



“BULLETS RAINED FROM THE SKY”

WAR CRIMES AND DISPLACEMENT IN EASTERN MYANMAR

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Cover photo: People displaced by fighting in eastern Myanmar cross the Moei River, on the Myanmar-Thai border, to collect some limited assistance, Mae Sot, Thailand, 7 January 2022. They live in makeshift sites on the Myanmar side of the riverbank. © REUTERS/Athit Perawongmetha

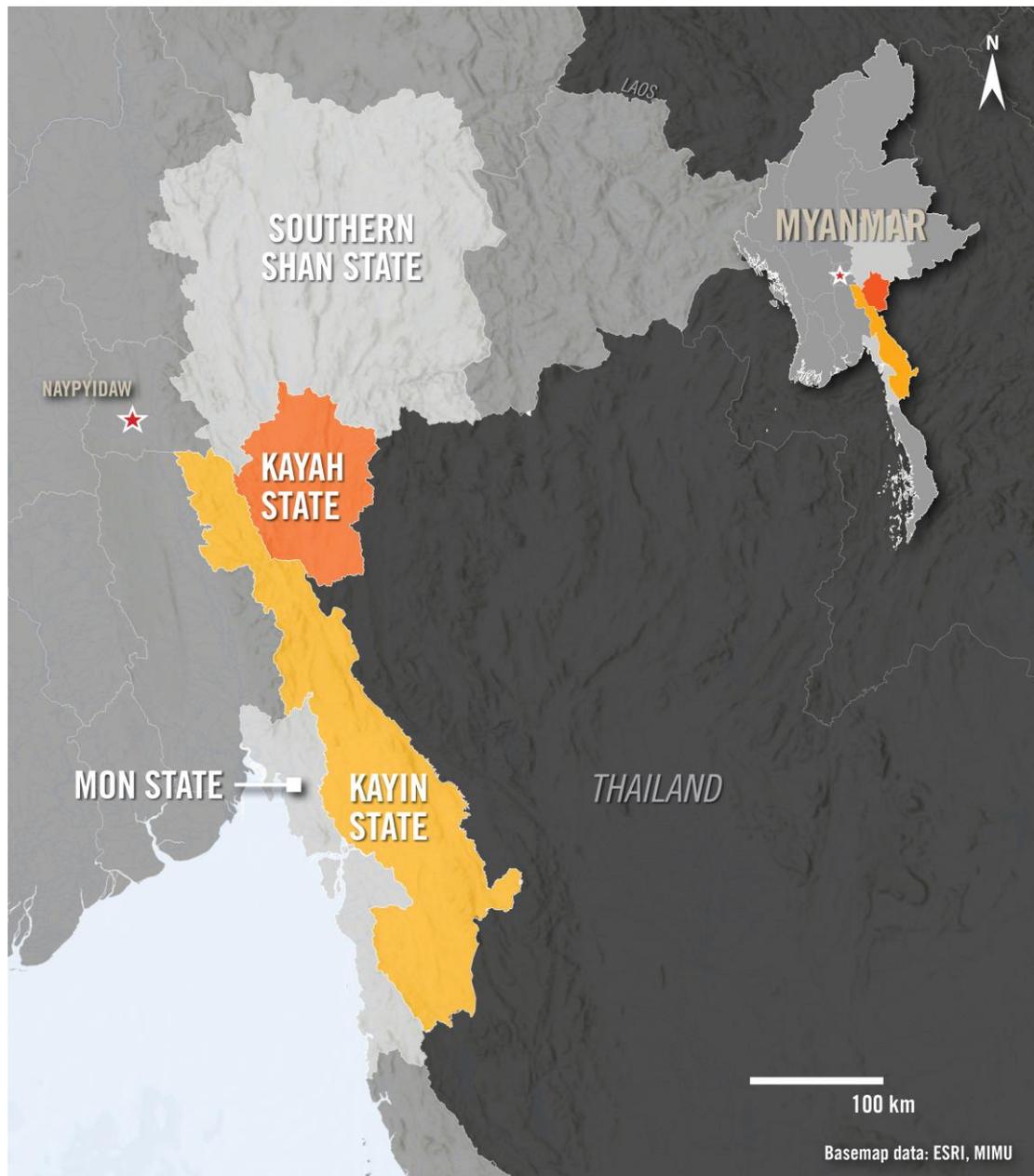
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MAP



EXECUTIVE SUMMARY

“When the explosion happened, I heard her scream. When I went outside, she was on the ground... She was still breathing... I couldn’t talk with her... I didn’t want her to think that was the last time [we’d speak].”

A 52-year-old man from Ka Maing Kone village, Kayin State, describing the death of his relative after shelling in February 2022.

Since seizing power in a coup d’état on 1 February 2021, the Myanmar military has committed massive human rights violations across the country. Armed conflict has erupted or escalated in several regions, including in Kayin and Kayah States, on the country’s eastern border with Thailand. The military’s operations there have reflected its signature policy of collective punishment of civilian communities perceived to support an armed group or, in the coup’s aftermath, the wider protest movement. Amid international inaction and waning global interest, the military has proceeded to attack civilians and civilian infrastructure from the air and the ground, unleashing a new wave of war crimes and likely crimes against humanity that have caused mass displacement and a deepening humanitarian crisis.

Among other crimes during its ongoing operations, the military has repeatedly fired explosive weapons with wide area effects, including artillery and mortars, into civilian areas; witnesses described to Amnesty International barrages that lasted days. Amnesty International documented 24 attacks by artillery or mortars between December 2021 and March 2022 that killed or injured civilians or that damaged civilian objects in eastern Myanmar. On 5 March 2022, as families were eating or preparing dinner, shelling in Ka Law Day village, Hpapun Township, Kayin State, killed seven people, including a woman who was eight months pregnant, and injured three others. A close family member of four of the people who were killed said he sat in his house all night looking at the bodies before burying them in the morning to avoid having himself or others injured by further shelling.

In another attack that month, people from Ta Maw Daw village, Thaton Township, Mon State, gathered for a Buddhist religious festival when mortars landed on the event. Two women in their 50s along with a seven-year-old boy were killed; 11 other civilians were injured. “It’s not right what they did to us. It’s a religious event,” said Myat Htoo, 46, who was there with two daughters performing a traditional Karen dance. “Since that incident, villagers including myself could not sleep in our houses... We have to live in fear.”

For decades, ethnic armed organizations (EAOs) in Myanmar, including in Kayin and Kayah States, have been engaged in a struggle for greater rights and autonomy. Ceasefires, many of which held uneasily for years amid military provocation and continued marginalization of ethnic minorities, have broken down after the coup, and new armed resistance groups have emerged. Since armed conflict resumed in eastern Myanmar in early 2021, military attacks have killed hundreds of civilians, displaced more than 150,000 and destroyed numerous homes, schools, health facilities and houses of worship.

During research conducted in March and April 2022, including two weeks on the Thailand-Myanmar border, Amnesty International investigated violations of international human rights and humanitarian law committed in the context of the non-international armed conflicts in eastern Myanmar. This report covers the period of

December 2021 to March 2022, during which fighting escalated significantly in Kayin and Kayah States. It examines the situation in those two states as well as in some bordering areas of Mon and southern Shan States. Researchers interviewed 99 people, including direct witnesses of attacks, defectors from the Myanmar military, medical professionals and aid workers. Amnesty International also verified videos and photographs related to human rights violations, reviewed logs of aircraft observations by flight spotters, and analysed satellite imagery and fire data of village burning and other destruction.

As part of the research, delegates met with the Minister of Human Rights in the National Unity Government. On 17 May 2022, Amnesty International also sent a letter to Senior General Min Aung Hlaing, Commander-in-Chief of Defence Services, summarizing its findings and requesting information related to the violations by forces under his overall command. No response had been received at the time of publication.

The conflict in Kayin State tends primarily to pit the Myanmar military against the Karen National Union / Karen National Liberation Army (KNU/KNLA), one of the oldest and largest EAOs in Myanmar, going back to the late 1940s. In Kayah State, the main EAO is the Karenni National Progressive Party / Karenni Army (KNPP/KA), whose conflict with the military dates to 1957. In both Kayin and Kayah States, EAOs control significant territory, especially in rural areas, and have their own administrative structures, members of which Amnesty International met with during the research.

Since the military's latest power grab, local armed opposition groups known as People's Defence Forces (PDFs) have established themselves across the country under different command structures. Some PDFs have been trained by and report to EAOs, while others fall under the command of the National Unity Government (NUG), an administration in hiding and exile formed by many of those elected in the November 2020 elections that preceded the coup, as well as members of civil society organizations, some EAOs and other representatives of ethnic minorities.

In addition to unlawful ground attacks killing and injuring civilians, Amnesty International documented destruction or damage to civilian objects by shelling in 19 villages, including homes, schools, health facilities, churches, and monasteries. Myanmar military fire has reportedly damaged more than 100 religious buildings in conflict areas across the country since the coup, including at least eight churches between January and March 2022 in Kayah State alone. Through witness testimony as well as the verification of photo and video material, Amnesty International documented at least seven incidents in which religious buildings were damaged or destroyed by Myanmar military attacks; four were by shelling, three were by air strikes. Researchers also documented three attacks on schools in Kayin and Kayah States as well as the military's occupation of schools in at least four villages.

Amnesty International's findings highlight the military's increasing use of air strikes in civilian areas, relying on both legacy systems and newer fighters, including Russian and Chinese jets. In eight documented air strikes that took place between January and March 2022, nine civilians were killed and at least nine others injured; civilian objects were also damaged. Around 1am on 5 February 2022, the military carried out an air attack on Ta Dwee Koh village, Hpapun Township, Kayin State, killing two people and injuring several more. "I want [the Myanmar military] to see the suffering they caused us... They're the ones who came to our area and caused this suffering," said a 23-year-old woman who sustained serious injury to her lower spine and continued to be in severe pain when interviewed by Amnesty International almost two months later.

Those who fled their villages seeking refuge in the jungle or in displacement sites have not been spared. On 17 January 2022, air strikes hit Ree Khee Bu IDP camp in Kayah State, killing a man in his 50s as well as 15- and 12-year-old sisters. Local authorities and civil society activists said the camp should have been well known to the military and that, on aerial surveillance, would appear distinct from an armed group base.

There are several documented incidents in which Myanmar soldiers deliberately shot civilians either as people were going about their daily life or even as they fled attacks. A 26-year-old woman was one of several witnesses who described soldiers shooting dead at least six civilians as they tried to escape to Thailand across the Moei River in mid-January 2022. In another incident, soldiers shot a 13-year-old boy who had gone to collect plums by the bank of the Yun Salin River, near Hpapun town in Kayin State on 3 March 2022. "My leg still hurts when I walk," the boy told Amnesty International around three weeks later. "I don't feel good in my heart... [The conflict] has nothing to do with me... and now I got shot for no reason."

Furthermore, soldiers have committed a range of detention-related violations in eastern Myanmar, including unlawful deprivation of liberty, torture and other ill-treatment, extrajudicial executions and apparent enforced disappearances. Soldiers have targeted activists, politicians and other members of the Civil Disobedience Movement (CDM) who fled to EAO-controlled territories in fear of reprisals by the military authorities for protesting against the coup and military crackdown. Troops have also rounded up other civilians on the basis of their ethnicity, especially those from Karen and Karenni communities, as they travel to or from or remain in villages largely abandoned due to fighting or military bombardment.

In several egregious cases documented by Amnesty International, Myanmar soldiers extrajudicially executed people in their custody. In January 2022, three men, all farmers, went missing after leaving a displacement site to collect food from their homes in San Pya 6 Mile village, Demoso Township, Kayah State. Their decomposed bodies were found in a pit latrine around two weeks later. The brother of one of the victims said he identified the slain men by their clothes and the state of their teeth. Soldiers fired on the brother and others as they tried to retrieve the bodies; they could only return to finish the burial a month later.

In raiding towns and villages in eastern Myanmar, soldiers have engaged in systematic looting and, in Kayah State in particular, burning of homes. Witnesses from six villages reported the looting of properties, including the loss of jewellery, cash, vehicles and livestock; at times, soldiers slashed rice sacks, ruining food stocks. “They tried to destroy what they couldn’t take,” said a 36-year-old woman from Myo Haung village, Kayin State, who watched from hiding as soldiers rummaged through houses and took belongings and animals.

Amnesty International’s analysis of fire data and satellite imagery shows village burning across parts of Kayah State from February to April 2022, with some villages burned multiple times. In one of the hardest-hit areas, soldiers burned houses and other structures in almost every village as they moved south during operations along the road from Moe Bye, in southern Shan State, to Demoso, in Kayah State, between mid-February and late March 2022. Several civilians who fled Wari Suplai village, on the border of Shan and Kayah States, said they watched from nearby farmlands as houses went up in flames after the village all but emptied on 18 February 2022; more than two thirds of the houses in the village were torched. “It’s not a house anymore. It’s all ashes – black and charcoal... It’s my life’s savings. It was destroyed within minutes,” said a 38-year-old farmer and father of two young children.

The intense fighting and military violations have had an enormous psychosocial impact and have caused mass displacement in Kayin and Kayah States; one third to half of the latter’s total population has been displaced. In some cases, entire villages have been emptied of their populations; at times, civilians have had to flee more than once over the past months. Facing perilous conditions, including lack of food, water and adequate shelter, civilians have taken refuge wherever they can, including in houses of worship, schools, makeshift camps, caves and in the jungle. The humanitarian crisis is being further exacerbated by the military’s restrictions on crucial aid, including but not confined to logistical impediments, roadblocks and the active confiscation of lifesaving assistance such as medical supplies. Staff of NGOs have been arrested, at times forcibly disappeared; fearing military attacks, many IDPs have abandoned displacement camps and ventured further into forested areas and caves, rendering them harder to reach with aid.

These findings build on previous work in Myanmar documenting the military’s signature “Four Cuts” strategy which is designed to deprive ethnic armed groups of food, money, intelligence, and potential recruits, often by imposing measures that punish the wider civilian population. Amnesty International’s documentation of the conflicts in eastern Myanmar shows repeated, deliberate actions by the military that violate international humanitarian law. Many amount to war crimes. To the extent that some prohibited acts, including murder, torture, forcible transfer, and persecution on ethnic grounds, were committed as part of a widespread or systematic attack on a civilian population, they are likely crimes against humanity.

Amnesty International has identified some units implicated in these war crimes and likely crimes against humanity in eastern Myanmar, including the army’s 66th Light Infantry Division (LID), whose members were identified by witnesses from the distinct patches on their uniforms. A former field commander from LID 66 involved in operations in Kayah State in 2021 told Amnesty International he had witnessed attacks directed against civilians as well as burning and looting and confirmed patterns of violations, saying of the military’s leadership: “They want to put fear into the civilians.” Other implicated units include ones belonging to the Eastern and Southeastern Commands, the Directorate of Artillery and the Air Force.

The military’s crimes against civilians in eastern Myanmar reflect decades-long patterns of abuse and flagrant impunity. Inaction by the international community, despite the military’s repeated crimes under international law in recent years, has encouraged additional atrocities against civilians. To prevent further crimes and ensure accountability, the UN Security Council must swiftly implement a comprehensive arms embargo, including on the sale or transfer of military-grade aviation fuel, and must refer the situation in Myanmar to the International Criminal Court. The Association of Southeast Asian Nations (ASEAN), China, the European Union, the United States and the United Kingdom, among others, must send a clear message that violations will no longer be tolerated, including through actions to support accountability and to end the transfer of weapons to the military. For their part, donor states and international humanitarian organizations and agencies must significantly increase needed aid. The international community must not continue to sit on its hands as civilians in eastern Myanmar, and across the country, pay such a high price for its inaction.



Day Bu Noh High School in Hpapun Township, Kayin State, lies in ruin after it was bombed in a March 2021 air strike by the Myanmar military, 24 February 2022. It was hit again in an air strike in March 2022. © Kirana Productions/Jeanne Hallacy



People who have fled fighting between the Myanmar military and armed groups in Kayin State settle in temporary shelters along the Myanmar side of the Moei River on the border with Thailand, 3 April 2022. © Guillaume Payen/Anadolu Agency via Getty Images

1. METHODOLOGY

This report is based on research carried out in March and April 2022, including two weeks on the Thailand-Myanmar border. Three delegates from Amnesty International went to Chiang Mai, Mae Sot, Mae Sariang, and Mae Hong Son in Thailand, undertaking dozens of in-person interviews with people who had crossed to Thailand from conflict-affected areas of eastern Myanmar. Working with civil society activists, delegates interviewed dozens more people inside Kayin, Kayah, Mon and southern Shan States, through video and voice calls.

In total, Amnesty International interviewed 99 people for this report, including 25 women, 39 men, and one boy who were survivors or other witnesses to conflict-related violations in eastern Myanmar. The witnesses identified themselves as being from Karen, Karenni, or Burman ethnic groups, and as being of Buddhist or Christian faiths. Amnesty International also interviewed three defectors from the Myanmar military, including a field commander who led front-line operations in Kayah State; seven medical professionals who had treated conflict-related injuries or who were responding to the humanitarian situation; 16 representatives of national or international NGOs working on the situation in Kayin or Kayah States; and eight members of ethnic armed organizations (EAOs) or People's Defence Forces (PDFs) in the relevant areas.

In addition to interviews, Amnesty International examined more than 100 photographs and videos related to human rights violations, including of killed or injured civilians; destroyed or damaged civilian buildings from burning, air strikes, or indirect fire (artillery or mortar); air strike craters; and weapon fragments. Amnesty International's remote sensing expert analysed satellite imagery and fire data, particularly related to the destruction of villages, including by burning. And researchers reviewed logs posted online of aircraft observations by flight spotters on the ground in Myanmar, as well as media and NGO reports, including the considerable documentation carried out by civil society organizations like the Karenni Human Rights Group (KnHRG), the Karen Human Rights Group (KHRG), and the Karen Peace Support Network (KPSN).

The research, and this report, focuses on the period since December 2021, during which the Myanmar military launched offensives in both Kayin and Kayah States. Almost all interviews related to violations that occurred between January and March 2022. Amnesty International prioritized speaking with people from across conflict-affected areas. Delegates interviewed survivors and witnesses from the following townships:

- In Kayin State: Hpa-an, Hpapun, Kawkareik, and Myawaddy Townships;
- In Kayah State: Demoso, Hpruso, and Loikaw Townships;
- In Mon State: Bilin, Kyaikto, and Thaton Townships; and
- In southern Shan State: Pekon Township.

The vast majority of interviews with witnesses, defectors, EAO members, and medical professionals were undertaken with interpretation to English from Burmese, Pwo Karen, Sgaw Karen, or Karenni languages; a few of the interviews were carried out, in full or in part, in English.

In-person interviews were carried out in private, secure locations in Thailand. Remote interviews relied on the securest means possible to conduct video or voice calls with people inside Myanmar. No incentive was offered for speaking. Transport costs were at times reimbursed when interviewees had to travel to meet or speak with Amnesty International delegates.

Amnesty International informed interviewees about the nature and purpose of the research as well as about how the information would be used. Oral consent was obtained in advance of the interview. Several people

chose not to be interviewed, primarily out of security concerns, as they were in contested areas. Interviewees were told they could end the interview at any time and could choose not to answer specific questions.

Amnesty International has included the names of certain individuals who were interviewed, based on their informed consent. Other people spoke on condition of anonymity, generally due to concerns that they or their family members might face reprisals by the Myanmar military. Their names and other identifying information have been withheld.

Villages in eastern Myanmar often have several names and can include a name in the language(s) of ethnic minorities in the area as well as a name recognized by the Myanmar national authorities. Village names are often transliterated to English in different ways. In this report, Amnesty International has, wherever possible, identified village and township names based on the spellings in the UN Myanmar Information Management Unit (MIMU) database; those tend to be the national authority-recognized names. By using that naming convention, Amnesty International is not taking a position on how the Myanmar authorities have divided and named states and townships, many of which are contested by ethnic armed organizations, ethnic-minority political parties, and activists. The naming convention is for consistency, as Amnesty International has used the MIMU names in previous Myanmar reports; and for ease of reference by others, including investigators.

During the research for this report, Amnesty International met with Aung Myo Min, the Minister of Human Rights in the National Unity Government. Amnesty International also met with officials in the Karen National Union and the Karenni National Progressive Party. On 17 May 2022, Amnesty International wrote to Min Aung Hlaing, the Chairman of the State Administration Council (SAC) and Commander-in-Chief of Defence Services, with questions related to our documentation of violations by the military. At the time of publication, his office had not replied.

Amnesty International extends its enormous appreciation to the activists and others working on eastern Myanmar who helped facilitate many of the interviews; without their support, this report would not be possible. We are also deeply grateful to the survivors and other witnesses who shared their stories, often at great effort and personal risk, amid the heavy fighting that continued during this research.

2. BACKGROUND

On 1 February 2021, the Myanmar military, led by Senior General Min Aung Hlaing, seized power in a coup d'état following a general election in which the military-backed political party lost heavily to other political parties, including the Aung San Suu Kyi-led National League for Democracy (NLD). The military claimed, without credible evidence, that there was widespread election fraud and swiftly arrested political opponents, including Aung San Suu Kyi, who had been the de facto head of state.¹

A mass protest and civil disobedience movement arose swiftly. The military government, known as the State Administration Council (SAC), responded with brutality, as soldiers and police opened fire on protesters and carried out extensive arrests of political figures, activists, medical professionals, journalists, and others.²

In April 2021, representatives elected in November 2020, preceding the coup, formed a government in hiding and exile known as the National Unity Government (NUG); the NUG also includes representatives from some civil society groups, EAOs, and other organisations representing ethnic minorities.³ The NUG, which is seen as the legitimate government by much of the population in Myanmar, soon announced the formation of People's Defence Forces (PDF) and has called for a "defensive war" against the military.⁴

Since the coup, the military has subjected many people in detention to torture and other ill-treatment,⁵ continuing a longstanding practice.⁶ According to the Assistance Association for Political Prisoners (AAPP), as of 20 May 2022, the military had killed at least 1,851 people, overwhelmingly civilians, and had arrested or charged more than 13,000 people.⁷ The death toll, in particular, is likely a significant underestimate, especially in border areas like Kayah and Kayah States, where fighting and violations often occur in remote areas and the SAC has severely restricted communication.

