

INTRODUCTION

This report, prepared by the Office of the High Commissioner for Human Rights, describes the overall human rights situation in Myanmar with a particular focus on accountability for violations that occurred since 1 February 2021 and implementation on recommendations on the human rights situation of Rohingya Muslims and other minorities. The Office does not have access to Myanmar; these findings are based on over 155 interviews and meetings with victims, victim's advocates and witnesses and corroborated by satellite imagery, verified multimedia files, and credible open-source information.

CONTEXT

Alleging electoral fraud in the November 2020 elections, the Tatmadaw launched a coup on 1 February 2021. Nationwide opposition to the military coup manifested through peaceful mass protests and a Civil Disobedience Movement.

Myanmar is now facing violence on a massive scale, including countrywide arbitrary detentions, unnecessary and disproportionate

Between 1 February 2021 and 31 January 2022

at least **1,500** people were killed by the security forces or their affiliates

at least **11,742** individuals were detained by the SAC and its affiliated armed elements

in and around **220** out of 330 townships saw armed clashes representing each state, region and union territory

use of force against peaceful protesters, extrajudicial killings, as well as ill-treatment and torture in custody. In response to such mounting repression, individuals across the country formed community-based groups for neighbourhood watch, as others began launching attacks against security forces. Simultaneously, armed conflicts in Myanmar's border areas have continued and resurged, particularly in Kachin, Kayah and Shan states.



RIGHT TO LIFE

KILLED DURING PROTESTS / RAIDS

- Live ammunition to disperse and target demonstrators and perusing fleeing protestors, raids and searches to find suspected anti-military individuals

KILLED IN CUSTODY

- Due to lack of adequate medical care for injuries obtained in raids
- Cruel and inhuman treatment and torture especially during interrogation
- Increasing incidences – average of 12 cases per month from February to June, July onwards average of 38, 70 deaths in December alone
- Frequently relatives unaware of whereabouts of detainees, remains disposed of without informing family or information not provided when requested
- Where returned bodies showed signs of torture and ill-treatment

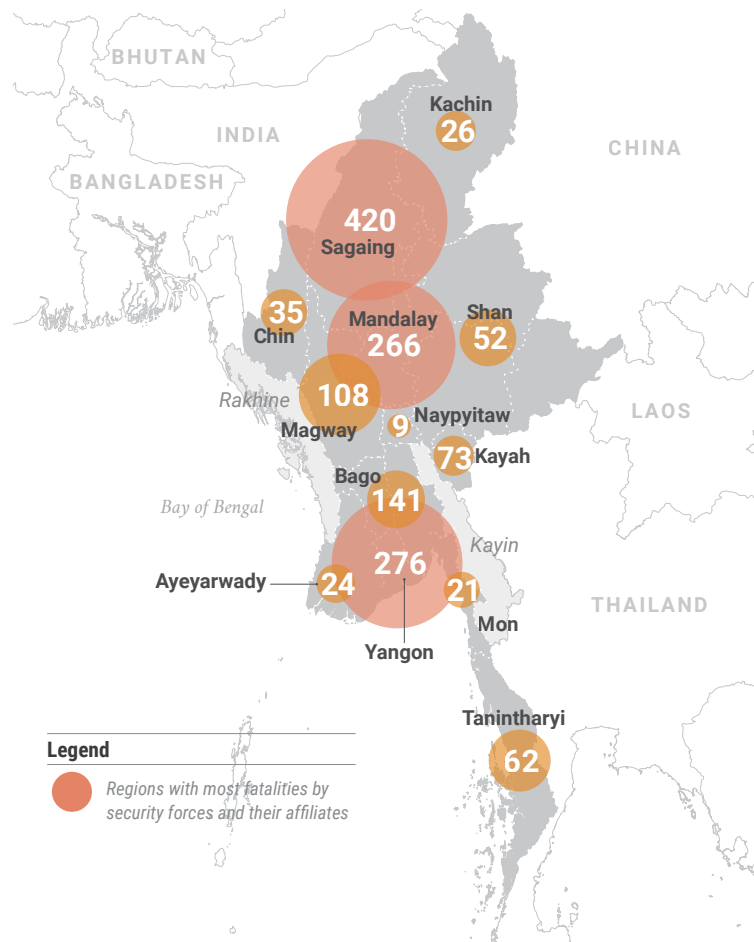
KILLED IN "CLEARANCE OPERATIONS"

Starting from July 2021 several mass killings

Some examples:

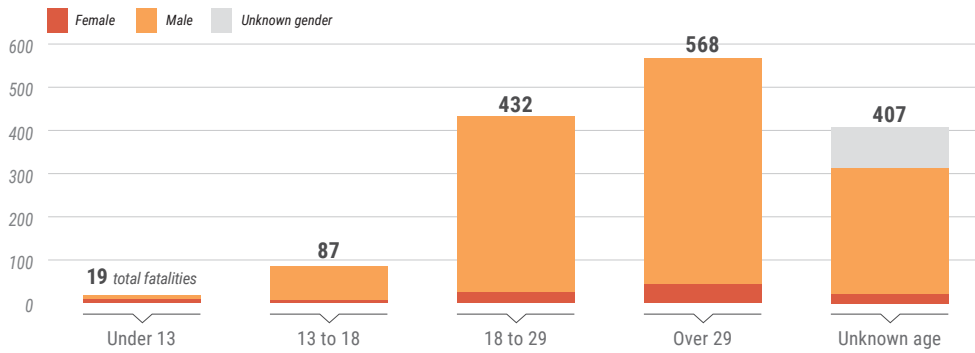
- 40 villagers in Kani Township Sagaing Region in clearance operations in July including 9 corpses found in forest with bound hands and wounds consistent with knives and sticks
- Burnt remains of 11 individuals in Done Taw Village, Sagaing Region in early December
- Burnt remains of 40 individuals in trucks in Hpruso Township in Kayah State on 24 December

Fig. 1 Number of fatalities by region by security forces and their affiliates



All figures are based on available information. The boundaries and names shown and designations used on maps do not imply official endorsement or acceptance by the United Nations.

Fig. 2 Fatalities by age group and gender



over **1200 men**, **100 children** and **200 women**
19 children under 13
over a quarter of all victims were **aged 18-29**

about **325 people killed in custody**, amounting to over **20%** of deaths

Over **60%** of all deaths resulted from the **alleged use of small arms**, with about **200 persons reportedly shot in the head**



LIBERTY AND SECURITY OF THE PERSON, TORTURE AND ILL-TREATMENT

DETENTIONS OCCURED IN THE FOLLOWING CONTEXTS:

During protests

On the streets

In private residences

During "clearance operations"

Detention procedures evolved over time. In the first weeks, individuals were generally detained in police stations or prisons immediately following arrest. Over time, military authorities first sent detainees to military interrogation centres, prior to their transfers to police stations and onwards to prisons, or directly to prisons. Individuals spent varying durations at military facilities, and increasingly faced torture and other forms of ill-treatment during interrogations.

Following military custody, which likely amount to both arbitrary detention and enforced disappearance, interviewees explained that the only way to find out whether a loved one was in prison was to send a food packet with the individual's personal details: if the packet was not returned to the sender, it meant the individual was being held in detention.

Persons released from detention described harsh prison conditions, including significant overcrowding. Physical distancing was impossible and there was no treatment for those who contracted COVID-19. Interviewees held in three different prisons across Myanmar also described a similar situation of some convicts given effective delegated authority by prison authorities to "discipline" political detainees leading to widespread extortion and abuse.

