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**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 Human Rights Council resolution 52/31, this report presents findings based on OHCHR monitoring and verification of the overall situation of human rights in Myanmar regarding alleged violations of international human rights law and international humanitarian law, as well as the rule of law, since 1 April 2023. It concludes by examining the impact of the crisis on the mental health of the population and good practices in provision of mental health services by civil society and community-based organizations. The report concludes with recommendations to the military, armed groups and international community, including to ensure accountability.

* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.



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# I. Methodology

1. Pursuant to its resolution 52/31, the Human Rights Council requested the United Nations High Commissioner for Human Rights to monitor the overall situation of human rights in Myanmar regarding alleged violations of international human rights law and international humanitarian law, as well as the rule of law, and the implementation of the present and previous resolutions, and to present a comprehensive report at the 57th session.

2. Findings are based on remote monitoring and verification conducted by the Office of the High Commissioner for Human Rights (OHCHR) between 1 April 2023 and 30 June 2024. Where appropriate, reference is made to previous reports by the Office on violations of international human rights law and international humanitarian law committed by the Myanmar military (the military) and human rights violations and abuses and violations of international humanitarian law committed by other actors in Myanmar. Between 1 April 2023 and 30 June 2024, OHCHR conducted 336 interviews, including with victims and witnesses, 18 consultations with local and international organizations, relevant United Nations entities, lawyers, prisoners' organizations, thematic experts, as well as analysis of satellite images and official documents.

3. OHCHR prioritized the full respect of "do no harm" principle over other considerations. Factual determinations were made where there were reasonable grounds to believe that the relevant facts had occurred as described. Figures of verified deaths and other violations are almost certainly an underestimation of reality due to the lack of access to the country and difficulties of gathering and verifying information due to communications restrictions and cuts imposed by the military in several areas of the country. There is often a significant resulting time-lag in finding and verifying data. Additionally, many victims, including recently released detainees, regularly go into hiding, which significantly delays their willingness or ability to be interviewed. As a result, some examples used in the report occurred outside of the reporting period, but only became known or were verified within it. Formal places of deprivation of liberty refer to police stations, detention and interrogation centres, prisons and other official sites. All other locations where individuals were kept for indeterminate periods are termed "informal". "Custodial authorities" is a term describing individuals, including police officials, interrogators, guards, and soldiers, who are not always distinctly identifiable, operating in military-run places of detention.

# II. Introduction

4. The report focuses on human rights violations in Myanmar, with emphasis on the most serious incidents which are indicative of the crisis in the country and lack of the rule of law. In assessing rule of law or absence thereof, the report examines key institutions responsible for the rule of law and their compliance with international law. Given the growing number of individuals impacted across the country, the report also briefly presents concerns related to mental health services, including their critical importance to resolution of the current crisis. It analyses available data, emphasizes the magnitude of the mental health needs and opportunities for improvement of the situation. It also notes examples of community-based organizations who have addressed gaps in service provision on a grassroots level, making substantial positive impacts on the present situation.

5. The report explores the mental health impacts of the present context in Myanmar on the population. Myanmar has always lacked proper mental health care capacities, compared to its needs. The report notes, however, that civil society and community-based groups in Myanmar and Thailand have taken steps to seek to address some urgent needs. By taking actions to support programmes and initiatives designed to address acute needs of vulnerable persons, the report presents areas where concerted action could already be taken to address needs both present and future.

6. Recommendations to deal with urgent issues now rather than awaiting the day after the crisis ends, underscore the need for greater international attention to end the human rights crisis. Recent attempts by the Association of South-East Asian Nations (ASEAN) to increase cross-border humanitarian aid delivery demonstrated the urgent need for greater innovation

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anchored in broader engagement with various authorities inside the country. During his visit to the region in early June 2024, the High Commissioner for Human Rights met with civil society organizations and a diverse range of Myanmar diaspora, who appealed for greater assistance and funding to be delivered across borders directly through grassroots organizations, civil society and other mechanisms. Given the absence of functional service delivery, they indicated to the High Commissioner that traditional cross border aid deliveries would likely fail to reach people in need because of disagreements between the military and its opponents over who should undertake the actual service delivery, especially in conflict-affected areas. Pertinently, civil society representatives stressed that traditional deliveries undermined cross-border efforts begun by Thailand in March 2024.These organizations appealed for greater capacity-building initiatives to help them expand their service-provision efforts, including their ability to provide specialized protection, medical and health services, particularly for victims of serious violations such as torture and sexual violence.

7. During the reporting period, the Lao People's Democratic Republic assumed the ASEAN presidency and promptly appointed a special envoy for Myanmar. In April 2024, the UN Secretary-General appointed Julie Bishop as his special envoy, and she took up her role in May 2024.

# III. Human rights and armed conflict in Myanmar since April 2023

8. Since the last comprehensive report published in February 2023,[1] conscription, as well as killings, arbitrary arrests, and displacement, primarily due to military violence, have continued to affect civilians in all aspects of life. As of 30 June 2024, credible sources verified at least 5,350 civilians as killed since the coup on 1 February 2021 and at least 2,414 during the reporting period. Many young people fled abroad to avoid being subjected to conscription.

