

Chin Human Rights Organization

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2020

ON THE SITUATION OF
HUMAN RIGHTS

IN CHIN STATE

AND WESTERN BURMA/MYANMAR

EXTORTION

TORTURE

ILL-TREATMENT

ARBITRARY DETENTION

ENFORCED DISAPPEARANCES

TARGETING OF CIVILIANS

INDISCRIMINATE LAYING OF LANDMINES

CONFLICT

UNLAWFUL KILLINGS

DISPLACEMENT

FORCED LABOR

LOOTINGS

25 YEARS
OF MAKING A DIFFERENCE
CONTRIBUTING TO HUMAN RIGHTS
DEMOCRACY AND PEACE IN BURMA/MYANMAR



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Methodology

This briefing is drawn from eyewitness accounts, collected by CHRO fieldworkers throughout 2020. Where appropriate, to support or contextualize the documentation, credible secondary sources have been used. Chin State is a very remote and isolated part of western Burma/Myanmar. The basic infrastructure there remains very poor, particularly in rural areas where no fully paved roads make access very difficult. Due to this, human rights documentation remains extremely challenging, whereby, human rights violations may very often go undocumented, or reported weeks later, if at all. Information is collected by CHRO’s fieldworkers in accordance with documentation guidelines produced by the Network for Human Rights Documentation – Burma, of which CHRO is a member.

Due to on-going security concerns associated with reprisals, where necessary, interlocutors’ names, names of army personnel connected to allegations of human rights abuses and village names have been modified or censored with due diligence. Names of towns and/or villages within this report may appear to be spelt differently than in other reports referenced both within this document or elsewhere in national media or associated maps. CHRO refers to the names of locations within this report in line with local spelling as much as possible.

Introduction

For the Chin communities living in Paletwa Township and Northern Rakhine State, 2020 has seen the largest escalation of conflict and resulting civilian casualty since the conflict began in 2015. Within the past 11 months, patterns of human rights violations (HRVs) have been linked to several different factors.

After the World Health Organisation (WHO) officially declared COVID-19 a global pandemic,¹ the UN Secretary-General, Antonio Gutierrez, appealed for a global ceasefire to address the crisis.² Despite calls from United Nations bodies,³ diplomatic missions,⁴ civil society,⁵ and Ethnic Armed Organisations (EAOs)⁶ to implement a ceasefire, the military government increased hostilities and operations in Paletwa and Northern Rakhine. During February, March and April, Paletwa Township endured the worst state atrocities committed at any point since 2015. Violations of international humanitarian law (IHL) included a spate of airstrikes on villages bordering Paletwa Township and Rakhine State by the Tatmadaw resulting in 36

deaths and 27 injuries to the local population. In April, Yanghee Lee, the outgoing U.N. Special Rapporteur on the situation of human rights in Myanmar, said in a statement that the country's armed forces were escalating assaults, targeting the civilian population while the world was "occupied with the COVID-19 pandemic".⁷ The coordinated and sustained attacks on the civilian population, according to United Nations High Commission for Human Rights (OHCHR), were designated as possible war crimes and crimes against humanity in calling for the Tatmadaw and AA to protect civilians and for accountability into the atrocities.⁸

Increases of violations of IHL law are also linked to the designation of the AA as a terrorist outfit in March. On 23 March the Myanmar Government designated the armed group as a terrorist group under the 2014 Counter-Terrorism Law.⁹ President Win Myint also declared that the AA, its political wing, the United League of Arakan (ULA), and affiliated groups and individuals "have constituted a danger to law and order, peace and stability of the country and public peace" and are unlawful under Section 15(2) of the Unlawful Associations Act.¹⁰ The AA initiates guerilla tactics, often plain-clothed and without fixed positions. This approach to conflict, coupled with brazen attacks on senior political figures,¹¹ abductions of elected members of parliament¹² and an active public relations agenda which included threats to uncover the locations of mass graves of Rohingya carried out during the 2017 clearance operations led to the designation.¹³

The unilateral ceasefire that was eventually announced by the Military Government in May to fight COVID-19, did not extend to the people in the conflict-affected areas of Chin and Rakhine State due to the designation of the AA as a terrorist group.¹⁴ Under the terror legislation, the government also censored ethnic media outlets and arrested journalists retroactively for interviewing members of the AA.¹⁵ The censorship of ethnic media outlets, coupled with the ongoing internet blackout, still enforced since June 2019 meant that the timely documentation of HRVs became even more challenging. Humanitarian groups also complained of how the ongoing internet blackout continued to hamper the coordination of aid, collection of accurate information, and monitoring of abuses and in some villages, people were completely unaware of the COVID-19 outbreak.¹⁶

The space that local communities are forced to exist within, between the AA and the Tatmadaw, has continued to shrink in 2020. CHRO has documented instances of torture carried out by both armed groups, where civilians have been targeted due to suspicion of cooperating with the other party to the conflict. The AA continues to use enforced disappearance, arbitrary arrest and detention and torture and other forms of ill-treatment or punishment to instil fear into communities. Due to sporadic but intense fighting, community members have also regularly been caught in cross-fire, usually while travelling on trade routes connecting main towns. The indiscriminate laying of landmines has continued to create a significant risk of injury or death in accessing farms, water facilities and in undertaking traditional forms of livelihoods such as foraging in forested areas.

During the first half of 2020, as trade routes and access to main towns were restricted, inflation on food and non-food items took place. In Paletwa Town, as IDP numbers increased and rice stocks dwindled, the community were forced to survive on the stems of banana trees and strict rationing of rice. The crisis was exacerbated by the looting of WFP-contracted trucks en-route to Paletwa Town by the AA, and the widespread looting of livestock by Tatmadaw forces in villages close to Paletwa Town, previously deserted. In the North of Paletwa Township, communities from multiple villages faced arbitrary taxation of rice stocks and forced labour by the AA.

In 2020 the conflict in Paletwa halted the democratic process in Chin State and severely disrupted the workings of local government and civil service. In November, Myanmar's Union Election Commission announced that voting would not take place in 94 of the 102 village tracts in Paletwa Township.¹⁷ Due to security concerns associated with the conflict more than 200 teachers in Paletwa applied for transfers to other locations. In February, the escalating conflict in Paletwa forced school closures before exams were scheduled to take place. Out of 391 schools in the township, 191 were closed before COVID-19 closed all schools in the country and a further 100 were operating without full-time teaching posts.¹⁸ In January, more than 210 government employees in Chin state resigned in fear of their safety after it was alleged that the AA had been issuing threats.¹⁹ In July, 500 people, many of whom were health workers and education department staff were continually shot at by a Tatmadaw outpost along the Kaladan River, as they attempted to return home from Paletwa Town after an annual meeting was held.

The government responses to the COVID-19 have also enforced a number of systemic inequalities in Chin State and to religious minorities more generally. Laws which govern lockdown measures, such as the gathering of over 5 people, night-time curfews and lockdowns have disproportionality criminalized ethnic minority. Cases include stiffer legislation which resulted in jail time for breaking lockdown measures which have both been enforced disproportionality and in a seemingly ad-hoc fashion. Furthermore, in Chin State, the township-level COVID-19 Response Committees lack ethnic/local representation which has led to discriminatory decision making. In October, a family were forced to bury the body of a dead girl at the side of a road after a funeral arrangement was banned from entering Thantlang Town.

Summary of Human Rights Violations

INDISCRIMINATE TARGETING OF CIVILIAN INFRASTRUCTURE

During the reporting period, instances of indiscriminate targeting of civilian infrastructure have resulted in the highest numbers of civilian casualty since fighting between the AA and the Tatmadaw began in 2015. During escalations of fighting between February and May, CHRO documented 36 deaths and 27 injuries, 13 of which were children. This HRV has predominantly been carried out by the Tatmadaw through airstrikes targeting civilian populations. It is unknown, however, whether instances of destruction of civilian property via ground assaults documented have been initiated by the Tatmadaw or AA.

In March and April, the Tatmadaw began a spate of indiscriminate airstrikes, targeting small villages and local populations in the region south of Paletwa Town. In previous years aerial assaults conducted by the Tatmadaw on AA positions took place in the extreme north and north-west of Paletwa Township, areas less densely populated. In 2020, as fighting took place in more densely populated areas, both closer to and within major towns, a significant increase in civilian casualty has resulted. The knock-on effect of insecurity associated with this HRV has swelled numbers of IDPs in the township.

Tatmadaw airstrikes began on 4 March, where three jets bombed the village of Puivang, one person was killed and a further two injured as four houses were destroyed. After the bombing raid, the majority of the community fled the village. Later on 9 March, a further series of airstrikes were launched as 4 planes

continued the attack on the village, destroying 4 houses. Seven civilians remained in the village, 5 were injured and two later died.

On 14 and 15 March, 21 civilians were killed by Tatmadaw pilots as airstrikes continued. The Tatmadaw aircrafts attacked two villages on 14 March in Meik Sa Wa (2) and Meik Sar Wa (3), killing 12 and injuring 15. On 15 March further airstrikes were carried out on Wet Ma village, leaving 8 dead and also in Pyaing Tin village, leaving 1 dead. A total of 12 people were injured in the two villages.

On 7 April, 2 Tatmadaw jets bombed the village of Hna Ma Dar multiple times between 4.30 p.m. and 6.30 p.m. resulting in the deaths of 7 villagers, including 2 children and a mother and infant. A further 8 civilians were injured and 8 houses were burned to the ground.

Civilian casualties also resulted from ground assaults during clashes. In February, the village of Mee Let Wa as bombed on two occasions, injuring 3 people. In April, a rocket-propelled grenade was fired into Paletwa Town, detonating close to a school complex, killing 3 people.

Recommendations:

1. The military government should take all necessary measures to minimize the loss of civilian life and civilian property in military operations and abide strictly to the Geneva Conventions rules on non-international armed conflicts, observing the principles of distinction between civilians and combatants and precaution in operations;
2. Promptly and transparently investigate all instances of violations of IHL in the villages concerned and publicize findings and disciplinary actions;
3. Strengthen efforts to communicate with relatives of civilians killed in military operations and provide prompt and adequate redress for civilian victims of laws-of-war violations;
4. Launch independent, transparent and public investigations into all military personnel involved in airstrikes which indiscriminately targeted civilian infrastructure so fair and negotiated compensation can be provided for the people who lost family members.

TORTURE, ILL-TREATMENT, INHUMAN AND DEGRADING TREATMENT

During the reporting period, CHRO documented two cases of torture carried out in the context of the conflict in Paletwa and Northern Rakhine State. In the two cases, 5 civilians underwent interrogation amounting to torture, or cruel, inhuman or degrading treatment or punishment. In both circumstances, these were associated with Chin community members being accused of collaborating with the other party to the conflict. In one case, two family members were interrogated by the Tatmadaw in a local school. The AA regularly uses torture, ill-treatment inhuman and degrading treatment to punish figureheads of local communities or other family members in their absence. CHRO regularly receives reports from communities who face public beatings, threats and intimidation from AA forces operating in their area but through fear of reprisals do not go on record or lodge complaints with authorities. This HRV is linked to enforced disappearance and deaths while in custody.

On 14 Jan 2020, Daw Ma Hla (44) and her son Maung Kyaw (21) were tortured by troops from the Tatmadaw Light Infantry Battalion (LIB) 371 and 372 in Ann Town Rakhine State. Having been accused of storing weapons for the AA in a shop premises belonging to the family, the interrogation and torture took place in the local village school. During the interrogation, soldiers made incisions into Daw Ma Hla's ankles and poured boiling water onto her thigh.

On 8 Jan 2020, Ma Kyawk Sein (25), Ma Khin Toe (22) and their father U Maung Kyi (47) were tortured by the AA in the village of Kyee Lay, Paletwa Township. Suspecting their father of having provided information to the local Tatmadaw battalion, the AA tied the man's two daughters to a tree in the middle of the village and began beating them with bamboo. U Aung Kyi was subjected to the same treatment, kicked and beaten with bamboo sticks.

Recommendations:

1. The Government of Myanmar should sign and ratify the Convention against Torture and criminalize the practice under national law;
2. The military government should launch a full and transparent investigation into the soldiers conduct toward Daw Ma Hla and her son to prevent recurrence of torture;
3. Facilitate prosecution and/or, as appropriate, disciplinary sanctions for those indicated by the investigation as being responsible. Full reparations and redress from the State, including fair and adequate financial compensation and provision of the means for medical care and rehabilitation, should be provided.
4. The AA must immediately cease the widespread practice of ill-treatment toward local communities in Chin State and Northern Rakhine State.

INSTANCES OF CROSS-FIRE/UNLAWFUL KILLINGS

During the reporting period, CHRO has documented 3 instances of cross-fire, resulting in 3 deaths and a further 3 injuries to the civilian population. Cross-fire instances have resulted from both mistaken identity, whereby armed groups have opened-fire on civilians attempting to use roads and waterways connecting towns and villages, in other circumstances, particularly where prior approval had been granted by military officials, the actions of those responsible will likely amount to unlawful killings.

On 5 February, a boat carrying civilians travelling between Paletwa Town, Chin State and Kyauktaw Town, Rakhine State was fired upon, killing one and injuring two. The passenger boat was attacked at Tinma village, a 15-year-old boy was killed and two women were injured who later received treatment in Sittwe General Hospital.

On 10 June, Myo Thant, a 43-year-old man from Paletwa Township was shot dead by the Light Infantry Division (LID) 22. The incident took place outside the village of Tha Htay Kone as the Tatmadaw opened-fire on a lorry carrying 21 people bound for the village of Nanchaungwa to pick up rice for internally displaced people (IDPs). The group had been authorized to undertake the journey and distribute the food items by the Tactical Commander based in Seint Sin village.

On 29 May, a group of villagers from Mee Let Wa were fired upon as they attempted to enter the previously deserted village to collect left-over firewood. Daw Hawi Khin was struck by a bullet in the waist area and died soon after.

Recommendations:

1. The Tatmadaw must ensure communication between checkpoints and military outposts is operating to ensure civilians, after being permitted to collect food items are not attacked;
2. Shoot on sight orders should cease immediately to ensure civilians are not subjected to violence to life;
3. Launch independent, transparent and public Investigations into the death of Myo Thant by the LID 22. Restitution for the death should be agreed upon with the family concerned.

DEATHS WHILE IN CUSTODY

During the reporting period, 5 people have been killed while being held in detention. This HRV is linked to the practice of arbitrary and arrest and detention which the AA widely use in Paletwa Township and Northern Rakhine State. Members of local communities are often arrested by AA parties whom they believe to have provided information to state-authorities or undertaken duties in village-headman designations.

On 11 January, U Arbay Hla and three others were found dead in Se Palong village, Paletwa Township. U Arbay Hla, a teacher from Se Palong village together with two Rakhine civilians, from Kyat Oowa village were arrested by the AA on 7 January.

On 17 July, the body of a missing villager, Hla Kyaw from Ton Ma Wa village, Paletwa Township, was identified by family members. 62-year-old, Hla Kyaw the village head man for Ton Ma Wa village had been missing since 5 June after eyewitnesses confirmed him being arrested by the AA.

Recommendations:

1. The AA must cease the practice of detaining civilians in conflict areas;
2. The AA must launch investigations into the death of U Arbar Hla, and the other three civilians alleged to have been killed in the same incident, while in their custody;
3. The AA must launch an investigation into the death of Hla Kyaw while in their custody, restitution must be provided agreed upon with the family involved.

