

**Human Rights Council****Fifty-fifth session**

26 February–5 April 2024

Agenda item 4

**Human rights situations that require the Council's attention****Situation of human rights in Myanmar****Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews\****Summary*

The human rights and humanitarian crisis precipitated by the 2021 military coup has continued to worsen in Myanmar. The military junta has responded to mounting losses of troops and territory by escalating its aerial attacks on villages, blocking humanitarian aid, and announcing plans to draft thousands of young people into the military. Many have gone into hiding, fled the country or joined resistance forces.

The people of Myanmar have responded with courage, resolve and defiance. Armed resistance forces are steadily gaining ground, securing territory as they hand junta forces stunning losses. Civil disobedience movement health-care workers are working tirelessly to serve those in need even as clinics and hospitals are attacked. "Citizen sanctions" persist as people refuse to purchase goods or services that are linked to the junta. Silent strikes and "pop-up" protests demonstrate defiance and encourage a weary population.

Many in Myanmar express deep disappointment in the international community's response to the crisis. They are frustrated by the failure of the Security Council to act and see clear signals that Myanmar lacks significance to United Nations and world leaders, their rhetoric notwithstanding.

In the present report, the Special Rapporteur identifies opportunities for the international community to support the people of Myanmar. States should strengthen coordinated action to deprive a weakened junta of weapons, money and legitimacy, take steps to ensure accountability for the perpetrators of atrocity crimes and support the efforts of leaders forging a political framework for a just, peaceful and democratic Myanmar. Donors and humanitarian organizations must ensure that desperately needed humanitarian aid reaches those with the greatest needs, including displaced populations in conflict areas.

The Special Rapporteur urges the international community to seize those opportunities.

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



## I. Introduction

1. Three years after launching a military coup in Myanmar, the military junta, or State Administration Council, is facing an existential crisis. Over the past five months, opposition groups have notched up stunning victories over State Administration Council forces in coordinated offensives affecting many regions in Myanmar. There is evidence that the base of political support of the State Administration Council is also weakening, including public calls for the resignation of Senior General Min Aung Hlaing by nationalist monks and military propagandists. The rapid loss of territory, bases and personnel of the State Administration Council is shifting the balance of power in Myanmar, underscoring the vulnerabilities of the State Administration Council.

2. While daring to hope that those developments represent the beginning of the end of the violent, corrupt and illegal reign of terror of the State Administration Council, the people of Myanmar continue to face grave dangers. As it continues to lose territory and forces, the State Administration Council is using its robust supply of sophisticated weapons of war to double down on its attacks on civilians.

3. Those attacks are made possible by weapons and weapons materials that the State Administration Council continues to obtain from abroad. The good news is that some notable progress has been made in slowing down that deadly trade. Last year the Special Rapporteur published a conference room paper,<sup>1</sup> in which he provided details of more than \$1 billion of transfers of arms and related materials to the junta military. The Government of Singapore subsequently launched an investigation into weapons transfers by Singapore-based entities and there was an 80 per cent drop in such transfers in 2023.

4. With troop losses and recruitment challenges mounting – some estimates indicate that the troop levels of the State Administration Council have decreased by up to 60,000 since the coup – the State Administration Council announced that it would begin military conscription in April, leading young people to seek ways to escape being compelled to participate in the junta’s reign of terror.

5. On 31 January 2024, the State Administration Council extended for six months the nationwide “state of emergency” established at the time of the February 2021 coup. Senior General Min Aung Hlaing said the extension was needed to ensure “peace and stability, the rule of law, and the successful holding of multiparty democratic general elections” and to promote the “socioeconomic status of people”.<sup>2</sup>

6. The notion that the State Administration Council is committed to – or capable of delivering – peace, stability, prosperity or the rule of law is the height of absurdity. Indeed, the State Administration Council is the principal driver of violence, instability, economic decline and lawlessness in Myanmar. Armed conflict has displaced more than 2.4 million people since the coup, and attacks by the State Administration Council have killed more than 4,600 civilians. Half the population has fallen into poverty; the health-care system is in a shambles; thousands of children are suffering from severe acute malnutrition; untold numbers have no access to education; and 18.6 million people in Myanmar require humanitarian aid.

7. The State Administration Council poses a threat not only to the people of Myanmar but to the region and the world. Its fighter jets have violated the airspace of its neighbours, its bombs have landed across borders and its soldiers have fled into neighbouring countries in the face of attacks by resistance forces. Refugees fleeing armed conflict, attacks on

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<sup>1</sup> See the conference room paper of the Special Rapporteur on the situation of human rights in Myanmar, “The billion dollar death trade: the international arms networks that enable human rights violations in Myanmar”, available on the website of the Office of the United Nations High Commissioner for Human Rights (OHCHR) at [www.ohchr.org/sites/default/files/documents/countries/myanmar/crp-sr-myanmar-2023-05-17.pdf](http://www.ohchr.org/sites/default/files/documents/countries/myanmar/crp-sr-myanmar-2023-05-17.pdf).

<sup>2</sup> “Meeting 1/2024 of National Defence and Security Council of the Republic of the Union of Myanmar held”, *Global New Light of Myanmar*, 1 February 2024, available at <http://www.gnlm.com.mm/meeting-1-2024-of-national-defence-and-security-council-of-the-republic-of-the-union-of-myanmar-held>.

civilians by the State Administration Council and the threat of military conscription have crossed into neighbouring countries.

8. International criminal networks have found safe haven in Myanmar. Tens of thousands of victims of trafficking in persons from more than 40 countries are being held in prison-like conditions in compounds located just inside the borders of Myanmar, where they are forced to steal millions from unsuspecting scam victims living in countries around the world. In 2023, Myanmar became the world's top opium producer.

9. The deteriorating conditions within Myanmar require a new level of coordinated action by States. The failure to act decisively will put millions at risk. The growing number of those victimized by the crisis in Myanmar require stronger humanitarian support. United Nations agencies and donors must ensure that aid reaches those with the greatest needs, including internally displaced persons in areas controlled by opposition groups.

10. Governments, United Nations bodies and donors must also support the institutions and actors that are laying the foundation for a democratic and rights-respecting nation, including the National Unity Government, the National Unity Consultative Council, ethnic resistance organizations and civil society groups.

11. Conditions within Myanmar, and the dangers posed to those outside of Myanmar, present the international community with an imperative to act. The tenacity and courageous resistance of the people of Myanmar has created an opportunity for States to strike a decisive blow for human rights. There is no time to lose in seizing that opportunity.

## **II. Background: Operation 1027 and losses of the State Administration Council**

12. On 27 October 2023, the Three Brotherhood Alliance – comprised of the Arakan Army, the Ta'ang National Liberation Army and the Myanmar National Democratic Alliance Army – launched Operation 1027, targeting bases of the State Administration Council in the region. In announcing the offensive, the Alliance cited the need to protect civilian lives in the face of attacks by the State Administration Council and committed to “eradicating the oppressive military dictatorship” and “combating the widespread online gambling fraud” along the border between China and Myanmar.<sup>3</sup>

13. Since the start of the offensive, the Three Brotherhood Alliance has captured hundreds of military posts and more than a dozen towns in northern Shan State. The Alliance has seized control of key crossings on the border with China, as well as the highways vital to trade with China. In early January 2024, approximately 2,400 State Administration Council soldiers, including six brigadier generals, surrendered to the Myanmar National Democratic Alliance Army at the State Administration Council Regional Operation Command in Laukkaing, giving the Myanmar National Democratic Alliance Army control over the Kokang Self-Administered Zone. The Ta'ang National Liberation Army has likewise claimed control of the Palaung Self-Administered Zone.

