

Advance unedited version

Distr.: General
19 September 2023

Original: English

Human Rights Council

Fifty-fourth session

11 September –6 October 2023

Agenda items 2 and 4

Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Human rights situations that require the Council's attention

Situation of human rights in Myanmar

Report of the United Nations High Commissioner for Human Rights*

Summary

Prepared pursuant to A/HRC/RES/50/3, this report identifies trends and patterns of human rights violations that occurred in Myanmar between 1 April 2022 and 31 July 2023. This report documents incidents affecting the civilian population with particular focus on military airstrikes, ground operations, and arson, and also covers acts of violence by anti-military armed groups. It further addresses human rights concerns of the Rohingya community. Recommendations are made to the military, the National Unity Government, and the international community.

* The present report was submitted after the deadline in order to reflect the most recent developments.

I. Introduction and methodology

1. In resolution A/HRC/RES/49/23, the Human Rights Council requested the United Nations High Commissioner for Human Rights to monitor and assess the overall situation of human rights in Myanmar, with a particular focus on accountability regarding alleged violations of international human rights law and international humanitarian law, and to make recommendations on additional steps necessary to address the current crisis. It also requested presentation of a comprehensive report at its 54th session.

2. This report presents findings from monitoring and verification activities conducted remotely by the Office of the High Commissioner for Human Rights (OHCHR) between 1 April 2022 and 31 July 2023. It examines trends and patterns in violations of international human rights law and, where applicable, of international humanitarian law, and examines where some of these violations may amount to crimes under international law. Paramount among these violations are killing of civilians, forced displacement, denial of humanitarian assistance, and extreme and systematic discrimination against the Rohingya by the Myanmar military.

3. This report is based on 161 interviews conducted during the reporting period with primary and secondary sources, including victims and witnesses, regular consultations and collaboration with local and international organizations, United Nations entities, thematic experts, and other actors. Analysis of other primary sources, such as satellite images and official documents, and systematic monitoring of media and social media, contributed to the findings of this report. OHCHR submitted questionnaires to military authorities,¹ the National Unity Government,² and key ethnic armed organizations. Given the serious protection concerns of individuals reporting on violations occurring in Myanmar, this report prioritized full respect of the “do no harm” principle over any other consideration. Factual determinations of incidents and patterns were made where there were reasonable grounds to believe that relevant incidents had occurred. Figures of deaths likely represent an underestimation of realities on the ground. For purposes of this report, a mass killing is considered an alleged incident in which at least 10 civilians or persons *hors de combat* were killed.

4. This report gives particular focus to key human rights and protection concerns deriving from the systematic use of indiscriminate attacks and attacks directed against the civilian population including, airstrikes, mass killings, and burning of villages. It also demonstrates that the intensity and brutality of military actions against the civilian population have increased over time, with complete impunity. Military actions have also resulted in interconnected humanitarian, political, and economic crises, imposing an unbearable toll on the people in Myanmar. Additionally, the report presents findings on the human rights situation of the Rohingya community, reiterating the lack of progress on the root causes of systemic discrimination, including on accountability, safety, citizenship, and fundamental freedoms.

5. A seemingly endless spiral of military violence has engulfed all aspects of life in Myanmar. Since the coup, OHCHR has consistently investigated and reported the evolution of Myanmar’s human rights crisis and the military’s absolute disregard for international law and protection of civilians. Analysing the use of violence by the military against individuals opposing their power and the civilian population at large, clear patterns emerged demonstrating a continuous escalation in terms of number, type, intensity, and brutality of attacks. Shortly after the coup, the military unilaterally amended and instrumentalized the legal framework to stifle free expression, justify arbitrary deprivation of liberty, and deny thousands of activists, journalists, and human rights defenders due process and fair trial rights. Their tactics quickly evolved into systematic targeted killings and mass arrests, with torture and ill-treatment causing numerous deaths in custody.

¹ The military is headed by Senior General Min Aung Hlaing.

² The National Unity Government is headed by President Win Myint and has Aung San Suu Kyi as State Counsellor. See further A/HRC/48/67, paras. 70-72.

6. Increasingly, the military resorted to brutal campaigns against any perceived opponent. They increasingly rely on air and artillery strikes on villages and other populated areas, burning of villages, executions and killings, torture, arbitrary detentions, enforced disappearances, forced displacement, denial of humanitarian access, and persecution. Depending on the circumstances, some of these acts may constitute crimes against humanity and/or war crimes.³

7. Amid a surge in the military's reliance on fighter jets and helicopter gunships, violence has continued to escalate, as epitomized in April 2023 through multiple airstrikes on Pa Zi Gyi village, Sagaing, resulting in the largest mass casualty incident recorded since February 2021.⁴ The military's increasing use of air power and munitions exhibited the military's growing reliance on heavy weapons and materiel that can only be purchased from foreign sources.⁵ To do so, they rely on access to foreign currency to purchase such military hardware, support services, and aviation fuel. Thus far, targeted measures have shown some limited success in degrading the military's offensive capacity, suggesting that more comprehensive, concrete, and meaningful international sanctions of this sort are urgently needed to curtail the military's capacity for continuing its campaign of violence and repression.

8. Concerns arise also with regard to violations and abuses by anti-military armed groups and elements. While not comparable to the military's violence in scale, proportion, or scope, such abuses exacerbate protection concerns of the civilian population. This situation requires decisive actions by the National Unity Government and relevant armed groups to ensure accountability and prevent impunity for human rights abuses by respective forces under their control.

