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15 DAYS FELT LIKE 15 YEARS

TORTURE IN DETENTION SINCE THE MYANMAR COUP

AMNESTY
INTERNATIONAL



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1. EXECUTIVE SUMMARY

“When they [the police] found us sleeping, they beat us. When they caught us sitting, they beat us. We didn't know which position we had to be when they came. They threatened us. They pointed G3 rifles to our foreheads and threatened that they could kill us anytime”.

A student who was arrested by security forces in Magway Region

On 1 February 2021, Myanmar's military seized control of the country after a general election which saw the National League for Democracy (NLD) win by a landslide. The Myanmar military's generals, who supported the defeated opposition party, claimed widespread election fraud and demanded a recount. In the days that followed the coup, thousands of people all over the country took to the streets to protest and participate in a mass civil disobedience movement. The Myanmar military responded brutally and violently, using lethal force against protesters, including weapons that are only appropriate for the battlefield. Thousands of people were killed, and more were arrested.

For this report, Amnesty International examines the behaviour of security forces in Myanmar when they arrest, interrogate, and detain individuals suspected of being involved in protests, or relatives of such individuals, vis-à-vis international human rights law and standards after the coup on 1 February 2021. The report also includes recommendations to the Myanmar military to release all detainees imprisoned for exercising their right to freedom of speech, assembly and association and to improve conditions in prison consistent with its international human rights obligations.

15 days felt like 15 years is a part of a series of reports documenting the human rights violations committed by the Myanmar military following the 1 February 2021 coup. Among the ten incidents examined in this report, Amnesty International found multiple human rights violations including the right to freedom from torture or cruel, inhuman or degrading treatment or punishment.

All the arrests and detentions documented by Amnesty International in this report were arbitrary and in violation of international human rights laws and standards. The reasons for their arrest and detention were not lawful and inconsistent with international human rights law.¹ Their deprivation of liberty was both unreasonable and unnecessary in all circumstances. The Myanmar military is using detention as a direct attack against civilians for exercising their right to freedom of speech, assembly and association. The people Amnesty International spoke to did not recall being presented either a search or an arrest warrant. The arrests were always warrantless, and the detainees were not given any reason why they were being arrested. Relatives of detainees were not informed of the place of detention for several days. Detainees were not given prompt and regular access to legal counsel and were not brought promptly before a judge. During their detention, detainees were not provided humane treatment and did not have access to prompt medical care.

Amnesty International found that individuals were typically arrested at their homes at night by military, police, or combined forces who either are in uniform or plainclothes. During the arrests, security forces destroyed locks and doors, forcibly entered a residence, ransacked the house, and took away any documents, electronics such as phones and laptops, and occasionally valuable items such as jewellery. Furthermore, during the arrest, family members who were present were usually threatened or harmed.

Detainees were usually taken either to an interrogation centre located within military compounds, to police stations, or to unofficial places of detention which are makeshift interrogation centres. Some of those interviewed by Amnesty International were not sure where they were held during the initial period of detention.

¹ Working Group on Arbitrary Detention, Report: Mission to China, 1 December 2004, UN Doc. E/CN/4/2005/6/Add. 4, para 54.

After several days of unaccountable interrogation, the detainees would be transferred to a prison. None of the former detainees Amnesty International interviewed were given access to legal counsel at the interrogation centres and police stations. Family members of some detainees Amnesty interviewed were denied information of the whereabouts and in one case, police officers denied the detention of the individual at the police station. Amnesty International found that the Myanmar military subjected people to enforced disappearance as they refused to acknowledge the detention or concealed the fate or whereabouts of the detainees.

Detainees would only be brought before a judge after their transfer to a prison or detention facility, which would be usually three weeks after their arrest. In many of the cases documented by Amnesty International, the detainees would be in the interrogation centre for as long as two weeks before being moved to a prison or detention facility. Hence, it is usual for detainees not to be brought before a judge for several days and within that period of time, these detainees would already have been subjected to torture or other ill-treatment, and incommunicado detention.

The courts the detainees were brought before were those set up by the military after the coup within the compound of the detention facilities. These new makeshift civilian courts were established in the vicinity of prisons for the people detained after the coup. Those civilian courts are presided over by civilian judges and apply the standard rules of evidence and procedures. Some people interviewed by Amnesty International mentioned going to such courts. People detained in townships placed under martial law were sent to military courts and were not allowed the assistance of counsel, the right to appeal or to defend themselves. Military courts do not apply the rules of evidence and procedure applicable in civilian courts. These courts oversee a wide range of offences including those punishable with the death penalty. Martial law has been imposed on six townships in Yangon Region and five townships in Mandalay Region. People detained in these townships under martial law are tried in military courts.

Some women detainees and LGBTI detainees were subjected to sexual violence, harassment and humiliation including invasive body searches as a method of torture during interrogation and detention. The survivors Amnesty International interviewed showed signs of trauma such as loss of sleep, fear of the dark (from being kept in a dark room for an extended period) and having nightmares. The survivors told Amnesty International that they want the Myanmar military to be held accountable for their human rights violations.

Since February 2021, an alarming increase in the resort to the death penalty is being recorded in Myanmar, where the military is using the punishment as a tool for ongoing and widespread persecution, intimidation and harassment of and violence against the population, including protesters, and journalists. Amnesty International has gathered media reports and other information relating to at least 114 death sentences imposed since February 2021. All these death sentences were imposed by military tribunals or, in one case, a juvenile court on referral from a military tribunal. On 25 July 2022, Myanmar military's newspaper reported that the executions of four people were carried out. Under international law and standards, executions carried out following unfair trials violate the prohibition against arbitrary deprivation of life, as well as the absolute prohibition of torture and other cruel, inhuman or degrading punishment.

Every day in Myanmar, someone is arrested simply for expressing opposition or dissent, adding to the vast number of people detained since the coup. This number keeps growing, even as Myanmar's military attempts to project an air of normalcy to the outside world. The Myanmar military must be stopped and held accountable for their crimes. All prisoners accused and imprisoned for peacefully exercising their rights must be released immediately. The international community cannot keep turning a blind eye to what is happening. It must open its eyes to the daily suffering, help victims receive justice, and stand with the people of Myanmar.

2. METHODOLOGY

The report is based on research carried out in March 2022 including literature review and interviews with survivors, experts, and representatives of human rights groups in Myanmar. Amnesty International interviewed 15 people between 14 to 25 March 2022 – including eight survivors, and an individual who has two family members who are victims of torture, one representative of the LGBTI union, two lawyers representing detainees charged with criminal defamation, one retired police officer, and two representatives from student unions. Amnesty International also reviewed over 100 news articles and reports from other human rights organizations, produced between 11 March 2021 and 23 March 2022.

In some cases, reliance on second-hand testimony was necessary because Amnesty International could not access places of detention in Myanmar. Amnesty International could not review any legal and medical records pertaining to the cases of torture because survivors did not file complaints about the acts of torture. This is largely due to the fact that the survivors fear reprisals should they complain. Doctors in the prisons where the survivors were detained did not document the torture, and no investigations were made by Myanmar authorities on reports of torture.

It is noteworthy that the majority of survivors Amnesty International talked to had to leave the country soon after being released from detention in fear of being re-arrested by the military. Some of the survivors Amnesty International contacted declined to give testimonies to avoid retaliation from the Myanmar military. Due to the sensitive nature of the discussion topic which could lead to re-traumatization, and security concerns, Amnesty International limited the number of interviews. Amnesty International considers the testimonies collected for this research emblematic based on the secondary sources.