ARBITRARY DETENTION AND ENFORCED DISAPPEARANCE

During the reporting period, the AA continued the systematic approach to arrest and detention of Chin civilians in conflict areas. In 2020, 18 people were arrested by the AA, 5 remain missing incommunicado. Presently, there are a total of 22 civilians from the Chin community missing, 3 cases date back to 2018. (See Table) According to CHRO documentation, the practice of enforced disappearance is an HRV solely practiced by the AA, another military tactic regularly used to instil fear into local communities, target political figures and those engaged in development projects not supported by the AA.

On 21 February, U Maung Phyu, a village headman from Taung Shey Village of Myebon Township in Rakhine State was arrested by members of the AA having been accused of having connections with the Tatmadaw. 50-year-old, U Maung Phyu, was taken away by a group of five AA soldiers. During the arrest, the man was beaten unconscious and dragged out of his house.

On 29 July, the AA arrested four Chin youths on suspected political activities. Salai Aung Tun Ko, Salai Khin Maung Tun, Salai Benjamin and Salai Aung Soe were arrested as they travelled between Kyuaktaw, Rakhine State and Paletwa Town after their boat was followed and stopped outside Bedon village in Paletwa Township. Later all were released apart from Aung Soe, who was held incommunicado for 138 days.

On 1 June, the AA released three men and a woman they had held for over a month from Minbya Township, Rakhine State. 48-year-old, Sein Ma Oo, a Chin woman from Thaing Kyat Village, died in Minbya General Hospital soon after. Family members suggested that before Sein Ma Oo's death that she was suffering from panic attacks, shortness of breath, experiencing hallucinations and acute loss of memory.

On 21 Jan, the AA freed U Hawi Tin, the Amyotha Hluttaw (Upper House) MP for Chin State after three months of incarceration. In a statement, the AA suggested that they had released Hawi Tin to restore "brotherly relations, mutual understanding and trust between the ethnic Arakanese and Khumi peoples because both races have enjoyed coexistence".

Recommendations:

1. The AA must cease the practice of arbitrary detention and enforced disappearance in Paletwa Township and Northern Rakhine State;
2. Details regarding the whereabouts of missing civilians should be provided to the families involved, via intermediaries if necessary in order so restitution may be agreed upon.

INDISCRIMINATE LAYING OF LANDMINES

During the reporting period, CHRO has documented 6 instances of the indiscriminate laying of landmines, resulting in 5 deaths and 5 injuries to the civilian population. Landmines continue to pose a significant risk of death or injury for local communities in undertaking traditional forms of livelihoods such as farming and foraging as well as accessing water facilities.

On 17 January, Ma Khin Lone (22) stepped on the landmine while tending to crops at her farm in Nga Shar village. She suffered a broken leg in the explosion. The incident took place just 10 days after her mother,

Daw Hawih Tin received similar injuries from a landmine explosion whilst out searching for food in a forested area close to the village.

On 2 April, U Pyi Tin stepped on a landmine on his way back from a farming plot close to Laungkadu village which he had been clearing for the season's cultivation. He was treated in Mandalay for injuries sustained in the blast.

On 29 July, two Chin people were killed and one seriously injured within the space of a week in Ann Township, Rakhine State. U Maung Tin (60) was killed after stepping on a landmine while tending to his farm in Kyeik Chaung village. The next day, Ko That Khine Soe (28) was killed attempting to retrieve U Maung Tin's body from the scene. In the blast, U San Win (48) was also injured.

On 3 August, Mai Wa Tone, a 17-year-old resident of Zu Kaing, Ann Township died on the way to hospital after losing part of her leg after treading on a landmine. She was collecting water from a small stream close to her village. The blast took place near a Tatmadaw outpost.

On 18 September, 44-year-old, Daw May Nu Thein, was killed after stepping on a landmine near Paletwa Town. Daw Thein was out collecting bamboo shoots in a forested area which separates the town from the Light Infantry Battalion (LIB) 289. Three other women were at the scene of the explosion but none were seriously injured.

Recommendations:

1. The Government of Myanmar should sign and ratify The Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-personnel Mines and on Their Destruction (the Mine Ban Treaty);
2. Appropriate compensation, assistance, and support should be provided to those injured as a result of the deployment of mines and to the families of those injured or killed. The assistance should include medical care, prosthetics where appropriate and on-going rehabilitation if needed;
3. Landmine awareness-raising activities must take place amongst local communities in Rakhine and Chin States.

ARBITRARY DEMANDS AND LOOTING OF CIVILIAN PROPERTY

During the reporting period, CHRO has documented arbitrary taxation and forced labour carried out by the AA in 6 villages in Paletwa Township and widespread looting of civilian livestock by Tatmadaw forces. Looting carried out by the Tatmadaw has taken place in villages previously deserted due to conflict around Paletwa Town.

In February, the AA demanded one person per household from Kye Lay village, carry supplies such as rice, cooking oil, and beer from the dock at the bank of the Kaladan River to their temporary camp nearby. Kye Lay village has approx. 240 households.

In September, community members from two village tracts in northern Paletwa Township complained of ongoing arbitrary demands being issued by AA forces in the area. Villagers from Nga Shar, Kyaung Chaung, Auk Baungwa, Nung Bu Kyi and Nung Bu Nge villages informed CHRO of instances of forced labour and extortion by the AA. AA squadrons were demanding two baskets of rice (approx. 10 KG) per household and then exacting forced labour from the community to deliver the rice to their temporary bases. In some instances, households were required to pay the sum of 10,000 MMK (approx. 8 USD) in lieu of the demand for rice.

In July, community members from multiple villages close to Paletwa Town raised concerns that soldiers from the Light Infantry Division (LID) 11 had been looting their livestock. In July alone, soldiers from LID 11 had allegedly shot and killed more than 60 farm animals belonging to local people.

Recommendations:

1. The AA must ensure that armed actors under their control do not arbitrarily tax communities living in Paletwa, or further food insecurity by demanding rice quotas. The sale and purchase of rice, if undertaken willingly by local communities must be in line with current market rates in order so local communities can avoid a further state of hardship and under no circumstances initiated under threat of violence or intimidation;
2. The Tatmadaw must cease the practice of looting the livestock of local communities in Paletwa Township. Arbitrary restrictions of the trade of meat should not be imposed. Communication channels to village communities who are now displaced should be established for recourse for property restitution or agreed compensation;
3. The civilian government must ensure transparency in its decision making bodies related to quotas limiting the amount of rice that could be purchased per household in Paletwa Township.

HUMANITARIAN SITUATION

During the reporting period, humanitarian access to areas of Paletwa Township and Northern Rakhine State remains restricted. Throughout the reporting period, the government have maintained movement restrictions, enforced curfews and an ongoing internet blackout. As a result of the fighting, the numbers of IDPs and refugees have increased which has, in turn, led to severe food shortages in towns and villages in Ann Township, Rakhine State and throughout Paletwa Township. The ongoing internet blackout continued to hamper the coordination of aid, collection of accurate information, and monitoring of abuses. The intensification of conflict in Paletwa and Rakhine State forced the closure of trade routes. Since early February 2020, the Kaladan River trade route and the road routes leading into Paletwa Township were largely closed as a result of insecurity. In Paletwa Town food shortages took place. During this time, basic food provisions inflated to triple the usual rate. Paletwa Township also experienced electrical and fuel shortages.

Displacement

Due to the conflict circumstances outlined above, the numbers of IDPs and asylum seekers have increased substantially. Currently, there are over 10,000 IDPs in 36 sites across Paletwa Township. At this point, last year, according to CHRO and Chin State Government figures, the IDP population was approx. 4000.

As a general rule, displacement has occurred as a result of conflict and human casualty resulting from fighting close to towns and villages. In other circumstances, forced displacement occurs through the perceived threat of violence. On 27 June 2020, the Tatmadaw began informing village administrators from 40 villages in Dalat Chaung Village Tract, Ann Township, Rakhine State that clearance operations were imminent. As a result, approximately 10,000 Chin civilians fled their homes to Ann Town, fearing violence and imminent conflict.

According to the Independent Chin Communities (ICC) based in Malaysia, approx. 2500 asylum seekers from conflict areas sought asylum in Malaysia in 2020. This raises the total number of asylum seekers as a result of the conflict to over 10,000 since 2015 when the conflict began.

Recommendations:

1. The Tatmadaw must apply stricter enforcement and respect of IHL regulations which would minimize conditions leading to the displacement of civilian populations in Northern Rakhine and Paletwa Township;
2. All individuals displaced from their homes during the conflict should be assured the option for a voluntary, safe, and dignified return to their homes or resettlement into new homes and communities. Once they reach their destinations, returnees should have recourse for property restitution or compensation and should receive strong reintegration and rehabilitation support to build their livelihoods.

Humanitarian Access and Movement Restrictions

As numbers of IDPs swell in the larger towns in Rakhine State and Paletwa Township, food shortages take place. Given movement restrictions, conflict and AA raids, the stream of aid which is insufficient, is often interrupted or halted. Elsewhere, IDPs or conflict-affected communities may have to risk travelling to pick up aid which is located in major towns or impounded by the Tatmadaw.

On 30 March, it is alleged that the AA attacked a convoy of WFP-contracted trucks carrying food items bound for Paletwa Town, injuring one driver. This followed an attack on a truck carrying provisions bound for the port in Paletwa Town, which was intercepted and set-alight by the AA. The truck, which was reported to be carrying 50 sacks of rice and 80 barrels of diesel fuel, was stopped at Lar Mway Taung Village, located between Samee and Paletwa.

In April, a shipment of some 830 bags of rice from local humanitarian groups arrived in Paletwa after the Tatmadaw impounded it close to LIB 289, community members from Paletwa Town used local boats to collect the provisions.

In June, The population of 42 villages in Da Let Chaung Village Tract, Ann Township, Rakhine State faced food shortages due to an ongoing blockade, first imposed by the Tatmadaw in January 2020. Roads and waterways, in or out of Ann town that lead west, remained restricted for civilian use. The lack of food was affecting a total of 12,139 people who lived in the village-tract.

In Paletwa movement restrictions and dusk-to-dawn curfews are still enforced. On 6 July 2020, soldiers from Light Infantry Division (LID) 11 fired shots toward a convoy of 50 boats attempting to leave Paletwa

Town, Chin State. Over 500 local villagers and members of the civil service from health and education departments who had been stranded in Paletwa Town for more than 10 days were attempting to return to their homes in the north of the township.

Recommendations:

1. Allow unimpeded access for humanitarian organisations offering basic services for conflict-affected populations. This includes the restoration of internet service for accurate data collection, coordination and information sharing;
2. The AA must cease the practice of looting and/or attacking humanitarian aid missions and cargo and allow access to and through areas where they are operating in safety.

Education

The education system in Paletwa Township continues to suffer as a result of the conflict in Paletwa Township. In January, more than 200 teachers applied for transfers to other locations due to security concerns associated with the conflict. In February, the escalating conflict in Paletwa forced school closures before exams were scheduled to take place. Out of 391 schools in the township, 191 were closed before COVID-19 closed all schools in the country a further 100 were operating without a full-time teaching post.

In July, efforts by the government to build new schooling facilities for students from IDP camps in Paletwa Township were being hampered by travel restrictions, according to the Chin State Government. It was reported that the state government had made arrangements to build new schools for IDP students due to insufficient classroom space at existing schools in Paletwa and Samee Towns. School facilities in Paletwa, Samee and other main areas where IDP populations stay are often used for shelter. In July, concerns were raised that budget allocations for education were disproportionality calculated. The state budget for Hakha Township was 31 billion MMK in comparison to Paletwa's 12.3 billion MMK. Paletwa Township's population is the second-highest in Chin State and a third larger than Hakha Township.

Recommendations:

1. The Government of Myanmar should distribute budget allocation in line with the density of population and necessities of the township, so extra infrastructure can be made for IDP children and the restoration of dilapidated school spaces;
2. Separate funding for conflict-affected communities and IDPs should be considered where tailor-made curriculums can be designed in order so children are not only not left behind during ongoing conflict but in a position to actively participate in the rebuilding and reintegration of society in a post-conflict scenario.

Health

Conflict-affected communities and IDPs lack food, adequate health and sanitation and space in order to undertake social distancing measures. This situation is exacerbated further by the ongoing blocking of

freedom of information, a key element of the right to health. Communities in Northern Rakhine and Paletwa Township remain under the world's longest internet blackout.

The internet blackout, which affects more than one million people, not only impacts coordination of aid and the work of human rights monitoring but is widely been considered to have been enforced so violations of human rights will not be adequately reported. Furthermore, in the context of COVID-19 pandemic, it presents a barrier to local communities being in a position to educate themselves and take precautionary measures in conditions that lack access to basic healthcare, inadequate food supplies and overcrowding due to high displacement numbers.

Recommendation:

1. The Government of Myanmar should immediately lift the internet ban currently in place in Chin and Rakhine States in order so conflict-affected communities can access health-related education and information, and that those same communities can seek, receive and share information and ideas concerning health issues.

COVID-19

At the time of writing, there are 99 “laboratory-confirmed” cases in Chin State, with the majority in Mindat Township (37). Recently, in November, 4 cases have appeared in the conflict area of Paletwa Township. The government measures designed to respond to COVID-19 have highlighted a number of systemic inequalities concerning ethnic and religious minority. In Chin State, the township-level COVID-19 Response Committees lack ethnic/local representation. In Thantlang Township, the response committee that was formed with the township departmental heads comprising of the General Administrative Department (GAD), Health Department, Immigration Department, Education Department, Police Department and the Religious Affairs Department, lacked any involvement of local ethnic Chin leaders in the absence of which, the committee violated customary burial procedures.

In October the body of 21-year-old, Sui Hlei Tial, having been flown back to Thantlang to be buried was blocked from entering the town. The family were forced to bury her outside of Thantlang by the side of the road. Two days later, after public outcry, the family were permitted to exhume the body overnight and re-bury the corpse in Thantlang cemetery.

Elsewhere, disproportionate and ad hoc application of COVID-19 measures lacked transparency. For example, in Thantlang, a female private tuition teacher was arrested and detained after an anonymous complaint was made to the local authorities alleging that she was assembling students in her private home. In another incident, a group of family members and friends gathered at a house for night worship service and were raided by the police, who took the house-owner and the Christian pastor into their custody. Conversely, the authorities took no action on political rallies, marches and campaign activities in the lead up to the November elections despite no observance of social distancing and a lack of Personal Protective Equipment (PPE). In Hakha, a group of party supporters which far exceeding the limits for COVID-19 restrictions marched across the town on numerous weekends. Similarly, MP candidates organized campaign events in towns and villages without adherence to safe social distancing practices and procedures.

Recommendations:

1. COVID-19 related decision-making bodies should ensure that local customs and religious ceremonies are preserved by respecting the beliefs and cultures of the local community;
2. Ensure that representatives from local communities are present within COVID-19 related decision making bodies to avoid similar circumstances taking place in future;
3. Ensure proportionate and uniformed approach to law and policy in violations of lockdown measures, using a human rights-based approach.

FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

In Jan 2019, CHRO reported that government orders on applications for religious assembly or civil society workshops were restrictive in the application and curtailed freedom of association and assembly. Township level orders stated that conducting any religious gathering or training would only be allowed once an 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. In January, the Chin State Government prohibited the religious gathering of the Chin Baptist Convention (CBC), the largest Christian organization in Chin State which was scheduled to take place on 29-30 January 2020 in Mindat in southern Chin State. The convention, which was convened in order to discuss topics such as peace and the environment had submitted a request well in advance and pledged not to discuss issues relating to politics in the meeting, the Chin State Government turned down the request at the last minute.

1. The government of Myanmar must relax overly intrusive applications on holding religious events, meetings or official gatherings and allow freedom of association and religious assembly in Chin State.

