

BRIEFING

Legal Analysis Related to Sanction Designations
on Members of Northwestern Command of the
Burma Army and Members of the State
Administrative Council (SAC) in Chin State

MARCH 2023



SUMMARY

This briefing outlines the key legal arguments pertaining to crimes against humanity and war crimes carried out by the State Administrative Council (SAC) in the context of the ongoing non-international armed conflict (NIAC) in Chin State and Western Burma



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Legal Analysis Related to Sanction Designations on Members of Northwestern Command of the State Administrative Council (SAC)

Introduction

This briefing outlines the key legal arguments pertaining to crimes against humanity and war crimes carried out by the State Administrative Council (SAC) in the context of the ongoing non-international armed conflict (NIAC) in Chin State and Western Burma. Select cases, compiled as part of the CHRO's ongoing documentation activities, are used as reference points from across geographical locations which the CHRO has been closely monitoring and gathering first-hand information. Where required, information from credible secondary sources has been used. Within it are details of grave human rights violations having taken place in Matupi, Mindat and Thantlang townships of Chin State, and Magway and Sagaing Regions of Western Burma.

The objective of this briefer is to outline, and, where possible name the key decision-makers ordering the crimes outlined within this document. The CHRO has mapped the Tatmadaw hierarchy and command structure operating in Chin State and Western Burma for contextual reference for the initiation of appropriate individual and targeted sanction designations. The data has been compiled through access to leaked documents and interviews with defectors and eyewitnesses conducted by CHRO's team of field workers. The primary objective of this briefer is to highlight why senior individuals within the below command structures and the specific battalions - that have designed and carried out attacks against the civilian population by targeting homes, livelihoods and lives - need to be considered for sanctions. It is also hoped that ongoing advocacy toward sanctioning regimes, such as those pertaining to aviation fuel and arms embargos will be supported by the following information within the report.

Relevant Law

The UN Human Rights Council has characterized the situation in Myanmar as a non-international armed conflict (NIAC).¹ Common Article 3 of the Geneva Conventions apply to NIAC, and there are potential violations of Common Article 3 (CA3) committed in multiple instances in Chin State as part of the ongoing NIAC. Myanmar is party to the Geneva conventions having ratified them on 25 August 1992 but not to the additional Protocols. CA3 is for the protection of those who do not take direct part in hostilities, including

¹ Report of the United Nations High Commissioner for Human Rights, "Situation of Human rights in Myanmar since 1 February 2021 " (15 March 2022), Advanced Edited Version A/HRC/49/72 1

civilians. Violations of Geneva Convention Common Article 3 related to the NIAC circumstances in Chin State are as follows:

- (a) Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - (b) Taking of hostages;
 - (c) Outrages upon personal dignity, in particular humiliating and degrading treatment;
 - (d) The passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
- (2) The wounded and sick shall be collected and cared for.

In addition, there are customary laws/rules of war that would apply to NIAC. Some of these are reflected in the Rome Statute (Article 8, war crimes). While Myanmar has not signed the Rome Statute, the statute is used below as a frame of reference for what is prohibited/criminalized in international law, the types of war crimes that may have been committed in Chin State and Western Burma.

State Administrative Council (SAC) and Armed Conflict in Chin State

The military tactics and conduct of the SAC's operations in Chin State and Western Burma are a textbook example of the "Four Cuts Doctrine" or "*pya ley pya*", widely understood to be a strategy that deprives resistance organizations from funds, recruits, intelligence and supplies. The implementation of this mode of warfare actively utilizes the civilian population at large as a central resource on the battlefield. Radical violations of both CA3 and customary principles of international law are categorically manifested in the implementation of this military tactic, previously recognized by the Independent International Fact-Finding Mission on Myanmar in 2018.²

While the policy is implemented in various geographical locations and at different times depending on uprisings or skirmishes, the policy is linked to a wider application of military conduct and therefore can be linked. For example, in Mindat in 2021 via the placement of a specific Tactical Operations Command (TOC), stationed there in order to suppress the resistance, which subsequently undertook clearance operations leading to mass displacement,³ the "special clearance operation" penned in October 2021 that resulted in the destruction of Thantlang and widespread displacement, arson and targeting of civilian infrastructure,⁴ and the scorched earth campaign where the civilian population suffered extreme HRVs