9. Regression in economic and social rights continued apace during the reporting period, as violence steadily impacted on humanitarian needs and provoked further economic decline. Military reprisals against anti-military armed groups and civilians alike had an enormous impact on civilians, forcibly displacing hundreds of thousands – totalling over 3 million people displaced throughout Myanmar. Over 18.6 million need humanitarian assistance and over 15 million are food insecure. Over half the population has fallen below the poverty line with the country's GDP dropping 12 percent on average since the coup. The United Nations Development Programme reported 49.7 percent of respondents living on less than 76 U.S. cents a day, with households qualifying as "urban middle class" dropped by 50 percent since February 2021.[2] Military-enacted currency controls drastically impacted both imports and exports, with the currency having lost over 16 percent of its value in early 2024. As the military has lost control of most of the country's land borders since late October 2023, they incurred significant losses of customs-related revenues. According to the World Bank, due to conflict, trade and logistic disruptions, together with lack of sufficient electricity, economic activity has been constrained. High inflation and limitations on access to labour, including lack of jobs following international companies leaving Myanmar due to human rights violations, constituted other serious economic concerns.[3]

10. Intensifying hostilities resulted in regression in the enjoyment of economic and social rights by the affected population, including due to the lack of qualified medical personnel and teachers. Most significantly, health facilities and schools were significantly impacted, with reputable organizations reporting at least 183 medical units being damaged or destroyed as a result of attacks carried out by the military and another 73 - occupied by military forces. At least 168 health professionals were either killed, injured, arrested or kidnapped during the reporting period. During the reporting period, open sources indicated at least 239 incidents

[1] A/HRC/53/52.

[2] https://www.undp.org/myanmar/publications/poverty-and-household-economy-myanmar-disappearing-middle-class.

[3] https://thedocs.worldbank.org/en/doc/4a3168f50b0e4e216993c9aa6ab3fe25-0070012024/myanmar-economic-monitor-june-2024-livelihoods-under-threat.

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affecting educational facilities, and at least 73 educators killed.[4] Armed violence, attributed to both the military and anti-military armed groups, resulted in at least 226 reported instances of attacks on religious sites, including monasteries, churches and pagodas.

11. Military-imposed restrictions on access to information and the internet have continued to impact individuals in significant areas of the country, especially conflict-affected areas. Such internet restrictions in Rakhine, Sagaing, Magway, and areas in the Southeast, have reduced access to protection-related information, as well as online services that assist individual employment-related and financial endeavours, education, and other crucial services. Military-imposed restrictions on independent media have compounded the impact of internet cuts and the blocking of dozens of websites, including Facebook.

12. Throughout the country, hostilities intensified during the reporting period, impacting civilians. According to credible sources, from 1 April 2023 to 30 June 2024, at least 2,414 civilians have been killed at the hands of the military, including 547 women and 334 children, a 50 percent increase in overall civilian deaths, compared with the preceding fifteen months. Civilian deaths increased by 46 percent in the second half of the reporting period, with 1,436 verified deaths compared to 978 in the first, confirming the increase in civilian deaths due to military reprisals, following the changes in the situation on the ground after anti-military armed groups launched a series of coordinated offensives in October 2023.[5]

13. Civilian deaths caused by airstrikes and artillery attacks significantly increased, with 613 verified deaths caused by airstrikes and 637 deaths by artillery attacks during the reporting period. These figures represent a 739 percent increase in civilian deaths from airstrikes and 238 percent increase in civilians killed in artillery attacks compared to the previous fifteen months.

14. Since late October 2023, the military increasingly relied on airstrikes and artillery strikes, resulting in a 95 percent increase in civilian deaths in airstrikes, 411 verified deaths, and a 170 percent increase in civilians killed by artillery with 465 verified deaths comparing the reporting period before and after the late October offensives. With 933 verified deaths, Sagaing Region remained the most dangerous area for civilians during the reporting period.

15. Concerningly, some anti-military armed groups continued to commit violations and abuses, including targeted killings of civilians. In the first half of 2024, 124 such reports of killings of administrators, other civil servants, individuals accused of being military informants, and their family members, were received, mostly from the central regions. OHCHR investigations on other serious conducts, including forced recruitment and sexual violence, are ongoing.

16. In March 2024, the Kachin Independence Army launched an offensive, including along the crucial supply route from Myitkyina to Bhamo, gaining control in over 100 locations, including border posts and towns. By the end of June, retaliatory aerial and artillery attacks by the military killed 108 civilians, almost triple the number from the same period of the previous year. Displacement soared to 104,800 persons of whom 81,500 were displaced in 2024. In Southern Shan's Pa-O Self-Administered Zone, clashes and military aerial and artillery attacks against the Pa-O National Liberation Army since January 2024 have already claimed 84 civilian lives, displaced 66,800 persons, and destroyed at least 1,074 structures, including protected objects. Further civilian protection concerns arose after the China-brokered ceasefire in northern Shan collapsed in late June, resulting in further ground offensives, as well as aerial and artillery attacks that impacted civilians.[6]

17. In the Southeast, fighting has mostly focused on key supply routes and border access points, with multiple conflict sites changing hands rapidly heightening civilian insecurity. Over April and May 2024, the military first lost control and then recaptured key bases in Myawaddy Township, a vital point on the East-West Economic Corridor in Kayin. Karen Border Guard Forces informally supported the military, as anti-military armed groups withdrew from the town. Fighting in the township resulted in at least 144 civilian deaths.

[4] https://data.humdata.org/dataset/myanmar-attacks-on-aid-operations-education-health-and-protection.

[5] For analytical purposes, the first half of the reporting period refers to 1 April 2023 to 31 Oct 2023, while the second half to 1 Nov 2023 to 30 June 2024.

[6] A/HRC/56/23.



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Local sources indicate that the military launched at least 158 airstrikes in the southeast in the first four months of 2024, with Kayah, Kayin, and Tanintharyi being most affected. Also, use of landmines across the region by the military and anti-military armed groups to protect territory continues to pose a significant risk to civilians, including those returning home. Approximately one third of all civilian displacement since 2021 has occurred in the Southeast, including significant increases in displacement into Thailand although no credible figures are currently available.