Figure 1. Ratio of deaths by HRV

Total Deaths	47			
Related HRV	Male	Female	Child	Total
Indiscriminate Targeting of Civilian Infrastructure	14	9	13	36
Landmines	2	2		4
Cross-fire/Unlawful Killings	1	1	1	3
Deaths while in Custody	4	1		5

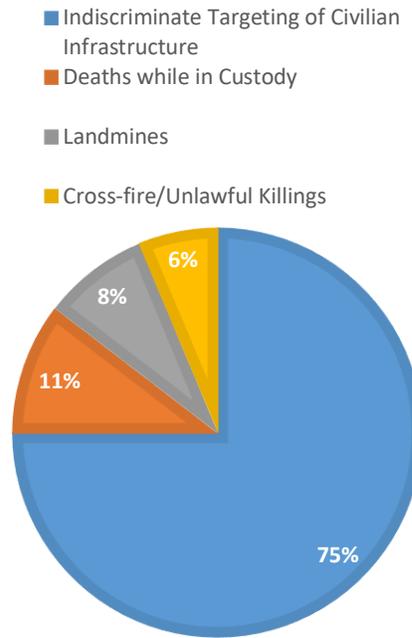


Figure 2. Ratio of Injuries by HRV

Total Injuries	39			
Related HRV	Male	Female	Child	Total
Indiscriminate Targeting of Civilian Infrastructure	14	10	3	27
Landmines	2	2		4
Cross-fire			2	2
Torture/III-Treatment	2	4		6

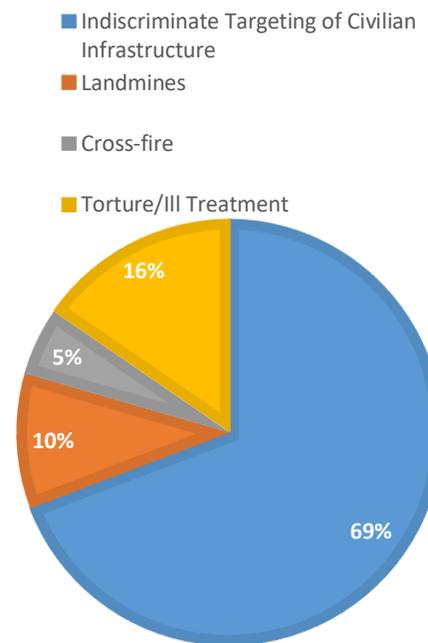


Figure 3. Ratio of HRV by Armed Group

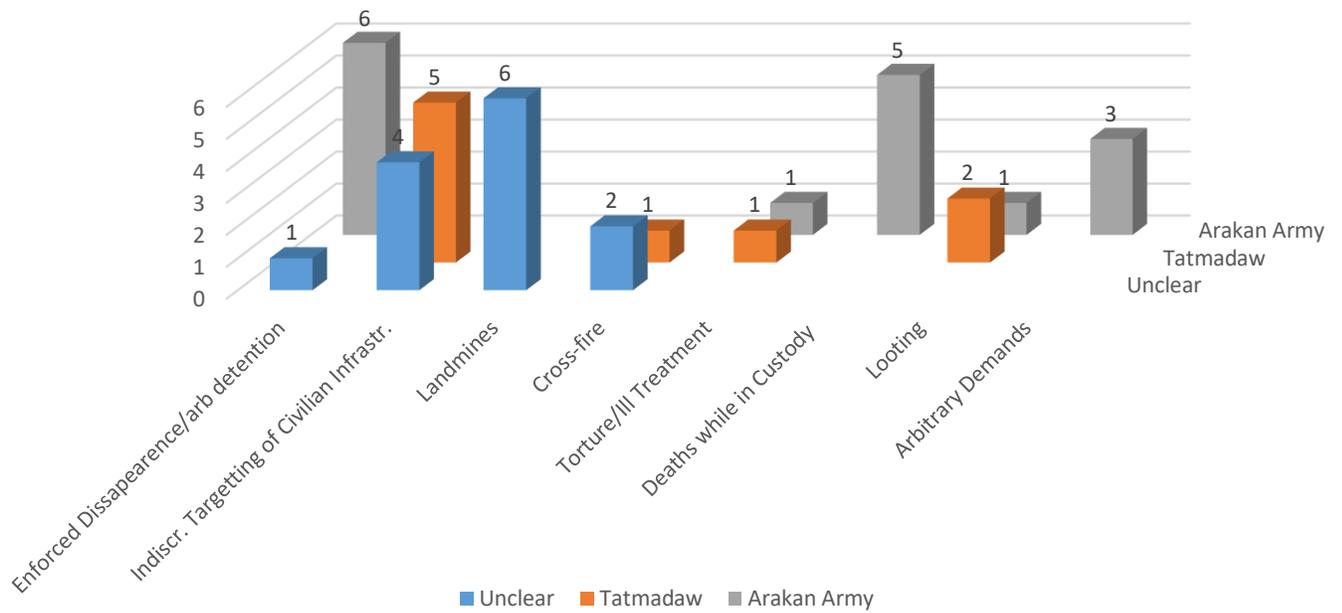


Figure 4. HRVs by Month

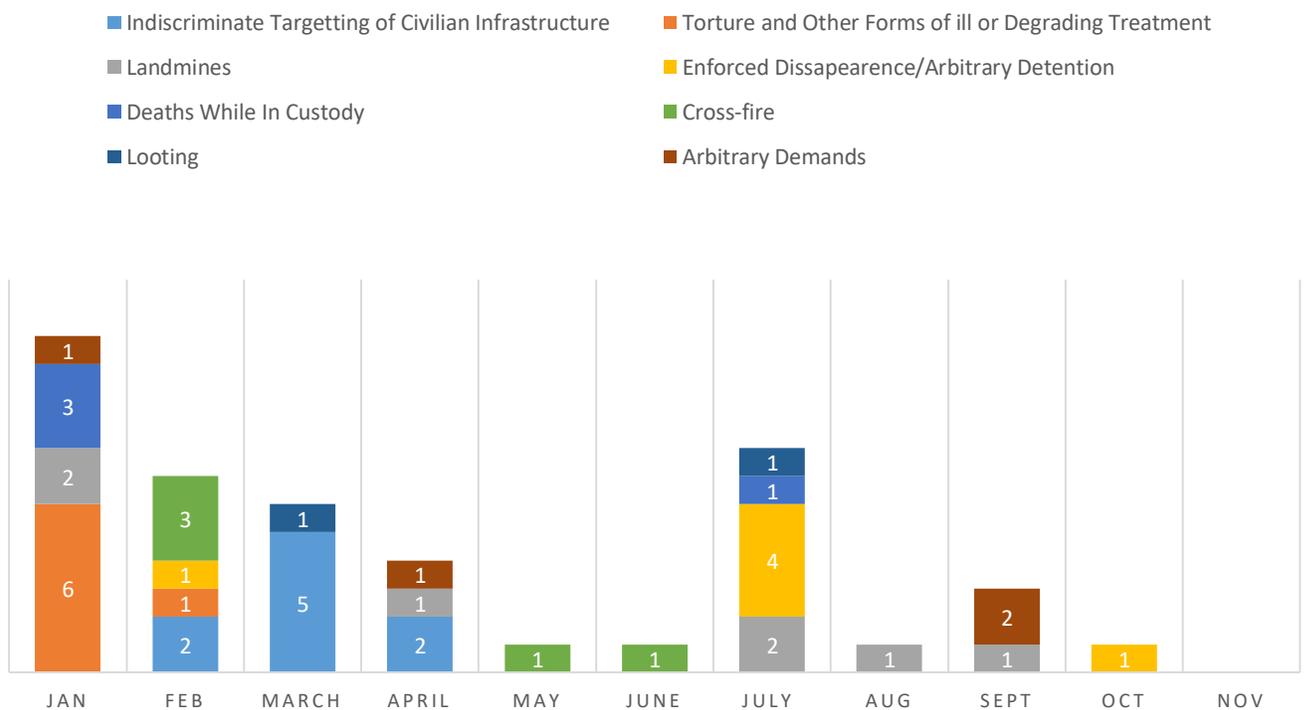


Figure 5. List of Civilians abducted by AA

No	Name/Group	Age	Occupation	Village	Arrest/disappearance Date	Still Missing/release date
1	U Leng Min	31	Unknown	Pyin So	4.2015	26.9.2015
2	Salai Benjamin	15	Student	Redchaung	27.11.2018	missing
3	Salai Ky Nain	17	Worker	Rechaung	27.11.2018	missing
4	U Kho Loh	60	Farmer	Redchaung	27.11.2018	missing
5	52 Villagers			Kin Ta Lin	2.2.2019	30.7.2019
6	Salai Bi Vai	45	Police	Tan Taung	22.2.2019	27.2.2019
7	U Cha Haw	51	Administrator	Tan Taung	22.2.2019	27.2.2019
8	8 Su San Employees	N/A	Road worker	Daletmay	30.3.2019	8.7.2019
9.	Salai Myint Mg	22	Farmer	Tan Taung	9.6.2019	Missing
10	U Kyaw Aye	55	farmer	Tan Taung	14.6.2019	Missing
11	Salai Kyaw Than	30	worker	Bawnwa	16.7.2019	Missing
12	U Kyaw Sein	32	worker	Bawnwa	16.7.2019	Missing
13	Mg Kyaw Lin	26	Worker	Bawnwa	16.7.2019	Missing
14	U Soe Yee Ag	33	Worker	Bawnwa	16.7.2019	Missing
15	U Bu Kui	20	Farmer	Tan Taung	9.8.2019	Missing
16	U Sa Bawn	44	Farmer	Nanchaun wa	10.8.2019	Missing
17	U Mg Shae	46	Farmer	Maung Ywar	14.9.2019	Missing
18	Mg Pu Shae	44	Farmer	Maung Ywar	14.9.2019	Missing
19	U Mg Hla Khiang	33	Farmer	Maung Ywar	14.9.2019	Missing
20	U Hla Khaing	23	Unknown	Wun Chaung Wa	14.9.2019	Missing
21	U Mg She	23	Unknown	Wun Chaung Wa	14.9.2019	Missing
22	U Pu Ri	40	Unknown	Wun Chaung Wa	14.9.2019	Missing
23	U Taung Pan	N/A	Unknown	Pui Vum	27.10.2019	21.1.2020
24	U Hawi Tin	N/A	Member of Parliament	Paletwa	3.11.2019	21.1.2020
25	9 Indian Nationals	N/A	Constructors	Paletwa Town	3.11.2019	4.11.2019
26	7 Indian nationals and 3 Translators	N/A	Constructors	Paletwa Town	22.3.2020	23.3.2020
27	U Len Vai	48	Unknown	Myothit	10.4.2020	Missing
28	U Aung Pa	40	Unknown	Myothit	10.4.2020	Missing

29	U Myint Mg	N/A	Unknown	Paletwa Town	12.4.2020	Missing
30	Mg Aung Soe	31	Unknown	Paletwa Town	29.9.2020	15.12.2020
31	Mg Aung Tun Ko	N/A	Unknown	Nubu	29.9.2020	Released (date unknown)
32	Mg Khin Mg Tun	21	Unknown	Ngasha	29.9.2020	Released (date unknown)
33	Mg Benjamin	N/A	Unknown	Kehkuwa	29.9.2020	Released (date unknown)
34	U Dum Aung	24	Unknown	E-Kyatma Eing	18.10.2020	Missing

Source: Compiled and Submitted by a Paletwa-based Civil Society Organization

Section II

Human Rights Violations Associated with the conflict in Paletwa Township and Rakhine State

Torture, Ill-Treatment, Inhuman and Degrading Treatment

During the reporting period, CHRO documented two cases of torture carried out in the context of the conflict in Paletwa and Northern Rakhine State. In both circumstances, these were associated with local community members being accused of collaborating with the other party to the conflict.²⁰ CHRO regularly receives reports from communities who face public beatings, threats and intimidation from AA forces operating in their area but through fear of reprisals do not go on record or lodge complaints with



FIGURE 1 SHOWS INJURIES SUSTAINED TO DAW MA HLA'S LEGS DURING HER INTERROGATION

authorities. The crime of torture is linked to enforced disappearance and deaths while in custody.

On 14 Jan 2020, Daw Ma Hla (44) and her son Maung Kyaw (21) were tortured by troops from the Tatmadaw Light Infantry Battalion (LIB) 371 and 372 in Ann Town Rakhine State. Having been accused of storing weapons for the AA, the soldiers tortured them in the village school. Soldiers arrived at the family-run shop in the early hours of the morning looking for Daw Ma Hla's husband. As he was away travelling they left and returned at 10.00 am, they then arrested Daw Ma Hla and her son and took them to the village school. During an interrogation which sought to establish whether her husband had hidden guns for the AA in their shop premises, the Tatmadaw made incisions into Daw Ma Hla's ankles and poured boiling water onto her thigh.

On 8 Jan, Ma Kyawk Sein (25), Ma Khin Toe (22) and their father U Maung Kyi (47) were tortured by the AA in the village of Kye Lay, Paletwa Township at approx. 3 p.m. Suspecting their father of having provided information to the local Tatmadaw

battalion, the AA tied the man's two daughters to a tree in the middle of the village and began beating them with bamboo. U Aung Kyi was subjected to the same treatment, kicked and beaten with bamboo sticks. According to sources, the AA had also tortured three other villagers on a previous occasion, having suspected them of providing information to the Tatmadaw. U Muang Kyi received treatment for his injuries in Paletwa Hospital. It is reported he fainted three times after being tortured. Once he felt strong enough the family decided to flee the village.

Torture is more widely used by the AA in Paletwa and Northern Rakhine and often relates to punishments that are designed to spread fear in villages and specifically targeted at village head-men or family of village-headmen who are accused of providing information to the Tatmadaw regarding AA positions and movements. Ill-treatment extends to civilians who are asked to carry loads or provide food for Tatmadaw patrols.

Indiscriminate Targeting of Civilian Infrastructure

In February, March and April, 9 instances of indiscriminate targeting of civilian infrastructure were documented by CHRO. The majority of the cases resulted from Tatmadaw airstrikes targeting villages south of Paletwa Town on the border with Kyauktaw Township. The attacks claimed the lives of 36 people and injured a further 27. 13 children lost their lives.

