



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

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/ 3 JUL 2013

Recipients: *S.P.*
S. U. U. U. U.

1 July 2013

Dear Sirs and Madam,

I would like to refer to your letter of 2 May 2013, regarding the alleged cases of arbitrary arrest and detention, ill-treatment and forced eviction of farmers from their land in the Letpadaung copper mine area.

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

- The police dispersed the group of people not because of they had refused compensation from the owners of the Letpadaung copper mine but because they occupied the area where no one can enter except authorized persons under section 144 of the Code of Criminal Procedure. The police dispersed the group in accordance with the provisions of sections 127 and 128 of the Code of Criminal Procedure which mention any officer in charge of a police-station may command any unlawful assembly likely to cause a disturbance of the public peace to disperse and if, upon being so commanded, any such assembly does not disperse, any officer in charge of a police-station may proceed to disperse such assembly by force.
- At 10 am on 25 April 2013, a group of seventy people, from Sintae old village gathered at the restricted area. They came with sticks, knives, slingshots and stones. While Police Lieutenant Colonel [REDACTED] from the Monywa District Police Force was warning the group to leave the area, the villagers came close to the policemen. One man attempted to attack with knife while the women attacked with sticks. However, no injuries were inflicted because the policemen moved backward. They moved 50 feet back. As the villagers kept throwing stones at them, the police fired six shots into the air. The villagers moved 20 feet back and they again threw stones and slingshots. The situation became more dangerous as the group flung plastic fire bombs at the policemen. The police fired another twelve shots into the air. They fired three shots with rubber bullets as the villagers continued to attack the police.
- Meanwhile, three villagers seized Police Second Lieutenant [REDACTED]. They released him after hearing the four warning shots. Because of the rubber bullet, a villager, namely, U [REDACTED] was

injured in the arm and rib and hospitalized. Necessary medical care was provided to him.

- Seven villagers led by [REDACTED] and [REDACTED] together with Aung Soe and Ba Htoo from the Yangon Peoples' Support Network and Thaung Htike Oo from the Yangon University of Arts and Science entered the restricted area. They brought in an ox cart carrying palm branches and bamboo poles. The Monway District Police Commander warned the group for three times to disperse. However, more people gathered.
- When Aung Soe from the Yangon People's Support Network was arrested for inciting the villagers to launch hostile actions against the security forces, the villagers took him back and threw stones and slingshots at the police. The District Police Commander, together with three police officers and two other ranks, were injured during the incident. [REDACTED] and [REDACTED] from Sintae old village were hospitalized at Monywa Hospital.
- Aung Soe was charged under Penal Code Section 295(a)/117. [REDACTED] and [REDACTED] were charged under Penal Code Sections 333/447/143/188/34. The Sarlingyi Court granted remand and they were brought to Monywa prison on the same day. It is not true that they were sent to Wanbao Company Building.
- 15 police personnel including one Police Colonel, one Police Lieutenant Colonel, two Police Commanders, one Police Second Lieutenant, one Police Sergeant, nine Police Corporals suffered injuries and they were hospitalized.
- Aung Soe, Ba Htoo, [REDACTED], Ko Latt, Thaw Zin, Ko Thu, Han Win Aung and Thaung Htike Oo were declared wanted by the Sagaing District Police Commander on the charges made by Sarlingyi Police Station for the illegal activities in 2012 and 2013. Section 176 of the Penal Code stipulates that whoever fails to provide information shall be punished for six months imprisonment. Section 212 of the Penal Code stipulates that whoever harbours or conceals shall be punished for imprisonment. The declaration was made to accomplish a successful police work with the participation of people for public interest, the rule of law and tranquility and to ensure that people are aware of the aforementioned law. And it is in accordance with Sections 176, 202 and 212 of the Penal Code.
- Aung Soe, [REDACTED] and [REDACTED] were arrested on 24 April 2013. They were detained temporarily in Monywa Prison, not at Nyaungpingyi Police Station. Three of them were arrested for violation of Section 144 of the Code of Criminal Procedure.
- No complaint has been made to the Township Police Force and the local administrative organizations by themselves or on behalf of them. Aung Soe has been remanded by Sarlingyi Court on the charges under Section 295/295(a)/117 of the Penal Code. [REDACTED] and [REDACTED]

have been remanded by Sarlingyi Court on the charges under Section 333/447/143/188/34 of the Penal Code. They were sent to Shwe Bo Prison.