II. Human rights violations by the military

9. Credible sources verified that as of 31 July, a minimum of 3,857 civilians, non-combatants and hors de combat have been killed at the hands of the military, including 610 women and 376 children. 24,123 individuals have been arrested for their opposition to the military of which 19,733 remain detained.⁶ Circumventing the civilian rule of law, the military continued to extend the state of emergency. 47 townships remained under martial law, exposing opponents of the military to heightened sentences, including the death penalty. Under the guise of counterterrorism, military-controlled courts meted out decades-long sentences for a range of charitable activities, such as opening schools. A total of 158 people were sentenced to death by military-controlled courts and four people had been executed. Political prisoners remained detained in deplorable conditions and reports of torture, sexual violence, and deaths in prisons or during prison transfers, are regularly received. In July 2023, in a move with scant practical meaning, the military reduced somewhat the lengthy sentences issued by military-controlled courts against President Win Myint and State Counsellor Aung San Suu Kyi.

10. Due to post-coup violence, nearly 1.6 million people are estimated as internally displaced, with Sagaing and Magway accounting for over one million.⁷ People also suffer from a precarious economic situation in which per capita gross domestic product is falling below pre-pandemic levels and inflation reaching 20 per cent.⁸ As such, 15.2 million persons are estimated to be moderately or severely food insecure and nearly double the

³ See, inter alia, A/HRC/53/52; A/HRC/52/21; A/HRC/51/41; A/HRC/49/72; A/HRC/48/67.

⁴ See detailed incident on Pa Zi Gyi below.

⁵ <https://www.ohchr.org/en/press-releases/2023/05/un-expert-exposes-1-billion-death-trade-myanmar-military>.

⁶ <https://aappb.org/?p=25720>.

⁷ <https://data.unhcr.org/en/situations/myanmar>.

⁸ <https://www.worldbank.org/en/country/myanmar/publication/myanmar-economic-monitor-january-2023-navigating-uncertainty>.

number of households expressing concern about inadequate food supplies compared to one year ago.⁹

A. Airstrikes

11. Military use of airstrikes has significantly increased in the reporting period. Analysis of open sources suggest that 687 strikes occurred during the reporting period compared to the 301 reported between February 2021 and March 2022. Credible sources verified that military airstrikes have killed at minimum 281 individuals, instilling terror in the civilian population, who now reasonably fear they could be bombed in their homes, at schools, hospitals, and religious buildings and at public gatherings. While previously the north-east and south-east, particularly in Kachin, Kayah, and Kayin States, were the most targeted areas, the report notes a 324 percent increase in airstrikes in the central regions with figures raising from 78 to 331. Sagaing Region alone accounts for 258 of the 331 airstrikes and 39 percent of the total nationwide. Of further concern is that airstrikes have repeatedly been combined with measures that systemically deny the ability of those injured to access medical care.

1. Pa Zi Gyi

12. On 11 April 2023, in Pa Zi Gyi village, Kanbalu Township (Sagaing), military aircraft repeatedly attacked a large, predominantly civilian gathering resulting in the highest death toll in one incident since the coup. Credible sources verified 150 civilian deaths, including 19 women, 21 girls, and 14 boys. Additionally, 18 people affiliated with local anti-military armed groups were killed in the strikes.¹⁰

13. In its response to OHCHR, the military confirmed carrying out the attack, while claiming to have used maximum restraint. They added that “there may be related deaths of those with plain clothes who supported the terrorists. Regardless of being in plain clothes, counter-terrorism law shall have its jurisdiction upon those who commit, attempt to commit, abet or, instigate or participate as accomplices in the activities of terrorism”. This casts serious doubts about the respect of the principle of distinction by the military as the statement suggests an erroneous use of a vague domestic criminal law standard to determine who loses of protection under international humanitarian law from attack. A military spokesperson claimed that terrorists had laid a minefield around the site of the attack, that explosives were stored inside the building that was struck, and that the detonation of these explosives caused additional fatalities.

14. Multiple interviewees from Pa Zi Gyi area stated they had gathered that day to inaugurate a community building on the village outskirts.¹¹ Survivors and eyewitnesses recounted refreshments being served to attendees, including local elders and children, in and around the building. At around 07:40, a Yak-130 military combat aircraft bombed the site with a reported fuel air explosive bomb, immediately killing most of the victims. From the village, people rushed to the scene to assist those injured. Witnesses recounted calling out the names of family members while grappling to process the carnage. An interviewee described “People lying on the road, with body parts spread everywhere.” “Some people had no head, no arm, no leg,” and, “you couldn’t put your feet down without stepping on bodies or blood” said another witness. A verified video of the aftermath depicts the dying minutes of its cameraman, who, missing half his leg, calls for help: “A jet fighter came [...] I hope I will live! Hurry to rescue those alive!”.

15. Shortly after, an Mi-35 military helicopter arrived and opened fire on those on the ground. Rescuers ran for cover while carrying the injured. An interviewee recalled taking

⁹ <https://reliefweb.int/report/myanmar/myanmar-humanitarian-update-no-31-15-july-2023>.

¹⁰ <https://airtable.com/shrYUbzQe1hKXQ68x/tblswChRJGSzJW7k>.

¹¹ While the military described the building as a “NUG headquarters”, the National Unity Government defined it as a village administration office. Multiple witnesses described the ceremony as the inauguration of a community centre to shelter the local security group conducting sentry duties and arbitrating disputes in the post-coup context.

cover in the creek bed under a small bridge along with 10 other people but, after the helicopter fired at them some persons eventually ran to draw away the fire from the group. Survivors recounted that many people died because of the shooting from the helicopter while looking for missing family members. One said, “I couldn’t hear any more sound from the survivors shouting for help – they had all died.”

