

CHIN HUMAN RIGHTS ORGANIZATION

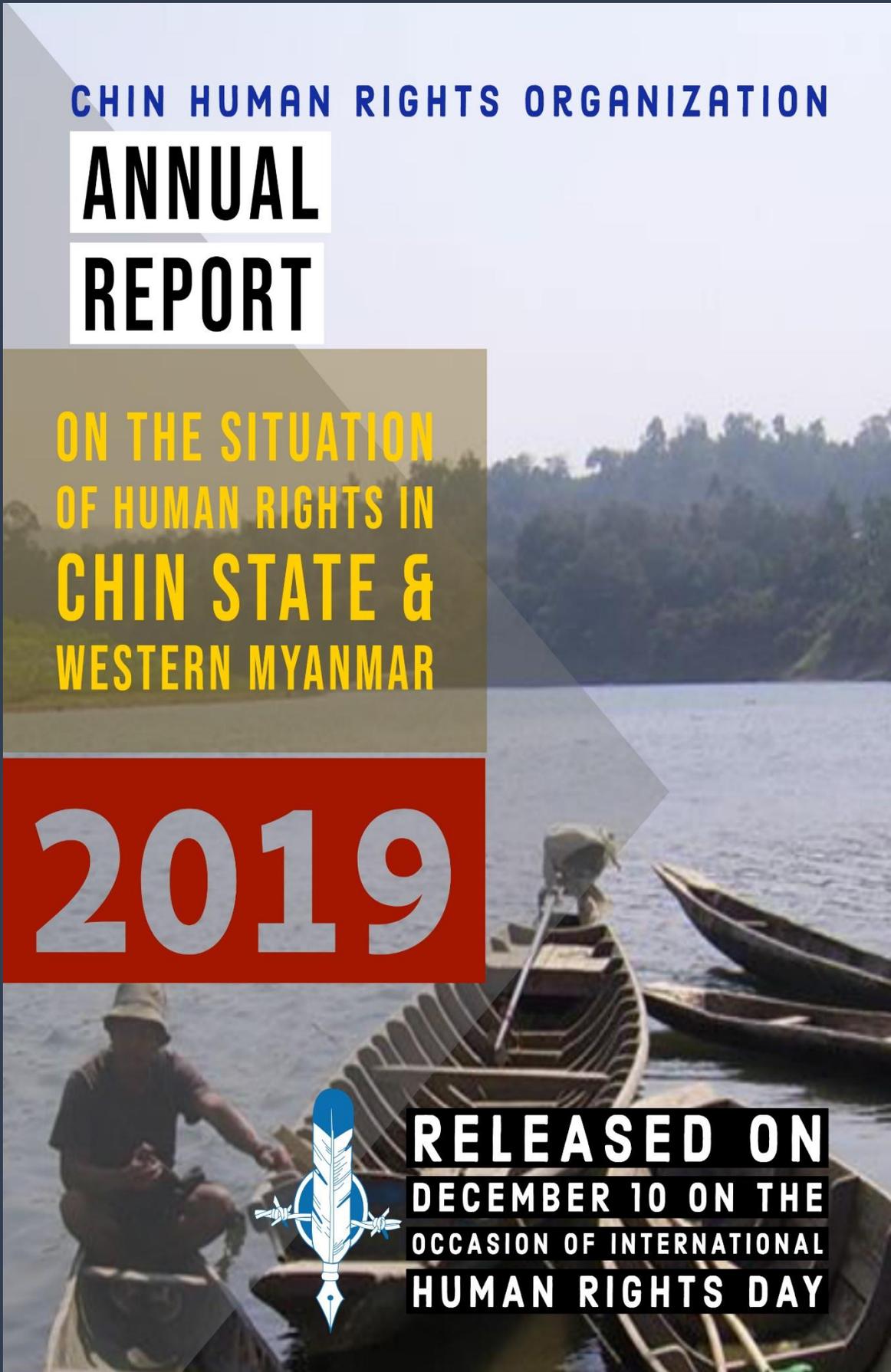
**ANNUAL  
REPORT**

ON THE SITUATION  
OF HUMAN RIGHTS IN  
**CHIN STATE &  
WESTERN MYANMAR**

**2019**



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## Executive Summary

The following information describes human rights violations from late 2018 and throughout 2019. Within it are cases relating to freedom of religion or belief (FORB), where Christian worshippers have been subjected to intimidation, attacks and attempts at forced conversion. The report also documents the human rights situation surrounding the ongoing conflict between the Arakan Army (AA) and the Burmese Military (Tatmadaw). The majority of cases have been documented first-hand by CHRO but where necessary context is provided by secondary sources.

During the documentation period there have been three instances of systematic discrimination toward Chin Christians living in areas outside of Chin State where local authorities in the form of the General Administration Department (GAD) together with members of local Buddhist Monasteries have colluded to create conditions where minority Christian populations are intimidated, outcast from local society and in some circumstances pressurized to convert to Buddhism under threats and intimidation.

During the Christmas period in December, 2018, instances of mob-violence toward Christian worshippers, led by local monks were documented in Magway Division and in Rakhine State, where the Chin community represent an ethno-religious minority. These instances left a number of people requiring hospital treatment.

In June, 2019, CHRO documented intimidation and attempts at forced conversions, as village tract level bans on communicating with Christian residents were enforced with fines. These instances, taking place in Anne Township in Rakhine State were again instigated by local authorities and in close collaboration with local monasteries.

In January, 2019 community members complained of severe restrictions to freedom of religious assembly as township orders from Mindat and Paletwa curtailed the ability to worship freely. Township level orders stated that conducting any religious gathering or training would only allowed when once application was approved. The procedure, still enforced at the time of writing requires personal details/ bio data of trainers or speakers, details of the topic, police clearance and permission, date and time with the event title all to be included in the application.

During the reporting period, CHRO also documented a host of human rights abuses associated with the conflict between the AA and Tatmadaw. In 2019, as the fighting intensified, both parties to the conflict have consistently and often systematically subjected Chin civilians to human rights violations.

Throughout 2019, enforced disappearance has become common place and systematic in Paletwa and northern Rakhine. There remain 14 missing people, including a Member of Parliament, U Hawi Tin, all allegedly abducted by the AA. In February, 2019 the AA

abducted an entire village community who were then used within a camp under forced labour conditions until July, 2019.

During February to May, 2019, as the Tatmadaw increased its military presence in Chin State, widespread forced labour began to take place as IDPs and local village people, including the elderly were used to supply food stocks for the 77<sup>th</sup> Light Infantry Division stationed in Paletwa Township.

The indiscriminate use of landmines in the conflict continues to create circumstances where communities are forced to risk serious injury or death while travelling long distance for food and supplies, farming, or undertaking any local based travel close to villages or in the forest. This continues to pose serious barriers to traditional livelihoods and freedom of movement. The indiscriminate laying of landmines resulted in 3 confirmed deaths during the reporting period. Landmine deaths and casualties were documented as a result of local community members engaged in traditional livelihoods, such as searching for wild foods in local forests and also being used as guides or human shields by Tatmadaw patrols.

During the reporting period, there were two instances of killings of the civilian population. One instance took place in April, 2019, as the Tatmadaw shelled a civilian residence in northern Rakhine, killing an elderly lady from the Asho Chin community. In another instance, a man from Paletwa Township was allegedly shot by the AA at Kyauk Taw seaport, in an apparent assassination.

Systematic human rights abuses associated with the conflict have led to the continued fleeing from conflict areas where community members have either sought asylum in Malaysia or as internally displaced peoples. At the time of writing there are 542 Chin people who have fled the Paletwa area and have registered in Malaysia as asylum seekers. Numbers of IDP from within Paletwa Township vary from approximately 4000 to 6000 depending on the current security situation and source. The conflict has also negatively affected the education system as 118 schools were closed at the commencement of the standard academic year.

Government restrictions in response to the security situation have largely compounded problems in relation to access to food and livelihoods. Curfews initiated in November, 2019, impose restrictions on movement and the gathering of more than 5 people together between the hours of 6 pm and 6 am. Such restrictions mean that foraging for food in local forests or tending to farms which may be some distance from the village or town risks Tatmadaw patrols identifying civilians as members of the AA.

## **Recommendations**

In light of the cases and information from secondary sources detailed in this human rights report the CHRO makes the following recommendations to relevant national and international stakeholders. These recommendations are also based on requests made

from the local communities which CHRO regularly interviews and works alongside in Western Burma/Myanmar.

### **Government of Burma/Myanmar**

- Allow unhindered access for international and national organizations who can provide humanitarian assistance to displaced people in Paletwa Township.
- Cease orders which create blanket restrictions on freedom of movement and assembly which compound problems related to access to livelihoods.
- Cease restrictive orders which inhibit the ability of freedom of assembly for religious purposes.
- Address the discrimination in the registration of Church land in line with the bi-lateral ceasefire agreement.

### **Tatmadaw**

- Strictly abide by the Geneva Conventions within conflict circumstances by ceasing the following practices;
  - Forced labour of local Chin civilians in conflict areas;
  - Cease the practice of indiscriminate laying landmines;
  - Cease the disruption of goods and supplies and allow unhindered humanitarian aid distribution.

### **Arakan Army**

- Cease systematic enforced disappearance, kidnapping and abduction of civilians in Paletwa Township of Chin State.
- Cease issuing threats and intimidation toward civil society both within Paletwa Township and elsewhere in Chin State.
- Cease the indiscriminate laying of landmines.
- Sign on to all relevant 'Deeds of Commitment' in order to work strategically with Geneva Call to respect international humanitarian provisions governing armed non-state actors.
- Provide transparent accounts of all those who remain missing to family members, either through government or NGO contacts.
- Begin the process of withdrawing armed personnel from Paletwa Township in order to adequately protect the human rights of indigenous civilians.

