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

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

Report of the United Nations High Commissioner for Human Rights*

Summary

The present report, prepared pursuant to Human Rights Council resolution 50/3, contains findings based on the monitoring and follow-up by the United Nations High Commissioner for Human Rights with regard to the implementation of the recommendations made by the independent international fact-finding mission on Myanmar, including those on accountability, and on progress on the situation of human rights in Myanmar, including of Rohingya Muslims and other minorities.

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



I. Introduction and methodology

1. The present report was submitted pursuant to Human Rights Council resolution 50/3, in which the Council requested the United Nations High Commissioner for Human Rights to monitor and follow up on the implementation of the recommendations made by the independent international fact-finding mission on Myanmar, including those on accountability, and to continue to track progress on the situation of human rights in Myanmar, including of Rohingya Muslims and other minorities, and to present a report to the Council at its fifty-sixth session.

2. The findings presented in the present report have been verified by the Office of the United Nations High Commissioner for Human Rights (OHCHR) based on remote monitoring conducted between 1 August 2023 and 31 March 2024. While the report refers to patterns of violations since the military coup in February 2021, it also examines trends and patterns in violations of international human rights law and, where applicable, of international humanitarian law, focusing on the human rights situation of the Rohingya and other minorities.

3. In line with resolution 50/3, the objective of the report is to document violations and to ensure that verified information is readily available for use in existing and future accountability processes. It underscores the importance of accountability, both in addressing the root cause of the escalating human rights crisis and as a cornerstone of sustainable peace.

4. In the preparation of the report, OHCHR conducted 181 interviews, including with victims and witnesses, and 11 consultations with representatives of local and international organizations and United Nations entities and with thematic experts and carried out an analysis of satellite images and official documents. In the absence of recognized governmental authorities,¹ OHCHR submitted requests for information to the Myanmar military (the military), United Nations entities, other stakeholders, including the National Unity Government, relevant ethnic armed organizations exercising effective control over certain areas, civil society organizations and religious organizations. Inputs received were analysed and are reflected in the report, as appropriate.

5. In carrying out its research, OHCHR prioritized full respect for the “do no harm” principle over all other considerations. Factual determinations of incidents and patterns were made in cases where there were reasonable grounds to believe that incidents had occurred as described. It is probable that figures of verified deaths underestimate realities on the ground as Internet shutdowns imposed by the military since 1 February 2021 and other restrictions hampered the ability of OHCHR to verify all casualties.

6. The report builds on findings in previous reports of the High Commissioner² and updates provided to the Council. However, since the end of October 2023, following coordinated operations by ethnic armed organizations and other allied anti-military groups in most states and central regions, the conflict dynamics have altered substantially. In retaliation, the military has scaled up air strikes and the use of heavy weapons, including against civilians and in populated areas. The report also examines the effects on human rights, including through killings, disappearances and arrests, of the imposition of mandatory military service, which has engendered profound fear among the public, especially those within the target age of conscription and their families. Fighting has intensified, particularly in areas inhabited by minority communities. In this regard, the report contains an examination of attacks against protected religious objects. Similarly, grave human rights concerns affecting the Rohingya and other communities in Rakhine State following the resumption of hostilities in November 2023 are analysed, including within the context of the binding provisional measures ordered by the International Court of Justice in 2020.³

¹ See [A/78/605](#).

² See [A/HRC/49/72](#), [A/HRC/51/41](#), [A/HRC/52/21](#), [A/HRC/53/52](#) and [A/HRC/54/59](#); see also <https://bangkok.ohchr.org/myanmar>.

³ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar)*, Provisional Measures, Order of 23 January 2020, I.C.J. Reports 2020, p. 3.

7. In the midst of this dire human rights situation, the report concludes by presenting positive examples of emerging local forms of administration and governance that provide services to protect and promote human rights. Some emerging administrative structures, including those in Kayah and Kayin States, strive to ensure the effective representation and participation of civil society and the representation of women in decision-making. The High Commissioner recommends that those emerging local forms of administration be further encouraged and supported as they may be applicable in other areas of Myanmar and form part of possible future solutions.

II. Human rights situation in Myanmar

8. Since the previous report of the High Commissioner,⁴ the military has issued multiple orders extending the state of emergency for the sixth time and expanding martial law to over 64 out of 330 townships. Overall, the human rights situation is continuing to deteriorate, including the instrumentalization of institutions against the population of Myanmar, with a total absence of human rights protections and the rule of law. Civilians remain exposed to multiple forms of brutality and violence, exacerbating the pervasive sense of fear throughout the country.