In addition to the urban protests and crackdown, the military coup has led to renewed or increased fighting with armed groups in many parts of the country, including in eastern Myanmar's Kayah and Kayah States, which are the main focus of this report. The post-coup dynamics exist against a backdrop of the decades-

¹ See Reuters, "Myanmar's year of turmoil since the military took power in a coup", 24 January 2022, [reut.rs/36ZznaZ](https://www.reuters.com/world/asia-pacific/myanmar-year-turmoil-since-military-took-power-coup-2022-01-24/); New York Times, "Myanmar's Coup, Explained", 1 February 2021, [nytimes.com/article/myanmar-news-protests-coup.html](https://www.nytimes.com/article/myanmar-news-protests-coup.html)

² See Amnesty International, "Myanmar: Vast arsenal and notorious troops deployed during nationwide 'killing spree' protest crackdown – new research", 11 March 2021; United Nations High Commissioner for Human Rights (OHCHR), *Situation of human rights in Myanmar since 1 February 2021*, 15 March 2022; Human Rights Watch, "Myanmar: Year of Brutality in Coup's Wake", 28 January 2022.

³ For more on the NUG, see Reuters, "Opponents of Myanmar coup form unity government, aim for 'federal democracy'", 16 April 2021, [reut.rs/3NeUmWI](https://www.reuters.com/world/asia-pacific/myanmar-opponents-coup-form-unity-government-aim-federal-democracy-2021-04-16/); National Unity Government of the Republic of the Union of Myanmar (NUG), [bit.ly/3PhKzB7](https://nug.gov.mm/)

⁴ See Al Jazeera, "Myanmar shadow government calls for uprising against military", 7 September 2021, [bit.ly/3yJxYkq](https://www.aljazeera.com/news/2021/9/7/myanmar-shadow-government-calls-uprising-against-military); NUG, "People's Defence Force", [bit.ly/3NoSD1d](https://www.nug.gov.mm/en/peoples-defence-force); Los Angeles Times, "'The last battle for Myanmar': Citizens take up arms in bid to topple junta", 20 September 2021, [lat.ms/3lv4zmc](https://www.latimes.com/asia/la-na-asia-myanmar-junta-2021-09-20). The NUG includes some former ministers from the previous National League for Democracy (NLD)-led government, with Aung San Suu Kyi named state counsellor and Win Myint president. The NUG has been recognized as the "legitimate representatives" by the European Parliament, though most governments and international bodies have yet to formally recognize either the NUG or SAC. See The Diplomat, "EU Parliament Voices Support for Myanmar's Opposition Government", 11 October 2021, [bit.ly/3a2iEoA](https://www.diplomat.com/en/eu-parliament-voices-support-for-myanmar-s-opposition-government)

⁵ See Associated Press, "Myanmar military uses systematic torture across country", 28 October 2021, [bit.ly/3vPGY4pf](https://www.associatedpress.com/2021/10/28/myanmar-military-torture/); BBC, "Myanmar coup: The women abused and tortured in detention", 9 December 2021, [bbc.com/news/world-asia-59462503](https://www.bbc.com/news/world-asia-59462503); Fortify Rights, "Nowhere is safe": *The Myanmar junta's crimes against humanity following the coup d'état*, March 2022.

⁶ See UN Fact-Finding Mission (FFM), *Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar*, 17 September 2018; Amnesty International, "We will destroy everything": *Military responsibility for crimes against humanity in Rakhine State* (Index: ASA 16/8630/2018), 27 June 2018; Amnesty International, *Myanmar: The institution of torture* (Index: ASA 16/024/2000), 13 December 2000; All Burma Students' Democratic Front, *Cries from Insein: A Report on Conditions for Political Prisoners in Burma's Insein Prison*, 1996, [aappb.org/wp-content/uploads/2015/05/Cries-From-Insein.pdf](https://www.aappb.org/wp-content/uploads/2015/05/Cries-From-Insein.pdf)

⁷ AAPP, "Daily Briefing in Relation to the Military Coup", 20 May 2022, <https://aappb.org/?p=21565>. AAPP's detailed list of people killed by the military indicates around 50 members of "resistance groups"; the rest appear to be civilians. See AAPP, "Recent fatality list", 20 May 2022, <https://aappb.org/wp-content/uploads/2022/05/Recent-fatality-List-for-May-20-2022-English.pdf>

long struggle by many ethnic minorities for greater autonomy from what they perceive as a central government – whether military- or quasi-civilian-led – that has politically and economically favoured the Burman ethnic majority.⁸ The coup, and the mass movement it has spurred, appears to have created more solidarity among ethnic Burman civilians and those from ethnic minorities – and among some ethnic minorities themselves, which have often been pitted against each other.⁹

Myanmar's non-international armed conflicts started soon after independence in 1948. The country has more than 20 ethnic armed organizations (EAOs), many of which have existed for decades. The EAOs, which vary significantly in troop numbers and weaponry, have political wings as well as armed wings.¹⁰ They tend to have a stated policy of fighting for greater rights for their ethnic minority and for greater autonomy within a federal system or for a confederal arrangement.¹¹ The military and EAOs have signed ceasefires at various points, some of which have held for years, even decades – at times with the military using a ceasefire in one region to focus operations elsewhere.¹² In the coup's aftermath, several ceasefires broke; new armed opposition groups also emerged, many referred to as People's Defence Forces.¹³



A member of the Burma People's Liberation Army (BPLA) stands in a camp in an ethnic minority area of eastern Myanmar. The BPLA, founded by the poet and activist Maung Saungkha in April 2021, is one of many armed groups that have arisen, alongside long-standing ethnic armed organizations, following the military's February 2021 coup. © Kirana Productions/Jeanne Hallacy

⁸ For more, see International Crisis Group, *Identity Crisis: Ethnicity and Conflict in Myanmar*, 28 August 2020; Stimson Center, "The Importance of Ethnic Minorities to Myanmar's Future", 3 June 2021, bit.ly/3y0t1Dm

⁹ For more, see International Crisis Group, *Myanmar's Coup Shakes Up Its Ethnic Conflicts*, 12 January 2022; and New York Times, "Now We Are United: Myanmar's Ethnic Divisions Soften After Coup", 30 April 2021, nyti.ms/36Zbssl

¹⁰ See International Crisis Group, *Myanmar's Coup Shakes Up Its Ethnic Conflicts*; Agence France-Presse, "Explained: All about Myanmar's ethnic armed groups", 30 March 2021.

¹¹ See International Crisis Group, *Myanmar: A New Peace Initiative*, 20 November 2011, p. 2; International Crisis Group, *An Avoidable War: Politics and Armed Conflict in Myanmar's Rakhine State*, 9 June 2022, p. 13.

¹² See International Crisis Group, *Myanmar's Coup Shakes Up Its Ethnic Conflicts*.

¹³ International Crisis Group, *Myanmar's Coup Shakes Up Its Ethnic Conflicts*; New York Times, "Cold, Frightened and Armed: In Myanmar's Jungles, a Struggling Resistance", 14 September 2021, nyti.ms/30EtGAe; Al Jazeera, "'Our only option': Myanmar civilians take up arms for democracy", 15 June 2021, bit.ly/3F2nA8h

2.1 CONFLICTS IN EASTERN MYANMAR

Kayin and Kayah States run along eastern Myanmar's long border with Thailand.¹⁴ Kayin State, with more than 1.5 million people, is inhabited mostly by the Karen population, which comprises several ethnic groups.¹⁵ Kayah State, Myanmar's least populated state, with around 300,000 people, is inhabited primarily by ethnic Karenni.¹⁶ Both states have largely rural, farming communities, amid the hilly borderlands. Neighbouring states are also referenced in this report when part of the same conflicts; this includes parts of Mon State that border Kayin State, and parts of southern Shan State that border Kayah State.

Based primarily in Kayin State, the Karen National Union / Karen National Liberation Army (KNU/KNLA) is one of the oldest and largest ethnic armed organizations in Myanmar; its armed struggle against the central government and military dates to 1949.¹⁷ Myanmar military operations against the KNLA and the Karen civilian population in the 1990s and from 2005 to 2008 were marked by crimes under international law.¹⁸ Several years later, the military and KNLA signed a preliminary ceasefire in 2012 and then the Nationwide Ceasefire Agreement (NCA) in 2015.¹⁹ In the years immediately before the coup, the military carried out operations in Kayin State, primarily related to the construction of infrastructure, especially roads, to be used by its forces.²⁰ The ceasefire with the KNLA still mostly held, at times uneasily, until the 2021 coup.

In Kayah State, the main ethnic armed organization is the Karenni National Progressive Party / Karenni Army (KNPP/KA), whose conflict with the Myanmar military dates to 1957. It likewise signed a ceasefire in 2012, which held until after the 2021 coup.²¹ Other ethnic Karenni opposition groups have, in the coup's aftermath, organized themselves as the Karenni Nationalities Defence Force (KNDF). The International Crisis Group has said the "lines" between the KNPP/KA and KNDF are "blurry", with the Karenni Army generally "tak[ing] the lead on military matters".²²

Adding to the post-coup complexity, local armed opposition groups known as People's Defence Forces (PDFs) have established themselves across the country since April 2021.²³ To varying degrees, some PDFs in eastern Myanmar have been provided training by EAOs and brought into EAO command structures.²⁴ Other PDFs across Myanmar operate under the command, again to different degrees, of the National Unity Government; still other PDFs remain independent from any command structure, even if professing allegiance to the NUG.²⁵

In both Kayin and Kayah States, ethnic armed organizations control significant territory, especially in rural areas, and have their own administrative structures.²⁶ Intense fighting in early 2022 has often concentrated along main roads and supply routes key to the EAOs and to the Myanmar military.

¹⁴ These are the territorial boundaries and names used by the Myanmar state. "Kayin State" was known as "Karen State" prior to 1989, when the military government changed many territorial names; most people from Karen communities still refer to that geographic area as "Karen State", rejecting the military's name change, as have many other ethnic minorities and activists across the country. "Karen State" is also at times used by the KNU and many Karen civilians, including activists, to refer to a larger area that includes Kayin State as well as parts of neighbouring areas of Mon State, Bago Region, and Tanintharyi Region; this area is even more commonly referred to as "Kawthoolei". For its part, "Kayah State" was known as "Karenni State" prior to 1951; most people from Karenni communities likewise still refer to that geographic area as "Karenni State". For more on the history of the Kayah State and its name, see Transnational Institute (TNI), *From War to Peace in Kayah (Karenni) State: A Land at the Crossroads in Myanmar*, July 2018, bit.ly/3Pi3QT4. As noted in the Methodology, for clarity, Amnesty International uses the names "Kayin State" and "Kayah State" in this report, but does not take a position on the territorial question.

¹⁵ UNHCR, Kayin State Profile, June 2014, bit.ly/3MCInTG

¹⁶ UNHCR, Kayah State Profile, June 2014, bit.ly/3kmt3gl; The Republic of the Union of Myanmar, 2014 Myanmar Population and Housing Census: Kayah State, May 2015 (reporting a population of 286,627), bit.ly/3rW0M55

¹⁷ See Stimson Center, "The Karen National Union in Post-Coup Myanmar", 7 April 2022, bit.ly/3wCUB8x

¹⁸ Amnesty International, *Crimes against humanity in eastern Myanmar* (Index: ASA 16/011/2008), June 2008; Harvard Law School International Human Rights Clinic, *Legal Memorandum: War crimes and crimes against humanity in eastern Myanmar*, November 2014, bit.ly/39tIRwa; Amnesty International, *The Kayin (Karen) state: Militarization and human rights* (Index: ASA 16/012/1999), 31 May 1999; Amnesty International, *"No place to hide": Killings, abductions and other abuses against ethnic Karen villagers and refugees* (Index: ASA 16/013/1995), 5 June 1995.

¹⁹ International Crisis Group, *Myanmar's Coup Shakes Up Its Ethnic Conflicts*; Stimson Center, "The Karen National Union in Post-Coup Myanmar", 7 April 2022. The military had previously signed a ceasefire with the Democratic Karen Buddhist Army (DKBA), after the latter split from the KNLA in 1994; the DKBA then fought with the military against the KNLA. See Amnesty International, *"No place to hide"*; Kim Jolliffe, *Ceasefires, Governance, and Development: The Karen National Union in Times of Change*, December 2016, bit.ly/3MzQWgT

²⁰ See, for example, Karen Peace Support Network (KPSN), *The Nightmare Returns: Karen hopes for peace and stability dashed by Burma Army's actions*, April 2018, bit.ly/3N8TGck; KPSN, *Karen heartlands under attack*, April 2020, bit.ly/3wief7M

²¹ International Crisis Group, *Myanmar's Coup Shakes Up Its Ethnic Conflicts*.

²² International Crisis Group, *Myanmar's Coup Shakes Up Its Ethnic Conflicts*, p. 5.

²³ Interviews in person and by voice call with PDF members and EAO representatives in Kayin and Kayah States, March and April 2022.

²⁴ Interviews in person and by voice call with PDF members and EAO representatives in Kayin and Kayah States, March and April 2022. See also International Crisis Group, *Myanmar's Coup Shakes Up Its Ethnic Conflicts*.

²⁵ In Kayin and Kayah States, the NUG's control over most PDFs appears minimal, as the EAOs have greater influence and control. International Crisis Group, *Myanmar's Coup Shakes Up Its Ethnic Conflicts*, pp. 15-17. There may be some coordination between certain EAOs and the NUG's Ministry of Defence, but that is outside the scope of this research.

²⁶ See, for example, Stimson Center, "The Karen National Union in Post-Coup Myanmar", 7 April 2022.

According to the Institute for Strategy and Policy–Myanmar (ISP-Myanmar), there were at least 2,193 clashes between the military and EAOs between 1 July 2021 and 20 March 2022; by far the greatest number of recorded clashes – nearly 80% of the total – occurred in KNU/KNLA areas.²⁷ Kayah State has likewise experienced significant fighting, especially from December 2021. In addition to military operations against the Karenni Army, Kayah State has two of the three townships across all of Myanmar with the highest number of military clashes with PDFs.²⁸ Fighting continues unabated, including in eastern Myanmar.²⁹

The intense fighting, combined with the Myanmar military’s widespread violations, have resulted in mass displacement across eastern Myanmar. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), as of 11 April 2022, there were more than 74,000 people displaced in Kayah State; in Kayah State, the situation was even more dire, with around one third to half of the total population displaced – some 91,000 within Kayah State and tens of thousands more to southern Shan State.³⁰ A small number of civilians from eastern Myanmar have taken longer-term refuge in Thailand, though generally in extreme precarity, at risk of arrest by the Thai authorities.³¹ Many more civilians have crossed to Thailand for several days during intense Myanmar military operations, before facing pressure by the Thai authorities to return,³² even as Thailand’s Prime Minister has promised the country will not push back refugees fleeing violence.³³

2.2 HISTORY OF CRIMES AND IMPUNITY

The military’s current violations against civilians in eastern Myanmar – and more generally in the coup’s aftermath – form part of longstanding patterns of military violations and crimes under international law. In its operations in ethnic minority areas, the military has regularly employed abusive tactics. In the “Four Cuts” strategy articulated in the 1960s and used repeatedly over decades, including in Kayah and Kayah States, the military sought to cut off armed groups from potential support from the local civilian population – namely, food, money, intelligence, and potential recruits. Villages were cleared; crops and farmland were burned; and civilians often found themselves targeted for arrest, torture, and even extrajudicial killing.³⁴

In recent years, Amnesty International and others have documented war crimes and other violations by Myanmar soldiers in Kachin, Rakhine and Shan States, as well as crimes against humanity against the Rohingya population.³⁵ A UN Fact-Finding Mission has called for senior military officials to be investigated and tried for crimes against humanity, war crimes, and genocide.³⁶

The military has long operated with impunity, demonstrating that it is unwilling to hold its forces accountable. That is no surprise; responsibility ultimately goes to the military’s most senior levels, including Senior General Min Aung Hlaing. The February 2021 coup indeed showed that, far from reforming and supporting the transition to the rule of law and a rights-respecting government, the military is resolved to protect its power and economic interests – even as the uprising has shown that the population wants change.

Some international justice efforts are underway, despite the UN Security Council’s ongoing failure to refer the situation in Myanmar to the International Criminal Court (ICC) and more general inability to take action amid

²⁷ ISP-Myanmar, “Significant Rise of Armed Clashes in EAO-controlled Regions”, 27 March 2022, bit.ly/3FOQYft

²⁸ ISP-Myanmar, “Significant Rise of Armed Clashes in EAO-controlled Regions”.

²⁹ ISP-Myanmar, “Significant Rise of Armed Clashes in EAO-controlled Regions” (recording more clashes in February 2022 than in any other month of the reporting period, from 1 July 2021 to 20 March 2022).

³⁰ OCHA, *Humanitarian Update No. 17*, 19 April 2022, bit.ly/3vo7qmP. The Karenni Human Rights Group (KnHRG) has reported even higher figures, indicating there are around 200,000 people displaced from their homes in Kayah State. Karenni Human Rights Group (KnHRG), *Quarterly Briefer: Vol. 1, Issue 1*, April 2022, bit.ly/3PCVlWA

³¹ Interviews in person, March and April 2022. See Reuters, “Myanmar reporters, activists arrested in Thailand”, 10 May 2021, reut.rs/3ykFHFt; Al Jazeera, “Fear and uncertainty for Myanmar dissidents in Thailand”, 13 September 2021, bit.ly/3POQbj3

³² See Joint NGO Statement, “Thailand: Protect people fleeing violence in Myanmar”, 24 December 2021, bit.ly/3MGaf8B; CNN, “Thailand pushes back thousands fleeing Myanmar as death toll surpasses 500”, 30 March 2021, cnn.it/3s47A0j

³³ See Associated Press, “Thai PM tells UN envoy he won’t push back Myanmar refugees”, 14 May 2021, bit.ly/3IAQrYM

³⁴ See Amnesty International, “After coup, Myanmar military puts chokehold on people’s basic needs”, 17 December 2021; International Crisis Group, *Myanmar: A New Peace Initiative*, p. 2; Al Jazeera, “What is the Myanmar military’s ‘four cuts’ strategy?” 5 July 2021, aljazeera.com/news/2021/7/5/what-is-the-myanmar-militarys-four-cuts-strategy

³⁵ Amnesty International, “We will destroy everything”; Amnesty International, “We are at breaking point”: Rohingya persecuted in Myanmar, neglected in Bangladesh (Index: ASA 16/5362/2016), 19 December 2016; Amnesty International, “All the civilians suffer”: Conflict, displacement and abuse (Index: ASA 16/6429/2017), 14 June 2017; Amnesty International, “No one can protect us”: War crimes and abuses in Myanmar’s Rakhine State (Index: ASA 16/0417/2019), 29 May 2019; Amnesty International, “Caught in the middle”: Abuses against civilians amid conflict in Myanmar’s northern Shan State (Index: ASA 16/1142/2019), 24 October 2019; UN FFM, *Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar*, 17 September 2018. Amnesty International has also documented human rights violations in Kayah State, including the military’s killing of four Karenni men in December 2017. See Amnesty International, “Myanmar: Independent investigation into military killing of four Karenni men essential for truth and justice” (Index: ASA 16/7918/2018), 20 February 2018.

³⁶ UN FFM, *Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar*, 17 September 2018; UN FFM, *Report of the independent international fact-finding mission on Myanmar*, UN Doc. A/HRC/42/50, 8 August 2019.

gross human rights violations before and after the coup. In November 2019, a pre-trial chamber of the ICC granted the prosecutor's request to open an investigation into crimes against the Rohingya population that have a sufficient nexus with Bangladesh, a state party to the Rome Statute.³⁷ The investigation, while important, would not include the full range of atrocities committed against the Rohingya population, much less the military's crimes under international law in other parts of the country, including eastern Myanmar.

In August 2021, the National Unity Government announced that it had submitted an Article 12(3) declaration with the ICC Registry, indicating that it accepted the ICC's jurisdiction over crimes committed in Myanmar since 1 July 2002.³⁸ In the short term, however, this move seems unlikely to lead the ICC to open a full investigation into relevant crimes across Myanmar.

At present, the main international body tasked with investigating international crimes across the country is the Independent Investigative Mechanism for Myanmar (IIMM), established by the UN Human Rights Council in September 2018.³⁹ The IIMM is mandated to "collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011," and "prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards".⁴⁰ In addition to its investigations into crimes committed before the coup, the head of the IIMM has said the mechanism has collected significant evidence since the coup that suggest further war crimes and crimes against humanity have been committed.⁴¹



Protesters flash a three-finger salute during a demonstration against the Myanmar military coup, in Taipei, Taiwan, 2 May 2021. © REUTERS/Ann Wang

³⁷ ICC Pre-Trial Chamber III, Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar, 14 November 2019.

³⁸ NUG Myanmar, Twitter post, 20 August 2021, twitter.com/nugmyanmar/status/1428739347717648389: "Acting President Duwa Lashi La lodged a declaration with the registrar of the #ICC, accepting the Court's jurisdiction with respect to intl crimes committed in Myanmar territory since 1/7/02, which is the earliest date permitted by the Statute of Intl Criminal Court (Rome Statute)"; Mizzima, "Myanmar's NUG agrees to ICC scrutiny of military regime", 21 August 2021, bit.ly/3Kr203p

³⁹ Resolution adopted by the Human Rights Council on 27 September 2018, Situation of human rights of Rohingya Muslims and other minorities in Myanmar, UN Doc: A/HRC/RES/39/2, 3 October 2018.

