

## Request to intervene on complaint of severe torture by Yangon police

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*An open letter to the UN Special Rapporteur on Torture by the Asian Human Rights*

*Commission: AHRC-OLT-009-2010, 4 August 2010*

Professor Manfred Nowak  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment  
OHCHR, UNOG  
CH-1211 Geneva 10  
SWITZERLAND

Dear Prof. Nowak

### **MYANMAR: Request to intervene on complaint of severe torture by police**

The Asian Human Rights Commission (AHRC) is writing to you further to our previous open letter ([AHRC-OLT-001-2010](#)) concerning the extensive use of torture by police in criminal cases in Myanmar.

The AHRC has continued to receive numerous detailed reports of torture committed to persons in police custody in Myanmar, ranging across all types of cases and with victims of all ages and both sexes. Recently, we received the details of a complaint of very serious torture that has been lodged with the Minister for Home Affairs, who oversees the police force. To date the complaint has not been acted upon. As the details of the complaint have already been publicized in detail in media broadcasts, we are taking the opportunity to bring it to your attention and to call for your intervention.

According to the complaint, police led by Inspector Aung Soe Naing and Sub Inspector Myint Thein of the intelligence unit attached to the Yangon Divisional Police Force arrested a news periodical editor, Nyi Nyi Htun, 47, on 14 October 2009 and took him to the divisional headquarters where 16 officers, including the two named, tortured the detainee continuously for six days by working in pairs, throughout which time he was not fed and given only a small amount of water.

The police allegedly tortured Nyi Nyi Htun by hitting him in the face and on the cheeks with shoes; kicking and stomping him on the head while his hands were tied with rope at the rear; forcing him to kneel on gravel for 30 minutes at a time; squeezing his fingers together with ball pens between them; shoving a police truncheon into his anus; and, beating him with truncheons on his back, chest and feet.

Throughout this time they accused him of planning to bomb a number of prominent locations, including a reservoir in the east of the country, the Central Bank and the American Center in Yangon. Nyi Nyi Htun denied the allegations against him.

Importantly, after the six days were up, Nyi Nyi Htun was sent to the Special Branch facility at the Aungthapyay interrogation camp, where officials reportedly took an official record of his injuries, including through photographs and by having a doctor do a medical examination. Therefore, evidence of the torture should be available to senior persons in government were they to request it. Thereafter, the victim was transferred to the Insein Central Prison to face trial.

Although Nyi Nyi Htun made the complaint in May 2010, according to recent news there has been no action on the complaint to date. Furthermore, when he was brought before a judge of the Seitgan Township Court sitting at a special hearing inside the Insein Central Prison where he is being tried for four alleged offences he also made the same allegations and informed the court that the Special Branch police who took the official record of his injuries could be called as witnesses. However, to date again the court has failed to take any action on his allegations, and according to his lawyer, he has directed that a second complaint be sent to officials at the national level.

Therefore, in light of the detailed allegations made in this case, the determination of the victim to pursue the complaint, and his claim that the police took records of the injuries that he sustained due to torture, we request that you take up this complaint with the Government of Myanmar as a matter of urgency.

At the same time, we note that the techniques of torture and subsequent processing through the criminal justice system that this victim has described are consistent with those in many other accounts that speak both to the institutionalized and systemic character of torture in policing in Myanmar, and with the complete inaction of the judiciary and other parts of the state apparatus in response to what is manifestly a deep, widespread and profoundly damaging practice. We would therefore urge you also to address these aspects of the incidence of torture in Myanmar in any communications that you have with the Government, and frame these in terms of the state's abject non-compliance with international norms, both in terms of institutional practices and in terms of the absence of any legal and institutional framework to delimit, let alone prohibit, the use of torture in police investigations.

We look forward to your prompt intervention in this matter.

Yours sincerely

WONG Kai Shing

Executive Director

Asian Human Rights Commission, Hong Kong

Cc:

1. Tomas Ojea Quintana, UN Special Rapporteur on human rights in Myanmar
2. Gabriela Carina Knaul de Albuquerque e Silva, UN Special Rapporteur on the independence of judges and lawyers
3. Homayoun Alizadeh, Regional Representative, OHCHR, Bangkok, Thailand