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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

The present report, submitted pursuant to Human Rights Council resolution 49/23, identifies trends and patterns of human rights violations that occurred in Myanmar between 1 April 2022 and 31 July 2023. The report documents incidents affecting the civilian population, with particular focus on military airstrikes, ground operations and arson; covers acts of violence by anti-military armed groups; addresses human rights concerns of the Rohingya community; and contains recommendations addressed to the military, the National Unity Government and the international community.

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



I. Introduction and methodology

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

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

3. The report is based on 161 interviews conducted during the reporting period with primary and secondary sources, including victims and witnesses, and on regular consultations and collaboration with local and international organizations, United Nations entities, thematic experts and other actors. Analysis of other primary sources, such as satellite images and official documents, and systematic monitoring of the media and social media contributed to the findings presented in the report. OHCHR submitted questionnaires to the military authorities,¹ the National Unity Government² and key ethnic armed organizations. Given the serious protection concerns of individuals reporting on violations occurring in Myanmar, full respect of the “do no harm” principle was prioritized over all other considerations in the preparation of the report. Factual determinations of incidents and patterns were made where there were reasonable grounds to believe that relevant incidents had occurred. Figures on the number of deaths likely represent an underestimation of realities on the ground. For purposes of the report, a mass killing is considered to be an alleged incident in which at least 10 civilians or persons hors de combat were killed.

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

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

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

² The President of the National Unity Government is Win Myint and the State Counsellor is Aung San Suu Kyi. See [A/HRC/48/67](#), para. 72.

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

7. Amid a surge in the military's reliance on fighter jets and helicopter gunships, violence has continued to escalate, as epitomized in multiple airstrikes on Pa Zi Gyi village, Sagaing Region, in April 2023, which resulted in the largest mass casualty incident recorded since February 2021 (see paras. 12–20 below). The military's increasing use of air power and munitions revealed its growing reliance on heavy weapons and materiel that can only be purchased from foreign sources.⁴ Furthermore, to purchase such military hardware, support services and aviation fuel, the military relies on access to foreign currency. Thus far, targeted measures have shown some limited success in degrading the military's offensive capacity, suggesting that more comprehensive, concrete and meaningful international sanctions of this kind are urgently needed to curtail the capacity of the military to continue its campaign of violence and repression.

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

II. Human rights violations by the military

9. Credible sources have verified that, as at 31 July, a minimum of 3,857 civilians, non-combatants and individuals hors de combat, including 610 women and 431 children, had been killed at the hands of the military. Furthermore, 24,123 individuals have been arrested for their opposition to the military, of which 19,733 remain detained.⁵ Circumventing the civilian rule of law, the military continued to extend the state of emergency: 47 townships remained under martial law, exposing opponents of the military to heightened sentences, including the death penalty. Under the guise of counter-terrorism, military-controlled courts meted out decades-long sentences for a range of charitable activities, such as opening schools. A total of 158 people were sentenced to death by military-controlled courts and 4 people were executed. Political prisoners remained detained in deplorable conditions and reports of torture, sexual violence and deaths in prisons or during prison transfers are regularly received. In July 2023, in a move with scant effect in practice, the military reduced somewhat the lengthy sentences issued by such courts against the President, Win Myint, and State Counsellor, Aung San Suu Kyi, of the National Unity Government.

10. As a result of post-coup violence, nearly 1.6 million people are estimated to be internally displaced, with populations in Sagaing and Magway Regions accounting for over 1 million.⁶ People are also suffering from a precarious economic situation, in which the per capita gross domestic product is falling below pre-pandemic levels and inflation is reaching 20 per cent.⁷ As such, 15.2 million persons are estimated to be moderately or severely food insecure and nearly double the number of households are expressing concern about inadequate food supplies compared with one year ago.⁸

³ See, inter alia, [A/HRC/48/67](#), [A/HRC/49/72](#), [A/HRC/51/41](#), [A/HRC/52/21](#) and [A/HRC/53/52](#).