18. Fighting resumed between the military and Arakan Army in November 2023, causing civilian deaths, destruction, burning, and displacement, affecting all communities. Military forces have targeted ethnic Rakhine civilians due to their perceived affiliation with the Arakan Army. In April 2024, the military torched hundreds of ethnic Rakhine homes in Buthidaung town. Thereafter, in Sittwe, on 29 May 2024, the military stormed Byaing Phyu village, rounding up civilian residents, before separating men and women, and escorting males out of the village. Survivors reported hearing gunshots throughout the night. At least 48 victims' deaths have been subsequently verified. Several sources alleged at least five women were raped and killed. The next morning, military units informed female residents that they could not stay, forcibly displacing to monasteries in Sittwe. Multiple sources alleged that the military later burned the village.

19. Armed clashes between the military and Arakan Army impacted Rohingya civilians. On 17 May 2024, after driving the military from Buthidaung town, the Arakan Army set fire to buildings throughout the town, including Rohingya homes and public buildings where large numbers of Rohingya displaced by fighting in surrounding villages in the preceding weeks were sheltering. Survivors reported seeing men wearing Arakan Army uniforms burning buildings and shooting guns. While verification of the number of casualties continues, multiple survivors described seeing some 20 corpses, including the body of a 12-year-old girl. Satellite imagery confirms widespread destruction. Survivors also stated that the Arakan Army had prevented them from traveling west to Maungdaw and forced them south to areas under their control in Buthidaung Township, where they underwent family registration processes but received no humanitarian aid.

20. Witnesses described extensive displacements in Buthidaung and Maungdaw townships after the Arakan Army began firing on Rohingya civilians -- in areas where fighting was not ongoing -- arresting villagers and burning Rohingya homes. On 17 April 2024, the Arakan Army detained five Rohingya men in northern Maungdaw. Five days later, locals found their severely mutilated bodies, with four having been beheaded. Moreover, interviewees from multiple locations reported that the Arakan Army targeted Rohingya villagers with armed drones to force them to flee.

# IV. Human rights and rule of law in Myanmar

21. Since the last comprehensive report,[7] human rights violations perpetrated by law enforcement, the criminal justice system and penal institutions remain pernicious and widespread, evincing the continued absence of rule of law. As the military has lost ground, it has taken sweeping actions attempting to impose its authority, subjecting more areas to martial law, imposing draconian restrictions on fundamental freedoms, such as free speech and political opinion, and arbitrarily arresting and prosecuting its perceived opponents without due process of law. Coupled with unilateral amendments to the criminal code to broaden significantly the types of conduct that is presented as treasonous or seditious acts and dramatically expand the resulting penalties, this amounts effectively to a weaponization of criminal justice system against anyone perceived to be engaged in any form of political opposition.

## A. Deprivation of liberty and criminal justice

22. Credible sources verified over 9,000 individuals as having been detained by the military over the reporting period -- a third of the 26,933 persons, including 5,556 women

[7] A/HRC/52/21.



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and 547 children, taken into custody since February 2021. Nearly half of arrests during the reporting period occurred in Yangon, Mandalay and Sagaing. Arrests have particularly increased since the military announced the implementation of mandatory conscription in February 2024. Across the country large groups of "military-aged" men have reportedly been held or detained at checkpoints or targeted in police operations. In other reported cases, custodial authorities arrested young people after local administrators had prepared lists of "eligible" individuals for the military. In some cases, local officials purportedly instituted lotteries to conscript young people of service age.

23. Similar to these arrests, incidents continued to be reported in which military officials detained or threatened to arrest family members, including children, of persons they wished to arrest for opposition to the coup. Individuals reported that military officials threatened communities if chosen conscripts did not report for duty or fled out of the country. Subsequently, some families reported young people disappearing after being stopped at police check points and not being heard from thereafter. Many affected families suspected their loved ones had been forcibly sent to military training or detention centres. Incidents also occurred in which the military detained family members, including children, when they could not find suspected political activists being targeted for arrest or recruitment. According to interviewees, the military took away children when they could not locate parents as a form of punishment for political opposition. There are concerns that some of the cases investigated by OHCHR may amount to enforced disappearances, as interviewees confirmed that custodial authorities denied knowledge of these acts or concealed the fate and whereabouts of the individuals.

24. Lack of fair trial guarantees and absence of independence and impartiality of the judiciary remained a serious concern. Within the reporting period, at least 1,648 individuals were convicted for opposing military power as verified by credible sources. Through multiple interviews, OHCHR found no examples of acquittals or successful appeals in such cases. "Special courts" — military tribunals operating in camera within prison compounds — continue to be used to deal with cases relating to political detainees. Frequent hearing postponements and access restrictions to detainees and prison grounds have created regular time delays, resulting in prolonged periods of pre-trial detention. Defence counsel face severe restrictions, including bans on confidential communications, with client interactions being limited in many cases to brief conversations outside the courtroom. Many defendants are denied the right to appeal after initial conviction and sentencing. Proceedings are chaotic, with few lawyers handling many defendants amid intimidation. In some cases, military authorities have reportedly arrested, ill-treated or tortured defence lawyers.

