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Agenda item 2

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

**Situation of human rights of Rohingya Muslims and other  
minorities in Myanmar**

**Report of the United Nations High Commissioner for Human Rights\***

*Summary*

Prepared pursuant to Human Rights Council resolution 50/3, this report presents findings based on OHCHR monitoring and verification of the situation of human rights in Myanmar regarding implementation of the recommendations made by the independent international fact-finding mission, including those on accountability, and to track progress on the situation of Rohingya Muslims and other minorities.

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

## I. Introduction and methodology

1. Pursuant to its resolution 50/3, the Human Rights 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 on the situation of human rights in Myanmar, including of Rohingya Muslims (Rohingya) and other minorities, and on the overall situation in the country and to report back during the 56<sup>th</sup> session.
2. Findings have been verified by the Office of the High Commissioner for Human Rights (OHCHR) based on remote monitoring conducted between 1 August 2023 and 31 March 2024. While this report refers to patterns of violations since the military coup in February 2021, it also examines trends and patterns in violations of international human rights law and, where applicable, of international humanitarian law, focusing on the human rights situation of the Rohingya and other minorities.
3. In line with resolution 50/3, the report's objective is to document violations to ensure that verified information is readily available for use in existing and future accountability processes. It underscores the importance of accountability to address the root cause of the escalating human rights crisis and as a cornerstone of sustainable peace.
4. OHCHR conducted 181 interviews, including with victims and witnesses, eleven consultations with local and international organizations, UN entities and thematic experts, as well as analysis of satellite images and official documents. In the absence of recognized governmental authorities,<sup>1</sup> OHCHR submitted requests for information to the Myanmar military (the military), UN entities, other stakeholders including the National Unity Government, relevant ethnic armed organizations (EAOs) exercising effective control in certain areas, civil society organizations, and religious organizations and representatives. Inputs received were analysed and reflected as appropriate.
5. OHCHR prioritized the full respect of the "do no harm" principle over any other consideration. Factual determinations of incidents and patterns were made where there were reasonable grounds to believe that relevant incidents had occurred as described. Figures of verified deaths likely underestimate realities on the ground as military-imposed internet shutdowns since 1 February 2021 and other restrictions hamper ability to verify fully all casualties.
6. This report builds on findings from previous reports and updates.<sup>2</sup> However, conflict dynamics altered substantially since the end of October, following coordinated operations by Ethnic Armed Organizations and other allied anti-military groups in most ethnic states and central regions. In retaliation, the military scaled up airstrikes and the use of heavy weapons, including against civilians and populated areas. The report examines the human rights impacts, including killings, disappearances, and arrests, of the military's imposition of mandatory military service which has engendered profound fear amongst the public, especially those within the target age of conscription and their families. As fighting intensified, particularly in areas inhabited by minority communities, the report examines attacks against protected religious objects. Similarly, grave human rights concerns affecting the Rohingya and other communities in Rakhine following the resumption of hostilities in November 2023 are analysed, in further context of the binding provisional measures ordered by the International Court of Justice in 2020.<sup>3</sup>
7. Amid this dire human rights situation, the report concludes by presenting some positive examples of emerging local forms of administration and governance providing services that protect and promote human rights. Some of these structures, including those in Kayah and Kayin, strive to ensure effective representation and participation of civil society and ensure the representation of women in decision-making. The High Commissioner

<sup>1</sup> A/78,605, Report of the Credentials Committee : General Assembly, 78th session.

<sup>2</sup> <https://bangkok.ohchr.org/myanmar/A/HRC/49/72; A/HRC/51/41; A/HRC/52/21; A/HRC/53/52; A/HRC/54/59>.

<sup>3</sup> <https://www.icj-cij.org/sites/default/files/case-related/178/178-20200123-ORD-01-00-EN.pdf>.

recommends that these emerging ground-up models be further encouraged and supported, as they may lend themselves to application in other areas of Myanmar as part of possible future solutions.

## II. Human rights situation in Myanmar

8. Since the last report,<sup>4</sup> the military issued multiple orders extending the state of emergency for the sixth time and martial law over a 64 out of 330 townships. Overall, the human rights situation continued its freefall, with the total absence of human rights protections and civilian rule of law, and the instrumentalization of institutions against the people of Myanmar. Civilians remained exposed to multiple forms of brutality and violence, exacerbating the pervasive sense of fear across the country.

9. According to credible sources, as of 31 March a minimum of 4,810 people have been verified as killed at the hands of the military since February 2021, including 722 women and 527 children, in disregard of the Association of Southeast Asian Nations (ASEAN) “Five-Point” Consensus and Security Council Resolution S/RES/2669(2022).<sup>5</sup> Some 26,468 persons have been arrested, with 20,296 remaining in detention, including 3,885 women. Deaths in custody persist as a key concern with verified figures soaring to 1,703 deceased.<sup>6</sup> Use of torture and degrading treatment remain extensive in interrogation centres, prisons, and other facilities. Enforced disappearances, sexual violence, and violations of fair trial rights also regularly recurred in a climate of complete impunity and absence of any rule of law.

10. The military intensified its violent campaign against civilians in urban and rural areas. In the reporting period, credible sources verified 1,250 civilians killed, including 298 women and 164 children, over a third of the total deaths since the coup. Military actions resulted in 562 verified civilian deaths in the first quarter of 2024, almost doubling the 303 killed in the first quarter of 2023. Between 1 August 2023 and 31 March 2024, incidents of artillery shelling killed at least 376 civilians, more than doubling the 150 verified civilian deaths in the preceding eight months. Comparing the same periods, airstrikes have claimed at least 362 civilian victims, marking a 63 percent increase from the previous 230 fatalities. Open sources indicate that nearly 84,000 structures have been burned by the military.

