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### **Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives**

## **Situation of human rights in Myanmar since 1 February 2021**

### **Note by the Secretary-General\*\***

The Secretary-General hereby transmits to the members of the General Assembly the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Myanmar since 1 February 2021, submitted in accordance with Human Rights Council resolution [50/3](#).

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\* [A/78/150](#).

\*\* The present document was submitted for processing after the deadline owing to circumstances beyond the control of the submitting office.



## **Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Myanmar since 1 February 2021**

### *Summary*

The present report is submitted pursuant to Human Rights Council resolution [50/3](#), in which the Council requested the United Nations High Commissioner for Human Rights to report on the human rights situation in Myanmar at the seventy-eighth session of the General Assembly. The report serves to identify trends and patterns of human rights violations in Myanmar between 1 February 2021 and 30 April 2023, with a focus on the human rights impacts as a result of the denial of humanitarian access. The present comprehensive documentation is further supplemented by data on the situation of human rights and humanitarian access in Rakhine State after Cyclone Mocha in May 2023.

## I. Introduction and methodology

1. In Human Rights Council resolution [50/3](#), the Council requested the United Nations High Commissioner for Human Rights to:

monitor and follow up on the implementation of the recommendations made by the independent international fact-finding mission, including those on accountability, and to continue to track progress in the situation of human rights in Myanmar, including of Rohingya Muslims and other minorities, with the support of specialist experts and in complementarity to the work of the Independent Mechanism for Myanmar and the reports of the Special Rapporteur, and to present ... a report to the General Assembly at its seventy-eighth session.

2. The present report presents the findings resulting from monitoring and documentation activities conducted remotely by the Office of the United Nations High Commissioner for Human Rights (OHCHR) between 1 February 2021 and 30 April 2023 and serves to examine trends and patterns in violations of international human rights law and, where applicable, of international humanitarian and criminal law. The section of the report on the rights of the Rohingya reflects, in addition, human rights concerns specific to this community and other minorities affected by the devastating consequences of Cyclone Mocha and the intensification of humanitarian access restrictions by the military thereafter. Such denial of access and limitations in aid provision amount in and of themselves to human rights violations, the most significant of which are the Myanmar military's targeting of civilians, including by restricting access to humanitarian assistance for communities affected by violence and armed conflict, and the systematic discrimination against the Rohingya, other minorities and perceived opponents of the regime.

3. Given that the denial of humanitarian access results in the loss of civilian lives during violence and conflict, as well as in long-term human rights consequences, such as food insecurity and a lack of medical assistance, the present report is based on a holistic approach to the protection of civilians that have suffered both immediate and direct harm as a result of violence and conflict, and serves to address the medium- to long-term negative impacts on the ability of people to exercise their fundamental rights.

4. Further affirming the critical importance of strengthening civilian protection and guarantees for meaningful humanitarian access, the Security Council, in its resolution [2669 \(2022\)](#) of 21 December 2022, on the situation in Myanmar, reiterated "the necessity for full, safe and unhindered humanitarian access" while underlying "the need for scaled up humanitarian assistance to all people in need in Myanmar and to ensure the full protection, safety and security of humanitarian and medical personnel". Furthermore, to address its concerns over the deteriorating humanitarian situation, compounded by increasingly challenging humanitarian access and attacks on humanitarian personnel, the Human Rights Council, in its resolution [52/31](#), called for the military to exercise the utmost restraint and ensure full protection of the human rights of all persons in Myanmar. Similarly, the Association of Southeast Asian Nations repeatedly called on Myanmar authorities to implement the five-point consensus, cease violence and ensure the safe and timely delivery of humanitarian assistance.<sup>1</sup> However, according to the findings resulting from previous reports (see [A/HRC/52/21](#)), the military has shown complete disregard for attempts to address the human rights, humanitarian and political crises flowing from the coup of February 2021 and the subsequent violent suppression of opposing voices.

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<sup>1</sup> See [https://asean.org/wp-content/uploads/2022/02/Consolidated\\_Draft\\_Chairmans\\_Statement\\_on\\_the\\_Situation\\_in\\_Myanmar-4.pdf](https://asean.org/wp-content/uploads/2022/02/Consolidated_Draft_Chairmans_Statement_on_the_Situation_in_Myanmar-4.pdf).

5. In addition, the centrality of the protection of human rights, as a key priority in humanitarian action,<sup>2</sup> is highlighted in several key United Nations policy documents. These include the Secretary-General's call to action for human rights<sup>3</sup> and his report entitled "Our Common Agenda" (A/75/982), in which he reiterated that in order to achieve the goals of justice, peace, prevention, equality and leaving no one behind, they must be grounded in a system that has at its core the protection and promotion of human rights.

6. In order to ensure the wide collection of data and verified information and support the participation and representation of different actors, OHCHR strived to engage as many interlocutors as feasible. OHCHR collected testimonies and information from primary sources, including victims and witnesses, and verifiable secondary sources, all of which underwent a credibility assessment in accordance with the OHCHR standard methodology. A total of 53 interviews with primary sources were conducted, along with 43 formal consultations with partners and organizations through secure communication platforms. Moreover, OHCHR sought to gather information and data through the United Nations system and its existing mechanisms. It also submitted questionnaires to the Myanmar military, the National Unity Government,<sup>4</sup> ethnic armed organizations and relevant private companies.

7. As part of the consultation process when preparing the present report, OHCHR took specific steps to better understand the needs and pressures faced by a number of groups, in particular those active in or providing aid to minority communities, and what would be needed to advance human rights protection in the country. More than 160 partners and organizations were involved in the discussions that were organized both geographically and thematically in order to achieve a full understanding of the intricacies of the protection crisis and the massive degree to which human rights have been affected. The data have also been used to better identify the capacity of some partners and the extent to which OHCHR can support them in improving their skills and developing their operational capacity further. OHCHR has continued to deliver capacity-building training to enable local actors to document, protect and promote human rights in accordance with international standards, including international humanitarian law.

