



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

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Dear Sir and Madams,

With reference to your letter AL MMR 8/2019 dated 26 September 2019, I wish to convey the following information received from the authority concerned in Myanmar:-

- On 10 April 2019, chanting thangyat performed by the members of the Peacock Generation troupe at the outside of Satetinekya tea shop in Mayangone township, Yangon region during Thingyan amounted to slander the Tatmadaw.
- Among the members, Su Yadanar Myint and Nyein Chan Soe @ Chint Yone were accused of violating section 66(d) of the Telecommunication Act. They were prosecuted under Section 505(a) of Myanmar's Penal Code at Botahtaung Township Court in Yangon for their action and performance activities with the intent to defame and discredit Myanmar Military and military personnels.
- A military officer representing the Tatmadaw filed a complaint against them before the court.
- Section 354 (a) of the Constitution provided that "Every citizen shall be at liberty in the exercise of the 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 : to express and publish freely their convictions and opinions". Therefore, anyone can officially conduct in accordance with the provisions of any existing Law.

- Section 347 of the Constitution of Myanmar provided that the Union shall guarantee any person to enjoy equal rights before the law and shall equally provide legal protection. According to this, any person or organization has the rights to sue for their grievance and the alleged person has the rights to defend before the court as well. Respective court has tried the proceedings in accordance with the law and procedure in public.
- The provision under 505(a) of the penal code, can take action if anyone makes, publishes or circulates any statement, rumor or report, with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community.
- On 30 October 2019, they were convicted under the provision of Section 505(a) of Myanmar's Penal Code and sentenced to one year imprisonment but reduced six months for their detention period.
- The proceedings against Peacock Generation Thangyat Troupe members, Su Yadanar Myint and Nyein Chan Soe @ Chint Yone with section 66(d) of the Telecommunication Law were conducted at the relevant police station in line with the procedures of civil justice.
- The proceedings were in conformity with the articles of Universal Declaration of Human Rights.
- Article 19 of the Universal Declaration of Human Rights, provided that "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Article 29(2) of the Universal declaration of Human Rights provided that "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and

the general welfare in a democratic society”. According to these articles, in the exercise of the rights to freedom of opinion and expression shall be subject only to the limitations as are determined by law.

- The provisions of Section 505(a) of the Penal Code and Section 66(d) of the Telecommunications Law are provisions for the freedom of individuals and organizations. These provisions must be applied in accordance with the Article 29 of the Universal Declaration of Human Rights.

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