



"Nowhere is Safe"

The Myanmar Junta's
Crimes Against Humanity
Following the *Coup d'État*

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The Orville H. Schell, Jr. Center for
International Human Rights at
Yale Law School,
Myanmar Human Rights Project

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Crimes Against Humanity
Following the *Coup d'État*

Foreword by Yale Law School Robina
Senior Fellow and U.N. Special
Rapporteur Thomas Andrews

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Rights Project

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Cover:

An anti-coup protester raises a three-finger salute during a pro-democracy candlelight vigil in Hlaing Township, Yangon. ©Yan Naing Aung, March 14, 2021.



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Warning

Graphic Content

This report contains some images with graphic content that might not be suitable for all audiences.

- Blood and wounds
- Beatings

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Foreword by the Honorable Tom Andrews, U.N. Special Rapporteur on the Situation of Human Rights in Myanmar and Robina Senior Human Rights Fellow at the Schell Center for International Human Rights

Since February 2021, much has been documented about the Myanmar military's attempted *coup d'état* and bloody crackdown on the people of Myanmar. This report provides the international community a better understanding of the junta's crimes, the individuals responsible, and their battalions' locations in relation to attacks. "*Nowhere is Safe*" is a seminal report focusing on the first six months of the military's post-coup attack. It exposes horrific details of crimes, draws on new information from military sources, and conducts a transparent and thorough legal analysis that will assist in future prosecutions.

It is fitting that this report is being published just days prior to the one-year anniversary of the military junta's Armed Forces Day Massacre. On March 27, 2021, as military leaders celebrated themselves at galas with the few foreign dignitaries that attended, Myanmar military and police were murdering, injuring, and detaining hundreds throughout the country. Indeed, junta forces made good on the warning that was issued to protesters 24 hours prior on state television: "You should learn from the tragedy of earlier ugly deaths that you can be in danger of getting shot in the head and back." All told, forces under the junta's command murdered at least 140 civilians on that day alone.

Using the horrendous example of that massacre, and too numerous other acts of violence, this report lays out how and why there are reasonable grounds to believe that the Myanmar military, under the command of Senior General Min Aung Hlaing, has committed the crimes of murder, imprisonment, torture, persecution, deportation and forcible transfer of the population as part of a widespread and systematic attack against the people of Myanmar.

Those who have followed the news of the military's brutal and sustained assault on the people of Myanmar will find at least some of the accounts in this report familiar: The cold-blooded murders of innocent men, women, and children; the ruthless torture of political prisoners; the unmitigated nationwide attack on civilians. Nevertheless, seeing the experiences of eyewitnesses and survivors documented in this report in painstaking detail, one after the other, is chilling.

Even more chilling in this report is what will not be familiar to most, such as the premeditated, systematic nature of the junta's attack; testimony from soldiers on the deployment of snipers to kill and terrorize people; and even a Myanmar military "fieldcraft" manual obtained by Fortify Rights instructing soldiers to "Make sure a bullet equates to an enemy killed."

Starting with Senior General Min Aung Hlaing, "*Nowhere is Safe*" identifies 61 high-ranking military and police officials who should be investigated and potentially held criminally liable for crimes against humanity.

Will they ever face justice? That depends on the action of the international community, starting with the United Nations and the Security Council. With junta allies such as Russia holding a veto in the Security Council, action is unlikely, at least in the short term. Russia is one of the junta's largest suppliers of the very weapons that are being used against the Myanmar people. But Security Council member states should still put forward a resolution mandating an arms embargo against the Myanmar military.

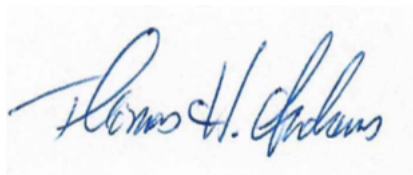
In addition, there are other ways to seek justice for those who have been victims of this brutal military. They include using the courts of nations who have universal jurisdiction laws. Argentina's judiciary, for example, has agreed to open an investigation of genocide that the military is accused of committing against the Rohingya ethnic minority of Myanmar. And the International Court of Justice is now considering a case, brought by The Gambia, on whether the brutal attacks that were launched against the Rohingya, in a military operation overseen by Senior General Min Aung Hlaing, meet the legal definition of genocide.

Governments can also seek to hold the junta accountable through coordinated, targeted economic sanctions and the embargo of the weapons that the Myanmar military is using to kill innocent people.

Lastly, if there were any doubts about whether the junta's crackdown constitutes mass atrocity crimes, this report should lay them to rest. The actions of the military junta of Myanmar should be called what they truly are: crimes against humanity.

Many of you reading this may know me as the U.N. Special Rapporteur on the situation of human rights in Myanmar. But I am also a Senior Fellow at the Schell Center for International Human Rights at Yale Law School, and I am honored to be associated with the extraordinary joint Fortify Rights-Schell Center team that made this remarkable document possible. They, and countless others, are part of an international movement of people of conscience who are committed to pursuing justice and accountability for the people of Myanmar.

Tom Andrews

A handwritten signature in blue ink that reads "Tom H. Andrews". The signature is written in a cursive style with a large, sweeping initial "T".

Map of Myanmar





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Tens of thousands of people turn out for an anti-coup protest in Mandalay Region despite increasingly deadly junta-led crackdowns and widespread imprisonment of protesters, political opponents, and activists throughout the country. ©Bo Bo, March 7, 2021.



Myanmar junta forces blockade the road to parliament in Naypyidaw on the day of the coup.
©Nyein Su Wai Kyaw Soe, February 1, 2021.



Summary

Since Senior General Min Aung Hlaing launched a military coup in Myanmar on February 1, 2021, his junta has carried out a nationwide attack on the civilian population with impunity. Soldiers and police under the control of the junta have murdered masses of civilians, imprisoned thousands, systematically tortured detainees, and persecuted political opponents. People throughout the Southeast Asian country of 55 million have been forcibly displaced, forced into hiding, or are otherwise living in resistance to the military regime.

The national economy has collapsed and pockets of civilians have taken up arms to defend themselves and their country. Longstanding armed conflicts between ethnic armies and the military have intensified, with the Myanmar military carrying out offensives by land and sky, including massacres in ethnic states and central regions alike.

How did Myanmar get to this point? Since the 2021 coup, the Myanmar military has committed mass atrocity crimes in at least two phases, both of which are related and ongoing: The first phase involves the Myanmar military and police force's deadly crackdown on peaceful protesters and civilians opposing military rule. The second phase involves the Myanmar military's attacks on civilians in areas of longstanding armed conflict in ethnic states, as well as in regions that have not seen armed conflict since World War II.



This report, entitled “*Nowhere is Safe*”: *The Myanmar Junta’s Crimes Against Humanity Following the Coup d’État*, focuses primarily on the first phase of the military’s post-coup attack on the civilian population: namely, the first six months of the Myanmar Army and Police crackdown against protesters, from February to July 2021. It documents acts of murder, torture, imprisonment, enforced disappearances, forced population transfer, and persecution and provides in-depth legal analysis finding reasonable grounds to believe that the Myanmar junta is responsible for crimes against humanity.

In addition, this report identifies 61 military and police officials who should be investigated and possibly prosecuted for their roles in crimes against humanity, and it establishes new information that may be helpful for prosecutors, including about the military’s command structure.

Moreover, drawing on information from active-duty military personnel, “*Nowhere is Safe*” establishes the locations of 1,040 military units nationwide. The locations, accurate at the time of writing, are revealed in an annex to this report and may help prosecutors geo-locate military units’ physical proximity to atrocity-crime scenes and other sites.

This report is based primarily on 128 interviews by Fortify Rights and the Myanmar Human Rights Project of the Orville H. Schell Center for International Human Rights at Yale Law School (“Schell Center”). Those interviewed include survivors of violations, eyewitnesses, protesters, medical professionals, members of armed resistance forces, and former members of the military, police, and navy located in 30 townships in 13 of the country’s 14 states and



regions, in addition to Naypyidaw Union Territory, which is outside of any state or region. In preparing this report, Fortify Rights and the Schell Center also communicated with six active-duty military personnel, including a lieutenant colonel commanding a battalion, three captains, and two majors.

Fortify Rights and the Schell Center also obtained leaked military documents, including internal memos instructing forces to commit crimes and a “fieldcraft” manual for soldiers.

Throughout the initial months of the military-led crackdown, Myanmar netizens uploaded to social media thousands of videos and photographs of the junta’s atrocious crimes. In addition to recording testimonies, Fortify Rights manually collected 1,153 data points of open-source information about specific incidents of human rights violations culled from social-media, primarily Twitter. These data points from March to May 2021 are organized by categories including “arrests/detentions,” “beatings/injuries,” “killing/dead bodies,” as well as other instances of other alleged human rights violations, such as destruction of property and religious buildings.

Mass Atrocity Crimes

On the day the Myanmar military launched its putsch, the country’s new parliament was set to convene following a landslide victory by the National League for Democracy (NLD) in national elections on November 8, 2020. In the early hours of February 1, 2021, military operatives detained State Counsellor Aung San Suu Kyi, President Win Myint, and dozens of other parliamentarians and government officials. Citing mass voter-fraud, the military, also known as the *Tatmadaw*, announced a “state of emergency” and attempted to seize all powers of government.

◀ A protester at a mass anti-coup rally in downtown Yangon flashes a three-finger salute, adopted by the people of Myanmar as a symbol of resistance.
©Aung Naing Tun Hein, February 17, 2021.

The following day, February 2, the military junta declared a state of emergency that it said would “remain in force for one year” with the military “taking all duties and responsibilities of the State” through the formation of a new entity called the State Administration Council (SAC), led by the Commander-in-Chief of Myanmar’s armed forces, Senior General Min Aung Hlaing. The military also announced that “free and fair general elections will be held as soon as the tasks are completed in accordance with the emergency provision.”

Within days, the people of Myanmar took to the streets. The first street protest in the country against the coup was relatively small and occurred in Mandalay city on February 4, resulting in the police arresting five participants. Demonstrations subsequently grew in scale, size, and location, involving millions of people throughout the country in various ways.

In response to the protests, from February 4 to 8, the Myanmar military and police initially used arbitrary arrests and less-lethal weapons—such as water cannons, tear gas, and rubber bullets—against protesters. On February 9, the junta began using unlawful lethal force against civilians and imprisoning protesters *en masse*. The first casualty was Mya Thwate Thwate Khaing, a 19-year-old student. Police fatally shot her in the back of the head on Taungnyo Road in Naypyidaw on February 9 while she was attending a pro-democracy protest with her sister. Ten days later, she was pronounced dead.

Following that first murder, the situation quickly coalesced into a Myanmar military-led widespread and systematic attack involving murder, imprisonment, torture, enforced disappearance, and forced population transfer against the civilian population. This report documents firsthand evidence of many of these attacks.

Coup-leader Senior General Min Aung Hlaing and his forces targeted people from all ethnicities and religions, including women, men, and children. Targets for murders and arrests included politicians and government officials, healthcare professionals, non-violent protesters, passersby, filmmakers, union workers, opinion leaders, human rights defenders, poets and writers, celebrities, and more.

For instance, a 25-year-old woman described to Fortify Rights and the Schell Center how four police and one military soldier dressed in camouflage kicked down the front door of her family’s home in Chanmyathazi Township in Mandalay on March 23 at approximately 3:30 p.m. The police and soldier brutally beat and arrested her 21-year-old brother, and then shot and killed her seven-year-old sister, Khin Myo Chit, as she sat on her father’s lap.

“They dragged away my brother and killed my sister,” recalled the woman. “We are now at a hideout place where it is supposed to be safe. Actually, *nowhere is safe.*”

Murder

For weeks on end and often in broad daylight, Myanmar Army soldiers and Myanmar Police Force officers shot and killed unarmed civilians—most of them peaceful protesters—in the streets of cities and towns throughout the country.

Medical doctors who treated victims described to Fortify Rights and the Schell Center how numerous victims were fatally shot in the head or chest with a single bullet, indicating consistent, deadly precision, as well as intent to kill. Military deserters told Fortify Rights and the Schell Center about how the Myanmar military deployed snipers to murder protesters as a matter of state policy to deliberately instill fear among them.

In addition to eyewitness and survivor testimony, Fortify Rights and the Schell Center also reviewed 305 open-source videos and photographs posted to social media by Myanmar citizens that indicate murders. When possible, Fortify Rights and the Schell Center interviewed the owner of the original video footage and additional eyewitnesses to the incident in question.



Myanmar Police beat a protester after arresting him during an anti-coup protest in Yangon. ©SA, March 6, 2021.



Myanmar Police officers arrest two protesters, one bleeding with an apparent head wound, during an anti-coup protest in Yangon. ©SA, February 28, 2021.

Imprisonment

Since the military coup, the junta systematically imprisoned several thousand people, including children, civilian opinion leaders, elected officials, peaceful protesters, journalists, lawyers, human rights defenders, and others in sweeping nationwide raids. By its own admission, according to unpublished document seen by Fortify Rights and the Schell Center, the junta detained 9,948 individuals related to acts opposing the coup between February 1 and April 15, of whom 5,070 were charged with crimes. The junta shared this document with foreign ministers of the Association of Southeast Asian Nations (ASEAN) in advance of an emergency ASEAN summit to discuss the situation in Myanmar in April 2021.

Fortify Rights and the Schell Center also obtained and independently verified the authenticity of three leaked internal memos from the Myanmar Police Force ordering officers to arbitrarily arrest protesters, members of the NLD, and specific human rights defenders. One memo, circulated among police and dated March 17, ordered police to “combine with the area military forces” to “clear up and detain” the protest organizers “in the strongholds of the protests.” Two other internal memos from the Myanmar Police Force each contained the same language but were issued by at least two separate police stations on different dates, instructing police to arrest protest leaders and conduct night raids. These documents indicate the systematic nature of the attack.

Torture

The Myanmar military and police are responsible for widespread and systematic torture of civilians since the coup. “*Nowhere is Safe*” includes firsthand testimony from survivors, family members, and eyewitnesses of torture by the Myanmar Army and Police. It also analyzes additional evidence, including video, of torture inflicted against civilians by the Myanmar Army and Police.



Enforced Disappearance

An enforced disappearance occurs when there is an “arrest, detention or abduction” of someone by officials or their agents “followed by a refusal to acknowledge that deprivation of freedom or to give information on [their] fate or whereabouts,” placing them outside “the protection of the law for a prolonged period of time.” This report draws on testimony from family members of individuals who the junta disappeared since the coup.

For instance, on February 1, the junta arrested Monywa Aung Shin, a 76-year-old information secretary for the NLD. A family member told Fortify Rights and the Schell Center:

He was arrested on February 1 in the early morning, around 4:30 a.m. They came and knocked on our door . . . and they asked him to come with them. [Monywa Aung Shin] didn’t ask any questions, he just followed . . . They were in camouflage uniforms. They were military.

“No one contacted us,” she continued. “There is no information about his trial or anything. I went to Insein prison and asked about his information . . . but there is no information about him.” The junta released Monywa Aung Shin in October 2021. He collapsed and died of a heart attack just over one month later.

As of the time of writing, the junta continued to hold thousands of people in detention. The whereabouts and well-being of many detainees are unknown, effectively amounting to a situation of mass enforced disappearances.

Protesters carry an injured demonstrator after Myanmar junta forces shot him in the leg at a pro-democracy protest in Hlaing Tharyar Township, Yangon. The Myanmar Army and Police massacred at least 65 people that day, one of the deadliest during the post-coup crackdown. ©Nyein Su Wai Kyaw Soe, March 14, 2021.

Deportation and Forcible Transfer

Following the initial, months-long crackdown on peaceful protesters, the junta forcibly displaced large numbers of civilians throughout the country. In the first six months following the coup, the Myanmar military's attacks in Chin, Karen, and Karenni states, as well as Bago and Sagaing regions, displaced well over 100,000 people. Some civilians were forced to flee from Myanmar to neighboring countries—namely, Thailand and India—while others remain internally displaced. For instance, an 18-year-old ethnic-Karenni man who the military detained and tortured said he and his father fled from the military and encountered another group of soldiers burning a house in a village near Myo Bye on the Karenni-Shan state border. He said: “We didn’t go back to our homes but to a safer place. On the way, we saw some soldiers and a house being burned down by them. It is still not safe for us to go back home.”

Displaced families explained how the Myanmar military attacked and displaced villagers with heavy artillery fire. Others explained how soldiers burned down civilian homes. In total, at the time of writing, United Nations (U.N.) sources estimated more than 500,000 people are internally displaced since the coup.

Legal Analysis and Findings

This report provides evidence of the commission of serious international crimes, identifies who is responsible for those crimes, and indicates how the Myanmar military junta poses a threat to international peace and security.

The criminal dimensions of this ongoing attack are evaluated based on standards set forth in the Rome Statute of the International Criminal Court (ICC) as well as precedent established in case law by the ICC and *ad hoc* criminal tribunals established by the U.N. Security Council, such as the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR).

Doctors at Shin Par Ku Hospital in Yangon treat a man shot in the head and body with rubber bullets by Myanmar junta forces during a violent crackdown on anti-coup protests in Bahan Township, Yangon. ©Aung Naing Tun Hein, March 5, 2021.



Fortify Rights and the Schell Center employ treaty-based and customary law frameworks of international human rights law and international criminal law to examine the legal implications of the violence perpetrated by Myanmar military and police in the wake of the 2021 coup. The legal analysis considers evidence of crimes committed by the Myanmar military and police as provided by testimony from survivors and eyewitnesses and members of the army and police, the scale of the attack, as well as leaked junta information. This evidence establishes that there are reasonable grounds to believe that the military junta knowingly committed murder, imprisonment, enforced disappearance, torture, persecution, deportation, and forcible transfer/deportation as part of a widespread and systematic attack directed against the country's civilian population. Thus, the Schell Center and Fortify Rights find that there are reasonable grounds to believe that the Myanmar junta committed crimes against humanity.

Individuals Who Should be Investigated and Prosecuted

Based on information collected and analyzed for this report, there is sufficient evidence to warrant a criminal investigation into the liability of at least 61 high-level Myanmar Army and Police officials for crimes against humanity. At the top of the list are Commander-in-Chief of Defense Services and Chair of the SAC Senior General Min Aung Hlaing, Deputy Commander-in-Chief Vice Senior General Soe Win, and the Joint Chief of Staff General Mya Tun Oo. These men are also responsible for genocide and crimes against humanity against the Rohingya population in 2016 and 2017, as well as probable past atrocity crimes in Rakhine, Shan, and Kachin states.

Under Article 28(a) of the Rome Statute “a military commander or person effectively acting as a military commander” can be held individually criminally liable when international crimes take place “by forces under his or her effective command and control” or “as a result of his or her failure to exercise control properly over such forces.” Furthermore, for criminal liability to be established, a commander must have known or should have known about the crimes and “failed to take all necessary and reasonable measures within his or her power” to prevent, repress, or report the crimes.

Suspected perpetrators can also be held liable under Article 25 of the Rome Statute under four additional theories of liability or “modes of liability.” The various modes allow the ICC to find individuals liable based on: (1) direct or indirect perpetration or co-perpetration of the crime; (2) ordering, soliciting, or inducing the commission of the crime; (3) aiding, abetting, or otherwise assisting in the commission of the crime; or (4) substantially contributing to the commission of the crime. These modes of liability are discussed in greater detail below.

Military and police sources—including 11 deserters and six active-duty personnel—assisted Fortify Rights and the Schell Center in establishing the identities of perpetrators and aspects of the chain of command with respect to the Myanmar junta's widespread and systematic attack on the civilian population since February 1, 2021. Seven internal junta documents, including internal police memos and a Myanmar military-“fieldcraft” manual, provide further evidence.

The locations of 1,040 military units nationwide, accurate at the time of writing and included in the annex of this report, account for the domiciled locations of the Myanmar military regional commands, military operations commands, light infantry battalions, and infantry battalions.

Regarding command responsibility, according to active-duty military sources, on February 2, immediately following the coup, Senior General Min Aung Hlaing created a new “Special Command” to respond to reactions to the establishment of the SAC. Four senior generals—Vice Senior General Soe Win, General Mya Tun Oo, General Maung Maung Aye, and Lieutenant General Moe Myint Tun—were put in charge of the Special Command.



A soldier and military tank patrol a street in front of the Central Bank building in Yangon amid anti-coup demonstrations. ©SA February 15, 2021.

Specifically, Senior General Min Aung Hlaing authorized the Special Command operating out of Naypyidaw to deploy and command troops in cities and townships where soldiers have not typically been operational. Without orders from this Special Command, no others in the chain of command had authority to move troops into civilian-populated cities and townships in central Myanmar, according to military sources.

Key Recommendations

The Myanmar military junta is committing international crimes with impunity and poses a threat to international peace and security. This report makes 28 recommendations to end and remedy the junta's nationwide attack on the civilian population, including recommendations to U.N. Member States, the U.N. Security Council, ASEAN, and others.

Inadequate international action in response to the junta's atrocities has factored into Myanmar civilians' decisions to pick up arms to defend themselves and their country. The junta has intensified longstanding wars in ethnic states and plunged the country into economic failure. Without more robust international action now, Myanmar is at risk of a prolonged period of direct military rule, protracted armed conflict, and more mass atrocity crimes with impunity.

To help end the attack and prevent the situation from worsening, the U.N. Security Council should immediately pass a resolution to impose a global arms embargo on the Myanmar military as well as targeted sanctions to both deny the junta access to aviation fuel, revenues, and financial services, and to refer the situation to the ICC for investigation and possible prosecution. In the event that a resolution is vetoed by a permanent member of the Security Council, its member states should move to hold an Emergency Special Session at the U.N. General Assembly, as occurred on February 28, 2022 in response to Russia's veto of a Security Council resolution on its unlawful invasion of Ukraine. Such a session should be geared toward collective action to end the mass atrocities unfolding in Myanmar.



U.N. Member States, especially members of ASEAN, should engage the National Unity Government (NUG) of Myanmar—formed in April 2021 by elected parliamentarians and others in Myanmar to represent the people of Myanmar—and avoid providing any political legitimacy to the Myanmar junta. All governments should acknowledge the rightful elected leaders of Myanmar, as represented by the NUG. In the absence of Security Council-mandated economic sanctions, Member States should work in concert to target the junta's sources of revenue. Private enterprises should avoid doing business with the Myanmar military and its affiliates, and when they do disengage, they should do so responsibly and in a manner that does not provide the junta a financial windfall.

Lastly, the Myanmar military should immediately and unconditionally release all political prisoners, and Senior General Min Aung Hlaing and his junta should immediately step down and cooperate with international justice mechanisms to ensure accountability for mass atrocity crimes.

A relative kisses the forehead of a protester killed by Myanmar junta forces during a crackdown on anti-coup protesters on March 28 in Yangon. ©SA, March 30, 2021.

Methodology

This report is based on 128 interviews conducted from February to December 2021 in 30 townships located in 13 states and regions of Myanmar, in addition to Naypyidaw Union Territory, which is outside any state or region. Additional interviews were conducted in Thailand with six recent refugees from Myanmar. The report draws primarily on testimonies from survivors and eyewitnesses, Myanmar medical professionals, military and police deserters, journalists, and frontline protesters. The report also draws on internal Myanmar military documents obtained by Fortify Rights and the Schell Center. Fortify Rights and the Schell Center also communicated with six active-duty military personnel in preparing this report. They include a lieutenant colonel commanding a battalion, three captains, and two majors. These communications helped establish the locations of military units nationwide.

The research and writing team conducted qualitative interviews with Myanmar people in the Burmese language as well as with English-Burmese interpretation. Everyone interviewed for this report gave free, prior, and informed consent to be interviewed and for their testimony to be publicized. No one interviewed for this report received compensation, and all were informed of the purpose of the interview, its voluntary nature, and how the information might be used. Some agreed that their testimony could be shared with the Independent Investigative Mechanism for Myanmar, the U.N. Office of the High Commissioner for Human Rights, and the U.N. Special Rapporteur on the situation of human rights in Myanmar. For security purposes, the names of survivors and eyewitnesses, locations of interviews, and other identifying details are withheld from this report. Unless otherwise specified, any names of survivors or eyewitnesses used in this report are pseudonyms.

Fortify Rights also manually collected information from open-source media on more than 1,150 incidents of human rights violations from March to May 2021, categorized as "arrest/detention," "beatings/injuries," "killing/dead bodies," as well as other instances, including destruction of property and religious buildings. Individuals, including journalists and human rights defenders, posted this information on Twitter, Facebook, and news websites between March and May 2021. Later, Fortify Rights identified data points that had potential evidentiary value and checked for outliers or duplicates. The data with potential evidentiary value included reports of 305 killings or dead bodies, 505 arrests or detentions of individuals or groups, 231 beatings or injuries, and 112 other types of violence.

Residents watch a Myanmar military tank drive by on a Yangon street at night just days before the junta's crackdown on civilians would become deadly.
©SA, February 14, 2021.





*A lone anti-coup protester raises a three-finger salute in front of riot police during a protest in Sanchaung Township, Yangon. Moments later, riot police attacked nearby protesters.
©Yan Naing Aung, February 26, 2021.*



Myanmar police throw stun grenades as they move to attack anti-coup protesters in Sanchaung Township, Yangon. ©Nyein Su Wai Kyaw Soe, February 27, 2021.



Smoke rises from a makeshift barricade in Yangon built by anti-coup protesters, one of whom uses a fire extinguisher to put out the blaze. ©SA, March 16, 2021.



Unarmed protesters shield themselves from Myanmar junta forces at an anti-coup protest in Hlaing Tharyar, Yangon. Myanmar security forces reportedly massacred at least 65 people in a brutal crackdown on protesters that day. ©Nyein Su Wai Kyaw Soe, on March 14, 2021.



Frontline protesters in Mandalay Region equipped with shields and hard hats prepare to face off against junta forces during an anti-coup protest. ©Bo Bo, March 5, 2021.





Protesters in Yangon raise three-finger salutes during an anti-coup protest.
©SA, February 21, 2021.



*Relying on superstitious fears that passing underneath women's clothing brings bad luck, protesters hang women's longyi—a traditional garment—over a road in Hlaing Township, Yangon to prevent security forces from advancing on the area.
©Nyein Su Wai Kyaw Soe, March 5, 2021.*



Staff from Yangon University hold signs showing red ribbons, an early symbol of the Civil Disobedience Movement. Women health and education workers were some of the first to embrace the nationwide movement to refuse to work under the military junta @Aung Naing Soe, February 5, 2021.



Residents of Sanchaung Township in Yangon bang pots and pans during nightly protests in the aftermath of the coup.
©Nyein Su Wai Kyaw Soe, March 2, 2021.



Residents stand guard over their neighborhood in Sanchaung Township, Yangon. Following the coup, Yangon residents established neighborhood-watch groups to warn each other of military and police search-and-arrest operations and to prevent junta security forces from entering their areas. ©Nyein Su Wai Kyaw Soe, February 13, 2021.

Background

Myanmar, previously known as the Union of Burma, enjoyed a decade of parliamentary democracy following independence from British colonial rule in 1948. The situation changed in 1958 when Prime Minister U Nu invited the armed forces to establish a temporary caretaker government with the expectation that a return to civilian rule would occur once public order was restored. General Ne Win, who headed the military, broke the agreement when he launched a successful coup in 1962.¹ Ne Win claimed that full military rule was necessary to defend the territorial integrity of the Union of Burma on two grounds: first, the worsening socio-economic chaos in the country’s heartland, and second, the growth in the number and strength of several ethnic armed organizations (EAOs) located in the country’s border states.² The junta was able to consolidate its rule, in the case of the former, relatively quickly, though martial law remained in place until 1974.³

During this period, the military entrenched itself into the national economy and state bureaucracy, twin problems that remain obstacles to genuine democratization today.⁴ Bitter disputes ensued between the government and various ethnic nationalities over what form of government should be adopted—a strong centralized state dominated by the ethnic majority Burmans or a federal one that accorded regional authority to non-majority populations.⁵ This fundamental issue is at the heart of the ongoing violence between the military and EAOs and it remains unresolved today.⁶

The passage of the 1974 Constitution shifted power to an elected single-party government known as the Burma Socialist Program Party (BSPP). Although the government included civilian members, the BSPP remained firmly under the military’s control.⁷ By the late 1980s, the BSPP’s economic policies, known as the “Burmese Way to Socialism,” had impoverished the country, which in turn fueled dissent that ultimately took the form of a national uprising, commonly associated with August 8, 1988. Protests that began with students in Yangon on August 8 quickly spread nationwide.⁸ The size of the protests grew and enjoyed widespread support, in what became known as the “8888 Uprising” and thus posed the first genuine threat to the political status quo.⁹

1 Kansom Shakila Devi, *Myanmar Under Military Rule 1962–1988*, 3 INTERNATIONAL RESEARCH JOURNAL OF SOCIAL SCIENCES 45, 46–50 (2014).

2 Richard Butwell, *Ne Win’s Burma: At the End of the First Decade*, 12 ASIAN SURVEY 901, 901–12 (1972).

3 Emily Ray & Tyler Giannini, *Beyond the Coup in Myanmar: Echoes of the Past, Crises of the Moment, Visions of the Future*, JUST SECURITY (Apr. 26, 2021), <https://www.justsecurity.org/75826/beyond-the-coup-in-myanmar-echoes-of-the-past-crises-of-the-moment-visions-of-the-future/>.

4 YOSHIHIRO NAKANISHI, STRONG SOLDIERS, FAILED REVOLUTION AND MILITARY IN BURMA, 1962–1988 142–68 (2013).

5 Matthew Walton, *Ethnicity, Conflict, and History in Burma: The Myths of Panglong*, 48 ASIAN SURVEY 889, 889–910 (2008).

6 Nehginpao Kipgen, *The Quest for Federalism in Myanmar*, 42 STRATEGIC ANALYSIS 612, 612–26 (2018).

7 David Steinberg, *Burma Under the Military: Towards a Chronology*, 3 CONTEMPORARY SOUTHEAST ASIA 244, 244–48 (1981).

8 Philippa Fogarty, *Was Burma’s 1988 Uprising Worth It?*, BBC (Aug. 6, 2008), <http://news.bbc.co.uk/2/hi/asia-pacific/7543347.stm>.

9 *Id. See also*, CHRISTINA FINK, LIVING SILENCE IN BURMA: SURVIVING UNDER MILITARY RULE 51–54 (2d ed. 2009).

The armed forces responded with lethal violence, killing an estimated several thousand unarmed protesters over a few days.¹⁰ The military carried out another coup in mid-September in response to the uprising, during which it repealed the 1974 Constitution and announced plans to hold elections.¹¹

The promised 1990 elections presented a serious challenge to the military junta's rule. The military wrongly believed the 1990 elections would legitimate its continued rule. However, the NLD won in a landslide, securing 392 out of 492 seats.¹² The junta refused to recognize the results and placed Aung San Suu Kyi, who by then had become a pro-democracy leader, under house arrest where she would remain until her release in 1995.¹³ The new junta, known as the State Law and Order Council (SLORC), would remain in power through November 1997.¹⁴

In 1997, factionalism within the military leadership led to the abolishment of the SLORC. The new junta, the State Peace and Development Council (SPDC), used every means at its disposal to suppress all opposition, however minor, to its rule. Vaguely worded and draconian colonial-era laws enabled the SPDC regime to silence nearly all its critics inside the country and to largely dissuade pro-democracy activists from organizing in Myanmar's "heartland."¹⁵

In 2003, Prime Minister Khin Nyunt announced a seven-step "roadmap to democracy," but no timeline was set. Four years later, in August and October 2007, the military faced its most significant threat since 1988 in the form of a popular uprising, dubbed the "Saffron Revolution." The 2007 Revolution, initially triggered by popular anger due to the skyrocketing cost of fuel following the removal of state subsidies, quickly grew into massive urban protests.¹⁶ Buddhist monks throughout Myanmar played a leading role in the protests—hence the reference to saffron, the color of their robes.¹⁷ The death toll estimate was 13, according to official sources, but the U.N. Special Rapporteur at the time estimated that it ranged from 30 to 40 monks and 50 to 70 civilians.¹⁸ Despite international press coverage, with most of the images of the protests supplied by activists inside Myanmar via nascent social media, SPDC rule was not seriously threatened, and the balance of power in military circles remained unchanged until the 2010 general elections.¹⁹

The 2010 elections were held under a new constitution promulgated in 2008 under the leadership of then Commander-in-Chief, Senior General Than Shwe. The Constitution and the elections were largely criticized as an attempt by the military to deflect international criticism following the 2007 Saffron Revolution and to effectively establish a permanent role in politics for the military. Aung San Suu Kyi's NLD party boycotted the 2010 elections, which were decied as a sham with the military-backed Union Solidarity Development Party (USDP) winning 76 percent of the elected seats.

10 Renaud Egreteau, *The Repression of the August 8–12, 1988 (8–8–88) Uprising in Burma/Myanmar*, MASS VIOLENCE & RESISTANCE RESEARCH NETWORK, Feb. 25, 2009, <https://www.sciencespo.fr/mass-violence-war-massacre-resistance/en/document/repression-august-8-12-1988-8-8-88-uprising-burmayanmar.html>.

11 *Chronology of Burma's Constitutional Process*, HUMAN RIGHTS WATCH, <https://www.hrw.org/reports/2008/burma0508/burma0508chronology.pdf>.

12 James F. Guyot, *Myanmar in 1990: The Unconsummated Election*, 31 *ASIAN SURVEY* 205, 205–11 (1991).

13 *Burma: Chronology of Aung San Suu Kyi's Detention*, HUMAN RIGHTS WATCH (Nov. 13, 2010), <https://www.hrw.org/news/2010/11/13/burma-chronology-aung-san-suu-kyis-detention#>.

14 Maung Aung Myoe, *A Historical Overview of Political Transition in Myanmar since 1988* (Asia Research Institute of the National University of Singapore, ARI Working Paper No. 95, Aug. 2007), https://ari.nus.edu.sg/wp-content/uploads/2018/10/wps07_095.pdf.

15 CHRISTINA FINK, *LIVING SILENCE IN BURMA: SURVIVING UNDER MILITARY RULE* 51–54 (2d ed. 2009).

16 Christina Fink, *The Moment of the Monks: Burma, 2007*, in *CIVIL RESISTANCE AND POWER POLITICS: THE EXPERIENCE OF NON-VIOLENT ACTION FROM GANDHI TO THE PRESENT* (Adam Roberts & Timothy Garton eds., 2009).

17 Mikael Gravers, *Monks, Morality, and Military: The Struggle for Moral Power in Burma—and Buddhism's Uneasy Relation with Lay Power*, *CONTEMPORARY BUDDHISM* 1, 1–33 (2012).

18 *Myanmar: U.N. Rights Expert to Probe Allegations of Abuses during Crackdown*, U.N. NEWS (Oct. 24, 2007), <https://news.un.org/en/story/2007/10/237072-myanmar-un-rights-expert-probe-allegations-abuses-during-crackdown>.

19 Mridul Chowdhury, *The Role of the Internet in Burma's Saffron Revolution* (Berkman Center Research Publication No. 2008-08, Sept. 28, 2008), https://cyber.harvard.edu/sites/cyber.law.harvard.edu/files/Chowdhury_Role_of_the_Internet_in_Burmas_Saffron_Revolution.pdf_o.pdf; Andrew Selth, *Burma's 'Saffron Revolution' and the Limits of International Influence*, 62 *AUSTRALIAN JOURNAL OF INTERNATIONAL AFFAIRS* 281, 281–97 (2008).

Following the 2010 elections, SPDC Chair Senior General Than Shwe dissolved the SPDC, which was replaced by a hybrid civilian–military government.²⁰ The new government instituted a series of reforms that modestly increased the space for freedom of expression and the ability of civil society organizations, including those with human rights missions, to carry out limited activities.²¹

In April 2012, NLD leader Aung San Suu Kyi ran for office in a by-election, winning her seat. Nominal political reforms continued over the next three years, culminating in the November 2015 elections, which the NLD won by a landslide, paving the way for the easing of international sanctions on Myanmar and embracing of the country's "democratic transition" from most of the international community.²²

Despite the huge increase in international aid and foreign investment following the 2015 elections, the democratization of the government remained largely symbolic, as the underlying structure of military dominance of the political system—the 2008 Constitution—remained unchanged.²³ The 2008 Constitution granted amnesty to past military leaders, restricted control of the three most powerful ministries to the armed forces, and ensured that the military could appoint 25 percent of the parliamentary seats to active military officials, a figure that prevented amendments to the Constitution.²⁴

The next five years remained an uneasy coalition between the military and the civilian government. Although the 2008 Constitution barred Aung San Suu Kyi from taking the office of President, she remained the figurehead and de facto leader of the country and represented Myanmar internationally. Despite initial hopes of increased human rights and improvements to the rule of law in a country dominated by ruthless military regimes for decades, Aung San Suu Kyi came under increasing international criticism since 2016 for her repeated denials of the Myanmar military-led genocide and other atrocity crimes against the Rohingya in Rakhine State. The State Counsellor also faced criticism for her failure to address human rights violations against other ethnic minorities, human rights defenders, and activists.²⁵

The national peace process between Naypyidaw and EAOs also failed to resolve the political, economic, and cultural disputes that contributed to decades of chronic, low-level violence in areas under EAO influence and control.²⁶

National elections on November 8, 2020 brought the NLD party a landslide victory, securing 83 percent of elected seats.²⁷ By contrast, the Myanmar military-affiliated USDP won only seven percent of the electable seats in addition to the mandated 25 percent of seats reserved for the military.²⁸

20 Transnational Institute & Burma Centrum Nederland, *Ending Burma's Conflict Cycle? Prospects for Ethnic Peace* (Burma Policy Briefing No. 8, Feb. 2012), <https://www.tni.org/files/download/bpb8.pdf>; Shwe Yinn Mar Oo & Soe Than Lynn, *Mission Accomplished as SPDC 'Dissolved'*, MYANMAR TIMES (Apr. 4, 2011), <https://www.mmtimes.com/national-news/3138-mission-accomplished-as-spdc-dissolved.html>.

21 *Civil Society Briefs: Myanmar*, ASIAN DEVELOPMENT BANK (2015), <https://www.adb.org/sites/default/files/publication/154554/csb-myanmar.pdf>.

22 *Myanmar Election: Suu Kyi's NLD Wins Landslide Victory*, BBC (Nov. 13, 2015), <https://www.bbc.com/news/world-asia-34805806>.

23 See INTERNATIONAL CENTER FOR TRANSITIONAL JUSTICE, IMPUNITY PROLONGED: BURMA AND ITS 2008 CONSTITUTION (Sept. 2009), <https://www.ictj.org/sites/default/files/ICTJ-Myanmar-Impunity-Constitution-2009-English.pdf>.

24 Aurel Croissant & Jil Kamerling, *Why Do Military Regimes Institutionalize? Constitution-making and Elections as Political Strategy in Myanmar*, 21 ASIAN JOURNAL OF POLITICAL SCIENCE 105, 105–25 (2013).

25 *Briefing Paper: The Right to Freedom of Expression in the Context of Myanmar's 2020 General Election*, ARTICLE 19 (Apr. 2020), <https://www.article19.org/wp-content/uploads/2020/04/2020.04.17-Myanmar-Election-Briefing-Paper-final.pdf>.

26 MIN ZAW Oo, UNDERSTANDING MYANMAR'S PEACE PROCESS: CEASEFIRE AGREEMENTS (2014), <http://eprpinformation.org/files/searching-for-solutions/ceasefires-myanmar/understanding-myanmar-peace-process-ceasefire-agreements.pdf>. See also, *Five Years of War: A Call for Peace, Justice, and Accountability in Myanmar*, FORTIFY RIGHTS (June 9, 2016), <https://www.fortifyrights.org/mya-inv-js-2016-06-09/>.

27 *Official Results Show Another Election Landslide for Myanmar's Ruling NLD*, THE IRRAWADDY (Nov. 16, 2020), <https://www.irrawaddy.com/elections/official-results-show-another-election-landslide-myanmars-ruling-nld.html>.

28 *Id.* Under Section 141 of the 2018 Constitution of Myanmar, "The Amyotha Hluttaw shall be formed with a maximum of 224 Hluttaw representatives as follows . . . 56 Amyotha Hluttaw representatives who are the Defence Services personnel nominated by the Commander-in-Chief of the Defence Services . . ." CONSTITUTION OF THE REPUBLIC OF THE UNION OF MYANMAR (2008) § 141.

For weeks, USDP members and Myanmar military leaders denounced the results of the elections, claiming widespread electoral fraud and other irregularities and threatening a military takeover of power.²⁹

On Monday, February 1, 2021, Myanmar's new Parliament was scheduled to convene in the nation's capital of Naypyidaw for the first time since the November 2020 elections. In the early morning hours, the Myanmar military detained the State Counsellor and de facto head-of-state, Aung San Suu Kyi, as well as President Win Myint and dozens of other parliamentarians and government leaders.³⁰ The Myanmar military Commander-in-Chief, Senior General Min Aung Hlaing, had launched a military coup.

Later that morning, in a video broadcast on military-owned *Myawaddy Television*, a news anchor read a statement from the military announcing a "state of emergency" for a period of one year. "In order to perform scrutiny of the voter lists and to take action," the announcement read, "the authority of the nation's law making, governance and jurisdiction is handed over to the Commander in Chief in accordance with the 2008 Constitution article 418, sub article (a)."³¹ Senior General Min Aung Hlaing reportedly justified the military's actions on that day by claiming "a terrible fraud in the voter lists" during the 2020 general elections.³²

The following day, February 2, the military issued a notification announcing the formation of the SAC led by Senior General Min Aung Hlaing.³³ In August 2021, six months after the coup, Senior General Min Aung Hlaing announced in another televised address on *Myawaddy Television* that the state of emergency would remain in place until 2023.³⁴

Following the coup and in response to nationwide protests, the Myanmar security forces blocked social media sites and services, such as Facebook, Twitter, and WhatsApp, and periodically suspended internet access throughout the country.³⁵ The junta also shut down independent media organizations and targeted journalists for arrest.³⁶

The people's response to the coup and subsequent crackdown was swift and definitive: initial small-scale protests and vocal opposition to the junta rapidly swelled into a nationwide mass movement, with millions of people collectively taking to the streets to denounce the power grab and demand the release of political leaders and the establishment of civilian, democratic rule.³⁷ The day after the coup, medical workers founded the Civil Disobedience Movement (CDM); those participating went on strike and refused to work under the junta.³⁸ The CDM grew to include engineers, teachers,

²⁹ Speaking to journalists, military spokesperson Major General Zaw Min Tun said, "[W]e do not say the military will seize state power nor do we say we will not seize power." Radio Free Asia, *Myanmar's Military Refuses to Rule Out Coup Over Election Fraud Claims*, VOICE OF AMERICA (Jan. 28, 2021), <https://www.voanews.com/east-asia-pacific/myanmars-military-refuses-rule-out-coup-over-election-fraud-claims>.

³⁰ *Myanmar: Release Government Officials and Human Rights Defenders Detained in Military Coup*, FORTIFY RIGHTS (Feb. 1, 2021), <https://www.fortifyrights.org/mya-inv-2021-02-01/>; *Myanmar Coup: Aung San Suu Kyi Detained as Military Seizes Control*, BBC (Feb. 1, 2021), <https://www.bbc.com/news/world-asia-55882489>.

³¹ *Myawaddy Television broadcast Feb. 1, 2021. See also, Statement from Myanmar Military on State of Emergency*, REUTERS (Jan. 31, 2021), <https://www.reuters.com/article/us-myanmar-politics-military-text/statement-from-myanmar-military-on-state-of-emergency-idUSKBN2A11A2>.

³² *Id.*

³³ *Republic of the Union of Myanmar Office of the Commander-in-Chief of Defence Services*, GLOBAL NEW LIGHT OF MYANMAR (Feb. 2, 2021), at 11, https://cdn.myanmarseo.com/file/client-cdn/gnlm/wp-content/uploads/2021/02/2_Feb_21_gnlm.pdf.

³⁴ *Myawaddy Television broadcast Aug. 1, 2021. See also, Myanmar Army Ruler Takes Prime Minister Role, Again Pledges Elections*, REUTERS (Aug. 1, 2021), <https://www.reuters.com/world/asia-pacific/myanmar-military-ruler-promises-elections-says-ready-work-with-asean-2021-08-01/>.

³⁵ Andrea Januta & Minami Funakoshi, *Myanmar's Internet Suppression*, REUTERS (Apr. 7, 2021), <https://graphics.reuters.com/MYANMAR-POLITICS/INTERNET-RESTRICTION/rlgpdbreepo/>; Fanny Potkin, *Facebook Faces a Reckoning in Myanmar after Blocked by Military*, REUTERS (Feb. 4, 2021), <https://www.reuters.com/article/us-myanmar-politics-facebook-focus/facebook-faces-a-reckoning-in-myanmar-after-blocked-by-military-idUSKBN2A42RY>.

³⁶ Elaine Kurtenbach, *How Myanmar is Cracking Down on Journalists*, ASSOCIATED PRESS (Mar. 9, 2021), <https://apnews.com/article/myanmar-media-coverage-explained-5769db55af07afa090a4022a8b8013fe>.

³⁷ *Myanmar Coup: Mass Protests Defy Military and Gridlock Yangon*, BBC (Feb. 17, 2021), <https://www.bbc.co.uk/news/world-asia-56094649>.

³⁸ See Proclamation by Assistant Surgeons of the Teaching Hospital of Mandalay (Feb. 2, 2021) (on file with author); Proclamation by Assistant Surgeons of Yangon General Hospital (Feb. 2, 2021) (on file with author); Proclamation by Assistant Surgeons of Mandalay General Hospital (Feb. 2, 2021) (on file with author); Proclamation by Assistant

bankers, and other workers, representing a significant, nationwide opposition to military rule that persists as of the time of writing.

On February 5, elected parliamentarians who escaped the military's clutches formed the Committee Representing *Pyidaungsu Hluttaw* (CRPH), declaring themselves the legitimate representatives of the people of Myanmar.³⁹ The CRPH committed to work closely with civil society, ethnic minorities, and dozens of EAOs that have long been at war with the Myanmar military.

On March 31, the CRPH announced a "Federal Democracy Charter," which includes plans to abolish the 2008 Constitution and establish a new "Federal Democratic Union."⁴⁰ In furtherance of this plan, on April 16, the CRPH formed the NUG as a sovereign representative of the will of the people of Myanmar. The NUG, comprised of ousted members of parliament and leaders of anti-coup protests and ethnic minorities, announced its mission to end military rule and restore democracy. With a significant percentage of NUG ministers inside Myanmar, the NUG is more a government-in-waiting than a government-in-exile, though many of its appointed officials remain in hiding to avoid murder or arbitrary arrest and detention.⁴¹

On May 5, the NUG announced the formation of the People's Defense Force (PDF) to protect the people from the military junta.⁴² While nascent PDF groups express support for the NUG, they are not under its direct control.⁴³ Many of Myanmar's EAOs have tentatively welcomed the establishment of the NUG, but many still harbor reasonable levels of distrust of the former NLD as well as historical grievances.⁴⁴

Four months after the announcement regarding the PDF, on September 7, the Acting President of the NUG, Duwa Lashi La, declared a "people's defensive war" against the military junta, calling on PDFs and EAOs to target the military and its assets.⁴⁵

In its bid for recognition as the legitimate government of Myanmar, the NUG has also advocated for official recognition at the U.N., among other international bodies, and has stated its intent to join important treaties, including the Rome Statute, which provides the legal foundation for the ICC.⁴⁶

Surgeons of New Yangon General Hospital (Feb. 2, 2021) (on file with author); Proclamation by Assistant Surgeons of Mandalay Children's Hospital (Feb. 2, 2021) (on file with author); Proclamation by Assistant Physicians of the General Hospital of Pyayy (Feb. 2, 2021) (on file with author); Proclamation by Nurses of General Hospital in Naypyidaw (Feb. 2, 2021) (on file with author); Proclamation by Institute of Medicine One Yangon Alumni (Feb. 2, 2021) (on file with author); Proclamation by Nurses of General Hospital Mawlamyine (Feb. 2, 2021) (on file with author); Proclamation by Assistant Physicians of the General Hospital of Thin Gun Gyun (Feb. 2, 2021) (on file with author). See also, 'They are Wicked': Myanmar's Strike Holdouts Keep Up Junta Defiance, FRONTIER MYANMAR (July 30, 2021), <https://www.frontiermyanmar.net/en/they-are-wicked-myanmars-strike-holdouts-keep-up-junta-defiance/>.

39 The *Pyidaungsu Hluttaw* (Union Parliament) is the de jure national-level bicameral legislature of Myanmar established by the 2008 National Constitution. The *Pyidaungsu Hluttaw* is made up of two houses, the *Amyotha Hluttaw*, a 224-seat upper house, and the *Pyithu Hluttaw*, a 440-seat lower house. *Who We Are*, COMMITTEE REPRESENTING PYIDAUNGSU HLUTTAW, <https://crphmyanmar.org/who-we-are/>.

40 COMMITTEE REPRESENTING PYIDAUNGSU HLUTTAW, FEDERAL DEMOCRACY CHARTER, DECLARATION OF FEDERAL DEMOCRACY UNION 2021, <https://crphmyanmar.org/wp-content/uploads/2021/04/Federal-Democracy-Charter-English.pdf>.

41 *Interview with Dr. Sasa on the Formation of the National Unity Government*, AL JAZEERA (Apr. 17, 2021), <https://www.facebook.com/DrSasa22222/videos/728990474454546>.

42 *Myanmar's Anti-Coup Bloc to Form a 'Defence Force'*, AL JAZEERA (May 6, 2021), <https://www.aljazeera.com/news/2021/5/6/myanmars-anti-coup-bloc-to-form-a-defence-force>.

43 *See Taking Aim at the Tatmadaw: The New Armed Resistance to Myanmar's Coup*, INTERNATIONAL CRISIS GROUP (June 28, 2021), at 12, <https://d2071andvipowj.cloudfront.net/b168-taking-aim-at-the-tatmadaw.pdf>.

44 See, e.g., Kyaw Hsan Hlaing, *After Myanmar's Military Coup, Arakan Army Accelerates Implementation of the 'Way of Rakhita'*, THE DIPLOMAT (Apr. 14, 2021), <https://thediplomat.com/2021/04/after-myanmars-military-coup-arakan-army-accelerates-implementation-of-the-way-of-rakhita/>. See also, Andrew Nachemson, *Will More Ethnic Minority Organizations Join Myanmar's Revolution?*, FOREIGN POLICY (July 1, 2021), <https://foreignpolicy.com/2021/07/01/myanmar-ethnic-minority-organizations-coup-revolution-federal-army/>.

45 Acting President of the National Unity Government of Myanmar, Duwa Lashi La's Emergency Speech to the Public on Current Military Crisis, FACEBOOK (Sept. 7, 2021), https://www.facebook.com/watch/live/?v=924237501776114&ref=watch_permalink.

46 Michelle Nichols, *Ousted Myanmar Lawmakers Consider International Criminal Court, Says U.N. Envoy*, REUTERS (Mar. 18, 2021), <https://www.reuters.com/article/us-myanmar-politics-un/ousted-myanmar-lawmakers-consider-international-criminal-court-says-u-n-envoy-idUSKBN2BA2PQ>.

On February 26, in an historic condemnation of the coup, Myanmar's Permanent Representative to the U.N., Kyaw Moe Tun, addressed the U.N. General Assembly to condemn the military coup and announce his loyalty to the elected government.⁴⁷ Ahead of the General Assembly in September 2021, the governments of the United States and China reportedly struck a deal that enabled Ambassador Kyaw Moe Tun to retain his seat at the U.N. so long as he refrained from actually representing Myanmar and speaking at the General Assembly.⁴⁸

* * *

Since the coup on February 1, the U.N. Security Council has held several emergency meetings to discuss a response to the coup but has failed to table a resolution due to threats of vetoes from Russia and China and the failure of the United Kingdom—the “penholder” on Myanmar at the Security Council—to put forward a resolution.⁴⁹ A presidential statement adopted by the Security Council on March 10 failed to set out any genuine repercussions for the junta should it fail to reverse the coup and end its campaign of terror against the civilian population.⁵⁰

The inaction of the Security Council comes despite pleas from high-level U.N. officials, including the then U.N. Special Envoy to Myanmar, Christine Schraner Burgener, who warned the body in a closed-door session on March 31 that “a bloodbath is imminent,” saying: “We have stood by too long as patterns of human rights violations and most serious international crimes committed by the Myanmar military have reoccurred . . . This Council must consider potentially significant action that can reverse the course of events in Myanmar.”⁵¹

The U.N. Special Rapporteur on the situation of human rights in Myanmar, Tom Andrews, also called on the U.N. Security Council to act urgently to protect international peace and security, and he reported to the U.N. Human Rights Council that the military is likely committing crimes against humanity, including “murder, enforced disappearance, persecution, torture, and imprisonment, in violation of fundamental rules of international law.”⁵²

U.N. Member States have looked to ASEAN as a potential body to help bring an end to the conflict and return to civilian rule. The bloc held an emergency summit in April to discuss the crisis in Myanmar. However, the regional body's focus on non-interference in Member States' “internal affairs”—even in situations of mass atrocity crimes—and its poor track-record on democracy and human rights, as well as Member States' efforts to prevent meaningful action within the U.N. offers little hope of its ability to make significant inroads.⁵³

47 In 2018, Kyaw Moe Tun, told the U.N. that the Fact-Finding Mission report on atrocities against the Rohingya lacked “balance, impartiality and fairness” criticizing how the report cited so much Rohingya refugee testimony. He also said defending NLD, “Not only is this report detrimental to social cohesion in Rakhine state, it also undermines the government's efforts to bring peace, national reconciliation and development to the entire nation.” See Michael Safi, ‘Tied to trees and raped’: U.N. Report Details Rohingya Horrors, THE GUARDIAN (Sept. 18, 2018), <https://www.theguardian.com/world/2018/sep/18/tied-to-trees-and-raped-un-report-details-rohingya-horrors>.

48 Colum Lynch, Robbie Gramer & Jack Detsch, *U.S. and China Reach Deal to Block Myanmar's Junta from U.N.*, FOREIGN POLICY (Sept. 13, 2021), <https://foreignpolicy.com/2021/09/13/myanmar-united-nations-china-biden-general-assembly/>. See also, Kelley Currie, *Beyond the Coup: Can the United Nations Escape Its History in Myanmar?*, JUST SECURITY (May 27, 2021), <https://www.justsecurity.org/76641/beyond-the-coup-can-the-united-nations-escape-its-history-in-myanmar/>.

49 See, e.g., *Myanmar: U.N. Expert Calls for Emergency Summit, Warns Conditions 'Likely to Get Much Worse'*, U.N. NEWS (Mar. 25, 2021), <https://news.un.org/en/story/2021/03/1088242>.

50 See U.N. Security Council, *Issuing Presidential Statement, Security Council Expresses Deep Concern about Developments in Myanmar*, U.N. NEWS (Mar. 10, 2021), <https://www.un.org/press/en/2021/sc14462.doc.htm>.

51 *Myanmar: 'Significant Action' Needed by Security Council to Prevent 'Bloodbath'*, U.N. NEWS (Mar. 31, 2021), <https://news.un.org/en/story/2021/03/1088822>.

52 STATEMENT BY THOMAS H. ANDREWS, U.N. SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS IN MYANMAR, UNITED NATIONS HUMAN RIGHTS COUNCIL (2021), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26884&LangID=E>.

53 Vanessa Chong & Tanyalak Thongyojaroen, *Beyond the Coup in Myanmar: The ASEAN Way Must Change*, JUST SECURITY (May 14, 2021), <https://www.justsecurity.org/76126/beyond-the-coup-in-myanmar-the-asean-way-must-change/>.

On June 18, 2021, the U.N. General Assembly adopted by consensus a resolution on the situation in Myanmar, calling for a global arms embargo: the statement "recalls, in line with the Secretary-General's call for a global ceasefire as supported by the Security Council in its resolution 2532 (2020) of 1 July 2020, the need to de-escalate violence, and in that regard calls upon all Member States to prevent the flow of arms into Myanmar."⁵⁴

The European Union and aligned countries, the U.S., the U.K., and Switzerland have imposed sanctions on individuals and entities since the coup. Sanctions include targeting the coup leaders and close family members, thereby freezing any assets that might be in those countries' jurisdictions belonging to targeted individuals, as well as instituting travel bans. The U.K., U.S., and E.U. countries have also sanctioned enterprises directly owned by the military, including Myanmar Economic Holdings Limited and Myanmar Economic Corporation, as well as state-owned enterprises and enterprises involved in natural resource extraction (e.g., timber, teak, pearls, metals) that are now under the control of the junta. The E.U. alone has sanctioned the Myanmar Oil and Gas Enterprise, and the U.S. and U.K. have sanctioned the SAC itself.

Despite these efforts, the SAC has shown no signs of stepping back from its coup. The junta's attack on the civilian population is undeniably ongoing, and in many ways escalating at the time of writing, with human rights violations taking place on an unprecedented scale throughout the country. While Myanmar has experienced uninterrupted civil war for several decades, concerns are growing that if a resolution to the crisis is not found soon, the country could experience civil war on an unprecedented scale and become a failed state.⁵⁵

⁵⁴ GA Res. 75/287 (June 14, 2021), <https://undocs.org/en/A/RES/75/287>.

⁵⁵ Joshua Kurlantzick, *Post-Coup Myanmar Could Become a Failed State*, *WORLD POLITICS REVIEW* (Apr. 12, 2021), <https://www.worldpoliticsreview.com/articles/29563/in-myanmar-civil-war-looms-as-violence-escalates-post-coup>.

I. Human Rights Violations

The first street protest in Myanmar against the coup of February 1, 2021 occurred in Mandalay city on February 4, resulting in the police arresting five participants.⁵⁶ Protests against the coup subsequently grew in scale, size, and location, involving in various ways millions of people throughout the country.⁵⁷ In response to the protests, the military and police initially used arbitrary arrests and less-lethal weapons—such as water cannons, tear gas, and rubber bullets—against protesters, from February 4 to 8.⁵⁸ On February 9, the military and police continued to use less lethal weapons but also began using unlawful lethal force against civilians and imprisoning protesters *en masse*.⁵⁹ These crimes continue with impunity at the time of writing.

This chapter provides evidence indicating widespread and systematic murder, imprisonment, torture, enforced disappearance, and deportation or forcible transfer of population by the Myanmar military and police, largely in response to anti-coup street protests.

⁵⁶ On February 4, 2021 police arrested at least five protesters in Mandalay after they staged a public demonstration against the coup. Approximately 20 anti-coup protesters in Mandalay waved banners and chanted pro-democracy slogans, including, “Release our arrested leaders now!” The Myanmar Police Force broke up the protest and reportedly arrested five participants, including Mandalay University student Oakkar Min, Yadanabon University student Min Nyi Nyi Kun as well as activists Ye Win Htun, Pyae Sone Aung, and Saw Oakkar Oo. The police detained the five men at Chan Aye Thar-Zan Township Police Station 8 in Mandalay for allegedly violating Section 4 of the Peaceful Assembly and Peaceful Procession Law (Peaceful Assembly Law), which requires assembly organizers to inform the authorities 48 hours in advance of an assembly. See *Myanmar: Rescind Order to Use Force Against Protesters, Protect Basic Freedoms*, FORTIFY RIGHTS (Feb. 5, 2021), <https://www.fortifyrights.org/mya-inv-2021-02-05/>.

⁵⁷ The largest of these protests occurred on February 22, 2021. Dubbed the “five two’s,” [22222] peaceful protesters thronged streets nationwide, in urban cities and rural towns, demanding a federal, democratic Myanmar, among other demands. See *22222 Nationwide Protests in Myanmar*, FORTIFY RIGHTS (Feb. 23, 2021), https://www.fortifyrights.org/our-films/#post_id=6097.

⁵⁸ A Myanmar Army Captain from Light Infantry Division 77 told Fortify Rights: “On the second day [March 3], we did the crackdown. We were ordered to disperse the protesters. We went out of the police station . . . They [the police] used rubber bullets, smoke bombs, and riot materials. I was nervous on that day. I enjoyed seeing the protesters win. The police could not do anything to the protesters. The protesters were very brave . . . [However], in North Okkalapa that day the soldiers did not give up. They did not give up. The protesters ran away. It was March 3 . . . The police are working under the military control. Both soldiers and police do such things [crackdown/attack] . . . The order [to attack the protesters] was given by my Commanding Officer. Battalion commander gets orders and tells us. [On March 3], in Thaketa, we gave up to the protesters. In North Okkalapa, the soldiers did not give up until the people died. In Yangon, the killings started that day in North Okkalapa . . . I thought, I might be ordered to do such things, not to give up . . . We should give up and not crack down.” See Interview with #77, in Myanmar (Apr. 12, 2021) (location withheld). See also, interviews on the use of less-lethal weapons, including Interview with #4, in Yangon, Myanmar (Mar. 16, 2021); Interview with #10, in Mandalay Region, Myanmar (Mar. 16, 2021); Interview with #41, in Yangon, Myanmar (Mar. 22, 2021); Interview with #79, in Bago, Myanmar (Apr. 12, 2021); Interview with #69, in Sanchaung Township, Yangon, Myanmar (Apr. 5, 2021); Interview with #67, in Shwepyitha Township, Myanmar (Apr. 8, 2021); Interview with #68, in Hlaing Township, Yangon, Myanmar (Mar. 19, 2021).

⁵⁹ See, e.g., Interview with #50, in Mandalay Region, Myanmar (Mar. 25, 2021) (“At the start, when we started the protest, the police used the water cannons and bombs. Now they shoot with real guns. They are going house-to-house to arrest people. They are trying to use violence.”)

Murder

“You must give a warning first. If [the protesters] don’t listen to the warning, then [the army] uses a sniper to shoot at the leader of the protesters. When the leaders are shot, the protesters will be fearful . . . Innocent people are being killed. The military is using excessive force against the civilians.”

- Myanmar Army Major Hein Thaw Oo, 36, Light Infantry Division 99, speaking with Fortify Rights on April 21, 2021.⁶⁰

From February 4 to 8, 2021, the Myanmar Army and Police used less-lethal weapons, such as water cannons, tear gas, and rubber bullets, in response to peaceful protests.⁶¹ On February 9, the Myanmar Army and Myanmar Police Force began using live ammunition on unarmed protesters, passersby, and others.⁶² Fortify Rights and the Schell Center documented evidence indicating targeted murders of unarmed men, women, and children—most often, unarmed protesters—by the police and military, including by military snipers.⁶³ Eyewitness testimonies also indicate instances of indiscriminate gunfire by the police and army that caused death.⁶⁴

At the time of writing, the Myanmar military junta is reportedly responsible for killing more than 1,600 men, women, and children since February 9, and some human rights monitors have documented details of more than 2,000 murders.⁶⁵ The murders documented in this report are representative of the larger trend and described chronologically. This chapter is not an exhaustive account of killings that occurred on each day highlighted nor in total.

Murders by the military and police have reportedly occurred almost every day since February 9 and, at the time of writing, continue with impunity.⁶⁶

Twenty-seven eyewitnesses located in 11 states and regions of Myanmar as well as Naypyidaw Union Territory provided firsthand information about murders committed during the junta’s attack on civilians.⁶⁷ These eyewitnesses include survivors, police and Myanmar Army deserters, journalists, and nine medical doctors who treated victims of fatal gunshot wounds.⁶⁸

⁶⁰ Interview with #84, in Myanmar (Apr. 21, 2021) (location withheld).

⁶¹ *Myanmar Forces Fire Rubber Bullets, Warning Shots at Protesters*, AL JAZEERA (Feb. 9, 2021), <https://www.aljazeera.com/news/2021/2/9/myanmar-protesters-defiant-amid-ban-on-large-gatherings>.

⁶² *See Myanmar: End Violent Crackdown on Peaceful Protests, Ensure Right to Peaceful Assembly*, FORTIFY RIGHTS (Feb. 10, 2021), <https://www.fortifyrights.org/mya-inv-2021-02-10/>.

⁶³ For testimony that includes reference to Myanmar military “snipers,” see Interview with #38, in Sanchaung Township, Myanmar (Mar. 24, 2021); Interview with “Win Min,” #63, in Yangon, Myanmar (Apr. 9, 2021); Interview with #66, in Myitkyina, Kachin State (Apr. 1, 2021); Interview with #68, in Hlaing Township, Yangon, Myanmar (Mar. 19, 2021); Interview with #84 (Apr. 21, 22, 30; May 7, 2021) (location withheld).

⁶⁴ See, e.g., Interview with #41, in Yangon, Myanmar (Mar. 22, 2021).

⁶⁵ At the time of writing, Assistance Association for Political Prisoners (AAPP) reports the military junta’s forces are responsible for murdering 1,603 since February 1. See ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS, www.aappb.org (last visited Mar. 7, 2022). See also, *Myanmar Spring 2021 Death Toll*, https://docs.google.com/spreadsheets/u/1/d/1PY1fnHxUJFc_GYtFCpcvAlb3QbxYtBGQq9Ra2eltT3g/htmlview# (last visited Feb. 25, 2022).

⁶⁶ See, e.g., *AAPP 2021 Coup Daily*, Briefings, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS, <https://aappb.org/?cat=109> (last visited Feb. 25, 2022)

⁶⁷ The 11 States and Regions and Naypyidaw Union Territory, which is outside any state or region, are: 1) Bago Region, 2) Kachin State, 3) Karen State, 4) Karenni State, 5) Mandalay Region, 6) Naypyidaw Union Territory, 7) Rakhine State, 8) Sagaing Region, 9) Shan State, 10) Tenasserim Region, 11) Yangon Region, 12) Chin State. At the time of writing, a team of anonymous researchers in Myanmar using open-source methodologies documented 738 coup-related murders since February 1, 2021, in 88 towns and cities nationwide. See *Myanmar Spring 2021 Death Toll*, https://docs.google.com/spreadsheets/u/1/d/1PY1fnHxUJFc_GYtFCpcvAlb3QbxYtBGQq9Ra2eltT3g/htmlview# (last visited Feb. 25, 2022). At the time of writing, AAPP documented 1,603 coup-related murders nationwide. See ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS, www.aappb.org (last visited Mar. 7, 2022).

⁶⁸ Interview with #10, in Mandalay, Myanmar (Mar. 16, 2021); Interview with #12, in Myitkyina, Kachin State, Myanmar (Mar. 16, 2021); Interview with #13, in Yangon, Myanmar (Mar. 16, 2021); Interview with #35, in Hlaing Tharyar Township, Yangon Region, Myanmar (Mar. 17, 2021); Interview with #41, in Yangon, Myanmar (Mar. 22, 2021); Interview with #43, in Yangon, Myanmar (Mar. 24, 2021); Interview with #44, in Yangon, Myanmar (Mar. 18, 2021); Interview with #47, in North Okkalapa Township, Yangon, Myanmar (Mar. 22, 2021); Interview with #48, in Naypyidaw Union Territory, Myanmar (Mar. 24, 2021); Interview with #50, in Mandalay, Myanmar (Mar. 25, 2021); Interview with #53, in Sanchaung Township, Yangon Region, Myanmar (Mar. 30, 2021); Interview with #54, in Hlaing

In addition to eyewitness and survivor testimony, Fortify Rights reviewed 305 open-source videos and photographs indicating murder posted to social media by Myanmar citizens.⁶⁹ When possible, Fortify Rights interviewed the owner of the original video footage or photograph and additional eyewitnesses to the incident in question.

Military Snipers Murder Protesters

Medical doctors testified that numerous victims they treated since the coup were fatally shot in the head or chest with a single bullet.⁷⁰ This indicates consistent, deadly precision. Other eyewitnesses and military deserters provided testimony as well as credible photographic evidence that the Myanmar military deployed snipers to murder protesters.⁷¹

A Myanmar Army major from Light Infantry Division 99, which is the division that Fortify Rights and the U.N. Independent International Fact-Finding Mission on Myanmar (IFFM) previously found participated in genocidal attacks in Rakhine State and war crimes and crimes against humanity in Kachin State, told Fortify Rights about the military command structure. The Army major described weapons used by Army personnel, including automatic assault rifles, such as the MA-1, which are Myanmar-made clones of other brands. He spoke about various models of assault rifles, saying: "The weapons they use against the protesters are MA-1, 2, 3, and 4. MA-1 is an automatic assault rifle. . . MA-3 is similar to MA-1. On MA-4, there is a launcher attachment. These battalions use these kinds of weapons."⁷²

He continued:

[The soldiers] also must be using snipers against the protesters. When they use the MA-1 and they can't control the protesters, then after that, the orders will be given to use MAS; these are called "Myanmar Army Snipers." [The procedure] says to use MA-1 first. You must give a first warning. If they don't listen to the warning, then they have to use a sniper to shoot at the leader of the protesters. When the leaders are shot, the protesters will be fearful. . . . To crackdown on a protest, we have to first use tear gas. We have to use guns to threaten the group. If they do not disperse, then we will use lethal weapons. It's not law. It's a military procedure. There are written papers outlining the procedure. It's difficult to get access to those documents, to be connected with those inside.⁷³

Fortify Rights obtained an undated Myanmar military manual on "fieldcraft." Chapter 17 of the manual, entitled "Killing Independently and Discreetly in the Battlefield," concludes with a section entitled "Things to Memorize." The final point for Myanmar Army soldiers to "memorize" is: "make sure a bullet equates to an enemy killed."⁷⁴

Township, Yangon Region, Myanmar (Mar. 31, 2021); Interview with #55, in Lashio, Shan State, Myanmar (Mar. 29, 2021); Interview with #57, in Yangon, Myanmar, (Mar. 26, 2021); Interview with #59, in Mandalay Region, Myanmar (Mar. 23, 2021); Interview with #69, in Sanchaung Township, Yangon, Myanmar (Apr. 5, 2021); Interview with #67, in Shwepyitha Township, Myanmar (Apr. 8, 2021); Interview with #68, in Hlaing Township, Yangon, Myanmar (Mar. 19, 2021); Interview with #79, in Bago, Myanmar (Apr. 12, 2021); Interview with Sister Ann Roza Nu Tawng, in Myitkyina, Kachin State, Myanmar (Mar. 20, 2021); Interview with #100, in Mawlamyine, Mon State, Myanmar (May 3, 2021); Interview with #112, in Pyin Oo Lwin Township, Myanmar (May 2, 2021).

69 Open-source evidence log, data (Mar.-May 2021).

70 See, e.g., Interview with "Dr. Sai Myo," #33, in Yangon, Myanmar (Mar. 17, 2021) ("They shoot where the heart is located."). He testified about treating multiple victims with gunshot wounds on the "left chest."

71 See Open-source evidence log, data (Mar.-May 2021).

72 Interview with #84 (Apr. 21, 22, 30; May 7, 2021) (location withheld).

73 *Id.*

74 Unofficial translation of an undated Myanmar military "fieldcraft" manual obtained by Fortify Rights (on file with author).

“Su Su” is a 25-year-old photojournalist who arrived in Hlaing Tharyar Township in Yangon on March 14 at approximately 6 a.m. to photograph protests. She told Fortify Rights and the Schell Center:

The police and soldiers were operating together—and, also, [with] snipers. I saw two snipers. When Hlaing Tharyar people faced against the soldiers, I had a [camera] lens, and when I used that, I saw two snipers aim at us. Two snipers with their guns on the sandbags, because the locals used sandbags to make barriers, and they were aiming to us . . . “us” meaning protesters and media, photographers . . . Some policemen were carrying rifles and other [weapons], and I saw a few police officers carrying pistols and . . . a really long gun they used as a sniper, a really black one. And the soldiers were carrying the black, long gun.⁷⁵

A 29-year-old Myanmar Army deserter from Light Infantry Regiment 528 told Fortify Rights and the Schell Center about his knowledge of snipers in murdering protesters after the coup:

The reason for using [a] sniper is to kill people . . . So, they have the intention to kill people. Snipers were supposed to be for the battlefield. There was no reason to use that to crackdown on a protest. They used an excessive amount [of force]. In Hledan [in Yangon] and Mandalay, people were shot in the head . . . [Soldiers who are trained] can shoot like that.⁷⁶

In a Facebook Live interview, Myanmar Army Captain Nyi Thuta told journalist Mratt Kyaw Thu on March 4, 2021:

When we look at the military, we will see some groups who use snipers and some who use other arms. When these units are formed, some have snipers, and so in that unit, snipers will be included. So in any group, each soldier has to use their particular arm. We have a designated arm, a code. And so on. So when the soldier is designated as a sniper, he will be in the group. The soldier who handles M4 will bring the M4, and the one with M2, will bring the M2. I consider that is why snipers are also in the groups.⁷⁷

* * *

February 9 was the fourth consecutive day of street protests against the February 1 coup, and on that day, tens of thousands of people demonstrated peacefully in the streets of more than 300 towns and cities throughout the country.⁷⁸ It was, at the time, the largest protest against military rule in Myanmar since the coup.

The first casualty of the junta’s attack on the civilian population was Mya Thwate Thwate Khaing, a 19-year-old student also referred to as Mya Thwe Thwe Khine or Myat Thet Thet Khaing.⁷⁹ Police

⁷⁵ Interview with #38, in Sanchaung Township, Yangon, Myanmar (Mar. 24, 2021).

⁷⁶ Interview with #102 (May 5, 7, 2021) (location withheld).

⁷⁷ Interview by Mratt Kyaw Thu with Nyi Thuta (Mar. 4, 2021), <https://www.facebook.com/mrattkthu/videos/1442752376074932>.

⁷⁸ See *Myanmar: End Violent Crackdown on Peaceful Protests, Ensure Right to Peaceful Assembly*, FORTIFY RIGHTS (Feb. 10, 2021), <https://www.fortifyrights.org/mya-inv-2021-02-10/>.

⁷⁹ There are multiple spelling variations of the victim’s name in the English language used by several parties as well as the victim, including “Mya Thwe Thwe Khaing” (U.N. Special Rapporteur Tom Andrews), “Mya Thwe Thwe Khine” (Human Rights Watch), “Mya Thwate Thwate Khaing” (Reuters; Fortify Rights), and “Myat Thet Thet Khaing.” See @RapporteurUN, TWITTER (Feb. 9, 2021, 11:13 p.m.), <https://twitter.com/RapporteurUn/status/1359354798504636418> (“Mya Thwe Thwe Khaing was shot yesterday by police. Her crime? Standing up to an illegal coup; standing up for #Myanmar.”); *Myanmar: Lethal Forced Used Against Protesters*, HUMAN RIGHTS WATCH (Feb. 9, 2021), <https://www.hrw.org>.

fatally shot her in the back of the head on Taungnyo Road in Naypyidaw on February 9 while she was attending a pro-democracy protest with her sister. Mobile-phone video of the murder shows Mya Thwate Thwate Khaing wearing a motorbike helmet and red shirt, sheltering from a police water-cannon near a bus stop with other demonstrators.⁸⁰ As she turns her back to a tight column of police, a gunshot rings out and Mya Thwate Thwate Khaing drops suddenly to the ground, after which she is motionless. Multiple gunshots followed.⁸¹ Fortify Rights reviewed video footage of the murder as well as photographs and video of the victim's body and effects, including the damaged and bloodied helmet she wore, which appeared to have been pierced by a bullet.⁸²

Mya Thwate Thwate Khaing was initially rushed to a makeshift medical clinic established at a monastery in Naypyidaw and staffed by licensed physicians and participants in the CDM. "Dr. Aung Aung"—not his real name—was the first doctor to treat Mya Thwate Thwate Khaing at the makeshift clinic on February 9. He said he treated her for 20 minutes before ordering staff to transfer her to the central hospital:

At first, she was wearing a motorbike helmet when we treated her. After arriving in the hospital, after the CT scan, it showed that she was shot with a bullet . . . We cleaned the injury on her head. We put a bandage on her head. We examined her body. We provided her with oxygen. We realized we could not treat her. She was still unconscious. There was no other injury on her body beside the head injury. She was bleeding from the head . . . She was totally unconscious when we treated her.⁸³

A team of emergency medics transported Mya Thwate Thwate Khaing to the Naypyidaw General Hospital, also known as the "1000 Bed Naypyidaw General Hospital."⁸⁴ Upon arrival, Myanmar Army soldiers attempted, without success, to take her to a military hospital.⁸⁵ According to Dr. Aung Aung, "the doctors refused to allow [the military to take her away]."⁸⁶

On the day of the shooting, another attending doctor at the hospital in Naypyidaw confirmed to Fortify Rights that Mya Thwate Thwate Khaing sustained an imminently fatal gunshot wound to the head with live ammunition and was "brain dead."⁸⁷ Doctors put Mya Thwate Thwate Khaing on life support, and ten days later, on February 19, she was taken off life support and pronounced dead. According to Dr. Aung Aung: "The family arrived and saw her, and the family decided to remove the ventilator. The military council put pressure on the family not to remove the ventilator."⁸⁸

On February 19, Mya Thwate Thwate Khaing became the first peaceful protester known to have been murdered by the military junta.⁸⁹

org/news/2021/02/09/myanmar-lethal-force-used-against-protesters#; *Myanmar Protester Shot by Police Turned 20 in Intensive Care, Then Died*, REUTERS (Feb. 19, 2021), <https://www.reuters.com/article/myanmar-politics-victim-int/myanmar-protester-shot-by-police-turned-20-in-intensive-care-then-died-idUSKBN2AJ0V8>; *Myanmar: End Violent Crackdown on Peaceful Protests, Ensure Right to Peaceful Assembly*, FORTIFY RIGHTS (Feb. 10, 2021), <https://www.fortifyrights.org/mya-inv-2021-02-10/>.