² Report of the independent international fact-finding mission on Myanmar, Advance Edited Version, (12 September 2018), A/HRC/39/64 available at https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_64.pdf

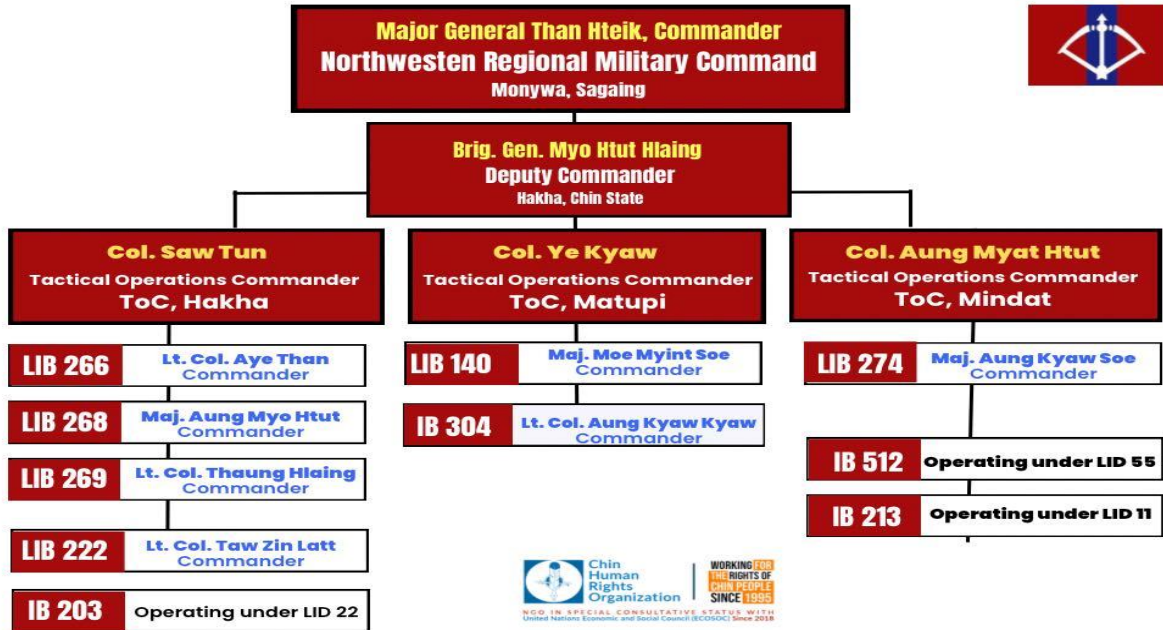
³ See analysis from "Collective Punishment: Implementation of Four Cuts in Mindat Township." International working Group on Indigenous Affairs and Chin Human Rights Organization (IWGIA), 2022, <https://www.iwgia.org/en/resources/publications/4615-iwgia-chro-four-cuts.html>

⁴ Washington Post, "Burn it all Down: How Myanmar's military razed villages to crush a growing resistance" Dec 2021, available at <https://www.washingtonpost.com/world/interactive/2021/myanmar-military-burn-villages-tatmadaw/>

which were designed to brutally displace hundreds of villages in Magway and Sagaing Regions, more recently in 2022.⁵ These specific instances will be discussed in more detail below.

