

Fortify Rights

Flash Report

Ongoing War Crimes in Karenni (Kayah) State, Myanmar:

May 2021 to
January 2022

feb
2022

Investigate
engage
strengthen



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Cover:

Mourners drop flowers on body bags of civilians killed by junta troops near Moso village in Hpruso Township, Karenni State on December 29, 2021.
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Fortify Rights works to ensure human rights for all. We **investigate** violations, **engage** people with power on solutions, and **strengthen** human rights defenders. We believe in the influence of evidence-based research, the power of strategic truth-telling, and the importance of working in close collaboration with individuals, communities, and movements pushing for change. Fortify Rights is an independent nonprofit organization registered in the United States and Switzerland.



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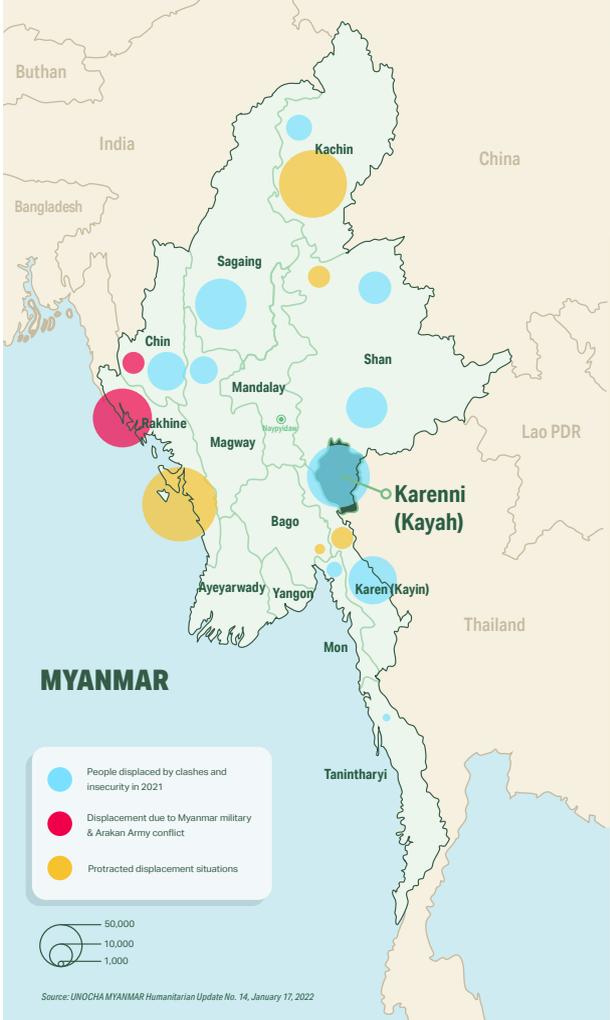
This report contains some images with graphic content that might not be suitable for all audiences.

- **Dead bodies**
- **Carbonized bodies**
- **Skulls**

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Maps of Myanmar and Karenni State







A Karenni soldier points his rifle in the direction of Myanmar military forces near Khaung Ei village in Pekon Township, southern Shan State on November 9, 2021. Myanmar military attacks on civilians and clashes with resistance forces in Karenni State and southern Shan State have displaced more than 148,000 people since February 2021, according to the U.N. Refugee Agency. ©Mauk Kham Wah, November, 2021

Summary

Following its *coup d'état* on February 1, 2021, the Myanmar military junta escalated armed conflict and attacks on civilian populations throughout the country, including in ethnic states, committing mass atrocity crimes with impunity. In eastern Myanmar, the civilian population of Karenni State (also known as Kayah State) is, at the time of writing, one of the junta's numerous targets.

In November 2021, Fortify Rights published a 31-page “flash report” detailing how the Myanmar military blocked life-saving humanitarian aid to displaced civilians in Karenni State and arbitrarily arrested aid workers, destroyed food stocks, confiscated aid, and committed other acts that may constitute war crimes.

This flash report provides evidence of additional mass-atrocity crimes by the Myanmar military against civilians in Karenni State between May 2021 and January 2022. The Myanmar military murdered civilians, forcibly displaced a significant portion of the population of the state, used human shields and destroyed non-military targets—including a church and civilian residences—and committed other serious human rights and humanitarian

violations against civilians. In December 2021 and January 2022, the junta intensified its attack on civilians in the state, massacring men, women, and children, bombing civilian-populated areas, and using heavy artillery, arson, and air strikes against civilian targets.

The U.N. refugee agency counted 91,900 people displaced in Karenni State and 56,200 in neighboring southern Shan State as of January 31, 2022, while a network of Karenni civil society organizations noted more than 170,000 civilians displaced in Karenni State since the coup, a significant portion of the state's estimated population of 300,000 people.

This flash report draws on testimony from 31 eyewitnesses, survivors, and others in Karenni State, including internally displaced persons (IDPs), religious leaders, humanitarian and civil-society workers, a medical doctor who conducted an autopsy on massacre victims, as well as members of armed resistance groups.

The violations against civilians in Karenni State are occurring in the context of armed conflict between the Myanmar junta and several ethnic armies and People's Defense Forces (PDFs)—community-led militias established in the aftermath of the *coup* for self-defense and to resist military rule—providing evidence of ongoing war crimes in Karenni State.

In one case, the Myanmar Army used as human shields an 18-year-old man, his uncle, and two other men during clashes with Karenni PDF fighters in Moe Bye on the border of Karenni and Shan states.

“The soldiers put their guns on our shoulders and shot PDFs, staying behind us,” the man told Fortify Rights, his name withheld for security. “We were kept tied up and blindfolded. We were tortured a lot, in so many ways. They kicked our bodies, hit our heads with gun handles, and more.”

