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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 dated 30 November 2018, has the honour to convey the information, obtained from a concerned Ministry, which respond to the set of questionnaire regarding the Working Group on Enforced or Involuntary Disappearances (WGEID) study on standards and public policies on effective investigation on enforced disappearances.

The Permanent Mission has further the honour to provide more information to the OHCHR once the Mission receives the responses from Ministries concerned in Myanmar.

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 the office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 6 February 2019



Office of the United Nations High Commissioner for Human Rights

Geneva.

Enclosure (2) pages

**Information from Myanmar for the WGEID study on standards and public policies on
effective investigation on enforced disappearances**

1. With regard to “the criminal provisions against the crime of enforced disappearances”, provisions are made in the chapter 16 of Myanmar Penal Code of 1861 as follows:

- from section 299 to section 377 with the title of “the Offences Affecting the Human Body”,
- from section 299 to section 311 under the title of “the Offences Affecting Life”,
- from section 339 to section 348 under the title of “Wrongful Restraint and Wrongful Confinement”,
- from section 349 to section 358 under the title of “Criminal Force and Assault”
- from section 359 to section 374 are under the title of “Kidnapping, Abduction, Slavery and Forced Labour”

Those provisions are relevant to the definitions of enforced disappearance defined in Article 1 (2) of the Declaration on the Protection of All Persons from Enforced Disappearance and Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearances.

2. With regard to “investigation and prosecution against the persons who commit those offences”, a Court of Inquiry is established with Senior Officials with experience and expertise in accordance with the Defence Services Act, Defence Services Rules, Civil laws, rules and procedure of military discipline when any information, allegation or complaints are received on any military personnel, for committing any offences. The Court of Inquiry, taking into consideration of view and opinions of not only military, government, and local authorities but also local people, examines and investigates the allegations. If the alleged information are found to be correct, the perpetrators will be tried by court-martial or civil court. The sentence must be fair and justice in accordance with the provisions of existing respective laws.

3. The Court of Inquiry is formed when it is needed. It is composed of the expert professionals from relevant fields depending on the situation of alleged offences.

4. The person, who is a party to a criminal conspiracy, abets or orders to commit the crimes are also taken action seriously as the person who commits the crime, in accordance with the provisions of the respective existing laws.

5. Myanmar Armed Forces adopts the zero-tolerance policy without impunity with respect to the offences against civil rights and takes serious action against the person who commits such offences.
6. The duration of the investigation of the Court of Inquiry and trial of the court-martial must be within 2 months. The orders were issued to complete trial process within that period and actions are being taken against those who are responsible for the delay of trial process without reasonable ground.
7. The process of military justice is undertaken in accordance with the Defence Services Act, Defence Services Rules, manual of courts-martial, procedure of military discipline and the provisions of other respective civil laws.
8. In order to promote awareness and knowledge on prevention of committing crimes, Assistant Judge Advocates General, Deputy Assistant Judge Advocate General and Judge Advocates from the respective commands and sub-regional commands including Judge Advocate General and Deputy Judge Advocate General from the Office of the Judge Advocate General are educating the legal knowledge continuously to military personnel in the respective regiments / units and military training schools including from the Basic Military Training Schools to National Defence College.