⁴ See <https://www.ohchr.org/en/press-releases/2023/05/un-expert-exposes-1-billion-death-trade-myanmar-military>.

⁵ See <https://aappb.org/?p=25720>.

⁶ See <https://data.unhcr.org/en/situations/myanmar>.

⁷ See <https://www.worldbank.org/en/country/myanmar/publication/myanmar-economic-monitor-january-2023-navigating-uncertainty>.

⁸ See <https://reliefweb.int/report/myanmar/myanmar-humanitarian-update-no-31-15-july-2023>.

A. Airstrikes

11. Military use of airstrikes significantly increased during the reporting period. Analysis of open sources suggests that 687 strikes occurred during the period from 1 April 2022 and 31 July 2023 compared to the 301 reported between February 2021 and March 2022. Credible sources verified that military airstrikes had killed a minimum of 281 individuals, instilling terror in the civilian population, who now reasonably fear that they could be bombed in their homes, at schools, hospitals and religious buildings and at public gatherings. While sites in the north-east and south-east, particularly in Kachin, Kayah and Kayin States, were previously the most targeted areas, the report notes a 324 per cent increase in airstrikes in the central regions, with figures rising from 78 to 331. The Sagaing Region alone accounts for 258 of the 331 airstrikes and 39 per cent of the total number of strikes nationwide. Of further concern is the fact that airstrikes have repeatedly been combined with measures that systemically deny the ability of those injured to access medical care.

1. Pa Zi Gyi

12. On 11 April 2023, in Pa Zi Gyi village, Kanbalu Township, Sagaing Region, military aircraft repeatedly attacked a large, predominantly civilian gathering, resulting in the highest death toll in one incident since the coup. Credible sources verified 150 civilian deaths, including 19 women, 21 girls and 14 boys. In addition, 18 people affiliated with local anti-military armed groups were killed in the strikes.⁹

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

14. Multiple interviewees from the Pa Zi Gyi area stated they had gathered that day to inaugurate a community building on the village outskirts.¹⁰ Survivors and eyewitnesses recounted that refreshments were being served to attendees, including local elders and children, in and around the building. It was reported that, at around 7.40 a.m., a Yak-130 military combat aircraft bombed the site with a fuel-air explosive bomb, immediately killing most of the attendees. From the village, people rushed to the scene to assist those injured. Witnesses recounted calling out the names of family members while grappling to process the carnage. An interviewee described people lying on the road, with body parts spread everywhere. Another witness reported that “some people had no head, no arm, no leg” and that “you couldn’t put your feet down without stepping on bodies or blood”. A verified video of the aftermath by a cameraman reveals that, in his dying minutes, missing half his leg, he called for help: “A jet fighter came [...] I hope I will live! Hurry to rescue those alive!”.

15. Shortly after the bombing, a Mi-35 military helicopter arrived and opened fire on those on the ground. Rescuers ran for cover while carrying the injured. An interviewee recalled taking cover in the creek bed under a small bridge along with 10 other people but, after the helicopter fired at them, some ran to draw fire away from the group. Survivors recounted that many people died as a result of the shooting from the helicopter while they were looking for missing family members. One said, “I couldn’t hear any more sound from the survivors shouting for help – they had all died”.

⁹ See <https://airtable.com/shrYUzbzQe1hKXQ68x/tblswChRJGSzJWr7k>.

¹⁰ While the military described the building as a “headquarters” of the National Unity Government, the National Unity Government defined it as a village administration office. Multiple witnesses described the ceremony as the inauguration of a community centre to shelter the local security group conducting sentry duties and arbitrating disputes in the post-coup context.

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

17. Having postponed the recovery of bodies for fear of further attacks, by the afternoon, residents resumed inspecting and collecting the victims' remains, assisted by members of anti-military armed groups. Bamboo-frame stretchers were used to transport the remains to a field near the attack site, where they were piled together in preparation for mass cremation. At around 5.30 p.m., another fighter jet circled the area at least three times, dropping several bombs and firing other weapons. While apparently nobody was seriously hurt in the attack, it ended the rescue operations for the day as people feared that the lights required for such work could lead to further targeting. Damages to buildings and livestock were also reported.