8. Throughout the documentation process, interlocutors consistently raised protection concerns confirming that the fear of retaliation by the military for the peaceful exercise of fundamental rights permeates every aspect of life within and outside Myanmar. Widespread and systematic violations perpetrated by the military have created an environment where both the people of Myanmar and representatives of international organizations believe they are at risk of becoming targets for expressing opinions opposing military rule, sharing information, assisting people in need and operating without military-issued authorizations, among others. For those reasons, and in full respect of the "do no harm" principle, the present report does not provide details that may lead to the identification of the interlocutors, unless expressly authorized. Similarly, whenever necessary, geographical references are limited to states and regions of Myanmar, as identifying townships may result in retaliatory acts against individuals concerned.

9. National and international interlocutors, nonetheless, provided a wealth of knowledge and information, although on numerous occasions they cautioned OHCHR

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<sup>2</sup> See <https://interagencystandingcommittee.org/system/files/2020-11/IASC%20Policy%20on%20Protection%20in%20Humanitarian%20Action%2C%202016.pdf>.

<sup>3</sup> See [www.un.org/sg/sites/www.un.org.sg/files/atoms/files/The\\_Highest\\_Aspiration\\_A\\_Call\\_To\\_Action\\_For\\_Human\\_Right\\_English.pdf](http://www.un.org/sg/sites/www.un.org.sg/files/atoms/files/The_Highest_Aspiration_A_Call_To_Action_For_Human_Right_English.pdf).

<sup>4</sup> The National Unity Government is headed by President Win Myint and the State Counsellor is Aung San Suu Kyi. See A/HRC/48/67, paras. 70–72.

against using them publicly to avoid further military reprisals. Similarly, this sense of fear also extended to areas under the control of other duty bearers, from whom only anecdotal information was received, meaning that it did not meet the standards necessary for verification and inclusion in the report. Additional documentation efforts on the denial of humanitarian access in areas outside military control are therefore necessary.

10. The complexity of the humanitarian environment is characterized by the multiple needs of diverse communities in various states and regions and the presence of multiple types of actors inside and outside Myanmar. For each individual situation and actor, there are different levels of access, challenges and concerns. Rather than focusing on local specificities, the report serves to support accountability efforts by analysing broader patterns of action and omissions by duty bearers, which affect the rights of people who are in need of life-saving assistance and essential services.

## II. Legal framework

11. As the humanitarian fallout of large-scale human rights violations across Myanmar expands, the present report is aimed at promoting accountability and the adequate protection of the civilian population by duty bearers, in accordance with international human rights law and international humanitarian law. To this end, in the report, humanitarian relief is considered to include actions exclusively aimed at ensuring the survival of those directly affected by violence and conflict through relief consignment, equipment and personnel. For the purpose of the report, actors proactively contributing to the delivery of goods and services are considered as aid providers, given that their primary functions are aimed at reducing the suffering of the civilian population and ensuring their survival. Consequently, the denial of humanitarian assistance refers to all those actions and measures carried out by duty bearers, whether legislative, administrative or in context of military action, which prevent and obstruct access to persons in need and their access to aid. Denial also encompasses any actions of duty bearers, regardless of the intent, that have as direct consequences the curtailment of full, safe, unhindered and predictable access.

12. Under human rights treaty law and customary law, the conditions for the realization of the fundamental rights enshrined in the Universal Declaration of Human Rights, including the rights to life, security, food, housing, health, movement and access to information, must be established and protected both in times of peace and conflict.<sup>5</sup> In its general comment No. 12 (1999) on the right to adequate food (E/C.12/1999/5) and general comment No. 14 (2000) on the right to the highest attainable standard of health (E/C.12/2000/4), the Committee on Economic, Social and Cultural Rights recognized the core obligations deriving therefrom to include the duty to ensure non-discriminatory access to health facilities, services and essential drugs; access to adequate food to guarantee freedom from hunger and malnutrition; access to basic shelter, housing and sanitation; and an adequate supply of safe and potable water, among others. The denial of humanitarian assistance may amount to violations of the obligations to respect and protect human rights, including economic, social and cultural rights. As a corollary to these obligations, duty bearers must refrain from attacking humanitarian personnel, facilities, equipment and transport or unduly imposing restrictions on medical and humanitarian personnel, civil society,

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<sup>5</sup> See, for example, [www.ohchr.org/sites/default/files/Documents/Publications/HR\\_in\\_armed\\_conflict.pdf](http://www.ohchr.org/sites/default/files/Documents/Publications/HR_in_armed_conflict.pdf). Myanmar is a State party to the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of the Child; and the Convention on the Rights of Persons with Disabilities.

non-governmental organizations, journalists and media workers. This is to ensure that humanitarian assistance reaches populations in need in an impartial, unfettered and predictable manner, as a critical component of efforts to meet the protection needs of the population.

13. Within the framework of international humanitarian law, civilians and out of action personnel are entitled to the protection provided for under common article 3 to the Geneva Conventions of 12 August 1949 for the Protection of War Victims and relevant customary law, and the civilian population in need is entitled to receive impartial humanitarian assistance.<sup>6</sup> Under international humanitarian law, parties to a conflict must allow and facilitate the unimpeded passage of impartial humanitarian relief, subject to their right of control.<sup>7</sup> In the context of armed conflict, the intentional obstruction or denial of humanitarian assistance may constitute war crimes, such as wilful killing, torture and other degrading treatment, starvation and collective punishment. Such intentional denial may also constitute crimes against humanity, such as murder, extermination, torture and other inhumane acts, or persecution, when committed in the context of a widespread or systematic attack against a civilian population.

### III. Human rights situation and protection of civilians

14. As previously reported, military action since February 2021, including through the so-called “four cuts” strategy,<sup>8</sup> against the civilian population continues to expose people in Myanmar to pervasive human rights violations, resulting in staggering humanitarian impacts. This strategy has been employed for decades, in particular targeting ethnic minority communities across Myanmar, in order to cut off armed opponents’ access to food, finance, intelligence and recruits in particular.