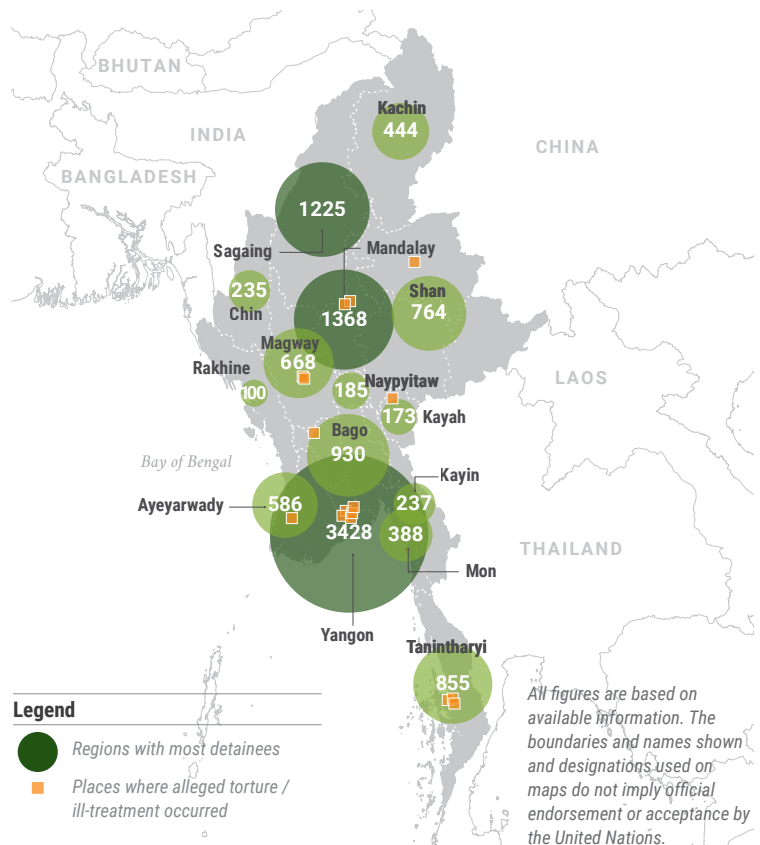
“ My head was bleeding from being hit with a gun. I was dragged into the interrogation centre, and they took off the cloth covering my face. Someone shouted, “Welcome to hell room”. They let me sit on a small chair in a small cell. 10 minutes later, someone came and said, “Now, you and me will see...” He asked me, “Who led the protest on 22 February?” I said that I did not know. And he said, “I don’t know? I will beat you,” and he told his colleague to get some sticks. The colleague came back with a baton and a pipe. They beat me on my back, my legs. They kicked me in the face and beat my whole body. They then took off my clothes and pants because they were not satisfied hitting me with my clothes on [and continued beating,] which wounded me badly. The first one kept asking the same question about the protest leader, and I said I did not know. And a different person asked me the question, and they kept beating me. They kept asking the same question, and I said, “I don’t know. How am I to tell you?” I was beaten 28 times by 3 persons. They also said, “You kalar should not stay in this country, should not stay here in Myanmar. Then they put the gun barrel into my mouth. They threatened to kill me and then pointed the gun at my temple. I told them, “You can kill me, I can’t suffer anymore.” And he said, “I am waiting for the order. As soon as it comes, I will kill you.”

– victim in Tanintharyi region

“ I think the police who arrested me was an army guy as the boots he was wearing were military boots. I told him, “You cannot beat me, I am a journalist, and there are laws in the country.” That person said, “I don’t care who you are and I will beat you.”

– victim in Yangon region

Fig. 3 Number of detentions by region



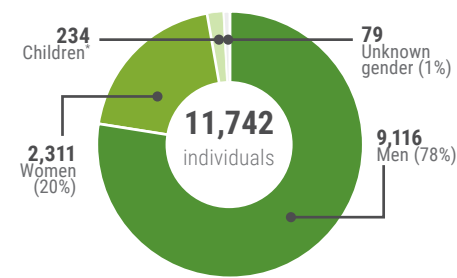
Legend

- Regions with most detainees
- Places where alleged torture / ill-treatment occurred

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Fig. 4 Detentions by age and gender

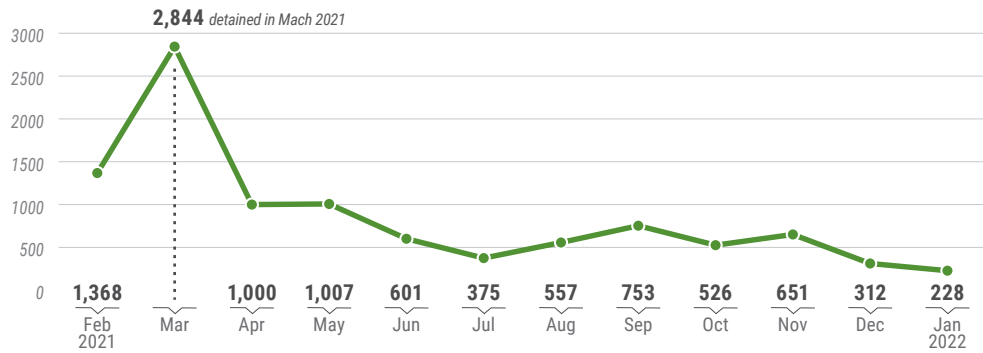
Between 1 February 2021 and 31 January 2022, the SAC and its affiliated armed elements detained at least:



* 234 children or 2% is reflective of the total number of adults above the age of 18 (i.e. 11,502 or 98%), including men, women and unknown gender.