⁸⁰ The video is widely circulated online (on file with author).

⁸¹ A medical doctor in Naypyidaw reported that a young man named "Soe Way," 20, was treated at the city hospital in Naypyidaw for a gunshot wound to his abdomen. He survived the injury. See *Myanmar: Lethal Forced Used Against Protesters*, HUMAN RIGHTS WATCH (Feb. 9, 2021), <https://www.hrw.org/news/2021/02/09/myanmar-lethal-force-used-against-protesters#>.

⁸² Verified photographs and video (on file with author).

⁸³ Interview with #48, in Naypyidaw Union Territory, Myanmar (Mar. 24, 2021).

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Myanmar: End Violent Crackdown on Peaceful Protests, Ensure Right to Peaceful Assembly*, FORTIFY RIGHTS (Feb. 10, 2021), <https://www.fortifyrights.org/mya-inv-2021-02-10/>; Interview with #48, in Naypyidaw Union Territory, Myanmar (Mar. 24, 2021).

⁸⁸ Interview with #48, in Naypyidaw Union Territory, Myanmar (Mar. 24, 2021).

⁸⁹ See *Myanmar Protester Shot by Police Turned 20 in Intensive Care, Then Died*, REUTERS (Feb. 19, 2021), <https://www.reuters.com/article/myanmar-politics-victim-int/myanmar-protester-shot-by-police-turned-20-in-intensive-care-then-died-idUSKBN2AJ0V8>.

Myanmar Army Captain Nyi Thuta was in Naypyidaw during the time Mya Thwate Thwate Khaing was murdered.⁹⁰ He said that he had knowledge of “regiment seniors or commanders” giving verbal commands to lower-level soldiers “to shoot the people.”⁹¹ Captain Nyi Thuta left the military in late February, making him one of the first deserters post-coup. He said: “When Mya Thwet Thwet Khaing was killed in Naypyidaw, these things really went the wrong way for me . . . I was really upset by the military.”⁹²

* * *

Kyal Sin, also known as Angel or her Chinese name Deng Jia Xi, was a 19-year-old ethnic-Chinese Burmese woman shot dead on a street in Mandalay on March 3. Photographs and video footage show her unarmed and hunkered down on a street with a large group of protesters and then turning and running away from the direction of police and military, at which point, she drops to the street, reportedly the moment she was shot and killed.⁹³ She suffered a gunshot wound to her head.⁹⁴

Dr. “Kyaw Win”—not his real name—was working at the nearest medical clinic when Kyal Sin’s body arrived. He told Fortify Rights and the Schell Center: “Her body was taken to our charity clinic, and she was dead at the time . . . I had seen her death, and the injury was surely a bullet injury.”⁹⁵

The junta went to extreme lengths to deny responsibility for her death, exhuming her body from burial, conducting an “autopsy” in a crude attempt to exonerate the police of any wrongdoing.⁹⁶ Dr. Kyaw Win confirmed her body was exhumed and later returned to her family with “some stitching on her head,” adding: “[The junta] are creating false evidence.”⁹⁷

At the time of her death, Kyal Sin wore a black t-shirt that read, “Everything will be ok.” Like the killing of Mya Thwate Thwate Khaing, the murder of Kyal Sin inspired greater nationwide condemnation of the military junta and drew more participants into subsequent street protests.⁹⁸

* * *

Before the coup, “Zaw Zaw,” 23, was a graduate of Dagon University looking for gainful employment.⁹⁹ Following the coup, he joined street protests, and on March 3, he witnessed and filmed the junta’s forces kill two people on Monastery Road in Yangon near North Okkalapa. He said:

[Military soldiers] started shooting continuously. The sound was like “*bang, bang, bang*,” continuously. The bullets were continuously out of the gun . . . I saw four trucks full of military soldiers. The four trucks had 50 people each at least. They were at their capacity holding military men. I was in the frontline. I went to the right side when they started shooting. At that time, one man was hit with a bullet. Another protester went to cover him with a shield. There was another man taking cover near a large orange trash bin owned by the local government

90 Interview with #152 (Dec. 16, 2021) (location undisclosed). See also, Caleb Quinley, *Myanmar Defectors Describe Military Culture of Abuse, Fear*, AL JAZEERA (March, 8, 2022), <https://www.aljazeera.com/news/2022/3/8/myanmars-army-defectors-describe-a-culture-of-abuse-and-fear>.

91 Interview with #152 (Dec. 16, 2021) (location undisclosed).

92 Interview with #152 (Dec. 16, 2021) (location undisclosed).

93 Photographs (on file with author).

94 Robin Mcdowell & Margie Mason, *Myanmar’s Junta Using Bodies to Terrorize*, ASSOCIATED PRESS (May 26, 2021), <https://apnews.com/article/myanmar-business-b2187c696e428139437778aeaboc43d4>.

95 Interview with #34 (Mar. 17, 2021) (location withheld).

96 MRTV state television said her body had been exhumed by authorities so an official autopsy could be carried out, exonerating the authorities. See Robin Mcdowell & Margie Mason, *Myanmar’s Junta Using Bodies to Terrorize*, ASSOCIATED PRESS (May 26, 2021), <https://apnews.com/article/myanmar-business-b2187c696e428139437778aeaboc43d4>.

97 Interview with #34 (Mar. 17, 2021) (location withheld). See also, *Body of ‘Everything Will be OK’ Protester Exhumed in Myanmar*, REUTERS (Mar. 6, 2021), <https://www.reuters.com/article/us-myanmar-politics-victim/body-of-everything-will-be-ok-protester-exhumed-in-myanmar-idUSKBN2AYo8X>.

98 David Pierson, *‘We Will Not Run!’: 19-year-old’s Death Inspires Myanmar Protesters—and Inflames Crisis*, LOS ANGELES TIMES (Mar. 4, 2021), <https://www.latimes.com/world-nation/story/2021-03-04/myanmar-teenage-anti-coup-protester-death-inflames-crisis>.

99 Interview with #41, in Yangon, Myanmar (Mar. 22, 2021).

and three bullets hit the man. He died right there. I saw myself that he got hit on the head, leg, and stomach. He died right on the spot. The other man got hit with a bullet on the head. He had a shield and was trying to provide some cover.¹⁰⁰

Zaw Zaw filmed the incident, which was broadcast on Facebook Live for 26-minutes and later reviewed by Fortify Rights. In the footage, the sound of continuous gunfire is audible as dozens of protesters take cover on the side of the road, most holding makeshift shields, while groups of people can be seen on the pavement in the middle of the road, sheltering in place.¹⁰¹ The video footage shows one victim in a white shirt and traditional *longyi* with blood coming from a head wound, and the second victim appears with a bloodied head and leg. Zaw Zaw continued:

When the shooting was finished, I tried to go and see if the two men were still alive. First, we went to the man who was covering with the shield. He had a lot of bleeding. The man near the trash bin was already dead at that time. There was no medical team, no media, no one to help us. The military was first trying to shoot at the media or mobile phones. We sent the injured people in a car. We sent them to Okkalapa Hospital. Now, soldiers are camping in the university and hospitals.¹⁰²

Fortify Rights, the Schell Center, and the witness later identified the victims as Pho Chit, 22, and Zwe Htet Soe, 20, both of whom reportedly died from bullet wounds.¹⁰³

* * *

In Kachin State, street protests against the coup began on February 8, according to "John," a 22-year-old ethnic-Kachin man who had attended protests there in February and March. Referring to a violent crackdown by the army and police against protesters in Myitkyina—Kachin State's capital city—on March 8, John said:

The military soldiers and police used tear gas. They used guns. We had to flee. I had to flee myself. I carried wounded people who were shot. People were injured and shot around 12:30 p.m. by the military. At around 1:30 p.m., I carried some of the wounded. The location was the Aung Nan village area. It was in front of a church. I saw a man fall down. His head burst open and was broken by a bullet. The police launched the tear gas. People were shouting. People shouted, "This man fell down!" It was right after he was shot . . . Half of his head was totally damaged.¹⁰⁴

John helped a small group carry the body of Cho Tar, the headshot victim, to a medical clinic directed by Catholic nun Sister Ann Roza Nu Tawng.¹⁰⁵ Cho Tar, also known as Ko Ko Lay, was in his 60s. Fortify Rights reviewed mobile phone video footage of a group of people carrying Cho Tar's lifeless body, with his head shot open, into the church that hosts the clinic.¹⁰⁶ Fortify Rights also reviewed photographs reportedly of the victim's head taken moments after the injury and showing signs of a traumatic gunshot wound to the top-back area of the head.¹⁰⁷ The victim's face was not visible in the photos.¹⁰⁸

John witnessed another murder in Myitkyina. He said:

¹⁰⁰ Interview with #41, in Yangon, Myanmar (Mar. 22, 2021).

¹⁰¹ Zaw Myo Aung, Facebook Live, FACEBOOK (Mar. 3, 2021), https://m.facebook.com/story.php?story_fbid=2899184133706011&id=100008433580625 (verified video on file with author).

¹⁰² Interview with #41, in Yangon, Myanmar (Mar. 22, 2021).

¹⁰³ Signal communication with #41, in Myanmar (June 16, 2021). AAPP also included both men on their daily murder list. It listed #40 as "Pho Chit" and #43 as "Zwe Htet Soe," stating that both were "shot in the head with gunfire" on March 3, 2021. See *Recent Fatality List*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (June 15, 2021), <https://aappb.org/wp-content/uploads/2021/06/Recent-Fatality-List-for-June-15-2021-English.pdf>.

¹⁰⁴ Interview with #9, in Myitkyina, Kachin State, Myanmar (Mar. 15, 2021).

¹⁰⁵ *Id.*

¹⁰⁶ Open-source evidence log, #13, mobile video footage (Mar. 8, 2021) (on file with author).

¹⁰⁷ Verified photographs of the victim (Mar. 8, 2021) (on file with author).

¹⁰⁸ *Id.*

I helped carry four people. There were six or seven people who were injured. I carried four people. I carried the man with the bullet wound in his head. I carried him myself . . . There was another man who got a bullet hit on his head. There was blood everywhere. There were a few people who carried them along with me.¹⁰⁹

“Gum Awng”—not his real name—is a 23-year-old ethnic-Kachin journalist who was also on the streets of Myitkyina on March 8 and witnessed the murder of Cho Tar and Ko Ko Lay. He told Fortify Rights and the Schell Center that the Myanmar military began using live ammunition against protesters at around 1:15 p.m. in front of the main Catholic church downtown:

There were more than 100 people hiding inside the church. I saw one person killed before I went into the church. The man was carried to the church clinic [on the compound of Saint Columban’s Cathedral]. I saw him myself. I saw him fall down. I saw that he was bleeding from the head. It was a bullet that hit his head. I know it was a bullet because he was holding a shield in the frontline, and I heard a gunshot, and right after, the man fell down. I was on the frontlines, and I was beside him taking photographs. It was around the fourth junction nearby the church where the man was killed . . . I saw some people carry him to the church. It was around five people who carried the man to the church.¹¹⁰

Gum Awng said he believed the military fired the fatal shots:

The military shot him. I could not see the badge of the military, so I don’t know the exact Light Infantry Battalion, but they are likely from the Northern Command. I was about 12–feet away. I was standing beside the road, and the man was in the middle of the road when he was hit. After he fell, I started running away.¹¹¹

Fortify Rights confirmed that Myanmar Army battalions from the Northern Command were operational in Myitkyina during this stage of the crackdown.¹¹² The commander of the Myanmar Army’s Northern Command is Brigadier-General Mya Thet Oo.¹¹³

Gum Awng told Fortify Rights he witnessed two murders and two serious injuries on March 8 in Myitkyina, including a woman who suffered a gaping gunshot wound to her left forearm and a man shot in his upper back, both of which he photographed.¹¹⁴ He said:

I have never seen anything like it in my life. There were two nurses helping the people, giving Ivs and treating the people who were injured from the violence from the military. I was afraid to see the man [Zin Min Htet, 22] get shot. [He] was shot but he was not dead right away. He was carried to the clinic. He was taking breaths for three minutes where he fell. It took around 10 to 15 minutes to take him to the church. I saw him die in front of me. I was taking photographs in the clinic at that time.¹¹⁵

The murder victims were identified as Zin Min Htet and Cho Tar.¹¹⁶ The Assistance Association for Political Prisoners (AAPP)—a Myanmar-based human rights organization led by former political prisoners—also documented the murders of Zin Min Htet and Cho Tar by gunshot wounds to the head in Myitkyina on March 8.¹¹⁷

Sister Ann Roza Nu Tawng—the Catholic nun managing the direct-service clinic in the church in Myitkyina—was also on the street on March 8, providing care to victims and pleading with security

¹⁰⁹ Interview with #9, in Myitkyina, Kachin State, Myanmar (Mar. 15, 2021).

¹¹⁰ Interview with #12, in Myitkyina, Kachin State, Myanmar (Mar. 16, 2021).

¹¹¹ *Id.*

¹¹² *See for example*, Interview with #9, in Myitkyina, Kachin State, Myanmar (Mar. 15, 2021).

¹¹³ *See* the section of this report entitled, “Individuals Who Should be Investigated and Possibly Prosecuted.”

¹¹⁴ Photographs of injuries (on file with author).

¹¹⁵ Interview with #12, in Myitkyina, Kachin State, Myanmar (Mar. 16, 2021).

¹¹⁶ *Id.* *See also*, *Fatality List*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (May 7, 2021), <https://aappb.org/wp-content/uploads/2021/05/Fatality-List-for-May-7-2021-English-Updated.pdf>.

¹¹⁷ *See Fatality List*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (May 7, 2021), <https://aappb.org/wp-content/uploads/2021/05/Fatality-List-for-May-7-2021-English-Updated.pdf>.

forces to stop killing unarmed protesters. She witnessed a man shot in the head in front of her.¹¹⁸ Sister Ann Roza Nu Tawng told Fortify Rights and the Schell Center:

When the forces started shooting, I told the demonstrators, "Don't go forward. Crouch! They are shooting. Smoke is coming out. They are using tear gas now. Crouch! Don't run." But they couldn't hear me any longer. If they fell back, they would be in trouble. They would be beaten and taken away. And if they moved forward, they would be shot, so I didn't know what to say anymore. So, I walked near the church from behind the crowd, praying to God, "Father, Son, and in the name of Holy Spirit and Jesus help them. Protect them. Amen!" As I was walking, a man was standing frozen in shock in front of me, and suddenly, "Bam." I didn't think they would shoot with live rounds. I thought they may have shot him with a rubber bullet and that he got dizzy and stunned by shock or maybe he got panicked by tear gas and fainted. But then, just in front of me, I saw. I moved closer to look and that man's skull was blown up, brains coming out and bleeding badly. I was devastated and rushed toward the man to carry him away from the scene. But I couldn't lift him, and nobody helped me as they were in terror and rushed into the church. I called for help, but the soul seemed to have left the body. The scene was bloody as people were being killed like animals. They came into the church to capture people. Another demonstrator was shot in the head and ran into the church with blood.¹¹⁹

Sister Ann Roza Nu Tawng described a chaotic scene of triage:

[There was] another victim with blood dripping from a dangling hand. This church compound became a battleground as if we were in "dark world." People were crying, screaming, some fainted. Because of the tear gas, I couldn't breathe nor open my eyes. Some people threw up. Some people cried in the church. I thanked God that those helpless people could take refuge in the holy place of God. If there wasn't a church in the area, I couldn't imagine how many more could have been killed each day. I believe God was providing protection. And God also gave me strength and used me. I also feel that God urged and used me to sacrifice myself not to let many lives be lost that day. I moved all the patients into my clinic, and the clinic was like a sea of blood, on the clinic's bed and everywhere. [The junta forces] were really pitiless. I could no longer feel the pulse of two patients who were shot in the head, and the rest were in shock and fainted. Everyone was suffering.¹²⁰

An Ethnic-Kachin Catholic Nun Intervenes

Sister Ann Roza Nu Tawng is an ethnic-Kachin Catholic nun in Myitkyina, Kachin State. For the last four years, she has directed the Mali Gindai clinic through the Catholic Church, providing services to people displaced by war in Kachin State and others in need.¹²¹ Sister Ann Roza Nu Tawng received national and international attention since the coup for physically putting herself between the police and protesters in Myitkyina.¹²² She told Fortify Rights and the Schell Center:

¹¹⁸ Interview with #90, Sister Ann Roza Nu Tawng, in Myitkyina, Kachin State, Myanmar (Mar. 20, 2021).

¹¹⁹ *Id.*

¹²⁰ *Id.* See also, Verena Hölzl & Aung Naing Soe, *The Story Behind Myanmar's Most Famous Protest Photo*, VICE WORLD NEWS (Mar. 15, 2021), <https://www.vice.com/en/article/4adzvj/the-story-behind-myanmars-most-famous-protest-photo> ("[The church clinic] became like a sea of blood because everyone was bleeding. I saw someone collapse in front of me after I heard gunfire. First I thought he collapsed from tear gas. But then I saw his head was busted open.").

¹²¹ The Myanmar military and Kachin Independence Army have been engaged in armed conflict for decades. In 2011, following a 17-year ceasefire between the two parties, the war resumed and has since continued. More than 100,000 civilians have been forcibly displaced in recent years. See "They Block Everything": *Avoidable Deprivations in Humanitarian Aid to Ethnic Kachin Civilians Displaced by War in Kachin State, Myanmar*, FORTIFY RIGHTS (Aug. 30, 2018), <https://www.fortifyrights.org/mya-inv-rep-2018-08-30/>.

¹²² Unreleased footage (2021) (on file with author).

[O]n February 28, while I was working at this clinic, different associations—like doctors, schoolteachers, lawyers, people from different religions and ethnicities—went on strike, and the crowd passed our clinic. Then, police and military cars arrived and started cracking down on the crowd with high-pressure water cannons. They beat and dragged away the demonstrators just in front of our clinic. As a human being, I was scared at first when they started to shoot, but then I couldn't bear seeing and hearing people in turmoil and trouble, so I decided not to run against my nature.

I have been seeing and hearing that in other cities, many people are being killed on the spot with a gunshot to the head and the skull being blown up, which is a bloody scene. So, even if it kills me, I decided not to run but to try my best to protect the people being killed and plead with the security forces.

Without running away, I tried to stop them from harming the people. Finally, I went to kneel in the middle of the road and pleaded, "Please, I beg you. Don't hurt them. Don't kill them. Don't use excessive force. They are demonstrating peacefully. From one ethnic people to another, be considerate as we are family. If you have to kill, just kill me, not the people." I pleaded to them twice. After I pleaded to them, the day ended peacefully, and they stopped being violent.¹²³

Unfortunately, the peace in Myitkyina would be short-lived. Sister Ann Roza Nu Tawng witnessed junta forces murder two men and injure others on March 8, at which point, she again pleaded with security forces. She said:

On March 8, I was looking after the patients. Then, young protesters rushed into the clinic shouting, "Sister, do something. They are beating and arresting people." So, I was worried and went to plead with the police in front of the clinic. [I said to them], "Don't do it. From one ethnic people to another, we are fellow countrymen. I beg you." I pleaded with them. They fired again as I was begging them. They were dragging and arresting people while shooting, so I went down on my knees to continue pleading with them. "Please, I beg you. Don't do this. If you have to kill, kill me. If you want to arrest, arrest me. I cannot stand the suffering of people, and I can't, I don't want to live anymore. It's unbearable. It's not good to be killing your fellow countryman."

I pleaded: "This gun is to shoot the enemy. These people are not your enemies. They are your brothers and sister. Don't do this. Don't be harsh." I pleaded with them. I was very devastated together with the people and can't even tell what I was feeling at that moment. I pleaded with them by kneeling and even bowing down to them.¹²⁴

* * *

A lance corporal in the Myanmar Police Force, 33, told Fortify Rights and the Schell Center he was a police officer in Hlaing Tharyar Township in Yangon for a decade and most recently for six months in Shan State.¹²⁵ He says he abandoned the police force in early March because the military issued orders "about shooting and arresting people from the protest and CDM."¹²⁶ Upon deserting, he joined protests in Yangon, where he witnessed soldiers murder civilians. On March 10, he witnessed the army murder a young protester named Zaw Min Aye. He told Fortify Rights and the Schell Center:

¹²³ Interview with #90, Sister Ann Roza Nu Tawng, in Myitkyina, Kachin State, Myanmar (Mar. 20, 2021).

¹²⁴ *Id.*

¹²⁵ Interview with #32, in Myanmar (Mar. 17, 2021) (location withheld).

¹²⁶ *Id.*

It was in [a junction] in North Okkalapa Township. Around 15 military trucks came in around the protest area. They started shooting at the protesters without any notice of dividing the people. I saw it myself and had to run away. The military had [MA-1] 5.56 mm guns. On March 10, there was one person, Ko Zaw Min Aye, who died from a bullet shot. He was approximately 100-yards [300-feet] away from the military. It was around 12 noon. I ran away and hid at a house. I took the short video from that house. I saw it myself. It was on March 10, and about 150 university students got arrested on that same day. I made a short video of the shooting. I saw the bullet hit the man, Ko Zaw Min Aye. The military left, and I came to see the dead body lying on the road. I had to arrange with other friends for his funeral. Zaw Min Aye was around 25- or 30-years old.¹²⁷

The officer told Fortify Rights that the military pressured Zaw Min Aye's attending physicians:

On that day, at the same time, there was a lot of pressure on the hospital staff and doctors by the military. They could not do an autopsy. The doctors said we could manage the funeral since they could not do an autopsy. The doctor just issued a recommendation letter to us that the man passed away just so the funeral can be performed in the cemetery.¹²⁸

* * *

On March 13, "Sai Sai" 23, participated in a nonviolent, peaceful "sitting protest" in Mandalay near Sein Pan quarter. He told Fortify Rights and the Schell Center: "A sitting protest works well. The leaders stand in the middle and the group sits around the leaders, and we shout protest slogans. First, the leaders shout them and after the protesters shout them back."¹²⁹

It was a peaceful protest; however, the military soon arrived in trucks and began marching toward the protesters on foot. Sai Sai told Fortify Rights and the Schell Center: "We were blocking off the area with the barricade. We had sandbags. We also used broken chairs, pushcarts, broken tables. We put them all in the middle of the road to block the military trucks."¹³⁰

As the military and police approached, protesters gave way and ran: "When the military came with police, they had trucks, a bulldozer, and motorbikes. We did not have weapons at that time. The local people helped us hide in their house."¹³¹ Sai Sai hid in a fourth-floor apartment overlooking the street below:

There were about 200 soldiers who surrounded Sein Pan quarter from every side. I saw shotguns and rifles. They shot live ammunition, rubber bullets, and tear gas . . . One person was hit by a bullet. One of the women was shot. She was shot in the back of the head and fell down. And another woman was shot . . . We heard the sound of a gunshot, and then we saw the other woman on the floor. She was shot. It was in a junction in Sein Pan quarter. She was shot when she left her house . . . She was likely around 45- to 50-years old . . . I saw her after she fell down. She was bleeding of course. I saw some men try to help her in a pushcart to get her medical help. I was trying to go down to help her, but I did not go out because the house owner was not allowing me and was fearful. There were five or six people who started using the pushcart to take her to the monastery.¹³²

The junta reportedly murdered at least five people in breaking up the peaceful sit-in protest in Mandalay's Sein Pan quarter on March 13.¹³³

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ Interview with #50, in Mandalay, Myanmar (Mar. 25, 2021).

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Id.*

¹³³ See *With More Deadly Crackdowns, Myanmar Protest Death Toll Exceeds 90*, THE IRRAWADDY (Mar. 13, 2021), <https://www.irrawaddy.com/news/burma/deadly-crackdowns-myanmar-protest-death-toll-exceeds-90.html>.

On the same day, a medical doctor in Mandalay told Fortify Rights and the Schell Center he treated a woman who suffered a fatal gunshot wound to the head. On March 13, military forces arrived in Sein Pan Ward between 10 a.m. and 11 a.m., the doctor told Fortify Rights and the Schell Center: “The forces came to the area, they just started using excessive force. They didn’t give any warning or allow the protesters to negotiate . . . I saw the military and police throw tear gas [and shoot] rubber bullet[s] and live ammunition.”¹³⁴

At a local Buddhist monastery, the doctor treated a woman he says was fatally shot in the head. He said:

The head wound was not a normal injury. It was a bullet wound. I understand that it was a bullet wound. I can say with confidence it was a bullet . . . I was told by the daughter that her mother was hiding students. The armed forces were searching for students. The armed forces knew she was helping them. The armed forces told her to tell them where the hidden students were. She tried to stop the military from entering the house.¹³⁵

The doctor continued:

[Her name was] Daw Pyone and she was shot and beat in the head. She was hit right above the ear with the bullet. Her skull was cracked where the bullet went through. You could see tissue and some of her brain . . . If she had medical treatment at the hospital, she could have survived . . . I gave her medication to stop her bleeding. I put in an IV line. I needed to stop the bleeding. I had some other doctors and nurses. We arranged an ambulance car. We put the woman into the car. The military came into the street and started firing guns. We had to leave the ambulance. The ambulance was driven by a monk. It was trying to leave the compound. The forces came in to stop it . . . The vehicle was a social worker organization car. It had a logo, and the military would have known it was used for saving lives. There were likely five people who died that day. Some got hit on the head. I still don’t know where this [woman’s body] went. We tried to contact the military and the police to find out the whereabouts of the woman, but we still don’t know.¹³⁶

On the same day, in Yangon, a 24-year-old protester said he witnessed “20 to 30 police” open fire on protesters in Tamwe Township in Yangon Region:

I saw a medical student lying dead on the street. He had a head shot. Actually, I saw his body . . . The police were shooting continuously. His body was not moving, I could see. We saw him, and we saw a medical team try to take his body. I saw the medical team trying to carry the body. [The police] were shooting with real bullets and rubber bullets. I heard loud bangs. I heard so many loud bangs. I saw people running and yelling. I saw tear gas. The noise was loud. You could hear the guns shooting quickly, one, two, three, four, five, six.¹³⁷

This protester heard police threatening to kill civilians. He told Fortify Rights and the Schell Center: “I heard them say at the time that protesters were trying to hide in civilians’ houses. [The police] screamed, ‘If people keep hiding protesters in their houses, then we will knock down the door and shoot everyone inside.’ They kept saying that. It was in Tamwe.”¹³⁸ He said this occurred on Eiksar Thaya Street.¹³⁹

By this point in time, the junta had reportedly killed 92 people in protest-related crackdowns since the coup.¹⁴⁰

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¹³⁴ Interview with #10, in Mandalay Region, Myanmar (Mar. 16, 2021).

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ Interview with #43, in Yangon, Myanmar (Mar. 24, 2021).

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ See *With More Deadly Crackdowns, Myanmar Protest Death Toll Exceeds 90*, THE IRRRAWADDY (Mar. 13, 2021), <https://www.irrawaddy.com/news/burma/deadly-crackdowns-myanmar-protest-death-toll-exceeds-90.html>.

On March 14, the Myanmar military and police allegedly killed 65 men and women in Hlaing Tharyar, an industrial township of Yangon that is home to many workers.¹⁴¹

Thousands of workers and residents assembled on March 14 in Hlaing Tharyar and protested the coup. At approximately 10 a.m., witnesses told Fortify Rights and the Schell Center they saw several military trucks heading toward them, and at 11 a.m., soldiers began a crackdown against protesters in Hlaing Tharyar, using tear gas and shooting live rounds of ammunition—as opposed to rubber bullets and as evidenced by the dead and wounded.¹⁴²

According to AAPP, of the more than 113 reportedly killed on March 14 across Myanmar, 65 were in Hlaing Tharyar Township.¹⁴³

Protesters had constructed barricades to block roads and for protection from the police and army. Witnesses in Hlaing Tharyar Township described to Fortify Rights and the Schell Center—or shared mobile-phone videos showing—chaotic scenes of protesters holding makeshift shields, running and crawling on tear-gassed streets, and avoiding sustained gunfire coming from the direction of Myanmar Army soldiers and Police officers.

“Su Su,” a 25-year-old photojournalist who photographed the protests on March 14, explained to Fortify Rights how the situation in Hlaing Tharyar Township was different than the rest of Yangon:

In Yangon, when the police crackdown, people hide in someone’s house, and when police and soldiers go back, they regroup. But in Hlaing Tharyar [Township], it’s not like that. The police and [army] soldiers are on the road, and they are staying on the main road, and meanwhile, local residents faced them with homemade shields, swords, and slingshots.¹⁴⁴

Su Su witnessed dead bodies and junta forces murdering protesters. For instance, she said: “When I saw the headshot [victim], he had already passed away, and I went to his house. He was already on the ground, and he was already gone. His name was Thet Wai, [also known as] Zaw Gyi. His family was beside him crying.”¹⁴⁵

AAPP also recorded the murder of Thet Wai on March 14 in Hlaing Tharyar Township.¹⁴⁶

A 24-year-old former freelance tour guide in Yangon and 15-year-long resident of Hlaing Tharyar Township told Fortify Rights and the Schell Center about seeing dead bodies in Hlaing Tharyar Township.¹⁴⁷ She said she witnessed killings on March 14, saying:

I witnessed dead bodies from my balcony. There was only one dead body in the stupa in front of my house. We heard gunfire . . . not very far from my house. We closed our doors. Even my house was shot because it was straight to the main road. So, we were all hiding in the house. Five or six soldiers walked into our street. Then, I was peeking to see outside. All the houses closed their doors . . . I saw the dead body, so I was afraid and hid under the wall [in her house]. Then, they fired more bullets. When we checked the dead body again [from the window], it disappeared. We saw the blood and some belongings of the person who was killed. I was told by some people that they threw the dead body in the creek. But we can’t confirm this. But for sure, the dead body disappeared.¹⁴⁸

¹⁴¹ Interview with #44, in Yangon, Myanmar (Mar. 18, 2021). See also, ‘I Never Thought Gangsters Cried’: Hlaing Tharyar Locals Shaken But Defiant, FRONTIER MYANMAR (Mar. 19, 2021), <https://www.frontiermyanmar.net/en/i-never-thought-gangsters-cried-hlaing-tharyar-locals-shaken-but-defiant/>.

¹⁴² Interview with #38, in Myanmar (Mar. 24, 2021). See also, Myanmar: Protesters Targeted in March Massacre, HUMAN RIGHTS WATCH (Dec. 2, 2021), <https://www.hrw.org/news/2021/12/02/myanmar-protesters-targeted-march-massacre>.

¹⁴³ *Daily Briefing in Relation to the Military Coup*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (July 5, 2021), <https://aappb.org/?p=16332> (last visited Feb. 25, 2022).

¹⁴⁴ Interview with #38, in Yangon, Myanmar (Mar. 24, 2021).

¹⁴⁵ *Id.*

¹⁴⁶ *Recent Fatality List*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Jan. 13, 2022), <https://aappb.org/wp-content/uploads/2022/01/Recent-Fatality-List-for-Jan-13-2022-EnglishF.pdf>.

¹⁴⁷ Interview with #57, in Yangon, Myanmar (Mar. 26, 2021).

¹⁴⁸ *Id.*

She continued:

On the day that many people were killed in Hlaing Tharyar [Township] . . . People fled the area. We opened a grocery store, so we had to stay longer. Now, we left Hlaing Thayar too . . . [W]e felt insecure and left Hlaing Thayar. We are scared of thugs and also the military. That's why we left.¹⁴⁹

Fortify Rights spoke with a senior surgeon who, since the coup, became an *ad hoc* emergency physician treating victims of gunshot wounds in Hlaing Tharyar Township on March 14. He described the situation as a mass-casualty event:

The casualties were more than our capacity. We didn't have enough manpower that day. There was not enough infrastructure. We didn't have the instruments or the investigating facilities. Everything was urgent on that day. Everything needed to happen right now, at the present time, like that. It was an emergency situation. There were a lot of patients, relatives, and family. They were coming inside the hospital at the same time. It was like a disaster . . . When I arrived at the hospital, there were two or three ambulances and also taxis carrying patients. I could not see them [all]. All the beds in the emergency room were occupied by injured patients. I saw emergency doctors and medical superintendents. I introduced myself and asked how I could help. They said to go directly to the theater [operating room]. So, I went directly to the operating theater and did the operations. After finishing my operations, I came back to the emergency unit. At that time, more patients came into the hospital. Some of them had headshots [gunshot wounds to the head].¹⁵⁰

The doctor operated on two victims with gunshot wounds: “both men died.”¹⁵¹

He returned to the hospital in Hlaing Tharyar Township on March 17 and personally counted the dead, confirming to Fortify Rights and the Schell Center that from March 14 to 17 the hospital recorded 57 deaths from gunshots and seven from “road traffic accidents.”¹⁵²

Another doctor—“Dr. Phi Phi”—is a senior emergency physician and a founding member of the CDM. Due to the scale of violence in Yangon on March 14, he came out of hiding to treat victims at great personal risk.¹⁵³ Dr. Phi Phi told Fortify Rights and the Schell Center:

The military also occupied the hospital, but we managed to get in. The ambulance was trying to pick up the patients. All were gunshot patients [with wounds]—some on the legs, some on their heads, some on their abdomens. Some people were dead on arrival. We saw many kinds of injuries.¹⁵⁴

On March 14, Dr. Phi Phi treated five victims of gunshot wounds from around Yangon city.¹⁵⁵ He said he believed all the victims had been shot by the Police or Army:

We had to resuscitate many gunshot patients. Most of the patients are 20 to 30-years old. My first was 25. He had a gunshot through the right side of his abdomen, and the bullet left the abdomen on his left side. He was bleeding in the abdomen and chest. We had to put in a chest tube to release the bleeding, left-side chest tube, right-side chest tube. We had to go to CT. He had a severe gunshot injury to his liver, intestines, and stomach. He went for surgery. This was my first patient. He died.¹⁵⁶

He said the victim's name was Wunna Aung, age 30.¹⁵⁷

¹⁴⁹ *Id.*

¹⁵⁰ Interview with #44, in Yangon, Myanmar (Mar. 18, 2021).

¹⁵¹ *Id.*

¹⁵² *Id.* (saying, “I know the deaths because I counted.”)

¹⁵³ The military had occupied Yangon General Hospital, and as a CDM doctor, Dr. Phi Phi was at high risk of arbitrary arrest.

¹⁵⁴ Interview with #13, in Yangon, Myanmar (Mar. 16, 2021).

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

Dr. Phi Phi's next patient, also a young man, died from his wounds:

The second patient was about 30-years old. He had an entry wound on the left side of his abdomen. The bullet was still in his abdomen. He was in shock . . . While waiting for the operating theater, we managed to do CPR—cardio-pulmonary resuscitation—and he went into [cardiac] arrest again. We could not bring him back again. We lost this one. Today on social media, someone posted about his funeral. When I saw his face, I remembered him and was very sad.¹⁵⁸

Dr. Phi Phi's third patient that day suffered from a severe gunshot wound to the left leg, and his fourth patient had a gunshot wound to the thigh, above the knee. He believes both survived.¹⁵⁹ His fifth and final patient on March 14 was a 25-year-old ethnic-Karen man named Set Thet Paing. He, too, died from his injuries. Dr. Phi Phi said:

He had a bullet gunshot injury to his chest and abdomen. We managed to put in the chest tube, but there was a lot of bleeding. One liter of blood came out, and there was a lot of blood in his abdomen, in every part of his abdomen. He had massive bleeding. He was in pain, and I gave him many painkillers, but he still complained he had pain . . . We gave him three or four packs of blood and a lot of saline, and we put him on the waiting list for the operating team. I held his hand. It was 2 a.m. We treated him since 9 p.m. He was waiting for the operation theater and still in pain, so I gave him morphine. I held his hand. His aunts held his hand. We kept talking. At about 2 a.m. I could not control myself, because he was losing his breath. I left it to my junior and left the room and cried. I cried and cried a lot. As an emergency physician for five years, I have lost many patients on my table, but I never cried, because people die. But this is inhumanity. This is different.¹⁶⁰

Dr. Phi Phi and his colleagues treated patients from all around Yangon on March 14, including from Hlaing Tharyar, North Okkalapa, South Okkalapa, and Kyi Myin Daing townships.¹⁶¹

Dr. Phi Phi added:

On March 14, we reached 56 severely injured patients, and of them, seven expired on that day. Maybe more yesterday and today. For Thingankyun General Hospital, on that day [March 14], there were 70 injured, 16 expired [died] . . . Today, there were more than 35 dead at Hlaing Tharyar [Township]. [The medics] can't even retrieve the dead bodies . . . The military is not human. The soldier' and policemen have no brain. I think they are fearful, and they want to make us fearful, so they kill many people. Now they are breaking into houses, arresting people. Some did not return home. Some returned as dead bodies.¹⁶²

Dr. "Sai Myo" is a third doctor interviewed by Fortify Rights and the Schell Center who had treated victims of gunshot wounds on March 14 in Yangon. A recent graduate of medical school, he said:

It was around 10 a.m. when I got a call from the protesters. There were university students and protesters who were surrounded by the military and police. They told me they were surrounded by around 10 trucks of military and police. The military and police surrounded the protesters. I went with a motorbike to try and help them. I was asking for others to help. People came out of their apartments with sticks and knives to try and go and save their family and the youth. The military threw a tear gas bomb. Two of the men were injured when the tear gas was shot at the protesters.¹⁶³

He continued:

The military was shooting with real bullets. There was a young man around 23. He was hit with a bullet. He was hit on the right side of his body, near his ribcage. I was yelling for the youth to stop coming because there was shooting. I ran to the patient and tried to stop the bleeding. I

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ Interview with #13, in Yangon, Myanmar (Mar. 16, 2021).

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ Interview with #33, in Yangon, Myanmar (Mar. 17, 2021).

sent the young man to the hospital on a motorbike. The bullet hit the young man. Three young men carried him to a house near the street. I always carry a medical bag. I tried to help him for the bleeding to stop and do some pain relief. I sent him to the hospital.¹⁶⁴

Dr. Sai Myo eventually treated two patients who died that day from gunshot wounds in their abdomen:

They were around 20 to 23-years old. They were boys . . . On this day, about 56 protesters were injured with gunshot wounds. Mostly head shots. This data is from the Hlaing Tharyar hospital. We are collecting it right now. I have some data showing that many of the deaths are caused by gunshots. Some people are shot on the right lower limbs and the legs. Sometimes there is shooting at the main part of the body. They shoot where the heart is located. Some people died on the way to the hospital.¹⁶⁵

Dr. “Win Mai” is a 31-year-old medical doctor working in a government hospital and a participant in the CDM. He was the fourth doctor interviewed for this report regarding atrocities on March 14. Dr. Win Mai treated victims of gunshot wounds in Hlaing Tharyar on March 14. He said:

The medical teams were providing medical care for people. The terrorist military were marching towards us. The head guards of the protest created a barrier with shields to help provide safety for our medical team working to treat protesters. At that time, we were treating the people there. When the military shot with live ammunition there was one man hit with a bullet in the neck, penetrating through the shield he was holding. He was protecting our medical team when we were providing medical care. We tried to carry him and save his life. This man died within a minute, and we were not able to save him.¹⁶⁶

Dr. Win Mai said the military was approximately 300-feet away from where he, the victim, and others stood. He said:

We carried him and tried to save him. His name was Wai Phyo—his nickname was Jack. The bullet hit him at his throat. There was excessive bleeding coming out of his neck. I was trying to stop the bleeding, and he was dead in about one minute after our team started helping him. In my assessment, I could see it was live ammunition that was shot at him. The bullet went through the shield he was using to try and create a barrier along with other items used as a blockage. I can confirm it was a bullet wound because I treated the man myself. I cannot say if the bullet remained inside the neck or not because we did not do his postmortem [autopsy] . . . The place where the man fell on the road was near the Mee Gwat Market, and we were conducting the medical camp inside the [place name withheld].¹⁶⁷

A 25-year-old woman witnessed what could have been the same killing, telling Fortify Rights: “I saw a body with a headshot in Hlaing Tharyar [Township] also, and there was a shield, like a DIY [Do It Yourself] helmet shield, and the live round bullet went through the shield.”¹⁶⁸

AAPP also recorded the murder of Wai Phyo in Hlaing Tharyar Township on March 14.¹⁶⁹

The army and police also killed protesters in Mandalay and elsewhere on March 14. A close-range mobile-phone video posted to social media purports to show police opening fire street-level in Mandalay, and approximately seven seconds into the video, a commander appears to order a subordinate to take part in the shooting, motioning with his right arm and hand.¹⁷⁰

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ Interview with #38, in Sanchaung Township, Yangon, Myanmar (Mar. 24, 2021).

¹⁶⁹ *Recent Fatality List*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Jan. 13, 2022), <https://aappb.org/wp-content/uploads/2022/01/Recent-Fatality-List-for-Jan-13-2022-EnglishF.pdf>.

¹⁷⁰ @EiThandarNyein6, TWITTER (Mar. 14, 2021, 2:25 p.m.), <https://twitter.com/EiThandarNyein6/status/1371165508020572161?s=20> (“This video clearly shows how the terrorist juntas are opening fire non-stop to the protestors in Mandalay. Their inhumanity and brutality is totally unacceptable. #WhatsHappeningInMyanmar #Mar14Coup.”).

By this point in time, the junta had reportedly killed more than 200 people in protest-related crackdowns.¹⁷¹

* * *

Dr. Sai Myo, mentioned above, also treated victims of fatal gunshot wounds in Yangon on March 15, telling Fortify Rights:

The data I have from the hospital on March 15 is four protesters were shot by guns. One person I treated had a gunshot on the left of his chest. He was the father of three children. He died at 11:30 a.m. Another man was 42. He had a gunshot wound on the left chest. He died on the way to the hospital. Another man died; he was 57 years old.¹⁷²

His and others' testimonies on victims with gunshot wounds consistently on the left side of their chests or on their heads indicates the deployment of military snipers, who were seen aiming at protesters with powerful long-range rifles from sizable distances.¹⁷³

"Su Su," the Burmese photojournalist mentioned above, returned to Hlaing Tharyar Township on March 17 and witnessed a man shot in the head and killed. She told Fortify Rights:

I saw him fall [myself]. He was really, really near me. I took cover [behind] a car, but he didn't take cover . . . He didn't sit. He was standing up . . . The soldiers were maybe 30 feet away from him. I saw one soldier with a gun running towards us. Because there is a sandbag barrier when you enter to the street, [protesters] made two barriers so soldiers couldn't run or climb up easily. I think [the soldiers] put their guns on the sandbags and shot, because that's the only way.¹⁷⁴

Su Su followed the group treating the gunshot victim, adding:

A lot of people, like 20 residents tried to save him. They put a lot of bandages and cotton pads inside his head, because the skull was already crushed. I don't think he was already dead at that time, because he was still conscious and his eyes were still open, but then his abdomen became a lot bigger.¹⁷⁵

Regarding a separate killing on March 17 in Hlaing Township, Fortify Rights and the Schell Center received a close-up video showing a young man in a plaid long-sleeve shirt who appears to seek shelter in a doorway on Kan Street.¹⁷⁶ Moments later, a shot rings out and the man falls back. While men in the background flee, a protester comes to the aid of the victim, grabs his right arm, and the man slumps over, revealing a bloodied head. The protester, wearing a yellow construction helmet, then flees.¹⁷⁷ The shooter is not visible in the footage.

Fortify Rights and the Schell Center spoke to a 24-year-old resident of Hlaing Township who confirmed the video of the murder, as he later came to the aid of the victim, who he said was in his 30s. He told Fortify Rights:

As far as I saw, there was a hole on the head above the ear. It looked like an injury from a bullet as far as I could see. There was excessive bleeding. He was bleeding a lot when we were carrying him. His blood was falling onto the road. We used a piece of cloth to stop the bleeding.

¹⁷¹ See *Daily Briefing in Relation to the Military Coup*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (July 5, 2021), <https://aappb.org/?p=16332> (last visited Feb. 26, 2022).

¹⁷² Interview with #33, in Yangon, Myanmar (Mar. 17, 2021).

¹⁷³ See, e.g., Interview with #13, in Yangon, Myanmar (Mar. 16, 2021); Interview with #9, in Myitkyina, Kachin State, Myanmar (Mar. 15, 2021).

¹⁷⁴ Interview with #38, in Yangon, Myanmar (Mar. 24, 2021).

¹⁷⁵ Interview with #38, in Yangon, Myanmar (Mar. 24, 2021).

¹⁷⁶ @soezeya, TWITTER (Mar. 17, 2021, 5:54 a.m.), <https://twitter.com/soezeya/status/1372124073908600832> ("A protester shot and killed during the security force crack down on anti-coup protesters in Hlaing, Yangon on Wednesday #WhatsHappeningInMyanmar.").

¹⁷⁷ @soezeya, TWITTER (Mar. 17, 2021, 5:54 a.m.), <https://twitter.com/soezeya/status/1372124073908600832> ("A protester shot and killed during the security force crack down on anti-coup protesters in Hlaing, Yangon on Wednesday #WhatsHappeningInMyanmar.").

We could not help him medically, but we helped bring him to the emergency medical team. There were about five or six people carrying him. We did not have medical experience, and thus, we brought him to the taxi.¹⁷⁸

The group brought the victim to a makeshift medical clinic at a monastery.¹⁷⁹ He was reportedly pronounced dead. The witness who spoke with Fortify Rights and the Schell Center could not recall the victim's name. However, AAPP recorded a man in his 30s murdered on March 17 in Hlaing Township on Hlaing Kan Street named Phay Thein Kyaw, also known as Mike Khel. AAPP recorded the method of the murder as "Shot in the head with gunfire."¹⁸⁰

Dr. "Kyaw Win" is one of the 12 medical doctors interviewed for this report. He is a 29-year-old emergency medical physician in Mandalay. He told Fortify Rights and the Schell Center: "Since the coup we have experienced many injuries and many headshot injuries at [name of medical facility withheld for security], and we have seen headshots and people shot in their sides. Some had many injuries."¹⁸¹ Dr. Kyaw Win witnessed numerous protesters die from gunshot wounds. On March 17, he said:

There have been so many [deaths since February 11]. Every day, we have experienced about three to five patients at my clinic. No less than three to five injury cases. Some minor and some severe injuries. Some we can't operate on, like those with the headshots. Even some patients passing the street on bicycles can be shot with real bullets, shot and killed.¹⁸²

An untold number of deaths occurred without the victims being transferred to hospitals. For instance, a 23-year-old member of the CDM said he witnessed the military taking away bodies:

I joined in the protest that took place on March 17. On March 17, when the protest happened the military tried to divide the group with live bullets. It became like chaos. Some people left the place out of fear and the remaining got shot. I could see the military take away some dead bodies.¹⁸³

By this point in time, the junta had reportedly killed 254 people in protest-related crackdowns since the coup.¹⁸⁴

* * *

On March 18, at approximately 6:10 p.m. in North Okkalapa Township, Yangon, 22-year-old Aye Aye Khine was shot and killed on the side of the road. She was not participating in a street protest. One of her relatives, originally from Sittwe Township in Rakhine State, told Fortify Rights and the Schell Center:

I could see [armed] forces in the street. They shot one bullet, and it directly hit [her]. I saw four or five police and military. The shot was fired around 400 feet away. I don't know if it was meant for her. Only Allah knows. It was 6:10 p.m. when they shot one bullet, and I don't know where it went. The second bullet hit [Aye Aye Khine]. Her mother was very close, one foot away [from Aye Aye Khine], and I was about three feet away . . . The bullet hit her, and in a low voice she said, "Oh, mother," and then sat down. The bullet hit her back on the left side, straight through her heart. We did not even know what to do. We were barely conscious, and we were frantic. So, we did not bandage the wound. We brought her to the hospital in a rickshaw.¹⁸⁵

Photographs and video footage on file with Fortify Rights show Aye Aye Khine's body being pushed in a rickshaw surrounded by men and women.¹⁸⁶

¹⁷⁸ Interview with #68, in Yangon, Myanmar (Mar. 19, 2021).

¹⁷⁹ *Id.*

¹⁸⁰ *Recent Fatality List*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Jan. 13, 2022), <https://aappb.org/wp-content/uploads/2022/01/Recent-Fatality-List-for-Jan-13-2022-EnglishF.pdf>.

¹⁸¹ Interview with #34, in Myanmar (Mar. 17, 2021) (location withheld).

¹⁸² *Id.*

¹⁸³ Interview with #68, in Yangon, Myanmar (Mar. 19, 2021).

¹⁸⁴ *See Daily Briefing in Relation to the Military Coup*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (July 5, 2021), <https://aappb.org/?p=16332>.

¹⁸⁵ Interview with #47, in North Okkalapa Township, Yangon, Myanmar (Mar. 22, 2021).

¹⁸⁶ Open-source evidence log #1154, social media post (Mar. 18, 2021) (on file with author); Open-source evidence log

The relative rushed Aye Aye Khin to a large private hospital in Yangon:

When we arrived [at the hospital], she was already dead. The doctor checked her. He said: "She is already dead. You can take her home." There has been no investigation by the military or the police into what happened to [Aye Aye Khine]. Since the early morning, the police and military were shooting at people in our neighborhood. She never participated in the protest. She mostly stays inside. She normally stays at home. She went outside to take something from my betel shop.¹⁸⁷

The following day, the relative quoted above took Aye Aye Khine's body to another hospital. He said, "I was given a death certificate by the hospital." Doctors from the hospital advised the man to conduct the funeral. According to the relative, the post-mortem certificate certifies that a "gunshot" was the cause of death.¹⁸⁸

* * *

At around 4 p.m. on March 21, "Sai Sai," 23, was told that the military shot two people at Manaw Hari street on Road 56 in Mandalay, and so he traveled to the area to help. From a hiding position, he witnessed Red Cross staff attempting to treat gunshot wound victims. Later, the military opened fire on Sai Sai and others, causing him to flee from a barricade in the street.¹⁸⁹ He recalled:

I moved from the barricade area, and I went to another street, and I reached a nearby house because an uncle was calling me over. I reached in front of the house. I was alone on the road. The military was shooting at me. I was in a kneeling position to try to take cover. The uncle was at the door calling me in. He was right in the doorway and was hit with a bullet right in front of me. I was standing right outside the doorway. There was no distance between us. The military was trying to shoot directly at me with live bullets. I was kneeling down. One bullet crossed right in front of me. A second bullet hit a water tank near me. The third bullet hit the uncle. It was very close. He was standing close me. He was right beside me in the door. I saw the bullet hit him. I pulled him inside the house quickly.¹⁹⁰

The "uncle" who was shot was named Sai Aung Myint, also known as U Twat Gyi. He suffered a fatal gunshot wound to the bottom left side of the back of his head. Fortify Rights reviewed photographs of his body and received x-ray images showing his fatal head wound.¹⁹¹

Sai Sai continued:

I had a medical bag, and I wrapped his head with a bandage. The bullet hit the left back side of his head. He was taking breaths. He could not speak. He was breathing. I could see his brain inside in the hole made by the bullet. It was bleeding so much. I tried to stop the bleeding. I was bandaging the uncle. The military came in front of the house. I took him inside the house. The military waited outside the house for about 10 minutes. I took the uncle on my shoulder. There was a car waiting to take injured people. I had to carry the uncle to the car because it could not come directly to the house because the military was still patrolling.¹⁹²

Sai Sai and others rushed Sai Aung Myint to the charity clinic [name withheld here for security] in Mandalay:

Before arriving in the [clinic] car, I checked the uncle's pulse and heartbeat. I checked his heart in the car on the way, and it stopped. He died in the car. I noted down everything about the uncle's death. I noted down in my notebook what time he died. The bullet hit him at 5:15 p.m. His heart stopped beating at 5:30 p.m.¹⁹³

#1155 social media post (Mar. 19, 2021) (on file with author).

¹⁸⁷ Interview with #47, in North Okkalapa Township, Yangon, Myanmar (Mar. 22, 2021).

¹⁸⁸ *Id.*

¹⁸⁹ Interview with #50, in Mandalay, Myanmar (Mar. 25, 2021).

¹⁹⁰ *Id.*

¹⁹¹ Verified photographs and images (on file with author).

¹⁹² Interview with #50, in Mandalay, Myanmar (Mar. 25, 2021).

¹⁹³ *Id.*

The medical team at the clinic confirmed his death, and his family picked up his body and held a funeral the next day.¹⁹⁴ AAPP also recorded the murder of Sai Aung Myint on March 21, 2021.¹⁹⁵

At this point, the junta had reportedly killed 289 people since February 1.¹⁹⁶

* * *

“Win Min” is a 23-year-old marketing professional who helped organize protests against the coup beginning in early February 2021. He described to Fortify Rights and the Schell Center a murder he witnessed at a protest in Tamwe Township in Yangon on March 23:

We saw [military] snipers shooting at the crowd. The police were also shooting at the people. We went down a street in the quarter. I was running, and the sniper was shooting from behind. It was live ammunition. One man was hit directly in the head and fell . . . I was at the edge of the street, and he was on the other side of the street. One of his friends yelled for help from the people nearby, and we collected his body. I went myself to collect his body. I saw the wound on the head. He was not moving at all, even before we carried him away. Seven people went to carry him. We carried him to the medical team. Some held his legs and hands.¹⁹⁷

Win Min continued:

His wound and the shot were above the forehead. It was bleeding a lot at that time when we carried him. There was a medical team, and we brought the man to them. We carried him about 300 meters [approximately 980 feet] to the medical team. We carried him to the medical team from Tamwe Township, and after putting him at the ambulance, we came back from the protest . . . As soon as he was hit, he died on the spot.¹⁹⁸

* * *

On March 23, at approximately 3:30 p.m., police in Mandalay shot and killed a six-year-old girl, Khin Myo Chit, while she sat on her father’s lap in their family home. A relative told Fortify Rights and the Schell Center that her family had gone to the second floor of their home, out of fear, and then police stormed into the home:

[Police] finally came to the upstairs of our house. There were five of them, four in police uniform and the other one was in camouflage. There were grenades and weapons on his waist, and he was holding a baton. He asked my dad, “Is this everyone from the house?” My dad told them that this was all from our family . . . Khin Myo Chit was sitting on the lap of my dad. Other kids were crying because they were scared. They were looking out the windows and told my dad that he was lying. My dad insisted that he didn’t lie. Then [the police] started kicking my brother, who is in Grade 2 or 3, and they also kicked my 21-year-old brother. He was bleeding very much [from the beating]. We were begging them not to do that. They told me to be silent, or they would kill and shoot. Khin Myo Chit was telling my dad she was scared, and they dragged my brother outside of the home. Khin Myo Chit told my dad she was scared, and he asked her, “Why are you scared?” and then [the police officer] shot her. They dragged my brother and killed my sister.¹⁹⁹

The relative told Fortify Rights and the Schell Center that, after the police and soldier left the premises, she and her family managed to evacuate out of the backdoor of the house after the shooting and then contacted medics:

¹⁹⁴ *Id.*

¹⁹⁵ *Daily Briefing in Relation to the Military Coup*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Mar. 2022), <https://aappb.org/wp-content/uploads/2022/03/Recent-fatality-List-for-March-4-2022-English.pdf>, AAPP #290.

¹⁹⁶ See *Daily Briefing in Relation to the Military Coup*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (July 5, 2021), <https://aappb.org/?p=16332>.

¹⁹⁷ Interview with “Win Min,” #63, in Yangon, Myanmar (Apr. 9, 2021).

¹⁹⁸ *Id.*

¹⁹⁹ Interview with #59, in Mandalay Region, Myanmar (Mar. 23, 2021).

An ambulance brought us to a clinic. When we got there, we were told that Khin Myo Chit was already dead. And we couldn't even go back to our house because we were told that soldiers were on our street. We had to hide together with Khin Myo Chit's body. That night, we were hiding with the dead body of Khin Myo Chit. We couldn't even sleep. There were mosquitos. We were told not to come back to our house because they were searching for us. We couldn't even get help from other families because there was a dead body with us. So, we just had to hide in the forest.²⁰⁰

The family of Khin Myo Chit subsequently went into hiding.²⁰¹

March 27: Armed Forces Day

"On MRTV, it was broadcast 'control your daughters and sons or we will shoot them', and they came and started shooting the people."

- "Zin Htet," civil society worker, Yangon, March 30, 2021.²⁰²

On March 26, the junta-run television channel MRTV broadcasted a nationwide warning to protesters, saying, "You should learn from the tragedy of earlier ugly deaths that you can be in danger of getting shot in the head and back."²⁰³

The next day, March 27, was Armed Forces Day in Myanmar, a holiday commemorating the country's resistance to Japanese occupation in 1945 typically marked by a military parade in Naypyidaw attended by senior officials and international allies. In 2021, it was the deadliest day of resistance to the coup. Eyewitness photographs and videos filmed on March 27 show dead bodies, including children, and soldiers firing weapons street-level, dragging lifeless victims away, and brutally beating people. One video shows a close-range killing by Myanmar Army soldiers of an unarmed boy on a motorcycle.²⁰⁴

On March 27, 11-year-old Aye Myat Thu was shot in the head in front of her house in Mon State's capital city, Mawlamyine. Aye Myat Thu's aunt said the murder occurred at approximately 5:30 p.m. after Aye Myat Thu finished bathing. She said:

[Aye Myat Thu] went inside and wore her *thanakha* [traditional face moisturizer made from ground tree bark] and then went downstairs . . . At that time, her father had cut open a coconut. She was holding and biting a small piece of coconut and looking around [while outside the house]. She seemed to be going back inside the house. She and her father were standing side by side. After her father had cut the coconut, he was standing in front of our house. She was also standing there . . . At that time, her mother came back from outside and said, "What are you doing outside the house? Don't you hear the noise of violence out there? Go inside." She didn't go inside right away but was still standing there looking outside. Then, while both she and her father were coming inside, her father was around three to four steps ahead of her when she got hit and fell. Her mother, without knowing exactly what was happening, told her father: "The child fell down. Don't you see that?" Saying "Where is the child?" her father looked back to find the child. He didn't see the child at first because she was behind him. When he found her, and picked her up, he found that she was bleeding from her head.²⁰⁵

²⁰⁰ *Id.*

²⁰¹ *Id.* See also, *Soldiers Raid Home of Murdered Girl after Family Flees*, MYANMAR NOW (Mar. 24, 2021), <https://www.myanmar-now.org/en/news/soldiers-raid-home-of-murdered-girl-after-family-flees>.

²⁰² Interview with #53, in Hlaing Township, Yangon, Myanmar (Mar. 30, 2021).

²⁰³ MRTV News Broadcast (March 26, 2021) (on file with author). See *Collective Action Needed to Stop Junta Attacks*, FORTIFY RIGHTS (Mar. 27, 2021), <https://www.fortifyrights.org/mya-inv-2021-03-27/>. See also *Myanmar Military Junta Warns Protesters Risk Being Shot in the Head or Back*, ABC NEWS (Mar. 26, 2021), <https://www.abc.net.au/news/2021-03-27/myanmar-junta-warns-protesters-risk-being-shot-in-the-head/100032998>.

²⁰⁴ See *Collective Action Needed to Stop Junta Attacks*, FORTIFY RIGHTS (Mar. 27, 2021), <https://www.fortifyrights.org/mya-inv-2021-03-27/>.

²⁰⁵ Interview with #100, in Mawlamyine, Mon State, Myanmar (May 3, 2021). See Hannah Beech, *She Just Fell Down. And She Died*, NEW YORK TIMES (Apr. 4, 2021), <https://www.nytimes.com/2021/04/04/world/asia/myanmar-coup-deaths-children.html> ("I have no power of revenge against the soldiers who killed my daughter. All I can do is hope their turn comes soon.").

The family was not involved in protests, nor did they consider themselves politically active. There had been protests near where they lived.²⁰⁶ The aunt of Aye Myat Thu continued to tell Fortify Rights and the Schell Center: “She was taken to the hospital right away. She was still alive when she arrived at the hospital. Fifteen minutes after arriving at the hospital she died.”²⁰⁷

AAPP also recorded the murder of Aye Myat Thu on March 27 in Mawlamyine Township.²⁰⁸

On March 27, Myanmar Army soldiers opened fire on protesters in Bhamo (also commonly spelled “Bamaw”) Township in Kachin State. A military soldier from a combat troop who deserted his post on June 10, 2021, told Fortify Rights and the Schell Center that he witnessed his superior officer, Lieutenant Colonel Thi Ha Zaw, murder a woman in Bhamo.²⁰⁹ He said:

One day after the coup, a lieutenant colonel—G1 level officer—and I were given the responsibility to crack down on protesters in collaboration with the police force. When I was in Bhamo, I had very good relations with the community, and some are like my family . . . The Colonel commanded me and another officer to shoot and crack down on the protest. At first, I thought that the command was just to stop the protest. But I was surprised when I saw the colonel start shooting at random people with real bullets. The protesters ran away as soon as they heard the shooting. Therefore, I ran to the front of the colonel and shot my gun at the sky to make people run . . . The G1 was not patient anymore at the crowd and he decided to control the protesters by fear. He was a friend of the district police officer, and he called the police officer [by phone] and blamed him for not able being able to control the crowd. Then, he decided to shoot at people after he hung up the [mobile] phone.²¹⁰

The military deserter said he witnessed Lieutenant Colonel Thi Ha Zaw kill a woman after she raised her voice at him:

At that time, the G1 shot his gun into the sky and made a woman scared, and I also shot at the sky. The woman ran into the house but then [later] she came out again and cursed at him. My superior shot at her with his gun, and she got hit. When we went to see her, she was dead, so we had to send the dead body to the hospital and handed over the case to the police . . . I witnessed it personally . . . When the superior shot at the woman, I was just beside him. The bullet went through the chest to the back of the woman . . . As far as I remember, the gun he used to shoot at the woman was an MA1 [a standard-issued assault rifle].²¹¹

Fortify Rights and the Schell Center were unable to verify the murdered woman’s name. AAPP recorded a single murder of a woman on March 27 in Bhamo Township, Kachin State; the victim’s name was recorded as Shwe Myint.²¹²

Also on March 27, “Maung Maung,” a 21-year-old Hindu driver in Hlaing Township, Yangon, set out to protest in Hlaing Township with a group of other residents. He said the group constructed a barricade on Than Street in Hlaing Township designed to prevent the army and police from disrupting their protest and advancing on civilians.²¹³ On that day, junta forces shot and killed a young man named Thu Aung on Than Street 20. Maung Maung recalled:

It was about 2:30 p.m. when they started firing bullets into the crowd. About 100 soldiers and 200 police came to the protest. The police had rubber bullets and guns. The military had long firearms. There were also snipers. I saw shooters on a building in our quarter. I saw the shooter, and I saw them shooting. I saw around 20 men with large guns, and some [were street

²⁰⁶ *Id.*

²⁰⁷ Interview with #100, in Mawlamyine, Mon State, Myanmar (May 3, 2021).

²⁰⁸ *Recent Fatality List*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Jan. 13, 2022), <https://aappb.org/wp-content/uploads/2022/01/Recent-Fatality-List-for-Jan-13-2022-EnglishF.pdf>.

²⁰⁹ Interview with #151, in Myanmar (Dec. 9, 2021) (location withheld).

²¹⁰ *Id.*

²¹¹ *Id.*

²¹² *Recent Fatality List*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Jan. 13, 2022), <https://aappb.org/wp-content/uploads/2022/01/Recent-Fatality-List-for-Jan-13-2022-EnglishF.pdf>.

²¹³ Interview with #54, in Hlaing Township, Yangon, Myanmar (Mar. 31, 2021).

level]. There was a man shot two feet away from me. I had a shield. [A bullet] pierced his body and went out the other side. The bullet hit his head. It went through the backside of his head. The man was running away, and he was shot by a sniper as he was running. He was running on the sidewalk . . . His name was Thu Aung, and he was 29-years old. He was my friend.²¹⁴

Maung Maung carried Thu Aung's body from the scene of the murder: "We pulled him and carried him to the house. He was bleeding everywhere. I carried him along with six people."²¹⁵

Maung Maung also witnessed another murder in Hlaing Township that day: "There was one man who was shot in the chest. His name was Myan Lin [and] he was nearby . . . The shooting happened in front of my eyes. The military, not the police, were shooting at the men."²¹⁶

"Zin Htet," not her real name, is a project coordinator with a non-governmental organization in Yangon. On March 27, she was protesting on the streets of Yangon when, at approximately between 1 p.m. and 2 p.m., she witnessed a young man, who she believed to be in early 20s, fatally shot in the head:

His head was shot, and he died in front of my eyes . . . He was hit between the head and the neck. He was a protest guard trying to protect others. The police were trying to march towards us. We tried to run away, and at that time, he was shot. We called the medical team, but he passed away before arriving to the hospital. I heard the noise of the bullet. The bullet hit him after the noise, and he just fell down. He was at the front line and in the middle of the road. Down the road from us there were police.²¹⁷

Zin Htet continued:

The police came to the street where we were trying to protest at that time. They said, "If you have courage, come towards us." The police said, "We will kill you." They said, "We have guns, we will kill you, come here." They challenged us and gave a challenge to the protesters. We are not afraid of them. We are afraid of their guns. They use bad language like "fucking democracy," against us. The very first time, when they said, "fucking democracy," they said, "If you show your head, we will shoot your head." It was a mix of police and military who used that language.²¹⁸

On March 27, in Lashio, Shan State, "Sai Sai," a 28-year-old theology student, was protesting peacefully when a nearby young man was shot and killed in front of him. He said: "It was only 10 feet from where I was. He collapsed on the ground. He was not moving. There was nowhere to seek cover. I was very afraid of the bullet. . . . He was shot in the ribs; in the right rib."²¹⁹

Sai Sai told Fortify Rights and the Schell Center he had called an ambulance. At that point, the victim was still breathing. He said:

The police and the soldiers stopped the [ambulance] at the entrance of the road. They didn't let them get in. He was shot around 8 a.m. in the morning. It took one hour to send him to the hospital. The police and soldiers stopped all the ambulances. I came to know [that] on a phone call with the medical team. It was one of my friends on the phone. He was on speaker. At first, I heard they were coming. They arrived at the entrance of the road and . . . they said on the phone, "We are being stopped by the police," and they said, "Just put pressure on the wound." They said, "Don't let the air in the wound." I heard from the phone call that the police stopped the medical team but there was also military.²²⁰

²¹⁴ *Id.*

²¹⁵ *Id.*

²¹⁶ *Id.*

²¹⁷ Interview with #53, in Hlaing Township, Yangon, Myanmar (Mar. 30, 2021).

²¹⁸ *Id.*

²¹⁹ Interview with #55, in Lashio, Shan State, Myanmar (Mar. 29, 2021).

²²⁰ *Id.*

Sai Sai continued:

At first, he was still breathing. After 15 or 20 minutes he stopped breathing. One of his friends checked his blood pressure and heartbeat and he started crying. It seemed like he was dead at that time. We could not do anything at that time. We were in shock. We didn't have medical knowledge. The ambulance didn't arrive. We carried him on a motorbike and tried to send him to the hospital . . . It took one hour to send him to the hospital . . . He was shot around 8 a.m., and he was sent to the hospital at around 9 a.m. or 9:10 am. He died. The hospital confirmed he was dead. He was around 25-years old.²²¹

At the time of writing, AAPP recorded only two killings in Lashio on March 27: Mai Min Naung, also known as Ye Htet Naw, 22, and Sai Hla Tun, 31.²²²

On March 27 alone, the Myanmar Army and Police reportedly killed more than 100 civilians, and by that point in time, the number of confirmed killings reported by the AAPP since February 1 rose to 423.²²³ The following day, the junta reportedly killed at least 13 more civilians, bringing the total number of murders by the junta, confirmed by AAPP since the coup, to 459 as of March 28.²²⁴

* * *

From March 27 – Myanmar Armed Forces Day – to March 30, peaceful protesters took to the streets in Myitkyina, the capital of Kachin State. Rampu Ward was a prominent protest area. Residents raised black flags in solidarity with protesters around the country calling for an end to military rule.²²⁵

Fortify Rights and the Schell Center interviewed three ethnic-Kachin survivors and eyewitnesses of the attack on March 30 in Rampu Ward, including one woman who security forces shot in the leg.²²⁶ Fortify Rights and the Schell Center also interviewed a Myanmar journalist from Myitkyina about the attack and protest, and reviewed and analyzed photographs and video footage.²²⁷

Sometime between 10 a.m. and 11 a.m. on March 30, junta forces reportedly shot and killed a 23-year-old protester during a demonstration near Rampu Ward.²²⁸ A Myanmar journalist covering the protest that day recalled: “The police and the soldiers knew they shot someone . . . The soldiers and police tried to find the body. When the security forces could not find his body, they set fire to houses.”²²⁹

Myanmar media outlets reported the deceased victim as Myo Min Thu, also known as Mohamad Ali.²³⁰ His family held a traditional Muslim funeral the following day.²³¹

²²¹ Interview with #55, in Lashio, Shan State, Myanmar (Mar. 29, 2021).

²²² *Recent Fatality List*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Jan. 13, 2022), <https://aappb.org/wp-content/uploads/2022/01/Recent-Fatality-List-for-Jan-13-2022-EnglishF.pdf>

²²³ *Daily Briefing in Relation to the Military Coup*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Mar. 28, 2021), <https://aappb.org/?p=13901>.

²²⁴ *Id.*

²²⁵ Interview with #71, in Myitkyina, Kachin State (July 21, 2021). *See also*, @Jaw Tu Hkawng, TWITTER (Mar. 27, 2021, 3:15 p.m.), <https://twitter.com/JawTuHkawng/status/1375723231835906049> (“#Kachin #Myitkyina protesters are holding a sit-in protest against the #Militarycoup in Rambu and have raised a black flag.”).

²²⁶ Interview with #80, #81, #82, in Rampu Ward, Myitkyina, Kachin State (Apr. 3, 2021).

²²⁷ Verified video footage (on file with author). *See also*, *Myanmar Junta Attacks Myitkyina, Kachin State*, FORTIFY RIGHTS (July 30, 2021), https://www.fortifyrights.org/our_films/mya-inv-vdo-2021-07-30/.

²²⁸ Interview with #71, in Myitkyina, Kachin State (July 21, 2021).

²²⁹ *Id.*

²³⁰ *See, e.g., Security Forces Kill Protester in Kachin State Capital*, KACHIN NEWS GROUP (Mar. 31, 2021), https://kachinnews.com/2021/03/31/security-forces-kill-protester-in-kachin-state-capital/?doing_wp_cron=1627436366.6036438941955566406250. *See also*, @ahsar_may, TWITTER (Mar. 31, 2021, 1:25 a.m.), https://twitter.com/ahsar_may/status/1377129914906726413 (“Rest In Power 23-year-old islamic hero Ko Myo Min Thu fell due to a real bullet shot at Rampur Ward, Myitkyina, Rampur ward on March 30. #WhatsHappeningInMyanmar #CrimesAgainstHumanity.”).

²³¹ *See, e.g., Security Forces Kill Protester in Kachin State Capital*, KACHIN NEWS GROUP (Mar. 31, 2021), https://kachinnews.com/2021/03/31/security-forces-kill-protester-in-kachin-state-capital/?doing_wp_cron=1627436366.6036438941955566406250. *See also*, @ahsar_may, TWITTER (Mar. 31, 2021, 1:25 a.m.), https://twitter.com/ahsar_may/status/1377129914906726413 (“Rest In Power 23-year-old islamic hero Ko Myo Min Thu fell due to a real bullet shot at

Witnesses told Fortify Rights and the Schell Center that hours later, around 1 p.m. on March 30, two trucks carrying police and soldiers returned to Rampu Ward and fired live rounds at homes, threatened residents, and set fire to at least three houses, burning them to the ground. Security forces shot a Kachin-Muslim woman in the leg.²³² She survived the gunshot and told Fortify Rights and the Schell Center:

I got hit [with a bullet] when I reached the third step of the stairs inside the house. Yes, I got hit while inside the house . . . There were many gunshots. As I got hit, I became very anxious . . . There were many gunshots. They blew up sound bombs as well.²³³

The bullet pierced her leg, she said, adding:

I thought it was a rubber bullet at the beginning as people talked about rubber bullets mostly. Later, the doctor brought me to his place, and when he checked the wound, he said that it was not a rubber bullet. I was shot with a real bullet. The bullet exited at once. The doctors couldn't find it inside.²³⁴

Fortify Rights and the Schell Center analyzed photographs from Rampu Ward and identified what are likely 12-gauge hunting cartridges, a 7.62 x 51 mm rifle cartridge for a .308 Winchester rifle or a Myanmar military-issued MAS-1 MK rifle, and a 7.62x39 mm bullet, commonly used with an AK-47 rifle. The 12-gauge shotgun shells are manufactured by the Turkish company ZSR Patlayici Sanayi A.S., and the head of the ammo is made by Cheddite, an Italian company. The Cheddite casings retrieved appear to be for firing rubber pellets.

* * *

The junta continued murdering civilians throughout April, killing at least 200 people, including over 80 people in Bago on April 9 alone.²³⁵ Soldiers in Bago killed protesters using rocket-propelled grenades and automatic rifles. Protesters who were injured by gunshot fire were reportedly denied medical treatment, and instead junta forces dragged them into a Bago temple compound and left them to die. A protest leader present during the attack told Fortify Rights and the Schell Center:

When the crackdown happened on April 9, I was right there in the center of the group. The military had already taken position at the pagoda since before 9 April. By 4 a.m. on the 9th, we knew we were surrounded. By 5 am the artillery shells started to come and our sandbag defenses fell one by one. They used not only artillery shells but also machine guns. They were firing in all directions. They shot people in the back running. They followed people into houses that took cover and, in some cases, shot them right there. Soldiers shot my brother in the back and killed him; they took his body. The next day they informed my family to come get the body. We wanted to do a funeral service, but they sent him straight to the cemetery. While we were burying him, police seized my brother's home so his family could not return home.²³⁶

Murders of protesters declined substantially throughout May and June as protesters adjusted their tactics from large-scale mass protests to smaller, hit-and-run protests as well as symbolic protests. These changes in tactics almost certainly were done to mitigate the loss of life as the junta showed it would exercise no restraint in murdering protesters.

Around this time, the highest incidents of murders shifted from urban to rural areas.

* * *

On July 11 and 12, residents of Yin village in Kani Township, Sagaing Region discovered 16 dead bodies, allegedly victims of a massacre carried out by Myanmar military forces. Fortify Rights and the Schell Center interviewed four residents from the area, including one eyewitness who

Rampur Ward, Myitkyina, Rampur ward on March 30. #WhatsHappeningInMyanmar #CrimesAgainstHumanity.")