15. Between February 2021 and May 2023, according to credible sources, at least 3,596 persons died at the hands of the military and its affiliates, 22,842 individuals were arrested, and 6,112 were convicted without any respect for judicial guarantees. In addition, 156 individuals were sentenced to death and 4 are known to have been executed.<sup>9</sup> An estimated 1.8 million people have been internally displaced, with nearly 1 million in the central regions alone, and approximately 60,000 civilian structures have been reportedly burnt or destroyed.<sup>10</sup> More than 88,000 people have reportedly fled to neighbouring countries.<sup>11</sup> More than 1 million Rohingya already live in appalling conditions in refugee camps in Bangladesh and recent reductions in food rations, as a result of limitations on available humanitarian funds, are expected to have devastating consequences.<sup>12</sup> Of the remaining 600,000 Rohingya in Rakhine, nearly 150,000 live in camps where they are deprived of fundamental rights, including freedom of movement. Under the current conditions, safe, dignified and sustainable returns remain impossible.

16. Combined with the enduring impacts of the coronavirus disease (COVID-19) pandemic, the military coup has erased nearly a decade of progress, with poverty

<sup>6</sup> International Committee of the Red Cross, *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949* (Geneva, Martinus Nijhoff Publishers, 1987).

<sup>7</sup> *Ibid.*, “Practice relating to rule 55: access for humanitarian relief to civilians in need”, International Humanitarian Law Database. Available at <https://ihl-databases.icrc.org/en/customary-ihl/v2/rule55>.

<sup>8</sup> A/HRC/52/21.

<sup>9</sup> See <https://aappb.org/?cat=109>.

<sup>10</sup> See <https://reliefweb.int/report/myanmar/myanmar-humanitarian-update-no-30-13-june-2023>.

<sup>11</sup> See <https://reliefweb.int/report/myanmar/myanmar-emergency-update-1-may-2023>.

<sup>12</sup> See <https://news.un.org/en/story/2023/02/1133597>.

levels doubling since March 2020.<sup>13</sup> Estimates indicate that 17.6 million people, which is one third of the overall population, require some form of humanitarian assistance, marking a steep spike compared with the 1 million in need prior to the coup.<sup>14</sup> Restrictions on humanitarian access have been in place for decades under various Governments and were directed mostly at limiting the delivery of assistance to minority groups. Since the coup, restrictions have increased amid a dramatic surge in humanitarian needs in all communities.

17. Food insecurity is on the rise in Myanmar, with 15.2 million people requiring food and nutrition support. Food prices have escalated tremendously, by 63 and 177 per cent in 2021 and 2022, respectively. Food production has diminished because of continued violence and insecurity, reduced land access due to travel restrictions, displacements, land seizures, mine and unexploded ordnance contamination, an insufficient agricultural workforce and high transportation costs. Numerous interlocutors highlighted that many people are at risk of starvation.

18. In addition to the direct attacks on health-care personnel and infrastructure and severe restrictions arbitrarily imposed on access to food assistance, the military has continued to instrumentalize the legal and administrative framework of the Government to control and limit life-saving humanitarian assistance or relief. The imposition of martial law on an additional 40 townships across the country in February 2023<sup>15</sup> has further diminished access to aid among populations in need.

## A. Access to populations in need

19. Barriers to humanitarian access were already significant under previous Governments, with serious concerns continuously raised regarding operations in Kachin and Rakhine, including for the Rohingya, among others. As part of its attempts to assert control, the military has imposed a range of legal, financial and bureaucratic requirements on civil society and humanitarian activity that have severely reduced civic space and the delivery of life-saving assistance. These restrictions have resulted in aid not reaching populations in conflict-affected areas, in particular those where the military has been most active in its attempts to suppress and crush resistance to its rule. Owing to military action, humanitarian assistance in most areas in the country can be provided only by evading military rules at great personal risk of arrest, mistreatment or even death. In areas under military control, access to populations in need has been limited through all-encompassing restrictive measures that instrumentalize the legal and administrative systems to control aid.

### 1. Registration regime

20. In October 2022,<sup>16</sup> the military unilaterally imposed amendments to the Registration of Organizations Law of 2014, which formalized further restrictions on civil society and humanitarian action. These amendments are the centrepiece of an interlocking system that links registration to several critical aspects of humanitarian action, including banking, importation and the procurement of aid items, and the movement of aid workers and items. Together with targeted restrictions in violence-

<sup>13</sup> See [www.worldbank.org/en/country/myanmar/publication/myanmar-economic-monitor-july-2022-reforms-reversed](http://www.worldbank.org/en/country/myanmar/publication/myanmar-economic-monitor-july-2022-reforms-reversed).

<sup>14</sup> See [https://myanmar.un.org/sites/default/files/2023-01/mmr\\_humanitarian\\_response\\_plan\\_2023%20final.pdf](https://myanmar.un.org/sites/default/files/2023-01/mmr_humanitarian_response_plan_2023%20final.pdf).

<sup>15</sup> See [www.burmalibrary.org/sites/burmalibrary.org/files/obl/GNLM2023-02-03-red.pdf](http://www.burmalibrary.org/sites/burmalibrary.org/files/obl/GNLM2023-02-03-red.pdf) and [www.burmalibrary.org/sites/burmalibrary.org/files/obl/GNLM2023-02-23-red.pdf](http://www.burmalibrary.org/sites/burmalibrary.org/files/obl/GNLM2023-02-23-red.pdf). In 2021, the military imposed martial law in seven townships in Yangon and Chin.

<sup>16</sup> See <https://bangkok.ohchr.org/ngo-law-myanmar/>.

and conflict-affected areas, these amendments have been instrumental in controlling and limiting humanitarian assistance required by populations in need.

21. These amendments have introduced the compulsory registration of all non-profit organizations and impose lengthy and onerous administrative procedures and criminal penalties, including up to five years of imprisonment, for non-compliance. In their applications, organizations must disclose the personal information of staff, funding sources, proposed project details and operational locations. Vaguely formulated provisions, such as prohibiting any contact with broadly defined groups, including those organizations deemed unlawful or opponents of the military, are likely to result in their arbitrary application. This regime, therefore, facilitates the extensive oversight by the military of non-profit organizations and their activities.

22. Since adoption, the Registration of Organizations Law has created a chilling effect within civil society and forced many organizations to grapple with whether their compliance could be perceived as legitimizing the military. Engaging with non-registered organizations or not being formally registered pose significant risks and impediments to humanitarian action. These range from carrying out operations without legal protection to being unable to receive funds and operate bank accounts. Individual staff members are also exposed to the continuous risks of harassment, arrest and prosecution.

