

## **PRESENTATION: BURMA**

**(NAMES WITHHELD)**

**21ST July 2012**

### **Written statement**

My name is A.T. I'm not a parliamentarian, but I have 30 years of experience. Now I am a legal advisor to Aung San Suu Kyi's party, the National League for Democracy (NLD). Today I wish to speak briefly concerning torture by government officers, since it is something I am familiar with.

Torture is commonly practiced in military facilities and police stations and special bureau and bureaus of special investigations. Used to extract confessions to crimes, torture is a common practice in "national security" cases. Confessions are readily given by suspects to avoid torture, regardless of whether or not they were actually guilty of the crime. Methods of torture are many. They range from ill-treatment to the more physical violence we commonly associate with the word. Individuals may be denied food, water or sleep for days. Perpetrators may prevent detainees from sleeping or bathing. They may also keep women naked and humiliated when bathing. Tormentors may also lock people in pitch dark rooms for weeks at a time. In a moment, we will show a short video of a torture survivor explaining how he was tortured. He was a client of my legal firm. He was hit repeatedly on the head and body, burnt on the testicles, tortured with water and made to stand in difficult positions for extended periods. Torturers tie prisoners in awkward positions and hit them; this may result in fractured or broken bones. Alternatively, perpetrators choose to torture friends and family members of the suspect in order to force a confession. These acts are in themselves criminal. Survivors of torture suffer severe mental damage. There is a leader of a protest movement who was released at the start of 2012, but his mental condition is now abnormal. Political prisoners and their families are especially vulnerable to being tortured. Such prisoners are detained in remote jails. Relatives can only visit once every fortnight, if at all. Authorities harass the families, threaten or take away their livelihoods, refuse to grant access to prisoner if they talk to media and write down everything as evidence to be used against them at a later date. Post-Traumatic Stress Disorder (PTSD) and other trauma associated problems are common in survivors, who then need constant medical, economic and social assistance, but there are no programmes in Burma for these individuals and families. We need people from other countries with the experience to deal with these issues. I would like to point out that despite the political change seen in Burma, torture and related problems continue unabated. Let us please work together to change this. Thank you.

A. T. and T. A. H., Burma (names withheld)

VIDEO: Survivor's account of 15 days of torture in police detention

Video Transcript

Translation by Helen\*

The first time they arrested me from the bus stop, they grabbed my arms and took me away. In the car, I was blindfolded with a piece of cloth and handcuffed.

When we reached the interrogation centre, they asked for my name and punched me in the face. I fell from the impact and they ordered me to stand up again. I didn't know who was punching me as I was blindfolded. They forced me to kneel and stand repeatedly with my hands cuffed behind my head. I had to hold my head in an uncomfortable position for a long period. I was sweating a lot and for a long time desperately thirsty. They did not give me water. I was not provided food daily.

When I signed a piece of paper, they finally allowed me to have a few drops of water. They filled the cap of a water bottle and dashed the water on my face. I had to lick around my lips to get just a couple of drops of water.

I was not permitted to sit in a comfortable position. If they caught me sitting, they would beat my legs and back with rubber truncheons, a common implement of abuse among the police. My hands were badly cramped by the restricting cuffs. I was not permitted by the officers to use negatives during the interrogation. For example, I could not say "I didn't go" or "I didn't do" or "No, I am not". They would hit me five times each time I did so. I was sitting kneeling for a long time and in terrible pain. It was really painful. I was beaten a lot and they used so many methods of torture such as forcing me to lie down and beating my legs with the rubber truncheons. I could not stand the pain and so I shook and moved around a bit. They shouted me not to do and stood on my legs while another person beat me on my back.

Once, I had to remain in a sitting position with both of my hands handcuffed at either my left or right side while they beat me with the rubber truncheons. One person (officer) rolled the rubber truncheons against my legs with pressure while the other one beat me on the back. At the same time, the third person (officer) boiled water and put tea in it. Then he removed the pot of hot water from the stove for a minute. Afterwards, they brought forth the boiling water and poured it between my legs. I was in a sitting position and tried to keep my legs together. But the hot water scalded my skin and I could not stand the pain. I involuntarily opened my legs and my genitals were burnt as a result. I was in so much pain that I cried out. They then put chopped chili in my mouth and forced it shut by gagging me with a piece of dirty cloth.