²³² Interview with #82, in Rampu Ward, Myitkyina, Kachin State (Apr. 3, 2021).

²³³ *Id.*

²³⁴ *Id.*

²³⁵ Myanmar Violence "Must Cease Immediately": U.N. AGENCIES (Apr. 12, 2021), <https://news.un.org/en/story/2021/04/1089492>.

²³⁶ Interview with #161, in Bago, Myanmar (August 20, 2021).

was among those who found the dead bodies scattered on the jungle floor around Yin village.²³⁷ Specifically, he and others discovered 16 dead bodies in the valley on Khin Tan Shay Hill, east of Yin village reportedly killed on July 9.²³⁸

One resident, 34, told Fortify Rights and the Schell Center: “We found some dead bodies with multiple cut wounds all over; their hands and legs were tied with ropes. We saw a lot like that.”²³⁹ The man provided the 16 victims’ names, ages, and occupations—all farmers—discovered in his village and allegedly killed by Myanmar military junta forces.²⁴⁰ AAPP received and published the same names of victims killed in the massacre.²⁴¹ Fortify Rights and the Schell Center also reviewed photographs of the dead, which showed signs of torture.

Another resident and supporter of the PDF in the area in Kani Township recalled: “Sixteen bodies were discovered. They were all civilians; they were not part of any armed groups or PDF . . . These dead bodies were found by the civilians who were running away from the SAC soldiers who had been attacking and destroying the villages.”²⁴²

A volunteer humanitarian worker helping internally displaced people in four village tracts in Kani Township with knowledge about the killings told Fortify Rights and the Schell Center:

In the upper part of Kani, Yin Village, 16 people were killed. The villagers were scared and went into hiding when the [Myanmar military] security forces came. When they were hiding in the jungle, the SAC soldiers found and killed them. The junta soldiers said they killed them because those are the ones who were against them.²⁴³

Following the massacre and the discovery of the dead bodies on July 11 and 12, the Myanmar junta carried out three additional massacres in Kani Township on July 26, 27, and 28, and residents discovered at least 20 more bodies.²⁴⁴

In August, the NUG said at least 40 civilians had been killed in massacres in July in Kani Township, Sagaing Region. On August 18, NUG Minister of Human Rights Aung Myo Min said in a statement, “There is evidence of torture before the killing of civilians in the cases that happened in Kani.”²⁴⁵

On August 3, Myanmar’s ambassador to the U.N., Kyaw Moe Tun, sent a letter to the U.N. Secretary-General Antonio Guterres saying 40 bodies had been found in Kani Township in July 2021.²⁴⁶

In the lead-up to the massacres, members of a local People’s Defense Force (PDF) and the Myanmar military clashed in Sagaing’s Kani Township.²⁴⁷

²³⁷ Interview with #128, in Kani Township, Sagaing Region, Myanmar (July 27, 2021); Interview with #136, in Kani Township, Sagaing Region, Myanmar (Aug. 10, 2021); Interview with #137, in Kani Township, Sagaing Region, Myanmar (Aug. 10, 2021); Interview with #138, in Kani Township, Sagaing Region, Myanmar (Aug. 11, 2021).

²³⁸ Interviews with eyewitnesses in Kani Township, Sagaing Region (July, August, 2021). See also, Sam Mcneil, David Rising & Rishabh R. Jain, *Myanmar Military Reverts to Strategy of Massacres, Burnings*, ASSOCIATED PRESS (Dec. 30, 2021), <https://apnews.com/article/myanmar-massacre-burnings-military-satellite-images-f85384acc41462314a95551af1797462>.

²³⁹ The victims’ names are on file with author. Interview with #136, in Kani Township, Sagaing Region, Myanmar (Aug. 10, 2021).

²⁴⁰ Interview with #136, in Kani Township, Sagaing Region, Myanmar (Aug. 10, 2021).

²⁴¹ *Daily Briefing in Relation to the Military Coup*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Sept. 7, 2021), <https://aappb.org/?p=17519>.

²⁴² Interview with #128, in Kani Township, Sagaing Region, Myanmar (July 27, 2021).

²⁴³ Interview with #137, in Kani Township, Sagaing Region, Myanmar (Aug. 10, 2021).

²⁴⁴ *Massacres in Kani Township, Yinmabin District, Sagaing Region*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Aug. 18, 2021), <https://aappb.org/?p=17120>.

²⁴⁵ Aung Myo Minn, *Is the Kani Incident a War Crime?*, FACEBOOK (Aug. 18, 2021), <https://www.facebook.com/528285863/posts/10160249585170864/?d=n>.

²⁴⁶ Agence France-Presse, *Myanmar’s U.N. Envoy Accuses Military Junta of Township Massacre*, THE GUARDIAN (Aug. 5, 2021), <https://www.theguardian.com/world/2021/aug/05/myanmars-un-envoy-accuses-regime-of-township-massacre>.

²⁴⁷ *Mass Murder of Civilians in Myanmar’s Sagaing Region Amounts to ‘War Crime,’ Says Rights Lawyer*, RADIO FREE ASIA (July 13, 2021), <https://www.rfa.org/english/news/myanmar/crime-07132021185617.html>. See also, Interview with #136, in Kani Township, Myanmar (Aug. 10, 2021).

Myanmar's Deputy Minister for Information and military spokesperson, General Zaw Min Tun, did not deny soldiers had carried out the mass killings in Kani Township and told the *BBC* in December 2021: "It can happen . . . When they treat us as enemies, we have the right to defend ourselves."²⁴⁸

Imprisonment

" . . . prepare to make arrests, one after the other, every night."²⁴⁹

– Myanmar Police Force, leaked internal memo, Karen State, March 18, 2021.

The Myanmar military began the coup in the early morning hours of February 1, 2021 by arresting dozens of elected officials and senior government leaders, including State Counsellor Aung San Suu Kyi and President Win Myint.²⁵⁰ The junta charged Aung San Suu Kyi with breaching import and export laws, violating the Official Secrets Act, and other trumped-up charges.²⁵¹ The junta initially charged President Win Myint with breaching the constitution, punishable by up to three years in prison, and for breaking rules to mitigate the spread of COVID-19; he now reportedly faces other charges as well, though at the time of writing those charges are unclear.²⁵²

The junta also arrested State Counsellor Aung San Suu Kyi's economic advisor, Sean Turnell—a 57-year-old Australian national—who remains in detention at Insein prison at the time of writing.²⁵³

Since the initial days following the attempted coup, the junta systematically imprisoned several thousand others, including children, civilian opinion leaders, elected officials, peaceful protesters, journalists, lawyers, human rights defenders, and others in sweeping nationwide raids.²⁵⁴

By its own admission, the junta detained 9,948 people between February 1 and April 15, of whom 5,070 were charged with crimes, according to a document seen by Fortify Rights and the Schell Center and provided by the Myanmar junta to ASEAN Member States for an emergency ASEAN summit to discuss Myanmar in April 2021.²⁵⁵

On October 19, in a general amnesty and following international pressure, the military junta announced the release of more than 5,600 prisoners, including several hundred political prisoners the military and police had imprisoned since the coup.²⁵⁶ It is unclear how many political prisoners the junta actually released and junta forces reportedly immediately re-arrested at least 100 of those

²⁴⁸ Rebecca Henschke, Kelvin Brown & Ko Ko Aung, *Tortured to Death: Myanmar Mass Killings Revealed*, *BBC* (Dec. 20, 2021), <https://www.bbc.com/news/world-asia-59699556>.

²⁴⁹ Memorandum from Karen State Police Force (Mar. 18, 2021) (on file with author).

²⁵⁰ Poppy McPherson, 'Rude and Insolent': *Fraught Talks Preceded Myanmar's Army Seizing Power*, *REUTERS* (Feb. 9, 2021), <https://www.reuters.com/article/myanmar-politics-reconstruction-insight/rude-and-insolent-fraught-talks-preceded-myanmars-army-seizing-power-idUSKBN2A9220> ("Starting about 3 a.m., while most of Myanmar's 53 million inhabitants slept, soldiers fanned out across the country to the homes of ministers, lawmakers, prominent activists and even Buddhist monks known for their opposition to the army. The targets were either arrested or forced to stay in their homes.").

²⁵¹ *Myanmar Coup: Detained Aung San Suu Kyi Faces Charges*, *BBC* (Feb. 3, 2021), <https://www.bbc.com/news/world-asia-55915354>; Interview: 'All Charges Made Against Aung San Suu Kyi Are Not Really Lawful', *RADIO FREE ASIA* (Apr. 6, 2021), <https://www.rfa.org/english/news/myanmar/kyee-myint-interview-04062021174358.html>.

²⁵² *Myanmar's Ousted President Faces Two New Charges: Lawyer*, *REUTERS* (Mar. 3, 2021), <https://www.reuters.com/article/us-myanmar-politics-charges-idUSKCN2AV09K>.

²⁵³ Grant Peck, *Myanmar Trial of Australian Advisor to Suu Kyi Still Not Set*, *ASSOCIATED PRESS* (June 23, 2021), <https://apnews.com/article/aung-san-suu-kyi-myanmar-australia-trials-business-081dc1ceb6268c13735e4ce31a990fcd>; Mazoe Ford, *Sean Turnell's Colleagues Petition Federal Parliament to Secure His Release from Myanmar Jail*, *ABC NEWS* (Feb. 11, 2022), <https://www.abc.net.au/news/2022-02-12/sean-turnell-colleagues-petition-parliament-to-secure-release/100825198>.

²⁵⁴ The AAPP has monitored arrests and detentions since February 1, 2021.

²⁵⁵ MYANMAR STATE ADMINISTRATIVE COUNCIL, *THE CURRENT POLITICAL SITUATION IN MYANMAR* (Apr. 24, 2021) (unpublished manuscript) (on file with author).

²⁵⁶ *Myanmar Frees Political Prisoners after ASEAN Pressure, Then Re-arrests Some*, *REUTERS* (Oct. 19, 2021), <https://www.reuters.com/world/asia-pacific/myanmar-frees-hundreds-political-prisoners-after-asean-pressure-2021-10-19/>.

whom they had just freed.²⁵⁷ The junta's announcements of prisoner releases are no guarantee that individuals will in fact be released. For example, the junta announced on June 30, 2021, that more than 2,000 detainees would be released, though as of late August only 370 had been identified as released.²⁵⁸

At the time of writing, AAPP has documented more than 10,000 cases of people the junta arrested since the February 1 coup.²⁵⁹ Estimates point to thousands of those arrested by the junta having been detained in Insein prison, the military's flagship location for political prisoners and its most notorious of 56 penitentiaries throughout the country.²⁶⁰

Fortify Rights and the Schell Center spoke with 30 people who either witnessed or had family or friends arrested, or who the junta detained and released. Information documented in those testimonies amounts to the arbitrary arrest and imprisonment of more than 150 individuals.²⁶¹ While only a fraction of those detained, they provide a representative snapshot of circumstances leading to detention and conditions individuals are held in.

Leaked Internal Police Memos and Orders to Imprison Civilians

Members of the police and military who deserted their ranks and joined the CDM told Fortify Rights and the Schell Center about orders from superior officers to arrest protesters and critics.²⁶² For instance, a Lance Corporal in the Myanmar Police Force said he received verbal orders from the military, after February 1, to “charge people who are supporting and helping the CDM.”²⁶³ He said:

[T]he military used to come to the police station. The military who came to us were the level of Captain and Major. They received the orders via phone from the upper level and they then informed our police station in-charge [Police Lieutenant] or Police Captain. Then, we have to follow whatever they order us [to do] . . . We got the order [to arrest opponents of the coup] from the commander from the military. We were always pressured to arrest government staff, such as members of the township general administration department and the immigration staff who were participating in CDM. We also were given orders to charge people supporting and helping the CDM under the act of the 505A Law . . . [The military] directly ordered me and the station officer. The person who came to tell us to arrest protesters was a Corporal Level officer from the military. The officer rarely came to us [before the coup].²⁶⁴

²⁵⁷ *Myanmar: Prisoner Releases Fall Short*, HUMAN RIGHTS WATCH (Oct. 21, 2021), <https://www.hrw.org/news/2021/10/21/myanmar-prisoner-releases-fall-short>. See also Maung Moe & Rebecca Ratcliffe, *Myanmar: Over 100 Political Prisoners Re-arrested after Release by Military*, THE GUARDIAN (Oct. 22, 2021), <https://www.theguardian.com/world/2021/oct/22/myanmar-over-100-political-prisoners-re-arrested-after-release-by-military>.

²⁵⁸ AAPP communication with Schell Center, (Aug. 31, 2021).

²⁵⁹ *Daily Briefing in Relation to the Military Coup*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (July 5, 2021), <https://aappb.org/?p=16332>.

²⁶⁰ Richard C. Paddock, *They Call It 'Insaene': Where Myanmar Sends Political Prisoners*, NEW YORK TIMES (May 29, 2021), <https://www.nytimes.com/2021/05/29/world/asia/myanmar-prison-coup.html>.

²⁶¹ Interview with #1, in Myanmar (Mar. 3, 2021) (location withheld); Interview with #2, in Myanmar (Mar. 7, 2021) (location withheld); Interview with #4, in Yangon, Myanmar (Mar. 16, 2021); Interview with #6, in Kachin State, Myanmar (Mar. 15, 2021); Interview with #10, in Mandalay, Myanmar (Mar. 16, 2021); Interview with #12, in Myitkyina, Kachin State, Myanmar (Mar. 16, 2021); Interview with #14, in Mandalay, Myanmar (Mar. 18, 2021); Interview with #18, in Mandalay, Myanmar (Mar. 18, 2021); Interview with #32, in Myanmar (Mar. 17, 2021) (location withheld); Interview with #38, in Sanchaung Township, Yangon, Myanmar (Mar. 24, 2021); Interview with #45, in Yangon, Myanmar (Mar. 19, 2021); Interview with #48, in Mandalay, Myanmar (Mar. 24, 2021); Interview with #60, in Ahlone Township, Yangon, Myanmar (Mar. 24, 2021); Interview with #61, in Yangon Myanmar (Mar. 26, 2021); Interview with #63, in Yankin Township, Yangon, Myanmar (Apr. 9, 2021); Interview with #65, in Tamwe Township, Yangon, Myanmar (Apr. 1, 2021); Interview with #66, in Kachin State, Myanmar (Apr. 1, 2021); Interview with #69, in Sanchaung Township, Yangon, Myanmar (Apr. 5, 2021); Interview with #71, in Myitkyina, Kachin State, Myanmar (Feb. 16, 2021); Interview with #72, in Yangon, Myanmar (Mar. 1, 2021); Interview with #75, in Yanon, Myanmar (Apr. 9, 2021); Interview with #76, in North Dagon Township, Yangon, Myanmar (Apr. 9, 2021); Interview with #83, in Monywa Township, Myanmar (Apr. 20, 2021); Interview with #92, in Myanmar (Feb. 17, 2021) (location withheld); Interview #101, in Yangon, Myanmar (May 3, 2021); Interview with #103, in Myanmar (May 10, 2021) (location withheld); Interview with #105, in Pyin Oo Lwin, Myanmar (May 4, 2021); Interview with #107, in Sagaing Region, Myanmar (May 16, 2021).

²⁶² See, e.g., Interview with #32, in Myanmar (Mar. 17, 2021) (location withheld).

²⁶³ Interview with #32, in Myanmar (Mar. 17, 2021) (location withheld).

²⁶⁴ *Id.*

Fortify Rights and the Schell Center obtained and independently verified the authenticity of three leaked internal memos from the Myanmar Police Force ordering officers to arbitrarily arrest protesters, members of the NLD, and specific human rights defenders.²⁶⁵

One memo, circulated among the Karen State Police Force and dated March 17, ordered police to:

. . . combine with the area military forces and conduct lists of midnight checks, searching for organizers in the strongholds of the protests and clear up and detain them starting from March 17, 2021, night and report your activities as instructed below everyday by morning 0100 hr.²⁶⁶

Fortify Rights and the Schell Center obtained and independently verified the authenticity of two other internal memos from the Myanmar Police Force, each the same in content but issued on different dates and within at least two separate police stations, instructing police to arrest protest leaders and conduct night raids.²⁶⁷ One memo was circulated within the Karen State Police Force on March 18, and the other was circulated within the Sagaing Region Police Force on March 27. Both documents bear official seals and signatures and, in identical text, instruct police officers to: "make a list of the leading NLD members and all other leaders who led the protests in your respective townships, wards and villages and submit the list to prepare to make arrests, one after the other, every night."²⁶⁸ The orders communicated in the memo are to be "sent confidentially."²⁶⁹

The Police Lance Corporal quoted above told Fortify Rights and the Schell Center about the instructions, saying:

[The] Chief of police is based in Naypyidaw. The orders come from him to state-level police and state-level chief of police order to the township police. I have a letter that tells people to arrest and to confiscate and take shields from protesters. Then they send to [sic] station officers for implementation. The order I am sending you is from the military, and it says that we must arrest people, take their shields, and crack down on them.²⁷⁰

Furthermore, following the coup, on February 3, the Mandalay District Police Commander's Office issued a similar internal memorandum, obtained and independently verified by Fortify Rights and the Schell Center, instructing police to arrest protesters and use riot-control weapons to shoot them.²⁷¹ The memorandum bears the Mandalay District police commander's office's official seal and the signature of the police captain. It instructs police officers to "fire" at protesters "with a 12-gauge anti-riot shotgun if the protester is just one person" and "with a 38-mm anti-riot gun if the protesters are in a crowd" (unofficial translation).²⁷² Anti-riot weapons typically use non-lethal ammunition, such as rubber bullets. The memo instructs police to arrest protesters "on-site without needing to ask for approval" and to arrest doctors and nurses "if they protest outside the premises of a hospital."²⁷³

²⁶⁵ Memo authenticity was verified with active-duty and former members of the military and police. See, e.g., *Myanmar: Rescind Order to Use Force Against Protesters, Protect Basic Freedoms*, FORTIFY RIGHTS (Feb. 5, 2021), <https://www.fortifyrights.org/mya-inv-2021-02-05/>.

²⁶⁶ Memorandum from Myanmar Police Force (Mar. 17, 2021) (unofficial translation on file with author).

²⁶⁷ Memorandum from Myanmar Police Force to Karen State Police Force & Sagaing State Police Force (Mar. 18, 27, 2021) (on file with author).

²⁶⁸ *Id.*

²⁶⁹ *Id.*

²⁷⁰ Interview with #32, in Myanmar (Mar. 17, 2021) (location withheld).

²⁷¹ Memorandum from Myanmar Police Force (Feb. 3, 2021) (on file with author). See also, *Myanmar: Rescind Order to Use Force Against Protesters, Protect Basic Freedoms*, FORTIFY RIGHTS (Feb. 5, 2021), <https://www.fortifyrights.org/mya-inv-2021-02-05/>.

²⁷² Mandalay District Police Memorandum (Feb. 3, 2021) (unofficial translation on file with author). See also, *Myanmar: Rescind Order to Use Force Against Protesters, Protect Basic Freedoms*, FORTIFY RIGHTS (Feb. 5, 2021), <https://www.fortifyrights.org/mya-inv-2021-02-05/>.

²⁷³ Memorandum from Myanmar Police Force (Feb. 3, 2021) (on file with author). See also, *Myanmar: Rescind Order to Use Force Against Protesters, Protect Basic Freedoms*, FORTIFY RIGHTS (Feb. 5, 2021), <https://www.fortifyrights.org/mya-inv-2021-02-05/>.

The Ward or Village Tract Administration Law

To give its widespread and systematic imprisonment of Myanmar people the veneer of legality, the junta amended parts of the domestic legal framework, broadening the already sweeping powers taken by the junta. For instance, on February 13, 2021, the military junta illegitimately amended the *Ward or Village Tract Administration Law* and reinstated a provision, which had been repealed on human rights grounds under the NLD government.²⁷⁴ The provision reinstates the previous requirement that citizens report overnight guests to ward or village-tract administrators. The law also enables the military to conduct warrantless searches on households at will.²⁷⁵

Previous governments in Myanmar used the law to search private residences and arrest people without a warrant.²⁷⁶ In March 2015, Fortify Rights published a 47-page report, entitled *Midnight Intrusions: Ending Guest Registration and Household Inspections in Myanmar*. The report describes how officials selectively enforced the guest registration requirement and used household inspections to monitor, harass, and interfere with the activities of civil society organizations and political activists, among others.²⁷⁷ Furthermore, individuals without adequate documentation or legal status in Myanmar faced challenges hosting or staying as overnight guests anywhere, and, in some cases, were forced to register themselves as guests in their own homes.²⁷⁸ The Fortify Rights report found that the guest registration requirement of the 2012 Ward or Village Tract Administration Act and its enforcement by local government officials in Myanmar violated fundamental rights and freedoms under international law, including the rights to privacy and freedom of movement, residency, and association.²⁷⁹

At the time of writing, the junta is attempting to use the resurrected law to detain critics *en masse*. Two weeks after the February 1 coup, Senior General Min Aung Hlaing reinstated the law, an action that the Committee Representing *Pyidaungsu Hluttaw* condemned.²⁸⁰ The latest Ward or Village-Tract Administration Law, as amended by the SAC, is the law's fourth iteration. Under the latest version, the SAC has the power to appoint ward and village tract administrators.²⁸¹ Section 17 requires any resident to report to their respective ward or village tract administrator, stating: "The person residing in the ward or village-tract shall inform the relevant Ward or Village-Tract Administrator if any of the following cases arises [sic] (a) coming and putting up as the overnight guest who is not listed in his family unit and is residing in other ward or village-tract. (b) departure of the guest who comes and puts up [sic]."²⁸² Anyone who does not comply with the law can be punished with a fine of 10,000 kyat (USD \$7) or imprisonment of up to seven days.²⁸³

²⁷⁴ Htoo Thant, *Midnight Inspections Clause Abolished by Parliament*, MYANMAR TIMES (Sept. 20, 2016), <https://www.mmmtimes.com/national-news/22620-midnight-inspection-clause-abolished-by-parliament.html>.

²⁷⁵ *Myanmar Military Junta Suspends Laws Protecting Citizens' Privacy to Crack Down on Opposition*, THE IRRAWADDY (Feb. 15, 2021), <https://www.irrawaddy.com/news/burma/myanmar-military-junta-suspends-laws-protecting-citizens-privacy-crack-opposition.html>.

²⁷⁶ *Midnight Intrusions: Ending Guest Registration and Household Inspections in Myanmar*, FORTIFY RIGHTS (Mar. 19, 2015), https://fortifyrights.org/downloads/FR_Midnight_Intrusions_March_2015.pdf.

²⁷⁷ *Id.*

²⁷⁸ *Id.*

²⁷⁹ *Id.*

²⁸⁰ *Suppression of People's Rights by Law Amendments Harms Democratic Change: CRPH*, ELEVEN NEWS MYANMAR (Feb. 15, 2021), <https://elevenmyanmar.com/news/suppression-of-peoples-rights-by-law-amendments-harms-democratic-change-crph/>.

²⁸¹ An activist in Karenni State told Fortify Rights, "Before, the selective villagers and citizens were able to choose their village or ward administrator but now after the military coup, the township administrator can assign the ward or village administrator." Interview with #88, in Karenni State, Myanmar (Mar. 3, 2021).

²⁸² *Republic of the Union of Myanmar State Administration Council State Administration Council Law No (4/2021) Amendment of Law Protecting the Privacy and Security of the Citizens*, GLOBAL NEW LIGHT OF MYANMAR (Feb. 13, 2021), https://cdn.myanmarseo.com/file/client-cdn/gnlm/wp-content/uploads/2021/02/14_Feb_21_gnlm.pdf.

²⁸³ *Id.*

On March 4, the U.N. Special Rapporteur on the situation of human rights in Myanmar, Tom Andrews, reported to the U.N. Human Rights Council, "The police, military, plain-clothed authorities, and General Administration Department officers such as township and ward administrators have all carried out arbitrary detentions since the coup."²⁸⁴

Fortify Rights and the Schell Center interviewed residents, activists, and journalists throughout Myanmar who worried the law signifies that the junta will continue to arrest critics and conduct more nighttime raids. A 21-year-old man who is a member of a politically active student-group told Fortify Rights and the Schell Center:

The guest registration law is bad for us. First, the law is meant for activists and politicians [who resist the coup]. It is very focused to catch them. It makes it very difficult to hide from arrest. Activists and politicians have to report to a village administration. It's meant to stop people who are a part of the CDM or who are against the military.²⁸⁵

A woman, 36, in Dala Township, Yangon told Fortify Rights about informants for the junta informing administrative officials about overnight guests in her neighborhood:

[P]eople need to do guest registration, and people are a bit worried at night. People need to do guest registration as we have informants in our quarter. The other day, this is how it happened to that family [who was arrested]: The authorities were informed by the informants, and they came at night and abducted the whole family . . . They are being held in Dala police custody . . . They were arrested in the evening and sentenced the next morning. Most probably, they were sued under section 505(A) . . . [N]eighbors know everything about what is happening in a house in the quarter. So, it is easy for the police informants to watch and gather detailed information about the families who joined in the movement.²⁸⁶

In another instance, a Myanmar Muslim man, 30, told Fortify Rights and the Schell Center about a raid on his house in Yangon on May 8, 2021.²⁸⁷ He said:

They [police] entered our room and started interrogating us inside. They were scrutinizing everything inside my room. They opened my drawers . . . checking everything including the papers they found. They had guns in their hands but did not open fire.²⁸⁸

The man told Fortify Rights and the Schell Center that three weeks prior to the May 8 raid on his home the police raided a nearby building:

That time they were interrogating about whether the visitors held authorization or not [through the Ward or Village Tract Administration Law passed by the SAC after the coup]. They raided only that building, and they took away four people, accusing them that they held no authorization . . . I was an eyewitness to how the four young guys were arrested and taken away by the soldiers. They were scolded and beaten. I was watching them from my room above. I turned off the lights in our room and watched how they were beaten . . . And I heard how the forces were beating people and accusing them about why they did not hold authorization for a stay.²⁸⁹

An activist from Karenni (also known as Kayah) State also said that she worried about how the military would use the law to conduct night raids and search for her while she was in hiding.²⁹⁰ She told Fortify Rights and the Schell Center:

²⁸⁴ Thomas H. Andrews, *Report of the Special Rapporteur on the Situation of Human Rights in Myanmar*, para. 54, U.N. Doc. A/HRC/46/56 (Mar. 4, 2021), https://ohchr.org/EN/HRBodies/HRC/RegularSessions/Session46/Documents/A_HRC_46_56.pdf.

²⁸⁵ Interview with #91, in Myanmar (Mar. 3, 2021) (location withheld).

²⁸⁶ Interview with #104, in Dala Township, Yangon, Myanmar (May 5, 2021).

²⁸⁷ Interview with #114, in Yangon, Myanmar (May 9, 2021).

²⁸⁸ *Id.*

²⁸⁹ *Id.*

²⁹⁰ Interview with #88, in Karenni State, Myanmar (Mar. 3, 2021).

Currently, I am one of the members leading the protests, so I am in hiding. I couldn't even go back to my home because there are cases that they [police] are investigating houses. Before anything happens, it is good to avoid being arrested. While we are participating in the protests, we also must be alert for our safety.²⁹¹

An ethnic-Karen woman representing a human rights organization in Karen (also known as Kayin) State told Fortify Rights and the Schell Center: “They [the military] are searching for human rights defenders. They are searching house-to-house at night, even in Karen [State]. They are cutting the internet from midnight to 4 a.m..”²⁹²

“Aung Aung,” a 35-year-old civil society member in Rakhine State, shared fears related to the new Village and Ward Administration Law, saying:

The law [Ward or Village Tract Administration Law passed by SAC after the coup] is mostly for activists. It's a law that assists the military. There will be no safe space for us to hide. The law means they can check and raid any house. The military is doing nighttime raids . . . Village administrators have started announcing that people must register house guests.²⁹³

On February 17, police and soldiers made announcements in Sittwe city in Rakhine State instructing residents to abide by the Ward or Village Tract Administration Law. Aung Aung told Fortify Rights and the Schell Center: “There were cars with soldiers and police in the city. They announced it, saying, ‘If someone is a guest, then you have to submit the form to the administrator.’ They also said, ‘You should not go out at night.’”²⁹⁴

Penal Code 505A

Since the coup, the junta also amended the Penal Code to create new offenses and expand existing offenses, evidently to imprison organizers, protesters, and members of the CDM.

Under Myanmar penal code, Article 505(a) was long used to imprison human rights defenders. On February 14, the military junta announced amendments to the Penal Code, including amending Section 505(a) and added a new— Section 505A. The new 505A bestows broad powers of discretion to the junta and criminalizes anything that may “cause fear, spread false news, agitate directly or indirectly criminal offence against a Government employee.”²⁹⁵ Violations of 505A carry up to a three-year prison sentence.²⁹⁶

Under the previous version of Section 505(a) it was a crime to publish or circulate “any statement, rumour or report” with the “intent to cause, or which is likely to cause, any officer, soldier, sailor or airman, in the Army, Navy or Air Force to mutiny or otherwise disregard or fail in his duty.”²⁹⁷ The amended section is similarly vague, though broader, criminalizing any attempt to “hinder, disturb, damage the motivation, discipline, health and conduct” of junta personnel.²⁹⁸

Many of the people imprisoned by the junta since the coup were charged with violating section 505A and others have been issued arrest warrants under 505A and went into hiding.²⁹⁹

²⁹¹ *Id.*

²⁹² Interview with #123, in Thailand (July 8, 2021).

²⁹³ Interview with #87, in Sittwe Township, Rakhine State, Myanmar (Mar. 3, 2021).

²⁹⁴ *Id.*

²⁹⁵ *Republic of the Union of Myanmar State Administration Council State Administration Council Law No (5/2021) Law Amending the Penal Code*, GLOBAL NEW LIGHT OF MYANMAR (Feb. 14, 2021), https://cdn.myanmarseo.com/file/client-cdn/gnlm/wp-content/uploads/2021/02/15_Feb_21_gnlm_1.pdf.

²⁹⁶ *Id.*

²⁹⁷ Myanmar Criminal Code, § 505(a) (Jan. 5, 1861).

²⁹⁸ *Republic of the Union of Myanmar State Administration Council State Administration Council Law No (5/2021) Law Amending the Penal Code*, GLOBAL NEW LIGHT OF MYANMAR (Feb. 14, 2021), https://cdn.myanmarseo.com/file/client-cdn/gnlm/wp-content/uploads/2021/02/15_Feb_21_gnlm_1.pdf.

²⁹⁹ Interview with #6, #61, #71, #75, in Putao Township, Myitkyina Kachin State & Yangon Region, Myanmar (Mar. 15, 26; April 9; May 1, 2021).

A 30-year-old LGBTQI man and activist from Yangon Region told Fortify Rights, while in hiding in Karen State, that he learned through state-run media that the junta issued a warrant for his arrest:

In the second warrant list, my name was there . . . I knew about it from MWD [Myawaddy TV] and MRTV [Myanmar Radio and Television]. I was issued a warrant with 505A. I stayed in a safe house in Yangon for 10 days. After security forces searched my house, they took things from my house with several big bags . . . Now under the military coup, we get it [the] worst. LGBT who got arrested faced severe punishment.”³⁰⁰

Imprisonment of Union Election Commission Officials

The NLD’s sweeping victory in the November 2020 elections in Myanmar—and the military-affiliated party’s crushing defeat—were a motivating political-pretext for the *coup*. The military repeatedly alleged widespread voter fraud in the elections, and on January 28, the UEC rejected the military’s claims.³⁰¹ One week later, on February 2, in his first meeting with junta officials since the *coup*, Senior General Min Aung Hlaing reportedly said that the army had to take power because the NLD government ignored allegations of election fraud.³⁰² The junta quickly formed a new UEC to oversee a post-coup investigation into election fraud in the November 2020 election.³⁰³

Following the arrest of State Counsellor Aung San Suu Kyi, President Win Myint, elected members of parliament, and others on February 1, the junta began arresting UEC officials.³⁰⁴ On February 10 and 11, the junta rounded up and detained dozens of UEC officials for questioning about election fraud.³⁰⁵ The junta detained senior UEC officials as well as mid-and low-level officials in states and regions nationwide.³⁰⁶

In a case documented by Fortify Rights and the Schell Center, on February 10, the military arrested a UEC commissioner from his home at night. The location of the incident and other details are withheld here for the security of the victim’s family. The commissioner’s daughter, who witnessed the arrest, said:

My mother opened the door [of our home]. It was 11:38 p.m. on February 10. The Village Chairmen said the military needs to meet your father . . . I was awake and saw it. More than five military persons [came], both soldiers and police. I clearly saw two police and five military soldiers [in our compound] as well as the village chairmen . . . The military took my father.³⁰⁷

³⁰⁰ Interview with #98 (May 1, 2021) (location withheld).

³⁰¹ PyaePaye Sone Win, *Myanmar Election Commission Rejects Military’s Fraud Claims*, ASSOCIATED PRESS (Jan. 29, 2021), <https://apnews.com/article/aung-san-suu-kyi-elections-myanmar-cc1b225b806c27dda748d3ab51d0e47f>.

³⁰² Poppy McPherson, *‘Rude and Insolent’: Fraught Talks Preceded Myanmar’s Army Seizing Power*, REUTERS (Feb. 10, 2021), <https://www.reuters.com/article/myanmar-politics-reconstruction-insight/rude-and-insolent-fraught-talks-preceded-myanmars-army-seizing-power-idUSKBN2A9220>.

³⁰³ *Myanmar’s Coup Leaders Name a New Union Election Commission*, THE IRRAWADDY (Feb. 3, 2021), <https://www.irrawaddy.com/elections/myanmars-coup-leaders-name-new-union-election-commission.html>. A senior UEC official in hiding told Fortify Rights speaking on condition of anonymity, about some of the reasons for the imprisonment of the UEC officials, saying: “There was no purposeful fraud that happened [in the November 2020 Election]. Detaining them makes it easier for them to make up stories about fraud. They want to avoid the UEC members of being a part of the CDM. The reason for the coup is the election fraud. The UEC will easily boycott. As long as they are detained, they cannot join the CDM process. They want to keep the leadership quiet and away from CDM and away from investigation process so they can do things easily.” See Interview with #2, in Myanmar (Mar. 7, 2021) (location withheld).

³⁰⁴ *Myanmar: Release Government Officials and Human Rights Defenders Detained in Military Coup*, FORTIFY RIGHTS (Feb. 1, 2021), <https://www.fortifyrights.org/mya-inv-2021-02-01/>.

³⁰⁵ *Myanmar Military Rounds Up Former Election Commission Officials*, THE IRRAWADDY (Feb. 11, 2021), <https://www.irrawaddy.com/news/burma/myanmar-military-rounds-former-election-commission-officials.html>; Emanuel Stoakes & Michael Safi, *Election Officials Detained in Myanmar ‘In Bid to Prove Fraud’*, THE GUARDIAN (Feb. 12, 2021), <https://www.theguardian.com/world/2021/feb/12/election-officials-held-in-myanmar-in-bid-to-prove>. Videos widely circulated online reportedly show some of the late-night detentions of UEC officials. See, e.g., Nyein Su Hlaing, FACEBOOK (Feb. 11, 2021), <https://www.facebook.com/tiffany.potter.75/videos/3556112807844472>.

³⁰⁶ Interview with #119, in Thailand (June 18, 2021) (“On February 10, you saw UEC members arrested. This was a way for the junta to try and legitimize the coup and take control over the narrative.”).

³⁰⁷ Interview with #1, in Myanmar (Mar. 3, 2021) (location withheld).

She continued: “[My father] is being held and kept in detention still . . . My father thought the election was done well. He thought it was a free and fair election.”³⁰⁸ At the time of writing, the commissioner remains in detention and the family has had little communication with him.

In another nighttime arrest, military officials arrested a UEC official from his residence on February 11, 2021 at 11 p.m.. An eyewitness to the arrest told Fortify Rights and the Schell Center:

I saw the arrest of [name withheld for security] with my eyes. Military personnel and police officers arrested [him] at 11 p.m. from his house . . . Police officers said they would take him just for overnight and then they would return him in the morning . . . They [police and military] told us that [victim’s name withheld] is only being taken to the police station [for one night]. I told them that I wanted to come along to the police station, but they denied my request.³⁰⁹

The eyewitness continued:

The next morning, we called the police station and they replied that [victim’s name withheld] wasn’t detained there . . . I couldn’t meet with [him] and had no communication as well. I wanted to give [him] his personal medication, but I wasn’t allowed. So, one of the officers passed them to [him] . . . Nobody has informed us why he was taken and no explanation has been given for his arrest . . . Now, I pray for his freedom. We can’t do anything because he is in the hands of the military.³¹⁰

A UEC official who is in hiding told Fortify Rights and the Schell Center: “There is very little hope for the UEC. Even UEC staff cannot speak out because they are detained . . . If there is more coverage of UEC detention it would be good. For now, they are forgotten. The military won’t care much about them.”³¹¹

In addition to UEC officials whom the junta arbitrarily arrested, according to records from a January 14, 2022 press conference by the junta’s Information Team, and published by the junta-run *Global New Light of Myanmar*, a total of 2,169 persons were “prosecuted for double and triple voting with a single citizenship scrutiny card in regions and states” since the coup.³¹²

Imprisonment of Journalists

Shortly after the coup, the Myanmar junta began to attack media organizations and journalists. As of January 2022, the junta had reportedly arbitrarily arrested 115 journalists, 44 of whom remained in detention and four of whom died in detention.³¹³

On February 11, 2021, the Myanmar Ministry of Information sent a letter to the Myanmar Press Council—an independent media body—ordering members of the news media to cease “falsely” referring to the junta as a “coup government” and said doing so violates the country’s News Media Law and Printing and Publishing Law.³¹⁴ On June 30, the Ministry of Information issued an “Announcement” in the junta-run *Global New Light of Myanmar*, saying:

³⁰⁸ *Id.*

³⁰⁹ Interview with #92, in Myanmar (Feb. 17, 2021) (location withheld).

³¹⁰ *Id.*

³¹¹ Interview with #2, in Myanmar (Mar. 7, 2021) (location withheld).

³¹² *Records on 11th press conference held by Information Team of the State Administration Council on 14 January*, GLOBAL NEW LIGHT OF MYANMAR (January 18, 2022), https://cdn.myanmarseo.com/file/client-cdn/2022/01/18_Jan_22_gnlm.pdf.

³¹³ *Myanmar Military Arrests More Journalists in Media Crackdown—Editor*, REUTERS (Jan. 20, 2022), <https://www.reuters.com/world/asia-pacific/myanmar-military-arrests-more-journalists-media-crackdown-editor-2022-01-20/>. The military junta detained American journalist Danny Fenster, 37, at Yangon International Airport and sentenced him to 11 years in prison. His mother, Rose Fenster, spoke told CNN: “It’s a total nightmare; it’s a total feeling of no control. It’s heart-wrenching.” See David Goldman, *Parents of Detained Journalist in Myanmar: ‘It’s a Total Nightmare’*, CNN (May 30, 2021), <https://edition.cnn.com/2021/05/30/media/danny-fenster-parents/index.html>. Fenster was released on November 15, 2021, following negotiations in Myanmar with the junta by U.S. diplomat Bill Richardson. See Richard C. Paddock, *U.S. Journalist Danny Fenster is Freed from Myanmar Prison*, NEW YORK TIMES, (November 15, 2021), <https://www.nytimes.com/2021/11/15/world/asia/myanmar-danny-fenster-release.html>. See also, *Danny Fenster on life inside Myanmar’s notorious Insein Prison*, 60 MINUTES (February 27, 2022), <https://www.youtube.com/watch?v=sVNETKMAQqM>.

³¹⁴ Letter No. 2-6 (7) from Myanmar Ministry of Info. (Feb. 11, 2021) (on file with author).

It is found that some foreign correspondents based in Myanmar express the current government of the State Administration Council as military council or military junta or junta in their news stories and exaggerate their news quoting rootless sources and false news related to Myanmar [sic].³¹⁵

The Ministry then posed a threat to journalists, saying:

[F]oreign news agencies were warned not to further apply the usage of military council/military junta/junta for the government in the future and not to quote and exaggerate the false news, and action will be taken against them under the existing laws if they apply wrong usages, quote and exaggerate fake news and disseminate false information.³¹⁶

For this report, Fortify Rights and the Schell Center interviewed nine journalists in various locations in Myanmar, six of whom were Myanmar citizens, and two of whom were foreigners, as well as one relative of an imprisoned reporter.³¹⁷

On February 14, Fortify Rights documented how the military detained overnight five Myanmar journalists covering a violent crackdown by security forces during a protest near Buga company electricity power plant in Myitkyina, Kachin State.³¹⁸ The five detainees included Chief Editor Twe Aung and cameraperson Naw Sai from *74 Media*, Sai Latt Aung from *Mizzima*, and Chief Editor Yang Kaung and reporter Wai Yan for the *Eternal Peace Network*.³¹⁹

The day after the military released him from custody, an ethnic-Kachin journalist from *74 Media* told Fortify Rights and the Schell Center: "We were kept in a prison transport vehicle . . . We were detained at 8:45 p.m. and let go the next day at around 10:30 a.m."³²⁰ The journalists said that soldiers released them without charge but forced them to sign a document saying they would not violate the junta's ban on gatherings of five or more people, or the nighttime curfew issued on February 8.³²¹

In another case in Kachin State, on April 14, the military arrested three journalists working for the *Myitkyina News Journal*.³²² Soldiers took them to the Myanmar Army's Northern Regional Command and subsequently imprisoned them under Article 505A.³²³ On May 2, the junta revoked the licenses of the *Myitkyina Journal* and *74 Media*.³²⁴

On February 16, the military junta's executive body, the SAC, held its first press conference, during which Deputy Minister for Information Zaw Min Tun spoke to the media, reportedly saying the military is taking "necessary measures according to the law if media reports violate the law."³²⁵ He continued to tell the press conference, "I can't promise not to take any action against the media."³²⁶

³¹⁵ *Announcement*, GLOBAL NEW LIGHT OF MYANMAR (June 30, 2021), at 3, https://cdn.myanmarseo.com/file/client-cdn/2021/07/30_June_21_gnlm.pdf.

³¹⁶ *Id.*

³¹⁷ Interviews with #12, #38, #65, #71, #72, #73, #106, #124, #126, #140, in Kachin State, Sanchaung Township, Tamwe Township, Yangon, Chin State (Mar. 16, 24; Apr. 1; Feb. 16; Mar. 1; Feb. 13; Mar. 3, July 9; Sept. 8, 2021).

³¹⁸ *Shots Fired during Protests in Myitkyina, Myanmar*, FORTIFY RIGHTS (Feb. 17, 2021), https://www.fortifyrights.org/our_films/mya-inv-vdo-2021-02-17/.

³¹⁹ Interview with #71, in Myitkyina, Kachin State (Feb. 16, 2021). See also, *At Least 6 Journalists Detained in Myanmar as Coup Government Cracks Down on Press*, COMMITTEE TO PROTECT JOURNALISTS (Feb. 16, 2021), <https://cpj.org/2021/02/at-least-6-journalists-detained-in-myanmar-as-coup-government-cracks-down-on-press/>.

³²⁰ Interview with #71, in Myitkyina, Kachin State, Myanmar (Feb. 16, 2021). See also, *Myanmar: End Assault on Media Freedom*, FORTIFY RIGHTS (Feb. 18, 2021), <https://www.fortifyrights.org/mya-inv-2021-02-18/>.

³²¹ Interview with #71, in Myitkyina, Kachin State (Feb. 16, 2021). There have also been reports of journalists in Chin State, Myanmar who have been forced to sign documents before their release from detention. See Jared Downing & Zar Ni, *Police Are Forcing Myanmar Journalists To Sign False Statements Amid Crackdown*, VICE WORLD NEWS (Mar. 21, 2021), <https://www.vice.com/en/article/m7aymx/myanmar-journalists-press-freedom-crackdown>.

³²² *Myanmar Regime Arrests Three Journalists in Kachin State Capital*, THE IRRAWADDY (Apr. 17, 2021), <https://www.irrawaddy.com/news/burma/myanmar-regime-arrests-three-journalists-kachin-state-capital.html>.

³²³ KACHIN WOMEN'S NETWORK THAILAND, *DEADLY REPRISALS: REGIME STEPS UP ATTACKS ON CIVILIANS IN RETALIATION FOR CONFLICT LOSSES IN NORTHERN BURMA 3* (June 2021), https://kachinwomen.com/wp-content/uploads/2021/06/Deadly_Reprisals_ENG.pdf.

³²⁴ *Id.*

³²⁵ *Myanmar Protests Live: Hundreds of Thousands Continue to Defy Ban on Gatherings, Threats of 'Action'*, FRONTIER MYANMAR (Feb. 17, 2021), <https://www.frontiermyanmar.net/en/myanmar-protests-live-tens-of-thousands-gathering-in-yangon-demonstrations-in-other-major-cities/>.

³²⁶ *Id.*

On April 23, junta forces arrested and tortured a freelance Myanmar photographer journalist. The journalist told Fortify Rights and the Schell Center:

They [security forces] were arresting anyone they saw. So, they also arrested me. My camera was packed in a blue plastic bag. They found it later and they confiscated the camera too . . . They hit me on the neck so that I couldn't defend them back. I couldn't do anything back to them. My eyes were fuzzy. They also cursed me when they captured me. They cursed me like "motherfucker, don't say anything back to us," and they dragged me onto their police car.³²⁷

On August 15, in Yangon, junta forces arrested Sithu Aung Myint, a columnist for news site *Frontier Myanmar* and commentator with *Voice of America* radio, and Htet Htet Khine, a freelance producer for *BBC Media Action*.³²⁸ A relative of Sithu Aung Myint told Fortify Rights and the Schell Center on September 8, 2021: "[H]e was arrested in Bahan Township in a safe house in Yangon. He was with Ma Htet Htet Khine."³²⁹ The relative added that Sithu Aung Myint had been jailed before, saying: "He was also a former political prisoner . . . He was arrested before in 1988 and put in prison."³³⁰

In another case, the junta detained American journalist Nathan Maung, editor-in-chief of *Kamayut Media*, and his colleague Hanthar Nyein on March 9 from their offices in Yangon. The junta released Nathan Maung on June 15; he later described to Fortify Rights and the Schell Center how the authorities tortured him.³³¹ The junta deprived him of sleep, food, and water, and violently interrogated him for prolonged periods of time, beating and kicking him.³³² Nathan Maung told *The Irrawaddy* that there were approximately "80 people per cell" in Insein prison and that the junta had detained 2,000 political prisoners there, in his estimation. "Every day, 50 to 100 more people were brought from the interrogation center," he said.³³³ At the time of writing, Hanthar Nyein remains in detention.³³⁴

On May 24, 2021, the junta also arrested American journalist Danny Fenster, 37, and charged him with incitement with regard to his work before the coup with the news outlet *Myanmar Now*.³³⁵ Following negotiations in Myanmar with Senior General Min Aung Hlaing by former American-governor and diplomat Bill Richardson, Fenster was freed on November 15, 2021.³³⁶ Speaking on the *CBS News* program *60 Minutes*, Fenster described his time in Insein prison and the situation of Myanmar under military rule: ". . . the entire country is being held prisoner right now. They're all sort of captives of the military. And that's ongoing. When I left, none of that changed."³³⁷

³²⁷ Interview with #126, in Yangon, Myanmar (July 9, 2021).

³²⁸ *Myanmar Military Arrests More Journalists*, REUTERS (Aug. 22, 2021), <https://www.reuters.com/world/asia-pacific/myanmar-arrests-two-more-journalists-post-coup-media-crackdown-continues-2021-08-21/>; *Journalists Htet Htet Khine and Sithu Aung Myint Arrested in Myanmar*, COMMITTEE TO PROTECT JOURNALISTS (Aug. 23, 2021), <https://cpj.org/2021/08/journalists-htet-htet-khine-and-sithu-aung-myint-arrested-in-myanmar/>. She became a Pioneer in Myanmar's Media – and Now is in Detention, BBC, (Mar. 8, 2022), <https://www.bbc.co.uk/mediaaction/where-we-work/asia/myanmar/htet-htet-khine/>.

³²⁹ Interview with #140, in Yangon, Myanmar (Sept. 8, 2021). See also, *Myanmar Columnist Sithu Aung Myint Detained in Interrogation Centre, Lawyer Says*, MYANMAR NOW (Aug. 19, 2021), <https://www.myanmar-now.org/en/news/myanmar-columnist-sithu-aung-myint-detained-in-interrogation-centre-lawyer-says>.

³³⁰ Interview with #140, in Yangon, Myanmar (Sept. 8, 2021).

³³¹ Interview with Nathan Maung, #161 (July 14, 2021).

³³² *Id.*

³³³ *Id.*

³³⁴ *Id.*

³³⁵ Julia Marnin, *U.S. Journalist Danny Fenster to Remain in Myanmar Orison, Despite Release of Other Media*, NEWSWEEK (July 1, 2021), https://www.newsweek.com/us-journalist-danny-fenster-remain-myanmar-prison-despite-release-other-media-1606124?piiano_t=1. See Richard C. Paddock, *U.S. Journalist Danny Fenster is Freed from Myanmar Prison*, NEW YORK TIMES, (November 15, 2021), <https://www.nytimes.com/2021/11/15/world/asia/myanmar-danny-fenster-release.html>. See also, *Danny Fenster on life inside Myanmar's notorious Insein Prison*, 60 MINUTES (Feb. 27, 2022), <https://www.cbsnews.com/news/danny-fenster-inside-myanmar-insein-prison-60-minutes-2022-02-27/>.

³³⁶ See Richard C. Paddock, *U.S. Journalist Danny Fenster is Freed from Myanmar Prison*, NEW YORK TIMES, (Nov. 15, 2021), <https://www.nytimes.com/2021/11/15/world/asia/myanmar-danny-fenster-release.html>.

³³⁷ *Danny Fenster on Life inside Myanmar's Notorious Insein Prison*, 60 MINUTES (Feb. 27, 2022), <https://www.cbsnews.com/news/danny-fenster-inside-myanmar-insein-prison-60-minutes-2022-02-27/>.

The junta's arrests and detentions of journalists have, by design, created a chilling effect among working journalists, forcing many into hiding.³³⁸ A freelance journalist in Yangon said: "I am not staying at home . . . I have not slept at home for two weeks, since February 2. Last night, police came to the neighborhood where I'm hiding. They didn't come where I was [staying], but I could see them in the streets."³³⁹ A month later, the same journalist fled the country and relocated to neighboring Thailand due to well-founded fears of arbitrary arrest in Myanmar.³⁴⁰

Imprisonment of Peaceful Protesters and Others

Eyewitness testimony and mobile-phone videos collected and analyzed for this report indicate that the police and military arbitrarily arrested a vast number of peaceful protesters in towns and cities throughout the country since the coup.³⁴¹ By its own admission, in an unpublished document obtained by Fortify Rights that was prepared by the junta for Foreign Ministers of ASEAN Member States, the junta arrested and detained 9,948 people between February 1 and April 15, 2021, alone.³⁴²

For instance, a 28-year-old pro-democracy protest leader in Putao Township, Kachin State went into hiding from February 8 until the military arrested him on February 20.³⁴³ The authorities released him on March 5.³⁴⁴ On February 7 and 8, he helped organize peaceful protests that involved more than 200 people: "We were drumming and making noise during the protest. We started on February 7 to conduct the protest. We led the first protest, and we heard the leading protesters were going to be arrested, so we went into hiding."³⁴⁵ He continued: "Around 50 military soldiers came to arrest us. They had large guns. The military told us 'It's an order from the higher level to arrest you.'"³⁴⁶ The next day, the military handed him and others to the Putao police station, where he was charged under Section 505A and with other alleged violations.³⁴⁷ He told Fortify Rights and the Schell Center the police forced him to sign a blank document:

I was forced to sign a letter at the police station on February 20 [2021] . . . The letter was blank. We were just made to sign this document with no other details. We had to sign the end of the document. We argued with the one-star captain for one hour. I was upset and said to him, "Why do we have to sign this document? There is no law that says we need to sign a blank document."³⁴⁸

The pro-democracy leader said the Putao Prison was "controlled by the military" and that the authorities denied him the ability to meet his family or a lawyer.³⁴⁹ For unknown reasons, the authorities dropped some charges against the ethnic-Kachin man, including charges of violating 505A. At the time of writing, he told Fortify Rights and the Schell Center he is being charged in relation to "leading protest or instigating a riot."³⁵⁰

³³⁸ Interviews with #73, #106, in Yangon Region, Myanmar (Feb. 13; March 1, 2021). See also, *Myanmar: End Assault on Media Freedom*, FORTIFY RIGHTS (Feb. 18, 2021), <https://www.fortifyrights.org/mya-inv-2021-02-18/>; *Myanmar Journalist Persists, Despite Death Threats*, FORTIFY RIGHTS (May 5, 2021), <https://www.fortifyrights.org/mya-inv-pro-2021-05-05/>.

³³⁹ Interview with #106, in Yangon Region, Myanmar (Feb. 13, 2021). See also, *Myanmar: End Assault on Media Freedom*, FORTIFY RIGHTS (Feb. 18, 2021), <https://www.fortifyrights.org/mya-inv-2021-02-18/>.

³⁴⁰ Signal communication with #106 (Apr.-June, 2021). If Myanmar security forces are unable to arrest the journalists, activists, or leader they are looking for they have begun a campaign to arbitrarily arrest family and friends of journalists, protesters, and others who gave gone into hiding. On April 29, security forces searching for Salai Bawi Uk Thang, the editor-in-chief of the *Chinland Post*, detained his father. See *Myanmar: Stop Holding Family, Friends Hostage*, HUMAN RIGHTS WATCH (June 14, 2021), <https://www.hrw.org/news/2021/06/14/myanmar-stop-holding-family-friends-hostage>.

³⁴¹ Open-source evidence log, (Mar.-May 2021); Interviews with eyewitnesses to mass arrests (Feb.-Sept. 2021).

³⁴² MYANMAR STATE ADMINISTRATIVE COUNCIL, *THE CURRENT POLITICAL SITUATION IN MYANMAR* 60 (Apr. 24, 2021) (on file with author).

³⁴³ Interview with #6, in Putao Township, Kachin State, Myanmar (Mar. 15, 2021).

³⁴⁴ *Id.*

³⁴⁵ *Id.*

³⁴⁶ *Id.*

³⁴⁷ *Id.* ("I was taken to Putao Police Station. I was charged at the court under Section 505A and 25, and 17(a) or (1).")

³⁴⁸ *Id.*

³⁴⁹ *Id.*

³⁵⁰ *Id.*

* * *

A Myanmar woman who runs a restaurant in Mandalay told Fortify Rights she witnessed the police arrest approximately 50 peaceful protesters in Mandalay on the morning of February 27.³⁵¹ She said:

On February 27, around 10 a.m. there were around 200 protesters in front of our house. They were peacefully protesting that day. At around 10:30 a.m., they ran into our compound because the police were trying to arrest them. Approximately 100 peaceful protesters came, and the police chased after them. There are many buildings in our compound, so the protesters ran in to seek safety. About 50 in one building and one group was about 30 in another building. They arrested about 50 people in our compound. I could see the police taking people away. I saw about 20 police officers in the compound.³⁵²

The woman filmed part of the mass arrest with her mobile phone.³⁵³ The video, reviewed for this report, shows armed police rounding up protesters and forcing them to pose on their knees with their hands above their head.³⁵⁴ The woman told Fortify Rights and the Schell Center:

I was afraid and very angry when the police ran onto our property. I posted a live video on Facebook. They [the police] tried to hit me with a sling shot when they saw me filming. They yelled, “Don’t take a video!” They even shot at my mom with a sling shot but the rock hit the glass window, not my mom.³⁵⁵

* * *

In many cases, an assemblage of military and police officers surrounded and beat or kicked detainees. In one case, a 31-year-old protester, “Htun Win,” was arrested in this way on March 1 on Sanchaung Padonmar Street in Yangon and later released on March 25. He told Fortify Rights and the Schell Center about his experience being arrested, beaten, and spending 24 days in prison.³⁵⁶ Htun Win explained how the police approached the protesters from two directions, on Padonmar and Sanchaung roads, ultimately arresting him and others:

I ran inside Win Star, a beer station [to hide]. I put down my water bag [used to extinguish tear gas]. . . . We were trapped. Everyone was in chaos. I went inside the kitchen to hide. Some people were also hiding in the bathroom. I was hiding in the back alley, but there was no room left. I was hiding behind an umbrella. They [police] hit the umbrella and removed it. Then they pointed at me with guns. They also hit me with their guns. I asked them why they were arresting me, which charge I was being arrested under. I tried to run away, but I couldn’t. I fell down. They kicked and stepped on me. One of their kicks hit my head. I gradually gave up. Then, they took me out, one of them was pointing at my back with his gun. Then, they asked me to sit on the street. They put my hands behind my back and handcuffed me. They handcuffed me really tight.³⁵⁷

Htun Win said the police took him to Dagon Police Station:

Then, they [the police] brought more protesters who were hiding. Then they brought us to the prison van. They checked our bags and other belongings and they registered us. There were seven other guys. I also saw a foreign journalist who was also arrested. He showed his documents to the police. But they also brought him with us. Then we were brought to Dagon Police Station. We had to put our hands on our head and sit there, and then sent us to a [prison] cell. . . . They [the police] also asked for phone numbers and names [at the police station]. At that time, my phone was ringing. My sister called me. I texted her back that I was being kept at Dagon Police Station. I replied to her when they were asking me to turn off my phone. . . . We

³⁵¹ Interview with #14, in Mandalay, Myanmar (Mar. 18, 2021).

³⁵² *Id.*

³⁵³ *Id.*

³⁵⁴ Verified mobile phone video footage (Feb. 27, 2021) (on file with author).

³⁵⁵ Interview with #14, in Mandalay, Myanmar (Mar. 18, 2021).

³⁵⁶ Interview with #75, in Yangon Region, Myanmar (Apr. 9, 2021).

³⁵⁷ Interview with #75, in Yangon Region, Myanmar (Apr. 9, 2021).

demanded to have lawyers and to inform our families. Then, they threatened us, "You are fine now, we will add more charges." They just kept us in that room until 5 p.m. There were around 30 people. I saw people who didn't protest. I met a guy who was in a night dress, he was just with his friends in their house. He was beaten up and arrested.³⁵⁸

Police sent the group to Insein prison. Htun Win told Fortify Rights and the Schell Center:

Then it was 8 p.m. They told us to stand up in line. They put us in a group with 10 people in each group and put us in a car to send us to Insein prison. We arrived at the prison around 8:45 p.m. . . . They checked us several times inside the prison for the registration. We got some food after that, and then we were in another interrogation. They came back again at 10 p.m. for the interrogation. We had to explain to them how we got arrested. I heard from other prisoners that they were beaten during the interrogation.³⁵⁹

The man later explained how the junta charged him with violating section 505A of the penal code via a video-conference call while he was in Insein prison.³⁶⁰ He said:

There was a video-conferencing trial. We were told that it was a trial; that was not even a court. They put a computer screen that has a video call. There was a lady on the call. She counted us and said our name and mentioned about remands through that video call. She told us that we have 14 days of remand. I asked her through the video call, what's going to happen next? She said we may be released but police will interrogate us first. If we are innocent, then we will be released. In another trial on March 16, they put around 40 of us in another video conferencing trial and said we all were sued under 505A. We were arrested on March 1, and only on the 16th did we get the chance to meet with families, and even that was via a video conference. We were under a total blackout for 15 days. [When released], I could meet my family in person only on March 25.³⁶¹

* * *

An 18-year-old woman and student at a university in Yangon told Fortify Rights and the Schell Center she joined numerous protests in Yangon since the military took power. Police arrested her during a protest on March 3 in Tamwe Township along with other protesters. She said:

Following the [All Burma Federation of Student Unions] ABFSU strike, police fired tear gas and bullets. We didn't run. We were shouting "we're not going to run!" Then we moved backward gradually [away from the junta forces]. But one of our girls fell on the ground and another friend also fell. We were stuck in the crowd . . . [A]t that time there was tear gas and sound grenades . . . Then a little bit later, I saw a group of police in front of me. They didn't beat me. They shouted at us not to run. They were just waving their batons. We were afraid that if we would get arrested, we would get beaten up. Police were not that bad. The military is really bad. We were aware not to run away if we ever got arrested. So, we didn't run, because if we ran, they would fire [guns] at us.³⁶²

Police detained her and transported her and others to Kyaikkasan Stadium, where officers systematically processed detainees.³⁶³ She said:

Then the police asked us to take off our gas masks and helmets, and then they took photos [of us]. We had to give them our mobile phones and backpacks. Female police officers approached us and checked our bodies. Then we had to get in the police vehicles. We had to wait in line . . . I

³⁵⁸ *Id.*

³⁵⁹ *Id.*

³⁶⁰ *Id.*

³⁶¹ *Id.*

³⁶² Interview with #61, in Yangon Region, Myanmar (Mar. 26, 2021). In May 2021, Thet Tin Aung, a member of All Burma Federation of Student Unions was reportedly abducted by junta forces and his whereabouts are still unknown. See *ABFSU Member Disappears into Junta Custody in Mandalay*, MYANMAR NOW (May 27, 2021), <https://myanmar-now.org/en/news/abfsu-member-disappears-into-junta-custody-in-mandalay>.

³⁶³ Interview with #61, in Yangon Region, Myanmar (Mar. 26, 2021).

saw people were grouped into two groups and put into the cars. They didn't handcuff us because there were a lot of people . . . They didn't bring us to the police station. They brought us to Kyaikkasan Stadium. On the way, near the Tamwe flyover . . . We arrived at Kyaikkasan Stadium around 2 p.m., they [the police] separated males and females. They detained us in the stadium until 8:30 p.m. or 9 p.m. Then we were sent to Insein prison.³⁶⁴

She continued:

When we got to Insein prison, they interrogated us, asking us why we were involved [in the protest], how we got arrested. They took our photographs. They checked our bodies . . . These officers were police in their uniforms, and I saw some in plain clothes who didn't introduce themselves. I was interrogated by a police officer the same night until 1 a.m..³⁶⁵

She described large numbers of detainees: "I think there were around 90 people in that room [where I was taken]. We could not even stretch our legs."³⁶⁶ On March 23, weeks after she was first detained, she was brought before a judge. She told Fortify Rights and the Schell Center she was charged with 505A and denied any opportunity to meet her family in jail or a lawyer, saying:

[T]hey brought us in front of the judge and took remand, and we were informed that we were charged with 505A. This judge came inside the prison. They brought us in front of him, that room was not like a courtroom, it was more like a room for interrogation. We were grouped into five people, and we had to listen to what he said.³⁶⁷

She was imprisoned for 22 days total—one day in Kyaikkasan Stadium and three weeks in Insein prison—and released on March 23, 2021.³⁶⁸ At the time of her release, several thousand others remained imprisoned throughout the country.

* * *

In Mandalay, on March 7, junta security forces used tear gas and sound grenades against protesters while carrying out mass arrests. The military reportedly occupied the Mandalay Technological University.³⁶⁹

An ethnic Burman-Chinese woman from Mandalay told Fortify Rights about an estimated 40 arrests on March 7, 2021.³⁷⁰ Since February 1, she had posted photographs and videos on social media to expose what was happening in Myanmar.³⁷¹ She told Fortify Rights and the Schell Center about an arrest she witnessed and photographed:

That day [March 7, 2021], a strike happened around my house. My little brother joined the strike. I stayed at home and took photos. At first it was peaceful. After the military came from the front and back, they started chasing protesters who are students. They used tear gas; I saw. I saw people running and people [were] hiding . . . the arrest was around 12 noon . . . I saw about 40 students hide in a hotel. I was trying to take photos and videos at the time, but it was hard to see. The protesters ran to hide inside Hotel 89 and the Royal Yadanarbon.³⁷²

³⁶⁴ Interview with #61, in Yangon Region, Myanmar (Mar. 26, 2021).

³⁶⁵ *Id.*

³⁶⁶ *Id.*

³⁶⁷ *Id.*

³⁶⁸ *Id.*

³⁶⁹ *More than 70 People Arrested in Mandalay for Resisting Military Dictatorship*, MYANMAR NOW (Mar. 7, 2021), <https://myanmar-now.org/en/news/more-than-70-people-arrested-in-mandalay-for-resisting-military-dictatorship>; @hannayuri_twt, TWITTER (Mar. 7, 2021, 8:13 a.m.), https://twitter.com/hannayuri_twt/status/1368550323762040835?s=20 ("CCTV footage of Junta Terrorists raiding Mandalay [T]echnological [U]niversity on [March 7, 2021] morning.")

³⁷⁰ Interview with #46, in Mandalay, Myanmar (Mar. 20, 2021).

³⁷¹ *Id.*

³⁷² *Id.*

A photograph of the incident, verified and on file with Fortify Rights, shows a police truck and five police officers around several plain-clothed protesters.³⁷³ The hotel is at the intersection of 89th street, between 22 and 23, in Pinya street in Mandalay. She told Fortify Rights and the Schell Center how military soldiers and police entered the hotel:

Both police with uniforms and soldiers with uniforms went inside. They arrested the students. They took them outside and I saw them make the protesters kneel and put their hands on their head . . . The protesters stayed like that for about one hour. The prison truck came and they loaded them. The students went inside two prison cars. I saw the news that they are still in prison.³⁷⁴

On March 7, *Myanmar Now* reported police and soldiers broke up a protest close by at the intersection of 22nd and 89th streets in Mandalay, arresting more than 70 people.³⁷⁵

* * *

On March 8, junta forces attacked a large, peaceful protest in the Kachin State capital, Myitkyina. Security forces violently dispersed protesters, firing live rounds and arresting people in the streets. A 23-year-old ethnic-Kachin journalist in Myitkyina told Fortify Rights and the Schell Center that he witnessed police arrest two men on March 8:

On March 8, there were attacks and arrests by the military and police. I witnessed an arrest on March 8 . . . I saw, with my own eyes, two people get arrested. The two people were arrested by police. It was around 11 a.m. After the arrest took place, about an hour after, the guns were fired . . . I had to run at the same time. They [police] were trying to catch people and arrest them. I didn't want to be arrested . . . When I was running I turned around and saw the two men arrested. The police were trying to arrest everyone. Yes, if the police caught me when I was running, then I would have been arrested. One of my friends who is another cameraman was also arrested as well.³⁷⁶

* * *

A medical doctor who worked treating protesters in Mandalay and Naypyidaw told Fortify Rights and the Schell Center he witnessed arrests of protesters on March 13 in Mandalay. He said: "I saw some people get arrested in front of me. The protesters included doctors, medical students, there were teachers, and everyone was together."³⁷⁷

The medical doctor also filmed a video of an arrest in a residential compound on the same day. He said: "In front of me, some people got arrested and were taken away. In terms of the arrest, it happened in front of me. I was hiding upstairs in the house. There were some young people covering the house with slingshots, providing protection for people inside hiding. The gun can reach between 300 and 400 meters [about 984 and 1,312 feet]. They arrested some people. I took a video of some people being arrested."³⁷⁸

The mobile-phone video filmed by the doctor and independently verified by Fortify Rights, shows members of a frontline protest group using slingshots against junta forces. It shows three police run into the residential compound with shields, long-barreled guns, and helmets. The doctor then takes cover in the upstairs of the house and the video does not show the actual arrest. Gunshots are audible in the video, and a police officer yells, "Go that way, go after them!"³⁷⁹

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³⁷³ Verified photograph (Mar. 7, 2021) (on file with author).

³⁷⁴ Interview with #46, in Mandalay, Myanmar (Mar. 20, 2021).

³⁷⁵ *More than 70 People Arrested in Mandalay for Resisting Military Dictatorship*, MYANMAR NOW (Mar. 7, 2021), <https://myanmar-now.org/en/news/more-than-70-people-arrested-in-mandalay-for-resisting-military-dictatorship>.

³⁷⁶ Interview with #12, in Myitkyina, Kachin State, Myanmar (Mar. 16, 2021).

³⁷⁷ Interview with #48, in Myanmar (Mar. 24, 2021).

³⁷⁸ *Id.*

³⁷⁹ Verified mobile phone video footage (Mar. 13, 2021) (on file with author).

On March 14, a video circulated widely on social media showing police arresting a woman while she tried to protect an unconscious young man with a metal shield. Security forces reportedly shot the student, Khant Nyar Hein, who was a medical student of Chinese descent. The video footage, independently verified by Fortify Rights, shows 10 security forces come towards the woman, age 32, name withheld here for security.³⁸⁰ The video shows one officer approach her and hit her once and then grab her and pull her out from under the shield. Another officer kicks her twice as the woman falls on the street. One officer then lifts her up and forcefully escorts her out of the video frame.³⁸¹

Police arrested the woman on March 14 and detained her until October 2022. While she was detained, her family had no communication with her.³⁸² A relative of hers told Fortify Rights and the Schell Center about her detention: “[She] was arrested unjustly . . . She went with a humanitarian mind to try and help the man.”³⁸³ The relative told Fortify Rights they received information from the police investigator that the woman was transferred to Insein prison in Yangon Region.³⁸⁴ Her relative said: “On March 17, in the evening, a police [officer] called and told us that she was detained at Insein prison . . . After March 14, we have had no contact; either physically in person or even on the phone.”³⁸⁵

Finally, in October 2021 [date withheld for security], she was released and reunited with her family.

A photograph from a different angle shows Khant Nyar Hein’s lifeless body and pool of blood around him.³⁸⁶ The mobile-phone video footage later shows two junta security forces dragging his body away.³⁸⁷ Speaking in Mandarin with *Radio Free Asia* after his death, Khant Nyar Hein’s mother said: “I lost my son. He was a good son. My heart aches. My heart is full of pain.”³⁸⁸

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A 23-year-old woman in Yankin, Yangon Region witnessed plain-clothed and armed men arrest one person on April 9, between 4:15 p.m. and 5:20 p.m..³⁸⁹ She said:

There was a tea shop. When I reached in front of there, there was a white civilian car pulled over in front of that tea shop. Two of the men had guns and jumped out of the car . . . They started shooting with their guns as soon as they pulled over. At the time, they were firing into the sky. And they raided the teashop . . . They were shouting in the neighborhood not to take photographs or videos. They also shouted at people in the teashop to bend down their heads and put their hands on their backs . . . There were quite many people sitting in the teashop. They didn’t pay that much attention to me. They were targeting the teashop. I was quite close to them, only 15 to 20 feet from them. I heard continuous gunfire.³⁹⁰

She explained to Fortify Rights and the Schell Center:

There were not many people at the ATM [Automated Teller Machine]. There were around 10. Those people who were standing next to me didn’t get arrested . . . There were three to four

³⁸⁰ Verified mobile phone video footage (Mar. 14, 2021) (on file with author). See also *Footage Show Police Dragging Profusely-bleeding Unresponsive Protester Away in Yangon*, REUTERS (Mar. 15, 2021), <https://www.reutersagency.com/en/coverage/footage-show-police-dragging-profusely-bleeding-unresponsive-protester-away-in-yangon/>.

³⁸¹ Verified mobile phone video footage (Mar. 14, 2021) (on file with author).

³⁸² Interview with #45, in Tamwe Township, Yangon Region, Myanmar (Mar. 19, 2021 and Jan. 17, 2022).

³⁸³ *Id.*

³⁸⁴ *Id.*

³⁸⁵ *Id.*

³⁸⁶ Open-source evidence log, data #202, social media post (Mar. 14, 2021) (on file with author)

³⁸⁷ *Id.* See *Military Tightens Grip in Myanmar as Death Toll Among Anti-coup Protesters Rises*, REUTERS, (Mar. 16, 2021), <https://www.reuters.com/news/picture/military-tightens-grip-in-myanmar-as-dea-idUSRTXAHM2Y>.

³⁸⁸ *Protests Force Myanmar’s Ethnic Chinese to Distinguish Themselves From China*, RADIO FREE ASIA (MAR. 16, 2021), <https://www.rfa.org/english/news/myanmar/ethnic-chinese-03162021181531.html>.

³⁸⁹ Interview with #76, in Yankin Township, Yangon Region, Myanmar (Apr. 9, 2021).

³⁹⁰ *Id.*

bystanders that they captured, at least one for sure. The rest of the detainees are from the teashop. Their target was the teashop . . . They also had a big military truck which they used to bring the detainees. The first car I saw was a small white truck.³⁹¹

* * *

On May 2, the military raided a family's house in Pyin Oo Lwin, Mandalay Region, arresting two people.³⁹² A relative who was also an eyewitness said:

[M]y brother checked outside and saw [the military] aiming their guns at our house, and he rushed back inside and said to my mother, "They are aiming their guns at our house." He had just said that and then we started to hear a banging noise at the door . . . My mother went downstairs at once. As soon she opened the door, they all came inside, pointing their guns at us. The guns were not small ones like pistols but the big weapons that they use to crack down on the protesters. Both military and police were there, but most of them were military, only two or three were police. There were around 20 of them altogether.³⁹³

She told Fortify Rights and the Schell Center that security forces searched their house and found materials related to the "Spring Revolution"—a popular reference to the pro-democracy uprising unfolding in the country:

They [the security forces] entered all the rooms inside the house. They asked all people inside the house to stand up and line up. In the attic, at the roof/ceiling, one block looks different. All other blocks are of the same of color, but this block has a different color. My father keeps the important documents and the cash there. When they pushed the ceiling using their guns, the roof opened. Then they found the cash we had kept there. Unfortunately, we also kept Spring Revolution T-shirts there . . . they found the five Spring Revolution T-shirts along with the cash, and they asked what those were for. When asked, with guns pointing at him, my brother, in a panic, answered that those were for sale. He answered so by mistake, and the situation became worse. They took the T-shirts as evidence to prove that the family sells these things.³⁹⁴

The security forces also found a mobile phone with photographs of the protest that belonged to a family member as well as a Facebook post opposing the military.³⁹⁵ The military arrested the woman's elder brother and his wife and took them into the custody of the Maymyo Police.³⁹⁶ She told Fortify Rights and the Schell Center: "My brother and sister-in-law are still held in the police custody . . . "[According to the police], both of them will be sued under 505A."³⁹⁷

In another case that occurred on the same day, May 2, at around 11:30 a.m., police in Yangon arrested a woman (name withheld here for security) from outside her home near Thuwanna Road.³⁹⁸ A relative of hers who witnessed the arrest said:

I was in my room at the time. I watched everything. First, they found [her] and [her husband] and asked them for their phones to check . . . They were police, not soldiers. They had guns in their hands . . . They did not check anything inside our home. They asked for [their] phones and checked and found that she uses Facebook. So, they confiscated her phone and abducted her . . . They took both of [them] to Thuwanna Police Station . . . [W]e met the police officer at Thuwanna Police Station, and we asked why she was arrested. The officer said she was arrested because she was involved in a protest against the military coup in the area . . . The officer told [her husband] that it was the order from above and they couldn't help anything to release the detainees now.³⁹⁹

³⁹¹ *Id.*

³⁹² Interview with #105, in Pyin Oo Lwin Township, Myanmar (May 4, 2021).

³⁹³ *Id.*

³⁹⁴ *Id.*

³⁹⁵ *Id.*

³⁹⁶ *Id.*

³⁹⁷ *Id.*

³⁹⁸ Interview with #111, in Yangon, Myanmar (May 2, 2021).

