



A LICENSE TO TORTURE ?



**Short Analysis of the Myanmar Military's Torture
Since the 2021 Coup Attempt**

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Equality Myanmar

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Acknowledgement

Myanmar, previously known as Burma, has been ruled by various military juntas and leaders since 1958. It is undeniable that their dictatorship system and centralized governance have been threatened inhumanely and unjustly on the civilians for over six decades in Myanmar. Although Myanmar military juntas and leaders had conducted arbitrary arrest and torture on the people, the widespread use of weapons, war crime, massacre, genocide, ethnic cleansing, crimes against humanity, and inhuman acts against innocent people, they have been unpunished until this era. Furthermore, these military juntas and leaders shamefully testified that they did not commit crimes or violations in front of the international news media, representatives, and communities. Moreover, they shamelessly stated that there were no political prisoners in Myanmar and they also accused all political prisoners as criminals and bad people. Subsequently, different military juntas and leaders were told that they did not commit any torture on the prisoners.

However, in this contemporary world, the International Communities are supporting and standing together with Myanmar people, and they are also not accepting the illogical lies and propaganda of the Myanmar military junta and its councils. Since February 2021, civilians have protested peacefully for justice and democracy because the military junta has attempted the coup. However, the military junta conducted extra-judicial suppression, killing, forced disappearance, arbitrary arrest, and torture on peaceful protesters and innocent people in the different states and regions in Myanmar.

On February 12, 2021, with order No. 59/2021, the Myanmar junta and its military council pardoned 2334 prisoners who were imprisoned for crimes before 2021. On February 13, 2021, the military junta and its councils suspended the Freedom of Citizens and Security Act. Furthermore, they changed and controlled the local administration system to oppress and control civilians and peaceful protests. This is how the Myanmar military junta and its councils have systematically and purposefully committed forceful arrests, tortures, and horrific killings. This critical situation has worsened daily in Myanmar. The International Communities also condemned the war crimes, crimes against humanity and human rights violations of the Myanmar military junta, while many investigations have been conducted on justice and accountability. Significantly, it includes the efforts of a lawsuit led by the Myanmar Accountability Project at the prosecutor's Office in Istanbul, Turkey, for the allegation and abuses committed at the Ye Kyi Aik detention center.

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This report is fundamentally based on data from Equality Myanmar regarding how the Myanmar military junta and its councils conducted arbitrary torture on innocent people, democratic activists, and peaceful protesters during the revolution period in Myanmar. In the past, the Myanmar military junta and its alliances committed atrocities, violations of human rights, crimes, and crimes against humanity. Thus, we want to ensure that these perpetrators do not continue these horrific crimes and killings. Then, the international communities and laws need to implement effective lawsuits on Myanmar military junta and its councils. This is the voice and determination of people in the federal democratic system. This is also intended to assist future justice-seeking mechanisms.

Daw Sandar

Executive Director

Equality Myanmar

About Equality Myanmar

Equality Myanmar (EQMM) is a leading Human Rights Organization that organizes strengthening of Human Rights culture, justice, accountability and advocacy mechanism through Human Rights Education, Documentation of Human Rights Violation Cases, International and National Advocacy as well as Human Rights Discourse, and Emergency Support to Vulnerable and Marginalized Communities: Human Rights Educator, Human Rights Defender, Democracy Activists, CSOs and Community members who are affected by the military coup and grave action. EQMM works with various local actors, linguistic and cultural groups. EQMM program and its activities reach all states and regions in Myanmar. Equality Myanmar stands strong for professional commitment, despite the organization having faced a critical situation in 2021 due to the political crisis and coercive behaviors and grave violations of the Myanmar military junta. Our fundamental vision is to build a peaceful, tolerant, and federal democratic society that is embedded in respect for the dignity and human rights of all the languages, religions, and ethnic groups in Myanmar. Our mission is effectively promoting a culture of human rights compliance, human rights education, and accountability where Myanmar people are empowered to access their rights, justice, sociopolitical and democratic space as well as engage in a process of social and political transformation of Myanmar.

Methodology

This short analysis is a merger of quantitative and qualitative analysis which are primarily based on research interviews, reports covering human rights abuse related to torture, media monitoring and documentation of human rights violations in Myanmar after the 2021 attempted coup. Between February 2021 and June 2023, Equality Myanmar not only documented the torture incidents and interviewed survivors, witnesses, monitoring organizations and family members of victims who encountered torture or other ill-treatment by the junta's security forces but gathered media reports covering torture and other cruel, inhuman and derogatory treatment or punishment by the Myanmar military.

Equality Myanmar amassed 267 cases of human rights violations related to torture or ill-treatment at different places including prisons, interrogation centers, police lockups and others throughout the country from February 2021 and June 2023. Following monitoring and documentation, the verification process involved cross-referencing the collected data with multiple sources, such as legal documents, human rights reports, and testimonies from witnesses and survivors. The names of the survivors, witnesses, victims' family members, third party organizations or individuals are kept anonymous for their security.

Executive Summary

Myanmar military has a long history of using torture to stop and break down the peaceful protests and target the innocent civilians in the areas where armed clashes broke out. Torture in Myanmar can be divided into two types – torture by security forces especially in interrogation and prisons and torture of innocent civilians in areas of clashes by regime forces. Torture victims can also be divided into two main groups. The two are political society and innocent civilians in the areas where the armed resistance broke out.

The Myanmar military's torture has increased since the 1988 uprising. During the so-called democratization process under quasi-civilian governments which began in 2011, the Myanmar military's atrocities including torture and ill-treatment of innocent civilians continued in ethnic minority areas. Yet, most of the documented evidence of the Myanmar military's atrocities did not garner adequate attention from the public and support from the international community to hold those responsible for the atrocities accountable. However, the Myanmar military proved its brutality and evilness by its blatant violence against people peacefully resisting the coup attempted on February 1, 2021.

Since the coup attempt, the military junta has used torture as a means not only to extract information from the accused but also punish and retaliate them for their pro-democracy activities and to instill fear among the people. The act of torture by the Myanmar military's security forces is based on arbitrary grounds while the patterns of torture are proven systematic and widespread. The junta has increasingly arrested civilian protesters, activists, members of CDM, politicians, members of NLD party, people with ties with NLD party and people supporting the National Unity Government (NUG), Committee Representing Pyidaungsu Hluttaw (CRPH), National Unity Consultative Council (NUCC) and ethnic revolutionary organization (EROs).

Women and LGBTQI individuals face disproportionate rates of torture and violence compared to men. This systemic targeting not only violates their human rights but also perpetuates a culture of discrimination and oppression. In various forms, such as sexual violence, women and LGBTQI individuals are particularly vulnerable to torture.

In conflict situations, women and LGBTQI individuals including transwomen are also at heightened risk of torture. Perpetrators exploit their vulnerability, using sexual violence as a weapon of war. Rape, forced prostitution, and sexual slavery are common tactics employed to instill fear, control populations, and destroy social bonds. These acts of torture not only cause immediate physical harm but also inflict long-lasting trauma on the survivors.

Furthermore, women and LGBTQI individuals in detention centers, including prisons and interrogation centers, are often subjected to sexual violence and other forms of torture. These abuses can range from invasive searches to the denial of essential healthcare, isolation, and verbal abuse. Such mistreatment perpetuates a culture of fear and silencing, making it difficult for survivors to seek justice or support.

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Torture occurs during security forces raids, arrests, interrogations, detentions and in prisons. The security forces commit unlawful arrests, arbitrary arrests, gender-based violence, sexual harassment, sexual violence, torture and ill-treatment in a systematic and widespread¹ manner while the interrogation centers, detention centers and prisons do not comply with international standards and international conventions. Furthermore, torture is often interconnected with violations of other intrinsic rights, for instance, the right to religion and belief and the right to life.

Numerous individuals have lost their lives while incarcerated, leaving grieving families without the opportunity to bid farewell to their loved ones. Moreover, many families have discovered disturbing wounds and bruises on the bodies of their deceased family members. These distressing findings serve as evidence that many prisoners were subjected to torture, ultimately causing their death within prison walls.

The tragedy of families not being able to see the bodies of their deceased loved ones is an all too common occurrence. The plight of families in Myanmar who have lost loved ones in prisons is a heartbreaking testament to the human rights violations that persist within the country. The denial of access to the bodies and the presence of visible signs of torture on those who are returned only reinforces the fact that many prisoners were killed as a result of brutal acts committed within the prison walls.