The majority of interviews were conducted through secured digital communications channels with encryption, and one in-person interview was conducted in a secured location. All interviews were voluntary, and Amnesty International obtained verbal informed consent for the purpose of the interviews. The geographic locations of respondents span across different townships of Kayah (also known as Karenni) State, Mandalay, Yangon and Tanintharyi Regions. To protect the identity and maintain confidentiality of respondents, the report does not specify townships and uses altered names to refer to some respondents. Human rights violations that are detailed in the report occurred in Mandalay Palace interrogation centre in Mandalay, Shwe Pyi Thar interrogation centre in Yangon, Mandalay Obo prison in Mandalay, Insein prison in Yangon, Meikhtila prison in Mandalay region, and several other unnamed interrogation centres. Some of the survivors could not accurately report the name of interrogation centres as they were blindfolded while they were taken there. The information linking individuals and interrogation centres and prisons are withheld to avoid identification by the military of those who spoke with Amnesty International and retaliation against them or their family members. Amnesty International extends its gratitude to survivors and their family members who agreed to speak about their experiences and to experts who spoke to Amnesty International despite risks for doing so.

On 22 July 2022, Amnesty International sent a letter with the report's findings to the State Administration Council (SAC), as well as expressed readiness to discuss the report's findings with officials. No response has been given as of publication of the briefing.

3. INTRODUCTION

On 1 February 2021, Myanmar's military seized control of the country after a general election which saw the National League for Democracy (NLD) win by a landslide. The Myanmar military's generals, who supported the defeated opposition party, claimed widespread election fraud and demanded a recount. The military arrested State Counsellor Daw Aung San Suu Kyi and President U Win Myint, along with other NLD senior leaders. In the days that followed the coup, thousands of people all over the country took to the streets to protest and participate in a mass civil disobedience movement. The Myanmar military responded brutally and violently, using lethal force against protestors, including weapons that are only appropriate for the battlefield. Thousands of people were killed, and more were arrested.

According to the Assistance Association for Political Prisoners (AAPP), an organization which monitors the human rights situation in Myanmar, more than 14,870 people have been arrested and 11,782 detained from February 2021 to 25 July 2022.² Human rights organizations, including Amnesty International, have documented widespread violations of international human rights law and international humanitarian law by the Myanmar military during this period. Amnesty International believes that the situation in Myanmar is the direct result of a broader failure by the international community and Myanmar's previous civilian government to hold the Myanmar military to account for its past crimes.

Amnesty International documented ten individual cases of torture and other ill-treatment by the Myanmar military and the police in Myanmar following the coup. Fifteen individuals were interviewed between 14 to 25 March 2022 – including eight torture survivors, one family member of two victims, one LGBTI union

² Assistance Association for Political Prisoners, "Daily Briefing in Relation to the Military Coup.", 25 July 2022, AAPP, aappb.org/?p=22475

representative, two lawyers representing detainees charged with criminal defamation, one retired police officer, and two representatives from student unions. Most of those who provided testimony to Amnesty International did so in a secure place via telephone interviews. Some of the former detainees Amnesty International interviewed were arrested for exercising their right to protest, and some were arrested for their alleged involvement in the armed resistance.

Although it is hard to reliably estimate the scale of the use of torture in Myanmar after the coup, reports from other sources suggest that the problem extends well beyond those cases documented in this report.³

3.1 ARRESTS

Amnesty International believes that torture and other ill-treatment begins soon after the arrest and that law enforcement officials must ensure fundamental safeguards for the prevention of torture and other ill-treatment. Amnesty International examined that such safeguards were not implemented. People may only be lawfully deprived of their liberty on grounds and according to procedures established by law⁴, and such laws must conform to international standards. In the ten cases examined by Amnesty International, security forces' arrest procedures did not meet the international standards. All the arrests that Amnesty International documented were arbitrary. The individuals the organization spoke with were typically arrested at their homes at night by military, police, or combined forces who either are in uniform or plainclothes. Police officers on duty wearing plainclothes are "obligated to identify themselves by name, surname and rank at the time of arrest and transfer of persons deprived of their liberty."⁵ Amnesty International documented that plainclothes officers did not identify themselves in all cases examined for this research. During the arrests, security forces destroyed locks and doors, forcibly entered a residence, ransacked the house, and took away any documents, electronics such as phones and laptops, and occasionally valuable items such as jewellery. The people Amnesty International spoke to did not recall being presented either a search or an arrest warrant. The arrests were always warrantless, and the detainees were not given any reason why they were being arrested. Under international standards, anyone who is arrested shall be informed of the reasons for their arrest at the time it is happening and must be informed of any charges against them promptly⁶. Detainees were informed of their charges only after they arrived at the police station or interrogation centres. Furthermore, during the arrest, family members who were present were usually threatened or harmed.

The individuals Amnesty International spoke to described being beaten and verbally assaulted while being forced to remain on their knees during the arrest. Amnesty International found that upon arrest, detainees are usually handcuffed, blindfolded, and sometimes had a rope tied around the body to restrict movement while being taken to the police station or the interrogation centre. While blindfolded, the security forces would continue kicking and beating up the detainees until they are brought to a vehicle. Some people experienced sexual harassment while being blindfolded. A witness told Amnesty International that she saw the security forces caressing arms and waists of women detainees especially while the women were blindfolded.⁷ The risk of sexual and other forms of violence can arise during transfers to police stations, courts or prisons and particular when male staff transport women detainees.⁸ Amnesty International documented that all cases of arrests were made by male security forces. Ma Htoo, who was arrested at a demonstration in Yangon, noted:

"We were arrested by the police. Typically, women are arrested in the presence of female police. But there weren't any female police officers when we were arrested. The police were all male."⁹

Ma Su¹⁰ is a business owner from Yangon and a mother of a new-born baby. She actively participated in the peaceful protests after the coup. She later joined the armed resistance movement in one of the townships in Yangon. In June 2021, one evening, Ma Su received news that the military were looking for her to arrest her. She got ready to leave her house through the fire escape, but she went back to turn herself in after hearing her family

³ Assistance Association of Political Prisoners, "Political Prisoners Experience in Interrogation, Judiciary, and Incarceration Since Burma's Illegitimate Military Coup", 23 March 2022, aappb.org/wp-content/uploads/2022/03/Prison-Situational-Report_AAPP-English_23-Mar-2022.pdf

⁴ International Covenant on Civil and Political Rights (ICCPR), Article 9 (1).

⁵ Subcommittee on Prevention of Torture, Report: Paraguay, 7 June 2010, UN Doc. CAT/OP/PRY/1 (2010), para 278.

⁶ International Covenant on Civil and Political Rights, Article (2).

⁷ Interview in person with Ma Htoo, former detainee at Insein Prison, Yangon Region, 15 March 2022.

⁸ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Report, 5 January 2016, UN Doc. A/HRC/31/57, para. 19

⁹ Interview in person with Ma Htoo, former detainee at Insein Prison, Yangon Region, 15 March 2022.