³⁹⁹ *Id.*

The relative told Fortify Rights and the Schell Center that the woman is still detained:

She is an activist. She donates and helps people in our area. She is a philanthropist . . . She is a well-known figure in our area. She participates in protests . . . There was a protest at night that she was involved in there. There were approximately 100 protesters together with her. She delivered a speech at the protest on the military coup. She delivered it by a loudspeaker. But she never organizes people against the coup. The reason why she was arrested could be only for delivering a speech during that protest.⁴⁰⁰

The Imprisonment of Wai Moe Naing

On April 15, an unmarked, black SUV drove into a protest leader and the leader of Monywa city General Strike Committee, Wai Moe Naing, 26, while he was participating in a motorbike protest in Monywa Township, Sagaing Division.⁴⁰¹ Plain-clothed men arrested him at the scene. Fortify Rights and the Schell Center interviewed four people about the arrest and detention of Wai Moe Naing, including two witnesses to the incident and two relatives, and reviewed mobile-phone video footage of the incident. Some expressed concerns that Wai Moe Naing is Muslim, fearing his religion might put him at greater risk of abuse by the junta.⁴⁰²

A witness to the arrest of Wai Moe Naing in Monywa told Fortify Rights and the Schell Center:

We were on motorbikes and heading for the strike. A car hit us on the way on Thar Si Road . . . They were military who hit and arrested Wai Moe Naing. They were wearing civilian clothes, but they still had their military trousers and boots on, and they hit [Wai Moe Naing's motorbike] with their car. We believe they are military forces. They had guns and batons . . . They got out of the car and captured him . . . I was on another motorbike behind Wai Moe Naing's. We escaped when the car hit him.⁴⁰³

Another witness to this arrest and beating told Fortify Rights about the motorbike ride and location, saying:

We planned a motorbike rally in afternoon time at around 2 p.m . . . First, we headed toward Tharsi Road, then we reached Tharsi Road. Only when we reached Tharsi Road, Ko Wai Moe Naing and some others came and joined the rally. From the Tharsi Road till we reached Myanmar Shwesi Kyaung Street, the motorbike that Ko Wai Moe Naing's motorbike and my motorbike were close to each other, side by side . . . Ko Wai Moe Naing's motorbike was just next to me.⁴⁰⁴

After the vehicle struck Wai Moe Naing's motorbike, several men emerged from the SUV:

⁴⁰⁰ *Id.*

⁴⁰¹ Interview with #96, in Monywa Township, Myanmar (Apr. 23, 2021). *See also, Myanmar Security Forces Arrest Prominent Leader of Anti-coup Campaign*, REUTERS (Apr. 15, 2021), <https://www.reuters.com/world/myanmar-security-forces-fire-protesting-medical-workers-some-hurt-media-2021-04-15/>. *The Arbitrary Arrest of Myanmar Protest Leader Wai Moe Naing*, FORTIFY RIGHTS (June 29, 2021), https://www.fortifyrights.org/our-films/#post_id=6538.

⁴⁰² Interview with #89, in Yangon Region, Myanmar (Apr. 20, 2021).

⁴⁰³ Interview with #96, in Monywa Township, Myanmar (Apr. 23, 2021).

⁴⁰⁴ Interview with #97, in Monywa Township, Myanmar (Apr. 27, 2021).

At that time, I saw around six men who were wearing military shoes, military trousers, and black T-shirts come out of the car, holding batons in their hands. Targeting Ko Wai Moe Naing only, they chased after him and tried to beat him . . . When the people nearby tried to grab him back, they [plain-clothed officials] pointed guns at them. Three of them pointed the guns at the crowd and at Ko Wai Moe Naing as well.⁴⁰⁵

After Wai Moe Naing was detained, a photograph of him in junta custody with a bruised eye and swollen face was widely circulated on social media on April 16.⁴⁰⁶ One of his relatives told Fortify Rights and the Schell Center: "His photograph on social media looks like he was beaten under interrogation. I could see bruises on his face on the [social media] post. I am worried about his health in detention."⁴⁰⁷

Another relative told Fortify Rights and the Schell Center about seeing the photograph published of Wai Moe Naing:

The photo is very alarming. After he was detained, they [the military] released a photo [on social media and MRTV] of him beat up and all sweating on his face . . . The way he was arrested was so horrible. It was unethical. It was totally unacceptable. So barbaric.⁴⁰⁸

On April 23, Wai Moe Naing was charged with murder, unlawful assembly, wrongful confinement, abduction with intent to murder, and incitement, according to media reports that cited his lawyer, Moe Zaw Htun.⁴⁰⁹ Later, he was charged with more crimes, including treason and unlawful association, according to the junta-run *Global New Light of Myanmar*.⁴¹⁰ Both the treason and unlawful association charges relate to his affiliation with the CRPH.⁴¹¹

His mother told Fortify Rights and the Schell Center:

The crimes he didn't commit – this is a false case. I would like to confront this case head on and win this false case. This dictatorship is bringing false cases against everyone. I am worried about his future. They have treated him terribly.⁴¹²

⁴⁰⁵ *Id.*

⁴⁰⁶ Open-source evidence log, data #1031, #1284 (Apr. 16, 2021).

⁴⁰⁷ Interview with #83, in Mandalay, Myanmar (April 20, 2021). There have also been reports of the use of solitary confinement for activists by the junta. See *Student Activists, Journalists Being Mistreated in Insein Prison, say Family Members*, MYANMAR NOW (June 15, 2021), <https://www.myanmar-now.org/en/news/student-activists-journalists-being-mistreated-in-insein-prison-say-family-members>.

⁴⁰⁸ Interview with #89, in Yangon Region, Myanmar (Apr. 20, 2021).

⁴⁰⁹ *Wai Moe Naing Faces 28-year Prison Sentence as Junta Hits Him with Five Charges*, MYANMAR NOW (Apr. 24, 2021), <https://www.myanmar-now.org/en/news/wai-moe-naing-faces-28-year-prison-sentence-as-junta-hits-him-with-five-charges>.

⁴¹⁰ *Riot Leader Wai Moe Naing Arrested and Taken Effective Legal Action*, GLOBAL NEW LIGHT OF MYANMAR (Apr. 29, 2021), <https://www.gnlm.com.mm/riot-leader-wai-moe-naing-arrested-and-taken-effective-legal-action/#article-title>.

⁴¹¹ *Junta Accuses Wai Moe Naing of Treason as Charges Pile Up*, MYANMAR NOW (Apr. 29, 2021), <https://myanmar-now.org/en/news/junta-accuses-wai-moe-naing-of-treason-as-charges-pile-up>.

⁴¹² Interview with #83, in Mandalay, Myanmar (Apr. 20, 2021). See also, *Mother of Detained Activist Wai Moe Naing Demands Her Son be Granted Access to Healthcare*, MYANMAR NOW (Apr. 18, 2021), <https://www.myanmar-now.org/en/news/mother-of-detained-activist-wai-moe-naing-demands-her-son-be-granted-access-to-healthcare>.

Torture

“[H]e couldn’t carry sandbags. So, they told him to crawl on the road. They also tortured him, and I witnessed them [security forces] kick him.”

– Burmese student, 21, Tamwe Township, Yangon⁴¹³

“Every detainee was tortured.”

– Myanmar journalist and survivor of torture⁴¹⁴

The Myanmar military and police are responsible for widespread and systematic torture of detainees.⁴¹⁵ Fortify Rights and the Schell Center interviewed 10 survivors who were subjected to torture and ill-treatment by Myanmar junta forces after the coup, and witnesses to incidents of torture and ill-treatment occurring after the coup. Fortify Rights and the Schell Center also collected additional evidence, including video, of torture inflicted by security forces against civilians, and also spoke with people whose loved ones died in junta custody.⁴¹⁶

For instance, on May 8, 2021, police arrested Myanmar poet Zaw Htun, also known as Khet Thi, in Shwebo Township, Sagaing Region. The following day, he died in custody.⁴¹⁷ His body showed signs of torture and ill-treatment.⁴¹⁸ On May 16, Fortify Rights interviewed Khet Thi’s wife, Chaw Suge. She told Fortify Rights and the Schell Center:

On May 8, around 10 p.m. in the night, approximately 100 security force personnel with 10 cars came to our compound and blocked the neighborhood from all four directions. He [Khet Thi] escaped to a compound next door. When they [the security forces] didn’t see him, they threatened us, the rest of the family members. They pointed at us with guns and asked for Ko Khet Thi . . . Then they found him [nearby] from where he was hiding. I, [along with] his brother, and my husband easily surrendered, and they took us . . . They took us to Shwebo Police Station around 11 p.m.⁴¹⁹

Khet Thi’s wife told Fortify Rights and the Schell Center that once they arrived at the police station, she and her husband were separated:

They took me into a cell that is an underground cell in the police station. [They] asked me about my husband and how he was involved in the protests. I told them that he was involved in the protests . . . [A]round 12:30 a.m., they put me in a cell until the morning. They did nothing else to me. I was alone in that cell . . . They didn’t even bring my husband into the cell; they took him away.⁴²⁰

⁴¹³ Interview with #58, in Tamwe Township, Yangon Region, Myanmar (Mar. 23, 2021).

⁴¹⁴ Interview with #126, in Yangon, Myanmar (July 9, 2021).

⁴¹⁵ See Interviews with #34, #38, #60, #66, #74, #63, in Mandalay, Yankin Township, Ahlone Township, Sanchaung Township, Myitkyina Township, Myanmar (March 17, 24; April 1, 7, 9, 2021). See also, Helen Regan, Sandi Sidhu, Clarissa Ward & Salai TZ, ‘I Thought I Would Die.’ *Myanmar Protesters Describe Torture They Suffered in Detention*, CNN (Apr. 28, 2021), <https://edition.cnn.com/2021/04/27/asia/myanmar-coup-detainees-torture-intl-hnk/index.html>.

⁴¹⁶ See Interviews with #34, #38, #60, #66, #74, #63, #126, #155, #156, #157, #158, Nathan Maung, #161, in Mandalay, Yankin Township, Ahlone Township, Sanchaung Township, Myanmar (Mar. 17, 24; April 1, 7, 9, July 9 and 14, Oct. 22, 23, 2021). In June 2021, the AAPP reported that the junta had killed at least 22 “from torture during detention.” *Torture to Death in Detention*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (June 11, 2021), https://aappb.org/wp-content/uploads/2021/06/English_Statment_Torture_to_Death_Final.pdf.

⁴¹⁷ Interview with #107, in Shwebo Township, Sagaing Region, Myanmar (May 16, 2021). See also, *Tortured to Death in Myanmar Regime Custody*, THE IRRAWADDY (June 10, 2021), <https://www.irrawaddy.com/news/burma/tortured-to-death-in-myanmar-regime-custody.html>.

⁴¹⁸ Interview with #107, in Shwebo Township, Sagaing Region, Myanmar (May 16, 2021).

⁴¹⁹ *Id.*

⁴²⁰ Interview with #107, in Shwebo Township, Sagaing Region, Myanmar (May 16, 2021). See also, *Monywa Poet Killed During Military Interrogation*, MYANMAR NOW (May 10, 2021), <https://www.myanmar-now.org/en/news/monywa-poet-killed-during-military-interrogation>.

She continued:

The next morning, around 10 a.m., a female officer came and brought me out [of the cell] to the office of a senior officer . . . [The senior officer] told me, "Ko Zaw Htun [Khet Thi] was sent to the Monywa Hospital." . . . [The senior officer] told me that "he deserved to have this," but didn't mention about his death. So, I told them that I will go and get some clothes for him. And they told me not to get it [the clothes].⁴²¹

Later, the police took Chaw Suge to nearby the hospital in Monywa. A police officer told Chaw Suge she had to sign at the hospital in exchange for her husband's dead body.⁴²² She said:

I told them [the police] I couldn't sign. They said they will cremate him at 2 p.m. I denied and said we will have to do the funeral by ourselves. Then, they gave me a death certificate that said, "he had a problem at the valve of his heart." . . . Then they allowed me to bring the dead body . . . I checked his body. His bones on the face were broken, his face was swollen. And they also made stitches on his abdomen . . . And, on his thigh, his skin was burnt. His nose bone was broken. And his left forehead was swollen. And his head was injured, and it was still bleeding. The head injury was not that clear, but it was obvious when I touched his hair. It was covered by hair. I found the stitches from the chest to the lower abdomen. And his ribs were broken, I could even see it.⁴²³

Fortify Rights reviewed photographs of Khet Thi's body laying prostrate in what appears to be a medical vehicle after he had died in custody.⁴²⁴

Chaw Suge said: "[Khet Thi] was a healthy man. There was no way that he would die with a heart problem . . . I can't even sleep at night because we are always worried about the situation . . . I just hope that [this revolution] will be finished soon. Many people have died."⁴²⁵

According to AAPP, from February to June 2021, the junta killed at least 22 people from torture in detention, including Khet Thi.⁴²⁶ An AAPP representative told Fortify Rights: "Historically, torture has been used throughout Myanmar prisons . . . People [in prisons are] put into stress positions, having to walk over hot coals, put into dog kennels, beaten until unconscious."⁴²⁷

* * *

On March 27, Armed Forces Day in Myanmar, "Aung Thein" 22, gathered in Magway (Magwe) to protest the *coup*. Myanmar Army soldiers detained and beat him, and shot him with rubber bullets, targeting his leg at close range. Before soldiers shot his leg with rubber bullets at close range, he lost part of his right hand when a stun grenade exploded near him, and he lost the rest of his hand when a soldier fired a rubber bullet at it from close range.

Fortify Rights and the Schell Center interviewed Aung Thein's relative who witnessed the attack and met him later in a military hospital in Magway. The relative said: "We participated in a nationwide protest that day, it was a peaceful protest. In the morning, we gathered at our ward where we reside. We were holding some banners and shouting slogans . . . Suddenly something like a hand bomb fell on the ground. It hit at [my relatives] hand."⁴²⁸ He continued:

⁴²¹ Interview with #107, in Shwebo Township, Sagaing Region, Myanmar (May 16, 2021).

⁴²² *Id.*

⁴²³ *Id. See Myanmar: 'We Were Always Hearing Those Tortured Sounds'—Claims of Abuse and Death in Custody Under Country's Military Rule*, SKY NEWS (Sept. 3, 2021) <https://news.sky.com/story/the-student-a-politician-and-a-uk-trained-dancer-claims-of-torture-and-death-in-custody-under-myanmars-military-rule-12397750>.

⁴²⁴ Open-source evidence log, data #1167 (May 9, 2021). *See also*, @IrrawaddyNews, TWITTER (May 9, 2021, 6:29 p.m.), <https://twitter.com/IrrawaddyNews/status/1391354610615414785> ("Poet Khet Thi (also known as Ko Zaw Tun) was killed after being detained by junta forces on Saturday night in Sagaing Region's Shwebo Township and taken to an army camp. He died in transit to Monywa hospital with torture wounds, according to a relative. #WhatsHappeningInMyanmar.").

⁴²⁵ Interview with #107, in Shwebo Township, Sagaing Region, Myanmar (May 16, 2021).

⁴²⁶ *Torture to Death in Detention*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (June 11, 2021), https://aappb.org/wp-content/uploads/2021/06/English_Statment_Torture_to_Death_Final.pdf.

⁴²⁷ Interview with #119, in Thailand (June 18, 2021).

⁴²⁸ Interview with #110 (May 19, 2021) (location withheld).

The soldiers placed him under arrest along with the group he was with. Soldiers ordered my brother to put up his hands and when he did, they said, “We just came from the frontlines. Why do you want to protest? Raise your three fingers and see what happens. You will call out for your mother (a reference to Aung San Suu Kyi) and she can’t save you.” The soldier then fired from less than 18-inches away with a shotgun-like weapon to my brother’s arm, blowing off most of his hand. Another soldier then shot my brother’s remaining hand with rubber bullets at close range. Soldiers then began going through his pockets trying to steal his property and then they started to beat him, kicking and punching him in the face and shooting his legs—six shots in his left leg [with rubber bullets] and seven in his right. As he was being beaten, other protesters jumped in between the soldiers, shielding my brother from being beaten to death. Soldiers stopped beating him and forced him to walk, but he couldn’t. Because he couldn’t walk, one hit him in the back of the head with his gun.⁴²⁹

Verified photographs on file with Fortify Rights show deep wounds in his legs and arms.⁴³⁰ Junta forces also damaged Aung Thein’s eyes, most likely by firing their weapons at close range to his face.

After the incident, junta forces took him to a government-run hospital. A relative who was able to visit him the next day said: “I saw [him]. He looked dead. He had injuries on his eyes, hands, and legs. I was shocked.”⁴³¹

While recovering from his injuries, the young man was sued under 505A, according to his relative, who added:

The police came to the hospital and informed us that [he] was sued for the case . . . My brother was taken to a military hospital for treatment and instead of being released to his family, he was charged with incitement and remains in detention in need of urgent specialized medical treatment.⁴³²

According to his relative and *The Irrawaddy*, on June 7 he was sent to Magway Prison while still needing medical treatment.⁴³³ A discharge certificate issued by the military hospital on file with Fortify Rights said he needed eye surgery and care.⁴³⁴ Without medical treatment the young man could lose his eyesight.⁴³⁵

* * *

Midday on March 7, three police officers detained a young man dressed in white on 22nd Street between 88th and 89th streets in Mandalay and kicked and beat him into unconsciousness. Fortify Rights reviewed video footage of the incident that shows police kicking the victim’s head and beating him with a baton before one officer drags his lifeless body across the street, pausing at one point to beat the victim’s head again with a baton. Fortify Rights identified the victim as [name redacted], an 18-year-old paramedic student in Mandalay.⁴³⁶ [Name redacted] survived his injuries and the police released him.⁴³⁷

⁴²⁹ *Id.* *The Irrawaddy* reported that he lost his right hand and “his mobility severely impaired by the wounds he suffered from being hit in the legs by multiple rubber bullets.” See *Myanmar Junta Jails Disabled Student, Denies Him Medical Treatment*, *THE IRRAWADDY* (June 11, 2021), <https://www.irrawaddy.com/news/burma/myanmar-junta-jails-disabled-student-denies-him-medical-treatment.html>.

⁴³⁰ Verified photographs (2021) (on file with author).

⁴³¹ Interview with #110 (May 19, 2021) (location withheld).

⁴³² *Id.*

⁴³³ Signal communication with relative #110 (June 7, 2021). See also, *Myanmar Junta Jails Disabled Student, Denies him Medical Treatment*, *THE IRRAWADDY* (June 11, 2021), <https://www.irrawaddy.com/news/burma/myanmar-junta-jails-disabled-student-denies-him-medical-treatment.html>.

⁴³⁴ Hospital Certificate (on file with author). See also, *Junta Jails Maimed Protestor Who May Lose Vision in His Right Eye Without Surgery* (MYANMAR NOW), June 8, 2021, <https://www.myanmar-now.org/en/news/junta-jails-maimed-protestor-who-may-lose-vision-in-his-right-eye-without-surgery>.

⁴³⁵ See @RapporteurUN, TWITTER (June 15, 2021, 7a.m.), <https://twitter.com/RapporteurUn/status/1404589712631795712?s=20> (“Today I learned more about the arrest & torture of Hlan Phyo Aung, a protester whose hand and legs were shot while in custody. Denied medical treatment, he is now facing the loss of his sight and leg. His abuse must end and emergency medical treatment must begin immediately.”).

⁴³⁶ Signal communications with #34 (May 5, 8, 2021).

⁴³⁷ Interview with #34, in Mandalay, Myanmar (Mar. 17, 2021).

Dr. "Kyaw Win," not his real name, is a 29-year-old medical doctor and member of the CDM. He filmed the above-mentioned beating of [name redacted] with a mobile phone. Dr. Kyaw Win told Fortify Rights:

In Mandalay, on 22nd Street and 89th Street, they [police] came down both sides of the street. They shot rubber bullets and real bullets. We hid inside the houses, and they searched everywhere around the city. Some were captured and some arrested and some beaten. One of our medical students was beaten to death. I was inside the house, hiding from getting arrested . . . We were hiding behind the balcony, and we saw about five soldiers in police and military uniforms. They arrested the boy . . . I saw it. He collapsed and he didn't move at all, and they dragged him to their police car.⁴³⁸

Dr. Kyaw Win subsequently clarified to Fortify Rights that the 18-year-old boy was not killed; he reportedly survived the attack.

* * *

A 21-year-old student from Yangon living in Tamwe Township said that on March 19 he witnessed police personnel beat and force a man to carry sandbags and crawl.⁴³⁹ Just four days after the incident, he recalled:

A police vehicle came and stopped, they started shooting guns and arresting people and forcing people to carry sandbags. I saw a person who was arrested on the same day at the same location, and they forced him to put a sandbag in between his knees and make him walk. They even kicked him. I have a video.⁴⁴⁰

Fortify Rights independently verified the mobile-phone video footage, which circulated widely on social media and was shown by *Reuters*.⁴⁴¹ It shows a police officer kick a man in the back twice while he is carrying a sandbag, and then the police officer appears to force him to crawl on his hands and knees.⁴⁴²

The 21-year-old student quoted above added: "They just randomly arrested him from the residential area. He told the police that he couldn't carry sandbags. So, they told him to crawl on the road. They also tortured him, and I witnessed that he was kicked by them."⁴⁴³

* * *

A man in his 20s who works as an electrician in Mandalay told Fortify Rights how four Myanmar Army soldiers burned off his forearm-tattoo of Aung San Suu Kyi on April 3, 2021.⁴⁴⁴ He told Fortify Rights:

I have a tattoo of Mother Suu, the Spring Revolution, and 2222 Day. [The torture] happened a little while after we banged pots and pans. So, it was around 8:15 p.m. I went out not very far from my friend's house [where I was staying that night]. All the lights were shut down that night. I went to the top of the street. I am not exactly sure whether they were already there or if they were hiding. They asked me, "Hey, where are you going?" I thought it was my friend and turned around. Then, three of them pointed at me with guns, and one of them shouted, "Don't

⁴³⁸ *Id.*

⁴³⁹ Interview with #58, in Tamwe Township, Yangon Region, Myanmar (Mar. 23, 2021).

⁴⁴⁰ *Id.*

⁴⁴¹ Open-source evidence log #1166, phone-mobile video footage (Mar. 19, 2021) (on file with author). See also, *Myanmar Police Officer Forcing Resident to Crawl on All Fours*, *REUTERS* (Mar. 19, 2021), <https://www.reuters.com/video/watch/idOVE4R79S1>; *Crimes Against Humanity Committed by Myanmar Junta in Last Three Months*, *THE IRRAWADDY* (May 2, 2021), <https://www.irrawaddy.com/specials/crimes-against-humanity-committed-by-myanmar-junta-in-last-three-months.html>.

⁴⁴² Open-source evidence log, data #1166 (Mar. 19, 2021). See also, *Myanmar Police Officer Forcing Resident to Crawl on All Fours*, *REUTERS* (Mar. 19, 2021), <https://www.reuters.com/video/watch/idOVE4R79S1>; *Crimes Against Humanity Committed by Myanmar Junta in Last Three Months*, *THE IRRAWADDY* (May 2, 2021), <https://www.irrawaddy.com/specials/crimes-against-humanity-committed-by-myanmar-junta-in-last-three-months.html>.

⁴⁴³ Interview with #58, in Tamwe Township, Yangon Region, Myanmar (Mar. 23, 2021).

⁴⁴⁴ Interview with #70, in Mandalay, Myanmar (Apr. 5, 2021).

run, if you run, we will shoot!” They asked me to come to them. I walked towards them. One of them ran and kicked me. Then, they took me to the main road and another one kicked me from behind, and they told me to kneel.⁴⁴⁵

The military searched the man’s body, found nothing, and then told him to take off his shirt.⁴⁴⁶ He explained:

When I took it off, they saw my tattoo on my arm. They asked me to remove my tattoo. I told them that I will remove it by myself later. Then, they told me that they are going to remove it by themselves. They said they will burn my arm. I told them, “Ok, just burn it.” They were just going to burn it anyway, even if I didn’t say so. They were already taking their lighters out. There were pieces of rubber that were burnt on the road for barricades. They used a piece of rubber from there. And burned my skin like barbecue. It hurt. I didn’t shout, I was resisting the pain.⁴⁴⁷

He continued: “Then, they kicked me from behind. I fell on the ground, on my face, and I got up. They kicked my face and they hit my head with a gun. I collapsed at that time. Then, they were kicking at me. After that, they told me to go back, so I left them.”⁴⁴⁸

A photograph of the man’s burned forearm circulated widely on social media on April 4 and 5, 2021, just a few days after the incident. Photos show burn marks and black blisters on his skin.⁴⁴⁹

In a similar incident, on April 14, Myanmar news group *Khit Thit Media* reported that security forces in North Dagon, Yangon Region used a cigarette to burn a protester’s tattoo that said, “Spring Revolution.”⁴⁵⁰

* * *

A man from Sanchaung Township in Yangon Region described to Fortify Rights how police arrested and beat him on April 1, 2021, as he was walking on the street.⁴⁵¹ He said:

I was arrested on April 1 in the evening. I was just walking. They checked my phone. I had my phone and wallet with me. I showed them my phone. They saw videos of some donation records. I was arrested in Sanchaung. I think that was around 5:30 p.m. or 6 p.m. When I was arrested, they [the police] took me behind their cars. They were saying that I’m the one making the donation. And they checked my phone more carefully. They kicked me there, and I was handcuffed. Later, I was brought to the Sanchaung Police Station. They beat my head with their batons. They intimidated me like they would shoot me with guns; they also aimed with their guns. They saw a donation video record on my phone. That’s why they wanted to arrest me . . . They stopped mainly young people around my age . . . I slept there for a night [at Sanchaung Police Station], and I was released by the next evening around 5 p.m..⁴⁵²

In another case in Sanchaung, on the evening of April 1, a 23-year-old ethnic-Shan-Burman woman witnessed police beat a man, watching it from the window of her home. She filmed a mobile-phone video of the situation and shared it with Fortify Rights.⁴⁵³ Fortify Rights independently verified the

⁴⁴⁵ *Id.*

⁴⁴⁶ *Id.*

⁴⁴⁷ *Id.*

⁴⁴⁸ *Id.*

⁴⁴⁹ Open-source evidence log #772, social media post on Twitter (Apr. 5, 2021) (on file with author). See also @dimitri_rad, TWITTER (Apr. 5, 2021, 12:40 PM), https://twitter.com/dimitri_rad/status/137894552627538945 (“Military junta arrest guy with Daw Aung San Su Kyi Tattoo and burn his skin with fire. This is very obvious crime against humanity #WhatsHappeningInMyanmar #CrimesAgainstHumanity.”). See

⁴⁵⁰ Open-source evidence log #1285, social media post on Twitter (Apr. 19, 2021) (on file with author). See also @Khithitofficial (Apr. 19, 2021, 10:32 PM), <https://twitter.com/Khithitofficial/status/1384168085771341829/> (“အဖမ်းခံခဲ့ရတဲ့ မြောက်ဒဂုံက ဆန္ဒပြပြည်သူတို့ဟာ ဖမ်းဆီးခံရစဉ် သူ့ရဲ့ တက်တူးများကို ဆေးလိပ်မီးတို့ဖြင့် ဖျက်ခံရသည်ဟု သိရသည်။ အဆိုပါလူငယ်ဟာ မြို့လ ၁၄ ရက်က အဖမ်းခံခဲ့ရပြီး မြို့လ ၁၉ ရက်တွင် ပြန်လည်လွတ်မြောက်လာခဲ့သည်။”) See

⁴⁵¹ Interview with #69, in Sanchaung Township, Yangon Region, Myanmar (Apr. 5, 2021).

⁴⁵² *Id.*

⁴⁵³ Interview with #74, in Sanchaung Township, Yangon Region, Myanmar (Apr. 7, 2021).

video, which shows two police officers in uniforms kicking and hitting a man's unconscious body. The video shows the man's lifeless body face-up on the street as police kick him twice in the head, punch him once, and then one police officer throws a sandal on the man's face.⁴⁵⁴

The woman who witnessed and filmed the incident told Fortify Rights:

I shot this video on April 1, at 10:20 p.m. This is from Sanchaung Township. [My family] was just staying inside that night. We started hearing noises, shouting, "Why are you running?" When I looked outside, that person was already beaten, and he was being dragged away.⁴⁵⁵

The woman believes the victim is still alive.⁴⁵⁶

* * *

In a prominent case, Nathan Maung, the editor-in-chief of *Karmayut Media*, was arrested on March 9.⁴⁵⁷ Nathan Maung and Han Thar Nyein, co-founder of *Karmayut Media*, were in their office in Yangon when authorities raided the office and arrested the two individuals. They were taken to the Ye Kyi Ai interrogation center, near Insein township, where authorities tortured them for two weeks. Nathan Maung told Fortify Rights and the Schell Center:

The first four days were horrible. I was not allowed to sleep and was interrogated in rotating shifts every two hours. They asked a lot about funding sources for our publication, trying to show that foreigners backed us. I was handcuffed with my hands behind my back and sat in a chair for four days and four nights. I begged for food and water and [was] given only the tiniest amount of water on the second day and food only on the fourth day. The first three and a half days interrogators beat me and kicked my face. My legs were swollen. They hit me in my ears and on the back.⁴⁵⁸

Nathan Maung explained the torture Han Thar Nyein endured:

The interrogation of my friend who was detained with me was much worse. He refused to give up his iPhone password, so interrogators burned his skin with cigarettes, they took his shirt off and put ice on him for hours; they made him kneel down all night long. Finally, they stripped his clothes off and told him they were going to rape him. He gave them the correct passcode then. When they accessed his phone, they found pictures of him with Aung San Suu Kyi and Min Ko Naing, and then they beat him very badly.

* * *

Since February 1, junta authorities at Shwe Pyi Thar "interrogation center" in Yangon tortured journalists, peaceful protesters, and leaders of the CDM during interrogations.⁴⁵⁹ The Myanmar military and police have a history of using interrogation centers to torture political prisoners and others. For example, in 2005, AAPP compiled a list of more than 30 known interrogation centers throughout the country.⁴⁶⁰

⁴⁵⁴ Verified mobile phone video footage (Apr. 1, 2021) (on file with author).

⁴⁵⁵ Interview with #74, in Sanchaung Township, Yangon Region, Myanmar (Apr. 7, 2021).

⁴⁵⁶ *Id.*

⁴⁵⁷ *Id.*

⁴⁵⁸ Interview with Nathan Maung, #161, in United States (July 14, 2021).

⁴⁵⁹ Interviews with #155, #156, #157, #158, in Myanmar (Oct. 22, 23, 2021). See also, Victoria Miko & Kristen Gelieau, *Myanmar Military Uses Systematic Torture Across Country*, ASSOCIATED PRESS (Oct. 29, 2021), <https://apnews.com/article/myanmar-torture-military-prisons-insein-abuse-390fe5b49337be82ce91639e93e0192f>; Myanmar: Teenager Describes Torture, Mock Burial, HUMAN RIGHTS WATCH (June 22, 2021), <https://www.hrw.org/news/2021/06/22/myanmar-teenager-describes-torture-mock-burial>; Interview: Myanmar Police Take Unyielding Detainees in Handcuffs For 'Beatings And Torture', RADIO FREE ASIA (Apr. 22, 2021), <https://www.rfa.org/english/news/myanmar/shwe-yamin-htet-04222021181201.html>.

⁴⁶⁰ ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (BURMA), THE DARKNESS WE SEE: TORTURE IN BURMA'S INTERROGATION CENTERS AND PRISONS 105 (Dec. 2005), <https://aappb.org/wp-content/uploads/2014/03/The-darkness-we-see.pdf>.

Fortify Rights and the Schell Center documented five cases of torture and ill-treatment during interrogations at the Shwe Pyi Thar interrogation center.⁴⁶¹ Shwe Pyi Thar appears to be a military facility on the edge of Yangon.⁴⁶² Analysis of satellite imagery from Google Maps shows Shwe Pyi Thar compound includes four main buildings.⁴⁶³ One former detainee said: “[T]hey named it ‘Shwe Pyi Thar interrogation center’ but actually it was a military prison.”⁴⁶⁴

On April 17, 2021, military and police arrested four protesters –three men and one woman – on a street in Ahlone Township after the group left a safehouse for peaceful protesters and CDM members. Police transferred the group to the police station in Ahlone township, where officers learned from the detainees that they were former members of a university student union.⁴⁶⁵ Upon hearing this, police took the four to Shwe Pyi Thar interrogation center at approximately 6 p.m. for further questioning and interrogation.⁴⁶⁶

One of the four, a 25-year-old man and protester, described how soldiers beat, threatened, and interrogated him: “They [interrogators] wanted to know if we [him and the other protesters arrested] were affiliated with any foreign organizations. They asked us about money, how much money we were receiving from the outside world.”⁴⁶⁷ One interrogator threatened to rape him: “One of the interrogators threatened me, saying, ‘If you don’t tell the truth, I will fuck your ass.’”⁴⁶⁸

He added: “I was beaten with sticks. I was kicked, they pushed me with a knife and [they] pointed a gun at me.”⁴⁶⁹

He said soldiers threatened him with “Russian roulette”:

At one point, one of the men [soldiers] removed our blind fold, and he took out six bullets out of his gun. And, as if he were acting in a movie, he put a single bullet in the gun. He rolled the barrel of the gun and said: “You have to answer truthfully, if you don’t answer the truthfully, I will shoot one shot after each of you.” [After] I kept hearing the sound of the gun hitting the barrel. But after shooting for three or four times, they stopped shooting.⁴⁷⁰

This survivor believed some of the men were drunk while interrogating him and other protesters: “When they were interrogating us, we keep smelling alcohol [on them]. It was very strong. They were drinking right next to us during the interrogation.”⁴⁷¹ Later, the man was transferred to Insein prison on April 24. He was released on October 19, 2021.⁴⁷²

⁴⁶¹ Interviews with #126, #155, #156, #157, #158, in Myanmar (July 9; Oct. 22, 23, 2021).

⁴⁶² Interview with #156, in Myanmar (Oct. 22, 23, 2021). See also, Fortify Rights communication with journalist (Jan. 14, 2022) (on file with author).

⁴⁶³ Longitude and latitude coordinates from Google Maps of Shwe Pyi Thar compound are on file with author.

⁴⁶⁴ Interview with #156, in Myanmar (Oct. 22, 23, 2021).

⁴⁶⁵ Myanmar authorities have historically persecuted members of university student unions due to their history of political activism. See FORTIFY RIGHTS, “OUR DEMANDS ARE FOR ALL STUDENTS”: VIOLATIONS OF STUDENTS’ RIGHTS IN MANDALAY, MYANMAR 32-33 (April 2020), https://www.fortifyrights.org/downloads/Our_Demands_Are_For_All_Students-Athan-Fortify_Rights-April_2020.pdf.

⁴⁶⁶ Interviews with #155, #156, #157, #158, in Myanmar (Oct. 22, 23, 2021).

⁴⁶⁷ Interview with #155, in Myanmar (Oct. 22, 23, 2021).

⁴⁶⁸ *Id.* The use of threats of sexual violence as a form of interrogation of both men and women prisoners has taken place for years in Myanmar. One man told AAPP in 2005: “Suddenly, a guard kicked me behind my knee. I collapsed on the floor on my knees. When I tried to stand up, I was forced to lie on my stomach and both my hands were pulled behind my back and I was handcuffed. The hood was still over my head and I was lying face down on the floor. Suddenly, my sarong was taken off. I wasn’t wearing any underwear and my lower body was completely naked. ‘You have thirty minutes to consider whether or not you are telling lies, and to think about your life,’ one of the officers said . . . ‘think carefully and tell us the truth. If you don’t, we will make you a homosexual.’” See ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (BURMA), THE DARKNESS WE SEE: TORTURE IN BURMA’S INTERROGATION CENTERS AND PRISONS 53 (Dec. 2005), <https://aappb.org/wp-content/uploads/2014/03/The-darkness-we-see.pdf>.

⁴⁶⁹ Interview with #155, in Myanmar (Oct. 22, 23, 2021).

⁴⁷⁰ *Id.*

⁴⁷¹ *Id.*

⁴⁷² *Id.*

A female member of the group of four told Fortify Rights and the Schell Center about how she was treated in Shwe Pyi Thar compound and the beatings. She said:

The interrogation room had a table and a chair, and there was a window. They wanted me to unlock my phone so that could see inside . . . They beat the table to scare me, and they beat me too. For every time they hit, they hit my arms three or four times, they also hit my head continuously. Whenever I didn't know the answers, they pushed me to think, and they beat my head. There were no female officers, only male officers. They asked me details about what did I do since the first day of the coup. There were three or four of them, asking repeatedly the same questions. I had to memorize everything that I answered. And, even when I said, they said I was lying and beat me up. And, I couldn't say like I didn't remember, they beat me up too. On the first day, they interrogated me until like 4 a.m. They interrogated me the next day too. The first day was very severe. And, the next day, around 7:30 a.m. in the morning, they came to get me again. They sent me back to the cell in the lunch time and they took me back in the evening. They did the same routine for like three days.⁴⁷³

She continued:

When I could not answer their questions, they beat me up. I was kept in the detention center for 10 days, then I was sent to Insein prison . . . I was on my period. I told them that I was on my period. They didn't care. They kept beating me.⁴⁷⁴

Another protester who was a part of the group of four said:

We were blindfolded on the way to the detention room [in Shwe Pyi Thar Interrogation Center] . . . They [the guards] beat us on our backside and around our whole body. [After] we couldn't sleep on our backs. They didn't beat us in the face or any visible parts of our body . . . I didn't know how long the interrogation took, there were no clocks in the room. I didn't know the time.⁴⁷⁵

An *Associated Press* investigation published in October 2021 similarly found several cases of "stealth torture" during which torturers in Myanmar attempted to leave no readily visible marks. "They would just make sure to hit you so that only your insides are damaged, or would severely beat you on your back, chest and thighs, where the bruises aren't visible," one man told the *Associated Press*.⁴⁷⁶

The junta released the four detainees on October 19 and charged them with violations including under Myanmar penal code 505A.⁴⁷⁷ At the time of writing, the charges stand.⁴⁷⁸

In another case, on April 23, junta forces arrested and tortured a freelance Myanmar photojournalist.⁴⁷⁹ At approximately 10:30 p.m., police transferred him to the Shwe Pyi Thar compound, where they severely beat him.⁴⁸⁰ He said: "They beat me on the back, abdomen, hips, ankle, and thigh. Those parts were invisible. They used batons and rubber plates to beat us. It was invisible because we were blindfolded."⁴⁸¹

He said:

When they asked if we were involved in the protests, we had to say we were involved in the protest. If not, they beat us . . . I was interrogated at the Shwe Pyi Thar Interrogation Center for two days. But I had to stay there for five days, and then I was sent to Insein prison . . . Every detainee was tortured.⁴⁸²

⁴⁷³ Interview with #158, in Myanmar (Oct. 22, 23, 2021).

⁴⁷⁴ *Id.*

⁴⁷⁵ Interview with #157, in Myanmar (Oct. 22, 23, 2021).

⁴⁷⁶ Victoria Miko & Kristen Gelieau, *Myanmar Military Uses Systematic Torture Across Country*, ASSOCIATED PRESS (Oct. 29, 2021), <https://apnews.com/article/myanmar-torture-military-prisons-insein-abuse-390fe5b49337be82ce91639e93e0192f>.

⁴⁷⁷ Interviews with #155, #156, #157, #158, in Myanmar (Oct. 22, 23, 2021).

⁴⁷⁸ *Id.*

⁴⁷⁹ Interview with #126, in Yangon, Myanmar (July 9, 2021).

⁴⁸⁰ *Id.*

⁴⁸¹ *Id.*

⁴⁸² *Id.*

Police transferred him to Insein prison on April 27. On June 30, he was released as part of an announcement by the junta that 2,000 detainees would be freed, among them journalists and others the military said had been held on incitement charges for taking part in protests.⁴⁸³

Forced Labor

Junta forces have routinely used forced labor in cities and towns across the country since February 1, 2021.⁴⁸⁴ Fortify Rights and the Schell Center documented six cases of forced labor by the junta's forces since the military coup, in Yangon Region and Karenni State.⁴⁸⁵ Even before the military coup, forced labor was a longstanding practice of the Myanmar Army against ethnic nationalities, though rarely seen in Myanmar's largest cities, where combat battalions have not traditionally been operational.⁴⁸⁶

On March 19, men in police uniforms detained a 30-year-old from his apartment and forced him to work on Thathipahtas Street in Thamwe Township in Yangon Region:

I was at home working, and the security forces came up to our apartment and knocked on our door. At first, I thought they were going to search for the young protesters, and they asked how many men were in the apartment, and I said one. I thought they were going to search the apartment, but then they told me, "You have to come with us." . . . It was not a choice. I had to go [with them]. They told me: "You have to come with us to clear the barricades. You will be released after that." So, I went with them . . . I went with them. We had to clear the barricades, like the sandbags, and carry and load it onto the truck, big trucks. We had to load two trucks.⁴⁸⁷

He continued:

I cleared the road from around 12 p.m. to 5:30 p.m. There were around 20 guys [working]. Some of them were being captured when they were on the road—on a bike or whatever they saw, apart from the cars, like motorbikes or bicycles. They captured men and made them do forced labor.⁴⁸⁸

He went on to tell Fortify Rights and the Schell Center:

We were threatened, and they forced us to do these things. We could not rest. Some soldiers let us rest for five or 10 minutes but during the working period, they forced us to load the sandbags . . . At that time, I felt that I was not safe. Because they were holding guns, and sometimes, they threatened to make us into "martyrs." They told us, "We have to make you a martyr so that you can be proud." They threatened us. Because, at that time, if they shot us, we could not resist. I felt frightened.⁴⁸⁹

⁴⁸³ *Id.*

⁴⁸⁴ See, e.g., *Junta Relying on Forced Labour in Bago 'Guard Duty' Scheme, Residents Say*, MYANMAR NOW (Aug. 12, 2021), <https://www.myanmar-now.org/en/news/junta-relying-on-forced-labour-in-bago-guard-duty-scheme-residents-say>; *Protesters Defy Myanmar Junta's Campaign of Fear*, BANGKOK POST, Mar. 20, 2021, <https://www.bangkokpost.com/world/2086927/protesters-defy-myanmar-juntas-campaign-of-fear>.

⁴⁸⁵ Interviews with #54, #58, #62, #65, #148, #153 in Yangon Region and Karenni State, Myanmar (Mar. 3, 23; Apr. 1, 2; Aug. 10, 25, 2021).

⁴⁸⁶ Fortify Rights has also documented cases of forced labor in years past in Myanmar. For example, in 2016, Fortify Rights documented the military's use of forced labor of Buddhist Rakhine (Arakanese) people in Kyauktaw Township, Rakhine State. See *Myanmar: Investigate Forced Labor of Rakhine Buddhists in Western Myanmar*, FORTIFY RIGHTS (Mar. 15, 2016), <https://www.fortifyrights.org/mya-inv-2016-03-15/>; *Myanmar: Ongoing Human Rights Violations Against Rohingya*, FORTIFY RIGHTS (Dec. 7, 2019), <https://www.fortifyrights.org/mya-inv-2019-12-07/>.

⁴⁸⁷ Interview with #62, in Thamwe Township, Myanmar (Apr. 2, 2021).

⁴⁸⁸ *Id.*

⁴⁸⁹ *Id.*

The man said he witnessed the military and police force young boys to work, including one boy who had been wounded on his leg.⁴⁹⁰

A man, 21, living in Hlaing Township in Yangon Region told Fortify Rights and the Schell Center that on March 30 he witnessed soldiers force men to dismantle a barricade built by protesters trying to protect themselves from the security forces attacks.⁴⁹¹

On the same day, March 30, a senior Myanmar journalist told Fortify Rights he witnessed the military round up men to do forced labor in Tamwe Township:

There was a barricade, and the police and military came to the street and could not cross. They asked the people to remove the barricade. There were about 30 people detained. They asked the people to remove the sandbags. They came with trucks to try and remove the barricade. They brought people [to work] as they were passing by . . . They were not paid. It is forced work against the people's will. I saw about 30 soldiers and police making people do forced labor, carrying sandbags off the barricade to break it down, which was built by protesters.⁴⁹²

In late July, Myanmar Army soldiers detained four Karenni men in Mya Le Village, Demoso Township, Karenni State, and forced them, along with six other captives, to porter military hardware for five days.⁴⁹³ One survivor, an ethnic Shan-Burmese man, told Fortify Rights and the Schell Center:

I was taken and dragged by soldiers. They tied my hands behind my back and I, like the other captives, was ordered to go with them. We were used as porters carrying heavy loads of stuff as the battalions marched. The soldiers would also ask if we were in any way related to PDF.⁴⁹⁴

Four other local human rights defenders in Karenni State reported to Fortify Rights and the Schell Center that the Myanmar Army arbitrarily detained at least 12 other civilians, including a disabled teenager, in multiple incidents. Soldiers reportedly used most of the detainees for forced labor. A 33-year-old male resident of Daw Nye Khu village said:

A little more than a week ago, [on approximately August 15, 2021], [the Myanmar Army] seized four people from our village to use as porters . . . One of them was only 15-years old and disabled. All the villagers flee whenever the soldiers come. Whoever the soldiers find on their way, they seize them to use as porters and human shields.⁴⁹⁵

A 23-year-old male resident of Loikaw Township witnessed Myanmar Army soldiers raid his village in July 2021. He also witnessed the soldiers loot and destroy property, and force residents, including his younger brother, to work and carry weapons for them. He said:

⁴⁹⁰ Interview with #62, in Thamwe Township, Myanmar (Apr. 2, 2021). In 2019 Fortify Rights documented seven cases of Rohingya forced labor by the Myanmar military in Buthidaung Township including of children. See *Myanmar: Ongoing Human Rights Violations Against Rohingya*, FORTIFY RIGHTS (Dec. 7, 2019), <https://www.fortifyrights.org/mya-inv-2019-12-07/>.

⁴⁹¹ Interview with #54, in Hlaing Township, Yangon Region, Myanmar (March 31, 2021).

⁴⁹² Interview with #65, in Yangon Region, Myanmar (April 1, 2021).

⁴⁹³ Interview with #154, in Karenni State, Myanmar (Oct. 7, 2021).

⁴⁹⁴ *Id.*

⁴⁹⁵ Interview with #153, in Karenni State, Myanmar (Aug. 25, 2021).

The military invaded my village, and the soldiers stole valuable things such as money, gold and they also stole livestock from the village. The soldiers also detained some villagers to cook for them and to carry their arms. The detained villagers were also beaten.⁴⁹⁶

Enforced Disappearance

An enforced disappearance occurs when state officials or agents arrest or detain someone and refuse to acknowledge the deprivation of liberty or conceal their fate or whereabouts, placing them outside the protection of the law. Enforced disappearances violate various rights protected under international law, including prohibitions against arbitrary arrest and detention; torture and other cruel, inhuman, or degrading treatment; and extrajudicial execution. Enforced disappearances can constitute crimes against humanity.

Fortify Rights spoke to family members of individuals whom the junta disappeared since the coup. For instance, on February 1, the junta arrested Monywa Aung Shin, 76, from his home. Monywa Aung Shin was an information secretary for the NLD. A family member told Fortify Rights and the Schell Center:

He was arrested on February 1st in the early morning, around 4:30 a.m. They came and knocked on our door . . . and they asked him to come with them. [Monywa Aung Shin] didn't ask any questions, he just followed . . . They were in camouflage uniforms, they were military.⁴⁹⁷

She continued:

No one contacted us. There is no information about his trial or anything. I went to Insein prison and asked about his information . . . But there is no information about him . . . I am worried about him. I don't know where he is. They need to inform us according to the law. At least, we should know his health condition and where he is now. Now we have no information about him.⁴⁹⁸

The junta released Monywa Aung Shin in October 2021; just over one month later, he collapsed and died of a heart attack.⁴⁹⁹

A representative of AAPP told Fortify Rights and the Schell Center, “Well over half of the people on [AAPP’s] list [of detainees] are in unknown locations,” effectively amounting to widespread enforced disappearances.⁵⁰⁰

Human Rights Watch spoke to family members, witnesses, and lawyers of 16 people feared to have been forcibly disappeared since the coup.⁵⁰¹ Mya Aye, a prominent pro-democracy figure and a veteran of the 1988 uprising, had previously been arrested twice for his activism.⁵⁰² On February 1, following the military coup, Mya Aye was arrested again.⁵⁰³ His family members reported that upon arriving at the Mingalar Taung Nyunt Township police station, the police stated they were not responsible for

⁴⁹⁶ Interview with #148, in Loikaw, Karenni State, Myanmar (Aug 10, 2021).

⁴⁹⁷ Interview with #120, in Tamwe Township, Myanmar (June 24, 2021).

⁴⁹⁸ *Id.*

⁴⁹⁹ Maung Shwe Wah, *Top NLD leader Monywa Aung Shin dies of heart attack after release from interrogation center*, MYANMAR NOW (November 28, 2021), <https://www.myanmar-now.org/en/news/top-nld-leader-monywa-aung-shin-dies-of-heart-attack-after-release-from-interrogation-center>.

⁵⁰⁰ Interview with #119, in Thailand (June 18, 2021).

⁵⁰¹ *Myanmar: Hundreds Forcibly Disappeared*, HUMAN RIGHTS WATCH (Apr. 2, 2021), <https://www.hrw.org/news/2021/04/02/myanmar-hundreds-forcibly-disappeared>.

⁵⁰² *Myanmar’s Democracy Veterans, Once Again Political Prisoners*, FRANCE 24 (June 2, 2021), <https://www.france24.com/en/live-news/20210206-myanmar-s-democracy-veterans-once-again-political-prisoners>.

⁵⁰³ *Myanmar: Hundreds Forcibly Disappeared*, HUMAN RIGHTS WATCH (Apr. 2, 2021), <https://www.hrw.org/news/2021/04/02/myanmar-hundreds-forcibly-disappeared>.

Mya Aye's detention and that they were unable to provide further information.⁵⁰⁴ Nearly two months passed and authorities did not respond to any of the family's requests for an investigation into Mya Aye's disappearance.⁵⁰⁵ Due to a serious heart condition, Mya Aye requires daily medication and his family was unable to confirm if he had received that medication.⁵⁰⁶ Finally, on April 1, his family learned that he was detained in Insein prison in Yangon.⁵⁰⁷ Mya Aye is charged with hate speech and could face up to two years in prison.⁵⁰⁸ Regarding the two months of not knowing his location, Mya Aye's daughter, Wai Hnin Pwint Thon, a prominent human rights defender working with Burma Campaign UK, told *The Irrawaddy*, "Even though we are used to this situation, as my father was jailed before, we were really worried as we heard nothing about him for two months."⁵⁰⁹

In another case documented by Human Rights Watch, on March 6, the junta arrested Nyi Nyi Kyaw, another veteran of the 1988 uprising, while he was on his way home from the funeral of Zaw Myo Ko, a protester shot and killed by security forces.⁵¹⁰ When junta forces arrived at the funeral, the mourners dispersed in a panic.⁵¹¹ A friend of Nyi Nyi Kyaw told Human Rights Watch that Nyi Nyi Kyaw fell over and was arrested by the police.⁵¹² The following day, his family checked with two prisons in Mandalay and both denied that Nyi Nyi Kyaw was there.⁵¹³ On March 10, four days after his arrest, Nyi Nyi Kyaw called his son, asking questions about an individual involved in the CDM who was on the run.⁵¹⁴ This distressing phone call resulted in Nyi Nyi Kyaw's family going into hiding.⁵¹⁵

As highlighted above, the junta detained Nathan Maung and Han Thar Nyein on March 9. Following the arrest, a member of Han Thar Nyein's family said, "No one has been able to tell me where they are."⁵¹⁶ The family member also noted that their lawyers did not have access to the individuals.⁵¹⁷ The day following the arrests, the families of Nathan Maung and Han Thar Nyein attempted to send packages to Insein prison but the packages were not accepted and prison officials stated that no one with those names was in the prison.⁵¹⁸ However, Nathan Maung was released from Insein prison on June 15 after the charges against him were dropped.⁵¹⁹ Han Thar Nyein is believed to be in prison and facing charges of spreading misinformation.⁵²⁰

⁵⁰⁴ *Id.*

⁵⁰⁵ *Id.*

⁵⁰⁶ *Id.*

⁵⁰⁷ *Veteran Myanmar Activist Faces Hate Speech Charges*, THE IRRAWADDY (May 9, 2021), <https://www.irrawaddy.com/news/burma/veteran-myanmar-activist-faces-hate-speech-charges.html>.

⁵⁰⁸ *Id.*

⁵⁰⁹ *Id.*

⁵¹⁰ *Nyi Nyi Kyaw, a Veteran of the 1988 Uprising, Arrested in Mandalay*, MYANMAR NOW (Mar. 7, 2021), <https://myanmar-now.org/en/news/nyi-nyi-kyaw-a-veteran-of-the-1988-uprising-arrested-in-mandalay>.

⁵¹¹ *Myanmar: Hundreds Forcibly Disappeared*, HUMAN RIGHTS WATCH (Apr. 2, 2021), <https://www.hrw.org/news/2021/04/02/myanmar-hundreds-forcibly-disappeared>.

⁵¹² *Id.*

⁵¹³ *Id.*

⁵¹⁴ *Id.*

⁵¹⁵ *Id.*

⁵¹⁶ *Myanmar: Hundreds Forcibly Disappeared*, HUMAN RIGHTS WATCH (Apr. 2, 2021), <https://www.hrw.org/news/2021/04/02/myanmar-hundreds-forcibly-disappeared>.

⁵¹⁷ *Id.*

⁵¹⁸ *Id.*

⁵¹⁹ Helen Regan & Sandi Sidhu, *Myanmar Releases US Journalist Nathan Maung, Who Was Allegedly Tortured in Prison*, CNN, June 15, 2021, <https://www.cnn.com/2021/06/15/media/myanmar-nathan-maung-released-intl-hnk/index.html>.

⁵²⁰ *Id.*

Arbitrary Restrictions on Freedom of Expression

In the months leading up to the February 1 coup, the Myanmar military, via the Ministry of Transport and Communications, ordered companies and internet service providers to install intercept spyware that would enable the army to unlawfully monitor the communications of citizens.⁵²¹ On the day of the coup, the army raided data centers of internet providers and cut internet and mobile-communication signals for several hours in various parts of the country.⁵²²

On February 3, 2021, the military junta ordered the blocking of Facebook as well as its Messenger and WhatsApp platforms.⁵²³ The Ministry of Transport and Communication ordered all telecommunications companies and internet service providers to “ban Facebook” in order to stop “the saboteurs” from “instigating and spreading fake news that can damage the interests of people” and “cause instability” and “misunderstanding among the public.”⁵²⁴ The directive invokes Section 77 of the Telecommunications Law.

On February 4, state-owned telecommunications companies Mytel and Myanmar Posts and Telecommunications (MPT), as well as Ooredoo—a subsidiary of the Qatari Ooredoo Group—enforced the order. The Norwegian-based company Telenor Myanmar said in a statement that the company “decided to comply with the directive” while “expressing grave concerns regarding [the] breach of human rights.”⁵²⁵

Five months later, Telenor announced it was divesting from Myanmar, selling its operations in the country to M1 Group, a Lebanese firm.⁵²⁶ A Myanmar-owned company with ties to the military is reportedly set to take over Telenor’s subsidiary in partnership with M1 Group.⁵²⁷

In August, 45 organizations wrote to Telenor Group’s Board in an open letter expressing concern at the telecommunications company’s decision to sell its operations. The groups called on the company to immediately rescind the deal.⁵²⁸ Telenor had not conducted a human rights impact assessment around its planned departure from Myanmar, despite grave risks of human rights violations stemming from the way in which the company intends to sell its assets and operations.⁵²⁹

⁵²¹ According to three sources who spoke to *Reuters*, at firms with knowledge of the surveillance system in the country, not every telecom firm and internet service provider has installed the full intercept spyware. See Fanny Potkin & Poppy McPherson, *How Myanmar’s Military Moved in on the Telecoms Sector to Spy on Citizens*, *REUTERS* (May 20, 2021), <https://www.reuters.com/world/asia-pacific/how-myanmars-military-moved-telecoms-sector-spy-citizens-2021-05-18/>.

⁵²² *Myanmar: Rescind Order to Use Force Against Protesters, Protect Basic Freedoms*, *FORTIFY RIGHTS* (Feb. 5, 2021), <https://www.fortifyrights.org/mya-inv-2021-02-05/>.

⁵²³ *Myanmar Junta Blocks Facebook, Clamping Down on Opposition to Coup*, *REUTERS* (Feb. 4, 2021), <https://www.reuters.com/article/myanmar-politics-int-idUSKBN2A338S>.

⁵²⁴ *Rescind Order to Use Force Against Protesters: Fortify Rights to Myanmar*, *UNB NEWS* (Feb. 5, 2021), <https://unb.com.bd/category/Bangladesh/rescind-order-to-use-force-against-protesters-fortify-rights-to-myanmar/64478>.

⁵²⁵ *Directive to Block Social Media Service*, *TELENOTR GROUP* (Feb. 3, 2021), <https://www.telenor.com/directive-to-block-social-media-service/>.

⁵²⁶ *Telenor Myanmar Operations Continue as Telenor Group Announces Sale to M1 Group*, *TELENOTR GROUP* (July 8, 2021), <https://www.telenor.com.mm/en/press-release/telenor-myanmar-operations-continue-as-telenor-gro>.

⁵²⁷ *The Crony Who Will Control Telenor Myanmar’s Customer Data*, *MYANMAR NOW* (Mar. 4, 2022), <https://www.myanmar-now.org/en/news/the-crony-who-will-control-telenor-myanmars-customer-data>.

⁵²⁸ *Halt the Sale! Telenor Exiting Myanmar Risks Human Rights*, *ACCESS NOW* (Aug. 12, 2021), <https://www.accessnow.org/myanmar-telenor/>.

⁵²⁹ Communications with Telenor personnel, (March 5, 2021). See also Fanny Potkin and Poppy McPherson, *Telenor says sale of Myanmar unit gets final approval from junta*, *REUTERS* (March 18, 2022), <https://www.reuters.com/world/asia-pacific/myanmars-junta-gives-final-approval-sale-telenors-myanmar-unit-sources-2022-03-18/>.

The internet shutdown in Myanmar affected tens of millions of people throughout the country.⁵³⁰ Fortify Rights interviewed people who cited communication restrictions as a major obstacle to their daily lives. For instance, a 30-year-old Myanmar man working for an information technology company in Yangon told Fortify Rights: "[The internet blackout] is [having a] huge impact for me . . . internet is my daily life, it's not for entertainment, it's for my work . . . I think they cut off the internet to slow down the information flow."⁵³¹

Deportation and Forced Transfer of Population

Following the initial, months-long crackdown on peaceful protesters, the junta used various means to forcibly displace segments of the civilian population throughout the country. Fortify Rights and the Schell Center interviewed eyewitnesses, survivors, and others in Chin State, Bago Region, and Karenni State between June and October 2021 regarding the forced displacement and fleeing military attacks.

At the time of writing, more than 440,000 people have been internally displaced in Myanmar since the coup, on top of 370,000 displaced before the coup.⁵³² Junta forces launched systematic offensives in Chin, Kachin, Karen, Karenni, and other states and regions in the country, including through airstrikes and the use of heavy artillery in civilian areas, leading to civilian casualties and widespread displacement.⁵³³ Military troops also reportedly looted and destroyed homes and property of civilians.

On April 9, junta forces forcibly displaced up to tens of thousands during attacks in Bago Region.⁵³⁴ As highlighted above, on April 9, 2021, junta forces attacked civilians with RPGs and hand grenades, killing at least 82 people.⁵³⁵ The military's attack on Bago prompted residents in at least five wards in Bago to flee their homes.⁵³⁶ Precise numbers are unclear, but reports indicate "tens of thousands" fled and residents themselves reported "there must be over 100,000 or so."⁵³⁷

The junta's attacks in Mindat, Chin State forced thousands of more civilians to flee beginning in May 2021. In Mindat town in Chin State, some residents formed a local branch of the Chinland Defense Force (CDF) after the military continuously used lethal force against peaceful demonstrators. Following several clashes between police and army units and the local CDF chapter, who were armed with homemade hunting rifles, the military responded with an air and ground offensive and

⁵³⁰ *Internet Shutdown in Myanmar*, FORTIFY RIGHTS (Mar. 16, 2021), https://www.fortifyrights.org/our_films/mya-inv-vdo-2021-03-16/.

⁵³¹ Interview with #62, in Yangon Region, Myanmar (Apr. 2, 2021).

⁵³² *Number of Internally Displaced in Myanmar Doubles, to 800,000*, U.N. NEWS (Feb. 11, 2022), <https://news.un.org/en/story/2022/02/1111812>; MYANMAR HUMANITARIAN UPDATE No. 7, OCHA MYANMAR (May 27, 2021), <https://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Myanmar%20-%20Humanitarian%20Update%20No.7.pdf>.

⁵³³ U.N. Human Rights Council, *Report of the Detailed Findings of the Independent International Fact-Finding Mission on Myanmar*, U.N. Doc. A/HRC/39/CRP.2 (Sept. 17, 2018), https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_CRP.2.pdf.

⁵³⁴ *Myanmar Violence 'Must Cease Immediately'*: UN Agencies, U.N. NEWS (Apr. 12, 2021), <https://news.un.org/en/story/2021/04/1089492>.

⁵³⁵ *Myanmar Security Forces with Rifle Grenades Kill over 80 Protesters—Monitoring Group*, REUTERS (Apr. 10, 2021), <https://www.reuters.com/world/asia-pacific/myanmar-security-forces-with-rifle-grenades-kill-over-80-protesters-monitoring-2021-04-10/>; *Large Numbers Feared Dead in Bago as Soldiers Crush Protest Stronghold*, MYANMAR NOW (Apr. 9, 2021), <https://myanmar-now.org/en/news/large-numbers-feared-dead-in-bago-as-soldiers-crush-protest-stronghold>.

⁵³⁶ *Large Numbers Feared Dead in Bago as Soldiers Crush Protest Stronghold*, MYANMAR NOW (Apr. 9, 2021), <https://myanmar-now.org/en/news/large-numbers-feared-dead-in-bago-as-soldiers-crush-protest-stronghold>.

⁵³⁷ *Tens of Thousands of Residents Flee Bago in Wake of Assault by Myanmar Security Forces*, RADIO FREE ASIA (Apr. 12, 2021), <https://www.rfa.org/english/news/myanmar/bago-residents-flee-04122021165638.html>.

fired “shells, mortars, and rocket-propelled grenades into the town”.⁵³⁸ On May 15th, the military occupied Mindat town with an estimated 1,000 soldiers.⁵³⁹ The U.N. noted reports of “indiscriminate attacks by the security forces against civilians”; “houses and other civilian property damaged, destroyed or occupied by security forces”; “security forces using civilians as shields”; “sexual assault perpetrated against women and girls”; and numerous individuals injured and killed.⁵⁴⁰

Fortify Rights and the Schell Center spoke with members of the Mindat People’s Administrative Council. A woman member provided the following testimony:

People had been doing peaceful demonstrations in Mindat, but by April 24 the military started to violently arrest protesters. They shot and killed two youths on their motorcycles, by then some realized if they did not defend themselves, they would be attacked and killed.⁵⁴¹

She further described how farmers formed the Chinland Defense Force (CDF). Following fighting between the CDF and the military, the military laid siege to Mindat, a town of approximately 25,000 residents. She continued:

The [CDF] retreated from the town on May 15; the military shelled and helicopters dropped five bombs, two near the town and three within 15 miles of the town. When the town was under attack only about 5,000–8,000 [were] left behind in the town; about two-thirds of the population followed the CDF. The people had to take the route on the mountain range by foot. Those that fled include elderly, pregnant woman. In the town, the soldiers took everything from phone shops, food, they took many motorcycles and cars; there was a case of rape in Mindat. The military arrested ten Mindat youth when they entered the town and forced them to walk in front of them as a human shield.⁵⁴²

Renewed fighting between the CDF and junta broke out in early August, and the security situation generally in Chin State continues to deteriorate. Since the coup, junta attacks on civilians killed at least 37 civilians in and around Mindat and displaced approximately 30,000 from 129 villages, according to local sources. As of late August 2021, the UNHCR assessed that 11,400 had been displaced from Mindat.⁵⁴³

In Karenni State, UNHCR estimated that 101,100 people were internally displaced by August 1, 2021.⁵⁴⁴ In Demoso township, where residents banded together to form the Karenni People’s Defense Force (KPDF), small-scale fighting between the KPDF and the military junta escalated when the military attacked both Demoso and Loikaw townships in late May. The junta used fighter jets to bomb Demoso before following up with rockets and mortars, forcing people to flee into the surrounding jungle.⁵⁴⁵ Junta forces also raided and ransacked a Catholic parish and convent.⁵⁴⁶ A local news outlet reported two civilians were killed by military forces who shot them as they attempted to “gather

⁵³⁸ *Myanmar: The Small Embattled Town that Stood up to the Army*, BBC (May 22, 2021), <https://www.bbc.com/news/world-asia-57197081>.

⁵³⁹ *Myanmar Military Launches Airstrikes against Karenni Resistance*, MYANMAR NOW (May 31, 2021), <https://www.rfa.org/english/news/myanmar/idps-06082021190834.html>. See also Helen Regan & Sandi Sidhu, *As Bombs Rain Down on Myanmar’s Hotbeds of Rural Resistance, Tens of Thousands Flee to the Jungle without Food or Water*, CNN (June 3, 2021), <https://edition.cnn.com/2021/06/02/asia/myanmar-chin-resistance-intl-hnk/index.html>.

⁵⁴⁰ *Statement by the United Nations in Myanmar on the Situation in Mindat, Chin State*, UNITED NATIONS MYANMAR (May 21, 2021), <https://reliefweb.int/sites/reliefweb.int/files/resources/UN%20Statement%20on%20the%20Humanitarian%20Situation%20in%20Mindat%20-%202021052021%20English.pdf>.

⁵⁴¹ Interview with #162, in Myanmar (Aug. 18 2021).

⁵⁴² *Id.*

⁵⁴³ *Myanmar Emergency Update*, UNHCR (Aug. 16, 2021), <https://reliefweb.int/sites/reliefweb.int/files/resources/Myanmar%20Emergency%20Update%20-%202016%20August.pdf>.

⁵⁴⁴ *Myanmar Emergency Update*, UNHCR (Aug. 1, 2021), <https://reporting.unhcr.org/sites/default/files/Myanmar%20Emergency%20Update-1August2021.pdf>.

⁵⁴⁵ *Myanmar Military Launches Airstrikes against Karenni Resistance*, MYANMAR NOW (May 31, 2021), <https://www.myanmar-now.org/en/news/myanmar-military-launches-airstrikes-against-karenni-resistance>; *Fresh Clashes in Myanmar’s Kayah State Kill Two as Displaced Surpass 100,000*, RADIO FREE ASIA, (June 6, 2021), <https://www.rfa.org/english/news/myanmar/kayah-06012021194059.html>.

⁵⁴⁶ *Massive Military Operations in Kayah State: Many People are on the Run*, AGENZIA FIDES (June 1, 2021), http://www.fides.org/en/news/70233-ASIA_MYANMAR_Massive_military_operations_in_Kayah_state_many_people_are_on_the_run.

food and other supplies for villagers displaced by the conflict.⁵⁴⁷ In Loikaw, the military also used helicopters, fighter jets, and cannons to attack the town. Ground forces reportedly killed a young volunteer who was helping to prepare food for IDPs sheltering in the church parish.⁵⁴⁸ Within a week, the military attacks prompted a wave of nearly 100,000 people to flee from the Demoso and Loikaw areas. The junta also blocked the main roads into Karenni State, cutting off civilian access to food, water and medicine.⁵⁴⁹

An 18-year-old Karenni man who survived military detention and torture said he and his father fled from the military and encountered another group of soldiers burning a house in a village near Myo Bye. He said: "We didn't go back to our homes but to a safer place. On the way we saw some soldiers and a house being burned down by them. It is still not safe for us to go back home."⁵⁵⁰

Internally Displaced Persons (IDPs) from the surrounding areas of Moe Bye, Pekon Township told of villagers injured when the Myanmar military shelled their village in early June. A local resident, now displaced, said: "About 12 people were injured from Lwe Yin Mingalar and nearby villages in Pekon township. Most of them were injured by artillery shells fired onto their houses."⁵⁵¹

On May 24, the Myanmar military targeted a Christian church in Kayanthayar South village, in Loikaw, Karenni State. A Catholic priest told Fortify Rights and the Schell Center about the incident, saying:

Even churches are not spared from their bullets. They shot at our church with cannon balls, heavy weapons, and machine guns . . . [T]he people here in the state are no longer safe to live, so they are fleeing to the jungles, and their homes and houses and their villages are deserted.⁵⁵²

A week later, on May 31, the Myanmar military reportedly attacked Demoso Township, Karenni State, firing from helicopters and killing at least one person and wounding six, as thousands fled the area.⁵⁵³

In February 2022, Fortify Rights published a flash report on ongoing war crimes in Karenni State.⁵⁵⁴ The report documents how, in the context of armed conflict, the Myanmar military murdered, forcibly displaced, and committed other serious human rights and humanitarian violations against civilians between May 2021 to January 2022.⁵⁵⁵ In November 2021, Fortify Rights published a similar flash report from Karenni State, documenting how the military junta arbitrarily arrested aid workers, destroyed civilian food stocks and non-military objects, prevented the delivery of food and medical supplies at military checkpoints, and delayed or denied administrative approvals for local, national, and international aid organizations.⁵⁵⁶ The report found that these acts may constitute war crimes.⁵⁵⁷

⁵⁴⁷ *Three Civilians Killed as Junta Continues Crackdown on Karenni Resistance*, MYANMAR NOW (May 28, 2021), <https://myanmar-now.org/en/news/three-civilians-killed-as-junta-continues-crackdown-on-karenni-resistance>.

⁵⁴⁸ *Massive Military Operations in Kayah State: Many People are on the Run*, AGENZIA FIDES (June 1, 2021), http://www.fides.org/en/news/70233-ASIA_MYANMAR_Massive_military_operations_in_Kayah_state_many_people_are_on_the_run.

⁵⁴⁹ *Id.*; *Myanmar: UN Warns of Mass Starvation in Eastern Kayah State*, DW (June 8, 2021), <https://www.dw.com/en/myanmar-un-warns-of-mass-starvation-in-eastern-kayah-state/a-57834051>.

⁵⁵⁰ Interview with #142, in Moebye, Karenni State, Myanmar (Aug. 27, 2021). See also, "Ongoing War Crimes in Karenni (Kayah) State, Myanmar: May 2021 to January 2022," FORTIFY RIGHTS (Feb. 15, 2022), <https://www.fortifyrights.org/mya-inv-rep-2022-02-15/>.

⁵⁵¹ "Ongoing War Crimes in Karenni (Kayah) State, Myanmar: May 2021 to January 2022," FORTIFY RIGHTS (Feb. 15, 2022), <https://www.fortifyrights.org/mya-inv-rep-2022-02-15/>.

⁵⁵² Interview with #118, in Karenni State, Myanmar (June 14, 2021).

⁵⁵³ *Airstrikes Kill in Karenni State While an Estimated 100,000 Flee*, FREE BURMA RANGERS (June 15, 2021), https://www.freeburmarangers.org/2021/06/15/airstrikes_kill_in_karenni_state/.

⁵⁵⁴ *Ongoing War Crimes in Karenni (Kayah) State, Myanmar: May 2021 to January 2022*, FORTIFY RIGHTS (Feb. 15, 2022), <https://www.fortifyrights.org/mya-inv-rep-2022-02-15/>.

⁵⁵⁵ *Id.*

⁵⁵⁶ *Access Denied: The Myanmar Military Junta's Deprivation of Lifesaving Aid in Karenni (Kayah) State*, FORTIFY RIGHTS (Nov. 10, 2022), <https://www.fortifyrights.org/mya-inv-rep-2021-11-10/>.

⁵⁵⁷ *Id.*

The Karen Human Rights Group (KHRG) documented how the Myanmar military carried out a series of airstrikes against the Karen National Liberation Army (KNLA)—an ethnic-armed organization—and civilian targets in Mu Traw and Kler Lwee Htoo districts of Karen State, from March 27 to March 30, killing at least 16 civilians and injuring 25.⁵⁵⁸ A woman representative of KHRG told Fortify Rights:

The military was shelling and doing airstrikes in March and April. Farmers have to prepare the farm for the monsoon season. The airstrikes force the farmers to flee. Some family members are killed during airstrikes. Some villagers have lost people and lost their property . . . [The military] fired at KNLA and also on villagers. The villagers are counting and reporting back to us how they are targeting villagers. They fire without a target. They just fire regardless if there are civilians.⁵⁵⁹

Between March 28 to April 5, the military junta reportedly fired mortar shells at several areas across Karen State, resulting in displacement and unexploded ordnance contamination, including in Dwe Lo Township.⁵⁶⁰

Furthermore, on April 27, the 5th Brigade of the KNLA reportedly seized and destroyed a Myanmar military base in Thaw Le Hta, Karen State.⁵⁶¹ According to firsthand testimony and news reports, following the seizure, the military steadily began retaliating, including against ethnic-Karen civilians. An international analyst monitoring the human rights situation in Karen State told Fortify Rights and the Schell Center: “Air strikes are terrifying. It creates fear among the whole population. The military is bombing people’s homes.”⁵⁶²

⁵⁵⁸ *A Worrisome Escalation: Tatmadaw Airstrikes Kill at Least 16 Villagers, Displace Thousands in Mu Traw and Kler Lwee Htoo Districts, March 2021*, KAREN HUMAN RIGHTS GROUP (May 14, 2021), <https://khr.org/2021/05/21-3-nb1/worrisome-escalation-tatmadaw-airstrikes-kill-least-16-villagers-displace-thousands>.

⁵⁵⁹ Interview with #123, in Thailand (July 8, 2021).

⁵⁶⁰ *Mu Traw District Short Update: Skirmishes, Indiscriminate Shelling by the Tatmadaw and Landmine Contamination in Dwe Lo and Bu Tho Townships, March and April 2021*, KAREN HUMAN RIGHTS (May 7, 2021), <https://www.khr.org/2021/05/21-117-d1/mu-traw-district-short-update-skirmishes-indiscriminate-shelling-tatmadaw-and>.

⁵⁶¹ *Junta Responds with Airstrikes After KNU Seizes Military Base on Thai-Myanmar Border*, MYANMAR NOW (Apr. 27, 2021), <https://www.myanmar-now.org/en/news/junta-responds-with-airstrikes-after-knu-seizes-military-base-on-thai-myanmar-border>. See also, *Thailand: Prevent Pushbacks, Establish Protection Mechanisms for Refugees Fleeing Myanmar*, FORTIFY RIGHTS (May 16, 2021), <https://www.fortifyrights.org/tha-inv-2021-05-12/>.

⁵⁶² Interview with #122, in Thailand (July 2, 2021).

II. International Legal Framework and Analysis: Crimes Against Humanity

This report employs treaty-based and customary law frameworks of international human rights law and international criminal law to examine the legal implications of the violence perpetrated by Myanmar security forces in the wake of the February 1, 2021 coup as potential crimes against humanity.⁵⁶³ The criminal dimensions are evaluated based on standards set forth in the Rome Statute of the ICC as well as precedent articulated by *ad hoc* tribunals established by the U.N. Security Council and other U.N. agencies, such as the ICTY, the ICTR, and the Extraordinary Chambers in the Courts of Cambodia (ECCC).⁵⁶⁴

In order to convict a person for crimes against humanity, as in all crimes before the ICC, the court must be convinced beyond a reasonable doubt.⁵⁶⁵ For the purposes of issuing a warrant for the arrest of an individual for alleged criminal responsibility in the commission of crimes against humanity, the prosecutor must show that “evidence provides reasonable—not conclusive or definitive—grounds to believe that the person committed a crime within the jurisdiction of the Court.”⁵⁶⁶ In accordance with the standard required for the ICC to issue an arrest warrant, this report establishes reasonable grounds to believe that the Myanmar military committed murder, imprisonment, torture, persecution, deportation, and forcible transfer of population as part of a widespread or systematic attack directed against a civilian population.