### **International Community**

- Apply pressure to Government of Myanmar to allow unhindered humanitarian access into northern Rakhine and Paletwa townships.

# Freedom of Religion or Belief

## *Harassment Intimidation and Mob Violence*

During the Christmas period, 2018 Christian worshippers in Anne Township, Rakhine State were attacked by a Buddhist mob during religious gatherings, leaving two people injured. Around a dozen Chin families which make up the small Chin community had gathered for a Christmas event outside of Sappie Village and were erecting a pavilion when approximately 40 people arrived led by 3 Buddhist monks and ordered them to stop. A fight then ensued leaving two people from the Chin community injured. The Rev. Thing Be, who heads the township's Christian mission, said that their pavilion was also vandalized in the attack.<sup>1</sup>

In a similar instance, Christian worshippers were attacked inside a house as they were gathered inside for a Christmas event in Paw Le Village, Min Ywa Village Tract, Gangaw, Magway Division. Approximately 70 people hurled stones and broke into a home having already cut the electricity.<sup>2</sup> During the attack 7 people were injured and 1 was taken to hospital in a critical condition. Before the attack had taken place, the proprietor of the house had been subjected to long-term intimidation and bullying by local authorities together with the local Monastery. The house residence had already been banned from using the village well and efforts to build a personal well had been vandalized in an attempt to expel the tenants from the village. The owner of the house was a Christian convert.<sup>3</sup>

*“Last night, the newly dug well was filled with stones and was totally destroyed. It is prohibited for Christians to draw water. Besides, it was not even permitted to visit Christian residences. It is a direct order from village administrator and monks. The incident last night caused injury to 7 persons and all the kitchen utensils were smashed as some stones made it through the windows of the house”* said one community member who agreed to speak to CHRO.

Situations such as this represent the level of risk that minority religions must undertake in order to freely worship during important and symbolic religious celebrations and festivals. While the local police were called and reportedly opened a case under articles of the Penal Code covering trespassing and property damage, there have been no charges and the matter has been reportedly been resolved via an informal process.

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<sup>1</sup> The Irrawaddy, “*Buddhists and Christian Brawl in Southern Rakhine on Christmas Eve*” 26<sup>th</sup> Dec 2018 <https://www.irrawaddy.com/news/burma/christians-buddhists-brawl-northern-rakhine-christmas-eve.html>

<sup>2</sup> The Irrawaddy, “*Christian Home Stoned, Vandalized During Christmas Prayer in Magwe*,” 20<sup>th</sup> Dec 2018 <https://www.irrawaddy.com/news/christian-home-stoned-vandalized-christmas-prayer-magwe.html>

<sup>3</sup> Chin Human Rights Organization, “*Christians Attacked in Gangaw Resulting in 7 People Injured and 1 person in Critical Condition*” <http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/582-christians-attacked-in-gangaw-resulting-in-7-people-injured-and-1-person-in-critical-condition>

Such instances are contrary to Myanmar's own penal code. For example, the police should have been investigating the case under section 295 of the penal code which states, "Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class or persons, with the intention of thereby insulting the religion of any class of person or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both". This article is usually reserved for Buddhist plaintiffs, however.<sup>4</sup>

There are key issues relating to law and policy in Burma/Myanmar which, if addressed could begin to resolve such issues. As CHRO reported in 2018,<sup>5</sup> intolerance towards Christian minority manifesting in violence usually relate to key religious festivals or as a result of religious activity taking place on land which is seen to be illegal. Discrimination against religious minority, under a discriminatory GAD bureaucratic registration process continues to impede the ability of Christians to obtain legal permission for land ownership, construction of new buildings and registration of church land. Under such policy Christian congregants are forced to circumvent laws and undertake illegal house worship. Forcing religious practice outside of the law opens up a host of risks - particularly in areas such as Magway Division and Rakhine State where Chin Christians represent an ethno-religious minority – from majority local community who may often see such activity as illegal, or simply discriminate against it, emboldened by the local religious and administrative authority.

Article 6(a) of the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief 1981 affirms that the right to right to freedom of thought, conscience, religion or belief includes the freedom: "[t]o worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes". The Human Rights Committee has also affirmed that "[t]he concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship."<sup>6</sup>

It has been affirmed by the UN Special Rapporteur that places of worship are an essential element for the manifestation of the right to freedom of thought, conscience, religion or belief to the extent that the great majority of religious communities need the existence of a place of worship where their members can manifest their faith.<sup>7</sup>

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<sup>4</sup> See, Iselin Frydenlund "Religious Liberty for Whom? The Buddhist Politics of Religious Freedom during Myanmar's Transition to Democracy" 2017 Nordic Journal of Human Rights, 35:1, 55-73, p. 63

<sup>5</sup> See Chin Human Rights Organisation, "Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People" Sept 2018 <http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/565-stable-and-secure>

<sup>6</sup> Human Rights Committee (HRC), CCPR General Comment No. 22 para 4: Article 18 (Freedom of Thought, Conscience or Religion), 30 July 1993, CCPR/C/21/Rev.1/Add.4.

<sup>7</sup> Report submitted by Asma Jahangir, UN Special Rapporteur on Freedom of Religion or Belief, U.N. Doc. E/CN.4/2005/61, 20 December 2004, para 50

Furthermore, international human rights standards recognize that religious places, sites and shrines enjoy a special protection, and that members of religious communities may face particular risks when they are in places of worship.<sup>8</sup> Moreover, unlike other violations of the right to freedom of thought, conscience, religion or belief, attacks or restrictions on places of worship or other religious sites and shrines in many cases violate the right not only of a single individual, but the rights of a group of individuals forming the community that is attached to the place in question.<sup>9</sup>

The inability to register church buildings and/or church land specifically for religious purposes creates a situation where the government fails to protect religious freedom. It is yet to be seen how/if the GAD may reform its processes under the President's Office, but so far, despite application in 2011 and 2014, as agreed within the bi-lateral ceasefire between the CNF and the Government, all churches in Hakha (capital city of Chin State) are yet to have been registered as Church land.

### ***Forced Conversions***

In June 2019, CHRO documented intimidation and forced conversions, again instigated by local authorities via village-tract level regulations and in close collaboration with local monasteries. In Anne Township, Rakhine State, Christians were subjected to forced conversions, bans on local trading and renting accommodation while local Rakhine Buddhists were also warned against communicating with minority Christians under penalty of fine.

In Padekyaw village, Ann Township, direct threats of eviction were issued by local monks and village authorities, and attempts were made to forcibly sign documents verifying their conversion to Buddhism. One local resident who agreed to speak to CHRO on condition of anonymity stated that:

*“The Padekyaw Village Administrator, U Tin Shwe Maung along with U Htun Lin Aung, U Htun Maung Nyi, U Kyaw Tin Aung, U Nga Swe and U Aung Htay who are the abbot committee of the monastery and village-elders took the Christian community members to the village monastery at around 3 pm. They were then forced to sign an oath of commitment to convert to Buddhism in front of the head abbot monk in the village.”*<sup>10</sup>

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<sup>8</sup> Ibid., paras 48 and 49. See also: Human Rights Council resolution 6/37, Elimination of all forms of intolerance and of discrimination based on religion or belief, in which the Human Rights Council urges States “To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction” (para. 9(e)); and “To ensure, in particular, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes [...]” (para. 9(g)).

<sup>9</sup> See Article 27, ICCPR, and Report submitted by Asma Jahangir, UN Special Rapporteur on Freedom of Religion or Belief, U.N. Doc. E/CN.4/2005/61, 20 December 2004, para. 51

<sup>10</sup> Chin Human Rights Organisation, “Forced Conversions Initiated by local authorities in Rakhine State as Blanket Restrictions Enforced Toward Christian Residents” <http://www.chinhumanrights.org/index.php/resources/chro-in->

The fact that both the attempt at forced conversion and organised religious discrimination was instigated by the local authorities in this manner constitutes a radical breach of the right not to “be subject to coercion which would impair [one’s] freedom to have or to adopt a religion or belief of [one’s] choice”, guaranteed, inter alia, by Article 18(2) of the International Covenant on Civil and Political Rights (ICCPR).

It is worth noting that such actions taken by local authorities also violate national law, Section 295(a) of Myanmar’s Penal Code criminalizes “outraging the religious feelings” of any class of people with a “deliberate or malicious intent.” Similarly, section 298 relates to “wounding the religious feelings”. While these laws are rightly criticized as being applied largely in violation to the right to freedom of expression under international human rights law and standards<sup>11</sup> – the rule of law must be implemented fairly and consistently. Again, in circumstances where the plaintiff would be from the majority religion, the judicial and investigatory circumstances may be different.

According to international human rights law and standards, the right to freedom of thought, conscience, religion or belief guarantees and includes the right to adopt a religion of one’s choice, as well as the right to change religion, and the right to retain a religion. These aspects of the right to freedom of thought, conscience, religion or belief have an absolute character and are not subject to any limitation whatsoever, reflecting the nature of the right to freedom of thought, conscience, religion or belief guaranteed by Article 18 of the UDHR and Article 18 of the ICCPR.