The above form of torture I just mentioned lasted for one whole day, while the kneeling and beating lasted the full fifteen days I was interrogated. I found blood in my urine on the eighth day. I knew it was because I was dehydrated from a lack of water. I constantly felt the urge to urinate but could not. After a while, the police realised I was severely dehydrated and finally allowed me to drink some water.

On the ninth day (or at least I thought it was the ninth day), I overheard the policemen in the detention centre complaining that they couldn't get any sleep because of me, so they beat my head until my skull fractured. Then the officers who were supposed to take me to prison took me to a hospital. Notwithstanding the fact that the staff at the hospital had taken X-rays and found my skull fractured, I was transferred to a jail instead of being kept in the hospital for treatment.

I couldn't sleep for 15 days as they continuously interrogated me with thousands of questions. Each and every time, I was beaten severely. For example, they beat my hand and crushed my fingers with the rubber truncheons. When the beaten flesh became swollen, they would beat it again with a tiny wire stick. As a result, I had sustained severe injuries and wounds all over my body.

I could not stand it any longer and so I tried to commit suicide with a wire from the stove. In my witness statement, I could not disclose all these facts as the police officers had told me that I would be charged with another offence if I did so. When my case was brought to court, it was mentioned in the trial transcript that I was holding the wire because the interrogation process was so painful.

Back in detention, I was also forced to sit and lie with my face to the floor, while they kicked me and stomped on my back. When they did this to me for the second time, I was not able to breathe. The other form of torture I experienced was clearly designed to amuse the guards, such as pretending to drive a Motorbike, and reading the newspaper while standing on one leg, as well as turning around multiple times with one finger touching the ground. In my weakened state, I became very dizzy after one round. They would also beat my face and my entire body.

They also dipped me into water for long periods of time. First, they covered my face with a plastic bag and tied it on my neck, during which my hands were hand-cuffed at the back. Then, they suddenly pulled my legs up so that my body was upside down and I was submerged in the water tank. I stopped breathing and became unconscious. Afterwards, they dragged me out of the water and slapped me until I regained consciousness. I was told that "we will kill you unless you sign the paper". Under those circumstances, I didn't have any option so I signed a sheet of blank paper.

The scars from the severe beating have remained on my back even though three years have passed. It is also obvious that the scars on my head will also remain. Yangon Hospital and Insein Hospital have refused to give me the written medical records even though I was examined and given X-rays for my fractured skull at those hospitals during the time of my detention. The doctors and nurses there are afraid to testify to the physical abuse I endured at the hands of the police.

To conclude, these marks show to the world that torture is still prevalent and widely practiced in detention centres in Burma.

T. M. A. (name withheld)

#### Closing Remarks

Torture is physical and mental. To close our session, I want to make some brief comments. After physical torture, to get even basic medical treatment is difficult and even requires permission from perpetrators. Hospital staff do not want to treat without approval slip, and even then, hospital staff are poorly trained and medicines not readily available.

Mental torture – everyone in Burma has suffered from totalitarian rule. Under the 1907 law, if we go to stay in someone else's house in a nearby town, we must register with authorities. Now there is a new law requiring registration even if you wish to stay with local friend or relative in the same town. This restricts movement and creates stress in local population. Police also protect organisers of illegal gambling and other criminal syndicates. Complainants are counter-charged with falsified evidence. This deters responsible citizens from taking action against even the most blatantly committed crimes. In court, judges place tremendous stress on lawyers fighting for democracy, rule of law and the protection of human rights. Those particularly vulnerable are the already marginalised – the uneducated, the poor and

ethnic minorities, for instance. Many are tortured in jail. I recently handled a case in which police brought fabricated charges against the individual. Although I eventually managed to get him acquitted, his ears and ribs were injured. This is the face of a dysfunctional justice system. This is a place devoid of respect for the equal dignity and worth of every individual.

T. A. H. (name withheld)