COLLECTIVE PUNISHMENT: IMPLEMENTATION OF “FOUR CUTS”

In Mindat Township
This report has been produced by Chin Human Rights Organization with the support of the International Work Group for Indigenous Affairs (IWGIA)
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Summary</td>
<td>5</td>
</tr>
<tr>
<td>Methodology</td>
<td>5</td>
</tr>
<tr>
<td>Background</td>
<td>6</td>
</tr>
<tr>
<td>Four Cuts Strategy “Pya Ley Pya”</td>
<td>8</td>
</tr>
<tr>
<td>Restrictions on Humanitarian Access</td>
<td>9</td>
</tr>
<tr>
<td>Arbitrary Restrictions on confiscation, impounding of aid attempts</td>
<td>11</td>
</tr>
<tr>
<td>Arbitrary Arrest, Detention</td>
<td>12</td>
</tr>
<tr>
<td>Targeting of Non-Military Objects</td>
<td>14</td>
</tr>
<tr>
<td>Livelihood Destruction/Looting</td>
<td>16</td>
</tr>
<tr>
<td>Impacts of Aid and Access Restrictions</td>
<td>18</td>
</tr>
<tr>
<td>Torture and other forms of Ill-Treatment</td>
<td>21</td>
</tr>
<tr>
<td>Shoot on Sight</td>
<td>23</td>
</tr>
<tr>
<td>Human Shields</td>
<td>24</td>
</tr>
<tr>
<td>Willful Killing - Murder</td>
<td>25</td>
</tr>
<tr>
<td>Protection Concerns</td>
<td>26</td>
</tr>
<tr>
<td>Tatmadaw’s responsibilities under the International Humanitarian Law</td>
<td>26</td>
</tr>
<tr>
<td>Further Demands to the Myanmar Military Junta:</td>
<td>28</td>
</tr>
</tbody>
</table>
Executive Summary

This report details human rights abuses that took place in Mindat Township, Chin State from the period of April to December 2021. In May 2021, Martial Law was imposed on Mindat Town, pre-empting a large-scale assault by air and on the 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.

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 and 55 began clearance operations across Mindat Township. These operations, together with a blockade on basic necessities entering the region violated a range of provisions within the Geneva Conventions linked to the principles of proportionality and distinction in non-international armed conflicts.

The briefing documents a range of human rights abuses associated with the Tatmadaw’s operations in Mindat which include circumstances that took place during the assault on the town, detailing the use of civilians as human shields, entering medical facilities and attacking medics. The arrest and torture of peaceful protestors in April, leading to the escalation of the conflict is also documented.

In the subsequent months LIDs that were deployed to the region conducted clearance operations. These clearance operations led to the widespread looting and pillaging of rural villages. During the documentation period, respondents described instances of theft, arson, the killing of livestock, and the destruction of food stocks. In rural areas, the targeting of non-military infrastructures, such as local clinics and churches took place as well as camps for the internally displaced.

As the Tatmadaw engaged in livelihood destruction on the ground, thereby increasing the need for basic necessities such as food and medicine, they enforced a tight grip on access into the region. Access restrictions included obstruction of aid, delayed authorization, and enforcement of transport restrictions on aid operations in Mindat town. LID 101 has enforced a blockade on the region via checkpoints across Magway which led to arbitrary arrest and detention of civilians attempting to courier aid into the region.

The circumstances surrounding the torture and murder of an individual associated with the civilian administration, serious injury to a civilian fleeing a conflict area, and issues related to protection concerns in the region are also documented. These include instances of landmines planted near main roads and unexploded ordnance located in areas where indigenous livelihoods take place, such as shifting cultivation plantations.

Methodology

This report is based on 34 interviews conducted by CHRO in the Mindat area of Chin State between December 2021 and January 2022. Those interviewed include survivors of and eyewitnesses to human rights violations, internally displaced persons, religious leaders, humanitarian workers and camp management committee members.

Interviews with a number of defectors from both the Tatmadaw and the Myanmar Police Force who are now affiliated with the CDF-M and/or CDM movements in the region also took place. Due to intermittent telecommunications, an ongoing internet blackout in the region and severe access restrictions and security risks, locating victims and documenting human rights abuses is extremely challenging. It is likely, therefore, that this report reflects a
small proportion of rights violations in the region.

CHRO conducted the majority of interviews in the Burmese language. No one interviewed for this report received compensation and CHRO gained the full consent of participants in the field after informing them fully and frankly of the purposes of the interview, and the ways that any shared information might be used. To avoid possible reprisals to individuals interviewed for this report and/or their family members, or people otherwise associated with interlocutors, all names have been censored and withheld by CHRO. Furthermore, given the particularly sensitive nature of the information and ongoing Tatmadaw offensives in the region, where necessary, the names of villages and village tracts may also be censored for security purposes.

The images published in this report have been provided by community members from Mindat. Given the graphic nature of some of the images, it has been decided not to publish these. They are available upon request.

**Background**

On 19 February 2021, communities in Mindat Township formed a local administrative body (Pyithu Ohchok Yee Aphwayh) to take responsibility for the safety, security and rule of law, communications, healthcare services, and the safety of peaceful protesters.¹ The Mindat People’s Administration announced that they would govern the township under the 1948 Chin Special Division Act after the previous administration, legislature and judiciary were annulled in the wake of the military coup.² Throughout February, March and April peaceful protests continued, with concentrations of protest movements collectivizing in Mindat Town. These protests included sit-ins outside hospitals and shopping markets, silent protests, night vigils and traditional ceremonies where chickens were killed, and locally fermented rice wines were provided in symbolic reference to the warding off of malevolent spirits.³

In the midst of violent crackdowns on peaceful protests across the country as the military began using deadly force, the Chinland Defense Force -Mindat (CDF-M) was formed on 4 April 2021 in order to protect the Chin people and Chinland in accordance with Chin customary laws and practices. On 24 April, the State Administrative Council (SAC) arrested seven people in Bogyoke Aung San Park, the main protest area in the middle of Mindat Town, for displaying a sign which read “We Support NUG” (National Unity Government). The group was beaten with rifle butts and kicked to the ground before being arrested by soldiers from the Matupi-based, LIB 140, which had been deployed into Mindat to enforce a firmer approach to the growing protest movement.
The seven people arrested were taken to Mindat Police Station where they underwent interrogations amounting to torture (see below). Mass protests increased across the town demanding the release of the seven detainees. They were incarcerated for five days, during which time, negotiations and counter-negotiations between the Mindat People’s Administration and the Tatmadaw took place. Members of the CDF-M provided an ultimatum to the SAC authorities that if the protestors were not released, they would use the necessary means to protect civilians. After failing to release the protestors, the CDF-M and Tatmadaw engaged in skirmishes between 26 April and 13 May where CDF-M ambushed trucks and engaged with the military within Mindat town. During this time a captain from the Tatmadaw was held hostage and used to negotiate the release of the detainees.

As the escalation continued, Martial Law was declared on 13 May 2021 by the SAC. In a letter signed by Aung Ling Dwe, the then Deputy Secretary-General of the SAC, these powers were granted under the declared national state of emergency, imposed under Section 419 of the 2008 constitution. In a counter-statement issued by the Mindat People’s Administration, the measure was rejected on the grounds that the 2008 constitution had no legal validity in Mindat which was now governed under the Chin Act.

