



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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22 July 2013

Dear Sirs and Madams,

I would like to refer to your letter of 11 June 2013, with regard to the alleged excessive use of force by law enforcement officials against the Bengali community protesting against the construction of new temporary housing in their village in Rakhine State.

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

Facts on the alleged case

- On 4 June 2013, while workers from the Lattma Bengali Village were carrying construction materials for building relief quarters in Pu Rein Village, a group of 400 unruly people came and attacked the workers and the members of security forces by throwing at them stones, sticks, knives, slingshots and homemade weapons. 13/14 men led the group, putting women and children at the front as human shields. The workers and the security forces were on the run. The unruly group confronted the security forces from only 100 yards away and blocked them from three sides. The other side is a cliff. The security force gave warnings to the group for three times to stop their violent activities. However, they did not listen and, therefore, the security forces made seven warning shots into the air.
- Despite the warning shots, the Bengali group got bolder, getting closer to the 32 workers. The group came within 20 yards of the security forces and threatened their lives. The group armed with slingshots, homemade iron crossbows, sticks and knives, was shouting in Bengali, "We don't want construction materials", "Don't bring them", "We don't want soldiers and police, kill them", "We will kill [REDACTED] who helps them", "We will kill the 32 workers".
- The security forces warned the Bengali group for three times not to come much closer. However, the group became more hostile and threatened the lives of the workers and the security forces. Inevitably, situation, the security forces made three shots and broke their way out of the mob rule.
- With regard to the construction of relief shelters, 100 families from Pu Rein North Village were against it and 400 families from Pu Rein

South Village were for it. 13/14 men from Pu Rein North Village gathered a mob and began to incite its members; they themselves stayed in the back while putting women and children at the front as human shields. The unruly mob, with 400 people, who carried sticks, knives and weapons attempted to assault [REDACTED] and the villagers from Pu Rein South Village (Bengali village), the workers from Lattma Village (Bengali village) and the members of the security forces. Under the circumstance, it was unavoidable to use force to disperse the unruly mob.

Complaint

- There is no complaint lodged by the accused or the others on their behalf neither at Township General Administration Department nor at police stations in Mrauk Oo Township. However, on 6 June 2013, a mob with sticks, knives and spears came into the house compound of [REDACTED] and attacked her. She was injured in the head, knee, legs and arms. She also got a stab wound on the left chest. Therefore, her son, [REDACTED] lodged a complaint against the twelve perpetrators including [REDACTED]. A case was filed with the Myanmar Police Station under Section 452/326/294/506/114 of the Penal Code.
- Police Lieutenant [REDACTED] made a complaint against the rioters, who were involved in the incident. A case was filed with the Myoma Police Station under Section 147/148/353/506 of the Penal Code.

Use of force

- On 4 June 2013 at 1415, 32 Bengali workers from Lattma Village were carrying construction materials from the boat to the shore for use in building 26 living quarters in Pu Rein Bengali Village of Mrauk Oo Township. Meanwhile, a group of 400 people from Pu Rein Village gathered and stopped the work by throwing stones, slingshots and other homemade iron weapons at the workers and the security forces and threatened to kill them. The security forces gave warning for three times to disperse, however, they became more hostile and the situation was getting out of control.
- Squad Unit (3) of Riot Platoon Unit (5) Rakhine Police Force led by Lieutenant [REDACTED] fired two shoots and a team led by Lieutenant Colonel [REDACTED] from Battalion No (289) fired one shot. They broke their way out of the mob and moved to the outside of the village. The hostile mob followed and attacked them before they got out of the village.
- The security forces warned the mob to disperse. However, the mob became hostile and threatened the lives of the security forces. The size of the security forces was much smaller than the mob. Therefore, in accordance with the riot control procedures, force was used.

Investigations

- Rakhine State Police Force established a tribunal and made investigations into the case. No penal, disciplinary or administrative sanction has been imposed as the force was used inevitably for self-defense purposes. It was not excessive. It was consistent with riot control procedures.
- Information from responsible authorities from Township Medical Department, Township General Administration Department and Township Police Force has been collected to form a tribunal led by a Tactical Operation Commander of Tactical Operation Command No.2 under Military Operation Command No.5.

Medical care

- Emergency medical care to the injured persons was provided by a Medical Warrant Officer from Battalion No. (289) and three dead people were buried well. Three among six injured people were sent to Sittway Hospital with the help of two ICRC vehicles. Township administrator offered 50,000 kyats and District administrator provided 100,000 kyats to [REDACTED] who was injured seriously.

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


22/7/2013

(Maung Wai)

Ambassador and Permanent Representative

Mr. Tomas Ojea Quintana

Special Rapporteur on the situation of human rights in Myanmar

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 peaceful assembly and of association

Ms. Margaret Sekaggya

Special Rapporteur on the situation of human rights defenders

Ms. Rashida Manjoo

Special Rapporteur on violence against women, its causes and consequences

Mr. Juan E. Mendez
Special Rapporteur on torture and other cruel, inhuman or degrading treatment
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Mr. Chirstof Heyns
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23 JUL. 2013

Recipients :.....ASIA.....
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