While to date Myanmar is not yet a party to the ICCPR, the NLD-led Government has stated that it plans to accede to the Covenant, and was taking steps toward doing so.<sup>12</sup> It was a highly discouraging development therefore that the Burmese Parliament via the Tatmadaw MPs and allies rejected a bill to ratify the ICCPR under the rationale that it was a threat to national sovereignty.<sup>13</sup>

### ***Freedom of Association and FORB***

In January 2019, The GAD from Mindat Township, Chin State issued an order stipulating that Religious events and activities including NGO, INGO workshops, meetings and trainings must seek and apply for permission with 2 weeks advance notice to the Chin

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the-news/576-forced-conversions-initiated-by-local-authorities-in-rakhine-state-as-blanket-restrictions-enforced-toward-christian-residents

<sup>11</sup> See for example, International Commission of Jurists ICJ “*Challenges to Freedom of Religion and Belief in Myanmar, a Briefing Paper*” October 2019 <https://www.icj.org/wp-content/uploads/2019/10/Myanmar-Freedom-of-religion-brief-Advocacy-Analysis-brief-2019-ENG.pdf>

<sup>12</sup> Ibid

<sup>13</sup> Constitution.net “*Myanmar Parliament Rejects Motion to Join ICCPR amid claims that Proposal Process was unconstitutional*” <http://constitutionnet.org/news/myanmar-parliament-rejects-motion-join-iccpr-amid-claims-proposal-process-was-unconstitutional>

State Government in Hakha. The same order was applied in Matupi Township in 2017. It is stated that in the application for conducting the training, facts such as an affirmation letter of applicants, short biography of trainers, summary of the subject, banner of the training, number of trainees, a recommendation letter from ward/village tract administration officer and police station, as well as the date and time of the training have to be submitted two weeks in advance. Conducting any training will only be allowed when the application is approved. Personal details/ bio data of trainers or speakers, details of the topic, police clearance and permission, date and time with the event title must all be included in the application.<sup>14</sup>

While section 34 of the Republic of the Union of Myanmar states that “Every citizen is equally entitled to freedom of conscience and the right to freely profess and practice religion” broad qualifying conditions which state that such practices are, “subject to public order, morality or health and to the other provisions of this Constitution”, very often trump religious freedom, particularly when the religion is associated with an ethno-religious minority.

Both the UDHR and the ICCPR guarantee the right to manifest one’s religion or belief as a fundamental aspect of the right to freedom of thought, conscience, religion or belief.<sup>15</sup> In particular, Article 18(1) of the ICCPR affirms that the right to freedom of thought, conscience, religion or belief includes “freedom, either individually or in community with others and in public or private, to manifest [one’s] religion or belief in worship, observance, practice or teaching.”<sup>16</sup> In addition, Article 27 of the ICCPR guarantees the right of persons belonging to religious minorities to profess and practice their own religion in community with the other members of their group.<sup>17</sup>

While States may legitimately impose such limitations, the limiting measures chosen must not restrict the exercise and enjoyment of the right to manifest one’s religion or belief more than absolutely necessary in any given context. In addition, States may only impose such limitations when they can demonstrate that the restrictions to which they wish to resort are both prescribed by law and necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others, as per Article 18(3)

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<sup>14</sup> Chin Human Rights Organisation, “Order Issued by Mindat General Administrative Department to Ask for prior Permission Before Religious Ceremonies, Trainings and Workshops” 27<sup>th</sup> Jan 2019

<http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/584-order-issued-by-mindat-general-administration-officer-to-ask-for-prior-permission-before-holding-religious-ceremonies-trainings-and-workshops>

<sup>15</sup> Article 18 of the UDHR proclaims, inter alia, “Everyone has the right to freedom of thought, conscience and religion; this right includes [...] freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

<sup>16</sup> In Article 1(1), the 1981 Declaration also proclaims the right to manifest one’s religion or belief with wording that is identical to that of Article 18(1) of the ICCPR.

<sup>17</sup> Article 27 of the ICCPR read as follows: “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”

of the ICCPR. The process as outlined above outlines a discriminatory application of this fundamental right.

## Rakhine/Paletwa Conflict and Human Rights Abuses

In CHRO's 2018 report<sup>18</sup> it was predicted that the conflict between the Arakan Army (AA) and Burma Army (Tatmadaw) was likely to increase and with it, human rights abuses toward Chin civilians living in areas of Rakhine and Paletwa Township. In 2019, as the conflict between the AA and the Tatmadaw escalated, both parties to the conflict have consistently and often systematically subjected Chin civilians to human rights violations and violated obligations under the Geneva Conventions.

The long term ramifications toward the peace process will continue to be called into question as the conflict continues in its potential to further destabilize the Nationwide Ceasefire Agreement (NCA). The Chin National Front (CNF) once again unofficially called on the AA to withdraw from Paletwa Township in Chin State and set up operations from Rakhine State. A CNF spokesperson also requested the AA to begin engaging in dialogue with the Tatmadaw and peace process more generally.<sup>19</sup>

Citing, among other things, the deteriorating security in southern Chin State, representatives of the United Nations High Commissioner for Refugees (UNHCR) said on March 14<sup>th</sup> 2019 that the international community would still need to offer protections to ethnic Chin refugees. Volker Turk, the Assistant High Commissioner for Protection within the UNHCR said, *"We officially recognize that Chin refugees still need the international community's protection, because the security situation is getting worse in southern Chin State"*<sup>20</sup>

While this was welcome news given the lack of planning, clarity and information about the on-the-ground situation in Chin State felt amongst the 50,000 plus refugees in India, New Delhi and Malaysia, the decision was yet more international recognition of the deteriorating human rights situation in Myanmar, and Chin State generally.<sup>21</sup>

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<sup>18</sup> See Chin Human Rights Organisation, *"Stable and Secure? An Assessment on the Current Context of Human Rights for Chin People"* Sept 2018 <http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/565-stable-and-secure>

<sup>19</sup> Interview with Pu Htet Nee, Khonumtung News *"CNF Arakan Army Should Negotiate with – not fight-Tatmadaw"* Feb 20<sup>th</sup> 2019 <https://www.bnionline.net/en/news/cnf-arakan-army-should-negotiate-not-fight-tatmadaw>

<sup>20</sup> Khonumtung News, *"UNHCR to Continue Protection for Chin Refugees"* March 18<sup>th</sup> 2019 <https://www.bnionline.net/en/news/unhcr-continue-protection-chin-refugees>

<sup>21</sup> Chin Human Rights Organization *"CHRO Welcomes Decision by UNHCR"* <http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/578-the-chin-human-rights-organization-chro-welcomes-decision-by-united-nations-high-commissioner-for-refugees-unhcr-to-extend-international-protection-for-chin-refugees>

In 2019, CHRO has documented cases of killings, forced labor, indiscriminate laying of landmines, enforced disappearance and abduction in connection with the conflict.

### The AA and Enforced Disappearance/Abduction

**MISSING**  
CHIN CIVILIANS  
ABDUCTED BY THE ARAKAN ARMY SINCE  
OCTOBER 2018

**ဦးကူးဟော့: [U KU HAWI]**    **ဒေါ်သန္တာဦး [DAW THAN DAR OO]**  
Age: 23 yrs old    Age: 25 yrs old  
Date of abduction: 07/10/2019    Date of abduction: 16/07/2019  
Name of Village: Thayagone Village    Name of Village: Baung Wa Village  
Status: Freed on 12/10/2019    Status: Freed on 12/10/2019

**ဦးတောင်ပန် [PU TLUANG PENG]**    **ဦးဟေ့တင်း [U HAWI TIN]**  
Age: 55 yrs old    Age: 41 yrs old  
Date of abduction: 27/10/2019    Date of abduction: 03/11/2019  
Name of Village: Pui Wung Village    Place of residence: Paletwa Town  
Status: Still Missing    Status: Still Missing

ACCORDING TO CHRO DOCUMENTATION  
AS OF NOVEMBER 2019

**14**  
PEOPLE ARE STILL  
MISSING

In 2019, the AA have begun a systematic approach to abduction and enforced disappearance, leaving whole communities in fear. Civil society, members of political parties and the Chin community on the whole are vulnerable to this approach to the conflict. At present, there remain a confirmed 14 people missing as a result of the conflict in Paletwa Township. There remains no news on the whereabouts of three civilians who were caught in the cross fire close to Yat Chaung village in Paletwa, feared dead by the local community. The families of U Kho Lu (60), his nephew Benjamin (14) and Maung Kyaw Niang, (15) are still unsure as to the location of the missing relatives and still hold out hope that they have been arrested by AA or Tatmadaw forces as no bodies have, as of yet, been recovered.<sup>22</sup>

On 16th July, 2019 four people from Baung Wa Kyaw Village in Paletwa Township, went missing as they made their way home from work. Those missing were identified as Lin Naing (23), Kyaw Sein (31), Kyaw Kyaw Than (28) and Kyaw Lin (25) who all

worked as motorcycle carriers, transporting quarry workers producing rocks for construction of the Lawng Kadu Bridge project. Before this, on 14<sup>th</sup> June, 2019, U Kyaw Aye (58) went missing from the same village after being arrested by AA soldiers on 14th June 2019 as he returned from Myauk U in his boat. Locals from the area informed CHRO that the AA had been looting goods from villagers who use the Lemro River to transport commodities such as rice, cooking oils, salt and fish paste.<sup>23</sup>

<sup>22</sup> Unpublished information on file

<sup>23</sup> Chin Human Rights Organization, "More Civilians go Missing in Paletwa Township" July 22<sup>nd</sup> 2019  
<http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/585-more-civilians-go-missing-in-paletwa-township>

