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Dear Sirs and Madams,

With reference to your letter AL MMR 9/2019 dated 26 September 2019, I wish to convey the following additional information received from the authority concerned in Myanmar: -

- The prosecution against Khu Kyue Phe Khel, Dee De, Myo Haling Win, Khun Thomas, Khun John Paul and Khu Ree Du was already withdrawn in February 2019.
- The case was that they violated the article 8 of the protection, law of personal freedom and personal security. Therefore, the Police filed a case against them under Criminal Procedure Code, article 10. They were detained after taking necessary investigations.
- In Myanmar Constitution article 19, judicial principles such as administering justice independently in accordance with the law, dispensing justice in open court unless otherwise prohibited by law and guaranteeing in all cases the right of defence and the right of appeal under law are enacted.
- According to Myanmar Constitution article 375 and Union Judiciary Law of article 3(c), an accused shall have the right of defence in accordance with the law.
- According to Evidence Law article 101, when someone is accused of guilty, he or she has to prove his / her innocence and if the court cannot give judgment, he or she can be assumed as innocent.

- According to Myanmar Constitution article 354, every citizen shall be at liberty in rights, if not contrary to the laws, enacted for Union security, prevalence of law and order, community peace and tranquility or public order and morality such as expressing and publishing freely their convictions and opinions, assembling peacefully without arms and holding procession, forming associations and organizations as well as developing their language, literature, culture they cherish, religion they profess, and customs without prejudice to the relations between one national race and another or among national races and to other faiths.
- According to the above sub-sections (i), (ii), (iii), (iv) and (v), taking action against 6 persons including Khu Kyue Phe Khel is in line with the International Human Rights Declaration articles of 9, 10, 11, 19, 20 and 27.
- In accordance with the article 10 of protection law on personal freedom and personal security, 6 persons including Khu Kyue Phe Khel could be sentenced up to 3 years. According to the provision of table-2 of Criminal Procedure Code, it is not bailable by the police. Therefore, they were sent to Loikaw court for prosecution. Bailing is a judicial issue and the responsibility of the court.
- According to article 353, nothing shall, except existing laws, be detrimental to the life and personal freedom of any person. In article 356, the Union shall protect according to law on movable and immovable properties of every citizen that are lawfully acquired. According to the Constitution article 357, the Union shall protect the privacy and security of home, property, correspondence and other communications of citizens under the law subject to the provisions of this Constitution.
- 2012 peaceful assembly and peaceful procession law was canceled by peaceful assembly and peaceful procession law on 4 October 2016. The latter was enacted according to the Constitution article 354.

- As citizens' personal freedom and personal security law as well as (2016) peaceful assembly and peaceful procession law are enacted according to Myanmar Constitution, these laws are coherent with the International Human Rights Declaration.
- The texts included in Penal Code 505(b) and 505(c) are legislated for all the citizens, not separately. Everyone will be charged if he or she broke the law.
- According to Myanmar Constitution article 21(c), every citizen is responsible for public peace and tranquility and prevalence of law and order, according to article 384, every citizen has the duty to abide by the provisions of this Constitution and according to article 449, this Constitution is the basic Law of all the laws of the Union.
- For the above statements, every citizen is responsible for abiding the existing laws.
- Penal Code 505(b) and 505(c) are enacted in accordance with the above sub-sections (i), (ii) and (iii) for the sake of citizens' benefits, they are coherent with the International Human Rights norms and standards.
- Therefore, prosecution of 6 people including Khu Kyue Phe Khel under article 19 of peaceful assembly and peaceful procession was withdrawn on 20 February 2019. The prosecution against them under Penal Code article 505(b) and (c) was also withdrawn by Criminal Procedure Code article 494 on 15 February 2019.

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



(Ei Ei Tin)

Charge d' Affaires, a.i.

Special Rapporteur on the situation of human rights in Myanmar

Vice-Chair of the Working Group on Arbitrary Detention

Special Rapporteur in the field of cultural rights

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Special Rapporteur on the situation of human rights defenders

Special Rapporteur on minority issues