Three of the men eventually escaped. Fortify Rights was unable to confirm the whereabouts or status of the fourth man.

International humanitarian law—also known as the laws of war—is applicable to the situation in Karenni State due to the character of the parties involved, the intensity of the conflict, and the organization of the parties to the armed conflict. The laws of war are primarily defined by the Geneva

Conventions, which provide fundamental rules to regulate the conduct of armed conflict. The Myanmar military's murder, forced displacement, and other attacks on civilians documented in this report provide evidence of serious violations of international humanitarian and human rights law and may amount to war crimes.

Other serious violations of international humanitarian law constituting war crimes relevant to the documentation contained in this flash report include:

- Intentionally directing attacks against the civilian population;
- Intentionally directing attacks against buildings dedicated to religion;
- Pillaging a town or place, even when taken by assault;
- Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand.

Coup-leader Senior General Min Aung Hlaing and his forces claim to be fighting “terrorists.” Instead, his forces are carrying out these and other mass-atrocity crimes against the civilian population with complete impunity.

Since the *coup*, the U.N. Security Council has issued five press statements on Myanmar and a single presidential statement on the situation in the country—on March 10, 2021—all expressing various iterations of concern. However, the body has failed to act.

The primary responsibility of the Security Council is to maintain international peace and security. Under Chapter VII of the United Nations Charter, the Security Council has the authority to act in response to “threats to the peace, breaches of the peace, and acts of aggression.” The Council has recognized military *coups*, humanitarian emergencies, and cross-border refugee crises as legitimate threats to international peace. The concept of a “threat to the peace” also includes extreme repression of civilian populations and failures to hold perpetrators of mass atrocities accountable.

The Myanmar military has long posed a threat to international peace and security, including by committing genocide with impunity against Rohingya Muslims in Rakhine State, as well as crimes against humanity and war

crimes with impunity against other ethnic nationalities—including Chin, Kachin, Karen, Shan, Mon, Rakhine (Arakanese), and others—in years past.

Without delay, the U.N. Security Council should pass a resolution mandating a global arms embargo to prohibit the sale of weapons and dual-use technology to the Myanmar military junta. Further, it should refer the situation in Myanmar to the International Criminal Court and impose additional sanctions to deny the Myanmar military access to funds, especially revenue generated from the sale of natural gas—the junta’s single largest source of revenue.

U.N. member states, especially those in the Association of Southeast Asian Nations (ASEAN), to which Myanmar is a member, should not wait for Security Council action. All governments should avoid legitimizing the military junta in any way and should especially avoid economic interests in Myanmar that may directly or indirectly support the Myanmar military and its associates. All businesses should refrain from engaging or partnering with the Myanmar military, and all U.N. member states should prohibit the sale of weapons to the junta.

In a joint statement released on the one-year anniversary of the February 1 *coup*, the European Union and foreign ministers of nine U.N. member states, including Canada, Norway, the United Kingdom, and the United States, urged the international community to hold the perpetrators of human rights violations in Myanmar accountable for their crimes and for countries to end the sale of “arms, materiel, dual-use equipment, and technical assistance” to the military junta.

None of the ASEAN member states are significant suppliers of arms to the Myanmar military, yet ASEAN is left to deal with the unstable aftermath of the Myanmar junta’s attacks on civilians. ASEAN governments should immediately signal support to the U.N. Security Council for a global arms embargo to prevent the sale of any weapons or dual-use technology to the Myanmar military.

Eastern Myanmar, including Karenni State, shares an approximately 1,500-mile-long border with Thailand. ASEAN and U.N. member states should encourage the Government of Thailand to identify and protect refugees

and authorize cross-border aid delivery to civilians in need in Myanmar. Similarly, the governments of India, China, and Bangladesh should authorize cross-border aid to civilians in need in Myanmar. Humanitarian donors and donor governments should also immediately support cross-border aid operations and Karenni civil society and community-based organizations.

Lastly, U.N. member states, particularly members of ASEAN, should engage the civilian-led National Unity Government (NUG) of Myanmar—founded in April 2021 by elected parliamentarians and others in Myanmar with widespread support from the people of Myanmar—on solutions, provide it with material support, and support existing international accountability mechanisms to end and remedy ongoing atrocity crimes in Myanmar.

Methodology

A Fortify Rights “flash report” provides preliminary documentation, short of a full investigation, regarding ongoing human rights violations. For this flash report, Fortify Rights interviewed 30 eyewitnesses, survivors, and others in Karenni State between May 2021 and January 2022, including 12 women and 18 men. Fortify Rights also interviewed one international aid worker in Thailand with knowledge of the situation in Myanmar. Those interviewed included internally displaced persons, religious leaders, humanitarian workers, NGO and civil-society workers, a medical doctor, as well as members of armed resistance groups, including People’s Defense Forces (PDFs). Fortify Rights also reviewed internal files and documentation from humanitarian agencies working on the ground in Karenni State and photo and video evidence of the aftermath of attacks and murders.

Fortify Rights conducted most interviews in the Burmese language. No one interviewed for this report received compensation, and Fortify Rights informed all participants of the purposes of the interview, its voluntary nature, and the ways that any shared information might be used. All of those interviewed provided informed consent or specified how the information shared could be used. To avoid possible reprisals by junta forces, Fortify Rights is withholding the names of survivors, eyewitnesses, and others featured in this report. The initials ascribed to individual interviews in footnote citations do not represent the actual initials of interviewees.