During the preceding weeks, the CDF-M, in anticipation of an inevitable crackdown by junta forces, constructed makeshift barricades at main access points to the town in an attempt to fortify themselves from troop reinforcements being brought in from Matupi and Magway Region. Following the imposition of Martial Law and troops being reinforced by helicopter, the junta began a crack-down to re-take control of the town, shelling the town indiscriminately and launching an air assault to support a ground incursion. 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.

Multiple foreign embassies, acting on information from the ground, issued statements in an attempt to halt the violence. The Office of Coordination of Humanitarian Affairs (OCHA) reported that thousands of people had been displaced as the “The MAF deployed heavy artillery, military helicopters and snipers to the area, and despite the reported retreat of the CDF the following day, the MAF reportedly continued its attacks, including against civilian areas and infrastructure in the town of Mindat.” The acting Battalion Commander of LIB 274, Major Thet Naung Htoo, then cut the water supply and electricity to the entire town – acts which led to the forcible transfer of the vast majority of the town’s 25,000 population. The OCHA cluster body confirmed that while over 9,000 IDPs were being hosted in approximately 16 sites within the town, mainly churches and monasteries, thousands more had fled into the nearby forests and hilly regions for sanctuary. In the update, OCHA confirmed that:

“There are also reports of civilian casualties, damage to and occupation of civilian infrastructure, incidents of the MAF using civilians as human shields and alleged cases of sexual assault against women and girls.....The displaced population and those who remain in town are in urgent need of food, water, medicine, shelter and protection services, such as gender-based violence and psychological support. Local communities and religious institutions are making efforts to provide humanitarian assistance; however, this is not reaching everyone in need. Access restrictions, due to road blockages and insecurity, are complicating the efforts to verify the reports of displacement, casualties and other incidents, as well as assess needs and respond.”
In June, after the junta had regained control of the town, the Northwestern Command (Namakha) based in Monywa restructured the makeup of the southern Chin military operations. A new Tactical Operations Command (TOC) was placed in Mindat in order to directly counter the CDF-M and people’s movement in the township. This command was established in July and brought under the direct command of the Northwestern Command. Also, due to the heavy losses incurred in Mindat, the Tactical Commander from Matupi, Col. Thein Thu Aung who had replaced the previous Tactical Commander, Col. Nay Ling Aung immediately prior to the coup, was court-marshaled due to losses incurred during the lead up to the assault on Mindat. He was replaced with the current Tactical Commander, Col. Nay Kyaw. Under the new military command, a common form of military strategy was implemented in the region.

Four Cuts Strategy “Pya Ley Pya”

Under the Martial Law provisions and after re-establishing control over the main infrastructure of the town, the SAC implemented a measure of control of the area which could accurately be described as the four cuts strategy or “pya le pya”. Under this military strategy which continues to be enforced, restrictions on movement, telecommunications and humanitarian access were imposed on the region. In the rural areas, where the majority of the population fled, civilians were exposed to extreme violence and livelihood destruction in order to starve the support base for the insurgent group and ongoing protest movement.

Pya le pya has been utilized by successive military regimes against ethnic armed organizations in Myanmar/Burma. General Ne Win implemented the strategy in the 1970s against the Karen National Union (KNU), and the Communist Party of Burma in Shan State. The State Peace and Development Council (SPDC) under General Than Shwe continued the strategy in the 90s and 00s. More recently, the Tatmadaw cut off the Kachin Independence Army’s (KIA) food supply by implementing blockades in Kachin State during 2016/18. The military strategy was also used during the clearance operations against the Rohingya minority in Rakhine State during 2017.

Since the attempted coup d’etat in February 2021, the current adaptation of the military junta, the SAC, has continued the implementation of this mode of warfare. The strategy seeks to starve the support base of armed resistance and turn civilians against resistance groups. In implementing this strategy, local populations are treated as a central resource in conflict and exposed to extreme violence and livelihood destruction. Examples of practices associated with the implementation of this policy include firing indiscriminately into villages, destruction of...
Collective Punishment: Implementation of “Four Cuts”

food stocks and medicine, the restriction of medical aid into conflict areas and the targeting and arrest of anyone suspected of carrying food or non-food items which are believed to be in support of a resistance group. Livelihood destruction which in large part displaces communities, creating conditions whereby the need for basic necessities increases has been led largely by LID 101, connected to Magway’s Pakkoku Battalion.

Mindat Township, located in the Southern part of the state, borders Magway Region to the east and Paletwa and Matupi Townships to the west. Due to its geographical circumstances and terrain, Mindat presents a uniquely difficult situation for IDPs and the conflict-affected population. Those who fled Mindat Town during May’s crackdown have, by in large, been forced to either spread out across the township in the hill villages or into the Yaw Valley, Magway Region – where large scale and widespread human rights violations continue to occur.12

As Mindat can only be accessed via Magway by one main road which is large enough for trucks and other haulage vehicles, the SAC is able to control movement in and out of the Township and enforce arbitrary restrictions on access. Checkpoints set up by LID 101 in towns within Magway Region such as Kyuaktu, Pakkoku, Pauk and Tamma, enable the junta to implement an ongoing blockade that violates a number of international humanitarian laws and Geneva Conventions.

Restrictions on Humanitarian Access

As the conflict circumstances in Mindat Township and Chin State more widely relate to non-international armed conflict, laws of war or international humanitarian law apply – the frameworks provided by the Geneva Conventions (1949) and its protocols.13 International humanitarian law requires all parties to armed conflicts to ensure the protection of civilians.14 In situations of non-international conflict, such as in Chin State, Common Article 3 to the Geneva Conventions of 1949, Protocol II to the Geneva Conventions, and customary international law are particularly applicable.
The Junta has established additional layers of administration, whereby, aid is directed under travel authorization permits which are processed by military commanders. For Mindat Township, this is authorized by the Northern Command. Authorization for access is both lengthy in application and highly restrictive in terms of access. International organizations have been severely hampered in their ability to access the region or understand the needs of IDPs.

In May, international aid organisations attempting operations in the region stated they were waiting for defacto-authorities to approve planned emergency response for 5,000 IDPs in Mindat. Later in June, they reported food transport challenges in Chin State as a new requirement for travel authorization had been introduced with the estimated number of people in need of vital aid rising to 10,000 while approval for travel was still being sought. In August, according to OCHA, the exact locations of people newly displaced and their humanitarian needs could not be identified due to access and communications challenges and claimed that humanitarian assistance to displaced people and those “otherwise affected” remained “hindered”.

Travel permits which limit access to Mindat town only and nowhere else mean that the vast majority of the IDPs who had fled the main urban area, or the conflict-affected population in villages in the township, remained out of reach to aid operations. At the end of July, the OCHA reported that access to affected areas remained “substantially constrained”. The cluster body reported in August that travel authorization which had been granted in July did not include anywhere outside Mindat Town, which meant “significant needs still remained in rural areas”.