On February 16, the population of Mee Let Wa, south of Paletwa Town, fled their village due to several explosions that took place as ongoing fighting took place close to the village. At approximately 1 pm, U Ngan Aung, (48) and Daw Kui Wat, (65) were both injured from artillery explosion. The pair were taken to Paletwa General Hospital on the same day. U Ngan Aung sustained injuries to his left shoulder while Daw Kui Wat injured her arm.²¹

Two days later, on 18 February at approximately 9 pm, 14-year-old, Mg. Kyaw Htay Oo was injured as more artillery detonated inside the village. Mg. Kyaw Htay Oo sustained injuries and was admitted to Paletwa's General Hospital for treatment on the same night, where shrapnel was removed from his head. A later attempt to retrieve provisions left behind in the village resulted in the shooting and killing of one elderly lady (*see below*):

"There has been heavy fighting between the Tatmadaw and AA, not very far from our village and we are also advised by the Tatmadaw to be careful and stay away from the conflict. Some heavy weapons and artillery also landed and blasted inside our village which recently injured three



FIGURE 2 SHOWS THE BRUISED BACK OF U MAUNG KYI, AFTER THE INTERROGATION BY THE AA



FIGURE 3 THE BODIES OF FOUR CHILDREN KILLED IN AIRSTRIKES IN PALETWA. WET MA VILLAGE. PHOTO CREDIT: FREE BURMA RANGERS (FBR)

villagers. Because of this blast from the heavy weapon, we no longer dare to stay in our village. That's why we abandoned and escaped to Paletwa," said one community member.²²

On 2 March, 8-year-old Ma Soe Soe Ye underwent surgery to extract shrapnel from the right side of her stomach, injuries sustained from a blast which took place in Kyaik Chaung village, Ann Township, Rakhine State. Community members informed CHRO that they had witnessed regular Tatmadaw patrols pass by the village and the sound of gunshots in the surrounding areas, but no fighting had taken place within the village.²³

In March and April, the Tatmadaw began carrying out sustained, indiscriminate airstrikes on multiple villages on the border between Paletwa Township and Kyuaktaw Township in Rakhine State. On 4 and 9 March 2020, the Tatmadaw carried out multiple bombing raids in and around New Puivung village. On 4 March three fighter jets bombed the village, killing one person and setting four houses alight. Two others were injured in the blasts. Later, on 9 March the Tatmadaw carried further airstrikes on the village. By this point, the village had been abandoned by the majority of the population, only 7 people remained as the second airstrikes took place, killing two villagers, injuring three others and destroying two houses.²⁴



FIGURE 4 A YOUNG BOY LIES DEAD IN WET MA VILLAGE. PHOTO CREDIT: FBR

"The two people didn't die on the spot but due to the severity of the injuries they sustained from the blast, they were dead by the next morning. The other three people sustained injuries to their thighs and legs," said an eyewitness to the incident.²⁵

One week later in Meik Sa Wa village, on 14 and 15 March, 21 civilians were killed by Tatmadaw pilots as airstrikes continued. The Tatmadaw fighter aircrafts attacked two villages on March 14, Meik Sa Wa (2) and Meik Sa Wa (3), killing 12 and injuring 15. On March 15 at approx. 4 p.m. more airstrikes were carried out on Wet Ma village, leaving 8 dead and also in Pyaing Tin village, leaving 1 dead. A total of 12 people were injured in the two villages.

On 7 April, 2 Tatmadaw fighter aircraft bombed the village of Hna Ma Dar multiple times between 4.30 p.m. and 6.30 p.m. resulting in the deaths of 7 villagers, including 2 children and a mother and infant. A further 8 civilians were injured and 8 houses were burned to the ground. Residents informed CHRO that fighting had been taking place in close vicinity to the village and the surrounding hills for some days previously.²⁶

As fighting continued, on 22 April at approximately 5 p.m. artillery was fired into the middle of Paletwa Town and detonated between the Myanma Economic Bank and a nursery school, located close to the town police station. It is unclear whether the AA or the Tatmadaw launched the rocket-propelled grenade. In the blast, three people were killed, including a mother and baby.²⁷ The woman killed in the blast was working as a bank clerk at the Myanma Economic Bank, her 4-year-old daughter and a 10-year-old son of another staff member at the bank were killed in the incident.²⁸ A Chin State official later confirmed that another woman had been killed on the outskirts of the town on the same day.²⁹

In April, the outgoing Special Rapporteur on the Situation of Human Rights in Myanmar, Yanghee Lee, designated the attacks and ongoing conflict circumstances as possible war crimes and crimes against humanity in calling for the Tatmadaw and AA to protect civilians and for accountability into the atrocities.³⁰ Conversely, in March, after the multiple airstrikes on Myiek Sa Wa, U Hwet Tin, a Chin State



FIGURE 4 THE BODIES OF TWO CHILDREN IN WET MA, PALETWA TOWNSHIP. PHOTO CREDIT: FBR

MP said that the village was attacked as “there may have been AA in the village”.³¹ In April 2020, Daw Aung San Suu Kyi released a statement saying in part that she acknowledged “Tatmadaw soldiers risking their lives to protect the lives of people at Rakhine State and Chin State from ULA/AA terrorist attacks while government, citizens and volunteers from the whole country are working together to protect, control and recover from Coronavirus Disease.”³²

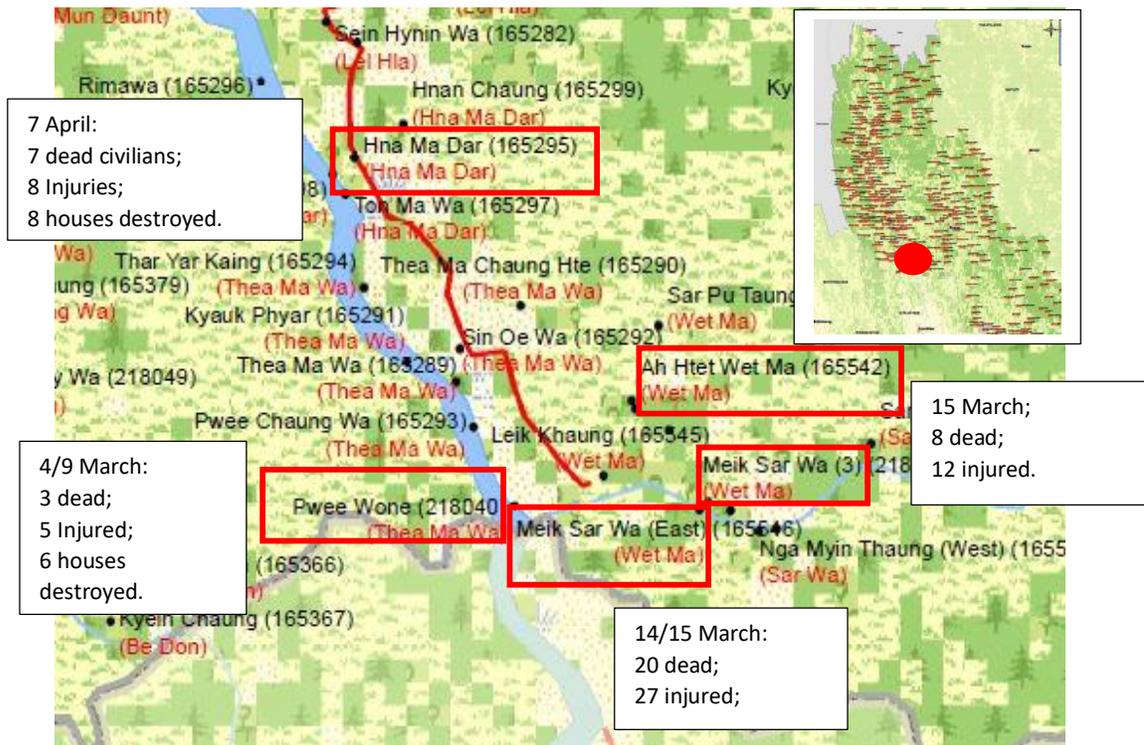
The difference in the responses of the civilian government and international actors and civil society on the evidence of radical violations of IHL related to Tatmadaw atrocities is stark. IHL sets out clear and binding instructions on laws of war, codified in the Geneva Conventions, designed to protect, where possible civilians in armed conflict in both international and non-international armed conflicts. While Art 85 clearly defines “an indiscriminate attack affecting the civilian population or civilian objects in the knowledge that such attack will cause excessive loss of life, injury to

civilians or damage to civilian objects”³³ as a specific war crime, the actions of military personnel are also governed by three core principles within the Geneva Conventions. These principles relate to distinguishing between civilians and combatants as well as civilian objects and military objects.³⁴ Furthermore, Art 18 (1) requires precaution whereby “the civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations”.³⁵

Principles are also set out in the proportionality of attacks which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.³⁶ In doing so, each party to a conflict must do everything feasible to cancel or suspend an attack if it becomes apparent that the target is not a military objective or that the attack may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.³⁷

While the tactics often employed by the AA in Chin State and Northern Rakhine complicate matters somewhat in relation to the movement of non-uniformed soldiers and on occasions positioning themselves close to civilian infrastructure, in the cases above, this was not raised by community members who in large part suggested that the AA positions were in surrounding forested areas.³⁸ The actions of the Tatmadaw pilots in all of the circumstances above denote a lack of observation of any of the conditions set out above. During the bombing raids, civilian houses were targeted and destroyed on multiple occasions, in multiple villages and on different days, after clear information was being circulated on the

loss of civilian life. The patterns, therefore, infer the deliberate destruction of civilian life and infrastructure.



Instances of Cross-fire/Unlawful Killings

During the reporting period, 3 civilian casualties have resulted from instances of cross-fire. These have resulted from both mistaken identity, whereby armed groups have opened fire on civilians attempting to use the roads and waterways connecting towns and villages, in other circumstances, given that permission had been sought by relevant authorities and/or it was clear that civilians were targeted, the actions of armed groups will likely amount to unlawful killings. While movement restrictions remain in place between 6 p.m. and 6 a.m. essential travel for goods and supplies within daylight hours has remained perilous for civilian populations in 2020. Exacerbating the situation is a lack of food and provisions in towns cut off from aid, forcing villagers to undertake journeys for basic goods and provisions.

On 5 February, a boat carrying civilians along the Kaladan River travelling between Paletwa Town, Chin State and Kyauktaw Town, Rakhine State was fired upon, killing one and injuring two. The passenger boat was attacked at Tinma village, a 15-year-old boy was killed and two girls were injured who later received treatment in Sittwe General Hospital. The party responsible for the killing has not been confirmed.³⁹ The incident took place amid on-going clashes between the AA and Tatmadaw in the areas bordering Paletwa Township and Rakhine State. As local people were worried about reports of cross-fire incidents, over 150 people were stuck in Kyauktaw Town, unwilling to make the journey home to Paletwa Town. The inability for goods to travel along the Kaladan resulted in inflation on food items. (*see below*)

On 10 June, Myo Thant, a 43-year-old man from Paletwa Township was shot dead by the Light Infantry Division (LID) 22. The incident took place outside the village of Tha Htay Kone as the Tatmadaw opened fire on a lorry carrying 21 people bound for the village of Nanchaungwa (Hnan Chaung) to collect rice for internally displaced people (IDPs). The group had been authorized to undertake the journey and distribute the food items by the Tactical Commander based in Seint Sin village.⁴⁰

On 29 May, a group of villagers from Mee Let Wa were fired upon as they attempted to enter the previously deserted village to collect left-over firewood. Mee let Wa Village is located east of Paletwa Town, across the Kaladan River. At approx. 9.30 a.m. the group were fired upon by an unknown armed group who were hidden in nearby scrub. The party fled the scene back to the boat they had used to cross the river. As shots continued, Daw Hawi Khin was struck by a bullet in the waist area. She died soon after, while on the boat. The culprits were not identified but community members who spoke to CHRO confirmed that Tatmadaw soldiers from Light Infantry Battalion (289) were known to be active in the area.⁴¹

Deaths While in Custody

During the reporting period, 5 people have been killed while being held in custody. As described above, arrests of village-headmen and other local figureheads are often carried out by the AA if suspected of having provided information or collaborating somehow with local Tatmadaw battalions.

On 11 January, U Arbay Hla and three others were found dead in Se Palong village. Earlier the Khumi Affairs Coordination Council (KACC), in a statement, accused AA members of detaining U Arbay Hla, a head-teacher from Se Palong village together with two Rakhine civilians from Kyat Oowa village on 7 January. During the arrests, a woman was assaulted by the AA. An AA spokesperson later admitted that the lady was “mildly beaten” but refuted claims that the AA had murdered the others. Instead, they suggested that the Tatmadaw had committed the crime in order to tarnish the reputation of the AA.⁴²

On 17 July, the body of a missing villager, Hla Kyaw from Ton Ma Wa village, Paletwa Township, Chin State was identified by family members. 62-year-old, Hla Kyaw the village head man for Ton Ma Wa village had been missing since 5 June after eyewitnesses confirmed him being arrested by the AA. Hla Kyaw was on his way to collect rice stored on a farm when two AA soldiers arrested him and took him away. His body was found decomposing on a riverbank by his family members who had been actively searching for him for over a month.⁴³

Enforced Disappearance and Arbitrary Detention

Presently a confirmed 22 Chin civilians are missing from Paletwa Township and Northern Rakhine State. 3 cases of enforced disappearance stretch back to 2018 and are feared dead. A further 14 people remain missing since 2019. In 2020 18 people were arrested and detained by the AA, 5 remain missing, incommunicado. According to CHRO documentation, the practice of enforced disappearance is an HRV solely practised by the AA, another military tactic regularly used to instil fear into local communities, target political figures and those engaged in development projects not supported by the AA.

On 21 February, U Maung Phyu, a village headman from Taung Shey Village of Myebon Township in Rakhine State was kidnapped by members of the Arakan Army (AA) having been accused of connections with the Tatmadaw. 50-year-old, U Maung Phyu, was taken away by a group of five AA soldiers who surrounded and raided his house at approximately 4 p.m. Sources told CHRO that he was attacked by the AA inside his home and beaten unconscious before being taken, dragged out of the village, hands tied.⁴⁴

"He was still only semi-conscious from the beatings when he was loaded onto a motorbike with his hands tied behind his back and taken away from the village. The AA soldiers came fully armed with automatic rifles and hand grenades when they surrounded the house. We are very worried U Maung Phyu might well be killed already," stated one eye-witness.⁴⁵

On 29 July, the AA arrested four Chin youths on suspected political ties. Salai Aung Tun Ko, Salai Khin Maung Tun, Salai Benjamin and Salai Aung Soe were arrested as they travelled between Kyuaktaw, Rakhine State and Paletwa Town after their boat was followed and stopped outside Bedon village in Paletwa Township.

During the arrest, the four youths were only permitted to take with them one set of clothes from their bags and were told only to bring their phones and what money they had. The three remaining boat passengers were told to leave the scene and continue their journey. Village headmen and elders of Bedon and nearby Yedagun village visited the AA's temporary camp, where they were informed that Salai Aung Soe was detained due to suspected political affiliations and that the other three still needed to be questioned. Later all were released apart from Aung Soe, who remains held, incommunicado.

The AA representative also informed the party that a woman from Paletwa Town was next to be detained for questioning.⁴⁶ Despite multiple calls for Aung Soe's release by the KACC the AA refused to release him. His father and brother attempted to reach the AA camp on multiples occasions to secure his release but were turned away, "the AA said they'll release him. But he's still in custody. That's why we don't believe what the AA says. I don't even know for sure if he's alive."⁴⁷

On 15 December, Aung Soe was released after 138 days.



On 1 June, the AA released three men and a woman they had held for over a month from Minbya Township, Rakhine State. 48-year-old, Sein Ma Oo, a Chin woman from Thaing Kyat Village, died in Minbya General Hospital soon after. Family members suggested that before Sein Ma Oo's death that she was suffering from panic attacks, shortness of breath, experiencing hallucinations and acute loss of memory.⁴⁸

On 18 October, the AA arrested 33-year-old, Deaung Aung, a resident of East Kyet Ma Aing village. According to the Khumi Media Group, he was arrested at around 4:30 p.m. while he was taking a bath on the bank of the Mee River, locally known as Pui Tavo, near Kyet Ma Aing, approx. 9 miles away from Samee, Paletwa Township. After questioning by a passing AA boat, Deaung Aung was bound in tarpaulin and taken away.⁴⁹

FIGURE 5 THE BODY OF SEIN MA OO, BEFORE HER BURIAL TOOK PLACE

On 21 January, the AA freed the Amyotha Hluttaw (Upper House) for Chin State after three months of incarceration.⁵⁰ In a statement, the AA suggested that they had released Hawi Tin in order to restore “brotherly relations, mutual understanding and trust between the ethnic Arakanese and Khumi peoples because both races have enjoyed coexistence”.

