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No. 516 /3-27/91

26 December 2013

Dear Sirs and Madam,

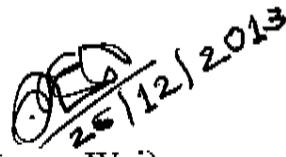
I would like to refer to your letter of 3 October 2013, with regard to the alleged targeting of peaceful demonstrators and human rights defenders opposing the Letpadaungtaung Copper Mine Project in Myanmar.

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

- On 13 August 2013 at 1400 pm, Naw Ohn Hla and thirty women gathered in front of the Myanmar Economic Bank in Monywa with a motive to stage a demonstration to demand that the State Constitution be abolished.
- The group was monitored by thirty police personnel including five female police officers. The police reminded them of the requirement to get a prior approval for the assembly and procession. However, Naw Ohn Hla and her group started a procession and, therefore, ten female police officers arrested ten women including Naw Ohn Hla.
- The case of ten women including Naw Ohn Hla was filed under Section 18 of the Peaceful Assembly and Peaceful Procession Law at the Monywa Myoma police station. They were granted bail in accordance with Section 170 (1) of the Code of Criminal Procedure by taking security from them for their appearance on a day fixed.
- Consequently, Naw Oha Hla was charged under Section 505(b) of the Penal Code and detained at the Monywa jail with the remand granted by the township court.
- The arrest of ten women including Naw Ohn Hla was conducted in accordance with Section 46 under Chapter V of the Code of Criminal Procedure which states as follows:
 - (1) In making an arrest the police-officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.
 - (2) If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such police-officer or other person may use all means necessary to effect the arrest.
 - (3) Nothing in this section gives a right to cause the death of a person who is not accused.

- On 29 August 2013, Naw Oha Hla was sentenced to a two-year imprisonment by the Monywa township court under Section 505(b) of the Penal code.
- She was given a proper medical care and attention by a prison doctor while she was in the Monywa jail. On 9 November 2013, she was transferred from Monywa to Mandalay prison to receive further medical care.
- It is found out that Naw Oha Hla was able to receive prison visits like other prisoners on fixed dates. There was no restrictions imposed on her.
- Naw Oha Hla was released on 25 November 2013 under the amnesty granted by the President of the Republic of the Union of Myanmar.

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



(Maung Wai)

Ambassador and Permanent Representative

Mr. El Hadji Malick Sow
Chair-Rapporteur of the Working Group on Arbitrary Detention

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 assembly and of association

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

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