In July, the UNHCR attempted to distribute non-food items including tarpaulins, mosquito nets, sleeping mats, blankets, kitchen sets, solar lamps and personal protective equipment for COVID-19 prevention, among other items. Several news outlets subsequently reported that the UNHCR had been prevented from reaching as many as 30,000 IDPs living in 10 to 12 camps located in areas of the township outside of the military regime’s control, “When UNHCR representatives arrived in the small, mountain town in southern Chin State, the military informed them they could only help internally displaced persons (IDPs) who are living in the 10 camps in Mindat sanctioned by the regime, and not in camps in Mindat Township, where most of the IDPs live.” This was seen by local IDP camp coordinators as the deliberate blocking of aid to those that needed it most.
As the UNHCR was unable to distribute the quota, a large majority of the aid was left in a monastery in the town. The aid that was left in the monastery remained there as the monk in charge of the items was prevented from distributing it due to the martial law provisions. The UNHCR, which had run a similar distribution effort in November under the same zonal restrictions, the first one authorized since July, was requested to take back the items as they left the area.

As well as delays in access authorization, aid organizations reported that restrictions on communication with beneficiaries had been impeded, limiting the ability to conduct any form of needs assessments. Under martial law, the General Administrative Department (GAD) requires lists of names of recipients of aid, which are those living within “official” IDP camps located within areas under the control of the junta. This creates two bottlenecks that aid organizations requiring transparency and neutrality will continue to struggle to overcome. The vast majority of people who may have family members or otherwise connected to the protest movement are not safe to register themselves with junta authorities as this will be used for intelligence purposes. Meanwhile, the junta enforces restrictions on any aid which may arrive with individuals or groups unaccounted for.

Blocking access to humanitarian aid is a serious violation of international humanitarian law. Politicizing aid delivery to the point whereby impeding relief supplies is used as a method of warfare is considered a war crime.20 While, under international law, sovereign states typically have the prerogative to control the content and flow of humanitarian aid, acts which are designed to deliberately impede delivery are prohibited.21 Moreover, disproportionate measures that impact on the civilian population or are carried out to starve or deny civilians’ essential aid necessary for survival contravene the laws of war and can be considered war crimes.22 The right to freedom of movement for humanitarian aid workers is also protected under international humanitarian law.23 Access to displaced populations by humanitarian workers is to be protected and freedom of movement only restricted under “imperative military necessity” and imposed on a temporary basis.24

The government-imposed travel authorization process in the region, as it is implemented against humanitarian aid organizations, effectively acts as a restriction on aid and the freedom of movement of aid workers in violation of international humanitarian law. Meanwhile, the junta’s activities on the ground, which include the looting and pillaging of local food supplies, destruction of medical facilities and general attacks on livelihoods mean that IDP camp coordinators, local service providers, representatives of the People’s Administration and civilians are left to attempt to provide assistance to conflict-affected communities, navigating army checkpoints.

**Arbitrary Restrictions on confiscation, impounding of aid attempts**

“They check every package, at every entry point and every town, they open every package, and if they get some sense that it is transport related to medicine the military conducts a big operation.”

The way in which the SAC has administrated access to the township, particularly with people bringing relief items, food supplies and other necessary goods into the area is both arbitrary and represents a disproportionate obstruction of aid and humanitarian assistance. International tribunals have held that “arbitrariness” is not simply to be equated with “against the law” but is interpreted more broadly to include elements of inappropriateness injustice or lack of predictability.24 Furthermore, conduct will be regarded as arbitrary when it is unreasonable in all the circumstances or violates the principle of necessity or proportionality.25

Civilians in areas of Mindat will often have to flee combat areas at short notice which inevitably means large and random influxes of IDPs stationing themselves in villages and requiring basic necessities, “when there were newcomers due to the military’s offensives, we had to cook for them, look for, or borrow blankets from nearby villages for them and you know sometimes they only had one blanket for a family of five or even seven members.”
While camp coordinators attempt to organise aid delivery and cargo into Mindat, couriers which have been used to transport goods from places in Magway Region such as Pauk, Kyuaktu, and Pakkoku have faced arbitrary restrictions on goods, chosen specifically as to not be construed as in some way in support of the CDF-M. Items, clearly for the basic necessity of civilians living outside in the winter or monsoon seasons in Chin State have been blocked from entering the township. The unpredictability of the way checkpoints enforce what is or isn’t allowed to pass through was described by one respondent who had attempted to bring water purifiers, toothpaste and other hygiene-related products, and warm clothing - many of which were for children such as slippers, shoes and sleeping bags in October 2021:

“I was informed that the checkpoint at Thayet Taw, Pauk [Magway] stopped them [couriers] from carrying the items through. So, when I asked for the reason, I was told it was because of the sleeping bags. So, I requested the drivers to negotiate with the men [soldiers] on duty at that gate and explain that those sleeping bags are to donate to the people in the camp for internally displaced as they did not have any beds or blankets. But the Military at that gate [checkpoint] refused to let it pass. They were told [the drivers] to leave the sleeping bags and only take the other things […] We thought that as there was nothing illegal or any sharp items, like needles or syringes or anything that could harm others, that there may not be any problems in transporting them. So, we agreed to leave the sleeping bags and take the other items […] At first, you know they said they would allow us to carry the other items, but when we agreed with this, the military then changed their mind again. What they did was they took all the items […] they took it all from us.”

Multiple camp coordinators interviewed described arbitrary restrictions on food items they attempted to transport into the township. In many circumstances food packages would be confiscated at military checkpoints:

“The Military has restricted us not to be able to transport any medicine along various routes and gates [military checkpoints]. Also, regarding the transport of food, even if we bring fast-food items in the car, such as “Yum Yum” instant noodles, they open the packages for inspection and sometimes they destroy it. Also the same with transportation of rice […] With all these restrictions it is like the old days”

Respondents from a number of IDP camps described how medical aid had been intercepted and confiscated on the way into Mindat, “once 8,000,000 kyats (approx. 4000 USD) worth of medicine was cut off on the way to our village when the transportation was blocked. We never received it.” In another village tract, an IDP camp administrator informed CHRO that 3,700,000 kyats (approx. 2000 USD) worth of medicine had been destroyed. Local service providers and camp coordinators interviewed raised specific concerns related to transporting medical aid into Mindat as posing the most danger to personal safety as there is a blanket restriction on such items:

“In Kyuaktu [Magway Region] the people are afraid to buy medicine as it is too dangerous. The military checks the bus station, they check every package, at every entry point and every town, they open every package, and if they get some sense that it is transport related to medicine the military conduct a big operation to check every bus station.”

Arbitrary Arrest, Detention

Due to the destruction and theft of medical property and equipment, the need to supply this form of aid is particularly vital. As medical equipment in IDP camps dwindles, ongoing efforts to supply drugs and equipment through military checkpoints become a risk to liberty.

On 2 October, a cargo containing medical equipment which included anesthetic and X-ray machines was intercepted by the LID 101 in Pakkoku, Magway Region. The hired courier’s house was raided, where the machines were
found:

“I cannot think how the Military was able to find it out, they had the information of the courier and then they too were also arrested. Not only were the machines taken, but also the courier, his wife, his children, as well as his sister and her daughters - the entire family was arrested. They searched their houses and took all machines; an X-ray machine, an anaesthetic machine and every medical item and medicine they found there.”

Similarly, in July, equipment that had been shipped from Mandalay was intercepted in Pakkoku town. A doctor from Mandalay was subsequently arrested and tortured. During the interrogation, information as to the location of other medical equipment bound for Chin State was sought in order to be impounded.