25. The military has continued to apply vague provisions under a unilaterally-amended Counter-Terrorism Law, against anyone deemed associated with or acting in support of anti-military groups, resulting in their conviction and the imposition of harsher sentences in military-controlled courts. Charges for "terrorism offences" for association or support of anti-military groups increased steadily over time since 2022. While most of these charges were brought against individuals arrested in Yangon during the reporting period, increasingly the military has accused individuals of supporting anti-military armed groups outside urban areas, including by providing food, and financial or other material assistance. Consequently, the military and affiliated groups raided villages, particularly in central regions, detaining anyone deemed suspicious or unable to flee. While occasionally people were released shortly after, others were taken to nearby military bases and interrogated, or their fate and whereabouts remained unknown. Interviewees also consistently confirmed to OHCHR that people were often tortured, killed, and their bodies sometimes burnt. In July 2023, following armed clashes in Muse Township, Shan, the military arrested two individuals, but later denied knowledge of their whereabouts. Often interviewees recounted that villagers searched for the missing until they eventually found their charred bodies in the nearby jungle five days later.

26. Journalists and media workers continued to face arrest for covering the situation in the country with at least 14, including a woman, having been detained, making for 194 journalists or media workers incarcerated since February 2021, including 28 women, and 62 of them remain detained. While nearly a third were prosecuted under the Penal Code, journalists have also faced lengthy sentences under the Counter-Terrorism Law, or a combination thereof, with one filmmaker sentenced to life imprisonment and 11 media

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professionals receiving prison sentences of 10 years or longer. Illustrating the military's attempts to eliminate free media, in September 2023, a military-controlled court sentenced a photojournalist to 20 years for reporting news that differed from the official military narrative on the impact of Cyclone Mocha in Rakhine in May 2023.[8]

27. Military officials cracked down further on social media and online activities, as key sources of information on unfolding events. Interviewees consistently indicated that anyone criticizing the military or expressing online support for anti-military entities, including by simply 'liking' posts, risked being charged with incitement or terrorism charges. Analysts reported that at least 351 individuals have been detained during the reporting period under such circumstances with 461 individuals in total having been arrested for opposing the military though online activities since February 2021.[9]

28. Serious concerns persist on possible enforced disappearances. No comprehensive nationwide data is available due to the nature of this crime, and it is possible that some individuals went into hiding to evade arrest without alerting their families. Among the credible investigations conducted on enforced disappearances, however, the Karen Human Rights Group[10] made a submission to OHCHR detailing 51 cases of possible enforced disappearances in the Southeast between February 2021 and October 2023. Their findings indicate that all victims were men, mostly aged between 15 and 25, suspected of affiliation with anti-military armed groups, peaceful demonstrators, protest leaders, human rights defenders, religious figures, and humanitarian workers. Victims were taken from homes, villages, plantations, agricultural farms, and elsewhere, with victims frequently targeted whilst travelling. Many disappearances occurred after armed confrontations as the military tried to identify or obtain information on their opponents. For instance, OHCHR learned during the reporting period of a man who was taken into military custody in February 2023, but despite numerous inquiries, his whereabouts remain unknown.

29. Families and communities suffer enormously when authorities deny knowledge of or information on those forcibly disappeared or missing. In cases where a family's primary breadwinners disappear, acute vulnerabilities are exacerbated, particularly when other members of the family such as women or youth are forced to compensate by taking low-paying or insecure jobs, often far from home. Such instances also heighten their risk of exploitation and jeopardize the health, well-being and education of children.

## B. Torture and ill-treatment

30. Torture and ill-treatment[11] in military custody has continued to be pervasive. Sources who came forward recounted being subjected to forms of both physical and psychological abuse, including sexual abuse, by officials in attempts to obtain information or as punishment, amounting to torture or ill-treatment. Twenty-five former detainees out of 32 interviewed during the reporting period provided consistent and detailed information concerning their treatment during detention. Victims and witnesses indicated that the military used these methods to obtain confessions and identify individuals supporting anti-military armed groups or the leadership of such groups.

31. Most interviewees indicated that ill-treatment occurred most frequently in military interrogation centres and compounds. This included not only designated facilities, but also other facilities, including a former royal palace in Mandalay, that the military converted into sites specifically for abusive interrogations. Interviewees arrested in Mandalay and Yangon regions generally reported being transferred to Mandalay Palace, Shwe Pyi Thar, and Ye Kyi Ai interrogation centres, where they would be detained incommunicado for periods ranging from days to several weeks. Individuals arrested elsewhere described being detained, for

[8] https://www.ohchr.org/en/statements-and-speeches/2023/09/myanmar-turk-calls-new-thinking-end-unspeakable-tragedy.
[9] https://www.datawrapper.de/_/5VyY1/?.
[10] https://www.khrg.org/sites/khrg.org/files/report-docs/in_the_dark_english_full_version.pdf.
[11] A/HRC/48/67; A/HRC/49/72; A/HRC/48/67; A/HRC/53/52; A/HRC/54/59; A/78/316.



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varying periods, at police stations and military bases, where they were subjected to acts amounting to torture or ill-treatment.

