



Permanent Mission of the Republic of the Union of Myanmar
to the United Nations Office and other International
Organizations in Geneva
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15 August 2013

Dear Sirs and Madam,

I would like to refer to your letter of 16 July 2013, with regard to the allegation of arbitrary arrest and detention of Wai Phyo, Secretary of the NGO “Generation Wave”.

I have received the following information from the authorities about the aforementioned matter:

- On 12 August 2011, Wai Phyo (aka) Wai Phyo Aung (aka) Gali (aka) Thura (aka) Pantaung, son of U Aung Thaw, and two other people stuck up the unregistered vinyl posters, each with a measurement of 6x4 feet, on the awareness raising posters belonging to the nationwide public campaign to get rid of plastic grocery bags. They first did this at three locations in Pyay. Subsequently, they did the same thing at two other locations that are located along the Pyay-Paukkhong Highway and the Pyay-Yangon Highway. They did these things in contravention of Section 17/20 of the 1962 Printers and Publishers Registration Law.
- On account of the above offence, Wai Phyo, son of U Soe Thein, and Zarni (aka) Zarni Tun, son of U Tin Ngwe, were arrested and charged under Section 17/20 of 1962 Printers and Publishers Registration Law.
- They were found guilty and sentenced to pay a fine of Myanmar Kyats 30,000 each. They paid the fines and got their release
- Another Wai Phyo, son of U Aung Thaw, eluded arrest and absconded. On 2 February 2012, the court confirmed him as a fugitive.
- On 10 July 2013, an informant gave a tip-off to the Pyay Township Police Force that one Wai Phyo was staying at the Sweet Golden Land Hotel there. Acting on the tip-off, the police force found out that he was Wai Phyo, the fugitive. He was arrested and remanded in custody from 10 to 24 July 2013.
- Wai Phyo, son of U Aung Thaw, was declared as a fugitive under Section 17/20 of 1962 Printers and Publishers Registration Law, which does not allow to grant a bail. Therefore, a remand in custody was obtained from the court.
- The Pyay Township Court is still hearing the case.
- The allegations of arbitrary arrest of Wai Phyo, son of U Aung Thaw, are not true.

- Measures taken against Wai Phyo, son of U Aung Thaw, are in accordance with the legal procedures that are in line with international standards.

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

A handwritten signature in blue ink, followed by the date '15/8/2013' written in blue ink.

(Maung Wai)
Ambassador and Permanent Representative

Mr. Tomas Ojea Quintana
Special Rapporteur on the situation of human rights in Myanmar

Mr. El Hadji Malick Sow
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