23. Registration inevitably puts humanitarian actors under ongoing military scrutiny and politicizes the delivery of humanitarian assistance. One interlocutor highlighted how military-run ministries persisted in obtaining programme funding, budget and expenditure information as part of registration or renewal processes. Others noted that the military requested the removal of some geographical areas and activities from draft memorandums of understanding required as part of the registration process. This carries serious risks of politicizing humanitarian assistance and diverting aid from those most in need to those complying with military rule. An interviewee emphasized the dilemma imposed on humanitarian actors, observing that “if you register, you cannot do your work because you cannot do anything the military does not permit”.

## **2. Banking, finance, importation and procurement**

24. Since the coup and, therefore, before the imposition of the amendments to the Registration of Organizations Law were introduced, the military has, through the Central Bank of Myanmar,<sup>17</sup> been directing the heightened scrutiny by banks of their clients. Under the guise of customer due diligence, banks are increasingly requesting documentation, especially valid registration papers. However, the registration status of many organizations has now expired and the previous registration approval system has been suspended, leading to banking challenges, including delays and denials of fund transfers. The Central Bank of Myanmar subsequently imposed a separate approvals process for transactions over \$10,000 without any specified time frames, which affected considerably humanitarian operations and programmes.

25. Alongside restrictions on the formal banking sector, in a letter dated 15 August 2022, the Central Bank of Myanmar directed mobile financial service providers to comply with customer due diligence requirements, by asking customers to provide proof that they held a Citizenship Scrutiny Card. Given that the denial of citizenship and lack of civil documentation disproportionately affect minority groups, in particular the Rohingya, these measures will necessarily have an impact on such communities, as well as others who feel uncomfortable with the risks of sharing

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<sup>17</sup> In June 2022, six active-duty lieutenant colonels were reportedly appointed to the positions of director and deputy director within the Central Bank of Myanmar. In September 2022, Major General Zaw Myint Naing reportedly retired from the Accounts Department of the Ministry of Defence and was appointed as one of the three vice-governors of the Central Bank of Myanmar.



personal identifying information to receive funds. With respect to cash programmes, and given significant concerns over data protection and security, the military oversight of mobile financial service providers is a form of access restriction that affects populations in need.

26. With organizations' registration status and/or import licences gradually expiring after the coup, humanitarian actors have faced increasing difficulties importing essential items such as medicines and food into the country. Currently, registration under the new regime is a prerequisite for obtaining import licences. Interlocutors explained that securing an import licence requires valid registration, as outlined in the Registration of Organizations Law, which in turn depends on a military-approved memorandum of understanding. Given the lack of clarity regarding the implementation of the registration regime, which has been aggravated by the absence of regulations or procedures, it is unclear whether any organization has been successful in securing a new import licence. In rare instances where items can still be imported into the country, some interlocutors described lengthy hold-ups, lasting up to several months, at the port and with customs authorities, at times leading to the spoiling of perishable items.

27. As a result of these obstacles to the import of goods through international procurement orders, some organizations have had to rely on in-country supplies. Interviewees described the various challenges of local procurement. One described requiring military permissions to purchase food and shelter items. Others were not able to purchase the required quantities of medicines and other commodities owing to hoarding by suppliers and/or limits placed on the amounts that may be purchased. Another interlocutor described an authorization system requiring food suppliers to report to the military details about sale and purchase transactions. OHCHR also received information about an organization being denied permission to purchase medicines because of its area of operation.

### **3. Freedom of movement: travel authorizations and checkpoints**

28. Limitations on the freedom of movement have represented a long-term pressing and continuous human rights concern in Myanmar, including under the previous quasi-civilian Government. After the coup, the situation has significantly deteriorated as the military has increasingly attempted to control movements. Delays and the denial of visas have become a tool for the military to decide the time, locations and functions of those entering the country. Once in the country, travel authorizations are required for the movement of international staff and distribution of humanitarian assistance. For both visas and travel authorizations, valid organizational registration is required. This has affected areas outside military control in particular, given that the military tightly manages access to those areas, with interlocutors reporting that authorization regimes infringe on a wide range of fundamental rights.

29. While the pre-coup travel authorization regime in general did not apply to national organizations and staff, under the new regime, national and international organizations that intend to operate in travel-restricted areas defined by the military are required to cooperate with the relevant administration and military structures. On 17 March 2023, the National Unity Government also requested all local and international organizations to seek prior authorization before travelling through or within areas under its control.<sup>18</sup> Grass-roots and community-based organizations also reported being required to coordinate with anti-military armed groups when entering territories under their control.

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<sup>18</sup> See [www.burmalibrary.org/sites/burmalibrary.org/files/obl/2023-03-17-NUG-MOHAI\\_Statemenn-8-pio-en.pdf](http://www.burmalibrary.org/sites/burmalibrary.org/files/obl/2023-03-17-NUG-MOHAI_Statemenn-8-pio-en.pdf).

30. Interlocutors confirmed that checkpoints were the main impediment to the free movement of people and goods and they serve as a means for various groups to assert control over a territory vis-à-vis the civilian population. Interlocutors noted that military checkpoints were a systematic fixture at the entrance and exit of state or region capitals under their control, which are also usually the main commercial hubs for the area. Military checkpoints are also set up near army camps and bases and along access roads to areas held by anti-military armed groups. Sometimes ad hoc checkpoints are also set up following security incidents. Passing a checkpoint typically involves showing paperwork, such as travel authorization approvals, letters of recommendation and identity papers, to security forces. Screening and confiscation of phones have been consistently reported.

31. Checkpoints are also locations where bribery, the confiscation of goods and/or arrests take place. While United Nations entities appear to be generally less affected, other organizations delivering humanitarian assistance or transporting goods face harassment, intimidation and extortion. Even with the requisite documentation, security officials systematically seek informal payments. Amounts are typically determined on the spot, based on factors such as the identity of the individual seeking passage, the rank of the official on duty and the type of goods being transported. For aid providers, such informal payments are either borne entirely by national staff on a personal basis or embedded into the supply chain when utilizing third-party suppliers or transportation service providers and cannot be formally reported owing to compliance issues.