32. Corroborating shilling accounts from Mandalay Palace, Shwe Pyi Thar, and Ye Kyi Ai interrogation centres, interviewees reported having been blindfolded and taken individually to separate interrogation rooms, where they suffered torture or ill-treatment by multiple interrogators. Victims described methods, such as being forced into stress positions for prolonged periods, being suspended from the ceiling without food or water; being forced to kneel or crawl on hard or sharp objects; use of snakes and insects to instil fear; beatings with iron poles, bamboo sticks, batons, rifle butts, leather strips, electric wires, and motorcycle chains; asphyxiation; mock executions; electrocution and burning with tasers, lighters, cigarettes, and boiling water; spraying of methylated substances on open wounds; cutting of body parts and pulling of fingernails; deprivation of sleep, food and water. There are also credible and disturbing reports of sexual violence, including rape, and sexualized torture or ill-treatment, including forced nudity in front of others.[12]

33. Most interviewees described experiencing threats of sexual and physical violence, including against family members, mock executions, and being forced to listen to the suffering of other detainees. Interviewees recalled the profound fear they felt when detainees' cries of agony fell silent. Interviewees recalled their assumption that the silence meant the person crying out had died, and that they were exposed to the same risk. Multiple interviewees received threats stating that they were at the mercy of their captors while in interrogation centres. An interviewee, a minor at the time of detention, reported being told "we can kill you and cremate your body and your parents will never know what happened to you". Similar accounts were received from other sites. Another interviewee detained in Ye Kyi Ai interrogation centre reported custodial authorities placing a snake on their body during interrogation to cause terror. Numerous interviewees reported both their enormous relief upon being transferred out of interrogation sites, while suffering long-term physical and psychological effects of torture and ill-treatment, even after release. Long-term impacts included memory loss, anxiety and depression, headaches, musculoskeletal and abdominal pains, and hearing problems.

34. Detainees also continued to describe instances of the military employing forms of torture or ill-treatment against perceived leaders or participants in protests occurring inside prisons. Reports from Daik-U Prison in Bago, Magway Prison, Myitkyina Prison in Kachin, Monywa Prison in Sagaing and Dawei Prison in Tanintharyi indicate that detainees received harsh punishments for objecting to abuses. Similar accounts of such treatment were received with respect to Pathein prison in Ayeyarwaddy; Thayarwaddy prison in Bago; Myingyan and Obo prisons, in Mandalay; Taung Kalay prison in Kayin; and Insein Prison in Yangon. Political detainees continued to face retaliation and undue punishment for peacefully protesting against prison abuse, including severe beatings, solitary confinement, rationed or withheld food, and in some cases, new charges.

## C. Deaths in custody

35. Of additional concern is that individuals dying while in the custody of the military has continued to be rife. At least 759 people, including 58 women, 31 boys and two girls have died after being detained by military units during the reporting period. These figures represent 41 percent of the 1,853 individuals, including 125 women, 11 girls and 77 boys who credible sources have verified as having died in military custody since the start of the crisis in 2021. Many of these individuals have been verified as dying after interrogation, due to ill-treatment or denial of access to adequate healthcare thereafter. Overall, deaths in custody have amounted to an average of four persons dying every day for over three years representing 35 percent of the total verified deaths since the military launched the coup. Due to the lack of access, communications restrictions, and lengthy delays in verifying deaths, and possible military attempts at concealing deaths, figures of those dying in custody could be higher.

[12] A/HRC/56/CRP.8.



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36. Out of mentioned 1,853 individuals who died in custody, 258 have perished in formal custodial settings – such as military interrogation centres, police stations, and prisons – since the coup. During the reporting period, 95 were killed, including 14 women and six children, the youngest a two-year old girl. In informal settings after being arrested during village raids or related ground operations by the military, 601 of the 759 individuals have likely been extrajudicially executed. Sagaing had the most verified custodial deaths with 340 of the 759 deaths in custody during the reporting period.

37. Analysis of credible data suggests that, in the context of raids or ground operations, killings generally occurred within the initial 48 hours of detention. Point-blank headshots, executions of handcuffed individuals, and burning of people were reported as the most common causes of deaths. On 2 December 2023, a source reported that the military and affiliated militia raided Kya Paing village in Monywa Township, Sagaing, burning down 200 houses and arresting 60 civilians. Of these, the charred remains of ten men were found in a burnt brick house with their hands tied behind their backs. In another case from January 2024 detailing a repeated pattern, villagers found the dead bodies of five youths abandoned alongside a road in Mandalay the day after the military had arrested them. An interviewee reported seeing their hands tied behind their backs and injuries such as head wounds, broken limbs, and hematomas.

38. In formal places of detention, most deaths during the reporting period appear to have resulted from ill-treatment or lack of adequate healthcare. Numerous interviews confirmed deaths of detainees during interrogation, and noted that officials had cremated bodies, which could conceal the fact of death and destroy other evidence. Recently, families have reported receiving notifications from custodial authorities that their loved ones had died of natural causes or during alleged escape attempts. In most cases, no medical certificate was provided, and bodies were cremated without the consent or presence of family members. Several interviewees confirmed their relatives were in good health prior to being detained. Family members who saw bodies often described injuries consistent with torture or ill-treatment. In a verified case from September 2023, the military informed a family of their relative's death due to an alleged heart attack four days after arrest. When showed the body thereafter, the family described the corpse having headwounds, facial fractures, and bruises. The person was cremated shortly after without the consent of the family members.

39. In formal locations, detainees repeatedly reported seeing detainees dying in their cells. Verified incidents suggest that some deaths of political prisoners resulted from denials by authorities of access to emergency medical treatment, including transport to medical facilities outside prisons. An interviewee, a minor at the time of detention, described witnessing an inmate's death, stating "I was talking to him and after 15 minutes, he was shivering, and foam came out of his mouth, and he passed away. We had a doctor in the Youth School, but he just did simple checks and gave the same basic medicine for all situations".

40. In mid-2023, custodial authorities began transferring groups of political detainees to remote locations, seemingly as punishment for their participation in sit-ins and strikes, further isolating detainees from their families and curtailing parcel deliveries of food, medicine and other necessary items. Sometimes, military authorities killed political prisoners during transfers, with interviewees stating that the military claimed these deaths resulted from failed escape attempts. According to credible sources, between May and July 2023, 37 prisoners reportedly disappeared while being transferred from Daik-U prison in Bago. Some families reported receiving letters months later, indicating that their relatives were shot while attempting to escape. No retrieval of bodies was confirmed following these incidents. An interviewee, who survived a transfer, explained that they generally occurred at night and without prior notification to detainees. Detainees remained shackled at times in overcrowded and badly-ventilated trucks for several hours.

