

Advance version

Distr.: General
6 March 2013

English only

Human Rights Council

Twenty-second session

Agenda item 4

Human rights situations that require the Council's attention

Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana

Addendum

Comments by the State*

* Reproduced as received.

Observations by Myanmar on the Report of the Special Rapporteur on the situation of human rights in Myanmar (A/HRC/22/58)

I. Prisoners of conscience

1. Paragraph 8 of the Report contains the allegations of continued arrest for political reasons.
2. These allegations are unfounded. Nobody is arrested on political grounds. Maintenance of law and order is a key responsibility of the government. Legal action is taken against those who violated the existing laws.

II. Conditions of detention and treatment of prisoners

3. Paragraph 11 of the Report contains the allegations of arbitrary arrest and torture of the people accused of association with the Kachin Independence Army (KIA). Legal action was taken against those who were found guilty of being unlawfully associated with the KIA.
4. Paragraph 11 also contains the allegations that Muslim prisoners detained in Buthidaung Prison after the violence in 2012 were tortured and beaten to death. The authorities have examined these allegations. After verification, they found out that the allegations were baseless.

III. Conflict and the situation of ethnic minorities

5. Paragraph 37 of the Report contains the allegations of attack against civilian population and other forms of human rights violations.
6. These allegations are unfounded. It is regrettable that the Report has omitted the destructive, terrorist acts committed by the KIA in Kachin State. It is an undeniable fact that the KIA has committed terrorist acts there, causing the deaths of the innocent people and the massive destruction of public utilities and infrastructure such as the power grids, rail roads, bridges and motor ways. These terrorist acts are too obvious to be ignored.

IV. Situation in Rakhine State

7. Paragraph 48 of the Report contains the allegations of harassment, arbitrary arrest, arbitrary restriction of movement, destruction of places of worship and restrictions thereon. These allegations are unfounded. They do not match with the real situation on the ground. Temporary places of worship are set up in the IDP camps, reflecting the freedom of worship.
8. The government medical personnel are actively working closely together with the Myanmar Red Cross Society (MRCS) and international partners to provide medical care and attention to the affected people in Rakhine State.
9. Academic examinations were held retrospectively to benefit the college students from the IDP camps, who had missed their regular exams.

10. The views expressed in in paragraph 54 of the Report are inappropriate. Therefore, they are unacceptable.

11. Paragraph 56 contains the Special Rapporteur's recommendation to amend the 1982 Myanmar Citizenship Act. His recommendation is unacceptable. No country is obligated to give citizenship to everybody who is living there. The 1982 Myanmar Citizenship Act does not target at any particular group. People living legally in Myanmar for three successive generations are eligible to apply for the naturalized citizenship. Therefore, we see no reason whatsoever to review or amend this Act.

12. We cannot go along with the views expressed in paragraphs 57, 58 and 59 of the Report. We cannot agree to the Special Rapporteur's observation that Dr. Tun Aung is a prisoner of conscience. He was sentenced to 11 years of imprisonment after having found guilty of charges such as the instigation and incitement to cause racial discord, the falsification of national registration certificate etc.

13. In paragraph 60 of the Report, we cannot share the Special Rapporteur's view that the fact that "Rohingyas" put their lives at risk to take to the seas in unseaworthy boats itself indicates the extent of their suffering in Myanmar. This view does not reflect the reality. Firstly, one cannot outrightly assume that the so-called boat people have been taking to the seas because of their suffering. The fact is that most of them are economic migrants who are being exploited by the human trafficking gangs in the region. Secondly, we do not accept the notion that all of them came from Myanmar. They could come from everywhere in the region. One cannot discount the possibility that, if or when arrested in another country, these boat people would hide their true identity; they would instead falsely identify themselves as Myanmar nationals.

14. The Special Rapporteur's recommendations that are contained in paragraph 76 are premature. Time is not ripe to consider the amendment of our constitutional provisions.
