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Note Verbale No. 023

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to submit the response to communication AL GBR 11/2020, further to the letter dated 25 November 2020 from the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on minority issues and the Special Rapporteur on the situation of human rights in Myanmar.

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 22 Jan 2021

Special Procedures Branch
Office of the United Nations High Commissioner for Human Rights

Annex

RESPONSE OF THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

To communication AL GBR 11/2020 OF 25 NOVEMBER 2020 from the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on minority issues and the Special Rapporteur on the situation of human rights in Myanmar

Thank you for your letter of 25 November 2020 to the Foreign Secretary regarding **the alleged targeting and intimidation of a Rohingya human rights defender living in the United Kingdom of Great Britain and Northern Ireland (UK), Mr. Maung Tun Khin**. In your letter, you outlined your concerns regarding the threats, intimidation and reported surveillance of Mr. Maung Tun Khin, which have caused him to fear for his safety and the safety of his family.

Firstly, I would like to stress that the UK takes allegations of this nature very seriously. We are dedicated to protecting the human rights and freedoms of all within the UK. The UK is party to many laws, both national and international, which are designed to protect and promote inalienable human rights. The Human Rights Act (HRA) of 1998 was made to give effect to rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) in UK law. Article 10 of the ECHR guarantees the right to freedom of expression. We are also aware of our obligations as a State party to the International Covenant on Civil and Political Rights (ICCPR). Article 19 of the ICCPR ensures that everyone shall have the right to freedom of expression.

Law enforcement agencies in the UK stand ready to investigate any violations or abuses of human rights. Only two of the incidents listed in your letter were reported to the police. Whilst we understand that victims may not always be able to report alleged offences quickly after the event, it is beneficial for any investigations to be conducted as expeditiously as possible. This also applies with regard to the ability to protect those who may be in dangerous situations.

Both the Foreign, Commonwealth and Development Office (FCDO) and the Metropolitan Police Service (MPS) have reiterated these points to Mr. Maung Tun Khin in our recent engagements. Mr. Maung Tun Khin has indicated to the FCDO that he was satisfied with MPS's handling of his case, and agreed that only two incidents had in fact been reported. We can confirm that the MPS has made contact with Mr. Maung Tun Khin and they are investigating his allegations. We are aware of our obligations under both national and international law and will continue to investigate and take seriously any allegations that are brought to our attention.

Your requests for information on investigations, allegations and protection plans would require the disclosure of possibly sensitive personal data, as well as the data of any

third parties concerned. The MPS is not able to disclose further information for data protection and victim protection reasons. The Data Protection Act 2018, concerning law enforcement information, requires a lawful basis for the release of personal information, as set out in Article 6 of the UK GDPR (General Data Protection Regulation). The HRA 1998 ensures we consider our duty of care to individuals. Disclosing information relating to an ongoing investigation could endanger Mr. Maung Tun Khin and others. Since the current investigation will draw from the information of prior cases, we are also unable to provide information on previously reported threats and intimidations.

In summary, please be assured that the UK takes allegations of this nature extremely seriously and remains committed to its obligations under international and national law. These allegations are being investigated by the MPS. Mr. Maung Tun Khin has confirmed that he feels safe and protected. The MPS is unable to comment on ongoing investigations but, if and when we are able, we will share relevant information relating to your request. The UK will continue to ensure that it remains a place where all can freely express their opinions within the rule of law, without fear of threats or acts of intimidation or harassment.

22 January 2021