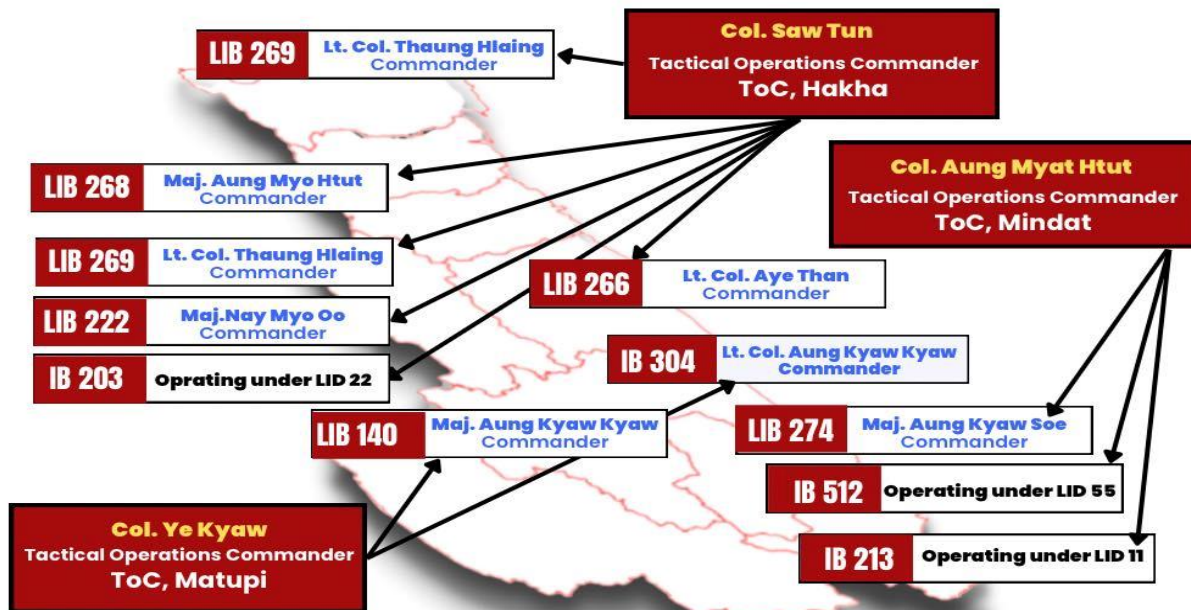
HRVs committed against civilians by the SAC include detention, torture, the use of human shields, and extrajudicial killings. Meanwhile, the SAC’s internet blackout and attacks on the media and civil society make it extremely difficult to gauge the extent of its abuses. The CHRO has mapped the command structure that continue to implement this policy, overseeing institutional violence against the civilian population (see Figure 1)

Chain of Command in Chin State under the NW Command



⁵ See, Community Analysis Support System (CASS), “Broken Heartland: Armed Violence and Emergency Response in Central Myanmar,” June 2022.

Locations of Battalions under the Tactical Operations Commands



*LIB 222 and IB 203, along with Tedim-based LIB 269 are operating in Thantlang Township. IB 512 and IB 212 are active in Mindat and Kanpetlet area

Rationale for Targeted Sanctions on Northwestern Command

Current sanction designations have focused on targeting individuals and entities in response to gross violations of human rights. These have been noted as; extrajudicial killing,⁶ bombardment of populated areas with air strikes and heavy weapons, the arbitrary detention, torture and mass killing of civilians,⁷ the persecution of civil society, attacks on the civilian population, targeting also children and persons belonging to ethnic and religious minorities across the country, and deadly air strikes on civilian targets, including on schools and hospitals.⁸

⁶ United States Department of State Press Release, “Designations of Burmese Targets to Promote Justice and Accountability,” Oct 26, 2022, available at: <https://www.state.gov/designations-of-burmese-targets-to-promote-justice-and-accountability/>

⁷ Government of Canada News Release, “Canada further sanctions individuals and entities responsible for procuring and supplying arms and military equipment to Myanmar,” March 25, 2022, available at: <https://www.canada.ca/en/global-affairs/news/2022/03/canada-further-sanctions-individuals-and-entities-responsible-for-procuring-and-supplying-arms-and-military-equipment-to-myanmar.html>

⁸ Council of the European Union Press Release, “Myanmar/Burma: EU imposes sixth round of sanctions against 9 individuals and 7 entities,” Feb 23, 2023, available at: <https://www.consilium.europa.eu/en/press/press-releases/2023/02/20/myanmar-burma-eu-imposes-sixth-round-of-sanctions-against-9-individuals-and-7-entities/>

Such measures have been put in place under relevant national legislation⁹ in order to discourage actions, policies or activities which repress the civilian population, to promote peace, stability and security, promote respect for democracy, the rule of law and good governance, and promote compliance with international human rights law and respect for human rights in Myanmar.¹⁰