16. Most survivors fled the area after the helicopter left, with the seriously injured ferried away on motor vehicles for medical treatment. An injured survivor recalled first responders pleading with them to stay conscious throughout the motorbike ride, but not all survived this journey. Some, including a child and a pregnant woman, had limbs amputated and medical doctors confirmed that injuries resulted from burns and gunshot wounds. They also detailed significant psychological trauma presented by survivors, including young children.

17. Having paused body recovery for fear of further attacks, by the afternoon residents had resumed inspecting and collecting remains, assisted by members of anti-military armed groups. Bamboo-frame stretchers were used to transport remains to a field nearby the attack site, where they were piled together in preparation for mass cremation. Around 17:30, another fighter jet circled the area at least three times, dropping several bombs and firing other weapons. While apparently nobody was seriously hurt in the attack, this strike ended the rescue operations for the day as people feared holding lights could lead to further targeting. Damages to buildings and livestock were reported.

18. Extensive video and photographs posted to social media show destroyed buildings, charred bodies, severed body parts, and organs scattered across the area. Analysis of satellite images and photographs from the ground confirmed the presence of two possible craters and use of aircraft strafing. No evidence was found supporting the military’s allegations of the building storing explosives. All the verified images of casualties depict children, women, and men in civilian clothing. Some images show bodies exposed to extreme heat. Analysis by an ammunitions expert examined by OHCHR and other available reports¹² confirm the likely use of a thermobaric or fuel-air explosive weapon in the attack causing a “pressure wave” resulting in dismemberment among common causes of death. This is further supported by the types of trauma and injuries to bodies, the nature of damage to the building, and the fact that some individuals outside the primary blast area presented burns while other complaints included loss of hearing and vision.

19. Thermobaric or fuel-air explosive weapons are designed to explode in the air before impact to maximize destruction and casualties by increasing the radius of the shock wave and blast. While not prohibited *per se* under international law, these weapons when used in populated areas or in the presence of civilians almost invariably have indiscriminate effects and are very likely to violate the principle of proportionality under international law. Of further concern is that the Myanmar military is not previously known to have used thermobaric weapons, and its use here may signal a possible increase in the use of such weapons in the future. It also raises concern as to the origins of such weapons.

20. Information gathered from the ground prior to the attack, the type of aircrafts, and their approaching direction give reasonable ground to believe that the Yak-130 took off from the military base in Mandalay while the Mi-35 flew from the base in Monywa. These bases are under the military’s central and northwest regional commands, respectively. The use of multiple aircraft and airbases and the subsequent coordination of air and ground operations, indicate planning, coordination, and/or knowledge at senior levels of military command. Furthermore, the involvement of both commands and ground troops (as described further in the report) indicates the participation in the operation of the highest level of leadership through the Bureau of Special Operations-One based in the capital Naypyitaw.

¹² <https://www.hrw.org/news/2023/05/09/myanmar-enhanced-blast-strike-likely-war-crime>.

2. Nyaung Kone

21. On 27 June 2023, in Nyaung Kone village, Pale Township (Sagaing), the military carried out repeated airstrikes with a similar design as in Pa Zi Gyi, in which bombing with weapons having wide area effects was followed-up by gun fire. According to several independent accounts, 10 civilians, including a monk and four of his family members, were killed.

22. Witnesses recounted that schoolchildren were attending afternoon classes at the local primary school near a monastery. One witness returning from his farm saw the plane and reported hearing the screams of the victims. Another villager was pumping water when he heard a fighter jet flying overhead. This was then followed by multiple strikes on the village. “It was so scary, [the bomb] was huge. I was alone and thinking to myself, they’ve just shot at people,” he recounted.

23. Villagers described that, on its first pass, the fighter jet dropped three bombs, hitting one of the monastery’s residences as well as neighboring homes, killing on impact the monk and relatives. Minutes later, the same fighter jet dropped another bomb, which, according to witnesses, immediately engulfed the nearby houses in flames. “A huge blaze shot up,” said one individual, “it was like pouring gasoline on a fire.” Passing a third time over the village and flying extremely low, the aircraft deployed gunfire over a much wider area than that of the bomb explosions, hitting farmers’ fields and the primary school.

24. People reaching the scene minutes after the attack to provide assistance recounted a scene of bloody destruction and several victims shouting for help. One witness described pulling at least seven injured people from the fire as others rushed to transport another 20 wounded, including three children, to medical treatment. A teenage woman was so severely injured that she died while villagers were transporting her to emergency medical care; they noted they could not bring her to military-controlled facilities for fear of arrest and retaliation.

25. Analysis of photographic evidence of the aftermath appear to indicate the likely use of both high explosive and conventional weapons. While some bodies presented shrapnel wounds, at least three appeared intact but incinerated. Witnesses observed three distinct holes in the ground roughly waist-deep and up to three meters in diameter, supporting reports of the use high explosives. Consistent with the existence of extreme heat and the technical capabilities of this aircraft, photos showed hundreds of square feet of structures almost completely burned to the ground. Eyewitnesses specified that the structures burned in less than ten minutes.

26. Nyaung Kone was consistently described as a peaceful village with no presence of armed elements. Credible open sources indicate that no significant incidents or military operations occurred prior or after the strikes, rendering the military’s rationale for the attack indiscernible.