18. Extensive video clips and photographs posted to social media show destroyed buildings, charred bodies and severed body parts and organs scattered across the area. Analysis of satellite images and photographs from the ground confirmed the presence of two possible craters and evidence of the use of aircraft strafing. No evidence was found supporting the military's allegations of the building being used to store explosives. All the verified images of casualties depict children, women and men in civilian clothing. Some images show bodies exposed to extreme heat. Analysis by an ammunition expert examined by OHCHR and other available reports¹¹ confirm the likely use of a thermobaric or fuel-air explosive weapon in the attack causing a "pressure wave", resulting in dismemberment among the common causes of death. This is further supported by the types of trauma and injuries to bodies, the nature of damage to the building and the fact that some individuals outside the primary blast area presented burns while other complaints included loss of hearing and vision.

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

20. From information gathered on the ground prior to the attack, the type of aircraft and their approaching direction provide reasonable grounds to believe that the Yak-130 took off from the military base in Mandalay while the Mi-35 flew from the base in Monywa. These bases are under the military's central and north-west regional commands, respectively. The use of multiple aircraft and airbases and the subsequent coordination of air and ground operations indicate planning, coordination and/or knowledge at senior levels of the military command. Furthermore, the involvement of both the central and north-west commands and ground troops (as described in sect. B below) indicates the participation of the highest level of leadership in military operations through the Bureau of Special Operations 1, which is based in the capital, Nay Pyi Taw.

2. Nyaung Kone

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

¹¹ See <https://www.hrw.org/news/2023/05/09/myanmar-enhanced-blast-strike-likely-war-crime>.

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

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

24. People reaching the scene minutes after the attack to provide assistance recounted a scene of bloody destruction, with several victims shouting for help. One witness described pulling at least 7 injured people from the fire as others rushed to transport another 20 wounded, including 3 children, for medical treatment. A teenage girl was so severely injured that she died while villagers were transporting her to emergency medical care; witnesses noted that they could not bring her to military-controlled facilities for fear of arrest and retaliation.

25. Analysis of photographic evidence of the aftermath appear to indicate the likely use of both high explosive and conventional weapons. While there was evidence of shrapnel wounds on some bodies, at least three appeared intact although incinerated. Witnesses observed three distinct holes in the ground, roughly waist deep and up to three metres in diameter, supporting reports of the use of high explosives. Consistent with the existence of extreme heat and the technical capabilities of fighter aircraft, photos showed hundreds of square feet of structures almost completely burned to the ground. Eyewitnesses specified that the structures burned in less than 10 minutes.

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

3. A Nang Pa

27. On 23 October 2022, the military carried out an airstrike in A Nang Pa village, Hpakant Township, Kachin State, targeting an anniversary celebration of the Kachin Independence Organization that was also attended by members of the Kachin Independence Army. Credible sources verified a minimum of 42 casualties, including 14 civilians, although it is believed that the final death toll was significantly higher.¹² Challenges in documenting these figures derive from the remoteness of the area, prolonged Internet shutdowns and the measures imposed by the military to limit the movement of survivors and prevent the injured from accessing medical care. Photos from the scene clearly show at least 30 corpses.

28. According to interviewees, at around 8.30 p.m., three military jet fighters bombed the venue twice, killing most of the people, including members of the Kachin Independence Army and civilians, as well as a renowned local artist and businesspersons who were attending the celebrations, while wounding dozens. One interviewee emphasized that “It was a special day, a lot of people from nearby villages came to help”, and most of them had to cross a military checkpoint by the bridge in Ginsi, approximately 6 kilometres from A Nang Pa. While OHCHR could not directly confirm that the Kachin Independence Army had informed the military about the event, it appears reasonable to believe that the military had knowledge of the presence of civilians. Despite the request of OHCHR, the military did not

¹² One interviewee involved in the burial of people indicated that over 200 people were killed. The National Unity Government set the total at 130. The Kachin Independence Army did not respond to the request of OHCHR for information and the military did not indicate figures, stating that “security forces took the necessary measures against armed terrorists”.

provide information on how it had operated to meet the principles of distinction, proportionality, precaution and military necessity in relation to this attack.