Both the rationale for sanctions as outlined above in previous sanctioning regimes on individuals associated with the SAC and the elements of mass atrocity crimes are present within the conflict circumstances in Chin State. It is therefore necessary to expand restrictive measures against those responsible for undermining democracy and the rule of law and for the serious human rights violations in Chin State and Western Burma. To that end, it is hoped this may have an effect in reducing the ongoing violence toward the civilian population through the naming of individuals associated with ordering and carrying out specific crimes, while also highlighting the serious nature of the circumstances in Chin State to all stakeholders, not least the individuals and members of the specific SAC battalions detailed in this report, who continue to enjoy a safe haven of impunity.

The following personnel from the SAC are specifically recommended to be considered for designation:

1: Major General Than Theik, Commander of the Northwestern Command, Monwya Sagaing. As the individual in charge of the Northwestern Command, he has overseen operations across the geographical locations described in this report.

2: Brigadier General Myo Thut Hlaing, Deputy Commander, Hakha Chin State. Under his command, he has overseen specific instances of torture carried out at Mount Rung detention centre in Hakha, outlined plans to bombard Thantlang to members of the civilian population and then subsequently carried them out, and for atrocities carried out by all LIBs under his operational command across Chin State (*see info graph*)

3: Lt. Col. Thaug Hlaing, Battalion Commander LIB 269, in the implementation of the special clearance operation in Thantlang and associated HRVs.

4: Major Nay Myo Oo, Battalion Commander from LIB 222, related to his role in the the deaths of Ral Tu and Hram Cung in Thantlang having given express permission for the party of civilians to collect belongings from their property.

5: Colonel Saw Tun, Tactical Operations Commander, Hakha. Specifically ordered the torture which resulted in the deaths of Pu Tler Ling and Salai Kham Bawi and the subsequent medical report tampering.

⁹ United States of America, Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2019 (SFOPs; P.L. 116-6; 8 U.S.C. 1182 note; Canada, Special Economic Measures Act (S.C. 1992, c. 17); European Union, 08.11.2022 consolidated basic legal act - (EU) No 401/2013; 08.11.2022 consolidated basic legal act - 2013/184/CFSP; 20.02.2023 - amendments not yet included in the consolidated basic legal act - CFSP) 2023/380; 20.02.2023 - amendments not yet included in the consolidated basic legal act - (EU) 2023/378 and; United Kingdom, The Myanmar (Sanctions) Regulations 2021 (S.I. 2021, No, 496)

¹⁰ Her Majesty's Treasury and Office of Financial Sanctions Implementation, Guidance Note, "Guidance: Financial sanctions, Myanmar," 31 January 2023, available at: <https://www.gov.uk/government/publications/financial-sanctions-burma>

6: The entities of LIB 222 and LID 66 (Thantlang) related to the bombardment of Thantlang and associated war crimes including the murder of Pastor Cung Biak Hum.

7: LIB 140 and IB 304 (Matupi) related to the murder of 8 civilians including a child in Matupi after arrest.

8: LIB 274 (Mindat) related to actions carried out in Mindat town, including the use of human shields, entering medical facilities and attacking medics. The arrest and torture of peaceful protestors in April 2021 is also documented by CHRO .

Deportation/Forcible Transfer

“The forced displacement of an estimated 120,000 people, which constitute 20 percent of the entire population of Chin State”¹¹

The SAC has perpetrated brutal violence against civilians in its campaign against Chin Resistance forces and the borderland communities it perceives to be supporting them, the razing of civilian infrastructure has been the foundation of its violence. Scorched earth campaigns during clearance operations have resulted in over 28,000 homes in Chin State, Sagaing and Magway Regions being razed to the ground since the coup began in Feb 2021.¹² During the SAC’s clearance operations in Sagaing and Magway, approx. 10,000 houses were burned down between May and June 2022 alone in acts of arson and indiscriminate targeting of civilian infrastructure.¹³ In October and November 2021 when the town of Thantlang was designated for clearance operations, over 1000 civilian owned property and churches, schools and hospitals were burned.

