



Report on the human rights situation in Chin and Kayah States of Myanmar

Myanmar¹

October 2021

Introduction

1. This report complements the earlier report produced by the National Unity Government (NUG) of the Republic of the Union of Myanmar on the human rights situation in Sagaing and Magway Regions.²
2. Since its failed military coup d'état of 1 February 2021, the illegal military junta has directed escalating, excessive and disproportionate force against the people of Myanmar. As at 18 October 2021, at least 1181 civilians had been killed by security forces countrywide, while another 7355 remained in detention.³ An estimated 612 persons had been arrested in Chin State alone, 70 of which (61 males and nine females) took place in August and September 2021.⁴
3. Increasingly since April 2021, security forces – operating at the direction and in the full knowledge of the junta leadership – have intensified operations in ethnic minority areas and in centres of resistance. The military continues to employ its long practised 'four cuts strategy', known as *Pyat Ley Pyat*, cutting off communities and presumed insurgents in these areas from funding, food, intelligence and recruits. This strategy has been accompanied by internet and phone blackouts, and forced displacement.
4. The NUG has documented credible reports of grave human rights violations and violations of international humanitarian law, including unlawful killings and murder, torture and mistreatment, sexual and gender-based violence, abductions, arbitrary detention, the use of human shields, the indiscriminate use of landmines, the destruction of homes and property, and looting. The information contained in this report is drawn from multiple sources, including victims, witnesses, medical personnel, and local residents and organisations. Select emblematic incidents are set out below. Other incidents remain under investigation and subject to verification. Open source references are provided where available.

Chin State

¹ Prepared by the Ministry of Human Rights of the National Unity Government of the Republic of the Union of Myanmar.

² September 2021.

³ <https://aappb.org/?p=18246>.

⁴ <https://www.chinhumanrights.org/wp-content/uploads/2021/10/Reign-of-Terror-ReportCHRO-1.pdf>.

5. Chin State is located in western Myanmar and borders Bangladesh and India. It shares internal borders with Rakhine State, and Magway and Sagaing Regions.⁵ Chin State comprises 9 townships, including Falam, Hakha, Kanpetlet, Mindat, and Thantlang, and is amongst the poorest parts of Myanmar.
6. At 18 October 2021, at least 33 civilians, including eight children, had been killed by junta security forces in Chin State since February 2021. Unconfirmed reports suggest that four military battalions, including Light Infantry Battalion 222 (LIB-222) and Light Infantry Division 66 (LID-66), have been deployed to Chin State.
7. The international community has expressed growing alarm at troop build ups in Chin State. Notably, the United Kingdom (penholder on Myanmar at the United Nations (UN) Security Council) and the Office of the UN High Commissioner for Human Rights (OHCHR) released recent statements. On 15 October 2021, the United Kingdom acknowledged that '[r]epeated large scale attacks have demonstrated the Myanmar Military has no regard for the people of Myanmar'.⁶ On 8 October 2021, OHCHR noted the military's 'established pattern of attacks' against unarmed individuals and urged 'the international community to speak with one voice, to prevent the commission of further serious human rights violations against the people of Myanmar'.⁷
8. This escalation of force in Chin State has included the use of artillery, with multiple reports of civilians having been killed and injured and homes destroyed by shelling. On 18 September 2021 in Thantlang Township, 18 civilian homes were destroyed by shelling. As many as 15,000 villagers have fled Thantlang Township on account of these indiscriminate attacks.⁸
9. The military has also employed airstrikes in Chin State. On 10 September 2021 in Lon Ler village of Thantlang Township, local villagers were forced to flee airstrikes that reportedly followed clashes between the Chin National Front and junta forces.⁹
10. The NUG is also investigating multiple incidents in which junta troops have allegedly shot and killed civilians. On 18 September 2021 in Thantlang Township, a Christian pastor was murdered by junta soldiers.¹⁰ His wedding-band finger was cut off and his ring removed, acts that constitute despoliation and pillage of the dead.¹¹ On 29 September, two men – one aged in his seventies, the other in his fifties – were shot and killed by junta soldiers while they were driving in Thantlang Township. Two other civilians were reportedly injured in the same incident.¹²
11. The UN Special Rapporteur on the situation of human rights in Myanmar, Mr. Thomas Andrews, has deemed as credible reports that junta soldiers used an estimated 10 to 14 civilians, including a pregnant woman, as human shields during an attack on Mindat Township in August 2021. The Special Rapporteur has also documented the use of sexual

⁵ https://themimu.info/states_regions/chin.