The practice of enforced disappearance violates or threatens to violate, a range of customary rules of international humanitarian law, most notably the prohibition of arbitrary deprivation of liberty,⁵¹ the prohibition of torture and other cruel or inhuman treatment⁵² and the prohibition of murder.⁵³ 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.⁵⁴ This prohibition should also be viewed in the light of the rule requiring respect for family life⁵⁵ 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.⁵⁶ According to the ICRC, the cumulative effect of these rules is that the practice of enforced disappearance is prohibited by international humanitarian law.⁵⁷

Indiscriminate laying of Landmines

The indiscriminate use of landmines continues to pose risks of serious injury or loss of life in accessing farms, undertaking traditional forms of livelihoods such as forest foraging and in accessing water facilities close to villages. During the reporting period, CHRO has documented 6 cases resulting in 5 injuries and 5 deaths.

On 17 Jan in Nga Shar village, Ma Khin Lone (22) stepped on the landmine while tending to crops at her farm. She suffered a broken leg in the explosion. Ma Khin Lone underwent treatment for injuries she sustained after stepping on the mine in Paletwa civil hospital. The incident took place just 10 days after her mother, Daw Hawih Tin received similar injuries from a landmine explosion. Ten days earlier on 7 January, the victim's mother sustained an injury to her right leg and face when a landmine exploded under her feet while searching for food in the forest close to her village. She was taken to Paletwa Hospital but was later transferred to a civil hospital in Sittwe, Rakhine State, as her injuries were too serious to be treated at the hospital in Paletwa.⁵⁸



FIGURE 6 MA KHIN LONE HAVING UNDERGONE TREATMENT FOR A BROKEN LEG, SUSTAINED IN THE LANDMINE BLAST

“The family is facing serious financial difficulty since they rely on subsistence farming for their livelihood. The mother's treatment and hospital costs were supported by funds raised from private donations,” said a Paletwa Town resident who agreed to speak to CHRO.⁵⁹

On 2 April, U Pyi Tin from Laungkadu village was on his way back to his home after checking on his farming plot which had recently been cleared/burned as part of the traditional farming process of jhum cultivation

(shifting cultivation). According to the Khumi Media Group, he was taken to Paletwa General Hospital from where he was later transferred to Mandalay General Hospital for treatment.⁶⁰

In July, two Chin people were killed and one seriously injured within the space of a week in Ann Township, Rakhine State. On 29 July, U Maung Tin (60) was killed after stepping on a landmine while farming in Kyeik Chaung village. The next day, Ko That Khine Soe (28) was killed attempting to retrieve U Maung Tin's body from the scene. In the blast, U San Win (48) was also injured and underwent treatment.⁶¹

In the wake of these cases, the head of the news and information committee of Chin University Students in Rakhine State (CUSR) stated, "landmine awareness-raising is needed in some townships in Rakhine State as landmine detonation is a danger to civilian life. Besides, we also urge both armed groups [Tatmadaw and AA] to avoid the laying of landmines near towns and villages, close to civilians." ⁶²



FIGURE 7 MAI WA TONE DIED AFTER LOSING HER LEG HAVING STEPPED ON LANDMINE ATTEMPTING TO COLLECT WATER.

Mai Wa Tone, a 17-year-old resident of Zu Kaing village, Ann Township died on the way to hospital after losing part of her leg having stepped on a landmine. The incident took place at a small stream where villagers collect water from located between Zu Kaing and Dar Let villages at approximately 7 a.m. on 3 August. A Tatmadaw outpost is located close to the where the blast happened.⁶³

On the 18 September, 44-year-old, Daw May Nu Thein, was killed after stepping on a landmine in Paletwa Township, Chin State. Daw Thein was out collecting bamboo shoots in a forest close to Paletwa Town, near the LIB 289 when she stood on the landmine at approximately 8 a.m. Three other women were at the scene of the explosion but none were seriously injured.⁶⁴

"My wife would not have died if the authorities and the rescue team had responded immediately. I approached the relevant authorities, police, hospital and fire service. At first, I was not allowed to go to the location [of the blast]. It was only once they learned that a civil society organisation was planning to go that I was allowed to accompany them. The police then went to the scene as well. When we arrived there, she could still talk but I saw that my wife had suffered severe injuries to her thighs and arms. After bleeding heavily from her injuries, she died halfway [to Paletwa town]," said Win Oo, the husband of Daw Thein.⁶⁵



FIGURE 8 FROM TOP TO BOTTOM: SHOWS KO THAT KHINE SOE WHO DIED ATTEMPTING TO RETRIEVE THE BODY OF, U MAUNG THIN.

The obligation to take particular care when using landmines is based on a number of rules that have been codified in Protocol II to the Convention on Certain Conventional Weapons. This Protocol sets out general rules on the emplacement of all landmines.⁶⁶ It also outlines specific restrictions on the use of remotely delivered landmines and non-remotely delivered landmines used in populated areas.⁶⁷ In addition, the Protocol requires that all feasible precautions be taken to protect civilians from the effects of these weapons.⁶⁸ The Protocol also refers to special precautionary measures such as marking and signposting of minefields, recording and monitoring minefields. The original Protocol II to the Convention on Certain Conventional Weapons was only applicable in international armed conflicts, however, as the ICRC customary international humanitarian rules note, the concern showed by the UN Security Council, UN General Assembly and individual States about the effects of landmines on civilians in non-international armed conflicts is an indication of the international community's view that civilians must be protected from mines in such situations.⁶⁹ The extension of the scope of application of Amended Protocol II to the Convention on Certain Conventional Weapons to non-international armed conflicts reflects this view.⁷⁰

Arbitrary Demands and Looting

During the reporting period, members of conflict-affected communities and IDP populations have continued to face arbitrary demands, issued by both parties to the conflict. Such instances exacerbate problems communities face in relation to food security, livelihoods and overarching security concerns.

In September, community members from over 200 households in two village tracts in northern Paletwa Township complained of ongoing arbitrary demands being issued by AA forces in the area. Villagers from Nga Shar, Kyaung Chaung, Auk Baungwa, Nung Bu Kyi and Nung Bu Nge village's informed CHRO of instances of forced labour and extortion by the AA. According to sources, AA squadrons were demanding two baskets of rice (approx. 10 KG) per household and then exacting forced labour from the community to deliver the rice to their temporary bases. In some instances, households were required to pay the sum of 10,000 MMK approx. 8 USD in lieu of the demand for rice.

Another source added that elsewhere in the area AA members had been paying villagers 40,000 MMK (approx. 30 USD) for a bag (approx. 50 kg) of rice which at the current market rate cost locals 75,000 MMK (approx. 60 USD). Compounding the situation, state-enforced quotas limiting the amount of rice that could be purchased were in place. The amount is based on a household registration after receiving the approval of the village tract administrators and with permission from the Paletwa Township Office of

the General Administrative Department (GAD). After this process is complete, the quantity of rice that a person may buy for their household is determined.⁷¹

"Local people are affected from COVID-19 lockdown measures and movement restrictions and I also would like to say that the AA members are not sympathetic to the local people as they are forcibly collecting rice from the people at a time when transportation is blocked on all sides [river and road]. This situation is not new and the local people have always suffered in the past as well," said a spokesperson from the community.⁷²

In July, community members from multiple villages close to Paletwa Town raised concerns that soldiers from the Light Infantry Division (LID) 11 had been looting their livestock. Sources informed CHRO that in July alone, soldiers from LID 11 had allegedly shot and killed more than 60 farm animals belonging to local people. As many villages remain unoccupied due to conflict associated displacement, livestock is often left unattended. Sources informed CHRO that the Tatmadaw allow villagers to come and collect meat that is left spare by them in the forest but has banned them from selling the meat for profit.⁷³

"Soldiers from the 11th LID, which based in Paletwa Town, has slaughtered more than 60 cows, goats and pigs for their food. Livestock has been taken on a daily basis for more than a month in Seint Sin Wa, An Kho Wa and See Hpa Laung villages. Sometimes, they [*Tatmadaw*] kill only one cow and the meat is taken to the camp. But in some cases, up to 10 cattle were shot and killed at a time, and they would only take the good meat, [*delicacy*] like the thigh meat and the intestines. They would leave the remaining part of the meat in the forest," said one community member who agreed to speak to CHRO on condition of anonymity.⁷⁴

In February, sources informed CHRO that in Kyee Lay village where the AA had tortured the family of U Maung Kyi (*see above*) the AA had forced one person per family to carry supplies, such as rice, cooking oil, and beer from the dock at the bank of the Kaladan River to their temporary camp nearby. Kyee Lay village which has approx. 240 households is located on the bank of Kaladan River approx. two hours boat ride north of Paletwa Town.

Humanitarian Access and Movement Restrictions

Humanitarian access to areas of Paletwa remains restricted. Paletwa and areas of Northern Rakhine are either inaccessible due to movement restriction or conflict. Officially, only WFP and the ICRC are granted access to conflict areas. Both of these organisations, or trucks under contract, have been attacked in 2020 while undertaking aid distribution programmes.⁷⁵ Throughout the reporting period, the government have maintained movement restrictions, enforced curfews and an internet blackout.⁷⁶ As a result of the fighting, the numbers of IDPs and refugees have increased, which has, in turn, led to severe food shortages in towns and villages in Ann Township, Rakhine State and throughout Paletwa Township. The ongoing internet blackout continued to hamper the coordination of aid, collection of accurate information, and monitoring of abuses.⁷⁷

In Paletwa while movement restrictions are still enforced between 6 p.m. and 6 a.m. authorized travel has also resulted in attacks from Tatmadaw outposts. On 6 July 2020, soldiers from LID 11 fired shots toward a convoy of 50 boats attempting to leave Paletwa Town. Over 500 local villagers and members of

the civil service who had been stranded in Paletwa Town for more than 10 days were attempting to return to their homes in the north of the township.⁷⁸ A range of civil servants including officials from the education and health departments from 60 villages remained stranded after having attended an annual conference in the town.⁷⁹

"We have been stuck here in Paletwa for more than 10 days. For us to go back to our village, we have already approached the General Administrative Department (GAD) in Paletwa Town and submitted lists of people who need to return [*home*] but we haven't been permitted until now. We have already tried four times but we have had to return to Paletwa because the Tatmadaw shot at us. They shoot at everyone who tries to go back. We are lucky that we did not get shot as they [*Tatmadaw*] fired at us. We would have definitely been injured or even killed if we had kept going without returning back to Paletwa."⁸⁰

Displacement

Due to the conflict circumstances outlined above, the numbers of IDPs and asylum seekers has increased. According to OCHA figures, as of June 2020, there were 7,655 IDPs in 26 sites across Paletwa alone.⁸¹ Figures published in November stated that there were 11,010 IDPs in 36 sites.⁸² At this point, last year, according to CHRO and Chin State Government figures, the IDP population was approx. 4000.⁸³ According to the Independent Chin Community (ICC) based in Malaysia, approx. 2500 asylum seekers from conflict areas sought refuge in Malaysia in 2020.⁸⁴ Since the conflict began in 2015, over 10,000 people have sought refuge in Malaysia.⁸⁵

As a general rule, displacement continues to occur as a result of conflict and human casualty resulting from fighting close to towns and villages. In March 2020, for example, more than 2000 people fled to Samee amidst ongoing fighting.⁸⁶ Very often and what has become commonplace, the population of an entire village or village tract will flee as fighting erupts in the area. In February, the entire population of Mee Let Wa (approx. 600 people) fled to Paletwa Town. The larger towns act as IDP camps for displaced people. In the north of the township, Miza Town currently has approx. 506 IDPs, Paletwa Town has a current population of approx. 4912 IDPs and Samee Town has a current population of approx. 3478 IDPs.

In other circumstances, displacement occurs through the perceived threat of violence. On 27 June 2020, the Tatmadaw began informing village administrators from 40 villages in Dalat Chaung Village Tract, Ann Township, Rakhine State that clearance operations were imminent. As a result, approximately 10,000 Chin civilians fled their homes to Ann Town, fearing violence and imminent conflict. Approx. 1200 entered the official camp for internally displaced, close to Ann Town, while approx. 3000 stayed with friends or relatives in Ann Town. More than 5000 moved as far as Yangon, Mandalay, Magway Region and Hpakant in Kachin State, due to worries of long-term livelihood problems.⁸⁷

"The reason more than 3000 of those displaced are living in rented houses or with relatives and acquaintances, rather than in the government-run IDP camp is that although some rice and curry is provided they have no other income at all. The camp authorities do not allow them to go outside and earn money. Also, some inter-ethnic tension exists in the camps," said a Chin community member who worked in the IDP camp.⁸⁸

Parties to a non-international armed conflict may not order the displacement of the civilian population, in whole or in part, for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand.⁸⁹ The clearing of a combat zone is included in exceptions prohibiting displacement as far as long as conditions warranting it exist.⁹⁰ In ordering displacement for imperative military reasons, “all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition”.

In the context of the circumstances above, movement restrictions and blockades had been imposed on the populations of the 40 villages in the area since January 2020. IDPs then claimed that due to a lack of livelihood options, the majority moved further away into other areas of Myanmar. While it was reported that the terminology “clearance operations” had been changed and orders to evacuate retracted, a large proportion of the population had already fled. As movement restrictions had then been re-imposed, those who fled remained cut off from their homes.

According to regional MP Tin Maung Win, the international concern that was raised on the imminent clearance operations was misinterpreted and simply meant “military operation”.⁹¹ State practice also underlines the duty of parties to a conflict to prevent displacement caused by their own acts, at least those acts which are prohibited in and of themselves, for example by indiscriminate attacks.

Humanitarian Access

As numbers of IDPs swell in the larger towns in Rakhine State and Paletwa Township, widespread food shortages take place. Given movement restrictions, conflict and AA raids, the stream of what aid is granted access is often interrupted or halted. Elsewhere, IDPs may have to risk travelling in order to pick up aid which is located in major towns or impounded by the Tatmadaw.