The result of these clearance operations has led to over 100,000 civilians from Chin State having been displaced. While the vast majority of the approximate 50,000 refugees remain in India’s Mizoram region, the numbers of people making their way to New Delhi in order to gain official refugee status has swelled from approximately 5000 to over 10,000. There are also approximately 50,000 people from northwestern Myanmar and Chin State in makeshift IDP camps across the state. The situation has also led to increased numbers of asylum seekers in Malaysia, while official numbers are unknown, estimations from local community groups operating Malaysia are between 65,000 to 80,000.¹⁴

Between the 4th and 17th of October 2021, a “special clearance” operation was ordered In Thantlang, Northwestern Chin State. Leaked documents provided by a defector showed that soldiers from LIB 269

¹¹ Quotes are used as reference point from oral testimony delivered by the Chin Human Rights Organization in July, figures have been updated in the paragraphs, “Testimony of Salai Za Uk Ling, Deputy Executive Director of CHRO at the 4th Hearing of International Parliamentary Inquiry on Myanmar” 20 July 2022 online: https://www.chinhumanrights.org/wp-content/uploads/2022/07/Testimony_Oral_Presentation.pdf

¹² According to the independent organisation Data for Myanmar, the SAC has burnt down 18,886 houses across Myanmar since the coup, 13,840 of them in Sagaing Region and 3,055 of them in Magway Region. These figures include fires sparked by shelling and other attacks, as well as targeted arson. See: Data For Myanmar, Facebook post, 7 June 2022, <https://www.facebook.com/data4myanmar/posts/1633821856986013>

¹³ Supra note 5 at p 18

¹⁴ Exact figure are unknown, estimation based on community consultations.

and 268 had been ordered to “clear” the region.¹⁵ Prior to this, on more than one occasion, village elders and pastors from the Chin community in Thantlang had been threatened that the town would be burned to “ash” if orders to cooperate were not obeyed.¹⁶ In late June 2021, the Regional Deputy Commander, Brig. General Myo Htut Hlaing summoned religious and town elders to the Chin State Government Office in Hakha. At the meeting, threats were made, where, it was suggested that Thantlang would be burned to ashes if support for local resistance groups took place, or if resistance activity continued in the town. Similarly, the Battalion Commander from LIB 269, Lt. Col. Thaug Hlaing also summoned town elders in Thantlang in June and July, where further threats were made against the safety of the town.

In May 2021, Martial Law was imposed in Mindat Town, pre-empting a large-scale assault by air and ground in order to engage with the Chin Defense Force – Mindat (CDF-M) and establish military control of the town. During a three-day siege, indiscriminate bombing of civilian infrastructure took place, hospital premises were stormed, and widespread instances of war crimes committed by Tatmadaw forces were reported. The LIB 274 then cut the water supply and electricity to the entire town and blocked humanitarian aid entering the town – acts which led to the forcible transfer of the vast majority of the town’s 25,000 population.

After the majority of Mindat’s population had relocated - either by displacing to a number of religious compounds in the town, or fleeing to the rural areas outside of the town - the junta reinforced and restructured their operations in Mindat, establishing a new Tactical Operations Command (TOC). Under this command, a number of Light Infantry Divisions (LIDs), including LIDs 101, 55 and LIB 274 (Mindat) began clearance operations across Mindat Township. During this period, large-scale violations of the Geneva Conventions including, torture and other forms of ill-treatment, human shields, indiscriminate targeting of civilian infrastructure, causing serious injury and violence to life, and accusations of rape took place.

Under the Rome Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. The pre-requisites for the crimes of deportation or forcible transfer as a crime against humanity are the forced displacement of persons by expulsion or other coercive acts, from where they are lawfully present, and without grounds permitted under international law.

‘Forced’ in the definition means not just the use of physical force, but also threats and intimidation, and includes the fear of violence, duress, taking advantage of a coercive environment. The use of threats of violence, and of burning significant portions towns and villages satisfy the requirements of ‘forced’. Precedent at the International Criminal Court has held that killing, looting, burning and destruction of property are *coercive acts* through which displacement can occur.