⁴⁰ Resolution adopted by the Human Rights Council on 27 September 2018, Situation of human rights of Rohingya Muslims and other minorities in Myanmar, para. 22.

⁴¹ See Independent Investigative Mechanism for Myanmar, Bulletin: Issue 6, March 2022, bit.ly/3vIGKmq

3. UNLAWFUL ATTACKS BY GROUND AND AIR

“They shell like rain.”

A 27-year-old man from Demoso town, Kayah State, describing the military’s artillery and mortar fire throughout 2022.⁴²

“We have to live in fear, all the time... Whenever we hear the sound of the jet, during the daytime, we try to find a place to run and hide... Because of the air strikes at night, we can’t sleep.”

May, a 25-year-old woman displaced by Myanmar military attacks in Kayah State.⁴³

In its operations in eastern Myanmar, the military has fired again and again on civilians and civilian objects – whether during ground operations by foot soldiers, with indirect fire from artillery or mortars, or from the air. Some attacks seem very likely to have been directed at the civilian population, as part of collective punishment against civilians perceived to support an armed group or the wider post-coup uprising. In other attacks, the military has fired indiscriminately into civilian areas where there are also military targets.

Credible statistics indicate that Myanmar military attacks have killed hundreds of civilians in Kayin and Kayah States since the coup, and injured many more civilians.⁴⁴ One nurse who had worked in conflict-affected areas of Kayah State told Amnesty International that his team had treated at least 50 civilians injured by gunshot, shelling, or air strikes between September 2021 and January 2022; another nurse in Kayah State reported treating at least 20 civilians with gunshot or shelling injuries from May 2021 through February 2022.⁴⁵ Both nurses said the prevalence of such injuries had increased over time, which matches wider statistics showing, for example, a 50-fold increase in air strikes in Kayah State in 2022 compared to 2021, and two-thirds as many civilians killed in Kayah State in the first quarter of 2022 as in all of 2021.⁴⁶

The military’s attacks directed against civilians and against cultural property amount to war crimes, while the indiscriminate attacks, at minimum, likewise violate international humanitarian law. As part of a widespread or systematic attack on a civilian population, the pattern of unlawful attacks is also part of likely crimes against humanity, including for murder, forcible transfer, and persecution on ethnic grounds (see page 45).

⁴² Interview by voice call, 30 March 2022.

⁴³ Interview by voice call, 30 March 2022.

⁴⁴ Statistics on file with Amnesty International.

⁴⁵ Interviews in person, Thailand, 3 April 2022.

⁴⁶ Statistics on file with Amnesty International.



Our Lady, Queen of Peace Church in Demoso Township, Kayah State, damaged in June 2021 by Myanmar military fire, 4 February 2022. © Free Burma Rangers

3.1 GROUND ATTACKS

In conflict areas across eastern Myanmar, the military has repeatedly fired explosive weapons with wide area effects, including artillery and mortars, into civilian areas.⁴⁷ Several dozen civilians interviewed by Amnesty International described barrages of shells exploding near their village, often for days at a time. Some artillery and mortar attacks strongly appear to have targeted the civilian population, while other attacks have been indiscriminate during fighting with armed groups.

Amnesty International documented 24 indirect fire (artillery or mortar) attacks in eastern Myanmar between December 2021 and March 2022 that killed or injured civilians or that damaged civilian objects. In total across these attacks, at least 20 civilians were killed and another 38 civilians suffered serious injuries, including wounds that required surgery and in some cases amputations. Both counts are almost assuredly lower than the total casualties caused by these documented attacks alone, and there have been many more such attacks, including during the writing of this report.⁴⁸ Amnesty International likewise documented destruction or damage to civilian objects by artillery or mortar attacks in 19 different villages. The civilian buildings that were hit included homes, schools, health facilities, churches, and monasteries.

Based on witness descriptions and information from other credible sources, as well as a pattern of indirect fire attacks that Amnesty International has documented in other conflicts across Myanmar, most such strikes appear to have been fired from military bases, several kilometres or more from the target and without soldiers in the area to spot, guide, and correct targeting.⁴⁹ Amnesty International documented the use of 60mm and 120mm mortars, as well as artillery, in attacks that harmed civilians in eastern Myanmar; for some attacks, Amnesty International has credible indication about the specific base and unit responsible.

Indirect fire attacks have forcibly displaced civilians, and indeed entire villages, across eastern Myanmar. They have also had an enormous mental health impact, leaving civilians feeling unsafe everywhere.

⁴⁷ Explosive weapons with wide area effects, such as mortars, should not be used in populated areas. See International Committee of the Red Cross (ICRC), *Explosive Weapons with Wide Area Effects: A Deadly Choice in Populated Areas*, January 2022.

⁴⁸ For several recent incidents, see The Diplomat, “There’s a Crisis Unfolding in Southeastern Myanmar”, 22 April 2022, bit.ly/3Kt7jdK

⁴⁹ For past reporting that included documentation of military shelling of civilian areas, see, for example, Amnesty International, “All the civilians suffer”; Amnesty International, “No one can protect us”; and Amnesty International, “Caught in the middle”.

ATTACKS THAT APPEAR DIRECTED AT CIVILIANS

In some shelling attacks, the Myanmar military appears to have targeted the civilian population. Witnesses to these incidents consistently described no fighting nearby that day and no armed group members being present. Such attacks seem part of a strategy of collective punishment against civilian populations; indeed, a field-level commander who defected from the military after serving in Kayah State told Amnesty International that artillery and mortars are deliberately used in that way.⁵⁰ Intentionally directing attacks against the civilian population is prohibited under international humanitarian law and constitutes a war crime.⁵¹

In one of the deadliest attacks documented by Amnesty International, the military fired two shells that killed seven people and wounded at least three more in Ka Law Day village, Hpapun Township, Kayin State around 6.30 or 7pm on 5 March 2022, as families were eating or preparing dinner. The first shell landed near two homes, killing four people who lived in one home, including a woman who was eight months pregnant and her 14- and two-year-old daughters. It injured three people living in a neighbouring home, including a three-year-old boy who took fragmentation to his foot and ankle, requiring surgery. The boy's father, Nyut Htun, 28, was wounded on his back. Nyut Htun described:

We were in our house having dinner... It landed and exploded a little bit beside our house... It was so dusty. We could not see anything... When [the first shell] landed, the pregnant woman's sister was going to collect leaves for the roof. The girl was playing. The pregnant woman... she was cut in the stomach [by the fragmentation] – the foetus came out. You could even hear the baby crying.⁵²

A close family member of the four people who were killed was at his nearby farm when the first shell hit, then ran back home and saw what had happened. He told Amnesty International:

I stayed there and just looked at the dead bodies... I stayed overnight and the next morning the only thing I could do is bury them. I buried my family beside my house. I did it in the morning because I worried the military would fire more mortars and this wouldn't be safe for me and other people.⁵³

Both witnesses said the shells were fired from one of the military's bases near Hpapun town, most likely Light Infantry Battalion (LIB) 341 or 434, both part of Southeastern Command.⁵⁴ There is no indication of fighting in or near Ka Law Day that evening, or of the presence of armed group fighters.

In early January 2022, Maung Phyu, 74, was walking to his farm in a village in Bilin Township, Mon State, when a shell exploded, sending fragmentation into his ear, hand, and abdomen. No lawful target appears to have been nearby. "I can hear ringing in my ear, and I can't hear any other thing," he told Amnesty International several months later, saying the injury caused his hearing impairment. "I don't have enough money [for medical care]... I can't move my fingers very well [from the injury]... I can't move like before."⁵⁵

At the end of January 2022, multiple shells exploded in Htee Law Thay Hta village, Hpapun Township, Kayin State, killing two people, including a three-month-old girl, and injuring at least five more people; again, there does not seem to have been any armed group presence in the village.⁵⁶ The shells were reportedly fired by the Border Guard Force, which works alongside, and is under the command of, the military.⁵⁷

On the evening of 19 March 2022, people from Ta Maw Daw village in Thaton Township, Mon State, gathered for a Buddhist religious festival near a monastery, performing traditional Karen dance. Myat Htoo, 46, who was part of the dance team and went with her two teenage daughters, described:

We were having the annual celebration without any caution or awareness this would happen, and they fired the mortars into the event. They fired two rounds, each with two shells; the first one went beyond the event and then suddenly the second one landed at the event. The time between them was very short, we could not prepare or run.

When the mortar landed, everybody ran. I heard people yelling and crying.⁵⁸

⁵⁰ Interview in person, Thailand, 27 March 2022.

⁵¹ ICRC, Customary International Humanitarian Law (IHL), Rule 1. The Principle of Distinction between Civilians and Combatants; and Rule 156. War Crimes. See also Rome Statute of the International Criminal Court, Article 8(2)(e)(i).

⁵² Interview in person, Thailand, 31 March 2022.

⁵³ Interview by video call, 28 March 2022.

⁵⁴ Interviews, March 2022.

⁵⁵ Interview by video call, 30 March 2022.

⁵⁶ Interview by video call with witness who had a family member killed and two more injured, 28 March 2022.

⁵⁷ See International Karen Organisation (IKO), "IKO condemns Burmese military killing of baby in recent attacks", 2 February 2022, bit.ly/3LEXtH1. For more on the Border Guard Forces and their relationship with the military, see John Buchanan, *Militias in Myanmar*, July 2016, bit.ly/3wl4pNA; Frontier Myanmar, "With conflict escalating, Karen BGF gets back to business", 13 May 2021, bit.ly/3ySDLnL

⁵⁸ Interview by video call, 30 March 2022.

Amnesty International's weapons expert analysed photographs of the scene of the attack and identified fragments from a 120mm mortar, of the type regularly launched by the Myanmar military.

Two women in their 50s – Day Tho and Ngway Kyi – were killed in the attack, as was a seven-year-old boy, Eh Hpoh Hser. Eleven more civilians were injured, ranging in age from 11 to 60. There is no indication of fighting nearby or the presence of fighters. Myat Htoo visited the homes of the deceased that night and returned to the attack site the next morning. “It’s not right what they did to us,” she said. “It’s a religious event... It included the monk and other religious leaders... Since that incident, villagers including myself could not sleep in our houses. We have to sleep under the house, [built on stilts]... We have to live in fear.”⁵⁹

A former field commander in Light Infantry Division (LID) 66, who was involved in front-line operations in Kayah State before defecting in late 2021, told Amnesty International, “Some of the battalions, without any reason, they fired mortars into villages... The number one reason is they want to put fear into the civilians... [Also], these villages are supporters of the resistance fighters, so [the military] sees them [as the enemy].”⁶⁰

In several documented incidents, the Myanmar military fired on civilians as they returned briefly from displacement to check on their homes or to feed livestock. For example, Hpu Tin, 47, went with two of her family members back to Ka Maing Kone village, Kayin State, during the morning of 18 February 2022, to check on their livestock. As she fed her pigs, a shell exploded nearby, sending fragmentation under her armpit, according to two witnesses interviewed by Amnesty International.

“When the explosion happened, I heard her scream,” one of her family members recalled. “When I went outside, she was on the ground... She was still breathing... I couldn’t talk with her... I was afraid, and I didn’t want her to think that was the last time [we’d speak]... I had to leave her alone [to find help]. When we got back to her, the four of us carried her to my friend’s house. It was there she had her last breath.”⁶¹

INDISCRIMINATE ATTACKS

In other documented artillery and mortar attacks causing civilian harm, there were lawful targets in the area. At times, the military used indirect fire presumably as cover for troops in combat with armed group fighters; in other incidents, there was no active fighting, but shells landed near an armed group’s position. But there has also often been a significant civilian presence, and the shells have killed and injured civilians.

A 50-year-old woman from Hpa Lu Gyi, Myawaddy Township, Kayin State, told Amnesty International that there was heavy fighting between the military and KNLA near the village in early January 2022. Her close friend, San Aye, was claustrophobic and afraid to hide in the cramped space of a bunker; they went to a banana plantation instead. A little after 4pm, a shell exploded nearby, sending fragmentation into San Aye’s chest and arm, killing her.⁶² Based on where witnesses situated the two opposing forces during the fighting, and the wider pattern of Myanmar military shelling in civilian areas, it is very likely that they fired the shell that killed San Aye, though Amnesty International cannot definitively rule out other possibilities.

Around 18 March 2022, the Myanmar military fired into a village east of Demoso in Kayah State – the second time the village was hit with multiple shells that month. As a 30-year-old woman washed dishes just outside her home after dinner, fragments hit her in the thigh, reaching the bone, according to a witness who helped her reach medical care.⁶³ Credible testimony indicates the shells were likely fired from the base of Infantry Battalion (IB) 102, part of Military Operation Command (MOC) 7, a combat division in Eastern Command; Amnesty International documented several shelling attacks by IB 102.⁶⁴ A witness from the village shelled around 18 March said there is an armed group base “a furlong”, or some 200 metres, outside the village.⁶⁵ (See text box on page 26, on the need for better precautions by armed groups.)

Amnesty International documented several other similar incidents, in which artillery or mortar shells hit civilian areas with lawful targets nearby. Given the wide area effects and lack of precision of the Myanmar military’s indirect fire, and its repeated use in the vicinity of concentrations of civilians, many, if not all, of the incidents documented here likely constitute indiscriminate attacks, which are prohibited.⁶⁶ Launching an

⁵⁹ Interview by video call, 30 March 2022.

⁶⁰ Interview in person, location withheld, March 2022.

⁶¹ Interview by voice call, 28 March 2022, and follow-up interview by video call, 29 March 2022.

⁶² Interviews by voice call with the 50-year-old witness and with another witness who helped collect San Aye’s body, 29 March 2022.

⁶³ Interview by voice call, 28 March 2022.

⁶⁴ Interviews by voice call, 28 March 2022 and 2 April 2022. Information about the command structure and about the location of specific military units has been corroborated by confidential documents on file with Amnesty International.

⁶⁵ Interview by voice call, 28 March 2022.

⁶⁶ ICRC, Customary IHL: Rule 11. Indiscriminate Attacks and Rule 12. Definition of Indiscriminate Attacks. At a range of 10 kilometres, a 105mm howitzer has an average circular error probable (the radius of a circle within which one expects just half the fired rounds to land) of 97 metres. Armament Research Services (ARES), “Indirect Fire: A Technical Analysis of the Employment, Accuracy, and Effects of Indirect-Fire Artillery Weapons”, January 2017, bit.ly/3PP8J6v. Even when used by well-trained soldiers, 120mm mortars have a circular error

indiscriminate attack resulting in death or injury to civilians is a war crime.⁶⁷ The pattern of such attacks shows the military continues to take no or insufficient precautions to minimize civilian harm, including by, for example, having spotters to ensure actionable intelligence that would allow it to distinguish civilians from military targets or at least to cancel an attack as soon as it is evident they are hitting civilians or civilian objects. Far from doing so, it was often a second, third, or fourth shell that exploded in the heart of a village and killed civilians. Amnesty International has documented a similar pattern of indiscriminate artillery and mortar attacks in conflicts across ethnic minority areas.⁶⁸

DESTRUCTION OF OR DAMAGE TO CIVILIAN PROPERTY, INCLUDING CULTURAL PROPERTY

The Myanmar military's indirect fire attacks have caused significant damage to civilian objects, including homes, religious buildings, schools, and health facilities. International humanitarian law requires special care to be taken to avoid damage to religious, cultural, or educational buildings,⁶⁹ and the intentional targeting of such buildings, "provided they are not military objectives", is a war crime.⁷⁰ It is also prohibited to direct attacks at other types of civilian objects, such as homes.⁷¹ Making civilian objects the object of attack is a war crime.⁷² The pattern of attacks during the conflicts in eastern Myanmar suggests at least some may have been deliberate, or part of the collective punishment designed to displace communities and cut off armed groups from perceived support. At minimum, it reflects the military's failure to take feasible precautions to distinguish civilian objects from military targets, as required by international humanitarian law.⁷³

Homes were by far the most common civilian object damaged or destroyed by shelling. The damage varied considerably, from fragmentation holes in a tin roof or wood siding to complete destruction. Yin Hla, 74, from Hpa Lu Gyi village in Myawaddy Township, Kayin State said shells fired in early January 2022 destroyed her water tank and severely damaged her bathroom.⁷⁴ A 35-year-old farmer from a village in eastern Demoso Township, Kayah State likewise described how the first of two shells that exploded around 1am on 14 March 2022 landed by his house, severely damaging it; the second shell severely injured one of his neighbours as they fled to a bomb shelter.⁷⁵ And a 70-year-old man from Ei Hei Village Tract, Hpa-an Township, Kayin State, said a mortar landed outside his home on 8 January 2022, severely damaging the bathroom and roof; it also killed his 88-year-old relative, who was hit in her throat by fragmentation.⁷⁶

In addition to homes, artillery or mortar fire has damaged at least several dozen religious buildings across eastern Myanmar, including churches and monasteries, since March 2021. In Kayah State, the Karenni Human Rights Group documented shelling damage to at least eight churches between January and March 2022.⁷⁷ In March 2022, *The Irrawaddy* reported that, in conflict areas across the country, more than 100 religious buildings had been damaged by Myanmar military fire since the coup.⁷⁸

Amnesty International documented at least seven incidents in which religious buildings were damaged or destroyed by Myanmar military attacks; four were by indirect fire, three by air strikes. During the morning of 8 January 2022, for example, the Myanmar military fired at least five shells that landed in or near Myo Haung village, Kawkareik Township, Kayin State; there does not appear to have been any fighting or armed group presence at the time. Amnesty International interviewed two witnesses who said the shells injured five civilians, including two older women and a 14-year-old girl; damaged several homes; and severely damaged the village monastery, where people had taken refuge. A 36-year-old farmer, whose home was damaged and who helped transport to a clinic people injured in the monastery, recalled:

When people were calling for help, I went there to the monastery. I saw the mortar had already landed... People were crying. People were hiding for cover. The injured people were calling for help...

The mortar landed inside the monastery, so it was completely destroyed on one side of the building. And in other areas, all the concrete and walls were damaged. Also the roof... [The shell] exploded, and the

probable of over 100 metres at maximum range. Geneva International Centre for Humanitarian Demining (GICHD), *Explosive weapons effects – Final report*, 2016, bit.ly/3waHNpY

⁶⁷ ICRC, Customary IHL, Rule 156. War Crimes.

⁶⁸ Amnesty International, "No one can protect us"; Amnesty International, "All the civilians suffer".

⁶⁹ ICRC, Customary IHL: Rule 38. Attacks Against Cultural Property.

⁷⁰ Rome Statute, Article 8(e)(iv); ICRC, Customary IHL: Rule 156. War Crimes.

⁷¹ ICRC, Customary IHL: Rule 7. The Principle of Distinction between Civilian Objects and Military Objectives.

⁷² ICRC, Customary IHL: Rule 156. War Crimes.

⁷³ ICRC, Customary IHL: Rule 15. The Principle of Precautions in Attack.

⁷⁴ Interview in person, Thailand, 30 March 2022.

⁷⁵ Interview by voice call, 28 March 2022.

⁷⁶ Interview by video call, 30 March 2022.

⁷⁷ KnHRG, Quarterly Briefer: Vol. 1, Issue 1, April 2022, bit.ly/3PCVlwA (documenting at least two such attacks in January, two in February, and four in March 2022). See also Catholic News Agency, "Air Strike Damages Catholic Convent as Myanmar Conflict Continues", 10 March 2022, bit.ly/3IAXuRe

⁷⁸ The Irrawaddy, "Over 100 Religious Buildings Destroyed by Myanmar Regime Forces", 28 March 2022, bit.ly/3klZfAP

shrapnel hit everything... When I look at the monastery, I feel very sad, because we don't have the money to rebuild the monastery... We are very poor and working to save money.⁷⁹

Myanmar military ground and air attacks in eastern Myanmar have also hit schools. Amnesty International documented three such cases, including through verifying photographic and video material. Amnesty International documented the military occupation of schools in at least four villages in Kayin and Kayah States; such use of schools for military purposes puts them at risk of attack, and goes against developing international norms, exemplified by the Safe Schools Declaration – a political commitment, endorsed by 114 states, to end the use of military schools and to protect education amid armed conflict.⁸⁰

The military's attacks on and occupation of schools in eastern Myanmar reflect a pattern that has worsened considerably since the coup. In September 2021, UNICEF reported "at least 192 attacks against schools and school personnel" and the use of "176 educational facilities" by security forces since the coup.⁸¹ The Special Rapporteur on the situation of human rights in Myanmar and the Global Coalition to Protect Education from Attack (GCPEA) have reported similarly.⁸²

DISPLACEMENT AND MENTAL HEALTH IMPACT

The relentless and unpredictable shelling across eastern Myanmar has forced thousands of people to flee their homes and villages. It has also had a profound impact on mental health and well-being.

Many witnesses said their village had emptied due to shelling. "What makes us afraid is the shelling," said a 55-year-old farmer from Kayin State. "It can drop anytime, anywhere. It can destroy the homes. It can kill the livestock. So people dare not live in the village, because it's random, and the fragments can injure people."⁸³

People described staying in their villages as long as possible, building trenches in which to shelter at the first sign of attack and living through barrages that hit a village's outskirts. But the death or serious injury of someone in the village is often the breaking point, leading communities to flee to camps, to the jungle, or to mountain caves. (For more on conditions in displacement, see Chapter 6.)

