



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

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The Permanent Mission of the Republic of the Union of Myanmar to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR) and with reference to the latter's Note No. AL MMR 1/2021 dated 23 February 2021 relating to the joint communication sent by the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial , summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, has the honour to enclose herewith responses to the Questionnaires from the Ministry of Home Affairs and the Union Attorney General's Office from the Republic of the Union of Myanmar for favour of its information.

The Permanent Mission of the Republic of the Union of Myanmar to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights in Geneva the assurances of its highest consideration.

Geneva, 29 April 2021

**Office of the United Nations High Commissioner for Human Rights,  
GENEVA.**



## Observations and replies on Joint Communication

1. Please provide any additional information and/ or comment (s) you may have on the above-mentioned allegations.
  - There is no additional information on the above-mentioned allegations.
  
2. Please provide detailed information about the conformity of recent curfews and prohibition of public gatherings of more than 5 people with the rights enshrined in article 20 UDHR.
  - A state of Emergency has been declared in accordance with Article 417 of the Constitution, and the Commander in Chief of Defence Services formed the State Administrative Council and exercised the administrative, legislative and judicial powers of the State in accordance with Article 419.
  - During the State of Emergency, protestors assembled and marched in public places without informing the Police Stations in accordance with the Law of Peaceful Assembly and Peaceful Procession. Moreover, as protestors shouted demands and chanted anti-state slogans, cursed and attacked police, standardised restraint was exercised in accordance with the Criminal Procedure Code 127 and 128.
  - The unlawful gatherings or assemblies affected public security, rule of law, and community peace and tranquillity by causing riots against law and order and making barriers to the public roads, highway, lanes and streets. Therefore, in accordance with section 144 of the criminal procedure code, an order limiting any assembly of 5 or more than 5 people not to conduct the acts of assembling, marching, making speeches, processing, instigating and demonstrating, destroying and rioting on public roads, lanes, garden and public places and an order not to go out between 20:00 hours to 04:00 hours were issued.

- Those actions were taken in accordance with the existing laws as unlawful Assembly has caused riots and undermined the National Security, Rule of Law and peace and security of the People and also violated the Article 20 of the Universal Declaration of Human Rights.
3. Please provide detailed information on what measures are being taken, including during training and in the planning and carrying out of police operations, to ensure that the use of force by law enforcement authorities comply with the limits of legality, necessity and proportionality established under applicable international human rights law. Furthermore, please provide information on investigations into the excessive use of force by security forces at protests between 6 and 17 of February 2021.
- As unlawful gatherings and assemblies began riot during the State of Emergency, restraint has been exercised in accordance with the 1956 Riot Manual.
4. Please provide a detailed description of the circumstances that resulted in the detention of peaceful protesters, and share detailed information about the charges levelled against them and their compliance with international human rights norms and standards, the status of any criminal proceedings, and detailed information as to the location and wellbeing of any persons who remain deprived of liberty.
- As unlawful gatherings were not peaceful protests and they rioted, those who were involved in riots and violence were dispersed in accordance with the Article 127 of the Criminal Procedure Code and were arrested in accordance with the Article 128 of the Criminal Procedure Code.

- The detainees were prosecuted in accordance with the existing laws.
  - The detainees are being placed in various prisons in accordance with the law, and citizens' rights have been suspended under the Article 420 of the Constitution.
5. Please provide detailed information about any measures taken to ensure that family members, legal counsel and medical doctors of all persons deprived of their liberty are informed about their whereabouts and wellbeing, and given unrestricted access to carry out visits without delay.
- Article 420 of the Constitution stipulates that detainees can be restricted as necessary or suspended from enjoying one or more than one of the basic rights of citizens during the period that State of Emergency is being declared; it is carried out in accordance with provisions of the Constitution.
6. Please provide detailed information as to the measures taken to ensure that no arbitrary restrictions are placed on the exercise of freedom of expression, including the reporting and commenting on the demonstration.
- There is no additional information on the question.
7. Please provide detailed information as to the legality, necessity and proportionality of internet disruption between 1 and 17 February 2021 in accordance with applicable international human rights law.
- Most current violence in Myanmar is caused by the instigation through social media using internet. Since peace, stability and rule of law are fundamental to a country, the use of internet will be limited for a certain period of time.

8. Please provide detailed information as to the legality, necessity and proportionality of internet disruption between 1 and 17 February 2021 in accordance with applicable international human rights law.

- The Ministry of Information has sent the notifications to the media, and public media organizations three times that reporters or journalists should not incorrectly broadcast or write the news on the State Administration Council which is operating in line with the existing laws and the provisions of the period of the State of Emergency. The Ministry requested the Media Council to respect Article 9 of the Media Law and Article 8 of the Printing and Press Law on 24 February 2021. The Ministry notified if newspapers and journals fail to practise the media ethics, they would be taken action in accordance with the existing laws.

- The Ministry of Information has issued Order No. 1/2021 on 8 March 2021 stated that the State Administration Council has bestowed the Union Minister, Ministry of Information on the authority which enable to shutter the media business that the national security and ensuring public peace and tranquillity in order to display the items that affect transmission or encourage people to commit rebellion in violation of the nation. The respective media publishing services of Mizzima, DVB, Khitthit Media, Myanmar Now, and 7 Day news Media were closed on 8 March 2021 with the bestowed authority of the Ministry of Information.

9. Please provide information on the compatibility of the amendments to the Law Protecting the Privacy and Security of Citizens, the Penal Code, the Ward and Village Tract Administration Law and the draft Cybersecurity law with applicable international human rights law.

- In order to exercise Rule of Law, Peace and Security, the Amendment of Law Protecting the Privacy and Security of the Citizens is enacted

and it is not deviated from the Universal Declaration of Human Rights, the International Humanitarian Law.

- The Fourth Amendment of the Ward or Village-Tract Administration Law on the Ward or Village-Tract Administration is enacted in order to maintain Security and Rule of Law. It states that if a guest list is failed to report or inform, a fine shall be imposed and that an imprisonment not longer than 7 days shall be imposed only in default of payment of fine. Since these punishments are intended to respect the law and are not severe ones, they do not deviate from the Universal Declaration of Human Rights, the International Humanitarian Law.
- The Law Amending the Penal Code is enacted in order to protect the people who wish to stay in accordance with Article (1), (3), (5) and (7) of the Universal Declaration of Human Rights. Therefore, it does not deviate from the Universal Declaration of Human Rights, the International Humanitarian Law.
- The e-Government Steering Committee and the Working Committee were formed in 2018 for drafting the Cybersecurity Bill. Then, the Cybersecurity Sub-Committee was assigned under the e-Government Working Committee. Additionally, the Cybersecurity Bill Support Committee was formed with the representatives from related departments, and the expert representatives in February 2019. With the suggestions of the respective legal experts, the Cybersecurity Bill was revised in accordance with the instructions of the Focal Ministry. The comments on the Cybersecurity Bill were requested to the Ministries concerned and the related organizations on 8 February 2021 and it will be published to receive the comments from the public. The drafting for the Cybersecurity Bill has not finished yet.

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