3. A Nang Pa

27. On 23 October 2022, the military carried out an airstrike in A Nang Pa, Hpakan Township (Kachin), targeting an anniversary celebration of the Kachin Independence Organization also attended by members of the Kachin Independence Army. Credible sources verified a minimum of 42 casualties, including 14 civilians. However, it is believed that the final death toll is significantly higher.¹³ Challenges in documenting these figures derive from the remoteness of the area, prolonged internet shutdowns, and the measures imposed by the military to limit movements of survivors and prevent the injured from accessing medical care. Photos from the scene clearly show at least 30 corpses.

¹³ One interviewee involved in the burial of people indicated that over 200 people were killed. The National Unity Government sets the total at 130. The Kachin Independence Army did not respond to the OHCHR request and the military did not indicate figures stating that “security forces took the necessary measures against armed terrorists.”

28. According to interviewees, at around 20:30, three military jet fighters bombed the venue twice killing most of the people, including members of the Kachin Independence Army and civilians, including a renowned local artist and businessmen who were attending the celebrations, while wounding dozens. One interviewee emphasized that “It was a special day, a lot of people from nearby villages came to help,” and most of them had to cross a military checkpoint by the Ginsi bridge, approximately six kilometers from A Nang Pa. While OHCHR could not directly confirm that the Kachin Independence Army informed the military about the event, it appears reasonable to believe that the military had knowledge of the presence of civilians. Despite OHCHR’s request, the military did not provide information on how they operated to meet the principles of distinction, proportionality, precaution, and military necessity for this attack.

29. After the bombing the situation was dramatic. One survivor recalled, “I could see my shin bone broken in half; I had shrapnel in my leg”. He was taken to the forest, treated with what was available, and placed under a bamboo canopy where he stayed for three days. Another interviewee stated that “after the bombings, there was a lot of chaos. There were body parts and blood everywhere. People were crying for help,” and he said that “it was so dark that we could not see anything. We could not identify the people and just tried to collect all the wounded people in one place. We also made groups of people that could not be identified as some of the bodies were missing their heads.” Meanwhile, the military had erected bamboo barricades and barbed wires at the checkpoint at Gansi bridge, systematically denying medical access to the area and seeking to arrest people coming from the venue. Rescuers had to use longyi (cloth garments) to transport the wounded through the forest and had to paddle through the river not to alert the military. However, many died during their journey and were at times buried where they died adding to the challenges in determining a total number of deaths.

30. In the following days, military troops surveilled and raided local healthcare facilities exacerbating the victims’ suffering. Interviewees reported about military’s threats against health workers for treating victims of this incident with one stating, “even families were afraid to take in wounded relatives as they would have arrested the whole family”. Repeated military actions directed at preventing access to life-saving aid and medical attention have no justification and likely represent gross violations of both international human rights law and serious violations of international humanitarian law.

B. Mass killings during ground operations

31. Ground operations continued to represent another major threat for the civilian population, as the brutality of the military has continued to intensify, particularly in the absence of accountability. Military forces have repeatedly entered villages, rounded up residents, and executed them. Witnesses and photographic evidence indicated that soldiers made use of an appalling selection of methods likely amounting to inhuman treatment to inflict unimaginable pain on their victims, including by burning them alive, dismembering, raping, beheading, stabbing, bludgeoning, and using them as human shields against attacks and landmines. Entire families, including elders and toddlers, have been slain. While the military has often sought to destroy evidence by burning the victims’ bodies, it also displayed beheaded or otherwise defiled corpses to instil terror in those discovering them. OHCHR also noted a concerning trend of the military causing a comparatively larger number of deaths among the civilian population during military operations than in the past. Instead of two or three killings as was common in incidents during the first year since the coup, the analysis of information received indicates that, since April 2022, there have been some 22 mass killings with an estimated 565 deaths. People in the central regions were confirmed as the most at risk with, deaths there amounting to around 80 percent of the total nationwide.

1. Nyaung Pin Thar

32. On 9 May 2023, in Nyaung Pin Thar village, Htantabin Township, Bago, multiple independent sources confirmed the military entered the village prompting many to flee. The following day, after the arrival of reinforcements, the military clashed with the Karen

National Liberation Army and an anti-military armed group. After opposition forces retreated, an interviewee reported seeing columns of smoke rising from the village.

33. On 12 May, the first villagers returned, describing their discovery of 19 bodies divided into two piles, one for men and one for women and children. There was stench of charred flesh. Another body was later discovered and photographed near the village cemetery with marks compatible with acts of torture. Adverse weather conditions prevented the military from completely incinerating the bodies. This allowed sources to note injuries and identify the victims, including three children under the age of seven, a 15-year-old child, and two men over 70-years-old. Interviewees reported about eight distinct families among the deceased and, in one case, three generations of a single family were killed. One villager, who lost a family member, said, "Some of the bodies were not burned completely. We saw the throats cut and marks of blood coming out of their bodies. We saw two bloody pools, lots of blood near the bodies. Before they died, they might have been tortured. We saw some of the brain parts on the ground also, their heads had been damaged before they were burned." Another witness saw the corpse of a toddler with her head gravely wounded still holding the hand of her dead mother.

34. According to information released by the Karen National Union, the operation was under the direct command of a Colonel of the Kyaukkyi Township Battalion, and it included military columns 73, 559, 590 under the command chain of the Southern Regional Command, column 84 under Military Operations Command Number 6, and column 15 under Light Infantry Division 99.¹⁴

2. Tar Taing

35. In instances in which the victims of mass killings by the military have included women, sources have repeatedly raised allegations of rape and other forms of sexual violence prior to execution. On 1 March 2023, about 100 soldiers entered Tar Taing village, Sagaing Township, Sagaing, and detained some 60 villagers in a monastery, allegedly torturing them. When leaving the next day, they took 10 detained men, 3 women, and a child with them. Villagers reported finding their bodies in the evening nearby Nyaung Yin village.