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

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

B. Mass killings during ground operations

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

1. Nyaung Pin Thar

32. Multiple independent sources confirmed that the military had entered Nyaung Pin Thar village, Htantabin Township, Bago Region, on 9 May 2023, prompting many residents to flee. The following day, after the arrival of reinforcements, the military clashed with the Karen National Liberation Army and an anti-military armed group. After opposition forces retreated, an interviewee reported seeing columns of smoke rising from the village.

33. On 12 May, the first villagers returned, describing their discovery of 19 bodies divided into two piles, one for men and one for women and children. There was stench of charred flesh. Another body, with marks compatible with acts of torture, was later discovered and photographed near the village cemetery. Adverse weather conditions prevented the military from completely incinerating the bodies. This allowed sources to note injuries and to identify the victims, including three children under the age of 7, a 15-year-old child and two men aged over 70. Interviewees reported that eight whole families were among the deceased, and, in

one case, three generations of a single family had been killed. One villager, who lost a family member, said that “Some of the bodies were not burned completely. We saw throats cut and marks of blood coming out of the bodies. We saw two bloody pools, lots of blood near the bodies. Before they died, they might have been tortured. We saw some of the brain parts on the ground also, their heads had been damaged before they were burned”. Another witness saw the corpse of a toddler with her head gravely wounded still holding the hand of her dead mother.

34. According to information released by the Karen National Union, the operation was under the direct command of a Colonel of the Kyaukkyi Township Battalion and it included military columns 73, 559 and 590 under the command chain of the Southern Regional Command, column 84 under the 6th Military Operations Command and column 15 under the 99th Light Infantry Division.¹³

2. Tar Taing

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

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

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

3. Sone Chaung

38. At around 2 a.m. on 21 July 2023, residents of Sone Chaung village, Yinmabin Township, Sagaing Region, were awakened by the sound of gunshots. One villager recounted, “When I heard the gunfire, I woke up. I tried to ask my neighbours and friends what happened. Other people tried to call the local leader. Someone answered his phone, saying ‘Someone robbed my house, please come and help me’. We sensed it was not him. Some people went there, and they were arrested. Other people realized this was the army and told me to run. So I hid behind each house, one by one, to run away.”

39. One person directly involved in the search for the missing reported initially finding three dead 17-year olds. Later, another 11 bodies with their hands bound together were found outside the village. According to the witness, the corpses presented grotesque injuries, including knife gashes, stab wounds, severe burns, gouged-out eyes and other forms of dismemberment, as well as signs that they had either been bludgeoned to death or bled out after key arteries had been cut. Attempting to pick up the bodies, the rescue team noted that several necks hung unnaturally, indicating that they had been broken. Photos reviewed by OHCHR corroborated these descriptions. Later, a military unit shelled the area where the bodies had been found, suggesting an attempt to dissuade relief efforts or to conceal evidence.

40. Interviewees could not provide reasons for the attack and described the village as normally peaceful because the Aung Zayar military base is only a mile away. They said there

¹³ See [https://knuhq.org/admin/resources/statements/pdf/KNU%20Statement%20on%20SAC%20Burning%20and%20Killing_Massacre_at%20NyaungPinThar_Final_\(in Myanmar language\)_ \(20230514\).pdf](https://knuhq.org/admin/resources/statements/pdf/KNU%20Statement%20on%20SAC%20Burning%20and%20Killing_Massacre_at%20NyaungPinThar_Final_(in%20Myanmar%20language)_%20(20230514).pdf) (in Myanmar language).

had been no prior clashes as there was no presence of armed groups beyond a local self-defence group of poorly equipped villagers seeking to protect their community.