**MISSING**  
CHIN CIVILIANS  
ABDUCTED BY THE ARAKAN ARMY SINCE  
OCTOBER 2018

<p><b>ဦးဆိုလိုး [U KHU LU]</b></p> <p>Age: 60 yrs old Date of abduction: 10/10/2018 Name of Village: Yet Chaung Village Status: Still missing</p>	<p><b>ဘင်ဂျမင် [BENJAMIN]</b></p> <p>Age: 14 yrs old Date of abduction: 10/10/2018 Name of Village: Yet Chaung Village Status: Still missing</p>
<p><b>ကျော်နိုင် [KYAW NAING]</b></p> <p>Age: 15 yrs old Date of abduction: 10/10/2018 Name of Village: Yet Chaung Village Status: Still missing</p>	<p><b>ဦးကျော်အေး [U KYAW AYE]</b></p> <p>Age: 58 yrs old Date of abduction: 14/06/2019 Name of Village: Than Taung Village Status: Still missing</p>
<p><b>ဦးပူးတိုး [U PU KUI]</b></p> <p>Age: 20 yrs old Date of abduction: 09/08/2019 Name of Village: Than Taung Village Status: Still missing</p>	<p><b>ကျော်လင်းနိုင် [KYAW LIN NAING]</b></p> <p>Age: 23 yrs old Date of abduction: 16/07/2019 Name of Village: Baung Wa Village Status: Still missing</p>



**MISSING**  
CHIN CIVILIANS  
ABDUCTED BY THE ARAKAN ARMY SINCE  
OCTOBER 2018

<p><b>ကျော်စိန် [KYAW SEIN]</b></p> <p>Age: 31 yrs old Date of abduction: 16/07/2019 Name of Village: Baung Wa Village Status: Still Missing</p>	<p><b>ကျော်ကျော်သန်း [KYAW KYAW THAN]</b></p> <p>Age: 28 yrs old Date of abduction: 16/07/2019 Name of Village: Baung Wa Village Status: Still Missing</p>
<p><b>ကျော်လင်း [KYAW LIN]</b></p> <p>Age: 25 yrs old Date of abduction: 16/07/2019 Name of Village: Baung Wa Village Status: Still Missing</p>	<p><b>ဦးလှိုင် [U HLA KHAING]</b></p> <p>Age: 23 yrs old Date of abduction: 14/09/2019 Name of Village: Wun Chaung Wa Village Status: Still Missing</p>
<p><b>မောင်မောင်ရှေ့ [MG MG SHE]</b></p> <p>Age: 23 yrs old Date of abduction: 14/09/2019 Name of Village: Wun Chaung Wa Village Status: Still Missing</p>	<p><b>မောင်ပူးရေ [MG PU RI]</b></p> <p>Age: 40 yrs old Date of abduction: 14/09/2019 Name of Village: Wun Chaung Wa Village Status: Still Missing</p>



On 19<sup>th</sup> August 2019 the AA released nine detained company staff from Hsu Htoo San Company and Nan Hman Thitsar Company that were arrested on August 18<sup>th</sup>. The AA stated that the eight company employees whom were arrested during fighting with the Tatmadaw, were released and handed over to town elders and the pastor of Auktalin village in Shinmadein Village-tract, Paletwa Township, Chin State, at 3.30 pm on August 18<sup>th</sup>.<sup>24</sup>

A further 3 individuals from Wun Chaung Wa village named U Hla Khine (23), Maung She (32) and Maung Pho She (40) disappeared on 14<sup>th</sup> September 2019 on their return from San Oo Village, Rakhine State where they went to by commodities such as rice and cooking oils. They had left four days earlier on 10<sup>th</sup> September. The vicinity in which their disappearance took place was stated to be a hotbed of military activities by both the AA and Tatmadaw. Both armed groups have denied responsibility for their disappearance.<sup>25</sup>

On 5<sup>th</sup> October 2019, U Ku Hawi (23) and his wife Daw Than Dar Oo (25) from Thaya Kone village disappeared while tendering to their farm. The farm is located approximately 1 hour walk from their house. Daw Than Dar Oo had gone in search of U Ku Hawi after he had failed to come back from the family farm. The couple have since been released by the AA.

On 27<sup>th</sup> October 2019, U Tluang Peng, a general worker from a school who also runs a local restaurant at Pui Vum Village, Tema Wa

<sup>24</sup> Eleven Media “AA releases 9 Detained Company Staff” Aug 19<sup>th</sup> 2019 <https://elevenmyanmar.com/news/aa-releases-nine-detained-company-staff?fbclid=IwAR0M2xaw0FXJyIaBFIaSCCMuF-RO4DajM1AHF9U9Sf9SYdbefiCMMZfRQ8>

<sup>25</sup> Chin Human Rights Organization, “5 More Civilians Disappear in Paletwa” 9<sup>th</sup> Oct 2019 <http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/587-5-more-civilians-disappear-in-paletwa>

Village Tract, Paletwa Township was abducted by AA soldiers at his home at approximately 9pm. All three households, numbering 15 people from the village have subsequently fled to Paletwa Town in fear for their safety following the abduction.

On 10<sup>th</sup> January 2019, 4 villagers from Miza village who were working as a motorcycle carriers were arrested by the AA in Kyun Chaung Wa. The AA kept the men for more than 2 hours during an interrogation. The AA confiscated their mobile phones before allowing the civilians to go free.<sup>26</sup>

### ***Abduction of Kin Ta Lin Civilians***

Between February and July 2019, 54 Chin civilians making up the population of an entire village were abducted by the AA. On 2<sup>nd</sup> February 2019, the AA entered the village of Kin Ta Lin, Paletwa Township and demanded everyone follow them, informing community members that Tatmadaw forces in the area were planning to bomb the village. According to eye-witnesses, troops began beating a 10-household administrator when the village collectively refused to go. Four months later, 52 villagers remained at an AA camp on the Bangladesh border. Those taken included women and children. According to CHRO reports, while at the AA camp, along the Bangladesh border, hostages were made to help with camp maintenance, carrying rations and other forms of forced labor, receiving no adequate daily meals. While at the camp a 60 year old woman died.

The villagers were finally released on 31<sup>st</sup> July. In a statement, the AA said it released the villagers at their request.<sup>27</sup> The villagers subsequently went to Miza, a village in Paletwa that is currently sheltering internally displaced persons (IDPs). Of the 54 villagers who were originally detained, 14 escaped and one fell ill and died. Sein Mya, an Evangelical Methodist Church minister who was one of the 39 Kin Ta Lin villagers who arrived in Miza stated that the villagers did not go “voluntarily” with the AA.<sup>28</sup>

Despite this coming to light after the villagers had been released, during calls from CHRO for the release of the villagers, U Khine Thukha, the chief spokesperson for the AA, insisted that the villagers were there of their own accord and goadingly offered CHRO a chance to come to the border and see the situation first-hand.<sup>29</sup>

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<sup>26</sup> Chin Human Rights Organization, “Four Motorcycle Taxi Drivers Arrested” 12<sup>th</sup> Jan 2019, <http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/583-four-motorcycle-taxi-drivers-arrested-and-their-mobile-phones-confiscated-by-arakan-army-aa>

<sup>27</sup> Radio Free Asia “Arakan Army Releases 52 Villagers Held for 6 months” July 1<sup>st</sup> 2019 <https://www.rfa.org/english/news/myanmar/arakan-army-releases-52-villagers-08012019154416.html?fbclid=IwAR3HCGs-RFiFiEwotmJUM24ODOPJR35bBrspjCX4q5rgTrpXkZT9NY5fTMk>

<sup>28</sup> Khonumtung News, “We did not go with them Voluntarily” Aug 13<sup>th</sup> 2019 [https://www.bnionline.net/en/news/we-did-not-go-them-voluntarily-chin-villager-aa-abduction?fbclid=IwAR2T50Nf8LHXzvwpNF5QTPFREQFnBn-cbbRXOnWos-8IE\\_AvYNPe1jNlOf4](https://www.bnionline.net/en/news/we-did-not-go-them-voluntarily-chin-villager-aa-abduction?fbclid=IwAR2T50Nf8LHXzvwpNF5QTPFREQFnBn-cbbRXOnWos-8IE_AvYNPe1jNlOf4)

<sup>29</sup> RFA Radio Interview (Burmese)

## *Abduction of Upper House MP U Hawi Tin*

On 3<sup>rd</sup> November 2019, the AA abducted U Hawi Tin, Member of Parliament (Amyotha Hluttaw) for Chin State Constituency No. 11 from Paletwa Township. U Hawi Tin was abducted together with 9 other civilians. While the AA released the nine other civilians, the AA admitted keeping U Hawi Tin under their custody on accusations that the Chin lawmaker had been colluding with the Tatmadaw against the AA and of trying to create religious and ethnic misunderstanding and disharmony between ethnic Rakhine and Chin people. This line of argument ceased after it became common knowledge U Hawi Tin is a Buddhist.