Under the Geneva Convention - intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities (Article 8(2)(e)(i)) – the requirements are that there is an attack and it is aimed at the civilian population, such as the burning down of parts of towns, targeted specifically at civilians. Attack would include acts such as shelling, and destruction of property, both of which have occurred as part of the ongoing NIAC. Spreading terror among the civilian population – such as here, by means of fire/arson – is not defined as a crime, but could fall within this

¹⁵ Supra note 4

¹⁶ Unpublished interviews with town elders and pastors from Thantlang, 2021.

purview. (This draws from Article 13(2) of Additional Protocol II which states that “Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited”. (AP II is not applicable due to Myanmar not signing, but is again used to illustrate types of crimes that are prohibited)

Ordering the displacement of the civilian population for reasons related to a conflict, unless the security of the civilians involved or imperative military reasons so demand is prohibited; (Article 8(2)(e)(viii)).

Murder/unlawful Killing

“The unlawful deaths or extrajudicial killings of over 250 Chin civilians”¹⁷

Since the coup took place, figures collected from CHRO have recorded the deaths of over 400 civilians with the overwhelming majority of those as a result of summary executions. The CHRO has documented the extrajudicial executions of 180 civilians by Tatmadaw between August 2021 and May 2022. In 13 instances, civilians have been executed after being used as human shields during military operations. In other instances, civilians have been burned alive after arrest. In Sagaing and Magway Regions a large proportion of these deaths took place during clearance operations across the state.¹⁸ Across the region, a shoot on sight policy has led to the deaths of 86 civilians. 21 people have been killed while undergoing torture.

Murder has been carried out in the context of systematic attacks being carried out by the Myanmar military junta during clearance operations such as the one on Thantlang during November 2021. Examples of mass killings correlate with arson attacks which take place under the SAC’s scorched earth policy. Beginning in March, the internet was cut off in Sagaing Region, in the subsequent months mass murder went hand in hand with arson attacks on villages across the region.¹⁹

On Jan 6, 2022 junta soldiers from IB 304 of Matupi-based Tactical Operations Command arrested seven people who were traveling by motorbikes on the road between Kihlueng and Lunghlaw villages, northwest of Matupi Town. On the next day at around noon on January 7, villagers discovered 8 dead bodies, including that of a 13-year-old boy whose throat was slashed along the stretch of dirt road between Kihlueng and Lunghlaw. All the dead bodies had their hands tied behind their backs and bore knife wounds to the torso area and slashed throats. Two more bodies were discovered at a location between Kihlueng and Kace, another village in the area north of Kihlueng, the same day.²⁰ On interviewing a defector who was eye-witness to the events, CHRO uncovered that the Deputy Battalion Commander gave the command to kill the civilians, ordering a sergeant to kill the detainees using a knife as gunshots may give away their position.

On September 29, two elders of Thantlang Town, Ral Tu (78), former Township Judge, and Hram Cung (59) were shot and killed by soldiers from LIB 222 when they opened fire on their car as they attempted to retrieve their belongings. A third person received an injury to the head while the driver and another

¹⁷ Supra note 6

¹⁸ Supra note 5

¹⁹ Ibid

²⁰ Chin Human Rights Organisation CHRO, “Hundreds flee Following Brutal Killing of 10 Civilians in Matupi Township,” Jan 2022, available at <https://www.chinhumanrights.org/hundred-flees-following-brutal-killing-of-10-civilians-in-matupi-township/>

passenger survived the incident unharmed. The soldiers stole one million Kyats and a mobile phone from one of the victims. A survivor of the incident informed CHRO that the secretary of a town elder from Hakha and the Chairman of the Thantlang Municipal Department had informed Major Nay Myo Oo, Commander of the LIB 222 of their intention to collect medicine and other belongings from their house. Their car number and exact time of entry to the town was confirmed and permission was granted to access their house. The commanding officers in charge at the time of both incidents in Thantlang, including the shelling of artillery that caused 19 homes to burn are reported to be Column Commander Major Nay Myo Oo and Col. Thaug Hlaing of LIB 222 and LID 66.”²¹

On September 18, 2021, Pastor Cung Biak Hum (31) of Centenary Baptist Church in Thantlang was shot and killed while riding his motorbike as he approached buildings that had been set ablaze as a result of shelling by Junta forces from LIB 222 and Light Infantry Division (LID 66). His intention was to help put out the burning buildings. After he was killed, soldiers cut off his finger to steal his wedding ring.²²

The killing of the pastor, as well as the targeting and killing of elders returning from Hakha would – in the context of the systematic attack being carried out in and around Thantlang – be the crime of murder as a crime against humanity.