Another **1,971 individuals** are wanted by the SAC, forcing them to go into hiding

Fig. 5 Detentions by month



Furthermore, an additional **1,500 individuals** were detained between 1 February 2021 and 31 January 2022 with an unknown month of arrest

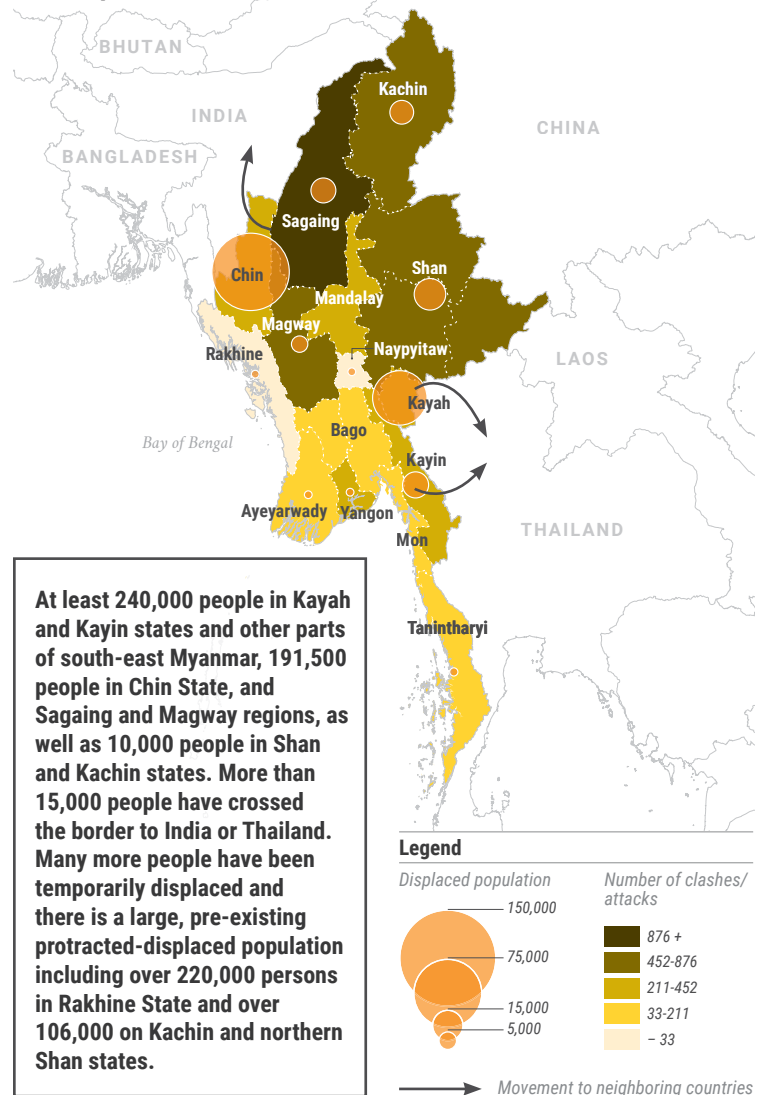
INSECURITY, ARMED CONFLICTS, AND OTHER FORMS OF VIOLENCE

Myanmar is wrought with devastation that has destroyed the increasingly prosperous lives that many around the country had in recent years begun to enjoy. There have been armed clashes and attacks in each state, region and union territory, and in around 220 out of 330 townships.

Tatmadaw forces committed many violations during “clearance operations”, combing areas in search of members of armed groups and arresting, torturing, and summarily executing individuals, as well as looting and destroying property.