41. Deaths while in custody of anti-military armed groups also emerged as a concern, after the Myanmar National Democratic Alliance Army announced having carried out death sentences against three of its members accused of abuse of power, kidnapping, extortion, human trafficking, homicide, and theft. It is recalled that, alongside international human rights law, international humanitarian law imposes an obligation of humane treatment of

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individuals deprived of liberty, and prohibits the conviction or sentencing of individuals except pursuant to a fair trial affording all essential judicial guarantees.[13]

## D. Sexual violence

42. Sexual violence against detainees was increasingly reported as a recurring concern. Given both the rise in allegations of such conduct and the difficulties in obtaining timely information on incidents, some of the information gathered during the reporting period has been included in the present report, even if the incidents themselves occurred outside the reporting window. Men and women, including members of the LGBTIQ+ community, reported that custodial authorities regularly perpetrated acts of sexual violence and sexualized torture. Vaginal and anal rape, whether committed by an individual or multiple perpetrators, penetration with foreign objects, invasive vaginal searches of women detainees, threats of sexual violence, and sexual humiliation were commonly reported.

43. In formal detention settings, sexual violence often occurred during interrogations and it was generally perceived by the detainees as a form of punishment for not providing interrogators with the information they wanted. Victims considered resisting the abuse as pointless, fearing would only further enrage interrogators. One survivor described withstanding days of beatings during interrogation until two guards held her down, stripped of clothes, raped, and subsequently abused whilst naked. She reported being unable to kneel when ordered to due to pain caused by this treatment. Other survivors reported that custodial authorities used foreign objects to penetrate their anus, including bamboo sticks and glass. In one case, an interrogator forced a male detainee, accused of homosexuality, to sit on a bottle and suffer anal penetration.

44. Women detained in Mandalay and Yangon described their court appearances as frightening and humiliating due to guards using the proceedings as a pretext to conduct invasive security checks. With repeated court appointments, some women described being subjected to aggressive sexual fondling during such “checks” which occurred repeatedly during their trials. Survivors from the LGBTIQ+ community reported sexual violence and harassment. Custodial authorities mocked their sexual orientation, removed their clothes under the pretext of checking their sex, showed their genitals to victims while ridiculing them, touched private parts, and forced transgender women to wear men’s clothes and use male bathing facilities.

45. Detainees consistently reported threats of sexual violence and sexualized verbal abuse as an interrogation tactic. A survivor detained in October 2021, reported being told “If you don’t give us the information we can kill you, we can rape you. We can just say that you died from COVID. Nobody will even know, you can just disappear.” Another detainee reported that during her interrogation, custodial authorities threatened that they would gang rape her and hang her naked.

46. Survivors commonly described their mental states following abuse, including feelings of embarrassment, shame, dehumanization, and thoughts of suicide. A survivor described caring for younger detainees who felt profound shame after being sexually abused.

47. Sexual violence, abuse, harassment, and threats repeatedly occurred in conjunction with beatings and other forms of violence with perpetrators being confident about their impunity. Survivors consistently reported that custodial authorities used blindfolds and avoided using personal names with each other, apparently to conceal their identities.

## E. Conditions in detention

48. Released prisoners persistently reported steadily deteriorating conditions and deplorable treatment in many detention centres. Interviewees released from 12 prisons across nine states and regions described generally squalid facilities with cells being badly-lit, poorly

[13] See Article 3 (1) (d) common to the 1949 Geneva Conventions; ICRC Customary IHL study, rule 100.



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ventilated, and overcrowded – often at double capacity with no space to lie down or to move around. Prolonged confinement without the ability to maintain personal hygiene, physical exercise, or religious observance were also described. Ingestion of and exposure to spoiled food and dirty water, resulted in rampant waterborne diseases. Numerous interviewees described having to eat rotten or half-cooked food, and drink contaminated water, including from toilets containing faeces and insects. Interviewees described prisons as lacking medical supplies, qualified staff, and only stocking basic medicines such as paracetamol, which often could only be obtained through payments or bribes to guards. Some interviewees indicated the only accessible medical staff were a dentist or other detained doctors and nurses.

49. Incessant violence, extortion, and abuse of power, including by other prisoners empowered by custodial authorities, also marred conditions. In Mandalay's Myingyan prison in July 2022, an interviewee described being forced with others into stress positions in front of custodial authorities for speaking out: "They called our names one by one, and we had to go inside... a "punishment room" – we had to take off our shoes and shirts. When I went inside, there were seven people. One prison officer was monitoring …criminal prisoners [after instructing them] to beat me. They [punched and] kicked me, and they also used batons."

50. Women further reported intimidation, threats and physical and verbal abuse; and lack of access to reproductive health and postpartum care; adequate showers, toilets, and menstrual hygiene supplies. An interviewee released from Taung Kalay prison in Kayin stated: "The water that we used for our personal hygiene was very dirty, you could see a white layer on it. When you shower, your body would become smelly, but we had no choice, and as women, we had to clean our private parts with this water. A lot of us suffered from urinary tract infections". Individuals with preexisting medical conditions or disabilities were particularly affected due to inadequate facilities and conditions in detention, with some interviewees claiming that custodial authorities withheld assistive devices and medication sent by families. Prisoners from religious minorities alleged that they also experienced discrimination and harassment, were barred from practicing their religion, and reportedly received food non-compliant with religious dietary restrictions, albeit lack of access to sufficient food remained the key concern.

