



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

**Mandates of the Special Rapporteur on the situation of human rights in Myanmar
and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment**

REFERENCE: UA
MMR 6/2014:

16 October 2014

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights in Myanmar and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 25/26 and 25/13.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the **arbitrary detention of seven farmers in Chin State and allegations of ill-treatment and torture by Myanmar Army soldiers.**

According to information received:

Between 28 and 31 August 2014, soldiers from Light Infantry Battalion 244 detained and beat seven farmers in Chin State. On 28 August 2014, the soldiers accused **U Maung Sein** from Kone Pyin village of being in contact with the Chin National Army (CNA). He was detained and beaten until he was unconscious. On 29 August 2014, the soldiers detained and interrogated **U Kyaw Aung** and **U Aye Hla**. All three farmers were tied and beaten. On 31 August 2014, the soldiers beat **U Aung Kyaw Hla** with a wooden pole. He was unconscious for four hours. He was detained along with **U Kyaw Myint Oo**, **U Aung So**, and **U Sanay Aung**.

All seven farmers were detained together, tied up, beaten, and kicked. They were also deprived of food in detention. The beatings were so brutal that U Maung Sein and U Sanay Aung suffered from facial swelling and were unable to open their eyes. U Aung Kyaw Hla suffered from a neck injury and later on had to seek treatment for a suspected blood clot in his brain. While U Sanay Aung was able to flee on 1 September 2014, the others were forced to sign a statement admitting to

having had contact with the CNA and agreeing not to contact the CNA again. They were released on 5 September 2014.

On 8 September 2014, the six farmers traveled to Paletwa town and filed a complaint with the Chin State government. U Aung Kyaw Hla later travelled to Yangon for medical treatment. A soldier showed the five others a letter stating that the Army acknowledged having detained and tortured them, and would compensate them for this. They returned to Kone Pyin village. On 19 and 20 September 2014, the five farmers were forced to sign a statement denying that they were tortured. While they were able to flee, they fear the risk of more human rights violations.

While we do not wish to prejudge the accuracy of these allegations, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as recalled, inter alia, in Human Rights Council Resolution 25/13 and paragraph 1 of General Assembly Resolution 68/156.

Moreover, with regards to the potential retributions and denied access to redress and compensation, we would like to draw the attention of your Excellency's Government to paragraphs 22 and 23 of General Assembly Resolution 68/156.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the seven individuals mentioned in this case in compliance with the above international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Please provide details on the legal basis for the detention of each individual mentioned in this case.
3. Please provide information on the physical conditions of the individuals while in detention and whether or not the allegations of physical abuse and torture are true.

4. Please provide information on whether or not the individuals in this case were forced to sign a statement admitting to have had contact with the CNA.

5. Please indicate what measures have been taken to investigate the case since the complaint was filed, sanction the perpetrators, and provide compensation for the victims.

6. Please indicate what measures have been taken to protect the victims from the perpetrators and prevent future incidents of physical abuse.

7. Please indicate what measures are being taken to protect the rights of the Chin people and other ethnic minorities in Myanmar.

While awaiting a reply, we urge that all necessary interim measures be taken to guarantee that the rights and freedoms of the seven individuals in this communication are respected. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of arbitrary detention, torture, and discrimination against ethnic minorities in Myanmar.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Yanghee Lee
Special Rapporteur on the situation of human rights in Myanmar

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading
treatment or punishment