While the military junta violates not only humanitarian law but also customary international law, it has been responsible for numerous human rights violations, including torture and violence against vulnerable groups such as women, children, and persons with disabilities. These acts of torture are in direct violation of international treaties that Myanmar has already ratified, namely the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disabilities (CRPD).

CEDAW, CRC, and CRPD are international legal instruments that aim to protect the rights and well-being of specific groups in society. These treaties establish clear guidelines and obligations for state parties, including Myanmar, to ensure the prevention of torture and violence against women, children, and persons with disabilities.

The Myanmar military's atrocities extend beyond violence and include heinous crimes committed against the civilian population. These crimes have particularly targeted areas where ethnic revolutionary organizations and local communities reside. These actions have resulted in widespread suffering and loss of lives among innocent civilians.

¹ "Myanmar military uses systematic torture across country", AP, October 28, 2021, <https://apnews.com/article/myanmar-torture-military-prisons-insein-abuse-390fe5b49337be82ce91639e93e0192f> (accessed June 10, 2023)

This analysis recalls the historical background of the Myanmar military's torture practice against political prisoners and innocent civilians in armed conflict areas. This analysis also highlights the situation in interrogation centers, police detentions, prisons and areas of armed clashes in the context of torture and other cruel, inhuman and degrading treatment or punishment. Equality Myanmar has documented more than 200 cases of human rights violation mainly related to torture in which political detainees, political prisoners and innocent residents in areas affected by clashes between the armed resistance groups and the regime troops, have experienced.

CHAPTER 1

Introduction

1.1 Torture and Myanmar's Obligation

Torture is a treatment always prohibited and never justified in the civilized world. The absolute prohibition on torture matters because it is “an assault on human dignity”² and the physical, psychological or mental impact of torture may remain permanent. Torture takes many different forms and can be practiced for different purposes.

International declarations and instructions on war law and customs were issued regarding torture prior to World War II. The Universal Declaration of Human Rights (UDHR) became the first international human rights instrument outlawing torture following the establishment of the United Nations in 1948 as Article 5 of the UDHR asserts “No one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment.”³ After two years without an international treaty legally banning torture, the European Convention on Human Rights joined the UDHR as the very first treaty prohibiting torture, using the exact same phrase and wording.

Being adopted in 1966, the Covenant on Civil and Political Rights (ICCPR), a source of international human rights law and part of the Bill of Rights, prohibits torture and cruel, inhuman and degrading treatments. ICCPR does not provide a legal definition of ‘torture’ and other aforementioned acts. In this regard, the Human Rights Committee considered that “the distinctions” between those different types of treatments and punishments “depend on the nature, purpose and severity of the treatment applied”.⁴

There was no globally accepted definition of torture until 1975, when the United Nations General Assembly adopted the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (Torture Declaration) that defines ‘torture or other cruel, inhumane or degrading treatment or punishment’.⁵ Then, the first legally binding international treaty exclusively emphasizing the prohibition of torture emerged when the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment (UNCAT) was adopted by the General Assembly.⁶

2 Andrea Wigger, “Torture: An affront to humanity”, ICRC, June 25, 2013, <https://www.icrc.org/en/doc/resources/documents/interview/2013/06-26-torture.htm> (accessed June 10, 2023)

3 1948 Universal Declaration of Human Rights, Art 5,

4 Human Rights Committee, CCPR General Comment No.20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment), <https://www.refworld.org/docid/453883fb0.html>

5 1975 Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Art 1

6 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment

During the development of struggle for an international prohibition on torture, the role of definitions and elements of torture in deed matters. As a result of criticism on the adequacy of the definition of torture in the Torture Declaration, Article 1 of UNCAT, as a source of international law, defines torture in a more elaborate way as follows:

“For the purposes of this convention, the term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”⁷

In addition to that definition of ‘torture’, Article 16 of UNCAT also states, “Each State party shall undertake to prevent ... other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1...”, despite no precise definition of such treatments in UNCAT.⁸

While the right to freedom from torture or cruel, inhuman or degrading treatment or punishment is an absolute right, the obligation to prohibit torture crosscuts three parts of international law – international human rights law (IHRL), international humanitarian law (IHL) and international criminal law (ICL).

Myanmar is not a State party to the International Covenant on Civil and Political Rights (ICCPR) and Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) – both are sources of international human rights law that require the State party to ensure the prohibition of torture. However, international obligation to prohibit any form of torture is a matter of customary international law or jus cogen which binds all States including Myanmar as a signatory of the Universal Declaration of Human Rights (UDHR).

The prohibition of torture applies not only in the times of peace but the times of war pursuant to the international humanitarian law (IHL). This means torture is not justified in international armed conflicts but non-international armed conflicts.⁹ In addition to these facts, practice of torture constitutes a violation of international criminal law (ICL). 1998 Rome Statute describes torture, along with some other kinds of atrocities, as

7 Ibid. Art 1

8 World Organisation Against Torture, Interpretation of the Definition of Torture or Cruel, Inhuman or Degrading Treatment or Punishment in the Light of European and International Case Law: the Need to Preserve Legal and Jurisprudential Evolutions and Acquis, October 30, 2004, <http://www.refworld.org/docid/46c190b20>

9 Rule 90. Torture and Cruel, Inhuman or Degrading Treatment, ICRC, <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule90>, (accessed June 10, 2023)

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elements in war crimes and crimes against humanity.¹⁰ Myanmar is not a state party of Rome Statute. Myanmar is a signatory to the UN's 1948 Prevention of Genocide Convention (Genocide Convention) and it is obliged to abide by and comply with the customary international law and peremptory norm (jus cogens) that unequivocally prohibit torture.

1.2 Practice of Torture and Ill-treatment in Myanmar

Myanmar's legal framework stipulates the prohibition of torture. The 1861 Penal Code of Myanmar prohibits 'hurt and grievous hurt' during an official interrogation and bans injury to anyone by a public servant despite lack of explicit definition of and designation of torture as an unacceptable crime.

However, torture has been a constant feature of Myanmar's military and security forces for decades.¹¹ The Myanmar military, the very perpetrator of inhuman treatment and torture has never been held accountable for its evident crimes of torture in Myanmar's history. Members of the security forces including armed forces, police, army, military intelligence, prison authorities, wardens have utilized torture as a means for extracting information, unlawful punishment and instigating fear among civilians while the forms of torture range from psychological threats to physical assaults causing temporary and permanent disability, and even death. The indiscriminate employment of torture by the military regime can affect not only the dissenters but any civilian population regardless of age, gender, disability and vulnerability such as being a child or pregnant, instead particularly targeting such vulnerable characteristics among the family members of the accused.

Two types of groups have been mostly subjected to torture by the Myanmar military throughout history.¹² People who practice their right to freedom of conscience, right to freedom of expression and right to freedom of peaceful assembly and association including but not limited to politicians, activists and human rights defenders struggling and fighting for democracy and human rights are the first targeted group. Secondly, civilians and residents in the areas where the resistance armed groups, including ethnic armed organizations and the regime forces engage in armed clashes are often subjected to several forms of torture and other ill-treatment.

Torture has been utilized by the military against political opposition and ethnic minority communities prior to the 2021 Spring Revolution and 1988 Pro-democracy Uprising.

For instance, a former political prisoner who had been arrested in November 1968, six years after the coup d'état led by military general Ne Win, as Amnesty International

¹⁰ 1998 Rome Statute, Art 7, Art 8

¹¹ Amnesty International, Myanmar: The Institution of Torture, 2000

¹² Ibid.

