

Legacies of Detention in Myanmar

Introduction

In 2015, when this project was designed, the world was watching Myanmar in anticipation that upcoming elections might signify a consolidation of democracy and an end to the military's decades-long grip on political power. At this time Myanmar was the paradigmatic example of a state in transition. Our project set out to explore how the relationship between the state and its subjects might be changing given these developments. As experienced prison scholars we identified the prison and the criminal justice system as a key site through which to analyse the anticipated political transition. Our aim was to explore how the penal system would respond to the political thaw and the ways in which historically embedded prison practices contribute to or detract from the establishment and maintenance of democracy.

We adopted a social scientific ethnographic methodology knowing that this was a relatively unused approach in Myanmar. Our project aimed to develop the capacity of Myanmar based researchers to benefit from this indepth approach that relies on systematic observation and privileges people's own perspectives on their experience. We aimed to develop new ways of thinking about the relationship between prisons and society in Myanmar and new ways of doing collaborative research informed by an ethnographic sensibility. We chose to focus on experiences, technologies and politics as potentially rich analytic entry points. Two Phd projects were conducted that shed new light on political prisoners' prison and post-prison experience; as well as the ways political imprisonment continued to be used during the so-called transitional period. Collaborative case studies were conducted on prisoners' contact with the outside world; gender and imprisonment; and everyday prison governance – understood as the organisation and regulation of everyday prison life. Each of these case studies was based on interviews with former prisoners. Additionally, post-doctoral research focused on technologies of imprisonment and their death-inducing and air-denying qualities; and another sub-project focused on the way former prisoners who ended up politicians had become politicised and on their attitudes to imprisonment.

Results

Overall goals were somewhat compromised by the COVID pandemic and the military coup, a surprising event that tragically demonstrated the close relationship between state power and the criminal justice system and made our project even more pertinent.

One overall result is that research of this kind IS possible even under the constraints of a historically embedded suspicion of outsiders, the novelty of the approach, and the challenges posed by COVID and the coup. Research collaborators welcomed the ethnographic approach, and it combined well with their knowledge of law and position as lawyers.

The project has revealed the deep roots of prison harm in Myanmar that today can affect anyone who might express dissent or otherwise disagree with the military regime. It has deliberately cast light on the experience of ordinary prisoners, not only those prosecuted for political actions. While the democratic transition created a façade of openness and opportunities for reform, in hindsight, we see that hopes for change were likely illusory. This has been demonstrated by the speed at which the criminal justice system has been weaponized and once more become an explicit tool of repression.

Our research has revealed the violent exchanges and dependencies that are characteristic of prison life and the ways prisoners are differentiated from one another from the moment they

arrive in the prison. Access to resources (money, kin, friends) is a key mitigating factor determining how survivable prison life will be. We have also shown how prison is a gendered experience and tried to explain why Myanmar imprisons more women than anywhere else in the world (proportionally) – a combination of the criminalisation of poor women’s survival behaviours and highly patriarchal social norms.

Innovative concepts developed include *penal duress*, *proxy governance*, and an approach to understanding the contemporary *revolutionary situation* by examining *prison protests*.

Research collaborators speak highly of the learning by doing ‘apprenticeship’ model that we adopted to mutual capacity building. Armed with humility and a desire to learn together we have illustrated some of the benefits of creating a team made up of lawyers and ethnographers.

Conclusions

Imprisonment is a political phenomenon that plays a central role in practices of state formation. Prisons reflect societies’ values and histories. Prisons are driven by and generate inequalities, and reform will always be an uphill task even during times that look conducive. Prisons are inevitably more regressive than progressive institutions. Perhaps some of the energies that are invested in trying to humanise prisons while ignoring their endemic and often long-standing and enduring punitive logics might be better invested in trying to promote positive versions of justice and alternative approaches to mitigating harm. More attention should be paid to the ways criminalised populations are rendered vulnerable to punitive state power and ways they might be protected.

While our attempt to build bridges between academia, civil society, and state officials were thwarted by first COVID and then the coup we retain faith in this strategy – at least under circumstances of relative peace. It is not a viable strategy during the present moment of polarised revolutionary conflict.

Recommendations

The people of Myanmar should not be forgotten at this time of revolutionary struggle. Investments in research and capacity building can be maintained even under extremely constrained circumstances. There are potential collaborators still in country yearning to learn and to put knowledge to work. Demands made of collaborators must be realistic and flexible.

Reformers and development policy actors should pay more attention to the voices of occupants of prisons (prisoners and staff) and more attention to the everyday exchanges and struggles that characterize prison life and reveal the degree to which it is embedded in social norms and social histories.

Reformers and development policy actors should similarly be wary of creating categories of ideal victims when they privilege political prisoners for support or advocacy efforts. All prisoners subject to the repressive harms of penal practice are worthy of compassion and deserving of recognition.