Volunteer medical staff, attempting to reach Mindat for support have also been tracked down and arrested. On 13 November, the SAC arrested two female doctors en route to Mindat to support the IDP camps in the region. Having travelled from Mandalay, they had made contact with three local men who were to assist in their transportation to Mindat. The two doctors left Mandalay on 12 November and stayed one night in Pakkoku town.

On their way through Kamma town where they were to rendezvous with the men for passage to Chin State, they were intercepted by LID 101. The house where they met the men was raided on the morning of the 13 November, the men were beaten for information. An interlocutor described to CHRO what took place:

“I do not know how the Military found out about it [the journey plan], a group of soldiers, a Tet Sait [a group of eight to thirteen soldiers] got there and arrested all of them. We received no news about them until three days ago [around Dec 15, 2021]. We heard that all five of them were arrested. They beat and slapped the men who asked them repeatedly ‘where are the medicines you will send to -- -- --’. The Military is way too extreme. How can I say, it would be acceptable if they arrested someone and asked for the weapons they keep. But in our case, they arrested them and repeatedly asked ‘where are the medicines you keep, where are the medicines you will send to -- -- --!’ and they continued to beat him. It is way too much that the Military beat him up, black and blue over medicine - ‘where do you keep them? Tell me, where they are!’”

After the arrests took place, it is reported the five were taken to Pakkoku police station, before being transferred to the Northwestern command in Monywa. Respondents informed CHRO that none have as of yet been released with only second-hand information related to charges brought against one of the party being available:

“Until now, none of them have been released. I heard they were sent back to Pakokku. When we tried to get their information, there was no news about the two doctors, but regarding the man who helped us to transport the medicine, he was charged with Section 50 of the Counter-Terrorism Act which is suppoting funds for any organization that the State regards a terrorist group. As far as I know, under this act, someone can be given between 20 years to a life sentence. But you know, he was only carrying medicine and medical supplies which is to save people's lives and he was charged under a counter-terrorism provision.”
Targeting of Non-Military Objects

Mindat Township residents reported that Myanmar junta forces had engaged in the loot and pillage of civilian villages and IDP camps, targeted non-military infrastructure such as hospitals and churches and carried out arson attacks. Intentionally directing attacks against hospitals and places where the sick and wounded are collected is prohibited under international humanitarian law. Any such intentional attacks are war crimes. Such a prohibition in non-international armed conflicts is implicit in Common Article 3 of the Geneva Conventions, which requires that the wounded and sick be collected and cared for. It is also an established rule of customary international law applicable in both international and non-international armed conflict.

Furthermore, 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.

Two clinics situated in Mindat Town were attacked during the May conflict between CDF-M and Tatmadaw where the SAC launched an offensive to regain control of the town. During what was termed frequently by respondents as the “golf club battle,” an area to the east of the town close to the LIB 274, the Tatmadaw attacked hospitals and local clinics. As one respondent described to CHRO, during this period doctors had established areas where they could administer first aid to people, “each place had enough CDM health caregivers. So, we could work well during the “Golf Club” battle. But soon, there were snipers everywhere, on the higher ground [...] one of our medical support team was shot by a sniper on his thigh as we were on the way to deliver supplies. But we were relieved as the bullet only grazed the surface of the skin and there was no internal bleeding, and so he got himself back to the team.”

Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack but shall at all times be respected and protected by the Parties to the conflict.

Article 18 Geneva Convention IV

One respondent described how, during the weekend of 15 May as fighting reached its intensity, troops fired at the Mindat General Hospital and began entering the premises, as doctors and nurses fled:

“Throughout that period, we were able to continue to provide medical treatment to 38 patients [...] Numerous bullets, you know, tiny bullets from machine guns which are the size of fingernails were flying at the hospital. So, we had to vacate the patients right away and escape to the forest. It was a very remarkable event throughout the Military offensive.”

In the aftermath of the fighting, seven doctors from Mindat General Hospital subsequently had arrest warrants issued by the junta. During this period, doctors and nurses salvaged what they could from their respective hospitals or clinics before fleeing, “we did take some medication. We took AD syringes [auto-disable] for vaccinations, EPI [essential program on immunization] vaccines, BCG [tuberculosis] birth doses, Hepatitis-B birth doses, oral polio vaccines, pentavalent vaccines [5-in-1 diphtheria, pertussis, tetanus, hepatitis-b and Hib]. In that situation, we had to take those syringes and vaccines because the infants need them.”

According to respondents, equipment and medication that was not salvaged as premises were evacuated during May, was either destroyed or taken away by junta forces. On a return to one clinic, doctors estimated that tens of thousands of dollars worth of equipment such as “oxygen concentrators, oxygen cylinders, suction machines and
In the rural areas, junta forces have also targeted medical infrastructure. On 20 December the hospital in Vom Thu, a village outside of Mindat town was bombed by the Tatmadaw. Respondents told CHRO that soldiers from the LID 55 shelled the hospital 6 times from a Pagoda overlooking the village:

“The hospital X-ray room was the most affected part [of the hospital]. Heavy artillery almost destroyed the entire roof [....] the area where the artillery fell on the roof [blast radius] was about 9 inches wide. Two-thirds of the fiber ceiling of the hospital building was damaged. More than 50 windowpanes were damaged. The hospital was hit by two heavy weapons and then four medium-heavy weapons, a total of six. The hospital’s operating room and the generators in the hospital ward were badly damaged. The outpatient ward was also hit by a heavy weapon and was badly damaged. Heavy artillery shells hit the hospital staff quarters, destroying all the buildings.”
Respondents suggested that the military targeted the hospital because CDM doctors and nurses who came to the Vom Thu Hospital had previously undertaken voluntary treatment and maintained its operations. The bombing of Vom Thu hospital in December followed the theft of equipment within the hospital which took place in September, where soldiers camped inside the facility.

Between 30 August and 1 September soldiers from LIB 274 camped in a church compound for two days and desecrated church materials in Chat village. The priest was told to leave the church and while stationed there, soldiers destroyed religious property and drank alcohol within the church which they had demanded a local resident to deliver. According to respondents, the military opened the tabernacle and threw consecrated hosts on the floor. Other locked cabinets were also broken into and searched.

Livelihood Destruction/Looting

“And you know, we hid the rice in trenches we dug because we heard that the Military usually demolish all our property. We had to dig burrows and hide the rice in it - are they not also humankind?”

Between June and November, the junta continued undertaking clearance operations in rural villages around Mindat town. During these periods, IDPs and community members were forced to flee villages for safety at short notice. Multiple villages in Mindat Township have been looted. Pillaging is prohibited by international humanitarian law and is a war crime. The vast majority of these crimes relate to the actions of LID 101 and LID 55, having arrived in the region in June.