¹⁰ Interview by voice call with Ma Su, former detainee at an unknown interrogation centre in Yangon, Yangon Region, 21 March 2022.

being beaten up and abused by the security forces. When she showed herself to the security forces, who were around 20 armed men, they immediately surrounded her and started slapping her. She recalled that the security forces put a gun in her sister's mouth and forced the other family members to kneel and bow down. Ma Su said that the security forces not only took her bag, but also took away money, phones, and jewellery from their house. She was blindfolded, handcuffed, and taken downstairs to a waiting car. Her husband was also beaten severely. Ma Su told Amnesty International:

"When I went to the fire escape and hid, they [security forces] beat my husband and kicked his ribs with military boots. They beat his foot with rifle stocks until his nails came off. There was blood in his mouth"¹¹

The Myanmar military has also been taking family members hostage to force individuals to turn themselves in. According to the Burma Human Rights Network, a national organization reporting on the human rights situation in Myanmar, at least 321 family members and relatives,¹² some as old as 94 years¹³ and as young as three years,¹⁴ have been detained illegally by the Myanmar military as hostages as of May 2022 since the coup. In March 2022, in Yangon's Mingalar Taung Nyunt township, a three-year-old child, her mother and grandmother – family members of an individual who the military seeks to arrest -- were sent to detention. Her mother and grandmother were sentenced to three years in prison,¹⁵ the maximum sentence for "causing fear" and "spreading false news" which is punished under Section 505a of the Penal Code.¹⁶ The three-year old child was sent to prison with her mother and grandmother. In April 2022, in Ahlone township, Yangon, a four-year-old child was taken from his preschool by 20 security forces including five armed men, to force the parents to give themselves up.¹⁷

In addition to taking family members hostage, the military is also seizing and sealing properties owned by people with ties to the National League for Democracy (NLD)¹⁸ and of anyone accused of participating in protests against the military. Amnesty International talked to Ma Phyu whose family members were arrested in one of the townships in Mandalay Region. Ma Phyu is a close relative to a former Member of Parliament for the NLD. She has been evading arrest by the military since after the coup. She is now serving as a member of the Committee Representing Mandalay Hluttaw (CRMH) – a committee composed of those officials elected during the 2020 elections. Ma Phyu said the military arrested her family and seized their businesses to retaliate against their relative. The military arrested Ma Phyu's 80-year-old mother and her brother who is a person living with a disability. The military sealed her family's houses and seized their family's businesses, even though their relative who the Myanmar military sought to arrest does not legally own any of those properties or businesses. She told Amnesty International that the military ransacked their family businesses and homes and took valuable items from both properties.

Ma Phyu told Amnesty International:

"Everything was taken and messy as if we were robbed. They [the security forces] said they had a list of items but surely it did not include items such as the children's laptops which they were using for their lessons, which the military took anyway. They took all the electronics such as transformers, generators, and interior parts of the fridge".¹⁹

Ma Phyu was able to leave Myanmar, but she worries every day about her brother and mother who were still in prison at the time of the interview with Amnesty International. She worries because the prisons in Myanmar are not equipped to be accessible for persons who are wheelchair users like her brother:

¹¹ Interview by voice call with Ma Su, former detainee at an unknown interrogation centre in Yangon, Yangon Region, 21 March 2022.

¹² Burma Human Rights Network, Facebook Post, 9 June 2022, [facebook.com/photo?fbid=349837693923905&set=a.269204935320515](https://www.facebook.com/photo?fbid=349837693923905&set=a.269204935320515): "BHRN Monthly Situation Update - May 2022" (Translation from Burmese by Amnesty International).

¹³ The Irrawaddy, "Myanmar Junta Takes Family Member as Old as 94 Hostage", 5 October 2021, [irrawaddy.com/news/burma/myanmar-junta-takes-family-member-as-old-as-94-hostage.html](https://www.irrawaddy.com/news/burma/myanmar-junta-takes-family-member-as-old-as-94-hostage.html).

¹⁴ Myanmar Now, "Three-year sentences handed to family of toddler held in Yangon's Insein Prison", 25 March 2022, myanmar-now.org/en/news/three-year-sentences-handed-to-family-of-toddler-held-in-yangons-insein-prison

¹⁵ Myanmar Now, "Three-year sentences handed to family of toddler held in Yangon's Insein Prison", 25 March 2022, myanmar-now.org/en/news/three-year-sentences-handed-to-family-of-toddler-held-in-yangons-insein-prison

¹⁶ Myanmar, State Administration Council Law, 2021, myanmar-law-library.org/IMG/pdf/law_no_5-6_2021_sac_-2.pdf, 6/2021, note 4, section 3(c)

¹⁷ Radio Free Asia, "Junta troops arrest kindergartner from Yangon school", 7 April 2022, [rfa.org/english/news/myanmar/kindergartner-04072022162454.html](https://www.rfa.org/english/news/myanmar/kindergartner-04072022162454.html).

¹⁸ The Irrawaddy, "Myanmar Junta Continues to Seize Homes of Those With Ties to NLD, NUG", 15 November 2022, [irrawaddy.com/news/burma/myanmar-junta-continues-to-seize-homes-of-those-with-ties-to-nld-nug.html](https://www.irrawaddy.com/news/burma/myanmar-junta-continues-to-seize-homes-of-those-with-ties-to-nld-nug.html).

¹⁹ Interview by voice call with Ma Phyu, a family member of two detainees in a prison in Mandalay Region, 21 March 2022

“My brother suffered from polio when he was two years old. So, he cannot use his legs to walk. He has to use a wheelchair to move. At home, we had special arrangements for him. At the prison, he is kept together with others. So, I am distressed about him going to the toilet to urinate. There is no special arrangement for persons with disabilities”.²⁰

Ma Phyu’s mother is also living with a chronic disease and requires regular medication. The healthcare facilities in prison are not adequate, so Ma Phyu’s relatives in Myanmar buy medicines for her mother and send them to prison. In January 2022, her mother became ill with Covid-19 in prison. She has also contracted skin diseases due to poor sanitation in the prison.

3.2 INTERROGATION AND DETENTION

Detainees were taken either to an interrogation centre located within military compounds, to police stations, or to unofficial places of detention which are makeshift interrogation centres. Some of those interviewed by Amnesty International were not sure where they were held during the initial period of detention. After several days of unaccountable interrogation, the detainees would be transferred to a prison.

Ma Win is a protest leader in one of the townships in Shan State, and her husband is a leader of a local People’s Defence Force (PDF), which are armed resistance groups that were organized after the coup. Ma Win was arrested by the military when she was travelling on a passenger bus in Mandalay Region. Upon her arrest, the military slapped her across her face, put her in handcuffs and blindfolded her. They had her hands tied behind her back with a rope and took her to a waiting car. The men who arrested her were not in uniform and were in plainclothes. She was not told why she was being arrested. They simply said, “We are taking you to a place where people like you go”.²¹ People interviewed by Amnesty International said that in cases when the men arresting them were not in uniform, they were still able to deduce that these men were soldiers because of their haircut and their actions.

Ma Win was taken to an interrogation centre in Mandalay Region while being blindfolded and handcuffed. At that time, Ma Win was not aware and was not told of the location where she was brought to.

