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No. 306 / 3-27/ 19

8 September 2017

Dear Madam and Sirs,

With reference to my letter no. 461/3-27/91 of 6 October 2016 in relation to the detention and criminal prosecution of Khine Myo Htun, I would like to provide additional information as follow:

- Khine Myo Htun, Deputy Officer of Organization and Information Department from Arakan Liberation Party (ALP), was charged under article 505 (b) of the Penal Code for publishing the statement with the intent, through false information, to incite misconception of the public as well as defamation against Myanmar Military and creating public fear.
- On 23 May 2017, as a goodwill gesture in welcoming the Union Peace Conference (21<sup>st</sup> Century Panglong) and exercising leniency for humanitarian grounds, the President granted an Amnesty in accordance with Article 204, Sub-section (A) of the Constitution to (186) covering Myanmar citizen prisoners who were serving sentences in various prisons.
- The amnesty was granted for those who have already been sentenced by the court and those who should be considered for such an amnesty with an aim to national reconciliation.
- In the case of Khine Myo Htun, however, he was still facing trial and no sentence has been handed down by the court yet. Therefore, he was not entitled procedurally when the presidential amnesty was granted.

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

*Warm regards,*

(Htin Lynn)

Ambassador and Permanent Representative

Ms. Yanghee Lee  
Special Rapporteur on the situation of human rights in Myanmar

Mr. Jose Guevara  
Vice-Chair-Rapporteur of the Working Group on Arbitrary Detention

Mr. David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of  
opinion and expression

Mr. Michel Forst  
Special Rapporteur on the situation of human rights defenders