As many testimonies above detail, the mental health impact has been devastating on those who have been injured or lost family members. The impact on children can be particularly pronounced. A 52-year-old man whose seven-year-old granddaughter was with him when a shell exploded outside their house, killing the girl's grandmother, said, "She's very traumatized. She's not happy like before. She's always gloomy."⁸⁴

Even for those who have not experienced death or injury in their family, the unrelenting shelling has had an acute effect, with many witnesses saying they suffer from sleeplessness, depression, fear, and anxiety. "Whenever we hear the heavy artillery, I've been shaking," said a woman in her 70s from An Hpa Lay village, Kawkaik Township, Kayin State, whose village faced attacks in January and February 2022.⁸⁵

Health professionals and aid workers interviewed by Amnesty International indicated that there are little to no mental health services – or trained mental health workers – across conflict-affected areas of eastern Myanmar, and particularly in Kayah State.⁸⁶ The region's health infrastructure has been devastated generally by the military's attacks and blocking of aid access, including medical supplies (see Chapter 6).

3.2 AIR STRIKES

Amnesty International documented eight air strikes on villages and an IDP camp from January to March 2022. The attacks collectively killed nine civilians and injured at least nine more; they also destroyed civilian homes, religious buildings, and a health centre. In almost all documented attacks, only civilians appear to have been present. Even if some armed group fighters were nearby at times, the military's indiscriminate use of unguided dumb bombs and rockets in populated civilian areas violates the laws of war. Such strikes have had an enormous psychosocial impact throughout eastern Myanmar and have displaced entire villages.

⁷⁹ Interview by video call, 29 March 2022.

⁸⁰ For more on the Safe Schools Declaration, see ssd.protectingeducation.org/

⁸¹ UNICEF, Myanmar Country Office: Humanitarian Situation Report No. 6, 28 September 2021, [uni.cf/3rVAFvd](https://www.unicef.org/myanmar-reports)

⁸² See Report of the Special Rapporteur on the situation of human rights in Myanmar, UN doc. A/HRC/49/76, 16 March 2022, para. 72; GCPEA, *Education under attack – 2022*, 1 June 2022 (recording at least 190 incidents of attacks on schools as well as more than 250 cases of military use of schools).

⁸³ Interview by voice call, 2 April 2022.

⁸⁴ Interview by voice call, 28 March 2022.

⁸⁵ Interview by video call, 29 March 2022.

⁸⁶ Interviews in person and by voice call, March and April 2022.

The Myanmar air force fly several legacy systems, such as Russian MiG-29s and Chinese F-7s, that can and do conduct air strikes against EAOs across the country.⁸⁷ Since 2019, the Myanmar air force has added newer fighters that are smaller, cheaper to fly, and specialize in striking ground targets in a permissive environment. These jets, which are increasingly used in attacks in eastern Myanmar, include Russian YAK-130s and Chinese K-8s.⁸⁸ They are armed with a variety of weapons: GSh-23 cannons, rocket launchers and small unguided aerial bombs.⁸⁹ The unguided bombs include locally manufactured models, at times referred to as “16-inch bombs” and “27-inch bombs”,⁹⁰ and larger weapons weighing approximately 100-250kg.⁹¹



Myanmar military air strike west of Loikaw, Kayah State, seen on 17 February 2022.
© Free Burma Rangers

Around 1am on 5 February 2022, the Myanmar military carried out an air attack on Ta Dwee Koh village, Hpapun Township, Kayah State.⁹² Most families had fled the village after hearing rumours of a possible attack, but two households stayed. The aircraft fired what appears to have been a rocket that exploded near the two houses, killing two people and seriously injuring several more. Amnesty International interviewed three witnesses, including a 38-year-old farmer, who described:

When I heard the [aircraft], I woke up. I sat up and looked up. Then came a big explosion... I fell out of the house. My daughter was also thrown in a different direction. And I heard my wife screaming, “I got wounded.” ... The house was on fire. The smoke was everywhere ...

The bomb fell between the two houses... [My in-laws in the neighbouring house] got hit by the air strike, and their bodies fell apart. Many animals also got killed. So, there was flesh scattered all around – you don’t know whether human flesh or animal flesh. I just picked it up and put it into one pile. And then I told people to bury [them] in the morning because I had to go to the hospital [for my wife].⁹³

A 23-year-old woman suffered a serious injury to her lower spine – describing an intense heat on her back from fragmentation after the explosions threw her into a corner of the house. She remained bedridden and in severe pain when interviewed almost two months later, and described the impact of her parents’ deaths:

In the past, when I got sick, [my parents] would take care of me. Now, I have no parents to call on, and no one else to look after me... I want them to be here, but they’re not here anymore.

I want [the Myanmar military] to see the suffering they caused us... They’re the ones who came to our area and caused this suffering.⁹⁴

Two weeks later, at around 6pm on 23 February 2022, a fighter jet fired on Dung Ka Mee village, Demoso Township, Kayah State, killing two civilian men and injuring several others. Amnesty International interviewed two witnesses as well as a relative of one of the men who was killed and an aid worker who responded after the attack. They said there was no fighting that evening and that the nearest armed group base was a mile or more away.⁹⁵ A 46-year-old farmer said the fighter jet made three passes, firing guns and a rocket:

⁸⁷ Ground spotter reports reviewed by Amnesty International; UN Special Rapporteur on the situation of human rights in Myanmar, *Enabling Atrocities: UN Member States’ Arms Transfers to the Myanmar Military*, 22 February 2022, UN Doc. A/HRC/49/CRP.1, paras 57, 60.

⁸⁸ UN Special Rapporteur on the situation of human rights in Myanmar, *Enabling Atrocities* (previously cited), paras 50-53, 56-66.

⁸⁹ See Defense Industry Daily, “China’s K-8 Jets: A Killer for Myanmar”, bit.ly/3FXW7FD; Yakovlev Yak-130, weaponsystems.net/system/178-Yakovlev+Yak-130. Media reports indicate some of those rockets include 80mm S-8 that were transferred from Serbia in 2021. Balkan Insight, “Serbian Rockets Sent to Myanmar Even After 2021 Coup,” 22 February 2022. bit.ly/3yEsQOm

⁹⁰ See, for example, Free Burma Rangers, Early July clash account summary: Kachin State and northern Shan State, 30 July 2018, bit.ly/39MByj (including photographs reviewed by Amnesty International’s weapons expert).

⁹¹ Photographs of such a bomb that landed in Kayah State were reviewed by Amnesty International’s weapons expert. See also Myanmar Now, “Myanmar junta uses ‘highly destructive’ bomb in Karenni State, military insiders say”, 16 March 2022, bit.ly/37GU4ZB

⁹² Ta Dwee Koh is the transliteration of the name provided by witnesses and is also the spelling in reporting by civil society groups. The MIMU spelling is likely Ta Khwee Do, in Ma Htaw village tract.

⁹³ Interview in person, Thailand, 31 March 2022.

⁹⁴ Interview in person, Thailand, 31 March 2022. According to ground spotter reports posted online and reviewed by Amnesty International, two YAK-130 jets were reported to be taking off from Hmawbi air base headed to the KNU’s ‘Brigade 5’ area, or Hpapun District, at 12.46am, and then three YAK-130 jets were observed returning to that base between 1.30 and 1.37am. Credible sources told Amnesty International that Hmawbi Air Force base is used as the departure point for some attacks on Kayah State. The YAK-130 is capable of carrying the type of ordnance used in the attack.

⁹⁵ Interview by voice call, 2 April 2022.

When that fighter jet was flying toward us in a nose down position, I was numb... When they fired the rocket, I got myself together and realized I had to run [to a bunker]... We were shocked to see the dust and debris come towards us... I was unable to speak when I got out of the bunker...

There is a two-story building next to the compound of the grocery store. The family lives upstairs and the downstairs is a mobile phone store. This building collapsed and it was also on fire.⁹⁶

The other witness, a 40-year-old farmer, lived near the two-story building. He said he heard explosions and that his house shook and the photographs on his wall fell from the vibrations. He went outside after he could no longer hear a jet and saw the nearby home and shop severely damaged and on fire. Two men who had been inside the building were killed.⁹⁷ The witness saw the remains of one neighbour's body. "We couldn't even put them in a coffin, we put them in a plastic bag and buried them," he recalled. "People had to pick up the body pieces and put them in a bag."⁹⁸

In addition to firing on villages, Myanmar military air strikes hit Ree Khee Bu IDP camp in Kayah State on 17 January 2022, killing a man in his 50s as well as 15- and 12-year-old sisters. Local authorities and civil society activists said the IDP camp should have been well known to the military and that, on any aerial surveillance, the camp would appear distinct from an armed group base.⁹⁹ The camp was primarily a communal building, with sleeping spaces for different families partitioned by plastic sheets.

Many of the families at Ree Khee Bu IDP camp had fled there from Mo So village, where the Myanmar military reportedly massacred at least 35 people on 24 December 2021 (see page 31). John, 23, was among those displaced to the camp from Mo So village; he told Amnesty International he was sleeping when the first bomb exploded near the camp kitchen, launching shrapnel that injured his father, known as Nu Nu. "He couldn't breathe properly and was making a sound when he breathed," John recalled.¹⁰⁰ John said he fled to the mountains with other family members, then returned later that night to check on his father. Nu Nu could no longer speak, and John noticed that his intestines were outside his body. Nu Nu died that night.¹⁰¹

A community worker who heard immediately about the bombing and responded to Ree Khee Bu camp the next morning said she could see bloodstains and helped bury the bodies, which she said had been wrapped given the severity of the injuries. The community worker walked the grounds and found two craters in the camp area, including one close to the main IDP camp building; she took photographs reviewed by Amnesty International that show two craters: Amnesty International's weapons expert estimated both craters to be about 8-10 metres in diameter, based on visual information in the photograph; at least one of the craters is more than a metre deep, based on a comparison to a person standing in it.¹⁰² The pattern of distinctive fractured and shattered soil on the crater walls is consistent with a sub-surface detonation of high explosives.

Amnesty International's weapons investigator also analyzed photographs of ordnance scrap collected at the scene. One shows a long metal strip with explosive residue and extremely sharp scalloped edges, consistent with fragments from an aerial bomb of the type in the Myanmar military's inventory.

Air strikes have also destroyed civilian objects, including schools, health facilities, and religious buildings. On 10 March 2022, for example, one or more air strikes hit the Sisters of Reparation Convent in Demoso Township, Kayah State.¹⁰³ Amnesty International verified photographic and video material taken after the attack, showing the building's collapsed roof and damage to the interior and exterior; the damage is consistent with an air strike. A church in the same village was damaged by military fire in June 2021.¹⁰⁴

In late March 2022, an air strike hit a high school in Hpapun Township, Kayah State; the same high school was hit by another air strike one year earlier.¹⁰⁵ In the first half of January 2022, the military carried out air strikes that hit the Village Tract Health Centre in Wah Ka Der, also in Hpapun Township. Satellite imagery shows two craters next to the health centre; the craters, also visible in video material reviewed by Amnesty International's weapons expert, are consistent with those caused by air strikes.¹⁰⁶

⁹⁶ Interview by voice call, 2 April 2022.

⁹⁷ Ground spotter reports reviewed by Amnesty International show that a K-8 jet was observed taking off from Taungoo air base – the departure point for at least some of the attacks on Kayah State according to credible sources – flying east at 6.32pm, and then flying from south to north at 6.40pm. The Chinese-made K-8 carries gun pods and rockets and could have carried out this attack.

⁹⁸ Interview by voice call, 2 April 2022.

⁹⁹ Interviews in person and by voice call, March and April 2022.

¹⁰⁰ Interview by voice call, 1 April 2022.

¹⁰¹ Interview by voice call, 1 April 2022.

¹⁰² Interview by voice call, 1 April 2022; photographs on file with Amnesty International.

¹⁰³ Interview by voice call, 4 April 2022; photographic and video material on file with and verified by Amnesty International.

¹⁰⁴ Photographic and video material on file with Amnesty International. See also UCA News, "Myanmar military strikes another church in Kayah state", 7 June 2021, bit.ly/3FUhmrl

¹⁰⁵ Photographic and video material on file with and verified by Amnesty International, as well as an analysis of satellite imagery.

¹⁰⁶ Photographic and video material on file with and verified by Amnesty International.



Satellite imagery from 14 February 2022 shows a health centre in Wah Ka Der, Kayin State. Two craters are visible as is damage on the health centre's southwest corner. Low resolution imagery (not shown) confirms the vegetation was burned between 2-7 January 2022 and at least one crater first appeared between 11-17 January 2022.

Although artillery and mortar attacks have been disproportionately responsible for civilian casualties in eastern Myanmar, many people described the military's use of fighter jets and attack helicopters as particularly terrifying – especially night-time attacks.¹⁰⁷ People interviewed from areas across Kayin and Kayah States said any airplane sound traumatizes them – and that they cannot sleep if they hear such noise.

May, a 25-year-old woman displaced by military attacks in Kayah State, told Amnesty International, in words echoed by many other civilians:

We have to live in fear, all the time... Whenever we hear the sound of the jet, during the daytime, we try to find a place to run and hide, all of us are scared of that. If it is at night, and we hear the airplane noise, we can't sleep. Some people have dug a bomb shelter place and sleep in there. Some people go to the mountains and sleep in a cave there...

I am more scared of the air strikes [than shelling], because we can't be certain if the airplane will drop bombs on us or not. If the jet flies over, we can only hear the noise loudly if they pass us by, so it might mean they've already scheduled the bomb for us...

The psychological impact... because of the air strikes at night, we can't sleep.¹⁰⁸

A trauma nurse in Kayah State, who had treated around 20 civilians for serious conflict-related injuries and had assisted with a wider health response for displaced people, described similarly: "Patients come to us and tell us they couldn't sleep at night. They have hypertension. They have headaches. They told us they're afraid of the sound of airplanes flying overhead."¹⁰⁹

3.3 GUNFIRE

Between January and March 2022, shelling and air strikes – fired at distance, either indiscriminately or directly targeting civilian areas – comprised the vast majority of unlawful attacks documented by Amnesty International. There were also several documented incidents in which Myanmar soldiers deliberately shot civilians during on-the-ground operations, either as people were going about their daily life or even when

¹⁰⁷ The military seems to have first undertaken night-time air attacks in Rakhine State in 2019, in the conflict with the Arakan Army (AA). Amnesty International, "No one can protect us", p. 14, footnote 33. They now carry them out regularly.

¹⁰⁸ Interview by voice call, 30 March 2022.

¹⁰⁹ Interview in person, Thailand, 3 April 2022.

people were fleeing an attack. Such targeting of civilians violates the prohibition of directing attacks against civilians and of violence to life.¹¹⁰ And it constitutes the war crimes of murder and of “intentionally directing attacks against... civilians not taking direct part in hostilities”.¹¹¹

In mid-December 2021, the military launched an offensive in Kayin State, taking control of Lay Kay Kaw and then, in January 2022, pushing southeast to Hpa Lu Gyi and Hpa Lu Lay, near the Thailand border. Many activists from central Myanmar had sought refuge in Lay Kay Kaw, then controlled by the KNU, after the military put them on arrest lists for their role in the Civil Disobedience Movement (CDM). The military’s offensive, and fighting with armed groups, forced civilians in the area, including the CDM activists, to flee continuously – moving to a neighbouring village, just to flee again when that village was attacked days later.

By mid-January 2022, several thousand displaced people were staying in makeshift structures near the Moei River, which divides Myanmar and Thailand, or in a camp near Hpa Lu Lay used as both a Democratic Karen Benevolent Army (DKBA) base and an IDP camp (see text box below on inadequate precautions by armed groups). Over several days from 10 to 14 January, the military attacked that area, through air strikes and shelling followed by a ground offensive. As the military seized Hpa Lu Lay on about 14 January, hundreds of civilians fled across the river to Thailand. Darli, a 26-year-old woman who was among that group of civilians, described what happened:

We all had to go to the riverbank. Then they used the soldiers to charge on the ground.

We had to cross the river [to Thailand] – hundreds of us... I got to the Thai side. I was hiding in the grass. There were people still trying to cross, and [the Myanmar soldiers] shot at them... It was like bullets rained from the sky. They don’t have any mercy.¹¹²

Darli said she witnessed Myanmar soldiers shoot and kill at least six civilians as they tried to flee across the Moei River.¹¹³ Two other witnesses similarly described seeing Myanmar soldiers shoot civilians fleeing across the river that day; one witness said she saw eight people killed, while the other witness saw two people killed.¹¹⁴ “We were already on the Thai side, they were still on the Myanmar side,” recalled a 23-year-old man, who said that he watched soldiers shoot two fleeing civilian men, each around 40 years old. “We called out to them to cross. They were crossing the river. The SAC were on higher ground and started shooting, and [the villagers] were shot. They were shot and couldn’t swim anymore, and they drifted away on the river.”¹¹⁵

In other instances, Myanmar soldiers have shot civilians looking for food or undertaking other activities around their village. Such incidents are treated separately in this report from the unlawful detention and extrajudicial execution of civilians, which, as detailed in Chapter 4, has at times occurred when displaced civilians try to return briefly to their village to check on their home or to gather food or other essentials.

On 3 March 2022, a 13-year-old boy went to collect plums by the bank of the Yun Salin River, near Hpapun town in Kayin State; his father told Amnesty International that the conflict left the family struggling to have enough food, as it is dangerous to access farmland and there is little day-wage work. When collecting the plums, a gunshot, most likely targeting the boy with a long-range rifle, ripped through his knee.¹¹⁶

“My leg still hurts when I walk,” the boy said, more than three weeks later. “I don’t feel good in my heart. And also, I cannot go to school... [The conflict] has nothing to do with me, and I went to collect plums there in the past and nothing happened and now I got shot for no reason.”¹¹⁷

The boy’s father, as well as another person from the area with direct knowledge, said the Myanmar military has a base on the river’s other side – having cleared out civilians living in that area, so that only the military is present there – and had fired on villagers before.¹¹⁸ “That day they shot my son, and now nobody can go to the riverbank,” the father said. “We cannot go and bathe at the river or collect water.”¹¹⁹

¹¹⁰ ICRC, Customary IHL: Rule 1. The Principle of Distinction; and Rule 89. Violence to Life.

¹¹¹ Rome Statute, Articles 8(2)(c)(i) and 8(2)(e)(i). ICRC, Customary IHL: Rule 156. War Crimes.

¹¹² Interview in person with Darli, Thailand, 26 March 2022.

¹¹³ Interview in person with Darli, Thailand, 26 March 2022.

¹¹⁴ Interview in person, Thailand, 26 March 2022; and interview in person, Thailand, 26 March 2022.

¹¹⁵ Interview in person, Thailand, 26 March 2022.

¹¹⁶ Interviews by video call, 28 March 2022.

¹¹⁷ Interview by video call, 28 March 2022.

¹¹⁸ Interview by video call, 28 March 2022; and exchange via messaging application, 24 April 2022.

¹¹⁹ Interview by video call, 28 March 2022.

INADEQUATE PRECAUTIONS BY ARMED GROUPS TO PROTECT CIVILIANS FROM ATTACKS

Amnesty International has found that, at times, fighters from armed groups have failed to take feasible precautions to protect civilians from the effects of attacks. At least some armed groups are also using antipersonnel landmines or improvised explosive devices (IEDs), putting civilians in danger.

In perhaps the most egregious example of co-locating military objectives and civilians, in December 2021 and January 2022, at least hundreds of displaced people, including Karen civilians and CDM activists, stayed in an IDP camp that doubled as a DKBA base in Kayah State, near the Thailand border. That camp and base came under repeated military attack, by ground forces, artillery, and air strikes.¹²⁰

In other instances, as described on page 19 by a witness to a shelling, bases used by armed groups are located close to villages or displaced persons camps. Fighters in some areas also pass through villages or camps. A 26-year-old resident of an IDP camp in Kayah State, for example, said KNDF fighters have a base that is about a 30-minute walk by mountain path from the camp and that fighters also come to visit the camp frequently.¹²¹ A 40-year-old resident of Dung Ka Mee village, Kayah State, which was hit by an air strike in February 2022 that killed several civilians, likewise said that, while they were not there at the time of the air strike, KNDF and PDF fighters came regularly to pick up food that people cook for them.¹²²

Customary international humanitarian law requires that parties to a conflict, “to the extent feasible, avoid locating military objectives within or near densely populated areas”.¹²³ Representatives of several ethnic armed organizations, including of the KNPP/KA and KNDF, said their forces had been instructed not to camp in villages or in buildings like schools or hospitals.¹²⁴ But on the ground, fighters at times base themselves in or move through civilian areas. The Myanmar military does likewise, and the result is frequent clashes inside villages where there is a significant civilian presence. “I could see SAC soldiers on one side and Karen soldiers on the other,” recalled Yin Hla, 74, from Hpa Lu Gyi village in Kayah State. “There is a soccer field outside my house. They were fighting there... I just lay down on the floor... It was more than one hour. My heart was beating very fast, and I was very scared.”¹²⁵

In another incident, a 50-year-old farmer from Me Htaw Tha Lay village, in Kayah State, said that in mid-January 2022 the Myanmar military attacked a KNLA position nearby, and that KNLA fighters then retreated through his village; civilians were caught in the gunfire, and the Myanmar military fired at least two artillery shells that exploded in the village, killing one civilian man and injuring another.¹²⁶

In addition to failing to take feasible precautions to protect civilians from the effects of attacks, some armed groups are using antipersonnel landmines and victim-operated IEDs – both inherently-indiscriminate weapons. (The military likewise uses antipersonnel landmines, including in eastern Myanmar.¹²⁷) A 28-year-old farmer from Hpapun Township in Kayah State told Amnesty International, “We are afraid of the landmines planted by the [KNLA], to stop the Tatmadaw from coming into the area... They tell us where the landmines are, tell us not to go to this or that area, and warn us constantly.”¹²⁸ He said no civilians from his village had been injured by landmines, though several livestock had been killed, and the landmines hurt people’s ability to gather food.¹²⁹ Residents of an IDP camp in Kayah State near the Thailand border similarly said the KNDF told them that it had laid landmines in the surrounding jungle, which undermined people’s ability to gather food to support the limited assistance they received.¹³⁰ Other groups have documented civilian deaths and injuries in eastern Myanmar from landmines; responsibility for some incidents is disputed or unclear.¹³¹

Amnesty International has documented the use of landmines and IEDs in conflict areas across Myanmar, by the military and by armed groups.¹³² Myanmar has not ratified the Mine Ban Treaty or the Convention on Certain Conventional Weapons, including its Protocol II, which includes restrictions on landmines.¹³³ However, many of these treaties’ key provisions are recognised as customary international humanitarian law, which prohibits the use of weapons that are by their nature indiscriminate.¹³⁴ Victim-triggered antipersonnel landmines must not be used, as they cannot distinguish between civilians and combatants.