### A. “Operation 1027” and human rights developments

11. On 27 October, the Three Brotherhood Alliance,<sup>7</sup> an alliance of three groups formed in 2019, launched coordinated attacks on military positions in northern Shan, resulting in reports of unprecedented military losses. Simultaneous attacks by the Karen National Liberation Army in Kayah were followed by Karenni Nationalities Defence Forces offensives in Kayah on 11 November and the resumption of hostilities by the Arakan Army in Rakhine on 13 November. On 7 March, the Kachin Independence Army mobilized its forces to remove the military from Kachin. Meanwhile, anti-military armed groups continued to fight across the country, including in the central regions. In launching these coordinated operations, various armed groups seemed to pursue joint objectives including regaining effective control of territory from the military, protecting civilians, stressing the need for federal democracy and halting operations of criminal enterprises and scamming centres concentrated particularly in border areas.<sup>8</sup>

12. This simultaneous opening of multiple fronts stretched the military beyond its defensive capabilities. Anti-military armed groups swiftly conquered hundreds of military

<sup>4</sup> A/HRC/54/59.

<sup>5</sup> S/RES/2669(2022).

<sup>6</sup> These figures are certainly an underestimation of the reality on the ground as, for example, casualties from Rakhine and the Southeast are still undergoing verification.

<sup>7</sup> The Three Brotherhood Alliance is composed of the Myanmar National Democratic Alliance Army, the Ta’ang National Liberation Army, and the Arakan Army.

<sup>8</sup> <https://www.ohchr.org/en/press-releases/2023/08/hundreds-thousands-trafficked-work-online-scammers-se-asia-says-un-report>.

outposts, camps, and bases, while seizing significant amounts of heavy weapons, small arms, and ammunitions. In multiple instances, high-ranking officers and soldiers defected and surrendered. These successes also led directly to the capture of several townships, 50 towns, including district-level and border towns, commercial hubs, and critical trade and supply routes. Demonstrating the extent of their advances, anti-military armed groups positioned themselves to attack military-held State capitals, and in some cases executed attacks against them, as in Loikaw. Anti-military armed groups also succeeded in taking over numerous land border crossings.

13. Expansion of violence to urban centres presented a concerning new development, as the military increasingly relied on airstrikes and heavy weapons. The military launched indiscriminate attacks and targeted civilians and civilian objects in numerous instances causing hundreds of deaths and destroying critical infrastructure, such as roads, bridges, and communication lines. Attacks in cities and towns resulted in mass displacement, further affecting people already displaced due to their inability to access markets, clinics, or banks. Military attacks in urban areas captured by anti-military groups resulted in numerous towns being heavily bombarded. While it remains challenging to ascertain the compliance of each military attack with international humanitarian law, the widespread and systematic patterns of destruction coupled with the corresponding rise in civilian casualties suggest that the military has consistently failed to adequately take into account the principle of distinction between civilian and military targets. This appears to indicate that the military's main priority is to assert control over territories without due consideration for protecting civilian life and livelihoods.

14. In Northern Shan, the Three Brotherhood Alliance launched coordinated attacks in late October that led to significant territorial gains for anti-military armed groups. Between October and 14 January, when the military agreed to a ceasefire, the Myanmar National Democratic Alliance Army took over 18 towns, including Chinshwehaw, a key border town central to trade with China, and Laukkaing. Meanwhile, the Ta'ang National Liberation Army launched simultaneous attacks around the major towns of Lashio, Hseni and Nawngkhio, blocking two key routes along the Myanmar-China highway. These coordinated attacks exposed military weaknesses leading to strategic gains for the anti-military armed groups and significant economic disruption for the military. Similar coordinated attacks across the country, mimicking the tactics used by the Three Brotherhood Alliance members, marked the beginning of an apparent coordinated nationwide insurrection.

15. In response, military units retaliated in their retreat with continuous airstrikes and artillery shelling on entire towns and villages with Hsenwi, Kutkai, Mongmit, Namhsan, and Namtu in Shan, and Bhamo, Mansi, Puta-O, and Shwegu townships in Kachin suffering most of the damage. UN figures indicate that since October over 140,000 people were displaced in Shan, doubling the figures from before the operation.<sup>9</sup> Between January and February, the military carried out extensive attacks in Mongmit town, damaging hundreds of houses. An eyewitness reported that 500 homes were damaged or burned. A dozen civilians were reported as killed and the entire population of 10,000 was forced to flee. In Namtu, on 29 December, despite the absence of anti-military presence, fighter jets attacked Man Li village with six bombs and opened machine gun fire on homes killing a 20-year-old female teacher. Another interviewee confirmed that during night shelling on 21 November, a bomb fell on a home instantly killing a girl and injuring her family. In Hsenwi, on 27 October, following the coordinated attacks on multiple military positions, the military launched an artillery strike on the town. A shell explosion killed a mother and her daughter in their home during the barrage. Destruction of civilian infrastructure, including a bridge on the highway from Lashio to Kunlong, continued unabated, severely hampering the ability of civilians to flee.

16. In Sagaing, anti-military armed groups concentrated their offensives on military outposts and large towns, including Kawlin and Tigyain, while the military responded with airstrikes, arson attacks, and artillery shelling reportedly rendering these towns practically uninhabitable. Central Myanmar remained the most dangerous area for civilians as 744 out of the 1,250 verified civilian deaths countrywide since August occurred in these regions. A rescue worker reported that, following the anti-military armed groups' attacks on Kawlin on

<sup>9</sup> <https://data.unhcr.org/en/country/mmr>.

3 November, dozens of people died during military retaliation. He described collecting bodies over several days, observing that shrapnel and gunshot wounds caused most of the deaths. Similar patterns were noted in Tigyaing as the military bombed the town and the five surrounding villages where displaced persons sheltered, resulting in dozens of reported casualties. Some civilians returned to the towns, but on 2 January, the military shelled Kawlin market killing six civilians and wounding another six. After the military took Kawlin back, reports emerged that 80 percent of the town was razed. Similarly, local sources reported that an estimated 90 percent of Tigyaing was destroyed due to airstrikes and artillery shelling.