⁵⁶³ Notably, Myanmar is a party to the Convention on the Rights of the Child (CRC), ratified by Myanmar on July 15, 1991, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by Myanmar on July 22, 1997. Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3; Convention on the Elimination of All Forms of Discrimination against Women, Dec. 18, 1979, 1249 U.N.T.S. 13. Other international instruments, including International Covenant on Civil and Political Rights (ICCPR), to which Myanmar is not a party, are considered part of customary international law and binding on all states. International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171.

⁵⁶⁴ The scope of the ICC’s jurisdiction is limited to when a crime is committed within a country or by a national of a country that is a party to the Rome Statute, when a state agrees to ICC jurisdiction, or when a situation is referred to the Office of the Prosecutor by the U.N. Security Council. While the ICC does not have jurisdiction over Myanmar, its governing statute is the most persuasive source of international criminal law, in part because the U.N. Security Council has the power to refer to the Court situations that would otherwise be outside its jurisdiction. See Rome Statute of the International Criminal Court, July 17, 1998, 2187 U.N.T.S. 90 [hereinafter “Rome Statute”].

⁵⁶⁵ Rome Statute, art. 66(3).

⁵⁶⁶ Prosecutor v. Omar Hassan Ahmad Al-Bashir, ICC-02/05-01/09, Judgment (Appeal), para. 17 (Feb. 3, 2010) (finding that, “at this preliminary [pre-trial, warrant seeking] stage, it does not have to be certain that that person committed the alleged offence. Certainty as to the commission of the crime is required only at the trial stage of the proceedings (see article 66 (3) of the Statute), when the Prosecutor has had a chance to submit more evidence.”).

Prohibited Acts of Crimes Against Humanity

A crime against humanity involves the commission of one or more of the following prohibited criminal acts: murder, extermination, enslavement, deportation or forcible transfer, imprisonment, torture, rape and other forms of sexual violence, persecution, enforced disappearance, apartheid, or other inhumane acts.⁵⁶⁷ Any one of these acts is sufficient to establish a crime against humanity, provided that the act was perpetrated in the appropriate context.⁵⁶⁸ This section analyzes the legal elements of six acts—murder, imprisonment, torture, enforced disappearance, persecution, and deportation or forcible transfer of population—in light of the facts documented and cited in this report and finds reasonable grounds to believe that all elements were present in the acts committed by Myanmar security forces in the wake of the February 1, 2021 coup.

Murder

Murder is one of the predicate acts of a crime against humanity under Article 7(1)(a) of the Rome Statute.⁵⁶⁹ The *actus reus* or physical element of murder is the killing of one or more persons. The mental element or the *mens rea* requirement of murder is intent or knowledge.⁵⁷⁰ As the ICC Trial Chamber II explained in *Katanga*, which concerned attacks against the village of Bogoro in the Democratic Republic of the Congo, a killing constitutes murder where the perpetrator acted “in order to cause the death of one or more persons” or was “aware that death would occur in the ordinary course of events.”⁵⁷¹ The prosecution need not show premeditation to prove murder under the Rome Statute.⁵⁷²

In Myanmar, witnesses cited in this report saw the military and police murder multiple unarmed civilians as part of a crackdown on anti-coup protesters around the country. The coup began on February 1, 2021, and, in switching from non-lethal to lethal weapons on February 9, the military and police signaled an important policy shift from crowd control to the murder of protesters. On July 31, within the first six months of the coup, AAPP, which has published “daily briefings” since the start of the military coup, reported that 940 people to date had been murdered in crackdowns by Myanmar’s security forces.⁵⁷³ There were specific days when the number of murders were particularly high. For example, one of the deadliest days was March 14, when thousands of workers and residents in Hlaing Tharyar Township gathered to protest the coup.⁵⁷⁴ Security forces reportedly killed 58 people at the protest.⁵⁷⁵ Armed Forces Day, March 27, was even deadlier, with film and photographic evidence documenting soldiers firing weapons at street level and multiple dead bodies, including those of children.⁵⁷⁶ Myanmar police and military murdered 140 people across 44 townships on Armed Forces Day.⁵⁷⁷

⁵⁶⁷ Rome Statute, art. 7 (listing murder; extermination; enslavement; deportation or forcible transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; persecution; enforced disappearance; apartheid; and other inhumane acts).

⁵⁶⁸ The other elements are the contextual elements (also known as the chapeau elements). To qualify as a crime against humanity, the act must be “committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.” Rome Statute, art. 7(1). See *infra* section titled “Contextual Elements of Crimes Against Humanity” in Part II.

⁵⁶⁹ Rome Statute, art. 7(1)(a). See also, INTERNATIONAL CRIMINAL COURT, ELEMENTS OF CRIMES, art. 7(1)(a).

⁵⁷⁰ Rome Statute, art. 30.

⁵⁷¹ Prosecutor v. Katanga, ICC-01/04-01/07, Judgment (Trial), para. 781 (Mar. 7, 2014).

⁵⁷² GUÉNAËL METTRAUX, INTERNATIONAL CRIMES: CRIMES AGAINST HUMANITY 381 (2020).

⁵⁷³ *Daily Briefing in Relation to the Military Coup*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (July 31, 2021), <https://aappb.org/?p=16855>.

⁵⁷⁴ ‘I Never Thought Gangsters Cried’: Hlaing Tharyar locals shaken but defiant, FRONTIER MYANMAR (Mar. 19, 2021), <https://www.frontiermyanmar.net/en/i-never-thought-gangsters-cried-hlaing-tharyar-locals-shaken-but-defiant/>.

⁵⁷⁵ *Id.*

⁵⁷⁶ See *Collective Action Needed to Stop Junta Attacks*, FORTIFY RIGHTS (Mar. 27, 2021), <https://www.fortifyrights.org/mya-inv-2021-03-27/>.

⁵⁷⁷ Ishaan Tharoor, *Myanmar’s Body Count Keeps Rising*, WASHINGTON POST, (Mar. 29, 2021, 12:00 AM), <https://www.washingtonpost.com/world/2021/03/29/myanmar-protests-body-count/>; Report of the Special Rapporteur on the situation of human rights in Myanmar to the UN General Assembly, A/76/314, Sep. 2, 2021, para. 15, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/241/30/PDF/N2124130.pdf?OpenElement>.

As described above, many of the victims died from gunshot wounds. The first two murders documented by Fortify Rights were the separate shooting deaths of two 19-year-old women; video footage and interviews with witnesses and the doctors who treated the victims provided evidence of many more deaths by bullet wounds.⁵⁷⁸

Several deaths were also caused by raids conducted by security forces on residential areas. In one incident, a six-year-old child was shot dead by police conducting a raid on a home in the city of Mandalay.⁵⁷⁹ In another, junta forces shot a security officer, dragged him onto a fire of car tires, and burned him alive.⁵⁸⁰

The U.N. Human Rights Office for Southeast Asia reported that junta forces resorted to heavy weaponry, including rocket-propelled and fragmentation grenades and heavy machine guns to murder demonstrators "in massive numbers."⁵⁸¹

The interviews conducted with eyewitnesses clearly placed the military and police as the perpetrators of the deaths that have resulted from resistance to the coup. Several witnesses identified perpetrators as police because of their uniforms, a factor recognized as an identification criteria by the ICC Trial Chamber III in *Bemba*.⁵⁸² In one instance, a witness saw a police officer in uniform shoot her young sister.⁵⁸³ In testimony provided to Fortify Rights and the Schell Center, Myanmar military deserters identified the weapons used as military weapons, including assault rifles. One witness described a soldier in camouflage who entered her home holding a baton, with grenades and weapons on his waist.⁵⁸⁴ Also as in *Katanga*, the victims in Myanmar were unarmed; they have included students, industrial workers, and children. All the documented victims were civilians.⁵⁸⁵

The consistent use of military snipers and live ammunition in the deaths demonstrates that the military meant to kill or knew that death would occur in the ordinary course of events. Many of the shootings resulted in deaths with a single, fatal shot through the head or chest. Victims died from single bullet wounds above the ear, at the bottom left side of the head, straight through the heart, and on the left side of the chest.⁵⁸⁶ On March 26, 2021, the day prior to the Armed Forces Day massacre, junta-controlled television broadcasted a threat about sniper shootings, stating "You should learn from the tragedy of earlier ugly deaths that you can be in danger of getting shot in the head and back."⁵⁸⁷ This statement underscores that the Myanmar Army and Police shot protesters with, at minimum, the knowledge—if not the intent—that death would occur in the course of the shootings.

⁵⁷⁸ See, e.g., Interviews with "Zaw Zaw" (#41), in North Okkalapa, Yangon Region, Myanmar (Mar. 22, 2021), "John" (#9), in Myitkyina, Kachin State, Myanmar (Mar. 15, 2021), "Gum Awng" (#12), in Myitkyina, Kachin State, Myanmar (Mar. 16, 2021), "Sai Sai" (#50), in Mandalay, Myanmar (Mar. 25, 2021), medical doctor in Mandalay (#10), in Mandalay, Myanmar (Mar. 16, 2021), senior surgeon in Yangon (#44), in Hlaing Thar Yar Township, Yangon, Myanmar (Mar. 18, 2021, "Dr. Phi Phi" (#13), in Yangon Region, Myanmar (Mar. 16, 2021), Dr. "Sai Myo" (#33), in Yangon, Myanmar (Mar. 17, 2021), Dr. "Win Mai" (#35), in Hlaing Tharyar Township, Yangon Region, Myanmar (Mar. 17, 2021).

⁵⁷⁹ *Myanmar Coup: Six-Year-Old Shot 'As She Ran into Father's Arms'*, BBC (Apr. 1, 2021), <https://www.bbc.com/news/world-asia-56501871>.

⁵⁸⁰ *Daily Briefing in Relation to the Military Coup*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Mar. 28, 2021), <https://aappb.org/?p=13924>.

⁵⁸¹ U.N. Human Rights Office of the High Commissioner, *U.N. Human Rights Office Urges Suspension of Returns to Myanmar* (Apr. 1, 2021), <https://bangkok.ohchr.org/myanmar-returns/>.

⁵⁸² Prosecutor v. Bemba, ICC-01/05-01/08, Judgment (Trial), para. 243 (Mar. 21, 2016). On March 21, 2016, the ICC Trial Chamber III convicted Jean-Pierre Bemba Gombo of murder as a crime against humanity. *Id.* at para. 743. The Appeals Chamber ruled that one act of murder that the Trial Chamber found to be established beyond reasonable doubt was within the scope of the charges. Prosecutor v. Bemba, ICC-01/05-01/08 A, Judgment (Appeal), para. 119 (June 8, 2018). Ultimately, the Appeals Chamber reversed the conviction on a different ground, namely, that Bemba could not be held criminally liable for the murder under the doctrine of command responsibility.

⁵⁸³ Interview with #59, in Mandalay Region, Myanmar (Mar. 23, 2021) (on file with authors).

⁵⁸⁴ Interview with #59, in Mandalay Region, Myanmar (Mar. 23, 2021) (on file with authors).

⁵⁸⁵ *Katanga*, ICC-01/04-01/07, Judgment (Trial) at para. 516.

⁵⁸⁶ Interview with #68, in Hlaing Township, Yangon, Myanmar (Mar. 19, 2021); Interview with #50, in Mandalay, Myanmar (Mar. 25, 2021); Interview with #47, in North Okkalapa Township, Yangon, Myanmar (Mar. 22, 2021); Interview with #33, in Yangon, Myanmar (Mar. 17, 2021).

⁵⁸⁷ *Myanmar Military Junta Warns Protesters Risk Being Shot in the Head or Back*, ABC NEWS (Australia) (Mar. 26, 2021, 7:57 PM), <https://www.abc.net.au/news/2021-03-27/myanmar-junta-warns-protesters-risk-being-shot-in-the-head/100032998>.

Military and police communications also show the coordinated nature of the attack and provide evidence of a unified policy across both organizations to kill protesters or act with the knowledge that deaths would occur as a result of the policies. Witnesses reported that members of the junta forces issued warnings on television and in person, stating that they would start shooting people if they did not leave the protests. Military deserters reported to Fortify Rights and the Schell Center that leaders of armed forces gave orders to shoot and kill civilians.

The Myanmar Army and Police killed civilians across the country and did so with the knowledge and even the intent that death would occur from their actions. Thus, there are reasonable grounds to believe that the killings described in this report constitute murder as a crime against humanity.

Imprisonment

Under Article 7(1)(e) of the Rome Statute “imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law” may amount to an act underlying a crime against humanity.⁵⁸⁸ The ICC’s *Elements of Crimes* provides that imprisonment is established where: (1) a perpetrator “imprisoned or otherwise severely deprived one or more persons of physical liberty”; (2) the gravity of the conduct “was in violation of fundamental rules of international law”; and (3) the perpetrator “was aware of the factual circumstances that established the gravity of the conduct.”⁵⁸⁹

First, the most basic element of imprisonment is that an individual must have been deprived of physical liberty. In *Krnjelac*, the ICTY Trial Chamber II explained that imprisonments violate international law when they are “arbitrary,” meaning that they are imposed “without due process of law” such that there is “no legal basis . . . to justify the initial deprivation of liberty.”⁵⁹⁰ This means that there must be, at the very least, minimal procedural rights for the accused. In the *Krnjelac* case for instance, the ICTY found that the absence of valid arrest warrants, lack of explanation of reasons for the arrest, and the lack of any charges lodged were violations of due process guarantees, and, hence, in violation of international law. The tribunal went on to clarify that it was not enough for authorities to point to purpose-made national laws to justify deprivations of liberty if those laws violated international law.⁵⁹¹

In Myanmar, arbitrary arrests and detentions reached a massive scale following the coup. Less than three months after the coup, AAPP had verified 3,389 individuals held, and 1,138 further persons evading arrest, with an unknown number of further unverified detentions.⁵⁹² By July 31, at least 6,994 people had been detained—with 5,444 remaining in detention at that point—and 1,964 people evading arrests.⁵⁹³ As highlighted in this report, the military junta separately admitted to detaining 9,948 people associated with post-coup resistance between February 1 and April 15, of whom 5,070 were charged with crimes.⁵⁹⁴

Security forces targeted members of the NLD and the CDM, protesters, medical staff attending to protesters, reporters, persons with influence in public debate favoring the opposition, civilians supporting protesters, and seemingly random civilians, including minors. While the junta arrested mostly elected leaders in the first days of the coup, arrests soon after intensified and became more

⁵⁸⁸ Rome Statute, art. 7(1)(e).

⁵⁸⁹ ICC, *ELEMENTS OF CRIMES*, art. 7(1)(e) no. 1-3.

⁵⁹⁰ *Prosecutor v. Krnjelac*, IT-97-25-T, Judgement (Trial), para. 113-14 (Int’l Crim. Trib. for the Former Yugoslavia Mar. 15, 2002). *Krnjelac* notably departed from *Kordić*, which earlier held that only detentions that constituted grave breaches of the Geneva Conventions qualify as imprisonment. *Prosecutor v. Kordi*, IT-95-14/2-T, Judgment (Trial), para. 303 (Int’l Crim. Trib. for the Former Yugoslavia Feb. 26, 2001).

⁵⁹¹ *Krnjelac*, IT-97-25-T, Judgement (Trial) at para. 114.

⁵⁹² See *Daily Briefing in Relation to the Military Coup*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Apr. 24, 2021), <https://aappb.org/?p=14567>.

⁵⁹³ *Daily Briefing in Relation to the Military Coup*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (July 31, 2021), <https://aappb.org/?p=16855>.

⁵⁹⁴ MYANMAR STATE ADMINISTRATIVE COUNCIL, *THE CURRENT POLITICAL SITUATION IN MYANMAR* (Apr. 24, 2021) (unpublished manuscript) (on file with author).

widespread. Detentions became a manifest and recurrent routine in daily life in Myanmar. For instance, at the end of April, the regime had reportedly resorted to a routine of announcing the arrest of 20 doctors daily.⁵⁹⁵ All these facts taken together establishes that the first element is met, i.e., that persons have been deprived of their liberty.

Second, the gravity of the conduct at issue must be in violation of the fundamental rules of international law. In *Ntagerura*, the ICTR Trial Chamber III held that "the deprivation of liberty must be of similar gravity and seriousness as the other crimes enumerated as crimes against humanity."⁵⁹⁶ To determine the nature of deprivation, tribunals look at such factors as the conditions of detention, its scale, and its systematic nature. For instance, in *Burundi*, which concerned attacks against protesters and political opponents of President Pierre Nkurunziza, the conditions of the detention revealed beatings resulting in severe injuries, withheld medical treatment, the detention of children among adults, the forcing of statements and demand of money for release, and the deprivation of arrested persons of any means of communication with the outside world.⁵⁹⁷

All these are elements that feature all too often in Myanmar, as frequently reported by released persons, witnesses, or family members of arrested and detained persons in Myanmar. In several instances, families received the dead bodies of persons who had been in good health when arrested, indicating fatal beatings and ill-treatment in detention.⁵⁹⁸ Eyewitnesses report violence against detainees and fear caused by violence against them or others, overcrowding, inadequate provision or complete lack of medical care, inadequate food, psychological abuse, humiliation—all resulting in fear and suffering. One survivor said: "We had to brush our teeth in the toilet [water]. And, we couldn't change our dress . . . They killed our mind. There was no hope. We had to eat only rice bran."⁵⁹⁹ Another survivor said: "I think there were around 90 people in that room [where I was taken]. We could not even stretch our legs."⁶⁰⁰

The ICTY stressed that "[i]f national law is relied upon as justification [for the deprivation of liberty], the relevant provisions must not violate international law."⁶⁰¹ In Myanmar, the post-coup laws have given authorities near-unfettered discretion, including the possibility to detain people indefinitely without court permission, thereby effectively suspending most basic due process guarantees from the onset.⁶⁰² There are numerous reports of arrests and detentions where minimum due process rules are completely disregarded, with missing arrest warrants, lack of explanation of reasons for arrests, and persons held without charge.⁶⁰³

⁵⁹⁵ See, e.g., Frontier Myanmar, Daily Briefing (Apr. 21, 2021 and Apr. 22, 2021) (on file) (reporting on this routine since Apr. 13, 2021).

⁵⁹⁶ Prosecutor v. Ntagerura, ICTR-99-46-T, Judgment and Sentence (Trial), para. 702 (Feb. 25, 2004). This rule was later cited in *Prosecutor v. Kaing*, but contrasts with the earlier judgement in *Krnjojelac*, where it was held that "any form of arbitrary physical deprivation of liberty of an individual may constitute imprisonment under Article 5(e) of the [ICTY] Statute as long as the other requirements of the crime are fulfilled." *Compare* *Krnjojelac*, IT-97-25-T, Judgement (Trial) at para. 112 with *Prosecutor v. Kaing*, 001/18-07-2007/ECCC/TC, Judgment (Trial), para. 349 n.637 (July 26, 2010).

⁵⁹⁷ Situation in the Republic of Burundi, ICC-01/17-X, Public Redacted Version of "Decision Pursuant to Article 15 of the Rome Statute," paras. 69-90 (Nov. 9, 2017).

⁵⁹⁸ See, e.g., *The Tatmadaw is Keeping Families in the Dark about Their Loved Ones' Remains*, FRONTIER MYANMAR (Apr. 19, 2021), <https://www.frontiermyanmar.net/en/the-tatmadaw-is-keeping-families-in-the-dark-about-their-loved-ones-remains/>; Doh Athan, *Podcast: Death in detention*, FRONTIER MYANMAR (Apr. 14, 2021), <https://www.frontiermyanmar.net/en/podcast-death-in-detention/>.

⁵⁹⁹ Interview with #103, in Myanmar (May 10, 2021) (location withheld).

⁶⁰⁰ Interview with #61, in Yangon Division, Myanmar (Mar. 26, 2021).

⁶⁰¹ *Krnjojelac*, Case No. IT-97-25-T, Judgement (Trial) at para. 114.

⁶⁰² See Amendments to Law Protecting the Privacy and Security of Citizens Amendments of February 13 2021 and an analysis of the changes to this and other laws at U.N. Special Rapporteur, Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, paras. 61-87, U.N. Doc. A/HRC/46/56 (Mar. 4, 2021). See also, Myanmar: *Post-coup Legal Changes Erode Human Rights*, HUMAN RIGHTS WATCH (Mar. 2, 2021 8:00 AM), <https://www.hrw.org/news/2021/03/02/myanmar-post-coup-legal-changes-erode-human-rights>; *Unlawful Edicts: Rule by Decree under the Myanmar Tatmadaw*, INTERNATIONAL CENTER FOR NOT-FOR-PROFIT LAW (Mar. 15, 2021), <https://www.icnl.org/post/analysis/unlawful-edicts-rule-by-decree-under-the-myanmar-tatmadaw>.

⁶⁰³ U.N. Special Rapporteur, Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, paras. 53-55, U.N. Doc. A/HRC/46/56 (Mar. 4, 2021).

Such suspension not only violates international law but provides a permanent basis for systematic arbitrary deprivations of liberty.

Furthermore, while perpetrators may argue that the detentions were necessary for security reasons, similar arguments were rejected by the ICC Pre-Trial Chamber III in its decision in *Burundi*.⁶⁰⁴ Even if, as in the *Burundi* case, some of the protesters engaged in violent acts against the security forces rendering their arrests initially lawful, these acts of violence cannot justify the mass arrest of persons or the denial of subsequent due process guarantees.⁶⁰⁵ Neither can perpetrators argue that they reasonably believed that all those arrested were non-civilian combatants, when only a small fraction of those arrested were in fact armed. The sheer numbers of persons arrested in Myanmar, along with the fact that children are among those detained, suggests that the authorities do not make these arrests on the basis of security concerns.

In the *Burundi* decision, the ICC also considered the scale of the arrests—which in *Burundi* amounted in average to only half of the current monthly average in Myanmar—as well as the recurrent and systematic nature of detentions.⁶⁰⁶ As shown above, in Myanmar, the junta systematically targeted persons for arrest since the beginning of the coup and made far-reaching legal changes to create an enabling environment and permanent basis for systematic arbitrary arrests and detentions. As in the *Burundi* case, the detention conditions, the systematic and recurrent nature of detentions, and their massive scale amount to a level of gravity and seriousness that is indeed like that of other crimes against humanity.

Finally, in this situation of large-scale and repeated arrests and detentions in Myanmar, perpetrators were likely “in the reasonable knowledge” that their acts were likely to cause arbitrary deprivation of physical liberty.⁶⁰⁷

In sum, the above analysis shows that imprisonments and other severe deprivations of physical liberty have taken place in Myanmar in violation of fundamental rules of international law, at a massive scale, without due process, and with knowledge that the detentions are causing arbitrary deprivation, thus providing reasonable grounds to believe that the detentions amount to crimes against humanity.

Torture

Torture, which can constitute a crime against humanity under Article 7(1)(f) of the Rome Statute, is defined as “the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused.”⁶⁰⁸ To assess whether the pain or suffering inflicted is severe, a tribunal considers all of the circumstances surrounding the act, including objective factors, subjective factors, and the social and cultural context in which the act is committed.⁶⁰⁹ Focusing on objective factors, tribunals have found that torture was committed when the act was extreme in itself (torture per se), when the mistreatment lasted for hours or days, or when the immediate or long-term mental or physical consequences to the victim were serious.⁶¹⁰

According to the ICTY Trial Chamber in *Kvočka*, some acts are recognized by international law as being severe enough to constitute torture per se, and others are considered likely to constitute torture depending on the circumstances.⁶¹¹ Mutilation of body parts, for example, would constitute

⁶⁰⁴ *Burundi*, ICC-01/17-X, Public Redacted Version of “Decision Pursuant to Article 15 of the Rome Statute” at paras. 56–58, 88–89. See also, *Krnojelac*, IT-97-25-T, Judgment (Trial) at paras. 119–21.

⁶⁰⁵ *Burundi*, ICC-01/17-5-X, Public Redacted Version of “Decision Pursuant to Article 15 of the Rome Statute”, Decision at paras. 88–89.

⁶⁰⁶ *Id.* at paras. 69–72.

⁶⁰⁷ *Krnojelac*, IT-97-25-T, Judgment (Trial) at para. 115 accord *Prosecutor v. Simi*, IT-95-9-T, Judgment (Trial), para. 64 (Oct. 17, 2013).

⁶⁰⁸ Rome Statute, art. 7(2)(e).

⁶⁰⁹ 2 GUÉNAËL METTRAUX, INTERNATIONAL CRIMES: CRIMES AGAINST HUMANITY 525–26 (2020). See *Prosecutor v. Kvočka*, IT-98-30/1-T, Judgment (Trial), para. 143 (Nov. 2, 2001).

⁶¹⁰ See, e.g., *Prosecutor v. Semanza*, ICTR-97-20-T, Judgment and Sentence (Trial), paras. 481–85 (May 15, 2003); *Prosecutor v. Kunarac*, IT-96-23 & IT-96-23/1-A, Judgment, paras. 149–152 (June 12, 2002); *Kvočka*, IT-98-30/1-T, Judgment (Trial) at paras. 225–26.

⁶¹¹ *Kvočka*, IT-98-30/1-T, Judgment (Trial) at para. 144.

torture per se.⁶¹² In *Semanza*, the ICTR Trial Chamber II found that the defendant had committed torture when he inflicted injuries on the victim with a machete during questioning, resulting in the victim's death.⁶¹³ Moreover, permanent or visible injury is not a necessary outcome of an act of torture.⁶¹⁴ Besides beating, prolonged denial of sleep, food, hygiene, or medical assistance are among the acts that could constitute torture.⁶¹⁵

To meet the Rome Statute's definition of torture, the perpetrator must also have the intention to inflict severe pain or suffering.⁶¹⁶ But while other international tribunals have limited torture to pain or suffering inflicted for particular purposes, including to obtain information, punish, or coerce, the Rome Statute and the *ICC Elements of Crimes* notably omit a purpose requirement.⁶¹⁷

In addition, to constitute torture under the Rome Statute, the victim "must have been in the custody or under the control of the perpetrator."⁶¹⁸ In *Cardoso*, the East Timor Serious Panels for Serious Crimes, which adopted the same definition of torture as the ICC,⁶¹⁹ the panel found that the element of control was found where the victim was subject to unlawful imprisonment.⁶²⁰ In addition, it found that torture was committed where victims were arrested and beaten while being taken for questioning by militia members in a field, or beaten at home and tied to a chair.⁶²¹

The Rome Statute also states that "torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions."⁶²² However, even if the sanction that results in severe pain or suffering is permitted by domestic law, the act could constitute torture under the Rome Statute, because the lawfulness of the sanction is determined not by domestic, but by international law.⁶²³

Media outlets, human rights organizations, the Special Rapporteur on the situation of human rights in Myanmar, and the factual findings in this report, have documented multiple incidences of torture perpetrated by Myanmar's security forces. Reported acts of torture included shooting rubber bullets at extremely close range; beatings all over the body resulting in broken bones; whipping with wires and cables; periodic hunger, thirst and sleep deprivation; forced sitting on chairs for several days; and sexual assaults and threats of rape. Cases of arbitrary arrests accompanied by beatings in the street and abuses while in detention were also prevalent. As of June 11, 2021, AAPP had documented 22 deaths from torture, and as of late August, 50 individuals had been reportedly tortured to death in detention facilities.⁶²⁴ Untold numbers of people have also been severely injured from torture carried out by security forces on the streets.

As in *Cardoso*, most cases of torture committed in the street have begun with the arrest of the victim by armed security forces, so the victim was unquestionably under the control of the security

⁶¹² *Id.*

⁶¹³ *Semanza*, ICTR-97-20-T, Judgment and Sentence (Trial) at paras. 486-87.

⁶¹⁴ *Kvočka*, IT-98-30/1-T, Judgment (Trial) at para. 148; *Kunarac*, Case No. IT-96-23 & IT-96-23/1-A, Judgment (Appeal) at para. 150.

⁶¹⁵ *Id.* at para. 144.

⁶¹⁶ Rome Statute, art. 7(2)(e) (defining torture as the "intentional infliction of pain or suffering . . .").

⁶¹⁷ Rome Statute, art. 7(2)(e); ICC, ELEMENTS OF CRIMES, art. 7(1)(f) n.14 (stating that "no specific purpose need be proved for this crime"). See also, Prosecutor v. Akayesu, ICTR-96-4-T, Judgement (Trial), paras. 593-94 (Sept. 2, 1998); *Kunarac*, IT-96-23 & IT-96-23/1-A at para. 497; Krnojelac, IT-97-25-T, Judgement (Trial) at para. 179.

⁶¹⁸ Rome Statute, art. 7(2)(e).

⁶¹⁹ U.N. Transitional Administration in East Timor, On the Establishment of Panels with Exclusive Jurisdiction over Serious Criminal Offenses, art. 5.2(d), U.N. Doc. UNTAET/REG/2000/15 (June 6, 2000).

⁶²⁰ Prosecutor v. Jose Cardoso, 04/2001, Judgment, para. 391, Special Panels for Serious Crimes in East Timor (Apr. 5, 2003).

⁶²¹ *Id.* at paras. 377-81.

⁶²² Rome Statute, art. 7(1)(f).

⁶²³ See 2 GUÉNAËL METTRAUX, INTERNATIONAL CRIMES: CRIMES AGAINST HUMANITY 521 (2020).

⁶²⁴ *Torture to Death in Detention*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (June 11, 2021), https://aappb.org/wp-content/uploads/2021/06/English_Statment_Torture_to_Death_Final.pdf; Report of the Special Rapporteur on the situation of human right in Myanmar to the UN General Assembly, A/76/314, Sep. 2, 2021, para. 22, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/241/30/PDF/N2124130.pdf?OpenElement>

forces.⁶²⁵ Police officers on a Mandalay street detained and beat a young man into unconsciousness with batons, and the beating continued even after the victim lost consciousness.⁶²⁶ Army soldiers arrested another man on the street and kicked him while forcing him to carry sandbags and crawl on his hands and knees like an animal.⁶²⁷

Even absent a formal arrest, beating and abusing a protester in the street could qualify as torture. At some point in the beating, a blow incapacitates a protester, such that every subsequent blow can be said to be an infliction of severe pain and suffering while the victim is, because of the incapacitated state, under the control of the perpetrator. Other circumstantial facts, for example, the lockdown of an area by security forces and fleeing of protesters, who could otherwise intervene, from the scene would place the torture victim at the mercy of the perpetrator.

This report documents numerous instances of torture prior to an arrest. In one case where probable torture occurred prior to an arrest, the military rounded people up in the street and ordered them to put their hands in the air. Security forces then taunted one already injured protester, shot his hand with live and rubber bullets to the point of falling off, and photographs document deep rubber bullet wounds on his arms and legs.⁶²⁸ In another case, a young man was stopped by security forces who told him, “Don’t run, if you run, we will shoot!”⁶²⁹ They kicked him and forced him to kneel and remove his shirt. When they saw a tattoo of Aung San Suu Kyi on his forearm, they used lighters and burning rubber to burn the tattoo off. AAPP documented how troops burned one man named U Aye Ko alive, after shooting him. The immolation of U Aye Ko amounts to torture under the ICC, because at the point where the troops dragged him to the burning car tires, he was under their control. These acts of bodily mutilation are torture per se under international law, as the ICTY established in the *Kvočka* case.⁶³⁰

There is extensive evidence that victims were tortured while being detained by security forces. A person who has been detained by the security forces is, by definition, in their custody. Torture victims reported being subjected to severe pain and suffering while in custody, but in many cases, as highlighted by the interviews in this report and open-source data, it was their dead bodies that served as evidence of what they endured.⁶³¹

The wife of a poet who died in police custody reported that his body showed clear signs of torture, even though she was told by officials that her husband died of a heart issue. His face was swollen and the bones of his face and nose were broken. There was blood from a wound under his hair. His ribs were visibly broken, and he had stitches from his chest to his abdomen, as well as a burn on his thigh.⁶³²

Another case involved the arrest and death of Zaw Myat Lynn, a community organizer and prominent critic of the junta. The photographs taken of the dead body indicate the commission of torture while Zaw Myat Lynn was in custody. As the *Guardian* reported, “It appears that boiling water or a chemical solution had been poured into his mouth. The tongue was melted, his teeth missing. Facial skin was peeling off. The body had been wrapped up to conceal further traumatic injuries.”⁶³³

These cases are comparable to the instance of torture as a crime against humanity in the *Semanza* case, where the perpetrator inflicted injuries on the victim with a machete during questioning,

⁶²⁵ Rome Statute, art. 7(2)(e); see also 2 GUÉNAËL METTRAUX, INTERNATIONAL CRIMES: CRIMES AGAINST HUMANITY 520 (2020)

⁶²⁶ Interview with #34, in Mandalay, Myanmar (Mar. 17, 2021).

⁶²⁷ Fortify Rights, Evidence Log #1166 (Mar. 19, 2021) (video footage of the event on file with Fortify Rights); see also *Myanmar Police Officer Forcing Resident to Crawl on All Fours*, REUTERS (Mar. 19, 2021), <https://www.reuters.com/video/watch/myanmar-police-force-resident-to-crawl-o-idOVE4R79S1>.

⁶²⁸ Interview with #110 (May 19, 2021) (location withheld).

⁶²⁹ Interview with #70, in Mandalay, Myanmar, (Apr. 5, 2021) (on file with authors).

⁶³⁰ *Kvočka*, IT-98-30/1-T, Judgment (Trial) at para. 144.

⁶³¹ See *Torture to Death in Detention*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (June 11, 2021), https://aappb.org/wp-content/uploads/2021/06/English_Statment_Torture_to_Death_Final.pdf. Torture that results in death could also amount to murder if the requisite elements are shown. See *supra* section entitled “Murder” in Part II.

⁶³² Interview with #107, in Shwebo Township, Sagaing Region, Myanmar (May 16, 2021).

⁶³³ Luke Harding, *Outrage in Myanmar after Activist Allegedly Tortured to Death*, THE GUARDIAN (Mar. 15, 2021), <https://www.theguardian.com/world/2021/mar/15/the-death-of-zaw-myat-lynn-allegations-torture-used-on-opposition-activist-in-myanmar>.

resulting in the victim's death.⁶³⁴

Nathan Maung, a journalist and US citizen who was detained by Myanmar security forces for more than two months, described being forced to stay awake for four days and nights, with interrogations taking place every two hours. He was seated on an unbalanced chair and handcuffed behind his back the entire time. They beat him and kicked his face. He was denied water for two days and food for four days. His friend suffered worse treatment. The interrogators burned the friend's skin with cigarettes, removed his shirt and put him on a large block of ice for hours, and forced him to kneel all night. When he gave them the wrong passcode to his phone, they removed his clothes and told him that they would rape him. He then gave them the correct passcode, after which they beat him badly.⁶³⁵ Invisible acts, such as denial of sleep, food, and water, being forced to maintain a certain body posture for extended periods of time, and the threat of rape have all been found to constitute torture under international law.⁶³⁶ And, as established above, the mutilation of body parts is torture per se.⁶³⁷ All of these acts, whether they left marks or not, constitute torture under international law.⁶³⁸

Evidence in this report demonstrates that Myanmar junta forces intentionally inflicted severe pain and suffering upon numerous individuals in their custody or under their control. As such, there are reasonable ground to conclude that Myanmar junta has committed the crime against of humanity of torture.

Enforced Disappearance

The Rome Statute sets out the act of enforced disappearance as a crime against humanity under Article 7(1)(i). The crime of enforced disappearance entails the arrest, detainment, or abduction of a person and an accompanying refusal to acknowledge the situation or give information about the person.⁶³⁹ "A country" or "political organization" must be responsible for or authorize the disappearance.⁶⁴⁰ Finally, the perpetrator must have intended to remove the victim "from the protection of the law for a prolonged period of time."⁶⁴¹

The ICC has never charged or prosecuted a case using enforced disappearance. In the case of *Gotovina*, the ICTY discussed the meaning of enforced disappearance as an act of persecution, finding—along the lines of the Rome Statute—that the crime involves the deprivation of liberty followed by a refusal to disclose information about, or to acknowledge, the deprivation, ultimately "denying the individual recourse to the applicable legal remedies and procedural guarantees."⁶⁴²

The War Crimes Chamber (WCC) of the State Court of Bosnia and Herzegovina used the Rome Statute definition of enforced disappearance and prosecuted individuals for the crime. In *Rašević & Todović*, the court stressed that the two defendants oversaw a prison in which between April 1992 and October 1994, 266 persons who were detained there subsequently disappeared and no information about their fate was ever provided.⁶⁴³ The court noted that giving false information or failing to give any information whatsoever of the whereabouts met the requirement of a "refusal" to acknowledge the situation. The court then highlighted that multiple individuals and organizations sought and received no information about the detainees' whereabouts, the takings were conducted repeatedly and

⁶³⁴ Prosecutor v. Semanza, ICTR-97-20-T, Judgment and Sentence (Trial), para. 486 (May 15, 2003).

⁶³⁵ Interview with Nathan Maung, #161, in United States (July 14, 2021) (on file with authors).

⁶³⁶ *Kvočka*, IT-98-30/1-T, Judgment (Trial) at 144. See also *id.* at para. 146 (citing cases before the U.N. Human Rights Committee involving Zaire, Uruguay, and Bolivia).

⁶³⁷ *Id.* at para. 144.

⁶³⁸ *Id.* at para. 148; *Kunarac*, IT-96-23 & IT-96-23/1-A, Judgment (Appeal) at para. 150.

⁶³⁹ Rome Statute, art. 7(2)(i); ICC, ELEMENTS OF CRIMES, art. 7(1)(i)(i) no. 1-3.

⁶⁴⁰ Rome Statute, art. 7(2)(i); ICC, ELEMENTS OF CRIMES, art. 7(1)(i)(i) no. 4.

⁶⁴¹ Rome Statute, art. 7(2)(i); ICC, ELEMENTS OF CRIMES, art. 7(1)(i)(i) no. 6.

⁶⁴² Prosecutor v. Gotovina, IT-06-90-T, Judgment (Trial), April paras. 1831-39 (Apr. 15, 2011, para. 1831-39) (discussing Inter-American Court of Human Rights and European Court of Human Rights analyses of disappearances).

⁶⁴³ Prosecutor v. Rašević & Todović, Case No. X-KR-06/275, First Instance Verdict (, 97 (Court of Bosnia and Herzegovina Feb. 28, 2008), at 97, <https://www.legal-tools.org/doc/6a28b5/pdf/>).

systematically, and involved a “large number of detainees.”⁶⁴⁴ The WCC highlighted that the detainees in question “were and continue to be deprived of the protection of the laws for a period in excess of ten years.”⁶⁴⁵ Ten years is not a requirement for enforced disappearance; in this instance, ten years was the length of time between the disappearance and the perpetrators being brought to justice.

In Myanmar, as this report demonstrates, disappearances occurred in “large numbers.” Well over the 266 individuals in *Rašević & Todović* were detained without any information on their whereabouts provided. On August 30, 2021, AAPP reported that 82 percent of people on their “in detention” list were “detained in an unknown location.”⁶⁴⁶ That equates to 4,947 people out of 6,033 who were potentially disappeared throughout the country.⁶⁴⁷ These nearly 5,000 individuals included, as highlighted in this report, at least 19 Union Election Commission officials whom the military detained but did not sentence nor provide information on their whereabouts.⁶⁴⁸

As testimony shows, family members and associates made inquiries to the Myanmar military and police regarding detainees’ whereabouts and received no response, just as in *Rašević & Todović*. For example, a family member of Monywa Aung Shin reported: “There is no information about his trial or anything. I went to Insein prison and asked about his information . . . But there is no information about him . . . I am worried about him. I don’t know where he is. They need to inform us according to the law.”⁶⁴⁹ In another instance, family members of a detained individual inquired with two separate detention facilities and both denied the detainee was there; the family received no information on their family member’s whereabouts.⁶⁵⁰

When families did receive information on their loved ones’ whereabouts, it was frequently informally, such as when released detainees notify family members or lawyers that they had seen a person who had been detained.⁶⁵¹

There is little doubt that, as required under the Rome Statute, an “organization or state” is responsible for these disappearances. The Myanmar military junta, the SAC, which has command and control of the Myanmar military and police, and most bureaucratic bodies of the state, was the organization in question.⁶⁵²

Finally, the Myanmar junta has likely met the requirement of having the intent to remove the victims “from the protection of the law for a prolonged period of time.” The court in *Rašević & Todović* pointed to the prolonged disappearances and the attempts to “hide” the “fates of the detainees taken away” as evincing intent “from the outset” to remove detainees from legal protections. Junta authorities have similarly hidden the fate of detainees from loved ones. Moreover, the Myanmar junta expressly removed *habeus corpus* through its amendments of the Law Protecting the Privacy and Security of Citizens, which give legal, though illegitimate, cover to detain individuals indefinitely without permission from a court.

There is limited precedent to compare what might meet a “prolonged period” standard under the Rome Statute. However, during the first six months following the coup, potentially thousands of individuals, including some highlighted in this report, were detained without their whereabouts known. Those individuals would likely qualify as a being detained for a “prolonged period.” It bears

⁶⁴⁴ *Id.*, at 98.

⁶⁴⁵ *Id.*

⁶⁴⁶ “Enforced Disappearances by the Military Junta,” ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Aug. 30, 2021), <https://aappb.org/?p=17376>.

⁶⁴⁷ *Daily Briefing in Relation to the Military Coup*, AAPP, (Aug. ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Aug. 30, 2021), <https://aappb.org/?p=17388> (6,033 people “still detained”).

⁶⁴⁸ Interview with Assistance Association for Political Prisoners/AAPP representative (June 18, 2021) (undisclosed location). See also, Encrypted mobile-phone communication from AAPP representative to Fortify Rights (Jan. 14, 2022).

⁶⁴⁹ Interview with #120, in Tamwe Township, Myanmar (June 24, 2021).

⁶⁵⁰ *Myanmar: Hundreds Forcibly Disappeared*, HUMAN RIGHTS WATCH (Apr. 2, 2021), <https://www.hrw.org/news/2021/04/02/myanmar-hundreds-forcibly-disappeared>.

⁶⁵¹ *Myanmar: Hundreds Forcibly Disappeared*, HUMAN RIGHTS WATCH (Apr. 2, 2021), <https://www.hrw.org/news/2021/04/02/myanmar-hundreds-forcibly-disappeared>. *Id.*

⁶⁵² See *infra* section titled “Pursuant to or in Furtherance of a State or Organizational Policy.”

stressing that as of the time of writing, the whereabouts of these detainees remain unknown, up to 14 months following their detention.

In sum, the Myanmar military and police likely detained numerous individuals while refusing to acknowledge their circumstances, with the intent of removing these individuals from the protection of the law for a prolonged period of time. As such, there are reasonable grounds to believe that the Myanmar military junta has committed the crime against humanity of enforced disappearance under the Rome Statute.

Persecution

Under Article 7(1)(h) of the Rome Statute, persecution constitutes a crime against humanity.⁶⁵³ It is defined as the "intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity."⁶⁵⁴ Perpetrators of persecution intend no less than the "removal of . . . persons from the society in which they live alongside the perpetrators, or eventually even from humanity itself"—simply because of the victims' identities.⁶⁵⁵ The crime can take many forms, and there is no particular or pre-defined conduct that identifies persecution. Its main components are its discriminatory nature and the severe consequences for the victims.

Identity of the Target Group

In Myanmar, persecution has taken various forms, and it has resulted in the death, imprisonment, and social and economic marginalization of individuals opposing the coup and military rule.

To constitute persecution as a crime against humanity, an act must discriminate on grounds that are defined by law, i.e., they must be based "on political, racial, national, ethnic, cultural, religious, gender . . . or other grounds."⁶⁵⁶ Furthermore, the target group must be discernible, i.e., persecution must be directed "against any identifiable group or collectivity."⁶⁵⁷

International criminal tribunals have established that persecution on political grounds is not limited to victims with official party membership or any other official political affiliation. In its decision on the situation in *Burundi*, the ICC stressed that the term also includes "differences of opinion over public affairs."⁶⁵⁸ In *Burundi*, these differences in opinion were triggered by a major public event regarding the political future of the country, namely, the contested nomination of the ruling party's President Nkurunziza for a third term in office. The ICC recognized the target group of political persecution as a very broad, informal group of "persons who opposed or were perceived to oppose the ruling party and/or President Nkurunziza's third term in office."⁶⁵⁹ This included "demonstrators, members of opposition parties, members of civil society, journalists, ex-FAB [disloyal security forces] members, persons suspected of supporting or participating in the attempted coup [against the ruling party and President Nkurunziza], and members or sympathizers of armed opposition groups."⁶⁶⁰

The facts in Myanmar are very similar to the situation in *Burundi*. Just as in *Burundi*, a major public event regarding the country's political future, in this case the military coup of February 1, 2021, resulted in "differences of opinion over public affairs." Persecutory acts began with the imprisonment of NLD members and elected representatives on February 1 and targeted acts against demonstrators as soon as demonstrations started. Acts have since been directed more broadly against persons who oppose or are perceived to oppose the coup and military rule. Just as in *Burundi*, the target group is broad and informal. Similar to *Burundi*, the target group consists of "demonstrators" including

⁶⁵³ Rome Statute, art. 7(1)(h).

⁶⁵⁴ Rome Statute, art. 7(2)(g).

⁶⁵⁵ Prosecutor v. Kupreški, IT-95-16-T, Judgement (Trial), para. 634 (Int'l Crim. Trib. For the Former Yugoslavia Jan. 14, 2000).

⁶⁵⁶ Rome Statute, art. 7(1)(h); ICC, ELEMENTS OF CRIME, art. 7(1)(h) no. 3.

⁶⁵⁷ Rome Statute, art. 7(1)(h); ICC, ELEMENTS OF CRIME, art. 7(1)(h) no. 2.

⁶⁵⁸ *Burundi*, ICC-01/17-X, Public Redacted Version of "Decision Pursuant to Article 15 of the Rome Statute at para. 133.

⁶⁵⁹ *Id.* At para. 134.

⁶⁶⁰ *Id.*

student unions and activists; “members of opposition parties” such as the NLD; “members of civil society” such as dissenting celebrities; “journalists” including independent reporters and social media influencers; disloyal government employees, in this case CDM-affiliated civil servants.

Furthermore, in both instances the target group comprises a fraction of government-employed individuals attempting to break the ruling party’s control in an organized manner. In *Burundi*, this took the form of an attempted coup by disloyal members of the security forces and resulted in their increased persecution.⁶⁶¹ In comparison, in Myanmar, dissenting civil servants organized in mass strikes, forming the CDM movement aiming to destroy any meaningful basis of military state control by bringing down the state’s administrative infrastructure. This in turn resulted in the increased persecution of CDM healthcare workers and CDM civil servants such as educational staff, administrative staff, railway workers, bank staff, and others affiliated with the CDM.

While the target group may be broad and subjectively defined, the target group of persecution cannot be extended indefinitely. In *Duch*, the ECCC explained that “as long as political enemies were defined pursuant to a policy employing some kind of general criteria, while other members of the population enjoyed a degree of freedom, there are grounds to find persecution on political grounds.”⁶⁶² This was expressly distinguished from later stages of the revolution in Cambodia: “As the revolution wore on, however, individuals were indiscriminately apprehended, mistreated and eliminated without any attempt at rational or coherent justification on political grounds, in actions that were no longer persecution but constituted a reign of terror where no discernible criteria applied in targeting the victims.”⁶⁶³

This distinction is also relevant in Myanmar—evidence suggests that security forces engaged in both: acts of persecution consciously directed against political opponents, and acts constituting a “reign of terror” where victims were seemingly picked at random. The analysis of persecution will focus on cases where acts were consciously directed against opponents, and not others. Random, indiscriminate acts in Myanmar that aim at establishing a “reign of terror” are no less criminally relevant, but they fall under other acts of crimes against humanity.

In sum, the target group of persecution in Myanmar appeared to be singled out on political reasons and consisted of persons who oppose or are perceived to oppose the coup and military rule. Among them are human rights defenders, activists, and protesters; NLD members and elected representatives; CDM healthcare workers and CDM civil servants such as educational staff, administrative staff, railway workers, and bank staff; student unions; journalists and social-media influencers; members of civil society such as dissenting celebrities and lawyers; and others.

Intent to Discriminate

Perpetrators must also have a specific intent to discriminate, i.e., they must consciously intend to “cause injury to a human being because he [or she] belongs to a particular community or group.”⁶⁶⁴ It is not enough that perpetrators take part in an attack that is discriminatory.⁶⁶⁵ International criminal tribunals have confirmed that specific intent may be inferred from circumstances surrounding the acts.⁶⁶⁶ Such circumstances may include the fact that victims of the target group were victimized, but not others, or that derogative language was employed against victims.⁶⁶⁷ For example, in *Stanišić*,

⁶⁶¹ *Id.* At paras. 37–39, 134.

⁶⁶² Prosecutor v. Kaing, 001/18-07-2007-ECCC/SC, Judgment (Appeal), para. 282 (Feb. 3, 2012).

⁶⁶³ *Id.* At para. 283.

⁶⁶⁴ Prosecutor v. Kordi, IT-95-14/2-A, Judgement (Appeal), para. 111 (Int’l Crim. Trib. For the Former Yugoslavia Dec. 17, 2004).

⁶⁶⁵ *Krnjelac*, IT-97-25-T, Judgement (Trial) at para. 179; Prosecutor v. *Krnjelac*, IT-97-25-A, Judgement (Appeal), para. 184 (Int’l Crim. Tribunal for Former Yugoslavia Sept. 17, 2003).

⁶⁶⁶ *Kordić*, IT-95-14/2-A, Judgment (Appeal) at para. 110; *Krnjelac*, IT-97-25-A, Judgment (Appeal) at para. 184.

⁶⁶⁷ *Krnjelac*, IT-97-25-A, Judgment (Appeal) at para. 184. There, the Appeals Chamber found that in a situation when only the non-Serb detainees in a prison were subjected to beatings and forced labour, it was reasonable to conclude that these acts were committed because of the political or religious affiliation of the victims, and that they were committed with the requisite discriminatory intent *Id.* At paras. 186, 201–02. See also, *id.* at paras. 236–37 (regarding

the ICTY accepted specific intent of perpetrators based on the perpetrators' "questioning about ethnicity and subsequent release of [non-target] Serb persons just before the killings took place."⁶⁶⁸

Many instances in Myanmar reveal similar routines by perpetrators to ascertain an individual's membership in the target group. Myanmar witnesses reported that they were questioned about their involvement with the opposition and demonstrations, and that phones were searched by authorities for pictures, videos, or audio relating to the protests. Some whom the junta found to have material on their phones linking them to the protests were imprisoned, others released; or they were tortured and others not.⁶⁶⁹ Just as in *Stanišić* the questioning and searches in Myanmar appeared aimed at identifying individuals as belonging to the target group, and the subsequent offending acts against victims were meted out against those verified as members of the target group, and not against others. As in *Stanišić*, this supports the finding that perpetrators have the required specific intent.

In relation to other instances, specific intent is evidenced by insults and derogatory language against their victims during the commission of the acts. In *Stanišić*, the ICTY also inferred specific intent to persecute where "the principal perpetrators called their victims 'Ustashes' [an insult relating to the ethnicity of the target group] and stated that 'no Ustashe should stay alive' or that they should all be slaughtered just before or right after killing them and, subsequently, explained the killings on grounds that they 'hated all Ustashes' or 'because the victims were Ustashes.'"⁶⁷⁰ Instances in Myanmar are often marked by a similar combination of threats and insults against the target group, as for example reported to Fortify Rights and the Schell Center by an eyewitness:

The police came to the street where we were trying to protest at that time. They said, "If you have courage, come towards us." The police said, "We will kill you." They said, "We have guns we will kill you come here." They challenged us and gave a challenge to the protesters. We are not afraid of them. We are afraid of their guns. They use bad language like "fucking democracy," against us. The very first time, when they said, "fucking democracy," they said, "If you show your head, we will shoot your head." It was a mix of police and military who used that language.⁶⁷¹

Junta forces inflicted severe pain on a protester out of apparent political motivation in another instance, as told by the protester's relative:

The soldiers placed him under arrest along with the group he was with. Soldiers ordered my brother to put up his hands and when he did, they said, 'We just came from the frontlines. Why do you want to protest? Raise your three fingers [referring to the three-fingered protest salute] and see what happens. You will call out for your mother—a reference to Aung San Suu Kyi—and she can't save you.' The soldier then fired from less than 18 inches away with a shotgun-like weapon to my brother's arm, blowing off most of his hand.⁶⁷²

Evidence documented provides reasonable grounds to believe that Myanmar security forces had the required specific intent for persecution on political grounds.

forcible displacement). See, e.g., Prosecutor v. Stanišić, IT-03-69-T, Judgement (Trial), para. 1245 (Int'l Crim. Trib. for the Former Yugoslavia May 30, 2013).

⁶⁶⁸ *Stanišić*, IT-03-69-T, Judgement (Trial) at para. 1245.

⁶⁶⁹ Interview with #94, in Lanmadaw Township (April 26, 2021) ("I hid some apps like Signal and WhatsApp from my mom's phone, so there was no problem. That's why we're interrogated only once. But, I have seen other sisters who had old conversations in their chat apps, they were taken to a different interrogation room, handcuffed and interrogated for more details."); Interview #75, in Yangon (April 9, 2021) ("They [the police] also asked for phone numbers and names [at the police station]"; Interview #70, in Mandalay (April 5, 2021) ("[T]hey took me to the main road. And, another one kicked me from behind. And, they told me to kneel down. They asked me if I had my phone, and I said I didn't have my phone. They searched for my phone in my body. They didn't see any phone. Then, they told me to take off my shirt. When I took it off, they saw my tattoo on the hand. They asked me to remove my tattoo. I told them that I will delete it by myself later. Then, they told me that they are going to delete it by themselves. They said they will burn my hand.").

⁶⁷⁰ *Stanišić*, IT-03-69-T, Judgement (Trial) at para. 1245.

⁶⁷¹ Interview with #53, in Hlaing Township, Yangon, Myanmar (Mar. 30, 2021).

⁶⁷² Interview with #110 (May 19, 2021) (location withheld).

Acts of persecution

As mentioned, acts of persecution can take many forms. Acts can be anything that is capable of severely depriving individuals of the target group of their most fundamental rights and that aim at “the removal of those persons from the society in which they live alongside the perpetrators, or eventually even from humanity itself.”⁶⁷³ The ICTY clarified that this means that acts must be severe enough, i.e., they must result in “gross or blatant denials of fundamental human rights,” and that they must have real “discriminatory consequences.”⁶⁷⁴ Specific acts of persecution discussed below include murder, arbitrary imprisonment, torture, inhumane confinement, forced labor, and legal and administrative changes.

Murder, Arbitrary Imprisonment, and Torture as Acts of Persecution

The most straightforward deprivation of fundamental human rights might be seen in acts of murder, arbitrary imprisonment, and torture, as all of these acts result in the denial of the victim’s most fundamental rights to life, safety, and freedom.⁶⁷⁵ As discussed above, these acts are offences under the Rome Statute and constitute acts of crimes against humanity themselves.⁶⁷⁶ However, if and when these acts are committed on a discriminatory basis, with the requisite specific intent, they may become acts of persecution as well.⁶⁷⁷ The required level of severity will be assumed by definition because “any act considered to be a crime against humanity will, in principle [. . .] meet, in and of itself, the minimum level of severity required” to constitute an act of persecution.⁶⁷⁸ Since the occurrence of acts of murder, arbitrary imprisonment and torture in Myanmar has already been established above (and therefore also the required level of severity), this section will now examine their discriminatory nature.

The ICC accepted instances of murder as acts of persecution in *Gbagbo*. In this case, the ICC based its conclusion that killings were committed for political reasons on the fact that “the pro-Gbagbo forces targeted participants at pro-Ouattara demonstrations, or inhabitants of areas perceived as supporting Alassane Ouattara [the political opponent].”⁶⁷⁹ Similarly, in *Ruto* the ICC accepted that killings targeted victims on political grounds based on the fact that communities were attacked that were perceived to be affiliated with the political opponent.⁶⁸⁰ In *Ruto*, preparatory instructions to kill members of these communities because of their perceived political affiliation also served as evidence for discrimination: “Mr. Ruto made speeches and instructed perpetrators to target [the communities of] Kikuyu, Kamba and Kisii on the basis that ‘these people [...] don’t vote for us the only thing is to kill them and evict them from the Rift Valley.’”⁶⁸¹

In Myanmar killings have taken place in similar circumstances. An overwhelming number of the 940 documented killings as of July 31, 2021, took place at anti-military protests and demonstrations, similar to persecutory killings in *Gbagbo*.⁶⁸² As in *Ruto*, there is also evidence on instructions to shoot

⁶⁷³ Prosecutor v. Kupreški, IT-95-16-T, Judgement (Trial), para. 634 (Int’l Crim. Trib. for the Former Yugoslavia Jan. 14, 2000).

⁶⁷⁴ *Id.* at para. 620; Prosecutor v. Vasiljevi, IT-98-32-T, Judgement (Trial), para. 245 (Int’l Crim. Trib. for the Former Yugoslavia Nov. 29, 2002). See also, *Krnjelac*, IT-97-25-T, Judgment (Trial) at para. 432; Prosecutor v. Prli, IT-04-74-T, Judgement (Trial), para. 73 (Int’l Crim. Trib. For the Former Yugoslavia May 29, 2013).

⁶⁷⁵ Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III), arts. 3, 5, 9 (Dec. 10, 1948).

⁶⁷⁶ See Rome Statute, arts. 7(1)(a), (e), (f). See *supra* sections titled “Murder,” “Imprisonment,” and “Torture” in Part II.

⁶⁷⁷ See Prosecutor v. Blaški, IT-95-14-T, Judgement (Trial), para. 220 (Int’l Crim. Trib. For the Former Yugoslavia Mar. 3, 2000) (“The Trial Chamber considers that infringements of the elementary and inalienable rights of man, which are ‘the right to life, liberty and the security of person,’ the right not to be ‘held in slavery or servitude,’ the right not to ‘be subjected to torture or to cruel, inhuman or degrading treatment or punishment’ and the right not to be ‘subjected to arbitrary arrest, detention or exile’ as affirmed in Articles 3, 4, 5 and 9 of the Universal Declaration of Human Rights, by their very essence may constitute persecution when committed on discriminatory grounds.”).

⁶⁷⁸ Prosecutor v. Ntaganda, ICC-01/04-02/06, Judgment (Trial), para. 994 (July 8, 2019). For ICTY, see, e.g., *Krnjelac*, Judgement (Trial), IT-97-25-T at para. 434. For the Extraordinary Chambers in the Courts of Cambodia, see, e.g., *Kaing*, 001/18-07-2007-ECCC/SC, Judgement (Trial) at para. 378.

⁶⁷⁹ Prosecutor v. Gbagbo, ICC-02/11-01/11, Decision on the Confirmation of Charges (Pre-Trial), paras. 204-05 (June 12, 2014).

⁶⁸⁰ Prosecutor v. Ruto, ICC-01/09-01/11, Decision on the Confirmation of Charges (Pre-Trial), para. 273 (Jan. 23, 2012).

⁶⁸¹ *Id.*

⁶⁸² *Daily Briefing in Relation to the Military Coup*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (July 31, 2021), <https://aapp.org/?p=16855>.

or kill people based on political grounds. For instance, eyewitness #32, who abandoned the police force in early March, testified that there were orders "about shooting and arresting people from the protest and CDM."⁶⁸³ Moreover, the warning provided on junta-controlled television was specifically directed at anti-coup protesters: "You should learn from the tragedy of earlier ugly deaths that you can be in danger of getting shot in the head and back."⁶⁸⁴

Like the facts in the above cases, the discussed evidence shows that in numerous instances in Myanmar, acts of murder were committed because of the victims' (perceived) political affiliations, thus fulfilling not only the severity requirement for acts of persecution but also the requirement that the murders must discriminate against the target group.

With regards to acts of arbitrary imprisonment, the ICTY in *Krnjelac* accepted that the arbitrary imprisonment of non-Serbs was discriminatory by distinguishing their arbitrary imprisonment from the treatment meted out to Serbs, who were imprisoned only for legal reasons. The ICTY found that "[w]hile some Serbs were also held in the KP Dom, they were held legally, having been convicted by courts of law prior to the outbreak of the conflict or having been detained for military offences during the conflict. By contrast, the non-Serbs were not detained on any legal ground, nor was their continued confinement subject to review."⁶⁸⁵

This appears to be very similar to instances of arbitrary imprisonment of individuals detained in Myanmar since the military coup. As of July 31, according to AAPP, the junta detained at least 6,994—with 5,444 remaining in detention at that point (as of the time of writing, the junta had detained 12,466 since the coup and 9,443 remained in detention).⁶⁸⁶ Many were held with a charge and/or conviction based on the new Section 505A of the Penal Code, as documented in this report. Section 505A contravenes fundamental safeguards and principles of international law and therefore cannot be considered a legitimate "legal ground."⁶⁸⁷ Furthermore, arbitrary imprisonments targeted individuals opposing or perceived to oppose the military regime in particular, and not others, as instances of such arbitrary imprisonments surged after the military coup.⁶⁸⁸ In fact, as discussed below, amendments to and issuance of laws enabling authorities to conduct arbitrary imprisonments have been put in place only after the military coup of February 1, and former members of the security forces have confirmed that they were instructed to use these provisions as a tool to arrest members of the target group, and not others.⁶⁸⁹ Eyewitness #32, a former member of the police force, reported:

We were always pressured to arrest government staff, such as members of the township general administration department and the immigration staff who were participating in CDM. We also were given orders to charge people supporting and helping the CDM under the act of the 505A Law.⁶⁹⁰

As with acts of murder, evidence in Myanmar thus strongly suggests that acts of arbitrary imprisonment constitute acts of persecution on political grounds in numerous instances, possibly in all of the cases documented since the coup, rendering them acts of persecution under the Rome Statute.⁶⁹¹

⁶⁸³ Interview with #32, in Yangon, Myanmar (Mar. 17, 2021).

⁶⁸⁴ MRTV News Broadcast (March 26, 2021) (on file with author). See *Collective Action Needed to Stop Junta Attacks*, FORTIFY RIGHTS (Mar. 27, 2021), <https://www.fortifyrights.org/mya-inv-2021-03-27/>. See also, *Myanmar Military Junta Warns Protesters Risk Being Shot in the Dead or Back*, ABC NEWS (Mar. 26, 2021), <https://www.abc.net.au/news/2021-03-27/myanmar-junta-warns-protesters-risk-being-shot-in-the-head/100032998>.

⁶⁸⁵ *Krnjelac*, IT-97-25-T, Judgement (Trial) at para. 438.

⁶⁸⁶ *Daily Briefing in Relation to the Military Coup*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (July 31, 2021), <https://aappb.org/?p=16855>; *Daily Briefing in Relation to the Military Coup*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Mar. 4, 2022), <https://aappb.org/>.

⁶⁸⁷ See *supra* section entitled "Penal Code 505A."

⁶⁸⁸ In December 2020, just over one month before the coup, AAPP reported that there were 42 political prisoners in Myanmar. *December Chronology 2020*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Jan. 15, 2021), <https://aappb.org/>. By contrast, on March 4, 2022, AAPP reported 9,443 political prisoners in detention in Myanmar. *Daily Briefing in Relation to the Military Coup*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (BURMA) (March 4, 2022), <https://aappb.org/>.

⁶⁸⁹ See *infra* section titled "Legal Framework and Administrative Measures."

⁶⁹⁰ Interview with #32, in Myanmar (Mar. 17, 2021) (location withheld).

⁶⁹¹ See *Daily Briefing in Relation to the Military Coup*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Aug. 7, 2021), <https://aappb.org/?p=16962>.

With regards to acts of torture and other inhumane treatment, these too can be shown to be discriminatory based on evidence that this treatment is targeted on political grounds. As highlighted above, AAPP verified at least 22 persons died of torture by mid-June and 50 by late-August while in detention.⁶⁹² Of those, all were affiliated with opposition to the coup, or at least were perceived to be.⁶⁹³

The particularities of injuries caused during torture may evince the discriminatory nature of the act. For instance, in *Karadžić*, the ICTY accepted the discriminatory nature of an incident where “a knife was used to carve out a detainee’s tattoo which depicted a crescent and star [a symbol associated with the Muslim target group].”⁶⁹⁴ The case appears to be very similar in its facts to several documented cases in Myanmar where tattoos depicting symbols linked to the opposition movement were deliberately burned, such as the burning of a tattoo of Aung San Suu Kyi.⁶⁹⁵

In light of the above evidence, many of the acts of torture and inhumane treatment, just as with several instances of murder and arbitrary imprisonment, appear to have been discriminatory and therefore amount to acts of persecution as a crime against humanity under the Rome Statute.⁶⁹⁶

Confinement under Inhumane Conditions as an Act of Persecution

The ICTY stressed that “confinement under inhumane conditions” may constitute an act of persecution.⁶⁹⁷ This may be the case when detention conditions amount to an “inhumane act.” As such they must reach a high level of severity, comparable to that of other acts of crimes against humanity, and they must cause serious mental or physical suffering or constitute a serious attack on human dignity.⁶⁹⁸ Inhumane acts must also be imposed deliberately, and for them to be considered persecutory, they must have discriminatory consequences.

In *Simić*, the ICTY found “that harassment, humiliation, the creation of an atmosphere of fear through torture and other forms of physical and psychological abuse, an insufficient supply of food and water, lack of space, unhygienic detention conditions, and an insufficient access to medical care” violated individuals’ fundamental rights to such a degree to satisfy the required level of severity.⁶⁹⁹ The facts in *Simić* included for example “living in a constant atmosphere of fear and intimidation that resulted from their [the detainees’] mistreatment and that of other detainees

⁶⁹² *Torture to Death in Detention*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (June 11, 2021), https://aappb.org/wp-content/uploads/2021/06/English_Statement_Torture_to_Death_Final.pdf; Report of the Special Rapporteur on the situation of human right in Myanmar to the UN General Assembly, A/76/314, Sep. 2, 2021, para. 22, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/241/30/PDF/N2124130.pdf?OpenElement>

⁶⁹³ *Torture to Death in Detention*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (June 11, 2021), https://aappb.org/wp-content/uploads/2021/06/English_Statement_Torture_to_Death_Final.pdf.

⁶⁹⁴ *Prosecutor v. Karadžić*, IT-95-5/18-T, Public Redacted Version of Judgment at para. 2486 (Int’l Crim. Trib. for the Former Yugoslavia Mar. 24, 2016).

⁶⁹⁵ See Interview with #70, in Mandalay, Myanmar (April 5, 2021). In a similar incident, on April 14, Myanmar news group *Khit Thit Media* reported that security forces in North Dagon, Yangon Region used a cigarette to burn a protester’s tattoo that said, “Spring Revolution.” Open-source evidence log #1285, social media post on Twitter (Apr. 19, 2021) (on file with author). See Twitter post, *Khit Thit Media*, “အဖမ်းခံခဲ့ရတဲ့ မြောက်ဒဂုံက ဆန္ဒပြပြည်သူတို့ဟာ ဖမ်းဆီးခံရစဉ် သူ့ရဲ့ တက်တူးများကို ဆေးလိပ်မီးတို့ဖြင့် ဖျက်ခံရသည်ဟု သိရသည်။ အဆိုပါလူငယ်ဟာ ဧပြီလ ၁၄ ရက်က အဖမ်းခံခဲ့ရပြီး ဧပြီလ ၁၉ ရက်တွင် ပြန်လည်လွတ်မြောက်လာခဲ့သည်။ #WhatsHappeningInMyanmar” April 19, 2021, 10:32 p.m. <https://twitter.com/Khitthitofficial/status/1384168085771341829>.

⁶⁹⁶ Rome Statute, art. 7(1)(h).

⁶⁹⁷ *Simić*, IT-95-17/1-T, Judgement (Trial) at para. 773. Note that outside the context of persecution, confinement under inhumane conditions can also be considered as a factor under unlawful “imprisonment.” *Kvočka*, IT-98-30/1-T, Judgement (Trial) at para. 189. See also *Krnojelac*, IT-97-25-T, Judgement (Trial) at paras. 439, 443.

⁶⁹⁸ The test for “inhumane act” can be found in *Karadžić*, IT-95-5/18-T, Public Redacted Version of Judgment (Trial) at para. 494. “Other inhumane acts” is a residuary category of acts of crimes against humanity found in the Rome Statute and Statutes of the ICTY and ICTR to cover acts that are just as severe but have not been included in list of acts. Elements of an inhumane acts found in ICTY jurisprudence are: “(i) there was an act or omission of similar seriousness to the other enumerated acts under Article 5; (ii) the act or omission caused serious mental or physical suffering or injury or constituted a serious attack on human dignity; and (iii) the act or omission was committed with the intent to inflict serious physical or mental suffering or to commit a serious attack on the human dignity of the victim(s), or with the knowledge that this act or omission was likely to cause such suffering or a serious attack upon human dignity.” *Id.* at para. 494 (citations omitted). See also, *Simić*, IT-95-17/1-T, Judgment (Trial) at para. 74; *Krnojelac*, IT-97-25-T, Judgement (Trial) at para. 130.

⁶⁹⁹ *Simić*, IT-95-17/1-T, Judgment (Trial) at paras. 94-97.

during their detention"; "overcrowded cells, sometimes with not enough room to sit"; and "floors [that] were often bloody and very rarely cleaned."⁷⁰⁰ Prisoners were not able to wash themselves, or to clean their clothes. The toilet facilities were insufficient, and sometimes non-existent [sic].⁷⁰¹

In Myanmar, those detained have no or only very limited access to the outside world to report on prison conditions.⁷⁰² However, accounts of some released individuals point to detention conditions not dissimilar to those found in *Simić*. Eyewitnesses report violence against detainees and fear caused by violence against them or others, overcrowding, inadequate provision or complete lack of medical care, inadequate food, psychological abuse, humiliation—all resulting in fear and suffering: E.g., one survivor said: "We had to brush our teeth in the toilet [water]. And, we couldn't change our dress . . . They killed our mind. There was no hope. We had to eat only rice bran."⁷⁰³ Another survivor said: "I think there were around 90 people in that room [where I was taken]. We could not even stretch our legs."⁷⁰⁴ And an eyewitness said: ". . . they forced him to put a sandbag in between his knees and let him walk. They even kicked him."⁷⁰⁵

As highlighted above, Nathan Maung described being forced to stay awake for four days and nights, with interrogations taking place every two hours. He was seated on an unbalanced chair and handcuffed behind his back the entire time and interrogators beat him and kicked his face. He was denied water for two days and food for four days.

These detention conditions likely satisfy the required level of severity, as seen in *Simić*. Evidence further suggests that this treatment is meted out deliberately, and on a discriminatory basis, i.e., to political prisoners and, in particular, to those unwilling to yield to pressure and false accusations, rather than to all prisoners.⁷⁰⁶

Prison conditions imposed on thousands of political prisoners currently detained by the Myanmar junta, thus likely amount to inhumane acts as an act of persecution.

Forced Labor as an Act of Persecution

Evidence also reveals instances of forced labor imposed on individuals as a means of intimidation and harassment, causing suffering and injury. Due to the lack of evidence on prison routines, cases documented to date mostly involve civilians not in detention who are forced to engage in clearing streets from protester barricades for several hours and under harsh conditions, causing suffering and fear.

While compulsory labor can in very limited cases be lawful, including "if required for the needs of the army of occupation for maintaining public services, and [. . .] for the benefit of the population" this has clear limits.⁷⁰⁷ For one thing, it is questionable that the exception applies to Myanmar given the fact the military unlawfully seized power and cannot rely on a situation of occupation for a number of reasons.⁷⁰⁸ Without lawful justification, however, forced labor fundamentally violates a number of fundamental rights protected in international humanitarian law and human rights law.⁷⁰⁹

⁷⁰⁰ *Id.* at para. 731, 737.

⁷⁰¹ *Id.* at para. 740.

⁷⁰² Fortify Rights Witnesses report that prisoners often do not have access to lawyers or family members. *See, e.g.*, Interview with #6, in Kachin State, Myanmar (Mar. 15, 2021); Interview with #61, in Yangon Division, Myanmar (Mar. 26, 2021).

⁷⁰³ Interview with #103, in Myanmar (May 10, 2021) (location withheld).

⁷⁰⁴ Interview with #61, in Yangon Division, Myanmar (Mar. 26, 2021).

⁷⁰⁵ Interview with #58, in Tamwe Township, Yangon Division, Myanmar (Mar. 23, 2021).

⁷⁰⁶ *Interview: Myanmar Police Take Unyielding Detainees in Handcuffs For 'Beatings And Torture'*, RADIO FREE ASIA (Apr. 22, 2021), <https://www.rfa.org/english/news/myanmar/shwe-yamin-htet-04222021181201.html> ("The women who were there before us told us to answer all the questions nicely and politely. They said if the detainees were unyielding, the officers would blindfold them and take them in handcuffs to a separate interrogation room for beatings and torture.")

⁷⁰⁷ *Simić*, IT-95-17/1-T, Judgment (Trial) at para. 88.

⁷⁰⁸ Amongst others, this is not a situation of international conflict.

⁷⁰⁹ Most of the global and regional international human rights treaties explicitly outlaw forced or involuntary labor. *See* International Covenant on Civil and Political Rights, art. 8(3)(a), Dec. 16, 1966, 999 U.N.T.S. 171; European Convention for the Protection of Human Rights and Fundamental Freedoms, art. 4(2), Nov. 4, 1950, 213 U.N.T.S. 222; American

To be clear, even where exceptions apply, international case law requires that working conditions of compulsory labor “such as payment, working hours, safety, and others, should comply with the legislation in force.”⁷¹⁰ Furthermore, in *Simić* the ICTY held that “forced labour assignments which result in exposing civilians to dangerous or humiliating conditions amount to cruel and inhumane treatment.”⁷¹¹ In *Simić* individuals compelled to do forced labor were not paid or compensated, and in some instances they were forced to engage in trench-digging activities at front lines, where they were in danger of being shot and killed.⁷¹²

Documented instances of forced labor in Myanmar violate the general principles of lawful working conditions, and as in *Simić* are marked by a lack of payment and compensation. With regard to “dangerous or humiliating” working conditions victims in Myanmar report death threats, long working hours, and inadequate breaks, the use of minors and the use of persons severely injured with gun-shot wounds—conditions that depending on the individual case may be considered humiliating and as endangering victims’ lives, just as in *Simić*. For instance, Army soldiers threatened and ridiculed one man, and detained him and others, forcing them to clear sandbags from a street:

At that time, I felt that I was not safe. Because they were holding guns, and sometimes, they threatened to make us into “martyrs.” They told us, “We have to make you a martyr so that you can be proud.” They threatened us. Because, at that time, if they shoot us, we cannot resist. I felt frightened.⁷¹³

The junta’s selection process for civilians to subject to forced labor may appear spontaneous, subjecting protesters and uninvolved civilians alike. However, the junta’s insults and ridicule of detainees as documented in this report indicate that victims were in fact picked for their (perceived) affiliation with protesters, revealing a discriminatory basis. This is corroborated by the fact that security forces appear to consider residents in protest areas to be affiliated with the protesters by default, as for instance expressed by one eyewitness: “They [the security forces] forced the people to destroy the barricade. I saw them have to work to take down the barricade. [. . .] They threaten the people in the houses. They told the people in the area not to build barricades.”⁷¹⁴

Courts have repeatedly noted that “there is discrimination in fact even if the victim is not a member of the group discriminated against and is targeted because the perpetrator mistakenly identifies them with that group.”⁷¹⁵ Thus, depending on the specific conditions of the individual case with regard to working conditions and selection process, evidence documented so far shows that instances of forced labor in Myanmar may amount to acts of persecution as a crime against humanity.