C. Burning of villages and other civilian infrastructures

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

42. Open-source data indicate that nearly 75,000 houses and buildings have been burned across 106 townships in 12 states and regions since the coup.¹⁴ Over 24,000 burnings have been reported since the beginning of 2023, suggesting that the military's campaign is on the rise. Confirming that the central regions are the main theatre for these incidents, the Sagaing Region accounts for over 50,000 burnings and the Magway Region for nearly 10,000. As previously documented, burnings often result in the killing, in particular, of individuals, older persons and persons with disabilities, who are unable to flee encroaching fires. Analysis of available data indicate that over 90 per cent of the victims were above the age of 60 or had physical or psychosocial disabilities. According to the military, from 6 December 2021 to 11 July 2023, terrorist groups torched a total of 18 villages from 9 townships, namely Ayadaw, Pale, Chaung-U, Kanbalu, Taze, Shwebo, Sagaing and Monywa Townships in the Sagaing Region and one village in Pauk Township in the Magway Region. A total of 923 houses, one transformer and one grain mill had been burned down. The military also denied the responsibility of its troops for such acts, claiming that the rules of engagement prohibited looting and destroying peoples' property and that the Tatmadaw has been strictly supervising compliance with that policy.

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

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

45. Between 23 March and 11 April 2023, in Shwegu Township, Kachin State, satellite images confirm that 1,424 houses in 14 villages were damaged or destroyed. According to

¹⁴ See <https://ispmyanmar.com/community/wp-content/uploads/2023/08/DM-48-7x10-eng.pdf>.

testimonies, on 23 March, over 100 soldiers from the 10th and 77th Light Infantry Battalions arrived in east Shwegu and clashed with the combined forces of the Kachin Independent Army and the Shwegu People's Defence Force in Nawng Let Gyi and Man Wein villages. Satellite imagery analysis confirms that almost 300 structures were damaged and burned as a result of the military attack. In the following days, hostilities spilled over to nearby villages and soldiers arrived at Man Wein, Si Thar, Si Thaug, Si Mu Lay and Si Mu Gyi villages to torch houses. In total, 350 out of 557 structures in Si Thaug and Nam Lang villages were either destroyed or burned by the military. More than half of the houses in Man Wein, Si Mu Lay and Si Mu Gyi villages were destroyed; food stocks and livestock were not spared from destruction. An interviewee from Si Thaug village recounted, "I could see my house burning from a distance. They started burning the village from my house. I had saved timber to build a new house; they burned that also".

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

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

47. During the reporting period, OHCHR continued to document and record violations and abuses by anti-military armed groups and elements against civilians. Their verification is affected by the overall security situation, the disputed credibility of military and other public reports and challenges in identifying the perpetrators, although their scale and intensity cannot be compared to the violations committed by the military. Anti-military armed groups and elements, whether affiliated with the National Unity Government or not, consistently carried out targeted killings and attacks against courts, immigration offices, tax departments and other public buildings with drones, bombs and grenades. Victims are often local administrators, civil servants, military-affiliated political party members or individuals accused of being military informants. Occasionally, groups have claimed responsibility for the incidents through social media.¹⁵ According to information from the military that could not be independently verified, attacks by anti-military armed groups and elements resulted in the deaths of over 6,000 innocent civilians, including 75 monks and nuns, 825 administrators, 57 ex-service personnel, 4,738 ordinary citizens and members of political parties, 80 teachers, 17 health-care personnel, 202 children and 154 civil servants as of 30 June 2023.

48. In response to an OHCHR request, the National Unity Government reported adopting measures and establishing mechanisms to ensure that affiliated anti-military armed groups complied with relevant provisions of international law in accordance with its code of conduct. Measures included the issuance of directives and regulations on the protection of children and civilians and on the treatment of prisoners, capacity-building training, a review of rules of engagement and the establishment of monitoring and investigation mechanisms, including the interministerial Central Complaints and Reporting Committee and a Central Investigation Commission for War Crimes. To date, the Commission has reportedly received 185 allegations, including acts committed by anti-military armed groups, which were handled by their military court. No information was provided on the outcomes of those cases, including on accountability for perpetrators.