One respondent informed CHRO that an IDP camp he helped to administer had been attacked three times since June. Before advances by Tatmadaw battalions took place, camp management committee members attempted to salvage as many items as possible as camps were evacuated:

“They [Tatmadaw] took offensives and we have had to flee our site three times. When we escape from the battle, every time we had to try our best not to get any of our food stolen or destroyed by the military [Tatmadaw] and to move them [IDPs] safely with us as well. We tried our best to move it [rice] out quickly. However, we didn’t have enough cars for all the rice bags we stored here [...]. So, they demoliished those
Collective Punishment: Implementation of “Four Cuts”

Community members from Mindat reported widespread destruction of food and other basic necessities in villages that the Tatmadaw passed through. Not limited to attacks on food stocks, livelihoods such as animal husbandry and locally managed forms of cultivation were also reported as being destroyed. In --- --- --- village, respondents reported that not only had Tatmadaw mixed petrol left behind in the village with reserves of rice and cooking oil, but also left human excrement in the middle of houses. Such attacks on property and livelihoods included the killing of pigs, chickens and Mythuns [gayal] and the spoiling of elephant foot yam plantations or seeds:

“They marched to the village and destroyed houses. They invaded the villagers’ houses while they were escaping, they made use of the villagers’ household properties. They slaughtered pigs that the villagers breed. They also demolished the fields of elephant foot yam as they cut off the grass with knives in --- --- village”

One respondent who had fled his home village in August as the Tatmadaw approached described the looting that had taken place on his return:

“When they got here [the village], they had destroyed the solar panels, batteries, DVD machines, a laptop was taken, 2 grown Mythuns [gayals] and one baby mythun, a pig and five chickens were lost. And the money I had saved to study abroad, 6,000 USD was stolen. All the kitchenware and blankets in the house were gone. And some houses were demolished. Traditional property such as bows, Ha Hten [Chin traditional earrings] were stolen [...] Bibles and communion pieces from the church were destroyed. Also, some of the village shopkeepers lost their money from their shops, their golden earrings and necklaces were stolen as well. [...] Besides, the Military also poured petrol into our paddy and rice barns and destroyed them, they also stabbed holes into our rice bags.”

Another family from the same village told CHRO that their valuables had been stolen, “They took our money to buy food as well as our children’s money kept in their money bank toy for savings. They took almost everything in the house. The money saved by two children was over 30,000 kyats (approx. 16 USD) and my money to buy food was over 1 lakh [Approx. 56 USD], I guess, it was almost 2 lakhs [112.00 USD].”

As with other areas in Chin State, arson has been widespread in Mindat and is part of the policy of livelihood destruction. A respondent from --- --- village described the losses incurred from the burning of their home:

“As it is the whole house burnt down, it was a great misfortune. In our house, there were DVD players, elephant foot yam seeds that I bought, motorbike accessories as I planned to run my home shop again, clothing and shoes for seven family members as we did not bring anything with us when we fled the house, all our kitchenware was demolished in the fire [...]. The value of the whole premises plus raw materials I bought such as wood for the renovation of our house, you know, there were almost 2 tons of wood; therefore, the total value, including everything I bought to stock up my shop, could be around 83 lakhs [Approx. 4,000 USD]
Impacts of Aid and Access Restrictions

“If the Military did not threaten our lives, if we were not scared of them, if they let us travel freely, I believe that I would be able to take care of my husband properly, he would get a complete treatment or suitable medication and proper nutrition.”

While approximately 3000 people have returned to Mindat Town, over 5000 IDPs remain in various IDP sites located in village tracts surrounding the town (see map). These areas shift due to fluidity of the on-the-ground circumstances related to Tatmadaw troop movements and often coming under attack (See Above). A lack of medical supplies in the region compounds the situation for the rural community, conflict-affected and internally displaced.
As traditional modes of delivery, usually via rented vans or lorries operating from Magway, have faced access difficulties and the possibility of arrest at the military checkpoints, inflation on products and transportation has taken place, as another IDP camp representative told CHRO, “interfering with trade routes has an impact on us. When the Military arrest or restrict the traders; our rations, food, or any other supplies become short as the price goes up a lot. Transportation charges rise as they frequently block the route and investigate. So, we cannot provide a sufficient supply to the IDPs.” Due to risks associated with delivery, respondents suggested that couriers were unwilling to navigate through multiple military checkpoints in order to reach the township. Currently, the rate of inflation has seen large sacks of rice, which contain 26 pyi (50 kg) increase from approx. 25,000 MMK to 38,500 MMK, a 22% increase in cost before haulage:

“They block every possible way/route, so we can’t get through. Plus, anyone who is transporting the food or medicine, they stop their cars, they arrest them, they carry out inspections and if they are suspicious, they detain everything [...] due to frequent inspections and arrests, even some drivers refuse to deliver rice bags [...] Even if we could buy goods, it will be too hard to get them delivered to us.”

According to branches of the People’s Administration, there have been between 40-50 civilians who have died due to a lack of access to adequate medical facilities or treatments; the reasons stated were general sickness, fever, stomach illnesses and other unknown ailments. On 12 June 2021, an 8-day-old baby passed away as community members had to flee from --- --- village, north of Mindat town. As the LID 101 advanced, the community fled, taking temporary shelter at a location away from the village:

“The doctor at the camp gave her some medicine to reduce the fever. Her navel was also bleeding. So, the doctor gave her an injection, cleansed her navel and applied some medicine to it. Although the doctor took great care, because of her high fever and lots of bleeding, she passed away.”
On 22 August 2021, 9-month-old -- --- died after a two-week illness. During this time various attempts were made ways to seek medical attention while fleeing from Tatmadaw advances and navigating Tatmadaw blockades:

“My entire family felt distressed at the news that my child was ill. The next day, as the battle began in the lower part of ---- village, we brought some necessary items such as mats and blankets etc. and we moved to the edge of the village to hide. However, as the noise of the artillery weapons, explosions and machine guns sounds were getting louder, we escaped to the IDP camp in-- -- -- village tract. After one or two days, the battle became less intense, and the sound of the guns stopped. So, we went back to our village. Since then, my child had had a very high fever and even had a seizure. As I was aware of her extreme fever and serious conditions, I got myself ready to get her hospitalized.”

The village that -- -- -- decided to attempt to travel to where more doctors were stationed was situated beyond a Tatmadaw roadblock. By this point, her child could not hold her head up straight and was losing consciousness. On arrival to the village doctors suggested that in order to help the child's condition, which in their prognosis was a case of pneumonia “conditions such as the damage of tiny blood vessels in the brain, the inflammation of the tissues on the lungs,” specialist attention was needed at a fully supplied pediatric hospital, located in Mandalay:

“I had to make so much effort just to get a motorbike. Plus, I felt really worried as the SAC had blocked some part of the route on my way to -- -- --. My child's fever was also getting higher all the time. So, having all these risks, I brought her to -- -- --. When we got there, we saw the doctors. But as you know, the doctors did not have sufficient medication as the SAC restricted them from getting medical supplies. And if I wanted to go out and buy [medication], they [Tatmadaw] had blocked parts of the route. I was really concerned about my child. If there were no Military and if we could travel freely, he [the doctor] suggested I take her to the pediatric hospital in Mandalay. However, we could not go to Mandalay. Therefore, he comforted me saying that he would try his best to give proper medication and treatment as much as he could and he let me stay in -- -- --. He gave the best care and treatment not only to my child but also to me through days and nights even though there were medicinal shortages.”

On 22 August 2021 after a two-week illness the girl passed away:

“I had my eyes on her almost all the time. She frequently blinked her eyes fast, then she took a long deep breath and breathed out very slowly, after one or two seconds, she blinked her eyes fast repeatedly and then took quick deep breaths. Then, she went very calm and quiet. So, I informed the doctors and nurses. Although they ran and rushed to treat her and provided oxygen, she gave no response at all. Then, I realized that she passed away.”