Legal Framework and Administrative Measures

Persecution in post-coup Myanmar is not limited to physical acts in the context of detention and arrest, nor to the Army and Police as the only perpetrators. Evidence shows that an unlawfully

Convention on Human Rights, art. 6(2), Nov. 22, 1969, 1144 U.N.T.S. 123. For a detailed analysis of rights in this context, see *Simić*, IT-95-17/1-T, Judgment (Trial) at paras. 84–93. Note that for the purposes of determining severe breaches of rights in the context of forced labor, it is possible to base this on rights also contained in humanitarian law despite the fact that the situation at hand is not one of an international conflict. See *id.* at para. 86 (“As a crime against humanity under Article 5 of the Statute, the definition of forced labour is not restricted by the jurisdictional requirements applicable to grave breaches of the Geneva Conventions under Article 2 of the Statute, including the characterization of the conflict as international and the victims as “protected persons.”).

⁷¹⁰ *Simić*, IT-95-17/1-T, Judgment (Trial) at para. 90.

⁷¹¹ *Id.* at para. 93.

⁷¹² *Id.* at paras. 794–803.

⁷¹³ Interview with #62, in Thamwe Township, Yangon Division, Myanmar (Apr. 2, 2021).

⁷¹⁴ Interview with #54, in Hlaing Township, Yangon Division, Myanmar (Mar. 31, 2021).

⁷¹⁵ Prosecutor v. Prli, IT-04-74-T, Judgement (Trial), para. 73 (Int’l Crim. Trib. for the Former Yugoslavia May 29, 2013). See also *Krnjelac*, IT-97-25-A, Judgement (Appeal) at para. 185; Prosecutor v. Kvoka, IT-98-30/1-T, Judgement (Trial) at para. 195. Note that there is some debate on this, with other case-law holding the opposite opinion, i.e., that an act against a person mistakenly taken for a member of the target group cannot constitute persecution. See, e.g., *Krnjelac*, IT-97-25-T, Judgement (Trial) at para. 432, overruled by *Krnjelac*, IT-97-25-A, Judgement (Appeal) at paras. 250–51; *Kaing*, 001/18-07-2007-ECDC/SC, Judgement (Appeal) at paras. 275–76. The approach taken here follows the reasoning adopted in the *Krnjelac* appeal decision and *Prlić*, because where an act committed with a mistaken belief this may have discriminatory consequences for the primary targets of the persecution by adding to their overall oppression and isolation, as appears to be the case here.

amended general legal framework and targeted administrative measures are employed as a tool to exclude individuals of certain political beliefs from society and to deprive them of any safe place to work and live. This is not surprising as persecution commonly consists of a series of acts, rather than a single act or type of act.⁷¹⁶ As the ICTY put it, "persecution consists of a severe attack on those rights [fundamental rights], and aims to exclude a person from society on discriminatory grounds."⁷¹⁷

In *Simić*, the ICTY recalled that "persecution may take, among others, the form of adoption of discriminatory laws" and went on to examine a range of orders, policies, decisions, and other regulations, some of them explicitly discriminatory and others worded in general terms. In order to determine whether these constituted persecutory acts, the ICTY applied the same two-fold test as used above for the analysis of other persecutory acts, i.e., the tribunal assessed whether the laws had discriminatory consequences and whether they were severe enough.⁷¹⁸ Importantly, the ICTY noted that "[s]uch a determination has to be made on a case by case basis, taking account of the specific factual circumstances, and of the cumulative effect of such decisions or regulations."⁷¹⁹

As in *Simić*, in Myanmar, offending laws are of both categories: 1) some are worded in general terms but enforced on a discriminatory basis, and 2) others are explicitly discriminatory in their wording. The first prong of offending laws in Myanmar concerns amendments to general laws. The amendments make no reference to the target group in their wording and concern a range of laws carrying lengthy prison terms, including amended section 505A of the Penal Code, various corruption laws, COVID-19-related regulations, and other laws. As discussed above, amendments and laws have been termed in such a way that they can be utilized to criminalize any dissent, take away even the most basic fair-trial rights, and unduly infringe on the rights of privacy, information, and more.⁷²⁰ For example, the junta amended 505A on 14 February 2021 to criminalize speech that "cause[s] fear," spreads "false news, [or] agitates directly or indirectly a criminal offense against a Government employee." Violation of the section is punishable by up to three years in prison. This violates standards of international law and renders the application of these laws illegal under international law.⁷²¹ The ICTY has repeatedly clarified that "whether or not [. . .] acts are legal under national laws is irrelevant," confirming that an unlawful legal framework can under no circumstances justify persecutory acts.⁷²²

Evidence suggests that regardless of their illegal character, the amended laws are in fact implemented and enforced on a discriminatory basis, i.e., aiming at political opponents only, and at not others. For instance, as of mid-April, the junta adopted a daily routine of announcing charges against twenty individuals under amended section 505A of the Penal Code in state media, initially focusing this routine on CDM healthcare workers and then expanding it to CDM educational staff and other critics.⁷²³ The fact that the announcements exclusively include charges against known or perceived members opposing the coup, and not others, suggests that the individuals are singled out for their political affiliation and that the practice aims at intimidating other members of the target group. The junta made 505A a key tool in its repression. As of late August, of the 5,716 detained at the time, exact charges were known for only 1,416 individuals. 78 percent of those, or 1,108, were charged under 505A.

⁷¹⁶ This is possible in theory. *But see Kordić*, IT-95-14/2-A, Judgement (Appeal) at para. 102; *Kupreškić*, IT-95-16-T, Judgement (Trial) at para. 624.

⁷¹⁷ *Kupreškić*, IT-95-16-T, Judgment (Trial) at para. 621.

⁷¹⁸ *Simić*, IT-95-17/1-T, Judgement (Trial) at paras. 57-58, 457-516. For case law on the passage of discriminatory laws as a persecutory act, *see generally Kupreškić*, IT-95-16-T, Judgment (Trial) at paras. 610-14 (discussing the Nuremberg Trials and subsequent jurisprudence).

⁷¹⁹ *Simić*, IT-95-17/1-T, Judgment (Trial) at para. 58.

⁷²⁰ *See, e.g., supra* section titled "Penal Code 505A."

⁷²¹ *See, e.g., U.N. Special Rapporteur, Report of the Special Rapporteur on the Situation of Human Rights in Myanmar*, paras. 61-65, U.N. Doc. A/HRC/46/56 (Mar. 4, 2021).

⁷²² *Kupreškić*, IT-95-16-T at para. 614; *Vasiljević*, IT-98-32-T, Judgement (Trial) at para. 246.

⁷²³ On April 21, *Frontier Myanmar* reported, "For eight days now, the junta has announced charges against around 20 doctors each evening (there were only 19 on the first day) under 505A, its favourite legal weapon of choice." *Frontier Myanmar*, Daily Briefing (Apr. 21, 2021), on file.

This situation can be distinguished from *Simić* on the facts. In *Simić*, the ICTY was also concerned with a range of generally-worded laws and went on to examine whether these had in fact been enforced on a discriminatory basis, as alleged. The in *Simić* did not find discrimination because evidence pointed to the fact that the laws were enforced against all groups equally, not only against the target group.⁷²⁴ The situation in Myanmar is different. While a more detailed factual analysis will be necessary, evidence available thus far serves as a basis to reasonably assume that amended general laws in Myanmar are in fact being used against the target group only.

The second prong of offending regulations relates to other regulations and administrative measures that explicitly name certain groups of the opposition movement as their target. One such group is CDM civil servants with a particular focus on CDM healthcare workers, a profession that initiated the country-wide strike movement in public services. The junta initially reacted to the continuing strike by CDM civil servants and healthcare workers with mass dismissals and evictions from government housing provided as part of the employment agreements.⁷²⁵ The junta then prohibited the re-employment of CDM doctors in private or charity-run clinics and eventually announced the withdrawal of passports and revocation of citizenship.⁷²⁶

The junta also targeted journalists, and others reporting on the protests or publicly voicing opposition to the coup, with purpose-made regulations. On February 12, junta authorities implemented directives prohibiting media from describing the military's takeover of power as a "coup," or the SAC as "junta" or "military government."⁷²⁷ The junta has targeted those not abiding by the directives with charges and arrests under Section 505A, revoked their licenses, or both, and junta authorities also raided media outlets and destroyed equipment in several instances.⁷²⁸ As of

⁷²⁴ In *Simić*, this concerned general regulations on the (temporary) prohibition of the work of political parties (para. 507), a curfew (para. 509), travel restrictions necessitating a "special permit" (para. 510), and restrictions on alcohol and fuel (para. 512). See *Simić*, IT-95-17/1-T, Judgement (Trial) at paras. 507-12.

⁷²⁵ See *Junta Plan to Replace Striking Staff Will Wreck Education, Say Teachers*, FRONTIER MYANMAR (June 8, 2021), <https://www.frontiermyanmar.net/en/junta-plan-to-replace-striking-staff-will-wreck-education-say-teachers/> (125,000 teachers are reported to have been dismissed); *More than 125,000 Myanmar teachers suspended for opposing coup*, REUTERS (June 3, 2021), <https://www.reuters.com/world/asia-pacific/more-than-125000-myanmar-teachers-suspended-opposing-coup-2021-05-23/> (139,000 teachers are reported to have been dismissed by the junta for participation in CDM; 270 education department employees who joined the CDM have been charged/sentenced under section 505A; prior to coup, junta and USDP accused teachers of aiding NLD to commit voter fraud; originally SAC dismissed 120,000, almost 27% of 451,000 teachers, 19,000 staff of higher ed institutions also dismissed); *Made Homeless by Junta, Myanmar Govt Workers Vow to Continue Strike Till Regime Falls*, THE IRRAWADDY (Mar. 23, 2021), <https://www.irrawaddy.com/news/burma/made-homeless-junta-myanmar-govt-workers-vow-continue-strike-till-regime-falls.html> (The military regime has given an ultimatum to striking workers in Mandalay, Yangon, and other cities to resume work and stop striking or to be evicted from housing provided as part of employment).

⁷²⁶ *Scores of Medics in Myanmar Face Charges over Anti-coup Strike*, THE GUARDIAN (April 21, 2021), <https://www.theguardian.com/world/2021/apr/21/scores-of-medics-in-myanmar-face-charges-over-anti-coup-strike> (junta threatening to revoke passports of doctors involved in CDM and prevent them from future practice). See also Sebastian Strangio, *Myanmar Junta Revokes Citizenship of Opposition Figures, NUG Ministers*, THE DIPLOMAT (Mar. 7, 2022), <https://thediplomat.com/2022/03/myanmar-junta-revokes-citizenship-of-opposition-figures-nug-ministers/>.

⁷²⁷ *Myanmar Military Bans Use of 'Regime,' 'Junta' by Media*, THE IRRAWADDY (Feb. 13, 2021), <https://www.irrawaddy.com/news/burma/myanmar-military-bans-use-regime-junta-media.html>.

⁷²⁸ State broadcaster MRTV reported that the junta rescinded licenses of five media outlets (Mizzima, Myanmar Now, 7Day News, Democratic Voice of Burma, Khit Thit Media); on March 8, soldiers raided Myanmar Now's Yangon office and seized computers, documents, and equipment; on March 9, the junta raided Mizzima's Yangon office; DVB journalists Min Nyo and Kaung Myat Hlaing have been arrested and were under detention without charge; Myanmar Now reports Kay Zune Nway and 7Day News reporter Aung Ye were detained in Insein Prison under Article 505(a). See *Myanmar Military Raids Newsrooms, Revokes 5 Media Outlets' Licenses*, COMMITTEE TO PROTECT JOURNALISTS (Mar. 9, 2021), <https://cpj.org/2021/03/myanmar-military-raids-newsrooms-revokes-5-media-outlets-licenses/>. At least 32 journalists had been detained as of July 28, 2021, down from a high of at least 45 journalists detained on June 27 (although count could be much higher); journalist Kyaw Myat Hlaing has been sentenced to 3 years in prison under Article 505(a); at least eight news organization licenses have been revoked. See *Bitter Reversal: Myanmar Military Coup Wipes Out Press Freedom Gains*, COMMITTEE TO PROTECT JOURNALISTS (July 28, 2021), <https://cpj.org/reports/2021/07/bitter-reversal-myanmar-journalists-jailed-imprisoned-military-crackdown/>.

June 3, arrests reportedly affected 39 news outlets and 21 freelancers throughout the country.⁷²⁹ As of mid-March 2021, just six weeks after the coup, no privately-run daily news journals were reportedly left in circulation in the country.⁷³⁰

Moreover, junta authorities have expanded their campaign against critical reporting to all private and independent reporting and public criticism. To this end, the junta banned social media and other websites and implemented long-lasting internet blackouts in February from 1 a.m. to 9 a.m.⁷³¹

The discriminatory nature of the measures are exposed by the fact they are aimed at CDM healthcare-workers and critical journalists and not at other healthcare workers, for instance, and at protest reporters and journalists expressing dissent by using terminology such as "coup," and not at other journalists. In *Simić*, the ICTY also found that regulations were discriminatory when they explicitly named the target group and not others—here a prohibition on gatherings of three or more non-Serbs.⁷³² The ICTY found discrimination even where a ban only indirectly but clearly pointed to a particular target group, such as the Myanmar ban on media using terminology indicating dissent.⁷³³

Persecution Conclusion

Evidence above demonstrates how the Myanmar junta targeted individuals based on political beliefs, with the intent to discriminate, and in furtherance of that intent, committed the acts of murder, detention, torture, confinement under inhumane conditions, possible forced labor, and amended and applied laws in a discriminatory manner. Thus, there are reasonable grounds to believe that the Myanmar junta intentionally and severely deprived fundamental rights contrary to international law because of the identity of the group or collectivity, and have therefore committed the crime against humanity of persecution.

Deportation or Forcible Transfer of Population

Under Article 7(1)(d) of the Rome Statute, deportation or forcible transfer of population constitutes a crime against humanity.⁷³⁴ Jurisprudence developed by the ICTY has defined deportation as involuntary removal of persons across an international or, in some cases, a de facto border; forcible transfer entails displacement within national boundaries.⁷³⁵

The legal elements for both deportation and forcible transfer are the same. First, the perpetrator deported or forcibly transferred without grounds permitted under international law, one or more persons to another State or location, by expulsion or other coercive acts. Second, such persons were lawfully present in the area from which they were deported or transferred, with legality assessed based on international law, not on the requirement of lawful residence.⁷³⁶ Third, the perpetrator was aware of the factual circumstances that established the lawfulness of such presence.⁷³⁷

⁷²⁹ According to *Reporting ASEAN*, 11 media houses have been charged under Section 505A, had their licenses revoked, or both, and only Kayah, Kayin and Rakhine reported no arrests. In *Numbers: Arrests of Journalists and Media Staff in Myanmar*, REPORTING ASEAN (accessed June 30, 2021), <https://www.reportingasean.net/in-numbers-arrests-of-myanmar-journalists/>.

⁷³⁰ See *Myanmar: Cease Persecution of Journalists*, AMNESTY INTERNATIONAL (May 27, 2021), <https://www.amnesty.org/en/latest/news/2021/05/myanmar-cessate-persecution-journalists/>.

⁷³¹ Nightly ban on fixed internet from 1 a.m. to 9 a.m. See *Why is Myanmar's Military Blocking the Internet?*, AL JAZEERA (Mar. 4, 2021), <https://www.aljazeera.com/news/2021/3/4/myanmar-internet-blackouts>. See also, *Unplugged in Myanmar: Internet Restrictions following the Military Coup*, ARTICLE 19 (July 9, 2021), <https://www.article19.org/resources/unplugged-in-myanmar-internet-restrictions-following-the-military-coup/>. Nightly shutdowns of fixed internet from February 15 to April 28, 2021. MÖTC blocked Facebook starting February 3; March 15, mobile internet ban at various hours during the day; March 17, military blocked public WiFi hotspots; April 1 military blocked all fixed wireless services; June 4 internet services were shut down for one hour during NUG press conference; military is also worsening internet speeds from 3G/4G to 2G, as 2G is unencrypted allowing for surveillance while 3G/4G are unencrypted.

⁷³² *Simić*, IT-95-17/1-T, Judgment (Trial) at para. 508.

⁷³³ *Id.* at para. 515.

⁷³⁴ Rome Statute, art. 7(1)(d).

⁷³⁵ See, e.g., *Stanišić*, IT-03-69-T, Judgment (Trial) at para. 992; *Gotovina*, IT-06-90-T, Judgment (Trial) at para. 1738.

⁷³⁶ See, e.g., *Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar*, ICC-01/19, Decision Pursuant to Article 15 (Pre-Trial), para. 99 (Nov. 14, 2019); *Karadžić*, IT-95-5/18-T, Public Redacted Version of Judgment (Trial), 2016 at para. 488.

⁷³⁷ ICC, ELEMENTS OF CRIMES 4 (2011). However, in the ICC Pre-Trial Chamber III's authorization of the commencement of investigation in the Bangladesh/Myanmar situation, the Chamber only cited the first two elements. *Bangladesh/Myanmar*, ICC-01/19, Decision Pursuant to Article 15 (Pre-Trial) at para. 99.

In the decision authorizing the Prosecutor to investigate the forcible displacement of Rohingya in Myanmar, the ICC Pre-Trial Chamber III explained that deporting or forcibly transferring without grounds “may be carried out by the perpetrator either by physically removing the deportees or by coercive acts that cause them to leave the area where they were lawfully present. In such a situation, the victims’ behavior or response as a consequence of coercive environment is required to be established for the completion of the crime.”⁷³⁸ The Pre-Trial Chamber also indicated that if “the victims refused to leave the area despite the coercive environment or they did not cross an international border, it would constitute forcible transfer or an attempt to commit the crime of deportation.”

The jurisprudence of the ICTY, which has issued multiple convictions for the crimes of deportation and forcible transfer, has established that forced displacement must be “involuntary in nature,” in other words, that “the victims had no genuine choice.”⁷³⁹ Importantly, coercive acts include physical force, but also include “the threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person or persons or another person, or by taking advantage of a coercive environment.”⁷⁴⁰ To be considered forcible displacement, the removal must also occur without grounds permitted under international law. Permissible grounds under international law include the security of citizens, imperative military reasons, or transfer of prisoners of war.⁷⁴¹

In the trial of Ratko Mladic at the ICTY, for example, the Trial Chamber found that Bosnian Muslims and Bosnian Croats fled their homes in various municipalities—following attacks on their villages that included “killings, destructions, and appropriation of property and plunder,” the “ransacking and burning” of houses, and “the capture and sometimes beating or killing of villagers.”⁷⁴² They fled in fear and had no genuine choice but to leave. The Trial Chamber convicted Mladic of the crime of deportation, among other crimes.

In another case at the ICTY, the prosecution of Momcilo Krajsnik, the Trial Chamber found that the crimes of forced displacement were committed when Serbian authorities and forces “created severe living conditions [. . .] which aimed, and succeeded, in making it practically impossible” for Muslim and Croat civilians to remain in their homes in multiple municipalities. The Trial Chamber described an escalating series of acts that included “house searches and the cutting off of water, electricity, and telephone services”; as well as the “terrorization of the Muslim and Croat population,” including “individual killings and massacres” which served to “further instill fear.”⁷⁴³

As of July 31, 2021, the U.N. estimated that 221,300 were newly internally displaced since the coup.⁷⁴⁴ As of August 1, 2021, an additional 22,000 people were known to have fled to neighboring countries, namely Thailand and India.⁷⁴⁵ There is evidence that at least some of this displacement constitutes forcible transfer or deportation as crimes against humanity. In the months following the February 1 coup, the military junta discriminately attacked residential areas throughout Myanmar with heavy weaponry and directly targeted civilians, creating unsafe environments that have forced hundreds of thousands of people to flee from their homes.

⁷³⁸ Bangladesh/Myanmar, ICC-01/19, Decision Pursuant to Article 15 (Pre-Trial) at para. 52.

⁷³⁹ *Krnjelac*, IT-97-25-T, Judgment (Trial) at para. 475; *Prosecutor v. orevi*, IT-05-87/1-A, Judgment (Appeal), para. 727 (Int’l Crim. Trib. for the Former Yugoslavia Jan. 27, 2014).

⁷⁴⁰ *Karadžić*, IT-95-5/18-T, Public Redacted Version of Judgment, 2016 (Trial) at para. 489. *See also*, *orevi*, IT-05-87/1-A, Judgment (Appeal) at para. 727; *Krnjelac*, IT-97-25-T, Judgment (Trial) at para. 475.

⁷⁴¹ *See, e.g.*, *Prosecutor v. Krsti*, IT-98-33-T, Judgment (Trial), paras. 524-527 (Int’l Crim. Trib. For the Former Yugoslavia Aug. 2, 2001).

⁷⁴² *Prosecutor v. Mladi*, IT-09-92-T, Judgment (Trial), paras. 3143, 3150 (Int’l Crim. Trib. For the Former Yugoslavia Nov. 22, 2017).

⁷⁴³ *Prosecutor v. Krajišnik*, IT-00-39-T, Judgement (Trial), para. 729 (Int’l Crim. Trib. For the Former Yugoslavia Sept. 27, 2006).

⁷⁴⁴ MYANMAR HUMANITARIAN UPDATE NO. 9, OCHA MYANMAR (July 30, 2021), <https://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Myanmar%20-%20Humanitarian%20Update%20No.9.pdf>.

⁷⁴⁵ Myanmar Emergency Update, UNHCR (Aug. 1, 2021), <https://reporting.unhcr.org/sites/default/files/Myanmar%20Emergency%20Update-1August2021.pdf>

As in the case of *Krajisnik*, where the Trial and Appeals Chambers found that displacement was forced when Serbian authorities and forces "created severe living conditions" and terrorized the Muslim and Croat population through killings, detention and massacres which "aimed, and succeeded, in making it practically impossible" for Muslim and Croat civilians to remain in their homes,⁷⁴⁶ the Myanmar junta forces created an atmosphere of terror in Bago. They used heavy weaponry on civilians, entered private homes, beat and detained residents, and even killed bystanders, creating impossible living conditions for residents of Bago town. The displaced individuals were forced out of their own homes, where they were lawfully present, which was known to the junta soldiers.

As this report demonstrates, the junta's attack in Mindat, Chin State in May 2021 also has all the hallmarks of forcible transfer and, in the case of those who fled to India, of deportation. They closely resemble the attacks in *Krajisnik*. The military's lethal attacks against civilians and their property and cutting off humanitarian aid constitute coercive acts. As highlighted above, the military's attack against Mindat included "indiscriminate attacks by the security forces against civilians"; "houses and other civilian property damaged, destroyed or occupied by security forces"; "security forces using civilians as shields"; "sexual assault perpetrated against women and girls"; and numerous individuals injured and killed.⁷⁴⁷ The military also cut off access to water and roads. These acts directly caused the residents of Mindat and the surrounding villages (and later, already displaced individuals) to flee the area. The displaced individuals were attacked in their home town, sometimes even in their own homes, where the junta soldiers would have known were their lawful residences.

The junta forces' use of high-powered weaponry in Karenni State throughout late-May and June, including in Demoso and Loikaw town, in addition to their attacks on civilians and civilian buildings such as church parishes, were violent, coercive acts that forced the residents of Demoso and Loikaw townships to flee into the jungle. The attacks occurred in the victims' home towns, including raids on their private residences and churches, where they were lawfully present, which would have been obvious to the junta forces.

In Karen State, throughout at least March and April as highlighted in this report, as in *Krajisnik*, the junta forces "created severe living conditions [. . .] which aimed, and succeeded, in making it practically impossible" for villagers to remain in their homes in the Mu Traw district. In fact, the level of violence employed by the junta exceeded that of the Serbian authorities in *Krajisnik*, as the junta employed military-grade weapons against civilians and even attacked civilian boats attempting to deliver supplies to displaced residents hiding in the jungle. Residents were forced to flee from their homes where they were lawfully present, which the junta forces would have known. The Mu Traw residents crossed an international border into Thailand, thus qualifying this as an act of deportation.

Further attacks resulting in displacement or forcible transfer in Sagaing Region, not documented above occurred during the time period in question and bolster the argument that junta forces have engaged in the crime of forcible transfer. In Depayin Township, Sagaing Region, an estimated 10,000 residents from 11 different villages fled into the forests after junta attacks on their villages beginning July 2.⁷⁴⁸ News outlets reported that at least 25 people were killed; one resident told the outlet that the soldiers "shot everyone who they saw on the road and in the village."⁷⁴⁹ Additionally, on June 16, soldiers deliberately set fire to Kinma village in Pauk Township. Residents told news outlets that the PDF members had already withdrawn from the village when the junta forces entered and started setting fire to houses.⁷⁵⁰ The fire was so large that it was recorded by NASA's satellite

⁷⁴⁶ *Krajisnik*, IT-00-39-T, Judgment (Trial) at para. 729.

⁷⁴⁷ *Statement by the United Nations in Myanmar on the Situation in Mindat, Chin State*, UNITED NATIONS MYANMAR (May 21, 2021), <https://reliefweb.int/sites/reliefweb.int/files/resources/UN%20Statement%20on%20the%20Humanitarian%20Situation%20in%20Mindat%20-%2021052021%20English.pdf>.

⁷⁴⁸ *At Least 30 Killed in Depayin Following Junta Raid on Local Village*, MYANMAR NOW (July 4, 2021), <https://www.myanmar-now.org/en/news/at-least-30-killed-in-depayin-following-junta-raid-on-local-village>.

⁷⁴⁹ *Myanmar Military Kills At Least 26 People in Raid on Central Town*, AL JAZEERA (July 5, 2021), <https://www.aljazeera.com/news/2021/7/5/myanmar-military-kill-at-least-25-people-in-raid-on-central-town>.

⁷⁵⁰ *Myanmar Village of Kin Ma Burns Down after Clashes*, BBC (June 16, 2021), <https://www.bbc.com/news/world-asia-57506196>.

fire-tracking system.⁷⁵¹ Photos published in media reports and social media show the entire village nearly reduced to ash; 200 of the 230–40 homes in the village were destroyed.⁷⁵² While most of the village’s residents were forced to flee into the forest and to nearby villages, two elderly individuals who could not leave were killed in the fire.⁷⁵³ Similar to Chin, Bago, Karen and Karenni States, the junta’s attacks on villagers in Depayin, and Kinma which included shooting civilians on sight, were coercive and left residents with no choice but to flee for their lives. As in *Mladic*, where the ICTY Trial Court found that Bosnian Muslims and Croats had no genuine choice but to leave after Serbian authorities burned and ransacked houses, the Myanmar junta forces burned down nearly every house in Kinma village, forcing the residents to flee from their village. The villagers were lawfully present in Kinma and Depayin, in their own homes, when they were forced to leave, a fact that the junta’s forces would have known.

The Myanmar military thus, likely deported and forcibly transferred without grounds permitted under international law, tens of thousands of civilians in multiple locations throughout Myanmar by coercive acts, while the civilians were lawfully present in the area from which they were deported or transferred and the Myanmar military was aware that they were lawfully present.⁷⁵⁴ As such, there are reasonable grounds to believe that the Myanmar military committed the crime against humanity of deportation and forcible transfer.

Contextual Elements of Crimes Against Humanity

The prohibited acts described above must be committed within a certain context to be considered a crime against humanity as defined by Article 7 of the Rome Statute. Specifically, Article 7(1) requires that one or more of the prohibited acts be “committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.”⁷⁵⁵ This requires showing: (1) that there was an “attack directed against any civilian population;” (2) that the attack was “widespread or systematic;” and (3) that the perpetrator of the specific act knew about the attack and there was a nexus between the specific acts and the attack.

The evidence collected for this report, combined with reporting on the broader context, demonstrates that Myanmar security forces not only committed one or more prohibited acts but these acts were committed within the necessary context to amount to a crime against humanity.

Widespread and Systematic Attack

Article 7 of the Rome Statute lists criminal acts, including murder, imprisonment, torture, persecution, deportation, and forcible transfer of population. For any of these acts to constitute a crime against humanity under Article 7, they must be committed “as part of a widespread or systematic attack.”⁷⁵⁶ Crimes against humanity are committed against the international community as a whole, in contrast to criminal activity as defined by national law.⁷⁵⁷

ICC jurisprudence clarifies that “widespread” refers to the “large-scale nature of the attack and to the number of targeted persons;” while “systematic” reflects the “organi[z]ed nature of the acts of violence and the improbability of their random occurrence.”⁷⁵⁸ The crimes in Myanmar can be characterized as both widespread and systematic.

⁷⁵¹ *Myanmar Village Burned after Fighting: Residents Blame Security Forces*, REUTERS (June 16, 2021), <https://www.reuters.com/world/asia-pacific/myanmar-village-burned-after-fighting-residents-blame-security-forces-2021-06-16/>.

⁷⁵² *Myanmar Village of Kin Ma Burns Down after Clashes*, BBC (June 16, 2021), <https://www.bbc.com/news/world-asia-57506196>; *Myanmar Village Burned after Fighting: Residents Blame Security Forces*, REUTERS (June 16, 2021), <https://www.reuters.com/world/asia-pacific/myanmar-village-burned-after-fighting-residents-blame-security-forces-2021-06-16/>.

⁷⁵³ *Senior Citizens Die After Myanmar Junta Soldiers Set Village on Fire*, THE IRRAWADDY (June 16, 2021), <https://www.irrawaddy.com/news/burma/senior-citizens-die-after-myanmar-junta-soldiers-set-village-on-fire.html>.

⁷⁵⁴ ICC, ELEMENTS OF CRIMES 4 (2011). However, in the ICC Pre-Trial Chamber III’s authorization of the commencement of investigation in the Bangladesh/Myanmar situation, the Chamber only cited the first two elements. *Bangladesh/Myanmar*, ICC-01/19, Decision Pursuant to Article 15 (Pre-Trial) at para. 99.

⁷⁵⁵ Rome Statute, art. 7

⁷⁵⁶ Rome Statute art. 7(1).

⁷⁵⁷ *Katanga*, ICC-01/04-01/07, Judgment (Trial) at paras. 1097–98, 1111.

⁷⁵⁸ *Id.* At para. 1123.

Widespread

The attacks against the people of Myanmar described above meet the definition of “widespread” which the ICC has defined as a “large-scale” attack with high numbers of targeted people.⁷⁵⁹ International tribunals have further elaborated on “large-scale” as being “massive, frequent, carried out collectively with considerable seriousness and directed against a large number of civilian victims,” or involving a mix of quantitative, geographic and temporal factors.⁷⁶⁰

In *Prosecutor v. Blagojevic*, the ICTY appellate panel found that the attack against Srebrenica and the surrounding areas constituted a widespread attack.⁷⁶¹ It focused on the attack’s resulting impact on the civilian population, noting that forcible transfers, detentions, and mistreatment had taken place, and the humanitarian crisis that followed the attack, in reaching its conclusion.⁷⁶² The panel noted that 40,000 people had been living in the Srebrenica enclave when it was attacked.⁷⁶³

In the *Bosco Ntaganda* case, the ICC found that attacks against the non-Hema civilian population were widespread because they “resulted in a large number of civilian victims” across a “broad geographical area” and were conducted over a period of more than nine months.⁷⁶⁴

In comparison, the attack in Myanmar affected a huge swath of the population. As this report focuses primarily on the first six months of violence post-coup, reports estimate that as of July 31 2021, over 220,000 people were internally displaced as a result of the post-coup violence, the junta had murdered at least 940 people, imprisoned at least 6,994, tortured between 22 and 50 to death while in detention, disappeared potentially thousands, and used the tools of the state to engage in persecution throughout the country of anyone opposed to the coup.⁷⁶⁵

In the *Popovic* case before the ICTY, the tribunal noted that the attack against Srebrenica and Zepa was large-scale and therefore widespread in part because it involved multiple components.⁷⁶⁶ These components included the restriction of humanitarian aid, a planned military attack, and the removal of thousands of people from the towns.⁷⁶⁷

The violence in Myanmar involves a multitude of components. As in *Popovic*, the junta’s forces are blocking humanitarian aid.⁷⁶⁸ But in contrast to *Popovic*, which found a widespread attack where just two towns were affected over the course of a few days, the junta’s attack spans the entire country and still continues more than a year after it began.

By any measure, the junta’s actions have taken place throughout a large geographic area. Within the first six months, the junta’s attack reportedly killed or injured individuals in at least 97 townships across 12 of Myanmar’s 14 states and regions plus Naypyidaw: Thaninthayi (Tennaserim), Mon, Yangon, Ayeyarwaddy (Irrawaddy), Bago, Magwe, Mandalay, Karenni, Shan, Sagaing, Chin, Kachin,

⁷⁵⁹ The ICC has yet to rely on the “widespread” factor in a conviction; it has only relied on the “systematic” factor.

⁷⁶⁰ *Ruto*, ICC-01/09-01/11, Decision on the Confirmation of Charges (Pre-Trial) at para. 176; *Gbagbo*, ICC-02/11-01/11, Decision on the Confirmation of Charges (Pre-Trial) at para. 224.

⁷⁶¹ *Prosecutor v. Blagojevi & Joki*, IT-02-60-A, Judgment (Appeal), para. 101 (Int’l Crim. Trib. For the Former Yugoslavia May 9, 2007).

⁷⁶² *Id.*

⁷⁶³ *Id.*

⁷⁶⁴ *Prosecutor v. Ntaganda*, ICC-01/04-02/06, Decision Pursuant to Article 61(7)(a) and (b) (Pre-Trial), para. 24 (June 9, 2014).

⁷⁶⁵ *Daily Briefing in Relation to the Military Coup*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (July 31, 2021), <https://aappb.org/?p=16855>; *Torture to Death in Detention*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (June 11, 2021), https://aappb.org/wp-content/uploads/2021/06/English_Statment_Torture_to_Death_Final.pdf; Report of the Special Rapporteur on the Situation of Human Rights in Myanmar to the UN General Assembly, A/76/314 (Sep. 2, 2021) para. 22, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/241/30/PDF/N2124130.pdf?OpenElement>; MYANMAR HUMANITARIAN UPDATE No. 9, OCHA MYANMAR (July 30, 2021), <https://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Myanmar%20-%20Humanitarian%20Update%20No.9.pdf>.

⁷⁶⁶ *Prosecutor v. Popovic*, IT-05-88-T, Judgment, para. 760 (Int’l Crim. Trib. For the Former Yugoslavia June 10, 2010).

⁷⁶⁷ *Id.*

⁷⁶⁸ Interview with #121 (June 30, 2021) (location withheld). See also, *Access Denied: The Myanmar Military Junta’s Deprivation of Lifesaving Aid in Karenni (Kayah) State*, FORTIFY RIGHTS (Nov. 10, 2021), <https://www.fortifyrights.org/mya-inv-rep-2021-11-10/>.

and Naypyidaw.⁷⁶⁹ Testimony gathered for this report includes individuals directly or indirectly impacted by the junta's violence in more than 30 townships in 13 of the country's 14 states and regions, plus Naypyidaw.

In addition, the attack has already taken place over a longer period of time than in *Popovic* or *Bosco Ntaganda* and continues to this day. The junta's first verified murder against a protester occurred on February 19, 2021. Since then, the violence has continued daily; on certain dates, the Army and Police murdered particularly high numbers of people. On March 14 alone, security forces caused 112 deaths across five states and regions. During the weekend of March 27 and 28, security forces caused 164 deaths across 11 of Myanmar's 14 states/regions and Naypyidaw.⁷⁷⁰

Taking these factors together, a picture emerges of an attack against the civilian population of Myanmar that must be characterized as "widespread" within the meaning of the Rome Statute.

Systematic

Although the attack against civilians does not have to be both "widespread" and "systematic" to constitute a crime against humanity, the post-coup violence in Myanmar is also "systematic."⁷⁷¹ An attack is systematic when the acts of violence are unlikely to have occurred randomly and are of an "organised nature."⁷⁷² The first element requires that each act be non-accidental. The second requires that the acts be connected to one another. In addition, courts have held that the "systematic" character of the attack "refers to the existence of 'patterns of crimes' reflected in the non-accidental repetition of similar criminal conduct on a regular basis."⁷⁷³

The acts were not random

When looking at the first aspect of "systematic" in greater detail—whether the acts are non-accidental—various factors may point to such a conclusion.⁷⁷⁴ For instance, in the *Gbagbo* case the ICC considered "preparatory activities in anticipation of the use of violence," as well as evidence on coordination and planning during the attack, such as the giving of instructions and mobilization of youth groups.⁷⁷⁵ In the *Kenyatta* case, the ferrying of attackers in trucks from other locations specifically for the purpose of the attack served as supporting evidence.⁷⁷⁶

In Myanmar, evidence shows that there were preparations for violence at the state-level. In the early morning of February 1, the first day of the coup, soldiers reportedly fanned out across the country to arrest government ministers, lawmakers, and anti-military activists.⁷⁷⁷ State-controlled

⁷⁶⁹ AAPP lists fatalities in incidents in Thaninthayi, Mon, Yangon, Ayeyarwaddy, Bago, Magwe, Mandalay, Kayah, Shan, Sagaing, Kachin, Chin, and Naypyidaw. *AAPP Detention List*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (July 31, 2021), https://aappb.org/wp-content/uploads/2021/07/Updated_Under-Detention-List-Last-Updated-on-31-July-2021.pdf.

⁷⁷⁰ Fatalities in on March 14 in Thaninthayi, Yangon, Bago, Magwe, Kachin; fatalities on March 27/28 in Thaninthayi, Mon, Yangon, Ayeyarwaddy, Bago, Magwe, Mandalay, Shan, Sagaing, Kachin, Naypyidaw. See *Recent fatality List*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Mar. 7, 2022), <https://aappb.org/wp-content/uploads/2022/03/Recent-fatality-List-for-March-4-2022-English.pdf>.

⁷⁷¹ The ICTY confirmed that an attack need only be widespread or systematic under customary international law. See *Prosecutor v. Tadi*, IT-94-1-T, Judgment (Trial), para. 648 (Int'l Crim. Trib. for the Former Yugoslavia May 7, 1997); *Prosecutor v. Tadi*, IT-94-1-A, Judgment (Appeal), para. 248 (Int'l Crim. Trib. for the Former Yugoslavia July 15, 1999).

⁷⁷² *Katanga*, ICC-01/04-01/07, Judgment (Trial) at para. 1123 (citation omitted) ("the adjective 'systematic' reflects the organised nature of the acts of violence and the improbability of their random occurrence").

⁷⁷³ *Id.*

⁷⁷⁴ Note that the existence of a formal policy to that effect is not needed. See *Kunarac*, IT-96-23-T & IT-96-23/1-A, Judgment (Appeal) at para. 98.

⁷⁷⁵ *Gbagbo*, ICC-02/11-01/11, Decision on the Confirmation of Charges (Pre-Trial) at paras. 123-192, 225 (referring to evidence on preparations, coordination and planning).

⁷⁷⁶ *Prosecutor v. Kenyatta*, ICC-01/09-02/1, Decision on the Confirmation of Charges (Pre-Trial), para. 158 (Jan. 23, 2012) (with evidence on the ferrying in paras. 160-161, 148, 150).

⁷⁷⁷ *Reuters* reported, "Starting about 3 a.m., while most of Myanmar's 53 million inhabitants slept, soldiers fanned out across the country to the homes of ministers, lawmakers, prominent activists and even Buddhist monks known for their opposition to the army. The targets were either arrested or forced to stay in their homes." Poppy McPherson,

television and radio announcements "warned" protesters that they might "suffer loss of life,"⁷⁷⁸ or get "shot in the head and back"⁷⁷⁹ before major incidents on February 22 and March 27, respectively.

As in the *Gbagbo* and *Kenyatta* cases, there is also evidence in Myanmar of instructions and coordination, suggesting that the violence was planned and intended. Witnesses and leaked internal documents show that orders were given to shoot protesters on an individual and organization-wide level.⁷⁸⁰ Police and military deserters reported that they received orders to arrest CDM supporters, and thousands of people have been arrested since the coup began.⁷⁸¹ Official internal military and police documents show that the security forces were ordered to make targeted arrests.⁷⁸²

Evidence further suggests that considerable military and non-military resources were mobilized and coordinated on the ground to carry out the violence.⁷⁸³ For instance, on February 25, violent counter-protesters were shuttled to some areas of Yangon in buses belonging to a military-owned conglomerate, and police cleared barricades to facilitate the counter-protester's violent attack on the demonstrators without taking any action to prevent or sanction the violence.⁷⁸⁴ In the days following, this was escalated by the movement of non-local military battalions to various locations across Myanmar. This includes members of military battalion 77 and soldiers of the Light Infantry Division 33, both groups with a history of human rights violations.⁷⁸⁵

The acts were organized

To show that the acts were organized and therefore systematic, the *Katanga* tribunal found that there must "similarities in criminal practices, continual repetition of a same *modus operandi*, similar treatment meted out to victims or consistency in such treatment across a wide geographic area."⁷⁸⁶ In short, a systematic attack is one where particular "patterns of violence" are repeatedly implemented to "produce always the same effects on a civilian population."⁷⁸⁷

There are clear and repeated patterns to the security forces' actions in Myanmar. The patterns are evident in the types of people targeted, the legal tools used to target them, the use of military force in quelling protests and arresting people, and the sequence in which actions are carried out.

⁷⁷⁸ *'Rude and Insolent': Fraught Talks Preceded Myanmar's Army Seizing Power*, REUTERS (Feb. 10, 2021), <https://www.reuters.com/article/myanmar-politics-reconstruction-insight/rude-and-insolent-fraught-talks-preceded-myanmars-army-seizing-power-idUSKBN2A9220>.

⁷⁷⁹ SAC Statement on MRTV (Feb. 21, 2021).

⁷⁸⁰ Frontier Myanmar, Daily Briefing (March 29, 2021), on file.

⁷⁸¹ *Myanmar Coup: 'We were Told to Shoot Protesters,' Say Police who Fled*, BBC, (Mar. 10, 2021), <https://www.bbc.com/news/world-asia-56343982>; *Myanmar: Rescind Order to Use Force Against Protesters, Protect Basic Freedoms*, FORTIFY RIGHTS (Feb. 5, 2021), <https://www.fortifyrights.org/mya-inv-2021-02-05/>.

⁷⁸² Interview with #32, in Myanmar (Mar. 17, 2021) (location withheld); *Daily Briefing in Relation to the Military Coup*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (July 5, 2021), <https://aappb.org/?p=16332> (accessed July 6, 2021).

⁷⁸³ Letter issued to Karen State Police Force and Sagaing State Police Force (Mar. 18, 27, 2021) (unofficial translation on file with Fortify Rights).

⁷⁸⁴ The preparation and use of significant public or private resources is also considered by the tribunals as a factor in this context. See *Blaškić*, IT-95-14-T, Judgment (Trial) at para. 203; *Akayesu*, ICTR-96-4-T at para. 580; *Kunarac*, IT-96-23 & IT-96-23/1-A (Appeal) at para. 95; *Tadić*, IT-94-1-T, Judgment (Trial) at para. 648.

⁷⁸⁵ U.N. Special Rapporteur, Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, para. 51, U.N. Doc. A/HRC/46/56 (Mar. 4, 2021). Not only are proxies used for counter protests but also to perpetrate violence against people opposing the coup. For example, according to leaked documents, the junta backed the *Pyu Saw Htee* militia, which attacked civilians in Sagaing and other regions. Meeting minutes from a meeting between Senior General Min Aung Hlaing and his junta's chief ministers, held in Naypyidaw on February 13, 2022, reportedly show that 77 military-backed militias were created in Sagaing Region since the coup. See Khin Yi Yi Zaw, *Leaked Document Confirms Myanmar Junta is Arming Anti-resistance Militias*, MYANMAR NOW (March 2, 2022), <https://myanmar-now.org/en/news/leaked-document-confirms-myanmar-junta-is-arming-anti-resistance-militias>.

⁷⁸⁶ *Myanmar: Vast Arsenal and Notorious Troops Deployed during Nationwide 'Killing Spree' Protest Crackdown—New Research*, AMNESTY INTERNATIONAL (Mar. 11, 2021), <https://www.amnesty.org/en/latest/news/2021/03/myanmar-arsenal-troops-deployed-crackdown/>; *Daily Briefing in Relation to the Military Coup*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Mar. 19, 2021), <https://aappb.org/?p=13760>; U.N. Special Rapporteur, Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, para. 41, U.N. Doc. A/HRC/46/56 (Mar. 4, 2021).

⁷⁸⁷ *Katanga*, ICC-01/04-01/07, Judgment (Trial) at para. 1113.

⁷⁸⁸ *Id.*

The junta's primary targets are people involved in the NLD, CDM, or general anti-coup protests, and anyone who helps or supports them. The attack on the Myanmar people began on February 1 with the arrest of members of the government, NLD-elected representatives, NLD members, and known supporters of the CDM movement.⁷⁸⁸ Prominent pro-democracy activists have also been targeted.⁷⁸⁹ There is an ongoing pattern of targeting of NLD supporters and CDM, individuals providing shelter and support to protesters, medical and first-aid personnel and volunteers, hospital staff and facilities, and individuals filming or photographing the violence in several locations. Upon detention, victims are asked if they or their loved ones were involved in the protests.⁷⁹⁰

The junta also made changes to certain laws, enabling more arrests and showing a pattern of using legal tools to support their activities. For example, the junta reinstated and amended the *Ward or Village Tract Administration Law*, which had been repealed on human rights grounds under the NLD government.⁷⁹¹ The new version of the law requires that citizens report overnight guests to officials and enables the military to conduct warrantless searches at will.⁷⁹² As highlighted above, the junta amended 505(a) to create new offenses and expand existing offenses to enable mass detentions of anyone publicly opposing the coup.⁷⁹³

There was an evident pattern to the excessive use of military-style force against victims in actions across the country. Security forces consistently used live ammunition, automated machine guns, sniper rifles, excessive tear gas, and stun grenades to quell protests and carry out raids and arrests, inevitably resulting in an unnecessarily high number of victims.⁷⁹⁴ Arrests frequently take place in the context of demonstrations but also occur outside this context, and they often involve brutal beatings severely injuring the arrested person, bystanders or family members, including in several instances the arbitrary killing of the detained, or of bystanders including children in private homes.⁷⁹⁵ This type of excessive and indiscriminate violence also occurs independent of demonstrations or arrests, with repeated incidents of security forces randomly assaulting and fatally shooting civilians in the streets, including children.⁷⁹⁶

In finding that the perpetrators acted systematically, the *Katanga* court noted the common sequence of attacks made on the civilian population. The sequence of attacks on protesters in Myanmar resembles sequence patterns in the *Ruto* case. The perpetrators in *Ruto* approached target locations simultaneously, in large numbers, erected roadblocks, intercepted PNU supporters attempting to flee, and used petrol and other inflammable material to systematically burn down the properties belonging to PNU supporters.⁷⁹⁷

⁷⁸⁸ Interview with #32, in Myanmar, (Mar. 17, 2021) (location withheld).

⁷⁸⁹ *Myanmar: Hundreds Forcibly Disappeared*, HUMAN RIGHTS WATCH (Apr. 2, 2021), <https://www.hrw.org/news/2021/04/02/myanmar-hundreds-forcibly-disappeared>.

⁷⁹⁰ See, e.g., Interview with #107, in Shwebo Township, Sagaing Region, Myanmar (May 16, 2021). See also, *Monywa Poet Killed During Military Interrogation*, MYANMAR NOW (May 10, 2021), <https://www.myanmar-now.org/en/news/monywa-poet-killed-during-military-interrogation>.

⁷⁹¹ *Midnight Inspections Clause Abolished by Parliament*, MYANMAR TIMES (Sept. 20, 2016), <https://www.mmmtimes.com/national-news/22620-midnight-inspection-clause-abolished-by-parliament.html>.

⁷⁹² *Myanmar Military Junta Suspends Laws Protecting Citizens' Privacy to Crack Down on Opposition*, THE IRRAWADDY (Feb. 15, 2021), <https://www.irrawaddy.com/news/burma/myanmar-military-junta-suspends-laws-protecting-citizens-privacy-crack-opposition.html>.

⁷⁹³ See Republic of the Union of Myanmar State Administration Council, *State Administration Council Law No (5/2021) Law Amending the Penal Code*, GLOBAL NEW LIGHT OF MYANMAR (Feb. 14, 2021), https://cdn.myanmarseo.com/file/client-cdn/gnlm/wp-content/uploads/2021/02/15_Feb_21_gnlm_1.pdf.

⁷⁹⁴ See, e.g., Interview with #61, in Yangon Division, Myanmar (Mar. 26, 2021); Interview with #46, in Mandalay, Myanmar (Mar. 20, 2021).

⁷⁹⁵ Interview with #59, in Mandalay Region, Myanmar (Mar. 23, 2021).

⁷⁹⁶ See, e.g., Interview with #100, in Mawlamyine, Mon State, Myanmar (May 3, 2021) "I have no power of revenge against the soldiers who killed my daughter," Daw Toe Toe Lwin, Aye Myat Thu's mother, told the *New York Times*. "All I Can Do is Hope Their Turn Comes Soon." See Hannah Beech, 'She Just Fell Down. And She Died', *NEW YORK TIMES* (Apr. 4, 2021), <https://www.nytimes.com/2021/04/04/world/asia/myanmar-coup-deaths-children.html>.

⁷⁹⁷ *Ruto*, ICC-01/09-01/11, Decision on the Confirmation of Charges (Pre-Trial) at para. 179.

In Myanmar, incidents also followed a sequence. After protesters retreated, security forces advanced by indiscriminately shooting projectiles and inflammables into windows of homes and destroying property in the street. Several incidents also showed a deliberate blocking of escape routes and the pursuit of fleeing protesters to arrest and brutalize or kill them. For instance, on March 8, security forces surrounded fleeing protesters hiding in the compound of Saint Columban's Cathedral in Myitkyina, blocking off the compound and roads leading out of the area.⁷⁹⁸ Despite a nun's plea for restraint, the security forces opened fire on the protesters, leaving two dead from shots in the head and others severely wounded.⁷⁹⁹ In another example, junta forces "kettled" or encircled protesters and rescue workers in Hlaing Tharyar Township, trapping them, and then opening fire on them with live ammunition in a massacre that claimed scores of lives.⁸⁰⁰

Arrests outside the context of demonstrations also followed a repeated sequence, frequently taking place at night and often accompanied by power cuts, internet blackouts, the destruction of property, and looting.⁸⁰¹

There is plentiful evidence that the violence in Myanmar in the wake of the coup was part of a widespread *and* systematic attack on the Myanmar people. The attack has been widespread: large in scale, with thousands of victims across the entire country, and has been taking place since February. And it has been systematic: the security forces' actions have been planned and prepared, not random, and there are multiple repeated patterns to the types of events taking place. The ongoing attack in Myanmar meets the "widespread or systematic" element within the meaning of Rome Statute Article 7(1).

Directed against a Civilian Population

Under the Rome Statute, an act constitutes a crime against humanity only if it is committed as part of an "attack directed against a civilian population."⁸⁰² Article 7(2)(a) of the Rome Statute defines "attack directed against any civilian population" as "a course of conduct involving the multiple commission of acts . . . against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack." Therefore, the three elements of an attack directed against a civilian population are: (1) a course of conduct that is (2) directed against any civilian population (3) pursuant to or in furtherance of a State or organizational policy.

A Course of Conduct

An attack involves "a course of conduct" constituted by multiple commission of predicate acts enumerated in Article 7(1).⁸⁰³ The Trial Chamber II in *Katanga* used similar terms—"a campaign, an operation or a series of actions"—to make the point that an attack involves multiple commissions of criminal acts, not single isolated events.⁸⁰⁴ Those acts should share common features "in terms of their characteristics, nature, aims, targets and alleged perpetrators, as well as times and locations."⁸⁰⁵ Notably, an attack need not involve armed conflict; crimes against humanity can occur during peacetime.⁸⁰⁶

In finding that multiple prohibited attacks occurred against the Hema ethnic group in Bogoro, Democratic Republic of Congo, the Katanga tribunal highlighted that attacks against civilians occurred "from the outset of the attacks, when the military camp was captured and even when fighting had ceased," demonstrating that the attacks were part of a course of conduct and not

⁷⁹⁸ Interview with Sister Ann Roza Nu Tawng, in Myitkyina, Kachin State, Myanmar (Mar. 20, 2021).

⁷⁹⁹ *Id.*

⁸⁰⁰ See *supra* section of this report entitled "Murder" in Part II. See also, *Myanmar: Protesters Targeted in March Massacre*, HUMAN RIGHTS WATCH (Dec. 2, 2022), <https://www.hrw.org/news/2021/12/02/myanmar-protesters-targeted-march-massacre#>.

⁸⁰¹ Interview with #123, in Thailand (July 8, 2021). Similar actions, including nighttime assaults in private homes, were considered in *Katanga*, ICC-01/04-01/07, Judgment (Trial) at paras. 1157–62.

⁸⁰² Rome Statute, art. 7.

⁸⁰³ *Id.* art. 7(2)(a).

⁸⁰⁴ *Katanga*, ICC-01/04-01/07, Judgment (Trial) at para. 1101.

⁸⁰⁵ *Gbagbo*, ICC-02/11-01/11, Decision on the Confirmation of Charges (Pre-Trial) at para. 212.

⁸⁰⁶ *Tadić*, IT-94-1-A, Judgment (Appeal) at para. 251.

isolated events.⁸⁰⁷ Moreover, the tribunal stressed that combatants “intentionally caused the death of numerous civilians” and that the multiple commission threshold was met “even though the only definitive breakdown of the death toll [established] was 33 civilian deaths.”⁸⁰⁸ The ICTY, in *Kupreskic*, found the killing of 116 women and children, wounding of 24 people, and destruction of 169 houses and two mosques constituted multiple commissions of prohibited acts.⁸⁰⁹

By this standard, there are reasonable grounds to believe that the acts described above also constitute multiple commissions of prohibited acts within the meaning of Article 7(1) of the Rome Statute. As highlighted above, the military murdered more than 900 civilians in the first six months, arbitrarily detained nearly 10,000, tortured to death at least 22 to 50 civilians, and engaged in persecution on a near countrywide scale. These attacks have occurred since the first day of the coup—with junta forces imprisoning and persecuting key opposition figures; escalated in late-February and into March with hundreds of murders and imprisonments—including on March 27–28 murdering over 160 people murdered in a two-day span. It bears repeating that the Myanmar military continues to murder, torture, persecute, imprison, disappear, deport and forcibly transfer populations to this day.

Against Any Civilian Population

The attack must also be “directed against any civilian population,” underscoring that crimes against humanity are committed against a collective of civilians rather than random individuals.⁸¹⁰ Under the crimes against humanity framework, a civilian population comprises all “persons who are civilians;” meaning that the nationality, ethnic group, or “any other distinguishing feature” is “immaterial.”⁸¹¹ Although the entire population in an area does not need to be targeted, civilians must be targeted in sufficient number or in such a manner to demonstrate that the attack was directed against the civilian population rather than “a limited group of randomly selected persons.”⁸¹²

In *Kayishema*, the Trial Chamber adopted a “wide definition” of the term “civilian.”⁸¹³ All persons except those who “have the duty to maintain public order and have the legitimate means to exercise force” count as civilian.

The reported attacks by the security forces of Myanmar have been directed against civilian populations. Specifically, the targeted group consists of persons perceived by the junta as opposing the coup of February 1. This group includes prominent human rights defenders, members of the National League for Democracy, and people throughout Myanmar who have joined and supported the protests against the coup.

Recurring attacks directed against a civilian population have taken the form of acts of violence against anti-coup protesters demonstrating in various locales. Protests initially occurred daily following the coup. Testimony presented in this report and bolstered by the U.N. Human Rights Office for Southeast Asia shows that junta-directed forces “resorted to heavy weaponry such as rocket-propelled and fragmentation grenades, heavy machine guns, and snipers to kill demonstrators in massive numbers.”⁸¹⁴ Myanmar protesters meet the “wide definition” of civilian adopted in *Kayishema*.

In Myanmar, those murdered during protests and imprisoned included students, factory workers, women, and children. In *Kayishema*, the Trial Chamber held that the population subject to the attack was civilian as “the victims in the four massacres were farmers, teachers and those seeking

⁸⁰⁷ *Katanga*, ICC-01/04-01/07, Judgment (Trial) at para. 1137.

⁸⁰⁸ *Id.*

⁸⁰⁹ *Kupreskic*, IT-95-16-T, Judgment (Trial) at para. 749.

⁸¹⁰ Rome Statute, art. 7(1); ICC, ELEMENTS OF CRIMES, art. 7. See also, *Katanga*, ICC-01/04-01/07, Judgment (Trial) at para. 1105; *Kunarac*, IT-96-23 and IT-96-23/1-A, Judgment (Appeal) at para. 90.

⁸¹¹ *Katanga*, ICC-01/04-01/07, Judgment (Trial) at para. 1102.

⁸¹² *Kunarac*, IT-96-23 and IT-96-23/1-A, Judgment (Appeal) at para. 90.

⁸¹³ Prosecutor v. *Kayishema*, ICTR-95-1-T, Judgment (Trial), para. 127 (Int’l Crim. Trib. for Rwanda May 21, 1999).

⁸¹⁴ *News Release—UN Human Rights Office Urges Suspension of Returns to Myanmar*, UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER SOUTH-EAST ASIA REGIONAL OFFICE (Apr. 1, 2021), <https://bangkok.ohchr.org/myanmar-returns/>.

refuge."⁸¹⁵ In *Katanga*, the Pre-Trial Chamber similarly highlighted the civilian status of the persons subject to the attack: "most of them women, children and elderly."⁸¹⁶ Based on testimony and photographic evidence, they were largely unarmed and peacefully demonstrating.

To be sure, some protesters have hurled Molotov cocktails, ignited fireworks, and utilized rudimentary, homemade projectile firing weapons against the Myanmar military and police. The inclusion of such persons in an otherwise peaceful demonstration does not disqualify a demonstration as qualifying as "civilian."⁸¹⁷

Civilians were also attacked in their own homes. Myanmar junta-led forces raided civilian residences with alarming frequency. To take just one example highlighted in this report, on March 23, 2021, four police officers and a soldier dressed in camouflage with "grenades and weapons on his waist" kicked down the front door of a family in Chanmyathazi Township, fired two shots, entered the upstairs room where the family was gathered, brutally beat and arrested a 21-year-old male, dragged his unconscious body out of the home, and shot and killed a seven-year-old girl, as she sat on her father's lap.

Furthermore, Myanmar junta forces are unable to escape liability for crimes against humanity simply because an element of armed resistance is found in a population attacked by the junta—such as the formation of People's Defense Forces in response to attacks on civilians. As ICTR and ICTY tribunals have noted, the presence of some non-civilians does not render the population subject to an attack non-civilian, so long as the population attacked is predominantly civilian.⁸¹⁸

Pursuant to or in Furtherance of a State or Organizational Policy

Article 7(2)(a) of the Rome Statute states that an "attack directed against any civilian population" is one that is "pursuant to or in furtherance of a State or organizational policy to commit such attack."⁸¹⁹ Well-documented violence following the February coup establishes the existence of a state or organizational policy to commit an attack directed against the civilian population in Myanmar.

First, liability for committing a crime against humanity requires establishing the existence of a "policy" to commit an attack directed against any civilian population. The ICC's *Elements of Crimes* explains that the "policy" requirement is meant to require a showing that a state or organization "actively promote[d] or encourage[d] such an attack against a civilian population."⁸²⁰ In *Katanga*, Trial Chamber II explained that the "policy" requirement goes to the question of intent: "'policy,' within the meaning of article 7(2)(a) of the Statute, refers essentially to the fact that a State or organization *intends* to carry out an attack against a civilian population."⁸²¹ Proof that the State or organization "adopt[ed] or disseminate[d] a pre-established design or plan" is not required to establish the existence of a policy.⁸²² Moreover, the policy need not explicitly be defined or formalized.⁸²³

Trial Chamber II in *Katanga* noted that in most cases, the existence of a policy can be inferred from (1) repeated actions occurring according to the same sequence or (2) the existence of preparations or collective mobilization.⁸²⁴ In *Bemba*, Trial Chamber III also discussed factors that would support the existence of a policy. These factors include (1) the evidence that the attack was planned, directed, organized, (2) a recurrent pattern of violence, (3) the use of public or private resources to further the policy, (4) the involvement of the state or organizational forces in the commission of crimes, (5) statements, instructions, or documentation attributable to the state or the organization condoning

⁸¹⁵ *Kayishema*, ICTR-95-1-T, Judgment (Trial) at para. 129.

⁸¹⁶ *Katanga*, ICC-01/04-01/07, Decision on the Confirmation of Charges (Pre-Trial), para. 302 (Sept. 30, 2008).

⁸¹⁷ See, e.g., *Kayishema*, ICTR-95-1-T, Judgment (Trial) at para. 128.

⁸¹⁸ *Id.*

⁸¹⁹ Rome Statute art. 7(2)(a).

⁸²⁰ ICC, *ELEMENTS OF CRIMES* 5 (2011).

⁸²¹ *Katanga*, ICC-01/04-01/07, Judgment (Trial) at para. 1108 (emphasis added).

⁸²² *Id.* at para. 1109.

⁸²³ Situation in the Republic of Côte D'Ivoire, ICC-02/11, Corrigendum to "Decision Pursuant to Article 15 of the Rome Statute," para. 43 (Nov. 5, 2011).

⁸²⁴ *Katanga*, ICC-01/04-01/07, Judgment (Trial) at para. 1109.

or encouraging the commission of crimes, and/or (6) an underlying motivation.⁸²⁵ Many of these factors also touch on the question of whether the attack was “systematic,”⁸²⁶ but the two notions are normatively distinct: a policy could, in theory, fail to result in the systematic commission of crimes, and crimes could be committed systematically without a state or organizational policy.⁸²⁷

All six of these factors are met in the context of the junta’s attacks in Myanmar. First, the attacks on protesters have been planned, directed, and organized. Many police personnel, who have fled Myanmar fearing persecution, have testified that the junta ordered them to shoot protesters.⁸²⁸ Moreover, on March 15, the junta imposed martial law in 11 townships across Yangon and Mandalay, transferring executive and judicial power to military command.⁸²⁹ Second, a recurrent pattern of violence against protesters materialized, with fatal shootings of protesters reported daily. Third, the junta employed public resources to further the clampdown of protesters. Witnesses consistently report Myanmar soldiers being deployed to protest sites, using machine guns and rocket-propelled grenades to attack protesters.⁸³⁰ Fourth, Myanmar state forces were involved in the commission of crimes. On March 22, the U.S. Treasury notably sanctioned the Chief of Police, Than Hlaing, the commander of the Bureau of Special Operations, Aung Soe, and the army’s 77th Light Infantry Division and 33rd Light Infantry Division, which were deployed to suppress anti-coup demonstrations.⁸³¹ Fifth, state-run media condoned the violence against protesters. On the eve of Armed Forces Day, a broadcast on the state-run Myanmar Radio and Television (MRTV) stated, people “should learn from the tragedy of earlier ugly deaths that you can be in danger of getting shot to the head and back.”⁸³² The broadcast was in reference to fatal shootings of protesters. Finally, the clampdown on protesters had a clear underlying motivation on the part of the junta: to stay in power despite losing the elections.

Second, establishing a crime against humanity requires that the policy was that of a state or an organization. Article 7 of the Rome Statute makes clear that crimes against humanity may or may not involve participation by a state or its agents: a crime against humanity pursues or furthers “a State or organizational policy.” The provision of two alternatives—a state or organization—is consistent with the evolution of international criminal law away from a state-centered approach.⁸³³ In the case of state policy, the policy does not have to be conceived “at the highest level of the State machinery.”⁸³⁴

The post-coup attacks by the junta in Myanmar were conducted by an organization, namely the Myanmar military junta—the SAC. The SAC, led by Commander-in-Chief Senior General Min Aung Hlaing, attempted to take over the functions of the state. It orchestrated a declaration of state of emergency, imprisoned and deposed civilian leadership, assumed the administrative levers of state control (though does not exercise absolute control), and has command and control of the Myanmar military and police. The junta deployed both the Myanmar military and police organs of the state to target protesters and violently quash dissent. Witnesses consistently identified Myanmar police, regular army, and Light Infantry Division soldiers as responsible for attacks on them. Individuals subject to torture were confined in police stations, state-run interrogation facilities, and prisons under the control of the junta.

⁸²⁵ *Bemba*, ICC-01/05-01/08, Judgment (Trial) at para. 160 (citations omitted). When articulating these factors, the Trial Chamber cited the trial judgment in *Katanga* among other sources.

⁸²⁶ See *supra* section titled “Wide and Systematic Attack” in Part II.

⁸²⁷ 2 GUÉNAËL METTRAUX, INTERNATIONAL CRIMES: LAW AND PRACTICE: CRIMES AGAINST HUMANITY 304 (2020).

⁸²⁸ Devjyot Ghosal, *The Secret Network Helping Hundreds of Myanmar Police Flee to India*, REUTERS (Mar. 25, 2021), <https://www.reuters.com/article/myanmar-politics-india-refugees-idUSKBN2BHoOo>.

⁸²⁹ Linda Lakhdhir, *Martial Law in Myanmar a Death Knell for Fair Trials: Peaceful Protestors, Journalists to Face Military Courts*, HUMAN RIGHTS WATCH (Mar. 16, 2021), <https://www.hrw.org/news/2021/03/16/martial-law-myanmar-death-knell-fair-trials#>.

⁸³⁰ Richard C. Paddock, *More Bloodshed in Myanmar as Crackdown on Coup Protests Continues*, N.Y. TIMES (Apr. 11, 2021), <https://www.nytimes.com/2021/04/11/world/asia/myanmar-coup-protests.html>.

⁸³¹ Simon Lewis & Doina Chiacu, *U.S. Blacklists Myanmar Police Chiefs, Army Units over Deadly Crackdown*, REUTERS (Mar. 22, 2021), <https://www.reuters.com/article/us-myanmar-politics-usa-sanctions-idUSKBN2BE27Q>.

⁸³² *Myanmar Coup: Dozens Killed as Army Open Fire on Protestors During Deadliest Day*, BBC (Mar. 27, 2021), <https://www.bbc.com/news/world-asia-56546920>.

⁸³³ *Tadić*, IT-94-1-T, Judgment (Trial) at para. 654.

⁸³⁴ Situation in the Republic of Kenya, ICC-01/09, Decision Pursuant to Article 15, para. 89 (Mar. 31, 2010) (citing *Blaškić*, IT-95-14-T, Judgment (Trial) at para. 205).

There are thus reasonable grounds to believe that the acts were directed against a civilian population given (1) the junta engaged in a course of conduct involving the multiple commissions of murder, torture, imprisonment, forcible transfer and deportation, and persecution; (2) against a civilian population; and (3) carried out pursuant to or in furtherance of the junta's policy.

Perpetrators Knowingly Participated in the Attack

A crime against humanity must be committed *knowingly*, as *part of* the widespread or systematic attack against civilians.⁸³⁵ This entails looking at whether there is a nexus between the acts and the attack, and whether the perpetrators knew that their acts were part of the broader attack.⁸³⁶

First, to establish a nexus between an act and a broader attack, courts have examined the nature, aims, and/or consequences of the act in the context of the attack.⁸³⁷ Courts also consider the policy behind the attack, the pattern of crimes being carried out, the type of victims, and other factors.⁸³⁸ The act must not be isolated or random, or so far removed from the attack that, "having considered the context and circumstances in which it occurred, the act or acts cannot reasonably be said to have been part of the attack."⁸³⁹

In *Katanga*, the ICC found that individual crimes were part of the broader attack because they were committed by perpetrators who were part of the same group of combatants, they occurred during the time of the broader attack, and they were directed against victims who were part of the same civilian population.⁸⁴⁰ The court also found that the type of act (in that case, murder) "was in fact the main means of carrying out the attack and was integral to it."⁸⁴¹ This showed that the acts of murder were connected, because they were part of the plan that was behind the attack.

As in the *Katanga* case, in Myanmar the perpetrators of the individual acts were part of the same group—the acts have been carried out by people who are consistently identified as police and military.⁸⁴² They occurred in the same time period, that is, since the junta began attacking anti-coup protesters on February 4, with larger attacks taking place on specific days like Armed Forces Day, March 27.⁸⁴³ The junta directed acts at the same population group—the anti-coup protesters and their supporters, all of whom are civilians.⁸⁴⁴ Further, the types of acts were similar; murder, imprisonment, torture, persecution and enforced disappearance taking place across the country and reflected the junta's plan to intimidate and punish the protesters. The acts were integral to carrying out this attack. There is a clear nexus between the acts and the attack.

Second, in determining crimes against humanity, courts look at whether the direct perpetrators and/or the perpetrators' leader (the "planner, orderer, [or] instigator") had knowledge that there was an attack taking place against the civilian population and that his act was part of the attack.⁸⁴⁵ For direct perpetrators, the question is whether each individual "knowingly participated in the attack directed against a civilian population."⁸⁴⁶ However the individual does not need to know all of the characteristics of the attack or the precise details of the plan or policy of the State or

⁸³⁵ Rome Statute, art. 7(1). See also, ICC, ELEMENTS OF CRIMES, art. 7.

⁸³⁶ *Katanga*, ICC-01/04-01/07, Judgment (Trial) at paras. 1124-25. See also, Bemba, ICC-01/05-01/08, Judgment (Trial) at paras. 164-67.

⁸³⁷ *Katanga*, ICC-01/04-01/07, Judgment (Trial) at para. 1124.

⁸³⁸ *Id.*

⁸³⁹ *Blagojevic*, IT-02-60-A, Judgment (Appeal) at para. 547

⁸⁴⁰ *Katanga*, ICC-01/04-01/07, Judgment (Trial) at para. 1163-64.

⁸⁴¹ *Id.*

⁸⁴² See, e.g., Interview with #59, in Mandalay Region, Myanmar (Mar. 23, 2021); Interview with #59, in Mandalay Region, Myanmar (Mar. 23, 2021).

⁸⁴³ Ishaan Tharoor, *Myanmar's Body Count Keeps Rising*, WASHINGTON POST (Mar. 29, 2021), <https://www.washingtonpost.com/world/2021/03/29/myanmar-protests-body-count/>.

⁸⁴⁴ *Myanmar: Hundreds Forcibly Disappeared*, HUMAN RIGHTS WATCH (Apr. 2, 2021), <https://www.hrw.org/news/2021/04/02/myanmar-hundreds-forcibly-disappeared>; Interview with #32, in Myanmar (Mar. 17, 2021) (location withheld).

⁸⁴⁵ Prosecutor v. Milutinovi, IT-05-87-T, Judgment (Trial), para. 158 (Int'l Crim. Trib. of the Former Yugoslavia Feb. 26, 2009).

⁸⁴⁶ *Katanga*, ICC-01/04-01/07, Judgment (Trial) at para. 1125 (emphasis added).

organization, nor must he or she subscribe to the State or organization's "criminal design."⁸⁴⁷ The *Bemba* court allowed for knowledge to be inferred where the scale of the attack was particularly large or attracted substantial media attention.⁸⁴⁸

The scale of the attack in Myanmar is large in every dimension, including in its geographic spread across the country and in the number of victims, incidents, and days during which attacks were carried out, and in the number of police and military involved. The crisis had sustained international media attention, and more importantly, had been, since its beginning, the main and overarching news issue on domestic social media, "which in Myanmar functions as the Internet for much of the population."⁸⁴⁹ Given this scale and the resonating public debate on the attack, it must be assumed, that at a minimum Myanmar security forces "knew that their conduct was, or intended their conduct to be, part of the widespread attack."⁸⁵⁰

Testimony highlighted above further demonstrate that perpetrators—soldiers and police—understood their attack was in the context of a broader attack on pro-democracy advocates, including yelling "fucking democracy" prior to attacking protesters in once instance, and taunting a victim to raise the three-fingered pro-democracy salute prior to shooting his hand.

What is more, members of the Myanmar security forces publicly expressed their knowledge of the attack and the nexus of their actions to the attack. Social media posts by perpetrators mentioned and described the acts and linked these to an underlying motivation or "policy" to keep the military rule in power and quell opposition to it. For instance, in a TikTok video post, a person in military clothes addressed NLD-supporters and stated: "Don't touch General Min Aung Hlaing ... It will cost you your life. Hear? You will die."⁸⁵¹ Video statements frequently contained death threats, expressly addressed to protesters and their activities, and showed or mentioned the weapon that the perpetrators claimed they would utilize to carry out prohibited acts. At the beginning of March, over 800 pro-military videos had reportedly been posted featuring a song containing a threat to kill civilians through the military.⁸⁵²

This evidence suggests that the context in which members of security forces were acting was well known to them, i.e. that they know that their acts were in fact part of and in line with a widespread and systematic attack. The extent of detail in social media posts referencing the attack's policy, targets, and the *modus operandi* shows that members of Myanmar military and police had more than a minimal understanding of the attack and their individual role in it.

This evidence shows that the direct perpetrators—members of the security forces in Myanmar—had the requisite knowledge that their conduct was part of the widespread or systematic attack against the civilian population.

Knowledge of the attack is not only found at the direct perpetrators' level; it was also present at the leadership level.

Junta-controlled media and statements by the SAC, military leadership, and police have threatened and acknowledged ongoing violence involving anti-coup protesters and their supporters. On March 26, the junta-controlled television station MRTV broadcasted a nationwide warning that protesters "should learn from the tragedy of earlier ugly deaths that you can be in danger of getting shot in the head and back."⁸⁵³ In the next two days, more than 164 individuals were killed in protests across the

⁸⁴⁷ *Id.*

⁸⁴⁸ *Bemba*, ICC-01/05-01/08, Judgment (Trial) at para. 691.

⁸⁴⁹ Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, para. 73, U.N. Doc. A/HRC/46/56 (Mar. 4, 2021).

⁸⁵⁰ *Bemba*, ICC-01/05-01/08, Judgment (Trial) at para. 691.

⁸⁵¹ *TikTok Urged to Take Action over Myanmar Death Threat Videos*, THE GUARDIAN (Mar. 3, 2021), available at <https://www.theguardian.com/world/2021/mar/03/tiktok-urged-take-action-myanmar-death-threat-videos>.

⁸⁵² *Id.*

⁸⁵³ See Collective Action Needed to Stop Junta Attacks, FORTIFY RIGHTS (Mar. 27, 2021), <https://www.fortifyrights.org/mya-inv-2021-03-27/>. See also, *Myanmar Military Junta Warns Protesters Risk Being Shot in the Dead or Back*, ABC NEWS (Mar. 26, 2021), <https://www.abc.net.au/news/2021-03-27/myanmar-junta-warns-protesters-risk-being-shot-in-the-head/100032998>.

country on March.⁸⁵⁴ In a vague but no less threatening way, SAC spokesperson Zaw Min Tun warned the public at a press conference on April 9: "As the Tatmadaw [military] is performing to promote democracy, it is necessary to weed to grow a tree and spray with pesticides if it is required to do so."⁸⁵⁵

In addition, military sources acknowledged the ongoing violence but blamed it on protesters. For instance, in a publicly reported address to the SAC, Commander-in-Chief Min Aung Hlaing referred to the March 14 violence, stating that the military and police forces had been joining in an effort to disperse crowds, with "shooting" resulting in "some" casualties on both sides.⁸⁵⁶ Similarly, after sustained heavy gunfire resulted in more than 80 civilian casualties in a single day in Bago on April 9, the junta-controlled *Global New Light of Myanmar* reported the incident as an "attack" by violent and armed rioters on security forces removing roadblocks, mentioning only one civilian casualty.⁸⁵⁷

What is more, the junta's narrative also accepted that the acts were not accidental, i.e. that they were systematic, widespread, and connected to each other. The junta's narrative endorsed the acts as constituent parts of an ongoing operation with an overarching strategy and aim to it. The narrative began with falsely portraying the coup as legitimate "safeguarding" of the state while investigating election fraud and facing violent uprising.⁸⁵⁸ The *Global New Light of Myanmar*, for example, regularly re-printed a generic news item on the military, police, and the fire brigade joining forces to implement country-wide "security measures to ensure the State's stability, security of people, the rule of law and community peace."⁸⁵⁹ The regime's leadership, including Commander-in-Chief Min Aung Hlaing, "explained" the situation in several addresses to the public, government officials, and military personnel, alleging that since the coup, peaceful demonstrations turned into "anarchic mobs," "insurrections," and acts of "terrorism."⁸⁶⁰ High-ranking military officials referred to the CDM as "Country-Destroying Movement," and portrayed the NLD as a party largely supported by "extremists."⁸⁶¹ The strike of public servants was considered an attack against "nationality, language, religion and culture," and with reference to striking medical personnel as "genocide."⁸⁶² In other words, the junta was not denying its attack but rather attempting to portray it as a lawful and proportionate reaction to circumstances in the country.

