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17/07 2014 5:47 PM FAX 0041227327377	MISSION OF MYANMAR			☑ 0001/0002



Permanent Mission of the Republic of the Union of Myanmar
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No.37 & 13-27/91

17 July 2014

Dear Sirs and Madams,

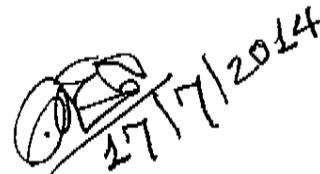
I would like to refer to your letter dated 17 March 2014, concerning the allegations in connection with the case of Thaw Zin.

I have received the following information from the authorities concerned on the aforementioned matter:

- Thaw Zin organized processions and staged protests in Sarlingyi township on 29 January 2012, 12 February 2013, 13 March 2013 and 29 March 2013 without acquiring approval to do so. The township administrator filed a case against him in Sarlingyi Myoma township police station under Article 18 of the Peaceful Gathering and Procession Law. Thaw Zin was on the run without facing the charge.
- On 30 December 2013, the President Office issued Order (51/2013), pardoning those being convicted and prosecuted under seven kinds of offenses. Accordingly, the charges against Thaw Zin were dropped.
- On 23 April 2013 at 0745, a group of 70 people, including Thaw Zin, trespassed on the restricted Latpadaungtaung cooper mine project area, under article 144 of the Code of Criminal Procedure, with 2 carts, 23 cattle and plowed the land.
- Furthermore, Thaw Zin incited the villagers in Sarlingyi township to commit offences against the public tranquility. Thaw Zin provoked the villagers by means of putting roadblocks to deter the vehicles entering the village roads, obstructing the construction of fences at Latpadaungtaung copper mine project, trespassing on the project areas and staging protests with a group of people. On 11 February 2014, the Sarlingyi township police commander filed against him under article 505(b) of the Penal Code at Sarlingyi Myoma police station. Furthermore, he was charged under article 447 of the Penal Code for trespassing, article 143 of the Penal Code for his involvement in unlawful assembly and article 188 of the Penal Code for non-compliance with an order promulgated by a public servant lawfully.
- Thaw Zin was arrested in accordance with article 151 of the Code of Criminal Procedure, which states: "A police-officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented."

- He was charged under article 505(b) of the Penal Code which cannot grant bail together with other charges.
- In Myanmar, the Peaceful Gathering and Peaceful Procession Law was adopted by the Union Parliament on 2 December 2012. Since then, peaceful gatherings and peaceful processions were allowed in accordance with the law in Sagaing Division. In 2013, a total of 31 peaceful gatherings and peaceful processions against Lapadaungtaung cooper mine project were allowed. Meanwhile, actions were taken against those whose activities violated the existing laws. There is no intimidation against human rights defenders.

Please accept, Sirs and Madams, the assurances of my highest consideration.

A handwritten signature in black ink, followed by the date '27/7/2014' written vertically to the right of the signature.

(Maung Wai)

Ambassador and Permanent Representative

Mr. Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

Mr. Frank La Rue
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Mr. Maina Kiai
Special Rapporteur on the rights to freedom of assembly and of association

Ms. Margaret Sekaggya
Special Rapporteur on the situation of human rights defenders

Ms. Yanghee Lee
Special Rapporteur on the situation of human rights in Myanmar