32. Interlocutors also reported the appropriation of material assistance from aid deliveries, taken occasionally as informal taxation, when passing through checkpoints. That occurred not only at military installations, but also at others by anti-military armed groups. Given the multiplicity of checkpoints along any transportation route, such taxation, whether in cash or in kind, inevitably drives up the price of commodities, leading to highly inflated prices or even a scarcity of essential items in rural areas.

33. Quantity restrictions and de facto bans on the transport of some goods, resulting in the confiscation thereof, are also enforced at military checkpoints. Interviewees reported that vehicles were allowed only to transport as little as two or five sacks of rice, depending on the location, and that motorbikes up to half a bag of rice. Numerous interlocutors stated that medical products and supplies were deemed particularly sensitive items and they were systematically confiscated at checkpoints. Those transporting such goods often faced arrest and questioning by security forces. In one case, an individual stopped while transporting medicines at a military checkpoint faced a lengthy interrogation that was aimed at identifying the beneficiaries. After payment of a specific sum to the military, the security officials released the individual, but confiscated the medicines.

#### **4. Safety and security of humanitarian actors**

34. A key consequence of the coup is that security has dramatically worsened for humanitarian workers and aid providers are consistently exposed to the risks of arrest, harassment or other mistreatment and even death. While there is no comprehensive and systematic collection of data on attacks on humanitarian actors since the coup, figures from credible sources show that between 13 and 40 have been killed and between 17 and 28 wounded.<sup>19</sup> Furthermore, between 43 and 212 individuals have been arrested. These figures probably represent only a fraction of the reality on the

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<sup>19</sup> See <https://data.humdata.org/dataset/myanmar-attacks-on-aid-operations-education-health-and-protection> and <https://aidworkersecurity.org/incidents/search?detail=1&country=MM&sort=desc&order=Year>.

ground. Notwithstanding analytical limitations, it is evident that national actors are the most exposed to those risks because they account for all casualties, which highlights the continuous personal risks they face when alleviating the plight of victims. As one interviewee described: “Other people and I were trying to bring older people to the monastery and on the way, artillery [shelling] fell down. When you go to help people, you have to look at the sky and look at the ground. It is very difficult”.

35. Incidents documented since February 2021 have repeatedly shown that the military perceives aid providers as part of the population that opposes their rule, rather than actors who deserve specific protection. One interviewee emphasized: “There is a complete disregard for all humanitarian principles. There are no legal protections in place for humanitarian workers”. In the early days of the coup, the military targeted medical personnel for their arrest and repeatedly opened fire on ambulances at protests. One interviewee reported that merely possessing an identification card that listed a medical role put individuals at risk of arrest when passing through military checkpoints. In the months following the military’s resort to the use of force, attacks on ambulances have continued, as have arrests and the detention of health workers and attacks against medical facilities and other protected objects.

36. Interviewees reported that in November 2021, the military raided a clinic that had been in operation for more than two decades in Kayah State, arresting 4 doctors, 13 nurses and 1 volunteer while also confiscating medical supplies and food rations. On 11 April 2023 in the village of Pazigyi in Sagaing Region, a military combat aircraft bombed attendees, including women and children, of an inauguration ceremony for a community building. Minutes later, a helicopter arrived and opened fire on the injured and those rescuing them. Later that day, another military aircraft shot at people collecting dead bodies and human remains. That attack reportedly resulted in the deaths of up to 168 people, including at least 45 women and 38 children.

37. As indicated above, aid providers also face significant risks of harassment, intimidation, arrest and detention when delivering assistance and passing through checkpoints. In Rakhine and parts of southern Chin, several aid providers and medics were arrested for transporting essential supplies, including medicines, when the military had placed blanket restrictions on humanitarian access. Orders imposing curfews or restrictions on the number of individuals who can travel on a given vehicle at one time – often reported in areas under martial law – have made the transportation of humanitarian assistance even more risky. An interviewee stated that “the main overall risk is that when you deliver assistance, you are considered as associated to illegal groups and get arrested for that”.

38. Anti-military armed elements were also identified as responsible for violence against humanitarian actors, including killings, detentions and harassment. In an emblematic case in June 2022, a group in Mon State claimed responsibility for killing a staff member of the World Health Organization.<sup>20</sup>

## 5. Telecommunications

39. Since 1 February 2021, the military has restricted mobile data and call services in an apparent attempt to control the population, an overwhelming part of which uses mobile telephones to obtain access to the Internet (see [A/HRC/48/67](#)).

40. By mid-2021, the blockage of telecommunications services by the military was concentrated in the areas most affected by conflict and violence. While reports indicate that anti-military armed elements and others have attacked telecommunications

<sup>20</sup> See <https://crisis24.garda.com/alerts/2022/06/myanmar-anti-military-group-shoots-who-staff-worker-in-mawlamyine-june-8>.

towers, electricity shortages have also caused service disruptions in some areas. In most cases, however, the military has systematically ordered restrictions on telecommunications services in areas where it carries out operations, in particular in townships in Chin, Kachin, Kayah, Magway, Mandalay and Sagaing. In those areas, the military has blocked mobile Internet access for sustained periods, with frequent reports of mobile telephone service cuts prior to the launch of military operations. The lack of transparency and secrecy of service restriction orders, increasing military-linked ownership in the telecommunications sector and alleged acts of intimidation against service providers to bolster compliance with military rules have created significant challenges in documenting fully the impact of orders and limitations on mobile communications.

41. These restrictions affect the ability of populations in need to seek aid and the ability of aid providers to reach them. Interlocutors reported that disruptions to Internet services had had life-threatening consequences. The absence of connectivity had limited the ability of communities to receive timely information and warnings about attacks, thus reducing the time to seek safety. Furthermore, blocking mobile telephone and data services significantly hampered individuals' ability to share critical information on humanitarian needs. Those living in areas affected by shutdowns had had to undertake dangerous and lengthy journeys to reach functional service areas. When shutdowns affected only mobile data services, civilians expressed fear that unencrypted communication exposed them to extensive military surveillance.