14. Other opposition groups, sensing the vulnerability of the State Administration Council, have launched offensives elsewhere. Karenni resistance forces have since cleared the State Administration Council from many parts of Kayah State and now control much of Loikaw, the state capital. The Arakan Army has reportedly captured more than a hundred military posts in Rakhine State and gained control of large swathes of Rakhine State and Paletwa Township in southern Chin State. Resistance forces have also made headway in Chin, Kachin and Kayin States and Bago, Magway and Sagaing Regions.

15. A ceasefire brokered by China in mid-January 2024 cooled fighting in northern Shan State, but the Three Brotherhood Alliance has accused the State Administration Council of repeatedly violating its terms. The ceasefire does not bind the Arakan Army in Rakhine State or other resistance groups operating in Shan State or elsewhere.

<sup>3</sup> Arakan Army, statement, 27 October 2023, available at [www.arakanarmy.net/post/statement-3](http://www.arakanarmy.net/post/statement-3).

16. The recent offensives by resistance forces mark an unprecedented challenge to the Myanmar military. The State Administration Council is increasingly on the back foot, attempting to defend its positions and prevent further deterioration of its already limited territorial control. Dwindling troop levels, following casualties, surrenders, defections and recruitment challenges, have emerged as an existential threat to the State Administration Council. Its desperation is evidenced by the announcement of plans for military conscription, widespread allegations of forced recruitment and reports of police officers, civil servants, soldiers' family members and jailed deserters being pressed into service.

17. The events of the past five months demonstrate conclusively that the State Administration Council, after having overthrown a Government with a democratic mandate, is unable to unify Myanmar by force. Instead, as its control slips away, the junta has escalated its campaign of brutality, further cementing the commitment of the people of Myanmar to ending military dictatorship once and for all.

### **III. Attacks on civilians and other conflict-related human rights violations**

18. Actions by the State Administration Council since the coup likely constitute crimes against humanity and war crimes. More than 4,600 civilians have been killed by the military and its allies since the coup, including more than 700 since the start of Operation 1027. Reports from regional human rights organizations indicate that the total number of civilian deaths could be much higher.

19. The success of opposition offensives has changed the nature of armed conflict in Myanmar. In many parts of the country, fighting has moved into towns and cities, increasing civilian casualties and the destruction of civilian property. On the defensive and stretched thin, the State Administration Council appears to be reducing its ground operations in some areas in favour of reliance on air strikes and shelling with heavy artillery.

#### **A. Air strikes and shelling**

20. State Administration Council forces have escalated attacks against villages and towns, striking churches, temples, monasteries, schools and medical clinics with air strikes and heavy artillery. Those attacks impede the ability of opposition groups to set up civilian administrations and provide services to residents. The Armed Conflict Location and Event Data Project recorded an average of 50 military air strikes on civilian targets in the four months following the launch of Operation 1027, compared with an average of 10 such air strikes in the first 10 months of 2023.

21. A doctor told the Special Rapporteur that the State Administration Council uses an "annihilation method" in Magway Region, targeting both civilians and medical facilities. Another doctor from Magway Region said that: "They target not only resistance forces. They target everyone except for themselves. They attack everyone that is in their way. We have a lot of civilians dead in air strikes. Their point is not to attack the resistance forces. ... They do not target the people that can attack them. They attack infants, babies and the mentally disabled."

22. A humanitarian worker from Sagaing Region told the Special Rapporteur how the State Administration Council used howitzers to repeatedly shell a town after its forces had been driven out: "They want to show that even if [the opposition] captures the township, they will not give away anything. ... The community could not live peacefully, even though [the State Administration Council] does not control that area."

23. On 7 January 2024, State Administration Council planes reportedly bombed Kanan village in Sagaing Region, striking a church and school and killing 17 persons, including at least 8 children. The State Administration Council has denied responsibility for the attack, but open source researchers found evidence that the attack was carried out by a Chinese-manufactured Q-5 ground attack jet, an aircraft known to be used by the Myanmar military.

24. The State Administration Council often targets sites for internally displaced persons. Local humanitarian workers and community leaders have told the Special Rapporteur that many communities have been repeatedly displaced by air strikes and shelling, with civilians being forced to relocate multiple times to avoid attacks by the State Administration Council. On 9 October 2023, the State Administration Council attacked Munglai Hkyet camp for internally displaced persons in Kachin State, reportedly killing at least 29 persons, including 12 children. Weapons experts indicated that much of the damage was likely caused by a large unguided aerial bomb known to be used by the Myanmar military. The blast destroyed dozens of buildings including a church and a preschool. The State Administration Council also reportedly fired mortars into the area.

## **B. Killings**

25. State Administration Council soldiers continue to kill civilians during ground operations throughout the country. The Special Rapporteur has reviewed credible reports of dozens of mass killings of civilians and non-combatants.

26. In November 2023, the Arakan Army briefly seized Pauktaw, a port town in Rakhine State. The State Administration Council soon began shelling Pauktaw from ships and helicopters before sending in ground troops. Most of the civilian population fled in advance of the arrival of State Administration Council soldiers. However, some who were unable to flee, including elderly and persons with disabilities, remained behind. The State Administration Council reportedly killed 10 or more persons during its assault on the town. A pregnant woman, women teachers and an elderly monk were among the dead.

27. State Administration Council soldiers have continued to behead and desecrate the bodies of those they kill. The military's notorious "Ogre Column" has been linked to a number of gruesome killings in Sagaing Region, with victims beheaded or disembowelled, and their bodies mutilated. Myanmar Witness, which conducts open source investigations of atrocities in Myanmar, collected evidence of 146 cases involving the burning of bodies. The researchers identified 444 victims killed in those incidents and noted that some of the victims appear to have been burned alive.<sup>4</sup>

## **C. Conflict-related sexual violence**

28. The Special Rapporteur continues to receive credible reports of conflict-related sexual violence committed by State Administration Council forces and is gravely concerned that they may be only the tip of the iceberg. Displacement, security risks, Internet shutdowns, social stigma, disinterest by police and the lack of a functioning judiciary all inhibit the reporting of rape and sexual violence. Women's rights organizations researching gender-based violence often have scarce resources and limited access to conflict areas.

29. Operation 1027 has severely constrained the documentation of sexual violence in northern Shan State. Women human rights defenders have often been displaced themselves, and opposition groups have ordered civilians not to travel into areas affected by conflict. Some women's groups have decided to halt documentation efforts to focus on emergency humanitarian assistance.

30. Cruelty and dehumanization are the hallmark of cases of sexual violence perpetrated by the Myanmar military. Reports of gang rape are common. The Special Rapporteur has received credible reports of the rape of pregnant women and children by soldiers. Victims have reportedly been killed after they were raped. The Special Rapporteur has received multiple accounts of rape victims being burned alive.