The intensification of conflict in Paletwa and Rakhine State forced the closure of trade routes. Since early February 2020, the Kaladan River trade route and the road routes leading into Paletwa Township were largely closed as a result of insecurity.⁹² As a result, inflation took place on food items, according to the



FIGURE 9 THE TRUCK CARRYING FOOD ITEMS AND FUEL BOUND FOR PALETWA TOWN, INTERCEPTED BY THE AA BETWEEN SAMEE AND PALETWA TOWN

Khumi Media Group, the cost of a sack of rice had been inflated from 30,000 MMK (Approx. 20 USD) to 50,000 MMK (approx. 35 USD).⁹³ In April, Tatmadaw military columns in the area blocked the arrival of rice to waiting civilians and were selling it at up to three times the market price.⁹⁴

Throughout March, April, May, June and July, food shortages took place in Paletwa Town, whereby reports confirmed that people were eating the stems of banana trees as rice stocks dwindled. On 8 March, perhaps as an indicator of the AA’s growing control over the area, announced that it would allow the delivery of 6000 sacks of rice to Paletwa Township, but security concerns halted the delivery.⁹⁵ Aid organized by local humanitarian organisations remained in Samee Town unable to reach

Paletwa due to blockades and the risk of looting. During this time, basic food provisions inflated to triple the usual rate. Paletwa Township also experienced electrical and fuel shortages. Diesel, which was used to supply the electrical grid, ran out.⁹⁶ On 30 March it is alleged that the AA attacked a convoy of WFP-contracted lorries loaded with rice bound for Paletwa Town, injuring the driver.⁹⁷ This followed an attack on a truck carrying provisions bound for the port in Paletwa Town, which was intercepted and set-alight by the AA. The truck, which was reported to be carrying 50 sacks of rice and 80 barrels of diesel fuel, was stopped at Lar Mway Taung Village, located between Samee and Paletwa.⁹⁸

“When we got to the place where the incident happened, we saw the truck was burning and there were 4 people sitting close to it looking very worried. After asking them about the incident, they said that the AA had not just burned down their truck but also had taken all their cash and mobile phones and they had been left in a situation where they couldn’t communicate with anybody. Because of that, they [the four men] were worried and sad as they were left with nothing,” said one of the group who escorted the lorry crew back to Samee.⁹⁹

Later, a shipment of 830 bags of rice from local humanitarian groups arrived in Paletwa Town after the Tatmadaw impounded it close to LIB 289. Community members used local boats to collect the provisions. According to local civil society, the provisions would last less than a month as both IDPs and the town population required the food items.¹⁰⁰ In July, the WFP commenced distribution of a newly-arrived tranche of 165 tons of emergency food and nutrition assistance for communities affected by the conflict in Paletwa Town.¹⁰¹

In June, The population of 42 villages in Da Let Chaung Village Tract, Ann Township, Rakhine State faced food shortages due to an ongoing blockade, first imposed by the Tatmadaw in Jan 2020. Roads and waterways, in or out of Ann town that leads west, remain restricted for civilian use. The lack of food was affecting a total of 12,139 people who live in the village tract.¹⁰²

International humanitarian law contains rules on humanitarian assistance and access to civilian populations affected by armed conflicts. In treaty law, the basic rules are laid down in the Fourth Geneva Convention of 1949 on the protection of civilian persons in time of war. The 1977 Protocols Additional to the 1949 Geneva Conventions complement and reinforce these rules. They regulate all situations where civilian populations lack adequate supplies in time of armed conflict, both international (Protocol I) and non-international (Protocol II).¹⁰³

Education

At the end of January, more than 200 teachers in Paletwa applied for transfers to other states and townships given security concerns.¹⁰⁴ Mass resignations of officials from other sectors also took place in January and February.¹⁰⁵ In February, the escalating conflict in Paletwa forced school closures before exams were scheduled to take place.¹⁰⁶

191 out of a total of 391 schools in the township were closed before the COVID-19 measures closed all schools in the country.¹⁰⁷ In July, the head of the Paletwa Township Education Department suggested that nearly half of the schools in Paletwa Township would not be able to open when the COVID-19 restrictions ended.¹⁰⁸ Also, as a result of the fighting, school complexes are widely used to house IDPs. It was reported that the state government had made arrangements to build new schools for IDP students due to insufficient classroom space at existing schools in Paletwa and Samee, but these efforts were stalled due

to movement restrictions.¹⁰⁹ The Chin State government, however, allocated a disproportionately small budget for Paletwa Township given the population and geographical size of the state. The State budget for Hakha was 31 billion MMK in comparison to Paletwa's 12.3 billion MMK.¹¹⁰

Health

Conflict-affected communities and IDPs lack food, adequate health and sanitation and space in order to undertake social distancing measures. This situation is exacerbated further by the ongoing blocking of freedom of information, a key element of the right to health. In what is being termed the “fifth cut” communities in Northern Rakhine and Paletwa Township remain under the world's longest internet blackout.¹¹¹

In 2019, The Special Rapporteur on the situation of human rights in Myanmar called on the government of Myanmar to ‘reverse its decision to impose the mobile internet ban,’ citing humanitarian concerns.¹¹² Appeals to lift the internet ban have also been repeated by Myanmar civil society groups.¹¹³ Internet restrictions pose a significant barrier in obtaining relevant public health information for people in Paletwa, where the internet is overwhelmingly accessed through mobile phones.¹¹⁴ In March, freedom of expression experts for the United Nations, the Inter-American Commission for Human Rights, and the Organization for Security and Co-operation in Europe issued a statement reiterating the importance of Internet access and highlighting the particular need for access during public health emergencies.¹¹⁵

In March 2020, the Minister of Transport and Communications stated that COVID-19 would have no impact on the internet shutdown, which would remain in place indefinitely. A government order then took down over 200 websites, including ethnic media outlets upon which the communities in those areas heavily rely for health and other information.¹¹⁶ A spokesperson from the Posts and Telecommunications Department (PTD), U Myo Swe said that he had no authority to divulge the names of the websites that were blocked.

In May the Physicians for Human Rights sent an open letter to the Government of Myanmar outlining concerns, specifically relating to lack of basic health care, inadequate food supplies, malnutrition, overcrowding in IDP camps and conflict-affected areas, ongoing military operations and the government-mandated restrictions on access to information.¹¹⁷ In response, the Government of Myanmar assured them that all communities in Rakhine State had access to information related to COVID-19 like other citizens in the country through radio, television, printed media and SMS from mobile phones.

Despite the government's response to the internet blackout, humanitarian groups complained of how the ongoing internet blackout continued to hamper the coordination of aid, collection of accurate information, and monitoring of abuses and in some villages, it was reported that people were completely unaware of the COVID-19 outbreak.¹¹⁸

Rights to health are linked to the right to freedom of expression and to seek, receive and impart information, protected by international human rights law. Access to healthcare under the International Covenant on Economic, Social and Cultural Rights (ICESCR) requires information accessibility without discrimination. Information accessibility obliges States to ensure access to health-related education and information, and that everyone can seek, receive and share information and ideas concerning health issues.¹¹⁹ It includes a duty to promote and facilitate access to healthcare through the provision of

information about the right to health and health-related information. It also includes abstaining from the enforcement of discriminatory practices as a State policy as well as from “censoring, withholding or intentionally misrepresenting health-related information” and “preventing people’s participation in health-related matters.”¹²⁰

COVID-19 Response and the Effect on the Chin Population.

On 21 March, the first case of COVID-19 in Myanmar was confirmed in Teddim Township, Chin State. The village of Kapteel was subsequently placed under lockdown. As inter-village travel was prohibited, the village headman from Kapteel raised concerns that villagers relied on trade routes from Teddim for food and requested the government to send food.¹²¹

On 11 May, 391 people were deported from Malaysia into Myanmar, having spent time in different detention facilities in Malaysia. One Chin man was later found to have COVID-19.¹²² A further three people from the party that arrived from Malaysia were also found to be carrying the virus. There were a total of 25 Chin people in the group, four individuals were from Paletwa Township. At the time of writing, there are 99 “laboratory-confirmed” cases in Chin State, with the majority in Mindat Township (37).¹²³ Recently, in November, 4 cases have appeared in the conflict area of Paletwa Township. The four people, a group of students from Yangon, were quarantined in Sami for three days when they arrived from Yangon and continued their journey to Paletwa Town. Upon their arrival in Paletwa, they tested positive for COVID-19. At the time of writing a further two cases from Paletwa, have been registered on the Ministry of Health and Sports data repository.¹²⁴

Discriminatory Application of COVID-19 regulations.

The government measures designed to control the spread of COVID-19 has highlighted a number of systemic inequalities in Chin State and to religious minorities more generally. In March and April, national, state, and local authorities announced several directives and restrictions aimed at reducing the spread of the coronavirus. Measures included a mandatory 28-day quarantine for foreign arrivals, nighttime curfews, bans on gatherings of over five people, and several township-level lockdowns. On March 28, government media announced that the breaking of public health orders would result in jail time.

Enforcement of these measures has in some cases been discriminatory and disproportionality criminalized religious minority. As public gatherings are banned as a lockdown measure, three pieces of legislation are used to enforce violations of this rule: the Natural Disaster Management Law (NDML), the Prevention of Communicable Disease Law, and Art 188 of the Penal Code. Penalties within these three pieces of legislation are as follows:

1. Art 188 of the Penal Code, states that anyone defying Gov. Order or instruction shall be sentenced to between one to six months in prison *or* fined.¹²⁵
2. The Natural Disaster Management Law states that a person defying government order will receive between three months to three years in prison, or a fine, or both if found to be in breach of lockdown orders¹²⁶

3. Under the current communicable diseases law (currently under an amendment to criminalise the spread false rumours or “disinformation” regarding COVID 19) anyone who defies a government order faces a fine or up to six months in prison.¹²⁷

In May, the Thanintharyi regional government fined officials of a pagoda trustee committee 100,000 MMK (approx. 70 USD) for organizing the funeral of a Buddhist monk in defiance of COVID-19 restrictions. In this case, authorities took legal action under the Penal Code, 188 when 200 people attended a Buddhist funeral. Conversely, in Mandalay, 12 Muslim men were sentenced to three months' imprisonment under the NDML for holding a religious gathering at a house in the Aung Pin Lae quarter of Chanmyathazi Township.¹²⁸

Similarly, in Thanintharyi's Myeik Township a bride and groom were fined 50,000 MMK, after it was discovered on 9 April that a wedding had been attended by the country's 25th confirmed COVID-19 patient. Conversely, after two wedding ceremonies were held in Tamu and Kalay townships of Sagaing Region in defiance of COVID-19 restrictions, the grooms were sentenced to six months in prison and fined 100,000 kyats each under the NDML.¹²⁹

Furthermore, in Chin State, the township-level COVID-19 Response Committees lack ethnic/local representation. For example, in Thantlang Township, the response committee was formed with the township departmental heads that comprise General Administrative Department (GAD), Health Department, Immigration Department, Education Department, Police Department and the Religious Affairs Department. The committee lacked any involvement of local ethnic Chin leaders in the absence of which, the committee took the decision to block the burial of a Chin girl.

21-year-old, Sui Hlei Tial, died after falling from a nine-story building on 29 September 2020 in Malaysia. With the consent of relatives and the help of the Myanmar Embassy in Kuala Lumpur, her body was flown home to Thantlang, her native town, in order for her burial to be undertaken in line with the traditional process. Upon the arrival at the entrance of Thantlang on 4 October, the COVID-19 Response Committee denied entry to the town. Having been denied entry, the bereaved family were forced to hire a bulldozer and dig a makeshift grave, burying their daughter by the roadside overnight along the Thantlang-Hakha highway.

After pressure from the community and township elders, on 6 October, two days after the body had been buried, the Committee reversed the decision and allowed the corpse to be moved into Thantlang Christian Cemetery. The body was exhumed at night as part of the terms of the agreement, which began at 9 p.m. The transfer to the designated cemetery was completed at 4 a.m. the next morning.¹³⁰

Elsewhere, disproportionate and ad hoc application of COVID-19 measures lacked transparency. For example, a female private tuition teacher was arrested and detained after an anonymous complaint was made to the local authorities alleging that she was assembling students in her private home. In another incident, a group of family members and friends gathered at a house for night worship service and were raided by the police, who took the house-owner and the Christian pastor into their custody. The authorities took no action, however, on political rallies and campaign activities in the lead up to the November elections. In Hakha, a group of party supporters which far exceeding the limits for COVID-19 restrictions marched across the town on numerous weekends in the lead up to the election. Similarly, MP candidates organized campaign events in towns and villages without adherence to safe social distancing practices and procedures and a lack of PPE. All of these were treated as 'acceptable' within COVID-19 restrictions guidelines of the Ministry of Health and Sports.¹³¹

International human rights law recognizes that in the context of a serious public health emergency, restrictions on some rights can be justified – but only when those measures are strictly necessary, legal, based on scientific evidence, limited in scope and duration, proportionate to address the crisis, and neither arbitrary nor discriminatory in application.

As with other human rights, the right to health must be guaranteed to all persons. This is affirmed in Article 2 of the ICESCR, which contains the principle of non-discrimination, an obligation of immediate effect. Article 2 requires States to prohibit discrimination on the grounds of race, colour, sex, language, nationality, religion, political or other opinions, national or social origin, property, birth, disability, age, marital and family status, sexual orientation and gender identity, health status, place of residence and economic and social situation.¹³² This means that access to healthcare as well as health resource allocation should not be made to depend on any of these grounds; the right to health must be protected equally.

State measures to combat public health emergencies such as COVID-19 must be understood as measures to comply with their obligations to ensure the right to health. This means that Myanmar must actively consider the standards under the right to health, including the obligation of nondiscrimination and equal protection, in the development of its policy and practical responses to COVID-19. The Committee on Economic, Social and Cultural Rights (CESCR), the supervisory body that provides authoritative interpretations of the ICESCR’s provisions, urges States to combat COVID-19 using a human rights framework.¹³³

Freedom of Association

In January, the Chin State Government prohibited the religious gathering of the Chin Baptist Convention (CBC), the largest Christian organization in Chin State scheduled to take place from 29-30 January 2020 in Mindat Township in southern Chin State. The convention, which was convened to discuss topics such as peace and the environment had submitted a request well in advance to both the National Reconciliation and Peace Center (NRPC) and the Chin State Government and pledged not to discuss issues related to politics in the meeting, the Chin State Government turned down the request at the very last minute. The official notice to the organizers warns of legal measures against holding the event which was scheduled for 30 January 2020. The bilateral ceasefire, signed between the Chin National Front (CNF) and the Government of Myanmar in 2012, contains provisions that relate to religious freedom and the right to convene to determine development priorities.¹³⁴ Both the Universal Declaration of Human Rights (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. In particular, Article 18(1) of the ICCPR affirms that the right to freedom of thought, conscience, religion or belief

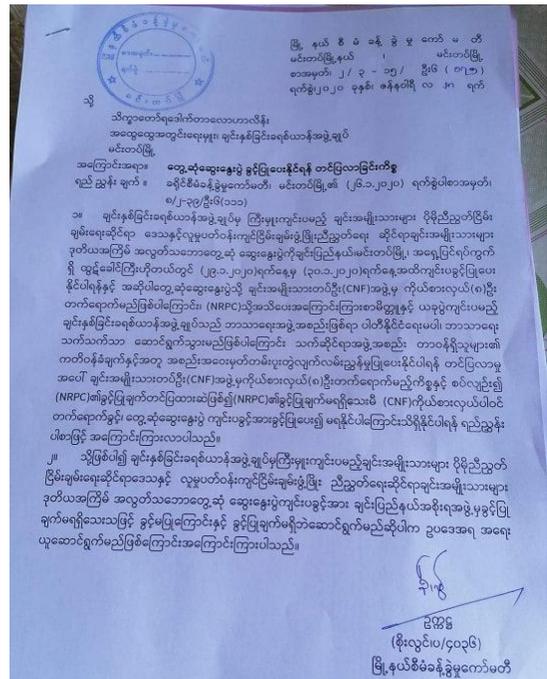


FIGURE 10 LETTER FROM GAD OFFICE IN MINDAT REFUSING THE APPLICATION OF THE CBC.