AAPP, Torture, Political Prisoners and Un-rule of Law: Challenges to Peace, Security and Human Rights in Burma, 2010

reported, recalled his encounter at the hands of Military Intelligence; that Aside from having his feet in shackles and his hands tied with rope, he was beaten and kicked during his initial interrogation. Following that, he was blindfolded and electrodes were attached to his toes while he received repeated electric shocks.¹³ He was detained “without trial for almost four years”.¹⁴ The Myanmar military also practiced torture against the ethnic civilian population in a systematic and widespread manner, sometimes as a collective punishment for engaging in insurgent groups as the regime’s “counter-insurgency” operations and activities escalated. Even at the time of the so-called transition whereby national reconciliation between political opposition and the military regime was implemented, ethnic communities belonging to sustained armed resistance groups were vulnerable to arbitrary and systematic torture and ill-treatment.¹⁵

Throughout history, the use of torture in interrogation centers, detention centers and prisons significantly escalated right after the 1988 pro-democracy uprisings, which were violently cracked down by the military successor of the Burmese Socialist Programme Party regime. The State Law and Order Restoration Council (SLORC) and State Peace and Development Council (SPDC), as successive military regimes described themselves at separate times, unlawfully arrested several politicians, activists and students then employed various forms of torture especially physical assault during interrogation and prison. In November 1995, a group of 29 prisoners were subjected to “severe and prolonged ill-treatment as a punishment” for their attempt to send a letter about prison conditions to the United Nations.¹⁶

Under the military-drafted 2008 Constitution, the so-called democratization process, which included releasing political prisoners-a term the State Order Restoration Council and the State Peace and Development Council never accepted - including Daw Aung San Suu Kyi and student union leaders, was implemented. Independent organizations still documented the Myanmar military’s atrocities, especially in ethnic minority areas. A 17-year ceasefire was ended by the resumption of fighting between the Kachin Independence Army (KIA) in 2011. Since then, regime forces have been committing arbitrary arrests, torture, extrajudicial executions, and enforced disappearances, clearing civilian communities and displacing people across Kachin State and northern Shan State¹⁷ while they have not ended atrocities and human rights abuse in other ethnic States including Karen State.¹⁸

As a result of the Rakhine State Riots in 2012 and the Rohingya Genocide in 2017, the Rohingya people have been subjected to massacres, mass murders, arbitrary killings,

13 Amnesty International, Myanmar: The Institution of Torture, 2000

14 Ibid

15 Fortify Rights, I Thought They Would Kill Me: Ending Wartime Torture in Northern Myanmar, June 2014

16 Amnesty International, Myanmar: The Institution of Torture, 2000

17 Fortify Rights, I Thought They Would Kill Me: Ending Wartime Torture in Northern Myanmar, June 2014

18 Karen Human Rights Group, Foundation of Fear: 25 Years of Villagers’s Voices from Southeast Myanmar, 2017

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torture, gang rapes, and other violence.¹⁹ Despite the fact that international organizations and independent media outlets expressed evidence-based mass violations by the Myanmar military, for instance, the UN's Independent International Fact-Finding Mission on Myanmar (IIFMM) published a comprehensive report detailing the human rights violations by the Myanmar military in Kachin State, Shan State and Rakhine State with impunity, the Myanmar military was still immune to international justice and effective actions.

10 years after political transition entered into force in 2010 through the military-drafted roadmap, the Myanmar military led by Min Aung Hlaing, the incumbent army chief and predecessor of Than Shwe, staged a coup attempt by ousting a democratically elected government led by the National League for Democracy (NLD) party, illegally detaining government leaders, senior officials of NLD and prominent politicians, activists and human rights defenders on February 1, 2021.²⁰ The junta established by the military shortly after the illegal coup attempt claimed there was a huge "electoral fraud" in the 2020 General Elections whereby NLD won a landslide victory again, to justify the putsch.²¹

Initially after the illegal coup, the military junta expected peaceful protests calling for the end of the coup and reinstatement of power to the civilian government would gradually fade. Despite that, the collective movement of Myanmar people demanding democracy and human rights grew in a stronger, more widespread and ubiquitous manner across the country. In response to the unprecedentedly massive public outcry, the military junta employed several forms of violence in order to impede the peaceful protests and campaigns including the civil disobedience movement (CDM), initiated by civil servants and largely followed by all kinds of labors including those working in private sectors such as the banking sector, boycott of military-linked products and services, peaceful protests and other different kinds of peaceful resistance against the coup and military junta.

The atrocities of the military took many forms in killing people in different places and circumstances including peaceful protests on the roads, military raids on living communities and interrogations and police lock-ups across the country. On February 19, 2021, Mya Thwe Thwe Khaing, a 20-year-old female civilian was shot in head by police force, while participating in a peaceful protest in Naypyidaw, thus fell as the very first martyr of 2021 Spring Revolution.²²

19 Amnesty International, *We Will Destroy Everything: Military Responsibility for Crimes Against Humanity in Rakhine State, Myanmar*, 2018

20 "Explainer: Why did the military stage a coup in Myanmar?", Associated Press, February 3, 2021, <https://ap-news.com/article/military-coup-myanmar-explained-f3e8a294e63e00509ea2865b6e5c342d> (accessed June 10, 2023)

21 "Myanmar junta charges Suu Kyi with fraud during 2020 polls", AFP, November 16, 2021, <https://www.france24.com/en/live-news/20211116-myanmar-junta-charges-suu-kyi-with-fraud-during-2020-polls> (accessed June 10, 2023)

22 "First Myanmar Protester Death Galvanizes Anti-Coup Demonstrators", RFA, February 19, 2021, <https://www.rfa.org/english/news/myanmar/protester-death-02192021182555.html> (accessed June 10, 2023)

Since the Myanmar military unmasked its real face by the illegal coup attempt, torture along with other atrocities, have resurfaced along with other massive rights violations across the country. Local and international human rights organizations have documented the crimes committed by the Myanmar military across the country.

The next chapters detail the acts of torture against people committed by the Myanmar military in violation of the national legal framework and international standards and international law from the beginning of the 2021 February attempted coup.

CHAPTER 2

Use of Torture by the Myanmar Military Since the Coup Attempt

From the beginning of the coup attempt, the practice of torture has taken place throughout the process from the arrest to the end of the prison sentence – arrest, interrogation, detention, imprisonment and labor camps. Torture practiced mainly by the military and security forces during arrest consists of violence and unlawful acts and torture practiced in interrogation camps and prison has many tactics including physical harm, psychological harm and malnutrition that can lead to death and everlasting disability or trauma.

In this chapter, findings of the violation of right to freedom of torture since the attempted coup in February 2021 are divided into two parts – quantitative findings and qualitative findings. The analysis is based on the Equality Myanmar’s analysis of 267 cases of those who experienced torture and other ill-treatments. The figures presented in this section only represent the Equality Myanmar’s findings and the actual number may be higher on the ground.

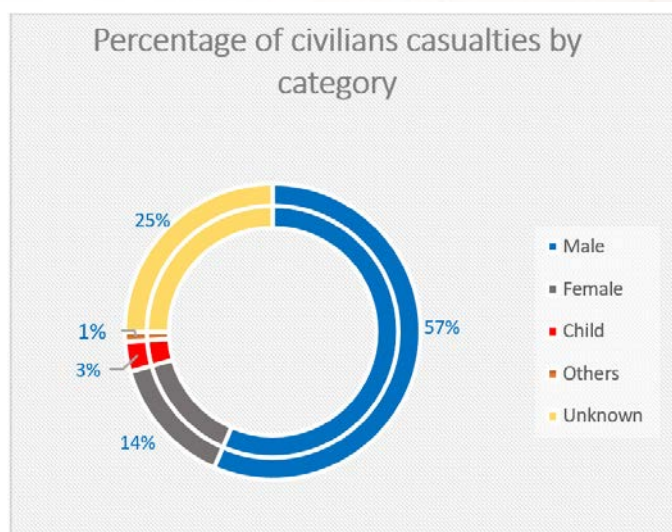
2.1 Quantitative Findings

1. Number of people who got tortured in the 267cases

Category	Male	Female	Child	PDF	Others	Unknown	Total
Number	654	164	38	21	12	290	1179

2. Number of people who got tortured in the 267 cases (Only civilians)

Category	Number
Male	654
Female	164
Child	38
Others	12
Unknown	290
Total	1158



In the context of a tortured case collection, the categorization of individuals typically includes various demographic information to better understand the scope and impact of the crimes committed. However, specific demographic categories may be considered to identify patterns, vulnerabilities, and particular forms of persecution.

Men: This category refers to adult individuals who identify as male.

Women: This category includes adult individuals who identify as female.

In a tortured case collection, men and women may be victims of torture or abuse due to various factors such as political activism, religious beliefs, ethnic background, or other reasons and no reasons.

Children: This category comprises individuals who are below the legal age of adulthood. Children can be subjected to various forms of abuse and torture, which may differ from those experienced by adults.

Others: This category encompasses individuals who identify as lesbian, gay, bisexual, transgender, or other diverse sexual orientations and gender identities. This also includes individuals who do not fall strictly within the binary genders of male or female. Individuals may face targeted violence, discrimination, and torture due to their sexual orientation or gender identity.