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<sup>4</sup> Myanmar Witness, "Stories left behind in the ashes: an analysis of events involving burnt remains of victims in the Myanmar conflict from March 2022 to September 2023", 24 December 2023, available at <https://myanmarwitness.org/reports/stories-left-behind-in-the-ashes>.

## D. Landmines and cluster munitions

31. There has been a dramatic increase in deaths and injuries caused by landmines. In the first nine months of 2023 – the latest period for which data are available – the United Nations Children’s Fund recorded 858 deaths and injuries from landmines and unexploded ordnance, more than twice the number of deaths and injuries recorded in all of 2022.

32. Both the Myanmar military and opposition armed groups use landmines extensively in Myanmar. However, the military has intentionally used landmines to harm or displace civilian populations. Community members told the Special Rapporteur that the State Administration Council had planted landmines in homes, civilian plots, rice fields, plantations, around churches and schools and on roads used by civilians. A local humanitarian worker operating in Kayah State told the Special Rapporteur that soldiers planted landmines in the trenches that villagers used to protect themselves from State Administration Council air strikes.

33. In at least one instance, the military reportedly attempted to increase the explosive force of a landmine by placing a mortar underneath. Soldiers have at times used villagers as human minesweepers, forcing them to walk in front of their units in areas in which landmines are suspected to be present. Soldiers have reportedly demanded that villagers compensate State Administration Council units for the cost of landmines when they are detonated by the villagers’ livestock.

34. Landmines not only kill and injure civilians, they cause long-term suffering by causing food shortages and reducing livelihood opportunities. A local humanitarian worker from Kayah State told the Special Rapporteur:

There is not enough food because the civilians can’t farm since the operations began. Even though some people have already [planted crops], they can’t harvest [because] there are landmines everywhere. For the villagers or civilians, they cannot go back to their house or their farms to look after their paddy. ... [P]eople can’t travel from one place to another. Because the landmines are everywhere, it is very difficult for the civilians to move around.

35. Landmines are causing an increase in the number of persons with disabilities. The lack of adequate rehabilitation services and discrimination driven by social stigma adds to the difficulties that they face.

36. Photograph and video evidence suggests the continued use by the Myanmar military of cluster munitions, including during Operation 1027. The military’s use of cluster munitions, which are inherently indiscriminate weapons, in areas inhabited by civilians likely constitutes a war crime.

## E. Conscription and forced recruitment

37. On 10 February 2024, the junta issued an order bringing the 2010 People’s Military Service Act into force. Under the Act, men aged 18 to 35 and women aged 18 to 27 are eligible to be conscripted, though “professional” men and women can be conscripted up to the ages of 45 and 35, respectively. Those who evade military service or help others to do so are subject to up to five years’ imprisonment.

38. The State Administration Council has announced plans to conscript 5,000 individuals each month beginning in April 2024. Spokespersons for the State Administration Council have indicated that women, students, civil servants, caregivers of elderly parents and others will be exempt from conscription.

39. Not surprisingly, the conscription announcement was followed by a sharp increase in visa applications by nationals of Myanmar, particularly at the Embassy of Thailand. The Special Rapporteur was told that young persons are also seeking irregular routes out of the country, “disappearing” inside of Myanmar or joining resistance forces.

40. The invocation of the conscription law comes amid widespread reports of unlawful forced recruitment by the State Administration Council. Local bureaucrats and military

commanders have reportedly been tasked with meeting recruitment quotas. At times, those demands have been passed on to villagers or families, who are required to contribute recruits. Threats of violence, including threats to destroy entire villages, are used to enforce those demands. Young men have been lured by false job advertisements and threatened with imprisonment if they do not agree to join the military. Abductions of young men for military purposes appear to be increasingly common. Local officials of the State Administration Council have also forced community members to join pro-junta militias.

41. The Special Rapporteur has received disturbing reports that hundreds of Rohingya men in Rakhine State have been forced to undergo military training, provide labour for military units and act as human shields. State Administration Council officers have reportedly threatened Rohingya with violence and cuts to food rations and have offered citizenship scrutiny cards to Rohingya in exchange for military services, leveraging the Rohingya's statelessness and vulnerability against them. The Special Rapporteur is concerned about potential retaliation by the Arakan Army against Rohingya populations, despite the involuntary nature of the Rohingya's service in State Administration Council forces.

42. Recent reports, including the Secretary-General's annual report on children and armed conflict, indicate that children have been among those caught up in recent forced recruitment drives.

## **F. Abuses by resistance forces**

43. The State Administration Council sets itself apart from other armed actors in Myanmar by its systematic targeting of civilians and the immense scale and brutality of its human rights violations. However, the Special Rapporteur has also received credible reports of serious human rights abuses by resistance forces. While the National Unity Government and other armed actors have taken steps to address misconduct, more must be done to ensure accountability and protect people from abuses by opposition groups.

44. In general, abuses by resistance forces are underreported, making it hard to ascertain the scale of misconduct. One local analyst told the Special Rapporteur: "Everyone is collecting information about human rights violations committed by the military. ... But if it's our side, it's a whole different thing. Basically, no one really wants to talk about it. Human rights defenders know that this is wrong also, but how do we approach this because ... we have to rely on the same groups for our safety and security."

45. The Special Rapporteur has received several credible reports of the killing of villagers by ethnic resistance organizations and people's defence forces. The victims included individuals accused of being State Administration Council informants and villagers suspected of being aligned with it or pro-military forces. The Special Rapporteur has also received credible reports of the extrajudicial killing of resistance fighters accused of misconduct. Opposition forces have also been accused of rape, including the gang rape of women in their custody.

46. The Special Rapporteur spoke to several young women who received military training with people's defence forces. They described an environment of persistent sexual harassment, including by commanding officers. Some resistance forces are being trained on their human rights obligations, but greater education efforts are needed. "The [National Unity Government] policy and Code of Conduct is not a reality on the ground. ... We have so many young people from different backgrounds. Sometimes there are violations because they don't have awareness and sometimes don't know the norms and standards," said one of the women.

47. The Special Rapporteur has also received reports of forced recruitment by people's defence forces and ethnic resistance organizations. Last year, the Secretary-General reported that the people's defence forces and seven ethnic resistance organizations had recruited and used children. The Special Rapporteur has received additional reports about child recruitment by resistance groups. Those practices are unacceptable and should be stopped immediately.

48. The Special Rapporteur spoke with a young woman who had undergone training with a people's defence force after the coup and described abuses by resistance forces, including

killings of both State Administration Council soldiers and resistance fighters and persistent sexual harassment. She said that:

Our revolution started in 2021, and it has been almost three years. Many young people are still on the front line and in the jungle. And with this prolonged resistance movement, we are facing a lot of human rights violations, even from our own side. ... So this is having a very big impact on the revolution. ... Many young people joined the revolution to fight against the [State Administration Council] to restore democracy. But they are facing this kind of problem on a day-to-day basis. If their energy is going to address this issue, it will affect the morale of the young people in the revolution, and the revolution will take a lot longer.

## **IV. Humanitarian crisis**

### **A. Displacement**

49. Nearly 800,000 people are estimated to have been displaced since late October 2023 when fighting escalated with the launch of coordinated military resistance operations, bringing the total number of displaced persons in Myanmar to 2,700,000. The United Nations expects displacements to rise to 3,600,000 in 2024. Estimates of displacements provided to the Special Rapporteur by local groups are much higher.