**“ WE WILL EXPLAIN WHAT WE WILL DO NEXT WITH U HAWI TIN AFTER WE FINISHED INTERROGATING HIM.**

**ARAKAN ARMY IN THEIR OWN WORDS**

**WE ARE STILL INTERROGATING HIM AT THIS POINT. WE TOTALLY DO NOT ACCEPT SUCH UNDUCE PRESSURE BEING PUT ON US. I DO NOT BELIEVE THAT SUCH PRESSURE WILL RESULT IN ANY PRODUCTIVE OUTCOME ”**

**KHINE THU KHA  
AA SPOKESPERSON IN  
INTERVIEW WITH VOA BURMESE  
ON NOV 20TH**

IN RESPONSE TO A JOINT LETTER ISSUED BY 22  
INTERNATIONAL RIGHTS GROUPS ON NOV 19TH

The CHRO called for the immediate release of the MP.<sup>30</sup> U Soe Htet the Minister of the Municipal for Paletwa Township told Chin World Media that two boats travelling along the Kaladan River between Kyauk Taw (Rakhine State) and Paletwa Town in Chin State were intercepted by AA at approximately 12 pm. The boats were carrying 5 construction workers, 2 translators, 2 boat drivers and the Member of Parliament. The construction workers were on the way to the ongoing, India-Myanmar road through Paletwa Township. According to the Youth Voice News report on November 3<sup>rd</sup>, the boat was due to arrive in Paletwa Township at 10 am but did not and their phones were not reachable. When the Chin State

Government reported the missing boat an investigation uncovered that the two speed boats had been seen at Kyauk Taan village in Rakhine State, near Pyae Ong on the border of with Chin State at 12 pm but they were still missing at 6:00pm. Saw Mya from the Khumi Affairs Coordination Council, likened such activity as terrorism rather revolution.<sup>31</sup>

<sup>30</sup> The Chin Human Rights Organization, Press Statement <http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/572-arakan-army-immediately-release-chin-lawmaker-stop-intimidating-and-threatening-human-rights-defenders>

<sup>31</sup> Eleven Media Group, “AA Releases 10 Arrests but MP still Detained” [https://elevenmyanmar.com/news/aa-releases-10-arrests-but-mp-still-detained?fbclid=IwAR0Vco18XM3wHSrthQG\\_BT-fE9nShW1p7TIOCIfrbn6zBUeAzCvYym3NBw](https://elevenmyanmar.com/news/aa-releases-10-arrests-but-mp-still-detained?fbclid=IwAR0Vco18XM3wHSrthQG_BT-fE9nShW1p7TIOCIfrbn6zBUeAzCvYym3NBw)

In response, the CHRO<sup>32</sup> and 43 Chin Organizations demanded the immediate release of U Hawi Tin from Detention <sup>33</sup> followed by a statement by the National League for Democracy (NLD) on 11<sup>th</sup> November and a motion in parliament gathering 97 percent approval on 18<sup>th</sup> Nov.<sup>34</sup> A further statement endorsed by international organisations was followed by calls by Amnesty International and the ASEAN Parliamentarians for Human Rights to cease enforced disappearance and immediately release U Hawi Tin.<sup>35</sup> At the time of writing there has been no updates on the condition, whereabouts, physical or mental condition of U Hawi Tin.

As pressure mounted on the AA, with the issue also being raised in the Australian Senate by Senator Dean Smith, U Khine Thukha stated that U Hawi Tin would not be released due to security concerns, while also stating that he would not be hurt in the “interrogation”.<sup>36</sup> He further mentioned that documents found on the MP proved he had been working for Tatmadaw.<sup>37</sup> In an implied threat to the safety of U Hawi Tin responding to a joint statement by 22 international organizations on Nov 19<sup>th</sup> which called for the release of the MP he also stated in a thinly veiled threat to the safety of the MP, “we will explain [to the public] what we will do with U Hawi Tin after we finished interrogating him at this point. We totally do not accept such undue pressure being put on us. I do not believe that such pressure will not result in any productive outcome.”<sup>38</sup> U Khine Thukha also accused CHRO of fabricating information.<sup>39</sup>

State practice establishes Rule 98 on enforced disappearances, as a norm of customary international law applicable in both international and non-international armed conflicts. Under the Statute of the International Criminal Court, the systematic practice of enforced disappearance constitutes a crime against humanity.<sup>40</sup>

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<sup>32</sup> Chin Human Rights Press Statement <http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/569-chro-reiterates-calls-for-immediate-release-of-u-hawi-tin>

<sup>33</sup> Press Statement file:///C:/Users/User/Downloads/Documents/International-Organizations-call-for-release-of-detainees.pdf

<sup>34</sup> Myanmar Times “NLD Condemns Arakan Army’s Detention of Chin State MP” Nov 11<sup>th</sup> 2019 <https://www.mmtimes.com/news/nld-condemns-arakan-armys-detention-chin-state-mp.html> and Eleven Media Group “Chin National League for Democracy Demands Immediate Release of Chin MP” Nov 6<sup>th</sup> 2019 [https://elevenmyanmar.com/news/chin-national-league-for-democracy-demands-immediate-release-of-chin-mp?fbclid=IwAR0PmVj6L1mg5kujjfHoMPL8ivAJflnBLFj9tWM8l30eYzmAVUq\\_k5i7a0U](https://elevenmyanmar.com/news/chin-national-league-for-democracy-demands-immediate-release-of-chin-mp?fbclid=IwAR0PmVj6L1mg5kujjfHoMPL8ivAJflnBLFj9tWM8l30eYzmAVUq_k5i7a0U)

<sup>35</sup> Joint Press statement Amnesty International and ASEAN Parliamentarians for Human Rights, “Myanmar: Fears for Safety of Member of Parliament Abducted by Arakan Army in Chin State” 23<sup>rd</sup> November, 2019 <https://www.amnesty.org/download/Documents/ASA1614402019ENGLISH.pdf>

<sup>36</sup> Chin World Media, Burmese Article [https://www.chinworld.org/2019/11/15/aa-interview-khaingthukha/?fbclid=IwAR0DomPTBCw583chzMsB-\\_FpkYusdrsvCXJmOnm6\\_fHTE1p5C\\_Q-0gSqMeo](https://www.chinworld.org/2019/11/15/aa-interview-khaingthukha/?fbclid=IwAR0DomPTBCw583chzMsB-_FpkYusdrsvCXJmOnm6_fHTE1p5C_Q-0gSqMeo)

<sup>37</sup> BNI Online “Arakan Army Will ‘Continue to Detain’ Paletwa MP Until ‘Situation is Stable’ “ 6<sup>th</sup> Dec, 2019. <https://www.bnionline.net/en/news/arakan-army-will-continue-detain-paletwa-mp-until-situation-stable?fbclid=IwAR24PIMu-G3CiZ7pJk8G1l0fiYIVffKukmk3AwjPhISU6kgetxI5UY8-K20>

<sup>38</sup> VOA, Burmese Article <https://burmese.voanews.com/a/aa-to-release-arrested-5172087.html?fbclid=IwAR18DhnQpM0gf6eNg2R6bVMVKcFMDt7H2Os4v6z2XoCQhpuJ8qY1vBWAfCw>

<sup>39</sup> Chin World Media, Burmese Article [https://www.chinworld.org/2019/11/15/aa-interview-khaingthukha/?fbclid=IwAR0DomPTBCw583chzMsB-\\_FpkYusdrsvCXJmOnm6\\_fHTE1p5C\\_Q-0gSqMeo](https://www.chinworld.org/2019/11/15/aa-interview-khaingthukha/?fbclid=IwAR0DomPTBCw583chzMsB-_FpkYusdrsvCXJmOnm6_fHTE1p5C_Q-0gSqMeo)

<sup>40</sup> ICC Statute, Article 7(1)(i) (cited in Vol. II, Ch. 32, § 2372). Article 7(2)(i) (*ibid.*, § 2374) defines enforced disappearance as “the arrest, detention or abduction of persons by, or with the authorization, support or

The UN Human Rights Committee has also stressed in its General Comment on Article 4 of the International Covenant on Civil and Political Rights that the prohibition of abductions and unacknowledged detention were not subject to derogation and stated that “the absolute nature of these prohibitions, even in times of emergency, is justified by their status as norms of general international law”.<sup>41</sup> It should therefore be noted that, although it is the widespread or systematic practice of enforced disappearance that constitutes a crime against humanity, any enforced disappearance is a violation of international humanitarian law and human rights law.

In non-international armed conflicts, parties are also required to take steps to prevent disappearances, including through the registration of persons deprived of their liberty (Rule 123). This prohibition should also be viewed in the light of the rule requiring respect for family life (Rule 105) and the rule that each party to the conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and to provide their family members with information it has on their fate (Rule 117). The cumulative effect of these rules is that the phenomenon of “enforced disappearance” is prohibited by international humanitarian law.<sup>42</sup>

### ***Arakan Army (AA) Obligations under International Law***

As fighting has intensified the AA continue to bring civilians into their activities and regularly commit a host of gross violations of international customary law. Although CHRO has documented instances of Chin civilians continuing to be caught in the cross fire (*see cases below*), local Khumi, Bawm and other Chin ethnic groups from Paletwa and northern Rakhine are now actively targeted by the armed group via a policy of kidnap, enforced disappearance, intimidation and movement restrictions. Recent reports from Paletwa are of whole villages fleeing Paletwa Township to migrate north due to safety concerns.<sup>43</sup>

The status of the AA confers upon them certain obligations under international law. While the laws applicable to non-state armed groups are complicated for many reasons - not least as they vary depending on the qualification of the conflict, the level of organization of the group and the group’s capacity to exercise territorial control - at a minimum, all non-state armed groups must respect the guarantees provided by Common Article 3.<sup>44</sup> If

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acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time”.

<sup>41</sup> UN Human Rights Committee, General Comment No. 29 (Article 4 of the International Covenant on Civil and Political Rights) (*ibid.*, § 2438).