On 15 June 2021, -- -- -- eventually succumbed to an undiagnosed illness after a two-month period of fleeing Tatmadaw advances in the village tracts north of Mindat Town. The 59-year-old man had fled from ---- -- -- village along with his family in late April and had spent two months sheltering in various villages in the region, gradually becoming weaker, suffering from sickness and diarrhea. A family member of the man who attempted to seek treatment for the deceased described the various attempts to acquire medical treatment:

“The Military took over Mindat and imposed martial law. So, for the people like us who are escaping the battle, we were not able to travel to Mindat and buy any medicine [...]. My niece and nephew tried calling different clinics and hospitals to see if they could find anywhere they could get any treatment or medical support. We also called ---- -- -- village to check if the doctor might have been able to come and check him. As there were doctors in -- -- -- we tried to contact them as well. But as you know, they were also moving from place to place to escape the battle [...] they could not come due to certain travel distances and as you know, they also had to avoid the Military advances. Even if we had brought him there, no one knew if he would die on the way. So, all we could do was comfort ourselves by hoping he might make it through. We also tried traditional medicine. So, we made a glass of honey juice for him to drink expecting this might
help to extend his life until we found a doctor.”

As well as the arbitrary restrictions on aid distribution and access in and out of the region, daily life in Mindat town is monitored closely, “Currently local shops are required to show lists of products and exchanges that have taken place. Shops are required to report everything they have purchased for resale and what they have sold to the battalion commander. If a shop has sold more than one bag of rice to one household per month, for example, that shop is closed down and the owners risk arrest/detention”.

Although electricity has been partially restored in the town, it is irregular. The water utility that was cut off in the town in May has not yet been reinstalled. This means civilians living in Mindat must travel to a spring located close to LIB 274 in the eastern part of the town to fill up jugs to take home. Interlocutors told CHRO that in the morning and evening, army vehicles drive through the town, selling gallon jugs of water at the cost of 5000 MMK (approx. 3 dollars) each. Soldiers from LIB 274 also maintain a large presence within the town not only at the main access points, but regularly inspect civilian homes, questioning the occupants, “they check information on where the rice has been sold to, how much has been used, how many family members are in each house, they ask where the neighbors might be, cousins and other family members – they go house to house.”

Due to the large Tatmadaw presence in Mindat town, the majority of IDPs, many of whom may be wanted for protest engagement, being part of aid programs or CDM teachers and doctors are not safe to return:

“No, we cannot [go back] right now. If we went back now, some people who joined CDM [would not be safe]. Even if we go back just to check the conditions of our houses or property, the Military will arrest us just by accusing us of looking suspicious. Then, if you are placed behind the bars [prison] there is less chance someone will be released if they have found photos or evidence of you participating in this revolution. So, we cannot go back to Mindat and, we mark it as a “Red Zone” which means it is too dangerous for us. If there is anyone from the camp who would like to go back, we would have to arrange a meeting and discuss it first. But for now, we cannot go back.”

Ongoing internet blackouts and poor telecommunications in the region also compound the situation in the rural areas and continues to impede the ability of local IDP camp coordinators to undertake needs assessments:

“In addition, the internet is banned and so we have to communicate via phone. But, as you know, most of the villages in Chin state do not have proper telecommunication systems. So, when we take a field trip to collect the data on the ground, we find it really hard to get in touch with them again to do followups, such as if the IDP numbers are increasing or decreasing, if they still have enough rations etc. For villages like that, we always need to go on a field trip to collect information and if they would like to let us know anything, they need to travel to us. There are also some villages where there are no roads or maybe they were destroyed due to the rain and landslides. So, how can we deliver food supplies to those villages? Even if we deliver by motorbike, we could not carry a large amount of supply in one time by the bike. Therefore, we have to go back and forth several times. Yes, we have been facing lots of difficulties.”

Torture and other forms of Ill-Treatment

“At the police station, Sa Ya Pha handcuffed me, slapped me on the jawline, choked me around my neck, and used objects such as books and rulers and beat me maybe 30 times.”

Since May, the Tatmadaw has used torture and other forms of ill-treatment in Mindat to gather intelligence on protest leaders, CDM membership, the location of CDF-M camps and other people who the Tatmadaw are attempting to locate such as members of the People’s Administration.
On 24 April 2021, seven people (five females and two males) were arrested in Bogyoke Park for displaying a signboard that read “We support NUG”. They were arrested by members of LIB 140 which were stationed in Mindat at the time, “I was hit by rifle butts twice and kicked on my face with military combat boots. We were sent to the police station by police cars. They did not do much questioning with me on that day.” The five protestors were taken to Mindat Police Station where they were kept overnight. The next morning, the group underwent interrogation, allegedly by a member of the Office of Chief of Military Security Affairs (OCMSA) military intelligence or “Sa Ya Pha” in local terminology:

“They asked me if I knew the leaders of the Spring Revolution in Mindat, the organizers or leaders of strikes, their names and contacts etc. I said ‘I don’t know’ then, they insisted I must know and forced me to confess. They also beat me, accusing me, saying ‘are you part of the leadership of the strikes?’ They asked me what they wanted to know and when I did not have any answers, they made their assumptions and then tortured me.”

During interrogation, -- -- was punched and kicked, slapped with rulers across the face, and beaten with other objects, such as books that were close to hand in the room where the incident took place. The group was incarcerated for five days. During the five days, the group was denied access to medical treatment for wounds and injuries resulting from torture. Family members of the group had been delivering creams and ointments to the police station. It is also claimed that food items delivered by family members to the police station were not supplied to the seven people and they were provided minimal food provisions while in custody. 1 liter of water which was delivered to the police station by a family member was passed over to the group, this was the only fluids the group was allowed for the duration of the incarceration. After being made to sign papers which amounted to a confession that the act of protest was inappropriate and that there would be no more such activity, members of the group were released due to negotiations taking place (described above). One respondent informed CHRO that long-term effects from the trauma incurred from the ordeal included severe anxiety and poor vision.

In June, three men from Mindat were arrested as they attempted to gain entry to Mindat town. The three men, two aged 29 and the other aged 27 were arrested at a military checkpoint as they came back from Kyauktu, Magway Region with supplies from the market. As they were transporting food and non-food items, clearly visible as cargo strapped to their motorbikes, they were stopped and searched on the outskirts of the town by soldiers from LIB 274. After a search took place, which included an inspection of the content of each of the men’s phones and all provisions strapped to their motorbikes - including snacks such as coffee and biscuits, torchlights and raincoats - the three men were arrested.

According to one respondent, their hands were tied behind their backs using the bungee/elastic ties that they had been using to secure the stated items to their bikes, bags were placed over their heads, and they were loaded onto a military truck to be transported. It is alleged that they were taken to LIB 274 where they remained for the duration of the incarceration. On reaching the barracks, the boys were placed in separate cells for three days.

During interrogations, the boys were told to kneel and were then kicked and beaten around the head and neck by soldiers from the battalion. They were also beaten in the face with blunt instruments, such as metal rods. One res-
Torture and other forms of ill-treatment has also taken place as punishment when civilians are caught in clearance areas in the wake of fighting with the CDF-M. On 13 June, two civilians, a man and an elderly lady who both suffered from mental illness were found with severe injuries after they were left behind in --- --- village. Fighting had been taking place close to the village for approximately three days. Due to mental health issues, the two victims had refused pleas from family members to leave and were left alone as others fled in fear of the approaching battalion.

