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

Human rights situations that require the Council's attention

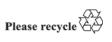
# Situation of human rights in Myanmar

### Report of the United Nations High Commissioner for Human Rights\*

## Summary

The present report, prepared pursuant to Human Rights Council resolution 52/31, contains findings based on monitoring and verification conducted by the Office of the United Nations High Commissioner for Human Rights of the overall situation of human rights in Myanmar with respect to alleged violations of international human rights law and international humanitarian law, as well as the rule of law, since 1 April 2023. It also contains an examination of the impact of the crisis in Myanmar on the mental health of the population and of good practices in the provision of mental health services by civil society and community-based organizations. The report concludes with recommendations to the military, armed groups and the international community, including recommendations on ensuring accountability.

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





# I. Methodology

- 1. In its resolution 52/31, the Human Rights Council requested the United Nations High Commissioner for Human Rights to monitor and assess the overall situation of human rights in Myanmar regarding alleged violations of international human rights law and international humanitarian law, as well as the rule of law, and the implementation of resolution 52/31 and previous resolutions with the same title, and to provide to the Council a comprehensive report at its fifty-seventh session.
- 2. The findings are based on remote monitoring and verification conducted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) between 1 April 2023 and 30 June 2024. Where appropriate, reference is made to previous reports by the Office on violations of international human rights law and international humanitarian law committed by the Myanmar military and human rights violations and abuses and violations of international humanitarian law committed by other actors in Myanmar. Between 1 April 2023 and 30 June 2024, OHCHR conducted 336 interviews, including with victims and witnesses, 18 consultations with local and international organizations, relevant United Nations entities, lawyers, prisoners' organizations and thematic experts and an analysis of satellite images and official documents.
- 3. OHCHR prioritized full respect of the "do no harm" principle over other considerations. Factual determinations were made where there were reasonable grounds to believe that the relevant facts had occurred as described. The figures of verified deaths and other violations are almost certainly an underestimation due to a lack of access to the country and the difficulty of gathering and verifying information due to communications restrictions imposed by the military in several areas of the country. As a result, finding and verifying data is often subject to a significant time lag. In addition, many victims, including recently released detainees, regularly go into hiding, which significantly delays their willingness or ability to be interviewed. Some examples used in the report, therefore, occurred outside of the reporting period but became known or were verified within it. Formal places of deprivation of liberty refer to police stations, detention and interrogation centres, prisons and other official sites. All other locations where individuals were kept for indeterminate periods are termed "informal" locations. "Custodial authorities" is a term describing individuals, including police officials, interrogators, guards and soldiers, who are not always distinctly identifiable, operating in places of detention under the control of the military.

#### II. Introduction

- 4. The present report is focused on human rights violations in Myanmar, with an emphasis on the most serious incidents, as they are indicative of the crisis in the country and the lack of the rule of law. In assessing the rule of law or its absence, key institutions responsible for the rule of law and their compliance with international law are examined.
- 5. In addition, the report contains an exploration of the mental health impacts of the present context in Myanmar on the population. Briefly presented in the report, given the growing number of individuals affected across the country, are concerns relating to mental health services, with an analysis of the available data, emphasizing the magnitude of the mental health needs and the critical importance of mental health services to the resolution of the current crisis. Also presented are opportunities for improving the situation. Myanmar has always lacked sufficient mental healthcare capacities compared to the needs of the population. As noted in the report, however, civil society and community-based groups in Myanmar and Thailand have taken steps to address some urgent needs in service provision on a grass-roots level and have made a substantial positive impact on the present situation. Presented in the report are areas where concerted action could be taken immediately to address both present and future needs, including through the support of programmes and initiatives designed to address the acute needs of vulnerable persons.
- 6. It is recommended that urgent issues be dealt with immediately, rather than after the crisis ends, underscoring the need for greater international attention to end the human rights crisis. Recent attempts by the Association of Southeast Asian Nations (ASEAN) to increase

cross-border humanitarian aid delivery demonstrated the urgent need for greater innovation anchored in broader engagement with various authorities inside Myanmar. During his visit to the region in early June 2024, the High Commissioner met with representatives of civil society organizations and diverse members of the Myanmar diaspora who appealed for the direct delivery of more assistance and funding across borders through grass-roots and civil society organizations and other means. Given the absence of functional service delivery, they indicated to the High Commissioner that traditional cross-border aid deliveries would likely fail to reach people in need because of disagreements between the military and its opponents over who should undertake service delivery, especially in conflict-affected areas. Pertinently, the civil society representatives stressed that traditional deliveries undermined the cross-border efforts begun by Thailand in March 2024. These organizations appealed for greater capacity-building initiatives to help them to expand their service-provision efforts, including their ability to provide specialized protection and health services, particularly for victims of such serious violations as torture and sexual violence.

7. During the reporting period, the Lao People's Democratic Republic assumed the ASEAN presidency and promptly appointed a special envoy for Myanmar. In April 2024, the Secretary-General appointed Julie Bishop as his Special Envoy on Myanmar; she took up her role in May 2024.