- The following individuals appeared in Sarlingyi Court on 9 May 2013. Details of the charges against them are as follows:

- Aung Soe (Son of [REDACTED]) has been charged under Section 295/295(a)/117 of the Penal Code with the case no. 229/13 (Yar Gyi 229/13);
- Aung Soe (Son of [REDACTED]) has been charged under Section 117 of the Penal Code with the case no. 230/13 (Yar Gyi 230/13);
- Aung Soe (Son of [REDACTED]) has been charged under Section 117 of the Penal Code with the case no. 231/13 (Yar Gyi 231/13);
- Aung Soe (Son of [REDACTED]) has been charged under Section 117 of the Penal Code with the case no. 232/13 (Yar Gyi 232/13);
- Aung Soe (Son of [REDACTED]) has been charged under Section 143/147/500 of the Penal Code with the case no. 225/13 (Yar Gyi 225/13);
- Aung Soe (Son of [REDACTED]) has been charged under Section 447/143/342/341/323 of the Penal Code with the case no. 226/13 (Yar Gyi 226/13);
- Aung Soe (Son of [REDACTED]) has been charged under Section 18 of the Peaceful Assembly and Procession Law with the case no. 231/13 (Yar Gyi 227/13);
- Aung Soe (Son of [REDACTED]) has been charged under Section 333/447/143/188/34 of the Penal Code with the case no. 231/13 (Yar Gyi 228/13).

- The following fugitives have been filed with the Sarlingyi Township Court for prosecution:

- Han Win Aung (Son of [REDACTED]) and [REDACTED] (Son of [REDACTED]) have been charged under Section 295/295(a)/117/512 of the Penal Code with the case no. 9/13 (Yar Thay 9/13);
- Han Win Aung (Son of [REDACTED]) and [REDACTED] (Son of [REDACTED]) have been charged under Section 117/512 of the Penal Code with the case no. 10/13 (Yar Thay 10/13);
- Han Win Aung (Son of [REDACTED]) has been charged under Section 117/512 of the Penal Code with the case no. 11/13 (Yar Thay 11/13);
- Han Win Aung (Son of [REDACTED]) has been charged under Section 117/512 of the Penal Code with the case no. 12/13 (Yar Thay 12/13);

- Han Win Aung (Son of [REDACTED]) has been charged under Section 143/147/500/512 of the Penal Code with the case no. 13/13 (Yar Thay 13/13);
- Han Win Aung (Son of [REDACTED]) has been charged under Section 447/143/342/341/323/512 of the Penal Code with the case no. 14/13 (Yar Thay 14/13);
- Han Win Aung (Son of [REDACTED]) has been charged under Section 18/512 of the Peaceful Assembly and Procession Law with the case no. 15/13 (Yar Thay 15/13);
- Han Win Aung (Son of [REDACTED]), [REDACTED] (Daughter of [REDACTED]) and [REDACTED] (Daughter of [REDACTED]) have been charged under Section 333/447/143/188/34/512 of the Penal Code with the case no. 16/13 (Yar Thay 15/13);
- The abovementioned measures have been undertaken in accordance with the law. No disciplinary or administrative sanctions have been imposed.
- The Myanmar National Human Rights Commission has not taken up the case.

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



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

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

Mr. Juan E. Mendez
Special Rapporteur on torture and other cruel, inhumane or degrading treatment or punishment