17. The military caused significant destruction in Kayah as they ceded significant ground to anti-military armed groups. Local sources indicated that relentless airstrikes and shelling, preceded by widespread internet shutdowns, killed at least 136 civilians and displaced an estimated 80 percent of the state's population. Satellite images depict extensive destruction in the capital Loikaw with some 1,584 structures destroyed, including many razed to ground, and 432 recognizable impact craters. Demoso township was also heavily affected as exemplified by an airstrike on 5 February against a school in Daw Si Ei village that killed four boys and wounded another 27 civilians, at least 15 of whom were children. Interviewees insisted that the main objective of the military was to break the will of the civilian population by creating a permanent feeling of insecurity.

18. Kayin and eastern Bago became key battlegrounds with the Karen National Liberation Army and affiliated anti-military armed groups conquering strategic bases and towns, disrupting commercial trade routes with Thailand. Kawkareik town, an important node along this route, was the theatre of fierce battles from 30 November. Interviewees report that the military destroyed half the town through jet and drone attacks, shelling, and arson, estimating dozens of civilian casualties. Displacement figures indicate that over 800,000 people have fled violence in the Southeast since the coup, 42 percent since November. Detailing risks while fleeing, a humanitarian worker estimated seeing some 40 corpses along the road out of Zayatgyi, Bago, while rescuing civilians. Military retaliation dramatically contributed to a generalized perception of lack of safety which negatively impacted all aspects of daily life, including farming, education, and religious and cultural practice. Exemplifying this, multiple airstrikes on 7 September in Hpapun district, Kayin, killed a teacher and three students, and wounded six others, including five children. An eyewitness stressed that civilian structures, including schools and churches, were at risk of being targeted at any time.

19. Substantial territorial gains by the Arakan Army in Chin and Rakhine since November pushed the military out of entire towns, townships, and border access points. Conservative estimates indicated that over 176 civilians were killed and over 400 were injured in these battles. Nearly 150,000 were displaced, mainly from urban centres, with Pauktaw and Minbya accounting for over a third. In January, the Arakan Army took control of Paletwa township, bordering Bangladesh and India, and continued its campaign by taking large portions of territories, reaching south of Sittwe. In response, all branches of the armed forces bargaged and destroyed towns, villages, key transport routes, roads, and essential civilian infrastructure. In February, the destruction of the Kisipandi and Min Chaung bridges near Sittwe cut off civilians from supplies and thwarted their opportunities to flee. Urban centres, including Sittwe, Mrauk-U, Ramree, Minbya, Buthidaung, and Pauktaw, were targeted, killing civilians and causing widespread damage to markets, clinics, schools, and cultural buildings. Among the verified incidents, interviewees stated that between 24 and 28 December, responding to the Arakan Army's capturing the district police station, military planes and artillery pummelled Mrauk-U killing at least 11 civilians, including four children, and wounding several. Pictures showed damage to the Mrauk-U Archaeological Museum with witnesses attributing responsibility to military shelling. Responding to OHCHR, the military asserted that "no incident occurred at the Ancient Cultural Museum in Mrauk-U on 26 December 2023", and it instead attributed responsibility for its destruction to Arakan Army shelling on 25 December. Most of the estimated 50,000 residents of Mrauk-U fled. Similarly, Pauktaw and Ramree suffered from extensive destruction displacing most of the population. As violence spread throughout much of Rakhine State, fighting between the Arakan Army and the military has had an increasingly detrimental impact on remaining Rohingya (see Section IV).

## B. Human rights implications of displacement

20. Post-coup violations have resulted in the displacement of some 2.8 million people, and nearly 19 million, including six million children, in need of humanitarian assistance.<sup>10</sup> Previously a place of relative respite from violence, urban centres are now witnessing large displacement, with civilians flooding out of towns and cities to avoid bombardment and attack. As documented in previous reports,<sup>11</sup> humanitarians also remain at risk. Corroborating this, a rescue worker described to OHCHR being shot at by machine gunfire along a country road while evacuating five civilians from Loikaw, Kayah. Displaced civilians find no haven as the military routinely targets shelters, camps, and religious buildings where people seek protection. Civilians fleeing Zayatgyi, Bago, reached a monastery after running for three hours, only for an airstrike to hit the compound, killing a nun.

21. Displacement has far-reaching human rights consequences for civilians, particularly because hundreds of thousands of people have now been displaced multiple times. Food, shelter, water, education, medicines, and medical care, including mental health care, are key needs for all displaced communities, with specific challenges for vulnerable groups and minorities. Interviewees stressed persons with disabilities in displacement face considerable challenges in securing freedom of movement, with severe limitations on obtaining assistive devices linked to the military's denial of humanitarian aid. Displacement imperils cultural rights, with sources noting it prevents some indigenous groups from practicing traditional beliefs that require access to precise ancestral sites and hinders communities from passing along generations-old knowledge about land and forest management. Interviewees stressed that displaced communities struggle to grow and access foods that are central to their identity. Lack of citizenship, historically a problem for Rohingya, other Muslims communities, Hindus, and ethnic Chinese, significantly exacerbates an individual's vulnerability in displacement. Further limiting life-saving options, from 1 April 2022, the military required all those travelling domestically to present citizenship scrutiny cards, effectively rendering movement illegal for certain groups lacking such documents. When fleeing, those without such cards, especially the poor, are at added risk of extortion, arrest, and detention.

22. Additional limitations regarding online communication impaired the ability of civilians to access and share life-saving information, including timely warning to evade military violence. Credible sources have recorded internet shutdowns in at least 150 townships since 1 February 2021, worsening the plight of civilians. Among the numerous previously reported detrimental impacts,<sup>12</sup> sources highlighted that internet shutdowns resulted in complete isolation for deaf persons as internet access is required to communicate remotely with sign language.