9. According to credible sources, as at 31 March 2024, a minimum of 4,810 people had been killed at the hands of the military since February 2021, including 722 women and 527 children, in disregard of the five-point consensus of the Association of Southeast Asian Nations and Security Council resolution 2669 (2022). Some 26,468 persons have been arrested and 20,296 individuals remain in detention, including 3,885 women. Deaths in custody persist as a key concern, with verified figures of the deceased rising to 1,703.⁵ The use of torture and degrading treatment and punishment remains extensive in interrogation centres, prisons and other facilities. Enforced disappearances, sexual violence and violations of fair trial rights also occur regularly in a climate of complete impunity and in the absence of the rule of law.

10. The military has intensified its violent campaign against civilians in urban and rural areas. During the reporting period, credible sources verified 1,250 civilians killed, including 298 women and 164 children, comprising over a third of the total deaths since the coup in 2021. Military actions resulted in 562 verified civilian deaths in the first quarter of 2024, almost double the number of civilians killed in the first quarter of 2023 (303). Between 1 August 2023 and 31 March 2024, incidents of artillery shelling killed at least 376 civilians, more than double the number of verified civilian deaths (150) over the course of the preceding eight months. Comparing the same time period, air strikes have claimed at least 362 civilian victims, marking a 63 per cent increase over the 230 fatalities recorded in the previous period. Open sources indicate that nearly 84,000 structures have been burned by the military.

A. “Operation 1027” and human rights developments

11. On 27 October 2023, the Three Brotherhood Alliance, an alliance of three groups formed in 2019,⁶ launched coordinated attacks on military positions in northern Shan State, reportedly resulting in unprecedented military losses. Simultaneous attacks by the Karen National Liberation Army in Kayin State were followed by offensives launched by the Karenni Nationalities Defence Force in Kayah State on 11 November and the resumption of hostilities by the Arakan Army in Rakhine State on 13 November. On 7 March, the Kachin Independence Army mobilized its forces to remove the military from Kachin State. Meanwhile, anti-military armed groups continued to fight across the country, including in the central regions. In launching the coordinated operations, various armed groups seemed to pursue joint objectives, including regaining effective control of territory from the military,

⁴ A/HRC/54/59.

⁵ The figures cited are most likely an underestimation of the reality on the ground as, for example, casualties from Rakhine State and the south east of the country are still undergoing verification.

⁶ The Three Brotherhood Alliance is composed of the Myanmar National Democratic Alliance Army, the Ta'ang National Liberation Army and the Arakan Army.

protecting civilians, highlighting the need for federal democracy and halting the operations of criminal enterprises and scam call centres concentrated, in particular, in border areas.⁷

12. The simultaneous opening of multiple fronts stretched the military beyond its defensive capabilities. Anti-military armed groups swiftly conquered hundreds of military outposts, camps and bases, seizing significant amounts of heavy weapons, small arms and ammunitions. In multiple instances, high-ranking officers and soldiers defected and surrendered. These successes also led directly to the capture of several townships, 50 towns, including district-level and border towns, commercial hubs and critical trade and supply routes. Demonstrating the extent of their advances, anti-military armed groups positioned themselves to attack military-held state capitals and in some cases executed attacks against them, for example in Loikaw, the capital of Kayah State. Anti-military armed groups also succeeded in taking over numerous land border crossings.

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

14. In northern Shan State, the Three Brotherhood Alliance launched coordinated attacks in late October 2023 that led to significant territorial gains for anti-military armed groups. Between October and 14 January 2024, when the military agreed to a ceasefire, the Myanmar National Democratic Alliance Army took over 18 towns, including Chinshwehaw, a border town on a key trading route with China, and Laukkaing, in the Kokang self-administered zone. At the same time, the Ta'ang National Liberation Army launched attacks around the major towns of Lashio, Hsenwi and Nawngkhio, blocking two key routes along the Myanmar-China highway. The coordinated attacks exposed military weaknesses and led to strategic gains for the anti-military armed groups and significant economic disruption for the military. Similar coordinated attacks across the country, mimicking the tactics used by the Three Brotherhood Alliance, marked the beginning of an apparently coordinated nationwide insurrection.

15. In response, military units retaliated by launching continuous air strikes and artillery attacks on entire towns and villages, with Hsenwi, Kutkai, Mongmit, Namhsan and Namtu in Shan State and Bhamo, Mansi, Putao and Shwegu townships in Kachin State suffering most of the damage. United Nations figures indicate that, since October, over 128,000 people have been displaced in Shan State, doubling the figures recorded before the operation.⁸ In January and February, the military carried out extensive attacks in Mongmit, damaging hundreds of houses. An eyewitness reported that about 500 homes had been damaged or burned. A dozen civilians were reported killed and the entire population of about 10,000 was forced to flee. On 29 December, despite the absence of an anti-military presence, fighter jets attacked Manli village, Namtu township, dropping six bombs and opening machine gunfire on homes and killing a 20-year-old female teacher. Another interviewee confirmed that, during night shelling on 21 November, a bomb had fallen on a home, instantly killing a girl and injuring her family. On 27 October, following coordinated attacks on multiple military positions in Hsenwi, the military launched an artillery strike on the town. A woman and her daughter were killed in their home during the barrage. The destruction of civilian

⁷ See <https://www.ohchr.org/en/press-releases/2023/08/hundreds-thousands-trafficked-work-online-scammers-se-asia-says-un-report>.

⁸ See <https://data.unhcr.org/en/country/mmr> (accessed on 27 May 2024).

infrastructure, including a bridge on the highway from Lashio to Kunlong, continued unabated, severely hampering the ability of civilians to flee.

16. In Sagaing, anti-military armed groups concentrated their offensives on military outposts and large towns, including Kawlin and Tigyaing. The military responded with air strikes, arson attacks and artillery shelling, reportedly rendering the towns practically uninhabitable. The central regions remained the most dangerous area for civilians: 744 out of the 1,250 verified civilian deaths countrywide since August occurred in those regions. A rescue worker reported that, following the attacks launched by anti-military armed groups on Kawlin on 3 November, dozens of people died during military retaliation. He described collecting bodies over several days, noting that shrapnel and gunshot wounds had caused most of the deaths. Similar patterns were noted in Tigyaing. The military bombed the town and the five surrounding villages where displaced persons were sheltered, resulting in dozens of reported casualties. Some civilians returned to the towns, but on 2 January, the military shelled Kawlin market, killing six civilians and wounding another six. After the military took Kawlin back, reports emerged that 80 per cent of the town had been razed. Local sources reported that an estimated 90 per cent of Tigyaing had also been destroyed by air strikes and artillery shelling.

17. The military caused significant destruction in Kayah State even as it was forced to cede significant ground to anti-military armed groups. Local sources indicated that at least 136 civilians were killed and an estimated 80 per cent of the state's population displaced in relentless air strikes and shelling, which were preceded by widespread Internet shutdowns. Satellite images depict extensive destruction, including 432 recognizable impact craters, in Loikaw, with some 1,584 structures destroyed and many others razed to the ground. On 5 February, Demoso township was also heavily damaged by an air strike on a school in Daw Si Ei village that killed four boys and wounded another 27 civilians, at least 15 of whom were children. Interviewees insisted that the main objective of the military was to break the will of the civilian population by creating a permanent feeling of insecurity.

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

19. Substantial territorial gains by the Arakan Army in Chin and Rakhine States since November pushed the military out of entire towns, townships and border crossing points. Conservative estimates indicated that over 176 civilians had been killed and over 400 injured in those battles. Nearly 150,000 people were displaced, mainly from urban centres, with populations from Pauktaw and Minbya accounting for over a third of those forced to flee. In January, the Arakan Army took control of Paletwa township, bordering Bangladesh and India, and continued its campaign by taking large portions of territory, reaching south of Sittwe. In response, all branches of the armed forces launched barrages, destroying towns, villages, key transport routes, roads and essential civilian infrastructure. In February, the destruction of the Kisipandi and Min Chaung bridges near Sittwe cut civilians off from supplies and escape routes. In attacks targeting urban centres, including Sittwe, Mrauk-U, Ramree, Minbya, Buthidaung and Pauktaw, civilians were killed and there was widespread damage to markets, clinics, schools and cultural buildings. Among the verified incidents, interviewees stated that, between 24 and 28 December, responding to the capture of the district police station by the Arakan Army, military planes and artillery pummelled Mrauk-U

killing at least 11 civilians, including four children, and wounding several others. Pictures showed damage to the Mrauk-U archaeological museum and witnesses attributed responsibility to military shelling. In responding to OHCHR, the military asserted that no incident had occurred at the ancient cultural museum in Mrauk-U on 26 December 2023, attributing responsibility for its destruction to shelling by the Arakan Army on 25 December. Most of the estimated 50,000 residents of Mrauk-U fled. Similarly, Pauktaw and Ramree suffered extensive destruction, with most of the population being displaced. As violence spread throughout much of Rakhine State, fighting between the Arakan Army and the military has had an increasingly detrimental impact on the remaining Rohingya population (see sect. IV below).

B. Human rights implications of displacement

20. Human rights violations since the coup have resulted in the displacement of some 2.8 million people and have left nearly 19 million people, including 6 million children, in need of humanitarian assistance.⁹ Once places of relative respite from violence, urban centres are now witnessing large-scale displacements, with civilians flooding out of towns and cities to avoid bombardment and attack. As documented in previous reports,¹⁰ humanitarian workers also remain at risk. One rescue worker described being shot at by machine gunfire along a country road while evacuating five civilians from Loikaw in Kayah State. Displaced civilians experience difficulty in finding a safe haven as the military routinely targets shelters, camps and religious buildings where people seek protection. Civilians fleeing Zayatgyi, in Bago Region, reached a monastery after fleeing violence for three hours, only for an airstrike to hit the compound, killing a nun.

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

22. Additional limitations regarding online communication have impaired the ability of civilians to access and share life-saving information, including access to timely warnings to evade military violence. Credible sources have recorded Internet shutdowns in at least 150 townships since 1 February 2021, which has worsened the plight of civilians. Among the numerous previously reported detrimental impacts,¹¹ sources highlighted that Internet shutdowns resulted in complete isolation for deaf persons, as Internet access is required in order to communicate remotely using sign language.

⁹ See <https://reliefweb.int/report/myanmar/myanmar-humanitarian-update-no-37-5-april-2024> and <https://reliefweb.int/report/myanmar/myanmar-humanitarian-needs-and-response-plan-2024-december-2023-enmy>.

¹⁰ See A/HRC/54/59.

¹¹ See A/HRC/53/52.

C. Forced recruitment and enforcement of the 2010 conscription law

23. In February, the military announced that it would enforce a 2010 law on conscription, rendering men between the ages of 18 and 35 and women between the ages of 18 and 27 eligible for compulsory service, most probably in order to replace soldiers lost through defection and to replenish its casualty-depleted ranks. As allegations of the military abducting youth from the streets started to mount, widespread fear engulfed the population. Pictures from cities showed people waiting in long queues outside foreign embassies, in hope of obtaining visas to leave the country. Many youths left Myanmar, often irregularly, further draining skills and resources from the deeply impoverished country. These movements have escalated the impact of the conflict on the infrastructure of neighbouring countries receiving fleeing populations. OHCHR received daily reports of arbitrary arrests and disappearances carried out since the announcement of conscription in February, with groups of men being arrested in their homes and at work, on public roads and in restaurants and bars. Interviewees confirmed that individuals are sent to the front lines or serve as porters and human shields to protect other troop movements, including against landmines.

24. While international law minimally regulates conscription, the 2010 law itself raises significant human rights concerns, given the lack of due process, including a credible assessment of physical or mental fitness or provisions, or the existence of an independent body for the submission of conscientious objections or appeals of decisions.¹² The prospect of being forced to fight against their own people has imposed severe mental stress on the already strained population. OHCHR has received several reports of suicide in connection with the receipt of recruitment orders.

25. Of further concern is that, by coercing communities to fight against each other, the military appears to be fomenting tensions within and among communities in order to weaken and divide their opponents. As an example, in January, in Shan State, violent clashes were recorded between the military-allied Pa'O National Army and the anti-military Pa'O National Liberation Army. Local sources reported that the military provided weapons to its ally to carry out attacks against its opponents. Clashes quickly escalated between the two groups, which are from the same ethnic community, resulting in numerous allegations of civilian deaths and the displacement of over 65,000 people.¹³

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

III. Attacks against religious sites

27. Military violence has also affected freedom of religion and the spiritual and cultural life of all communities as a result of attacks against religious sites and personnel. While no comprehensive nationwide data on these violations exist, the military reported that, since the coup, anti-military elements and armed groups have damaged a total of 115 buildings, including 84 Buddhist monasteries, 11 Christian churches, 4 Hindu temples, 1 nunnery, 8 religious community halls, 1 religious abode, 3 pagodas and 3 mosques.¹⁴ Analysis of open sources and relevant reports indicate that the military damaged or destroyed at least 144 Buddhist religious sites. Credible sources report military attacks on Christian religious sites, with sites in Kayin and Kayah States being most heavily affected, including 22 churches in Kayin and 42 churches in Kayah destroyed, while local sources reported that sites in Chin State suffered the most damage, with 67 sites destroyed or damaged. Since Christians

¹² Forced recruitment and conscription of Rohingya is addressed in sect. IV below.

¹³ See <https://reliefweb.int/report/myanmar/myanmar-humanitarian-update-no-36-3-march-2024>.

¹⁴ As no chronological or geographical details on the incidents were shared, no independent verification was possible.

represent about 6 per cent of the overall population, the figures confirm that military violence has disproportionately affected those communities. Corroborating statements from individuals on the ground and satellite images confirm damage to the Khuafo Baptist Church in Thantlang, Chin State, after armed confrontations on 14 August. The town also suffered the highest level of verified destruction, with 21 out of the 22 existing churches damaged or destroyed after the military set fire to the town over 30 times.

28. Religious personnel perceived to oppose the military also became targets of violence. According to credible sources, at least 32 monks, nuns, pastors and imams have been killed across the country since the coup. Air strikes and extrajudicial executions, including while detained, were recorded as the main causes of death. Among the 147 people arrested, there were 125 monks and nine pastors, with arrests verified in all States and regions, with the exception of Ayeyarwady Region. Of the 147 people arrested, 124, including 106 monks and all pastors, remain in detention. Responding to OHCHR, the military indicated that anti-military armed groups were responsible for killing 77 monks and two nuns, but no information about Christian leaders or religious personnel was provided.¹⁵

29. It is reported that air strikes targeted religious sites during services, causing deaths and terror among worshippers. On 7 January, in Kanan village, Sagaing Region, a Chin-majority village, multiple interviewees reported that an air strike had damaged Saint Peter Baptist Church during a Sunday morning service, killing 17 people, including at least eight children. A rescue worker described having to retrieve severed limbs to be buried together with the bodies. While a military-affiliated newspaper initially denied the occurrence of the incident, in responding to OHCHR, the military indicated that it had targeted a training ceremony of an anti-military armed group held 2,500 metres north of Kanan at around 10 a.m. after one of its planes had been attacked. Despite a request for information, the military did not explain either the damage to the church nor the recorded deaths.

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

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

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

¹⁵ Ibid.

IV. Human rights situation of the Rohingya community

33. In addition to persistent discrimination and the imposition of conditions designed to cause suffering,¹⁶ members of the Rohingya community have experienced new violence and violations since the resumption of hostilities in Rakhine State in November. Despite the blocking of online communications by the military in northern Rakhine, verification activities confirmed the lack of safety for the Rohingya. Both the military and the Arakan Army positioned troops in or around their villages, in continuation of the pattern observed during fighting in 2022.¹⁷ Further, the military, through air, ground and naval attacks, caused casualties, destruction and mass displacement, with estimates suggesting that at least 86 Rohingya have been killed and several thousand displaced since November.¹⁸ The Rohingya population also fears abuse and violence at the hands of the Arakan Army and Rohingya armed elements. Actions taken by all parties that endanger the Rohingya appear inconsistent with the provisional measures ordered by the International Court of Justice and indicate the confidence of the military and other perpetrators of their impunity. In the absence of accountability, recent military efforts to stir inter-ethnic tensions and apparent violations of the provisional measures ordered by the Court take on even greater significance.

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

35. Of extreme concern, including in the light of the provisional order on the prevention of Rohingya deaths by the International Court of Justice, is the existence of videos, pictures and multiple other sources indicating that, under the cover of the conscription law, the military has forcibly taken Rohingya men out of camps and villages and provided rudimentary training before deploying them to the battlefield. An interviewee reported being taken from his village with another 30 people and sent to a training camp for 14 days before being deployed to an active combat zone. Training included exercise, running, basic firing techniques and movement and positioning during fighting. Overwhelmed by fear, the interviewee escaped. Certain that the military would seek to retaliate against his family, he

¹⁶ See [A/HRC/52/21](#).

¹⁷ Ibid.

¹⁸ Figures include only deaths that credible partners verified and therefore the number of Rohingya killed is feared to be significantly higher. Further verification from five townships is ongoing.

warned them to go into hiding. Families remaining in villages are often threatened and used as pawns to ensure that forcibly recruited individuals stay in line. Interviewees recounted that villagers were forced to pay 300,000 kyats for training expenses. One interviewee stated that, on 17 March, military officers had come to Thet Pe Kin village, in Sittwe, and told the Rohingya village administrator and leaders that they needed to send at least 15 Rohingya for recruitment each year for the next five years and asked them to raise funds from villagers to pay for the Rohingya undergoing training. The interviewee stated that the village administrator began collecting at least 15,000 kyats from each household. Sources stated the military promised benefits for those who joined, including citizenship and money, but interviewees confirmed that those promises were not kept. The forcible recruitment of Rohingya from internment camps by the military, which both initially displaced them and subsequently kept them confined in the camps, is not only abusive but is almost certain to provoke inter-ethnic tensions, given the extremely fragile community dynamics in Rakhine State.

36. The Arakan Army also targets the Rohingya through a wide range of abuses, including killings, abductions, severe beatings, forced recruitment, forced labour, extortion and denial of access to life-saving resources. Members of the Rohingya community stated repeatedly that there was no difference between the two parties, the only constant being that they are continuously exposed to life-threatening risks and systematic human rights violations. The consistent refusal by both parties to use the term “Rohingya” to identify members of the community is a clear indicator of their disdain. Interviewees reported the presence of small prisons in bamboo shelters all over northern Rakhine State. One described being blindfolded and made to walk four hours into the forest to such a prison. He was held for 14 days, beaten, hung upside-down and held at gunpoint. Multiple sources indicated that the whereabouts of many Rohingya arrested in the past by the Arkan Army, including village administrators, remain unknown, with many families unaware if their relatives are still alive. There are heightened concerns for local Rohingya administrators as they become targets for the identification of individuals for recruitment.

37. Explosive remnants of war posed an additional concern for all communities, with interviewees attributing responsibility for deaths and injuries to all parties. In one incident, on 13 December 2023, in Tat Min Chaung village, Buthidaung township, a 25-year-old man was killed after stepping on a land mine. In another incident, on 10 January 2024, a Rohingya man sustained severe injuries following an explosion in Htiek Tu Pauk village, Buthidaung township, while he was collecting firewood in the forest. Several other interviewees emphasized that, aside from physical consequences, landmines significantly impaired agricultural and livelihood activities, resulting in diminished local food production and thus increased food insecurity.

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

39. Camps in central Rakhine State that were damaged during Cyclone Mocha in May 2023 have yet to be rebuilt. Access constraints since the resumption of hostilities and the increase in commodity prices have further reduced humanitarian support, causing serious concerns about food availability and access. The closure of roads and waterways as a result of the conflict has compounded an already dramatic situation. Credible reports of death by

starvation were received from northern Rakhine State, including in the capital, Sittwe. Residents of camps declared closed by the military, including Kyauk Ta Lone camp, live in abhorrent conditions with none of the promises linked to relocation, such as building of roads and infrastructure and the provision of electricity, being met. Multiple interviewees stated that, after 13 November, domestic violence, trafficking in persons and extortion had sharply increased inside the camps. Allegations of extortion by camp managers for issuing supporting letters to exit the camps, including for work or urgent medical reasons, were common.

40. Those who ultimately decide to attempt to leave face immense challenges. According to United Nations figures from 2023, some 6,500 Rohingya attempted to escape by land and sea, with at least 569 out of the 4,338 people who left Bangladesh and Myanmar by boat dead or missing.¹⁹ Of that number, nearly half were children. These figures represented a 21 per cent increase in maritime movements and a 63 per cent increase in cases of deaths and missing persons over the previous year. Confirming that trend, in March, a boat with over 140 Rohingya capsized off the coast of Aceh, Indonesia, killing 67 people, including 27 children. While many of those leaving chose those perilous journeys, others were forced to leave by unscrupulous traffickers. An interviewee from Cox's Bazar reported that traffickers had abducted a boy in October, asking for approximately \$4,000 as a ransom. However, after receiving payment, the boy was transported to Malaysia and disappeared for two full months before being able to contact his relatives.

41. The above violations and abuses make it clear that no safe return of refugees to Myanmar is presently possible. Furthermore, recent efforts by the military to stir inter-ethnic tensions have exacerbated insecurity. In late March, the military mobilized the Rohingya in Buthidaung, Maungdaw and Sittwe townships, including through ominous threats, to protest against the Arakan Army, most likely in order to destabilize Rakhine State to its own advantage by inflaming communal tensions. Interviewees stated that threats by soldiers of a repetition of the violence of 2017 for non-compliance with their orders had stoked fears among the Rohingya of a reoccurrence of those atrocities. These crimes could constitute violations of the provisional measures ordered by the International Court of Justice in the case of *The Gambia v. Myanmar* and appear to include all the factors that the independent international fact-finding mission on Myanmar concluded led to inferences of genocidal intent.²⁰

V. Accountability

42. The High Commissioner welcomes the continuing focus on accountability in the context of the situation of human rights of Rohingya Muslims and other minorities in Myanmar. Regarding proceedings before the International Court of Justice, in November 2023, Canada, Denmark, France, Germany, Maldives, Netherlands (Kingdom of) and the United Kingdom of Great Britain and Northern Ireland intervened in the proceedings brought against Myanmar by the Gambia.²¹ As scheduled by the Court, remaining filings on the merits of the case are expected from the parties in May and December 2024.²² An investigation of the Prosecutor of the International Criminal Court into alleged crimes against the Rohingya, which fall within the Court's jurisdiction, is ongoing.

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

¹⁹ See <https://www.unhcr.org/news/briefing-notes/unhcr-urgent-action-needed-address-dramatic-rise-rohingya-deaths-sea>.

²⁰ For a comprehensive overview of the factors allowing inferences of genocidal intent, see the conference room paper of the independent international fact-finding mission on Myanmar on its detailed findings, available on its webpage at <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session39/list-reports> (paras. 1388–1441).

²¹ See <https://www.icj-cij.org/sites/default/files/case-related/178/178-20231116-pre-01-00-en.pdf>; see also <https://www.icj-cij.org/sites/default/files/case-related/178/178-20231115-wri-01-00-en.pdf>.

²² See <https://www.icj-cij.org/sites/default/files/case-related/178/178-20231016-ord-01-00-en.pdf>.

44. In March, the Independent Investigative Mechanism for Myanmar published and distributed two reports, one on how the military's covert Facebook network systematically distributed hate speech against the Rohingya in 2017²³ and the other on official responses to allegations of sexual and gender-based crimes committed by security forces against the Rohingya.²⁴

VI. Emerging local governance structures

45. In contrast to the serious violations documented in herein and in previous reports, possible future solutions are emerging in several areas beyond the control of the military. Under military rule, the human rights situation in the country has consistently continued to deteriorate to a catastrophic degree. Long-established documentation on the total disregard of any semblance of protection or respect for domestic law or international norms render any improvements by the military unlikely. It is therefore essential to observe and explore alternatives that could enhance respect for the rights of all people. The changing dynamics of the conflict, which have led to a shifting of control over various areas of the country, have highlighted examples of local governance that either existed before the coup or emerged afterwards. Solutions have developed along three main trajectories: civil society and representatives of the civil disobedience movement participating in local governance systems; the National Unity Government formed by the Committee Representing Pyidaungsu Hluttaw, a body composed of elected lawmakers; and systems operated by ethnic armed organizations. The governance systems provide a level of support to civilians, ensuring the delivery of life-saving and other essential services, while also implementing some justice administration processes. While the societal divisions have pervaded the country after decades of military-sponsored discrimination along ethnic and religious grounds, people in Myanmar appear to be increasingly united in a vision of a future federal democracy, free of military impositions and interferences. These initiatives offer a glimpse of possible people-centred and democratic solutions that deserve further research, visibility and support.

46. One example can be seen in Kayah State, where civil society leaders have come together to develop an inclusive administrative system that addresses humanitarian needs and ensures respect for and promotion of the rights of the people. Initially, members of civil society organizations, youth and women-led organizations, parliamentarians, representatives of professional categories and activists who found shelter in Kayah State set up the Karenni State Consultative Council. The council established an interim executive council, a mechanism first designed to organize a handover of power to a transitional government and subsequently to elect representatives of the people once the situation has been stabilized. The council, which is composed of seven members elected by local constituencies representing diverse components of society in Kayah State, also ensures coordination with the National Unity Government. Eight departments have already been established, including health, education, humanitarian affairs, projects and finance, women and children, the judiciary, home affairs, and trade, and there are plans to expand them. The Karenni Nationalities Defence Force is also represented on the Council, with the concept that it will take over responsibility for security in the long term. Mechanisms for fundraising and sustainability are under development, along with financial control mechanisms. While still a work in progress, the council provides a new paradigm where people can directly contribute to local administration. Its successes are already visible in the practical assistance provided to thousands of people displaced by military violence.

47. A similarly positive experience has been seen in the development of the Salween Peace Park programme in Kayin State. The programme, which was established before the coup, has flourished since anti-military armed groups consolidated effective control over the territory. Its key objectives are the empowerment of local communities; the promotion of rights; and localized management of land and resources. The programme has relied on an innovative structure in which a general assembly and a governing committee composed of community representatives, community-based organizations and the Karen National Union

²³ See https://iimm.un.org/wp-content/uploads/2024/03/Hate-Speech-Report_EN.pdf.

²⁴ See <https://iimm.un.org/publication-of-iimm-analytical-reports/>.

work together. Community representatives have been elected from 26 village tracts; each representative must appoint one woman and one man to the governing committee. Under the founding charter, the representation of women at all levels of governance, including a minimum two out of the five members of the governing council, the preservation of community forests and the conservation of customary land are guaranteed.

48. Under the National Unity Government, administrations run by people's administration teams in 173 townships, primarily in the central regions, have been created to offer a range of services in preparation for the return to democratic rule. Seventeen ministries, including a human rights ministry, have already been established to run the daily administration in areas under their control. In addition to an interim central bank, which manages resources obtained from captured towns, the country's first digital bank has been launched to attract investments and to work around the obstacles created by the military in banking and finance spheres. In some areas under military control, underground people's administration teams have worked to replace the provision of services by the military and to provide access to essential services once the crisis ends. Amid multiple challenges, the teams reported that they had established 5,949 schools, providing basic education to 727,860 students. Almost a third of the staff is composed of members of the civil disobedience movement. On the health side, the teams administer 77 hospitals, 177 clinics and over 250 mobile clinics serving over 700,000 individuals, including expectant mothers.

49. The National Unity Government has also publicly announced commitments to repeal and replace the 1982 citizenship law and to address the systemic discrimination that has long affected many minority communities, notably the Rohingya. One positive step has already been taken with the appointment of a Rohingya activist as deputy minister within the Ministry of Human Rights. Further, in Geneva, the National Unity Government publicly pledged to ratify all human rights treaties to which Myanmar is not yet a State party. Those commitments are key steps towards changing the country's trajectory, addressing root causes of violence and initiating the beginnings of reconciliation and transitional justice between communities. In March 2024, the National Unity Government announced an updated code of conduct for anti-military armed groups, emphasizing the need to avoid harm to civilians, including the recruitment of minors. Disseminating, training and enforcing the terms of the code will be a major undertaking that deserves careful attention and support.

50. Public initiatives led by civil society and anti-military armed groups have a long history that predate the coup and, with ongoing military losses, they are multiplying and expanding. In Shan State, the Ta'ang National Liberation Army took over several townships and started delivering public services. Seven hospitals have already been established, jointly managed by local doctors and doctors who are members of the civil disobedience movement, and another three are to open in the first half of 2024. An interviewee stated that doctors in Namkham township treated over 2,000 patients in the initial weeks of operation, confirming the dire need for health services in local communities. Currently, the Ta'ang National Liberation Army runs 380 schools, with 28,077 students and 1,690 teachers. Similarly, the Kachin Independence Organization reported that the number of students it serves has increased since the coup, reaching 30,000 pupils, mostly due to displacement from inside and outside Kachin State. Currently, the organization operates 192 schools and two colleges, offering education in a variety of subjects. Moreover, the organization possesses a wide web of local governance and administrative systems that predate the coup and that provide people in those areas with access to public services. Before the coup, the United League of Arakan had established governance structures in areas under its control. Since November, it has expanded governance to townships that recently came under its control, signalling the priority it gives to the establishment of functioning administrations.

VII. Conclusions and recommendations

51. **The initiatives described in the present report offer a vision of a post-coup democratic Myanmar, in which military institutions do not have a role in the administration of civilian affairs. Opposition to the military, including armed and peaceful opposition, is diverse and disparate, but various elements appear to be increasingly united in a view of a future federal Myanmar that is entirely free of**

military control. Three years of civil war has wrought untold damage and brought immeasurable suffering upon the population. It has also cemented the conviction that all communities in Myanmar, including the Rohingya, should be able to participate effectively in the democratic life of the country, anchored in the rule of law and justice, with institutions that are accountable to their communities. The local governance systems described above include forms of judicial systems to deal with grievances. While it is premature to assess the efficacy and compliance with human rights principles of those systems, it is imperative to acknowledge them, evaluate their capacities and needs and support their quest for democratic development, representation, participation and sustainable peace in the face of the violence carried out by the military, including its total disregard for human rights and international law.

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

- (a) Cease immediately all violence and attacks directed against civilians, including the Rohingya, civilian infrastructures and religious sites and personnel, in compliance with Security Council resolution 2669 (2022);
- (b) Ensure the full and timely implementation of the provisional measures of the International Court of Justice, in particular with reference to killings, serious bodily or mental harm and conditions of life for members of the Rohingya community, and prevent any recurrence of the violence that took place in 2016 and 2017;
- (c) Release all political prisoners without further delay and halt the political and instrumentalized use of the judiciary;
- (d) Remove all existing obstacles to humanitarian access in order to ensure the timely delivery of humanitarian aid by international and national organizations to all those in need, including in Rakhine State;
- (e) Halt immediately forced recruitment and conscription incompatible with international human rights norms and standards;
- (f) Desist from the failed attempt to impose military rule over the country and leave space for civilian authorities and all communities in Myanmar to freely decide the political future of the country;
- (g) Provide OHCHR with meaningful access to Myanmar in order to facilitate independent and impartial monitoring and reporting on the human rights situation, in particular on civilian protection.

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

- (a) Ensure that armed groups which are either under its control or influence respect international humanitarian law and human rights, implement, in full, the amended code of conduct, take all necessary measures to protect civilians, including those accused of supporting or working for the military, and hold perpetrators of violations accountable;
- (b) Continue to build relationships with emerging political forces at the local level in order to support the creation of political conditions underpinned by human rights, inclusive democracy and equality and enhance coordination, information exchanges, best practices and other necessary elements to identify and promote sustainable solutions to the ongoing crisis;
- (c) Take all possible measures, in coordination with relevant ethnic armed organizations, to ensure that members of the Rohingya community and other minority groups are protected and that all parties uphold the obligations imposed on Myanmar by the International Court of Justice and prevent any advocacy of national, racial or religious hatred;
- (d) Develop advocacy messages and adequate policies to promote social cohesion, intercommunal dialogue and the rights of ethnic and religious communities and strengthen political dialogue as a basis for a peaceful and inclusive democratic future, based on effective participation, representation and justice.

54. The High Commissioner further recommends that ethnic armed organizations and anti-military armed groups:

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

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

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

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

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

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

(b) Ensure, consistent with Human Rights Council resolution 55/20, that no direct and indirect supply of military jet fuel, weapons and dual-use goods is provided or made possible through access to foreign currency to the military for such purposes, where reasonable grounds exist to suspect that such items might be used to violate or abuse human rights, including in the context of hostilities;

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

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

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