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Dear Sirs,

With reference to your letter UA MMR 1/2020 dated 31 March 2020, I wish to convey the information received from authorities concerned in Myanmar regarding the demonstration in Yangon on the restoration of internet in Rakhine State as follows:

- The head of Kamayut Township Police Station accompanied by conciliation bodies mediated the people who are assembling for demonstration near Sin Yay Twin bus shop, Ward No1, Insein Road, Kamayut Township at 1400 hrs on 23-1-2019. However, they were not able to resolve. About 40 people led by [REDACTED], Aung Pyae Sone Phyo, [REDACTED], [REDACTED], [REDACTED] Thet Tin Aung, Ma Hnin and Ma Aye Myat Mon Kyaw chanted and headed the procession from Sin Yay Twin bus stop to Insein Road by holding sign board which mentions "stop the internet block out in Rakhine State, and Paletwa Chin State; don't want National Reconciliation which oppressed the ethnicity; questioning that peace process influencing military power can succeed, schools and religious building are not military camp; release immediately the person who has been arrested with suspicion". Five people, namely, [REDACTED], Aung Pyaw Sone Phyo, [REDACTED], [REDACTED] and [REDACTED] talked a show respectively in front of Hledan Center and concluded at 1640 hrs. Therefore, the head of Township Police Station has filed a complaint to take action against 9 people including [REDACTED] under the Law Relating to the Peaceful Assembly and Peaceful Procession.
- 7 people, namely, [REDACTED], Aung Pyae Sone Phyo, [REDACTED], [REDACTED] Thet Tin Aung, Ma Hnin and Aye Myat Mon Kyaw were charged

with criminal case No. 371/2020 under section 19 of the Law Relating to Peaceful Assembly and Peaceful Procession, and [REDACTED] and 2 persons including [REDACTED] were charged with criminal miscellaneous case No. 16/2020 under section 19 of the Law Relating to Peaceful Assembly and Peaceful Procession and section 512 of the Code of Criminal Procedure.

- [REDACTED] Aung Pyae Sone Phyo, [REDACTED] [REDACTED], Ma Hnin and Aye Myat Mon Kyaw denied the allegation and presented that they have no desire to apply for bail. Thet Tin Aung admitted that he is guilty, the accused persons had no cross examination while trying plaintiff and witnesses, and presented that they have no desire to be examined in accordance with law. In this regard, it clearly shows that Myanmar follows International Conventions guaranteeing of the right of personal freedom, right of equity, right of defence in accordance with the law, applying for bail, right of private defence, protecting from degrading treatment in accordance with the Fair Trial Standards practicing globally.
- Action were taken against [REDACTED], Aung Pyae Sone Phyo, [REDACTED] [REDACTED], Thet Tin Aung, Ma Hnin and Aye Myat Mon Kyaw under section 19 of the Law relating to Peaceful Assembly and Peaceful Procession in the absence of reporting in writing to the head of the Township Police Station at least 48 hours prior to the date of demonstration and of sending a copy of report to the relevant heads of the Township Police Station if they want to pass along the route of the Townships atleast 48 hours prior to the date of demonstration enacted in the Law Relating to the Peaceful Assembly and Peaceful Procession.
- Furthermore, AA terrorist group and some of its supporters, and some media have been distributing fake news and campaign by using internet, aimed at disruption of peace and stability in Rakhine State, and to frighten public as follows;
  - (a) United League of Arakan (ULA)/Arakan Army (AA) issued 4 declarations in 2020 to create misunderstanding of Press Release by Myanmar

Military, including that the Army, Navy and Air Force of Myanmar Military is attacking the villages in Rakhine State even amid Covid-19, in order to create hatred and enmity by public.

- (b) Similarly, AA threatened owners of bus transportation services, and issued (4) threatening letters in 2019 aimed at public servants and informers providing their movements.
  - (c) Propaganda, instigations for protests and incitement between Myanmar and Bangladesh was carried out under the names of Arakan American Community, Arakanese Unity, Arakan National Party (ANP) and International Karen Organizations.
  - (d) Through VOM, DMG, the Fifth Wave News, Khit Thit Media, Narinjara public misunderstanding was created with fake news to support terrorist acts and to create concerns.
- The abovementioned activities have effects on security of state and public order.
  - AA terrorist group and its affiliates, and some media had conducted instigations by using as well as monitoring the information of government and military, before the internet has been banned. Some of the following terrorist activities has been conducted by AA;
    - The motorcade with the Rakhine State Chief Minister and other personnel were attacked by landmine on 1 January 2019.
    - Village administrator and Police Station Officer of Thanhhtaung Village, Paletwa Township, Chin State were abducted on 22 February 2019.
    - A cargo ship carrying steel trusses for Kaladan Bridge Project was attacked and set on fire with heavy and small weapons on 16 March 2019, which lead to a loss of 1.072 billion Myanmar Kyat.

- A vehicle, a bulldozer and 5 motorcycles belonging to the Myanmar-India Road Construction Company were set fire and 13 staffs were abducted on 30 March 2019.
- 120 rice bags were forcibly seized from a boat in Kaladan River on 3 June 2019.
- A vehicle of ICRC carrying chick-pea bags were attacked by landmine blast on 27 June 2019.
- Committed terrorist act such as arresting of 13 personnel of Myanmar Fire Service Department on 10 October 2019, arresting of 60 civilians/ government staffs including 3 personnel of Ministry of Education who were taking speedboat on 26 October 2019, arresting an Indian citizen from Kaladan Bridge Project, a member of Amyothar Hluttaw (Parliament) and a speed boat driver on 3 November 2019, arresting personnel from Department of Immigration on 24 December 2019 and 16 personnel of Road Transportation administration department who are posted in repatriation camps on 31 December 2019.
- Section 77 of Telecommunication Law describes that the Ministry may, when an emergency situation arises to operate for public interest, direct the Licenses to suspend a telecommunication service, to intercept, not to operate any specific form of communication, to obtain necessary information and communications and to temporality control the telecommunication service and telecommunication equipment. In this regard, suspension of internet can be undertaken if it has impact on public interest, and the terrorist activities of AA terrorist group conducted by using internet effect stability of the region and rule of law. Therefore, internet was banned with the approval of the union government.
- The unlawful expression of internet ban in Rakhine State has been taken action because of the violation of domestic law. Arresting detaining or deporting unlawfully has not been conducted. In addition, the charge was

heard by independent tribunal and nobody is presumed as guilty until proven, and everyone has the right to freedom of peaceful assembly and association. Therefore, it is consistent with article 9,10, 11 and 20, and similarly it is also consistent with the article 21 of ICCPR if the peaceful assembly is conducted in line with the law which is being recognized.

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



(Kyaw Moe Tun)

Ambassador/Permanent Representative

Special Rapporteur on the situation of human rights in Myanmar

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 association