Ma Win told Amnesty International that the security forces took turns interrogating her. She was kept blindfolded for one and a half days. They did not take her blindfold off when they interrogated her. During interrogation, the security forces beat and kicked her with boots and repeatedly threatened that they would kill her. She was deprived of food and water. Later, Ma Win was brought to a police station. She collapsed unconscious the moment she arrived at the police station due to sheer exhaustion and hunger. She was kept at the police station for 20 days. She requested the police to inform her family, but they did so only five days after her arrival at the station. She never saw her family members until her release. According to Ma Win, there were many detainees who were kept secretly at the police station or interrogation centres and were cut off from communications with families or lawyers. None of the former detainees Amnesty International interviewed were given access to legal counsel at interrogation centres and police stations.

Amnesty International found that eight cases were determined to be enforced disappearances, as defined under the UN Declaration on Protection of All Persons from Enforced Disappearance. The arrests were carried out by Myanmar military’s security forces, and they refused to acknowledge the arrest by concealing the place of detention and the fate or whereabouts of the detainees to family members or lawyers. As a result, detainees were not able to access legal counsel and placed outside the protection of the law²². Furthermore, some detainees were kept in military interrogation centres. Under international law, anyone deprived of their liberty must be held only in a place of detention that is officially recognized.²³ Enforced disappearance is itself a form of torture or other ill-treatment for the disappeared person and for their families.²⁴

At the interrogation centres, former detainees told Amnesty International that interrogators used methods of torture and other ill-treatment using items available in the perpetrators’ immediate environment – for example their own hands, fists, knees and feet, rifle butts, military boots, a dense stick made of newspapers, palm tree

²⁰ Interview by voice call with Ma Phyu, a family member of two detainees in a prison in Mandalay Region, 21 March 2022

²¹ Interview by voice call with Ma Win, a former detainee at Mandalay Obo Prison in Mandalay Region, 23 March 2022

²² Convention on Enforced Disappearance, Article 2.

²³ Convention on Enforced Disappearance, Article 17(2)(c).

²⁴ Convention on Enforced Disappearances, Article 24.

branches and electrical wires. None of those interviewed by Amnesty International mentioned seeing dedicated torture chambers with specialized equipment or instruments.

One woman interviewed by Amnesty International heard another detainee in an adjacent cell being subjected to water torture and tasered multiple times throughout the entire interrogation. Several former detainees interviewed by Amnesty International observed that other detainees had visible injuries on their bodies, including blood, broken limbs, and swollen faces.

The majority of those interviewed by Amnesty International experienced extensive beating during interrogation and detention. In Amnesty International's experience, beatings, in their various forms, are the most common form of torture around the world.²⁵ If security forces beat detainees during interrogations, such conduct may invariably amount to cruel, inhuman or degrading treatment or punishment. In these cases documented by Amnesty International for this report, however, the elements of torture as defined by the Convention against Torture exist – intentional act, purpose (including obtaining information or a confession), official involvement, and severe pain and suffering inflicted on the detainees. Hence, the beatings inflicted by security forces in these cases amount to torture.²⁶

Some lawyers spoke to Amnesty International about how their clients were being tortured during interrogation. Ko Lwin is a lawyer from Mandalay who is representing several detainees charged with criminal defamation. He told Amnesty International that the soldiers stepped on his client's stomach until his excrement came out. Ma Win, another former detainee interviewed by Amnesty International, was sent to Mandalay Obo prison and tortured there.

Ma Win told Amnesty International how she felt stripped of her dignity as a human being when she was being interrogated:

"My little toe was cut with a saw. They also used a stick to beat my back. All of them sounded drunk. I was threatened that I would be hit with the butt of the gun if I looked up. I was outraged because I was not a criminal. Actually, I was treated worse than a criminal".²⁷

Zaw, a student activist, was tortured while in police detention. He was arbitrarily arrested by police officers at a friend's house. He was not shown any warrant during his arrest. He and his friend were taken to the local police station and thrown in jail. He told Amnesty International how police grabbed his friend by the hair and banged his head against the wall. Zaw said the police beat them after every question, even if they answered. They tasered their thighs and genitals. The police threatened them with a grenade and told them they could bomb them. They were kept in the police station for 16 days and they were ill-treated every day. Zaw and his friend had to share a small bed fit for only one person. His family could send food, but they had to double the amount of food they were sending to Zaw to bribe the police officers. Zaw was able to post bail and at the time when he spoke to Amnesty International, he was presenting himself before the local court and being tried for criminal defamation.

Some women detainees and LGBTI detainees experienced sexual violence as a method of torture during interrogation and detention. Saw Han Nway Oo, who goes by the name "A Saw", is a transwoman who was arrested and detained in 2021 by military forces on suspicion of having attended military training in an ethnic armed area. She was taken to the Mandalay Palace interrogation centre, which is notorious for torture.²⁸ The security forces held and interrogated A Saw for three days during which they scratched her knees with sharp objects and sprayed methylated spirit over her bleeding wounds and mocked her for using female pronouns. She was not given any food or water for three days.

A Saw recounted to Amnesty International:

"They took off my clothes, looked at my naked body and mocked me. I felt physical pain and disgust, fear, and hatred at that moment. I could not even describe that feeling until now. When

²⁵ See, for example, Amnesty International, "Make him speak by tomorrow": Torture and other ill-treatment in Thailand (AI Index ASA 39/4/747/2016), 28 September 2016, [amnesty.org/en/documents/asa39/4747/2016/en/](https://www.amnesty.org/en/documents/asa39/4747/2016/en/), p. 26 and Amnesty International, "Welcome to Hell Fire": Torture and Other Ill-Treatment in Nigeria (AI Index: AFR 44/011/2014), September 2014, [amnesty.org/en/documents/afr44/011/2014/en/](https://www.amnesty.org/en/documents/afr44/011/2014/en/), p. 7.

²⁶ See, for example, Committee against Torture, Views: *Ali Ben Salem v. Tunisia*, Communication No. 269/2005, adopted on 7 November 2007, UN Doc. A/63/44 (2007-8), Annex XI and Inter-American Court of Human rights, *Lysias Fleury et al. v. Haiti*, Series C No. 236, Judgment of 23 November 2011, corteidh.or.cr/docs/casos/articulos/seriec_236_ing.pdf

²⁷ Interview by voice call with Ma Win, a former detainee at Mandalay Obo Prison in Mandalay Region, 23 March 2022.

²⁸ Myanmar Now, "Mandalay Protest Leader still in interrogation centre three months after his arrest", 11 May 2022, myanmar-now.org/en/news/mandalay-protest-leader-still-in-interrogation-centre-three-months-after-his-arrest

they would leave at around one in the morning, I would feel so much pain that I could not even sit or sleep. I would spend the night standing and holding on to the iron bars from the door”.²⁹

Women are at particular risk of torture and other ill-treatment during detention because sexual abuse and violence may be used as a means of coercion and to extract confessions.³⁰ Furthermore, lesbian, gay, bisexual, and transgender detainees report higher rates of sexual, physical and psychological violence in detention than the general prison population. Violence against these individuals in custodial settings is prevalent.³¹ Humiliating and invasive body searches, as experienced by A Saw, may constitute torture or other ill-treatment, particularly for transgender detainees.³²

Ma Htoo, a former detainee, who spent several nights at Shwe Pyi Thar interrogation centre, recounted to Amnesty International sexual humiliation she and the other women detainees experienced. Sexual humiliation of women in detention, as described by the UN Special Rapporteur on torture, is when male guards watch female prisoners in intimate moments such as dressing and showering, and usually occurs when female prisoners are supervised by male guards.³³ Ma Htoo said that the interrogators would enter the women’s cell anytime, including during the night when the women were asleep. They would stand and watch the women sleeping.