51. OHCHR also received reports of political prisoners being subjected to forced or involuntary labour in prisons. One interviewee reported that prisoners in Maubin Prison in Ayeyarwady were forced to tailor clothing items that would later be sold in local markets with proceeds allegedly distributed among custodial authorities. The Commission of Inquiry established by art. 26 of the International Labour Organization Constitution has concluded that exaction of prison labour from persons convicted through proceedings manifestly lacking in fair trial guarantees would not be in conformity with Myanmar's obligations under the Forced Labour Convention.[14]

52. Family visits and meetings with lawyers remained extremely challenging as access to detainees was extremely limited. COVID-19 restrictions on prison access were only lifted in October 2023, but the military continued to limit family visits by imposing onerous documentation requirements. In areas with recurring armed clashes, prison security tightened, severely limiting prisoner's ability to communicate with family and lawyers and receive external food and medicine.

## F. Mental Health

53. In making a comprehensive review of the human rights situation, mental health concerns arose frequently in the interviews conducted with victims. As with other recent reports, dedicated and targeted support by international donors for the providers of mental health services could make a significant difference in the lives of people in Myanmar now and in the future. In the absence of functional public services and capacities, civil society and community-based organizations have gone to considerable length to develop capacities to deliver basic mental health support to victims and communities at a grassroots level. These

[14] https://www.ilo.org/publications/towards-freedom-and-dignity-myanmar.



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services are desperately needed to aid a beleaguered population that has been dealing with the cascading impacts of violence and armed conflicts for years.

54. Protracted violence has dismantled social structures, harmed norms and values, and increased tensions within and between communities in many parts of Myanmar. Continued exposure to violence and fear have had a devastating impact on the mental health and well-being of victims and communities in Myanmar. Violations described herein have compounded the already unaddressed mental health consequences of previous atrocities as well as the impact of the other significant constraints on their daily lives, including the pandemic, electricity cuts, constant surveillance, and the dire economic situation. Interviewees described living in constant fear and anxiety, leading to their physical and virtual isolation. Such isolation often results in depression. Analysis of expert studies suggest that around 60 percent of respondents reported instances of depression and anxiety.[15]

55. Recalling the right of everyone to the highest attainable standard of mental health,[16] Myanmar currently lacks sufficient legal, institutional and professional capacity to address the scope of mental health concerns prevailing in the country. Grossly inadequate, the 1912 Lunacy Act forms the legal basis for mental health services defining individuals-in-need as "lunatics", "idiots", and "persons of unsound mind". Interviewees reported that there is no regulatory framework or professional board overseeing professional certification, licensing, or ethical standards, exposing both patients and professionals to serious risks. Such capacity simply didn't exist in the country before the current crisis. According to United Nations data,[17] already prior to the coup, Myanmar possessed an average of less than one mental health worker per 100,000 persons. Mental health education was lacking with undergraduate medical students receiving only two weeks of related lectures and training. Postgraduate training for psychiatrists was limited, with none in ethnic states. Health assistants received few hours of training. Similarly, no clinical training was available for psychology students. Although there is no verified data available, numerous mental health professionals allegedly joined the Civil Disobedience Movement or fled abroad, worsening an already dramatic situation, including for those suffering from chronic conditions.

56. Young people, many of whom have witnessed or experienced violations, have reportedly become more aware of the need for mental healthcare for both direct and vicarious trauma. Many youth interviewees indicated the need for mental health services to be more widely available and for service providers to be capable of addressing the major societal stigma around mental health, as "caring for one's mental health is seen as a mental weakness in a time when you have to stay strong". This stigma was identified as leading to marginalization, exclusion, and discrimination prompting grassroots service providers to advocate for mental health to be prioritized in future just as much as political reform.

57. In the absence of public or state services, civil society and humanitarian organizations have become first-responders, providing qualified mental health assistance and education for their own protection and to identify and refer cases requiring counselling or medical treatment. Civil society and humanitarian organizations have assumed the responsibility of those in need and have developed good practices both within Myanmar and in the region. Support available includes counselling and psychiatric services provided, counselling services by local and international civil society organizations, group therapies, and online counselling by Myanmar community-based and civil society organizations. Interviewees reported that community-based organizations have offered activities to promote mental health through music and art therapy classes, and dance classes for children. Interviewees added that support provided by Myanmar community-based organizations both in Myanmar and abroad is critical to address urgent cases and support individuals in avoiding re-traumatization.

58. The efforts of women and youth-led civil society can influence the provision of mental health services, promoting a people-centred, community- and evidence-based approach to services. Such a paradigm shift is critical to promoting a human rights-based approach that

[15] https://www.cambridge.org/core/journals/bjpsych-open/article/population-mental-health-in-burma-after-2021-military-coup-online-nonprobability-survey/AA419541C5725D2C5DEB882557E74B50.

[16] ICESCR art. 12 (1), and CESCR, General Comment no. 14 (2000).

[17] https://iris.who.int/handle/10665/364882?show=full.



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ensures services account for gender, cultural, and religious sensitivities. Youth, including human rights defenders, journalists, and those who may have been exposed to vicarious trauma, should be at the core of these remedial actions to foster long-term well-being, overcome cultural barriers and stigma, and build the foundations for an effective realization of the right to health.

59. Any future transition will necessarily require the people of Myanmar to identify priorities among the many critical areas of need that have been created or exacerbated by the current crisis. In absence of such a triaging process for different communities' needs, it is important to support the sustainability and scope of grassroots initiatives and the civil society organizations and humanitarian service providers.