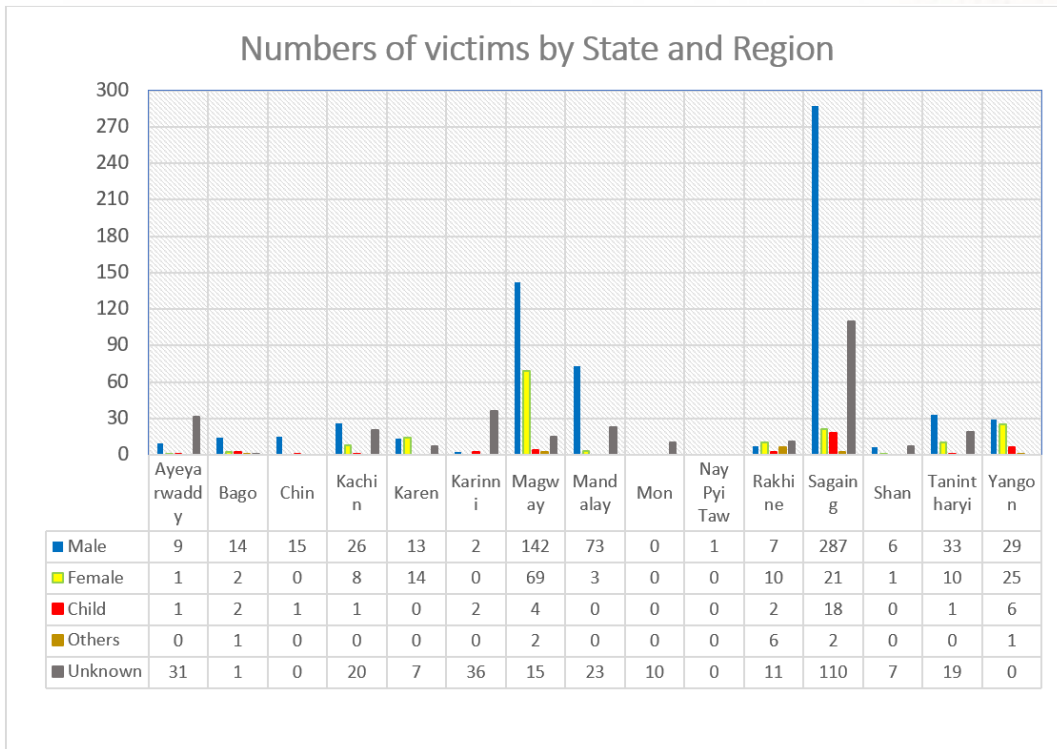
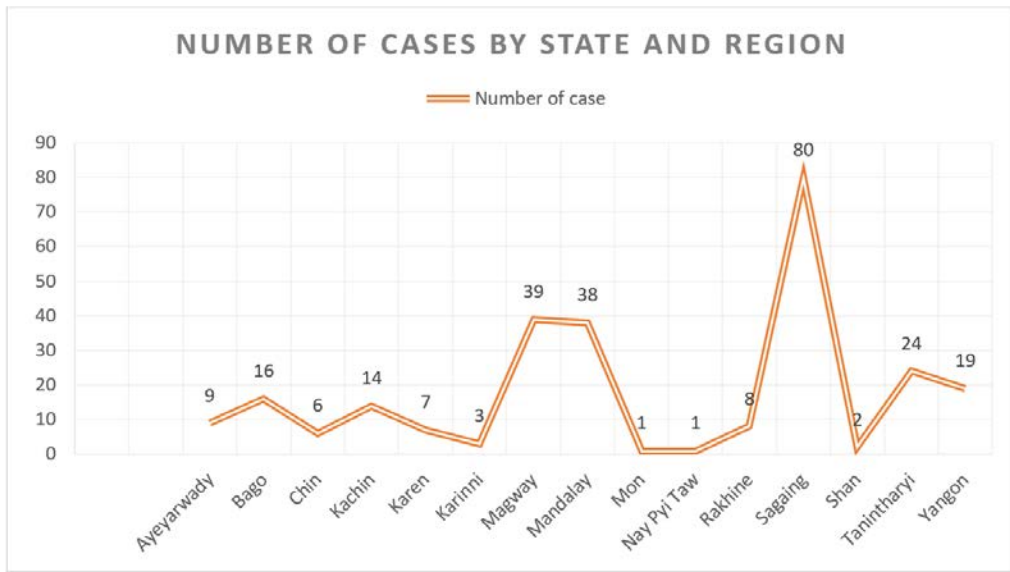
Unknown: The inclusion of “unknown” indicates that there may be cases where the gender or age of an individual cannot be determined or is unspecified. This category is often used in situations where comprehensive demographic information is not available or difficult to ascertain.

The term “civilians” refers to individuals who are not part of the military or armed forces. It encompasses men, women, children, and others who are not directly involved in armed conflict or warfare. Including “unknown” allows for transparency in reporting and acknowledges the limitations in data collection, ensuring that all possible scenarios are accounted for in the analysis of civilian populations.

When collecting data on tortured cases, including these categories allows for a comprehensive understanding of the different groups affected and helps identify systemic patterns of abuse. This information can be crucial in advocating for justice, raising awareness, and developing targeted interventions to address the specific needs of these marginalized communities.

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3. Number of cases and victims by category in each State and Region

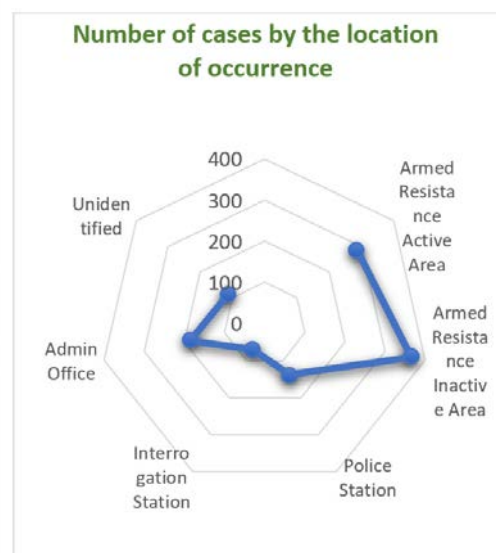
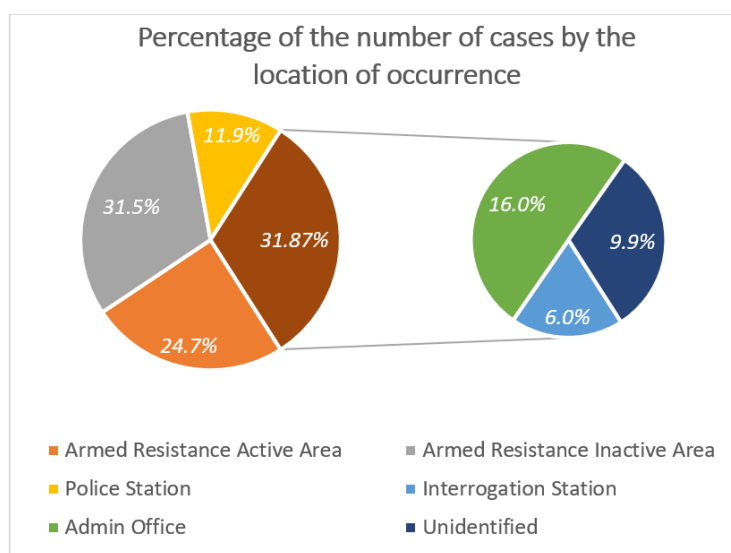


4. Number of mentally disabled persons involved in civilian deaths by category

	Total Number of deaths	Causes of death		Remark
Mentally disable	8	6	man	Six men were dead, and two women were raped
		2	woman	

Referral: “Mentally disabled persons” is a term used to describe individuals who experience cognitive impairments that significantly affect their intellectual functioning and adaptive skills. It encompasses a wide range of conditions, including intellectual disabilities, developmental disorders, and certain psychiatric disorders.

