



**Permanent Mission of the Republic of the Union of Myanmar to  
the United Nations Office and other International Organizations**

47 avenue Blanc, 1202 Geneva, Switzerland

Tel.(+41-22)906-9870, 906-9871/ Fax.(+41-22) 732-8919

E-mail: mission@myanmargeneva.org

No. 542/3-27/91

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Dear Sir and Madams,

With reference to your letter UA MMR 7/2019 dated 28 August 2019, I wish to convey further information received from the authorities concerned in Myanmar, in addition to the information, provided to you in the letter no. 480 / 3-27/ 91 of 20 September 2019, regarding the detention of Naing Aung Htun, Kyaw Thu Soe, Maung Tun Sein and Min Hlaing Soe @ Maung Phyu Daung as follows: -

- On 9 August 2019, a combined team of No. 551 Light Infantry Division and No. 3 Border Guard Police Force had to temporarily detain Naing Aung Htun, Kyaw Thu Soe, Mg Htun Sein, Min Naing Soe (aka) Mg Phyu Daung and San Maung on reasonable suspicion of linking to the AA insurgent group.
- It was found in the mobile phone of Naing Aung Htun that information on the movement and activities of Myanmar military forces was sent to the AA group via phone message and Wechat. The message and voice files informing the AA group members about military and its movements by Naing Aung Htun proved to be credible evidences of linkage between Naing Aung Htun and the AA group.
- As disclosed by Naing Aung Htun, it was also seen suspected connection between Kyauk Yan village administrator San Maung and AA group members due to unused needles and syringes and empty bullets of heavy weapons found inside the house of San Maung.

- Before the case was filed, they were remanded for further investigation at No. 3 Border Guard Police Headquarters from 13-8-2019 to 27-8-2019 with the approval of Buthidaung Township Judge U Nyan Htun.
- While they were detained at No. 3 Border Guard Police Headquarters, the officials concerned did not receive any request from their family members or legal representation. They were inspected and investigated in front of local administrators and elders in line with the law. There was no beating, torture, or threat. Besides, the medical doctors took care of their health every day. Necessary arrangement was made for Naing Aung Htun to receive medical treatment at the military hospital from 15-8-2019 to 17-8-2019, due to chest pain and upper back pain on 15-8-2019.
- On 27-9-2019, Kyaw Thu Soe, Htun Sein, Min Naing Soe (aka) Mg Phyu Daung and San Maung were released upon their own recognizance and bond under Section - 169 of the Code of Criminal Procedure due to lack of credible evidence to file the case.
- Naing Aung Htun has been prosecuted due to credible evidences from his mobile phone, as mentioned above.
- The case of Naing Aung Htun was filed under Section 50 (A) under Section 50 (A)/ 52 (A) of the Counter Terrorism Law at the Nyaung Chaung Police Station (Pa) 44/ 2019.
- Before his case was filed, necessary interrogations were made by gathering further information from witnesses, opinion from legal experts, examining evidences. The Advocate General's Office of the Rakhine State also approved the pre-trial opinion of the Maungdaw District Law Office that Naing Aung Htun should be filed under section 52 (A) of the Counter Terrorism Law.

- This case was filed at the Buthidaung Township Court on 18-9-2019, and accepted under the Criminal Regular Trial No. 117/2019. On 1-10-2019, plaintiff witnesses [REDACTED] were examined.
- Naing Aung Htun has had access to the lawyer since the date of arrest. He has the right to defend, the right to appeal in accordance with the fair trial standards and international human rights standards.
- The detainees of such cases have the right to be examined in the open court, in accordance with the existing law.

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

(Yin Po Myat)

Charge d' Affaires, a.i.

Special Rapporteur on the situation of human rights in Myanmar

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

Vice-Chair of the Working Group on Arbitrary Detention

Special Rapporteur on extrajudicial, summary or arbitrary executions