42. At the same time, communication restrictions have hampered the work of aid providers in several ways. Medical staff reported severe limitations in assisting rural populations, including by limiting their ability to obtain information and provide remote medical advice. Organizations reported that Internet shutdowns prevented them from sharing life-saving information, through online training, and using mobile banking applications, which further limited access to funds in an already highly restrictive banking environment. Those shutdowns also posed numerous logistics-related obstacles to humanitarian action and prevented comprehensive data collection, needs assessments, coordination among stakeholders, the receipt of authorizations, including from donors, and effective delivery of assistance. While several organizations continue to provide life-saving assistance, the enormous challenges notwithstanding, the inability to gather timely information on the security situation in targeted areas and assess the negative risks result in aid providers often having to avoid those areas.

## **B. Access of populations in need to aid**

### **1. Military's "four cuts" strategy**

43. The military's "four cuts" strategy, which was traditionally directed at cutting off ethnic armed organizations' access to food, funds, intelligence and recruits, has been redeployed, with devastating impacts, against a broader set of anti-military armed groups and civilians perceived as supporting them. The systematic implementation of the strategy, which relies on tactics that include the burning of entire villages, use of air strikes and artillery shelling, as well as arbitrary arrests, enforced disappearances, torture and ill-treatment, has resulted in the mass displacement of more than 1 million people.

44. Through the strategy, limitations on movements, the denial of humanitarian assistance and use of scorched-earth tactics, the military intended to sever grass-roots support for anti-military groups. Following the resumption of hostilities with the Arakan Army in late 2022, the military imposed a complete ban on movement and

humanitarian action in eight townships in Rakhine and southern Chin amid air strikes and artillery shelling. They enforced those restrictions through checkpoints on main roads, waterways, bridges and other supply routes, thus effectively preventing access to food, medicines, health care and other essential items, which had a tremendous impact on all communities, including the Rohingya. Notwithstanding a ceasefire in November 2022, numerous restrictions remain in place and humanitarian access remains inadequate.

45. The documentation of numerous burning incidents around the country highlight the widespread and systematic nature of this tactic, which appears to carry both an element of collective punishment of the entire local civilian population perceived as opposing the military and a strategic goal of depriving them of shelter, food, water, livelihoods and life-saving aid. Numerous interlocutors stressed that while burning villages, the military targeted livestock, food storage facilities and other essential agricultural materials. Where they exist, health facilities were also targeted.

46. Groups with specific vulnerabilities, such as persons with disabilities, older persons or those unable to flee upon the military's arrival, are at serious risk of being killed, including being burned alive. In March 2023, an interviewee reported that some 80 soldiers entered a village in Sagaing and set fire to an estimated 175 houses. Seven older persons, including two with disabilities, were burned to death.

47. In addition to deaths and injuries, the systematic implementation of the "four cuts" strategy has resulted in massive displacement and the continuous increase in protection and humanitarian needs. Repeated air strikes and artillery shelling expose civilians to the risk of recurring displacement with the military not sparing formal displacement sites or temporary shelter solutions. Interlocutors reported that there had been an increased targeting of shelters for displaced persons and monasteries since early 2023 and that monks had been killed and arrested for providing assistance. Interlocutors added that, as a consequence, monasteries had become reluctant to provide shelter to people fleeing violence.

48. With nothing left to return to, hundreds of thousands of people, mostly in the north-west, central and south-east regions of the county, have fled. Many have gone into jungles where they live under tarpaulins and improvised tents in extremely precarious conditions. Interviewees explained that, in the jungle, any aspect of life becomes life-threatening, in particular when displacement is prolonged due to ongoing and repeated military operations. OHCHR received accounts of children dying from snake bites without having access to medicines, highlighting the risks resulting from prolonged forced displacement and restricted access to humanitarian assistance. According to credible sources, there had also been numerous deaths of displaced newborns and older persons as a result of injuries, chronic diseases, communicable diseases and inadequate living conditions, which were all attributable to the military's denial of humanitarian access.

## **2. Landmines and unexploded ordnance**

49. Interlocutors unanimously agreed that the extensive presence of anti-personnel landmines, explosive remnants of war, including mortars, artillery, air-delivered weaponry and other unexploded ordnance across the country, pose a significant risk to displaced populations that obtain humanitarian assistance and to any returning to their place of origin. Pending independent verification, credible sources attributed responsibility for the use of mines mainly to the military. Anti-military armed groups, however, were also reported to manufacture landmines and improvised explosive devices or to use them after seizing them from overrun military targets. Anti-military armed groups and armed elements were reportedly targeting military convoys, including with improvised explosive devices in populated areas. Reports of the

targeting of public buses, in violation of international humanitarian law, were also received.

50. Interlocutors reported that mines were laid both as part of military tactics to defend bases and outposts, but also to deter returns and the use of facilities. In violation of international norms, mines had been laid near or in clinics, health facilities, religious buildings, homes and villages following raids and along supply routes commonly used to deliver assistance and gain access to health and livelihood opportunities. Of serious concern was that, in addition to the complete absence of humanitarian demining activities, no systematic recording and marking of planted mines was carried out, exposing the civilian population to significant risks and continuing protection concerns long into the future.

51. With the continued escalation of violence, interlocutors estimated that 12 of 14 states and regions were contaminated by mines. Although it is likely that the number of incidents is underreported, they increased by 136 per cent in 2021 with 92 killed and 216 injured<sup>21</sup> and by 176 per cent in 2022, with 112 killed and 287 injured,<sup>22</sup> compared with pre-coup figures of 64 killed and 163 injured.<sup>23</sup> These figures raise serious protection concerns for civilians, which are magnified by the increasing military reliance on air strikes, as this will inevitably lead to a larger amount of unexploded ordnance on the ground. Survivors often find themselves in critical conditions with no access to adequate health services.

### 3. Human rights situation of the Rohingya

52. While the denial of humanitarian aid has had devastating effects on all communities, the plight of the Rohingya has been aggravated by decades of severe discrimination, the erosion of rights, notably the arbitrary deprivation of nationality, and the perpetration of crimes with absolute impunity. Of the estimated 600,000 Rohingya who remain in northern Rakhine, more than 150,000 are displaced and live with severe limitations on their rights and freedoms in camps in central Rakhine. After Cyclone Mocha made landfall in Rakhine on 14 May 2023, 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 the houses in the townships of Sittwe and Rathedaung affected. Thousands of displaced Rohingya in Sittwe lost everything again because displacement sites were located near the sea or in low-lying areas prone to flooding. Their flimsy temporary dwellings stood no chance against cyclonic winds and community members reported not having received adequate information, sufficiently advanced warnings or authorizations to move to safety. Some did not heed warnings that were made owing to their lack of trust in the military and fear of further expropriation, destruction and property loss. It was 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.