I. Human Rights Violations

Murder and Attacks on Non-Military Targets

Fortify Rights documented information related to the murder of at least 61 civilians in Karenni State by the Myanmar military between May 2021 and January 2022.

For instance, on January 17, 2022, the Myanmar Air Force killed at least three people, including two young girls, when it attacked a makeshift site for internally displaced persons (IDPs) sheltering approximately 80 people near the village of Ree Khee Bu in Hpruso Township.¹

A Karenni humanitarian worker who supported IDPs in the site and neighboring camps said Myanmar military helicopters and drones flew over the area during the three days prior to the attack.² He heard bombs explode in the proximity of the attack at approximately 1 a.m. on January 17, and hours later, he was among a group that discovered the three dead bodies.³ He told Fortify Rights:

When we came to the camp at 4 a.m., there was a mist, and we could not see clearly. There was nobody in the camp. What I saw in the first scene was the man, who was nearly 50-years old, U Andrea—he was dead—and a 15-year-old girl—Ma Chaw Su—who had her body blown apart. The next girl was 12-year-old Ma Khine. She was dead, also with her body blown apart.⁴

Fortify Rights obtained and verified photos of the area showing craters in the ground and destroyed shelters from the bombings and the bodies of the three victims.⁵ The Myanmar military is the only armed force in the country with an air force.⁶

1 Fortify Rights interview with D.C., Karenni State, Myanmar, January 26, 2022.

2 *Ibid.*

3 *Ibid.*

4 *Ibid.*

5 *Ibid.* Photos on file with Fortify Rights.

6 In 2020, the United Wa State Army reportedly became the first ethnic army in Myanmar to procure a helicopter. See, Nyein Nyein, “Myanmar’s Wa Army Confirms It Has a Helicopter,” *The Irrawaddy*, February 26, 2020, <https://www.irrawaddy.com/news/burma/myanmars-wa-army-confirms-helicopter.html>.



A Karenni soldier lights a candle next to the body of a fallen resistance fighter as part of religious funeral rites near Ngwe Taung Dam in Demoso Township, Karenni State. ©Mauk Kham Wah, January 2022.

“Toe,” 26, another Karenni humanitarian worker, told Fortify Rights how military attacks on the Minelone quarter of Loikaw—the capital of Karenni State—on January 7 killed at least six civilians and forcibly displaced approximately 1,000 residents.⁷ He collected the bodies of three civilians—two men and one woman—whom the Myanmar military allegedly shot while they fled, and brought them to a hospital in Karenni State.⁸ He said:

The fighting on the 7th was intense . . . In the early morning of January 7, we told people to leave Minelone. Most of the people were leaving . . . I saw three dead bodies beside the railway. They were all . . . in their 50s . . . One person died of a single gunshot to his chest and was lying beside his motorcycle by the railway. The second body was lying in front of a house. It looked like she had been shot as she was walking out of her yard. The third was also lying by the railway . . . His brains were scattered all over. It seemed as if the soldiers were just indiscriminately shooting at anyone.⁹

7 Fortify Rights interview with C.J., Karenni State, Myanmar, January 18, 2022.

8 *Ibid.*

9 *Ibid.*

In another incident in Loikaw, Myanmar junta forces reportedly hit a civilian house with heavy artillery in the early hours of January 7, killing three members of a family, including a child, and injuring another. Toe also assisted in retrieving the bodies of victims from this attack, telling Fortify Rights:

One family was harmed by large weapons at their house. The [grandfather], father, and his 12-year-old son died on the spot. The mother was in a critical situation, and it led to her leg being amputated. We sent her to a safe place.¹⁰

On December 24, 2021, Myanmar junta forces also massacred at least 40 civilians, including a child and two humanitarians working with Save the Children, near the village of Moso in Hpruso Township, Karenni State, according to testimony and evidence gathered by Fortify Rights. Fortify Rights collected testimony from a Karenni soldier who found the victims' bodies on December 25, Christmas Day, and a doctor who conducted autopsies on the bodies retrieved from the incident.¹¹ These witnesses and video footage reviewed by Fortify Rights of the aftermath of the massacre indicate that the Myanmar military killed and burned the victims.¹² The U.N., the National Unity Government (NUG) of Myanmar, and media outlets reported additional details of this massacre.¹³

¹⁰ *Ibid.*

¹¹ Fortify Rights interview with C.H., Karenni State, Myanmar, January 14, 2022; Fortify Rights interview with D.E., Karenni State, Myanmar, January 31, 2022.

¹² *Ibid.* Video footage on file with Fortify Rights.

¹³ National Unity Government (NUG) of Myanmar, *National Victory Conversation on 101 Year Anniversary*, January 3, 2022, <https://www.facebook.com/NUGmyanmar/videos/710520296597349>; UNICEF, "UNICEF Condemns Reported Killing of at Least 35 People, Including Four Children and Two Humanitarian Workers in Kayah State, Myanmar," December 28, 2021, <https://www.unicef.org/press-releases/unicef-condemns-reported-killing-least-35-people-including-four-children-and-two>; "As Details of Christmas Eve Massacre Emerge, Calls for Justice Grow," *Myanmar Now*, January 24, 2022, <https://myanmar-now.org/en/news/as-details-of-christmas-eve-massacre-emerge-calls-for-justice-grow>.



Screenshots from mobile-phone video footage, filmed by KNDF troops, showing charred human remains and burned-out vehicles from the Christmas Eve massacre near Moso in Hpruso Township, Karenni State. ©Karenni National Defense Force, December 2021.