Fighting forces are required, at minimum, to minimize the inherently indiscriminate effects of landmines and IEDs, to record where such weapons are placed, and to remove them or make them otherwise harmless after fighting ends.¹³⁵ To their credit, and in contrast to the Myanmar military, armed groups do appear to warn civilians at least sometimes about contaminated areas; Amnesty International also received several credible accounts of armed group members being injured when trying to remove or deactivate landmine-like weapons, showing some effort to remove them when fighting ends in an area.¹³⁶ Still, the landmine contamination in eastern Myanmar threatens to have long-lasting negative effects on the civilian population. All parties to the conflict need to do everything they can to minimize and mitigate that impact, which, in addition to breaching international humanitarian law, violate people’s rights to an adequate standard of living, to food, and to freedom of movement (see page 42).



A person injured amid the conflicts in eastern Myanmar receives medical treatment at the Thai border village of Mae Sam Laep, Mae Hong Son province, Thailand, 30 March 2021. © REUTERS/Soe Zeya Tun

¹²⁰ Interviews in person and by voice call with witnesses who stayed in or near the camp, March and April 2022.

¹²¹ Interview in person, Thailand, 3 April 2022.

¹²² Interview by voice call, 2 April 2022.

¹²³ ICRC, Customary IHL: Rule 23. Location of Military Objectives outside Densely Populated Areas.

¹²⁴ Interview in person with KNPP official, Thailand, 1 April 2022, and interview by voice call with KNDF official, 2 April 2022.

¹²⁵ Interview in person, Thailand, 30 March 2022.

¹²⁶ Interview in person, Thailand, 30 March 2022.

¹²⁷ See Landmine and Cluster Munition Project, Myanmar/Burma – Impact, 16 November 2021, bit.ly/3s4Naoa; Landmine and Cluster Munition Project, Myanmar/Burma – Mine Ban Policy, 15 November 2021, bit.ly/38DJJhp

¹²⁸ Interview in person, Thailand, 31 March 2022.

¹²⁹ Interview in person, Thailand, 31 March 2022.

¹³⁰ Interviews in person, Thailand, 3 April 2022.

¹³¹ See UNICEF, Landmines / ERW Incidents Information (2021), January 2022, uni.cf/3Kva9iv; International Campaign to Ban Landmines, “Landmines Continue to Kill and Injure Citizens in Myanmar, in Midst of Humanitarian and Political Crisis”, 24 June 2021, bit.ly/3y4YHYd; The Irrawaddy, “Kayah Villages Targeted with Junta Landmines”, 27 April 2022, bit.ly/38J4fgE

¹³² Amnesty International, “We will destroy everything”; Amnesty International, “All the civilians suffer”; and Amnesty International, “Caught in the middle”.

¹³³ Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Ottawa Convention or Mine Ban Treaty), 1 March 1999; Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, 2 December 1983.

¹³⁴ ICRC, Customary IHL: Rule 71. Weapons of a Nature to Cause Superfluous Injury or Unnecessary Suffering.

¹³⁵ ICRC, Customary IHL: Rule 81. Landmines.

¹³⁶ Interviews in person and by voice call, March and April 2022.

4. UNLAWFUL ARREST, ILL-TREATMENT AND EXTRAJUDICIAL EXECUTIONS

“We dare not let men cross paths with the military.”

A village leader from Kawkareik Township, Kayin State.¹³⁷

While moving through or basing themselves in villages during ground operations, Myanmar soldiers have committed a range of detention-related violations in eastern Myanmar. Amnesty International has documented unlawful deprivation of liberty, torture and other ill-treatment, extrajudicial executions and apparent enforced disappearances. These violations by soldiers are consistent with a pattern long documented by Amnesty International during previous fighting in ethnic minority areas, including in Rakhine, Kachin and northern Shan States.¹³⁸

Interviewees described two broad patterns of arrest. One involves targeting activists, politicians and other members of the anti-coup Civil Disobedience Movement (CDM), including those who had escaped to EAO-controlled territories to flee reprisals by military authorities in urban centres. The other pattern targets civilians on the basis of their ethnicity, especially those from Karen and Karenni ethnic minorities, as they travel to or from or remain in villages abandoned due to fighting. Such attacks against civilians underscore the collective punishment they have been subjected to as the Myanmar military fights ethnic armed groups in eastern Myanmar.

“If they start the attacks or expand their territory, we flee – we no longer dare to live close to their troops,” a village leader from Kayin State’s Kawkareik Township told Amnesty International as he explained the collective suspicion and threat of arbitrary arrest and detention boys and men face in these communities.¹³⁹ “We dare not let men cross paths with the military, because they will mistake them for the [Karen National Union] KNU. So, we try to avoid seeing [the Myanmar soldiers],” he added.¹⁴⁰

In one case documented by Amnesty International, a 20-year-old man riding a motorbike with a friend had sped up in fear when asked to stop by soldiers as he was traveling to his village in Kawkareik Township,

¹³⁷ Interview by voice call, 27 March 2022.

¹³⁸ Amnesty International, “*All the civilians suffer*”; Amnesty International, “*We will destroy everything*”; Amnesty International, “*No one can protect us*”; Amnesty International, “*Caught in the middle*”.

¹³⁹ Interview by voice call, 27 March 2022.

¹⁴⁰ Interview by voice call, 27 March 2022. International law prohibits the arbitrary deprivation of liberty. Universal Declaration of Human Rights (UDHR), Article 9; International Covenant on Civil and Political Rights (ICCPR), Article 9(1).

Kayin State, in January 2022. When the man and his friend ultimately stopped after being shot at, the soldiers “tied them up with rope and started kicking them and hitting them with the back of the gun and also beating them,” the man’s uncle, who lived in the same village, told Amnesty International.¹⁴¹

The nephew was held for a month with his friend; hands tied, heads covered, they were moved around by the military between different locations, including a school the soldiers had used as a base, the uncle said, relaying what the nephew told him after he was released.¹⁴² His whereabouts and fate were unknown to the family for the duration; the family was too terrified to approach the military about his detention because they would have risked being subjected to unlawful arrest or other abuse themselves. The military has a longstanding pattern of not informing families of the fate of missing loved ones and at times committing reprisals against those seeking that information. These cases should be investigated as acts of enforced disappearance, a crime under international law.¹⁴³

When the nephew was ultimately released in February 2022, his body bore marks of what he was subjected to. Describing bruising, including on the nephew’s chest and abdomen, the uncle recalled:

The visible signs we saw were on his hand – from the rope they tied, he still had some bruises from that. He also had internal bruises. Right now, he is [receiving] traditional medical treatment... After what he experienced, he is afraid.¹⁴⁴

Inflicting severe physical or mental pain or suffering on a person under the soldiers’ control as a means of punishment, to obtain information or a confession, or for reasons related to discrimination amounts to torture, a serious human rights violation and a war crime.¹⁴⁵ This kind of torture and other ill-treatment is a common occurrence, according to interviewees. It is also consistent with research currently being undertaken by Amnesty International on the detention of protesters in urban areas, documenting physical and verbal abuse by Myanmar security forces.

A construction worker told Amnesty International that on 14 December 2021, when troops went door to door in Lay Kay Kaw town in Kayin State apparently searching for politicians and CDM activists, he watched on the street, around 11.30am, as a dozen soldiers beat up seven activists in their custody.¹⁴⁶ He said the group was being marched somewhere, recalling:

I saw [the soldiers] punching [the detained activists] on the face and body, and also use the back of their guns [to strike them]... Most of the [detained activists] were handcuffed, [with their hands] behind. [The soldiers] were walking and punching them.¹⁴⁷

Human rights activists specialized in detention cases told Amnesty International that detainees in conflict areas are typically first interrogated at military bases, before often being transferred to the police or to detention facilities. They said no specific interrogation unit had been set up in Kayin or Kayah States and that they believed, based on the many cases they have tracked, that all those who are arrested are subjected to physical and mental torture.¹⁴⁸

Several witnesses who described scenes of pandemonium as they escaped Lay Kay Kaw under bombardment from the air and the ground specifically mentioned how they feared what would happen if they were taken into custody. Some witnessed, first-hand, the fate of those who were caught. In one case described by two witnesses, as people waded through the Moei River to cross into Thailand in mid-January 2022 in an attempt to flee the military’s advance, two fighters belonging to an ethnic armed group were shot in the head after they had turned around, their hands in the air.¹⁴⁹ The soldiers “were saying ‘The battle is finished. Come back.’ Even I was thinking of crossing back. The two [fighters] trusted [what the soldiers were saying] and went back... Then the Tatmadaw shot them,” said one of the witnesses, Darli, a 26-year-old protester who had fled to Kayin State.¹⁵⁰ Even with their status as fighters, the killing of these two men while

¹⁴¹ Interview by voice call, 2 April 2022.

¹⁴² Interview by voice call, 2 April 2022.

¹⁴³ See, for example, Human Rights Committee, General Comment 35, Article 9: Liberty and security of person, UN Doc. CCPR/C/GC/R.35/Rev.3, 10 April 2014, paras. 58-9; International Convention for the Protection of All Persons from Enforced Disappearance, adopted by UN General Assembly Res. 61/177, 20 December 2006. International humanitarian law prohibits enforced disappearances. International Committee of the Red Cross (ICRC), Customary IHL, Rule 98.

¹⁴⁴ Interview by voice call, 2 April 2022.

¹⁴⁵ ICRC, Customary IHL, Rule 90. There is a separate war crime of, and prohibition against, cruel or inhuman treatment, which does not necessitate “the treatment be inflicted for a specific purpose”. ICRC, Customary IHL, Rule 90; see also Rome Statute, Article 8(2)(c)(i); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 1.

¹⁴⁶ Interview in person, Thailand, 30 March 2022.

¹⁴⁷ Interview in person, Thailand, 30 March 2022.

¹⁴⁸ Interviews by voice call, 6 April 2022.

¹⁴⁹ Interviews in person, Thailand, 26 March 2022.

¹⁵⁰ Interview in person, Thailand, 26 March 2022.

hors de combat as they attempted to surrender amounts to a war crime under customary international humanitarian law.¹⁵¹

Amnesty International documented several similar incidents of extrajudicial executions – that is, deliberate unlawful killings by soldiers of people under their control – targeting civilians. A 27-year-old man in a support role with the People's Defence Force (PDF) in Kayah State said that in March 2022 he watched, from an elevated position, as soldiers shot dead a civilian and burned his house located between Thay Su Le and Pu Hpar villages in Demoso Township.¹⁵² He said the military unit fighting in that area at the time was LID 66 and described what he saw:

They tied his hands behind his back and put him in a place we could see [from our PDF position]. They put out a [speaker] and shouted a swear—"[Expletive] Kayah people"! They drove [the man's] car around for a bit, and then they burned it too.¹⁵³

In several instances, these extrajudicial executions occurred after civilians ventured out from displacement sites to return to their homes to collect food or belongings but ended up being held by soldiers. On 20 January 2022, three men from San Pya 6 Mile village in Kayah State's Demoso Township left a camp for displaced persons they had moved to with their families eight months prior, to pick up some vegetables from their village.¹⁵⁴ Family members said the three men, all farmers, went missing for days, and it was only around 3 February that their decomposed bodies were spotted by fighters belonging to the Karenni Nationalities Defence Force (KNDF).¹⁵⁵ The bodies had been thrown into a pit latrine.¹⁵⁶

The brother of one of the men who were killed, 40-year-old Wizinsho Than Aung, went to the location with the fighters and confirmed the victims' identities, primarily through their clothes and the state of their teeth.¹⁵⁷ From the dry pools of blood near the pit latrine and a large blade found next to the bodies, the brother and the fighters deduced that soldiers had most likely slit the three men's throats. The brother of Wizinsho Than Aung, who left behind four children, said:

My brother's body was covered in faeces, and it was in two parts. But I recognized the clothes. We washed the clothes, the bodies and the bones and we put them aside. At the time, the military started firing towards us. Then, I and the KNDF soldiers had to run from that location.¹⁵⁸

Due to fighting in the area, it took until 23 March for the brother to be able to go back, accompanied by fighters, to bury the bodies.¹⁵⁹ By then, the remains had been moved, most likely by animals.¹⁶⁰

"Once we win this revolution, I would like to have a memorial for him. But, for now, I worry that my children no longer have a father. I am worried about their situation," said the wife of another of the killed men, with whom she had six children aged between nine and 18. "Farming was his passion. He was a very calm man. He had no problems at all."¹⁶¹

In a similar case in January 2022, two men aged 18 and 19 from Moe Baw Nat Sin village, Kyaikto Township, Mon State, had set out from a monastery where they had been hiding with their families after the military raided the village.¹⁶² Riding a motorbike, the two were hoping to collect food and some belongings from their houses in the abandoned village but they never made it, said people from the same village who knew the slain men and their parents.¹⁶³ A 52-year-old woman who attended the cremation ceremony for the two men and saw their bodies, told Amnesty International that one of the men had his throat slit (the family covered it with a cloth during the ceremony) and the other man's head was bashed so badly "you couldn't

¹⁵¹ Common Article 3 of the four Geneva Conventions of 1949; Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, entered into force 7 December 1987, art. 4; ICRC, Customary IHL, Rules 47 and 156.

¹⁵² Interview by voice call, 30 March 2022.

¹⁵³ Interview by voice call, 30 March 2022.

¹⁵⁴ Interviews by voice calls with the wives of two of the slain men and the brother of one of them, 2 April 2022.

¹⁵⁵ Interviews by voice calls with the wife of one of the slain men and the brother of one of them, 2 April 2022.

¹⁵⁶ Interview by voice call with the brother of one of the slain men, 2 April 2022.

¹⁵⁷ Interview by voice call, 2 April 2022.

¹⁵⁸ Interview by voice call, 2 April 2022. Amnesty International shared photographs of parts of the decomposed, severed body with a forensic expert. The pictures show no real examination of the wound edges, but the expert surmised that the fact that the body separated when the remainder of the flesh was relatively intact suggests that it was likely cut in half on purpose, perhaps to make it easier to fit in the pit latrine. Email exchange with forensic expert, 5 May 2022.

¹⁵⁹ Interview by voice call, 2 April 2022.

¹⁶⁰ Interview by voice call, 2 April 2022. The men's killing was also reported by a local human rights group. See KnHRG, Facebook post, 2 March 2022, bit.ly/39PP4mk: "Karenni State human rights violation situation 1st to 28th February 2022."

¹⁶¹ Interview by voice call, 2 April 2022.

¹⁶² Interviews by video calls with a man and woman who had fled the village and knew the slain men and their families, 30 March 2022.

¹⁶³ Interviews by video calls with a man and woman who had fled the village and knew the slain men and their families, 30 March 2022.

see it”.¹⁶⁴ The two young men worked with their parents; one carried the bamboo his parents chopped and sold, the other sold snacks in the market alongside his mother.¹⁶⁵

The right not to be arbitrarily deprived of life is a peremptory norm of international law, from which no derogation is permissible, including during an armed conflict.¹⁶⁶ When a person dies in custody, a prompt, impartial and independent investigation must be conducted regardless of the presumed cause of death.¹⁶⁷

Civilians who fled Wari Suplai village, on the border of Shan and Kayah States, also spoke to Amnesty International of relatives and acquaintances who attempted to return and whose decomposed bodies were later found in the village’s vicinity or who were never heard from again.¹⁶⁸ At least 10 people are missing who remained in the village when most people evacuated around mid-February 2022, four displaced residents told Amnesty International.¹⁶⁹ Several of those who did not leave and whose fate remains unknown are older persons and persons with disabilities, interviewees said.¹⁷⁰

A 58-year-old man with limited mobility had told his family it would be difficult for him to evacuate with them and that he did not think the situation would worsen, his brother said.¹⁷¹ Interviewees assumed the soldiers – who, for days, burned down two thirds of the village’s houses – had likely killed the civilians who remained, a pattern consistent with their actions in other villages and in conflicts across Myanmar. “I don’t know [what happened to him], we have no contact at all. He could be dead... It would be good if there is a way for us to know whether he is dead or alive,” said the brother of the man with limited mobility who stayed behind.¹⁷² The Myanmar military has an obligation to take all feasible measures to account for persons reported missing, and to provide family members with any information it has on the fate of their relatives.¹⁷³

One of the worst incidents of mass killing in custody was widely reported by civil society groups and the media – the horrific images of bodies charred beyond recognition illustrating a signature atrocity by the Myanmar military in its recent operations in Kayah State.¹⁷⁴ In the morning of 24 December 2021, at least 35 women, men and children who were riding in multiple vehicles (trucks, tractors, passenger cars, and motorbikes) were reportedly stopped by soldiers near Mo So village in Hpruso Township.¹⁷⁵ While no one survived the massacre to recount what happened, it is widely believed that soldiers murdered the group and set their bodies on fire.¹⁷⁶ According to remarks made at a press conference and subsequent interviews, initial autopsies by doctors who examined the bodies indicated that many of the victims had been tied up and gagged, with the presence of perforated wounds suggesting being shot or stabbed.¹⁷⁷

The incident drew international condemnation, including from the UN.¹⁷⁸ The military issued statements claiming that vehicles had refused to stop for inspection and that “terrorists” shot at soldiers, but even just by what is available publicly, that account is not plausible.¹⁷⁹ Amnesty International, which reviewed videos and photographs of the aftermath, believes the incident must be investigated as a case of extrajudicial executions.¹⁸⁰ Families remain in shock at what happened to their loved ones. “They brought back the

¹⁶⁴ Interview by video call, 2 April 2022.

¹⁶⁵ Interviews by video calls with a man and woman who had fled the village and knew the slain men and their families, 30 March 2022.

¹⁶⁶ Human Rights Committee, General Comment 36 on Article 6 of the ICCPR, CCPR/C/GC/36, para. 2.

¹⁶⁷ Principle 9 of the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary, and Summary Executions, Recommended by Economic and Social Council resolution 1989/65 of 24 May 1989. General Comment 36, para. 29: “Loss of life occurring in custody, in unnatural circumstances, creates a presumption of arbitrary deprivation of life by State authorities, which can only be rebutted on the basis of a proper investigation.” On applicability of the duty to investigate suspicious deaths to armed conflict situations, see Minnesota Protocol (2016): The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, para 20: “The duty to investigate a potentially unlawful death – promptly, effectively and thoroughly, with independence, impartiality and transparency – applies generally during peacetime, situations of internal disturbances and tensions, and armed conflict.”

¹⁶⁸ Interviews by voice calls, 3 and 12 April 2022.

¹⁶⁹ Interviews by voice calls, 3, 12 and 13 April 2022.

¹⁷⁰ Interviews by voice calls, 3, 12 and 13 April 2022.

¹⁷¹ Interview by voice call, 13 April 2022.

¹⁷² Interview by voice call, 13 April 2022.

¹⁷³ ICRC, Customary IHL, Rule 98.

¹⁷⁴ See, for example, KnHRG, Facebook post, 24 December 2021, [bit.ly/3FfiXrz](https://www.facebook.com/knhrghome); Reuters, “More than 30 killed, bodies burnt in Myanmar’s Kayah state”, 25 December 2021, [reut.rs/3kreMPW](https://www.reuters.com/world/asia-pacific/myanmar-military-killed-30-civilians-kayah-state-2021-12-25/); New York Times, “Myanmar’s army is accused of massacring dozens of civilians”, 26 December 2021, [nyti.ms/3KspEYr](https://www.nytimes.com/2021/12/26/asia/myanmar-military-kayah-state.html)

¹⁷⁵ See Myanmar Now, “At least 35 charred bodies found in Karenni State village on Christmas”, 25 December 2021, [bit.ly/3rXwhLN](https://www.myanmar-now.org/en/news/at-least-35-charred-bodies-found-in-karenni-state-village-on-christmas)

¹⁷⁶ See, for example, Al Jazeera, “Christmas eve killings reinforce views of ‘evil’ Myanmar military”, 30 December 2021, [bit.ly/3s0i3p1](https://www.aljazeera.com/news/2021/12/30/myanmar-christmas-eve-massacre)

¹⁷⁷ Sky News, “Myanmar: The Christmas Eve massacre with ‘all the hallmarks of a war crime’”, 16 April 2022, [bit.ly/3xXxMO6](https://www.sky.com/news/myanmar-the-christmas-eve-massacre-with-all-the-hallmarks-of-a-war-crime); Myanmar Now, “Doctor says victims of Karenni State massacre ‘murdered in cruelest, most inhumane manner’”, 4 January 2022, [bit.ly/3s3faIF](https://www.myanmar-now.org/en/news/doctor-says-victims-of-karenni-state-massacre-murdered-in-cruelest-most-inhumane-manner); Fortify Rights, *Ongoing war crimes in Karenni (Kayah) State, Myanmar: May 2021 to January 2022*, 15 February 2022.