Location of occurrence	Number of people who had been tortured					
	Male	Female	Child	Others	Unknown	Total
Armed Resistance Active Area	148	9	0	0	129	286
Armed Resistance Inactive Area	231	93	13	4	24	365
Police Station	113	7	3	0	15	138
Interrogation Station	27	8	2	1	31	69
Admin Office/ Administration office (temporary military setting location)	105	22	5	7	46	185
Unidentified	30	25	15	0	45	115



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In a torture case collection, the categorization of locations helps provide context and identify patterns regarding where the acts of torture or abuse occur. The following categories are commonly used:

1. **Armed Resistance Active Area:** This category refers to regions or locations that are confronting Strong-arm tactics/intense armed revolutions, such as military raids, clashes, or social unrest.
2. **Armed Resistance Inactive Area:** This category represents not only regions or areas where armed conflict is not actively taking place but also locations affected by political repression, state-sponsored violence, or other forms of systematic abuse. Torture and abuse may still occur in these areas; however, the underlying causes might differ. This kind of abuse takes place in the setting such as victim_homes, peaceful protests or public gatherings, workplaces and, tea shops.
3. **Police Station:** This category includes locations where law enforcement agencies operate, such as local police stations or precincts during police interrogations, investigations, or detentions.
4. **Interrogation Station:** This category represents specific locations or facilities designed for conducting interrogations. These stations could be operated by the military, intelligence agencies, or other entities involved in security or counter-terrorism activities.
5. **Admin Office/Administration Office (Temporary Military Setting Location):** This category refers to temporary administrative offices or centers set up in military settings on the way to columns, such as during armed conflicts or occupation. Torture and abuse may occur in these locations as they are often used for the detention, processing, or administration of individuals involved in or affected by the conflict.
6. **Unidentified:** This category is specifically reserved for cases where the location of the individual who experienced torture or abuse cannot be traced or identified. It commonly applies to cases of enforced disappearances, where individuals and groups go missing without a trace, making it difficult to determine where the acts occurred.

The verification process involves cross-referencing the collected data with multiple sources, such as legal documents, human rights reports, and testimonies from witnesses and survivors. Throughout this process, the team maintains a strict adherence to ethical standards, respecting the confidentiality and security of the data. Specifically, it focuses on the efforts undertaken by UWAZI, a reputable institution that undertakes case-by-case data collection and maintains comprehensive databases.

Sr	Region	No: of case	Arrested, Torture and released					Arrested, Torture and injured					Arrested, Torture and prison/detained					Arrested, Torture and Death					Arrested, Torture and Disappeared						
			Male	Female	Child	Others	Unknown	Male	Female	Child	Others	Unknown	Male	Female	Child	Others	Unknown	Male	Female	Child	Others	Unknown	Male	Female	Child	Others	Unknown		
1	Ayeyarwady	9			1		14					3	1			17	6												
2	Bago	16			2		1	3							12	2		1				2							
3	Chin	6	3														11		1					1					
4	Kachin	14	10	1	1		10	5							6						10	6				4	7		
5	Karen	7	5				7	2							3	14						3							
6	Karenni	3															2		2		36								
7	Magway	39	14	61		1	5	35	1	1		3	66			1					24	7	3		7	3			
8	Mandalay	38	35	2			1	6							14						11	23	1		6	1			5
9	Mon	1																			10								
10	Nay Pyi Taw	1											1																
11	Rakhine	8	3						10	2		7	2				2				6						4		
12	Sagaing	80	27	5		2	11	3				34	33	3	2		41	200	12	16		24	27	1					
13	Shan	2							1				6				7												
14	Tanintharyi	24	1	1			10	1					7	3				18	6	1		9	7						
15	Yangon	19	2	1	2	1					1		8	24	3			19											
			267	100	71	6	4	59	55	12	4	0	44	161	47	5	2	96	316	26	23	6	82	43	8	0	0	9	

The scenarios Equality Myanmar described involve different circumstances after an individual has been arrested and subjected to torture. Here is an explanation of the differences:

1. Arrested, Tortured, and Released:

In this scenario, a person is apprehended by authorities, subjected to torture, and then later released. This could occur for various reasons, such as the authorities using torture as a means of intimidation or coercion to gather information, punish the individual, or instill fear in them or others. After the torture, the person may be released, potentially with lasting physical and psychological trauma from the ordeal.

2. Arrested, Tortured, and Detained/Imprisoned:

In this case, an individual is arrested, subjected to torture, and subsequently detained or imprisoned. After being tortured, the person is held in custody, either awaiting trial or as a form of punishment. Torture in this context might aim to extract confessions, gather intelligence, or control the individual’s behavior. The detention or imprisonment can be indefinite or for a specific period, depending on the legal framework and circumstances.

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3. Arrested, Tortured, and Injured:

Here, an individual is arrested and subjected to torture, resulting in physical injuries. The intention behind the torture could be punishment, extraction of information, or inflicting pain as a means of control. The injuries sustained during the torture might range from bruises and cuts to severe physical trauma, potentially leading to long-term health consequences or disabilities.

4. Arrested, Tortured, and Death:

In this distressing scenario, an individual is arrested and subjected to torture, which ultimately results in their death. The torture may be inflicted with the intent to kill or through the use of excessive force, causing fatal injuries. Such acts represent the most severe violation of human rights.

5. Arrested, Tortured, and Disappeared:

This scenario involves an individual or group of people who were arrested, subjected to torture, and then forcibly disappeared. Forced disappearance refers to the practice of authorities taking individuals into custody without legal protection, denying acknowledgement of their whereabouts or fate. The torture may be used to extract information or control the individual before their disappearance, making it nearly impossible for family members or the public to ascertain their fate.

2.2 Case Analysis

2.2.1 Violence During Unlawful or/and Arbitrary Arrests

Shortly after the beginning of the attempted coup, the security forces of the military junta dramatically stepped up their efforts to identify and track politicians, political activists, human rights defenders, independent journalists, Civil Disobedience Movement campaigners and members, and social influencers from different industries supporting CDM. In addition to this, the junta troops also aggressively attempted to stifle any form of peaceful protests against the coup and junta, leading mass civilians to arbitrary arrest that is most often seen as a precursor to torture and other forms of ill-treatment.

Police officers are obligated to identify themselves in case of detaining someone on a legal ground according to international standards.²³ When it comes to legal arrest according to the national legal framework, police personnel shall read and explain the charges against the accused according to Section 210; not use excessive force or undue restraint when arresting the accused according to Section 50; not use force if the person does not resist when arrested according to Section 46 of the Code of Criminal Procedure of Myanmar.

²³ UN Body of Principles for All Persons Under Any Form of Detention and Imprisonment, Art

The answers of the interviewees and media coverage indicate that the security forces did not read or explain charges to the accused instead forcing them to come with them to answer inquiries or for no reason during the arrests. In many cases of arrest, the security forces raid and ransack a home or office where they detain a person. A warrant is not usually presented nor is the accused informed of the charges or reasons for his arrest before they seize electronic devices or documents.

Initially after the attempted coup, at least three media offices were ransacked by security forces during the raids to arrest the journalists shortly after the junta had banned five media outlets—7 Day, Democratic Voice of Burma, Mizzima, Myanmar Now and Yangon Khit Thit.²⁴ In addition to these, the military also seals and confiscates the property owned by a person or a private entity under suspicion of association with CDM support, the National Unity Government (NUG) or the armed resistance. According to the Institute for Strategy and Policy (ISP Myanmar), a monitoring organization, the military junta seized 586 properties of people from February 1, 2021 and May 20, 2022 under suspicion of association with the NUG or supporting armed resistance.²⁵

The security forces of the illegal military junta often abduct family members of the targeted person. The motive for taking family members hostages has been found to have two main reasons: to force the targeted person to surrender and to extract more information from the accused.