“Nadi”—not his real name—is a 26-year-old member of the Karenni Nationalities Defense Force (KNDF)—an ethnic army comprising the armed wing of the Karenni National Progressive Party as well as People’s Defense Forces in Karenni State.¹⁴ He was among the first group to discover the Moso massacre victims’ bodies on the morning of December 25.¹⁵ He told Fortify Rights: “When I saw [the bodies], I couldn’t believe my eyes. They were brutally killed. The corpses were so gruesome. Some of them were even hard to identify [as people]: No hands, no legs, nothing.”¹⁶

He told Fortify Rights of the presence of Myanmar military forces in the area and how he heard explosions and gunshots on the evening of December 24.¹⁷ On Christmas Day morning, he and other members of the KNDF arrived on the scene and filmed burned-out vehicles and the charred remains of at least 18 of the victims’ bodies.¹⁸ Fortify Rights obtained and verified the footage of the aftermath of this massacre.¹⁹ Some of the bodies appeared to have their hands bound, and many were burned beyond recognition.

¹⁴ Fortify Rights interview with C.H., Karenni State, Myanmar, January 14, 2022.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.* The footage is on file with Fortify Rights.

On January 4, Karenni Army and KNDF soldiers reportedly discovered the bodies of two men approximately 500 feet from the scene of the Christmas Eve massacre in Moso. A KNDF soldier who assisted in collecting the bodies told Fortify Rights:

When we found the bodies, we saw the faces of the corpses were badly decomposed. The faces were exposed, so there were worms all over them . . . There weren't only gunshot wounds, but a closer examination told us that the skulls had been broken by brutal force . . . We don't really know whether the junta soldiers first shot them and broke their skulls or if it was the other way around. But the skulls were broken.²⁰

Fortify Rights obtained and verified photos of the two victims' bodies, which the KNDF identified as Khu Lee Reh, 27, and Khu Lu Peh, 28, saying: "It's certain these two were among the travelers who were trapped on the road and eventually killed by the junta soldiers [on December 24]."²¹

The two men's bodies were dressed in Karenni Army uniforms. The KNDF soldier alleged the Myanmar military murdered and dressed the victims in Karenni Army uniforms in an apparent effort to cover up the December 24 massacre and falsely present the incident as a "battle scene."²² In 2018, Fortify Rights documented a similar incident in Kachin State in which eyewitnesses watched Myanmar Army soldiers force two Kachin civilians to dress in Kachin Independence Army uniforms before murdering them.²³

In an online press conference on January 3, the NUG and the Karenni State Consultative Council said they carried out autopsies on 31 bodies and both parties shared photos, medical records, and evidence gathered from the scene of the Moso massacre.²⁴

²⁰ Fortify Rights interview with D.D., Karenni State, Myanmar, January 26, 2022.

²¹ *Ibid.*

²² *Ibid.*

²³ Fortify Rights, "Myanmar: Investigate Whereabouts of Two Kachin Civilians Detained by Military," February 20, 2018, <https://www.fortifyrights.org/mya-inv-2018-02-20/>; Fortify Rights, "Myanmar: Account for Murder of Two Kachin Civilians," April 19, 2018, <https://www.fortifyrights.org/mya-inv-2018-04-19/>.

²⁴ NUG of Myanmar, *National Victory Conversation on 101 Year Anniversary*, January 3, 2022, <https://www.facebook.com/NUGmyanmar/videos/710520296597349>. The Karenni State Consultative Council, formed April 9, 2021, is made up of members of parliament elected

A medical doctor, who conducted autopsies on December 28 on bodies retrieved from the massacre site, told Fortify Rights that many of the bodies were burned so badly that it rendered autopsies impossible.²⁵ However, he and another doctor identified at least 31 bodies, including five bodies of women and one girl under the age of 15.²⁶ He told Fortify Rights:

Some had their mouths stuffed with cloth, so we were pretty sure these people were gagged. Almost every skull was fractured and badly cracked . . . We found some skulls that had gunshot wounds, indicating they were shot in the head. We also found there were stab wounds in the chest. In some bodies, we were able to find the trachea, but in other bodies, we couldn't find any internal organs or the tracheas, because they were so severely burned . . . [In some bodies], we could gather enough evidence to say they were burned to death alive.²⁷

The doctor added that he and colleagues “entombed” the bodies and collected other evidence to share with the Independent Investigative Mechanism for Myanmar (IIMM)—an entity established in September 2018 by the U.N. Human Rights Council to collect and preserve evidence of international crimes and human rights violations in Myanmar for future criminal prosecutions—and others.²⁸ He said:

The quickest way to get rid of the evidence is to burn the bodies. When ashes and charred bodies are all we can find, there's no way for us to tell if a person got stabbed, beaten, tortured, or shot in the head . . . The IIMM won't or can't just come in and collect the evidence without the permission from the junta, the perpetrator of crimes. I see this [preserving and sharing evidence] as a small step toward greater accountability.²⁹

in 2020, political parties, armed resistance organizations, CSOs, and experts in Karenni State with the stated aim of building a federal union in partnership with the NUG. Karenni State Consultative Council, “Statement—No (1/2021),” April 18, 2021, https://pbs.twimg.com/media/EzRLM_PVoAkh15H.jpg.