<sup>42</sup> Rule 98: Enforced Disappearance Volume II, Chapter 32, Section K. [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_cha\\_chapter32\\_rule98](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_cha_chapter32_rule98)

<sup>43</sup> BBC Burmese, Burmese Article [https://www.bbc.com/burmese/burma-50454557?ocid=socialflow\\_facebook&fbclid=IwAR3ACiYh64hj57wrrkiGZywcCXKTLhINXYLyZ7iN1h7qsk7B\\_vMyMgtvD0](https://www.bbc.com/burmese/burma-50454557?ocid=socialflow_facebook&fbclid=IwAR3ACiYh64hj57wrrkiGZywcCXKTLhINXYLyZ7iN1h7qsk7B_vMyMgtvD0)

<sup>44</sup> See, ICRC The Geneva Conventions of 1949 and their Additional Protocols <https://www.icrc.org/en/document/geneva-conventions-1949-additional-protocols>

its level of organization and its capacity to exercise territorial control are sufficient to enable it to respect humanitarian law, it must also respect the rules provided by Additional Protocol II. These legal obligations relating to humane treatment of civilians in non-international conflicts apply both to individual members and their superiors, as provided by humanitarian law and international criminal law.<sup>45</sup>

The AA is an established military outfit operating under a command structure and proclaims firmly to represent a territory (Rakhine State) as a revolutionary military outfit. The AA's stated objective, embodied in the slogan, "Arakan Dream 2020", is to establish an autonomous state similar to that controlled by the United Wa State Army in Northern Shan State.<sup>46</sup> The AA leader Major-General Tun Myat Naing has stated previously that the armed group will "take back Arakan".<sup>47</sup> This territory includes an ideological claim to Paletwa Township where the majority indigenous people are ethnic Chin and areas of the Chittagong Hill Tract Region of Bangladesh, where the AA also operates from.

International jurisprudence has also recognized that customary international humanitarian law prescribes that all individuals involved in an armed conflict must comply with humanitarian law rules, whether those individuals act on behalf of a State or a non-State actor and whether or not they have consented to be bound by these rules.<sup>48</sup>

There has been no formal statement by AA regarding the missing people highlighted in the cases above. The situation regarding U Hawi Tun and threats toward civil society operating in Paletwa Township and Burma/Myanmar undermines the democratic process in Burma/Myanmar. Both elected and non-elected politicians and civil society should be free to carry out their duties in a democratic state, without fear of persecution, harassment, intimidation or abduction.

## *Killings*

On 12<sup>th</sup> April 2019 a chin woman died after the Tatmadaw bombed a civilian residence with heavy artillery.<sup>49</sup> The Tatmadaw indiscriminately shelled two houses situated close to War Gyi Taung Village, Ann Township, Rakhine State leaving one person dead and one injured. During the bombardment 78-year-old, Daw Pa Don died and her daughter, 40-year-old Daw Pa Mai was injured. The artillery, under the command of the Western

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<sup>45</sup> See, Practical Guide to Humanitarian Law, Non-State Armed Groups. "<https://guide-humanitarian-law.org/content/article/3/non-state-armed-groups/>

<sup>46</sup> See The Irrawaddy, "*What Does the Arakan Army Bring to Rakhine State*" 11<sup>th</sup> Jan 2019 <https://www.irrawaddy.com/opinion/guest-column/arakan-army-bring-rakhine-state.html>

<sup>47</sup> Frontier Magazine "*Tatmadaw Likens Arakan Army Demands to 'Child Day Dreaming'*" 26<sup>th</sup> March 2019 <https://frontiermyanmar.net/en/tatmadaw-likens-arakan-army-demands-to-a-child-daydreaming>

<sup>48</sup> (Special Court for Sierra Leone, *Prosecutor v. Sam Hinga Norman*, 31 May 2004, para.22).

<sup>49</sup> Chn Human Rights Organization, "*Chin Woman Dies After Tatmadaw Bomb Civilian Residence*" 14<sup>th</sup> April 2019 <http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/567-chin-woman-dies-after-tatmadaw-bomb-civilian-residences-with-heavy-artillery>

Regional Command open-fired on the houses between 7 pm and 9 pm, three mortars were fired. Daw Pa Mai was receiving treatment at Ann General Hospital for injuries sustained in the assault. War Gyi Taung Village consists of seven households, most of whom are from the Asho Chin community. All families living there make their living by farming. After the incident, the locals have become reluctant to work on their farms however, with some already choosing to flee to Ann Town for safety.<sup>50</sup>

On 19<sup>th</sup> March 2019 U Aung Kyaw Ngyunt (50) was shot dead as he was traveling to Kyauk Taw by an unknown armed assailant, believed to be from the AA. He was from Troi village in Paletwa Township. He was killed at Kyauk Taw Seaport. He is believed to have been shot dead as he was seen as a supporter of Tatmadaw.<sup>51</sup>

Common Article 3 of the Geneva Conventions prohibits “*violence to life and person, in particular murder of all kinds*” of civilians and persons *hors de combat*.<sup>52</sup> All four Geneva Conventions list “wilful killing” of protected persons as a grave breach.<sup>53</sup> The prohibition of murder is recognized as a fundamental guarantee by Additional Protocols I and II.<sup>54</sup> Murder is also specified as a war crime under the Statute of the International Criminal Court with respect to both international and non-international armed conflicts and under the Statutes of the International Criminal Tribunals for the former Yugoslavia and for Rwanda and of the Special Court for Sierra Leone.<sup>55</sup>

### ***Indiscriminate Use of Landmines***

The use of landmines in the conflict between the AA and the Tatmadaw continues to create circumstances where communities are forced to risk serious injury or death while travelling long distance for food and supplies, farming, or undertaking any local based travel close to villages or in the forest. This continues to pose serious barriers to traditional livelihoods and freedom of movement. On 10<sup>th</sup> September 2019 two villagers were injured by landmines in Nama Dar village, Paletwa Township. The victims were identified as Daw Soe Shin (35) and U Maung Bu (50). The injuries were not life-threatening and both of them are recovering in a local clinic, said family sources.<sup>56</sup>

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<sup>50</sup> Chin Human Rights Organisation, “*Chin Woman Dies after Tatmadaw Bomb Civilian Residences*” 14<sup>th</sup> April 2019 <http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/574-local-man-dies-from-landmine-explosion-in-paletwa-township-chin-state-while-acting-as-guide-for-tatmadaw>

<sup>51</sup> Union Enterprise for Humanitarian Assistance Resettlement and Development, “*One Civilian Shot Dead by AA*” March 22<sup>nd</sup> 2019 <http://rakhine.unionenterprise.org/index.php/latest-news-en/661-one-civilian-shot-dead-by-aa>

<sup>52</sup> Geneva Conventions, common Article 3 (*ibid.*, § 655)

<sup>53</sup> First Geneva Convention, Article 50 (*ibid.*, § 662); Second Geneva Convention, Article 51 (*ibid.*, § 662); Third Geneva Convention, Article 130 (*ibid.*, § 662); Fourth Geneva Convention, Article 147 (*ibid.*, § 662).

<sup>54</sup> Additional Protocol I, Article 75(2)(a) (adopted by consensus) (*ibid.*, § 669); Additional Protocol II, Article 4(2)(a) (adopted by consensus) (*ibid.*, § 670)

<sup>55</sup> ICC Statute, Article 8(2)(a)(i) and (c)(i) (*ibid.*, §§ 675–676); ICTY Statute, Article 2(a) (*ibid.*, § 695); ICTR Statute, Article 4(a) (*ibid.*, § 696); Statute of the Special Court for Sierra Leone, Article 3(a) (*ibid.*, § 677).

<sup>56</sup> Unpublished information on file

On 20th September 2018, one woman was killed and another severely injured after treading on a landmine while out foraging for Wah U (Elephant Foot Yam) in Paletwa Township, Chin State. The incident took place close to Nga Tain Village. Daw Phit Lite (28), was a local from Nga Tain Village, which is located north of the Pi River, approximately 35 miles from Paletwa Town. The incident took place about 30 minutes (walking distance) away from the village. Daw Phit Lite was with 5 other friends while looking for the tuber on 20th September, 2018. While Daw Phit Lite was killed instantly from the detonation, one of her friends, Ma Tain Tin (18), was injured in the blast.<sup>57</sup> Ma Tain Tin survived after hospital treatment.

On 29<sup>th</sup> October 2018, U Huai Thang (35) stepped on a landmine and was in a critical condition. U Huai Thang is from Yat Chaung village, Paletwa Township. According to U Kyaw Aung, the Secretary of the Relief Committee in Paletwa Town, a locally ran committee mostly made up of youth from Paletwa, U Huai Thang and five others left the village on 23<sup>rd</sup> October for a foraging excursion in the forests surrounding the village. It was on the return journey to their village, at approximately 11 am when the incident took place.<sup>58</sup>

U Huai Thang was the only person to suffer injuries in the blast. Four of the group rushed to get help, reaching the village at approximately 4 pm. A group of villagers then returned with a stretcher and carried the victim through the night, reaching the general hospital at Paletwa Town at around 5am. An eye witness to the events informed CHRO that:

*“He is in a very critical condition now, his face is black and blue, the fingers on his left hand are injured, he lost four teeth and his calf muscle was severed in the blast. We are now planning to transfer him to Sittwe as he couldn't get proper treatment in Paletwa. We are hiring a car and we hope to get Sittwe today”*

U Huai Thang survived the ordeal but has been rendered blind as a result.