The detainees from Mandalay Obo prison told Amnesty International about how CCTV cameras were placed in showers and toilets. One woman described the warden watching women shower from the CCTV control room:

“A security camera was pointed at the toilet. There was no door for the toilet. The toilet had walls, but the inside could be seen. Everything can be seen through the security camera”.³⁴

Several women also described to Amnesty International hearing from their cellmates how other women experienced sexual harassment, such as male security forces touching women’s body parts and verbally harassing them. One woman told Amnesty International how her cellmate experienced sexual violence during interrogation:

“One of my friends has a Nigerian boyfriend. When the interrogators found out, around five or six of them showed their male private parts to her. They asked her ‘do you like only the foreigner’s private part better? They also asked her to be on all fours and hit her hip with cane sticks. They took photos of her while she was in that position”.³⁵

Several former detainees described to Amnesty International the inhumane conditions at the interrogation centres and detention cells in police stations. Many recounted not being given any food or water for several days and sleeping in a small dark room without sufficient space even for an adult. People who were given food and water described the condition of food and water as not suitable for consumption. Some people are not allowed to go to the bathrooms for several days during the interrogation. One woman said the water and food at the interrogation centre smelled like mud. Another woman recounted a time when she asked her interrogators for some water:

“They brought boiling water in a cup, put the cup to my mouth, and asked me to drink it. I could not hold the cup because I was handcuffed. They poured hot water on my knees and legs when I could not drink the boiling water. I was not given any food for two nights and one day.”³⁶

The security forces also used what the former detainees who spoke to Amnesty International called “psychological warfare”. Interrogators made people hold bombs and threatened to blow them off. Interrogators also threatened to execute the detainees, they would point a gun at the detainees’ chest, head or wedge it inside the mouth and threaten to pull the trigger. Detainees were also threatened with murder and being cremated in

²⁹ Interview by voice call with A Saw, a former detainee at Mandalay Prison, Mandalay Region, 14 March 2022.

³⁰ Report of the UN Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment (UN Special Rapporteur on torture), Report, 5 January 2016, UN Doc. A/HRC/31/57, para. 20.

³¹ Report of the UN Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment (UN Special Rapporteur on torture), Report, 5 January 2016, UN Doc. A/HRC/31/57, para. 34.

³² Report of the UN Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment (UN Special Rapporteur on torture), Report, 5 January 2016, UN Doc. A/HRC/31/57, paras 35 & 36.

³³ Report of the UN Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment (UN Special Rapporteur on torture), Report, 5 January 2016, UN Doc. A/HRC/31/57, para 19.

³⁴ Interview in person with Ma Htoo, former detainee at Insein Prison, Yangon Region, 15 March 2022

³⁵ Interview by voice call with Ma Lin, a former detainee at Insein Prison, Yangon Region, 17 March 2022.

³⁶ Interview by voice call with A Saw, a former detainee at Mandalay Obo Prison, Mandalay Region, 14 March 2022.

the backyard of the interrogation centre. A woman detainee told Amnesty International that the security forces did not beat her, but she felt she was psychologically tortured:

“They [security forces] told me that there is a cremation place nearby and threatened that they burn people who are killed here. I was at the interrogation centre for 15 days. But 15 days felt like 15 years.”³⁷

A lawyer told Amnesty International what happened to one of her clients in detention:

“When he became conscious again, a soldier gave him a parcel which they said they received for him. When he opened the box, a small fake bomb was inside and there was a mini explosion. He was so petrified”.³⁸

Security forces also forced people to sing revolutionary songs and raise three fingers which was a symbol for resistance against the military after the coup³⁹. Former detainees Amnesty International interviewed said that they felt humiliated by security forces who ridiculed their involvement in protests against the coup by addressing them mockingly with slogans used at protests, forcing them to sign songs affiliated with the anti-military movement, and making them hold up the three-finger salute. Ma Lin, who was arrested for protests in Yangon said:

“I was asked to raise three fingers and shout the slogans that we used during the protest. All the interrogators mocked me while asking me to do those things.”⁴⁰

3.3 INHUMANE CONDITIONS IN DETENTION

In a recent report by AAPP on the current situation in Myanmar prisons, there were findings of limited access to healthcare, including treatment for people with underlying chronic conditions, inedible food, disregard for specific dietary requirements of detainees, scarce drinking water, unsanitary conditions, and forced labour.⁴¹ Amnesty International also documented similar conditions.

Many of those interviewed by Amnesty International reported staying in very crowded cells. Several of them mentioned having to sleep right next to another detainee. A woman detainee described that she shared a cell meant for ten people with more than 50 inmates. Another woman mentioned that people could not even stretch their legs while sleeping:

“We could not even bend our knees while we were sleeping. The walls of the building were covered with corrugated iron sheets. There was no ceiling, and during the daytime, it was scorching, and we felt like we were in a steam pot. Even the floors were hot, and some elderly people fell unconscious because of extreme heat inside the hall”.⁴²

Since the coup, the number of people arrested for exercising their right to freedom of speech, assembly and association increased from hundreds to thousands within one year, and AAPP recorded at least 11,782 prisoners detained.⁴³ The increasing number of prisoners could explain the overcrowding. In October 2021, the Myanmar military released hundreds of prisoners.⁴⁴ However, some of these prisoners were eventually re-arrested.⁴⁵

Everyone Amnesty International spoke to said that the food in prison was inedible. The rice was always either overcooked or half-cooked, and people found dead insects and worms inside their food. The meat dishes were not adequately cleaned or prepared. One person said that people had to drink water containing visible bits of

³⁷ Interview by voice call with Ma Su, former detainee at an unknown interrogation centre in Yangon, Yangon Region, 21 March 2022.

³⁸ Interview by voice call with Ma Aye Myat, a lawyer from Yangon, 21 March 2022.

³⁹ The Guardian, “Three-fingers salute: Hunger games symbol adopted by Myanmar protesters”, 8 February 2021, theguardian.com/world/2021/feb/08/three-finger-salute-hunger-games-symbol-adopted-by-myanmars-protesters

⁴⁰ Interview by voice call with Ma Lin, a former detainee at Insein Prison, Yangon Region, 17 March 2022.

⁴¹ Assistance Association of Political Prisoners, “Political Prisoners Experience in Interrogation, Judiciary, and Incarceration Since Burma’s Illegitimate Military Coup”, 23 March 2022, aappb.org/wp-content/uploads/2022/03/Prison-Situational-Report_AAPP-English_23-Mar-2022.pdf, Page 12-14.

⁴² Interview by voice call with Ma Lin, a former detainee at Insein Prison, Yangon Region, 17 March 2022.

⁴³ Assistance Association for Political Prisoners, “Daily Briefing in Relation to the Military Coup.”, 25 July 2022, AAPP, aappb.org/?p=22475

⁴⁴ Al Jazeera, “Hundreds of political prisoners freed in Myanmar after amnesty”, 19 October 2021, aljazeera.com/news/2021/10/19/hundreds-of-political-prisoners-freed-in-myanmar-after-amnesty

⁴⁵ Human Rights Watch, “Myanmar: Prisoner Releases Fall Short”, 21 October 2021, hrw.org/news/2021/10/21/myanmar-prisoner-releases-fall-short

algae. Many people reported having to rely on the food that their families sent over to the prison. For those whose family members could not send packages, other detainees shared their rations with them.