36. Interviewees who observed the bodies reported gunshot wounds to the head and entry wounds on their backs. Women were found with foreign objects lodged in their bodies sustaining claims of sexual violence and appeared to have been either stabbed or executed with single shots. One interviewee recognized two women and reported their clothes had been ripped. Another interviewee recalled finding a person: "They beheaded him and put his head on a tree. They are very brutal."

37. All interviewees confirmed that there was no presence of anti-military armed groups. According to interviewees, the military also looted homes looking for money and gold. Interviewees and open sources indicated that the 99 Light Infantry Division is likely responsible for these killings.

3. Sone Chaung

38. At around two in the morning on 21 July 2023, residents of Sone Chaung village, Yinmarbin Township, Sagaing, were awakened by the sound of gunshots. One villager recounted: "When I heard the gunfire, I woke up. I tried to ask my neighbours and friends what happened. Other people tried to call the local leader. Someone answered his phone, saying 'Someone robbed my house, please come and help me.' We sensed it was not him. Some people went there and they were arrested. Other people realized this was the army and told me to run. So, I hid behind each house, one by one, to run away."

39. A person directly involved in the search for the missing reported finding initially three dead 17-years-old. They later found another 11 bodies outside the village with their hands tied together. According to the witness, corpses presented grotesque injuries,

¹⁴ [https://knuhq.org/admin/resources/statements/pdf/KNU%20Statement%20on%20SAC%20Burning%20and%20Killing_Massacre_at%20NyaungPinThar_Final_\(Burmese\)_\(20230514\).pdf](https://knuhq.org/admin/resources/statements/pdf/KNU%20Statement%20on%20SAC%20Burning%20and%20Killing_Massacre_at%20NyaungPinThar_Final_(Burmese)_(20230514).pdf).

including knife gashes, stab wounds, severe burns, removal of eyes and other forms of dismemberment, as well as signs that they had either been bludgeoned to death or bled out after key arteries had been cut. Attempting to pick up the bodies, the rescue team noted that several necks hung unnaturally, indicating that they had been broken. Photos reviewed by OHCHR corroborated these descriptions. Later, a military unit shelled the area where the bodies had been found, suggesting an attempt to dissuade relief efforts or conceal evidence.

40. Interviewees could not provide reasons for the attack and described the village as normally peaceful because the Aung Zayar military base is a mile away. They said there were no prior clashes as there was no presence of armed groups beyond a local self-defence group of poorly-equipped villagers seeking to protect their village.

C. Burnings

41. Burnings of villages, which remain widespread and systematic, represent a further affront to civilian protection. Forming a key tactic of the military's "four cuts" strategy, which aims to eliminate armed groups' access to food, funds, intelligence, and recruits, the military burns not only homes, but also targets food stores, seed banks, and livestock, to punish a perceived hostile population and prevent access to food for its opponent. By design, the "four cuts" strategy also deprives civilian populations of food and shelter making the burning of villages and ensuing destruction of civilian property a key driver of humanitarian needs in the country. These acts cause immediate and long-term harm and force the civilian population to live in precarious conditions exposed to numerous man-made and natural hazards, including landmines, extreme weather conditions, and snakebites. In a typical example, an interviewee, who had lost all his wealth and livelihoods, and who had lived in displacement for over a year after the military burned his house, recounted that his family survived solely on the goodwill of other community members.

42. Open-source data indicates that nearly 75,000 houses and buildings have been burnt since the coup across 106 townships in 12 states and regions.¹⁵ Over 24,000 burnings are reported since the beginning of 2023, suggesting that the military's campaign is on the rise. Confirming that the central regions are the main theatre for these incidents, Sagaing accounts for over 50,000 burnings and Magway for nearly 10,000. As previously documented, burnings often result in the killings of individuals, elderly and persons with disabilities in particular, who are unable to flee the encroaching blazes. Analysis of available data indicate that over 90 percent of the victims are above the age of 60 or had physical or mental disabilities. According to the military, "From 6 December 2021 to 11 July 2023, the terrorist groups have torched a total of 18 villages from 9 townships namely Ayadaw, Pale, Chaung U, Kanbalu, Taze, Shwebo, Sagaing and Monywa townships in Sagaing region and one village from Pauk Township in Magway region. A total of 923 houses, one transformer and one grain mill have been burned down". The military also denied any responsibility of its troops for such acts claiming that, "the Rules of Engagement prohibit looting and destroying properties of people and the Tatmadaw has been strictly supervising its members to follow their compliance."

43. However, OHCHR received and documented repeated reports of the military looting homes before settling them alight, while failing to evacuate people before torching their houses, displaying a total contempt for human life. According to one source, on the morning of 25 March 2023, approximately 80 military troops from Budalin Township, Sagaing, raided Sone Kone village, burning homes, livestock, harvested rice, and other crops. Satellite images confirm that 175 houses burned to the ground. Seven elderly residents, including one paralyzed woman and one blind woman, burned to death in the fires. Photos analysed by OHCHR showed charred corpses at the doorstep of their homes.

¹⁵ <https://ispmyanmar.com/community/wp-content/uploads/2023/08/DM-48-7x10-eng.pdf>.