## C. Forced recruitment and enforcement of the 2010 conscription law

23. In February, the military announced they would enforce a 2010 law on conscription, rendering men aged between 18 and 35 and women between 18 and 27 eligible for compulsory service, likely to replenish their defection and casualty-depleted ranks. As allegations of military abductions of youths from the streets started to mount, widespread fear engulfed the population. Pictures from cities showed people waiting in long queues outside foreign embassies hoping to obtain visas and flee. Many youths left the country in fear, often irregularly, further draining skills and resources from a heavily impoverished Myanmar. It also escalated the regional impact of the coup as neighbouring countries are placed under stress to receive those fleeing. OHCHR received daily reports of arbitrary arrests and disappearances carried out since the February conscription announcement, with groups of men being arrested in their homes, on roads, in places of employment, restaurants, and bars. Interviewees confirmed that individuals are sent to the frontline or serve as porters and human shields to protect other troop movements, including against landmines.

<sup>10</sup> <https://reliefweb.int/report/myanmar/myanmar-humanitarian-update-no-37-5-april-2024>.

<sup>11</sup> A/HRC/54/59.

<sup>12</sup> A/HRC/53/52.

24. While international law minimally regulates conscription, the 2010 law itself raises significant human rights concerns given the lack of any due process, including a credible assessment of a candidate's physical or mental fitness, or provisions upon which to object conscientiously or to appeal decisions to an independent body.<sup>13</sup> The prospect of being forced to fight against their own people imposes severe mental stress on an already strained population. Several reports of suicide in connection with the receipt of recruitment orders were received.

25. Of further concern is that, by coercing communities to fight other communities, the military appears to be fomenting tensions within and among communities to weaken and divide their opponents. This occurred in January in Shan between the military-allied Pa-O National Army and the anti-military Pa-O National Liberation Army. Local sources reported that the military provided weapons to its ally to carry out attacks against military opponents. Clashes quickly escalated between these two groups from the same ethnic community resulting in numerous allegations of civilian deaths and the displacement of over 65,000 people.<sup>14</sup>

26. Three years of fighting has also depleted forces of anti-military armed groups, leaving the civilian population exposed to forced recruitment and other violations. Public announcements by the Ta'ang National Liberation Army, Myanmar National Democratic Alliance Army, Shan State Army–North and Shwe Min People's Militia, compelled households in the area under their control to provide at least one member per family as fighters. Forced recruitment by the Kachin Independence Army has been verified and allegations against the Arakan Army of forced service have been received.

### III. Attacks against religious sites

27. Military violence has also affected freedom of religion and the spiritual and cultural life of all communities through attacks against religious sites and personnel. While no comprehensive nationwide data exist on these violations, the military reported that since the coup anti-military elements and armed groups damaged “a total of 115 buildings”, including “4 Buddhist monasteries, 11 Christian churches, 4 Hindu temples, 1 nunnery, 8 religious community halls, 1 religious abode, 3 pagodas, and 3 Mosques”.<sup>15</sup> Analysis of open sources and relevant reports indicate that the military damaged or destroyed at least 144 Buddhist religious sites. Credible sources indicate that military attacks on Christian religious sites heavily affected Kayin and Kayah, with 22 and 42 churches destroyed respectively, while local sources reported that Chin suffered the most with 67 sites destroyed or damaged. Since Christians represent around six percent of the overall population, these figures confirm that military violence has disproportionately affected these communities. Corroborating statements from the ground and satellite images confirm damages to the Khuafu Baptist Church in Thantlang, Chin, after armed confrontations on 14 August. Thantlang witnessed the highest level of verified destruction with 21 out of the 22 existing churches being affected after the military set the town on fire in over 30 instances.

28. Religious personnel perceived to oppose the military also became targets of violence. According to credible sources, at least 32 monks, nuns, pastors, and imams have been verified as killed across the country since the coup. Airstrikes and extrajudicial executions, including while detained, were recorded as the main causes of death. Among the 147 arrested, there were 125 monks and 9 pastors, with arrests verified in all states and regions with the only exception of Ayeyarwady. Of these, 124, including 106 monks and all pastors, remained in detention. Responding to OHCHR, the military indicated that anti-military armed groups were responsible for killing “77 monks, 2 nuns”, but no information about Christian leaders and religious personnel was provided.<sup>16</sup>

<sup>13</sup> Forced recruitment and conscription of Rohingya is addressed in Section IV below.

<sup>14</sup> <https://reliefweb.int/report/myanmar/myanmar-humanitarian-update-no-36-3-march-2024>.

<sup>15</sup> As no chronological or geographical details on these incidents were shared, no independent verification was possible.

<sup>16</sup> Ibid.

29. Airstrikes struck religious sites during services causing deaths and terror among worshippers. On 7 January, in Kanan village, Sagaing, a Chin-majority village, multiple interviewees reported that an airstrike damaged the St. Peter Baptist Church during a Sunday morning service and killed 17, including at least eight children. A rescue worker described having to retrieve severed limbs to be buried together with the bodies. While a military-affiliated newspaper initially denied the occurrence of the incident, in responding to OHCHR the military indicated that they targeted at “around 10am” a training ceremony of an anti-military armed group “held 2500 meters north of Kanan” [...] “after the plane had been attacked”. Despite a request for information, the military did not explain either the church’s destruction or the deaths therein.

30. Along with destruction, interviewees consistently reported the use of churches for military purposes by the military across the country. In November, the military bombarded Loikaw, including the Christ the King Cathedral, where displaced persons were seeking refuge. Clergy and worshippers were forced to flee as soldiers stationed themselves inside the compound as it offers strategic and advantageous viewpoints of the city. One victim explained that “our church is the main church, the centre, and the seat of the bishop of the catholic church in Kayah State. [...] The church is like the heart. And it feels like they attacked the hearts of all the people.”

