



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

Tel. (41-22) 906-9870, 906-9871. (41-22) Fax. 732-8919

24 May 2013

Dear Sirs,

I would like to refer to your letter of 3 April 2013 regarding the detention  
of four Bengali men in Rakhine State.

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

Please accept, Sirs, the assurances of our highest consideration.

OHCHR REGISTRY

24 MAY 2013

Recipients: *SPB*  
*S. Sidone (Incl.)*  
*D. Calliaghe*

*(Maung Wai)*  
24/5/2013

Ambassador/Permanent Representative

Mr. Tomas Ojea Quintana

United Nations Special Rapporteur on the situation of human rights in Myanmar

Fax: 022 928 9018

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Mr. El Hadji Malick Sow

Chair-Rapporteur of the Working Group on Arbitrary Detention

Mr. Anand Grover

Special Rapporteur on the right of everyone to the enjoyment of the highest  
attainable standard of physical and mental health

Mr. Juan E. Mendez

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or  
punishment

TIME RECEIVED	REMOTE CSID	DURATION	PAGES	STATUS
May 24, 2013 4:42:09 PM GMT+02:00	+41 22 732 73 77	93	3	Received
24/05 '13 16:53 FAX +41 22 732 73 77	MYANMAR MISSION GENEVA			001



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24 May 2013

Dear Sirs,

I would like to refer to your letter of 3 April 2013 regarding the detention of four Bengali men in Rakhine State.

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

- [REDACTED] (alias) [REDACTED] undertook a task to construct temporary shelters for Bengali IDPs in Ohn Daw Chay village, Say Tha Mar village Tract, Sittwe Township.
- On 28 February 2013, at 0900 hrs, a brawl broke out between [REDACTED] (alias) [REDACTED] and Mr. [REDACTED] (land owner). The incident occurred due to the encroachment of the construction work on Mr. [REDACTED]'s land.
- At 1100 hrs on the same day, the family members of Mr. [REDACTED] destroyed some portions of the shelter and a latrine, which were under construction by [REDACTED].
- [REDACTED] (alias) [REDACTED] reported the incident to the local Border Security Force (Nasaka) station No. 29. The personnel from Border Security Force attempted to arrest those who were involved in the destruction of the shelter. During the attempted arrest, the officials faced hostile attacks from the accused and those accompanying him. Therefore, the security officials opened fire to deter them. Zafawa Ahmed, Nawbi Hussein and Mohammed Shawrif were injured. One member of the Border Security Force suffered injuries during the said incident.
- Officials at No. 1 Police Station in Sittwe have opened a case under the Section 333/114 of the Penal Code. On 2 March 2013, four (Zafawr Ahmed, Nawbi Hussein, Mohammed Shawrif and Rahametullah) out of the five accused were arrested. The remaining defendant, known as [REDACTED], is still on the run avoiding arrest.
- On 20 March 2013, the four detainees were brought before Sittwe Township Court. They were charged under Section 427/332/114 of the Penal Code. [REDACTED], who is evading arrest, was also charged under section 427/332/114 and 512 of the Penal Code.

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- The four detainees are being held at Sittwee Prison by order of the High Court. They are in good health. They have access to lawyers, medical care and family visits in accordance with the prison procedures.
- The security forces fired warning shots to deter the hostile attacks committed by the accused persons.
- The authorities concerned have not received any complaints filed by the accused or by others on their behalf. In the absence of such complaints, no investigation was conducted about the incident.
- Proper medical care was provided to the injured persons. After proper medical treatment, two defendants were released from Sittwe Hospital at 2100 hrs on 28 February 2013. Another defendant, Nawbi Hussein, was also released from the hospital at 1100 hrs, on 1 March 2013.
- During their detention at the prison, they were provided with medical care. Whenever necessary, they were given access to medical care at Sittwe Township Hospital.
- Out of five accused persons, four were charged at the Sittwe Township Court. One defendant is declared as fugitive.
- The reason for charging the four defendants under section 333 of the Penal Code is that they committed assaults on the police personnel on duty. Therefore, the No.1 Police Station filed a case under section 427/332/114 of the Penal Code. Actions being taken against them are in line with international norms.

Please accept, Sirs, the assurances of our highest consideration.

  
(Maung Wai)  
24/5/2013

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