# V. Conclusions and Recommendations

60. **The human rights situation documented in this report indicate the gravity and pervasiveness of the human rights crisis created by the military's actions in Myanmar. Fear of arrest, torture, and death permeates Myanmar's society, as anyone can be at risk of arbitrary arrest by the military without any legal protection. Lack of any form of accountability for perpetrators is an enabler for the repetition of crimes, violations and abuses. In addition to their physical impact, military violence and other relevant actions carry also a significant mental harm for the population that will leave long-lasting legacies that must be addressed.**

61. **The enormity of challenges Myanmar is facing and will face in the years ahead to ensure respect of the rule of law and functional justice institutions is daunting. The current system needs to be entirely overhauled and officials therein that aided and abetted the precepts of military rule, in particular those who have been responsible for gross human rights violations and serious violations of international humanitarian law, need to be held accountable, and replaced. Judges, police, prison officials, interrogators, and guards will need to be subject to a thorough vetting regarding involvement in the abuses of the current system and in their failures to protect the most basic precepts of individual rights, judicial independence, fair trial rights and the notion of rule of law.**

62. **Appropriate vetting must form a core pillar of transitional justice processes aimed at assisting Myanmar communities to establish a democratic governmental framework, rooting out systemic discrimination, and redefining the social pact between the State and the people. Critical to that process will be ensuring the functional independence of those mechanisms and institutions tasked with resolving interpersonal conflicts, upholding the rule of law, and ensuring effective remedies are available to all, including victims of arbitrary arrest, abusive juridical practices, enforced disappearances, and torture and ill-treatment.**

63. **As documented in this report and previous OHCHR reports, the significant mental health issues and needs, including the lack of qualified personnel, require special attention and relevant actions to be taken without delay in order to create the conditions for civilians to be able to access fundamental health services and psycho-social support.**

64. **In the light of the above findings, the High Commissioner renews his recommendation that the Security Council refer the full scope of the current situation in Myanmar to the International Criminal Court.**

65. **In addition, the High Commissioner calls on the military to:**

(a) **Cease immediately all violence and attacks directed against civilians, including the Rohingya, and civilian objects, in compliance with Security Council resolution S/RES/2669(2022);**

(b) **Ensure the full and timely implementation of the provisional measures indicated by the International Court of Justice, particularly with reference to killings, infliction of serious bodily or mental harm, and deleterious conditions of life of members of the Rohingya community;**

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(c) **Respect human rights obligations and comply with international humanitarian law where applicable;**

(d) **Release all political prisoners without further delay and discontinue politically-motivated prosecutions through the instrumentalization of the judiciary;**

(e) **Immediately cease use of torture or ill-treatment, including sexual violence, against persons deprived of liberty; identify and remove perpetrators, and issue clear orders within the chain of command to prohibit these acts;**

(f) **Respect and protect the right to life and bodily integrity of individuals deprived of liberty, including by providing those detained with necessary medical care;**

(g) **Take urgent measures to improve conditions of detention by, inter alia, ensuring adequate hygienic conditions, food, healthcare, family visitations, and access of independent monitors to places of deprivation of liberty;**

(h) **Halt all forced recruitment and conscription incompatible with international human rights norms and standards;**

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

66. **The High Commissioner further recommends that the National Unity Government:**

(a) **Monitor and document violations in detention settings by the military with the scope of identifying perpetrators, including individuals in charge of prison and other detention facilities, to support future accountability processes;**

(b) **Ensure that groups under its control and their affiliates fully respect international humanitarian law and human rights, including by ensuring the humane treatment of all persons deprived of liberty, refraining from violence to life and person and outrages upon personal dignity, and holding perpetrators of violations accountable, in accordance with international standards;**

(c) **Coordinate with relevant stakeholders to assess needs and evaluate current psycho-social support programmes available on the ground, particularly from local civil society organizations as well as youth groups to identifying gaps in service provision, and strengthen support through training programmes and adequate resources;**

(d) **Maintain and expand mental health assistance, education, and programmes to promote access to services for the civilian population, creating conditions for the establishment of a modern, rights-based, people-centred, nationwide mental health system to assist people affected by the consequences of the military coup.**

67. **The High Commissioner further recommends that Ethnic Armed Organizations and anti-military armed groups:**

(a) **Ensure the full respect for international humanitarian law, including by refraining from violence to life and person and outrages upon personal dignity, such as acts of torture, ill-treatment, and sexual violence, and ensuring the humane treatment of all persons deprived of liberty;**

(b) **Refrain from carrying out death sentences and ensure that local justice systems under their authority fully comply with international humanitarian law and adhere to international human rights standards;**

(c) **Introduce mental health education for medical professionals in their ranks and, in collaboration with civil society organizations, expand coverage of mental health services to the population in areas under their control.**

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68. **Further, the High Commissioner urges Member States to:**

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

(b) **Continue to demand accountability for human rights violations and other violations of international law perpetrated by the military and other actors as an essential component of the conditions for a future democratic and stable Myanmar, including in view of transitional justice processes;**

(c) **Support without delay programmes and activities aimed at raising awareness on mental health, strengthening education and the delivery of services, and create the conditions for the establishment of a functioning mental health system, including through the creation of qualified professional figures;**

(d) **States with a sizable Myanmar population should allow for psycho-social support programmes and educational opportunities for mental health professionals to initiate addressing the concerns related to the long-term needs for professional education;**

(e) **Provide flexible and direct funding to civil society organizations to support political prisoners, their families, legal counsels, while detained and after their release.**

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