50. Displacement has followed the escalation of fighting in cities and towns. Whereas previously people have often fled rural areas to seek safety in towns and cities, the opposite is now true in many places. The emptying out of towns has also cut off access to markets that were supplying basic necessities to nearby populations, including internally displaced persons. Both the State Administration Council and resistance forces have destroyed bridges in several parts of the country, affecting the price and accessibility of goods.

### **B. Humanitarian needs**

51. Humanitarian needs in Myanmar are immense and growing. The United Nations estimates that 18.6 million people, including 6 million children, require humanitarian assistance in 2024.<sup>5</sup> In comparison, in 2020, 1 million people required humanitarian assistance.

52. Myanmar is facing a mounting food crisis that is sure to grow worse in the coming months. Economic collapse and protracted displacement have left 12.9 million people in need of food assistance. People have been driven from their farms and plantations, disrupting planting and harvest cycles. In areas such as Kayah State or Sagaing Region, where intense conflict has been ongoing for months or years, food stores and community resources have already been exhausted. In other areas in which conflict has escalated, such as northern Shan State, food reserves and community resources are being depleted rapidly. Cyclone Mocha, which made landfall in Rakhine State in May 2023, massively disrupted farming in affected regions. Many families in Yangon, Mandalay and other urban areas are grappling with income loss and crushing inflation and struggle to put food on the table.

53. Humanitarian aid, including from the United Nations, is meeting only a fraction of the need, for reasons explained below. In 2024, the United Nations has targeted for support only 2.3 million of the 12.9 million people requiring food aid. While there have been no nationwide surveys of malnutrition since the coup, anecdotal evidence suggests that it is increasing rapidly. The United Nations warned that women-headed households are especially vulnerable because of aggravating protection concerns.

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<sup>5</sup> Office for the Coordination of Humanitarian Affairs, *Myanmar Humanitarian Needs and Response Plan* (2023), available at [www.unocha.org/publications/report/myanmar/myanmar-humanitarian-needs-and-response-plan-2024-december-2023](http://www.unocha.org/publications/report/myanmar/myanmar-humanitarian-needs-and-response-plan-2024-december-2023).



54. A local civil society leader told the Special Rapporteur that United Nations programmes were not reaching civilians in Kayah State, who were relying on assistance from local organizations with severe budget constraints: “They are depending entirely on humanitarian aid. ... The biggest crisis that we are facing is food. Yes, they need everything, but food is number one. The only thing we can support them with is rice, salt and some beans. ... The children are facing malnutrition. The children and older people need nutrition, but we can’t provide it for everyone.”

55. Displaced populations face additional grave challenges relating to shelter and sanitation. Some have been displaced to hiding places in the forest and are exposed to the elements with little or no access to assistance. Others are in overcrowded camps, facing unsanitary conditions, a lack of clean drinking water and enhanced protection risks.

### C. Access to health care

56. Access to health care remains extremely restricted in Myanmar. The State Administration Council continues to systematically attack health-care workers and facilities. There have been more than 1,100 attacks on health care since the coup, including the bombing of medical facilities and the killing and arrest of health-care workers. The Special Rapporteur has spoken with many health-care workers who described repeated attacks by the State Administration Council targeting their clinics, disrupting care and causing repeated displacement. A doctor providing treatment to displaced persons in Sagaing Region told the Special Rapporteur: “Because of the [State Administration Council] air strikes, the medical teams have to relocate all the time while they try to save the lives of the people. It is not just the kids that have fear. All the people in the rural areas cannot sleep very well. They cannot sleep peacefully. They are scared all the time. ... They see not just health-care workers, but also the civilians, as their enemy. If they are approaching, we have to relocate.”

57. Many of the doctors and nurses who participated in the civil disobedience movement have shifted to private practice or joined humanitarian groups providing care to displaced and vulnerable populations. However, the price of private care is out of reach for most people in Myanmar and the reach of humanitarian health programmes is limited by funding and access to medicine and equipment. Doctors treating displaced communities in central Myanmar told the Special Rapporteur that because prices for medicines and other supplies were high and rising, they were having trouble purchasing what they needed. Health-care providers are working through humanitarian networks to bring in medicine and supplies from neighbouring countries.

58. Many women, especially those who have been displaced, have not received adequate prenatal and postnatal care since the coup, with severe impacts on themselves and their children. Nurses working in areas controlled by resistance groups reported that a majority of women now give birth in non-clinical settings, often in camps for internally displaced persons. Some women do not travel to a hospital or clinic when they go into labour because of fear of being stopped at military checkpoints or because they worry that the facility will be attacked by the State Administration Council. Nurses noted a marked increase in miscarriages and both maternal and infant mortality. Some pregnancy complications are related to malnutrition and post-traumatic stress disorder. Contraception and routine tests, such as for hepatitis B and C, are usually unavailable.

59. When speaking with health-care workers and community leaders, the Special Rapporteur regularly heard concerns about access to immunizations for children. The United Nations has warned of dangerously low routine immunizations with potential regional implications. The Minister of Women, Children and Youth of the National Unity Government told the Special Rapporteur, “When I visit [camps for internally displaced persons], the first thing parents are asking about is immunization. Since the coup they cannot get any immunization for their children. It’s been three years. This is very critical for them.” Treatment of those with HIV and tuberculosis has also been severely disrupted.

## **D. Humanitarian aid**

60. Accessing humanitarian aid is increasingly difficult for growing numbers of people in need, particularly those living in conflict areas. Persons with disabilities face particular difficulties accessing humanitarian assistance. Security risks, restrictions on communications and physical obstacles to movement often mean that those with disabilities are often unable to access aid programmes.

61. Escalating conflict is driving the rapidly growing need for humanitarian aid. Those living in conflict areas are the least likely to have access to humanitarian aid, making a bad situation horribly worse for millions.

62. The United Nations relies on the State Administration Council for access to those who receive most of its humanitarian aid. With the State Administration Council losing more and more territory, its refusal to allow aid delivery to areas controlled by opposition groups means that fewer and fewer have access to United Nations aid. The United Nations reported 1,300 “access-related incidents”, affecting every state and region except Nay Pyi Taw in 2023.

63. Even within areas administered by the State Administration Council, United Nations agencies face numerous obstacles to the delivery of aid, including checkpoints and unnecessary and intentionally burdensome bureaucratic impediments, such as requirements in relation to registration, letters of agreement and travel authorization. The State Administration Council has used access as a means of forcing United Nations agencies to publicly engage junta officials and serve as props for propaganda aimed at projecting an image of legitimacy.

64. While the need for humanitarian aid is spiking, the availability of United Nations funding has fallen far short, with a 68 per cent funding shortfall in 2023. Given that humanitarian aid funding levels will almost certainly be unable to keep pace with the escalating demand, it is imperative that humanitarian funds be targeted at those with the greatest needs and delivered with maximum efficiency. That means getting more aid to local civil society organizations operating in conflict areas.

65. According to those providing cross-border aid to areas affected by conflict, villages that are difficult to access from areas administered by the State Administration Council are often much easier to access from the border and through ethnic-administered areas.