44. These attacks are often combined with village raids and artillery shelling that cause further physical harm to civilians while perpetuating a constant state of fear. On 21 March 2023, several independent sources confirmed that the military arrived by water to the villages of Out Kyauk Watt and Nyaw Pyin in Launglon Township, Tanintharyi. They looted homes, took valuables, and burnt at least 90 houses in both villages. Later that day, the military shelled the villages five times from the sea. Villagers witnessed an escalation of violence over a brief period of time with reports of ground operations and killings on 4 March and burning and artillery attacks on 21 March. This has led to massive displacement and the impossibility to return for fear of new military attacks.

45. Between 23 March and 11 April 2023, in Shwegu Township, Kachin, satellite images confirm that 1,424 houses in 14 villages were damaged or destroyed. According to testimonies, on 23 March over 100 soldiers from the 10th and 77th Light Infantry Battalions arrived in East Shwegu and clashed with the combined forces of the Kachin Independent Army and Shwegu People's Defense Force in Nawng Let Gyi and Man Wein villages. Satellite imagery analysis confirms that almost 300 structures were damaged and burned as a consequence of the military attack. In the following days, hostilities spilled across nearby villages, and soldiers arrived at Man Wein, Si Thar, Si Thaug, Si Mu Lay, and Si Mu Gyi villages to torch houses. Out of 557 structures in Si Thaug and Nam Lein Villages, 350 of these were either destroyed or burned by the military. More than half of the houses in Man Wein, Si Mu Lay and Si My Gyi villages were destroyed. An interviewee from Si Thaug recounted, "I could see my house burning from a distance. They started burning the village from my house. I had saved timber to build a new house, they burned that also." Food storage and livestock were not spared either.

46. Information on burnings was also regularly received from Kayin, Kachin, Chin, and Kayah States. However, forced displacement, internet shutdowns, and lack of availability of satellite images, have hampered full independent verification.

III. Violations and abuses by anti-military armed groups and elements

47. OHCHR also continued to document and record violations and abuses by anti-military armed groups and elements against civilians. Their verification is affected by the overall security situation, the disputed credibility of military and other public reports, and the challenges in identifying the perpetrators, while their scale and intensity cannot be compared to the violations committed by the military. Anti-military armed groups and elements, whether or not affiliated with the National Unity Government, consistently carried out targeted killings and attacks against courts, immigration offices, tax departments and other public buildings with drones, bombs, and grenades. Victims often are local administrators, civil servants, military-affiliated political party members, or individuals accused of being military informants. Occasionally, groups claimed responsibility for the incidents through social media.¹⁶ According to information from the military that could not be independently verified, attacks by anti-military armed groups and elements resulted in the deaths of "6,000 innocent civilians including 75 monks and nuns, 825 administrators, 57 ex-servicemen, 4,738 ordinary citizens and members of political parties, 80 teachers, 17 healthcare personnel, 202 children and 154 civil servants as of 30 June 2023."

48. In response to an OHCHR request, the National Unity Government reported adopting measures and establishing mechanisms to ensure that affiliated anti-military armed groups comply with relevant provisions of international law in accordance with their code of conduct. Measures included the issuance of directives and regulations to protect children and civilians and on the treatment of prisoners, capacity building training, review of rules of engagement, establishment of monitoring and investigation mechanisms, and of an inter-ministerial Central Complaints and Reporting Committee and a Central Investigation Commission for War Crimes. To date, this Commission has reportedly

¹⁶ OHCHR assessed at least 70 claims of responsibility made online. However, it is possible their number is larger.

received 185 allegations, including acts committed by anti-military armed groups which were handled by their military court. No information was provided on the outcomes of these cases, including on accountability for perpetrators.

49. Targeted killings of local administrators and individuals perceived as military collaborators are a key tactic of anti-military armed groups and elements. These incidents cause serious concerns as they may amount to unlawful killings and frequently result in the death of individuals nearby. In the cases described below, if linked to an armed conflict, the individuals targeted had not lost their protection as civilians against attacks as their activities do not appear to amount to direct participation in hostilities. These targeted killings may therefore amount to a violation of the prohibition of directing attacks against civilians. Among the cases where there was a claim of responsibility, OHCHR found that on 17 October 2022, the Wundwin Township Revolution Force in Mandalay opened fire on a township administrator who was having lunch at a restaurant. The administrator and another individual died on the spot while a third one was injured. Similarly, on 24 March 2023, a female ward administrator was shot and killed at her house in Pyigyitagon Township, Mandalay. In claiming responsibility, the Urban Guerrilla Force-MDY and the Ranger Urban Guerrillas accused her of forcing residents to report guest lists and extorting money from them. Also, on 12 January 2023, in Nat Mauk Township, Magway, the Magway Guerrilla Warfare and the Peacock Warriors shot dead a primary school principal, claiming in a press release that he was pressuring the township education staff to cooperate with the military.

50. OHCHR also continued to record allegations of attacks by anti-military armed groups on public offices with bombs and grenades and found that several attacks were carried out despite the inherent risk of causing deaths among civilians. For example, on 5 June 2023, the Brave Eagles Urban Guerrilla group detonated a bomb in a tax office in Yangon, injuring four employees and two individuals. While claiming responsibility for the casualties and apologizing for the involvement of individuals who were not working for the office, the group stated that the attack was meant as a warning to civil servants not taking part in the civil disobedience movement.