31. In Rakhine, a pattern of targeting Rohingya, other Muslim minority, mosques, and madrassas has been documented since 2001, culminating in their systematic destruction in 2017. In the current conflict, Muslim religious buildings, such as the Pa Lai Gyi Mosque in Maungdaw, are now being used as military outposts.

32. Interviewees insisted that widespread military violence carried out in disregard of international legal obligations, including on protection of religious sites and personnel, forced members of all faiths to exercise their right to religion outside designated buildings or in makeshift buildings for fear of direct attacks. Minority communities, including Christians and Muslims, have been especially affected due to discriminatory rules and practices, such as the imposition of obstacles in obtaining approval to construct or renovate churches and mosques. Several Christian officials noted they had failed to receive official approvals to build or renovate churches and that authorizations by the military were open to arbitrary exercise of discretion and discrimination on religious grounds. This left communities fearing permanent cultural losses and deprivation of the comfort and hope that religious buildings offer to believers. Without access to physical sites, religious communities were severely constrained in their spiritual and cultural life, but also in their ability to provide social services to vulnerable groups such as the displaced.

#### **IV. Human Rights situation of the Rohingya community**

33. In addition to persistent discrimination and the imposition of conditions designed to cause suffering,<sup>17</sup> members of the Rohingya community experienced new violence and violations since the resumption of hostilities in Rakhine in November. Despite blockage of online communication by the military in northern Rakhine, verification activities confirmed the lack of safe conditions of life for Rohingya, as the military and the Arakan Army positioned troops in or around Rohingya villages in continuation of the pattern observed during fighting in 2022.<sup>18</sup> Additionally, the military, through air, ground, and naval attacks caused casualties, destruction, and mass displacement with estimates suggesting that at least 86 Rohingya have been killed and several thousand displaced since November.<sup>19</sup> Rohingya also feared abuses and crimes from the Arakan Army and Rohingya armed elements. These actions taken by all parties that endanger Rohingya appear inconsistent with the provisional measures ordered by the International Court of Justice and indicate confidence of the military and other perpetrators in their impunity. In the absence of accountability, recent military

<sup>17</sup> A/HRC/52/21.

<sup>18</sup> A/HRC/52/21.

<sup>19</sup> Figures include only deaths that credible partners verified and therefore the number of Rohingya killed is feared to be significantly higher. Further verification from five townships is ongoing.



efforts to stir inter-ethnic tensions and the seeming violations of the provisional measures take on an even greater significance.

34. Some of the verified incidents illustrate that both the military and Arakan Army have failed to take adequate precautions to protect Rohingya civilians. Their tactics have also made it impossible for Rohingya to flee to find refuge during the fighting. A series of incidents beginning on 14 November, evince the situation. Immediately after the resumption of hostilities in Rakhine, sources from the ground stated that the military shelled the Rohingya village of San Gyi Pyin, Minbya township, multiple times, killing four Rohingya civilians, including two women, and injuring nine others, including a five-year-old. Witnesses confirmed there was no Arakan Army presence seen in or nearby the village. At least 14 Rohingya who fled the village sought refuge in nearby Dil Parah village but were subsequently killed in another airstrike on 18 March. In that incident, a helicopter strafed Dil Parah village killing 24 Rohingya, including all 14 civilians who had fled Gyi Pyin village on 14 November. 27 others were also injured in that attack. Two other Rohingya civilians injured in this attack died subsequently, likely due to lack of access to medical treatment. In another incident, interviewees confirmed that on 26 January the military shelled Arakan Army positions in the Rohingya village of Hpon Nyo Leik, Buthidaung township, over a four-day period. As a result, at least 12 Rohingya villagers were killed and 30 injured, while over 5,000 Rohingya from the village and surrounding areas fled seeking safety. Responding to a specific request from OHCHR, the military stated that “no incident occurred” on 26 January in the village. Interviewees confirmed the Arakan Army disregarded people’s repeated requests not to use the village for military purposes. Shelling in populated areas also claimed numerous Rohingya lives. On the night of 28 December, the military fired multiple shells into Zaydi Tuang village, Buthidaung township, killing a man and his three sons, including a 12-year-old boy, and seriously injuring his 8-year-old son and 10-year-old daughter. An eyewitness stated that the bodies were burnt almost beyond recognition and that there was no presence of the Arkan Army or other armed groups or elements in the village during the attack.

35. Of extreme concern, including from the perspective of the provisional measures order on prevention of Rohingya deaths by the International Court of Justice, video, pictures, and multiple sources indicated that, under the cover of the conscription law, the military forcibly took Rohingya men out of camps and villages and provided rudimentary training before deploying them to the battlefield. An interviewee reported being taken from his village with another 30 people and sent to a training camp for 14 days before being deployed to an active combat zone. Training included exercise, running, basic firing techniques, and movement and positioning during fighting. Overwhelmed by fear, the interviewee escaped. Certain that the military would seek to retaliate against his family, he warned them to go into hiding. Families remaining in villages are often threatened and used as leverage to ensure that forcibly recruited individuals stay in line. Interviewees recounted that villagers were forced to pay 300,000 Kyats for training expenses. One interviewee stated that on 17 March, some military officers came to the Thet Pe Kin village, Sittwe, and told the Rohingya village administrator and leaders that they needed to send at least 15 Rohingya for recruitment each year for the next five years and asked them to raise funds from villagers to pay Rohingya undergoing training. The interviewee stated that the village administrator began collecting at least 15,000 Kyats from each household. Sources stated the military promised benefits for those who joined, including citizenship and money, but interviewees confirmed that these promises were not kept. Forcibly recruiting Rohingya from internment camps into the military, who both displaced them initially and who kept them confined in these camps, is not only abusive, but is almost certain to provoke inter-ethnic tensions given the extremely fragile community dynamics in Rakhine.