⁶ See <https://twitter.com/ukinmyanmar/status/1448978901884092418>.

⁷ See <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=27631>.

⁸ <https://www.bbc.com/burmese/live/burma-58396049>.

⁹ <https://www.rfa.org/burmese/news/htantalan-bomb-09102021071317.html>.

¹⁰ <https://www.myanmar-now.org/en/news/junta-soldiers-kill-pastor-and-cut-off-his-finger-as-houses-burn-in-chin-town>.

¹¹ https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule113_sectionb.

¹² <https://www.bbc.com/burmese/live/burma-58396049>.

violence, arbitrary detention, the blocking of roads, and the cutting off of the water supply in Mindat, forcing the displacement of over 30,000 villagers.¹³

12. According to the Chin Human Rights Organization (CHRO), between 30,000 to 35,000 persons from Chin State have fled to Mizoram State in India since 1 February 2021, while another 20,000 people remain internally displaced in Mindat Township. CHRO also estimates that up to 10,000 residents of Thantlang Township have been displaced since 6 September 2021.¹⁴

Kayah State

13. Kayah State, formerly known as Karenni State, borders Thailand and shares internal borders with Kayin and Shan States. It comprises seven townships, including Bawlakhal, Demoso, Hpruso, Loikaw and Phal Kone, and is the smallest state by population.¹⁵ At 18 October 2021, at least 36 civilians, including five children, had been killed by junta security forces in Kayah State since the attempted coup.
14. Following the pattern addressed above in Chin State, the military has also conducted airstrikes and used artillery in Kayah State, forcing tens of thousands of residents of Demoso and Loikaw Townships to flee. Local sources have reported the presence of LID-66 troops in Kayah State, including in the vicinity of Bawlakhal and Hpruso Townships, and the presence of LIB-102 and LIB-427 members in Demoso Township. Clashes between the Karenni Nationalities Defense Force and junta troops and the Karenni Army and the junta have been documented.
15. The Special Rapporteur on Myanmar has described the military's use of airstrikes and artillery in Kayah States as 'retributive attacks against civilians' following clashes between People's Defence Forces (PDF) and junta troops.¹⁶ The Special Rapporteur goes on to catalogue the junta's use of arson, its destruction and looting of homes, schools and places of worship, its blocking of arterial roads, and its cutting off of civilian access to food, water and medicine.¹⁷ For instance, open sources report that on 25 and 26 September 2021, two male civilians were killed by junta troops, four houses were razed, and multiple homes and a monastery were looted.¹⁸ Two days later on 28 September, the bodies of two cowherders were recovered with gunshot wounds after they were earlier detained by junta troops in Phal Kone Township.
16. Local sources have also reported the military's continued use of human shields, and the arbitrary detention of persons deemed associated with the Civil Disobedience Movement (CDM). This has included the reported detention of children, students, teachers, social workers, religious leaders, displaced persons, and elderly persons. The whereabouts of some detainees are not known, raising fears of disappearances. Others have reported mistreatment while in detention, including torture.

¹³ A/76/314 at paragraphs 35 and 36.

¹⁴ <https://www.chinhumanrights.org/wp-content/uploads/2021/10/Reign-of-Terror-ReportCHRO-1.pdf>.

¹⁵ https://themimu.info/states_regions/kayah.

¹⁶ A/76/314 at paragraph 39.

¹⁷ A/76/314 at paragraph 41.

¹⁸ <https://www.myanmar-now.org/en/news/military-kills-two-civilians-torches-dozens-of-houses-in-demoso-kayah-state>.

17. The military continues to lay anti-personnel landmines in populated civilian areas, including near homes. On 28 September 2021, a man was seriously injured by a landmine in Thay Su Le village of Demoso Township. The following day, one man was killed and two others were injured by a landmine in Kone Thar village, also in Demoso Township.¹⁹ On 2 October 2021, a woman had a foot amputated after stepping on a landmine planted outside her home in Kone Thar village.²⁰ These incidents demonstrate not only the military's indiscriminate use of anti-personnel mines, contrary to customary international law,²¹ but its use of them with the intent to target civilians.

Conclusions and recommendations

18. Taken collectively, the actions of junta security forces in Chin and Kayah States constitute serious violations of international human rights law and international humanitarian law and could comprise crimes against humanity. The military's attacks in Chin and Kayah, added to those previously reported in Sagaing and Magway Regions, demonstrate a widespread and systematic pattern conducted against civilians at the direction and in the full knowledge of the junta leadership.