53. As a result, numerous Rohingya lost their lives. Initial reports set the number at more than 400, while the military unilaterally asserted that 116 had died. Military authorities also threatened legal action against individuals and outlets reporting different figures, effectively preventing any further documentation. Given that the

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<sup>21</sup> See [www.unicef.org/myanmar/media/7431/file/Myanmar\\_Landmine\\_ERW\\_Incidents\\_Information.pdf](http://www.unicef.org/myanmar/media/7431/file/Myanmar_Landmine_ERW_Incidents_Information.pdf).

<sup>22</sup> See [www.unicef.org/myanmar/media/8731/file/Myanmar%20Landmine-ERW%20Incidents%20Information%20\(January-February%202023\).pdf](http://www.unicef.org/myanmar/media/8731/file/Myanmar%20Landmine-ERW%20Incidents%20Information%20(January-February%202023).pdf).

<sup>23</sup> See [www.unicef.org/myanmar/media/6306/file/Myanmar%20Landmine-ERW%20Incidents%20Information.pdf](http://www.unicef.org/myanmar/media/6306/file/Myanmar%20Landmine-ERW%20Incidents%20Information.pdf).

military denied access even to conduct needs assessments, the verification of deaths or damage evaluations, the extent to which the Rohingya and other communities have been affected by the cyclone remains uncertain. One interviewee attributed the larger number of deaths among the Rohingya compared with other communities in Rakhine to the limited available evacuation options and the inability of Rohingya to move inland to seek refuge from the cyclone. A Rohingya interviewee from central Rakhine reported seeing an estimated 50 corpses in the river or in mud pools next to his residence in the weeks after the cyclone, suggesting that the overall death toll may be significantly higher than that indicated by the military. Furthermore, he stated that several bodies were buried without being identified as no relatives claimed them, further adding to the uncertainty about the overall number of deaths.

54. Four weeks into this natural crisis that was characterized by minimal access to some parts of Rakhine, the military suspended all travel authorizations for cyclone-related activities and instructed that all disaster relief responses and supplies must be directly managed by them. Military threats and the arrest of those delivering aid or raising funds for relief efforts obstructed the relief efforts of local civil society groups. A Rohingya interviewee reported that no support had been received in the seven weeks after the cyclone to repair his shelter and his children had been living under a tarpaulin ever since. He added that minimal food had been provided by the military or United Nations entities. As noted in other parts of the country, the military not only denied communities in Rakhine access to all humanitarian aid, but also politicized aid to force desperate people to desist from opposing their unlimited rules. Ignoring specific life-saving needs for food, drinking water and shelter, the military appeared to have bargained access to aid for the cessation of resistance, in violation of the principles of humanity and impartiality of aid, notwithstanding the extreme situation of vulnerability of those affected and the approaching rainy season. Calls by Senior United Nations Officials for access to address the risks of food insecurity and water-borne diseases went unheeded and the Rohingya remain exposed to serious life-threatening conditions.

55. This notwithstanding, and in the clear absence of the conditions for safe, dignified and sustainable returns, since March 2023 the military has pretended to organize the return of approximately 1,000 Rohingya refugees from Bangladesh. After visiting Cox's Bazar, Bangladesh, in March and identifying potential returnees, in May, the military supported go-and-see visits for Rohingya refugees to the relocation centres in Rakhine. After the visit, the participants declined to return, insisting that the basic conditions were not in place and that returns would occur only once there were assurances of safety, the restoration of citizenship rights, enjoyment of fundamental freedoms and access to sources of livelihood and essential services. On the contrary, the military offered a plan under which returnees would be initially sent to reception and transit centres, built mostly on land where Rohingya lived before 2017, in the township of Maungdaw, before being transferred to areas where they would have to join a cash-for-work programme to build their houses. This plan made no mention of compensation or reparation for the victimization suffered by Rohingya community members, to which they are entitled under international law. In addition, Rohingya would be forced to accept national verification cards, which have been rejected by the Rohingya community as a tool of a discriminatory system that entrenches their status as foreign immigrants and denies them full citizenship rights. Given that Rohingya were not allowed to freely move around to seek assistance, even in the aftermath of the cyclone, it is reasonable to expect that returnees would also be denied their rights to the freedom of movement and access of services, such as health, education and sources of livelihood, forcing them into exclusion and depriving them of their liberty, in the same way as Rohingya who have been living in the camps in Sittwe since 2012.

56. Regardless of these catastrophic circumstances, the military decided to proceed with the forced closure of the Kyauk Ta Lone camp in Kyaukpyu township, which has hosted some 375 Rohingya and Kaman families since 2012. Defying protection and humanitarian considerations, the military authorized only a one-week postponement of the closure from 15 May 2023 as a result of the cyclone. Grave concerns about the relocation site being prone to flooding and having damaged water, as well as the sanitation and hygiene facilities, poor infrastructure, restricted movement owing to checkpoints and limited access to services, were not considered in the decision to forcibly relocate the families. An interviewee recounted how deep mud prevented Rohingya from gaining access to the camp by motorbike, forcing them to wade through mucky terrain. Additionally, demands made by Rohingya and Kaman people to return to their places of origin were systematically disregarded, further raising serious concerns over the respect for their property and land rights. No confirmation was received that the State of Myanmar had paid any compensation or reparations for the harm suffered in 2012 leading to their continuing displacement.

