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No. 420/3-27/91

29 October 2013

Dear Sirs and Madame,

I would like to refer to your letter dated 22 July 2013, concerning a case of the death of Than Tun.

I have received the following information from the authorities concerned on the aforementioned matter:

- On 5 April 2013 at 1930 hrs, U Ni got a chest injury in a knife attack by Than Tun at new Kyarinn village, Dantthalun village-tract, Pandaung Township. The case was filed under section 324 of the Penal Code and Than Tun was granted a bill. According to the medical report of U Ni, the charge was changed into section 326 of the Penal Code. Accordingly, Than Tun was detained in Pandaung Police Station with the remand granted by the court from 20 May 2013 to 3 June 2013.
- Than Tun was an alcoholic and mentally disorder.
- On 22 May 2013, he himself hit his forehead and face with iron pole of the cell and climbed up and jumped from the iron pole while saying that he would commit suicide. He attacked back other inmates who tried to stop him. Duty Officer, Police Second Lieutenant Nay Lin Aung reported to the station commander and left him outside the cell with handcuff.
- He was restless and delirious. The police sent him to Padaung Hospital on the following day, 23 May 2013 at 0900 hrs. The doctor examined him and approved his death when he arrived to the hospital's portico. According to the post mortem examination, his death occurred for over bleeding in the lungs injured by broken right ribs.
- The death of Than Tun was filed as an inquest. The case was sent to the Padaung Township Court on 31 May 2013 and it found out that Than Tun was mentally disorder and trying to commit suicide, it was witnessed by the police and inmates and no one made him injured. The case was closed.
- Wife of late Than Tun, Daw Myint Htay lodged a complaint at the Padaung Township Court on 25 May 2013. The township judge

analyzed the complaint as a fraud and dismissed it. Daw Myint Htay submitted an amendment on the decision of the judge of the Padaung Township Court. The Pegu Region Court accepted the case on 14 August 2013 and has been hearing it.

- An investigation Commission chaired by Police Lieutenant Colonel Tin Aung Win from the Criminal Investigation Department, was formed and carried out investigation. The investigation found out that Than Tun died from the injuries made by himself. However, he was not sent to the hospital in time and kept him immovable made the situation worse. Actions have been taken against Police Lieutenant San Lin and Police Second Lieutenant Nay Lin Aung in accordance with the police disciplinary law. The investigation is still on at police court.
- No compensation was made to his family.

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



(Kyaw Moe Tun)
Chargé d'affaires a.i.

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

Ms. Magaret Sekaggya
Special Rapporteur on the situation of human rights defenders

Mr. Christof Heyns
Special Rapporteur on Extrajudicial, summary or arbitrary executions

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