49. Targeted killings of local administrators and individuals perceived as military collaborators are a key tactic of anti-military armed groups and elements. These incidents are cause for serious concern as they may amount to unlawful killings and frequently result in the death of individuals nearby. In the cases described below, if linked to an armed conflict, the targeted individuals had not lost their protection as civilians against attacks as their activities did not appear to amount to direct participation in hostilities. These targeted killings may therefore amount to a violation of the prohibition of directing attacks against civilians. Among the cases where there was a claim of responsibility, OHCHR found that, on

¹⁵ OHCHR assessed at least 70 claims of responsibility made online. However, it is possible that the number is larger.

17 October 2022, members of the Wundwin Township Revolution Force in Mandalay opened fire on a township administrator who was having lunch at a restaurant. The administrator and another individual died on the spot while a third person was injured. Similarly, on 24 March 2023, a female ward administrator was shot and killed at her house in Pyigyidagon Township, Mandalay Region. In claiming responsibility, the Urban Guerrilla Force-MDY and the Ranger urban guerrilla group accused her of forcing residents to report guest lists and extorting money from them. Also, on 12 January 2023, in Natmauk Township, Magway Region, members of the Magway Guerrilla Warfare and the Peacock Warriors groups shot dead a primary school principal, claiming in a press release that he was pressuring the township education staff to cooperate with the military.

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

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

52. In addition, OHCHR analysed videos posted on social media depicting individuals being tortured and in one case executed by alleged members of anti-military armed groups. On 3 December 2022, a video on social media showed alleged members of an armed group repeatedly punching a handcuffed woman in the head, kicking her, pulling her hair and hitting her with a rifle butt until she confessed to being a military informant. She was later shot dead on the street.¹⁶ In another online video that surfaced in May 2023, three men wearing uniforms of the Shan State Progress Party group interrogated a man hanging from a tree while he desperately tried to avoid being burned by a campfire right under his feet. No further information was found about his fate or about actions taken to hold perpetrators to account.

IV. Human rights situation of the Rohingya

53. Although the situation in Rakhine State remained mostly stable from a security perspective, the human rights situation of the Rohingya community continues to be of utmost concern. When Cyclone Mocha made landfall in Myanmar on 14 May 2023, it caused widespread destruction and affected all communities in Rakhine State. It aggravated the protection concerns of the Rohingya community, already marred by decades of extreme discrimination and other gross human rights violations, many of which may amount to crimes under international law. Of the estimated 600,000 Rohingya remaining in northern Rakhine State, over 150,000 have been displaced to camps in central Rakhine where their rights and freedoms are severely restricted. Under these circumstances, members of the Rohingya community had to endure both the brunt of the storm and the consequences of the military's

¹⁶ Reports in the media indicated the incident occurred in Tamu Township, Sagaing Region, in June 2022.

actions directed at preventing humanitarian access to affected areas. Interviewees reported extensive structural damage, with nearly all houses in Sittwe and Rathedaung Townships being affected. Because the displaced persons camps in Sittwe were located near the sea or in low-lying areas prone to flooding, many displaced Rohingya lost everything. Their flimsy temporary dwellings stood no chance against cyclonic winds, while community members reported not having received adequate information or authorization to move to safety. Some communities that received warnings did not heed them due to their lack of trust in the military and fear of further expropriation, destruction and loss of property. One interviewee reported that the military had designated one local school as the only evacuation site for the approximately 6,800 residents of a camp in Sittwe and that the school could accommodate only a few families. In responding to OHCHR, the military stated that they had carried out a pre-emptive evacuation of around 63,300 people out of about 125,700 internally displaced persons from 17 camps to safer buildings and cyclone shelters.