A former detainee recounted to Amnesty International:

“During the rainy season, there were a lot of flies, and we even found dead flies in the bean soup and earthworms in the watercress soup the prison provided. The cooked chicken came with some feathers, and the fish came with scales. They said there were water purifier machines in prison. Still, we often found algae bits in the drinking water which smelled strongly of chlorine, and the drinking water containers were dirty”.⁴⁶

Several people reported not having enough water to bathe with every day. Water for bathing was rationed. One person mentioned that the toilets were flooded due to poor drainage. People did not have areas to dry their laundry. During the rainy season, many detainees started developing skin diseases due to limited water for personal hygiene and having to wear damp clothes.

“There was no proper place for drying our clothes. We had to dry them on the ground under the sun, but it was more difficult during the rainy season. The clothes were damp, and the water was not clean. Many of us got scabies, rashes, and fungal infections on the skin”.⁴⁷

Some of the people Amnesty International spoke with mentioned the existence of a hospital ward in prison and the presence of medical doctors. Still, all of those interviewed recounted how detainees were deprived of medical treatment for injuries during the interrogation and whatever underlying severe health conditions detainees have. One person reported that doctors and nurses would not be at the hospital at night for emergencies. People with chronic diseases such as heart disease and diabetes did not receive medicine while they were in prison. A transgender man who was put in the women’s ward suffered breast pain and experienced menstruation due to not receiving his hormone medicine.⁴⁸ Myanmar media reported that people who suffered internal injuries during interrogation were not given medical assistance. Hence, their condition worsened.⁴⁹

3.4 ACCESS TO COUNSEL AND JUDICIAL OVERSIGHT

Amnesty International spoke to lawyers who represented detainees. They revealed to Amnesty International how difficult it is for them to find out about their clients’ whereabouts and to defend the rights of their clients. On many occasions, they are forced to bribe the police just to find out where their clients are being kept.

Through the interviews it conducted, Amnesty International found that usually, detainees would only be brought before a judge after their transfer to a prison or detention facility, which would be several days after their arrest. In many of the cases documented by Amnesty International, the detainees would be in the interrogation centre for as long as two weeks before being moved to a prison or detention facility. Hence, it is usual for detainees not to be brought before a judge for several days and within that period of time, these detainees would already have been subjected to torture, other ill-treatment, and incommunicado detention.

Following their arrest or detention, any person detained for committing a criminal offence should be brought before a judge without delay, or other official authorised by law to discharge judicial duties. All arrests or detentions must be ordered by, or subject to the effective control of a judge or other official authorised by law to discharge judicial duties.⁵⁰

Amnesty International talked to Ma Aye Myat, a lawyer from Yangon Region, who is assisting people charged with criminal defamation and their families. Ma Aye Myat said that following the coup, the military kept people in interrogation centres for as long as two weeks to obtain information about anti-coup activities. When people were kept at the interrogation centres, nobody, including family members and lawyers, could communicate with the detainees. They were held incommunicado.

⁴⁶ Interview by voice call with Ma Lin, a former detainee at Insein Prison, Yangon Region, 17 March 2022.

⁴⁷ Interview by voice call with Ma Lin, a former detainee at Insein Prison, Yangon Region, 17 March 2022.

⁴⁸ Interview in person with Ma Htoo, former detainee at Insein Prison, Yangon Region, 15 March 2022

⁴⁹ The Irrawaddy, “Myanmar Junta Denies Medical Treatment to Political Prisoners”, 18 February 2022, [irrawaddy.com/news/burma/myanmar-junta-denies-medical-treatment-to-political-prisoners.html](https://www.irrawaddy.com/news/burma/myanmar-junta-denies-medical-treatment-to-political-prisoners.html)

⁵⁰ Declaration on the Protection of all Persons from Enforced Disappearance; and Principles 4 and 11 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Article 10.

This was confirmed by the interviews conducted by Amnesty International, where detainees said they were not allowed to meet or communicate with family members, lawyers, or others during interrogation. In some of the cases documented by Amnesty International, authorities refused to acknowledge the arrest or give information on the fate or whereabouts of the detainees. Amnesty International believes eight cases examined for this research constituted enforced disappearances.⁵¹

Official registration of arrests and the ability of family members and lawyers to visit detainees are important components of any torture prevention system. Incommunicado detention is a key facilitator of torture and other ill-treatment. The UN Special Rapporteur on torture has said that “torture is most frequently practiced during incommunicado detention” and called for such detention to be made illegal.⁵²

In all the cases documented by Amnesty International, the detainees were subjected to interrogation without the presence of their lawyers. Amnesty International has consistently stressed the importance of lawyers being present during interrogations of their clients. The UN Special Rapporteur on the Independence of Judges and Lawyers said that it is necessary for a lawyer to be present during interrogations “as an important safeguard to protect the rights of the accused”.⁵³ The UN Subcommittee on the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, has said that the presence of counsel not only deters authorities from resorting to ill-treatment or other abuses, “but may also work as a protection for authorities in case they face unfounded allegations of ill-treatment”.⁵⁴

Only one person Amnesty International talked to was able to get out on bail and at the time when Amnesty International spoke to him, he was facing trial for allegedly committing acts prohibited under Section 505a of the Penal Code (for example, causing fear, spreading false news and agitating crimes against a government employee). Others were eventually released on amnesty. Former detainees Amnesty interviewed mentioned that they had to sign a bail agreement before they were released. The agreement stated that if detainees were arrested again in the future for the same offense, they would have to serve sentences for previous charges as well.

Some former detainees recounted being allowed to write letters to their families once a month. However, their letters were heavily monitored, and they were not allowed to write about politics. Prison authorities did not allow them to meet with their family members, using Covid-19 as an excuse. The former detainees who spoke to Amnesty International said that they were also not allowed to make phone calls to family members.

All the people Amnesty International spoke with said that they could only meet their lawyers for a brief period during the trials. People were not allowed to have private meetings with their lawyers prior to the trial since they would be constantly monitored by security forces. This violates the right of the detainees to prompt access to and have private and confidential communication with counsel.

There are varying opinions on what constitutes “prompt access”. Under the UN Basic Principles on the Role of Lawyers, access to counsel is to be provided in no case later than 48 hours from the time of arrest or detention.⁵⁵ The Special Rapporteur on torture, on the other hand, said that detainees should be given access to legal counsel within 24 hours of detention.⁵⁶ In any case, communication with a lawyer must be provided without delay. Delays may only be allowed in exceptional circumstances, not as a matter of routine, and even then “shall not be denied for more than a matter of days.”⁵⁷ Furthermore, the right to be assisted by a lawyer includes the right to communicate and consult with him or her without interception or censorship and in full confidentiality.⁵⁸

⁵¹ UN Special Rapporteur of the Commission on Human Rights: *Question of torture and other cruel, inhuman or degrading treatment or punishment*, 3 July 2001, UN Doc. A/56/156, para. 39.

⁵² UN Human Rights Committee, Views: *Bashasha v. Libyan Arab Jamahiriya*, adopted on 20 October 2010, UN Doc. CCPR/C/100/D/1776/2008, paras. 7.4-7.5 and UN Human Rights Committee (HRC), Concluding Observations: United States of America, 18 December 2006, UN Doc. CCPR/C/USA/CO/3/Rev. 1, para.12.