# III. Human rights and armed conflict in Myanmar since April 2023

- 8. Since the previous comprehensive report of the High Commissioner to the Human Rights Council on the situation of human rights in Myanmar, conscription, killings, arbitrary arrests and displacement, primarily due to military violence, have continued to affect civilians in all aspects of life. As at 30 June 2024, credible sources had verified the killing of at least 5,350 civilians since the coup of 1 February 2021 and at least 2,414 deaths during the reporting period. Many young people have fled abroad to avoid conscription.
- Regression in economic and social rights continued apace during the reporting period, with violence steadily affecting humanitarian needs and provoking further economic decline. Military reprisals against anti-military armed groups and civilians alike had an enormous impact on civilians, forcibly displacing hundreds of thousands, for a total of over 3 million people displaced throughout Myanmar since the coup. Over 18.6 million need humanitarian assistance and over 15 million are food insecure. Over half the population has fallen below the poverty line and the country's gross domestic product has fallen by 12 per cent each year, on average, since the coup. The United Nations Development Programme reported that 49.7 per cent of people it surveyed in 2023 were living on less than \$0.76 cents per day, while the number of households qualifying as middle class has decreased by 50 per cent since February 2021.3 Currency controls enacted by the military have had a drastic impact on both imports and exports, with the currency having lost over 16 per cent of its value by early 2024. As the military lost control over most of the country's land borders starting in late October 2023, they incurred significant losses of customs-related revenues. According to the World Bank, due to conflict and trade and logistics disruptions, together with lack of sufficient electricity, economic activity has been constrained. High inflation and limitations on access to labour,4 as well as a lack of jobs following the departure of international companies from Myanmar due to human rights violations, constituted other serious economic concerns.
- 10. Intensifying hostilities resulted in regression in the enjoyment of economic and social rights by the affected population, including due to a lack of qualified medical personnel and teachers. Most significantly, health facilities and schools have suffered significant impacts, with reputable organizations reporting at least 183 medical units damaged or destroyed as a

<sup>&</sup>lt;sup>1</sup> A/HRC/54/59.

<sup>&</sup>lt;sup>2</sup> See https://aappb.org/?p=28593.

<sup>&</sup>lt;sup>3</sup> See https://www.undp.org/myanmar/publications/poverty-and-household-economy-myanmar-disappearing-middle-class.

See https://thedocs.worldbank.org/en/doc/4a3168f50b0e4e216993c9aa6ab3fe25-0070012024/myanmar-economic-monitor-june-2024-livelihoods-under-threat.

result of attacks carried out by the military and another 73 occupied by military forces. At least 168 health professionals were killed, injured, arrested or kidnapped during the reporting period. Open sources indicate that at least 239 incidents affected educational facilities and at least 73 educators were killed during the reporting period.<sup>5</sup> Armed violence, attributed to both the military and anti-military armed groups, resulted in at least 226 reported instances of attacks on religious sites, including monasteries, churches and pagodas.

- 11. Restrictions imposed by the military on access to information and the Internet have continued to have an impact on individuals in many parts of the country, especially in conflict-affected areas. Internet restrictions in Rakhine State, the Sagaing and Magway regions and the south-eastern area of the country have reduced the access of individuals to protection-related information and online services relating to employment, finance, education and other crucial areas. Restrictions imposed by the military on independent media have compounded the impact of the Internet cuts and the blocking of dozens of websites, including Facebook.
- 12. Throughout the country, hostilities intensified during the reporting period, affecting civilians. According to credible sources, from 1 April 2023 to 30 June 2024, at least 2,414 civilians were killed at the hands of the military, including 547 women and 334 children, a 50 per cent increase in overall civilian deaths compared with the preceding 15 months. Civilian deaths increased by 46 per cent in the second half of the reporting period, with 1,436 verified deaths compared with 978 in the first half, confirming the increase in civilian deaths due to military reprisals following the changes in the situation on the ground after anti-military armed groups launched a series of coordinated offensives in October 2023.6
- 13. Civilian deaths caused by air strikes and artillery attacks increased significantly, with 613 verified deaths caused by air strikes and 637 deaths by artillery attacks during the reporting period. Those figures represent a 739 per cent increase in civilian deaths from air strikes and a 238 per cent increase in civilian deaths from artillery attacks compared with the previous 15 months.
- 14. In the eight months following the October 2023 offensive, the military increasingly relied on artillery and air strikes, with civilian deaths in air strikes increasing by 95 per cent, with 411 verified deaths, and civilian deaths in artillery attacks increasing by 170 per cent, with 465 verified deaths. Sagaing Region remained the most dangerous area for civilians during the reporting period, with 933 verified deaths.
- 15. Concerningly, some anti-military armed groups continued to commit violations and abuses, including the targeted killings of civilians. In the first half of 2024, 124 reports of killings of administrators and other civil servants and individuals accused of being military informants and their family members were received, mostly from the central regions. OHCHR investigations into instances of other serious conduct, including forced recruitment and sexual violence, are ongoing.
- 16. In March 2024, the Kachin Independence Army launched an offensive, including along the crucial supply route from Myitkyina to Bhamo, gaining control in over 100 locations, including border posts and towns. By the end of June, retaliatory aerial and artillery attacks by the military had killed 108 civilians, almost triple the number during the same period of the previous year. The number of displaced persons soared to 104,800 persons, of whom 81,500 were displaced in 2024. In the Pa'O Self-Administered Zone, in Shan State, clashes and military aerial and artillery attacks against the Pa'O National Liberation Army since January 2024 have already claimed 84 civilian lives, displaced 66,800 persons and destroyed at least 1,074 structures, including protected objects. Further civilian protection concerns arose after the China-brokered ceasefire in northern Shan State collapsed in late June 2024, resulting in further ground offensives as well as aerial and artillery attacks that affected civilians.

 $<sup>^{5}\</sup> https://data.humdata.org/dataset/myanmar-attacks-on-aid-operations-education-health-and-protection.$ 

<sup>&</sup>lt;sup>6</sup> For analytical purposes, "first half" of the reporting period refers to 1 April through 31 October 2023 and "second half" to 1 November 2023 through 30 June 2024.