66. Local civil society organizations are playing an ever-increasing role in the delivery of life-saving assistance to displaced and vulnerable communities. However, those groups often lack institutional financial support and must get by on shoestring budgets supported by local communities and the diaspora outside Myanmar.

67. The Special Rapporteur believes that those conditions require a reassessment and recalibration of humanitarian aid and its delivery. It is imperative that humanitarian aid for those in conflict areas not controlled by the State Administration Council receive greater priority. To do so, donors and humanitarian agencies should coordinate aid with ethnic revolutionary organizations while increasing funding for those able to funnel border-based aid delivery through local civil society organizations and networks.

## **V. Political prisoners and targeting of political opponents**

68. The number of political prisoners in Myanmar remains staggeringly high and continues to grow. Many of those detained by junta forces have been tortured or have died in custody. The State Administration Council is now attempting to extend its repression into neighbouring countries by searching for and punishing perceived political opponents.

### **A. Political prisoners**

69. According to the Assistance Association for Political Prisoners, as of 6 March 2024, 20,124 political prisoners were being detained by the State Administration Council. In 2023,

Myanmar became the second greatest jailer of journalists in the world, according to the Committee to Protect Journalists. Open source researchers examining satellite imagery identified 27 prisons in Myanmar that had been expanded since the coup, almost certainly reflecting the increase in the prison population and the intention of the State Administration Council to continue to detain political prisoners.

70. Many political prisoners have been tried in military tribunals or courts set up within prisons. The sentences handed down have been extremely harsh. Among convicted prisoners for whom the Assistance Association for Political Prisoners has sentencing data, more than 40 per cent have received sentences in excess of 10 years. Some 369 have received life sentences and 166 have been sentenced to death. Many political prisoners have been sentenced to hard labour, and evidence suggests that prisoners are being put to work in quarries and agricultural camps.

71. On 4 January 2024, which is the country's Independence Day, 9,652 prisoners were released as part of an amnesty. However, only approximately 100 of those released were political prisoners, most of whom were nearing the end of their sentences. Despite touting its regular amnesties as humanitarian and compassionate measures aimed at promoting public peace, to date, the State Administration Council has not made any significant efforts in good faith to release political prisoners.

## **B. Torture and deaths in custody**

72. The Special Rapporteur continues to receive reports of torture and ill-treatment of political prisoners with tactics described in the Special Rapporteur's previous reports.<sup>6</sup> Evidence available to the Special Rapporteur indicates that acts of torture and ill-treatment by the State Administration Council are widespread and systematic and likely constitute crimes against humanity.

73. In addition to suffering beatings and other forms of torture experienced by other political prisoners, women and persons with diverse gender identities regularly experience forms of abuse and deprivation linked to their gender and sexual orientations while in the custody of the State Administration Council. During interrogation, women have often been subject to sexually explicit harassment, questioning and threats. Women political prisoners have experienced sexual violence, groping, demands for sexual acts, strip searches and invasive body searches. The lack of privacy in women's prison facilities is so great that former political prisoners have suggested that officials of the State Administration Council arrange prison facilities to make women feel more vulnerable. Women are often denied requests for basic hygiene products.

74. LGBTQ+ political prisoners are disproportionately targeted with ill-treatment and are often singled out for forms of abuse that are related to their sexuality. For example, officials have anally raped gay men and used forms of torture targeting the breasts of transgender women. Gay men and transgender women in men's facilities are vulnerable to abuse by both prison officials and other detainees.

75. According to the Assistance Association for Political Prisoners, at least 78 political prisoners have died in prison since the coup. Some political prisoners appear to have been summarily executed or have died from abuse by State Administration Council officials. Many have died after being denied necessary medical care.

## **C. Transnational repression**

76. The increasing international isolation of the State Administration Council has not stopped it from trying to extend its oppression to nationals of Myanmar who have fled to other countries.

77. The Special Rapporteur has received reports of the State Administration Council cancelling the passports of perceived political opponents residing abroad, disrupting their

<sup>6</sup> See, for example, [A/78/527](#).

ability to travel and raising concerns about their legal status in other countries. Many nationals of Myanmar abroad are fearful of interacting with officials at embassies controlled by the State Administration Council and are therefore unable to renew their passports. The State Administration Council has also used the ability to refuse to renew passports as an enforcement mechanism to force exiles to pay new taxes imposed by the State Administration Council on expatriates' earnings.

78. Known activists and opposition figures face grave security risks even outside Myanmar. In 2021, United States authorities arrested two nationals of Myanmar involved in a plot to assassinate Kyaw Moe Tun, the ambassador of Myanmar to the United Nations, in New York. Kyaw Moe Tun was appointed by the previous civilian Government of Myanmar and is aligned with the opposition National Unity Government. In July 2023, the activist Thuzar Maung, who is linked to the National Unity Government, was reportedly kidnapped from her home in Kuala Lumpur, along with her husband and three children. Their whereabouts remain unknown. While many of the details relating to those cases remain unknown, they raise serious concerns about protection for those who continue their activism and support for democracy in Myanmar while abroad. The Special Rapporteur has frequently heard concerns about the operations of State Administration Council intelligence agents operating in other countries.

79. Given the limited options of the State Administration Council to directly target political opponents abroad, it has at times arrested or harassed family members remaining in Myanmar. Activists and human rights defenders who have fled Myanmar have frequently told the Special Rapporteur about their concerns for their family members at home. The Special Rapporteur has previously reported on the practice of the State Administration Council of arresting family members, including children, as "hostages" to pressure opposition figures.<sup>7</sup> The State Administration Council has also seized the homes and assets of those who have fled abroad and has frozen their bank accounts.

## VI. The Rohingya

80. The Rohingya face oppression, hardship and danger that is seemingly without end, regardless of their location. In Rakhine State, renewed armed conflict has introduced a new set of risks. In Bangladesh, the Rohingya face continued deprivation, spiralling violence and exploitation. Many of the thousands who have risked their lives to seek safety and shelter elsewhere have perished or suffered unspeakable horrors.

### A. Oppression and violence in Rakhine State

81. In previous reports, the Special Rapporteur has described how the State Administration Council has continued its repression of Rohingya in Rakhine State, including the approximately 140,000 Rohingya confined to de facto internment camps.<sup>8</sup> The Rohingya remain under an apartheid regime enforced by the State Administration Council, highlighted by the systematic denial of citizenship, severe movement restrictions and denial of access to livelihoods, education and health care. Rohingya women and girls are especially isolated, suffering both from official repression and from discriminatory practices within the Rohingya community. In a statement made during the fifty-fourth session of the Human Rights Council, the National Unity Government committed to replacing the 1982 Citizenship Act and abolishing the national verification card process, important steps towards addressing the statelessness of the Rohingya people.

82. The reigniting of armed conflict in Rakhine State has made a horrendous situation much worse. Rohingya have repeatedly been caught in the crossfire between the Arakan

<sup>7</sup> See the conference room paper of the Special Rapporteur on the situation of human rights in Myanmar, "Losing a generation: how the military junta is attacking Myanmar's children and stealing their future", available on the OHCHR website at [www.ohchr.org/en/documents/thematic-reports/ahrc50crp1-conference-room-paper-special-rapporteur-losing-generation](http://www.ohchr.org/en/documents/thematic-reports/ahrc50crp1-conference-room-paper-special-rapporteur-losing-generation).