⁵³ Report of the UN Special Rapporteur on the independence of judges and lawyers on the question of all persons subjected to any form of detention or imprisonment (UN Special Rapporteur on the independence of judges and lawyers), 5 March 1998, UN Doc. E/CN.4/1998/39/Add.4 (1998), para.47.

⁵⁴ UN Subcommittee on Prevention of Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (SPT), Report: Visit to the Maldives, 26 February 2009, UN Doc. CAT/OP/MDV/1 (2009), para. 62.

⁵⁵ UN Basic Principles on the Role of Lawyers, Principle 7.

⁵⁶ Report of the Special Rapporteur of the Commission on Human Rights on torture and other cruel, inhuman, or degrading treatment or punishment, 2 July 2002, UN Doc. A/57/173 (2002), para. 16.

⁵⁷ Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principle 18(3).

⁵⁸ UN Basic Principles on the Role of Lawyers, Principle 8.

One lawyer told Amnesty about being intimidated for doing his work because of how closely the military were monitoring their meetings with clients. One woman detained in Mandalay Obo prison told Amnesty that the police threatened her to say only “yes” in response to all accusations against her in front of the judge. Several people mentioned not having a chance to defend themselves as the trials were postponed several times over the course of three months or more.

The courts the detainees were brought before were those set up by the military after the coup within the compound of detention facilities. These new makeshift courts were established in the vicinity of prisons after the coup by the Myanmar military. Those courts are presided over by civilian judges. Most people interviewed by Amnesty International mentioned going to such courts, but some were also tried before military courts. People detained in townships placed under martial law were sent to military courts and were not allowed the assistance of counsel or to defend themselves.

Amnesty International did not have access to the new makeshift courts set up by the military after the coup. However, from accounts of lawyers that the organization spoke to, these courts do not fit the description of independent, impartial, and competent tribunals established by law.

The two lawyers who spoke to Amnesty International observed that judges do not seem to have independence as they appear to be receiving “orders from the ones with the guns”. Ma Aye Myat, a lawyer from Yangon Region, recalled that one of the judges told her to “not bother building a defence case” because the judges have allegedly been told to rule guilty and impose a maximum sentence in all cases involving detainees charged with criminal defamation.

Amnesty International emphasizes that all tribunals, courts and judges must be independent from the executive and legislative branches of government⁵⁹ and there should be no inappropriate or unwarranted interference with the judicial process. Decisions by courts should not be subject to influence or to revision (except through judicial review).

With regards to military tribunals, the UN Human Rights Committee has on several occasions recommended that civilians are tried by civilian courts and not by military tribunals.⁶⁰ The existence of military tribunals raises serious issues related to the right to a fair trial. According to the Special Rapporteur on the independence of judges and lawyers, with regards to the use of military tribunals to try civilians, “international law is developing a consensus as to the need to restrict drastically, or even prohibit, that practice”.⁶¹

On 25 July 2022, Myanmar military’s media announced the execution of four people⁶². Phyo Zeya Thaw, a former member of Aung San Suu Kyi’s National League for Democracy, and prominent democracy activist Kyaw Min Yu, also known as Ko Jimmy, were convicted of and sentenced to death by a military tribunal in January for offenses involving explosives, bombings and financing terrorism under the Anti-Terrorism Law. Two other men, Hla Myo Aung and Aung Thura Zaw, convicted of the alleged murder of a woman believed to act as an informer for the military in Hlaing Tharyar in Yangon, also had their death sentences confirmed. The proceedings before a military-controlled court were secretive and grossly unfair. Amnesty International opposes the death penalty unconditionally, in all cases and under any circumstances. More than two-thirds of countries all over the world have abolished the punishment in law or practice.

3.5 AFTER DETENTION

The former detainees who survived torture told Amnesty International that they now have to live with post-traumatic stress disorder symptoms such as nightmares, fear of darkness, fear of being alone and of being re-

⁵⁹ UN Basic Principles on the Independence of the Judiciary, Principle 1.

⁶⁰ See, for example, UN Human Rights Committee (HRC), Concluding Observations: Peru, 17 October 2002, UN Doc. CCPR/C/79/Add.67, para. 12 and UN Human Rights Committee (HRC), Concluding Observations: Uzbekistan, 17 October 2002, UN Doc. CCPR/CO/71/UZB, para. 15 and UN Human Rights Committee (HRC), Concluding Observations: The Syrian Arab Republic, 24 April 2001, UN Doc. CCPR/CO/71/SYR, para. 17.

⁶¹ Report of the Special Rapporteur on the independence of judges and lawyers on his mission to Peru (Un Special Rapporteur on the Independence of Judges and Lawyers), 3 November 1997, UN Doc. E/CN.4/1998/Add.1, para. 78.

⁶² Myanma Alinn, “Myanma Alinn Daily” 25 July 2022, Issue 61, Volume. 293, Page. 26, www.moi.gov.mm/mal/sites/default/files/newspaper-pdf/2022-07/myanmaalinn_25_07_2022.pdf

arrested. They told Amnesty International that they do not want to talk about their experiences with family members.

One of the former detainees told Amnesty International:

“I am worried they would arrest me again. I felt as if I was in a bucket full of maggots and suffocated in prison. After being released, I was scared to go to the toilet or shower alone. I have had nightmares of still being in prison. It is not just me. Everyone has experienced the same. I have trust issues. I no longer dare to trust others. We lost everything in our lives. Our lives have been significantly changed”.⁶³

All the former detainees Amnesty International spoke with strongly believe that they were imprisoned arbitrarily, and their human rights and dignity were taken away. Many people talked about not being able to share with their family members their experience in interrogation and prison. Some of them expressed that they cannot enjoy life outside of the prison as it reminds them of the harsh conditions their friends, who remain imprisoned, are still facing. Many of them had their lives disrupted and were forced to leave their homes and family in fear of re-arrest by the military.

One woman former detainee said:

“I had to leave my one-year-old baby and flee. I have psychological trauma and could not sleep at night. I have nightmares. I am scared when I see police cars and lights at night. I have to stay separated from my family. I cannot go back to my previous job and cannot continue working like before. I had problems because we had to sleep on the cement floor. I got kidney problems due to insufficient water consumption while detained. Mentally, it affected me to that point that I can still hear their words”.⁶⁴

Many of those interviewed by Amnesty International said that the only solution to end these human rights violations and bring justice to victims and survivors is to defeat the Myanmar military and for the country to break free of its stranglehold. Survivors emphasized that the Myanmar military must be held to account for their crimes.

As one former detainee told Amnesty International:

“To find justice for those victims, we need to win this revolution and abolish all forms of dictatorship. If we could remove the military dictators but end up with another form of dictatorship, we would not be able to find justice for them. Therefore, we need to win this revolution against all forms of dictatorships. Only then would we be able to identify the people responsible for those human rights violations and provide a remedy for the victims”.⁶⁵

4. CONCLUSION AND RECOMMENDATIONS

The dire human rights situation in Myanmar is the direct result of a broader failure by the international community to hold the Myanmar military to account for its past crimes. Torture and other ill-treatment by the Myanmar military and other security forces in the country are experienced every day by more and more people who express dissent and criticism after the 01 February 2021 coup. These human rights violations will continue if the pervasive and widespread impunity is not uprooted, and the country set on a path where the Myanmar military is made accountable for its past and present crimes, and a culture of promotion and protection of human rights is established in society.