25 Fortify Rights interview with D.E., Karenni State, Myanmar, January 31, 2022.

26 *Ibid.*

27 *Ibid.*

28 *Ibid.*

29 *Ibid.*

In a statement on December 29, 2021, the U.N. Security Council “condemned the reported killing of at least 35 people, including four children and two staff of Save the Children, in Kayah State on 24 December.”³⁰ The council “stressed the need to ensure accountability for this act.”³¹

In another incident documented by Fortify Rights, on September 29, 2021, residents of Daw Khalite Lin village in Demoso Township, Karenni State discovered the bodies of three men—two of whom were burned, and the other was found in a cesspool.³² One of the residents described to Fortify Rights the state of the body found in the cesspool:

We found [name withheld] curled up, and his hands were tied to a rod. One of his eyes was gouged out, with the other almost falling out. It looked like before he died, he must have struggled a lot to free himself . . . There were cuts and bruises on his neck, and it looked like they had tried to decapitate him.³³

The Myanmar military also attacked several churches in Karenni State in recent months, resulting in the death of civilians sheltering inside.³⁴ For instance, on May 24, 2021, at approximately 1 a.m., Myanmar Army soldiers fired guns and artillery at a Catholic church in Kayan Tharyar village near Loikaw, where civilians had taken shelter from nearby fighting between the Myanmar Army and the PDF.³⁵ An ethnic-Karenni man, 56, who witnessed the attack on the church told Fortify Rights that the military killed at least four civilians and injured eight, including children, in the attack, saying:

We witnessed these scenes unfolding right in front of our eyes since we were seeking shelter inside the cave of Mother Mary. At around 1 a.m., the heavy weapons hit the main church building. Then the soldiers

30 United Nations Security Council, *Security Council Press Statement on Situation in Myanmar*, December 29, 2021, <https://www.un.org/press/en/2021/sc14754.doc.htm>

31 *Ibid.*

32 Fortify Rights interview with B.G., Karenni State, Myanmar, October 7, 2021.

33 *Ibid.*

34 Nu Nu Lasan and Emily Fishbein, “‘A Living Hell’: Churches, Clergy Targeted by Myanmar Military,” *Al Jazeera*, October 14, 2021, <https://www.aljazeera.com/news/2021/10/14/a-living-hell-churches-suffer-in-myanmar-military-attacks>.

35 Fortify Rights interview with A.H., Karenni State, Myanmar, June 22, 2021.

came to the church and demanded that we open the doors. Only five of us were outside of the main church building then. When we opened the doors, there was complete chaos inside the church hit by the heavy weapons, and we found a lot of wounded people and some dead bodies already lying around.³⁶

He told Fortify Rights that before the attack, members of the community raised a white flag above the church to denote it as a shelter for non-combatants.³⁷ Photos seen by Fortify Rights show the destroyed roof of the church and debris strewn across its floor.³⁸

According to the Karenni Human Rights Group and the Karenni Civil Society Network (KCSN)—a coalition of 10 Karenni civil society and aid organizations—the Myanmar military has killed more than 200 people in Karenni State since February 1.³⁹

The Use of Human Shields and Forced Porters

Since the *coup*, the Myanmar army used civilians as human shields and forced porters in Karenni State, a grave breach of international humanitarian law. For example, an 18-year-old student from Moe Bye, located on the border between Karenni and Shan states, told Fortify Rights how Myanmar military forces took him, his uncle, and two other men in early June 2021 and used them as human shields during clashes between Myanmar Army troops and Karenni PDF fighters.⁴⁰ The names of those detained are on file with Fortify Rights.

The 18-year-old student told Fortify Rights:

[The Myanmar army soldiers] made us kneel, and they started interrogating us, accusing us of being informers for the PDF. They took us to the main road and made us kneel again, tied our hands behind our backs, covered our eyes with blindfolds, and took us to a place by a

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Ibid.* Photos are on file with Fortify Rights.

³⁹ Karenni Civil Society Network, “Bi-Weekly Situation Update” No.17, February 2, 2022.

⁴⁰ *Ibid.*

railway where there was a fight taking place between PDF and military troops . . . The soldiers put their guns on our shoulders and shot PDFs, staying behind us. There were four of us, including my uncle and myself.⁴¹

He continued:

One of us escaped on the first night. The rest of us [including myself] were taken and detained in a room for three nights and four days. We were kept tied up and blindfolded. We were tortured a lot, in so many ways. They kicked our bodies, hit our heads with gun handles, and more.⁴²

After four days, this survivor, his uncle, and one of the other men escaped military custody. Fortify Rights was unable to confirm the whereabouts or status of the fourth man.⁴³

Fortify Rights also documented how Myanmar Army soldiers detained four Karenni men in Mya Le village, Demoso Township and forced them, along with six other captives, to porter military equipment for five days.⁴⁴ One survivor, an ethnic-Shan-Burman man, told Fortify Rights:

I was taken and dragged by soldiers. They tied my hands behind my back and I, like the other captives, was ordered to go with them. We were used as porters, carrying heavy loads of stuff as the battalions marched. The soldiers would also ask if we were in any way related to PDF.⁴⁵

41 *Ibid.*

42 *Ibid.*

43 *Ibid.*

44 Fortify Rights interview with B.G., Karenni State, Myanmar, October 7, 2021.

45 *Ibid.*

Forced Displacement



Displaced civilians flee Myanmar junta attacks in Mallone quarter of Loikaw City on January 12, 2022, escorted by members of the Karenni People's Defense Force. ©Mauk Kham Wah, January 2022.

Since Senior General Min Aung Hlaing launched his *coup* on February 1, 2021, the Myanmar military's attacks on civilian populations not only resulted in a significant loss of civilian lives but also forced the displacement of masses of people.