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

55. Post-cyclone, the military instrumentalized relief operations. Four weeks after landfall, the military suspended all travel authorizations for all relief operations and issued instructions that all disaster relief responses and supplies must be directly managed by the military. It also obstructed relief efforts of local civil society groups through threats and arrests of those delivering aid or raising funds for relief efforts. Restrictions on humanitarian access affected all communities in Rakhine State in both urban and rural areas, including those under the control of the Arakan Army. Interviewees from camps and villages reported having received no or very little assistance from the military and living in makeshift shelters with extremely limited access to food, clean water and medical care. One interviewee stated he could not provide food to his children every day, while another said that many widowed women were forced to beg for food, exacerbating their risks of exposure to exploitation and abuse. To seek refuge from the monsoon season, displaced Rohingya scavenged debris to find basic materials to rebuild their dwellings. Repeated calls by senior United Nations officials for access to address risks of food insecurity and water-borne diseases have been ignored and the Rohingya remain exposed to serious life-threatening conditions.

56. Despite this, and in the clear absence of conditions for a safe, dignified and sustainable return, since March 2023, the military has purported to organize the return of approximately 1,000 Rohingya refugees from Bangladesh. After visiting Cox's Bazar in Bangladesh in March to identify potential returnees, in May the military supported a "go-and-see" visit for Rohingya refugees to relocation centres in Rakhine State. After the visit, participants declined to return, insisting that basic conditions were not in place and that their return would only occur once there were assurances of safety, restoration of citizenship rights, enjoyment of fundamental freedoms and access to livelihoods and essential services. However, the military offered a plan in which returnees would be initially sent to "reception" and "transit" centres in Maungdaw Township, mostly built on land where the Rohingya had lived before 2017, prior to being transferred to areas where they would have to join a work-for-cash programme to build their houses. This plan makes no mention of compensation or reparation for the victimization and other violations suffered by the members of the Rohingya community. In addition, the Rohingya would be forced to accept the carrying of national verification cards, which they have rejected as a tool of a discriminatory system that entrenches their status as foreign immigrants and denies them full citizenship rights. Since the Rohingya have not been

allowed to move about freely to seek assistance, even in the aftermath of the cyclone, it is reasonable to expect that returnees would also be denied the right to freedom of movement and the right to access services, such as health, education and livelihoods, forcing them once again into patterns of exclusion and deprivation of liberty, similar to the situation of the Rohingya living in camps in Sittwe since 2012.

V. Conclusions and recommendations

57. In the almost three years since the military attempted the overthrow of the legitimately elected Government, and after the arrest of many members of the Government, the overall human rights situation in Myanmar continues to deteriorate, exposing the population to gross human rights violations and serious violations of international humanitarian law. As set out in the present report, the High Commissioner finds that the military, through airstrikes and ground operations, acting with total impunity and in continuing disregard for human life, is responsible for a further substantial escalation of violence. OHCHR has documented a sharp rise in a variety of serious human rights violations, including an increase in the number of incidents in which 10 or more individuals were killed. This suggests that demands by the Security Council, the Human Rights Council and the Association of Southeast Asian Nations, among others, for the cessation of violence, restraint, civilian protection and humanitarian access have gone unheeded by the military leadership. Violations and incidents documented in the report are consistent with and confirm patterns of previous findings, detailing the catastrophic human rights impact that military actions have had on the civilian population and the increasing brutality with which the military has carried them out. The continued targeting of schools, religious buildings and community gatherings with a large presence of civilians, the carrying out of beheadings and the dismembering of bodies, the commission of rape, the burning of villages and people, the killing of toddlers alongside their mothers and the use of weapons with the capacity to maximize casualties are all indicative of the lengths to which the military appears willing to go in its campaign to quash all opposition, with no sign of the initiation of any accountability processes for the described violations.

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

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

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

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

(a) Implement immediately Security Council resolution 2669 (2022), cease all violence and grant unhindered humanitarian access throughout the country.

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

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

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

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

62. The High Commissioner recommends that all parties in Myanmar:

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

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

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

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

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

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

(b) Ensure that no direct or indirect supplies of weapons, ammunition, military vehicles and equipment, dual-use goods or military jet fuel are provided or made possible through the provision of access to foreign currency to the military for such purposes;

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

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