According to a witness Equality Myanmar interviewed, the security forces including soldiers wearing plain cloths arrived at a man's²⁶ home situated in a village of Tada-U township in Mandalay Region's Kyaukse district on March 3, 2021, in order to arrest him under the accusation that he treated the People's Defence Forces (PDF) to a meal. As he was not at home, the junta forces resorted to taking his son and son-in-law.²⁷ A group of 40 police officers and soldiers took a mother of a CDM student from the University of Medicine, Mandalay, as a hostage from their home in Kachin State's Mohnyin township in September 2021, releasing her with parole two days later.²⁸

Ma Khaing²⁹, another former female political prisoner recalled that she saw many women with infants and minors who were taken as hostages after their husbands from the railway service joined the CDM, in the interrogation center she was taken.³⁰

24 "Myanmar forces raid media outlets after publication ban as a second NLD figure dies in custody", RFA, March 9, 2021, <https://www.rfa.org/english/news/myanmar/media-outlet-raids-03092021171231.html>, (accessed June 10, 2023)

25 "Nearly 600 properties seized by junta over alleged ties to armed resistance", RFA, June 8, 2022, <https://www.rfa.org/english/news/myanmar/confiscations-06082022172537.html>, (accessed June 10, 2023)

26 Pseudonym.

27 Equality Myanmar's interview.

28 Equality Myanmar's interview.

29 Pseudonym.

30 Equality Myanmar's interview.

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The junta's security forces wearing plain cloths shot and arrested 8-year-old single mother³¹ in Yangon Region's Insein township when she was managing to celebrate the third birthday of her son on April 5, 2022 around 10 am on suspicion of involvement in urban guerrilla warfare. Following her arrest, the security forces also detained her 3-year-old son at pre-school at the same day. On April 14, the junta announced in the state-owned media that 15 PDF members including her had been arrested at two separate times. The junta never announced the arrest of the child which the armed resistance groups accused was utilized as a means to force Ma Wai to confess.³²

Pursuant to Myanmar Police Manual Volume I, Section 74 (c), police should inform parent, relatives or friends about an arrest.

Equality Myanmar interviewed a family member of a victim who was subjected to arbitrary arrest that led to enforced disappearance in Katha district, Sagaing Region. The interview said that Ko Min Aung³³, her 30-year-old spouse, on September 11, 2021, went to watch his older brother's home that had been destroyed by junta forces on September 10, 2021. The junta forces arrived to beat him until he got unconscious as their informants informed them of his arrival. The junta forces beat him with the butt of gun in his forehead, asking him "You also have contact with the PDFs, isn't it?" until he got unconscious. Then he was taken to a vehicle with tied hands and legs.

The wife said, "I got unconscious as soon as I heard about my husband's arrest. I have recently given birth to a child. My parents are far away from us too. I only have my husband in my family at the moment."

"My husband said that his older brother's home was destroyed and that he worried about the household materials and furniture inside the home as there were several robberies and thefts during that time. I tried to convince him not to go as I worried about him very much. He went to the home when I was asleep. I knew about his arrest when someone told me on the telephone. I was very worried that something bad would happen to my husband. I am very saddened and worried as I almost see news daily claiming that people only receive the dead body of their family member after the military detained. I want to know where my husband is detained. I have not got any information about him. I don't even know if he is still alive or dead," she added.

People are subjected to arrest during spontaneous check of electronic devices or by a combined unit of security forces and the junta-appointed civilian authorities in violation of Section 43 of the Police Act and Section 1060 of Police Manual Volume II which both state that the detainee must not be harmed unjustly. Detainees are forced to kneel down, frogged, blindfolded or beaten by security forces until brought to a prisoner transport

31 Pseudonym.

32 "Junta troops arrest kindergartner from Yangon school", RFA, April 7, 2022, <https://www.rfa.org/english/news/myanmar/kindergartner-04072022162454.html>, (accessed June 10, 2023)

33 Pseudonym.

vehicle. Female accused have the right to be searched by another woman with strict regard to decency according to Section 52 of the Code of Criminal Procedure.

However, an interviewee answered to Equality Myanmar that all police officers who brought her to the vehicle were male police officers when she was detained by the security forces.³⁴

In more cruel cases, the military's security forces rammed private cars into peaceful strikes or flash mobs in some major cities including Yangon and Mandalay, severely injuring peaceful protesters and journalists. Five participants of a peaceful flash mob were killed as the junta's security forces in a car rammed into the anti-coup flash mob in Yangon on December 5, 2021.³⁵

2.2.2 Situation Under Interrogation and Detention

Since the beginning of the illegal coup attempt, the Myanmar military has not only reused its existing interrogation centers but madeshift interrogation centers at many places. The number of interrogation centers cannot be estimated as the junta kept its interrogation centers secretive and sometimes transformed public facilities such as city hall, town hall or *Dhamma Yone* (Dhamma centers) into interrogation centers. In armed resistace active areas such as Karenni State (Kayah State) and Sagaing Region, religious buildings or worship places are used as multi-purpose military camps including a detention center and interrogation center.³⁶

Despite lack of a definition for torture, Section 319 of Myanmar's Penal Code defines "hurt" and Section 320 describes emasculation, permanent privation of the sight of either eye, permanent privation of the sight of either ear, privation of any member or joint, destruction or permanent impairing of the powers of any member or joint, permanent disfiguration of the head or face, fracture or dislocation of a bone or tooth, any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe and bodily pain as types of "grievous hurt".

It's against the law to cause 'hurt' and 'grievous hurt' under Section 330 and Section 331 of Myanmar's Penal Code. It is also illegal to induce a person to disclose or withhold information through threats or promises under Section 343 of the Code of Criminal Procedure. Section 61 of the Code of Criminal Procedure prohibits police from detaining a person for more than 24 hours without court authorization.

34 EQMM interview with a former prisoner.

35 "Five dead after Myanmar security forces ram car into Yangon protest – media", Reuters, December 5, 2021, <https://www.reuters.com/world/asia-pacific/myanmar-security-forces-ram-car-into-protest-yangon-deaths-feared-2021-12-05/>, (accessed June 10, 2023)

36 "Myanmar military uses systematic torture across country", Associated Press, October 28, 2021, <https://apnews.com/article/myanmar-torture-military-prisons-insein-abuse-390fe5b49337be82ce91639e93e0192f> (accessed June 10, 2023)

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People arrested for their political activities ranging from peaceful expression against the military junta to carrying out campaigns for the civil disobedience movement are taken to interrogation centers of the military junta and are very likely to encounter torture or ill-treatment regardless of their gender, ethnicity or disability. However, those who belong to vulnerable groups such as women, LGBTQI+ and Muslims are subjected to specific persecution due to their identity. Those who are already beaten and psychologically assaulted during the arrest or on the way to the interrogation centers are also further physical and psychological assaults which include deprivation of sleep, electric shocks, hopping like frog, beating with cement-filled batons.³⁷ As the victims are mostly blindfolded and hooded, the perpetrators are rendered invisible. According to an interviewer who had a little time to see the military personnel in the interrogation center she was taken, the police and soldiers never wore uniform within the interrogation center as well.

Many accused in good health were killed under interrogation or detention by the military junta³⁸ or died shortly released from interrogation due to severe ill-treatment³⁹ while many others are subjected to enforced disappearance which itself is a form of ill-treatment.

Too Too, one of the most famous Lethwei legends who used to be healthy and strong, was tragically tortured to death by the military in Myanmar in 2023, as reported.⁴⁰ The fighter, who was arrested last year, is believed to have died while in custody in April. Shockingly, his family was only informed of his death in July, despite local news outlets in Myanmar reporting that he had actually passed away on April 26.

Too Too's detainment by the military occurred on April 11th, 2022. Disturbing photos surfaced, showing the physical toll that the torture had taken on the legendary athlete. The news of his death has sent shockwaves through the Lethwei community and has sparked outrage both within Myanmar and internationally.

Sexual harassment, gender-based violence and sexual violence are common in interrogation centers. Equality Myanmar's analysis indicates that women and LGBT are mostly subjected to gender-based violence and sexual violence but men are not exempt from sexual violence as well.

37 "Myanmar military uses systematic torture across country", Associated Press, October 28, 2021, <https://apnews.com/article/myanmar-torture-military-prisons-insein-abuse-390fe5b49337be82ce91639e93e0192f> (accessed June 10, 2023)

38 At least 145 deaths in custody since Myanmar coup", RFA, October 4, 2022, <https://www.rfa.org/english/news/myanmar/custody-10042022170801.html> (accessed June 10, 2023)

39 Ibid.

40 "Lethwei legend tortured to death in Myanmar", Asian MMA, July 15, 2023, <https://asianmma.com/lethwei-legend-tortured-to-death-in-myanmar/> (accessed July 30, 2023)

Ma Khin⁴¹, a female NGO staff member who was detained in Yangon, recalled her encounter during interrogations, “All police officers who detained me and military personnel who safeguarded the interrogation center are only male. Male military personnel watched me when I was trying to sleep. So, I could not sleep well. They also stood and waited at the door of the bathroom when I showered in the bathroom.” Ma Khin also said that a woman in early stage of pregnancy experienced miscarriage as she was interrogated by the military personnel and denied medical access for several hours despite heavy bleeding.