According to the U.N. High Commissioner for Refugees, as of January 31, 2022, national displacement figures “reached a new high of 441,500” people displaced since the coup on February 1, 2021, with approximately 91,900 displaced in Karenni State and 56,200 displaced in neighboring southern Shan State.⁴⁶ UNHCR previously noted that “[a] substantial proportion of Kayah [Karenni] State’s 300,000 population is now displaced.”⁴⁷ According to KCSN, since February 1, 2021, the Myanmar military’s attacks and other violations have displaced more than 170,000 civilians in Karenni State—more than half the population of the state.⁴⁸

⁴⁶ U.N. High Commissioner for Refugees, *Myanmar Emergency Update*, February 1, 2022, <https://data2.unhcr.org/fr/documents/details/90791>

⁴⁷ U.N. High Commissioner for Refugees, *Myanmar Emergency Update*, January 17, 2022, <https://reporting.unhcr.org/document/1326>.

⁴⁸ Karenni Civil Society Network, “Bi-Weekly Situation Update No.17,” February 2, 2022.



*A Myanmar Air Force jet
flies over the Karenni
State capital Loikaw on
January 7, 2022. © SJM,
January 2022.*

Fortify Rights spoke to several displaced people who recently fled Loikaw due to bombings by the Myanmar Air Force and fighting between the Myanmar military and armed resistance groups.⁴⁹ For example, “Mi Mi” is a 35-year-old former civil servant who fled to Loikaw from Pekon Township in March 2021 and fled a second time when the Myanmar military attacked Loikaw on January 7. She told Fortify Rights:

There was fighting at night [in Loikaw], so in the morning, we just immediately packed and left. We didn’t have much time to pack. We saw a lot of cars when we left. Many people were trying to leave their homes. Even though my place is in Loikaw, I can’t go home.⁵⁰

“Grace,” another IDP who fled Loikaw on January 10, told Fortify Rights:

On the 9th [of January], we heard everything. It might have been approximately ten times that they used airstrikes. We could see and hear the airstrikes . . . On [January] 10, we, including my cousin and my brother, had to leave our homes when the jet planes started bombing . . . We knew that we would not escape if we stayed any longer.⁵¹

The Myanmar military’s forced displacement of civilians threatens to become a protracted situation given the continued attacks on Karenni towns and villages and destruction and damage to civilian homes and properties. In June 2021, describing the aftermath of a military attack on his village in the previous month, a displaced person from Kayan Tharyar village in Loikaw Township told Fortify Rights:

⁴⁹ Fortify Rights interview with C.F., Karenni State, Myanmar, January 13, 2022; Fortify Rights interview with C.I., Karenni State, Myanmar, January 14, 2022; Fortify Rights interview with C.J., Karenni State, Myanmar, 2022.

⁵⁰ Fortify Rights interview with C.F., Karenni State, Myanmar, January 13, 2022.

⁵¹ Fortify Rights interview with C.I., Karenni State, Myanmar, January 14, 2022.

We found some remnants of bombs and weapons scattered across the village and maybe some were still active. There were some houses that remained intact, but some houses near the church were hit and in bad shape. We are only able to make quick trips between the hiding place in the forest and the village. They said it'll only last for a month, but every time we go back to the village, the soldiers are still there.⁵²

An 18-year-old Karenni man also reported seeing Myanmar military soldiers attack a civilian residence in a village near Moe Bye on the Karenni-Shan state border in June, saying: “[W]e saw some soldiers burning down a house.”⁵³

On September 7, 2021, the U.N. Office for the Coordination of Humanitarian Affairs (OCHA) reported that a Catholic church as well as an unverified number of civilian houses in San Pya Chauk Maing Village Tract in Demoso Township “were damaged and burnt by heavy artillery fire.”⁵⁴ More recently, in January 2022, OCHA reported:

[A]n estimated 20 houses and barns in two villages in Loikaw Township were burnt down or destroyed by arson attacks and mortars on 20 December, bringing the total number of civilian properties burnt or destroyed to more than 650 houses, six churches, and a clinic in three townships in Kayah [Karenni State] and one township in southern Shan [State] between 21 May and 20 December 2021.⁵⁵

52 Fortify Rights interview with A.H., Karenni State, Myanmar, June 22, 2021.

53 *Ibid.*

54 U.N. Office for the Coordination of Humanitarian Affairs, *Myanmar Humanitarian Update No. 11*, October 1, 2021, <https://reliefweb.int/report/myanmar/myanmar-humanitarian-update-no-11-1-october-2021>.

55 U.N. Office for the Coordination of Humanitarian Affairs, *Myanmar Humanitarian Update No.14*, January 17, 2022, https://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Myanmar%20-%20Humanitarian%20Update%20No.14_FINAL.pdf.



[TOP LEFT] A Karenni soldier shows remnants of a bomb found near a makeshift IDP camp near Ree Khee Bu village in Karenni State's Hpruso Township following a Myanmar Air Force airstrike on the camp that killed three people on January 17, 2022. © PL, January 2022.

[RIGHT] The destroyed remains of the makeshift IDP camp near Ree Khee Bu in Hpruso Township following a Myanmar Air Force airstrike on the camp on January 17, 2022. © PL, January 2022.

[BOTTOM LEFT] A crater in the ground left by a Myanmar Air Force airstrike on an IDP camp near Ree Khee Bu in Karenni State's Hpruso Township. © PL, January 2022.



A soldier from the People's Defense Force watches over the body of a fallen resistance fighter as part of religious funeral rites near Ngwe Taung Dam in Demoso Township on January 5, 2022. ©Mauk Kham Wah, January 2022.

II. The International Legal Framework

The murder, forced displacement, and other attacks on civilians and non-military targets by the Myanmar military documented in this report provide evidence of serious violations of international human rights law and international humanitarian law and may amount to war crimes.