There are potential violations of CA3 committed in the offensive in Thantlang specifically. CA3 is for the protection of those who do not take a direct part in hostilities, including civilians. Violations of Geneva CA3 include the prohibition related to “Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;” – the murder of civilians in the town, as well as mutilation of the pastor could fall foul of this provision.

Targeting and or occupation/looting of Religious Infrastructure

“The destruction of 65 religious buildings, including over 50 churches or places of worship”²³

The Myanmar junta has engaged in the wilful destruction, occupation and looting of religious infrastructure. From the period of May 2021 to Feb 2023, CHRO documented the looting, damage or destruction of 75 Churches with the overwhelming majority located in Chin State.²⁴

From interviews conducted by CHRO with defectors from the Myanmar military, it was confirmed that units operating in Chin State had been instructed to use Churches and religious compounds as shelter during operations. According to multiple sources, battalion commanders ordered troops to take this approach on the basis that it was unlikely that local defense forces would attack churches due to religious reasons. While camped in Churches in Falam, Mindat, Tiddim and Thantlang townships, eyewitnesses

²¹ Chin Human Rights Organization CHRO, “The Human Rights Briefer: Reign of Terror” September 2021, available at <https://www.chinhumanrights.org/wp-content/uploads/2021/10/Reign-of-Terror-ReportCHRO-1.pdf>

²² *ibid*

²³ *Supra* note 6

reported extensive damage to Church infrastructure, including the desecration of religious property such as bibles and pews and the theft of money.

Beyond the looting of Church compounds, acts of arson conducted by junta soldiers toward churches have also taken place. In Thantlang, Mindat and Falam townships a total of 24 Churches and a further 18 religious based infrastructure have been razed to the ground due to fires caused by shelling or deliberate acts of arson.²⁵

Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives; (Article 8(2)(e)(iv)). Myanmar has also signed and ratified the Hague Convention on the Protection of Cultural Property. The protection of places of worship in this convention and as part of the customary laws would indicate the destruction of churches – intimately associated with the culture of the people of the region – would be a violation of laws of war

The CAH of persecution relates to the severe deprivation of fundamental rights, on the basis of political, racial, national, ethnic, cultural, religious, gender or other grounds. This invariably accompanies other crimes against humanity or war crimes. Here, given the ethnic and religious composition of Chin State's major towns and the surrounding areas, it is likely that the acts committed could be considered persecution.

Human Shields/Hostage taking

During military operations, the Tatmadaw engage in the use of human shields and hostage taking. CHRO has documented the deaths of 13 civilians having been used as human shields during skirmishes. In November 2022, 9 civilians were shot dead and were subsequently burned having been taken and used as human shields during skirmishes with the CDF-Mindat.²⁶

In 2021, as the SAC tried to regain control of the town of Mindat (*see above*) there were multiple instances of Chin civilians being used as human shields.²⁷ On the morning of 15 May 2021, troops from LIB 274 were dispatched to enter Mindat from the west and east access points, accompanied by air support, in an attempt to regain control of the town. Upon entering the town, the battalions began firing indiscriminately at houses, forcing entry into homes, searching premises, looting property and physically assaulting occupants. Five civilians, including one elderly lady and a pregnant woman who was holding a two-year-old child, were dragged out onto the street while being hit with rifle butts. The group was forced at gun point, during a combat situation to walk in front of the battalion and remove defensive barricades set up in the middle of the road.²⁸

CA3 bans the use of hostage taking, furthermore, for the purposes of the Rome Statute, the taking of hostages constitutes a war crime.

²⁶ Unpublished information collected in January 2023.