¹⁷⁸ See, for example, Office for the Coordination of Humanitarian Affairs (OCHA), “Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Martin Griffiths: Statement on Myanmar”, 26 December 2021, [bit.ly/3vT54v3](https://www.ocha.org/en/this-is-what-we-are-saying/under-secretary-general-for-humanitarian-affairs-and-emergency-relief-coordinator-martin-griffiths-statement-on-myanmar); UNICEF, “UNICEF condemns reported killing of at least 35 people, including four children and two humanitarian workers, in Kayah State, Myanmar”, 28 December 2021, [uni.cf/3KxSpTw](https://www.unicef.org/press-releases/2021/12/28/unicef-condemns-reported-killing-of-at-least-35-people-in-kayah-state-myanmar); UN, “Security Council press statement on situation in Myanmar”, 29 December 2021, [bit.ly/39w0dsp](https://www.un.org/press/en/2021/12/29-sc-stmt-myanmar)

¹⁷⁹ See for example, Myanmar Now, “As details of Christmas Eve massacre emerge, calls for justice grow”, 24 January 2022, [bit.ly/370phXv](https://www.myanmar-now.org/en/news/as-details-of-christmas-eve-massacre-emerge-calls-for-justice-grow)

¹⁸⁰ Photographs and videos on file with Amnesty International.

bodies and allowed us to take a look, but I could not identify [him]... the body was burned like ash already,” said the family member of a man who is believed to have perished in the massacre.¹⁸¹ The victim, a daily wage worker, left behind five children, the youngest only two years old. “Until now, it’s hard to accept the news... I cannot express the loss. [He] was an ordinary citizen... He didn’t do anything wrong. But he was burned in that place... I cannot bear this feeling,” the family member told Amnesty International.¹⁸²



A woman, her daughter, and her two grandchildren sit in a makeshift bamboo shelter by a dirt road in Hpapun/Mutraw District, Kayah State, after fleeing their village due to Myanmar military air strikes, February 2022. The family had not received humanitarian assistance and expressed concern that the rice they brought when fleeing would run out. © Kirana Productions/Jeanne Hallacy

¹⁸¹ Interview by voice call, 29 March 2022.

¹⁸² Interview by voice call, 29 March 2022.

5. LOOTING AND BURNING

“They tried to destroy what they couldn’t take.”

A 36-year-old woman from Myo Haung village, Kawkareik Township, Kayin State.¹⁸³

Myanmar soldiers have engaged in systematic looting in Kayin and Kayah States and burned large sections of villages in the latter, with a marked escalation in these actions since the beginning of 2022. Witnesses reported burning of homes and looting of properties, including jewellery, cash, vehicles and livestock, in eight different villages. These violations, seen across the country in other ongoing conflicts and in previous rounds of fighting, are part of the Myanmar military’s signature “Four Cuts” strategy aimed at punishing civilian populations it views as supportive of ethnic armed groups and at undermining these groups by depriving them of food and funding among other things.

Late at night on 19 February 2022, when soldiers raided An Hpa Lay village, in Kayin State’s Kawkareik Township, most of the residents fled in the following hours. A woman in her early 70s who stayed behind said although soldiers initially reassured her that she could remain, she was too afraid and hastily left in the early hours of the morning, forgetting important belongings such as her money box.¹⁸⁴ When she returned a day later, her house was trashed, valuables were missing.¹⁸⁵ She recalled:

I was there for just 30 minutes, just checking. I was afraid they had taken my money, and they had. All of my belongings were a mess, they were on the floor. And they had taken 24 lakhs [US\$1,300] from me... They took my cooking pots and pans. My chicken, my ducks, and my pig was also killed, I think for food... I am so frustrated right now. I got this money for emergency use, like if I [get sick] or pass away. Now it’s all gone.¹⁸⁶

Another person from that village said residents put together a brief description of missing possessions; items taken included rice and solar panel batteries, he said.¹⁸⁷

A 36-year-old woman who in January 2022 was taking cover in a bunker when troops entered Myo Haung village, Kawkareik Township, said she watched from hiding as soldiers rummaged through houses and took belongings and animals, including chickens.¹⁸⁸ Among the items soldiers took from her house, she said, were a solar panel, a machete and clothes. “They couldn’t take everything, so they tried to destroy what they couldn’t take,” she added, explaining that soldiers slashed her rice sacks and mixed the grains that had been shelled with those which still had hulls.¹⁸⁹

A shop owner in her 50s from Ka Maing Kone, Kawkareik Township, said after soldiers occupied the village in mid-January 2022, people locked their homes and businesses and fled.¹⁹⁰ But in the instances they went back to check on their properties, people took stock of their losses. In her case, that included gold that was

¹⁸³ Interview by video call, 29 March 2022.

¹⁸⁴ Interview by video call, 29 March 2022.

¹⁸⁵ Interview by video call, 29 March 2022.

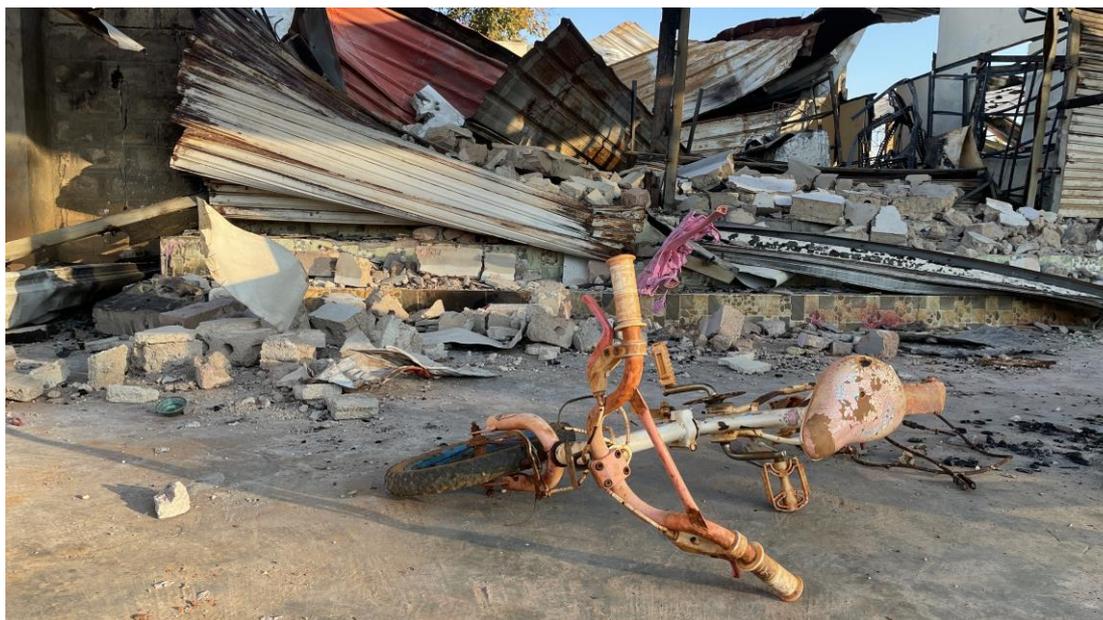
¹⁸⁶ Interview by video call, 29 March 2022. A lakh is a unit of measurement meaning 100,000; here, 1 lakh is 100,000 Myanmar kyat. The exchange rate in March and April 2022 was roughly 1,800 kyats to 1 US dollar.

¹⁸⁷ Interview by voice call, 27 March 2022.

¹⁸⁸ Interview by video call, 29 March 2022.

¹⁸⁹ Interview by video call, 29 March 2022.

¹⁹⁰ Interview by video call, 29 March 2022.



Damage seen in a village east of Loikaw, Kayah State, where the Myanmar military reportedly burned homes, 15 February 2022. Soldiers left a trail of widespread destruction as they advanced through Kayah State in February and March 2022. © Free Burma Rangers

stolen and three fridges that were destroyed in her shop.¹⁹¹ Estimating the total worth of her loss at 13.6 million Myanmar kyat (US\$7,500), she said:

I'm depressed and sad, because to be able to build this kind of shop again, I need capital. My capital was also stolen, so it's impossible for me to start to build a new grocery store like that.¹⁹²

Two shop owners from Moe Baw Nat Sin, in Kyaikto Township, Mon State, said their stores were ransacked by soldiers who raided the village in late January 2022.¹⁹³ It was the second time soldiers had come to Moe Baw Nat Sin in weeks; this time the proximity of gunfire prompted residents to escape. "Since everyone left the village, it was an opportunity for them to take whatever they want," said one of the shop owners, a 40-year-old man with five children.¹⁹⁴ "They took everything I sold, like soft drinks and alcoholic drinks," he added, estimating the loss of goods at 3 million kyat (US\$1,700) in addition to 7 million kyat (US\$3,900) in stolen cash.¹⁹⁵ Practically the entire village – more than 80 houses – was impacted, he said.¹⁹⁶

The second shop owner, a woman in her 50s, said around 1.87 million kyat (US\$1,000) in donation money she had kept in an altar to give to a monk was stolen and that she lost more than 6 million kyat (US\$3,300) worth of goods she had purchased two days prior.¹⁹⁷ "They broke our fridge and threw our groceries and dried food on the floor... Everything was a mess... Our altars were also destroyed," she said.¹⁹⁸

International humanitarian law prohibits pillage, which is a war crime.¹⁹⁹ The Myanmar military has a lengthy, well-documented record of looting and destroying civilian property belonging to ethnic minorities in conflict areas.²⁰⁰

Another longstanding tactic that soldiers have perpetrated in eastern Myanmar is the burning of civilians' homes – at times, obliterating entire sections of a village. Amnesty International's analysis of fire data and satellite imagery show particularly extensive village burning across parts of Kayah State from February to April 2022, with some villages torched multiple times. In one of the hardest-hit areas, soldiers burned as they moved southwards during operations along the road from Moe Bye, in southern Shan State, to Demoso,

¹⁹¹ Interview by video call, 29 March 2022.

¹⁹² Interview by video call, 29 March 2022.

¹⁹³ Interviews by video calls, 30 March 2022.

¹⁹⁴ Interview by video call, 30 March 2022.

¹⁹⁵ Interview by video call, 30 March 2022.

¹⁹⁶ Interview by video call, 30 March 2022.

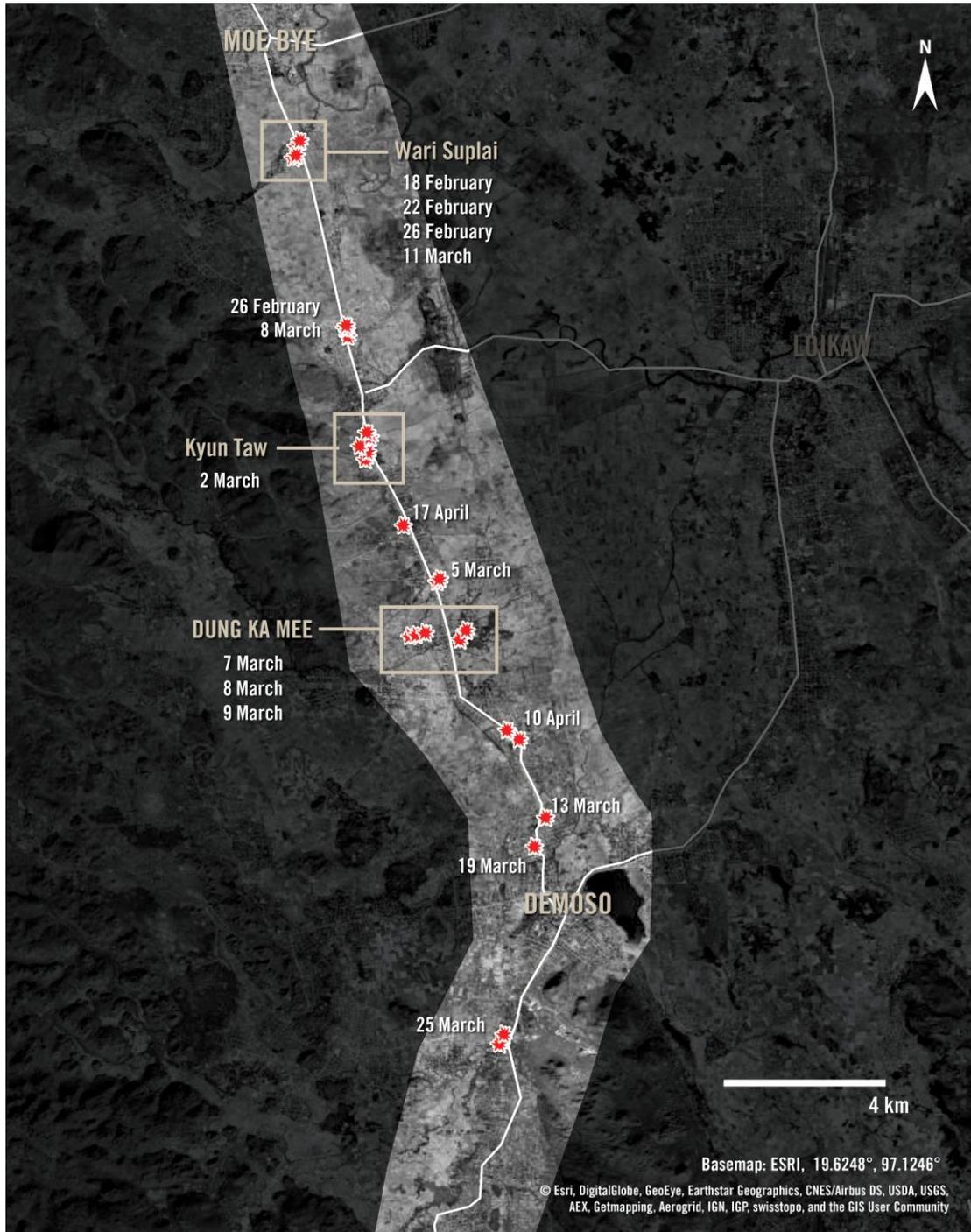
¹⁹⁷ Interview by video call, 30 March 2022.

¹⁹⁸ Interview by video call, 30 March 2022.

¹⁹⁹ ICRC, Customary IHL, Rules 52 and 156; Rome Statute, Article 8(2)(e)(v).

²⁰⁰ See Human Rights Watch, "Untold Miseries": Wartime abuses and forced displacement in Burma's Kachin State, 20 March 2012; Amnesty International, Myanmar: "We will destroy everything"; Amnesty International, Myanmar: "No one can protect us".

in Kayah State, between mid-February and late March 2022. Satellite imagery shows many structures have been destroyed in almost all of the villages along the road.



An overview of the road between Moe Bye and Demoso shows fires detected in villages by sensors on NASA satellites from mid-February to mid-April 2022. The fires appear to move sequentially from the north in Wari Suplai village to south of Demoso in February and March, with a couple villages being burned over multiple dates. In April, more fires were detected in new areas. The NASA sensors only detected larger fires, but satellite imagery shows many destroyed structures along the road, in almost every village.

A 26-year-old student from Kyun Taw village, Demoso Township, Kayah State, said relatives sent him photographs of torched homes and told him that “we have nothing left”.²⁰¹ He said the burning of around 30 houses took place at the end of February 2022; residents had fled before that, but a few were able to go back to check on their properties and took photographs of the damage.²⁰² The man, recently married, showed Amnesty International a photo of what he said was his burned home. “They also burned the rice storage space and many new clothes and documents belonging to my sister,” he said.²⁰³ Satellite imagery taken on 6 May 2022 shows 49 structures had been visibly destroyed in Kyun Taw village; fires were detected on 1 March 2022.



An analysis of satellite imagery from 17 May 2022 shows 49 structures visibly destroyed in Kyun Taw village, Demoso Township, Kayah State. The destroyed structures are highlighted with orange circles. Fires were detected in the village on 1 March 2022.

Four men who fled Wari Suplai village, on the border of Shan and Kayah States, said they watched from nearby farmlands as houses went up in flames after the village all but emptied on 18 February 2022.²⁰⁴ The military had advanced such that it pushed fighters including from the People’s Defence Forces to retreat closer to the village, the witnesses said, speaking to Amnesty International from various displacement sites.²⁰⁵ Shelling by the military on 17 February destroyed homes, but it was in the early hours of 18 February after most everyone fled that soldiers started methodically torching homes.²⁰⁶ “Around 6 or 7am we started seeing smoke coming out and we know no one is there except SAC [troops],” one of the witnesses told Amnesty International. “I couldn’t stand watching our village burning so in the afternoon I left as far as possible.”²⁰⁷ Well over two thirds of the houses in the village were destroyed, the interviewees said, adding that the burning went on for days.²⁰⁸

²⁰¹ Interview in person, Thailand, 3 April 2022.

²⁰² Interview in person, Thailand, 3 April 2022.

²⁰³ Interview in person, Thailand, 30 April 2022.

²⁰⁴ Interviews by voice calls, 3, 12 and 13 April 2022.

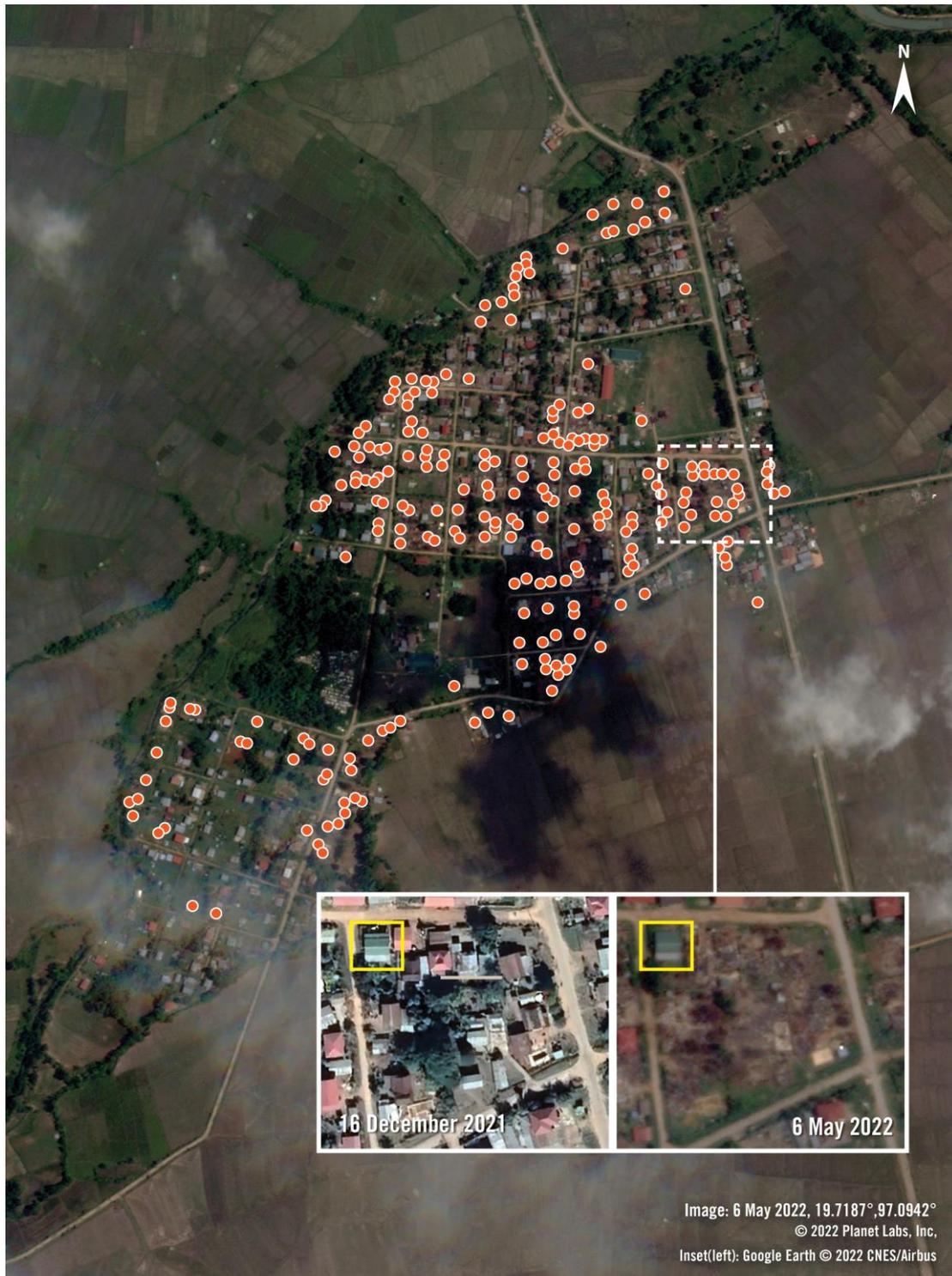
²⁰⁵ Interviews by voice calls, 3, 12 and 13 April 2022.

²⁰⁶ Interviews by voice calls, 3, 12 and 13 April 2022. See also KnHRG, Facebook post, 2 March 2022, bit.ly/39PP4mk: “Karenni State human rights violation situation 1st to 28th February 2022”; Radio Free Asia, “Fighting ramps up in Myanmar’s Shan, Kayah states, leaving scores dead”, 25 February 2022, rfa.org/english/news/myanmar/fighting-02252022154129.html

²⁰⁷ Interview by voice call, 12 April 2022.

²⁰⁸ Interviews by voice calls, 3, 12 and 13 April 2022. See also KnHRG, Quarterly Briefer: Vol. 1, Issue 1, April 2022, bit.ly/3PCVlWA

One of the witnesses, a 39-year-old farmer and father of six children said his house, a two-story building, is quite visible from afar – its burning was hard to miss.²⁰⁹ “I don’t know how to express in words [how I felt],” he said of the moment he watched his house in flames.²¹⁰



Satellite imagery from 6 May 2022 shows much of Wari Suplai village has been destroyed. An analysis of the imagery shows that almost 250 structures – indicated with orange dots – were visibly destroyed, though the number is likely higher, as smaller structures or those under trees may have been missed. Insets of a small portion of the village shows the area before and after the burnings. The only structure possibly left intact is highlighted with a yellow square for comparison.