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.”¹³⁵ 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.¹³⁶

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) of the ICCPR. While to date Myanmar is not yet a party to the ICCPR, the NLD-led Government previously stated that it planned to accede to the Covenant, and was taking steps toward doing so.¹³⁷ It was a highly discouraging development therefore that the Burmese Parliament via the Tatmadaw MPs rejected a bill to ratify the ICCPR under the rationale that it was a threat to national sovereignty in 2019.¹³⁸

¹ World Health Organization, “WHO Director-General’s opening remarks at the media briefing on COVID-19,” 11 March 2020, <https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-mediabriefing-on-covid-19---11-march-2020>

² UN News, “COVID-19: UN chief calls for global ceasefire to focus on ‘the true fight of our lives,’” 23 March 2020, <https://news.un.org/en/story/2020/03/1059972>

³ UN Urges Myanmar to immediately extend ceasefire,” 16 Sept, available at: <https://www.aa.com.tr/en/asia-pacific/un-urges-myanmar-to-immediately-extend-cease-fire/1974730>

⁴ The Irrawaddy, “Ambassadors Call for End to Conflict in Myanmar Amid COVID-19,” 2 April, available at: <https://www.irrawaddy.com/specials/myanmar-covid-19/ambassadors-call-end-conflict-myanmar-amid-covid-19.html>

⁵ Joint Statement, “Civil Society Organizations Calls for Immediate Protection of Civilians in Armed Conflict in Myanmar,” 15 April, available at: <https://mailchi.mp/chro.ca/joint-statement-civil-society-organizations-calls-for-immediate-protection-of-civilians-in-armed-conflict-in-myanmar>

⁶The Irrawaddy, “Myanmar Rebel Coalition Calls for Military to Extend Ceasefire to Rakhine,” 11 May, available at: <https://www.irrawaddy.com/news/burma/myanmar-rebel-coalition-calls-military-extend-ceasefire-rakhine.html>

⁷ Time, “Myanmar’s Military May Be Committing War Crimes While the World Is Distracted by Coronavirus, Says U.N. Rights Expert,” 29 April, available at: <https://time.com/5829012/u-n-human-rights-myanmar-war-crimes-coronavirus/>

⁸ OHCHR “Myanmar: Possible War Crimes and Crimes Against Humanity Ongoing in Rakhine and Chin State’s,” April 29 available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25838&LangID=E>

⁹ Myanmar Anti-Terrorist Central Committee, Order No. 1/2020, 23 March 2020.

¹⁰ Myanmar Ministry of Home Affairs, Order No. 1/2020, 23 March 2020.

¹¹ Radio Free Asia, “AA Fires on Helicopter Carrying Myanmar Government Officials in Rakhine,” 19 Feb, available at: <https://www.rfa.org/english/news/myanmar/myanmar-military-helicopter-02192020153912.html>

¹² Frontier Magazine, “The AA Must Release MP u Hawi Tin,” 3 Jan, available at: <https://www.frontiermyanmar.net/en/the-aa-must-release-mp-u-hawi-tin/>

¹³ See generally, United States Institute of Peace, “The Arakan Army in Myanmar: Deadly Conflict Rises in Rakhine State,” Nov, available at <https://www.usip.org/sites/default/files/2020-11/20201102-the-arakan-army-in-myanmar-deadly-conflict-rises-in-rakhine-state-sr.pdf>

¹⁴ Myanmar Times, “Tatmadaw rejects a new call for ceasefire in Rakhine,” 27 Sept, available at: <https://www.mmtimes.com/news/tatmadaw-rejects-anew-call-ceasefire-rakhine.html>

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- ¹⁵ Human Rights Watch, “Myanmar: Editor Wrongfully Charge: Counter-Terrorism Law Threatens Press Freedom, Freedom of Information,” 2 April, available at: <https://www.hrw.org/news/2020/04/02/myanmar-editor-wrongfully-charged>
- ¹⁶ Human Rights Watch “Myanmar: End Unlawful Internet Restrictions,” July 27, available at: <https://www.hrw.org/news/2020/07/27/myanmar-end-unlawful-internet-restrictions?fbclid=IwAR0TqC-ksRFXmCo3qGVuqp62Lylte3Hz24YAjz4UiKSbdDU2um7dq2xsJU>
- ¹⁷ Burma News International, “UEC Cancels Voting in Nearly All Paletwa Village Tracts,” 2 Nov, available at: <https://www.bnionline.net/en/news/uec-cancels-voting-nearly-all-paletwa-village-tracts>
- ¹⁸ Burma News International, “Many Schools In Paletwa Township Won’t Open When Classes Resume,” 28 June, available at: <https://www.bnionline.net/en/news/many-schools-paletwa-township-wont-open-when-classes-resume>
- ¹⁹ Myanmar Now, “Chin government staff resign en masse after ‘threats’ from Arakan Army,” 23 Jan 2020 <https://myanmar-now.org/en/news/chin-government-staff-resign-en-masse-after-threats-from-arakan-army>
- ²⁰ Torture is defined Under the Convention of Torture as, “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.” Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment adopted by the UN General Assembly, Res, 39/46, 10 Dec 1984 Article 1. https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule90_sectionb
- ²¹ Chin Human Rights Organisation, “600 flee into Paletwa Town as Entire village Moves due to safety concerns as fighting Between Arakan and Army injures 3,” 24 Feb, available at: <https://mailchi.mp/chro.ca/news-release-600-civilians-flee-to-paletwa-town-village-administrator-kidnapped-in-rakhine-is-feared-dead>
- ²² Ibid
- ²³ Chin Human Rights Organization, “Chin Woman Recovering in Hospital after Artillery Shell Detonates in Village in Rakhine State,” March 6, available at: <https://mailchi.mp/chro.ca/news-releasechin-woman-recovering-in-hospital-after-artillery-shell-detonates-in-village-in-rakhine-state>
- ²⁴ Chin Human Rights Organization, “Tatmadaw Airstrikes Kill 3 and Injure 7 in Paletwa Township,” March 12, available at: <https://mailchi.mp/chro.ca/tatmadaw-airstrikes-kill3-andinjure7in-paletwa-township>
- ²⁵ Ibid
- ²⁶ Chin Human Rights Organisation, “7 Civilians Killed as Tatmadaw Bomb Village in Paletwa Township,” April 8, available at: <https://mailchi.mp/chro.ca/news-release7-civilians-killed-as-clashes-between-tatmadaw-and-aa-continue?e=%5bUNIQID%5d>
- ²⁷ Chin Human Rights Organisation, “3 Civilians Die in Cross-Fire as Heavy Artillery Hits Paletwa Town Amidst Ongoing Fighting,” April 22, available at: <https://mailchi.mp/chro.ca/news-release-3-dead-as-paletwa-town-is-bombed?e=5aae558781>
- ²⁸ The Irrawaddy, “Four Civilians including two Children Killed in Shelling of Myanmar State Owned Bank,” April 23, available at: <https://www.irrawaddy.com/news/burma/four-civilians-including-two-children-killed-shelling-myanmar-state-owned-bank.html>
- ²⁹ Myanmar Times, “Four People Killed in Fresh Fighting in Myanmar’s Chin State,” April 22, available at: <https://www.mmtimes.com/news/four-people-killed-fresh-fighting-myanmars-chin-state.html>
- ³⁰ OHCHR “Myanmar: Possible War Crimes and Crimes Against Humanity Ongoing in Rakhine and Chin State’s,” April 29 available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25838&LangID=E>
- ³¹ Burma News International, “There May have been AA in the village’ Says MP as Airstrikes Kill 21,” March 19, available at: <https://www.bnionline.net/en/news/there-may-have-been-aa-village-says-mp-airstrikes-kill-21-people>
- ³² Office of the State Counsellor, “Statement from State Counsellor’s Office” [in Burmese], April 21, 2020, [www.statecounsellor.gov .mm/node/4228](http://www.statecounsellor.gov.mm/node/4228)
- ³³ Article 51(4) of the 1977 Additional Protocol I provides: “Indiscriminate attacks are prohibited.” Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflict (Protocol I), Geneva, 8 June 1977, available at <https://ihl-databases.icrc.org/customary->

[ihl/eng/docs/v2_rul_rule11](#) Also, According to Article 85(3) (b) of the 1977 Additional Protocol I, it is a grave breach of the Protocol to launch “an indiscriminate attack affecting the civilian population or civilian objects in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects as defined in Article 57, paragraph 2 a) iii).”

³⁴ Article 48 of the 1977 Additional Protocol I provides: “In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between ... civilian objects and military objectives,” Ibid, Article 48, available at https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule1_sectiona

³⁵ Article 57(1) of the 1977 Additional Protocol I states: “In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.” Ibid, Article 57(1), available at https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule15_sectiona

³⁶ Article 51(5) (b) of the 1977 Additional Protocol I prohibits “an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated,” ibid Art 51 (5) (b) available at <https://ihl-databases.icrc.org/ihl/WebART/470-750065>; and, Rule 18. Each party to the conflict must do everything feasible to assess whether the attack may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule18

³⁷ Article 57(2)(b) of the 1977 Additional Protocol I provides that, with respect to attacks, the following precautions shall be taken: An attack shall be cancelled or suspended if it becomes apparent that the objective is not a military one or subject to special protection or that the attack may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated,” Ibid Article 57(2)(b), available at https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule19

³⁸ In 2009, in its Strategy on the Protection of Civilians in Armed Conflict 2009–2012, Switzerland’s Federal Department of Foreign Affairs stated: “The fundamental principle of distinction between civilians and combatants and between civilian objects and military objectives is often challenged with severe impact for the civilian populations.” Switzerland Federal Department of Foreign Affairs, “Protection of Civilians in Armed Conflict,” Strategy of the Federal Department of Foreign Affairs, 2009-2012, available at: https://www.eda.admin.ch/dam/eda/en/documents/publications/MenschenrechtehumanitaerePolitikundMigration/Strategie-zum-Schutz-der-Zivilbevoelkerung-in-bewaffneten-Konflikten-2013_en.pdf

³⁹ Chin Human Rights Organisation, “Civilians Stranded as Clashes between Tatmadaw and AA Kills One and Injures 2,” 14 Feb, available at: <https://mailchi.mp/chro.ca/civilians-stranded-in-kyauktaw-town-rakhine-state-ongoing-clashes-restrict-movement-along-kaladan-river>

⁴⁰ Chin Human Rights Organisation, “IDP Shot Dead by Tatmadaw as Truck on Aid Mission is Attacked In Paletwa Township,” June 12, available at: <https://mailchi.mp/chro.ca/idp-shot-and-killed-by-tatmadaw>

⁴¹ Chinland Guardian, “Elderly Woman Gunned Down in Abandoned Village Recently Torched,” May 30 available at: <https://www.chinlandguardian.com/15684/>

⁴² Burma News International, “AA denies Involvement with Murder of three villagers,” Jan 14, available at: <https://www.bnionline.net/en/news/aa-denies-involvement-murder-three-villagers>

⁴³ Chin Human Rights Organisation, “Body of missing man found dead in Paletwa after being detained by AA,” July 29, available at: <https://mailchi.mp/chro.ca/news-release-body-of-chin-man-found-after-being-detained-by-aa>

⁴⁴ Chin Human Rights Organisation, “AA Kidnap Ethnic Chin Village Administrator in Rakhine State’s Myebone Township,” Feb 24, available at: <https://mailchi.mp/chro.ca/news-release-600-civilians-flee-to-paletwa-town-village-administrator-kidnapped-in-rakhine-is-feared-dead>

⁴⁵ Ibid

⁴⁶ Chin Human Rights Organisation, “AA detain four youths on suspected links to Chin political party,” Aug 4, available at: <https://mailchi.mp/chro.ca/news-releaseaa-detain-youths-onsuspected-links-to-chinpolitical-party>

⁴⁷ Burma News International, “Chin Youth Detained by AA Over Four Months,” 3 Dec, available at: <https://www.bnionline.net/en/news/chin-youth-detained-aa-over-four-months>

⁴⁸ The Irrawaddy, [Burmese doc], available at:

<https://burma.irrawaddy.com/news/2020/06/03/223950.html?fbclid=IwAR0VFJ9rrMhktrBM79Zwn7ZJcSjfGtLQM73Lh1N3whtG73XfnOejfT2vc6U>

⁴⁹ Chinland Guardian, “Villager Arrested By Unknown Armed Group In Paletwa Township,” 20 Oct, available at: https://www.chinlandguardian.com/15827/?fbclid=IwAR2yDGA96Oyeaei1CZwOy-LM62gdCTNDpXCjRx_8AHJKziz-HfFRYZHurng

⁵⁰ Myanmar Times, “Myanmar’s Arakan Army Frees Chin State MP after Three Months,” Jan 21, available at: <https://www.mmtimes.com/news/myanmars-arakan-army-frees-chin-state-mp-after-three-months.html>

⁵¹ ICRC, Customary IHL Database, Volume II, Chapter 32, Section L, available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule99, accessed 3 Dec 2020

⁵² ICRC, Customary IHL Database Volume II, Chapter 32, Section D, available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule90, accessed 1 Dec 2020

⁵³ ICRC, Customary IHL Database, Volume II, Chapter 32, Section C, available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule89

⁵⁴ ICRC, Customary IHL Database Volume II, Chapter 37, Section F, available at https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule123, accessed on 29 Nov 2020

⁵⁵ ICRC, Customary IHL Database Volume II, Chapter 32, Section Q, available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule105 accessed on 29 Nov 2020

⁵⁶ ICRC, Customary IHL Database Volume II, Chapter 36, Section A, available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule117 accessed on 29 Nov 2020

⁵⁷ ICRC, Customary IHL Database Volume II, Chapter 32, Section K, available at, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule98 accessed on 29 Nov 2020.

⁵⁸ Chin Human Rights Organisation, “Arakan Army (AA) Tortures 3 Civilians in Paletwa Township,” Jan 22, available at: <https://mailchi.mp/chro.ca/news-releasearakan-army-torture-civilians-and-landmine-casualties-in-paletwa-township?e=%5bUNIQID%5d>

⁵⁹ Ibid

⁶⁰ Chin Human Rights Organisation, “7 Civilians Killed as Tatmadaw Bomb Village in Paletwa Township,” April 8, available at: <https://mailchi.mp/chro.ca/news-release7-civilians-killed-as-clashes-between-tatmadaw-and-aa-continue?e=%5bUNIQID%5d>

⁶¹ Chin Human Rights Organisation, “Three dead and one injured as landmine cases increase in Ann Town, Rakhine State,” Aug 6, available at: <https://mailchi.mp/chro.ca/news-release-indiscriminate-use-of-landmines-kills-three-chin-civilians-in-rakhine-state>

⁶² Ibid

⁶³ Ibid

⁶⁴ Chin Human Rights Organisation, “Chin woman dies on way to hospital after stepping on landmine close to Tatmadaw base,” Oct 8, available at: <https://mailchi.mp/chro.ca/woman-dies-in-landmine-blast-close-to-paletwa-town>

⁶⁵ Ibid

⁶⁶ ICRC, 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, Protocol II, Article 7, available at https://www.icrc.org/en/doc/assets/files/other/icrc_002_0811.pdf

⁶⁷ Ibid Protocol II, Articles 4–5

⁶⁸ Ibid Protocol II, Article 3(4)

⁶⁹ See, ICRC, Customary IHL Database, Volume II, Chapter 29, Section B, available at https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule81#Fn_D70741D7_00010

⁷⁰ Amended Protocol II to the Convention on Certain Conventional Weapons, Article 1(2) *ibid*

⁷¹ Chin Human Rights Organisation, “AA extort Paletwa villagers, issue forced labour demands,” Oct 20, available at: <https://mailchi.mp/chro.ca/aa-extort-paletwa-villagers-issue-forced-labour-demands>

⁷² Ibid

⁷³ Chin Human Rights Organisation, “IDPs and local communities raise concerns of looting of livestock by Tatmadaw in Paletwa Township,” July 15, available at: <https://mailchi.mp/chro.ca/news-releaseidps-raise-concerns-of-looting-by-tatmadaw?e=5aae558781>