International humanitarian law—known as the laws of war—is applicable in the situation of Karenni State, where armed conflict is taking place between the Myanmar military and several armed resistance groups.⁵⁶

⁵⁶ Common Article 3 of the Geneva Conventions establishes fundamental rules for “armed conflict not of an international character.” While Common Article 3 itself does not provide a detailed definition of situations that qualify as a “non-international armed conflict,” commentary by the International Committee of the Red Cross considers a number of factors—including the character of the parties involved, the intensity of the conflict, and the organization of the parties—to determine if a situation qualifies as a non-international armed conflict. Given the nature of the parties and the level of armed confrontations involved in the conflict in Karenni State, it is likely that the situation would qualify as a “non-international armed conflict.” 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]. See, International Committee of the Red Cross, *Commentary on the First Geneva Convention: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field* (Cambridge University Press: Cambridge: 2016). See also, Prosecutor v. Dusko Tadic, International Criminal Tribunal for the former Yugoslavia (ICTY), Case No. IT-94-1-AR72, Decision (Appeals Chamber), October 2, 1995, para. 70.

The laws of war are primarily defined by the Geneva Conventions, which provide fundamental rules to regulate the conduct of armed conflict.⁵⁷ The Fourth Geneva Convention specifically provides rules on the protection of civilians.⁵⁸ The Convention expressly guarantees the protection of civilians “against all acts of violence.”⁵⁹ Article 32 of the Fourth Geneva Convention further prohibits “taking any measure of such a character as to cause the . . . extermination of protected persons,” which includes not only murder but also “any other measures of brutality.”⁶⁰ Given these protections, the murder of civilians documented in this report indicates violations of international humanitarian law.

The killings documented in this report may also provide evidence of war crimes as defined by the Rome Statute of the International Criminal Court.⁶¹ The Rome Statute identifies specific acts that amount to grave breaches and serious violations of international humanitarian law. When perpetrated in the context of an armed conflict and with the necessary intent and knowledge of both the act and context, these acts are considered war crimes.⁶² “Violence to life and person in particular murder of all kinds” when “committed against persons taking no active part in the hostilities” are considered serious violations of international humanitarian law that may amount to war crimes under the Rome Statute.⁶³

While the use of civilians as human shields is not explicitly addressed under human rights law or humanitarian law in the context of a non-international armed conflict, the practice puts civilians being used as shields at grave

⁵⁷ 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. 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.

⁵⁸ 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.

⁵⁹ Fourth Geneva Convention, Art. 27.

⁶⁰ *Id.* at, Art 32.

⁶¹ Rome Statute of the International Criminal Court (Rome Statute), adopted July 17, 1998, 2187 U.N.T.S. 90, U.N. Doc. A/CONF.183/9, (2002).

⁶² *Id.* at, arts. 8, 30.

⁶³ *Id.* at, Art. 8(2)(c)(i).

risk and is well recognized as a violation of international human rights law and international humanitarian law and would constitute a war crime. For example, in interpreting the right to life, the U.N. Human Rights Committee held that this right includes the right not to be killed and that measures must be taken to prevent arbitrary killings.⁶⁴ By virtue of deliberately putting unarmed civilians in harm's way as human shields, the Myanmar military failed to protect those civilians' right to life. Moreover, the use of human shields in the context of a non-international armed conflict is prohibited under international humanitarian law in line with Article 13 of Additional Protocol II of the Geneva Conventions, which guarantees various wartime protections for civilians.⁶⁵ The International Committee of the Red Cross (ICRC), widely viewed as the guardian of international humanitarian law, has confirmed as a norm of customary international law the prohibition of the use of human shields in both international and non-international armed conflicts.⁶⁶ The International Criminal Tribunal for the former Yugoslavia has also recognized the practice as a war crime, considering it a form of cruel treatment or "outrages upon personal dignity," both of which can constitute war crimes.⁶⁷

Other serious violations of international humanitarian law specified in the Rome Statute as war crimes within the context of a non-international armed conflict and relevant to the documentation contained in this report include:

- Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
- Intentionally directing attacks against buildings dedicated to religion;
- Pillaging a town or place, even when taken by assault;

64 U.N. Human Rights Committee, *General Comment No. 6: Article 6 (Right to Life)*, U.N. Doc HRI/GEN/1/Rev.1 at 6, April 30, 1982.

65 Protocol II, Art. 13 (1).

66 See, International Committee of the Red Cross, *Customary International Humanitarian Law, Vol. II: Practice* (Cambridge: Cambridge Press, 2005), Rule 97.

67 See, Prosecutor v. Blaškić, International Criminal Tribunal for the Former Yugoslavia (ICTY), Case No. IT-95-14-T, Judgment, Trial Chamber I, March 3, 2000, para. 716; Prosecutor v. Kordić and Čerkez ICTY, Case No. IT-95-14/2-T, Judgment, Trial Chamber III, February 26, 2001, para. 256.

- Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand.⁶⁸

As such, the attacks on IDP shelters, churches, private homes, and residences of civilians, as well as the mass-scale forced displacement of civilians documented in this report may provide further evidence of ongoing war crimes taking place in Karenni State.

Moreover, international human rights law protects both the right to life and prohibits forced displacement. Article 2 of the 1948 Universal Declaration of Human Rights provides that “Everyone has the right to life, liberty and security of person.”⁶⁹ The International Covenant on Civil and Political Rights further provides that “[n]o one shall be arbitrarily deprived of his [or her] life” and establishes that the right to life is absolute.⁷⁰ The killing of civilians by the Myanmar military in Karenni State contravene this fundamental right.

