-old from Dawpon Township, was taken for questioning on June 27 after his father died in an apparent accident at home. But when family members went to see him at the police station, they were reportedly told that Maung Maung had been taken to hospital, and then on July 3 that he had escaped from the hospital. The next day, Maung Maung's son was summoned and threatened not to talk about his father's disappearance or risk arrest also.

Earlier in the year, Ko Aung Myint Oo suffered grievous injuries due to assault at time of arrest in Meikhtila, Mandalay, over a gambling case. Deputy Superintendent Aung Than Htay and around 13 other officers are reported to have savagely assaulted the young man on January 18 with various objects that they could find lying around the roadside, including sticks, rakes and bricks, until he fell unconscious. They later claimed that the victim had been brandishing a weapon; however, Aung Myint Oo had suffered from a stroke some three months earlier and was in no condition to pick a fight with the police.

The extent of Aung Myint Oo's injuries shocked the judge in the local court, who having read a prison sentence ordered the police to take the assault victim to the hospital, rather than to jail. However, the police allegedly disregarded the judge's instruction and took Aung Myint Oo to prison. But when the prison wardens saw his condition, they also refused to accept him into their custody and also insisted that he should be sent to hospital. Still the police resisted taking Aung Myint Oo to hospital. Instead they took him to a local outpatient clinic. There too the staff said that they couldn't treat his severe injuries and said to take him to hospital. Finally he was registered in the township hospital that night, with two broken ribs and severe injuries to his face and body. A week later the police came and forcibly removed him in shackles and handcuffs, despite protests from staff.

After the AHRC issued an appeal on the case and it was reported on shortwave radio, a team of four police investigators headed by township Deputy Police Commander Ko Than Htun came and searched Ko Aung Myint Oo's house and asked questions of his mother. She and his wife were subsequently called for questioning and repeatedly harassed and coerced, until they acquiesced to drop their complaints.

Not only the police, soldiers and security units but also local council officials and other state officers have been implicated in bloody assaults ending in serious injury and oftentimes death. Ko Than Htike was reportedly beaten to death in a local council office by five officials on the eve of the new year. Than Htike had had a number of personal disputes with the Myothit ward chairman and his men in Ngathaing Chaung, part of the delta region, and they had called him in over his failure to pay dues for the upkeep of a local paramilitary unit. Elsewhere, Ma Aye Aye Aung and her husband were repeatedly set upon by local council members and their relatives in Meikhtila, Mandalay over a dispute about her parking her betel nut cart at the front of a restaurant owned by the council chairman.

Together these cases--which are just a tiny handful of the total number occurring in Burma today--reveal a society not where authoritarian rule is successfully maintaining "the stability of the

state", as promised by its military regime, but rather a country where the rule of law is non-existent and government officers are increasingly running out of control. The characteristics of violent crime by these state officers include the following:

1. The victims are ordinary people targetted in common criminal inquiries: In Burma today it is unsurprising to hear that someone has been assaulted or killed over the alleged possession of a small quantity of drugs; supposed suspicion of petty theft; urinating in a public place, or otherwise doing anything that may cause offence to local officials. None of these are the sort of celebrated political cases for which Burma usually obtains attention. But they are the sort that affects the overwhelmingly large number of people in the country.

2. The victims are mostly innocent: It is a feature of violence and other criminal or illegal actions committed by state officers against victims in Burma that the victims have nothing to do with the alleged wrongdoing, may only be tangentially related to the case or may themselves be the aggrieved parties who are being targetted as a counterattack to thwart their earnest attempts at obtaining some limited form of redress.

3. The victims are often targetted due to personal grievances or out of favours to others: The victims of assaults or other illegal acts by the concerned authorities very often know their targets, or know someone who knows them and are doing that person a favour. A person may be assaulted because of connections between the police and a local family who believe that the person has wronged them, and the party to the case may even become involved in the assault. Khin Mar Lwin was assaulted by the police on behalf of a local family; a member of which was also allegedly allowed to get involved and sexually abuse her. Ma Aye Aye Aung was beaten up because she parked her betel nut cart at the front of a restaurant owned by the local council head. Deaths occur as a result of petty disputes between local officials and persons in their jurisdiction who have refused to follow some instruction or pay some amount of money.