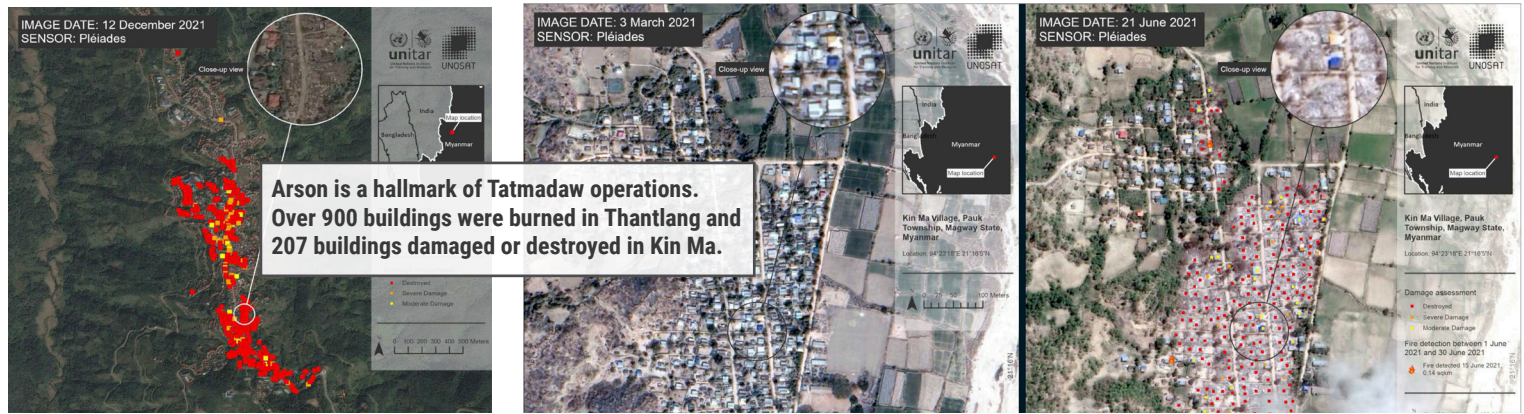
- Killings:** Small arms fire killed over 400 individuals; airstrikes, mortar and artillery shelling and other explosions killed approximately 150 persons; landmines or explosive remnants of war accounted for over 88 deaths.
- Forced labour and human shields:** At least 85 reported incidents involved the Tatmadaw forcing individuals to perform labour and act as human shields as their troops advanced.
- Displacement:** Over 441,500 people have been displaced from their homes around the country since February 2021.
- Property destruction:** Over 400 Tatmadaw attacks on populated areas involved property destruction, destroying thousands of houses and other buildings including churches and food stores.

Fig. 6 Incidents of armed conflict, other forms of violence and displacement



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Fig. 7 Satellite imagery of select incidents involving property destruction



Damage assessment of Thantlang Village, Chin State

Damage assessment of Kin Ma Village, Pauk Township, Magway State

ROHINGYA

- » Situation in Rakhine state relatively stable but the overall human rights situation of the Rohingya community has seen no improvement.
- » Further deteriorations in some aspects for example new restrictions on freedom of movement for Rohingyas in some areas with additional travel authorisations or permits.
- » A COVID-19 vaccination campaign is being rolled out but effective coverage for Rohingya is hindered by travel and authorization costs and access and availability issues
- » Conditions in Rakhine State remain uncondusive for safe, voluntary, dignified and sustainable returns of refugees and IDPs
- » Some who chose to return due to security concerns in the camps in Cox's Bazar were arrested charged and prosecuted for illegal entry
- » Security situation has worsened for Rohingyas in Cox's Bazar in Bangladesh with criminal groups fighting daily to gain control in the camps and threatening, beating, kidnapping, and killing unaffiliated camp residents

Outstanding issues that remain:

- ▶ deprivation of citizenship rights and civil documentation
- ▶ restrictions on freedom of movement
- ▶ lack of access to health and education services and livelihood opportunities
- ▶ lack of right to return for refugees and displaced persons
- ▶ lack of justice and redress for past violations
- ▶ humanitarian access is time-limited, location specific and restricted

ACCOUNTABILITY

- » **Acts by the Tatmadaw may be crimes against humanity as they were carried out in the context of a widespread and systematic attack directed against civilian populations, and in apparent pursuance of a policy.** These include, murder, forcible transfer of population, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, torture, persecution against any identifiable group or collectively on political grounds, enforced disappearances, and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.
- » **When linked to an armed conflict, some of these acts may also amount to war crimes.** Additionally, in the conduct of hostilities, attacks against civilians and civilian objects, using human shields and forced displacement, constitute serious violations of international humanitarian law amounting to war crimes.
- » **Avenues for accountability include the current case at the International Court of Justice, the International Criminal Court's investigation, cases brought under universal jurisdiction and the ongoing work of the Independent Investigative Mechanism for Myanmar.**

RECOMMENDATIONS

▶ **To the military authorities:** cease all violence and attacks against the population, release all prisoners detained for exercising their rights and discontinue politically-motivated prosecutions

▶ **To all parties in Myanmar:** facilitate unrestricted humanitarian access, fully respect human rights norms and, where applicable, international humanitarian law, cooperate fully with Special Envoys of the UN and ASEAN and accountability mechanisms

▶ **To the international community:** protect and assist individuals crossing international borders including the Rohingya population and ensure any returns are dignified and voluntary, refer the situation to the International Criminal Court, ensure any political solution respects transitional justice measures, prevent the supply of arms, apply targeted sanctions as appropriate, encourage businesses to cease working with military owned or affiliated entities