- 17. In the south-eastern part of the country, fighting has focused mostly on key supply routes and border access points, with multiple conflict sites changing hands rapidly and heightening civilian insecurity. During April and May 2024, the military lost control of and then recaptured key bases in Myawaddy Township, a vital point on the East-West Economic Corridor in Kayin State. Karen Border Guard Forces informally supported the military as anti-military armed groups withdrew from Myawaddy. Fighting in the township resulted in at least 144 civilian deaths. Local sources indicate that the military launched at least 158 air strikes in the south-eastern part of the country in the first four months of 2024, with Kayah and Kayin states and Tanintharyi Region the most affected. In addition, the use of landmines across the region by military and anti-military armed groups to protect territory continues to pose a significant risk to civilians, including those returning home. Approximately one third of all civilian displacement since 2021 has occurred in the south-eastern part of the country, including significant increases in displacement into Thailand, although no credible figures are currently available.
- 18. Fighting resumed between the military and the Arakan Army in November 2023, causing civilian deaths, destruction, fires and displacement, affecting all communities in Rakhine and Chin states. Military forces have targeted ethnic Rakhine civilians due to their perceived affiliation with the Arakan Army. In April 2024, the military torched hundreds of homes of ethnic Rakhine civilians in Buthidaung town and, on 29 May 2024, the military stormed Byaing Phyu village in Sittwe Township, rounding up civilian residents, before separating men and women and escorting males out of the village. Survivors reported hearing gunshots throughout the night. The killing of at least 48 victims has subsequently been verified. Several sources have alleged that at least five women were raped and killed. The next morning, military units informed the female residents that they could not stay, forcibly displacing them to monasteries in Sittwe. Multiple sources have alleged that the military later burned the village.
- 19. Armed clashes between the military and Arakan Army had an impact on Rohingya civilians. On 17 May 2024, after driving the military from Buthidaung town, the Arakan Army set fire to buildings throughout the town, including Rohingya homes and public buildings, where large numbers of Rohingya displaced by fighting in the surrounding villages in the preceding weeks were sheltering. Survivors reported seeing men wearing Arakan Army uniforms burning buildings and shooting guns. While verification of the number of casualties continues, multiple survivors described seeing some 20 corpses, including the body of a 12-year-old girl. Satellite imagery confirms widespread destruction. Survivors also stated that the Arakan Army had prevented them from travelling west to Maungdaw and forced them south to areas under their control in Buthidaung Township, where they underwent family registration processes but received no humanitarian aid.
- 20. Witnesses described extensive displacement in Buthidaung and Maungdaw townships after the Arakan Army began firing on Rohingya civilians in areas where fighting was not ongoing, arresting villagers and burning Rohingya homes. On 17 April 2024, the Arakan Army detained five Rohingya men in northern Maungdaw. Five days later, locals found their severely mutilated bodies, with four having been beheaded. Moreover, interviewees from multiple locations reported that the Arakan Army had targeted Rohingya villagers with armed drones to force them to flee.

# IV. Human rights and the rule of law in Myanmar

21. Since the previous comprehensive report of the High Commissioner to the Human Rights Council, human rights violations perpetrated by law enforcement, the criminal justice system and penal institutions have remained pernicious and widespread, evincing the continued absence of the rule of law. As the military has lost ground, it has taken sweeping action in attempts to impose its authority, subjecting more areas to martial law, imposing draconian restrictions on such fundamental rights as the right to free speech and political opinion and arbitrarily arresting and prosecuting its perceived opponents without due process of law. Coupled with unilateral amendments to the Penal Code to broaden significantly the

<sup>7</sup> A/HRC/54/59.

types of conduct considered to be treasonous or seditious acts and dramatically expand the resulting penalties, this amounts effectively to the weaponization of the criminal justice system against anyone perceived to be engaged in any form of political opposition.

### A. Deprivation of liberty and criminal justice

- 22. During the reporting period, credible sources verified the detention by the military of over 9,000 individuals, representing a third of the 26,933 persons, including 5,556 women and 547 children, taken into custody since February 2021. Nearly half of arrests during the reporting period occurred in Yangon, Mandalay and Sagaing regions. Arrests particularly increased after the military announced the implementation of mandatory conscription in February 2024. Across the country, large groups of men of military age were reportedly held or detained at checkpoints or targeted in police operations. In other reported cases, custodial authorities arrested young people after local administrators prepared lists of individuals eligible for the military. In some cases, local officials purportedly instituted lotteries to conscript young people of military age.
- 23. Similarly, incidents continued to be reported in which military officials detained or threatened to arrest family members, including children, of persons whom they wished to arrest for opposition to the coup. Individuals reported that military officials threatened communities if the chosen conscripts did not report for duty or fled the country. Subsequently, some families reported the disappearance of young people after they were stopped at police check points. Many affected families suspected that their loved ones had been sent forcibly to military training or detention centres. Incidents also occurred in which the military detained family members, including children, when they could not find the suspected political activists whom they were targeting for arrest or recruitment. According to interviewees, the military took away children when they could not locate their parents, as a form of punishment for political opposition. There are concerns that some of the cases investigated by OHCHR may amount to enforced disappearance, as interviewees confirmed that custodial authorities denied knowledge of the reported acts or concealed the fate and whereabouts of the individuals concerned.
- 24. A lack of fair trial guarantees and the absence of judicial independence and impartiality remained serious concerns. During the reporting period, at least 1,648 individuals were convicted for opposing military power, as verified by credible sources. In the multiple interviews that OHCHR conducted, it learned of no examples of acquittals or successful appeals in such cases. "Special courts" military tribunals operating in camera within prison compounds continued to be used to deal with cases relating to political detainees. Frequent hearing postponements and restrictions on access to detainees and prison grounds have created regular delays, resulting in prolonged periods of pretrial detention. Defence counsel face severe restrictions, including bans on confidential communications, with client interactions limited in many cases to brief conversations outside the courtroom. Many defendants are denied the right to appeal after their initial conviction and sentencing. Proceedings are chaotic, with very few lawyers handling many defendants amid intimidation. In some cases, the military authorities have reportedly arrested, ill-treated or tortured defence lawyers.
- 25. The military has continued to apply vague provisions under the unilaterally amended Counter-Terrorism Law against anyone deemed to be associated with or acting in support of anti-military groups, resulting in their conviction and the imposition of harsher sentences in military-controlled courts. Charges for "terrorism offences" for association with or support of anti-military groups increased steadily starting in 2022. While most such charges were brought against individuals arrested in Yangon during the reporting period, increasingly the military accused individuals outside urban areas of supporting anti-military armed groups, including by providing food and financial or other material assistance. Consequently, the military and affiliated groups raided villages, particularly in the central regions, detaining anyone deemed to be suspicious or unable to flee. While, occasionally, people were released shortly after being detained, others were taken to nearby military bases and interrogated; the fate and whereabouts of others remained unknown. Interviewees also consistently confirmed to OHCHR that people were often tortured and killed and their bodies sometimes burned. In

July 2023, following armed clashes in Muse Township, Shan State, the military arrested two individuals but later denied knowledge of their whereabouts. Many interviewees recounted that villagers searched for the missing until they found their charred bodies in the nearby jungle five days later.