4. Ordinary criminal and judicial procedures are completely ignored: Where police are involved in the case from the start--as perpetrators or accomplices--or where they are brought into the case as investigators, they invariably ignore ordinary criminal procedures. Illegal arrest and detention, failure to inform of reasons for arrest or to inform family members of arrest, detention of minors and similar breaches of criminal procedure and police regulations are the norm. Maung Ne Zaw and his friends were illegally detained from the start. Ma Nyo Kyi's family were not informed that she was taken into custody. Ko Aung Myint Oo was attacked because when he was first instructed by a police officer to go to the local station with him he was not given a reason and declined to follow. The Kyimyintaing police reportedly locked up a baby. Orders given by judges also show flagrant disregard for--or ignorance of--the domestic law and are determined strictly on the basis of instructions given from the executive.

5. There is no concept of--or interest in--investigation methods: The only techniques known to the police and other authorities who take people into their custody are to detain and beat up. If they know the person and have a particular objective, this is the method to obtain that objective. If they are not sure who they have in their hands, this is the method to find out. They learn when their family members or others come who they are and how much they can get from them. They can decide whether it is more worthwhile to let the person go in exchange for cash or proceed with a case.

6. The victims have no possibility of complaint and are instead made the targets of counter-complaints: Attempts to have a case opened are usually thwarted at early stages through a range of techniques, including open harassment and intimidation of the victim or family and counter-complaints by the authorities. Maung Ne Zaw's mother repeatedly attempted to have a case opened against the police who killed her son. As a result, she was constantly harassed, she says, and finally fled to Thailand near the end of June. The vigorous efforts to get justice by The Naing Oo's mother instead led to the arrest of some bystanders to her son's killing: also poor and innocent civilians. Aung Myint Oo's mother reportedly gave up attempts to register complaints against the police who assaulted her son and has since figured that if you can't beat them, join them: in her case, by working an illegal lottery syndicate with the police sergeant who instigated the violence. And whereas there is a persistent interest in security and emergency laws in Burma to deal with dissent, it must be noted that in fact the common criminal law has within it a small arsenal of provisions that enable officials to counteract private complaints, including Penal Code sections 182/189 (false information with intent to cause public servant to use his lawful

power to the injury of another person; threat of injury to public servant); 211 (false charge of offence made with intent to injure); 499/503 (defamation; criminal defamation); and 504/505 (intentional insult with intent to provoke breach of the peace; statements conducing to public mischief).

All of this is to say nothing of the very severe and violent conditions for internally displaced persons, refugees and others in remote areas and border regions of the country, who continue to be subject to some of the worst human rights abuses in the whole of Asia, mostly at the hands of the military. In October the Bangkok-based Thailand Burma Border Consortium reported that over a million people are now displaced in eastern Burma alone, with 82,000 forced from their homes in the last year, through the systematic destruction or forced abandonment of over 200 villages in the same period. Out of the million persons, over half are believed to be living in the jungles and hills due to "systematic human rights abuses and humanitarian atrocities".

9. ABOUT PYITHU HITTAING

The Pyithu Hittaing e-newsletter is being launched by the Asian Human Rights Commission (AHRC) to open serious discussion on the links between rule of law issues and human rights in Burma. While Burma has been described as under the "un-rule of law", this has not been explored in any detail. Much of the talk about human rights in Burma is restricted to references to its military regime, political prisoners, and the worst cases of abuse that persistently occur at the hands of troops operating in remote areas of the country. It is not gone deeply into the experiences of most ordinary people in the country who are daily obliged to deal with powerful local police, administrators and courts.

There are many things that are obvious to most people in Burma that have not yet been discussed directly. For instance, how is it that people who are beaten up by the police are the ones to be prosecuted? How can judges convict persons under ordinary criminal laws on grounds that have nothing to do with those laws? What are the effects on society when all attempts to lodge a complaint of abuse through the courts are unsuccessful? What happens when an administration system is staffed for generations with incompetents, and its foundations eroded by militarisation and patronage?

Each edition of Pyithu Hittaing will concentrate on and explore one or two relevant cases and incorporate some wider analysis on human rights and the rule of law in both Burma and Asia. It will do this in a straightforward way. Readers are especially encouraged to write non-technical articles on practical problems of the rule of law and human rights for Pyithu Hittaing. You may also send copies of the e-newsletter to others.

This first edition of Pyithu Hittaing is being sent to the entire AHRC mailing list. Subsequently it will go only to the Burma mailing list. If you wish to receive it but are not on the mailing list, you can

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