Z⁴² is an LGBT student in Yangon, who actively participated in peaceful protests after the February 2021 coup attempt. He was arrested by police officers from Tamwe Township Police Force and soldiers from the 77th Light Infantry Division of the army after participating in a flash mob in Tamwe township, Yangon on May 7, 2021. Seven protesters including Z were beaten by gun butt in the face, head and cheek in a double cab while being brought to Tamwe township police station. In Tamwe police state detention, the soldiers slapped, punched, kicked and hit him with military boots and gun butt in the face. The leader of the soldiers penetrated a burning cigarette into his right ear for several times. When the soldier realized he is a LGBT, they made verbal assault regarding his sexual orientation and encouraged the other criminals in the detention to gang-rape him. Then, a soldier and a criminal raped Z while other criminals tied him. Z was then sent to the Shwe Pyi Thar interrogation center on another day. He suffered from similar torture on the first day at the interrogation center then kept there for four days before being sent to Insein Prison.

“They all kicked my right ribs. Military boots are very hard. Now, I have a few ribs curved, which causes severe pain sometimes. My right ear has only very little hearing now. It is almost deaf. I don’t know which part of my right ear was affected as I did not have right to health in prison as well,” Z shared about his physical health.

In Sagaing Region’s Indaw township, a young lady from Nant Thae village was detained and taken to the Indaw police station in early 2023. After encountering sexual abuse in the police station for three days, she was taken to an interrogation center where she was hit by a hammer to death.⁴³

The junta’s security forces detained a group of six youths while they were staging a peaceful anti-coup sticker campaign in Chauk township, Magway Region on February 21, 2022. Eventually more than 20 people including five girls and women were arrested as the security forces also arrested their friends and family members. The accused face inhumane treatments including applying burning cigarettes to their reproductive organs in the interrogation center.⁴⁴

41 Pseudonym.

42 The name the interviewee used to identify.

43 Equality Myanmar Documentation.

44 Equality Myanmar Documentation.

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In Mandalay Palace interrogation center, one of the most notorious interrogation centers in Myanmar, three members of All Burma Federation of Student Unions (ABFSU) – both male and female – faced an extreme form of torture by which the soldiers thrust bamboo sticks into their rectums while asking questions to them.⁴⁵

In a typical criminal case in Myanmar, an accused should not be kept under interrogation for more than 24 hours. Police cannot detain accused under interrogation for more than 24 hours without court authorization pursuant to Section 61 of the Code of Criminal Procedure. Since the coup attempt, many families have never been informed of the victim's whereabouts since the time of arrest or received the dead body of the victim after being held incommunicado for a certain period ranging from a few days to several months.

The interrogation centers usually lack of hygiene according to the interviewees. Z recalled that there was only one “bathroom” for all accused in the interrogation center he was taken to. In truth, that “bathroom” is a restroom with a toilet where everyone uses water to only wash face and brush their teeth. Another former political prisoner recalled that steamed rice and curry at breakfast and other meals are almost inedible while edible curries are scarce for each person.

2.2.3 Severe Situation in Prisons

In Myanmar, prisons are already notorious for lack of hygiene, being overcrowded, inhuman treatment, inedible food, scarce drinking water and bath water, unsanitary conditions, forced labor and violence. Seldom, prisons are like a sanctuary for those who consecutively suffered gigantic amounts of cruel torture in interrogation or detention centers. However, atrocities and ill-treatment still occur in prisons. Equality analysis found that there are several prisoners sent to the prison without knowing charges against them. They would only know it when they were remanded to court.

An interviewee who was imprisoned in Insein prison answered “I only knew about charges against me when I was remanded at the court. There are many others like me. The judges would tell us if we are charged under only Section 505 of the Penal Code or if there are more charges under further legal provisions.”⁴⁶

Prison cells are overcrowded as the number of inmates has almost doubled. Toilets and bath places are not enough and do not comply with a fundamental standard. A former female political prisoner said that there are only two toilets for 125 inmates in the ward she stayed and female warders inside Insein prison. Furthermore, the walls of the

⁴⁵ “Fresh evidence emerges of brutal torture of prisoners inside Mandalay Palace”, Myanmar Now, January 3, 2022, <https://myanmar-now.org/en/news/fresh-evidence-emerges-of-brutal-torture-of-prisoners-inside-mandalay-palace/> (accessed June 10, 2023)

⁴⁶ Equality Myanmar's interview.

restrooms are only as high as the chest of a person without roof. While bath water is strictly limited, people also get scabies and other skin infections due to insanitation.

There is a hospital in the prison premise. But accompanies are not allowed to take care or take to clinic. While medicines are scarce, making it very difficult for those who have to take regular pills to deal with chronic disease, medical equipment is outdated and underqualified. “The blood pressure monitor they used in the prison did not show the actual measurements. But we had to use it,” the interviewee added.

Another former political prisoner answered that medical supply in prisons is inadequate while prisoners in dire health conditions are often denied to medial access. Despite the different types of illness including chronic disease and allergies, prisoners receive the same medication. “We have a doctor in Insein Prison. We call him Dr. Decolgen because he always gave us Decolgen no matter what our illness is.”⁴⁷

A female interviewee confirmed they had to pay two instant coffee packets to avoid the “assigned work” in Insein Prison. An independent media article also reported that the inmates in Insein Prison were required to pay the “authorities” 45,000 Myanmar Kyat per month to avoid being assigned “dirty work”. Since the 2021 February attempted coup, hundreds of Rohingya people have been jailed in different prisons after being arrested in different parts of the country as they fled away from worsening situations in Rakhine State to other States and Regions enroute to neighboring countries including Indonesia and Malaysia. Being lack of family’s prison visits and financial support, Rohingya inmates are subjected to discrimination, physical assaults and forced labor which includes cleaning the latrine system and stirring the septic tanks.⁴⁸

Some prisoners are denied access to have a lawyer and access to family members for a long time. Solitary confinement is common to political prisoners rather than criminal prisoners because the practice is motivated not by legitimate purpose, but instead by a political or arbitrary desire of prison authorities to isolate them.⁴⁹

Prison staff members beat two female political prisoners and tore their dressings in Tharyarwady prison in Bago after a confrontation in which a female political prisoner tried to stop prison staff members from physically assaulting another female political prisoner for not being able to perform the position called “Pon San” (meaning “model” in Burmese).⁵⁰ The two ladies were sent to solitary confinement on March 13, 2023.

47 Equality Myanmar interview.

48 “Rohingya inmates ‘beaten brutally’ and forced to clean faeces, Insein Prison source says”, Myanmar Now, December 20, 2022, <https://myanmar-now.org/en/news/rohingya-inmates-beaten-brutally-and-forced-to-clean-faeces-insein-prison-source-says/> (accessed June 10, 2023)

49 AAPP, Torture, Political Prisoners and Un-rule of Law: Challenges to Peace, Security and Human Rights in Burma, 2010

50 “သာယာဝတီထောင်မှာ နိုင်/ကျဉ်းတချို့ ရိုက်နှက်တိုက်ပိတ်ခံထားရ၊ ငါးဦးဒဏ်ရာပြင်းထန်”, RFA, April 4, 2023, <https://www.rfa.org/burmese/news/tharyarwaddy-political-prisoners-04042023235644.html>, (accessed June 10, 2023)

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As the two ladies were denied medical treatment, other political prisoners staged a strike in prison, demanding the prison authorities to provide medical treatment to the two prisoners and refusing to cooperate with prison authorities. As a fallout, further 15 political prisoners aged between 21 and 25 were put in solitary confinement for 10 days with five being severely injured.⁵¹

In Mandalay's Obo Prison, the prison authorities took 11 political prisoners from Dormitory Ward No.5 and forced them to take off pants in a public area on January 17, 2023 under the accusation that one of those political prisoners wore pants instead of prison uniform due to frigid climate. Four prisoners were sent back to the dormitory on the same day but the other seven were put in solitary confinement without receiving any medical treatment.

Several political prisoners were also taken from prison to interrogation centers again for no reason during the imprisonment. According to independent media reports, nine young political prisoners were taken from Myingyan prison, another prison notorious for brutality, to Light Infantry Battalion 15 base in Myingyan on May 21 and May 22.⁵² Most of the political prisoners are taken at late evening or night time – the period the inmates are only taken from the jail for emergency health issues and prisoner evacuation according to the Prison Manual of Myanmar.