36. Through a wide range of abuses, the Arakan Army also targets Rohingya, including killings, abductions, severe beatings, forced recruitment, forced labour, extortion, and denial of access to life-saving resources. Rohingya often stated that there was no difference between the two parties and the only constant was that they are continuously exposed to life-threatening risks and systematic human rights violations. A simple and clear indicator of this was the consistent refusal by both parties to use the term “Rohingya” to identify members of this community. Interviewees reported small prisons in bamboo shelters all over northern Rakhine. One described being blindfolded and made to walk four hours into the forest to such

a prison. He was held for 14 days, beaten, hung upside-down, and held at gunpoint. Multiple sources indicated that the whereabouts of many Rohingya arrested in the past by the Arkan Army, including village administrators, remain unknown, with many families unaware if their relatives were still alive. There are heightened concerns for local administrators as they become targets for identifying Rohingya for recruitment.

37. Explosive remnants of war posed an additional protection concern for all communities, with interviewees attributing responsibility to all parties for deaths and injuries. In one incident, on 13 December, in Thet Min Chaung village, Buthidaung township, a 25-year-old man was killed after stepping on a land mine. In another incident, on 10 January 2024, a Rohingya man sustained severe injuries following an explosion in Htiak Tu Pauk village, Buthidaung township, while he was collecting firewood in the forest. Several other interviewees emphasized that, aside from physical consequences, landmines significantly impaired agricultural and livelihood activities, resulting in diminished local food production and increased food insecurity.

38. Profound fear and impossible living conditions resulted in attempts to flee, by land or boat. Rohingya escaping by land faced many perils: landmines, arrest and prosecution for lacking documents and authorizations, sexual exploitation and gender-based violence, trafficking, and risk of being conscripted. In a disturbing but not isolated example, credible sources reported that, in February, a young displaced Rohingya woman in prolonged labour was halted twice at military checkpoints and returned home for lacking proper authorizations to move. She died the following morning, as did her child at a later stage. Similarly, the impact of Cyclone Mocha in May 2023 compounded the conditions that Rohingya are forced to live under, including restrictions on movements, and prolonged lack of access to suitable shelter or access to adequate medical care as over 1,000 health facilities were reportedly damaged in the Cyclone. At the time that fighting reignited in Rakhine, most of the displaced Rohingya communities still languished in these deplorable conditions making them far more vulnerable to the impacts of armed conflict. On 3 March 2024, the military closed the Maungdaw public hospital, depriving people of already limited access to medical treatment. As Rohingya were unable to travel elsewhere for care, they remained in a constant life-threatening situation.

39. Camps in central Rakhine damaged during Cyclone Mocha in May 2023 were yet to be rebuilt. Access constraints since the resumption of hostilities and the increase in commodity prices have further reduced humanitarian support, causing serious concerns about food availability and access. Closures of roads and waterways due to the conflict compounded an already dramatic situation. Credible reports of death by starvation were received from northern Rakhine and Sittwe. Residents of camps declared closed by the military, including Kyauk Ta Lone camp, lived in abhorrent conditions with none of the promises linked to relocation, such as building of roads, infrastructures, and provision of electricity, being met. Meanwhile, multiple interviewees stated that, after 13 November, domestic violence, human trafficking, and extortion sharply increased inside camps. Allegations of extortion by camp managers for issuing supporting letters to exit the camps, including for work or urgent medical reasons, were common.

40. Those who ultimately decided to attempt to leave face immense challenges. According to UN figures from 2023, some 6,500 Rohingya attempted land and sea movements, with at least 569 out of the 4,491 people who left Myanmar and Bangladesh by boat, dead or missing.<sup>20</sup> Of these, nearly half were children. These figures represented a 21 percent increase in maritime movements and a 63 percent increase in cases of deaths and missing persons. Confirming the trend, in March, a boat with over 140 Rohingya capsized off the coast of Aceh, Indonesia, killing 67 people, including 27 children. While many of those leaving were choosing these perilous journeys, others were being forced by unscrupulous traffickers. An interviewee from Cox's Bazar informed that traffickers abducted a boy in October, asking for approximately 4,000 USD as ransom. However, after

<sup>20</sup> <https://www.unhcr.org/news/briefing-notes/unhcr-urgent-action-needed-address-dramatic-rise-rohingya-deaths-sea>.

receiving the payment, the boy was transported to Malaysia and disappeared for two full months before being able to contact relatives.

41. All these violations and abuses make clear that no safe return of refugees to Myanmar is presently possible. Recent military efforts to stir inter-ethnic tensions have exacerbated insecurity. In late March, they mobilized, including through ominous threats, Rohingya in Buthidaung, Maungdaw, and Sittwe townships to protest against the Arakan Army likely to advantageously destabilize Rakhine by inflaming communal tensions. Interviewees stated that soldiers threatened a repetition of the 2017 violence for non-compliance. This has created fear among the Rohingya of the reoccurrence of those atrocities. These crimes could constitute violations of the provisional measures<sup>21</sup> and appear to carry all the factors that the fact-finding mission concluded allowed inferences of genocidal intent.<sup>22</sup>

## V. Accountability

42. The High Commissioner welcomes the continuing focus on accountability in the Myanmar context. Regarding proceedings before the International Court of Justice, in November 2023, Canada, Denmark, France, Germany, Maldives, the Netherlands, and the United Kingdom intervened in the proceedings brought against Myanmar by The Gambia.<sup>23</sup> As scheduled by the Court, remaining filings on the merits of the case are expected in May and December 2024 from the parties.<sup>24</sup> Before the International Criminal Court, the Prosecutor's investigation into alleged crimes against Rohingya, which fall within the Court's jurisdiction, is ongoing.

43. Activists and lawyers have also continued to pursue criminal cases against certain military officials in countries applying universal jurisdiction. One case filed in Argentina regarding the atrocities against the Rohingya is currently in the investigatory stage.

