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Dear Sirs and Madams,

With reference to you letter AL MMR 12/2019 dated 30 October 2019, I wish to convey information received from authorities concerned in Myanmar, regarding the detention of Mr. Aung Kyi Myint as follows:

1. U Aung Kyi Myint was a native of Patheingyi Township, Mandalay Region. He joined the Police Force as a private in 1996 and registered as La 179862. He served in Sagaing Region, Wireless Department for about 8/9 years and he was dismissed from the Police Force by breaching the Myanmar Police Forces Maintenance of Discipline law of his act of torturing the accused while he was serving in Kantbalu Township in 2012. After he had been dismissed from the Police Force in 2012, he was sentenced to 1 year and 6 months in prison under the penal Code, Section 384 because he tried to get bribe from timber traffickers by misusing the Chief Minister's name. He was also sentenced to 7 months in 2015 after he had been convicted for gambling. He started working as a reporter by 2013/2014. His pen name is Dagoutaw Nanda. It is reported that he had lived together with [REDACTED] in Aung Tha Pyay village and encouraged villagers to take part in violence in groups since some days before the crime.
2. At 0445 hours on 15-5-2017 when police officers of Mandalay District Police Force went together with a team led by [REDACTED], the administrator of Dahattaw Village in order to confirm the arrest warrant issued to [REDACTED] and other 4 persons, whom were issued arrest warrant by Patheingyi Township Court, 8 police officers in action were injured by villagers from Aung Tha Byay Village who blocked the public use road by making fire with chopped branches of trees on the road and fought

them with catapults, cones and stones to hinder police officers from carrying their duty. Although the police force warned them again and again to disperse away in compliance with the Criminal Procedure Law Section 127, the crowd was driven away by the police in compliance with the Criminal Procedure Law, Section 128 and some rioters were arrested because they were disobeying the law. Of those who were arrested, U Aung Kyi Myint was arrested because he was guilty under the Penal Code, Section 147/353 and he offended hurting and injuring 1 police officer as he had been together with the group led by [REDACTED] since some days before the crime and took part with them in assaulting and fighting police officers. Those who had been arrested including U Aung Kyi Myint were charged at Patheingyi Myoma Police Station by (Pa) 250/2019 with the Penal Code Section 333 (Voluntarily causing grievous hurt to deter public servant from his duty), the Penal Code, Section 435 (Mischief by fire) and the Penal Code, Section 114 (Abettor present when offence is committed). By the time, U Aung Kyi Myint was arrested, not as a news reporter but as the one who breached any applicable law. According to the News Media Law, Section 32, any reporter must get permission from any organization responsible for security by showing press ID card when collecting news in area of strike/riot/violence. It is provided that reporters permitted by any security organization according to the rules will be protected. U Aung Kyi Myint was arrested because he was not wearing any uniform to indicate that he was a news reporter and he also did not asked for any permission lawfully to collect news but instead he took part in the illegal crowd by himself. When legal advice was requested before charging U Aung Kyi Myint and others on 13-6-2019, Patheingyi Township Law Office replied that U Aung Kyi Myint must be charged under the Penal Code, Section 147/353 and Penal Code, Section 333/332/114 by the Letter No. 9-6 (3) 1/2 (291) dated 12-6-2019 and he was sued at Patheingyi Township Court on 13-6-2019.

3. U Aung Kyi Myint and others were arrested on 15-5-2019. He was charged by Police Station Charge No. 246/2019 on 13-6-2019 under the penal code, Section 147/353/333/114 and heard by Patheingyi Township Court according to Criminal Regular Trial No. 468/2019. Arrested time lasted for 29 days. As the criminal Law, Section 167 (2) provides anyone accused to crime punishable by no less than 7 years' imprisonment must not be detained for more than 30 days. He was charged ter being detained for 29 days according to the arrest order issued by Patheingyi Township Court.
4. U Aung Kyi Myint had been given time as soon as possible to hire a lawyer. His lawyer to defend for him is Supreme Court Advocate [REDACTED]
5. According to the Criminal Procedure Law, Section 4 (1) (A), the Penal Code, Section 333 cannot be bailed. Therefore, in accordance with the law, the Police force cannot permit bail for U Aung Kyi Myint.

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



(Kyaw Moe Tun)

Ambassador/Permanent Representative

Special Rapporteur on the situation of human rights in Myanmar

Vice-Chair of the Working Group on Arbitrary Detention

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