U Sobhita aka Alink Kyal, a Buddhist monk well-known for his promotion of rights and equalities was arrested by the military junta on 1 February 2021 when the coup was attempted then sentenced to four years in prison. On 20 June 2023, he was due for release from Obo Prison in Mandalay. When the prison authorities and local lawyers confirmed U Sobhita was no longer in prison, his family heard nothing from him as of the second of July 2023, sparking concerns for his security.⁵³

2.2.4 Torture and Ill-treatment in the Armed Resistance Active Area

The forces of Myanmar military junta have always practiced acts of torture and ill-treatment against civilian population in armed resistance active areas when its troops come through the villages. Prior to the 2021 attempted coup, civilian populations in non-Burman ethnic minority areas including Kachin State, Karen State, Rakhine State and Shan State, were always subjected to systematic and widespread persecutions and

51 “သာယာဝတီထောင်မှ နိုင်ကျဉ်း ၁၅ ဦးကို ရိုက်နှက်ပြီး ၁၀ ရက်ကြာ တိုက်ပိတ်”, Mizzima, April 5, 2023, <https://www.mizzimaburmese.com/article/126570> (accessed June 10, 2023)

52 “Some political prisoners in Myingyan Prison are taken out and beaten up, and one person was reportedly killed”, MPA, May 22, 2023, <https://mpapress.com/en/news/21608/> (accessed June 10, 2023)

53 “Fear Grow for Missing Myanmar Monk Who Criticized Junta Chief”, The Irrawaddy, June 28, 2023, <https://www.irrawaddy.com/news/burma/fears-grow-for-missing-myanmar-monk-who-criticized-junta-chief.html> (accessed July 18, 2023)

ill-treatments by regime troops. Since the emergence of the Spring Revolution in the aftermath of the 2021 coup attempt, military offensives and persecutions have expanded to the central Dry-zone of Myanmar – that covers Magway Region, Mandalay Region and Sagaing Region – where the majority Burman (*Bamar*) people have been unprecedentedly experiencing systematic and widespread persecutions of the Myanmar military since the 2021 coup attempt.

As one of the biggest leaks of the Myanmar military’s systematic and widespread torture and murders, Radio Free Asia received a cell phone containing a video file and 144 photos in which the junta soldiers were found admitting and recalling how they murdered people during their raids on village in Sagaing Region.⁵⁴ The massacre broke out in Mon Taing Pin village, Ye-U township, Sagaing Region in May 2022. In the massacre, the junta forces murder more than 30 people before burning their dead bodies together with some homes within the village. According to some villagers under anonymity, the junta forces also tortured many residents.⁵⁵

The Myanmar military forces often use civilians as human shields in clashes with the armed resistance group. In October 2021, the military’s troops used 19 abducted villagers who were blindfolded and had their hands tied as human shield in southern Shan State’s Pekon township, a part of Karenni area in the Shan-Karenni borderline, according to Karenni Human Rights Group.⁵⁶

Women are subjected to sexual abuse and sexual violence by the junta forces. A group of about 150 Myanmar military’s 77th Light Infantry Division raided Myout Nohn village, Yinmabin township in Sagaing Region on March 3, 2023, at 3 pm. During the raid, the forces burned about 130 civilian homes, abducted villagers and gangraped and murdered a 25-year-old woman in the premise of a Buddhist monastery.⁵⁷

The junta troops also utilized the religious buildings as the interrogation centers, detention centers and even killing fields in the armed resistance active areas. In Myin Mu township, Sagaing Region, a column of junta’s troops with excessive forces stormed into Kan Phyar village, taking villagers to a Buddhist monastery near Myat Saw Nyi Naung pagoda. The junta troops forced the villagers to run away while they made a countdown to 5, then shot the running villager in the monastery.⁵⁸

54 “I had to cut off the head, bro”, RFA, <https://www.rfa.org/english/news/special/myanmar-soldier-atrocities/index.html>, accessed (June 10, 2023)

55 “They are going to kill us”, RFA, June 30, 2022 <https://www.rfa.org/english/news/special/survivor-reconstructs-myanmar-atrocities/index.html>, (accessed June 10, 2023)

56 Myanmar’s military accused of using human shields in Kayah state, RFA, November 3, 2021, <https://www.rfa.org/english/news/myanmar/shields-11032021195114.html#:~:text=Government%20troops%20in%20Myanmar%20are,support%20for%20the%20military's%20opponents> (accessed June 10, 2023)

57 EQMM interview with data collectors.

58 “မြင်းမူမြို့နယ် ကံဖျားရွာခံ ၁၁ ဦး သတ်ဖြတ်ခံရ”, RFA, June 8, 2022, <https://www.rfa.org/burmese/news/11-villagers-killed-by-junta-forces-in-myinmu-06082022080241.html> (accessed June 10, 2023)

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While religious sites and worship places are not exempt from the military's destruction and utilization as military objects, members of different religious clerics are also subjected to torture and ill-treatment of the military forces. On March 11, 2023, the Myanmar military committed a mass killing of villagers including three Buddhist monks at a monastery in Pinlaung township, a part of Pa'O Self-Administered Zone in southern Shan State.⁵⁹ During the raid on Nanneint village in Pinlaung township, at least 30 civilians including three Buddhist monks and two teenagers were murdered as the photos published by Karenni Nationalities Defence Force (KNDF), an ethnic revolutionary organization and verified by an independent media agency showed.⁶⁰ Of the 30, the dead bodies of 28 civilians with gunshot wounds in the head and torso of them were found scattered in the compound of the monastery.

CHAPTER 3

Conclusion

The Myanmar military has been utilizing the systematic, widespread and deliberate use of torture and other cruel, inhuman or degrading treatment or punishment in Myanmar for many decades. While there is very little or no justice for the survivors from torture in the past massive atrocities in Myanmar, the Myanmar military never hesitates to repeat its torture practice to the people.

This results in gargantuan loss of human resources, gigantic human sufferings and also leads to irreparable damage to the people of Myanmar. Moreover, these continued atrocities in Myanmar represent an example of the failure of international community to comply with its obligation to protect humankind at any corner of the world, rendering sham legitimacy and impunity which the successive regimes and military juntas have enjoyed to escape justice.

The Myanmar military junta must be held accountable for its international crimes against the people it is meant to protect. The voice, resilience, solidarity and efforts to hold Myanmar military accountable must not be rendered void.

59 "At least 22 people killed in suspected massacre at Myanmar monastery", Reuters, March 17, 2023, <https://www.reuters.com/world/asia-pacific/least-22-people-killed-suspected-massacre-myanmar-monastery-2023-03-17/> (accessed June 10, 2023)

60 Junta forces kill 29, including three monks, in southern Shan State, Myanmar Now, March 13, 2023, <https://myanmar-now.org/en/news/junta-forces-kill-29-including-three-monks-in-southern-shan-state/> (accessed June 10, 2023)

CHAPTER 4

Recommendations

To the United Nations and International Community

- Refer the situation of Myanmar to the International Criminal Court (ICC).
- Take concrete, and effective and coordinated actions to bring an end to atrocities and mass violations in Myanmar immediately by cutting flow of arms, aviation fuel and money into Myanmar and denying the Myanmar military legitimacy, and
- Take immediate actions to ensure the human safety without deprivation of prisoner's rights in prison through any possible mechanisms and avenues.

To the Association of Southeast Asian Nations (ASEAN)

- Unequivocally denounce all atrocities and human rights violation including torture
- Revise and reframe the Five Point Consensus
- Revise and strengthen the mandate of ASEAN Special Envoy to ensure that the Special Envoy engages all stakeholders to address humanitarian and human rights situation in Myanmar, and that the Special Envoy demands security and safety for political prisoners in accordance with international standards.

To National Unity Government

- Fully cooperate with the Prosecutor Office of the International Criminal Court (ICC) and the UN Independent Investigative Mechanism for Myanmar (IIMM), the Special Rapporteur on the situation of human rights in Myanmar, the other relevant thematic rapporteurs and the Office of the High Commissioner for Human Rights (OHCHR).
- Demand international community to conduct an independent, meaningful investigation of torture inside prisons, as well as the inclusion of justice for torture victims in international advocacy efforts.
- As part of transitional justice policy, establish a sustainable psychological wellbeing and rehabilitation policy for torture survivors and their families.