#### **IV. Conclusions and recommendations**

57. **As the post-coup human rights crisis continues to worsen, the overall humanitarian situation has also deteriorated to alarming levels. Through the implementation of its “four cuts” strategy that is aimed at severing support for anti-military groups, the military has killed and injured thousands of civilians while destroying goods and infrastructure that are necessary for survival, including food, shelter and medical centres. In violation of international obligations, the military has targeted humanitarian action and actors through an all-encompassing system of military measures and the instrumentalization of the legal and administrative spheres, forcing aid providers to either renounce support for people in desperate need of life-saving aid or to deliver support at enormous personal risks.**

58. **Meanwhile, duty bearers have failed to meet their obligation to protect civilians. Security across the country has deteriorated as the military has persistently targeted civilians through air strikes and the razing of populated areas. The widespread use of landmines by multiple actors has also furthered insecurity. As a result, many organizations have forgone or drastically modified operations in affected areas, which has had a negative impact on a wide range of human rights protections for individuals affected by violence. Local actors, who are overwhelmingly carrying out operations, are continuously at risk of death, arrest, torture and harassment. Violations and restrictions documented in the present report, when conducted as part of a widespread or systematic attack against a civilian population, and if they resulted in severely depriving individuals of their fundamental rights if it is perceived that they are part of a group opposing military rule, may constitute a crime against humanity of persecution.**

59. **Among the numerous and interconnected measures put in place by the military to control or deny humanitarian assistance, military checkpoints are one of the key obstacles. They are unanimously reported to be places where unclear rules are arbitrarily enforced, which instils fear in anyone who has to cross them. Whenever possible, those seeking assistance and those seeking to assist try to avoid checkpoints. Given the increased violence and mine contamination across the country, this is, however, increasingly difficult, resulting in a clear negative impact on the quantity, quality and timeliness of assistance reaching people in need.**



60. While the military restricts the movement of people through several measures, the instrumental use of the pre-existing arbitrary and discriminatory travel authorizations regime also plays a critical role in this respect. In all areas under its control, the military strategically decides on the groups of beneficiaries and type of aid to be delivered, as well as the timing thereof, in violation of the principles of humanity, neutrality, impartiality and independence. Similarly, the military prevents the movement of goods and humanitarian items, through systemic restrictions, and the ability of individuals to transfer and safely obtain access to funds.

61. These pervasive and interlinked restrictions are anchored in the recently imposed regime for the compulsory registration of organizations. Through the unilateral instrumentalization of the legal system and criminalization of non-compliance or engagement with non-registered organizations, the military has cohesively linked access to funds, goods, authorizations, visas and numerous other critical aspects of humanitarian actions to registration. Registration depends on lengthy and onerous administrative procedures, the rules of which remain unclear and are at the discretion of the military. The intrusive documentation of applicants required and stringent checks indicate the intention to politicize the delivery of humanitarian assistance.

62. In the light of the above findings, the United Nations High Commissioner for Human Rights recommends that military authorities:

(a) Cease immediately all violence and attacks directed against the people of Myanmar and civilian infrastructure across the country, in compliance with Security Council resolution 2669 (2022);

(b) Ensure full compliance with international human rights law and international humanitarian law and refrain from planting anti-personnel landmines, which are inherently indiscriminate weapons that contribute greatly to the suffering of the civilian population. Implement accurate mine recording and marking and, whenever possible, humanitarian demining activities;

(c) Release immediately all those arbitrarily detained, prosecuted and/or sentenced, in particular those deprived of their liberty for carrying out humanitarian action, as well as those who exercised their rights to freedom of expression, association, and peaceful assembly. Discontinue the politically motivated prosecution of all persons expressing opposition to the military's assertion of power;

(d) Immediately cease the implementation of the unilateral amendments made to the Registration of Organizations Law and all other actions aimed at restricting humanitarian and civic space and ensure that humanitarian organizations have unrestricted and predictable access to all people in need across the country, without fear of retaliation for the exercise of rights, in particular in areas affected by Cyclone Mocha;

(e) Take all prompt and necessary action, including in the banking and financial sectors, to guarantee the availability, accessibility, acceptability and quality of food and health-care products and services essential to meet the pressing needs of all people in Myanmar, without any discrimination;

(f) Cease immediately all closures of camps and related temporary or emergency shelter facilities designed to accommodate persons displaced within the country as a result of natural disasters, armed violence or other related circumstances. Ensure that any and all returns of the internally displaced to their places of origin or other temporary relocation sites occur voluntarily and following only full and transparent consultation with these individuals;

(g) Take all steps necessary to ensure that conditions conducive to supporting the sustainable, voluntary and dignified return of displaced persons, including those displaced outside Myanmar, in particular the Rohingya, are put in place in Rakhine State. Such conditions must include measures that guarantee the citizenship of the Rohingya and end systemic discrimination, both de jure and de facto, which are the root causes of conflict in the State and would prevent sustainable and dignified returns if unaddressed.

63. The United Nations High Commissioner for Human Rights further recommends that the National Unity Government and other duty bearers:

(a) Take all steps to protect the civilian population, including by stopping the use of inherently indiscriminate explosive devices, investigate reports of human rights violations and take all adequate measures to ensure full compliance with international law by members of anti-military armed groups under their control;

(b) Refrain from imposing physical or administrative restrictions on the delivery of humanitarian assistance to people in need in the areas under their control;

(c) Allow unrestricted access for humanitarian organizations to assess the needs and develop responses on the basis of accurate and evidence-based data;

64. The United Nations High Commissioner for Human Rights recommends that the Security Council, in view of the documented disregard by the military for Security Council resolution [2669 \(2022\)](#), take steps to refer the full scope of the current situation in Myanmar to the International Criminal Court.

65. The United Nations High Commissioner for Human Rights recommends that the Security Council, Association of Southeast Asian Nations and other Member States:

(a) Maintain continuous attention to the situation on the ground and take the steps necessary to promote political solutions to end the crisis and guarantee access to all people in need of life-saving assistance in the shortest possible time given the gravity of the situation;

(b) Take urgent action to ensure that the humanitarian response plan is adequately funded to provide humanitarian organizations with the resources necessary to meet the compelling demands of the people in Myanmar;

(c) Ensure adequate funding for the 2023 joint response plan for the Rohingya humanitarian crisis to ensure that members of the Rohingya community in Bangladesh receive life-saving humanitarian assistance;

(d) Provide flexible direct funding to local humanitarian organizations to support them in assisting the population in need with life-saving aid and services;

(e) Advocate for meaningful access to OHCHR in the country to facilitate independent and impartial monitoring and reporting on the human rights situation, including on civilian protection and humanitarian action.