⁸⁵⁴ *Fatality List*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Mar. 30, 2021), <https://aappb.org/wp-content/uploads/2021/03/Fatality-List-for-March-30-Final-1.pdf>.

⁸⁵⁵ *Record Of Press Conference (4/2021) Held On 9 April 2021 By The State Administration Council's Information Team*, GLOBAL NEW LIGHT OF MYANMAR (Apr. 12, 2021), <https://www.gnlm.com.mm/record-of-press-conference-4-2021-held-on-9-april-2021-by-the-state-administration-councils-information-team/> (Zaw Min Tun at press conference on April 9, 2021).

⁸⁵⁶ *Chairman of State Administration Council Senior General Min Aung Hlaing Addresses Council's Meeting (6/2021)*, GLOBAL NEW LIGHT OF MYANMAR (Mar. 16, 2021), at 1, <https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/GNLM2021-03-16-red.pdf>. In truth, the violence resulted in 112 civilian deaths across five states/regions but was most virulent in Yangon's Hlaing Tharyar Township where 67 deaths were reported. *Fatality List*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Mar. 30, 2021), <https://aappb.org/wp-content/uploads/2021/03/Fatality-List-for-March-30-Final-1.pdf>.

⁸⁵⁷ *Security Forces Attacked While Removing Roadblocks in Bago*, GLOBAL NEW LIGHT OF MYANMAR (Apr. 10, 2021), <https://www.gnlm.com.mm/security-forces-attacked-while-removing-roadblocks-in-bago/>. Compare with verified death count by AAPP. *Daily Briefing in Relation to the Military Coup*, ASSISTANCE ASSOCIATION FOR POLITICAL PRISONERS (Apr. 10, 2021), <https://aappb.org/?p=14239>.

⁸⁵⁸ See, e.g., Clarissa Ward et al., *Myanmar Military Denies Responsibility for Child Deaths and Says Elections Could be Pushed Back*, CNN (Apr. 9, 2021), <https://www.cnn.com/2021/04/08/asia/myanmar-zaw-min-tun-interview-intl-hnk/index.html> (interview with SAC spokesperson Zaw Min Tun on CNN). For the illegality of the coup, see Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, paras. 4-15, U.N. Doc. A/HRC/46/56 (Mar. 4, 2021).

⁸⁵⁹ See, e.g., GLOBAL NEW LIGHT OF MYANMAR of March 24, March 27, March 30, March 31, April 1, April 3, April 4, 2021.

⁸⁶⁰ See, e.g., *Myanmar Must Continuously Implement Democracy and Federalism: Senior General*, GLOBAL NEW LIGHT OF MYANMAR (Apr. 7, 2021), <https://www.gnlm.com.mm/myanmar-must-continuously-implement-democracy-and-federalism-senior-general/> (Min Aung Hlaing's address to government officials on 6 April 2021 in Naypyidaw). See also, *Vice Senior General Soe Win in an Address to Military Personnel in Taunggyi on 8 April*, FRONTIER DB (Apr. 9, 2021), on file.

⁸⁶¹ *Myanmar Must Continuously Implement Democracy and Federalism: Senior General*, GLOBAL NEW LIGHT OF MYANMAR (Apr. 7, 2021), <https://www.gnlm.com.mm/myanmar-must-continuously-implement-democracy-and-federalism-senior-general/>; *Record Of Press Conference (4/2021) Held On 9 April 2021 By The State Administration Council's Information Team*, GLOBAL NEW LIGHT OF MYANMAR (Apr. 12, 2021), <https://www.gnlm.com.mm/record-of-press-conference-4-2021-held-on-9-april-2021-by-the-state-administration-councils-information-team/>.

⁸⁶² *Record Of Press Conference (4/2021) Held On 9 April 2021 By The State Administration Council's Information Team*, GLOBAL NEW LIGHT OF MYANMAR (Apr. 12, 2021), <https://www.gnlm.com.mm/record-of-press-conference-4-2021-held-on-9-april-2021-by-the-state-administration-councils-information-team/>. See also, *Some Incite the Youths to Commit Violent Acts; These Attempts are Dangerous for the State: Senior General*, GLOBAL NEW LIGHT OF MYANMAR (Mar. 21, 2021), at pp. 1, 3, <https://www.gnlm.com.mm/21-march-2021/>.

Myanmar forces under the command of the junta have committed prohibited acts as part of the ongoing attack against the civilian population, fueled by a policy to intimidate and punish protesters, carried out by security forces. And the security forces are committing these acts *knowingly* at the level of direct perpetrators and among leadership, as evidenced by the extensive broadcasting about the attack in the news, on social media, and the very scale of the attacks. Taken together, this satisfies the nexus and knowledge requirements, and establishes the context of crimes against humanity in post-coup Myanmar.

* * *

The legal analysis above demonstrates that there are reasonable grounds to believe that the Myanmar military committed prohibited acts of murder, imprisonment, torture, persecution, forced displacement and deportation or forcible transfer, with the necessary knowledge of widespread and systematic attacks targeting the people of Myanmar opposed military rule. With all those factors satisfied, there are reasonable grounds to believe that the elements for crimes against humanity have been met. Those responsible should be investigated and prosecuted in a competent court with jurisdiction over crimes against humanity in Myanmar.

III. The Chain of Command: Individuals Who Should be Investigated and Possibly Prosecuted

The Myanmar military comprises 14 Regional Commands, 10 Light Infantry Divisions (LIDs), and 21 Military Operations Commands. All the military’s commands and divisions have been operational throughout the country since, and in service to the coup and subsequent crackdown.⁸⁶³

Based on evidence collected and analyzed by Fortify Rights and the Schell Center, at least 61 high-ranking officials in the Myanmar military and Myanmar Police Force could be held criminally liable under Article 28 or Article 25 of the Rome Statute for their roles in crimes against humanity against civilians in Myanmar since the military coup on February 1, 2021.

Under Article 28 of the Rome Statute, commanders of state security forces exercising control over those responsible for crimes against humanity—whether as physical perpetrators or some other form of liability—are liable for international crimes if they failed to act to prevent or repress them.⁸⁶⁴ Article 25 establishes criminal liability for different forms of involvement in committing the crime, including as a direct, indirect, or co-perpetrator, or as a perpetrator responsible for ordering, contributing to, or inciting criminal action.⁸⁶⁵

For the purposes of issuing an arrest warrant for alleged criminal responsibility in the commission of crimes against humanity, an ICC prosecutor would only need to show that the “evidence provides reasonable (not conclusive or definitive) grounds to believe that the person committed a crime within the jurisdiction of the Court.”⁸⁶⁶

In addition to eyewitness testimony regarding the locations and actions of Myanmar military battalions, Fortify Rights and the Schell Center spoke with 17 military and police sources—including 11 deserters and six active-duty

⁸⁶³ Communications with active-duty military personnel (Feb.–Mar. 2021).

⁸⁶⁴ Command (or superior) responsibility can be traced back to the fifteenth century. See, e.g., W. H. Parks, *Command Responsibility for War Crimes*, 62 *MILITARY LAW REVIEW* 1, 4–5 (1973) (describing the 1474 case of a knight convicted by an international tribunal and executed for murder, rape, perjury, and other crimes “against the laws of God and man” that he, as a knight, had a duty to prevent). However, it only became firmly established in international customary law after World War II. Although the International Tribunal in Nuremberg did not use the doctrine and the Tribunal of Tokyo did so only “very broadly,” the *Yamashita* case before the United States Military Commission marked its modern debut. See René Värk, *Superior Responsibility*, 15 *ESTONIAN NATIONAL DEFENCE COLLEGE PROCEEDINGS* 143, 144 (2012). The ICTR and ICTY further developed the doctrine, initially for military commanders but increasingly—and somewhat controversially—for civilian superiors as well. Jamie A. Williamson, *Command Responsibility in the Case Law of the International Criminal Tribunal for Rwanda*, 13 *CRIMINAL LAW FORUM* 365, 366 (2002). See also, ICTR Statute, art. 6(3); ICTY Statute, art. 7(3).

⁸⁶⁵ Rome Statute, arts. 25, 28.

⁸⁶⁶ Prosecutor v. Al-Bashir, ICC-02/05-01/09-OA, Judgement (Appeal), para. 17 (Feb. 3, 2010). See also, *id.* at para. 31 (finding that “at this preliminary [pre-trial, warrant seeking] stage, it does not have to be certain that that person committed the alleged offence. Certainty as to the commission of the crime is required only at the trial stage of the proceedings (see article 66(3) of the Statute), when the Prosecutor has had a chance to submit more evidence.”).

military personnel—to establish the identities of perpetrators and aspects of the chain of command with respect to the Myanmar junta’s widespread and systematic attack on the civilian population since February 1, 2021.⁸⁶⁷ Fortify Rights and the Schell Center also obtained and analyzed seven internal official documents, including internal police memos and a Myanmar military–“fieldcraft” manual.⁸⁶⁸ Lastly, Fortify Rights and the Schell Center also established the otherwise confidential physical locations of all military units throughout the country.⁸⁶⁹ This information may enable prosecutors to geo-locate military units’ physical proximity to atrocity-crime scenes and other sites; the list is published as an annex to this report.

Command Responsibility for Commanders

Article 28(a) of the Rome Statute establishes criminal liability for command responsibility of “a military commander or person effectively acting as a military commander” when international crimes take place “by forces under his or her effective command and control” or “as a result of his or her failure to exercise control properly over such forces.”⁸⁷⁰ The commander must have known or should have known about the crimes and “failed to take all necessary and reasonable measures within his or her power” to prevent, repress, or report the crimes.⁸⁷¹

A “military commander” generally refers to a member of the armed forces or “non-governmental irregular” armed forces with formal authority to issue direct orders to subordinates.⁸⁷² Article 28(a) also covers quasi-military commanders such as those who do not occupy official positions but operate as commanders.⁸⁷³ The commander does not need to perform exclusively military functions, and the commander and subordinates do not need to be connected by a direct chain of command—the doctrine encompasses both indirect and direct relationships, provided the superior has effective control.⁸⁷⁴ Command responsibility also applies regardless of rank—the individual may be the most senior commander in the force or have command only over a few soldiers.⁸⁷⁵

Under the command responsibility doctrine of Article 28(a) of the Rome Statute, the commanders must have “effective command and control, or effective authority and control” over the forces under his or her command.⁸⁷⁶ Control is a term encompassing command and authority.⁸⁷⁷

⁸⁶⁷ Interviews with #32, #77, #86, #84, #85, #102, #108, #109, #139, #151, #152, in Myanmar (Mar. 17; Apr. 21, 19, 21, 22; May 5, 7, 12; Aug. 23; Dec. 9, 16, 2021) (location withheld).

⁸⁶⁸ Police Order #1 (Feb. 3, 2022), Police Order #2 (Feb. 3, 2022), Police Order #3 (Feb. 27, 2022), Police Order #4 (Mar. 17, 2022), Police Order #5 (Mar. 17, 2022), Police Order #6 (Mar. 18, 2022), Combatant Skills Training Manual “Fieldcraft” (undated).

⁸⁶⁹ See Annex of this report, “Myanmar Military Unit Locations.”

⁸⁷⁰ Rome Statute, art. 28(a).

⁸⁷¹ The Rome Statute codifies superior responsibility doctrine in Article 28. Article 28(a) applies to military commanders or those acting as military commanders, and Article 28(b) applies to non-military commanders, including civilians. René Värk, *Superior Responsibility*, 15 ESTONIAN NATIONAL DEFENCE COLLEGE PROCEEDINGS 143, 143 (2012).

⁸⁷² Centre for International Law Research and Policy, *Commentary on the Law of the International Criminal Court*, part 3, art. 28(a): Military Commander (June 30, 2016), <https://www.casematrixnetwork.org/cmn-knowledge-hub/icc-commentary-clicc/commentary-rome-statute/commentary-rome-statute-part-3/>; Prosecutor v. Bemba, ICC-01/05-01/08, Judgment (Trial), para. 176 (Mar. 21, 2016).

⁸⁷³ The doctrine has long covered both de jure and de facto commanders. See, e.g., Prosecutor v. Delalic, IT-96-21-A, Judgment (Appeal), para. 370 (Int’l Crim. Trib. for the Former Yugoslavia Feb. 20, 2001).

⁸⁷⁴ *Id.* at para. 177.

⁸⁷⁵ Prosecutor v. Ori, IT-03-68-T, Judgment (Trial), para. 312 (Int’l Crim. Trib. for the Former Yugoslavia June 30, 2006); see also Bemba, ICC-01/05-01/08, Judgment (Trial) at para. 187.

⁸⁷⁶ Rome Statute, art. 28(a).

⁸⁷⁷ Centre for International Law Research and Policy, *Commentary on the Law of the International Criminal Court*, part 3, art. 28(a): Effective Command and Control or Effective Authority and Control (June 30, 2016), <https://www.casematrixnetwork.org/cmn-knowledge-hub/icc-commentary-clicc/commentary-rome-statute/commentary-rome-statute-part-3/> (citing Kai Ambos, *Superior Responsibility*, in THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT: A COMMENTARY 857 (Antonio Cassese et al. eds., 2002)). See also Bemba, ICC-01/05-01/08, Judgment (Trial) at paras. 180–81 (“As noted by the Pre-Trial Chamber, the term ‘command’ is defined as ‘authority, especially over armed forces,’ and the expression ‘authority’ refers to the ‘power or right to give orders and enforce obedience.’”).

"Control" is interpreted as "a material ability to prevent or punish criminal conduct."⁸⁷⁸ Factors that enter into an assessment of whether a superior exercised effective control include but are not limited to the superior's capacity to issue orders, the subordinates' compliance with those orders, the authority to issue disciplinary measures, and the power to promote personnel and terminate positions.⁸⁷⁹

The commander must not only have "effective command and control" over the forces that perpetrated international crimes, but the crimes must also be a result of the commander's "failure to exercise control properly over such forces."⁸⁸⁰

Article 28(a) of the Rome Statute also requires that the commander either knew or should have known the forces were committing or about to commit the crimes. This requires either a showing that the commander had actual knowledge of the crimes or a showing of negligence.⁸⁸¹ It has been widely established that knowledge cannot be presumed but must be shown through direct or circumstantial evidence.⁸⁸² For example, the *Blaskić* tribunal found that a person's position in the command structure was a significant indicator to demonstrate knowledge about the crimes committed by subordinates.⁸⁸³

Factors that relate to whether a commander "should have known" include the "number of illegal acts, their type and scope, the time during which these acts occurred, the number and type of troops involved, the widespread scale of the acts, the *modus operandi*, the tactical actions, the officers and staff involved and, finally, the location of the commander himself at the time of the atrocities."⁸⁸⁴ The failure to punish past crimes committed by the same subordinates may also be relevant albeit not wholly sufficient to establish negligence.⁸⁸⁵

Where a commander has effective control and the requisite knowledge about crimes, they must act on their obligation to prevent or punish them or submit them to the appropriate authorities by taking all necessary and reasonable measures within their power.⁸⁸⁶ That is, commanders must take measures that are within their material ability or the bounds of their effective command to control their subordinates.⁸⁸⁷

The *Karadžić* case defined "necessary measures" as those "'appropriate for the superior to discharge his obligation' to prevent or punish the underlying crime," and "reasonable measures" as those "reasonably falling within the material powers of the superior."⁸⁸⁸ What constitutes a necessary and reasonable measure in each case will depend on the commander's official power and his or her effective ability to implement such measures.⁸⁸⁹

⁸⁷⁸ *Delali*, IT-96-21-A, Judgement (Appeal) at para. 256.

⁸⁷⁹ Prosecutor v. Karadžić, IT-95-5/18-T, Public Redacted Version of Judgement (Trial), para. 581 (Int'l Crim. Trib. for the Former Yugoslavia Mar. 24, 2016).

⁸⁸⁰ Rome Statute, art. 28(a).

⁸⁸¹ This is similar but slightly distinct from the "had reason to know" standard embodied in the statutes of the ICTR, ICTY, and SCSL. See, e.g., *Bemba*, ICC-01/05-01/08, Judgment (Trial) at para. 434.

⁸⁸² See, e.g., Prosecutor v. Blaški, IT-95-14-T, Judgement (Trial), para. 307 (Int'l Crim. Trib. for the Former Yugoslavia Mar. 3, 2000).

⁸⁸³ *Blaškić*, IT-95-14-T at para. 308; see also Prosecutor v. Aleksovski, IT-95-14/1-T, Judgement (Trial), para. 80 (Int'l Crim. Trib. for the Former Yugoslavia June 25, 1999).

⁸⁸⁴ Geert-Jan Alexander Koops, DEFENSES IN INTERNATIONAL CRIMINAL LAW 197 (2008) (citing William J. Fenrick, Article 28, Margin No. 10, in COMMENTARY ON THE ROME STATUTE (Otto Triffterer ed. 1999)).

⁸⁸⁵ *Id.* (citing Prosecutor v. Sesay, Case No. SCSL-04-15-T, Judgement (Trial), para. 311 (Special Ct. for Sierra Leone Mar. 2, 2009) ("[W]hile a superior's knowledge of and failure to punish his subordinates' past offences is insufficient on its own to conclude that the superior knew that future offences would be committed, such knowledge may constitute sufficiently alarming information to justify further inquiry.")).

⁸⁸⁶ Prosecutor v. Orić, IT-03-68-A, Judgement (Appeal), para. 177 (Int'l Crim. Trib. for the Former Yugoslavia July 3, 2008)

⁸⁸⁷ *Id.*

⁸⁸⁸ Prosecutor v. Karadžić, IT-95-5/18-T, Public Redacted Version of Judgement (Trial), para. 588 (Int'l Crim. Trib. for the Former Yugoslavia Mar. 24, 2016).

⁸⁸⁹ *Id.* at para. 442 (citing Prosecutor v. Kordić, IT-95-14/2-A, Judgement (Appeal), para. 443 (Int'l Crim. Trib. for the Former Yugoslavia Dec. 17, 2004) ("[I]t is the actual ability, or effective capacity to take measures which is important. . . . When assessing whether a superior failed to act, the Trial Chamber will look beyond his formal competence to his actual capacity to take measures.")). The *Bemba* Appeals Chamber found the Trial Chambers' analysis erred on this point

Ultimately, the commander must have failed to fulfill one of three duties arising at three different stages in the commission of crimes: the duty to prevent crimes (before a crime's commission), the duty to repress crimes (during their commission), or the duty to submit the matter to the competent authorities for investigation and prosecution (afterwards).⁸⁹⁰ Each failure constitutes its own crime.⁸⁹¹ In other words, failing both to prevent a crime and to punish those responsible would be two offenses stemming from the same underlying crime.⁸⁹² Further, failing to prevent a crime could not be rectified by submitting the matter to the competent authorities.⁸⁹³

Modes of Liability

In addition to command responsibility found in Article 28 of the Rome Statute, Article 25 provides other avenues, or “modes,” to find individuals liable for their participation in genocide and/or crimes against humanity. The various modes allow the ICC to find individuals liable based on: (1) direct or indirect perpetration or co-perpetration of the crime; (2) ordering, soliciting, or inducing the commission of the crime (often seen as the inverse of command responsibility, in that rather than being liable as a commander for failing to act, the commander directly ordered, induced, or solicited the act); (3) aiding, abetting or otherwise assisting in the commission of the crime; or (4) substantially contributing to the commission of the crime.⁸⁹⁴

Direct or Indirect Perpetration or Co-Perpetration of Crime(s)

International tribunals have read Article 25(3)(a) as providing four ways for an individual to perpetrate a crime: (1) direct perpetration, (2) indirect perpetration, (3) co-perpetration, and (4) indirect co-perpetration.⁸⁹⁵

Direct perpetration is the most straightforward mode of liability, establishing liability for when a perpetrator physically or directly commits a crime. Perpetrators include individuals who physically carried out the crime with the necessary intent.⁸⁹⁶ The ICC has not pursued this path of liability often as it prefers to focus on those most responsible for atrocities, like military, political, or religious leaders, rather than combatants or civilians who follow orders.⁸⁹⁷

The Rome Statute is the first international instrument to explicitly establish liability for indirect perpetrators.⁸⁹⁸ This mode is more frequently relied on than direct perpetration to try those connected to crimes in nuanced ways.⁸⁹⁹ An indirect perpetrator may be liable for a crime when the crime is committed “through another person, regardless of whether that other person is criminally

by demanding more of superiors than the law requires. Prosecutor v. Bemba, ICC-01/05-01/08 A, Judgment (Appeal), para. 166 (June 8, 2018). The Appeals Chamber emphasized, “it is not the case that a commander is required to employ every single conceivable measure within his or her arsenal, irrespective of considerations of proportionality and feasibility.” *Id.* at para. 8. It continued, “[i]n assessing reasonableness, the Court is required to consider other parameters, such as the operational realities on the ground at the time faced by the commander.” *Id.* at para. 170. The Appeals Chamber cautioned against evaluating a superior’s actions “with the benefit of hindsight” and found trial chambers must specifically identify what a superior should have done “in concreto” rather than make “a list of measures which the commander could hypothetically have taken.” *Id.*

⁸⁹⁰ *Karadžić*, IT-95-5/18-T, Public Redacted Version of Judgement (Trial) at para. 589.

⁸⁹¹ *Id.*

⁸⁹² *Id.*

⁸⁹³ *Id.*

⁸⁹⁴ Rome Statute, art. 25.

⁸⁹⁵ Rome Statute, art. 25(3)(a).

⁸⁹⁶ The required intent depends on the specific intent required by the particular crime or, if there is none specified, the intent to engage in the conduct, to cause the consequence of that conduct, or awareness that the consequence would occur. *See, e.g.*, Prosecutor v. Ntaganda, ICC-01/04-02/-6, Decision Pursuant to Article 61(7)(a) and (b) (Pre-Trial), para. 136 (June 9, 2014).

⁸⁹⁷ INTERNATIONAL AND TRANSNATIONAL CRIMINAL LAW 913 (David Luban, Julie O’Sullivan & David P. Stewart eds., 2d ed. 2009).

⁸⁹⁸ *Id.* at para. 1391 n.3188.

⁸⁹⁹ *Id.* at 913-14. *See also*, Stefano Manacorda & Chantal Meloni, *Indirect Perpetration versus Joint Criminal Enterprise: Concurring Approaches in the Practice of International Criminal Law?*, 9 JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE 159, 163 (2010) (highlighting the case law from newer ICC decisions like *Katanga* and *Lubanga*).

responsible.⁹⁰⁰ An indirect perpetrator must have the power to decide whether and how the crime will be committed.⁹⁰¹ An indirect perpetrator must exert "control" over the crime, which can be demonstrated by showing that the person either (1) controlled an "innocent agent" who lacked the mental capacity to form intent or who was induced to commit a crime by deceit, force, or threats or (2) manipulated, exploited, or ordered a direct perpetrator.⁹⁰²

Control can also be demonstrated where the indirect perpetrator is a superior within an organization that has a defined leadership and hierarchical structure.⁹⁰³ In this situation, the indirect perpetrator must have: (a) the power to ensure his or her orders will be complied with and (b) actually wielded that power.⁹⁰⁴ In addition to demonstrating "control" over the crime, the indirect perpetrator must also have the necessary intent to carry out the crime and have acted with knowledge, meaning he or she was aware of the factual circumstances that allowed him or her to exert control over the crime.⁹⁰⁵

Article 25(3)(a) also provides criminal liability for the co-perpetration of crimes.⁹⁰⁶ Co-perpetrators are those who agree with any other individuals to act in a way that leads to the commission of a crime. Each co-perpetrator must have "joint control" over the crime, meaning each member performs a different but essential task to commit the crime. An essential task is one that if it were not completed, the crime would not have been committed.⁹⁰⁷

The co-perpetration of crimes requires an agreement or common plan between two or more persons to commit a crime.⁹⁰⁸ This could either be an agreement to specifically commit the crime that occurred or could also merely embody a sufficient risk that a crime would occur should the plan be implemented.⁹⁰⁹ Circumstantial evidence is sufficient to show that an agreement existed.⁹¹⁰ Factors to determine a common plan include: specification of the criminal goal pursued; its temporal and geographic scope; any characteristics of the victims pursued; and the identity of the members of the group, though each person need not be named.⁹¹¹ A co-perpetrator must have provided an essential contribution to the common plan that resulted in a crime.⁹¹² Finally, a co-perpetrator must also have the necessary intent to carry out the crime.⁹¹³

⁹⁰⁰ *Katanga*, ICC-01/04-01/07, Judgment (Trial) at para. 1381 (quoting Rome Statute, art. 25).

⁹⁰¹ *Id.* at para. 1396.

⁹⁰² *Id.* at paras. 1398, 1402.

⁹⁰³ INTERNATIONAL AND TRANSNATIONAL CRIMINAL LAW 924 (David Luban, Julie O'Sullivan & David P. Stewart eds., 2d ed. 2009).

⁹⁰⁴ *Katanga*, ICC-01/04-01/07, Judgment (Trial) at paras. 1408-11.

⁹⁰⁵ Similar to the intent requirement for direct perpetrators, the required intent depends on the specific intent required by the particular crime or, if there is none specified, the intent to engage in the conduct, to cause the consequence of that conduct or was aware that the consequence would occur and was at least aware that a circumstance existed or a consequence would occur. More specifically, the tribunal in *Katanga* described the knowledge element as awareness of the factual circumstances that would allow the defendant to exert control over the crime. *See id.* at para. 1399.

⁹⁰⁶ Rome Statute, art. 25(3)(a).

⁹⁰⁷ Prosecutor v. Lubanga, ICC-01/04-01/06, Judgment (Trial), para. 925 (Mar. 14, 2012).

⁹⁰⁸ *Id.* at para. 1006. Note also that the existence of a common plan is a key element in several other modes of liability, including indirect co-perpetration and helping in any other way under Article 25(3)(d). *See id.*

⁹⁰⁹ *Id.* at paras. 982-84.

⁹¹⁰ *Id.* at para. 988.

⁹¹¹ *Katanga*, ICC-01/04-01/07, Judgment (Trial) at para. 1626.

⁹¹² A contribution is essential when it is beyond the "substantial" standard under accessory liability under Article 25(3)(c), though it cannot have caused the crime alone since no one co-perpetrator can have control of the whole enterprise. Otherwise, a defendant with total control would simply be a direct or indirect perpetrator rather than a co-perpetrator. *Lubanga*, ICC-01/04-01/06-2842, Judgment (Trial) at paras. 997-99, 1006.

⁹¹³ The required intent depends on the specific intent required by the particular crime or, if there is none specified, the intent to engage in the conduct, to cause the consequence of that conduct or was aware that the consequence would occur and was at least aware that a circumstance existed or a consequence would occur. *See Id.* at paras. 1007, 1356-57 (finding Lubanga guilty of war crimes as a co-perpetrator because he played an essential role in the commission of the crimes as co-founder and president of a militaristic group where he had a coordinating role in the recruitment policy, remained informed of the operations of the army that was committing the crimes, and gave speeches encouraging children to join the army).

The Rome Statute also provides criminal liability for indirect co-perpetration, which is a combination of the concept of an indirect perpetrator and a co-perpetrator. In this case, an indirect co-perpetrator agrees with others to a common plan and then controls or manipulates a direct perpetrator to carry out an essential task to implement that plan.⁹¹⁴ This often takes the form of indirect co-perpetrator using an organization to commit crimes.

Ordering, Soliciting or Inducing the Commission of Crime(s)

Article 25 of the Rome Statute also establishes criminal liability for ordering, soliciting, or inducing the commission of a crime.⁹¹⁵ These are technically three separate modes of responsibility to hold a perpetrator accountable, though with some overlap.⁹¹⁶ In contrast to command responsibility under Article 28, this liability requires that a commander affirmatively act in relation to the commission of a wrongful act.⁹¹⁷

Criminal liability for ordering the commission of a crime requires that: (1) the person was in a position of authority vis-à-vis the perpetrator, (2) the person ordered another person to either commit or attempt or perform an act or omission that resulted in a crime, (3) the person's order had a direct effect on the commission or attempt of the crime, and (4) the person was at least aware that the crime would be committed as a consequence of the implementation of the order.⁹¹⁸ Importantly, a person can be responsible even if the order is given through intermediaries rather than directly to a physical perpetrator.⁹¹⁹

Solicitation is interpreted as the encouragement of, or request for, a perpetrator to commit a crime, while inducement is interpreted as influencing someone to commit a crime.⁹²⁰ Inducing is a broad term that covers any conduct that influences another person to commit a crime, including solicitation. Influence is often psychological or financial, but it can also be in a physical sense.⁹²¹ Unlike ordering, neither solicitation nor inducement requires a superior-subordinate relationship.⁹²²

In addition, criminal liability for ordering, soliciting, or inducing the commission of a crime requires not only that the person acted with knowledge of and intent to commit the crime, but that they acted with knowledge that the direct perpetrator had the required mental state to commit the crime.⁹²³ However, excesses committed by the direct perpetrator cannot be attributed to the person who ordered, solicited, or induced the person to act.⁹²⁴

⁹¹⁴ INTERNATIONAL AND TRANSNATIONAL CRIMINAL LAW 914 (David Luban, Julie O'Sullivan & David P. Stewart eds., 2d ed. 2009).

⁹¹⁵ Rome Statute, art. 25(3)(b).

⁹¹⁶ INTERNATIONAL AND TRANSNATIONAL CRIMINAL LAW 933 (David Luban, Julie O'Sullivan & David P. Stewart eds., 2d ed. 2009).

⁹¹⁷ *Id.* p. 934.

⁹¹⁸ Prosecutor v. Mudacumura, ICC-01/04-01/12, Decision on Prosecutor's Application under Article 58 (Pre-Trial), para. 63 (July 13, 2012). See also, Prosecutor v. Blé Goudé, ICC-02/11-01/15, Decision on the Confirmation of Charges (Pre-Trial), para. 159 (December 11, 2014).

⁹¹⁹ INTERNATIONAL AND TRANSNATIONAL CRIMINAL LAW 934 (David Luban, Julie O'Sullivan & David P. Stewart eds., 2d ed. 2009); Mudacumura, ICC-01/04-01/12, Decision on Prosecutor's Application under Article 58 (Pre-Trial) at para. 63.

⁹²⁰ INTERNATIONAL AND TRANSNATIONAL CRIMINAL LAW 934 (David Luban, Julie O'Sullivan & David P. Stewart eds., 2d ed. 2009).

⁹²¹ *Id.*

⁹²² Centre for International Law Research and Policy, *Commentary on the Law of the International Criminal Court*, part 3, art. 25(3)(b) (June 30, 2016), <https://www.casematrixnetwork.org/cmn-knowledge-hub/icc-commentary-clicc/commentary-rome-statute/commentary-rome-statute-part-3/>.

⁹²³ INTERNATIONAL AND TRANSNATIONAL CRIMINAL LAW 934 & n.128 (David Luban, Julie O'Sullivan & David P. Stewart eds., 2d ed. 2009).

⁹²⁴ See Centre for International Law Research and Policy, *Commentary on the Law of the International Criminal Court*, part 3, art. 25(3)(b) (June 30, 2016), <https://www.casematrixnetwork.org/cmn-knowledge-hub/icc-commentary-clicc/commentary-rome-statute/commentary-rome-statute-part-3/>. See also, Mudacumura, ICC-01/04-01/12, Decision on Prosecutor's Application under Article 58 (Pre-Trial) at paras. 64-75 (issuing an arrest warrant for Mudacumura for ordering particular military campaigns that caused the underlying crimes given that he was the top commander in the military, compliance with his orders was mandatory, and he was aware of the factual circumstances that showed an armed conflict existed as well as the risk that the crimes would be committed in the ordinary course of implementing his orders). Blé Goudé, ICC-02/11-01/15, Decision on the Confirmation of Charges (Pre-Trial) at para. 166 (finding substantial grounds to believe Blé Goudé ordered, solicited, or induced others to commit crimes against humanity despite not being a superior in the formal structure of his organization because he had a position of authority relative to those he was leading and instructed those inferiors to commit violence).

Aiding, Abetting or Otherwise Assisting in the Commission of Crime(s)

As of the time of writing this report, the ICC had not litigated criminal liability for “aiding, abetting, or otherwise assisting in the commission of a crime” as provided for under Article 25 of the Rome Statute.⁹²⁵ One expert has opined that such criminal liability would require that a direct perpetrator in fact committed the crime and that the aider contributed a certain level of help.⁹²⁶ Article 25(3)(c) also specifically requires that the aider acted with the purpose of facilitating the crime.⁹²⁷

Substantially Contributing to the Commission of Crime(s)

Contributor liability may establish criminal liability when the other modes of liability are not applicable. Contributor liability requires that: (1) a crime was in fact committed, (2) that crime was committed by someone acting as part of a common plan, and (3) the accused made a significant contribution to the commission of the crime.⁹²⁸

Factors to evaluate if a person’s contribution to the crime was sufficiently “significant” to trigger potential liability include: (a) the sustained nature of the person’s participation after acquiring knowledge of the criminality of the plan, (b) any efforts made to prevent criminal activity or to impede the efficient functioning of the crime, (c) whether the person created or merely helped execute the plan, (d) the person’s position in the group or relative to it, and (e) the role the person played vis-à-vis the seriousness and scope of the crimes committed.⁹²⁹

Contributor liability also requires that the person intended to engage in the alleged conduct and either (a) meant to further the criminal activity or criminal purpose of the group or (b) was at least aware of the group’s intent to commit the crime—although the person does not need to have intended to commit the crime to which he or she contributed.⁹³⁰

Application to the Situation in Myanmar

Under the Rome Statute, criminal responsibility falls not only on individuals who directly perpetrate a crime, but also on commanders who had effective control over the perpetrator as well as individuals who enter into the different modes of liability distinguished under Article 25. Leaked memos and testimony by military and police officers reveal a command structure whereby crimes were perpetrated in the wake of the coup of February 1, 2021 at the direction of superiors. Criminal responsibility falls on individuals who occupied different positions within this structure of command.

⁹²⁵ See Centre for International Law Research and Policy, *Commentary on the Law of the International Criminal Court*, part 3, art. 25(3)(c) (June 30, 2016), <https://www.casematrixnetwork.org/cmn-knowledge-hub/icc-commentary-clicc/commentary-rome-statute/commentary-rome-statute-part-3/>.

⁹²⁶ *Id.* There is a question as to the required level of this contribution because the subsection’s order within Article 25(3) and its wording differs from that in the enacting statutes for the *ad hoc* tribunals. In *Lubanga*, the chamber implicitly accepted that the standard must be a “substantial effect,” matching the *ad hoc* tribunals and appropriately slotting it in between the laxer 25(3)(d) and the more stringent 25(3)(b). *Lubanga*, ICC-01/04-01/06-2842, Judgment (Trial) at para. 997. However, some authorities believe that the Article 25(3) modes have some overlap and therefore that there is no real hierarchy to the level of contribution standards. See INTERNATIONAL AND TRANSNATIONAL CRIMINAL LAW 931-32 (David Luban, Julie O’Sullivan & David P. Stewart eds., 2d ed. 2009). The organization of the subsection further suggests that “otherwise assists” is a catchall for any possible forms of criminal assistance, meaning that the required contribution level could actually be quite low.

⁹²⁷ *Prosecutor v. Mbarushimana*, ICC-01/04-01/10, Decision on the Confirmation of Charges (Pre-Trial), para. 274 (Dec. 16, 2011). It is unclear whether the accused must merely know of the direct perpetrator’s underlying intent to commit the crime, or if the accused must also have the intent to commit that crime on top of the facilitation. INTERNATIONAL AND TRANSNATIONAL CRIMINAL LAW 932 (David Luban, Julie O’Sullivan & David P. Stewart eds., 2d ed. 2009). In issuing the arrest warrant for Blé Goudé, the pre-trial chamber found substantial grounds to believe that he was criminally liable under article 25(3)(c). Specifically, he assisted military forces by recruiting for them, by training and supplying militias and mercenaries, by instructing forces to repress an opposition march, and by performing other mobilization activities. He also actively participated in promoting cooperation between the components of various military forces. See *Blé Goudé*, ICC-02/11-01/15, Decision on the Confirmation of Charges (Pre-Trial) at paras. 168, 171.

⁹²⁸ *Katanga*, ICC-01/04-01/07, Judgment (Trial) at para. 1620.

⁹²⁹ *Mbarushimana*, ICC-01/04-01/10, Decision on the Confirmation of Charges (Pre-Trial) at para. 284.

⁹³⁰ *Id.* at para. 289 (noting that this element of the statute is a disjunctive “either/or” scenario).

The “Special Command”

According to six active-duty military sources, on February 2, immediately following the coup, the Commander-in-Chief Senior General Min Aung Hlaing established a new “Special Command” led by four senior generals—Vice Senior General Soe Win, General Mya Tun Oo (DSA-25), General Maung Maung Aye (DSA-25), and Lieutenant General Moe Myint Tun (DSA-30)—to respond to popular reactions to the establishment of the SAC.⁹³¹ Specifically, the Special Command was provided with military authority to deploy and command troops in civilian-populated cities and townships where soldiers have not typically been operational. Without orders from this Special Command, no others in the chain of command had authority to move troops into civilian-populated cities and townships in central Myanmar. Even chief-commanders within the Bureau of Special Operations, Regional Military Commands, Light Infantry Divisions (LIDs), Military Operations Commands (MOC), and Regional Operations Commands (ROCs) had no authority to deploy and activate soldiers in cities without the express orders of the “Special Command” operating out of Naypyidaw.⁹³²

The fact that orders from the Special Command were the only means of official authority for deployment of troops into civilian-populated cities and townships and that soldiers were not typically operational in such areas prior to creation of the Special Command suggests that the Special Command had effective control over the actions carried out by such troops, including the crimes carried out against civilians. At a minimum, the exclusive power of the Special Command with respect to deployment and activation of soldiers in cities indicates that the Special Command must have or should have known about the violence and other crimes against humanity carried out by such soldiers against civilians. This is especially evidenced through public warnings of imminent murder of protesters communicated from the junta to protesters via junta-controlled television media. Given that there is clear overlap in the time of effective control and the crimes committed, there should be a strong case for liability under Article 28. The Special Command had the capacity to prevent or repress the crimes documented in this report and failed to do so.

In addition to liability under Article 28, personnel controlling the Special Command could also be held liable under one or more of the modes articulated under Article 25. The Special Command could be held liable for indirect perpetration of the crimes because of both the formal hierarchy of the military and evidence that soldiers did not typically enter these civilian populated areas, much less commit crimes against civilians within them, before the “Special Command” existed. This also suggests that the Special Command not only had the power to ensure that orders to enter these areas were complied with but may have wielded that power. For similar reasons, the Special Command could also be held liable for ordering, soliciting, or inducing the commission of these crimes.

Leaked Written Orders and Other Documents

Prior to the coup, the Myanmar military-led Ministry of Home Affairs controlled the Myanmar Police Force, and following the coup, the military maintained its complete control over the police.⁹³³ Two internal police memos from Karen State, obtained and analyzed by Fortify Rights and the Schell Center, instructed police to arrest protest leaders and conduct night raids.⁹³⁴ One memo was circulated within the Karen State Police Force on March 18; the other within the Sagaing Region Police Force on March 27. Using identical language, both documents bear official seals and signatures of official personnel. In identical text, both written orders instruct police officers to: “make a list of the leading NLD members and all other leaders who led the protests in your respective townships, wards and villages and submit the list to prepare to make arrests, one after the other, every night.”⁹³⁵ According to the documents, the orders were meant to be “sent confidentially.”⁹³⁶

⁹³¹ Communications with active-duty Myanmar military personnel, in Myanmar (Mar.-Apr. 2021). The six active-duty Army personnel include a Lieutenant Colonel commanding a battalion, three Captains, and two Majors.

⁹³² *Id.*

⁹³³ Army and Police deserters clarified to Fortify Rights and the Schell Center about the close relationship between the two forces, as did eyewitness testimony and video and photographs of what appeared to be joint operations in the streets of Myanmar. *See for example*, Interview with #32, in Myanmar (Mar. 17, 2021) (location withheld).

⁹³⁴ Myanmar Police Force, internal memos issued to Karen State Police Force and Sagaing State Police Force (Mar. 18, 27, 2021) (unofficial translation on file with author).

⁹³⁵ *Id.*

⁹³⁶ *Id.*

This evidence is useful in assessing the commission of imprisonment as a crime against humanity. The fact that both documents include identical text and were circulated in disparate locations indicates the systematic nature of the imprisonment of members of the civilian population. The fact that both internal police memos were under official seals indicates the official capacity to order as well as implies the power to ensure compliance with these orders to imprison civilians. That the orders were meant to be "sent confidentially" implies that the Ministry of Home Affairs understood, at a minimum, that the nature of its orders was such that crimes would be committed as a consequence of the implementation of the order and that it acted with knowledge of and intent to commit such crimes as well as the knowledge that the police receiving such orders would have the necessary intent to commit such crimes.

Testimony Regarding Orders and Command Structures

Fortify Rights and the Schell Center spoke with eight deserters from the Myanmar military, three deserters from the Myanmar Police Force, and communicated with six sources who remain on active duty in the Myanmar military, including a lieutenant colonel commanding a battalion, three captains, and two majors.⁹³⁷ Some shared knowledge of the inner workings of their respective security force, and in some cases that included information regarding the Myanmar military's orders to perpetrate crimes against civilians, before and during the attack. Some provided information on the Myanmar military chain of command.

For instance, a Lance Corporal in the Myanmar Police Force said that an order to target civilians came "from the military and it says that we must arrest people, take their shields, and crack down on them."⁹³⁸ He also explained verbal orders "from the upper level." He said that the police were trained in crowd control but following the coup, verbal orders "were to shoot at the people directly. It was a verbal order given to the police from the military in Naung Cho Police."⁹³⁹ He explained:

The order was from the military. For example, first the order came from the commander of the state command and then, it came down to the lower level, step by step. So, the order came to us from the commander of the Military Operations Command [MOC] in Naung Cho. If in Yangon, the orders come from the commander of the Yangon command. The order came from the commander of Naung Cho City . . . I stayed in Nuang Cho police station up until March 1 and when I was there, the military used to come to the police station. The military who came to us were the level of captain and major. They received the orders via the phone from their upper level and they then inform to our police station [person] in-charge.⁹⁴⁰

In addition to establishing the official hierarchical structure, this testimony suggests that the de facto working relationship between the Myanmar Police Force and the military was such that the military had the power to ensure that its orders were complied with.

A soldier from Myanmar military Light Infantry Regiment 528 told Fortify Rights and the Schell Center:

When we have an order, this comes from a commander who received the command from the regional command center, and NPT Defense service office – that means the chair of the SAC. That's the core of the command.⁹⁴¹

Another military officer, 31, from a combat troop told Fortify Rights and the Schell Center he witnessed his superior officer, a lieutenant colonel, shoot and murder a woman who raised her voice at him.⁹⁴² With regard to orders to commit crimes, he said:

⁹³⁷ Communications with active-duty military personnel are not included as interviews in the methodology of this report, but rather as communications. Interviews with #32, #77, #86, #84, #85, #102, #108, #109, #139, #151, #152, in Myanmar (March 17; April 21, 19, 21, 22; May 5, 7, 12; August 23; December 9, 16, 2021) (location withheld).

⁹³⁸ Interview with #32, in Myanmar (Mar. 17, 2021) (location withheld).

⁹³⁹ *Id.*

⁹⁴⁰ *Id.*

⁹⁴¹ Interviews with #102, in Myanmar (May 5, 7, 2021) (location withheld).

⁹⁴² For testimony on this killing, see *supra* section entitled "Murder" in Part I of this report; Interview with #151, in Myanmar (Dec. 9, 2021) (location withheld)

The lieutenant colonel commanded me and another officer to shoot and crack down on the protest. At first, I thought that the command was just to stop the protest. But I was surprised when I saw the Colonel start shooting at random people with real bullets.⁹⁴³

A superior officer's direct participation in the violence against civilians, observed by military officers who were his subordinates within a strict hierarchy, is demonstrative of the control exerted over these other direct perpetrators and indicates the power to decide whether and how the crime was committed, an element required for liability as an indirect perpetrator under Article 25.

He explained the military command structure in which he personally operated:

The G1 from our group was normally stationed at the office and would work from the office. He was being commanded by above to control the crowd . . . In my last duty station, there was only one G1 [Lieutenant Colonel Thi Ha Zaw]. He is responsible for all three military departments [Sit-U-Si, Sit-Yay, and Sit-Htauk].⁹⁴⁴

A member of the police force in Bago Region who deserted his position after the coup told Fortify Rights and the Schell Center about getting verbal orders to shoot at protesters after February 18, 2021.⁹⁴⁵ He said:

Since February 18, we were ordered that if more than four people gathered, we could arrest or fire [our weapons] . . . We were ordered that we could shoot at people if they gathered for more than four. This order was given by our higher-level officer, who controlled us. We were told it came from a higher level than him . . . Our police used guns to disperse the crowd, that means the guns with rubber bullets and live rounds, and assault rifles with live bullets of 9mm and 7.6mm.⁹⁴⁶

The fact that orders included explicit examples of violence that the officers were permitted to carry out against civilians tends to indicate that the officers were encouraged to carry out these actions. Failure to expressly place a limit on such violence is also evidence of a failure to properly exercise control to prevent the commission of further crimes, given that the commission of these crimes increases the likelihood both that similar crimes might occur in other areas of Myanmar and that more extreme violence might be carried out against civilians as well.

Myanmar Army Light Infantry Division 77

The Myanmar Army's Light Infantry Division (LID) 77 was deployed in Yangon and Bago regions during the military-led attack on civilians beginning in February 2021. LID 77 may have been the military's deadliest division during that time. In the initial months of the military's attack, the junta's forces murdered more than 250 men, women, and children in Yangon alone, making it the country's deadliest city during the peaceful-protest movement in 2021.⁹⁴⁷ Fortify Rights and the Schell Center believe LID 77 bears significant responsibility for these murders, and more broadly for crimes against humanity—especially murder and imprisonment—in Yangon and Bago regions. Because command responsibility applies regardless of rank, criminal liability applies both to officers who exercised effective control over LID 77 and to officers within the LID 77 who were in a commanding position with respect to the attacks.

⁹⁴³ Interview with #151, in Myanmar (Dec. 9, 2021) (location withheld).

⁹⁴⁴ Sit-U-Si, Sit-Yay, and Sit-Htauk translates as commanders, military police, and lieutenants. See Interview with #151, in Myanmar (Dec. 9, 2021) (location withheld).

⁹⁴⁵ Interview with #109, in Myanmar (May 12, 2021) (location withheld).

⁹⁴⁶ *Id.*

⁹⁴⁷ Open-source researchers in Myanmar documented details of 272 reported killings in Yangon alone since the coup. Myanmar's top five deadliest places during the military's attack on civilians since February were Yangon in Yangon Region, Mandalay in Mandalay Region, Kalay in Sagaing Region, Kani in Sagaing Region, and Demoso in Karenni/Kayah State. See Myanmar Spring 2021 Death Toll (February 2022 to the time of writing) (unpublished) (on file with author).

There are eight battalions under LID 77—four based in Yangon Region and four based in Bago Region.⁹⁴⁸ Active-duty military sources said these battalions were deployed in Yangon and Bago regions during the period in which the military and police killed hundreds of peaceful unarmed protesters.⁹⁴⁹ The same sources estimate approximately 100 soldiers from each battalion were fully equipped with automatic and other combat-related weapons.⁹⁵⁰

Additional sources provided testimony regarding the deployment of LID 77 during the attack. A Lance Corporal in the Myanmar Police Force told Fortify Rights and the Schell Center:

The military who are cracking down in Yangon are from Light Infantry Division 77. They are based in Pyay Township. They are notorious in cracking down on protesters . . . I have seen myself the soldiers from LID 77 in Yangon. I could see their badge LID 77 on their arms . . . The military who came to North Okalapa had a badge on the left arm LID 77.⁹⁵¹

A Major from LID 99—another infamous and deadly division—told Fortify Rights and the Schell Center: “Now in the protest LID 77 is controlling the Yangon area. In Mandalay LID 88 is controlling the area and conducting operations against the protesters . . . They used LID 77 during the monk revolution [Shwe Wa Yaung Revolution, or “Saffron Revolution”] to crack down.”⁹⁵²

Individuals Who Should be Investigated and Possibly Prosecuted

Military and police officials who should be investigated for crimes against humanity against the people of Myanmar

1. Senior General Min Aung Hlaing, Commander-in-Chief of the Myanmar military and President of Myanmar’s State Administration Council
2. Vice Senior General Soe Win, Deputy Commander-in-Chief of the Myanmar military and Vice-president of Myanmar’s State Administration Council
3. General Maung Maung Aye, Joint-Chief of staffs of Myanmar’s army, navy, and air force and Chief of Armed Forces Training
4. General Mya Tun Oo, Minister for Defense and member of Myanmar’s State Administration Council
5. General Tin Aung San, Minister of Transport and Communications and member of Myanmar’s State Administration Council
6. General Maung Maung Kyaw, member of Myanmar’s State Administration Council
7. Lieutenant-General Moe Myint Tun, Chief-Commander of the Bureau of Special Operations and member of Myanmar’s State Administration Council
8. Lieutenant-General Aung Lin Dwe, Secretary of Myanmar’s State Administration Council
9. Lieutenant-General Ye Win Oo, Joint-Secretary of Myanmar’s State Administration Council, Chief of Military Security Affairs

⁹⁴⁸ Under LID 77, Infantry Battalion 6 and Light Infantry Battalions 106, 313, and 391 are based in the Yangon Region, and Infantry Battalion 59 and Light Infantry Battalions 101, 105, and 107 are based in the Bago Region. Communications with active-duty Myanmar Army Soldiers, (Feb.-Mar. 2021).

⁹⁴⁹ Communications with active-duty military personnel, (Feb.-Mar. 2021).

⁹⁵⁰ *Id.*

⁹⁵¹ Interview with #32, in Myanmar (Mar. 17, 2021) (location withheld)

⁹⁵² Interview with #84, in Myanmar (Apr. 2, 2021) (location withheld)

10. Admiral Moe Aung, Commander-in-Chief of Myanmar's Navy
11. Lieutenant-General Tay Za Kyaw, Commander of the Bureau of Special Operations (1)
12. Lieutenant-General Aung Zaw Aye, Commander of the Bureau of Special Operations (2)
13. Lieutenant-General Phone Myat, Commander of the Bureau of Special Operations (3)
14. Lieutenant-General Aung Soe, Commander of the Bureau of Special Operations (4)
15. Lieutenant-General Thet Pon, Commander of the Bureau of Special Operations (5)
16. Lieutenant-General Than Hlaing, Deputy-Minister of Home Affairs, and Chief of the Myanmar Police Force
17. Lieutenant-General Soe Htut, Minister of Home Affairs
18. Lieutenant-General Tun Tun Naung, Minister of Border Affairs
19. General Myint Nwe, Deputy-Minister of Defense
20. General Than Htut, Deputy-Minister of Border Affairs
21. General Soe Tint Naing, Deputy-Minister of the Union Government (State Administration Council)
22. General Zaw Min Tun, Deputy-Minister of Information
23. Major-General Lu Mon, Deputy-Minister of Transport and Communications
24. Police-Deputy-Commissioner-General Aung Win Oo, Chief of the Myanmar Police Force
25. Police-Commissioner Aung Aung, Deputy-Chief (1) of the Myanmar Police Force
26. Police-General Aung Naing Thu, Deputy-Chief of the Myanmar Police Force
27. Police-Deputy-Commissioner Zaw Tun Aung, Chief of Staff of the Myanmar Police Force

Commanders of Regional Military Commands

28. Brigadier-General Mya Thet Oo, Commander of Northern Command
29. Brigadier-General Phyo Thant, Commander of Northwestern Command
30. Brigadier-General Ko Ko Oo, Commander of Central Command
31. Brigadier-General Hla Moe, Commander of Northeastern Command
32. Brigadier-General Naing Naing Oo, Commander of Central Eastern Command
33. Brigadier-General Ni Lin Aung, Commander of Eastern Command
34. Brigadier-General Myo Min Tun, Commander of Triangle Regional Command
35. Major-General Htin Latt Oo, Commander of Western Command
36. Brigadier-General Aung Aung, Commander of Southwestern Command
37. Major-General Myo Win, Commander of Southern Command
38. Brigadier-General Ko Ko Maung, Commander of Southeastern Command
39. Brigadier-General Saw Than Hlaing, Commander of Coastal Command
40. Major-General Nyunt Win Swe, Commander of Yangon Command
41. Major-General Zaw Myo Tin, Commander of Naypyidaw Command

Commanders of Regional Police Forces and Commands⁹⁵³

42. Police-Brigadier-General Mya Win, Chief of Special Branch (Information)
43. Police-Brigadier-General Kyi Linn, Chief of No. 1 Police Security Force
44. Police-Brigadier-General Win Min Thein, Chief of No. 2 Police Security Force

⁹⁵³ These positions involve one-year posts and change annually. Communications with active-duty military personnel (Feb.-Marc. 2021).

45. Police-Brigadier-General Win Bo, Chief of No. 3 Police Security Force
46. Police-Brigadier-General Mya Win, Chief of No. 4 Police Security Force
47. Police-Brigadier-General Myo Min Htaike, Chief of Yangon Region Police Force
48. Police-Brigadier-General Tin Ko Ko, Chief of Shan State Police Force
49. Police-Colonel Ko Ko Lwin, Chief of Nay Pyi Taw Police Force
50. Police-Colonel Nyan Myint Kyaw, Chief of Kachin State Police Force
51. Police-Colonel Myo Swe, Chief of Kayah State Police Force
52. Police-Colonel Than Win, Chief of Karen State Police Force
53. Police-Colonel Kyaw Htwe, Chief of Chin State Police Force
54. Police-Colonel Win Kyi, Chief of Sagaing Region Police Force
55. Police-Colonel Khin Kyaw, Chief of Tanintharyi Region Police Force
56. Police-Colonel Kyaw Htut, Chief of Bago Region Police Force
57. Police-Colonel Hlaing Tint, Chief of Magwe Region Police Force
58. Police-Brigadier-General Sein Lwin, Chief of Mandalay Region Police Force
59. Police-Colonel Thet Naing, Chief of Mon State Police Force
60. Police-Colonel Khin Zaw, Chief of Rakhine State Police Force
61. Police-Colonel Tin Zaw Htun, Chief of Irrawaddy Region Police Force

Recommendations

To the Myanmar Military Junta

- **CEASE** all attacks on the civilian population and declare a nationwide ceasefire to immediately end ongoing armed conflicts.
- **RELEASE** all political prisoners immediately and unconditionally, including those arbitrarily detained since February 1, 2021.
- **RESTORE** relevant authority to those rightfully elected by the people of Myanmar.
- **LIFT** restrictions on access to internet and telecommunication services.
- **END** attacks, threats, and intimidation of the media and journalists, human rights defenders, and others working to promote and protect human rights and democracy.
- **COOPERATE** with international justice mechanisms and human rights monitors, including the Office of the Prosecutor at the International Criminal Court, the United Nations Special Rapporteur on the situation of human rights in Myanmar, and the Independent International Mechanism for Myanmar.

To the National Unity Government of Myanmar

- **CONTINUE** to cooperate with current and future international efforts to hold to account perpetrators of genocide, war crimes, and crimes against humanity in Myanmar, including by sharing evidence with international justice mechanisms as defined above.
- **PUBLICLY** acknowledge and determine that the state of Myanmar has committed genocide and crimes against humanity against the Rohingya people.
- **ACCEDE** to the respective protocols of the Rome Statute, the International Covenant on Civil and Political Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as other international human rights instruments.
- **APPOINT** an ethnic-Rohingya Special Envoy or Ministerial-level position to the National Unity Government to assist in the implementation and expansion of the National Unity Government's policy on Rohingya people.

To United Nations Member States

- **SEND** cross-border humanitarian aid to civilians in need in Myanmar, ensure the localization of humanitarian aid to relevant humanitarian actors, and avoid legitimizing the military junta in any way.
- **ENSURE** international justice for past and ongoing atrocity crimes in Myanmar and press the United Nations Security Council to refer the situation in Myanmar to the International Criminal Court or, alternatively, to establish an *ad hoc* international criminal tribunal to investigate and prosecute genocide, crimes against humanity, and war crimes.
- **SUPPORT** a resolution at the United Nations Security Council to impose a global arms embargo on the Myanmar military, as well as targeted sanctions against military-owned enterprises, with special attention to blocking the junta's access to natural gas revenues and access to financial services.
- **IMPOSE** bilateral arms embargoes and targeted sanctions, including against the Myanmar Oil and Gas Enterprise, with special attention to blocking the junta's access to revenues and financial services, and targeting individuals and entities involved in the import and export of arms to Myanmar.

- **IMPOSE** bilateral sanctions on Myanmar-based entities involved in supplying the military with aviation fuel and impose bans on the supply of aviation fuel that can be used by the military for military assets attacking civilians.
- **RECOGNIZE** the National Unity Government as the legitimate Government of Myanmar. Continue to support the National Unity Government's existing credentials at the United Nations and other international organizations.
- **PROVIDE** financial and technical support as needed to the National Unity Government, including on international human rights laws and standards and other governance-related matters.
- **SUPPORT** the mandate and recommendations of the United Nations Special Rapporteur on the situation of human rights in Myanmar.
- **PUBLICLY** acknowledge, through formal determinations, the Rohingya genocide and other international crimes perpetrated in Myanmar, including war crimes and crimes against humanity since the coup of February 1, 2021.

To the United Nations Security Council

- **PASS** a resolution to impose a global arms embargo to prevent the transfer of weapons to the Myanmar military and impose targeted sanctions against military-owned enterprises, with special attention to blocking the junta's access to revenues and financial services.
- **IF** a resolution is vetoed by a permanent member of the Security Council, Member States should move to hold an Emergency Special Session at the United Nations General Assembly to address the threat to international peace and security posed by the Myanmar junta.
- **REFER** the situation in Myanmar to the International Criminal Court for investigation and possible prosecutions.

To the Association of Southeast Asian Nations and Its Member States

- **REFRAIN** from providing any legitimacy to the Myanmar military junta, including through invitations to scheduled Association of Southeast Asian Nations meetings and summits.
- **ACCEPT** those fleeing Myanmar as refugees and provide the support and protection in accordance with international standards found in treaty and customary international law.
- **PROVIDE** robust humanitarian support to the people of Myanmar utilizing non-junta channels.
- **IMPOSE** sanctions prohibiting investment in Myanmar military-controlled enterprises and support efforts to prevent the transfer of payments to the military junta, including payments related to natural gas sales.
- **ACKNOWLEDGE** the National Unity Government as the sovereign representative of the people of Myanmar and engage it directly.

To the Prosecutor of the International Criminal Court

- **ACCEPT** the 12(3)-declaration submitted by the National Unity Government of Myanmar to the Court delegating jurisdiction to the Court for any crimes perpetrated in Myanmar from 2002 to the present day, and then launch an investigation into alleged international crimes in Myanmar.

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Annex: Myanmar Military Unit Locations⁹⁵⁴

Fortify Rights and the Schell Center established otherwise unpublicized physical locations of Myanmar military units throughout the country. These locations, accurate at the time of writing, expose the whereabouts of the Myanmar military’s Regional Commands, Military Operations Commands, Light Infantry Battalions, and Infantry Battalions. This information may assist prosecutors in geo-locating military units’ physical proximity to atrocity-crime scenes and other sites.

I. REGIONAL COMMAND

Northern Command (BSO-1)

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 15	Mohnyin	Mohnyin	MMR001007	Northern Command
2	Infantry Battalion 21	Myitkyina	Myitkyina	MMR001001	Northern Command
3	Infantry Battalion 29	Myitkyina	Myitkyina	MMR001001	Northern Command
4	Infantry Battalion 37	Myitkyina	Myitkyina	MMR001001	Northern Command
5	Infantry Battalion 46	Putao	Putao	MMR001014	Northern Command
6	Infantry Battalion 58	Waingmaw	Waingmaw	MMR001002	Northern Command
7	Infantry Battalion 74	Mogaung	Mogaung	MMR001008	Northern Command
8	Infantry Battalion 86	Tanai	Tanai	MMR001004	Northern Command
9	Infantry Battalion 105	Sar Hmaw	Mogaung	MMR001008	Northern Command
10	Infantry Battalion 121	Ngar Oe	Myitkyina	MMR001001	Northern Command
11	Infantry Battalion 126	Nanyun	Nanyun	MMR005037	Northern Command
12	Infantry Battalion 137	Bhamo	Bhamo	MMR001010	Northern Command
13	Infantry Battalion 138	Machanbaw	Machanbaw	MMR001016	Northern Command
14	Infantry Battalion 141	Putao	Putao	MMR001014	Northern Command

⁹⁵⁴ This annex provides a list of known locations of the Myanmar military operating throughout the country. The “location” column refers to the specific village name or general place, where the military’s location is not in a specific village. The “place code” column refers to the Myanmar Information Management Unit (MIMU) data management system, which provides unique reference codes for locations throughout Myanmar. See, Myanmar Information Management Unit (MIMU), “Place Codes (Pcodes),” *website*, 2022, <https://themimu.info/place-codes>.

15	Infantry Battalion 142	Sinbo	Myitkyina	MMR001D001	Northern Command
16	Infantry Battalion 236	Dawthponeyan	Momauk	MMR001012	Northern Command
17	Infantry Battalion 238	Tar Sai	Momauk	MMR001012	Northern Command
18	Infantry Battalion 260	Ma Ram	Mogaung	MMR001008	Northern Command
19	Infantry Battalion 297	Shar Du Zut	Hpakant	MMR001009	Northern Command
20	Infantry Battalion 298	Dun Bang	Hpakant	MMR001009	Northern Command
21	LIB 318	Tanai	Tanai	MMR001004	Northern Command
22	LIB 319	Mansi	Mansi	MMR001013	Northern Command
23	LIB 321	Waingmaw	Waingmaw	MMR001002	Northern Command
24	LIB 348	Mongmit	Mongmit	MMR015017	Northern Command
25	LIB 437	Momauk	Momauk	MMR001012	Northern Command
26	LIB 521	Pin Baw	Mogaung	MMR001008	Northern Command

North Western Command (BSO-1)

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 50	Gangaw	Gangaw	MMR009023	North Western Command
2	Infantry Battalion 52	Hkamti	Hkamti	MMR005033	North Western Command
3	Infantry Battalion 87	Kale	Kale	MMR005027	North Western Command
4	Infantry Battalion 89	Kale	Kale	MMR005027	North Western Command
5	Infantry Battalion 140	Matupi	Matupi	MMR004007	North Western Command
6	Infantry Battalion 222	Homalin	Homalin	MMR005034	North Western Command
7	Infantry Battalion 228	Kale	Kale	MMR005027	North Western Command
8	Infantry Battalion 229	Hkamti	Hkamti	MMR005033	North Western Command
9	Infantry Battalion 266	Hakha	Hakha	MMR004002	North Western Command
10	Infantry Battalion 268	Falam	Falam	MMR004001	North Western Command
11	Infantry Battalion 269	Tedim	Tedim	MMR004004	North Western Command

12	Infantry Battalion 272	Lahe	Lahe	MMR005036	North Western Command
13	Infantry Battalion 274	Mindat	Mindat	MMR004006	North Western Command
14	LIB 16	Monywa	Monywa	MMR005012	North Western Command
15	LIB 304	Matupi	Matupi	MMR004007	North Western Command
16	LIB 309	Katha	Katha	MMR005020	North Western Command
17	LIB 347	Hkamti	Hkamti	MMR005033	North Western Command

Central Command (BSO-1)

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 44	Thayet	Thayet	MMR009012	Central Command
2	Infantry Battalion 71	Aunglan	Aunglan	MMR009016	Central Command
3	Infantry Battalion 88	Minbu	Minbu	MMR009007	Central Command
4	Infantry Battalion 95	Mandalay	Mandalay	MMR010D001	Central Command
5	Infantry Battalion 148	Thabeikkyin	Thabeikkyin	MMR010012	Central Command

North Eastern Command (BSO-2)

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 22	Hsaik Hkawng	Monghsat	MMR016006	North Eastern Command
2	Infantry Battalion 23	Hsipaw	Hsipaw	MMR015014	North Eastern Command
3	Infantry Battalion 33	Mong Kawng	Tangyan	MMR015004	North Eastern Command
4	Infantry Battalion 41	Lashio	Lashio	MMR015001	North Eastern Command
5	Infantry Battalion 45	Kutkai	Kutkai	MMR015011	North Eastern Command
6	Infantry Battalion 67	Mongyai	Mongyai	MMR015003	North Eastern Command
7	Infantry Battalion 123	Nam Hpat Kar	Kutkai	MMR015011	North Eastern Command
8	Infantry Battalion 125	Konkyan	Konkyan	MMR015023	North Eastern Command
9	Infantry Battalion 127	Kunlong	Kunlong	MMR015020	North Eastern Command
10	Infantry Battalion 128	Par Hsin Kyaw	Laukkaing	MMR015022	North Eastern Command

11	Infantry Battalion 129	Nyo Hkum (Nyan Hkum)	Laukkaing	MMR015022	North Eastern Command
12	Infantry Battalion 130	Manton	Manton	MMR015019	North Eastern Command
13	Infantry Battalion 136	Mong Pat	Pangsang (Panghkam)	MMR015005	North Eastern Command
14	Infantry Battalion 143	Hopang	Hopang	MMR015021	North Eastern Command
15	Infantry Battalion 144	Man Tat	Namhkan	MMR015010	North Eastern Command
16	Infantry Battalion 145	Hopang	Hopang	MMR015021	North Eastern Command
17	Infantry Battalion 147	Hsipaw	Hsipaw	MMR015014	North Eastern Command
18	Infantry Battalion 239	Laukkaing	Laukkaing	MMR015022	North Eastern Command
19	Infantry Battalion 290	Tarmoenye	Kutkai	MMR015011	North Eastern Command
20	Infantry Battalion 291	Nam Pawng	Lashio	MMR015001	North Eastern Command
21	LIB 312	Kunlong	Kunlong	MMR015020	North Eastern Command
22	LIB 322	Laukkaing	Laukkaing	MMR015022	North Eastern Command
23	LIB 324	Namtu	Namtu	MMR015015	North Eastern Command
24	LIB 325	Mongyai	Mongyai	MMR015003	North Eastern Command
25	LIB 326	Tangyan	Tangyan	MMR015004	North Eastern Command
26	LIB 523	Tangyan	Tangyan	MMR015004	North Eastern Command

Eastern Command (BSO-2)

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 54	Loikaw	Loikaw	MMR002001	Eastern Command
2	Infantry Battalion 66	Kho Lam	Nansang	MMR014013	Eastern Command
3	Infantry Battalion 72	Law Pi Ta	Loikaw	MMR002001	Eastern Command
4	Infantry Battalion 99	Langkho	Langkho	MMR014018	Eastern Command
5	Infantry Battalion 131	Kyethi	Kyethi	MMR014015	Eastern Command
6	Infantry Battalion 132	Mawkmai	Mawkmai	MMR014020	Eastern Command
7	Infantry Battalion 134	Hpasawng	Hpasawng	MMR002D002	Eastern Command

8	Infantry Battalion 135	Hpasawng	Hpasawng	MMR002D002	Eastern Command
9	Infantry Battalion 246	Kunhing	Kunhing	MMR014014	Eastern Command
10	Infantry Battalion 249	Mong Ping	Hopong	MMR014003	Eastern Command
11	Infantry Battalion 286	Mong Nang	Kyethi	MMR014015	Eastern Command
12	Infantry Battalion 287	Wan Hsan	Kyethi	MMR014015	Eastern Command
13	Infantry Battalion 292	Nawng Yawng	Langkho	MMR014018	Eastern Command
14	Infantry Battalion 294	Tar Sang	Mongpan	MMR014021	Eastern Command
15	Infantry Battalion 296	Tar Kaw	Mongping	MMR016007	Eastern Command
16	LIB 337	Bawlake	Bawlake	MMR002005	Eastern Command
17	LIB 422	Moe Bye	Pekon	MMR014010	Eastern Command
18	LIB 428	Hpruso	Hpruso	MMR002003	Eastern Command
19	LIB 429	Bawlake	Bawlake	MMR002005	Eastern Command
20	LIB 430	Bawlake	Bawlake	MMR002005	Eastern Command
21	LIB 510	Keng Hkam	Lawksawk	MMR014009	Eastern Command
22	LIB 514	Mongkaing	Mongkaing	MMR014016	Eastern Command
23	LIB 524	Kunhing	Kunhing	MMR014014	Eastern Command
24	LIB 530	Loilen Lay	Loikaw	MMR002001	Eastern Command
25	LIB 531	Hpruso	Hpruso	MMR002003	Eastern Command

Triangle Region Command (BSO-2)

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 43	Mong Pyin	Kengtung	MMR016001	Triangle Region Command
2	Infantry Battalion 65	Nar Kawng Mu	Mongton	MMR016008	Triangle Region Command
3	Infantry Battalion 133	Mongton	Mongton	MMR016008	Triangle Region Command
4	Infantry Battalion 225	Mongton	Mongton	MMR016008	Triangle Region Command
5	Infantry Battalion 226	Loi Mway	Kengtung	MMR016001	Triangle Region Command

6	Infantry Battalion 227	Mongkhet	Mongkhet	MMR016002	
7	Infantry Battalion 244	Mong Hkun	Kengtung	MMR016001	Triangle Region Command
8	Infantry Battalion 245	Kengtung	Kengtung	MMR016001	Triangle Region Command
9	Infantry Battalion 279	Mongyang	Mongyang	MMR016003	Triangle Region Command
10	Infantry Battalion 281	Mongyang	Mongyang	MMR016003	
11	Infantry Battalion 293	Tontar	Mongping	MMR016007	Triangle Region Command
12	LIB 311	Mongyawng	Mongyawng	MMR016011	Triangle Region Command
13	LIB 314	Kengtung	Kengtung	MMR016001	Triangle Region Command
14	LIB 327	Mongkhet	Mongkhet	MMR016002	Triangle Region Command
15	LIB 328	Mongkhet	Mongkhet	MMR016002	Triangle Region Command
16	LIB 331	Tachileik	Tachileik	MMR016009	Triangle Region Command
17	LIB 359	Tachileik	Tachileik	MMR016009	Triangle Region Command
18	LIB 360	Mong Ping	Hopong	MMR014003	Triangle Region Command
19	LIB 526	Tachileik	Tachileik	MMR016009	Triangle Region Command
20	LIB 528	Mong Ping	Hopong	MMR014003	Triangle Region Command
21	LIB 529	Kengtung	Kengtung	MMR016001	Triangle Region Command

Western Command (BSO-3)

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 20	Sittwe	Sittwe	MMR012001	Western Command
2	Infantry Battalion 34	Kyaukpyu	Kyaukpyu	MMR012011	Western Command
3	Infantry Battalion 55	Thandwe	Thandwe	MMR012015	Western Command
4	Infantry Battalion 232	Sittwe	Sittwe	MMR012001	Western Command
5	Infantry Battalion 233	Buthidaung	Buthidaung	MMR012010	Western Command
6	Infantry Battalion 234	Buthidaung	Buthidaung	MMR012010	Western Command
7	Infantry Battalion 263	Buthidaung	Buthidaung	MMR012010	Western Command
8	Infantry Battalion 270	Sittwe	Sittwe	MMR012001	Western Command

9	Infantry Battalion 289	Paletwa	Paletwa	MMR004009	Western Command
10	LIB 344	Sittwe	Sittwe	MMR012001	Western Command
11	LIB 354	Sittwe	Sittwe	MMR012001	Western Command
12	LIB 538	Rathedaung	Rathedaung	MMR012008	Western Command
13	LIB 550	Ponnagyun	Ponnagyun	MMR012002	Western Command

South Western Command (BSO-3)

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 18	Hinthada	Hinthada	MMR017008	South Western Command
2	Infantry Battalion 27	Maubin	Maubin	MMR017019	South Western Command
3	Infantry Battalion 36	Kyonpyaw	Kyonpyaw	MMR017005	South Western Command
4	Infantry Battalion 38	Pathein	Pathein	MMR017001	South Western Command
5	Infantry Battalion 51	Myanaung	Myanaung	MMR017011	South Western Command
6	Infantry Battalion 63	Einme	Einme	MMR017015	South Western Command
7	Infantry Battalion 93	Myaungmya	Myaungmya	MMR017014	South Western Command
8	Infantry Battalion 98	Pyapon	Pyapon	MMR017023	South Western Command
9	Infantry Battalion 271	Pathein	Pathein	MMR017001	South Western Command
10	LIB 308	Hlay Gyi Tet	Thabaung	MMR017003	South Western Command
11	LIB 534	Mawlamyinegyun	Mawlamyinegyun	MMR017018	South Western Command

Southern Command (BS)-3

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 30	Pyin Pon Gyi	Bago	MMR007001	Southern Command
2	Infantry Battalion 39	Taungoo	Taungoo	MMR007009	Southern Command
3	Infantry Battalion 48	Pan Tin Taung	Oktwin	MMR007013	Southern Command
4	Infantry Battalion 53	Paukkhaung	Paukkhaung	MMR008002	Southern Command
5	Infantry Battalion 57	Shwegyin	Shwegyin	MMR007008	Southern Command

6	Infantry Battalion 60	Kyaukkyi	Kyaukkyi	MMR007011	Southern Command
7	Infantry Battalion 73	Za Yat Kyi	Thandaunggyi	MMR003004	Southern Command
8	Infantry Battalion 75	Pyay	Pyay	MMR008001	Southern Command
9	Infantry Battalion 92	Padaung	Padaung	MMR008003	Southern Command
10	Infantry Battalion 124	Thandaunggyi	Thandaunggyi	MMR003004	Southern Command
11	Infantry Battalion 264	Peinzalok	Nyaunglebin	MMR007005	Southern Command
12	LIB 7	Wan Be Inn	Bago	MMR007001	LID 77
13	LIB 8	Wan Be Inn	Bago	MMR007001	LID 77
14	LIB 20	Nyaunglebin	Nyaunglebin	MMR007005	Southern Command
15	LIB 349	Shwegyin	Shwegyin	MMR007008	Southern Command
16	LIB 350	Shwegyin	Shwegyin	MMR007008	Southern Command
17	LIB 351	Kyaukkyi	Kyaukkyi	MMR007011	Southern Command
18	LIB 439	Ka Nyut Kwin	Phyu	MMR007012	Southern Command
19	LIB 440	Daik-U	Daik-U	MMR007007	Southern Command
20	LIB 589	Don Za Yit	Gwa	MMR007008	Southern Command
21	LIB 590	Mone	Kyaukkyi	MMR007011	Southern Command
22	LIB 598	Za Loke Gyi	Yedashe	MMR007010	Southern Command
23	LIB 599	Mone	Kyaukkyi	MMR007011	Southern Command
24	LIB 603	Leik Tho	Thandaunggyi	MMR003004	Southern Command

South Eastern Command (BSO-4)

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 19	Hpapun	Hpapun	MMR003003	South Eastern Command
2	Infantry Battalion 24	Thaton	Thaton	MMR011007	South Eastern Command
3	Infantry Battalion 28	Hlaingbwe	Hlaingbwe	MMR003002	South Eastern Command
4	Infantry Battalion 31	Khaw Zar	Ye	MMR011006	South Eastern Command
5	Infantry Battalion 32	Kyainseikgyi	Kyainseikgyi	MMR003007	South Eastern Command