19. Myanmar, under the NUG's leadership, remains committed to investigating alleged human rights violations and abuses by all actors and to securing accountability. On 17 July 2021, the NUG lodged a Declaration under article 12(3) of the *Rome Statute of the International Criminal Court*, accepting the jurisdiction of the Court from 1 July 2002.²²

20. Myanmar also remains committed to creating a unified chain of command amongst PDF, consistent with an established Code of Conduct that respects international human rights law and international humanitarian law provisions.²³ It has instructed all democratic armed forces in Myanmar to comply with the Code of Conduct.

21. Furthermore, consistent with Human Rights Council resolutions 46/21²⁴ and 47/1,²⁵ Myanmar extends its full cooperation to OHCHR and to all UN mandate holders and human rights mechanisms, including the Special Envoy of the Secretary-General on Myanmar, the Special Rapporteur on the situation of human rights in Myanmar, and the Independent Investigative Mechanism for Myanmar (IIMM).

22. As the UN High Commissioner for Human Rights has stated, 'the United Nations and its principal organs must not fail the country and its people a second time.'²⁶ **Accordingly, the NUG makes the following calls:**

(a) International community

¹⁹ <https://www.irrawaddy.com/news/burma/myanmar-junta-accused-of-targeting-civilians-with-landmines.html>.

²⁰ <https://www.myanmar-now.org/en/news/two-killed-after-retreating-junta-soldiers-plant-landmines-outside-homes-in-kayah>.

²¹ https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule81.

²² See <https://gov.nugmyanmar.org/2021/09/13/press-release-14-2021/>.

²³ As above.

²⁴ Of 24 March 2021 at operative paragraphs 25, 45, 46 and 51.

²⁵ Of 12 July 2021 at operative paragraph 13.

²⁶ 'Statement by Michelle Bachelet, UN High Commissioner for Human Rights', 6 July 2021, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=27274&LangID=E>.

- Partner with the NUG, Ethnic Armed Organisations, Myanmar civil society, international humanitarian organisations and States of the region to support the urgent delivery of humanitarian assistance to conflict-affected regions of Myanmar and other locations of acute need. Use should be made of land corridors, air and sea, and neighbouring countries.

(b) Association of Southeast Asian Nations (ASEAN)

- Coordinate the delivery of humanitarian assistance through the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre) in direct partnership with the NUG and in ways that avoid granting legitimacy to the illegal military junta.
- Invite the NUG to attend the ASEAN Summit 2021 as the legitimate representative of Myanmar, with a view to advancing the restoration of democracy, addressing the multiple junta-induced crises, and to supporting accountability to prevent atrocity recurrence. The situation in Myanmar is a threat to regional peace and security.

(c) Security Council

- Convene an urgent Plenary Meeting as soon as possible after the ASEAN Summit 2021 on the humanitarian and political situations in Myanmar. This should culminate in a resolution that stops the flows of arms and funds to the military junta and that cuts impunity.

(d) International Criminal Court

- Confirm the efficacy of the Article 12(3) Declaration lodged by the NUG on behalf of Myanmar on 17 July 2021.
- Expand the current investigation into the situation in Bangladesh/Myanmar to include alleged crimes within Myanmar since 1 July 2002.

(e) International Court of Justice

- Take procedural steps to ensure that Myanmar is represented by NUG-appointed representatives in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*.

(f) General Assembly

- Adopt a resolution on Myanmar in follow up to resolution 75/287, in consultation with the NUG and with Myanmar civil society. The resolution should include specific address of the human rights and humanitarian situations, prioritise the delivery of humanitarian assistance, demand the restoration of democracy and the release of political prisoners, and give full support to accountability efforts.
- Formally recognise the NUG as the legitimate representative of the Republic of the Union of Myanmar to the United Nations.

(g) United Nations

- The UN Secretary-General must formally confirm the new Special Envoy on Myanmar and appoint a new UN Resident Coordinator as a priority, in consultation with the NUG and Myanmar civil society.

- UN agencies, funds and programmes should strengthen their partnership with the NUG and civil society in the delivery of humanitarian assistance, while avoiding any actions that could legitimise the illegal military junta.
- The UN Country Team must work to a common, updated Human Rights Strategy consistent with the UN Secretary-General's *Call to Action for Human Rights*.