²⁰⁹ Interview by voice call, 3 April 2022.

²¹⁰ Interview by voice call, 3 April 2022.

Another farmer, a 38-year-old father of two young children, said he saw the smoke and flames billow and that, later, a friend showed him photographs shot from a drone and in which he saw that his house, too, was burned.²¹¹ “It’s not a house anymore. It’s all ashes – black and charcoal. I wanted to cry. I am sad. It’s my life’s savings. It was destroyed within minutes. I am trying to console myself. What’s done is done. We can’t get it back,” he told Amnesty International. He added:

I want you to tell the world that the military does not respect any human rights and violates them... Those are the people ruling the country... We cannot go back to the village yet. The military is still in the village. It’s not safe for us to go back. Even if we have a chance to go back, I would like to ask for help because we need to start from scratch. We need help to rebuild Wari Suplai village again.²¹²

Analysis of near-infrared satellite imagery confirms fires and damage in Wari Suplai at several points in February starting from around 18 February and then again on 11 March 2022. Smoke and active fire is clearly visible from space; by 24 February, much of the village appears destroyed.



False-colour near-infrared imagery over Wari Suplai shows active fires and smoke on 18 February 2022. This aligns with fires detected on the same day by sensors on the NASA satellites.

Destruction and seizure of property without military necessity is prohibited by international humanitarian law.²¹³ Amnesty International’s documentation indicates that the burning of these villages was a form of punishment for ethnic minority communities perceived to support armed groups. These actions, therefore, also amount to war crimes.²¹⁴

A former field commander in LID 66 who was involved in operations in Kayah State before defecting in October 2021 told Amnesty International that he witnessed soldiers engaging in looting and burning of homes.²¹⁵ “Sometimes they chose some particular houses and burned [them]. They don’t have any particular reason [why they burn a specific house]. They just want to put the fear in the civilians that ‘This is what we’ll do if you support [the resistance fighters].’ And another thing is to stop the supply and logistics for the local resistance forces,” he said.²¹⁶ He added: “Physically, [soldiers] took everything they could [from a village] and then they burned the rest. If travelling on foot, [soldiers] put items in their backpacks. But what I saw with my own eyes, the soldiers took motorbikes and other valuable items and they put [rice and other smaller things] on the trucks [and took them away].”²¹⁷

²¹¹ Interview by voice call, 3 April 2022.

²¹² Interview by voice call, 3 April 2022.

²¹³ ICRC, Customary IHL, Rule 50.

²¹⁴ Rome Statute, Article 8(2)(e)(xii).

²¹⁵ Interview in person, location withheld, March 2022.

²¹⁶ Interview in person, location withheld, March 2022.

²¹⁷ Interview in person, location withheld, March 2022.

These violations are consistent with the military's record historically as well as with a pattern seen in current operations aimed at quelling resistance since February 2021, including in Sagaing Region and Chin State in the north-west.²¹⁸ According to the NGO Data for Myanmar, which collates media reports and publicly available information, between 1 February 2021 and 7 March 2022, the military and allied groups burned down more than 6,700 structures; the vast majority of this destruction happened since January 2022.²¹⁹ More than 300 homes were burned in Kayah State, likely a conservative estimate.²²⁰ The Karenni Human Rights Group later reported that in April 2022 alone, the military intentionally set on fire 105 structures across the state.²²¹ The UN Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, told Reuters: "It's a campaign of terror... If you live in an area or village that they (the junta) think is particularly supportive of those that have taken up arms then you are, in their view, the enemy."²²²

²¹⁸ See, for example, UN Special Rapporteur on the situation of human rights in Myanmar, Report, 16 March 2022, UN Doc. A/HRC/49/76, paras 23-26; Washington Post, "Burn it all down: How Myanmar's military razed villages to crush a growing resistance", 23 December 2021, [wapo.st/3vyr4wu](https://www.washingtonpost.com/news/asia-pacific/wp/2021/12/23/burn-it-all-down-how-myanmar-s-military-razed-villages-to-crush-a-growing-resistance/); Associated Press, "Myanmar villagers say army troops burned 400 houses", 3 February 2022, [bit.ly/30MUf6u](https://www.associatedpress.com/2022/02/03/myanmar-villagers-say-army-troops-burned-400-houses/); Reuters, "Troops burn villages in Myanmar heartland, seek to crush resistance", 14 April 2022, [reut.rs/3y6eVR4](https://www.reuters.com/world/asia-pacific/troops-burn-villages-in-myanmar-heartland-2022-04-14/)

²¹⁹ Data for Myanmar, Facebook post, 9 March 2022, [bit.ly/3y5ReYQ](https://www.facebook.com/dataformyanmar/); UN Special Rapporteur human rights in Myanmar, Report, 16 March 2022 (previously cited), para. 23.

²²⁰ Data for Myanmar, Facebook post, 9 March 2022, [bit.ly/3y5ReYQ](https://www.facebook.com/dataformyanmar/)

²²¹ KnHRG, Facebook post, 1 May 2022, [bit.ly/3MDAlsC](https://www.facebook.com/knhrghome/): "Karenni Human Rights Violation Situation: 1st to 30th April 2022".

²²² Reuters, "Troops burn villages in Myanmar heartland, seek to crush resistance".

6. DISPLACEMENT AND HUMANITARIAN CRISIS

“I’m fed up... I want peace like before. Because of this conflict, we cannot go back and stay in our home.”

A 52-year-old woman displaced from Kyaikto Township in Mon State.²²³

The fighting and myriad violations by the Myanmar military have caused widespread displacement in various parts of the country, including Kayin and Kayah States. In some cases, entire villages have been emptied of their populations; at times, civilians have had to flee more than once over the past months. According to the UN, as of 11 April 2022, there were more than 74,000 people displaced in Kayin State; in Kayah State, the situation was even more dire, with around one third to half of the total population displaced – some 91,000 within Kayah State and tens of thousands more to southern Shan State.²²⁴ This chapter highlights the deplorable living conditions of displaced civilians as well as the worsening humanitarian crisis caused by the military’s obstruction of assistance.

6.1 UNSAFE AND INADEQUATE CONDITIONS

Civilians have taken shelter in various settings, including in houses of worship, schools, makeshift camps, caves and out in the open in the jungle. A farmer in her 20s from a village near Loikaw in Kayah State told Amnesty International that when fighting flared up in May 2021, many villagers sought refuge in a church only to end up being bombed there too.²²⁵ Her mother and three others were killed.²²⁶ She added:

After that, we moved to the forest and joined the displaced people there... It is quite far from the village. We are staying in a hut made out of tarpaulin and we don’t feel safe there as well... Even though it’s a bit far from town, we can still hear the heavy artillery and the fighter jets... The biggest challenge we have is water and food... We don’t have enough water, we have to walk very far to get water. And if we order water from other places, we have to pay for it... For food, what we now need the most is rice.²²⁷

Many internally displaced persons (IDPs) who were interviewed spoke of challenges obtaining adequate food and water. A 52-year-old farmer who was displaced from Daw Ta Ma Nge village, Demoso Township, Kayah State, said that after people fled the village due to continuous bombardment, they have become dependent

²²³ Interview by voice call, 30 March 2022.

²²⁴ OCHA, “Myanmar: Humanitarian Update No. 17, 19 April 2022” (previously cited). The Karenni Human Rights Group (KnHRG) has reported even higher figures, indicating there are around 200,000 people displaced from their homes in Kayah State. KnHRG, Quarterly Briefer: Vol. 1, Issue 1, April 2022, bit.ly/3PCVlwA

²²⁵ Interview by voice call, 5 April 2022.

²²⁶ Interview by voice call, 5 April 2022.

²²⁷ Interview by voice call, 5 April 2022.

on very limited assistance from NGOs.²²⁸ “We are having so many difficulties with food. Some people were able to bring sacks of rice when they fled, but [others weren’t]. They have nothing to eat,” said the farmer, who has five children.²²⁹ A 36-year-old woman from Kayah State’s Loikaw Township, who is living in a camp close to the Thailand border with her three children, said people compete to get water: “We can only go once a day [to collect water]. We go early in the morning. It’s an hour by foot.”²³⁰

Another resident of the same camp, a 26-year-old student, said that venturing out for water comes with the risk of passing close to a military base; in addition, a local armed group warned them about landmines in the area.²³¹ “It is impossible for us [to go into the forest] on the Myanmar side, [because of the landmines],” he said, undermining their ability to scavenge for food.²³² It is not just landmines that pose a danger; as previously mentioned in Chapter 4, displaced persons who travel to their villages to try to collect belongings or food are subject to the threat of arbitrary arrest and detention, torture, as well as extrajudicial execution.

Even when they do have food, displaced persons said they have to be mindful of how and when to prepare and eat it without risking attack by the military. A 38-year-old protester, who had fled from Yangon to Lay Kay Kaw in Kayin State and ended up huddled in a cave with displaced persons from the area in mid-December 2021, said when they finally had access to food, cooking had to be done in the early hours of the morning so that the mist and fog would conceal the smoke and they would not be spotted by the military.²³³ As documented in Chapter 3, the military has carried out unlawful attacks on displaced persons’ sites.

According to the UN, Kayah is one of three states facing the highest prevalence of food insecurity, a trend that started in 2021 and has continued in 2022.²³⁴ There is widespread concern that this will get worse, with further food shortages anticipated in both Kayah and Kayin States due to the ongoing fighting. “We’re mostly farmers, and we need to prepare for the next rainy season. We need to plough the land, but we don’t dare if we will have to flee again. The situation is very uncertain... We can’t plan ahead right now,” said a village leader from Kayin State’s Kawkareik Township.²³⁵ According to Dr Edward, a doctor who left his hometown to provide care in conflict areas of Kayin State, malnutrition is an issue in the area.²³⁶ “We can’t get enough food, so there is a nutrition problem, especially in older people and younger children,” he said, adding that he can provide care in some situations, but that there was no specialist care for severe cases.²³⁷

Several displaced persons and healthcare providers spoke to Amnesty International of the lack of medical care. A 27-year-old construction worker from Lay Kay Kaw said he tried to cross into Thailand with his family on 18 December 2021 to escape fighting and bombardment that had been going on for days, but that they encountered a cliff face and had to stop.²³⁸ His wife, pregnant at the time, ended up miscarrying. In order to receive medical treatment, she had to be sent to Thailand.²³⁹ With the ability to cross into Thailand highly curtailed by multiple factors, including fighting, movement restrictions and military violations inside Myanmar, and a strong reluctance by the Thai authorities to allow people to cross or remain, the vast majority of people in need of care have to contend with the rudimentary services available in displacement, healthcare workers said.²⁴⁰

As detailed in Chapter 3, the conflict has also had a profound impact on overall well-being at a time when mental health and psychosocial support services are practically non-existent. “In this region, we don’t have mental health specialists at all,” said an aid worker with the IDP Camp Committee in west Hpruso, Kayah State.²⁴¹ A nurse working with IDPs in Kayah State said some organizations have volunteers who go to camps to talk to people and play religious songs, but that there were no trained mental health professionals.²⁴²

There is a need to undertake research to quantify the impact of such lack of access to food, water and healthcare among other needs and rights – current available data on deaths and injuries resulting from the military operations in eastern Myanmar do not include the toll caused by these conditions. Meanwhile, this large-scale displacement is likely to continue for some time – fighting persists unabated and the military maintains a presence near many villages where residents have been pushed out. A village leader from

²²⁸ Interview by voice call, 28 March 2022.

²²⁹ Interview by voice call, 28 March 2022.

²³⁰ Interview in person, Thailand, 3 April 2022.

²³¹ Interview in person, Thailand, 3 April 2022.

²³² Interview in person, Thailand, 3 April 2022.

²³³ Interview in person, Thailand, 29 March 2022.

²³⁴ OCHA, “Myanmar: Humanitarian Update No. 17, 19 April 2022” (previously cited).

²³⁵ Interview by voice call, 27 March 2022.

²³⁶ Interview by voice call, 28 March 2022.

²³⁷ Interview by voice call, 28 March 2022.

²³⁸ Interview in person, Thailand, 30 March 2022.

²³⁹ Interview in person, Thailand, 30 March 2022.

²⁴⁰ Interviews in person, Thailand, 28 and 31 March 2022 and 3 April 2022.

²⁴¹ Interview by voice call, 2 April 2022.

²⁴² Interview in person, Thailand, 3 April 2022.

Loikaw Township, in Kayah State, said that when a delegation from the village met with a military commander supervising operations in the area to plead for villagers to be able to return to their homes and to resume farming, the commander said that was not possible because soldiers had planted landmines in the village.²⁴³ In the meantime, displaced persons continue to be exposed to the elements – rainstorms in March 2022 destroyed hundreds of IDP shelters along the Myanmar-Thailand border.²⁴⁴ Conditions are expected to worsen during the rainy season, which begins in June.

A 52-year-old woman displaced from Kyaikto Township in Mon State after the military raided her village in late January 2022, summed up her conditions in displacement saying:

We can't do anything. I'm fed up with everything. We don't know what to do anymore. I want peace like before. Because of this conflict, we cannot go back and stay in our home and have to be displaced in other people's village. This isn't good and it makes me sad.²⁴⁵

The conditions outlined above violate a range of human rights, including but not confined to, the right to liberty of movement and choice of residence; the right to an adequate standard of living, including food and housing; and the right to health.²⁴⁶ Furthermore, as detailed in previous chapters, the mass displacement is the direct and seemingly deliberate outcome of the military's attacks on and collective punishment against the civilian population in eastern Myanmar, and as such should be investigated as the crime against humanity of forcible transfer (see text box on page 45).²⁴⁷



People take refuge in a cave in Demoso Township, Kayah State, after fleeing the conflict between the military and armed groups, 1 June 2021. Many people have fled to caves or to remote areas of the jungle seeking safety from Myanmar military attacks by ground and air. © STR/AFP via Getty Images

²⁴³ Interview by voice call, 12 April 2022. Amnesty International is withholding the name of the village and the base for the safety and protection of the interviewee.

²⁴⁴ OCHA, "Myanmar: Humanitarian Update No. 17, 19 April 2022" (previously cited).

²⁴⁵ Interview by video call, 30 March 2022.

²⁴⁶ International Covenant on Civil and Political Rights (ICCPR), Article 12; International Covenant on Economic, Social and Cultural Rights (ICESCR), Articles 11 and 12.

²⁴⁷ Rome Statute, Article 7(d). See also ICRC, Customary IHL Study, Rule 129.

6.2 OBSTRUCTION OF AID

The Myanmar military is further exacerbating the displacement crisis by restricting access to crucial humanitarian assistance.²⁴⁸ “Active fighting, logistical constraints, roadblocks and the lack of travel authorizations are preventing partners from reaching IDPs in Kayah and Kayin states” among other areas, according to the UN.²⁴⁹ The UN Special Rapporteur on the situation of human rights in Myanmar said he received credible information that military authorities had given direct orders to village leaders to obtain approval before taking aid from international NGOs.²⁵⁰

An aid worker operating in Kayah State’s Hpruso Township described to Amnesty International some of the challenges facing humanitarian workers since the military seized control of several main transport routes after undertaking operations in mid-2021. She said:

Since they [started] doing offensive attacks in Karenni State, the main roads are blocked. We cannot transport rice to IDP sites [by main roads], we have to go through jungle routes.... We must use four-wheel drive [vehicles]. For some camps we have to walk, transportation is difficult for us... The other thing is the price of petrol is getting higher, so that’s another challenge.²⁵¹

The military is not officially shutting down roads per se, she explained. Rather, it’s that aid workers – many of whom are from ethnic minorities that have been targeted for collective punishment, or who, if operating in EAO-controlled or contested areas, face extreme risks that the military will accuse them of assisting armed groups – have to cross through areas where the military is in control. “It can be anything – we can get shot or there can be fighting between the two [sides] on the frontlines. So, it’s not safe for us to use the roads,” she added.²⁵² Staff of local and international NGOs have been arrested, at times disappeared.²⁵³

Safety is not only a concern for humanitarian workers, but also for IDPs themselves, many of whom have abandoned displacement camps and ventured further into forest areas and caves. “We cannot tell them to go back and live in IDP camps because they feel the military targets the IDP camps, so it’s difficult for us to manage the IDPs as well,” said the aid worker who had responded to the air strike on Ree Khee Bu Camp (see Chapter 3). Another aid worker from the same area said that, for now, IDPs who moved from camps to remote locations are mostly reachable, but the rainy season will compound transportation challenges.²⁵⁴

The military has confiscated lifesaving assistance. A health worker who volunteered in east Demoso Township in late 2021 told Amnesty International that, in at least one instance, medical supplies her team were meant to receive to assist displaced persons were seized at a checkpoint.²⁵⁵ It is a pattern that other humanitarian workers in the area mentioned to Amnesty International in the past.²⁵⁶

Soldiers have also threatened the delivery of services by raiding health facilities. In one incident in November 2021, troops in Loikaw town, Kayah State, stormed into a clinic, accused medical staff of supporting the CDM, and forcibly moved patients to another hospital, a nurse who witnessed the raid told Amnesty International.²⁵⁷ Soldiers took a position on a building in front of the clinic, pointing their guns at it; another group stayed at the facility for several hours, the witness said.²⁵⁸ Medical workers, including the nurse who spoke to Amnesty International, were taken for interrogation and detained for a night before a religious leader affiliated with the Catholic-run clinic negotiated their release.²⁵⁹

In December 2021, Physicians for Human Rights (PHR) reported that, between February and November 2021, 284 health workers had been arrested in Myanmar and 31 killed, and there had been 113 raids on health facilities.²⁶⁰ Actions like these are likely to scare off civilians, deter them from seeking care and

²⁴⁸ See, for example, Amnesty International, “After coup, Myanmar military puts chokehold on people’s basic needs”, 17 December 2021, [bit.ly/38EJRgt](https://www.amnesty.org/en/documents/asi/2021/12/17/)

²⁴⁹ OCHA, “Myanmar: Humanitarian Update No. 17, 19 April 2022” (previously cited). See also UN Special Rapporteur on human rights in Myanmar, Report, 16 March 2022 (previously cited), para. 39.

²⁵⁰ UN Special Rapporteur on human rights in Myanmar, Report, 16 March 2022 (previously cited), para. 39.

²⁵¹ Interview by voice call, 1 April 2022.

²⁵² Interview by voice call, 1 April 2022.

²⁵³ Interview by voice call with a man who helps coordinate assistance in three townships in Loikow District for the Karenni State Consultative Council, 2 April 2022. See also Amnesty International, “After coup, Myanmar military puts chokehold on people’s basic needs”; UN Special Rapporteur on human rights in Myanmar, Report, 16 March 2022 (previously cited), para. 40.

²⁵⁴ Interview by voice call, 2 April 2022.

²⁵⁵ Interview in person, Thailand, 3 April 2022.

²⁵⁶ Amnesty International, “After coup, Myanmar military puts chokehold on people’s basic needs”.

²⁵⁷ Interview in person, Thailand, 3 April 2022. See also Physicians for Human Rights, “Violence Against or Obstruction of Health Care in Myanmar, February-November 2021”, 23 December 2021, [bit.ly/3FjOL0n](https://www.phr.org/2021/12/23/violence-against-or-obstruction-of-health-care-in-myanmar-february-november-2021/)

²⁵⁸ Interview in person, Thailand, 3 April 2022.

²⁵⁹ Interview in person, Thailand, 3 April 2022.

²⁶⁰ Physicians for Human Rights, “Violence Against or Obstruction of Health Care in Myanmar, February-November 2021”.

undermine the provision of health services, including to people in conflict-affected areas of eastern Myanmar. Several medical professionals interviewed by Amnesty International said it was not safe to send patients with conflict-related injuries to hospitals in SAC-controlled areas, as they would face risk of further harm.²⁶¹ Civilians from ethnic minorities and CDM activists feel that fear as well, and often avoid going to hospitals in areas the military controls. As a result, many seriously injured or ill civilians have recourse only to under-equipped clinics in EAO-controlled areas, even as those clinics have faced shelling or air attacks.

International humanitarian law provides special protection for medical workers, hospitals and other places treating patients, which the Myanmar military has not respected in many cases.²⁶² Parties to a conflict are also obligated to “allow and facilitate rapid and unimpeded passage” of impartial humanitarian assistance to civilians in need, including through ensuring freedom of movement for aid workers to carry out their work.²⁶³ Repeated restrictions by Myanmar authorities on humanitarian access to displaced communities and others impacted by the conflict are in clear violation of these rules.



People displaced by Myanmar military operations in Kayin State flee to Thailand, seen here crossing the river that demarcates this part of the Thai-Myanmar border, 15 January 2022, Mae Sot district, Thailand. © STR/AFP via Getty Images

²⁶¹ Interviews in person and by voice call, 28 March and 3 April 2022.

²⁶² For example, ICRC, Customary IHL, Rules 25 and 28. See also UN Security Council (UNSC), Resolution 2286, adopted on 3 May 2016, UN Doc. S/RES/2286 (2016).

²⁶³ ICRC, Customary IHL, Rules 55 and 56.

MILITARY CRIMES UNDER INTERNATIONAL LAW – AND KEY UNITS RESPONSIBLE

The Myanmar military has committed war crimes and likely crimes against humanity during the armed conflicts in eastern Myanmar, including against civilians from the Karen and Karenni ethnic minorities.