44. In March, the UN Independent Investigative Mechanism on Myanmar published and distributed two reports, one on how the military's covert Facebook network systematically distributed hate speech against the Rohingya in 2017;<sup>25</sup> and the other on official responses to allegations of sexual and gender-based crimes committed by security forces against the Rohingya.<sup>26</sup>

## VI. Emerging local governance structures

45. In contrast to the serious violations documented in this and previous reports, some possible future solutions are emerging in several areas beyond control of the military. Under military rule, the human rights situation in the country has consistently deteriorated to a catastrophic degree. Long-established records of total disregard of any semblance of protection or respect of domestic law or international norms render any improvements by the military unlikely. It is therefore essential to observe and explore alternatives that could enhance the respect of the rights of all people. Changing dynamics of the conflict leading to shifting of control over various areas of the country have highlighted examples of local governance that either pre-existed the coup or emerged afterwards. These experiences have developed along three main trajectories: with civil society and representatives of the Civil Disobedience Movement participating in local governance systems; the National Unity Government as formed by the Committee Representing Pyidaungsu Hluttaw, the body composed of elected lawmakers; and Ethnic Armed Organizations' systems. These

<sup>21</sup> <https://www.icj-cij.org/sites/default/files/case-related/178/178-20200123-ORD-01-00-EN.pdf>.

<sup>22</sup> For a comprehensive overview of the factors allowing inferences of genocidal intent, see A/HRC/39/64, para 1388 – 1441, available at:

[https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/A\\_HRC\\_39\\_64.docx](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_64.docx).

<sup>23</sup> <https://www.icj-cij.org/sites/default/files/case-related/178/178-20231116-pre-01-00-en.pdf>.

<sup>24</sup> <https://www.icj-cij.org/sites/default/files/case-related/178/178-20231016-ord-01-00-en.pdf>.

<sup>25</sup> [https://iimm.un.org/wp-content/uploads/2024/03/Hate-Speech-Report\\_EN.pdf](https://iimm.un.org/wp-content/uploads/2024/03/Hate-Speech-Report_EN.pdf).

<sup>26</sup> <https://iimm.un.org/publication-of-iimm-analytical-reports/>.

governance systems are providing some support for civilians ensuring the delivery of life-saving and other essential services, while also implementing a degree of justice administration processes. While societal divisions pervaded the country after decades of military-sponsored discrimination on ethnic and religious grounds, people in Myanmar appear to be increasingly united in a vision of a future federal, democracy, free of military impositions and interferences. These initiatives offer a glimpse of possible people-centred and democratic solutions that deserve further research, visibility, and support.

46. One example can be seen in Kayah where civil society leaders have come together to develop an inclusive administrative system that addresses humanitarian needs and ensures respect and promotion of the rights of the people. Initially, members of civil society organizations, youth and women-led organizations, parliamentarians, representatives of professional categories, and activists who found shelter in Kayah set up the Karenni State Consultative Council. This body established an Interim Executive Council, a mechanism conceived to handover to a transitional government first, and then to elect representatives of the people once the situation stabilizes. It also ensures coordination with the National Unity Government. It is composed of seven members elected by local constituencies representing diverse components of the Kayah society. So far, eight departments have been established, including health, education, humanitarian, projects and finance, women and children, judiciary, home affairs, and trade, with plans to expand these structures. Representatives of the Karenni Nationalities Defence Force are also included with a view of taking responsibility of security in the long term. Mechanisms for fundraising and sustainability are under development along with financial control mechanisms. While still in progress, this provides a new paradigm where the people directly contribute to local administration. Its successes are already visible in the practical assistance provided to thousands displaced by military violence.

47. A similarly positive experience has been seen Kayin with the Salween Peace Park. This structure pre-dates the coup, but it has flourished since anti-military armed groups consolidated effective control over territory. Key objectives are the empowerment of local communities, promotion of rights, and localized management of land and resources. This system has relied on an innovative structure in which a general assembly and a governing committee composed of community representatives, community-based organizations, and the Karen National Union work together. Community representatives have been elected from 26 village tracts, and each must appoint one woman and one man representative. Women's representation at all levels of governance, including minimum two out of the five members of the governing council, is guaranteed, along with preservation of community forests and conservation of customary land, by the founding charter.

48. Under the National Unity Government, administrations run by People's Administration Teams in 173 townships, primarily in the central regions, have been created to offer a range of services while preparing to return to democratic rule. So far, 17 ministries, including a human rights ministry, have been established to run the daily administration in the areas under their control. In addition to an Interim Central Bank, which manages resources obtained from captured towns, it launched Myanmar's first digital bank to attract investments and overcome the obstacles created by the military in banking and finance spheres. In some areas under military control, underground People's Administration Teams have worked to replace the military's provision of services and to prepare itself to provide access to essential services once the crisis ends. Amid multiple challenges, they reported establishing 5,949 basic education schools to serve 727,860 students. Almost a third of the staff is composed of members of the Civil Disobedience Movement. On the health side, they administer 77 hospitals, 177 clinics, and over 250 mobile clinics servicing over 700,000 individuals, including expectant mothers.

49. The National Unity Government has also publicly announced commitments to repeal and replace the 1982 Citizenship Law and to address systemic discrimination that has long impacted many minority communities, notably the Rohingya. One positive step was already taken with the appointment of a Rohingya activist as deputy minister within the ministry of human rights. Similarly, the National Unity Government publicly pledged in Geneva to ratify all human rights treaties to which Myanmar was not yet a state party. These commitments are key steps towards changing the country's trajectory, addressing root causes of violence

and initiating the beginnings of reconciliation and transitional justice between communities. In March 2024, the National Unity Government announced an updated code of conduct for anti-military armed groups emphasizing the need to avoid harm to civilians and recruiting minors. Disseminating, training and enforcing the terms of this code will be a major undertaking that deserves careful attention and support.

