



Permanent Mission of the Republic of the Union of Myanmar
to the United Nations Office and other International
Organizations in Geneva
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26 July 2013

Dear Sirs,

I would like to refer to your letter of 7 June 2013, with regard to the arrest of seven individuals between 26 and 29 April 2013 in Thetkalpyin Village of Sittway.

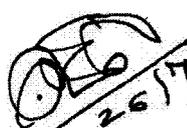
I have received the following information from the authorities about the aforementioned matter:

- To fulfill basic needs of IDPs in Rakhine State, a combined group of public servants led by U Yan Aung Myint, a staff officer from the Department of Immigration and National Registration, took a field trip to implement the plan namely, Swey, Tin, Sit, on 26 April 2013. The officials arrived at Thetkalpyin Village in Sittway at 0945 hours. They were confronted by a mob led by the village leader U Kyaw Myint. The group threw stones at the officials and also attacked with sticks, knives and homemade weapons. Sergeant Win Aung from No.373 Artillery Battalion, Rakhine representative U Tun Hla Aung, Assistant Immigration Officer U Sai Myat Thu and Police Sergeant Soe Aung were seriously injured in the mob attack. The mob assaulted U Yan Aung Myint and snatched away his mobile phone. U Yan Aung Myint lodged a case with Sittway Myoma Police Station under Section 148/333/382 in accordance with the laws and police procedures. The mob violence undermined the plan of the government aimed at ameliorating the socio-economic lives of the people; it also clearly destabilized peace and the rule of law in the region. Therefore, it was necessary to take the perpetrators into custody. The allegations of arbitrary arrest on the grounds of their residency in the locality or their status as the community leaders are not true.
- No complaint has been lodged by the seven individuals or by other people on behalf of them.
- Sawlima and [REDACTED] were arrested on 26 April 2013, Kyaw Khin (aka) Sawb Rahman and San Lin (aka) Sali Ahmed were arrested on 27 April 2013 and Kyaw Myint (aka) Mohamed Saud, Ba Thar (aka) Salah Ahmed and Hla Myint were arrested on 29 April 2013, respectively. Legal advice was sought from the legal officer. The seven individuals were armed with deadly weapons, involved in the mob violence, threatened to cause grievous hurt, voluntarily caused

hurt and grievous hurt to the public servants in the discharge of their duties and conjointly committed dacoity with a group of more than five persons and therefore, it was advised to charge them under Sections 148/506/332/333/395 of the Penal Code. They were sent to the Sittway District Court to face the aforementioned charges.

- The seven individuals were arrested through the cooperation efforts of the administrative branches in accordance with the laws and procedures based on the valid evidences which are in line with international norms.
- The court has been hearing their cases. Currently, they are in Sittway Prison.
- The seven individuals are getting a free and fair trial. They enjoy rightful protection in accordance with the law. They have access to lawyers.
- There is a lawyers' organization in Sittway. Any client who needs a lawyer has full access to that organization. The clients can retain lawyers of their choice, be they from the local lawyers organization or High Court advocates.
- The seven individuals have the permission to communicate with the outside world and are allowed to meet with their families.
- They also have independent access for medical checkup and necessary medical treatment in accordance with the doctor's instructions. They enjoy sufficient medical care and attention in the prison.

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


26/7/2013

(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. 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 peaceful assembly and of association

Mr. Izsak Rita

Independent Expert on minority issues

Mr. Juan E. Mendez

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