6	Infantry Battalion 96	Kyaikto	Kyaikto	MMR011009	South Eastern Command
7	Infantry Battalion 97	Kawkareik	Kawkareik	MMR003006	South Eastern Command
8	Infantry Battalion 275	Myawaddy (Hpar Chaung)	Myawaddy	MMR003005	South Eastern Command
9	Infantry Battalion 283	Kyainseikgyi	Kyainseikgyi	MMR003007	South Eastern Command
10	Infantry Battalion 284	Kyainseikgyi	Kyainseikgyi	MMR003007	South Eastern Command
11	LIB 310	Hpa-An	Hpa-An	MMR003001	South Eastern Command
12	LIB 338	Hlaingbwe	Hlaingbwe	MMR003002	South Eastern Command
13	LIB 339	Hlaingbwe	Hlaingbwe	MMR003002	South Eastern Command
14	LIB 340	Hpapun	Hpapun	MMR003003	South Eastern Command
15	LIB 341	Hpapun	Hpapun	MMR003003	South Eastern Command
16	LIB 343	Hpapun	Hpapun	MMR003003	South Eastern Command

Coastal Region Command (BSO-4)

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 17	Myeik	Myeik	MMR006005	Coastal Region Command
2	Infantry Battalion 25	Dawei	Dawei	MMR006001	Coastal Region Command
3	Infantry Battalion 101	Myeik (West)	Myeik	MMR006005	Coastal Region Command
4	Infantry Battalion 103	Myeik (West)	Myeik	MMR006005	Coastal Region Command
5	Infantry Battalion 104	Dawei	Dawei	MMR006001	Coastal Region Command
6	Infantry Battalion 224	Bokpyin	Bokpyin	MMR006010	Coastal Region Command
7	Infantry Battalion 262	Kawthoung	Kawthoung	MMR006009	Coastal Region Command
8	Infantry Battalion 265	Myeik	Myeik	MMR006005	Coastal Region Command
9	Infantry Battalion 267	Dawei	Dawei	MMR006001	Coastal Region Command
10	Infantry Battalion 273	Kan Pauk	Yebyu	MMR006004	Coastal Region Command
11	Infantry Battalion 280	Palauk	Palaw	MMR006007	Coastal Region Command
12	Infantry Battalion 282	Kaleinaung	Yebyu	MMR006004	Coastal Region Command

13	Infantry Battalion 285	Palaw	Palaw	MMR006007	Coastal Region Command
14	LIB 342	Kawthoung	Kawthoung	MMR006009	Coastal Region Command
15	LIB 431	Kawthoung	Kawthoung	MMR006009	Coastal Region Command
16	LIB 433	Myeik	Myeik	MMR006005	Coastal Region Command

Yangon Command (BSO-5)

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 16	Kyoet Kone	Insein	MMR013001	Yangon Command
2	Infantry Battalion 70	Twantay	Twantay	MMR013027	Yangon Command
3	Infantry Battalion 82	Shwe Nant Thar	Hlegu	MMR013004	Yangon Command
4	Infantry Battalion 90	Aung San	Insein	MMR013001	Yangon Command
5	Infantry Battalion 91	Hmawbi	Hmawbi	MMR013003	Yangon Command
6	Infantry Battalion 139	Thanlyin	Thanlyin	MMR013023	Yangon Command
7	Infantry Battalion 146	Thanlyin	Thanlyin	MMR013023	Yangon Command
8	LIB 435	South Okkalapa	South Okkalapa	MMR013011	Yangon Command
9	LIB 436	South Okkalapa	South Okkalapa	MMR013011	Yangon Command
10	LIB 532	Hlaingtharya	Hlaingtharya	MMR013046	Yangon Command
11	LIB 533	Toe Gyaung Kalay	Dagon Myothit (East)	MMR013020	Yangon Command

Naypyidaw Command (BSO-6)

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 85	Pyinmana	Pyinmana	MMR018006	Naypyidaw Command
2	Infantry Battalion 122	Lway Gyi	Zay Yar Thi Ri	MMR018001	Naypyidaw Command
3	LIB 302	Aye Lar	Lewe	MMR018007	Naypyidaw Command
4	LIB 303	Pyinmana	Pyinmana	MMR018006	Naypyidaw Command
5	LIB 305	Pyinmana	Pyinmana	MMR018006	Naypyidaw Command
6	LIB 411	Pyinmana	Pyinmana	MMR018006	Naypyidaw Command

7	LIB 412	Pyinmana	Pyinmana	MMR018006	Naypyidaw Command
8	LIB 606	Pa Det Chaung	Pyinmana	MMR018006	Naypyidaw Command
9	ကန့်တ (Unknown)	Pyinmana	Pyinmana	MMR018006	Naypyidaw Command
10	လခတ (Unknown)	Pyinmana	Pyinmana	MMR018006	Naypyidaw Command

II. Military Operation Command

MOC 1 Kyaukme

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 243	Nam Lan	Hsipaw	MMR015014	MOC 1
2	LIB 17	Nawngkhkio	Nawngkhkio	MMR015013	MOC 1
3	LIB 114	Nawngkhkio	Nawngkhkio	MMR015013	MOC 1
4	LIB 115	Nawngkhkio	Nawngkhkio	MMR015013	MOC 1
5	LIB 501	Kyaukme	Kyaukme	MMR015012	MOC 1
6	LIB 502	Kyaukme	Kyaukme	MMR015012	MOC 1
7	LIB 503	Hsipaw	Hsipaw	MMR015014	MOC 1
8	LIB 504	Hsipaw	Hsipaw	MMR015014	MOC 1
9	LIB 505	Nam Lan	Kunhing	MMR014014	MOC 1
10	LIB 506	Nam Lan	Kunhing	MMR014014	MOC 1

MOC 2 Mong Nang

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 9	Mong Nang	Kyethi	MMR014015	MOC 2
2	Infantry Battalion 12	Loilen	Loilen	MMR014011	MOC 2
3	Infantry Battalion 64	Laihka	Laihka	MMR014012	MOC 2
4	Infantry Battalion 247	Nansang (South)	Nansang	MMR014013	MOC 2
5	Infantry Battalion 248	Mongnai	Mongnai	MMR014019	MOC 2
6	LIB 513	Pinlon	Loilen	MMR014011	MOC 2
7	LIB 515	Laihka	Laihka	MMR014012	MOC 2
8	LIB 516	Nansang (North)	Nansang	MMR014013	MOC 2
9	LIB 517	Mong Pun	Loilen	MMR014011	MOC 2
10	LIB 518	Mongnai	Mongnai	MMR014019	MOC 2

MOC 3 Mogaung

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 40	Hoe Pin	Mohnyin	MMR001007	MOC 3
2	LIB 381	Mogaung	Mogaung	MMR001008	MOC 3
3	LIB 382	Mogaung	Mogaung	MMR001008	MOC 3

4	LIB 383	Sar Hmaw	Mogaung	MMR001008	MOC 3
5	LIB 384	Sar Hmaw	Mogaung	MMR001008	MOC 3
6	LIB 385	Nam Mar	Mohnyin	MMR001007	MOC 3
7	LIB 386	Nam Mar	Mohnyin	MMR001008	MOC 3
8	LIB 388	Hoe Pin	Mohnyin	MMR001007	MOC 3
9	LIB 389	Hoe Pin	Mohnyin	MMR001007	MOC 3
10	LIB 390	Nammatee	Mogaung	MMR001008	MOC 3

MOC 4 Hpu Gyi

No	Title	Township	Place Code	Command
1	LIB 701	Hmawbi	Hmawbi	MMR013003 MOC 4
2	LIB 702	Hmawbi	Hmawbi	MMR013003 MOC 4
3	LIB 703	Hmawbi	Hmawbi	MMR013003 MOC 4
4	LIB 704	Hpu Gyi	Hmawbi	MMR013003 MOC 4
5	LIB 705	Hpu Gyi	Hmawbi	MMR013003 MOC 4
6	LIB 706	Hpu Gyi	Hmawbi	MMR013003 MOC 4
7	LIB 707	Taikkyi	Taikkyi	MMR013005 MOC 4
8	LIB 708	Taikkyi	Taikkyi	MMR013005 MOC 4
9	LIB 709	Hpaung Gyi	Hlegu	MMR013004 MOC 4
10	LIB 710	Taikkyi	Taikkyi	MMR013005 MOC 4

MOC 5 Toungup

No	Title	Location	Township	Place Code	Command
320	LIB 346	Toungup	Toungup	MMR012016	MOC 5
345	LIB 371	Ann	Ann	MMR012014	MOC 5
346	LIB 372	Ann	Ann	MMR012014	MOC 5
347	LIB 373	Ann	Ann	MMR012014	MOC 5
447	LIB 542	Kyaukpyu	Kyaukpyu	MMR012011	MOC 5
448	LIB 543	Kyaukpyu	Kyaukpyu	MMR012011	MOC 5
449	LIB 544	Toungup	Toungup	MMR012016	MOC 5
467	LIB 562	Gwa	Gwa	MMR012017	MOC 5
468	LIB 563	Gwa	Gwa	MMR012017	MOC 5
471	LIB 566	Thandwe	Thandwe	MMR012015	MOC 5

MOC 6 Thea Hpyu

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 5	Nyaung Pin Thar	Pyinmana	MMR018006	MOC 6
2	Infantry Battalion 26	Taungoo	Taungoo	MMR007009	MOC 6
3	Infantry Battalion 84	Hswar	Yedashe	MMR007010	MOC 6
4	LIB 19	Hswar	Yedashe	MMR007010	MOC 6
5	LIB 306	Phyu	Phyu	MMR007012	MOC 6

6	LIB 307	Penwegon	Kyauktaga	MMR007006	MOC 6
7	LIB 413	Thea Hpyu	Tatkon	MMR018003	MOC 6
8	LIB 414	Thea Hpyu	Tatkon	MMR018003	MOC 6
9	LIB 604	Aung Nan Cho	Lewe	MMR018007	MOC 6
10	LIB 605	Seik Hpu Taung	Pyinmana	MMR018006	MOC 6

MOC 7 Pekon

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 102	Ngwe Taung	Demoso	MMR002002	MOC 7
2	Infantry Battalion 250	Loikaw	Loikaw	MMR002001	MOC 7
3	Infantry Battalion 261	Loikaw	Loikaw	MMR002001	MOC 7
4	LIB 336	Pekon	Pekon	MMR014010	MOC 7
5	LIB 421	Pekon	Pekon	MMR014010	MOC 7
6	LIB 423	Hsihseng	Hsihseng	MMR014004	MOC 7
7	LIB 424	Hsihseng	Hsihseng	MMR014004	MOC 7
8	LIB 425	Bang Yin	Hsihseng	MMR014004	MOC 7
9	LIB 426	Bang Yin	Hsihseng	MMR014004	MOC 7
10	LIB 427	Ngwe Taung	Demoso	MMR002002	MOC 7

MOC 8 Dawei

No	Title	Location	Township	Place Code	Command
1	LIB 401	Dawei	Dawei	MMR006001	MOC 8
2	LIB 402	Dawei	Dawei	MMR006001	MOC 8
3	LIB 403	Thayetchaung	Thayetchaung	MMR006003	MOC 8
4	LIB 404	Thayetchaung	Thayetchaung	MMR006003	MOC 8
5	LIB 405	Thayetchaung	Thayetchaung	MMR006003	MOC 8
6	LIB 406	Yebyu	Yebyu	MMR006004	MOC 8
7	LIB 407	Yebyu	Yebyu	MMR006004	MOC 8
8	LIB 408	Kaleinaung	Yebyu	MMR006004	MOC 8
9	LIB 409	Kaleinaung	Yebyu	MMR006004	MOC 8
10	LIB 410	Kaleinaung	Yebyu	MMR006004	MOC 8

MOC 9 Kyauktaw

No	Title	Location	Township	Place Code	Command
1	LIB 374	Kyauktaw	Kyauktaw	MMR012004	MOC 9
2	LIB 375	Kyauktaw	Kyauktaw	MMR012005	MOC 9
3	LIB 376	Kyauktaw	Kyauktaw	MMR012006	MOC 9
4	LIB 377	Mrauk-U	Mrauk-U	MMR012003	MOC 9
5	LIB 378	Mrauk-U	Mrauk-U	MMR012003	MOC 9
6	LIB 379	Minbya	Minbya	MMR012005	MOC 9
7	LIB 380	Minbya	Minbya	MMR012005	MOC 9

8	LIB 539	Kyauktaw	Kyauktaw	MMR012004	MOC 9
9	LIB 540	Mrauk-U	Mrauk-U	MMR012003	MOC 9
10	LIB 541	Minbya	Minbya	MMR012005	MOC 9

MOC 10 Kale

No	Title	Location	Township	Place Code	Command
1	LIB 361	Kale	Kale	MMR005027	MOC 10
2	LIB 362	Kale	Kale	MMR005027	MOC 10
3	LIB 363	Kale	Kale	MMR005027	MOC 10
4	LIB 364	Mawlaik	Mawlaik	MMR005031	MOC 10
5	LIB 365	Mawlaik	Mawlaik	MMR005031	MOC 10
6	LIB 366	Mawlaik	Mawlaik	MMR005031	MOC 10
7	LIB 367	Paungbyin	Paungbyin	MMR005032	MOC 10
8	LIB 368	Paungbyin	Paungbyin	MMR005032	MOC 10
9	LIB 369	Homalin	Homalin	MMR005034	MOC 10
10	LIB 370	Homalin	Homalin	MMR005034	MOC 10

MOC 12 Kawkareik

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 230	Kawkareik	Kawkareik	MMR003006	MOC 12
2	Infantry Battalion 231	Kawkareik	Kawkareik	MMR003006	MOC 12
3	LIB 355	Thin Gan Nyi Naung	Myawaddy	MMR003005	MOC 12
4	LIB 356	Thin Gan Nyi Naung	Myawaddy	MMR003005	MOC 12
5	LIB 357	Thin Gan Nyi Naung	Myawaddy	MMR003005	MOC 12
6	LIB 545	Kyondoe	Kawkareik	MMR003006	MOC 12
7	LIB 546	Kyondoe	Kawkareik	MMR003006	MOC 12
8	LIB 547	Na Bu	Kawkareik	MMR003006	MOC 12
9	LIB 548	Na Bu	Kawkareik	MMR003006	MOC 12
10	LIB 549	Na Bu	Kawkareik	MMR003006	MOC 12

MOC 13 Bokpyin

No	Title	Location	Township	Place Code	Command
1	LIB 358	Bokpyin	Bokpyin	MMR006010	MOC 13
2	LIB 432	Kawthoung	Kawthoung	MMR006009	MOC 13
3	LIB 555	Karathuri	Bokpyin	MMR006010	MOC 13
4	LIB 556	Za Wea	Myeik	MMR006005	MOC 13
5	LIB 557	Tanintharyi	Tanintharyi	MMR006008	MOC 13
6	LIB 558	Tanintharyi	Tanintharyi	MMR006008	MOC 13
7	LIB 559	Lay Hnar	Bokpyin	MMR006010	MOC 13

8	LIB 560	Lay Hnar	Bokpyin	MMR006010	MOC 13
9	LIB 561	Tanintharyi	Tanintharyi	MMR006008	MOC 13
10	LIB 585	Han Ka Pyu	Bokpyin	MMR006010	MOC 13

MOC 14 Monghsat

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 49	Monghsat	Monghsat	MMR016006	MOC 14
2	Infantry Battalion 277	Mongton	Mongton	MMR016008	MOC 14
3	Infantry Battalion 278	Monghsat	Monghsat	MMR016006	MOC 14
4	LIB 333	Monghsat	Monghsat	MMR016006	MOC 14
5	LIB 519	Mongton	Mongton	MMR016008	MOC 14
6	LIB 527	Monghsat	Monghsat	MMR016006	MOC 14
7	LIB 553	Mong Tun	Monghsat	MMR016006	MOC 14
8	LIB 554	Mong Tun	Monghsat	MMR016006	MOC 14
9	LIB 579	Mongkhoke	Monghsat	MMR016006	MOC 14
10	LIB 580	Mongkhoke	Monghsat	MMR016006	MOC 14

MOC 15 Buthidaung

No	Title	Location	Township	Place Code	Command
1	LIB 345	Buthidaung	Buthidaung	MMR012010	MOC 15
2	LIB 352	Buthidaung	Buthidaung	MMR012010	MOC 15
3	LIB 353	Buthidaung	Buthidaung	MMR012010	MOC 15
4	LIB 535	Buthidaung	Buthidaung	MMR012010	MOC 15
5	LIB 536	Rathedaung	Rathedaung	MMR012008	MOC 15
6	LIB 537	Rathedaung	Rathedaung	MMR012008	MOC 15
7	LIB 551	Buthidaung	Buthidaung	MMR012010	MOC 15
8	LIB 552	Kyee Hnoke Thee	Buthidaung	MMR012010	MOC 15
9	LIB 564	Buthidaung	Buthidaung	MMR012010	MOC 15
10	LIB 565	Buthidaung	Buthidaung	MMR012010	MOC 15

MOC 16 Hseni

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 68	Lashio	Lashio	MMR015001	MOC 16
2	Infantry Battalion 69	Hseni	Hseni	MMR015002	MOC 16
3	Infantry Battalion 240	Hseni	Hseni	MMR015002	MOC 16
4	Infantry Battalion 241	Kutkai	Kutkai	MMR015011	MOC 16
5	Infantry Battalion 242	Kutkai	Kutkai	MMR015011	MOC 16
6	LIB 323	Hseni	Hseni	MMR015002	MOC 16
7	LIB 507	Lashio	Lashio	MMR015001	MOC 16
8	LIB 522	Lashio	Lashio	MMR015001	MOC 16
9	LIB 567	Nam Sa Lat	Hseni	MMR015002	MOC 16

10	LIB 568	Nam Sa Lat	Hseni	MMR015003	MOC 16
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MOC 17 Mongpan

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 295	Ran Than	Mongpan	MMR014021	MOC 17
2	LIB 332	Mongpan	Mongpan	MMR014021	MOC 17
3	LIB 520	Mongpan	Mongpan	MMR014021	MOC 17
4	LIB 525	Langkho	Langkho	MMR014018	MOC 17
5	LIB 569	Kengtawng	Mongnai	MMR014019	MOC 17
6	LIB 574	Kengtawng	Mongnai	MMR014019	MOC 17
7	LIB 575	Nar Law	Mongpan	MMR014021	MOC 17
8	LIB 576	Kengtawng	Mongnai	MMR014019	MOC 17
9	LIB 577	Hsar War	Mongpan	MMR014021	MOC 17
10	LIB 578	Langkho	Langkho	MMR014018	MOC 17

MOC 18 Monghpyak

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 221	Monghpyak	Monghpyak	MMR016010	MOC 18
2	LIB 316	Tarlay	Tachileik	MMR016009	MOC 18
3	LIB 329	Monghpyak	Monghpyak	MMR016010	MOC 18
4	LIB 330	Monghpyak	Monghpyak	MMR016010	MOC 18
5	LIB 334	Mongyawng	Mongyawng	MMR016011	MOC 18
6	LIB 335	Mongyawng	Mongyawng	MMR016011	MOC 18
7	LIB 570	Monghpyak	Monghpyak	MMR016010	MOC 18
8	LIB 571	Tarlay	Tachileik	MMR016009	MOC 18
9	LIB 572	Tarlay	Tachileik	MMR016009	MOC 18
10	LIB 573	Mongyawng	Mongyawng	MMR016011	MOC 18

MOC 19 Ye

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 61	Ye	Ye	MMR011006	MOC 19
2	Infantry Battalion 62	Thanbyuzayat	Thanbyuzayat	MMR011004	MOC 19
3	Infantry Battalion 106	La Maing	Ye	MMR011006	MOC 19
4	Infantry Battalion 299	Koe Maing	Ye	MMR011006	MOC 19
5	LIB 343	Ahr Yu Taung	Ye	MMR011006	MOC 19
6	LIB 583	Kyaung Ywar	Ye	MMR011006	MOC 19
7	LIB 586	Ye	Ye	MMR011006	MOC 19
8	LIB 587	Ahr Yu Taung	Ye	MMR011006	MOC 19
9	LIB 588	Mawt Ka Nin	Ye	MMR011006	MOC 19
10	LIB 591	Kyaung Ywar	Ye	MMR011006	MOC 19

MOC 20 Khamaukgyi

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 288	Khamaukgyi	Kawthoung	MMR006009	MOC 20
2	LIB 581	Kyauk Tha Naung	Bokpyin	MMR006010	MOC 20
3	LIB 582	Ma Li Wan	Kawthoung	MMR006009	MOC 20
4	LIB 584	Khamaukgyi	Kawthoung	MMR006009	MOC 20
5	LIB 592	Sann Thida	Kawthoung	MMR006009	MOC 20
6	LIB 593	Kyauk Tha Naung	Bokpyin	MMR006010	MOC 20
7	LIB 594	Han Ka Tan	Bokpyin	MMR006010	MOC 20
8	LIB 595	Ma Li Wan	Kawthoung	MMR006009	MOC 20
9	LIB 596	Sann Thida	Kawthoung	MMR006009	MOC 20
10	LIB 597	Ma Thay Chaung Phya	Bokpyin	MMR006010	MOC 20

MOC 21 Bhamo

No	Title	Location	Township	Place Code	Command
47	Infantry Battalion 47	Bhamo	Bhamo	MMR001010	MOC 21
56	Infantry Battalion 56	Shwegu	Shwegu	MMR001011	MOC 21
137	Infantry Battalion 223	Mongmit	Mongmit	MMR015017	MOC 21
151	Infantry Battalion 237	Tar Sai	Momauk	MMR001012	MOC 21
189	Infantry Battalion 276	Mongmit	Mongmit	MMR015017	MOC 21
294	LIB 320	Myo Thit	Momauk	MMR001012	MOC 21
361	LIB 387	Myo Thit	Momauk	MMR001012	MOC 21
403	LIB 438	Nwan Lang	Momauk	MMR001012	MOC 21
504	LIB 601	Mansi	Mansi	MMR001013	MOC 21
505	LIB 602	Shwegu	Shwegu	MMR001011	MOC 21

III. Light Infantry Division

LID 11 Inn Taing

No	Title	Location	Township	Place Code	Command
1	LIB 211	Inn Taing	Hlegu	MMR013004	LID 11
2	LIB 212	Inn Taing	Hlegu	MMR013004	LID 11
3	LIB 213	Inn Taing	Hlegu	MMR013004	LID 11
4	LIB 214	Ye Mun	Hlegu	MMR013004	LID 11
5	LIB 215	Ye Mun	Hlegu	MMR013004	LID 11
6	LIB 216	Ye Mun	Hlegu	MMR013004	LID 11
7	LIB 217	Ye Mun	Hlegu	MMR013004	LID 11
8	LIB 218	Ye Mun	Hlegu	MMR013004	LID 11
9	LIB 219	Ye Mun	Hlegu	MMR013004	LID 11
10	LIB 220	Ye Mun	Hlegu	MMR013004	LID 11

LID 22 Hpa-An

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 81	Zar Tha Pyin	Hpa-An	MMR003001	LID 22
2	LIB 201	Hpa-An	Hpa-An	MMR003001	LID 22
3	LIB 202	Taung Ka Lay	Kyaikto	MMR011009	LID 22
4	LIB 203	Myaing Ka Lay	Hpa-An	MMR003001	LID 22
5	LIB 204	Myaing Ka Lay	Hpa-An	MMR003001	LID 22
6	LIB 205	Myaing Ka Lay	Hpa-An	MMR003001	LID 22
7	LIB 206	Kyar Ban	Thaton	MMR011007	LID 22
8	LIB 208	Kyaikmaraw	Kyaikmaraw	MMR011002	LID 22
9	LIB 209	Kamarwet Town	Mudon	MMR011005	LID 22
10	LIB 210	Kyauk Ta Lone	Hpa-An	MMR003001	LID 22

LID 33 Sagaing

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 4	Patheingyi	Patheingyi	MMR010007	LID 33
2	Infantry Battalion 42	Shwebo	Shwebo	MMR005004	LID 33
3	Infantry Battalion 76	Mandalay	Mandalay	MMR010D001	LID 33
4	LIB 11	Shwebo	Shwebo	MMR005004	LID 33
5	LIB 12	Kyauk Myaung	Shwebo	MMR005004	LID 33
6	LIB 13	Sagaing	Sagaing	MMR005001	LID 33
7	LIB 111	Wuntho	Wuntho	MMR005025	LID 33
8	LIB 116	Patheingyi	Patheingyi	MMR010007	LID 33
9	LIB 119	Patheingyi	Patheingyi	MMR010007	LID 33
10	LIB 120	Wuntho	Wuntho	MMR005025	LID 33

LID 44 Kyaikto

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 2	Theinzayat	Kyaikto	MMR011009	LID 44
2	Infantry Battalion 8	Bilin	Bilin	MMR011010	LID 44
3	LIB 1	Thaton	Thaton	MMR011007	LID 44
4	LIB 2	Kyaikto	Kyaikto	MMR011009	LID 44
5	LIB 3	Bilin	Bilin	MMR011010	LID 44
6	LIB 9	Bilin	Bilin	MMR011010	LID 44
7	LIB 102	Moke Ta Ma	Paung	MMR011008	LID 44
8	LIB 104	Mawlamyine	Mawlamyine	MMR011001	LID 44
9	LIB 118	Thaton	Thaton	MMR011007	LID 44
10	LIB 207	Theinzayat	Kyaikto	MMR011009	LID 44

LID 55 Kalaw

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 3	Kalaw	Kalaw	MMR014005	LID 55
2	Infantry Battalion 7	Kalaw	Kalaw	MMR014005	LID 55
3	Infantry Battalion 94	Shwenyaung	Taunggyi	MMR014001	LID 55
4	LIB 18	He Hoe	Kalaw	MMR014005	LID 55
5	LIB 112	Kalaw	Kalaw	MMR014005	LID 55
6	LIB117	He Hoe	Kalaw	MMR014005	LID 55
7	LIB 508	Bahtoo	Lawksawk	MMR014008	LID 55
8	LIB 509	Bahtoo	Lawksawk	MMR014009	LID 55
9	LIB 511	Ti Kyit	Pinlaung	MMR014009	LID 55
10	LIB 512	Ti Kyit	Pinlaung	MMR014009	LID 55

LID 66 Inn Ma

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 1	Seinkanlant	Minhla	MMR008009	LID 66
2	Infantry Battalion 11	War Yar Chaung	Pathein	MMR017001	LID 66
3	Infantry Battalion 14	Pyay	Pyay	MMR008001	LID 66
4	Infantry Battalion 35	Thayarwady	Thayarwady	MMR008007	LID 66
5	Infantry Battalion 80	Inn Ma	Thegon	MMR008005	LID 66
6	LIB 4	Inn Ma	Thegon	MMR008005	LID 66
7	LIB 5	Inn Ma	Thegon	MMR008005	LID 66
8	LIB 6	Tein Myoke	Okpho	MMR008010	LID 66
9	LIB 10	Mhat Tai	Paungde	MMR008004	LID 66
10	LIB 108	Danubyu	Danubyu	MMR017022	LID 66

LID 77 Bago

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 6	Hlaw Kar	Shwepyithar	MMR013007	LID 77
2	Infantry Battalion 59	Baw Net Gyi	Bago	MMR007001	LID 77
3	LIB 101	Inntakaw	Bago	MMR007001	LID 77
4	LIB 105	Inntakaw	Bago	MMR007001	LID 77
5	LIB 106	Htaukkyant	Mingaladon	MMR013002	LID 77
6	LIB 107	Inntakaw	Bago	MMR007001	LID 77
7	LIB 313	Hmawbi	Hmawbi	MMR013003	LID 77
8	LIB 391	Htaukkyant	Mingaladon	MMR013002	LID 77

LID 88 Magway

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 10	Saku	Minbu	MMR009007	LID 88
2	Infantry Battalion 13	Chauk	Chauk	MMR009003	LID 88
3	Infantry Battalion 77	Yenangyaung	Yenangyaung	MMR009002	LID 88
4	Infantry Battalion 78	Kyaukpadaung	Kyaukpadaung	MMR010020	LID 88
5	Infantry Battalion 83	Mi Kyaung Ye	Magway	MMR009001	LID 88
6	LIB 103	Taungdwingyi	Taungdwingyi	MMR009004	LID 88
7	LIB 301	Magway	Magway	MMR009D001	LID 88
8	LIB 317	Magway	Magway	MMR009D001	LID 88
9	LIB 415	Bagan	Nyaung-U	MMR010022	LID 88
10	LIB 416	Sa Lay	Chauk	MMR009003	LID 88

LID 99 Meiktila

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 79	Meiktila	Meiktila	MMR010028	LID 99
2	LIB 14	Kyaukse	Kyaukse	MMR010013	LID 99
3	LIB 15	Myingyan	Myingyan	MMR010017	LID 99
4	LIB 109	Tatkon	Tatkon	MMR018003	LID 99
5	LIB 113	Meiktila	Meiktila	MMR010028	LID 99
6	LIB 315	Meiktila	Meiktila	MMR010028	LID 99
7	LIB 417	Yin Taw	Pyawbwe	MMR010024	LID 99
8	LIB 418	Yin Taw	Pyawbwe	MMR010024	LID 99
9	LIB 419	Thazi	Thazi	MMR010030	LID 99
10	LIB 420	Thazi	Thazi	MMR010030	LID 99

LID 101 Pakokku

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 235	Pakokku	Pakokku	MMR009018	LID 101
2	Infantry Battalion 251	Pakokku	Pakokku	MMR009018	LID 101
3	Infantry Battalion 252	Pakokku	Pakokku	MMR009018	LID 101
4	Infantry Battalion 253	Salin	Salin	MMR009010	LID 101
5	Infantry Battalion 254	Salin	Salin	MMR009010	LID 101
6	Infantry Battalion 255	Salin	Salin	MMR009010	LID 101
7	Infantry Battalion 256	Yesagyo	Yesagyo	MMR009019	LID 101
8	Infantry Battalion 257	Yesagyo	Yesagyo	MMR009019	LID 101
9	Infantry Battalion 258	Yesagyo	Yesagyo	MMR009019	LID 101
10	Infantry Battalion 259	Pakokku	Pakokku	MMR009018	LID 101

IV. Infantry Battalions & Light Infantry Battalions

Infantry Battalion

No	Title	Location	Township	Place Code	Command
1	Infantry Battalion 1	Seinkanlant	Minhla	MMR008009	LID 66
2	Infantry Battalion 2	Theinzayat	Kyaikto	MMR011009	LID 44
3	Infantry Battalion 3	Kalaw	Kalaw	MMR014005	LID 55
4	Infantry Battalion 4	Patheingyi	Patheingyi	MMR010007	LID 33
5	Infantry Battalion 5	Nyaung Pin Thar	Pyinmana	MMR018006	MOC 6
6	Infantry Battalion 6	Hlaw Kar	Shwepyithar	MMR013007	LID 77
7	Infantry Battalion 7	Kalaw	Kalaw	MMR014005	LID 55
8	Infantry Battalion 8	Bilin	Bilin	MMR011010	LID 44
9	Infantry Battalion 9	Mong Nang	Kyethi	MMR014015	MOC 2
10	Infantry Battalion 10	Saku	Minbu	MMR009007	LID 88
11	Infantry Battalion 11	War Yar Chaung	Pathein	MMR017001	LID 66
12	Infantry Battalion 12	Loilen	Loilen	MMR014011	MOC 2
13	Infantry Battalion 13	Chauk	Chauk	MMR009003	LID 88
14	Infantry Battalion 14	Pyay	Pyay	MMR008001	LID 66
15	Infantry Battalion 15	Mohnyin	Mohnyin	MMR001007	Northern Command
16	Infantry Battalion 16	Kyoet Kone	Insein	MMR013001	Yangon Command
17	Infantry Battalion 17	Myeik	Myeik	MMR006005	Coastal Region Command
18	Infantry Battalion 18	Hinthada	Hinthada	MMR017008	South Western Command
19	Infantry Battalion 19	Hpapun	Hpapun	MMR003003	South Eastern Command
20	Infantry Battalion 20	Sittwe	Sittwe	MMR012001	Western Command
21	Infantry Battalion 21	Myitkyina	Myitkyina	MMR001001	Northern Command
22	Infantry Battalion 22	Hsaik Hkawng	Monghsat	MMR016006	North Eastern Command
23	Infantry Battalion 23	Hsipaw	Hsipaw	MMR015014	North Eastern Command
24	Infantry Battalion 24	Thaton	Thaton	MMR011007	South Eastern Command
25	Infantry Battalion 25	Dawei	Dawei	MMR006001	Coastal Region Command
26	Infantry Battalion 26	Taungoo	Taungoo	MMR007009	MOC 6
27	Infantry Battalion 27	Maubin	Maubin	MMR017019	South Western Command
28	Infantry Battalion 28	Hlaingbwe	Hlaingbwe	MMR003002	South Eastern Command

29	Infantry Battalion 29	Myitkyina	Myitkyina	MMR001001	Northern Command
30	Infantry Battalion 30	Pyin Pon Gyi	Bago	MMR007001	Southern Command
31	Infantry Battalion 31	Khaw Zar	Ye	MMR011006	South Eastern Command
32	Infantry Battalion 32	Kyainseikgyi	Kyainseikgyi	MMR003007	South Eastern Command
33	Infantry Battalion 33	Mong Kawng	Tangyan	MMR015004	North Eastern Command
34	Infantry Battalion 34	Kyaukpyu	Kyaukpyu	MMR012011	Western Command
35	Infantry Battalion 35	Thayarwady	Thayarwady	MMR008007	LID 66
36	Infantry Battalion 36	Kyonpyaw	Kyonpyaw	MMR017005	South Western Command
37	Infantry Battalion 37	Myitkyina	Myitkyina	MMR001001	Northern Command
38	Infantry Battalion 38	Pathein	Pathein	MMR017001	South Western Command
39	Infantry Battalion 39	Taungoo	Taungoo	MMR007009	Southern Command
40	Infantry Battalion 40	Hoe Pin	Mohnyin	MMR001007	MOC 3
41	Infantry Battalion 41	Lashio	Lashio	MMR015001	North Eastern Command
42	Infantry Battalion 42	Shwebo	Shwebo	MMR005004	LIB 33
43	Infantry Battalion 43	Mong Pyin	Kengtung	MMR016001	Triangle Region Command
44	Infantry Battalion 44	Thayet	Thayet	MMR009012	Central Command
45	Infantry Battalion 45	Kutkai	Kutkai	MMR015011	North Eastern Command
46	Infantry Battalion 46	Put-a-O	Put-a-O	MMR001014	Northern Command
47	Infantry Battalion 47	Bhamo	Bhamo	MMR001010	MOC 21
48	Infantry Battalion 48	Pan Tin Taung	Oktwin	MMR007013	Southern Command
49	Infantry Battalion 49	Monghsat	Monghsat	MMR016006	MOC 14
50	Infantry Battalion 50	Gangaw	Gangaw	MMR009023	North Western Command
51	Infantry Battalion 51	Myanaung	Myanaung	MMR017011	South Western Command
52	Infantry Battalion 52	Hkamti	Hkamti	MMR005033	North Western Command
53	Infantry Battalion 53	Paukkhaung	Paukkhaung	MMR008002	Southern Command
54	Infantry Battalion 54	Loikaw	Loikaw	MMR002001	Eastern Command
55	Infantry Battalion 55	Thandwe	Thandwe	MMR012015	Western Command
56	Infantry Battalion 56	Shwegu	Shwegu	MMR001011	MOC 21

57	Infantry Battalion 57	Shwegyin	Shwegyin	MMR007008	Southern Command
58	Infantry Battalion 58	Waingmaw	Waingmaw	MMR001002	Northern Command
59	Infantry Battalion 59	Baw Net Gyi	Bago	MMR007001	LIB 77
60	Infantry Battalion 60	Kyaukkyi	Kyaukkyi	MMR007011	Southern Command
61	Infantry Battalion 61	Ye	Ye	MMR011006	MOC 19
62	Infantry Battalion 62	Thanbyuzayat	Thanbyuzayat	MMR011004	MOC 19
63	Infantry Battalion 63	Einme	Einme	MMR017015	South Western Command
64	Infantry Battalion 64	Laihka	Laihka	MMR014012	MOC 2
65	Infantry Battalion 65	Nar Kawng Mu	Mongton	MMR016008	Triangle Region Command
66	Infantry Battalion 66	Kho Lam	Nansang	MMR014013	Eastern Command
67	Infantry Battalion 67	Mongyai	Mongyai	MMR015003	Eastern Command
68	Infantry Battalion 68	Lashio	Lashio	MMR015001	MOC 16
69	Infantry Battalion 69	Hseni	Hseni	MMR015002	MOC 16
70	Infantry Battalion 70	Twantay	Twantay	MMR013027	Yangon Command
71	Infantry Battalion 71	Aunglan	Aunglan	MMR009016	Central Command
72	Infantry Battalion 72	Law Pi Ta	Loikaw	MMR002001	Eastern Command
73	Infantry Battalion 73	Za Yat Kyi	Thandaunggyi	MMR003004	Southern Command
74	Infantry Battalion 74	Mogaung	Mogaung	MMR001008	Northern Command
75	Infantry Battalion 75	Pyay	Pyay	MMR008001	Southern Command
76	Infantry Battalion 76	Mandalay	Mandalay	MMR010D001	LIB 33
77	Infantry Battalion 77	Yenangyaung	Yenangyaung	MMR009002	LIB 88
78	Infantry Battalion 78	Kyaukpadaung	Kyaukpadaung	MMR010020	LIB 88
79	Infantry Battalion 79	Meiktila	Meiktila	MMR010028	LIB 99
80	Infantry Battalion 80	Inn Ma	Thegon	MMR008005	LIB 66
81	Infantry Battalion 81	Zar Tha Pyin	Hpa-An	MMR003001	LIB 22
82	Infantry Battalion 82	Shwe Nant Thar	Hlegu	MMR013004	Yangon Command
83	Infantry Battalion 83	Mi Kyaung Ye	Magway	MMR009001	LIB 88
84	Infantry Battalion 84	Hswar	Yedashe	MMR007010	MOC 6
85	Infantry Battalion 85	Pyinmana	Pyinmana	MMR018006	Naypyidaw Command
86	Infantry Battalion 86	Tanai	Tanai	MMR001004	Northern Command
87	Infantry Battalion 87	Kale	Kale	MMR005027	North Western Command

88	Infantry Battalion 88	Minbu	Minbu	MMR009007	Central Command
89	Infantry Battalion 89	Kale	Kale	MMR005027	North Western Command
90	Infantry Battalion 90	Aung San	Insein	MMR013001	Yangon Command
91	Infantry Battalion 91	Hmawbi	Hmawbi	MMR013003	Yangon Command
92	Infantry Battalion 92	Padaung	Padaung	MMR008003	Southern Command
93	Infantry Battalion 93	Myaungmya	Myaungmya	MMR017014	South Western Command
94	Infantry Battalion 94	Shwenyaung	Taunggyi	MMR014001	LIB 55
95	Infantry Battalion 95	Mandalay	Mandalay	MMR010D001	Central Command
96	Infantry Battalion 96	Kyaikto	Kyaikto	MMR011009	South Eastern Command
97	Infantry Battalion 97	Kawkareik	Kawkareik	MMR003006	South Eastern Command
98	Infantry Battalion 98	Pyapon	Pyapon	MMR017023	South Western Command
99	Infantry Battalion 99	Langkho	Langkho	MMR014018	Eastern Command
100	Infantry Battalion 101	Myeik (West)	Myeik	MMR006005	Coastal Region Command
101	Infantry Battalion 102	Ngwe Taung	Demoso	MMR002002	MOC 7
102	Infantry Battalion 103	Myeik	Myeik	MMR006005	Coastal Region Command
103	Infantry Battalion 104	Dawei	Dawei	MMR006001	Coastal Region Command
104	Infantry Battalion 105	Sar Hmaw	Mogaung	MMR001008	Northern Command
105	Infantry Battalion 106	La Maing	Ye	MMR011006	MOC 19
106	Infantry Battalion 121	Ngar Oe	Myitkyina	MMR001001	Northern Command
107	Infantry Battalion 122	Lway Gyi	Zay Yar Thi Ri	MMR018001	Naypyidaw Command
108	Infantry Battalion 123	Nam Hpat Kar	Kutkai	MMR015011	North Eastern Command
109	Infantry Battalion 124	Thandaunggyi	Thandaunggyi	MMR003004	Southern Command
110	Infantry Battalion 125	Konkyan	Konkyan	MMR015023	North Eastern Command
111	Infantry Battalion 236	Bhamo	Bhamo	MMR001010	Northern Command
112	Infantry Battalion 126	Nanyun	Nanyun	MMR005037	Northern Command
113	Infantry Battalion 127	Kunlong	Kunlong	MMR015020	North Eastern Command

114	Infantry Battalion 128	Par Hsin Kyaw	Laukkaing	MMR015022	North Eastern Command
115	Infantry Battalion 129	Nyo Hkum (Nyan Hkum)	Laukkaing	MMR015022	North Eastern Command
116	Infantry Battalion 130	Manton	Manton	MMR015019	North Eastern Command
117	Infantry Battalion 131	Kyethi	Kyethi	MMR014015	Eastern Command
118	Infantry Battalion 132	Mawkmai	Mawkmai	MMR014020	Eastern Command
119	Infantry Battalion 133	Mongton	Mongton	MMR016008	Triangle Region Command
120	Infantry Battalion 134	Hpasawng	Hpasawng	MMR002D002	Eastern Command
121	Infantry Battalion 135	Hpasawng	Hpasawng	MMR002D002	Eastern Command
122	Infantry Battalion 136	Mong Pat	Pangsang (Panghkam)	MMR015005	North Eastern Command
123	Infantry Battalion 137	Machanbaw	Machanbaw	MMR001016	Northern Command
124	Infantry Battalion 138	Put-a-O	Put-a-O	MMR001014	Northern Command
125	Infantry Battalion 139	Thanlyin	Thanlyin	MMR013023	Yangon Command
126	Infantry Battalion 140	Matupi	Matupi	MMR004007	North Western Command
127	Infantry Battalion 141	Sinbo	Myitkyina	MMR001D001	Northern Command
128	Infantry Battalion 142	Dawthponeyan	Momauk	MMR001012	Northern Command
129	Infantry Battalion 143	Hopang	Hopang	MMR015021	North Eastern Command
130	Infantry Battalion 144	Man Tat	Namhkan	MMR015010	North Eastern Command
131	Infantry Battalion 145	Hopang	Hopang	MMR015021	North Eastern Command
132	Infantry Battalion 146	Thanlyin	Thanlyin	MMR013023	Yangon Command
133	Infantry Battalion 147	Hsipaw	Hsipaw	MMR015014	North Eastern Command
134	Infantry Battalion 148	Thabeikkyin	Thabeikkyin	MMR010012	Central Command
135	Infantry Battalion 221	Monghpyak	Monghpyak	MMR016010	MOC 18
136	Infantry Battalion 222	Homalin	Homalin	MMR005034	North Western Command
137	Infantry Battalion 223	Mongmit	Mongmit	MMR015017	MOC 21
138	Infantry Battalion 224	Bokpyin	Bokpyin	MMR006010	Coastal Region Command
139	Infantry Battalion 225	Mongton	Mongton	MMR016008	Triangle Region Command

140	Infantry Battalion 226	Loi Mway	Kengtung	MMR016001	Triangle Region Command
141	Infantry Battalion 227	Mongkhet	Mongkhet	MMR016002	MOC 18
142	Infantry Battalion 228	Kale	Kale	MMR005027	North Western Command
143	Infantry Battalion 229	Hkamti	Hkamti	MMR005033	North Western Command
144	Infantry Battalion 230	Kawkareik	Kawkareik	MMR003006	MOC 12
145	Infantry Battalion 231	Kawkareik	Kawkareik	MMR003006	MOC 12
146	Infantry Battalion 232	Sittwe	Sittwe	MMR012001	Western Command
147	Infantry Battalion 233	Buthidaung	Buthidaung	MMR012010	Western Command
148	Infantry Battalion 234	Buthidaung	Buthidaung	MMR012010	Western Command
149	Infantry Battalion 235	Pakokku	Pakokku	MMR009018	LIB 101
150	Infantry Battalion 274	Mindat	Mindat	MMR004006	North Western Command
151	Infantry Battalion 237	Tar Sai	Momauk	MMR001012	MOC 21
152	Infantry Battalion 238	Tar Sai	Momauk	MMR001012	Northern Command
153	Infantry Battalion 239	Laukkaing	Laukkaing	MMR015022	North Eastern Command
154	Infantry Battalion 240	Hseni	Hseni	MMR015002	MOC 16
155	Infantry Battalion 241	Kutkai	Kutkai	MMR015011	MOC 16
156	Infantry Battalion 242	Kutkai	Kutkai	MMR015011	MOC 16
157	Infantry Battalion 243	Nam Lan	Hsipaw	MMR015014	MOC 1
158	Infantry Battalion 244	Mong Hkun	Kengtung	MMR016001	Triangle Region Command
159	Infantry Battalion 245	Kengtung	Kengtung	MMR016001	Triangle Region Command
160	Infantry Battalion 246	Kunhing	Kunhing	MMR014014	Eastern Command
161	Infantry Battalion 247	Nansang (South)	Nansang	MMR014013	MOC 2
162	Infantry Battalion 248	Mongnai	Mongnai	MMR014019	MOC 2
163	Infantry Battalion 249	Mong Ping	Hopong	MMR014003	Eastern Command
164	Infantry Battalion 250	Loikaw	Loikaw	MMR002001	MOC 7
165	Infantry Battalion 251	Pakokku	Pakokku	MMR009018	LIB 101
166	Infantry Battalion 252	Pakokku	Pakokku	MMR009018	LIB 101
167	Infantry Battalion 253	Salin	Salin	MMR009010	LIB 101
168	Infantry Battalion 254	Salin	Salin	MMR009010	LIB 101
169	Infantry Battalion 255	Salin	Salin	MMR009010	LIB 101
170	Infantry Battalion 256	Yesagyo	Yesagyo	MMR009019	LIB 101
171	Infantry Battalion 257	Yesagyo	Yesagyo	MMR009019	LIB 101
172	Infantry Battalion 258	Yesagyo	Yesagyo	MMR009019	LIB 101
173	Infantry Battalion 259	Pakokku	Pakokku	MMR009018	LIB 101

174	Infantry Battalion 260	Ma Ram	Mogaung	MMR001008	Northern Command
175	Infantry Battalion 261	Loikaw	Loikaw	MMR002001	MOC 7
176	Infantry Battalion 262	Kawthoung	Kawthoung	MMR006009	Coastal Region Command
177	Infantry Battalion 263	Buthidaung	Buthidaung	MMR012010	Western Command
178	Infantry Battalion 264	Peinzalok	Nyaunglebin	MMR007005	Southern Command
179	Infantry Battalion 265	Myeik	Myeik	MMR006005	Coastal Region Command
180	Infantry Battalion 266	Hakha	Hakha	MMR004002	North Western Command
181	Infantry Battalion 267	Dawei	Dawei	MMR006001	Coastal Region Command
182	Infantry Battalion 268	Falam	Falam	MMR004001	North Western Command
183	Infantry Battalion 269	Tedim	Tedim	MMR004004	North Western Command
184	Infantry Battalion 270	Sittwe	Sittwe	MMR012001	Western Command
185	Infantry Battalion 271	Patheingyi	Patheingyi	MMR017001	South Western Command
186	Infantry Battalion 272	Lahe	Lahe	MMR005036	North Western Command
187	Infantry Battalion 273	Kan Pauk	Yebyu	MMR006004	Coastal Region Command
188	Infantry Battalion 275	Myawaddy (Hpar Chaung)	Myawaddy	MMR003005	South Eastern Command
189	Infantry Battalion 276	Mongmit	Mongmit	MMR015017	MOC 21
190	Infantry Battalion 277	Mongton	Mongton	MMR016008	MOC 14
191	Infantry Battalion 278	Monghsat	Monghsat	MMR016006	MOC 14
192	Infantry Battalion 279	Mongyang	Mongyang	MMR016003	Triangle Region Command
193	Infantry Battalion 280	Palauk	Palaw	MMR006007	North Western Command
194	Infantry Battalion 281	Mongyang	Mongyang	MMR016003	North Western Command
195	Infantry Battalion 282	Kaleinaung	Yebyu	MMR006004	Coastal Region Command
196	Infantry Battalion 283	Kyainseikgyi	Kyainseikgyi	MMR003007	South Eastern Command
197	Infantry Battalion 284	Kyainseikgyi	Kyainseikgyi	MMR003007	South Eastern Command
198	Infantry Battalion 285	Palaw	Palaw	MMR006007	Coastal Region Command
199	Infantry Battalion 286	Mong Nang	Kyethi	MMR014015	Eastern Command
200	Infantry Battalion 287	Wan Hsan	Kyethi	MMR014015	Eastern Command

201	Infantry Battalion 288	Khamaukyi	Kawthoung	MMR006009	MOC 20
202	Infantry Battalion 289	Paletwa	Paletwa	MMR004009	Western Command
203	Infantry Battalion 290	Tarmoenye	Kutkai	MMR015011	North Eastern Command
204	Infantry Battalion 291	Nam Pawng	Lashio	MMR015001	North Eastern Command
205	Infantry Battalion 292	Nawng Yawng	Langkho	MMR014018	Eastern Command
206	Infantry Battalion 293	Tontar	Mongping	MMR016007	Triangle Region Command
207	Infantry Battalion 294	Tar Sang	Mongpan	MMR014021	Triangle Region Command
208	Infantry Battalion 295	Ran Than	Mongpan	MMR014021	MOC 17
209	Infantry Battalion 296	Tar Kaw	Mongping	MMR016007	Eastern Command
210	Infantry Battalion 297	Shar Du Zut	Hpakant	MMR001009	Northern Command
211	Infantry Battalion 298	Dun Bang	Hpakant	MMR001009	Northern Command
212	Infantry Battalion 299	Koe Maing	Ye	MMR011006	MOC 19
213	လခေတ (Unkonwn)	Pyinmana	Pyinmana	MMR018006	Naypyidaw Command
214	ကနုတ (Unkown)	Pyinmana	Pyinmana	MMR018006	Naypyidaw Command

Light Infantry Battalion

No	Title	Location	Township	Place Code	Command
1	LIB 1	Thaton	Thaton	MMR011007	LID 44
2	LIB 2	Kyaikto	Kyaikto	MMR011009	LID 44
3	LIB 3	Bilin	Bilin	MMR011010	LID 44
4	LIB 4	Inn Ma	Thegon	MMR008005	LID 66
5	LIB 5	Inn Ma	Thegon	MMR008005	LID 66
6	LIB 6	Tein Myoke	Okpho	MMR008010	LID 66
7	LIB 7	Wan Be Inn	Bago	MMR007001	LID 77
8	LIB 8	Wan Be Inn	Bago	MMR007001	LID 77
9	LIB 9	Bilin	Bilin	MMR011010	LID 44
10	LIB 10	Mhat Taing	Paungde	MMR008004	LID 66
11	LIB 11	Shwebo	Shwebo	MMR005004	LID 33
12	LIB 12	Kyauk Myaung	Shwebo	MMR005004	LID 33
13	LIB 13	Sagaing	Sagaing	MMR005001	LID 33
14	LIB 14	Kyaukse	Kyaukse	MMR010013	LID 99
15	LIB 15	Myingyan	Myingyan	MMR010017	LID 99
16	LIB 16	Monywa	Monywa	MMR005012	North Western Command
17	LIB 17	Nawngkhio	Nawngkhio	MMR015013	MOC 1

18	LIB 18	He Hoe	Kalaw	MMR014005	LID 55
19	LIB 19	Hswar	Yedashe	MMR007010	MOC 6
20	LIB 20	Nyaunglebin	Nyaunglebin	MMR007005	Southern Command
21	LIB 101	Inntakaw	Bago	MMR007001	LID 77
22	LIB 102	Moke Ta Ma	Paung	MMR011008	LID 44
23	LIB 103	Taungdwingyi	Taungdwingyi	MMR009004	LID 88
24	LIB 104	Mawlamyine	Mawlamyine	MMR011001	LID 44
25	LIB 105	Inntakaw	Bago	MMR007001	LID 77
26	LIB 106	Htaukkyant	Mingaladon	MMR013002	LID 77
27	LIB 107	Inntakaw	Bago	MMR007001	LID 77
28	LIB 108	Danubyu	Danubyu	MMR017022	LID 66
29	LIB 109	Tatkon	Tatkon	MMR018003	LID 99
30	LIB 111	Wuntho	Wuntho	MMR005025	LID 33
31	LIB 112	Kalaw	Kalaw	MMR014005	LID 55
32	LIB 113	Meiktila	Meiktila	MMR010028	LID 99
33	LIB 114	Nawngkhio	Nawngkhio	MMR015013	MOC 1
34	LIB 115	Nawngkhio	Nawngkhio	MMR015013	MOC 1
35	LIB 116	Patheingyi	Patheingyi	MMR010007	LID 33
36	LIB 117	He Hoe	Kalaw	MMR014005	LID 55
37	LIB 118	Thaton	Thaton	MMR011007	LID 44
38	LIB 316	Tarlay	Tachileik	MMR016009	MOC 18
39	LIB 119	Patheingyi	Patheingyi	MMR010007	LID 33
40	LIB 120	Wuntho	Wuntho	MMR005025	LID 33
41	LIB 201	Hpa-An	Hpa-An	MMR003001	LID 22
42	LIB 202	Taung Ka Lay	Kyaikto	MMR011009	LID 22
43	LIB 203	Myaing Ka Lay	Hpa-An	MMR003001	LID 22
44	LIB 204	Myaing Ka Lay	Hpa-An	MMR003001	LID 22
45	LIB 205	Myaing Ka Lay	Hpa-An	MMR003001	LID 22
46	LIB 206	Kyar Ban	Thaton	MMR011007	LID 22
47	LIB 207	Theinzayat	Kyaikto	MMR011009	LID 44
48	LIB 208	Kyaikmaraw	Kyaikmaraw	MMR011002	LID 22
49	LIB 209	Kamarwet Town	Mudon	MMR011005	LID 23
50	LIB 210	Kyauk Ta Lone	Hpa-An	MMR003001	LID 24
51	LIB 211	Inn Taing	Hlegu	MMR013004	LID 11
52	LIB 212	Inn Taing	Hlegu	MMR013004	LID 11
53	LIB 213	Inn Taing	Hlegu	MMR013004	LID 11
54	LIB 214	Ye Mun	Hlegu	MMR013004	LID 11
55	LIB 215	Ye Mun	Hlegu	MMR013004	LID 11
56	LIB 216	Ye Mun	Hlegu	MMR013004	LID 11
57	LIB 217	Ye Mun	Hlegu	MMR013004	LID 11
58	LIB 218	Ye Mun	Hlegu	MMR013004	LID 11
59	LIB 219	Ye Mun	Hlegu	MMR013004	LID 11
60	LIB 220	Ye Mun	Hlegu	MMR013004	LID 11

61	LIB 301	Magway	Magway	MMR009D001	LID 88
62	LIB 302	Aye Lar	Lewe	MMR018007	Naypyidaw Command
63	LIB 303	Pyinmana	Pyinmana	MMR018006	Naypyidaw Command
64	LIB 304	Matupi	Matupi	MMR004007	North Western Command
65	LIB 305	Pyinmana	Pyinmana	MMR018006	Naypyidaw Command
66	LIB 306	Phyu	Phyu	MMR007012	MOC 6
67	LIB 307	Penwegon	Kyauktaga	MMR007006	MOC 6
68	LIB 308	Hlay Gyi Tet	Thabaung	MMR017003	South Western Command
69	LIB 309	Katha	Katha	MMR005020	North Western Command
70	LIB 310	Hpa-An	Hpa-An	MMR003001	South Eastern Command
71	LIB 311	Mongyawng	Mongyawng	MMR016011	Triangle Region Command
72	LIB 312	Kunlong	Kunlong	MMR015020	North Eastern Command
73	LIB 313	Hmawbi	Hmawbi	MMR013003	LID 77
74	LIB 314	Kengtung	Kengtung	MMR016001	Triangle Region Command
75	LIB 315	Meiktila	Meiktila	MMR010028	LID 99
76	LIB 356	Thin Gan Nyi Naung	Myawaddy	MMR003005	MOC 12
77	LIB 317	Magway	Magway	MMR009D001	LID 88
78	LIB 318	Tanai	Tanai	MMR001004	Northern Command
79	LIB 319	Mansi	Mansi	MMR001013	Northern Command
80	LIB 320	Myo Thit	Momauk	MMR001012	MOC 21
81	LIB 321	Waingmaw	Waingmaw	MMR001002	Northern Command
82	LIB 322	Laukkaing	Laukkaing	MMR015022	North Eastern Command
83	LIB 323	Hseni	Hseni	MMR015002	MOC 16
84	LIB 324	Namtu	Namtu	MMR015015	North Eastern Command
85	LIB 325	Mongyai	Mongyai	MMR015003	North Eastern Command
86	LIB 326	Tangyan	Tangyan	MMR015004	North Eastern Command
87	LIB 327	Mongkhet	Mongkhet	MMR016002	Triangle Region Command
88	LIB 328	Mongkhet	Mongkhet	MMR016002	Triangle Region Command
89	LIB 329	Monghpyak	Monghpyak	MMR016010	MOC 18

90	LIB 330	Monghpyak	Monghpyak	MMR016010	MOC 18
91	LIB 331	Tachileik	Tachileik	MMR016009	Triangle Region Command
92	LIB 332	Mongpan	Mongpan	MMR014021	MOC 17
93	LIB 333	Monghsat	Monghsat	MMR016006	MOC 14
94	LIB 334	Mongyawng	Mongyawng	MMR016011	MOC 18
95	LIB 335	Mongyawng	Mongyawng	MMR016011	MOC 18
96	LIB 336	Pekon	Pekon	MMR014010	MOC 7
97	LIB 337	Bawlake	Bawlake	MMR002005	Eastern Command
98	LIB 338	Hlaingbwe	Hlaingbwe	MMR003002	South Eastern Command
99	LIB 339	Hlaingbwe	Hlaingbwe	MMR003002	South Eastern Command
100	LIB 340	Hpapun	Hpapun	MMR003003	South Eastern Command
101	LIB 341	Hpapun	Hpapun	MMR003003	South Eastern Command
102	LIB 342	Kawthoung	Kawthoung	MMR006009	Coastal Region Command
103	LIB 343	Ahr Yu Taung	Ye	MMR011006	MOC 19
104	LIB 344	Sittwe	Sittwe	MMR012001	Western Command
105	LIB 345	Buthidaung	Buthidaung	MMR012010	MOC 15
106	LIB 346	Toungup	Toungup	MMR012016	MOC 5
107	LIB 347	Hkamti	Hkamti	MMR005033	North Western Command
108	LIB 348	Mongmit	Mongmit	MMR015017	Northern Command
109	LIB 349	Shwegyin	Shwegyin	MMR007008	Southern Command
110	LIB 350	Shwegyin	Shwegyin	MMR007008	Southern Command
111	LIB 351	Kyaukkyi	Kyaukkyi	MMR007011	Southern Command
112	LIB 352	Buthidaung	Buthidaung	MMR012010	MOC 15
113	LIB 353	Buthidaung	Buthidaung	MMR012010	MOC 15
114	LIB 354	Sittwe	Sittwe	MMR012001	Western Command
115	LIB 355	Thin Gan Nyi Naung	Myawaddy	MMR003005	MOC 12
116	LIB 405	Thayetchaung	Thayetchaung	MMR006003	MOC 8
117	LIB 357	Thin Gan Nyi Naung	Myawaddy	MMR003005	MOC 12
118	LIB 358	Bokpyin	Bokpyin	MMR006010	MOC 13
119	LIB 359	Tachileik	Tachileik	MMR016009	Triangle Region Command

120	LIB 360	Mong Ping	Hopong	MMR014003	Triangle Region Command
121	LIB 361	Kale	Kale	MMR005027	MOC 10
122	LIB 362	Kale	Kale	MMR005028	MOC 10
123	LIB 363	Kale	Kale	MMR005029	MOC 10
124	LIB 364	Paungbyin	Paungbyin	MMR005032	MOC 10
125	LIB 365	Mawlaik	Mawlaik	MMR005031	MOC 10
126	LIB 366	Mawlaik	Mawlaik	MMR005032	MOC 10
127	LIB 367	Paungbyin	Paungbyin	MMR005032	MOC 10
128	LIB 368	Paungbyin	Paungbyin	MMR005032	MOC 10
129	LIB 369	Homalin	Homalin	MMR005034	MOC 10
130	LIB 370	Homalin	Homalin	MMR005034	MOC 10
131	LIB 371	Ann	Ann	MMR012014	MOC 5
132	LIB 372	Ann	Ann	MMR012014	MOC 5
133	LIB 373	Ann	Ann	MMR012014	MOC 5
134	LIB 374	Kyauktaw	Kyauktaw	MMR012004	MOC 9
135	LIB 375	Kyauktaw	Kyauktaw	MMR012005	MOC 9
136	LIB 376	Kyauktaw	Kyauktaw	MMR012006	MOC 9
137	LIB 377	Mrauk-U	Mrauk-U	MMR012003	MOC 9
138	LIB 378	Mrauk-U	Mrauk-U	MMR012003	MOC 9
139	LIB 379	Minbya	Minbya	MMR012005	MOC 9
140	LIB 380	Minbya	Minbya	MMR012005	MOC 9
141	LIB 381	Mogaung	Mogaung	MMR001008	MOC 3
142	LIB 382	Mogaung	Mogaung	MMR001008	MOC 3
143	LIB 383	Sar Hmaw	Mogaung	MMR001008	MOC 3
144	LIB 384	Sar Hmaw	Mogaung	MMR001008	MOC 3
145	LIB 385	Nam Mar	Mohnyin	MMR001007	MOC 3
146	LIB 386	Nam Mar	Mohnyin	MMR001008	MOC 3
147	LIB 387	Myo Thit	Momauk	MMR001012	MOC 21
148	LIB 388	Hoe Pin	Mohnyin	MMR001007	MOC 3
149	LIB 389	Hoe Pin	Mohnyin	MMR001007	MOC 3
150	LIB 390	Nammatee	Mogaung	MMR001008	MOC 3
151	LIB 391	Htaukkyant	Mingaladon	MMR013002	LID 77
152	LIB 401	Dawei	Dawei	MMR006001	MOC 8
153	LIB 402	Dawei	Dawei	MMR006001	MOC 8
154	LIB 403	Thayetchaung	Thayetchaung	MMR006003	MOC 8
155	LIB 404	Thayetchaung	Thayetchaung	MMR006003	MOC 8
156	LIB 505	Nam Lan	Kunhing	MMR014014	MOC 1
157	LIB 406	Yebyu	Yebyu	MMR006004	MOC 8
158	LIB 407	Yebyu	Yebyu	MMR006004	MOC 8
159	LIB 408	Kaleinaung	Yebyu	MMR006004	MOC 8
160	LIB 409	Kaleinaung	Yebyu	MMR006004	MOC 8
161	LIB 410	Kaleinaung	Yebyu	MMR006004	MOC 8

162	LIB 411	Pyinmana	Pyinmana	MMR018006	Naypyidaw Command
163	LIB 412	Pyinmana	Pyinmana	MMR018006	Naypyidaw Command
164	LIB 413	Thea Hpyu	Tatkon	MMR018003	MOC 6
165	LIB 414	Thea Hpyu	Tatkon	MMR018003	MOC 6
166	LIB 415	Bagan	Nyaung-U	MMR010022	LID 88
167	LIB 416	Sa Lay	Chauk	MMR009003	LID 88
168	LIB 417	Yin Taw	Pyawbwe	MMR010024	LID 99
169	LIB 418	Yin Taw	Pyawbwe	MMR010024	LID 99
170	LIB 419	Thazi	Thazi	MMR010030	LID 99
171	LIB 420	Thazi	Thazi	MMR010030	LID 99
172	LIB 421	Pekon	Pekon	MMR014010	MOC 7
173	LIB 422	Moe Bye	Pekon	MMR014010	Eastern Command
174	LIB 423	Hsihseng	Hsihseng	MMR014004	MOC 7
175	LIB 424	Hsihseng	Hsihseng	MMR014004	MOC 7
176	LIB 425	Bang Yin	Hsihseng	MMR014004	MOC 7
177	LIB 426	Bang Yin	Hsihseng	MMR014004	MOC 7
178	LIB 427	Ngwe Taung	Demoso	MMR002002	MOC 7
179	LIB 428	Hpruso	Hpruso	MMR002003	Eastern Command
180	LIB 429	Bawlake	Bawlake	MMR002005	Eastern Command
181	LIB 430	Bawlake	Bawlake	MMR002005	Eastern Command
182	LIB 431	Kawthoung	Kawthoung	MMR006009	Coastal Region Command
183	LIB 432	Kawthoung	Kawthoung	MMR006009	MOC 13
184	LIB 433	Myeik	Myeik	MMR006005	Coastal Region Command
185	LIB 434	Hpapun	Hpapun	MMR003003	South Eastern Command
186	LIB 435	South Okkalapa	South Okkalapa	MMR013011	Yangon Command
187	LIB 436	South Okkalapa	South Okkalapa	MMR013011	Yangon Command
188	LIB 437	Momauk	Momauk	MMR001012	Northern Command
189	LIB 438	Nwan Lang	Momauk	MMR001012	MOC 21
190	LIB 439	Ka Nyut Kwin	Phyu	MMR007012	Southern Command
191	LIB 440	Daik-U	Daik-U	MMR007007	Southern Command
192	LIB 501	Kyaukme	Kyaukme	MMR015012	MOC 1
193	LIB 502	Kyaukme	Kyaukme	MMR015012	MOC 1
194	LIB 503	Hsipaw	Hsipaw	MMR015014	MOC 1

195	LIB 504	Hsipaw	Hsipaw	MMR015014	MOC 1
196	LIB 545	Kyondoe	Kawkareik	MMR003006	MOC 12
197	LIB 506	Nam Lan	Kunhing	MMR014014	MOC 1
198	LIB 507	Lashio	Lashio	MMR015001	MOC 16
199	LIB 508	Bahtoo	Lawksawk	MMR014008	LID 55
200	LIB 509	Bahtoo	Lawksawk	MMR014009	LID 55
201	LIB 510	Keng Hkam	Lawksawk	MMR014009	Eastern Command
202	LIB 511	Ti Kyit	Pinlaung	MMR014009	LID 55
203	LIB 512	Ti Kyit	Pinlaung	MMR014009	LID 55
204	LIB 513	Pinlon	Loilen	MMR014011	MOC 2
205	LIB 514	Mongkaing	Mongkaing	MMR014016	Eastern Command
206	LIB 515	Laihka	Laihka	MMR014012	MOC 2
207	LIB 516	Nansang (North)	Nansang	MMR014013	MOC 2
208	LIB 517	Mong Pun	Loilen	MMR014011	MOC 2
209	LIB 518	Mongnai	Mongnai	MMR014019	MOC 2
210	LIB 519	Mongton	Mongton	MMR016008	MOC 14
211	LIB 520	Mongpan	Mongpan	MMR014021	MOC 17
212	LIB 521	Pin Baw	Mogaung	MMR001008	Northern Command
213	LIB 522	Lashio	Lashio	MMR015001	MOC 16
214	LIB 523	Tangyan	Tangyan	MMR015004	North Eastern Command
215	LIB 524	Kunhing	Kunhing	MMR014014	North Eastern Command
216	LIB 525	Langkho	Langkho	MMR014018	MOC 17
217	LIB 526	Tachileik	Tachileik	MMR016009	Triangle Region Command
218	LIB 527	Monghsat	Monghsat	MMR016006	MOC 14
219	LIB 528	Mong Ping	Hopong	MMR014003	Triangle Region Command
220	LIB 529	Kengtung	Kengtung	MMR016001	Triangle Region Command
221	LIB 530	Loilen Lay	Loikaw	MMR002001	Eastern Command
222	LIB 531	Hpruso	Hpruso	MMR002003	Eastern Command
223	LIB 532	Hlaingtharya	Hlaingtharya	MMR013046	Yangon Command
224	LIB 533	Toe Gyaung Kalay	Dagon Myothit (East)	MMR013020	Yangon Command
225	LIB 534	Mawlamyinegyun	Mawlamyinegyun	MMR017018	South Western Command
226	LIB 535	Buthidaung	Buthidaung	MMR012010	MOC 15
227	LIB 536	Rathedaung	Rathedaung	MMR012008	MOC 15
228	LIB 537	Rathedaung	Rathedaung	MMR012008	MOC 15

229	LIB 538	Rathedaung	Rathedaung	MMR012008	Western Command
230	LIB 539	Kyauktaw	Kyauktaw	MMR012004	MOC 9
231	LIB 540	Mrauk-U	Mrauk-U	MMR012003	MOC 9
232	LIB 541	Minbya	Minbya	MMR012005	MOC 9
233	LIB 542	Kyaukpyu	Kyaukpyu	MMR012011	MOC 5
234	LIB 543	Kyaukpyu	Kyaukpyu	MMR012011	MOC 5
235	LIB 544	Toungup	Toungup	MMR012016	MOC 5
236	LIB 584	Khamaukgyi	Kawthoung	MMR006009	MOC 20
237	LIB 546	Kyondoe	Kawkareik	MMR003006	MOC 12
238	LIB 547	Na Bu	Kawkareik	MMR003006	MOC 12
239	LIB 548	Na Bu	Kawkareik	MMR003006	MOC 12
240	LIB 549	Na Bu	Kawkareik	MMR003006	MOC 12
241	LIB 550	Ponnagyun	Ponnagyun	MMR012002	Western Command
242	LIB 551	Buthidaung	Buthidaung	MMR012010	MOC 15
243	LIB 552	Kyee Hnoke Thee	Buthidaung	MMR012010	MOC 15
244	LIB 553	Mong Tun	Monghsat	MMR016006	MOC 14c
245	LIB 554	Mong Tun	Monghsat	MMR016006	MOC 14
246	LIB 555	Karathuri	Bokpyin	MMR006010	MOC 13
247	LIB 556	Za Wea	Myeik	MMR006005	MOC 13
248	LIB 557	Tanintharyi	Tanintharyi	MMR006008	MOC 13
249	LIB 558	Tanintharyi	Tanintharyi	MMR006008	MOC 13
250	LIB 559	Lay Hnar	Bokpyin	MMR006010	MOC 13
251	LIB 560	Lay Hnar	Bokpyin	MMR006010	MOC 13
252	LIB 561	Tanintharyi	Tanintharyi	MMR006008	MOC 13
253	LIB 562	Gwa	Gwa	MMR012017	MOC 5
254	LIB 563	Gwa	Gwa	MMR012017	MOC 5
255	LIB 564	Buthidaung	Buthidaung	MMR012010	MOC 15
256	LIB 565	Buthidaung	Buthidaung	MMR012010	MOC 15
257	LIB 566	Thandwe	Thandwe	MMR012015	MOC 5
258	LIB 567	Nam Sa Lat	Hseni	MMR015002	MOC 16
259	LIB 568	Nam Sa Lat	Hseni	MMR015003	MOC 16
260	LIB 569	Kengtawng	Mongnai	MMR014019	MOC 17
261	LIB 570	Monghpyak	Monghpyak	MMR016010	MOC 18
262	LIB 571	Tarlay	Tachileik	MMR016009	MOC 18
263	LIB 572	Tarlay	Tachileik	MMR016009	MOC 18
264	LIB 573	Mongyawng	Mongyawng	MMR016011	MOC 18
265	LIB 574	Kengtawng	Mongnai	MMR014019	MOC 17
266	LIB 575	Nar Law	Mongpan	MMR014021	MOC 17
267	LIB 576	Kengtawng	Mongnai	MMR014019	MOC 17
268	LIB 577	Hsar War	Mongpan	MMR014021	MOC 17
269	LIB 578	Langkho	Langkho	MMR014018	MOC 17
270	LIB 579	Mongkhoke	Monghsat	MMR016006	MOC 14

271	LIB 580	Mongkhoke	Monghsat	MMR016006	MOC 14
272	LIB 581	Kyauk Tha Naung	Bokpyin	MMR006010	MOC 20
273	LIB 582	Ma Li Wan	Kawthoung	MMR006009	MOC 20
274	LIB 583	Kyaung Ywar	Ye	MMR011006	MOC 19
275	LIB 585	Han Ka Pyu	Bokpyin	MMR006010	MOC 13
276	LIB 586	Ye	Ye	MMR011006	MOC 19
277	LIB 587	Ahr Yu Taung	Ye	MMR011006	MOC 19
278	LIB 588	Mawt Ka Nin	Ye	MMR011006	MOC 19
279	LIB 589	Don Za Yit	Gwa	MMR007008	Southern Command
280	LIB 590	Mone	Kyaukkyi	MMR007011	Southern Command
281	LIB 591	Kyaung Ywar	Ye	MMR011006	MOC 19
282	LIB 592	Sann Thida	Kawthoung	MMR006009	MOC 20
283	LIB 593	Kyauk Tha Naung	Bokpyin	MMR006010	MOC 20
284	LIB 594	Han Ka Tan	Bokpyin	MMR006010	MOC 20
285	LIB 595	Ma Li Wan	Kawthoung	MMR006009	MOC 20
286	LIB 596	Sann Thida	Kawthoung	MMR006009	MOC 20
287	LIB 597	Ma Thay Chaung Phya	Bokpyin	MMR006010	MOC 20
288	LIB 598	Za Loke Gyi	Yedashe	MMR007010	Southern Command
289	LIB 599	Mone	Kyaukkyi	MMR007011	Southern Command
290	LIB 601	Mansi	Mansi	MMR001013	MOC 21
291	LIB 602	Shwegu	Shwegu	MMR001011	MOC 21
292	LIB 603	Leik Tho	Thandaunggyi	MMR003004	Southern Command
293	LIB 604	Aung Nan Cho	Lewe	MMR018007	MOC 6
294	LIB 605	Seik Hpu Taung	Pyinmana	MMR018006	MOC 6
295	LIB 606	Pa Det Chaung	Pyinmana	MMR018006	Naypyidaw Command
296	LIB 701	Hmawbi	Hmawbi	MMR013003	MOC 4
297	LIB 702	Hmawbi	Hmawbi	MMR013003	MOC 4
298	LIB 703	Hmawbi	Hmawbi	MMR013003	MOC 4
299	LIB 704	Hpu Gyi	Hmawbi	MMR013003	MOC 4
300	LIB 705	Hpu Gyi	Hmawbi	MMR013003	MOC 4
301	LIB 706	Hpu Gyi	Hmawbi	MMR013003	MOC 4
302	LIB 707	Taikkyi	Taikkyi	MMR013005	MOC 4
303	LIB 708	Taikkyi	Taikkyi	MMR013005	MOC 4
304	LIB 709	Hpaung Gyi	Hlegu	MMR013004	MOC 4
305	LIB 710	Taikkyi	Taikkyi	MMR013005	MOC 4
306	ကနုတ	Pyinmana	Pyinmana	MMR018006	Naypyidaw Command
307	လခတ	Pyinmana	Pyinmana	MMR018006	Naypyidaw Command

Based on more than 120 interviews, "Nowhere is Safe": The Myanmar Junta's Crimes Against Humanity Following the Coup d'État, exposes how the Myanmar military junta murdered, imprisoned, tortured, disappeared, persecuted, and forcibly displaced or transferred peaceful protesters, activists, political leaders, and other civilians throughout the country in the six months following the military coup on February 1, 2021.

It provides the most extensive legal analysis to date on the attack, finding that the Myanmar junta is responsible for crimes against humanity under international law, and it reveals the identities of 61 Myanmar military and police officials who should be investigated and possibly prosecuted. It also reveals the physical locations of 1,040 military units nationwide.

Through detailed recommendations, this report provides a pathway for the international community to address impunity by the Myanmar junta, hold preparators accountable, and end ongoing attacks.

