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### **Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives**

## **Situation of human rights in Myanmar**

### **Note by the Secretary-General\***

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, submitted in accordance with Human Rights Council resolution [52/31](#).

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\* The present report was submitted after the deadline in order to reflect the most recent developments.



## Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews

### *Summary*

The people of Myanmar continue to suffer from a deteriorating human rights and humanitarian crisis. An illegitimate military junta would like the world to believe that only it can restore peace and stability to the country. The opposite is true. The coup of February 2021 has been followed by ever greater levels of human rights violations, violence, oppression, lawlessness and poverty.

Junta forces have responded to losses on the ground with a widespread campaign of violence against civilians that has included an escalation in air strikes on villages and the burning of tens of thousands of homes. Displacement and human suffering continue on a massive scale and have been exacerbated by the landfall of Cyclone Mocha in May 2023 and shameless restrictions imposed by the junta on humanitarian aid. Nearly 20,000 political prisoners are now behind bars, where many endure torture and appalling conditions. The Rohingya continue to face systematic human rights violations in Myanmar and rapidly deteriorating conditions in refugee camps in Bangladesh.

In the present report, the Special Rapporteur describes conditions in Myanmar that should be of grave concern to Member States. However, he also describes developments that offer a path forward for a more effective international approach to the crisis. The United Nations High Commissioner for Human Rights recently made a public call for “new thinking” to address the crisis in Myanmar. The present report cites timely examples of new thinking and new action, including the sanctioning of aviation fuel and key financial institutions relied on by the junta. The Special Rapporteur makes a series of recommendations and urges Member States to continue to strengthen and coordinate actions to support the people of Myanmar, who have demonstrated remarkable courage and tenacity in defending human rights and seeking an end to this crisis.

## I. Introduction

1. The year 2023 has been horrific for the people of Myanmar, who continue to be held hostage by the brutal military junta. The number of people imprisoned for their opposition to the junta and displaced by its attacks have reached new highs. Junta forces have stepped up air strikes on civilian targets while continuing a campaign of mass arson targeting villages and towns that it perceives to be aligned with opposition groups. Reports of mass killings, beheadings, torture, sexual and gender-based violence, forced labour and the use of human shields have continued to mount, with no accountability for perpetrators or justice for victims. Deteriorating conditions are being driven by an economy in free fall, the blocking of emergency aid following the landfall of Cyclone Mocha, escalating human rights violations and the ongoing restrictions on humanitarian access for people in desperate need. Rohingya refugees in Bangladesh are threatened by spiralling violence, drastic cuts in food rations and a coercive repatriation effort.

2. On 31 July 2023, the junta, also known as the State Administration Council,<sup>1</sup> extended its declaration of a state of emergency by six months, citing a lack of “peace and stability” in the country. In doing so, the State Administration Council undercut its justification for the coup, which is that the military is the sole institution that is able to ensure unity and stability in Myanmar. Notwithstanding the fact that it has been driving chaos and lawlessness, the State Administration Council seeks to foster the appearance of legitimacy by signalling that it will hold national elections following a nationwide census in October 2024. The Special Rapporteur, therefore, encourages Member States to reject as illegitimate an election held while political opponents are arrested, imprisoned, tortured and executed, and while freedom of speech and association and a free press are outlawed.

3. The people of Myanmar continue to demonstrate remarkable courage and resolve, risking their lives to oppose the junta and build the foundation for a democratic and rights-respecting country. It is becoming increasingly clear not only that the junta has failed to consolidate power, but also that it is slowly losing control. The Special Rapporteur has spoken with doctors who risk their lives to treat patients, women’s rights advocates documenting sexual and gender-based violence and members of civil society organizations who are responding to urgent humanitarian needs in their communities. Their stories, and those of so many others, demonstrate the commitment of the people of Myanmar to ending human rights violations and establishing a genuine democracy. They need and deserve the world’s support.

4. A small number of States continue to support the junta by providing weapons and financial resources or by lending legitimacy through diplomatic engagement. There is notable momentum, however, towards a stronger and more coordinated international response to the crisis. There are a growing number of States that are supporting the people of Myanmar in their struggle against dictatorship and oppression. New sanctions targeting aviation fuel and key financial institutions relied on by the State Administration Council are degrading the ability of the military to sustain its attacks on civilians. Efforts are under way to ensure greater coordination among States that have adopted sanctions or taken other steps to isolate the junta. Many States have provided life-saving humanitarian aid and Governments are increasingly engaging with the National Unity Government.

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<sup>1</sup> The terms “junta” and “State Administration Council” are used interchangeably in the present report.

5. While these are all positive, encouraging steps, the greatest reason for hope that human rights will prevail in Myanmar is the remarkable resilience, bravery and resolve of the people of Myanmar.

## **II. Political prisoners**

6. The junta continues to arrest and imprison perceived political opponents on a staggering scale. Political prisoners include pro-democracy activists, former government officials, politicians, religious leaders, celebrities, artists and civil society representatives. Teachers have been arrested for teaching in opposition-backed schools, students for attending those schools, doctors and nurses for providing medical care in independent clinics and hospitals, lawyers for defending political prisoners, journalists for reporting on military atrocities and trade union leaders for organizing strikes.

7. Their crimes largely involve exercising their basic right to freedom of expression, including posting opinions on social media. Dozens of people were reportedly arrested for replacing their social media profile pictures with black panels to mourn the approximately 170 people who were killed in a military air strike in Sagaing Region in April 2023. In June 2023, more than 130 people were reportedly arrested for participating in a campaign that involved wearing flowers to commemorate the State Counsellor, Aung San Suu Kyi, on her seventy-eighth birthday.

8. According to the Assistance Association for Political Prisoners, since the coup, the State Administration Council has arrested more than 25,000 people because of their real or perceived involvement in the pro-democracy movement or other political activities. More than 19,000 of those political prisoners, including 155 children, remain behind bars. More than 1,800 have been arrested since the beginning of 2023. Furthermore, 112 political prisoners remain on death row, while 43 others have been sentenced to death in absentia.

9. In 2023, the State Administration Council carried out mass pardons on 4 January (7,012 prisoners), 17 April (3,015), 3 May (2,153) and 1 August (7,749) in an apparent attempt to distract from its brutal campaign of arbitrary arrests and the ongoing detention of nearly 20,000 political prisoners. The 3 May amnesty included the mass pardon of individuals charged under section 505 (a) of the Penal Code, a provision added by the junta following the coup that provides for up to three years of imprisonment for the dissemination of “false news”. The majority of those individuals were political prisoners who had been arrested in the weeks and months following the coup, many of whom were close to completing their sentences. Only a small fraction of those released under the other amnesties were political prisoners. As part of the 1 August amnesty, the State Administration Council pardoned State Counsellor Aung San Suu Kyi and former President Win Myint for select offences, while leaving in place sentences relating to other offences. State Counsellor Aung San Suu Kyi’s cumulative sentence was reduced from 33 to 27 years. She was reportedly transferred from prison to a government building in Nay Pyi Taw in July 2023, but was subsequently returned to prison without explanation from the State Administration Council. Her son and officials from her political party have stated that she is in poor health and not receiving the medical care she needs.

### **A. Prison conditions**

10. The State Administration Council has sought to hide its mistreatment of political prisoners by severely restricting access to prisons and other detention facilities. Nevertheless, the accounts of those released from prison, as well as information from

notes smuggled out of prisons and prison insiders, paint a grim picture of prison conditions.

11. The mass influx of political prisoners since the coup has led to severe overcrowding in prisons, with some cells reportedly filled to double their capacity. Prisons are poorly maintained and prisoners are often exposed to the elements. Skin diseases and diarrhea are reportedly rampant. Women lack access to menstrual products, other hygiene necessities and sexual and reproductive health care.

12. Credible reports from detainees who have been released indicate that prisoners suffer from grossly inadequate nutrition, given that they receive spoiled food or meals that are primarily composed of low-quality, dirty rice. Many rely on friends and family members to pay for food and toiletries sold by prison officials at exorbitant prices. Health care is non-existent for most prisoners, with prison officials merely providing over-the-counter painkillers for serious medical conditions.

13. Prisoner protests have been violently suppressed, including by the deployment of soldiers into the prisons. State Administration Council officials have reportedly retaliated against protest organizers and participants by restricting food rations, imposing solitary confinement and transferring them to other wards or prisons. Political prisoners have reportedly died after being denied medical treatment for injuries sustained during crackdowns on protests.

## **B. Torture and extrajudicial killings**

14. Former political prisoners have described the wide-ranging torture tactics employed by State Administration Council officials, including severe beatings using their fists, guns and rods; stabbing or cutting; burning of the skin; electrocution; pulling out fingernails and teeth; stress positions; hanging by ropes; denial of food or water; sleep deprivation; mock executions; waterboarding; shackling, including with iron rods placed between the feet; and the prolonged use of blindfolds or hoods, often in conjunction with other torture techniques. Both women and men have experienced sexual harassment, strip searches, rape and sexual violence, including genital mutilation. Lesbian, gay, bisexual, transgender and intersex persons reportedly suffer disproportionate levels of violence, abuse and harassment from prison officials. In addition, child political prisoners have been tortured using most or all of the above-described techniques.

15. A former political prisoner told the Special Rapporteur how he was beaten until he lost consciousness after starting a hunger strike to protest the execution of four political prisoners in July 2022. When he regained consciousness, he and other strike participants were severely tortured before being placed in solitary confinement:

We had to put our face on the floor and put our hands on the back. They beat us with rods. When we felt pain and moved, they beat us more. ... The rest of us were taken to the isolation cells. Our bodies were covered in bruises and cuts. There were wounds over wounds and cuts over cuts. They also used tasers. They put the tasers on our heads and laughed when our bodies were shaking. There was a six-foot wooden shackle [connecting two prisoners]. We had iron cuffs on our hands. When we couldn't walk, they made us hop like a frog. Our skin was torn on the hands and legs because of the shackles. ... They hit [our private parts.] They said they don't want us to reproduce: 'We are beating you so that you are not able to have a child.' ... We protected our private areas with our hands, so we couldn't protect other parts of our bodies. Even though the torture was brutal, our spirit didn't break down. I am still part of the revolution. I came to this ... area to continue with the revolution.

16. The State Administration Council is responsible for the death of scores of political prisoners in its custody. According to the Assistance Association for Political Prisoners, since the coup, at least 181 political prisoners have died in prison or during interrogation because of extrajudicial killings, torture, ill-treatment or inadequate health care. On 27 June 2023, 37 political prisoners were removed from Daik-U prison, ostensibly for transfer to other prisons. Prison authorities have since sent letters to the family members of at least eight of the prisoners, informing them that their relative had died during an attempted escape. On 6 July 2023, two prisoners accused of the murder of a pro-junta singer died in similar circumstances, with State Administration Council officials claiming that they had died while trying to escape during a prison transfer. Gunmen, who are alleged members of the junta-aligned Pyusawhti militias, killed the mother and sister of one of the slain prisoners in an attack at their family home the previous month.

### C. “Trials” and convictions

17. Laws commonly used to try and convict political prisoners include various provisions of the Penal Code, such as section 505 (a), the Unlawful Associations Act, the Counter-Terrorism Law, the Anti-Corruption Law, the Arms Act and the Explosive Substances Act. Many have been convicted for allegedly violating several different laws. Legal proceedings against political prisoners violate the right to a fair trial, with convictions based on little or no evidence.

18. The imposition of martial law on approximately 50 townships in Myanmar has allowed the State Administration Council to try and convict political prisoners in military tribunals, where defendants are denied the right to counsel. Many others have been tried in civilian courts set up in prisons. In civilian courts, including those inside prisons, defendants are generally permitted to retain their lawyers. However, families often experience difficulties locating detained family members following their arrest and securing legal representation for them. At times, defendants are only allowed to meet their lawyers minutes before a trial begins. Lawyers and political prisoners have described being denied access to essential case files.

19. Lawyers face grave risks by representing political prisoners. Court and military officials regularly threaten and harass lawyers who represent political prisoners. At least 53 lawyers have been arrested since the coup and many have reportedly gone into hiding. Some were arrested in courtrooms after defending political prisoners, including opposition leaders. The risks lawyers routinely face have sometimes caused them to refrain from rigorously cross-examining State Administration Council witnesses or to withdraw from representing clients, leaving some political prisoners without counsel. The families of lawyers have reportedly been disappeared or even killed.

## III. Violence against civilians

20. The junta has carried out a massive campaign of violence against civilian populations, which has included massacres, executions, the shelling of villages, air strikes on civilian targets, the mass arson of homes and infrastructure, burning of food stores and fields, destruction of schools and clinics, and sexual violence.

21. A doctor treating the victims of military attacks in Sagaing Region said:

[The State Administration Council] doesn't fight [the People's Defence Forces] directly. They burn everything, kill everyone [when they are] approaching the villages. They want to cut down the economy and make a humanitarian crisis in

Sagaing Region so that [the People's Defence Forces] and resistance groups are weakened by destroying the property of the civilians and killing everyone.

22. The actions of the military thus likely constitute crimes against humanity and war crimes. The Special Rapporteur concurs with the conclusions of the Independent Investigative Mechanism for Myanmar that the number of probable international crimes has increased dramatically since the coup and that the volume and severity of crimes have continued to rise in recent months.

23. While State Administration Council forces are disproportionately responsible for violence against civilians, the Special Rapporteur has received troubling reports of human rights violations perpetrated by other armed groups, including ethnic armed organizations and anti-junta forces. These violations include killings, torture and sexual violence.

## **A. Killings**

24. State Administration Council forces and allied armed groups have killed more than 4,000 civilians since the coup, according to credible reports. Many were victims of indiscriminate attacks on villages, schools, hospitals and internally displaced persons camps. Others were executed after being taken into military custody, at times in mass killings. The bodies of many of those killed have shown signs of torture. The military has also burned, beheaded, dismembered and disfigured bodies in an apparent attempt to terrorize the civilian population.

25. While the State Administration Council has claimed that opposition groups have killed more than 6,000 civilians, it has produced no evidence to support its claims. However, credible reports indicate that anti-junta groups have killed hundreds of civilians, including State Administration Council administrators, suspected military informants and collaborators, and villagers linked to junta-aligned Pyusawhti militias. Victims have included women, children and monks. Some have reportedly been shot in the head with their hands tied behind their backs and others have been beheaded.

26. In correspondence with the Special Rapporteur, the National Unity Government affirmed its commitment to upholding international human rights standards, preventing human rights violations by the People's Defence Forces and other affiliated groups, and ensuring accountability for those who commit abuses. The code of conduct for the People's Defence Forces introduced by the National Unity Government prohibits the threatening and targeting of civilians. The National Unity Government informed the Special Rapporteur that it has held training sessions and issued directives to ensure compliance with the code of conduct and human rights standards. The National Unity Government has reportedly established a complaints committee, investigative commission and military court to address abuses by People's Defence Forces soldiers and others. It has reportedly expelled battalions that have been found to engage in criminal activity or violate the code of conduct.

27. Many armed groups are not aligned with the National Unity Government, which lacks control or influence over some groups that formally fall under its chain of command. The Ministry of Defence of the National Unity Government has stated that "the military and their system are legitimate targets", which could be interpreted as sanctioning the targeting of some non-military targets. There have been reports of the National Unity Government failing to respond to reported incidents with urgency, downplaying the severity of misconduct or even ignoring requests altogether. Gross violations of human rights by anyone, including opposition groups, are unacceptable and those responsible must be held accountable. The killing of civilians by anti-junta armed groups could contribute to a cycle of violence and retribution that must be stopped.



## **B. Air strikes**

28. State Administration Council forces have rapidly increased the rate of air strikes against civilian targets. According to data from the Armed Conflict Location and Event Data Project, the military conducted an average of 8 air strikes per month in 2021 after the military coup, 26 per month in 2022 and 32 per month in 2023. There have been a reported 352 fatalities associated with military air strikes in the first eight months of 2023, compared with a total of 218 following the coup in 2021 and in 2022 combined.

29. The military appears to be intentionally targeting civilian populations, by repeatedly launching air attacks on villages, internally displaced persons camps, schools, hospitals, clinics, churches and monasteries. In many cases, air strikes on villages have followed attacks on military units by opposition armed groups, which suggests that they are being used as a form of collective punishment.

30. On 11 April 2023, the State Administration Council launched an air attack on the village of Pazigyi in Sagaing Region, where hundreds of people had come together to celebrate the opening of a civilian administrative office affiliated with the opposition National Unity Government. A fighter jet dropped two 250 kg bombs on the gathering. Shortly after the attack, two attack helicopters arrived and strafed the crowd as people fled for their lives. Air strikes in the days that followed obstructed victims' access to aid and medical treatment. An estimated 170 people died, including approximately 40 children. The Special Rapporteur spoke to a pregnant woman who was an eyewitness to the horrifying attack, which killed her husband.

At the event I saw things I have never experienced in my life. ... Many people died at that event, including my husband. I myself had a gunshot hit my hand. ... My hand was injured very badly. Me and [my] brother took the motorbike and went to a clinic near our village. We were waiting for my husband for three days and only then I realized that he was killed. [I] still have trauma when I hear sounds and see things. I don't know how to survive without my husband. I don't know how to hold my children with my one hand. I have no one to turn to for help.

## **C. Arson**

31. In 2023, State Administration Council forces have continued a campaign of mass arson targeting civilian populations. Reports indicate that approximately 75,000 civilian structures have been burned since the coup. The military has also destroyed food stores, thus deepening concerns about food insecurity in many parts of the country.

32. Satellite imagery, footage from drones and eyewitness testimonies back up reports that soldiers have destroyed civilian property on a massive scale. Sagaing Region continues to be the epicentre of the arson campaign led by the military, with more than 57,000 structures burned since the coup and more than 20,000 burned in the first eight months of 2023. However, almost all states and regions have been affected.

## **D. Sexual and gender-based violence**

33. State Administration Council forces have escalated their widespread perpetration of sexual and gender-based violence against civilian populations. While soldiers have assaulted women with impunity for decades, the widening scope of

armed conflict and collapse of the rule of law since the coup have led to a dramatic increase in sexual and gender-based violence. Threats of further violence and fear of retaliation, including against family members, cause many survivors to refrain from reporting cases of sexual violence. Limited geographical access, displacement, security risks, communication restrictions, shame and social stigma, and resource constraints also present challenges for organizations that document sexual and gender-based violence.

34. Cruelty and dehumanization are defining features of sexual crimes perpetrated by the military, including gang rapes. Soldiers have mutilated victims and raped them with objects. In some cases, the bodies of the victims of extrajudicial killings have shown signs of rape or sexual violence. The victims have included children.

35. Women's groups told the Special Rapporteur that the number reports of sexual violence by other armed actors, including ethnic resistance organizations and the People's Defence Forces, is also increasing. Opposition armed groups have allegedly committed gang rape, rape followed by execution and child rape. In the absence of a functioning judiciary and the rule of law, these cases are often unreported. Survivors worry about reporting crimes by armed groups exercising control and influence in their areas because of threats, potential retaliation and the fear of criticism for "undermining" pro-democracy forces. The National Unity Government informed the Special Rapporteur that its Ministry of Women, Youth and Children's Affairs is implementing a policy for protection against sexual violence, exploitation and abuse, which includes the implementation of complaints and monitoring functions, provision of support for victims and introduction of education programmes. However, in practice, many victims and survivors of sexual and gender-based violence have been unable to seek redress, and perpetrators from the opposition have, to date, largely avoided facing justice for their crimes.

## **E. Landmines and cluster munitions**

36. Contamination by landmines or unexploded ordnance has been reported in over half of the townships in Myanmar. State Administration Council forces and opposition armed groups continue to lay landmines, which has taken a heavy toll on civilian populations. According to records compiled by the United Nations Children's Fund (UNICEF), there were 556 civilian casualties, including deaths and injuries, from landmines and unexploded ordnance during the first six months of 2023, compared with 390 in all of 2022 and 284 in 2021. Monitoring organizations warn that the true impact on civilians could be much higher than the reported figures given that there is no official medical surveillance of landmine injuries. The dramatic increase in civilian casualties appears to be driven primarily by landmine contamination in areas that had previously not been affected by armed conflict. For example, there were no registered landmine or unexploded ordnance incidents in Sagaing Region in 2020. In 2023, Sagaing Region has accounted for more than 40 per cent of civilian casualties.

37. State Administration Council forces appear to be laying landmines in locations in order to inflict civilian casualties or prevent civilians from returning to their homes. Soldiers have planted landmines in villages and homes, along roads and paths frequently travelled by civilians, and around churches and schools. A recent report by the Landmine and Cluster Munition Monitor indicates that State Administration Council forces have used domestically produced cluster munitions since 2021. In total, 123 countries, not including Myanmar, have joined a treaty banning the use or production of cluster munitions, which are inherently indiscriminate and have a great impact on civilian populations.

## **F. Human shields**

38. Since the coup, State Administration Council forces have systematically used civilians as human shields, thus repeating a pattern of abuse by the military of Myanmar that stretches back decades. In total, 22 cases of the use of human shields, involving more than 500 villagers, including children, have been credibly documented in eastern Myanmar. Documented cases likely represent only a fraction of those that have occurred in the area and the Special Rapporteur has received credible reports of similar cases throughout the country. Villagers are regularly forced to walk interspersed among groups of soldiers, often while carrying supplies for State Administration Council forces, to prevent attacks by opposition armed groups. In some cases, villagers have been made to walk in front of soldiers in areas suspected to be contaminated with landmines. State Administration Council soldiers have also reportedly tortured and executed civilians whom they have used as human shields.

## **IV. Humanitarian crisis**

39. A deepening humanitarian crisis is gripping every corner of Myanmar. The country's economic implosion has thrown millions into poverty. The collapse of government services and infrastructure has undermined the quality and accessibility of health care, education and social programmes. The suffering of the people of Myanmar has been made even worse by the inhumane restrictions imposed by the State Administration Council on humanitarian actors' access to populations with acute needs.

### **A. Displacement**

40. Mass displacement has created urgent needs on a massive scale, threatened livelihoods and contributed to a mounting food crisis. It is the predictable consequence and indeed the objective of the systematic targeting by the military of civilian populations. Approximately 1.7 million people have been displaced by armed conflict and attacks on civilians since the coup, bringing the total number of internally displaced persons to nearly 2 million. More than 60 per cent of those newly displaced originate from Sagaing and Magway Regions. Chin, Kayin and Kayah States, which have much smaller populations, have also experienced proportionally very high rates of displacement.

41. Life for internally displaced persons is precarious and fraught with danger. Some displaced persons flee to hiding places in the jungle or find shelter in nearby villages. Others move to established internally displaced persons camps that are vulnerable to attack by State Administration Council forces. In some cases, internally displaced persons can return to their farm fields, allowing them some form of livelihood or subsistence agriculture. However, given the dangers, many internally displaced persons are reliant on assistance from civil society organizations or the generosity of host communities.

42. The steady increase in the number of internally displaced persons reflects the fact that those who have been displaced since the coup have tended to remain displaced. After fleeing from their homes, many have been forced to flee again after attacks on internally displaced persons camps or the villages where they were seeking refuge. The staff member of an organization working in Kayah State said:

All the people [are in a] mobile state. They go to one [internally displaced persons] place, then [the State Administration Council] comes and bombs there, so they have to move to another place again. They move all the time from place

to place. ... In our area, there are emergencies all the time. People have to move, then two days later have to move again. [We] have to provide for emergency needs all the time.

## **B. Humanitarian needs**

43. Humanitarian needs in Myanmar, in particular for displaced and conflicted-affected populations, are immense and growing.

44. Communities hosting internally displaced persons are running low on food, medicine and other supplies. Civil society organizations, which are predominantly dependent on small donations from community members and people in exile, are also running out of resources. Increased bombing and attacks on internally displaced persons camps exacerbate the enormous challenges already faced by displaced people and civil society organizations attempting to deliver humanitarian assistance.

45. Notwithstanding the great humanitarian needs in Myanmar, the State Administration Council has weaponized aid by systematically restricting its delivery to the most vulnerable populations. Although United Nations officials and humanitarian organizations have appealed for greater access to conflict-affected populations, the State Administration Council continues to tighten restrictions, including by denying travel authorizations and refusing passage through military checkpoints. In some areas, the State Administration Council has begun imposing new restrictions or bureaucratic hurdles on aid groups.

46. The State Administration Council has at times blocked the transport of food, medicine and vaccines by traders to conflict-affected regions, such as Kayah State and parts of Sagaing and Magway Regions. These blockades have caused food prices to skyrocket, thus further impeding the work of civil society organizations that use local markets to procure supplies for internally displaced persons and others.

47. Security concerns are a major obstacle to the provision of humanitarian assistance. Those working for humanitarian organizations, whether international non-governmental organizations or local civil society organizations, take great risks to deliver aid. The United Nations reports that 50 humanitarian staff were arrested in the first half of 2023. Health workers are also at risk, with a reported 250 attacks on health care in Myanmar in the first eight months of 2023. State Administration Council forces have been responsible for the majority of these attacks, although the People's Defence Forces and opposition armed groups have also attacked medical facilities that they say were occupied by military forces.

48. In total, 15.2 million people are moderately or severely food insecure in Myanmar. This number will almost certainly rise, with experts warning of a looming food crisis. As attacks on civilians and displacement are prolonged, farming cycles will be increasingly disrupted and food stores will be depleted. Skyrocketing prices of food and agricultural inputs further threaten food security. A World Bank survey in May 2023 found that 48 per cent of farming households worry about having enough to eat, up from 26 per cent in 2022. People are using their savings, taking out loans and relying on remittances to put food on the table, but are quickly depleting family and community resources.

49. The situation in conflict-affected areas is even worse. A survey found that only 10 per cent of respondents in southern Chin State had acceptable levels of food consumption. Only half of internally displaced person households in Sagaing Region are able to travel to a market because of security risks and transportation problems, among other factors. An organization working in Kayah State reported that 22 internally

displaced persons camps in that State were experiencing extreme food shortages, in part because transportation routes have been cut off by conflict.

50. A staff member of a local organization providing aid in Sagaing Region described the situation of internally displaced persons:

They don't think about tomorrow but just today, how to live today, how to drink or how to eat. The worst is that the [State Administration Council] burned down their houses and their crops. ... They burned down everything so there's nothing left. It's a long-term problem for us... [We] need to think about long-term livelihoods. There's nothing left for them.

51. Conflict and displacement appear to be driving the increased prevalence of preventable diseases, including seasonal flu, malaria, dengue, tuberculosis and diarrhea. Studies have found that there has been a four- to tenfold increase in malaria cases in eastern Myanmar since 2020, upending years of declining rates prior to the coup.

52. The health of women and children has been disproportionately affected by the crisis in Myanmar. Approximately 1.6 million children have missed out on routine vaccinations since the coup. Women's access to sexual and reproductive health services, as well as family planning, is limited or non-existent in conflict-affected areas and in areas where people have been displaced. Pregnant women and mothers lack essential care and services, which affects nutrition, infant and maternal mortality and the long-term health of babies and families. Women often give birth in the jungle without any medical care. Civil society groups report increased rates of miscarriage, maternal death during childbirth and unwanted pregnancies owing to the lack of access to contraception.

53. A new mother, displaced by military attacks days after the birth of her child, told the Special Rapporteur about the conditions for her and her child when she reached an internally displaced persons camp:

The camp didn't have enough aid, not enough medicine or food supply... The water is not clean. I had a kidney stone and my urine was also infected. When I had my period, I had excessive bleeding, but I did not have a pad to use, so it got infected. My baby is a newborn, but I can't get vaccines or any medicine. We have some basic medicine that we brought, but this is the only medicine that we have. ... Now they have been bombing one village to another village. It is not safe to be in any village. The thing is, with my health condition and my baby, I cannot live in the forest. ... There is water, leeches, rain.

54. The situation of persons with disabilities and older persons has largely been overlooked since the coup. Older persons and those with disabilities have often remained in villages while others flee attacks by State Administration Council forces, because they have limited mobility or do not receive information or warnings. Persons who are deaf or persons with a hearing impairment are unable to hear the sound of approaching aircraft, explosions or gunfire. Many struggle in situations of protracted displacement, which often involve severe deprivation and substantial physical demands. The collapse of the national health system has had a disproportionate impact on older persons and persons with disabilities. They often have difficulty accessing humanitarian aid because organizations struggle to overcome State Administration Council restrictions and provide accommodation necessary for vulnerable communities. There is insufficient inclusion of persons with disabilities to make humanitarian programmes more accessible.

55. Local humanitarian actors told the Special Rapporteur about the psychological toll the conflict is having on the mental health of their communities, colleagues, families and friends, and on their own mental health. They described the continuous

fear of air strikes and ground assaults, the exhaustion from constantly fleeing, and the impact of living under tarpaulin tents for months or years on end. Some described recurring nightmares of being followed, arrested and shot. Children reportedly scream and hide at the sound of motorcycles, fearing a helicopter attack. A local humanitarian actor who works with internally displaced persons in Kayah State told the Special Rapporteur about the acute stress caused by constantly attempting to source supplies to meet the needs of internally displaced persons, and the impact of repeated displacement on communities and humanitarian responders. “We are still living, but we are dead inside”, he said. Access to psychosocial services and support for those affected by the crisis is extremely limited. The Ministry of Health of the National Unity Government has stated that it is working on setting up a suicide prevention hotline to address the need.

### C. Cyclone Mocha

56. On 14 May 2023, Cyclone Mocha made landfall in Rakhine State, with wind speeds reaching over 250 km per hour. The United Nations estimated that 7.9 million people were living in the parts of Rakhine, Chin and Kachin States and Magway and Sagaing Regions affected by the storm. According to the United Nations, 700,000 homes were damaged or destroyed. The cyclone also damaged or destroyed shelters and infrastructure for internally displaced persons, including hospitals, clinics, schools, telecommunications networks, transportation systems and places of worship. It had a severe impact on agriculture and other economic sectors. According to the World Bank, the cyclone resulted in \$2.24 billion in damages, which is the equivalent of 3.4 per cent of the country’s gross domestic product.

57. The death toll from Cyclone Mocha remains unknown. The State Administration Council reported that 148 people were killed by the storm, but independent reports suggest that the true total could be higher. The State Administration Council has systematically restricted access to cyclone-affected areas, impeding efforts to count the dead, and has threatened those who report higher death totals with imprisonment. In September 2023, a military court sentenced a photojournalist to 20 years of imprisonment on charges relating to his coverage of Cyclone Mocha.

58. The Rohingya make up the majority of those killed in the cyclone. An estimated 85 per cent of shelters in Rohingya internally displaced persons camps were destroyed. The State Administration Council appears to have taken few measures to protect the Rohingya as the cyclone approached. The need to obtain travel authorization from the State Administration Council hindered cyclone preparation plans by humanitarian organizations. Warnings, if given at all, were delivered in Burmese and Rakhine and generally not understood by the Rohingya. Poor Internet connectivity in Rohingya internally displaced persons camps left many unaware of the approaching storm. The State Administration Council provided minimal assistance in relocating Rohingya to emergency shelters. Long-standing restrictions on movement, including the need to obtain permission from officials before leaving internally displaced persons camps, prevented Rohingya from seeking shelter with relatives or community members in safer locations.

59. Internet blackouts and telecommunications restrictions also impeded cyclone preparations in other parts of the country. In communities in Chin State and Sagaing and Magway Regions, many stronger structures that could have provided shelter, such as schools, churches and monasteries, had already been destroyed by air strikes and attacks by State Administration Council forces.

60. In the wake of the cyclone, the State Administration Council deliberately blocked humanitarian access to affected communities, which had devastating

consequences. In the weeks immediately following the storm's landfall, the United Nations and humanitarian agencies struggled to secure travel authorizations in Rakhine State, which prevented organizations from conducting needs assessments and impeded the emergency response. On 7 June 2023, the State Administration Council suspended all travel authorizations in Rakhine State, including those that had been approved prior to the cyclone. The State Administration Council advised humanitarian actors that all cyclone aid should be delivered to the State Administration Council in Yangon. These restrictions paralysed the humanitarian response to Cyclone Mocha at a critical moment.

61. The cyclone response remains extremely limited due to the restrictions imposed by the State Administration Council on humanitarian actors. While organizations have largely been permitted to resume their pre-cyclone activities in Rakhine State, they have not been allowed to scale up operations to address the devastation caused by the storm. In August, three months since it made landfall, the State Administration Council authorized some cyclone relief deliveries, allowing United Nations entities and international non-governmental organizations to reach 12 cyclone-affected villages with food distributions.

62. Cyclone-affected populations, in particular Rohingya communities in Rakhine State, remain in dire need of assistance, including food, clean water, medicine, medical care and materials to build or repair shelters. According to aid workers, almost all latrines in Rohingya internally displaced persons camps have been destroyed. Flooding and poor sanitary conditions could lead to the spread of life-threatening waterborne and mosquito-borne diseases, including diarrhea, dengue and malaria. Women and girls face difficulties in procuring menstrual kits, and abuse, harassment and domestic violence are reportedly on the rise in some affected areas. The Special Rapporteur received credible reports that some Rohingya committed suicide because they were unable to support loved ones or obtain access to water sources or basic medication.

#### **D. Local response mechanisms and international organizations**

63. In mid-August 2023, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Martin Griffiths, visited Myanmar. He travelled to Rakhine State and met with Senior General Min Aung Hlaing to negotiate humanitarian access in Rakhine State and elsewhere. The State Administration Council predictably used Mr. Griffiths' visit to project an air of legitimacy and spread pro-junta propaganda, with State media reporting that Mr. Griffiths and Senior General Min Aung Hlaing had discussed "occurrences of voting fraud" in the 2020 elections, efforts made by the State Administration Council towards the "restoration of internal peace" and "the need for the international community to know the actual conditions in Myanmar". The United Nations press release following the conclusion of Mr. Griffiths' visit lamented restrictions on humanitarian access, but did not include any specific outcomes from the visit.

64. United Nations officials have held dozens of high-level meetings with State Administration Council officials, at times aimed at securing visas for staff and permission for humanitarian programmes. These meetings, some of which involved presenting credentials to State Administration Council officials, have been prominently reported in State media. In September 2023, the media reported on internal UNICEF documents indicating that UNICEF would use over \$3 million for two "government-led" workplans implemented with State Administration Council-controlled ministries, one supporting water and sanitation services and the other to improve the "social policy system" for children. The documents indicate that UNICEF "will ensure that funds are used effectively and will share accountability

and responsibility for managing the project's operations with the relevant ministries". UNICEF informed the Special Rapporteur that the workplans do not involve the transfer of funds to the ministries.

65. Vast swathes of Myanmar are beyond the reach of United Nations entities and international humanitarian organizations, given the systematic obstruction by the State Administration Council of humanitarian programmes and the lack of United Nations access to regions not controlled by the junta. As described in the 2022 report of the Special Rapporteur to the General Assembly on the situation of human rights in Myanmar ([A/77/494](#)), civil society organizations in Myanmar have stepped up to fill these gaps, thus effectively providing relief to the most vulnerable populations in the country.

66. The effectiveness of civil society groups is rooted in their knowledge of the local context and trust built with local communities. They work with communities, vendors, money brokers and governance actors, including ethnic resistance organizations, to purchase, transport and deliver humanitarian supplies, while circumventing State Administration Council restrictions and mitigating security risks to the extent possible. Local humanitarian workers told the Special Rapporteur how they work with organizations and actors from different regions to source supplies from outside their areas, thus creating regional and national networks that support internally displaced persons and others. As the conflict drags on, they seek not only to respond to emergency situations, but also to develop resilience activities for local communities, such as training teachers, opening mobile schools and developing livelihood activities.

67. However, many organizations are seeing their resources dry up even as needs mount. Civil society groups told the Special Rapporteur that they are primarily reliant on donations from local communities and the diaspora of Myanmar, but that funds from those sources are dwindling. Many find it difficult or impossible to partner with international organizations because of burdensome registration, procurement and reporting requirements. They also worry that international organizations that have formal memorandums of understanding and registration with State Administration Council-controlled bodies will share information concerning their partners, as they are required to do by law. Many civil society groups feel that they are viewed mainly as implementing partners and are not included in the design of humanitarian aid programmes, which sometimes do not reflect the needs or reality on the ground.

68. Without exception, groups that spoke with the Special Rapporteur reported that they had the capacity to reach significantly more people with humanitarian assistance if they were able to secure more funding. Given the limited reach of United Nations entities and many international humanitarian organizations, there is an urgent need for a robust increase in funding for local civil society networks that can reach internally displaced persons and other populations in need. This will require a much more flexible approach by donors, which recognizes the constraints and security concerns facing organizations working in an extremely difficult and dangerous context.

69. United Nations entities and international organizations should conduct an analysis of the role they play in legitimizing the State Administration Council. The State Administration Council has repeatedly shown itself to be an untrustworthy partner in humanitarian programmes, by using meetings with humanitarian leaders as propaganda opportunities while it increasingly restricts humanitarian access; a dynamic that was on full display in the response to Cyclone Mocha. The international community should embrace an approach to humanitarian aid that is centered on reaching the most vulnerable populations in partnership with civil society



organizations and local humanitarian actors, rather than acquiescing to what amounts to blackmail by the State Administration Council.

## V. Situation of the Rohingya

70. Six years after the genocidal attacks by the Myanmar military in Rakhine State, the Rohingya continue to face violence, persecution and neglect, regardless of their location. The situation in Rakhine State remains fundamentally unchanged since the violence in 2017, except for the additional misery wrought by Cyclone Mocha. Approximately 600,000 Rohingya remain under an apartheid regime, with 140,000 confined to de facto internment camps. About 1 million Rohingya live in refugee camps in Bangladesh, where they face spiralling violence, deteriorating conditions and severe restrictions on livelihoods, education and movement. In other countries, Rohingya refugees lack formal status and live with little support and few rights or legal protections, as highlighted in the most recent report of the Special Rapporteur to the Human Rights Council ([A/HRC/52/66](#)).

71. Notwithstanding their immense suffering and great need, the international community appears to be turning its back on the Rohingya people.

### A. Rations cuts

72. In the first half of 2023, the World Food Programme (WFP) cut food rations for Rohingya refugees in Bangladesh by a third, citing a severe funding shortfall. On 1 March 2023, WFP cut rations from \$12 per person per month to \$10. On 1 June 2023, a further cut, from \$10 to \$8, was necessitated when donors failed to adequately respond to the urgent appeal by WFP for contributions. Rohingya refugees must now try to survive on \$0.27 per day.

73. The nutrition and health conditions for Rohingya in Bangladesh were already dire prior to the rations cuts, leading to 40 per cent of Rohingya children suffering from stunted growth. More than half of Rohingya children and 40 per cent of pregnant and breastfeeding Rohingya women were found to be anaemic.

74. The situation has deteriorated significantly since the cuts were imposed. The Special Rapporteur has received reports that many Rohingya are surviving on a diet composed primarily of rice and a small amount of cooking oil. The percentage of Rohingya households with acceptable food consumption has dropped from 56 per cent to 22 per cent. Rates of acute malnutrition have begun to spike in camps. Rohingya are increasingly adopting harmful coping mechanisms. Prohibited from working to earn money, more than half of Rohingya refugee households report borrowing food or money to feed their families. Many adults are skipping meals to ensure that they can feed their children. Anecdotal reports indicate an increase in child marriage and domestic violence. Violence and criminal activity in camps is escalating rapidly.

75. These preventable conditions are driven by the failure of the international community to provide adequate support for Rohingya refugees in Bangladesh. Three quarters of the way through 2023, the 2023 joint response plan for the Rohingya humanitarian crisis, which funds programmes for Rohingya refugees and host communities in Bangladesh, was only 42 per cent funded.

## B. Repatriation

76. In 2023, the State Administration Council and Government of Bangladesh began planning a “repatriation pilot project” for Rohingya refugees that received support from other Governments.

77. In mid-March 2023, State Administration Council officials travelled to Bangladesh at the invitation of the Government of Bangladesh and conducted interviews with over 1,000 Rohingya refugees in order to “verify” individuals to be repatriated to Myanmar. In May 2023, a group of 20 Rohingya refugees travelled to Rakhine State on a “go and see” visit. They were informed that returning Rohingya would be processed in “reception” and “transit” centres before being relocated to 15 newly constructed “villages” in the township of Maungdaw, Rakhine State. Repatriated Rohingya would not be permitted to return to their home villages, many of which had been destroyed or built over. They were instructed that returnees would need to accept national verification cards, which do not confer Myanmar citizenship.

78. The Rohingya representatives who visited Myanmar in May issued a public statement rejecting the repatriation plans. Rohingya refugees, human rights defenders, activists and community leaders also expressed opposition to the repatriation pilot project in letters, posters, social media posts and comments to the media. Concerns raised by Rohingya refugees included the inability to return to their places of origin, the continued denial of citizenship and imposition of national verification cards on returnees, the ongoing discrimination and denial of human rights, and the risk of further violence and persecution by State Administration Council forces.

79. Rohingya refugees have alleged that Bangladesh authorities sought to compel participation in the repatriation pilot project by providing inaccurate information and using threats and coercion, including the confiscation of ration cards, cash incentives and beatings.

80. As of the beginning of October, the planned repatriation had not gone forward. Nevertheless, both the State Administration Council and the Government of Bangladesh have continued to signal their intention to begin repatriating Rohingya refugees by the end of 2023. The State Administration Council has hosted foreign diplomats on tours of repatriation sites in Rakhine State and stated that it is ready to receive up to 7,000 refugees.

81. The Special Rapporteur concurs with the conclusion of the United Nations High Commissioner for Human Rights and Office of the United Nations High Commissioner for Refugees that the conditions in Myanmar are not conducive to the safe, dignified and sustainable return of Rohingya refugees. The Rohingya continue to face severe restrictions rooted in the denial of citizenship and basic rights under the 1982 Citizenship Law. The military leader in command during the genocidal attacks against the Rohingya now leads the State Administration Council. The Rohingya continue to be denied freedom of movement in Rakhine State and have limited access to livelihoods, education, health care and other basic services. The devastation wrought by Cyclone Mocha, which was exacerbated in large part by the actions and policies of the State Administration Council, further underscores the vulnerability of the Rohingya as a result of the systemic discrimination against them.

## C. Journeys by land and sea

82. Rohingya refugees in Bangladesh face an impossible choice: brave hunger and malnutrition in the camps, return to persecution and the ever-present threat of

violence in Myanmar or take great risks to seek safety and opportunity elsewhere. In a refugee camp in Indonesia, a young Rohingya man told the Special Rapporteur: “I have no identity. I do not belong anywhere. All I want is to put my feet on some ground and say, ‘This is my place, I can live in peace here’”.

83. Given the rapidly deteriorating situation in refugee camps, it is no surprise that many Rohingya are placing themselves in the hands of smugglers to attempt dangerous journeys by land and sea, often with the intention of reaching Malaysia. In 2022, more than 3,500 Rohingya undertook sea journeys across the Bay of Bengal and Andaman Sea, which is a 360 per cent increase compared with the previous year. At least 348 are believed to have drowned or died from starvation, dehydration or mistreatment by traffickers or smugglers, although the true figures are unknown. In Indonesia, Rohingya refugees told the Special Rapporteur about their harrowing journeys. As people succumbed to hunger and dehydration, the bodies of the dead were thrown overboard. Sexual violence during the journeys has also been documented, with young girls arriving in Aceh pregnant as the result of rape.

84. The deaths of dozens of Rohingya after their boat capsized off the coast of Rakhine State in early August could be a harbinger of an even larger wave of Rohingya fleeing by sea in 2023. The Special Rapporteur has received credible reports suggesting that there will likely be a spike in boat movements following the end of the monsoon. There are no indications that meaningful steps are being taken to prepare for an increase in the number of boats stranded at sea.

85. Unknown thousands of Rohingya are also attempting overland journeys from Bangladesh and Rakhine State to Malaysia or elsewhere. These journeys are equally risky. Traffickers have abused, raped, extorted and killed Rohingya or sold them into slave labour. The State Administration Council reportedly arrested more than 1,000 Rohingya while they were travelling in Myanmar during the first seven months of 2023.

## **VI. International response**

86. In December 2022, the Security Council adopted resolution [2669 \(2022\)](#), in which it called for respect for human rights in Myanmar, an end to violence, the release of political prisoners and the upholding of “democratic institutions and processes”. The resolution was a clear rebuke to the State Administration Council and, in a joint statement issued by 13 Security Council members on 24 August 2023, it was noted that there had been “insufficient progress” in addressing any of the concerns raised in the resolution. The Security Council has not exercised its powers under Chapter VII of the Charter of the United Nations to impose a global arms embargo or targeted economic sanctions, or to refer the situation in Myanmar to the International Criminal Court.

87. In the light of the failure by the Security Council to act, Member States have been left to coordinate actions to defend and support the people of Myanmar.

88. Australia, Canada, the United Kingdom of Great Britain and Northern Ireland and the United States of America, as well as the European Union, have collectively sanctioned 187 distinct individuals and entities for their role in the coup and its aftermath, including 52 sanctioned since the start of 2023. In a promising development, these Governments announced that they were working together to “assess and align” sanctions efforts relating to Myanmar. This could lead to the strategic coordination of sanctions regimes.

89. In June 2023, the United States placed sanctions on the Myanma Foreign Trade Bank and Myanma Investment and Commercial Bank, two State-owned institutions

that the State Administration Council regularly uses to collect foreign revenues and purchase goods, including weapons, from abroad. These sanctions, in addition to sanctions imposed by Canada that were already in place, have pushed some banks to cut ties with the Myanmar Foreign Trade Bank and restrict their business with Myanmar. If followed by companies and fully enforced by Governments, sanctions on the Myanmar Foreign Trade Bank and Myanmar Investment and Commercial Bank would seriously impair the financial standing of the junta and impede the purchase of weapons used in attacks on civilians. The junta has responded to these actions by tightening controls on foreign currency, banning civilians of Myanmar from holding onto foreign currencies for more than six months and requiring that nationals of Myanmar working abroad pay income tax in a foreign currency rather than the kyat. Together, these actions functionally expropriate cash from individuals and businesses by forcing them to trade their money at an undervalued exchange rate.

90. Canada, the United Kingdom and the United States have sanctioned companies involved in the import of aviation fuel, which the State Administration Council uses to fuel jet fighters and helicopter gunships in its attacks on villages. In March 2023, the United States issued a business advisory warning companies that they risked sanctions if they continued to supply aviation fuel to the State Administration Council. The United States also sanctioned a Singaporean company, which is the first time it has sanctioned a company not established in Myanmar since the coup. In August, the United States further strengthened its ability to impose sanctions on the aviation fuel supply chain by issuing a regulatory determination confirming that any individuals or companies involved in the supply of aviation fuel to Myanmar risked United States sanctions. It also sanctioned three more Singaporean companies involved in the aviation fuel supply chain. The United States business advisory and regulatory determination could mark a turning point in attempts to cut off access by the junta to aviation fuel, but only if the United States and other countries make good on their statements and push for sanctions on persons not from Myanmar for their involvement in the fuel trade. Warnings are insufficient and further action is required.

91. As important as these measures are, their impact is limited by Governments that continue to legitimize the State Administration Council and support its attacks on the people of Myanmar.

92. As described in the recent conference room paper of the Special Rapporteur on the situation of human rights in Myanmar, State-owned enterprises in China, the Russian Federation and, to a lesser extent, India have transferred arms and related materials to the State Administration Council since the coup (A/HRC/53/CRP.2). In addition, private arms dealers are also operating from Singapore and Thailand to supply the military. There is no indication that the Government of Singapore or the Government of Thailand have authorized these transfers. In a positive development, the Government of Singapore has sought further information from the Special Rapporteur to support its investigation into the dealers and transactions described in the report.

93. Many Governments continue to engage with the State Administration Council in bilateral or multilateral forums, thus allowing the junta to project the appearance of legitimacy. Defence engagements are particularly concerning. In recent months, China, India and the Russian Federation, as well as all the States members of the Association of Southeast Asian Nations (ASEAN), except Singapore, attended military counter-terrorism exercises hosted by the State Administration Council and the Russian Federation, which are Co-Chairs of the Experts' Working Group on Counter-Terrorism of the ASEAN Defence Ministers' Meeting-Plus platform. In September 2023, military officials from Brunei Darussalam, Cambodia, the Lao People's Democratic Republic, Thailand and Viet Nam attended an ASEAN Air Chiefs Conference in Nay Pyi Daw, which was chaired by the Commander-in-Chief

of the Air Force of Myanmar. In a positive development, Indonesia, Malaysia, the Philippines and Singapore did not attend.

94. The unified commitment of ASEAN to the five-point consensus and barring of State Administration Council senior officials from ASEAN Summits and meetings of foreign ministers were challenged when Thailand invited the foreign minister of the State Administration Council to a meeting of countries “affected by the situation in Myanmar”. The newly installed Government of Thailand has indicated that it will consult with ASEAN before further engagements.

## **VII. Recommendations**

95. **The Special Rapporteur calls upon the military junta to immediately end attacks on civilians and other human rights violations, halt the use of anti-personnel landmines and cluster munitions, release all political prisoners, dissolve the State Administration Council, stand down so that a legitimate Government reflecting the will of the people can be formed, and cooperate with international accountability mechanisms.**

96. **The Special Rapporteur calls upon the Security Council to pass a resolution that (a) imposes a comprehensive arms embargo on Myanmar, including on transfers of aviation fuel and other dual-use technologies to the military; (b) imposes targeted economic sanctions on the State Administration Council, its leaders and its sources of revenue; and (c) refers the situation in Myanmar to the International Criminal Court.**

97. **The Special Rapporteur calls upon the United Nations to conduct an analysis of its operations in Myanmar in consultation with civil society organizations of Myanmar and other stakeholders, weighing the benefits of gaining limited humanitarian access against the cost of legitimizing, and potentially financing, the State Administration Council and its operations. A report of the findings should be issued to Member States and be made publicly available.**

98. **The Special Rapporteur calls upon Member States that support human rights in Myanmar to strengthen measures that deprive the State Administration Council of the three things that it needs to sustain itself: finances, weapons and legitimacy. This should include:**

(a) **Establishing a working coalition of these States to develop and implement a strategic plan that integrates and coordinates State actions into a coherent and coordinated whole;**

(b) **Sanctioning the major sources of revenue of the State Administration Council and the financial institutions it uses to repatriate revenues and purchase weapons, including the Myanma Foreign Trade Bank, Myanma Investment and Commercial Bank and Myanma Oil and Gas Enterprise;**

(c) **Enforcing sanctions through the coordination of national financial intelligence units, law enforcement agencies and ministries of justice and finance to identify, freeze and seize assets belonging to or currently under the control of the State Administration Council;**

(d) **Ensuring that financial institutions domiciled in their jurisdictions sever relationships with the Myanma Foreign Trade Bank, Myanma Investment and Commercial Bank and Myanma Oil and Gas Enterprise, and other enterprises that finance or otherwise support the State Administration Council;**

(e) Immediately halting the sale or transfer of weapons and dual-use technologies to Myanmar and holistically sanctioning arms dealing networks;

(f) Sanctioning companies that sell aviation fuel to the junta, classifying aviation fuel as a dual-use technology under applicable local laws and preventing its trans-shipment to State Administration Council forces;

(g) Investing at the national level in the government resources required to monitor and fully enforce sanctions;

(h) Providing clear guidance to banks in their jurisdictions on the need for enhanced due diligence on all transactions involving Myanmar;

(i) Providing clear guidance to banks in their jurisdictions about the risks of engaging in financial transactions with the State Administration Council or its representatives, or of depositing money into or transferring money out of bank accounts owned by the Government of Myanmar but that are currently under the control of the State Administration Council;

(j) Refusing recognition before international bodies, including the United Nations, and disinviting junta officials from international forums and functions;

(k) Supporting efforts to hold perpetrators of atrocity crimes accountable in impartial and independent courts, including the International Criminal Court, the International Court of Justice and national courts in countries with universal jurisdiction laws.

99. The Special Rapporteur calls upon Member States, United Nations entities, international donors and international humanitarian organizations to increase humanitarian assistance and support to the people of Myanmar, including by:

(a) Immediately providing the funding necessary to reverse cuts in food rations to Rohingya refugees in Bangladesh and fully funding the joint response plan for the Rohingya humanitarian crisis;

(b) Ensuring a proportional response to humanitarian needs in Myanmar that prioritizes reaching displaced and vulnerable populations, including by engaging with the National Unity Government and ethnic resistance organizations and by providing robust funding for civil society organizations that are able to reach areas that are inaccessible to the United Nations and Yangon-based agencies;

(c) Reforming the policies and procedures of aid agencies in the light of the current conditions in Myanmar, including by enabling support for unregistered organizations, adopting flexible reporting requirements, allowing the transfer of funds outside the formal banking system of Myanmar and enabling the delivery of cross-border aid to internally displaced persons, while avoiding the legitimization of the State Administration Council to the greatest extent possible;

(d) Accepting refugees from Myanmar, providing them with the support required under international standards and expanding opportunities for resettlement and other durable solutions.

100. The Special Rapporteur calls upon ASEAN and its member States to:

(a) Acknowledge the flagrant violations by the military junta of the five-point consensus and link agreements to time-bound and measurable commitments to release political prisoners, halt violence and restore democracy;

(b) Prohibit junta officials, or officials from junta-controlled bodies, from representing Myanmar at any ASEAN summits or functions;

(c) Engage the National Unity Government and National Unity Consultative Council as key parties representing the will and interests of the people of Myanmar;

(d) Facilitate the delivery of humanitarian aid to all populations in need, including by supporting cross-border humanitarian assistance delivered through local civil society organizations.

101. The Special Rapporteur calls upon private and public financial institutions to:

(a) Immediately sever relationships with the Myanma Foreign Trade Bank, Myanmar Investment and Commercial Bank and any other institutions that finance or otherwise aid and abet the atrocities of the junta;

(b) Cooperate in the enforcement of sanctions against junta-aligned individuals and entities;

(c) Deposit revenues accrued by State-owned enterprises in restricted escrow accounts until a legitimate Government can access them;

(d) Not engage with State Administration Council officials or representatives for banking purposes, including the payment into or receipt from accounts belonging to the Government of Myanmar that are currently controlled by the State Administration Council.

102. The Special Rapporteur calls upon the National Unity Government to:

(a) Take all necessary and reasonable measures to ensure accountability for human rights violations committed by the People's Defence Forces, ethnic resistance organizations and other anti-junta groups;

(b) Strengthen dialogue with ethnic resistance organizations, civil society and other stakeholders to advance the political and constitutional framework for a future peaceful and democratic Myanmar.

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