- 26. Journalists and media workers continued to face arrest for covering the situation in the country, with at least 14, including a woman, detained, totalling 194 journalists or media workers incarcerated since February 2021, including 28 women; 62 remain detained. While nearly a third were prosecuted under the Penal Code, journalists have also faced lengthy sentences under the Counter-Terrorism Law, or a combination thereof, with one filmmaker sentenced to life imprisonment and 11 media professionals receiving prison sentences of 10 years or longer. Illustrating the military's attempts to eliminate free media, in September 2023, a military-controlled court sentenced a photojournalist to 20 years' imprisonment for reporting news that differed from the official military narrative on the impact of Cyclone Mocha in Rakhine State in May 2023.8
- 27. Military officials cracked down further on social media and online activities as key sources of information on unfolding events. Interviewees consistently indicated that anyone criticizing the military or expressing support online for anti-military entities, including by simply "liking" posts, risked being charged with incitement or terrorism. Analysts reported that at least 351 individuals had been detained during the reporting period under such circumstances, with 461 individuals in total arrested for opposing the military through online activities since February 2021.9
- 28. Serious concerns persist regarding possible enforced disappearances. No comprehensive nationwide data are available due to the nature of the crime, and it is possible that some individuals went into hiding to evade arrest without alerting their families. Among the credible investigations conducted into enforced disappearances, the Karen Human Rights Group, <sup>10</sup> in a submission to OHCHR, detailed 51 cases of possible enforced disappearance in the south-eastern part of the country between February 2021 and October 2023. Their findings indicated that all of the victims were men, mostly aged between 15 and 25 years, suspected of affiliation with anti-military armed groups, among them peaceful demonstrators, protest leaders, human rights defenders, religious figures and humanitarian workers. The victims were taken from homes, villages, plantations, agricultural farms and elsewhere, with victims frequently targeted while travelling. Many disappearances occurred after armed confrontations as the military tried to identify or obtain information on their opponents. For instance, OHCHR learned during the reporting period of a man taken into military custody in February 2023, whose whereabouts, despite numerous inquiries, remained unknown.
- 29. Families and communities suffer enormously when the authorities deny knowledge of or information about persons forcibly disappeared or missing. In cases where a family's primary breadwinner disappears, acute vulnerabilities are exacerbated, particularly when other members of the family, such as women or young people, are forced to compensate by taking low-paying or insecure jobs, often far from home. Such instances also heighten their risk of being exploited and jeopardize the health, well-being and education of children.

#### B. Torture and ill-treatment

30. Torture and ill-treatment<sup>11</sup> in military custody continued to be pervasive. Sources who came forward recounted being subjected to various forms of physical and psychological abuse, including sexual abuse, by officials in attempts to obtain information or as punishment, amounting to torture or ill-treatment. Twenty-five former detainees out of 32 interviewed during the reporting period provided consistent and detailed information concerning their treatment during detention. Victims and witnesses indicated that the military used such

<sup>8</sup> See https://www.ohchr.org/en/statements-and-speeches/2023/09/myanmar-turk-calls-new-thinking-end-unspeakable-tragedy.

<sup>&</sup>lt;sup>9</sup> See https://www.datawrapper.de/\_/5VyY1.

<sup>&</sup>lt;sup>10</sup> See https://www.khrg.org/sites/khrg.org/files/report-docs/in\_the\_dark\_english\_full\_version.pdf.

<sup>&</sup>lt;sup>11</sup> See A/78/316, A/HRC/54/59, A/HRC/53/52, A/HRC/49/72 and A/HRC/48/67.

methods to obtain confessions and identify individuals supporting anti-military armed groups or the leadership of such groups.