On return to the village, after two days, community members found the two civilians injured. The village had also been looted. 35-year-old, --- ----- was found with lacerations to his leg and signs of trauma to the face and hands “Yes, I saw all his bruises, cuts and wounds on his body with my eyes. All these bruises and cuts are the evidence we can see after their [Tatmadaw’s] maltreatment [……] There were three knife thrusts in his calf. He had bruises on his forehead, and he was bleeding from his ears.” Meanwhile, 65-year-old, --- --- was found outside the family’s house, unconscious. The lady had been shot in the leg, it is alleged she was shot as she attempted to stop soldiers from stealing her solar panels from the top of the house.

In August, a partially sighted 70-year-old woman who was searching for her son who had gone missing (see below) was forced to “pay homage” by a battalion camped in her home village. The lady was forced onto her knees and was told to remain in the position for an extended period.

**Shoot on Sight**

Tatmadaw battalions patrolling close to villages operate a shoot on sight policy. On 24 August 2021, the entire population of --- --- village began evacuating as they were warned of an approaching Tatmadaw patrol. One family, consisting of a mother and her son gathered as many belongings as they could as they fled the village. 29-year-old --- --- who suffers from a hearing impediment was carrying a jackfruit as he took a wrong turn and fell behind the fleeing civilians. As he came round a corner he came face to face with a Tatmadaw battalion who opened fire. His hand was struck twice by bullets as he fled,

“I kept running away till I reached further into the forest, the blood was dripping from the gunshot wound. And you know, the Military kept chasing after me, tracing the blood drops from my wound.”

As the soldiers continued to chase him, the man decided to hide he was beginning to feel weaker from blood loss. He hid under a rocky part of a slope in the forest and eventually passed out. He was not caught. Once the soldiers had moved on, community members from a nearby village found him and he was taken for medical treatment. Basic first aid was provided to the man and he was put on an IV drip to replenish his fluids. He remained there overnight until moved to --- --- village where there was a larger presence of CDM doctors who were able to treat him. His hand was torn from the bullet wound and could not be saved, local doctors decided amputation was required. According to the respondent, he still suffers from extreme pain in the rest of his arm, especially in cold weather, as well as ongoing fevers. ---- --- also suffers from post-traumatic stress disorder, rarely able to sleep due to nightmares since the ordeal.
Collective Punishment: Implementation of “Four Cuts”

Human Shields

“The bullets were flying over our heads. In this situation, we were bending ourselves down, lowering our heads a bit so not to get shot and then the Military moved forward, so we moved behind a bit.”

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. Twelve civilians were taken from their homes and used as human shields as the Tatmadaw approached makeshift barricades set up to block the roads (see above). One respondent who was part of a group of five people hiding in one house as the Tatmadaw entered the town described the circumstances:

“Numerous bullets were flying at the houses. The artillery fell onto the house next to us three times. All the roof was ripped off and we could even see the floor and the wall broken into pieces. We could not run away or do anything apart from hide. Then they arrived at our house where we were hiding. We kept the door locked and so they threatened to break the door in with the artillery.... they said, ‘we will shoot you all dead!’ kicking the door with their feet and smashing the windows. They continued shouting, ‘we will shoot with the RPG [rocket propelled grenade] if you do not open the door now!’ So, we got very frightened as there was only one male and the rest of us were ladies hiding in this house, we dare not answer the door and so we had to ask him to open the door. Once the door was opened, they pointed at us with the rifles.”

The five civilians who hiding, one an 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. People hiding in another three houses close by were also dragged from their homes and beaten:

“The Military [Tatmadaw] beat and tortured us, they beat us with their rifles, kicked us with their military combat boots. Then, they gathered everyone they arrested together and took us. The ladies were in the front, followed by the males; they took us as hostages. Then, right in front of us, a bomb exploded and we all ran back. So, the Military [Tatmadaw] put the women together in a house nearby and they took three males as their human shield/hostages to the battle front. While the people from the defence team were shooting at them, the Military forced us, pointing at us with guns to stay in front of them and to remove the barriers and fence. We could not run away and if we ran back, we would get shot as they were pointing the guns at us. So, we had to remove all the barriers and fences.”

Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations constitutes a war crime in international armed conflicts

ICC Statute, Article 8(2)(b) Rule 97 ICRC

While the men and women were being used to dislodge the fence materials using pliers, RPGs and guns were being fired toward CDF-M positions within the town. Another interlocutor who was arrested at a different location described what took place:

“When I was arrested, the Military firstly torturted and beat my husband very badly. I was begging them not to beat him. Then, they also kicked and punched me above my jawline. It really hurts even now. I could not even walk well due to the pain. I was frightened to death and dared not look at them as well. I could not even find any words to say to them at that time. I was very scared. When we were taken to the battle
Collective Punishment: Implementation of “Four Cuts”

front as human shields, the Military put us in order, in a line. My sister-in-law was at the front, followed by me and the other ladies behind me, followed by the males. The soldiers were at the back, behind the arrested men. So, it is very obvious that the Military was using us as shields and we had to give them cover if the other side [CDF-M] shot at them.”

Human Shields in this instance constitutes the seizure and use of persons protected under the Geneva Convention in an attempt to prevent reprisal from the CDF-M as the Tatmadaw entered Mindat. Such acts are clearly established as war crimes under international humanitarian law. This is also reflected in the Statute of the International Criminal Court (ICC), which includes the use of a civilian or other protected person as a shield for military operations in its definition of war crimes.30

Willful Killing – Murder

On 27 December, an unarmed member of the Mindat People’s Administration was tortured and then executed by soldiers from LID 55. --- --- was asked by soldiers to hand over his phone and searched as soldiers from LID 55 entered --- --- village. After an inspection of his phone took place, the man’s hands were tied behind his back and he was made to kneel next to the local church. According to eyewitnesses, he was then kicked repeatedly about the head and body:

“The motive for his arrest is unknown. Only after looking at his phone, they tied him up and took him away. During the interrogation, I could see him, he had his hands cuffed at the back and he was badly kicked. About half an hour later, --- --- was taken away from the scene. I told the young people to stay behind the curtain and the elderly to sit in the living room. About half an hour later, the soldiers returned and started firing at the village.”

Geneva Conventions prohibit at any time and in any place whatsoever “violence to life and person, in particular murder of all kinds” 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”

Common Article 3 Geneva Convention

After -- --- was beaten he was arrested and taken away and was never seen alive again. A community member was told to pick up the charred remains of the man. It is unclear whether he was burned alive or set on fire after he was killed but witnesses informed CHRO that they heard abrupt sharp screams coming from a distance. The willful killing of a member of the Mindat People’s Administration constitutes a war crime as codified in the Rome Statute and is a grave breach of the Geneva Conventions. The Geneva Conventions and additional protocols employ the term “willful killing” in the context of an international armed conflict and “murder” in the context of an internal armed conflict.31
Protection Concerns

Unexploded Ordnance

“When I got there, the blood on and around his body was not dry yet. I arrived there only ten minutes after the explosion.”