50. Public initiatives led by civil society and anti-military armed groups have a long history predating the coup and, with ongoing military losses, they are multiplying and expanding. In Shan, the Ta'ang National Liberation Army took over several townships and started delivering services. They established 7 hospitals, jointly managed by local and Civil Disobedience Movement doctors, with another three scheduled to open in April. An interviewee stated that doctors in Namkham township treated over 2,000 patients in the initial weeks of operation confirming the dire needs for health services for local communities. Currently, the Ta'ang National Liberation Army runs 380 schools, with 28,077 students and 1,690 teachers. Similarly, the Kachin Independence Organization reported that the number of students increased since the coup, mostly due to displacement from inside and outside Kachin reaching 30,000 pupils. Currently, they operate 192 schools and two colleges offering education in a variety of subjects. Moreover, the Kachin Independence Organization possesses a wide web of local governance and administrative systems that predate the coup and are ensuring access to services for people in those areas. Pre-coup, the United League of Arakan had established governance structures, in areas under their control. Since November, they have expanded to townships that recently came under its control, signaling their priority to establish functioning administrations.

## VII. Conclusions and recommendations

51. **These initiatives offer a vision towards a post-coup democratic Myanmar in which military institutions do not have a role in the administration of civilian affairs. Opposition to the military, including armed and peaceful opposition, is diverse and disparate, but the various strands appear to be increasingly united in a view of a future federal Myanmar that is entirely free from military control. Three years of civil war has wrought untold damage and brought immeasurable suffering upon its people. It also cemented the conviction that all communities in Myanmar, including the Rohingya, should be able to participate effectively in the democratic life of the country anchored in rule of law and justice with institutions that are accountable to their communities. Local governance systems described above include forms of judicial systems to deal with grievances. While it is premature to assess the efficacy and compliance with human rights principles of these systems, it is imperative to acknowledge them, evaluate their capacities and needs and to support their quest for democratic development, representation, participation, and sustainable peace, in the face of the military's violence and total disregard for human rights and international law.**

52. **In the light of the above findings, the High Commissioner recommends that the military authorities:**

- (a) **Cease immediately all violence and attacks directed against civilians, including the Rohingya, civilian infrastructures, and religious sites and personnel, in compliance with Security Council resolution S/RES/2669(2022);**
- (b) **Ensure the full and timely implementation of the provisional measures of the International Court of Justice, in particular with reference to killings, serious bodily or mental harm, and conditions of life, for members of the Rohingya community; and prevent recurrence of the 2016 and 2017 violence;**
- (c) **Release all political prisoners without further delay and halt political, instrumentalised use of the judiciary;**
- (d) **Remove all existing obstacles to humanitarian access to ensure timely deliveries to all those in need by international and national organizations, including in Rakhine State;**

(e) Halt immediately forced recruitment and conscription incompatible with international human rights norms and standards;

(f) Desist from the failed attempt at imposing military rule over the country and leave space to civilian authorities and all communities in Myanmar to freely decide the political future of the country;

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

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

(a) Ensure that armed groups which are either under its control or influence respect international humanitarian law and human rights, implement in full the amended code of conduct, take all necessary measures to protect civilians, including those accused of supporting or working for the military, and hold perpetrators of violations accountable;

(b) Continue to build relationships with emerging political forces at the local level to support the creation of political conditions underpinned by human rights, inclusive democracy, and equality, and to enhance coordination, information exchanges, best practices, and other necessary elements to identify and promote sustainable solutions to the ongoing crisis;

(c) Take all possible measures, in coordination with relevant Ethnic Armed Organizations, to ensure that Rohingya community members and other minority groups are protected and that all parties uphold the obligations imposed on Myanmar by the International Court of Justice in addition to preventing any advocacy of national, racial or religious hatred;

(d) Develop advocacy messages and adequate policies to promote social cohesion, inter-communal dialogue, rights of ethnic and religious communities, and strengthen political dialogue as a base for a peaceful and inclusive democratic future based on effective participation, representation, and justice.

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

(a) Prioritize protection of civilians in all military actions and immediately halt any form of forced recruitment, threat, or harassment directed at civilians to enlist them among the fighting forces;

(b) Ensure full respect of international humanitarian law and cease positioning troops in or around civilian-inhabited areas, in particular Rohingya villages, making use of religious buildings and other protected objects under international law, and planting landmines;

(c) Support any effort aimed at alleviating the sufferance of civilians, including by allowing unhindered humanitarian access, unfettered by unnecessary bureaucracy, by all capable humanitarian actors operating according to international principles.

55. The High Commissioner renews recommendation that the Security Council refer the full scope of the current situation in Myanmar to the International Criminal Court.

56. Further, the High Commissioner urges Member States to maintain rigorous attention to developments in Myanmar, as the situation continues to deteriorate, and actively support documentation and all accountability efforts:

(a) Reinforce efforts at the regional level to find inclusive political pathways for an end to violence, the restoration of democracy and victim-centred transitional justice;

(b) Ensure, consistent with Human Rights Council resolution 55/20, that no direct and indirect supply of military jet fuel, weapons, and dual-use goods is provided

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or made possible through access to foreign currency to the military for such purposes, where reasonable grounds exist to suspect that such items might be used to violate or abuse human rights, including in the context of hostilities;

(c) Expand support to local organizations as key actors for humanitarian actions, including through flexible funding and reporting;

(d) Increase humanitarian funding and support for the Rohingya community in Myanmar and Bangladesh, ensure respect for the principle of non-refoulement of anyone from Myanmar seeking international protection;

(e) Consider and support local political actors through investment in training, and political dialogue, to ensure that political and civilian alternatives to military rule are considered and that principles of inclusivity, non-discrimination, rule of law, and justice are upheld to build sustainable peace in Myanmar.

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