The situation in eastern Myanmar constitutes one or more non-international armed conflict(s) involving the Myanmar military fighting against several non-state organized armed groups. The fighting is governed by international humanitarian law, also known as the laws of war, which set out rules protecting civilians and other non-combatants. International human rights law also continues to apply. As detailed in Chapter 2, since the coup, there have been more than 1,000 clashes between the military and armed groups in that region, involving air strikes, indirect fire, and skirmishes, with significant casualties among forces on both sides and mass displacement of civilians. The main EAOs in eastern Myanmar control significant territory and have clear command structures; their armed conflicts with the military date back decades.

War crimes are serious violations of international humanitarian law, committed with criminal intent – that is, deliberately or recklessly. Based on Amnesty International’s documentation, the Myanmar military is responsible for war crimes in eastern Myanmar including “violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture”; intentionally directing attacks against the civilian population; attacking protected objects; forcibly displacing civilians neither for their security nor for imperative military reasons; destroying or seizing the enemy’s property; and pillage.²⁶⁴ The military also appears to have committed the following war crimes: making civilian objects the object of attack; using prohibited weapons; launching an indiscriminate attack resulting in death or injury to civilians; collective punishment; and enforced disappearance.²⁶⁵

Crimes against humanity are certain serious human rights violations committed as part of a widespread or systematic attack directed against a civilian population pursuant to, or in furtherance of, a state or organizational policy.²⁶⁶ The Rome Statute lists 11 crimes against humanity, or “inhumane acts”, including murder; forcible transfer of a population; torture; enforced disappearance; and persecution on ethnic grounds.²⁶⁷ Four requirements are common to all crimes against humanity: the “acts” must be committed as part of a “widespread or systematic attack”; the attack must be “directed against any civilian population”; the “acts” must be carried out with knowledge of the attack; and the attack must be carried out as part of state or organizational policy. “Widespread” can be demonstrated by the number of victims or the magnitude of the acts, as well as the acts’ geographical reach.²⁶⁸ “Systematic” has been held to “signify] the organised nature of the acts of violence and the improbability of their random occurrence”.²⁶⁹ Courts have commonly held the “systematic” threshold to be met when there are “[p]atterns of crimes – that is the nonaccidental repetition of similar criminal conduct on a regular basis”.²⁷⁰

As detailed in this report, the Myanmar military has carried out attacks on civilian populations in eastern Myanmar, including Karen and Karenni populations, in both a widespread and systematic manner, though either suffices under international law to establish crimes against humanity. The military has attacked civilians across a large area for more than a year. These attacks on civilian populations include a massacre as well as consistent patterns of collective punishment, including through unlawful killing, shelling, burning, looting, and torture, which have forcibly displaced civilians from entire regions. The violations follow a military playbook that has existed for decades; Amnesty International and others have previously shown there is a command structure and state policy from the military’s most senior levels.²⁷¹ Military defectors interviewed by Amnesty International for this report provided further indication of the military’s policy of collectively punishing civilian populations – and of refusing to hold soldiers and commanders accountable for even gross violations.²⁷²

Amnesty International therefore considers that the Myanmar military has been conducting a widespread as well as a systematic attack directed against one or more civilian populations in eastern Myanmar since the coup, a continuation of similar such crimes during past military operations in eastern Myanmar.²⁷³ Amnesty International believes there must be impartial, independent and effective investigations into the crimes against humanity of murder, forcible transfer, torture, enforced disappearance, and persecution.

²⁶⁴ Rome Statute, Articles 8(2)(c)(i), 8(2)(e)(i), 8(2)(e)(iv), 8(2)(e)(viii), 8(2)(e)(xii) and 8(2)(e)(v).

²⁶⁵ ICRC, Customary IHL, Rule 156.

²⁶⁶ Rome Statute, Article 7; and ICC, The Elements of Crimes, bit.ly/3ye64sN, pp. 5-12.

²⁶⁷ Rome Statute, Article 7(1).

²⁶⁸ See *Prosecutor v. Akayesu*, ICTR Trial Chamber, 2 September 1998, para. 579; *Kordic and Cerkez*, ICTY Trial Chamber, 26 February 2001, para. 179. The ICC has held that an assessment of the quantitative and geographic facts will depend on the facts of each case. *Situation in the Republic of Kenya*, Case No. ICC-01/09, Decision pursuant to Article 15 of the Rome Statute on the authorization of an

Building on previous work in Myanmar, including on the military's command structure and the location of battalions across the country, Amnesty International was able to identify some units implicated in war crimes and likely crimes against humanity in eastern Myanmar. Units were identified through consistent witness testimony, interviews with military defectors, interviews with other people with direct knowledge of unit locations, an extensive review of media and NGO reporting, and confidential documents on file with Amnesty International related to the military's structure and bases. Key implicated units include:



Light Infantry Division (LID) 66 – The combat division has been heavily involved in operations in Kayah State; they are readily identified by witnesses through their distinct patches. They are credibly implicated in murder, indiscriminate attacks, torture, village burning, and pillage, among other crimes. A former field commander from LID 66 involved in operations in Kayah State in late 2021 said openly that he had witnessed attacks directed against civilians as well as burning and looting.²⁷⁴



Eastern Command – The regional command in charge of operations in Kayah State, through a Regional Operation Command (ROC) in Loikaw; a field commander from LID 66 told Amnesty International that the ROC exercised overall control of ground operations in Kayah State, including over his LID.²⁷⁵ Those operations have included unlawful attacks, village burning, pillage, enforced disappearances, torture and other ill-treatment, and persecution of ethnic Karenni communities. Among the units identified as responsible for violations are battalions of **Military Operations Command (MOC) 7** and **Light Infantry Battalion (LIB) 422**, based in Moe Bye in southern Shan State, near the border with Kayah State.



Southeastern Command – The regional command in charge of operations in Kayin State, recognized by witnesses by their distinct patches and from their decades-long presence across Kayin State. Since the coup, their operations in Kayin State have included unlawful shelling and gunfire attacks, murder, pillage, enforced disappearances, torture and other ill-treatment, and persecution of Karen communities. Among the units identified as responsible for violations are several battalions of **MOC 12** as well as **Infantry Battalion 97**, based in Kawkareik.



Directorate of Artillery – The Director of the Directorate of Artillery is in the Myanmar Defence Services' General Staff. Unlawful artillery attacks have been responsible for deaths and injuries to civilians and for the destruction of civilian objects across eastern Myanmar. There is a consistent pattern of such unlawful attacks over more than a year; such attacks appear to be designed to inflict collective punishment on civilians. Amnesty International has long documented such a pattern across conflict areas,²⁷⁶ suggesting a deliberate strategy from the Directorate. Among the artillery units identified as responsible for targeted attacks on civilians or indiscriminate attacks is **Artillery Battalion 360**, in Kayah State.²⁷⁷



Air Force – The Myanmar air force has played an outsized role in the eastern Myanmar conflicts – perhaps more than in any prior Myanmar conflict. The results have been devastating for civilians, with air strikes on villages and an IDP camp, killing and injuring civilians and destroying civilian property. Many of these attacks amount to war crimes.

investigation into the situation in the Republic of Kenya, 31 March 2010, Pre-Trial Chamber II, para. 95. See also *Prosecutor v. Jean-Pierre Bemba Gombo*, Case No. ICC-01/05-01/08, Judgment pursuant to Article 74 of the Statute, 21 March 2016, Trial Chamber III, para. 163.

²⁶⁹ *Prosecutor v. Kunarac et al.*, ICTY Trial Chamber, Judgment, 22 February 2001, para. 429. See also *Prosecutor v. Blaškic*, ICTY Trial Chamber, Judgment, 3 March 2000, para. 203; and *Prosecutor v. Akayesu*, ICTR Trial Chamber, Judgment, 2 September 1998, para. 580.

²⁷⁰ *Prosecutor v. Kunarac et al.*, ICTY Trial Chamber, Judgment, 22 February 2001, para. 429. See also *Prosecutor v. Tadic*, ICTY Trial Chamber, Opinion and Judgment, 7 May 1997, para. 648.

²⁷¹ See Amnesty International, “We will destroy everything”; UN FFM, *Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar*, 17 September 2018.

²⁷² Interviews in person, March 2022.

²⁷³ Amnesty International, *Crimes against humanity in eastern Myanmar*; Harvard Law School International Human Rights Clinic, *Legal Memorandum: War crimes and crimes against humanity in eastern Myanmar*; Amnesty International, “No place to hide”.

²⁷⁴ Interview in person, location withheld, March 2022.

²⁷⁵ Interview in person, location withheld, March 2022.

²⁷⁶ See Amnesty International, “All the civilians suffer”; Amnesty International, “Caught in the middle”; Amnesty International, “No one can protect us”.

²⁷⁷ Artillery Battalion 360 had a tense relationship with the local Karenni community even prior to the current conflict. See The Irrawaddy, “Govt Has Duty to Solve This: Kayah Farmers”, 26 June 2019, irrawaddy.com/news/burma/govt-duty-solve-kayah-farmers.html

7. CONCLUSION AND RECOMMENDATIONS

“They want to put fear into the civilians.”

A former field commander in LID 66, speaking about the military’s shelling of civilian areas and village burning.²⁷⁸

More than a year after the coup, as the world’s attention has shifted away from Myanmar, the military continues its onslaught against civilians perceived to be opposed to its rule. During the first five months of 2022, fighting has intensified in eastern Myanmar, and with it, so has the scale and severity of human rights and humanitarian law violations. In its operations ostensibly against armed groups and other opposition fighters, the military has returned to a decades-old playbook of collective punishment – firing day and night on villages with artillery and airstrikes; looting and burning seized villages; forcibly displacing communities, often repeatedly; unlawfully detaining, torturing, and at times extrajudicially executing civilians and captured fighters; and depriving the population of food, medical care, and other essentials.

The testimony of recent military defectors as well as years of evidence of similar military tactics across the country leaves no doubt: such atrocities are part of a deliberate military strategy, with responsibility going to the senior-most levels, including Senior General Min Aung Hlaing and the General Staff around him. The military will not change course on its own. Absent concerted international pressure, including actions to bring to justice those responsible for crimes under international law, civilians across Myanmar will continue to suffer – and the country’s humanitarian crises, including in Kayin and Kayah States, will worsen.

It is long past time for the UN Security Council to implement a comprehensive arms embargo, including on the sale or shipment of military-grade aviation fuel, and to refer the situation in Myanmar to the ICC. Senior military officials have, in recent years, been credibly implicated in crimes against humanity, war crimes and genocide. The world has failed to act, and those same officials remain in leadership positions; crimes repeat, simply changing location. If the Security Council continues to abandon its responsibilities, others will have to step up, including the Association of Southeast Asian Nations (ASEAN), the European Union, the United States, the United Kingdom, and China. Any weapon sold or provided to the Myanmar military is likely to be used against civilians. Continued impunity will further embolden the military leadership in its war on CDM activists and ethnic-minority communities.

In the aftermath of the coup, civilians across Myanmar have shown remarkable courage and solidarity in demanding respect for their rights. Civil society actors in places like Kayin and Kayah States have braved enormous risks to document the military’s crimes and to deliver essential assistance to conflict-affected communities. It is time for the world to support them.

²⁷⁸ Interview in person, location withheld, March 2022.

RECOMMENDATIONS

TO THE UNITED NATIONS SECURITY COUNCIL

- Refer the situation in Myanmar to the International Criminal Court;
- Impose a comprehensive arms embargo on Myanmar that covers the direct and indirect supply, sale, and transfer, including transit and trans-shipment, of all weapons, munitions, and other military and security equipment, including military-grade aviation fuel, as well as the provision of training and other military or security assistance; and establish a mechanism to monitor and enforce the embargo;
- Impose targeted financial sanctions against senior officials responsible for serious violations and crimes; and
- Hold regular, open meetings on the situation in Myanmar and adopt a resolution or resolutions, as necessary, that send an unambiguous message to the Myanmar authorities about the need to allow unrestricted humanitarian access; to allow unfettered access for independent investigators, including the IIMM and the UN Special Rapporteur on the situation of human rights in Myanmar; and to support international efforts to hold perpetrators criminally accountable.

TO THE NATIONAL UNITY GOVERNMENT (NUG)

- Ensure that any forces under the NUG's command, including relevant People's Defence Forces (PDFs), adhere strictly to the rules of international humanitarian law. In particular, ensure that they take all feasible precautions to protect civilians and civilian objects under their control from the effects of attack, including by avoiding, to the extent feasible, locating fighters and other military objectives in civilian-populated areas;
- Continue efforts to support justice and accountability for crimes under international law committed across Myanmar, in line with the NUG's Article 12(3) declaration that was announced in August 2021, including by cooperating fully with the ICC Prosecutor's investigation into alleged crimes within the ICC's jurisdiction in the Situation in Bangladesh/Myanmar as well as with the Independent Investigative Mechanism for Myanmar (IIMM), the Special Rapporteur on the situation of human rights in Myanmar, and the Office of the High Commissioner for Human Rights (OHCHR); and
- Continue seeking greater international assistance in response to the humanitarian crises, including in eastern Myanmar. Ensure that requests include clear calls around the need for increased support for mental health and psychosocial support (MHPSS).

TO THE STATE ADMINISTRATION COUNCIL (SAC)

- Immediately end and prevent further crimes under international law and other human rights and humanitarian law violations, including related to operations in eastern Myanmar. Adhere strictly to the provisions of international humanitarian law, including the Geneva Conventions of 1949;
- End the use of explosive weapons with wide area effects, such as artillery and mortar shelling and unguided air strikes, in civilian areas, even when there are military objectives in the vicinity;
- Order prompt, impartial, independent, and effective investigations into all allegations of crimes against humanity, war crimes, and other serious violations by members of the military and other forces under its command. Where there is sufficient, admissible evidence, bring those reasonably suspected of individual criminal responsibility, including command responsibility, to trial in proceedings which meet international standards of fairness without recourse to the death penalty;
- Immediately provide to families and other concerned parties information concerning the fate and whereabouts of missing individuals, including those named in this report, and provide details concerning the basis for their arrest;
- Provide and facilitate immediate, unfettered humanitarian access to all areas of eastern Myanmar, so that impartial relief can reach all civilians in need of assistance, including those who have been displaced. Streamline regulations and establish a transparent and timely process for humanitarian agencies and organizations applying for permits to implement humanitarian programmes;

- Immediately cease the blocking and theft of medical supplies intended for civilians in eastern Myanmar, including in areas under the control of ethnic armed organizations;
- End the use of antipersonnel landmines. Support the expansion of mine clearance programmes and, in the meantime, take all necessary measures to warn civilians about areas with landmines;
- Allow free and unrestricted movement of civilians and respect the right of displaced persons to return to their homes safely, in dignity and voluntarily based on free, informed, individual choice;
- Cooperate fully with the IIMM, the Special Rapporteur on the situation of human rights in Myanmar, and OHCHR, including by allowing unfettered access throughout the country, so that they may investigate human rights violations and abuses by all parties to the conflicts;
- Cooperate fully with ongoing and any future investigations by the Office of the Prosecutor of the ICC; and
- Endorse the Safe Schools Declaration and immediately bring military policy in line with the *Guidelines for protecting schools and universities from military use during armed conflict*.

TO ARMED GROUPS IN EASTERN MYANMAR, INCLUDING THE KNU/KNLA, KNPP/KA, KNDF, AND PEOPLE’S DEFENCE FORCES

- Ensure that forces adhere strictly to the rules of international humanitarian law. In particular, ensure that forces take all feasible precautions to protect civilians and civilian objects under their control from the effects of attack, including by avoiding, to the extent feasible, locating fighters and other military objectives in civilian-populated areas;
- End the use of antipersonnel landmines and victim-operated IEDs. Support the expansion of mine clearance programmes and, in the meantime, take all necessary measures to warn civilians about areas with landmines or landmine-like devices; and
- Cooperate fully with the IIMM, including related to areas under armed group control, so that the mechanism may investigate human rights violations and abuses by all parties to the conflicts.

TO THE GOVERNMENT OF THAILAND

- Ensure that Thai security forces on the border allow people from Myanmar to flee to Thailand to escape threats of violence, and to remain in Thailand as long as needed for their security, in line with the Prime Minister’s commitment to respect international law and to avoid pushbacks. Treat anyone trying to cross to Thailand from Myanmar as a possible refugee, and permit them to seek asylum;
- Commit publicly, and ensure in practice, to uphold the obligation of non-refoulement, given the extremely high risk of serious human rights violations, including torture and other ill-treatment, to anyone who might be sent from Thailand to the custody of the SAC;
- Work creatively with international and national humanitarian organizations to allow for increased cross-border assistance to communities in eastern Myanmar, and put pressure on the SAC in Myanmar to ensure that such assistance is not blocked or stolen; and
- Allow international and national humanitarian organizations and other relevant civil society actors access to refugee and other displacement sites in Thailand, ensuring that such organizations can swiftly carry out assessments and provide needed assistance.

TO THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN)

- Recognizing that the Five-Point Consensus did not stop the violence in Myanmar, including crimes under international law being committed by the military in eastern Myanmar, and that the situation is increasingly of regional concern, escalate pressure significantly on the SAC. In addition to acting as a bloc, ASEAN should support bilateral action by member states to push for justice and accountability and should coordinate with governments outside the bloc to maximize pressure on the military;

- Formulate a detailed blueprint to end ongoing human rights violations in Myanmar and to ensure there is accountability for crimes under international law and for other violations of international humanitarian law and international human rights law. Swift actions should include calling for the immediate release of all those arbitrarily detained and publicly demanding that the military end the use in civilian areas of explosive weapons with wide area effects, including artillery and mortar shelling as well as unguided air strikes;
- Commit to non-refoulement of refugees, including civilians fleeing the conflict and human rights violations in eastern Myanmar;
- Facilitate humanitarian assistance, including cross-border humanitarian assistance for conflict-affected populations in eastern Myanmar;
- Call for the UN Security Council to impose a comprehensive arms embargo on Myanmar and to refer the situation to the ICC; and
- Support the holding of regular, open meetings on Myanmar by the UN Security Council.

TO THE UN HUMAN RIGHTS COUNCIL

- Hold regular meetings on the situation in Myanmar and adopt resolutions, as necessary, that send an unambiguous message on the need to stop the flow of arms that are harming civilians and that impress on Myanmar authorities the need to allow unrestricted humanitarian access; to allow unfettered access for independent investigators, including the IIMM and the UN Special Rapporteur on the situation of human rights in Myanmar; and to support international efforts to hold perpetrators criminally accountable.

TO DONOR STATES, UN AGENCIES, AND INTERNATIONAL HUMANITARIAN ORGANIZATIONS

- Significantly increase humanitarian assistance to help respond to the growing needs of displaced persons and the wider civilian population in eastern Myanmar, through working with national humanitarian organizations on identifying needs and the appropriate delivery method whether from within Myanmar or across the border. Ensure that funding is timely, flexible, predictable, sustainable and in support of immediate and longer-term needs;
- Ensure that all humanitarian assistance and programming, including mechanisms for aid delivery, are accessible and inclusive of at-risk groups, including older persons and persons with disabilities. Ensure at the outset of planning response programmes that any infrastructure in displacement sites factors the rights and needs of these groups in adherence with humanitarian principles and rights enshrined in international human rights law;
- Ensure that mental health and psychosocial support is mainstreamed across humanitarian programming, including through supporting training to providers and necessary associated follow up, with a view of having sustainable systems of care to adequately address needs beyond immediate cycles of fighting; and
- Increase support for national human rights organizations and other civil society groups working to document violations committed by the Myanmar military and other parties to the conflicts across the country, including in eastern Myanmar.

TO THE INTERNATIONAL COMMUNITY, INCLUDING ASEAN MEMBER STATES, THE EUROPEAN UNION, THE UNITED STATES, UNITED KINGDOM, AUSTRALIA, JAPAN, SOUTH KOREA, CHINA, INDIA, AND RUSSIA

- Immediately suspend the direct and indirect supply, sale, and transfer, including transit and shipment, of all weapons, munitions, and other military and security equipment, including military-grade aviation fuel, as well as the provision of training and other military and security assistance;

- Support the IIMM, and ensure it has the necessary political backing, access, and financial resources to fulfil its mandate, especially given the expanded scope of its work, geographically and in the number of crimes under international law and perpetrators to be investigated, following the coup; and
- Exercise universal and other forms of jurisdiction to investigate any person who may reasonably be suspected of committing crimes against humanity, war crimes or other crimes under international law in Myanmar. Where there is sufficient admissible evidence, prosecute the suspect in proceedings that meet international standards of fairness and do not involve seeking or imposing the death penalty, or extradite the suspect to a jurisdiction that will do so.

**AMNESTY INTERNATIONAL
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TO ONE PERSON, IT
MATTERS TO US ALL.**

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“BULLETS RAINED FROM THE SKY”

WAR CRIMES AND DISPLACEMENT IN EASTERN MYANMAR

Following the military coup in February 2021, armed conflict reignited in eastern Myanmar’s Kayah and Kayah States. In its operations, the military has inflicted collective punishment on civilians, forcibly displacing more than 150,000 people. It has relentlessly attacked villages with shelling and air strikes, killing and injuring civilians and damaging homes, schools, hospitals, and religious buildings. Soldiers have unlawfully detained, tortured, and extrajudicially executed people who tried to return home. And the military has burned villages and pillaged everything of value that displaced families had to leave behind.

The report is based on interviews with 99 people, including 65 survivors and other witnesses to violations; three defectors from the Myanmar military; and seven medical professionals. It also draws from analysis of satellite imagery, of weapons used by the military, and of photographic and video material related to attacks.

The military’s war crimes and likely crimes against humanity in eastern Myanmar are part of a longstanding deliberate strategy, with responsibility going to the senior-most levels. The UN Security Council must implement a comprehensive arms embargo and refer the situation to the International Criminal Court. For their part, donors must step up their response to the country’s humanitarian crises, including in eastern Myanmar.