

Mandates of the Special Rapporteur on the situation of human rights in Myanmar and the Special Rapporteur on extrajudicial, summary or arbitrary executions

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3 May 2019

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 extrajudicial, summary or arbitrary execution, pursuant to Human Rights Council resolutions 34/22 and 35/15.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the following situation.

According to information received:

On 30 April 2019, approximately 275 men and boys between the ages of 15 and 50 years old were detained by the Tatmadaw in schools in Kyauk Tan village, Rathedaung Township in northern Rakhine State.

At around 2am on 2 May 2019, the Tatmadaw opened fire on the detained civilians. Six people were killed and eight people were wounded. The wounded were transferred to Sittwe Hospital by the International Committee for the Red Cross. The dead were cremated on 3 May in Kyauk Tan village.

The Office of the Commander in Chief released a statement on 3 May that said:

At about 2:00am on 2 May, those who were under interrogation surrounded in group, shouting. Shots were made into the air to disperse the crowd. However, the crowd didn't get dispersed and they tried to grab arms from the security troops and thus inevitably, shootings had to be made. According to initial reports, six died, eight injured and four escaped.

At a press conference on 3 May, the Tatmadaw said:

275 men who are suspected to associate with AA [Arakan Army] terrorists from Kyauk Tan Village of Yathae Taung Township, Rakhine state were detained by the Tatmataw security force and Myanmar Police force at a school. It was announced on May 1.

That suspected crowd, detained temporarily, started shouting in aggressive manner, surrounding and preparing to attack the security forces. Some of them as

in group ran to various directions. Though they were stopped by shouting and firing the warning shots into the air by the security forces, they did not stop their dangerous acts and continued to attack and attempted to seize the weapons from the security forces. Therefore, to protect their lives and their weapons, the security forces, using the force as necessary, took the shots unavoidably to the crowd in order to disperse.

To get control of that situation, six were killed, eight were injured and four were missing out of 275 suspects. People injured were first treated by the Tatmataw medical team and were transferred to Saytipyin District hospital and Sittwe Hospital. The officials from regional army unit visited the hospital and supported the patients.

Other sources indicate that the shooting occurred when a man tried to escape.

While we do not wish to prejudge the accuracy of these allegations, we express our serious concerns regarding the alleged arbitrary detention of 275 individuals and the deaths of six people and injuries to eight from the use of live fire on detained individuals.

These allegations, if confirmed, would constitute, prima facie, a violation of articles 3 (right to life, liberty and security of person) and 9 (right not to be subjected to arbitrary arrest) of the Universal Declaration of Human Rights.

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 above-mentioned persons in compliance with 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. Please provide any additional information you have on the above allegations.
2. Please outline the events of 2 May which led to people being shot.
3. How many people were shot on 2 May? How many people died and what were their ages? How many people were injured and what were their ages? Please list their names.

4. Were the bodies of those killed returned to their families? If so, when were they returned to their families?
5. How many people were detained on 30 April? Please provide the names of all those that were detained, and their places of detention, date of arrest/release as well as details on the status of their legal proceedings against them.
6. On what basis were the men and boys detained on 30 April 2019? Have criminal charges been laid against them? Have they been brought before a court and had access to legal assistance? Does any humanitarian organisation have access to them?
7. How many people under the age 18 are currently being detained?

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

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

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions