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December 21, 2023

Myanmar: Military should be investigated for war crimes in response to ‘Operation 1027’

- *Attacks killed and displaced civilians in Rakhine State*
- *Myanmar military arbitrarily detained civilians and looted valuables*
- *Amnesty International documents military use of cluster munitions in Shan State*

Myanmar’s military has unlawfully killed, arbitrarily detained and stolen from civilians as it struggles to contain the heaviest outburst of armed resistance since the 2021 coup, Amnesty International said today.

Drawing on interviews with 10 civilians from Pauktaw township in Rakhine State and analyses of photographs, video material and satellite imagery, Amnesty International has documented likely indiscriminate attacks against civilians and civilian objects as well as, in

northern Shan State, the use of banned cluster munitions, all of which should be investigated as war crimes.

“The Myanmar military has a blood-stained résumé of indiscriminate attacks with devastating consequences for civilians, and its brutal response to a major offensive by armed groups fits a longstanding pattern,” said Matt Wells, Director of Amnesty International’s Crisis Response Programme.

“Nearly three years after the coup, the suffering of civilians across Myanmar shows no signs of easing, even as the issue has largely fallen off the international agenda.”

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Matt Wells, Director of Amnesty International’s Crisis Response Programme

Hostilities have significantly escalated since 27 October 2023, when three ethnic armed organizations — the Arakan Army, the Myanmar National Democratic Alliance Army, and the Ta’ang National Liberation Army — launched coordinated attacks on military posts on the country’s northeastern border with China, in an offensive known as ‘Operation 1027’.

Other armed groups fighting the military have increased their operations as well, collectively seizing territory and military posts and capturing soldiers. The fighting represents the heaviest clashes since the coup, according to the UN. As of 15 December, the UN said the violence since 27 October had reportedly killed at least 378 civilians, injured 505 more, and displaced more than 660,000 people, adding to the nearly two million already displaced across the country.



Damaged buildings in Pauktaw, Rakhine State, after weeks of fighting, 18 December 2023. © Private

‘Everyone was struggling for their survival’

On the morning of 16 November, Myanmar’s military began firing by air into Pauktaw town, Rakhine State, after the Arakan Army captured a police station.

After its morning attack, the military ordered all civilians to leave within one hour. According to Amnesty International’s interviews with nine civilians present at the time and with a monk from a nearby village, most of Pauktaw’s 20,000 residents fled immediately. But at least several hundred were unable to evacuate before the military’s attacks resumed that afternoon.

One community worker, who helped people flee but was himself unable to evacuate until 24 November, said many older people and people with disabilities were left behind despite local volunteers’ efforts. He said: “Cars, motorbikes and other vehicles were no longer available for hire. Everyone was struggling for their survival.”

Many civilians sought refuge within the Lawka Hteik Pan pagoda compound on the town’s outskirts. “We thought that another plane and warships were coming, so [my wife and I] fled our home,” said a 65-year-old man. “We couldn’t run far.”

The military attacked again on the afternoon of 16 November, firing from inside the town and the outskirts, as well as from the air and sea, according to witnesses.

Videos and photographs analyzed by Amnesty International's weapons investigator show that Mi-24 Hind helicopters fired 57mm S-5K rockets, and ships fired 40mm high-explosive shells, into the city on 16 November. Only the Myanmar military operates those weapon systems.

The use of these inaccurate weapons in populated areas raises concerns about the Myanmar military's ability to distinguish between military targets and civilians or civilian objects. The attacks may thus be indiscriminate and, as such, should be investigated as war crimes.

After the firing stopped during the afternoon of 16 November, soldiers entered the Lawka Hteik Pan compound and arrested the people who were hiding there, according to four civilians present at the time.

"I was arrested at gunpoint," said a 24-year-old woman, who had sought shelter there with her family, including a young child. "The soldiers asked me if I was a member of the AA [Arakan Army]... I couldn't say anything because I was so scared."

During the day on 16 November, three women — two teachers and a pregnant popsicle vendor — were killed while hiding inside the Lawka Hteik Pan compound, according to one person who was also taking shelter in the compound and another person who saw the bodies. Amnesty International could not independently determine how the women were killed, but the person who saw the bodies indicated they had gunshot wounds.

The same day, a 76-year-old monk was killed in the same compound. A person who saw the body told Amnesty International the monk was killed by a strike, not gunfire.

The Arakan Army has reported that the monk was killed by a naval artillery shell. Amnesty International has not been able to independently verify that detail, including after reviewing photographs of the monk's body.

'We slept in fear'

That night, soldiers forced the more than 100 civilians at the Lawka Hteik Pan compound to stay outside in the heavy rain. "Some people's hands were tied behind their backs," said the 24-year-old woman arrested at gunpoint. "We all had to sit in the rain all night. At dawn the next day, they forced us to enter the temple [and] locked the door."

A 28-year-old woman who stayed in the town with her parents said soldiers from the Myanmar military discovered the place where they were hiding with two other families on the afternoon of 16 November, taking all the men and leaving the women and children behind after stealing their valuables including gold, cash and mobile phones. At dawn the next morning, another group of soldiers came and arrested the rest.

Soldiers also arrested a 60-year-old shopkeeper on 17 November, along with three other people with whom he had been hiding and two other people living on his street, bringing them to the Lawka Hteik Pan compound. “They threatened that they could kill all of us,” he said.

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A 60-year-old shopkeeper, who was arrested by the Myanmar military

Those trapped at the Lawka Hteik Pan compound described being locked inside the prayer hall and denied food and water for two days. They also said soldiers took their mobile phones and other valuables.