²⁷ See collective punishment supra note 3

²⁸ *ibid*

Torture

According to data collected by CHRO, as of May, 2022 there were 21 civilians who had been tortured to death in Chin State and Western Burma. Defectors who have spoken to international media have claimed that torture is endemic after arrest and detention. According Hin Lian Piang, a clerk who was operating under the Northwestern Command who was interviewed in 2021, torture was routinely used on those who were arrested and detained in Hakha Town at the command centre for LIB 266, located at Mount Rung. CHRO also documented widespread use of torture during the SACs operations in Mindat Township in 2021.²⁹

On May 29, 2021, 54-year-old, Pu Tler Ling and Salai Kham Bawi (27) were arrested by the LIB 266 in Hakha and subsequently died after undergoing torture. Hin Lian Piang witnessed the torture of the two prisoners at the mountaintop interrogation center inside the facility. He claims the soldiers beat the two men, hit them with their guns, and kicked them. After the men were put into jail, one of them died. The major in charge asked the military's medical doctor to examine the man and determine his cause of death. Meanwhile, the other prisoner began trembling and then died, too. The soldiers attached the drip lines to the prisoners' corpses, then sent them to a military hospital in Kalay Myu, Sagaing Region. He claims military doctors were told to falsify death records by claiming they died from ongoing health conditions before cremating the bodies – under orders from Tactical Operations Commander Col. Saw Tun and Deputy Commander Brig. Gen. Myo Htut Hlaing, the two highest ranking army officials stationed in Chin State.

The Rome Statute of the International Criminal Court defines torture and cruel, inhuman or degrading treatment as war crimes under Article 8 (2 a ii, iii & xxi and 2 c i & ii), and as crimes against humanity under Article 7 (1 f & k).

Furthermore, CA3 expressly prohibits torture and cruel treatment, as well as "outrages upon personal dignity, in particular humiliating and degrading treatment" of civilians and persons *hors de combat*.

Targeting of Civilian populations from Ground and Air

The SAC has carried out over 70 airstrikes in Chin State in the time period following the United Nations Security Council (UNSC) Resolution 2669 on 21 December 2022, calling for an end to violence.³⁰ At least 138 bombs were dropped in over 4 dozen separate airstrikes conducted by the junta's air force in 4 townships in Chin State since the beginning of 2023. The air campaign has been significantly escalated in Feb following the martial law declaration and the fall of a junta key outpost in Thantlang township. The junta launched airstrikes on Mindat seven times, dropping 13 bombs, Matupi three times, dropping 13 bombs, and Hakha twice, dropping 4 bombs over the two-month period.³¹

²⁹ Associated Press, "Myanmar Military uses systematic Torture Across the country," October 28, 2022, available at <https://apnews.com/article/myanmar-torture-military-prisons-insein-abuse-390fe5b49337be82ce91639e93e0192f>

³⁰ United Nations Security Council (UNSC) Resolution 2669 (2022) available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/767/33/PDF/N2276733.pdf?OpenElement>

³¹ Radio Free Asia, "Townships in Myanmar's Chin state hit by one airstrike per day over last two months," 9 March, 2023, available at: <https://www.rfa.org/english/news/myanmar/airstrikes-03092023162543.html>

Over 40 bombs were dropped on Thantlang and surrounding areas in a single day on Feb 16 in a sustained aerial campaign, sending communities running for cover in dug-out bomb shelters. In January there were 12 Instances of airstrikes conducted by Tatmadaw, 7 in Mindat township in Thantlang township. Multiple airstrikes in Mindat township taking place in January 2023 damaged 18 civilian houses, one Buddhist monastery, one chapel, one car, 8 motorbikes, and damaged civilian property.³²

On Feb 25, 2023 indiscriminate shelling resulted in the deaths of a child and parents in Mindat township. LIB 274 regularly shells villages in the region, in retaliation for the belief that residents harbor members of resistance forces.³³

Such attacks, by virtue of their indiscriminate nature, are likely serious violations of CA3, which prohibits targeting civilians, the wounded, or those placed hors de combat. Thus, such attacks are likely war crimes under international law.

³² Chin Human Rights Organization, unpublished data.

³³ Radio Free Asia, "Junta shells Chin state village killing 3 family members," 27 Feb, 2023, available at; <https://www.rfa.org/english/news/myanmar/chin-attack-02272023045939.html>