- 31. Most interviewees indicated that ill-treatment occurred most frequently in military interrogation centres and compounds. They included not only designated facilities but also other facilities, including a former royal palace in Mandalay, that the military had converted into sites specifically for abusive interrogations. Interviewees arrested in Mandalay and Yangon regions generally reported being transferred to the Mandalay Palace, Shwe Pyi Thar and Ye Kyi Ai interrogation centres, where they were detained incommunicado for periods ranging from days to several weeks. Individuals arrested elsewhere described being detained for varying periods at police stations and military bases, where they were subjected to acts amounting to torture or ill-treatment.
- 32. Corroborating chilling accounts from the Mandalay Palace, Shwe Pyi Thar and Ye Kyi Ai interrogation centres, interviewees reported having been blindfolded and taken individually to separate interrogation rooms, where they suffered torture or ill-treatment by multiple interrogators. Victims described the methods experienced, such as being forced into stress positions for prolonged periods, being suspended from the ceiling without food or water, being forced to kneel or crawl on hard or sharp objects, the use of snakes and insects to instil fear, beatings with iron poles, bamboo sticks, batons, rifle butts, leather strips, electric wires and motorcycle chains, asphyxiation, mock execution, electrocution and burning with lighters, cigarettes, boiling water and conductive energy devices, known as "tasers", the spraying of methylated substances into open wounds, the cutting of body parts and pulling out of fingernails and deprivation of sleep, food and water. There are also credible and disturbing reports of sexual violence, including rape, and sexualized torture or ill-treatment, including forced nudity in front of others.<sup>12</sup>
- 33. Most interviewees described experiencing threats of sexual and physical violence, including against family members, mock executions and being forced to listen to the suffering of other detainees. Interviewees recalled the profound fear that they had felt when detainees' cries of agony fell silent. Interviewees recalled their assumption that the silence meant that the person crying out had died, and that they were exposed to the same risk. Multiple interviewees were threatened by being told that they were at the mercy of their captors while in interrogation centres. An interviewee, a minor at the time of detention, reported being told "we can kill you and cremate your body and your parents will never know what happened to you". Similar accounts were received from other sites. An interviewee detained in the Ye Kyi Ai interrogation centre reported that the custodial authorities had placed a snake on their body during interrogation to cause terror. Numerous interviewees reported both their enormous relief upon being transferred out of interrogation sites and the long-term physical and psychological effects of torture and ill-treatment that they continued to suffer, even after their release. The long-term impacts reported included memory loss, anxiety, depression, headaches, musculoskeletal and abdominal pains and hearing problems.
- 34. Detainees also continued to describe instances of the military employing torture or ill-treatment against perceived leaders of or participants in protests occurring inside prisons. Reports from Daik-U Prison in Bago Region, Magway Prison in Magway Region, Myitkyina Prison in Kachin State, Monywa Prison in Sagaing Region and Dawei Prison in Tanintharyi Region indicate that detainees received harsh punishments for objecting to abuses. Similar accounts of such treatment were received with respect to Pathein Prison in Ayeyarwady Region, Thayarwaddy Prison in Bago Region, Myingyan and Obo prisons in Mandalay Region, Taung Kalay Prison in Kayin State and Insein Prison in Yangon Region. Political detainees continued to face retaliation and undue punishment for peacefully protesting against prison abuse, including severe beatings, solitary confinement, rationed or withheld food and, in some cases, new charges.

See the conference room paper of the Special Rapporteur on the situation of human rights in Myanmar on the gendered impacts of the coup and the pursuit of gender equality in Myanmar, available at https://www.ohchr.org/en/documents/thematic-reports/ahrc56crp8-courage-amid-crisis-gendered-impacts-coup-and-pursuit-gender.

### C. Deaths in custody

- 35. An additional concern is that the death of individuals while in the custody of the military has continued to be rife. At least 759 people, including 58 women, 31 boys and 2 girls died after being detained by military units during the reporting period. The figures represent 41 per cent of the 1,853 individuals, including 125 women, 11 girls and 77 boys, whom credible sources have verified as having died in military custody since the start of the crisis in 2021. Many of those individuals have been verified as having died after interrogation due to ill-treatment or the denial of access to adequate healthcare afterwards. Overall, deaths in custody have amounted to an average of four persons dying every day for over three years, representing 35 per cent of the total verified deaths since the military launched the coup. Due to the lack of access, communications restrictions and lengthy delays in verifying deaths, and possible attempts by the military to conceal deaths, the figures of those having died in custody could be higher.
- 36. Out of the mentioned 1,853 individuals who died in custody, 258 have perished in formal custodial settings, such as military interrogation centres, police stations and prisons, since the coup. During the reporting period, 95 individuals were killed, including 14 women and 6 children, the youngest a 2-year-old girl. In informal custodial settings, 759 individuals died after being arrested during village raids or related ground operations by the military; 601 of those 759 individuals were likely extrajudicially executed. Sagaing Region had the most verified custodial deaths, with 340 out of the 759 deaths during the reporting period.
- 37. Analysis of credible data suggests that, in the context of raids or ground operations, killings generally occurred within the initial 48 hours of detention. Point-blank shots to the head, executions of handcuffed individuals and the burning of people were reported as the most common causes of death. A source reported that, on 2 December 2023, the military and affiliated militia raided Kya Paing village in Monywa Township, Sagaing Region, burning down 200 houses and arresting 60 civilians. Of these, the charred remains of 10 men were found in a burned brick house with their hands tied behind their backs. In a case from January 2024 detailing a repeated pattern, villagers found the dead bodies of five young people abandoned alongside a road in Mandalay the day after the military had arrested them. An interviewee reported seeing their hands tied behind their backs and injuries such as head wounds, broken limbs and haematomas.
- 38. In formal places of detention, most deaths during the reporting period appear to have resulted from ill-treatment or a lack of adequate healthcare. Numerous interviewees confirmed the deaths of detainees during interrogation and noted that officials had cremated bodies, which could conceal the fact of death and destroy other evidence. During the reporting period, families recounted receiving notifications from custodial authorities that their loved ones had died of natural causes or during alleged escape attempts. In most cases, no medical certificate was provided and bodies were cremated without the consent or presence of family members. Several interviewees confirmed that their relatives had been in good health prior to being detained. Family members who saw bodies often described injuries consistent with torture or ill-treatment. In a verified case from September 2023, the military informed a family of their relative's death due to an alleged heart attack four days after arrest. The family, who was shown the body, described the corpse as having head wounds, facial fractures and bruises. The person was cremated shortly afterwards, without the consent of the family members.
- 39. In formal locations, detainees repeatedly reported seeing detainees dying in their cells. Verified incidents suggest that some deaths of political prisoners resulted from denials by the authorities of access to emergency medical treatment, including transport to medical facilities outside prisons. An interviewee, a minor at the time of his detention, described witnessing an inmate's death, stating "I was talking to him and after 15 minutes, he was shivering and foam came out of his mouth, and he passed away. We had a doctor in the Youth School, but he just did simple checks and gave the same basic medicine for all situations".
- 40. In mid-2023, custodial authorities began transferring groups of political detainees to remote locations, seemingly as punishment for their participation in sit-ins and strikes, further isolating detainees from their families and curtailing parcel deliveries of food, medicine and

other necessary items. Sometimes military authorities killed political prisoners during transfers, with interviewees stating that the military had claimed that the deaths had resulted from failed escape attempts. According to credible sources, between May and July 2023, 37 prisoners disappeared while being transferred from Daik-U Prison in Bago Region. Some families reported receiving letters months later indicating that their relatives had been shot while attempting to escape. No retrieval of bodies was confirmed following those incidents. An interviewee who survived a transfer explained that they generally occurred at night and without prior notification to detainees. At times, detainees remained shackled in overcrowded and badly ventilated trucks for several hours.