On 21<sup>st</sup> February 2019, a local man died from a landmine explosion in Paletwa Township while acting as guide for the Tatmadaw. U Aung Lun from Shin Madein village was being used as a human shield by soldiers from the Tatmadaw's Light Infantry Battalion 544 while on patrol in the area. The blast happened in the Kuchaung area, upstream of the Pyichaung River, a tributary which feeds the Kaladan River in Paletwa.<sup>59</sup>

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<sup>57</sup> Chin Human Rights Organisation, *“One Woman Killed and Another Injured after Stepping on a Landmine in Paletwa Township”* 24<sup>th</sup> Sept 2018 <http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/580-one-woman-killed-and-another-injured-after-stepping-on-a-landmine-in-paletwa-township>

<sup>58</sup> Chin Human Rights Organisation, *“Paletwa Villager in Critical Condition after Stepping on a Landmine”* 5<sup>th</sup> November, 2018 <http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/581-paletwa-villager-in-critical-condition-after-stepping-on-landmine>

<sup>59</sup> Chin Human Rights Organisation *“Local Man Dies from Landmine Explosion While Acting as Guide for Tatmadaw”* 22<sup>nd</sup> March 2019 <http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/574-local-man-dies-from-landmine-explosion-in-paletwa-township-chin-state-while-acting-as-guide-for-tatmadaw> also see Khonumtung News *“Civilian Ordered to Guide Burma Army Troops Killed by Landmine in Paletwa”* Marh 10<sup>th</sup> 2019 <https://www.bnionline.net/en/news/civilian-ordered-guide-burma-army-troops-killed-landmine-paletwa>

On 22<sup>nd</sup> November 2019, a local man from Do Chaung Wa, Paletwa Township, died after stepping on a landmine while helping to carry an injured Burmese soldier. U Phillip (47) was in the jungle cutting bamboo for house repairs when he encountered the Tatmadaw soldiers. The battalion were struggling to carry an injured comrade in their group and asked U Phillip for help in doing so. U Phillip stepped on the landmine between the villages of Pauh Thu Wa and Pone Nyin Wa of Ungthi Wa Village Tract. One of his legs was severed in the explosion and he died soon after. The victim lived with his two children in Du Chaung Wa Village, approximately 18 miles away from Miza Village.<sup>60</sup>

Article 3 of the 1980 Protocol II to the Convention on Certain Conventional Weapons prohibits, in all circumstances, the use of mines against civilian populations. Indiscriminate use of such weapons is defined as any placement of mines which are not directed against a military target,<sup>61</sup> a means of delivery which is not directed against a specific military objective,<sup>62</sup> expected to cause incidental civilian injury, loss of life, damage to property or a combination of all three.<sup>63</sup> Art 4 further states that all feasible precautions must be taken to protect civilians from the use of such weapons.

### ***Forced Labor***

In early 2019, the Tatmadaw began reinforcing positions and increasing their military presence in Southern Chin State to launch offensives against the AA. In February, political party members in Matupi Township raised concerns of the effects of Tatmadaw troop escalations in the area, surmising that the Tatmadaw attempts to sever the AA's connection to Kachin State via the main highway through Matupi Township, immediately to the north of Paletwa was likely to put locals security at risk.<sup>64</sup> Concerns were also raised to CHRO in April as villagers from Matupi raised security concerns as more than 100 military trucks transporting approximately 1000 troops from the 77<sup>TH</sup> Light Infantry Division (LID) travelled through Lailenpi to reach Rezua, Matupi Township.<sup>65</sup> Villagers interviewed by CHRO raised specific concerns related to forced labour.

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<sup>60</sup> Chin Human Rights Organisation "*Villager Died After Stepping on Landmine While Carrying Injured Burmese Soldier*" 30<sup>th</sup> Nov 2019 <http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/586-villager-died-after-stepping-on-landmine-while-carrying-injured-burmese-soldier>

<sup>61</sup> Practice Relating to Rule 81. Restrictions on the Use of Landmines (a) available at [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2\\_rul\\_rule81](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule81)

<sup>62</sup> Ibid at (b)

<sup>63</sup> Ibid at (c)

<sup>64</sup> Burma News International, "*Tatmadaw Expansions in Chin State Concerns Political Parties*" Feb 12<sup>th</sup> 2019 available at <https://www.bnionline.net/en/news/tatmadaw-expansion-chin-state-concerns-political-parties>

<sup>65</sup> Chin Human Rights Organization, "*Villagers from Chin State Raise Security Concerns*" <http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/579-villagers-from-chin-state-raise-security-concerns-as-large-tatmadaw-troop-escalation-takes-place-in-paletwa-and-matupi-townships>

These concerns proved to be justified as by June, 2019 CHRO was documenting widespread and systematic use of civilians constituting forced labour in the reinforcement of the 77<sup>th</sup> Light Infantry Division stationed in Khamaungya Village, Paletwa.<sup>66</sup> Whole Villages and members of IDP communities, including the elderly were regularly engaged in a supply line connecting Khamaungya Village and Paletwa Town, via Miza by boat and Cuanhaungwa by foot. The 15 Mile journey between Khamaungya and Cuanhaungwa by foot takes approximately 4 hours. Village Administrators who were instructed to provide up to 20 people at a time on multiple occasions from February 2019 to May 2019 informed CHRO that they were afraid to reject orders for fear of retaliation.<sup>67</sup>



Figure 1 IDPs and local civilians being used as porters. Photo Credit: Khonumtung News.

*“As I am getting old, these sacks are too heavy. I am very tired and my whole body is in pain. I have to take a rest for more than two or three days afterwards. I do not have the will to carry but the XXXX Village Administrator forced me to carry. I took three days of rest without working after the last time I carried. It is not worth it for me. Whilst half of one rice sack is heavy even for me, I think it might be much heavier for women as two women divide one sack as well”* said one elderly man who spoke to CHRO

### ***Movement Restrictions & Troop Movement***

On the 9<sup>th</sup> November 2019, the GAD in Paletwa Township, issued a curfew imposing a 6pm to 6am movement restriction, whereby people had to remain indoors. Furthermore, the order criminalized the gathering of more than 5 people at one time. The curfew was a response to the abduction of the Chin MP, U Hawi Tin.<sup>68</sup> The order is likely to further compound the situation limiting freedom of movement and exacerbate livelihood difficulties for the people in the area in accessing food and basic commodities. Very often

<sup>66</sup> Chin Human Rights Organization *“Tatmadaw Initiate Widespread forced labour demands on Chin Civilians”* <http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/577-tatmadaw-initiate-widespread-forced-labour-demands-on-chin-civilians-in-effort-to-keep-light-infantry-division-stocked-with-food-supplies>

<sup>67</sup> Ibid

<sup>68</sup> Order available for viewing (Burmese) at <https://www.facebook.com/ChinHumanRightsOrganization/photos/a.962607117124167/2713903278661200/?type=3&theater>

village people will tend to farms some distance from their village or town. A farm which could be a number of miles away through forest may well not be a one day journey. Foraging expeditions also take place within forested areas as a key aspect of food security for indigenous people, these expeditions will sometimes require days and nights in the forest. Under such orders, those outside of the home will be suspected as AA and will be risking a shoot on sight agenda by the Tatmadaw.

This curfew followed on from a similar imposition on 6<sup>th</sup> February 2019, where movement restrictions and curfews were imposed on villagers from Matupi Township as the Tatmadaw reinforced positions in Chin State.<sup>69</sup> Villagers from Nga Leng and Pha Neng, Matupi Township, reported to the CHRO that they had been banned from leaving their houses between 5 pm and 7 am. According to sources, the order was announced by the Tactical Commander from Chin State (2) and is still ongoing.

### *Arrest & Torture*

Not confined to the ongoing conflict between the AA and the Tatmadaw, human rights abuses continue in areas of Chin State where a heavy Tatmadaw military presence is maintained. In late December 2018, Nu Bawng, a 25-year-old girl from Matupi, was beaten by Captain Pyi Sone Min from Tactical Command -2 based in Matupi Town, Chin State. The incident happened after Nu Bawng had approached the soldier and requested that he pay some money that was owed to her. Although she attempted to file a case at Matupi police station it was refused as permission from the military or command is required for such a complaint. Later the commander from the Matupi base requested Nu Bawng to explain the case and situation but it has never been settled.<sup>70</sup>

In April, 2019 a civil servant from Matupi was beaten and hospitalized after Tatmadaw Troops attacked him. 6 soldiers from Light Infantry Battalion (LIB) 140 under the Tactical Command 2 (based in Matupi, Chin State) beat the man as he cut the power mainline to the battalion camp due to low water pressure in the hydroelectricity plant in Matupi Town.<sup>71</sup>

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<sup>69</sup> Chin Human Rights Organization *“Movement Restrictions and curfews imposed on Villagers from Matupi Township”* <http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/575-movement-restrictions-and-curfews-imposed-on-villagers-from-matupi-township-as-tatmadaw-reinforces-positions-in-chin-state>

<sup>70</sup> Unpublished information on file

<sup>71</sup> Chin Human Rights Organization, *“Chin Civil Servant Hospitalized”* <http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/571-civil-servant-from-matupi-hospitalized-after-attack-by-tatmadaw-troops>

## Humanitarian Effects and Response

### *IDPs and Refugees*

Between July and August, there were fresh concerns that IDPs were facing food shortages. According to media reports, IDPs from approximately 11 villages sheltering in Sin Let Wa and Miza villages numbered nearly 3000. According to a Chin State government spokesperson, there were approximately 6000 IDPs in Paletwa Township as of November, 2019.<sup>72</sup> The exact numbers of IDPs is hard to quantify given the sporadic nature of and intensity of the fighting at any one time. According to CHRO, as of December 2019, there are approximately 4000 IDPs currently throughout Paletwa Township.