After two days, the soldiers selected a handful of men to go take food from the town. “Some of the arrested men were called and forced to break into the stalls in the market and take food,” said the 24-year-old woman.

The arrest and detention of persons sheltering in the Lawka Hteik Pan compound amount to arbitrary deprivation of liberty. The treatment of the detained civilians, including through denial of food and water and exposure to extreme weather, violates the principle of humane treatment. Moreover, the stealing of civilians’ private property amounts to pillage, which is prohibited under international humanitarian law and constitutes a war crime.

A community worker, who was trapped in the town after helping others to flee, said that for the first five nights he could hear repeated gunfire and explosions.

He hid with four other men in a house where they had no electricity, and their phone batteries ran out after two days. They also ran low on food and bottled water. “Some days we didn’t eat, and we slept in fear,” he said. At dawn on 24 November, he escaped to a nearby village.

“[The military] has blocked any aid for IDPs [internally displaced persons] and prices are also skyrocketing,” he said. He said there had been severe health consequences for some displaced people, especially older people and young children, as they lacked adequate shelter and blankets during the heavy rain.

‘We had to run away through those bombardments’

On 21 November, the Arakan Army drove military forces out of Pauktaw and evacuated the captives from the Lawka Hteik Pan compound. Witnesses said that, as they escaped, the military fired on the town.

“We had to run away through those bombardments,” said the 28-year-old woman who had been held in the temple and is now sheltering in a nearby village. “I feel that I am safer now than before. However, we can still see our Pauktaw town burning with smoke after being bombarded.”

In the following days, the military continued to fire on civilian infrastructure in Pauktaw from the sea and air.

Amnesty International reviewed satellite imagery of Pauktaw, though high-resolution imagery coverage is limited. A clear image captured on 01 December 2023 shows multiple areas with extensive burning, damage and destruction, including a probable market, probable civilian homes and areas around religious sites.

In addition, the false-colour, near-infrared satellite imagery shows major destruction to buildings within a hospital compound and a crater nearby. The level of destruction and the size of the nearby crater suggest this damage was likely the result of air strikes. Imagery indicates the destruction occurred between 21 and 23 November.



False-colour, near-infrared satellite imagery from 1 December 2023 shows the reported hospital area. Healthy vegetation appears in shades of red and unhealthy or burned vegetation appears darker shades of black and brown. The imagery shows recently damaged and destroyed structures – highlighted with yellow boxes. A large crater, with an approximately four-metre diameter, is highlighted with a blue arrow.

Evidence of cluster munitions

Amnesty International also documented an attack on Namkham township in northern Shan State. Late in the evening of 01 December 2023 or very early on 02 December, the Myanmar military conducted an air strike on Namkham using bombs that were most likely cluster munitions.

Cluster munitions are internationally banned as they are inherently indiscriminate, and their use constitutes a war crime.

Amnesty International's weapons investigator analyzed five photographs of ordnance scrap recovered at the scene, and identified the remains of a cluster munitions dispenser.

Cluster munition video c Private



In addition, two videos provided to Amnesty International, and confirmed by the organization's Crisis Evidence Lab as newly posted online, show the moment of the attack. After the sound of a passing jet aircraft, there are approximately 10 detonations in a line over the course of three seconds.

The videos are dark, as the attack was at night, but the aircraft use and pattern of detonations are consistent with the deployment of air-dropped cluster munitions. According to a report by the Ta'ang National Liberation Army, the attack killed one local resident, injured five others, and damaged some homes.

The tail kit, exposed electronics, and internal plumbing of the dispenser scrap in the photographs match the remnants of previous cluster munitions used in attacks by the Myanmar military.



Ordnance scrap recovered in northern Shan State, which Amnesty International has identified as a cluster munitions dispenser, consistent with the remnants of previous cluster munitions used in attacks by the Myanmar military, December 2023. © Private

Amnesty International has documented the military's unlawful use of cluster munitions in attacks on a community gathering in a school in Mindat township in Chin State on 02 July 2022, on a village in Demoso township in Kayah State on 13 April 2022, and during fighting in Kayin State on 10 April 2022.

“As the world stands by, the Myanmar military is again showing the brutality it unleashes on civilians. The UN Security Council must urgently impose an arms embargo to protect civilians from further catastrophe,” said Matt Wells.

“The military's impunity must finally end. We reiterate our call to refer the situation in Myanmar to the International Criminal Court and bring the perpetrators of crimes under international law to justice.”

Background

Since the February 2021 military coup, Myanmar has experienced a severe escalation of human rights violations. The military’s use of lethal force against nonviolent protesters in February and March of 2021 provoked an armed uprising that continues to intensify.

In a May 2022 report, *‘Bullets rained from the sky’: War crimes and displacement in eastern Myanmar*, Amnesty International found Myanmar’s military had subjected civilians to collective punishment via widespread aerial and ground attacks, arbitrary detentions, torture, extrajudicial executions, and the systematic looting and burning of villages.

An August 2022 report, *15 days felt like 15 years: Torture in detention since the Myanmar coup*, documented violations by the Myanmar security forces, including torture or other cruel, inhuman or degrading treatment or punishment, when they arrested, interrogated, and detained individuals suspected of being involved in protests.

A November 2022 report, *Deadly Cargo: Exposing the Supply Chain that Fuels War Crimes in Myanmar*, called for a suspension of the supply of aviation fuel to prevent the military from carrying out unlawful air strikes.

On 09 October 2023, a military air strike followed by mortar fire on Mung Lai Hkyet, an internally displaced persons camp in Kachin State, killed at least 28 civilians including children, and injured at least 57 others.

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