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

No. 269/3-27/ 91

15 May 2015

Dear Madam and Sir,

With reference to your letter UA Myanmar 2/2015 dated 6 March 2015, we would like to provide our observations as follows:

- The points alleged in the summary do not reflect the true situation.
- The “student protesters” did not conduct a peaceful protest. Bent on discrediting the government and smearing its public image, they did wrongful acts such as giving talks, making incitements, making media announcements and engaging in the long-range protest marches. Out of about 150 “student protesters”, there were only 28 genuine students; the rest were former students, students of distance education and rootless individuals who were non-students. The last category made up the majority.
- Ever since they had started out from Mandalay, the “student protesters” contravened the peaceful Assembly and Procession Law and Section 141 of the Penal Code. They were not organizing peaceful protests; rather, they were organizing unlawful assemblies.
- We reject the allegations of excessive use of force by the security forces to disperse the crowd. This is corroborated by the fact that, from the very beginning, the security forces were not equipped with riot control weapons such as tear gas, water cannons and rubber bullets.

We reject the following allegation:

- “On 3 March, the protestors attempted to leave the monastery and continue their march, but were blocked by up to 1,000 members of the security forces, some reportedly carrying firearms.”
- Only about 160 unarmed members of the security forces were posted there at the time.

We also reject the allegation that the protesters staged a hunger strike. Three hundred packets of fried noddle were brought in through the security gate and made available to the protesters.

We also reject the following allegation;

- "Police informers in civilian clothes infiltrated the protesters and provoked confrontations which resulted in the beating of one female student."

The right to peaceful assembly can be exercised by following the provisions of the Law Amending the Peaceful Assembly and Procession Law (Article 4 b). If an application is properly submitted, permission is granted under Article 8 of the said law without any objection.

The protesters were dispersed in accordance with Section 128 of the Code of Criminal Procedure and the Riot Control Manual.

The security personnel acted in conformity with international norms and standards. Making use of the expertise gained from the EU training courses, the security forces confronted the protesters, with the female personnel at the forefront and surrounded by their male counterparts from behind. The security personnel conducted 14 rounds of negotiations with the protesters from 3 to 10 March. But to no avail. To make matters worse, the protesters began to make chaos, to interfere in the duties of the security personnel and to cause bodily harm to them.

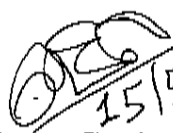
Due to the situation, the authorities took a legal action against the protesters.

The following were the legal grounds for preventing the protestors from continuing their march:

- Section 4 of the Peaceful Assembly and Procession Law states that citizens or organizations who would like to exercise the right to peaceful assembly and procession may do so after obtaining a permission from the township police chief by filing an application at least five days beforehand. The protesters had failed to fulfill this requirement.
- At the initial stage, the protesters' assembly was not unlawful. However, it had subsequently become an unlawful assembly (Vide Section 141 of the Penal Code).
- Under section 127 of the Code of Criminal Procedure, District/ Township administrator (or) officer in charge of a police station (or) police officer not below the rank of sub-inspector may command any unlawful assembly to disperse.

- If, upon being so commanded, any such assembly does not disperse any District/Township administrator (or) officer in charge of a police station (or) police officer not below the rank of sub-inspector may proceed to disperse such assembly by using civil force, and, if necessary, arresting and confining the persons who form part of it. (Section 128 of the Code of Criminal Procedure)
- Under Section 149 of the Code of Criminal Procedure, every police officer may interpose for the purpose of preventing, and shall, to the best of his ability, prevent the commission of any cognizable offence.

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


15/5/2015
(Maung Wai)

Ambassador and Permanent Representative

Ms. Yanghee Lee

Special Rapporteur on the situation of human rights in Myanmar

Mr. Maina Kiai

Special Rapporteur on the rights to freedom of peaceful assembly and of association