<sup>8</sup> See, for example, [A/77/494](#).

Army and State Administration Council, suffering human rights violations at the hands of both. The Special Rapporteur has received reports of Rohingya being killed or injured by the Myanmar military shelling. Rohingya leaders report that the Arakan Army has often set up camps inside or beside Rohingya villages, leading to military shelling that endangers Rohingya lives as State Administration Council forces make no effort to distinguish between civilians and military targets.

83. The Rohingya have accused both State Administration Council forces and the Arakan Army of detaining Rohingya civilians for alleged cooperation with their opponents. State Administration Council officials continue to arrest hundreds of Rohingya for unauthorized travel within Myanmar.

84. The intense conflict between the State Administration Council and the Arakan Army has severely impeded the delivery of humanitarian aid to vulnerable persons in Rakhine State, including both Rohingya and Rakhine communities. Some humanitarian organizations report that the State Administration Council has stopped approving their travel authorizations in Rakhine State since late 2023. A Rohingya activist who researched the situation in camps for internally displaced persons told the Special Rapporteur, “[Rohingya] are finding it difficult to get food regularly. Many people are actually starving or eating less. In the past, they were eating two times a day and now they are eating once. There are some that are not eating at all.”

## **B. Deprivation and danger for the Rohingya of Myanmar in Bangladesh**

85. Bangladesh has saved the lives of untold numbers of Rohingya by opening its borders to those fleeing violence and oppression in Myanmar, most recently during genocidal attacks in 2017. It now hosts approximately 1 million Rohingya refugees. The situation for Rohingya refugees in Bangladesh, however, remains grim. Bangladeshi authorities continue to severely restrict refugees’ livelihood opportunities and access to education, leaving Rohingya entirely dependent on international assistance. In a rare piece of good news, the World Food Programme was able to increase the value of food rations from \$8 to \$10 a month beginning in January 2024. However, that increase only offsets half of the cuts to rations that were made last year because of a severe funding shortfall and inflation has further diminished the value of the rations. Rates of acute malnutrition and the adoption of harmful coping mechanisms spiked in 2023 because of the cuts to rations and are unlikely to return to the previous levels without the full restoration of rations and additional remedial action.

86. Violence is spiralling out of control in the refugee camps as Rohingya are caught in the middle of clashes between the Arakan Rohingya Salvation Army and the Rohingya Solidarity Organization, two Rohingya militant groups. Militant groups have victimized the civilian population, including by torturing and killing Rohingya religious and community leaders. Dozens of Rohingya were murdered in the camps in 2023.

87. State Administration Council officials and Bangladeshi authorities have continued to signal their intention to initiate a repatriation “pilot project”, which would send Rohingya refugees back to newly constructed “villages” in Maungdaw Township, but not to their original villages. The recent resumption of conflict between the Arakan Army and the State Administration Council has seemingly caused the latter and Bangladesh to back away from any timetable for refugee returns. Even a halt to armed conflict in Rakhine State, however, would not create the conditions necessary for a safe, dignified and voluntary return of Rohingya refugees.

## **C. Deadly journeys at sea**

88. Stuck between a rock and a hard place, many Rohingya have decided to risk their lives making perilous journeys at sea, hopeful of finding safety and opportunity elsewhere in the region. Rohingya men, women and children have paid large sums of money to smugglers who promised to facilitate their journey. According to statistics compiled by the United Nations, in 2023, nearly 4,500 Rohingya – 66 per cent of whom were women and children – attempted to cross the Bay of Bengal and the Andaman Sea, the largest number since 2014.

The majority disembarked in Indonesia, but 569 are believed to have died from drowning or deprivation at sea.

89. The Special Rapporteur visited Banda Aceh, Indonesia, where he met with survivors who described harrowing journeys: of being abused by smugglers, of sharing a single onion with everyone on board an only marginally seaworthy vessel, of throwing those who had perished on the journey overboard and of the rape and sexual assault of women and girls on board ships.

90. The Government of Indonesia has saved lives by approving the disembarkation of boats carrying Rohingya refugees. Indonesian authorities also worked with United Nations agencies to set up shelters and meet the immediate needs of new arrivals. Local authorities and communities at times acted to prevent the disembarkation of boats. In December 2023, a mob broke into a site sheltering more than 100 Rohingya refugees in Banda Aceh City and forced them to move to another location. United Nations officials raised concerns that a coordinated online campaign to disseminate hate speech against Rohingya refugees might have contributed to actions taken against the new arrivals.

91. The Special Rapporteur has repeatedly warned about the potential loss of Rohingya lives at sea and reiterates his call for coordination among Governments in the region to facilitate search and rescue operations at sea and safe disembarkation of refugees. The loss of hundreds of lives at sea in recent months was sadly a predictable and preventable tragedy.

## **VII. State Administration Council chaos spills across borders**

92. Tens of thousands of refugees have entered Thailand and India since the coup, seeking refuge from State Administration Council attacks. In recent months, thousands of people have crossed into China, fleeing clashes and attacks in northern Shan State. Bangladesh has closed its borders to Rohingya fleeing conflict in Rakhine State and has pushed back people to Myanmar.

93. Since November 2023, bombs have reportedly landed in China on several occasions, killing at least one Chinese national and injuring others. In February 2024, two persons were reportedly killed when mortars landed in Bangladesh. Bombs have also reportedly landed in India and State Administration Council planes have violated Thai airspace and bombed villages along the border. State Administration Council soldiers and border guard personnel have reportedly also fled into Bangladesh, China, India and Thailand. On 23 January 2024, a State Administration Council plane crashed while landing in Mizoram State, India, during a mission to bring back soldiers that had escaped into India.

94. Since the coup, criminal enterprises have mushroomed in Myanmar. The United Nations estimates that 120,000 persons from dozens of countries have been trafficked into “scam compounds”, which function as prisons in which victims face sexual assault and torture while being forced to carry out cyberscam schemes.<sup>9</sup> Those compounds generate billions of dollars for armed groups and companies with close links to the State Administration Council. Those held in scam centres, as well as the victims of the online scams, are primarily foreign nationals, many from neighbouring countries. According to Chinese State media, more than 40,000 persons involved in scam operations were handed over to China in 2023.

95. Narcotics production and trafficking has also dramatically increased since the coup. In 2023, the United Nations Office on Drugs and Crime reported that opium production had reached its highest level since 2001, with yields increasing by 36 per cent over the previous year. Myanmar is now the world’s largest source of opium.

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<sup>9</sup> OHCHR Regional Office for South-East Asia, “Online scam operations and trafficking into forced criminality in Southeast Asia: recommendations for a human rights response” (Bangkok, 2023).

## VIII. International response

96. As the people of Myanmar continue their resistance to what is tantamount to a military occupation of their country, they have looked to the United Nations, the Association of Southeast Asian Nations (ASEAN) and the international community for support. Many described their bitter disappointment to the Special Rapporteur.

97. United Nations bodies, including the Security Council, the Human Rights Council and the General Assembly have passed resolutions and issued statements that raised expectations and hopes within Myanmar, hopes that were dashed by inaction. In a resolution in 2021, the General Assembly condemned the coup and called for States Members of the United Nations to prevent the flow of weapons into Myanmar. Some heeded the call while others transferred powerful weapons of war to the junta that were used to commit probable war crimes and crimes against humanity.