41. Deaths while in the custody of anti-military armed groups also emerged as a concern, after the Myanmar National Democratic Alliance Army announced that it had carried out death sentences against three of its members accused of abuse of power, kidnapping, extortion, human trafficking, homicide and theft. It is recalled that, alongside international human rights law, international humanitarian law imposes an obligation of humane treatment of individuals deprived of liberty and prohibits the conviction or sentencing of individuals except pursuant to a fair trial affording all essential judicial guarantees.<sup>13</sup>

#### D. Sexual violence

- 42. Sexual violence against detainees was increasingly reported as a recurring concern. Given both the rise in allegations of such conduct and the difficulty of obtaining timely information on incidents, some of the information gathered during the reporting period has been included in the present report, even if the incidents themselves occurred outside of the reporting window. Men and women, including members of the LGBTQI+ community, reported that custodial authorities regularly perpetrated acts of sexual violence and sexualized torture. Vaginal and anal rape, whether committed by an individual or multiple perpetrators, penetration with foreign objects, invasive vaginal searches of women detainees, threats of sexual violence and sexual humiliation were commonly reported.
- 43. In formal detention settings, sexual violence often occurred during interrogations, and it was generally perceived by the detainees as a form of punishment for not providing interrogators with the information that they wanted. Victims considered resisting the abuse to be pointless, fearing that it would only further enrage the interrogators. One survivor described withstanding days of beatings during interrogation until two guards held her down, stripped her of her clothes, raped and subsequently abused her while she was naked. She reported being unable to kneel when ordered to due to pain caused by that treatment. Other survivors reported that custodial authorities used foreign objects to penetrate their anus, including bamboo sticks and glass. In one case, an interrogator forced a male detainee, accused of homosexuality, to sit on a bottle and suffer anal penetration.
- 44. Women detained in Mandalay and Yangon described their court appearances as frightening and humiliating due to guards using the proceedings as a pretext to conduct invasive security checks. With repeated court appointments, some women described being subjected to aggressive sexual fondling during such "checks", which occurred repeatedly during their trials. Survivors from the LGBTQI+ community reported sexual violence and harassment. Custodial authorities mocked their sexual orientation, removed their clothes under the pretext of checking their sex, showed their genitals to victims while ridiculing them, touched their private parts and forced transgender women to wear men's clothes and use male bathing facilities.
- 45. Detainees consistently reported threats of sexual violence and sexualized verbal abuse as an interrogation tactic. A survivor detained in October 2021 reported being told "If you don't give us the information we can kill you, we can rape you. We can just say that you died from COVID. Nobody will even know; you can just disappear." Another detainee reported that, during her interrogation, custodial authorities threatened that they would gang rape her and hang her naked.

See common article 3 of the Geneva Conventions of 12 August 1949 and International Committee of the Red Cross, study on customary international humanitarian law, rule 100.

- 46. Survivors commonly described their mental states following the abuse, including feelings of embarrassment, shame, dehumanization and thoughts of suicide. A survivor described caring for younger detainees who felt profound shame after being sexually abused.
- 47. Sexual violence, abuse, harassment and threats repeatedly occurred in conjunction with beatings and other forms of violence, with perpetrators being confident of their impunity. Survivors consistently reported that custodial authorities used blindfolds and avoided using personal names with each other, apparently to conceal their identities.

#### E. Conditions in detention

- 48. Released prisoners consistently reported steadily deteriorating conditions and deplorable treatment in many detention centres. Interviewees released from 12 prisons across nine states and regions described generally squalid facilities, with cells badly lit, poorly ventilated and overcrowded and often at double capacity, with no space to lie down or to move around. Prolonged confinement without the ability to maintain personal hygiene, physical exercise or religious observance was also described. Ingestion of and exposure to spoiled food and dirty water resulted in rampant waterborne diseases. Numerous interviewees described having to eat rotten or half-cooked food and drink contaminated water, including from toilets containing faeces and insects. Interviewees described prisons as lacking medical supplies and qualified staff and stocking only basic medicines, such as paracetamol, which often could be obtained only through payments or other forms of bribes to guards. Some interviewees indicated that the only accessible medical staff was a dentist, or doctors or nurses who were also detainees.
- 49. Incessant violence, extortion and abuse of power, including by other prisoners empowered by the custodial authorities, worsened conditions. An interviewee described being forced with others in Myingyan Prison in Mandalay Region, in July 2022, into stress positions in front of the custodial authorities for speaking out: "They called our names one by one, and we had to go inside ... a "punishment room" we had to take off our shoes and shirts. When I went inside, there were seven people. One prison officer was monitoring ... criminal prisoners [after instructing them] to beat me. They [punched and] kicked me, and they also used batons."
- 50. Women further reported intimidation, threats and physical and verbal abuse and lack of access to reproductive health and postpartum care, adequate showers, toilets and menstrual hygiene supplies. An interviewee released from Taung Kalay prison in Kayin State stated: "The water that we used for our personal hygiene was very dirty, you could see a white layer on it. When you showered, your body would become smelly, but we had no choice, and as women, we had to clean our private parts with this water. A lot of us suffered from urinary tract infections". Individuals with pre-existing medical conditions or disabilities were particularly affected due to inadequate facilities and conditions in detention, with some interviewees claiming that the custodial authorities withheld assistive devices and medication sent by families. Prisoners from religious minority groups alleged that they had also experienced discrimination and harassment, were barred from practising their religion and received food that did not comply with religious dietary restrictions, although a lack of access to sufficient food remained the key concern.
- 51. OHCHR also received reports of political prisoners being subjected to forced or involuntary labour in prisons. One interviewee reported that prisoners in Maubin Prison in Ayeyarwady Region were forced to tailor clothing items that would later be sold in local markets, with the proceeds allegedly distributed among the custodial authorities. The Commission of Inquiry established in accordance with article 26 of the International Labour Organization Constitution concerning the non-observance by Myanmar of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), and the Forced Labour Convention, 1930 (No. 29) has concluded that exaction of prison labour from persons convicted through proceedings manifestly lacking in fair trial guarantees would not be in conformity with the obligations of Myanmar under the Forced Labour Convention.<sup>14</sup>

<sup>14</sup> See https://www.ilo.org/publications/towards-freedom-and-dignity-myanmar.