51. In mid-April 2023, several credible sources also reported bomb and drone attacks on Thingyan water pavilions set up in various cities to celebrate the Burmese New Year. Before the attacks, several groups urged the public not to get near these pavilions as they could be targeted. In one incident recorded on video in Loikaw, Kayah, a bomb likely dropped from a drone exploded next to the stage where traditional dancers were performing. At least 28 people, including many civil servants, were reportedly injured. The Loikaw People's Defence Force and the Falcon Wings armed group claimed responsibility for the attack, saying that it was carried out in revenge for military mass killings in Pa Zi Gyi and elsewhere. Similar attacks were reported from different parts of Myanmar during the Thingyan celebrations. On 13 April, in Kywei Pon village, Sagaing, a bomb exploded at the parking lot of a pavilion with media reporting at least four deaths. On the same day, in Lashio, Shan, a drone attack targeted the location of the celebration killing allegedly eight people. No independent verification has been possible to date.

52. Also, OHCHR analysed videos posted to social media depicting individuals being tortured and in one case executed by alleged members of anti-military armed groups. On 3 December 2022, a video on social media showed alleged members of an armed group repeatedly punching a handcuffed woman in the head, kicking her, pulling her hair and hitting her with a rifle butt, until she confessed to being a military informant. She was later shot dead on the street.¹⁷ In another online video that surfaced in May 2023, three men wearing uniforms of the Shan State Progress Party group interrogate a man hanging from a tree while he desperately tries to avoid being burnt by a campfire right under his feet. No further information was found about his fate or actions taken to hold perpetrators to account.

¹⁷ Media indicated the incident occurred in Tamu Township, Sagaing, in June 2022.

IV. Human rights situation of the Rohingya

53. Although Rakhine State remained mostly stable from a security perspective, the human rights situation of the Rohingya community continues to be of utmost concern. When Cyclone Mocha made landfall in Rakhine on 14 May 2023, it caused widespread destruction and affected all communities in Rakhine State. It aggravated protection concerns of the Rohingya community, already marred by decades of extreme discrimination and other gross human rights violations many of which may amount to crimes under international law. Of the estimated 600,000 Rohingya remaining in northern Rakhine, over 150,000 are displaced, living with severe limitations on rights and freedoms in camps in central Rakhine. Under these circumstances, Rohingya community members had to endure both the brunt of the storm and the military's actions directed at preventing humanitarian access to the affected areas. Interviewees reported extensive structural damage with nearly all houses in Sittwe and Rathedaung townships being affected. Many displaced Rohingya in camps in Sittwe lost everything, because camps were located near the sea or in low-lying areas prone to flooding. Their flimsy temporary dwellings stood no chance against cyclonic winds, while community members reported not having received adequate information and authorizations to move to safety. Some communities that received warnings did not heed them due to their lack of trust in the military and fear of further expropriation, destruction, and property losses. One interviewee reported that the military had designated one local school as the only evacuation site for the approximately 6,800 residents of a camp in Sittwe and that the school could barely accommodate a few families. Responding to OHCHR, the military stated they carried out a "pre-emptive evacuation of around 63,300 people out of around 125,700 IDPs from 17 camps to safer buildings and cyclone shelters".

54. While initial reports set the number of Rohingya who died at over 400, the military unilaterally asserted that 116 had died. They also threatened legal action against individuals and outlets reporting different figures, effectively preventing any further documentation. In its submission, the military indicated that "a total of 148 persons had lost their lives" without specifically providing information on Rohingya. Comparing the military figures, it becomes evident that Rohingya have been disproportionately affected compared to other communities, likely due to the numerous vulnerabilities and lack of more decisive preventive actions. One interviewee attributed the larger number of deaths among Rohingya to the limited available evacuation options and the impossibility for Rohingya to freely move to seek refuge. Most deaths reportedly occurred while community members, especially women and children, were attempting to flee rising waters. One Rohingya woman whose family had signed up for evacuation reported being informed one day before the cyclone that all shelters were full. Her young child was swept away by the waves as the family tried to escape the floods.

55. Post-cyclone, the military instrumentalized relief operations. Four weeks after landfall, the military suspended all travel authorizations for all relief operations and instructed that all disaster relief responses and supplies must be directly managed by them. It also obstructed relief efforts of local civil society groups through threats and arrests of those delivering aid or raising funds for relief efforts. Restrictions on humanitarian access affected all communities in Rakhine in urban and rural areas, including those under the control of the Arakan Army. Interviewees from camps and villages reported having received none or very little assistance from the military and living in makeshift shelters with extremely limited access to food, clean water, and medical care. One interviewee stated he could not provide daily food to his children while another said that many widowed women beg for food, exacerbating risks of exploitation and abuse. To seek refuge from the monsoon season, displaced Rohingya scavenged debris to find basic materials to rebuild their dwellings. Repeated calls by senior UN officials for access to address risks of food insecurity and water-borne diseases have been ignored, and Rohingya remain exposed to serious life-threatening conditions.

56. Despite this, and in clear absence of conditions for safe, dignified, and sustainable returns, since March the military purported to organize the return of approximately 1,000 Rohingya refugees from Bangladesh. After visiting Cox's Bazar in March to identify potential returnees, in May the military supported a "go-and-see" visit for Rohingya

refugees to the relocation centers in Rakhine. After the visit, participants declined to return, insisting that basic conditions were not in place and that returns would only occur once there were assurances of safety, restoration of citizenship rights, enjoyment of fundamental freedoms, and access to livelihood and essential services. However, the military offered a plan in which returnees would be initially sent to “reception” and “transit” centers in Maungdaw Township, mostly built on land where Rohingya lived before 2017, before being transferred to areas where they would have to join a work-for-cash programme to build their houses. This plan makes no mention of compensation or reparation for the victimization and other violations suffered by Rohingya community members. Additionally, Rohingya would be forced to accept National Verification Cards, which have been rejected by the Rohingya as a tool of a discriminatory system that entrenches their status as foreign immigrants and denies them full citizenship rights. Since Rohingya were not allowed to freely move to seek assistance even in the aftermath of the cyclone, it is reasonable to expect that returnees would also be denied the right to freedom of movement and the right to access services, such as health, education, and livelihood, forcing them afresh into patterns of exclusion and deprivation of liberty, like the Rohingya living in camps in Sittwe since 2012.