98. Promoting its favoured approach of engagement and consensus, in April 2021 in Jakarta, ASEAN negotiated a five-point consensus to address the crisis in Myanmar. The meeting of ASEAN States included the junta leader, Min Aung Hliang, and ASEAN heads of State. Min Aung Hliang returned to Myanmar and immediately proceeded to violate the first of the five points – to end the violence – by resuming the killing of peaceful protesters, dismissing the five-point consensus as mere “suggestions”. Attacks on civilians with weapons of war and systematic violations of human rights continue to this day.

99. It should surprise no one that the people of Myanmar are bitterly disappointed with the international response to the crisis, a crisis that has largely been forgotten as others take centre stage. They deserve more from the international community.

100. In the light of the failure of the Security Council and ASEAN to act, individual States have been left to coordinate efforts to address the crisis and protect the people of Myanmar. The good news is that some States have taken steps to deprive the junta of weapons, money and legitimacy and to promote accountability for crimes in Myanmar. The bad news is that others have continued to legitimize the State Administration Council and abet its attacks on the people of Myanmar.

### A. Weapons

101. In May 2023, the Special Rapporteur published a conference room paper in which he provided details of more than \$1 billion of transfers of arms and related materials to the military between February 2021 and December 2022. The Special Rapporteur also identified the arms dealers and networks that facilitated those trades and the jurisdictions in which they operated.

102. Since the publication of the report, weapons and related materials have continued to flow to the Myanmar military, in some cases with the knowledge and approval of Governments. However, fresh sanctions, sanctions enforcement and the diplomatic efforts of some States have disrupted the flow of some goods to the Myanmar military.

103. In his report, the Special Rapporteur revealed that 138 Singapore-based firms were involved in the transfer of \$254 million worth of weapons materials to the Myanmar military between 2021 and 2022. He noted that there was no evidence that the Government of Singapore had any knowledge of those transfers. Shortly after the report was published, and following diplomatic efforts, the Government of Singapore launched an investigation into those findings and welcomed the Special Rapporteur to Singapore, where he provided further information to assist with the investigation. The transfer of weapons and weapons materials by Singapore-registered entities to the military junta of Myanmar decreased by more than 80 per cent in 2023 compared with 2022, according to credible reports received by the Special Rapporteur. Most of that trade occurred in the first half of the year.

104. In 2023, aviation fuel imports were reportedly halted for several months on two separate occasions in the wake of multiple rounds of international sanctions and pressure.<sup>10</sup> However, the junta has been able to shift import strategies to partially evade those sanctions, with aviation fuel purchases now masked by multiple sales passing through different jurisdictions. Those developments suggest both how efficacious sanctions can be, while also demonstrating the need for regimes to be proactively monitored and updated to keep pace with shifting supply chains.

## **B. Money**

105. Even if the State Administration Council is able to find channels through which to purchase weapons, it will need money to do so. It is therefore imperative to cut off the key sources of revenue of the State Administration Council and make it more difficult to access the international financial system. Important steps have been taken on that front in the past year. Sanctions on Myanmar Foreign Trade Bank and Myanmar Investment and Commercial Bank, both State-owned banks controlled by the State Administration Council, have disrupted the ability of the State Administration Council to receive foreign revenue and make payments, including for the purchase of weapons. Sanctions on State Administration Council-controlled State-owned enterprises and a ban on financial transactions benefiting Myanmar Oil and Gas Enterprise have also shut off sources of revenue and left money frozen in overseas bank accounts.

106. Overall, 2023 represented a significant step forward in efforts to cut off the junta's access to weapons and funding, both through coordinated sanctions and regulatory pressure from States. However, gaps exist and coordination remains imperfect. More effort and better information-sharing is needed to ensure consistency and maximize the impact of sanctions regimes.

## **C. Legitimacy**

107. As described in a conference room paper drafted by the Special Rapporteur,<sup>11</sup> the State Administration Council has no legitimate claim to be the Government of Myanmar, and the international community has, by and large, refused to accept the claims of the State Administration Council to the contrary. Many Governments have cut off or downgraded diplomatic relations, leaving the State Administration Council isolated on the world stage.

108. However, some Governments and institutions have continued to engage with the State Administration Council as if it were the legitimate Government of Myanmar. In the year since the publication of the above-mentioned conference room paper, State Administration Council-controlled media have reported on hundreds of meetings between the Council and foreign officials and the participation of its officials in regional and international forums.

109. ASEAN has continued to bar high ranking junta officials from the ASEAN Summit and Foreign Ministers' meetings, and ASEAN leaders have agreed that Myanmar will not serve as the chair of ASEAN in 2026. Myanmar was not included in the ASEAN Defence Ministers' Meeting in Indonesia in December 2023. However, junta officials have continued to attend dozens of other ASEAN gatherings. The visit of the new ASEAN Special Envoy to Myanmar in January, which was carefully stage managed by the State Administration Council, provided the junta with ample propaganda opportunities.

<sup>10</sup> Amnesty International, "Myanmar: new data suggests military still importing fuel for deadly air strikes despite sanctions", 31 January 2024.

<sup>11</sup> See the conference room paper of the Special Rapporteur on the situation of human rights in Myanmar, "Illegal and illegitimate: examining the Myanmar military's claim as the Government of Myanmar and the international response", available on the OHCHR website at [www.ohchr.org/sites/default/files/documents/countries/mm/2023-01-27/crp-sr-myanmar-2023-01-31.pdf](http://www.ohchr.org/sites/default/files/documents/countries/mm/2023-01-27/crp-sr-myanmar-2023-01-31.pdf).



## D. Accountability

110. High among the frustrations of the people of Myanmar with the international community is the failure to pursue avenues to hold the State Administration Council and military to account. That failure is not only relevant to the atrocities of the past, but those of the future, as perpetrators are assured that atrocity crimes can continue with impunity.

111. There are opportunities for States to address that failure and pursue justice and accountability.

112. Article 14 of the Rome Statute of the International Criminal Court offers a potential path to hold the State Administration Council and military leaders accountable at the Court for crimes committed within Myanmar both before and after the coup. In 2021, the National Unity Government lodged a declaration with the International Criminal Court under article 12 (3) of the Rome Statute accepting its jurisdiction over crimes committed in Myanmar since July 2002. The Prosecutor has confirmed receipt of the declaration but has neither commented on its validity nor opened an investigation into alleged crimes committed entirely within Myanmar. Further to article 14, one or more States parties to the Rome Statute could refer the situation in Myanmar to the Prosecutor, requesting that he investigate potential crimes in Myanmar.

113. States and human rights defenders are pursuing other avenues for ensuring accountability for gross human rights violations. In November 2023, Canada, Denmark, France, Germany, Maldives, Netherlands (Kingdom of the) and the United Kingdom of Great Britain and Northern Ireland intervened in the genocide case against Myanmar brought by the Gambia at the International Court of Justice. Lastly, activists and lawyers continue to pursue criminal cases against Myanmar military officials in countries with universal jurisdiction laws.

## IX. Selected activities of the Special Rapporteur

114. The Special Rapporteur is deeply grateful to the Governments of Japan and Indonesia, which welcomed him on formal visits in April and June 2023, respectively.<sup>12</sup>

115. The Special Rapporteur very much appreciates the invitation of the Government of Australia to conduct a visit in 2024, which he very much looks forward to. He has also reached out to the Governments of Thailand, India and China and looks forward to engaging with them about potential visits.