⁷⁴ Ibid

-
- ⁷⁵ The International Committee for the Red Cross was attacked in October killing one injuring two, Reuters, “Red Cross says Injuries Reported after boat carrying Aid Attacked in Myanmar,” 28 Oct, available at <https://www.reuters.com/article/us-myanmar-security-idUSKBN27D2FR> and a World Health Organisation vehicle was attacked in April, The Irrawaddy, “In Myanmar’s Chin State, Rain and Attack on WFP convoy Force Aid deliveries by boat,” 4 May, 2020: available at <https://www.irrawaddy.com/news/burma/myanmars-chin-state-rain-attack-wfp-convoy-force-aid-deliveries-boat.html>
- ⁷⁶ Myanmar Times, “Authorities to Extend Curfew in Paletwa, Amid Security Worries,” Jan 9, available at: <https://www.mmtimes.com/news/authorities-extend-curfew-paletwa-amid-security-worries.html>
- ⁷⁷ HRW, supra note 13 available at: <https://www.hrw.org/news/2020/07/27/myanmar-end-unlawful-internet-restrictions?fbclid=IwAR0TqC-ksRFXmCo3qGVuqp62LyLte3Hz24YAjZ4UiKSbdDU2um7dq2xsJU>
- ⁷⁸ Chin Human Rights Organisation, “Tatmadaw fire shots at a convoy of civilian boats, 500 remain stranded in Paletwa Town,” July 8, available at: <https://mailchi.mp/chro.ca/news-release-tatmadaw-fire-shots-as-500-remain-stranded?e=5aae558781>
- ⁷⁹ Chin Human Rights Organisation, “Over 500 Civil Servants Stranded in Paletwa Town”, July 6, available at: <https://mailchi.mp/chro.ca/news-release-hundreds-stranded-in-paletwa-town-chin-state?e=5aae558781>
- ⁸⁰ Ibid
- ⁸¹ UN Office for Coordination of Humanitarian Affairs, “Myanmar” Myanmar Armed Forces and Arakan Army, Conflict Generated Displacement in Rakhine and Chin State’s (As of 21 June 2020), June 21, available at: <https://reliefweb.int/map/myanmar/myanmar-myanmar-armed-forces-arakan-army-conflict-generated-displacement-rakhine-and>
- ⁸² UN Office for Coordination of Humanitarian Affairs, “Myanmar” Myanmar Armed Forces and Arakan Army, Conflict Generated Displacement in Rakhine and Chin State’s (As of 2 November 2020), Nov 2 , available at: <https://reliefweb.int/map/myanmar/myanmar-displacement-due-myanmar-armed-forces-arakan-army-conflict-rakhine-and-chin-0>
- ⁸³ Chin Human Rights Organization, “Annual Report on the Situation of Human Rights in Chin State and Western Myanmar, 2019” 10 Dec, 2019, available at: https://www.chinhumanrights.org/wp-content/uploads/2020/02/2019-Human-Right-Report_CHRO.pdf
- ⁸⁴ Data received from the ICC.
- ⁸⁵ Ibid
- ⁸⁶ Burma News International, “Thousands of Villagers Flee Fighting and Seek Refuge in Samee,” March 20, available at: <https://www.bnionline.net/en/news/thousands-villagers-flee-fighting-and-seek-refuge-samee>
- ⁸⁷ Chin Human Rights Organisation, “Forced Relocation of Chin villages in Ann Township results in thousands displaced in Rakhine State,” July 10, available at: <https://mailchi.mp/chro.ca/news-release-mass-displacement-of-chin-civilians-in-rakhine-state>
- ⁸⁸ Ibid
- ⁸⁹ Rule 129. “Parties to an international armed conflict may not deport or forcibly transfer the civilian population of an occupied territory, in whole or in part, unless the security of the civilians involved or imperative military reasons so demand. B. Parties to a non-international armed conflict may not order the displacement of the civilian population, in whole or in part, for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand,” ICRC, Customary IHL Database, Volume II, Chapter 38, Section A, available at https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule129 accessed on 7 Dec 2020
- ⁹⁰ This exception is contained in the Fourth Geneva Convention and Additional Protocol II. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflict (Protocol I), Geneva, 8 June 1977, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule129
- ⁹¹ Myanmar Now, “Rakhine Villagers still fleeing as second week of ‘clearance operations’ approaches,” June 29, available at: <https://myanmar-now.org/en/news/rakhine-villagers-still-fleeing-as-second-week-of-clearance-operation-approaches?page=24>
- ⁹² Burma News International, “Burma Army (LID-77) Blocks Rice Purchases, Re-Markets It at Increased Rates,” 7 April, available at: <https://www.bnionline.net/en/news/burma-army-lid-77-blocks-rice-purchases-re-markets-it-increased-rates>
- ⁹³ Khumi Media Group, (Burmese article) <https://web.facebook.com/khumimediagroup/posts/3001949286516334? rdc=1& rdr>

-
- ⁹⁴ BNI, “Burma LID-77 Blocks Rice Purchases, Re-Markets it at Increased Rates,” April 7, available at: <https://www.bnionline.net/en/news/burma-army-lid-77-blocks-rice-purchases-re-markets-it-increased-rates>
- ⁹⁵ Myanmar Times, “Arakan Army allows rice into Myanmar’s Paletwa,” March 8, available at: <https://www.mmtimes.com/news/arakan-army-allows-rice-myanmars-paletwa.html>
- ⁹⁶ ACAPS, available at: <https://www.acaps.org/country/myanmar/crisis/rakhine-conflict>
- ⁹⁷ Irrawaddy, “AA Raids Rice Shipment Intended for Displaced Villagers in Myanmar’s Chin State,” March 30, available at: <https://www.irrawaddy.com/news/burma/aa-raids-rice-shipment-intended-displaced-villagers-myanmars-chin-state.html> also see WFP Country Brief, April 2020, available at <https://docs.wfp.org/api/documents/WFP-0000115797/download/>
- ⁹⁸ Chin Human Rights Organisation, “Arakan Army Destroys Lorry Loaded with Supplies Bound for Kaladan Multi-Modal Project Port in Paletwa Town,” 6 March, available at: <https://mailchi.mp/chro.ca/arakan-army-destroys-lorry-loaded-with-supplies-bound-for-kaladan-multi-modal-project-port-in-paletwa-town?e=5aae558781>
- ⁹⁹ Ibid
- ¹⁰⁰ Burma News International, “Rice Sent to Paletwa will only last a few days,” April 27, available at: <https://www.bnionline.net/en/news/rice-sent-paletwa-will-only-last-few-days>
- ¹⁰¹ World Food Programme, “Fresh WFP Emergency Assistance Arrives at Conflict Affected Paletwa Town,” July 21, available at: <https://myanmar.un.org/en/53825-fresh-wfp-emergency-assistance-arrives-conflict-affected-paletwa-town-chin-state?fbclid=IwAR2GU59yDppKv0BT9YkH2-IXGpSmUbjOVGXgf0tgpppXRPIRXSzsIsXEGxc>
- ¹⁰² Chin Human Rights Organisation, “Tatmadaw Blockade Creates Food Crisis in Ann Township, Rakhine State,” 22 June, available at: <https://mailchi.mp/chro.ca/news-release-food-shortages-as-blockade-continues-in-ann-township-rakhine-state?e=5aae558781>
- ¹⁰³ ICRC, Customary IHL Database, Volume II, Chapter 17, Section C https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule55
- ¹⁰⁴ Burma News International, “Hundreds of school teachers apply for transfer out of Paletwa Township,” Jan 23, available at: <https://www.bnionline.net/en/news/hundreds-school-teachers-apply-transfer-out-paletwa>
- ¹⁰⁵ Irrawaddy, “Civil Servants refusing to work in Chin State’s Paletwa, amid fighting between military, AA,” Jan 17, available at: <https://www.irrawaddy.com/news/burma/civil-servants-refusing-work-chin-states-paletwa-amid-fighting-military-aa.html> and: Myanmar Now, “Chin Government Staff Resign en masse after ‘Threats’ from Arakan Army,” Jan 23, available at: <https://myanmar-now.org/en/news/chin-government-staff-resign-en-masse-after-threats-from-arakan-army>
- ¹⁰⁶ Irrawaddy, “Fighting closes Schools Ahead of Key Exams,” Feb 20, available at: <https://www.irrawaddy.com/news/burma/fighting-closes-schools-ahead-key-exams-myanmars-chin-state.html>
- ¹⁰⁷ Burma News International, “Many Schools In Paletwa Township Won’t Open When Classes Resume,” June 28, available at: <https://www.bnionline.net/en/news/many-schools-paletwa-township-wont-open-when-classes-resume>
- ¹⁰⁸ Burma News International, “Many Schools In Paletwa Township Won’t Open When Classes Resume,” June 28, available at: <https://www.bnionline.net/en/news/many-schools-paletwa-township-wont-open-when-classes-resume>
- ¹⁰⁹ Burma News International, “Travel barriers stymie construction of new schools for IDPs in Paletwa,” July 13, available at: https://www.bnionline.net/en/news/travel-barriers-stymie-construction-new-schools-idps-paletwa?fbclid=IwAR07i6Vr1oOn62-aTswU_gZ4BzJJ2OPNApFvYrR4kbP2pmKLKQ1j9n4y8-w
- ¹¹⁰ Khonumtung News, “Chin State Budget unfairly Allocated,” 12 May, available at: https://english.khonumthung.org/chin-state-budget-unfairly-allocated-parliamentarians-say/?fbclid=IwAR1Pv0uMIMdHrkkO3bkLDznCQdG_wj6lpgQxelxSm3QFk3iawcRyu_scJu0
- ¹¹¹ Referring to the “four cuts” policy initiated by the Tatmadaw, a doctrine designed to sever insurgents from their key inputs: funding, food, intelligence, and recruits: See generally, Human Rights Watch, “They came and Destroyed our village Again,” June 2005, available at: <https://www.hrw.org/reports/2005/burma0605/burma0605text.pdf>
- ¹¹² OHCHR, “Myanmar: UN expert ‘fears for civilians’ after Internet shutdown,” 24 June, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24733&LangID=E>

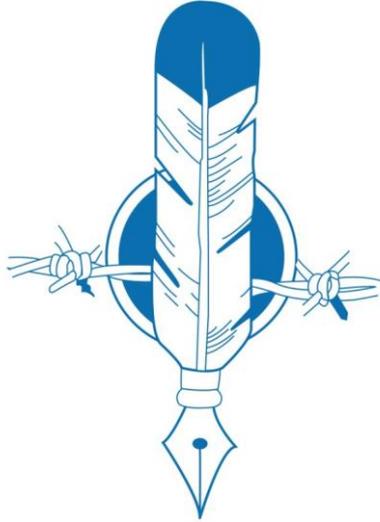
-
- ¹¹³ Radio Free Asia, “Myanmar Front-line Medical Workers Face Discrimination Amid COVID-19 Fight,” 28 April, available at: <https://www.rfa.org/english/news/myanmar/coronavirus-discrimination-04282020213616.html>
- ¹¹⁴ Freedom House, “Freedom on the Net 2018: Myanmar,” available at: <https://freedomhouse.org/report/freedomnet/2018/myanmar>.
- ¹¹⁵ David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Harlem Désir, OSCE Representative on Freedom of the Media and Edison Lanza, IACHR Special Rapporteur for Freedom of Expression, ‘COVID-19: Governments must promote and protect access to and free flow of information during pandemic – International experts’, 19 March 2020, available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25729&LangID=E>
- ¹¹⁶ International Commission of Jurists, “Government must lift online restrictions in conflict-affected areas to ensure access to information during COVID-19 pandemic,” 10 April 2020.
- ¹¹⁷ Physicians for Human Rights, “Open Letter from PHR to the Government of Myanmar to Protect Ethnic Minorities from Covid-19,” May 12, available at: <https://phr.org/our-work/resources/open-letter-from-phr-to-the-government-of-myanmar-to-protect-ethnic-minorities-from-covid-19/>
- ¹¹⁸ Human Rights Watch “Myanmar: End Unlawful Internet Restrictions,” July 27, available at: <https://www.hrw.org/news/2020/07/27/myanmar-end-unlawful-internet-restrictions?fbclid=IwAR0TqC-ksRFxmCo3qGVuq62Lylte3Hz24YAjz4UiKSbdDUj2um7dq2xsJU>
- ¹¹⁹ Committee on Economic, Social and Cultural Rights, General Comment No. 14 The Right to the Highest Attainable Standard of Health (Art. 12), UN Doc. E/C.12/2000/4 (2000), para. 12(b).
- ¹²⁰ Committee on Economic, Social and Cultural Rights, General Comment No. 14 The Right to the Highest Attainable Standard of Health (Art. 12), UN Doc. E/C.12/2000/4 (2000), para. 33-34
- ¹²¹ <https://burma.irrawaddy.com/opinion/interview/2020/03/26/219225.html>
- ¹²² <https://www.irrawaddy.com/news/burma/malaysia-begins-deporting-nearly-1000-detained-myanmar-migrants.html>
- ¹²³ The Republic of the Union of Myanmar: Ministry of Health and Sports: Surveillance Dashboard, accessed on Nov 27, available at: <https://www.mohs.gov.mm/page/2966>
- ¹²⁴ The Republic of the Union of Myanmar: Ministry of Health and Sports: Surveillance Dashboard, accessed on Nov 27, available at: <https://www.mohs.gov.mm/page/2966>
- ¹²⁵ Myanmar Penal Code, section 188 https://www.burmalibrary.org/docs6/MYANMAR_PENAL_CODE-corr.1.pdf
- ¹²⁶ Pyidaungsu Hluttaw Law No.21/2013 – Natural Disaster Management Law <http://www.myanmar-law-library.org/law-library/laws-and-regulations/laws/myanmar-laws-1988-until-now/union-solidarity-and-development-party-laws-2012-2016/myanmar-laws-2013/pyidaungsu-hluttaw-law-no-21-2013-natural-disaster-management-law-burmese-and.html>
- ¹²⁷ The Law Amending the Prevention and Control of Communicable Diseases Law (The State Peace and Development Council Law No. 16 / 2011) The 8th Waning of Pyatho, 1372 M.E. (27th January, 2011) <https://www.mlis.gov.mm/mLsView.do?lawordSn=7794>
- ¹²⁸ The Irrawaddy, “Different Laws Applied to Myanmar COVID-19 Restrictions Lead to Inconsistent Punishments for Violators,” May 13, 2020 available at: <https://www.irrawaddy.com/specials/myanmar-covid-19/different-laws-applied-myanmar-covid-19-restrictions-lead-inconsistent-punishments-violators.html>
- ¹²⁹ Ibid
- ¹³⁰ Chinland Guardian “Denying Burial: Degrading Treatment and Contempt of the Chin Tradition,” Oct 8, available at: <https://www.chinlandguardian.com/15780/>
- ¹³¹ Chinland Guardian “Selective Enforcement of Covid-19 Restrictions,” Nov 18, available at: <https://www.chinlandguardian.com/16005/>
- ¹³² ICESCR, article 2(2); Committee on Economic, Social and Cultural Rights, General Comment No. 20, Nondiscrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights), UN Doc. E/C.12/GC/20 (2009).
- ¹³³ Committee on Economic, Social and Cultural Rights, Statement on the coronavirus (COVID-19) pandemic and economic, social and cultural rights, UN Doc. E/C.12/2020/1 (2020), para. 2
- ¹³⁴ CNF-Government Union Level Peace Agreement, 7-9 December, 2012, available at: <file:///C:/Users/User/Desktop/IPP.POINT/CNF-Government-Union-level.pdf>

¹³⁵ 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.” 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.

¹³⁶ 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.”

¹³⁷ 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>

¹³⁸ 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>



Founded in 1995, the Chin Human Rights organization (CHRO) is a non-governmental organization having a Special Consultative Status with the United Nations Economic and Social Council (ECOSOC) since 2018. CHRO is legally registered as a charitable organization in Canada and the United States under 501 (C) (3).