



Rebuttal Statement by His Excellency U Wunna Maung Lwin,
Ambassador/Permanent Representative of the Union of Myanmar at the Eighth
Session of the Human Rights Council
Geneva, 6 June 2008.

Mr. President,

First of all I wish to express my heartfelt gratitude to all countries for conveying their sympathy and condolences to the victims of cyclone Nargis in Myanmar.

I would like to inform that the Government of Myanmar has put its utmost efforts in the emergency rescue, relief and rehabilitation measures in cooperation with the international community.

Mr. President,

Myanmar people have courageously taken the most important step toward the transition of the democratic society by overwhelmingly voting in favour to adopt the new State Constitution.

The National Referendum was successfully held in 278 or 325 townships on 10 May 2008 in Myanmar as scheduled. The referendum for the remaining 47 townships, storm hit areas was held on 24 May 2008.

The Commission for Holding the Referendum of the Union of Myanmar announced the results on 26 May 2008 that the population of Myanmar is 57,504,368 and that 27,288,827 are eligible to cast vote. Among them, 26,776,675 cast their votes. Therefore, the overall turn out is 98.12 per cent. Of them, 24,764,124 voted in favour. Accordingly, it was announced that 92.48 per cent of the total eligible voters have voted in favour of the new Constitution. Those who do not support the Constitution also cast negative votes. The negative votes were 6.1 per cent.

This result clearly demonstrates that the majority of the Myanmar people overwhelmingly support the State Constitution. The Government also made an announcement on 29 May 2008 that the State Constitution of the Republic of the Union of Myanmar has been ratified and promulgated by the National Referendum.

The provisions relating to the fundamental rights and duties of the citizens are enshrined in the new State Constitution. Myanmar people will enjoy these rights equally.

Mr. President,

We have successfully completed the 4th step of the Seven-Step Road Map. The multi-party democracy general election, the 5th step of the Road Map will be held in 2010. We will proceed until we complete the Seven-Step Road Map.

We strongly reject the Special Rapporteur's criticism on our political process. In fact, the National Referendum and the political process are the internal matters and sovereign rights of Myanmar people. By criticizing this process, Special Rapporteur has acted beyond his mandate.

In fact, the Constitution was drafted based on the basic principles adopted by the National Convention. The basic principles and the suggestions by the representatives have been printed in the newspapers and made available to the public since 2004.

Mr. President,

The National Referendum was conducted in fair and transparent manner. The Government arranged the Diplomatic Corps of the Union of Myanmar and Military Attachés to visit and observe the voting process at the polling stations elsewhere in Myanmar on 10 May 2008.

Mr. President,

With respect to the extension of the restraint on Daw Aung San Suu Kyi, she was restrained for one year from 28 November 2003 to 27 November 2004 under the Section 10(b) of the Law to safeguard the State against the dangers of those desiring to cause subversive acts. After expiration of the one-year restraint, the Central Body formed by the above-mentioned law obtained the prior sanction from the Council of Minister to extend the restraint on a yearly basis. The Council of Minister is empowered to extend the terms up to 5 years. Therefore, from 27 November 2004 to 27 May 2008, 4 restriction orders were passed, and she was then restrained for 3 years and 6 months. Recently, the 5th restriction order was passed to restrain her from 28 May 2008 to 27 May 2009. That will make the restraint 4 years and 6 months. Therefore, the Central Body did not exceed the limit provided by the said law.

Mr. President,

With respect to the events of August and September 2007, I have repeatedly explained in my statements as well as in the document (A/HRC/7/G/8) circulated at previous session. The Government have already confirmed that the total death is 15 persons resulted from the unfortunate September 2007 event.

In September 2007 event, the Government detained 2,927 persons and legal actions have been taken against 80 persons for violation of the law. The rest have been freed.

198 persons were arrested between August 2007 and February 2008. Only 88 persons out of 718 individuals referred in the report are among those arrested. Therefore the notion of 718 individuals in the report is factually incorrect. Among those 198 persons, one has been released and 9 have been sentenced. The remaining 188 persons are in the process of legal proceeding.

Regarding the so-called political prisoners, the prisoners referred in the report are offenders who are serving their respective sentences for their infringement of the existing laws. Accordingly, there is no political prisoner in Myanmar. Every prisoner in Insein Prison are allowed to see and communicate with relatives and friends once in two weeks, while the detainees are allowed once a week according to the Jail Manual. When the accused cannot afford a lawyer, the State provides the lawyer for him or her at the expense of the State.

The prisoners receive regular medical check-up by the prison doctors and when a prisoner needs a special attention of the Specialist, the prison authority arranges him/her to see the Specialist Medical Practitioners.

With respect to the missing persons alleged in his report and previous report, any complaint regarding missing persons has not been received by the police stations and the local authorities. Therefore, these people referred in the report could have fled to the border areas or the neighbouring countries.

The report is factually incorrect as it is based on the information provided by the anti-government elements. In fact, our Missions in Geneva and in New York stand ready to provide any available information he wishes to obtain and clarify. But that has never happened.

Mr. President,

The Government of Myanmar has constantly been engaging a dialogue with ICRC in Geneva as well as in Myanmar. The confidence building measures such as reinvigorating the cooperation in the field of humanitarian assistance to a certain extent is basically needed to further enhance the mutual understanding.

Mr. President,

Regarding the Special Rapporteur's concern on the cyclone victims in Myanmar, I wish to inform that the relief, resettlement and rehabilitation measures for the victims are the top priority of the Government. Since 3 May, the Government has taken all possible and practical measures in collaboration with the international community in relief and resettlement and to rebuild and rehabilitate the livelihood of the victims socially and economically.

We, as a member of ASEAN, agreed with other members to establish an ASEAN-led coordinating mechanism to facilitate the effective distribution and utilization of assistance from the international community. A Task Force headed by the ASEAN Secretary-General has been formed to function this mechanism.

In this regard, the Government hosted the International Pledging Conference led by the UN and ASEAN on 25 May 2008. The UN Secretary-General Mr. Ban Ki-moon, representatives from 51 countries and 24 international organizations attended the Conference. We welcome the donations in kind and in cash from Governments, international organizations NGOs, regional and local well-wishers.

We acknowledge with deep gratitude for those who made such a generous contributions, donations to supplement our efforts.

Since then, the visas for the staff members of UN and aid workers from elsewhere have been granted. As of 3 June 2008, we have received 6409.569 tons of humanitarian supplies delivered by air from various countries and organizations. Emergency relief provisions have also been coming in by sea and by land.

The Tripartite Core Group led by the Deputy Minister for Foreign Affairs has been conducting the assessment on the relief and rehabilitation measures in the affected areas.

Mr. President,

Regarding the allegation of the incident in Insein Prison, I wish to inform you that during the storm, some roofs were torn off and the prisoners were therefore evacuated to the safer place. While evacuating, some prisoners started to set fire at the building, the furniture and fought the prison officials and then tried to escape from their cells. The prison officials could not put out the fire since their priority was to evacuate the prisoners to the safe place. As a result, the whole cell was destroyed by fire. No one was killed or injured during the event. The prison securities as well as the police and military had not, in any circumstance, used arms against the prisoners. The authorities concerned instituted criminal proceedings against 41 prisoners at the Insein Police Station for causing the fire.

Mr. President,

The Special Rapporteur's approach should be constructive and objective. We find that his report lacks these qualities. The Government is doing every possible ways and means to improve and promote human rights. Human rights issues must be addressed with respect for national sovereignty and territorial integrity and non-interference in the internal affairs of States. Myanmar firmly believes that only genuine cooperation would best serve the promotion and protection of human rights.

I thank you.