116. In May 2023, the Special Rapporteur published a conference room paper on weapon sales to the junta, and he continues to monitor the sales of weapons and related materials to the Myanmar military. Moreover, he is examining the ways in which the State Administration Council accesses the international finance system, both to procure weapons and to repatriate foreign revenue. The Special Rapporteur has written to more than 100 international financial institutions and the Governments where they are located about their relationships with banks in Myanmar controlled by the State Administration Council. He continues to conduct research into those issues.

117. The Special Rapporteur submitted a report to the General Assembly last autumn and presented his findings contained in the report to the Third Committee in October 2023. In November 2023, he published a call for submissions on the gendered impacts of the coup and conflict in Myanmar.<sup>13</sup> He has additionally conducted consultations with human rights and

<sup>12</sup> Thomas Andrews, Special Rapporteur on the situation of human rights in Myanmar, “End of mission statement”, Tokyo, 28 April 2023, available at [www.ohchr.org/sites/default/files/documents/issues/srmyanmar/statements/20230427-eom-japan-sr-myanmar-en.pdf](http://www.ohchr.org/sites/default/files/documents/issues/srmyanmar/statements/20230427-eom-japan-sr-myanmar-en.pdf); and “End of mission statement”, Jakarta, 21 June 2023, available at <https://bangkok.ohchr.org/wp-content/uploads/2023/06/ENG-21.06.2023-UNSR-Myanmar-EoM-Statement-FINAL.pdf>.

<sup>13</sup> Special Rapporteur on the situation of human rights in Myanmar, “Call for submissions: the gendered impacts of the coup and conflict in Myanmar”, 22 December 2023, available at

civil society organizations about the situation of women, girls and LGBTQ+ persons in Myanmar. Preliminary findings highlight grave concerns about sexual violence at online scam compounds in the border regions of Myanmar, dramatic increases in domestic violence, the vulnerability of displaced women and girls, the disproportionate impacts of the economic crisis, and the roles of women and LGBTQ+ persons in revolutionary bodies. Those and other issues will be highlighted in a forthcoming conference room paper.

## **X. Recommendations**

118. **The Special Rapporteur calls upon the military junta to immediately end attacks on civilians and other human rights violations, halt the use of 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.**

119. **The Special Rapporteur calls upon all parties to the armed conflict in Myanmar to halt the use of anti-personnel landmines.**

120. **The Special Rapporteur calls on the Security Council to pass a resolution that (a) imposes a comprehensive arms embargo on Myanmar, including on transfers of jet 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.**

121. **In order to promote future peace, stability and respect for human rights in Myanmar, the Special Rapporteur urges States, United Nations agencies, international donors and international humanitarian organizations:**

(a) **To recognize the National Unity Government as the legitimate representative of the people of Myanmar;**

(b) **To formally and publicly engage with the National Unity Government, the National Unity Consultative Council, ethnic resistance organizations and civil society leaders in Myanmar;**

(c) **To provide the National Unity Government, the National Unity Consultative Council, ethnic resistance organizations and the civil society of Myanmar with financial, technical and diplomatic support, including support to enhance dialogue among themselves and to advance the political framework for a future peaceful and democratic Myanmar.**

122. **To end impunity and ensure accountability for international crimes committed in Myanmar, the Special Rapporteur urges States:**

(a) **To refer the situation in Myanmar to the Prosecutor of the International Criminal Court under article 14 of the Rome Statute, requesting an investigation into alleged crimes that have been committed against the people of Myanmar;**

(b) **To support other 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 laws on universal jurisdiction.**

123. **In order to isolate the State Administration Council and degrade its ability to attack the people of Myanmar, the Special Rapporteur urges States:**

(a) **To convene a coalition of States to identify the most effective strategic targets for sanctions that will deny the State Administration Council the weapons and money that it requires to sustain its attacks, and coordinate the implementation of these sanctions;**

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[www.ohchr.org/en/calls-for-input/2023/call-submissions-gendered-impacts-coup-and-conflict-myanmar-also-available](http://www.ohchr.org/en/calls-for-input/2023/call-submissions-gendered-impacts-coup-and-conflict-myanmar-also-available).

(b) To apply targeted sanctions to the major sources of revenue and the financial institutions that the State Administration Council uses to repatriate revenues and purchase weapons, including Myanmar Oil and Gas Enterprise, Myanmar Foreign Trade Bank and Myanmar Investment and Commercial Bank;

(c) To rigorously enforce 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 Myanmar and publicize such enforcement efforts;

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

(e) To immediately halt the sale or transfer of weapons and dual-use technologies to Myanmar and holistically sanction arms-dealing networks;

(f) To sanction companies selling aviation fuel to the junta, classify aviation fuel as a dual-use technology under applicable local laws and prevent its transshipment to State Administration Council forces;

(g) To invest the requisite government resources to monitor and fully enforce sanctions;

(h) To provide clear guidance to banks in their jurisdiction on the need for enhanced due diligence on all transactions involving Myanmar and 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;

(i) To refuse the State Administration Council recognition before international bodies, including the United Nations, and disinvite junta officials from international forums and functions.

124. In order to increase humanitarian support to the people of Myanmar, the Special Rapporteur calls on States, United Nations agencies, international donors and international humanitarian organizations:

(a) To immediately provide the funding necessary to fully restore the food rations of Rohingya refugees in Bangladesh and fully fund the Rohingya Humanitarian Crisis Joint Response Plan;

(b) To ensure 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) To reform aid agencies' policies and procedures in the light of 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 legitimizing the State Administration Council to the greatest extent possible;

(d) To accept refugees from Myanmar, provide them with the support required under international standards, expand opportunities for resettlement and other durable solutions, and respect the principle of non-refoulement.

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

(a) To acknowledge the flagrant violations of the five-point consensus by the State Administration Council and link any future agreements with the junta to

**time-bound and measurable commitments to release political prisoners, halt violence and restore democracy;**

**(b) To cease efforts to promote “dialogue” between the State Administration Council and democracy forces that are not premised on the Council ending its attacks on civilians and other grave human rights violations and ceding power to a civilian government with democratic legitimacy;**

**(c) To prohibit junta officials, or officials from junta-controlled bodies, from representing Myanmar at any ASEAN summits or functions;**

**(d) To engage with the National Unity Government and the National Unity Consultative Council as key parties representing the will and interests of the people of Myanmar;**

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

**126. The Special Rapporteur calls upon private and public financial institutions:**

**(a) To immediately sever relationships with banks controlled by the State Administration Council and any other institutions that finance or otherwise aid and abet the atrocities of the Myanmar junta;**

**(b) To cooperate in the enforcement of sanctions against junta-linked individuals and entities;**

**(c) To deposit revenues accrued by State-owned enterprises in restricted escrow accounts until a legitimate government can access them;**

**(d) To 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 Council.**

**127. The Special Rapporteur calls upon the National Unity Government:**

**(a) To take all necessary and reasonable measures to ensure accountability for human rights violations committed by people’s defence forces, ethnic resistance organizations, and other anti-junta groups;**

**(b) To 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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