The resulting displacement of Karenni civilians from attacks by the Myanmar military further contravene fundamental rights protected by international law. *The Guiding Principles on Internal Displacement* identifies the collective rights, including international human rights and humanitarian law, that guarantee protection from forced displacement.⁷¹ According to Principle 6 of the *Guiding Principles*, “[e]very human being shall have the right to be protected against being arbitrarily displaced

⁶⁸ See, Rome Statute, Art. 8(2)(e)(i), (iv), (v), (viii).

⁶⁹ Universal Declaration of Human Rights, adopted December 10, 1948, G.A. Res. 217A(III), U.N. Doc. A/810 at 71 (1948), Art. 2.

⁷⁰ International Covenant on Civil and Political Rights, adopted December 16, 1966, G.A. Res. 2200A (XXI), U.N. Doc. A/6316, Arts. 6(2), 4(2).

⁷¹ Commission on Human Rights, *Guiding Principles on Internal Displacement*, U.N. Doc. E/CN.4/1998/53/Add.2, February 11, 1998.





A Karenni soldier walks through a field near the frontlines of fighting between resistance forces and the Myanmar military, Khaung Ei Village, Pekon Township, southern Shan State, November 9, 2021.
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from his or her home or place of habitual residence.”⁷² This prohibition includes displacement “in situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand.”⁷³ Given the lack of “imperative military reasons” or measures to “minimize displacement and its adverse effect,” the mass displacement of Karenni civilians by the Myanmar military would be considered arbitrary and in violation of international standards.⁷⁴

⁷² *Id.* at, Principle 6(1).

⁷³ *Id.* at, Principle 6(2)(b).

⁷⁴ *Id.* at, Principle 7.

Recommendations

To the Myanmar Military Junta

- **RESPECT** the sovereign will of the people of Myanmar and immediately stand down and return political power to officials elected in the 2020 national elections.
- **CEASE** attacks on civilian populations, prevent violations of international human rights and humanitarian law, and ensure the protection of civilians.
- **FREE** all political prisoners immediately and unconditionally.
- **PROVIDE** United Nations agencies, national and international humanitarian aid organizations, and human rights monitors safe, sustained, and unfettered access to all areas with internally displaced populations in Myanmar.
- **COOPERATE** fully with international investigations, especially the Independent Investigatory Mechanism for Myanmar, into alleged international crimes in Myanmar. Implement recommendations from credible independent advisory and investigatory bodies, including the U.N. Fact-Finding Mission and the U.N. Special Rapporteur on the situation of human rights in Myanmar, to address grave violations of international law.

To the United Nations Security Council

- **PASS** a resolution to impose a global arms embargo to prevent the sale of weapons and dual-use technology to the Myanmar military, refer the situation in Myanmar to the International Criminal Court, and impose targeted sanctions to deny the Myanmar military access to funds and financing.
- **INVITE** the U.N. Special Rapporteur on the situation of human rights in Myanmar to brief the Security Council at the earliest opportunity.

To the Association of Southeast Asian Nations and U.N. Member States

- **ENGAGE** Myanmar's democratically elected leadership and provide the National Unity Government of Myanmar with material and political support.
- **DENY** the Myanmar military junta political legitimacy in any form, including avoiding political and economic engagement.
- **EXERCISE** collective and bilateral leverage to encourage U.N. Security Council member states to impose a global arms embargo to: prevent the sale of weapons and dual-use technology to the Myanmar military, refer the situation in Myanmar to the International Criminal Court, and impose targeted sanctions to deny the military access to funds and financing.
- **IMPOSE** bilateral arms embargoes to prevent the sale of weapons and dual-use technology to the Myanmar military, and impose targeted sanctions to deny the Myanmar military access to funds and financing, including revenue generated from natural gas sales.
- **SUPPORT** and authorize the delivery of cross-border, life-saving humanitarian aid to civilians in need in Myanmar.
- **PROVIDE** financial, technical, and advocacy support to humanitarian organizations providing cross-border humanitarian aid to civilians in need in Myanmar.

To The National Unity Government of Myanmar and Relevant Armed Groups in Karenni State

- **ENSURE** all internally displaced persons in Myanmar have access to the rights and protections guaranteed by international humanitarian and human rights law, including the right to food, health, housing, water, and sanitation.
- **PROVIDE** the United Nations, national and international humanitarian aid organizations, and human rights monitors safe, sustained, and unfettered access to all areas with internally displaced populations in Myanmar.
- **COOPERATE** fully with international accountability mechanisms and international investigations into alleged crimes in Karenni State and elsewhere in Myanmar.

- **ENGAGE** the U.N. special procedures, particularly the Special Rapporteur on the situation of human rights in Myanmar.
- **ACCEDE** to and uphold obligations under the Rome Statute of the International Criminal Court, the International Covenant on Civil and Political Rights, and other international instruments.



FORTIFY
RIGHTS

Following a bloody *coup d'état* on February 1, 2021, the Myanmar military junta escalated armed conflict and attacks on civilian populations, including in ethnic states, committing mass atrocity crimes with impunity.

This flash report provides evidence of ongoing war crimes in Karenni (Kayah) State. It documents how the Myanmar military murdered, forcibly displaced, and committed other serious human rights and humanitarian violations against civilians between May 2021 to January 2022. These violations occurred in the context of armed conflict between the Myanmar military junta and several ethnic armies and People's Defense Forces (PDFs)—community-led militias established in the aftermath of the coup for self-defense and to resist military rule.

This evidence further demonstrates how the Myanmar military threatens international peace and security and should be subject to a global arms embargo, targeted sanctions, and international criminal investigations and prosecutions.

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