In late June, 13-year-old -- -- -- was killed as he was helping on a shifting cultivation farm, close to Shet Village when he picked up a shell which had not detonated. The bomb exploded in his hands as he held it and he died instantly. The family of the 13-year-old had already spent two days away from Shet due to fighting in the area, returning only after it was safe to do so, “After two weeks, we went to the Taung Yar [shifting cultivation plot] as people said the Military [Tatmadaw] was not there anymore [...] I went to Taung Yar first. On the second time, I brought my son to the Taung Yar. As there were no Military, we thought the situation was calm and all was under control.”

According to eyewitnesses who saw what took place before the child’s mother arrived, the boy had been throwing the shell up and down, unaware of the danger it posed when it detonated in his hand:

“He lost his left hand, his face and right foot were badly injured, numerous pieces of shrapnel were stuck in his chest from the explosion [...] it must be the artillery shot by the 274 battalion from the other side [M mindat Town] and it remained there undetonated until then. My son found it and he did not know it was a weapon. So, he tried to pick it up. The other two kids were also playing with it by throwing it up. They threw it up and put it on the ground. It did not explode. It exploded when he tried to pick it up to throw it again a second time and there he died.”

On 29 Nov, 30-year-old -- -- -- and his son drove over a landmine at the 16 Miles junction between Mindat and Matupi. A respondent who first came across the injured man and son described what he saw:

“We went and checked, assuming that it might probably be a landmine explosion rather than an accident. Then, we found a child and his father on the ground [...] As we could not lift the man up, we just lifted the child, and we were so shocked that we could not even think of what to do. We just held the child and we could not tie the wounds up with anything, so we were just holding [the wounds] with our hands. Then, we contacted the medical team. We were just waiting for the medical support team and at that time the man’s condition did not seem too bad as he could still shout with pain and was cursing. Then, the medical team arrived and bandaged the wounds.”

The man died on the way to receive treatment at a CDM medical facility, his child survived the injuries. In December, a 49-year-old woman died instantly after stepping on a landmine planted outside her house while returning from her farm in Mindat town with her four-year-old daughter and sister, both of whom were also injured by the blast. The girl was taken to Pakokku hospital in Magway Region after losing her leg and suffering a head injury. It is alleged the landmine was planted in front of the woman’s house as she was a senior member of Chin National League for Democracy (CNLD).

Tatmadaw’s responsibilities under the International Humanitarian Law

The authors of the report would like to remind the military junta that they are bound by the laws of war and International Humanitarian Law. These are summarized as follows:
1. Persons hors de combat and those who do not take a direct part in hostilities are entitled to respect for their lives and their moral and physical integrity. They shall in all circumstances be protected and treated humanely without any adverse distinction.

2. It is forbidden to kill or injure an enemy who surrenders or who is hors de combat.

3. The wounded and sick shall be collected and cared for by the party to the conflict which has them in its power. Protection also covers medical personnel, establishments, transport and equipment.

4. Captured combatants and civilians under the authority of an adverse party are entitled to respect for their lives, dignity, personal rights and convictions. They shall be protected against all acts of violence and reprisals. They shall have the right to correspond with their families and to receive relief.

5. Everyone shall be entitled to benefit from fundamental judicial guarantees. No one shall be held responsible for an act he has not committed. No one shall be subjected to physical or mental torture, corporal punishment or cruel or degrading treatment.

6. Parties to a conflict and members of their armed forces do not have an unlimited choice of methods and means of warfare. It is prohibited to employ weapons or methods of warfare of a nature to cause unnecessary losses or excessive suffering.

7. Parties to a conflict shall at all times distinguish between the civilian population and combatants in order to spare civilian population and property. Neither the civilian population as such nor civilian persons shall be the object of attack. Attacks shall be directed solely against military objectives.
Further Demands to the Myanmar Military Junta:

- Cease attacks on civilian population, prevent violations of international human rights and humanitarian law, and ensure protection of civilians.
- Cease the practice of destroying medical facilities and medical equipment and attacks and/or occupation of other non-military targets such as IDP camps and religious infrastructure.
- Lift the martial provisions in Mindat, re-establish all basic utilities in the town, including the fresh running water supply and blocks on telecommunications.
- Rescind arrest warrants issued toward doctors, nurses or any other humanitarian-based workers in the region.
- Allow free movement of people and cease arbitrary arrest and detention of civilians carrying basic necessities into the region.
- Allow the United Nations, national and international humanitarian aid organizations, safe, sustained, and unfettered access to all areas with internally displaced populations in Mindat Township and remove travel authorization provisions limiting full access to areas most in need.
- Allow access to organizations in order for mine awareness activities.


3 See, Supra note 1


Collective Punishment: Implementation of “Four Cuts”

7 Supra note 5


13 International humanitarian law is largely defined by the Geneva Conventions. Though Myanmar is not a party to Protocol II, the Geneva Conventions are considered part of customary international law and thus binding on all states. Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), adopted August 12, 1949, 75 U.N.T.S. 287, entered into force October 21, 1950, ratified by Myanmar August 25, 1992, Art. 3 [Common Article 3]. Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1125 U.N.T.S. 609, entered into force December 7, 1978, not signed by Myanmar. To be considered a “non-international armed conflict,” the armed groups involved in the conflict must show a minimum degree of organization and the armed confrontations must reach a minimum level of intensity. While there are a number of indicators to determine if these elements are met, it is likely that the conflicts in Chin State would qualify as a “non-international armed conflict”.

14 The Geneva Conventions (1949) and its protocols provide the framework for international humanitarian law.214 In situations of non-international conflict, such as in Chin State, Common Article 3 to the Geneva Conventions of 1949, Protocol II to the Geneva Conventions, and customary international law are particularly applicable.


16 Ibid


20 Consent in the context of relief operations is intrinsically linked to state sovereignty. As noted by the International Committee of the Red Cross, “consent is to be sought from the State on the territory of which the non-international armed conflict
takes place, and this also with regard to relief activities which are to be undertaken in areas over which the State in question
has lost control to the opposing party.” See, ICRC, Customary International Law, Rule 55, p. 198

21 See ICRC, Customary International Law Practice Relating to Rule 55. Access for Humanitarian Relief to Civilians in Need
Section B. Impediment of humanitarian relief.


23 Ibid.


25 See, for example, Taright v. Algeria, previous note and A v. Australia, previous note. See also Joseph and Castan, supra, 168, para 8.04, noting that the case law of UN Human Rights Committee “confirms that ‘arbitrary’ is a broader concept than ‘unlawful’ … The prohibition on the ‘arbitrary’ deprivation of life signifies that life must not be taken in unreasonable or disproportionate circumstances.”

26 See ICRC, Customary International Law rule 28.

27 In terms of non-international armed conflict: Protocol Additional to the Geneva Conventions of 12 August 1949, relating
to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, article 11(1) and Statute of the
International Criminal Court, article 8(2)(e)(ii) and (iv). The protection is also laid out in the military manuals of many states
applicable in non-international armed conflict including those of the Russian Federation and the United States. See also ICRC,
Customary International Humanitarian Law: Volume 1: Rules, rule 28

28 See ICRC, Customary International Law Article 51(5) (b) of the 1977 Additional Protocol I

29 See ICRC, Customary International Law Rules 52 and 156; Rome Statute of the ICC, Article 8 (2) (e) (v)

30 See ICRC, Customary International Law Rule 97 customary IHL study) and Rome Statute Art. 8.2.b.xxiii of ICC Statute

31 See ICRC, Customary International Law Rule 89 Art. 8 2 a (i) Rome Statute