The Myanmar military must stop torture and other ill-treatment of any person in detention by publicly condemning all forms of torture and other cruel, inhuman or degrading treatment or punishment. The Myanmar military should be unequivocal in its message that such acts will not be tolerated, whatever the circumstances, and that perpetrators will be brought to justice, irrespective of their rank or position.

⁶³ Interview in person with Ma Htoo, former detainee at Insein Prison, Yangon Region, 15 March 2022

⁶⁴ Interview by voice call with Ma Su, former detainee at an unknown interrogation centre in Yangon, Yangon Region, 21 March 2022.

⁶⁵ Interview by voice call with Ma Aye Myat, a lawyer from Yangon, 21 March 2022.

Amnesty International also recommends the following specific measures to be adopted as a matter of priority:

4.1 TO THE STATE ADMINISTRATION COUNCIL (SAC)

- Immediately cease the use of repressive laws to harass, intimidate, arrest, prosecute, or imprison human rights defenders, activists, journalists and others simply for exercising their human rights.
- Immediately release all those detained or imprisoned solely for the peaceful exercise of their human rights and drop all charges pending against those who are facing imprisonment solely for the peaceful exercise of these rights. The criminal records of all those convicted solely for the peaceful exercise of their rights must be expunged;
- Immediately end and prevent further crimes under international law and other human rights violations, including all forms of torture and other cruel, inhuman or degrading treatment or punishment;
- Immediately provide the families of all individuals arrested and detained in connection with the security force operations across Myanmar prior to and after 1 February 2021 with full information about their fate and whereabouts. Ensure that all detainees are immediately released, unless they are charged with internationally recognizable offences and remanded by an independent, civilian court into custody in official places of detention where they would have regular, frequent access to family and lawyers of choice and be treated in full compliance with the Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and other international law and standards;
- Ensure that all instances of detention comply with international human rights law and standards, including by detaining individuals only in official places of detention with prompt access to lawyers of their choice, their family, adequate medical care and independent courts by ensuring that all interviews are monitored and take place in the presence of the detainee's lawyer;
- Ensure access to medical examinations and services at the time of admission into detention, throughout the period of detention, including upon and following transfers, at the time of release;
- With regard to detention of women, girls, and lesbian, gay, bisexual and transgender persons, fully and expeditiously implement the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules) to address the gender-specific needs and circumstances of these detainees;
- Ensure that, should detainees be placed on remand instead of being released, the authorities responsible for interrogating detainees are distinct from the authorities responsible for detention;
- Order prompt, impartial, independent, and effective investigations into all allegations of all forms of torture and other cruel, inhuman or degrading treatment or punishment committed by the members of the military and other forces under its command. Where there is sufficient, admissible evidence, bring those reasonably suspected of individual criminal responsibility, including command responsibility, to trial in proceedings which meet international standards of fairness without recourse to the death penalty;
- Facilitate a visit to Myanmar by the UN Special Envoy and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and other relevant mandate holders and ensure that they have access to all detention facilities and detainees in Myanmar, including unofficial places of detention and all detention centres in the country.

4.2 TO THE UNITED NATIONS SECURITY COUNCIL

- Refer the situation in Myanmar to the International Criminal Court;
- Impose targeted financial sanctions against senior officials suspected of responsibility for crimes under international law and serious violations, including in the context of repression of dissent against the 1 February 2021 coup;
- Take immediate action to assess progress on accountability for past and ongoing human rights violations in Myanmar;
- Hold regular, open meetings on the situation in Myanmar and adopt a resolution or resolutions, as necessary, that send an unambiguous message to the Myanmar military about the need to allow unrestricted access for humanitarian aid, independent investigators, including the Independent Investigative Mechanism for Myanmar (IIMM); and

- Impose a comprehensive global arms embargo on Myanmar that covers the direct and indirect supply, sale or transfer, including transit, trans-shipment and brokering of all weapons, munitions, and other military and security equipment, and the provision of training and other military and security assistance; the embargo should cover law enforcement equipment and dual use of goods, such as surveillance technologies, used for internal repression; be strictly monitored and include robust enforcement mechanisms;

4.3 TO THE NATIONAL UNITY GOVERNMENT (NUG)

- Continue efforts to support justice and accountability for crimes under international law committed across Myanmar, in line with the NUG's Article 12(3) declaration that was announced in August 2021, including by cooperating fully with the ICC Prosecutor's Investigation into alleged crimes within the ICC's jurisdiction in the Situation in Bangladesh/Myanmar as well as with the Independent Investigative Mechanism for Myanmar (IIMM), the Special Rapporteur on the situation of human rights in Myanmar, and the Office of the High Commissioner for Human Rights (OHCHR).

4.4 TO THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN)

- Unequivocally condemn all human rights violations in Myanmar, including all forms of torture and other cruel, inhuman or degrading treatment or punishment, and continue to call for the release of all individuals who are arbitrarily detained; and
- Direct the ASEAN Intergovernmental Commission on Human Rights (AICHR) to develop a common approach to ensure that all engagement with Myanmar considers and addresses human rights concerns, in accordance with the AICHR's mandate in Section 4.11 of its Terms of Reference. This common approach should be adopted by the ASEAN as a detailed blueprint to end ongoing human rights violations in Myanmar, including all forms of torture and other cruel, inhuman or degrading treatment or punishment committed by the military and other forces under its command.

4.5 TO ALL STATES

- Exercise universal and other forms of jurisdiction to investigate any person who may reasonably be suspected of committing crimes against humanity, war crimes or other crimes under international law in Myanmar. Where there is sufficient admissible evidence, prosecute the suspect in proceedings that meet international standards of fairness and that do not involve seeking or imposing the death penalty, or extradite the suspect to a jurisdiction that will do so.

Amnesty International is a movement of 10 million people which mobilizes the humanity in everyone and campaigns for change so we can all enjoy our human rights. Our vision is of a world where those in power keep their promises, respect international law and are held to account. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and individual donations. We believe that acting in solidarity and compassion with people everywhere can change our societies for the better.

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15 DAYS FELT LIKE 15 YEARS

15 days felt like 15 years is a part of a series of reports documenting the human rights violations committed by the Myanmar military following the 1 February 2021 coup. Among the ten incidents examined in this report, Amnesty International found multiple human rights violations including the right to freedom from torture or cruel, inhuman or degrading treatment or punishment.

The Myanmar military must stop torture and other ill-treatment of any person in detention by publicly condemning all forms of torture and other cruel, inhuman or degrading treatment or punishment. The Myanmar military should be unequivocal in its message that such acts will not be tolerated, whatever the circumstances, and that perpetrators will be brought to justice, irrespective of their rank or position.

Every day in Myanmar, someone is arrested simply for expressing opposition or dissent, adding to the number of people detained since the coup. This number keeps growing, even as Myanmar's military attempts to project an air of normalcy to the outside world. The Myanmar military must be stopped and held accountable for their crimes. All prisoners accused and imprisoned for peacefully exercising their rights must be released immediately. The international community cannot keep turning a blind eye to what is happening. It must open its eyes to the daily suffering, help victims receive justice, and stand with the people of Myanmar.

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