On 30<sup>th</sup> August 2019, it was reported that parts of Paletwa were experiencing severe rice shortages due to restrictions on the transport of rice from neighboring Rakhine State, where the Burma Army and the insurgent Arakan Army (AA) were engaged in ongoing clashes. Local people from the Lay Myo Myit area of Paletwa normally transport rice from Rakhine State's Mrauk-U and Minbya townships by boat. At the time it was reported that local boats transporting rice could only carry two bags at one time, making it difficult for local rice sellers to meet local demand.<sup>73</sup>

Due to such policies food shortages are common, and going in search of supplies from Kyuaktaw in Rakhine State, as explained above becomes a risk due to AA and Tatmadaw activity. Compounding the situation are government measures which add to an already difficult circumstance for local people. For example, villagers from Paletwa Township have been restricted under a directive initiated by the Township Municipal Department which restricts the use of private boats to act as ferries for travelling along the Kaladan River. The prohibition Order number 28/2019 issued on 8<sup>th</sup> October 2019, for example prohibits the use of locally owned, small-engine boats to be used as a ferry. The licenses to ferry people are put out to tender where companies buy the ability to ferry passengers between certain points.<sup>74</sup>

*“For example, when about ten people want to travel to attend the religious festivals, it should not be prohibited to use private Honda boat. According to the order, the passengers should not exceed three on a single boat except in social events. Actually,*

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<sup>72</sup> Myanmar Times, “Armed Clashes, Refugee Numbers Grown in Paletwa” Nov 8<sup>th</sup> 2019 [https://www.mmmtimes.com/news/armed-clashes-refugee-numbers-grow-paletwa.html?fbclid=IwAR1zWA9pf1ISOG025cJ5ECiuMSGLaaBbT6l8TWHkdft\\_W2Ng2sPH6VPOEsg](https://www.mmmtimes.com/news/armed-clashes-refugee-numbers-grow-paletwa.html?fbclid=IwAR1zWA9pf1ISOG025cJ5ECiuMSGLaaBbT6l8TWHkdft_W2Ng2sPH6VPOEsg)

<sup>73</sup> Khonumtung News, “Parts of Paletwa Experiencing Severe Rice Shortages” Aug 30<sup>th</sup> 2019 [https://english.khonumthung.org/parts-of-paletwa-experiencing-severe-rice-shortages/?fbclid=IwAR26EeUo35NfwFpkJ3FkUEih-QhHzSxNVJHcaPw7rSazNXndKQ84hwl\\_ik](https://english.khonumthung.org/parts-of-paletwa-experiencing-severe-rice-shortages/?fbclid=IwAR26EeUo35NfwFpkJ3FkUEih-QhHzSxNVJHcaPw7rSazNXndKQ84hwl_ik) also see Myanmar Times, “Chin State IDPs face Lack of Rice” July 24<sup>th</sup> 2019 <https://www.mmmtimes.com/news/chin-state-idps-face-lack-rice.html?fbclid=IwAR0rGbd7BOc9hLyauaT5FMLt47aPDkyWIPagCgTdiBSml8drkZXEVFYzX1k>

<sup>74</sup> Chin Human Rights Organisation “Local People are in Trouble as Township Municipal Prohibit to Travel by Private Owned Boat” 29<sup>th</sup> October 2019 Boat <http://www.chinhumanrights.org/index.php/resources/chro-in-the-news/588-local-people-are-in-troubles-as-township-municipal-prohibit-to-travel-by-private-owned-boat>

*some family exceeds five persons, so the situation is like a family census that is needed to show them as proof. For us, we must go with our own boat if my family want to travel, but my family member is made up of seven people. If we have our own boat, then why should we still borrow other's boat? The situation is like this.”* said one community member who agreed to speak to CHRO.

The Paletwa Township Municipal Department auctioned the ferry license from Paletwa Town to Tuang Pio, and from Taung Pio to Thru Ai for the price of 370 lakhs MMK (Approx. 24 thousand USD) and 140 lakhs MMK (Approx. 9 thousand USD) for the two stretches of river. The ferry fares from Paletwa to Taung Pio and from Taung Pio to Hta Rai are 3000 MMK (Approx 2 USD) each. Under the provisions, any boat carrying more than 3 people is considered a ferry and if they do not possess a license, are fined 5000 MMK and also have their National Registration Cards (NRC) seized. The order renders the use of private boats with more than 3 passengers illegal, even if a family of 4 is travelling together. This represents an arbitrary restriction of freedom of movement.

*“So, do only the licensed boat line owners own the Kaladan River? And why don't we own the river, can't we use the river?”* Stated another villager who spoke to CHRO.

On 31<sup>st</sup> July 2019 the Chin State Gov't offered land to IDPs from Paletwa Township who had been forced to flee their homes because of fighting between the Tatmadaw and the AA. Soe Htet, the State Minister for Municipal Affairs stated, “We have already given plots of land to 12 Chin people who escaped from an AA military camp in Paletwa Township. And we are constructing a new project in Paletwa, if other Chin IDPs want to live there.”

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## **Refugees**

In 2018 there were 480 registered asylum seekers who had fled conflict in Paletwa, at the time of writing there have been a further 542 registered asylum seekers having arrived in Malaysia during 2019.<sup>76</sup> It is worth noting that many have either not made it to Kuala Lumpur where they can register with the Alliance of Chin Refugees (ACR), or are yet to seek support and maybe already working in the informal labour sector. There have been no reported arrivals in New Delhi, India and it is unclear how many remain in Mizoram, India or the Chittagong Hill Tract Region area of Bangladesh as there are no organizations or departments gathering data.

A news report from February 2019 put a figure on those who had fled to Mizoram at approximately 300. The Indian government on 2<sup>nd</sup> July repatriated “Arakanese” refugees from Chin State, who fled to Hmawngbuchuah Khau village in Mizoram state in India. Headed by the administrator of Lawngtlai district and the Assam battalion commander, under an agreement between India and Myanmar, Arakanese refugees were sent back to

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<sup>75</sup> BNI Online, “Chin State Government Offers Land to Paletwa IDPs” 31<sup>st</sup> July, 2019. <https://www.bnionline.net/en/news/chin-state-govt-offers-land-paletwa-idps>

<sup>76</sup> Data gathered from the Alliance of Chin Refugees (ACR) in Malaysia.

Myitwa in Chin State at the border between Myanmar and India.<sup>77</sup> It is unclear how many of these may have been from the Chin community.

### ***Conflict and Education***

The conflict between the AA and the Tatmadaw has also led to the severe restrictions and impediment on children's education in Paletwa Township. It was reported in August that as a direct result of the conflict 118 schools were closed at the commencement of the standard academic year. Teachers did not want to go back their respective schools due to the conflict meaning numbers of teachers dwindled. Out of 1421 schools in Chin state, over 300 are located in Paletwa Township. Perhaps as an indicator of the 5 years of sporadic but escalating conflict, Paletwa has the worst matriculation result in the State.<sup>78</sup> It's worth mentioning to the international audience that Chin State already performs well below the national average for matriculation results due to language difficulty.

The four 1949 Geneva Conventions and their 1977 Additional Protocols offer specific protection to children during armed conflict. In fact, we say that children benefit from two-tiered protection under international humanitarian law: the *general* protection they enjoy as civilians or persons not or no longer participating in hostilities and the *specific* protection they enjoy as children. More than 25 articles in the Geneva Conventions and their Additional Protocols refer specifically to children. These include rules on the death penalty, access to food and medical care, education in conflict zones, detention, separation from their family and participation of children in hostilities. The rights guaranteed by the Convention on the Rights of the Child, almost universally ratified, are applicable during armed conflict.

In addition to the concerns related to separation from family, recruitment and detention mentioned above, the ICRC always promotes the respect of children's rights in general, such as for example access to education the right to access to education does not cease because of a conflict.

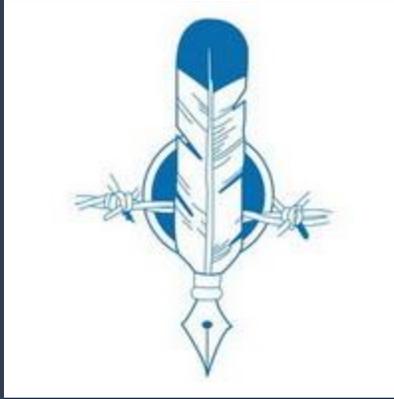
On 4th August 2019 it was reported that more than 300 volunteer teachers were appointed in Chin State to help fill the void of education due to the conflict.<sup>79</sup>

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<sup>77</sup> Myanmar Times, "India Returns Arakanese IDP from Chin State" June 8<sup>th</sup> 2019  
<https://www.bnionline.net/en/news/india-returns-arakanese-idps-chin-state?fbclid=IwAR3zHKExyrffa2LitEVQcowMfW5DEvXTqsJ8qL9HmsvYfqrucyTSdkJ-Sw>

<sup>78</sup> Chin World "The Education of Paletwa Destroyed by War" Aug 21<sup>st</sup> 2019  
<https://www.bnionline.net/en/news/education-paletwa-destroyed-war?fbclid=IwAR1NM8ijpS7Y5E-MAPhdjoyxEKViBM55f3cebepecN8gkcT53BdbQijEceG8>

<sup>79</sup> Eleven Media, "More Than 300 Volunteer Teachers Appointed in Chin State" 4<sup>th</sup> Aug, 2019  
<https://elevenmyanmar.com/news/more-than-300-volunteer-teachers-appointed-in-chin-state>



*Founded in 1995, the Chin Human Rights Organization (CHRO) works to protect and promote human rights through monitoring, research, documentation, education and advocacy on behalf of indigenous Chin people and other ethnic/indigenous communities in Myanmar. The organization is a founding member of the Indigenous Peoples Network of Myanmar, made up of over 20 non-governmental organizations engaged in indigenous peoples' issues in the country.*

*CHRO is an NGO in Special Consultative Status with the United Nations Economic and Social Council (ECOSOC)*