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No. 555/3-27/ 91

22 December 2016

Dear Madams and Sirs,

Allow me to refer to your letter UA MMR 3/2016 dated 5 October 2016, concerning the alleged arbitrary killing and torture of one fisherman and alleged torture of two fishermen.

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

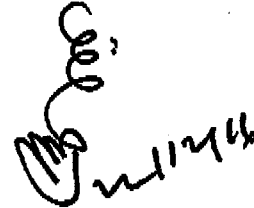
- According to the report received from the Ministry of Home Affairs, a boat capsized in Myoma Ka Nyin Tan Village, Maungtaw Township, the Magyi Chaung Police Station inspected the case on 22 June 2016 and [REDACTED] (32) years old fisherman died by injuries inflicted by the incident at left eye, neck and knee. Death Report No (3/2016) at Magyi Chaung Police Station was filed on 22 June 2016 at 19:20 hours and an investigation was followed to look into the reason of his death.
- The investigation revealed that Mr. [REDACTED] was fishing across the Naf River with his two brothers in different boats and caught in a heavy storm. While they were trying to escape the storm and rowed back to the beach, Mr. [REDACTED]'s boat crashed into rock in the sea and drowned. He was rescued by his two brothers and brought back to his brother-in-law's house in Myoma Ka Nyin Tan Village. He was dead at that house at 13:00 hours before his arrival to the hospital.
- The post mortem at the Maungtaw Township Hospital testified that he was died of injury sustained on head and brain hemorrhage. The accusation of not conducting the post mortem is invalid.
- The complaint of giving money to his wife from the Maungtaw Border Guard Police Force is not true. He died of the injury sustained on head from the crash with the rock in the sea and there is no involvement whatsoever from any members of Border Guard Police Force for his

death and as such there is no reason to give money to his wife by the Police.

- The complaint on custody of his father-in-law at Border Guard Police Force for one night on 28 June 2016 and released the next day by taken the bribe of (60,000) Kyat is also not true. The other complaints on taking deceased's father-in-law into custody on 8 July 2016 with the accusation of illegal marriage and released him later by paying (40,000) Kyat were investigated. He was summoned to the police station to make a witness statement on the Death Report 3/2016 to be submitted to the Maungtaw Township Court.
- The accusation of refusal to sign the document by deceased's father on 20 and 22 July 2016 which had mentioned not to complain the activities of Border Guard Police Force was also investigated. He was summoned to the Court as a witness to sign the death report case.
- With regard to the fishing licenses, they are issued only by the Department of Fisheries under the Ministry of Agriculture, Livestock and Irrigation. The Border Guard Police Force conducts the patrolling in the river only under specific instructions by authority.
- The accusation towards the Border Guard Police force was invalid because the five guard posts under the supervision of NO. (1) Entry and Departure Control, Inspection Border Guard Force had not conducted any patrolling on 21 June 2016.
- In addition, the United Nations Office of the High Commissioner for Human Rights conducted series of nation-wide workshops over 18-month period from mid-2014 to December 2015. The workshops involved about 1,000 Myanmar Police Force (MPF) officers- particularly township and district commanders- and were held across 14 states and regions including Rakhine State. The training programme focused on building an understanding for the responsibility of the Police Force to avoid actions that would violate human rights, and the necessity to take measures to protect those rights.
- ICRC conducted a seminar for Myanmar Police Force took place from 10 to 14 December 2013 for 35 mid-level Police officers from the

whole Rakhine State. Again, a similar workshop took place in Maungtaw, Rakhine State from 6 to 8 October 2015 with 30 participants. A planned workshop in Maungtaw Township by ICRC in October 2016 was canceled for internal reasons by the organizers.

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



(Htin Linn)

Ambassador and Permanent Representative

Ms. Yanghee Lee

Special Rapporteur on the situation of human rights in Myanmar

Ms. Ritz Izsak-Ndiaye

Special Rapporteur on minority issues

Mr. Jose Guevara

Vice-Chair-Rapporteur of the Working Group on Arbitrary Detention

Dr. Agnes Callamard

Special Rapporteur on extrajudicial, summary or arbitrary executions

Mr. Juan Ernesto Mendez

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