52. Family visits and meetings with lawyers remained extremely challenging, as access to detainees was extremely limited. Restrictions on prison access due to the coronavirus disease (COVID-19) pandemic were lifted only in October 2023 and the military continued to limit family visits by imposing onerous documentation requirements. In areas with recurring armed clashes, prison security was tightened, severely limiting prisoners' ability to communicate with their family and lawyers and receive food and medicine from outside.

#### F. Mental health

- 53. During the preparation of the comprehensive review of the human rights situation, mental health concerns arose frequently in the interviews conducted with victims. As stated in recent reports, dedicated and targeted support by international donors for providers of mental health services could make a significant difference in the lives of people in Myanmar, now and in the future. In the absence of functional public services and capacities, civil society and community-based organizations have gone to considerable lengths to develop capacities to deliver basic mental health support to victims and communities at the grass-roots level. Such services are desperately needed to aid a beleaguered population that has been dealing with the cascading impacts of violence and armed conflict for years.
- 54. Protracted violence has dismantled social structures, harmed norms and values and increased tensions within and between communities in many parts of Myanmar. Continued exposure to violence and fear have had a devastating impact on the mental health and well-being of victims and communities in the country. The violations described in the present report have compounded the still unaddressed mental health consequences of previous atrocities and the impact of the other significant constraints on the daily lives of the population, including the COVID-19 pandemic, electricity cuts, constant surveillance and the dire economic situation. Interviewees described living in constant fear and anxiety, leading to their physical and virtual isolation. Such isolation often results in depression. An analysis of expert studies suggests that around 60 percent of respondents reported instances of depression and anxiety.<sup>15</sup>
- Recalling the right of everyone to the enjoyment of the highest attainable standard of mental health, 16 the High Commissioner notes that Myanmar currently lacks sufficient legal, institutional and professional capacity to address the scope of the mental health issues prevailing in the country. The grossly inadequate 1912 Lunacy Act forms the legal basis for mental health services, defining individuals in need as "lunatics", "idiots" and "persons of unsound mind". Interviewees reported that there was no regulatory framework or professional board overseeing professional certification, licensing or ethical standards, exposing both patients and professionals to serious risks. Such capacity did not exist in the country even before the current crisis. According to United Nations data, 17 prior to the coup, Myanmar possessed an average of fewer than one mental health worker per 100,000 persons. Mental health education was lacking, with undergraduate medical students receiving only two weeks of relevant lectures and training. Postgraduate training for psychiatrists was limited, with none in the ethnic states. Health assistants received only a few hours of training. Similarly, no clinical training was available for psychology students. Although no verified data are available, numerous mental health professionals have allegedly joined the civil disobedience movement or have fled abroad, worsening an already serious situation, including for those suffering from chronic medical conditions.
- 56. Young people, many of whom have witnessed or experienced violations, have reportedly become more aware of the need for mental healthcare for both direct and indirect trauma. Many young interviewees indicated the need for mental health services to be more

See https://www.cambridge.org/core/journals/bjpsych-open/article/population-mental-health-in-burma-after-2021-military-coup-online-nonprobability-survey/AA419541C5725D2C5DEB882557E74B50.

International Covenant on Economic, Social and Cultural Rights, art. 12 (1). See also Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000).

<sup>&</sup>lt;sup>17</sup> See https://iris.who.int/bitstream/handle/10665/364882/9789290210207-eng.pdf?sequence=1&isAllowed=y.

widely available and for service providers to be capable of addressing the strong societal stigma around mental health, as, in the words of one interviewee, caring for one's mental health is seen as a mental weakness in a time when you have to stay strong. Such stigma was identified as leading to marginalization, exclusion and discrimination, prompting grass-roots service providers to advocate for the prioritization of mental health in the future as much as political reform.

- 57. In the absence of public or State services, civil society and humanitarian organizations have become first responders, providing professional mental health assistance and education to identify and refer cases requiring counselling or medical treatment. Civil society and humanitarian organizations have assumed responsibility for those in need and have developed good practices, both within Myanmar and in the region. The available support includes psychiatric services and counselling, in person and online, and group therapy provided by Myanmar civil society and community-based organizations. Interviewees reported that community-based organizations have offered activities to promote mental health through music classes and art therapy as well as dance classes for children. Interviewees also reported that the support provided by Myanmar community-based organizations, both in Myanmar and abroad, was critical to addressing urgent cases and supporting individuals in avoiding retraumatization.
- 58. The efforts of women and youth-led civil society organizations can influence the provision of mental health services, promoting a people-centred, community- and evidence-based approach. Such a paradigm shift is critical to promoting a human rights-based approach to ensure that services account for gender and cultural and religious sensitivities. Young people, including human rights defenders, journalists and those who may have been exposed to indirect trauma, should be at the core of such remedial actions in order to foster long-term well-being, overcome cultural barriers and stigma and build the foundations for the realization of the right to health.
- 59. Any future transition will necessarily require the people of Myanmar to identify priorities among the many critical areas of need that have been created or exacerbated by the current crisis. In the absence of such a triage process for the needs of different communities, it is important to support the sustainability and scope of the existing grass-roots initiatives, as well as civil society organizations and humanitarian service providers.