V. Conclusion and recommendations

57. Almost three years after the military attempted overthrow the legitimately-elected Government and arresting many of its members, the overall human rights situation continues to incessantly deteriorate, exposing the population to gross human rights violations and serious violations of international humanitarian law. This report finds that the military through airstrikes and ground operations, acting with total impunity, is responsible for a further substantial escalation of violence, in continuing disregard for human life. OHCHR has documented a sharp rise in a variety of serious human rights violations, including the increase over time in the number of incidents in which 10 or more individuals were killed. This suggests that demands by the Security Council, Human Rights Council and the Association of Southeast Asian Nations (ASEAN), among others, for the cessation of violence, restraint, civilian protection, and humanitarian access have gone unheeded by the military leadership. Violations and incidents documented in this report are consistent with and confirm patterns of previous findings, detailing the catastrophic human rights impact that military actions have had on the civilian population and the increasing brutality with which the military has carried them out. Targeting schools, religious buildings, community gatherings with a large presence of civilians, beheadings, dismembering, raping, burning villages and people, killing toddlers alongside their mothers, and using weapons with the scope of maximizing casualties are all indicative of the lengths the military appears willing to go in its campaign to quash all opposition, with no sign of any accountability processes initiated for the described violations.

57. Interviewees and interlocutors consistently stated that people in Myanmar live in a persistent state of fear. People expect that airstrikes and ground operations can occur at any time, against anyone. Villages with no records of fighting or presence of armed groups have been attacked and burned causing deaths, displacement, and destruction. People are continuously arrested and deprived of the most basic human rights in a situation of complete absence of the rule of law. Burnings have reportedly destroyed over 70,000 buildings, killed hundreds, including the elderly and persons with disabilities, and devastated food stores and seed banks causing immediate and long-term harm to the enjoyment of human rights in particular the right to food. Preventing and politicizing humanitarian access to both violence- and cyclone-affected areas is unconscionable, particularly when the population is in dire need of life-saving shelter, food, and water.

58. Amid these disastrous conditions, people in Myanmar are also affected by violence by anti-military armed groups, including targeted killings and bombing of public places, and natural disasters. Cyclone Mocha added to the overall devastation, disproportionately affecting members of the Rohingya community. Instead of facilitating humanitarian actions, the military suspended travel authorizations for relief operations and instrumentalized life-saving aid.

59. With no end in sight for violence and violations against the civilian population, decisive and concrete actions at the international and regional levels are more urgent than ever. As it is unlikely that the military itself will radically change its abuse of power and violence in the foreseeable future, responsibility of protecting civilians and restoring conditions of life conducive to peace and stability remains with the wider international community.

60. **In the light of the above findings and recalling previous recommendations, the High Commissioner recommends that the military:**

(a) **Immediately implement Security Council resolution S/RES/2669(2022) ceasing all violence and granting unhindered humanitarian access across the country;**

(b) **Allow for full, unrestricted, predictable humanitarian access to all those in need by international and national organizations to provide life-saving aid to the population;**

(c) **Support inclusive and transparent political processes to return Myanmar to a path of democratic development;**

(d) **Take all necessary measure to ensure that members of the Rohingya community are not further victimized, including by forcing refugees to return while they remain effectively stateless, and ensure full and continuing compliance with the provisional measures ordered by the International Court of Justice;**

(e) **Provide OHCHR with meaningful access to Myanmar to facilitate independent and impartial monitoring and reporting on the human rights situation, particularly on civilian protection.**

61. **The High Commissioner further recommends to all parties in Myanmar:**

(a) **Respect and ensure respect for international human rights law and, where applicable, fully comply with international humanitarian law, particularly norms relevant to the protection of civilians and persons hors de combat;**

(b) **Allow and facilitate timely and unimpeded humanitarian access to all those in need by international and national organizations so to provide life-saving aid;**

(c) **Cooperate with relevant international human rights and accountability mechanisms to support evidence-gathering processes on crimes committed in Myanmar against the civilian population;**

62. **The High Commissioner recommends that duty bearers, including the National Unity Government, ensure that allegations of human rights abuses against the civilian population by members of armed groups under their direct control are promptly and transparently investigated and that perpetrators are held accountable for such acts.**

63. **The High Commissioner reiterates previous recommendation that the Security Council refer the full scope of the current situation in Myanmar to the International Criminal Court, also recommending that Member States, particularly those with influence on the parties:**

(a) **Maintain rigorous attention to developments in Myanmar as the situation continues to deteriorate and support documentation and accountability efforts;**

(b) **Ensure that no direct and indirect supply of weapons, ammunition, military vehicles and equipment, dual-use goods, and military jet fuel is provided or**

made possible through provision of access to foreign currency to the military for such purposes;

(c) Collaborate with the private sector to avoid providing revenues to the military that may foreseeably be used to facilitate or commit violations of international human rights law and of international humanitarian law and crimes under international law;

(d) Take concrete action to ensure that Rohingya in Myanmar, Bangladesh, and elsewhere have access to sufficient food, medicines, and shelter, and to process voluntary resettlement, while granting asylum to Rohingya victims of human rights violations.