## V. Conclusions and recommendations

- 60. The human rights situation documented in the present report indicates the gravity and pervasiveness of the human rights crisis created by the military's actions in Myanmar. Fear of arrest, torture and death permeates Myanmar society, as anyone can be at risk of arbitrary arrest by the military without any legal protection. A lack of any form of accountability for perpetrators is an enabler for the repetition of crimes, violations and abuses. In addition to their physical impact, military violence and related actions also burden the population with significant mental harm, leaving long-lasting legacies that will have to be addressed.
- 61. The enormity of the challenges that Myanmar is facing and will face in the years ahead to ensure respect for the rule of law and functional justice institutions is daunting. The current military-controlled system needs to be entirely overhauled and the officials therein who aided and abetted military narratives, violations and impunity, in particular those who have been responsible for gross human rights violations and serious violations of international humanitarian law, need to be held accountable and replaced. Judges, police, prison officials, interrogators and guards will need to be subjected to thorough vetting regarding their involvement in the abuses committed under the current system and their failure to protect the most basic precepts of individual rights, judicial independence, fair trial rights and the rule of law.
- 62. An appropriate vetting process must form a core pillar of transitional justice processes aimed at assisting communities in Myanmar to establish a democratic governmental framework, rooting out systemic discrimination and redefining the social pact between the State and the people. Critical to that process will be ensuring the

functional independence of the mechanisms and institutions tasked with resolving interpersonal conflicts, upholding the rule of law and ensuring that effective remedies are available to all, including victims of arbitrary arrest, abusive judicial practices, enforced disappearance, torture and ill-treatment.

- 63. As documented in the present report and in previous reports of the Office, the significant mental health needs and issues, including the lack of qualified personnel, require that special attention and relevant actions be taken without delay to create the conditions for civilians to have access to fundamental health services and psychosocial support.
- 64. In the light of the findings above, the High Commissioner renews his recommendation that the Security Council refer the full scope of the current situation in Myanmar to the International Criminal Court.
- 65. In addition, the High Commissioner calls upon the military to:
- (a) Cease immediately all violence and attacks directed against civilians, including the Rohingya, and civilian objects, in compliance with Security Council resolution 2669 (2022);
- (b) Ensure the full and timely implementation of the provisional measures indicated by the International Court of Justice, particularly with reference to killings, the infliction of serious bodily or mental harm and the deleterious conditions of life of members of the Rohingya community;
- (c) Respect human rights obligations and comply with international humanitarian law, where applicable;
- (d) Release all political prisoners without further delay and discontinue politically motivated prosecutions carried out and enabled through the instrumentalization of the judiciary;
- (e) Immediately cease the use of torture and ill-treatment, including sexual violence, against persons deprived of liberty, identify and remove perpetrators and issue clear orders within the chain of command to prohibit such acts;
- (f) Respect and protect the right to life and bodily integrity of individuals deprived of liberty, including by providing those detained with necessary medical care;
- (g) Take urgent measures to improve the conditions of detention by, inter alia, ensuring adequate hygienic conditions, food, healthcare, family visitation and the access of independent monitors to places of deprivation of liberty;
- (h) Halt all forced recruitment and conscription incompatible with international human rights norms and standards;
- (i) Provide OHCHR with meaningful access to Myanmar to facilitate independent and impartial monitoring and reporting on the human rights situation, particularly regarding civilian protection.
- 66. The High Commissioner recommends that the National Unity Government:
- (a) Monitor and document violations by the military in detention settings to identify perpetrators, including individuals in charge of prisons and other detention facilities, to support future accountability processes;
- (b) Ensure that groups under its control and their affiliates fully respect international humanitarian law and human rights, including by ensuring the humane treatment of all persons deprived of liberty, refraining from violence to life and person and outrages upon personal dignity and holding perpetrators of violations accountable, in accordance with international standards;
- (c) Assess psychosocial needs and evaluate, in coordination with relevant stakeholders, the current psychosocial support programmes available on the ground, particularly those provided by local civil society organizations and youth groups, to

identify gaps in service provision, and strengthen support by means of training programmes and adequate resources;

- (d) Maintain and expand mental health assistance, education and programmes to promote access to services for the civilian population in order to foster the conditions for the establishment of a modern, rights-based, people-centred, nationwide mental health system to assist people affected by the consequences of the military coup.
- 67. The High Commissioner also recommends that ethnic armed organizations and anti-military armed groups:
- (a) Ensure full respect for international humanitarian law, including by refraining from violence to life and person and outrages upon personal dignity, such as acts of torture, ill-treatment and sexual violence, and ensuring the humane treatment of all persons deprived of liberty;
- (b) Refrain from carrying out death sentences and ensure that local justice systems under their authority fully comply with international humanitarian law and adhere to international human rights standards;
- (c) Introduce mental health education for medical professionals in their ranks and, in collaboration with civil society organizations, expand coverage of mental health services to the population in areas under their control.
- 68. Furthermore, the High Commissioner urges States:
- (a) To maintain rigorous attention to developments in Myanmar, as the situation continues to deteriorate, and actively support documentation and all accountability efforts;
- (b) To continue to demand accountability for human rights violations and other violations of international law perpetrated by the military and other actors as an essential component of the conditions for a future democratic and stable Myanmar, including in view of transitional justice processes;
- (c) To support, without delay, programmes and activities aimed at raising awareness on mental health, strengthening education and the delivery of services and fostering the conditions for the establishment of a functioning mental health system, including through the development of qualified professionals;
- (d) To allow, in States with a sizable populations of people from Myanmar, the delivery of psychosocial support programmes and the development of educational opportunities for mental health professionals to begin the process of addressing the long-term needs for professional development;
- (e) To provide flexible and direct funding to civil society organizations to enable them to support political prisoners and their families and legal counsel while they are detained and after their release.