



Emboldening Criminals: Increasing atrocities since the adoption of the UN Security Council Resolution on Myanmar

UN Security Council must take stronger actions against the Myanmar military junta

Since the Myanmar military staged an illegal attempted coup on 1 February 2021, it has committed widespread human rights violations and atrocity crimes, massacring innocent civilians, bombing and burning villages, engaging in unlawful arrests, torture, beatings, and sexual violence. It has systematically cut off access to basic freedoms and essential supplies, including much needed humanitarian aid.

At least 3,120 people have been killed by the junta, while 145 people have been sentenced to death.¹ 20,297 have been arrested, including 549 children;² Over 55,000 homes have been burned down by Myanmar military.³ United Nations High Commissioner for Refugees (UNHCR) estimates that over 1.3 million people have been internally displaced, and another 51,300 have fled to neighboring countries since the coup attempt, though UN numbers are conservative and the exact numbers are expected to be much higher.⁴ United Nations Children's Fund (UNICEF) reported that as of December 2022 at least 670 children had been killed or maimed by armed actors since the attempted coup.⁵

Civil society and human rights actors have repeatedly called upon the international community to take concrete action. Not until 21 December 2022, close to two years into the illegal coup and more than five years since the Rohingya genocide, did the United Nation's Security Council (UNSC) finally pass a resolution (S/RES/2669) – the first ever resolution on Myanmar in 74 years.⁶ While the resolution has been praised by some, it is difficult to rejoice over a resolution that is so long overdue and lacking in political might.⁷ The resolution fails to invoke Chapter VII of the UN Charter, which enables the UNSC to take more forceful action with respect to threats to peace and security in the region and around the world. Without invoking Chapter VII, the UNSC's recommendations remain but polite requests to end what clearly amount to crimes against humanity and war crimes.

The December 2022 resolution also fails to include the targeted actions that civil society, human rights actors and the Special Rapporteur on the situation of human rights in Myanmar have been calling for since the start of the attempted coup, such as a global arms embargo, economic sanctions, and a referral to the International Criminal Court (ICC). Such measures could stem the military's further commission of atrocity crimes and other human rights violations.

¹ "Daily Briefing in Relation to the Military Coup," Assistance Association for Political Prisoners (AAPP), 10 March 2023. Available at <https://aappb.org/?p=24419>.

² Ibid.

³ "Military burns more than 55,000 houses in 2 years, Data for Myanmar says," *Radio Free Asia (RFA)*, 13 February 2023. Available at <https://www.rfa.org/english/news/myanmar/myanmar-arson-02132023050346.html>.

⁴ "Myanmar UNHCR displacement overview 20 Feb 2023," United Nations High Commissioner for Refugees (UNHCR), 23 February 2023. Available at <https://data.unhcr.org/en/documents/details/99091>.

⁵ "Humanitarian Situation Report No. 12," United Nations Children's Fund (UNICEF), 10 February 2023. Available at https://www.unicef.org/myanmar/media/8531/file/UNICEF_Myanmar_Humanitarian_Situation_Report_No._12.pdf.

⁶ "Security Council Demands Immediate End to Violence in Myanmar, Urges Restraint, Release of Arbitrarily Detained Prisoners, Adopting Resolution 2669 (2022)," United Nations, Meetings Coverage, 21 December 2022. Available at <https://press.un.org/en/2022/sc15159.doc.htm>.

⁷ "UN Security Council Resolution lacks action against Myanmar military junta, in face of atrocity crimes," Progressive Voice, 21 December 2022. Available at <https://progressivevoicemyanmar.org/2022/12/21/un-security-council-resolution-lacks-action-against-myanmar-military-junta-in-face-of-atrocity-crimes/>.

Instead, the resolution places the Association of Southeast Asian Nations (ASEAN) at the center of peace negotiations. Progressive Voice and other civil society actors have repeatedly pointed out that the ASEAN's Five-Point Consensus is flawed and ineffective, and in need of serious revision.⁸ Rather than facilitate the protection of Myanmar people's rights and freedoms, the Five-Point Consensus has instead allowed Myanmar's neighbors and regional partners to aid and abet the junta in its commission of human rights violations and international crimes.

The military junta has also demonstrated a total disdain for the calls made within the December 2022 resolution. In fact, such weak action on the part of the international community has only served to embolden the military to intensify its abuse, further invigorating an unprecedented human rights and humanitarian crisis.

Recommendations

To the UN Security Council:

- Immediately adopt an additional UN Security Council resolution that invokes Chapter VII of the UN Charter and enacts the following measures:
 - Impose a comprehensive coordinated global arms embargo on Myanmar;
 - Impose targeted sanctions against the Myanmar military, its businesses, arms dealers and partners, including aviation fuel and oil and gas revenues that fuel Myanmar military junta's atrocity crimes;
 - Refer the situation in Myanmar to the International Criminal Court (ICC) or establish an ad hoc tribunal.

To the international community:

- Recognize the failings of the current ASEAN Five-Point Consensus in responding to the crisis in Myanmar; and develop a concrete, timebound plan of action that prioritizes the responsibilities and authority of the UN to move toward an end to the conflict and violence, and the lack of accountability.
- Welcome the declaration lodged by the National Unity Government (NUG) under Article 12(3) of the Rome Statute to accept the ICC's jurisdiction over international crimes committed in Myanmar territory since 1 July 2002.
- Urge Myanmar's neighboring countries to protect the rights of refugees from Myanmar by allowing them to take safe refuge and have access to UNHCR and INGOs as well as humanitarian organizations for their immediate and unimpeded assistance.
- Ensure that the provision of humanitarian aid does not legitimize and enable the military junta to further weaponize humanitarian aid in its campaign of terror by providing direct support and funding through local frontline humanitarian organizations, in particular through border-based aid provision.
- Denounce the illegal junta's plan to hold elections and reject potential voting results as illegitimate.

⁸ "ASEAN's Five-Point Failure," Special Advisory Council for Myanmar (SAC-M), 22 April 2022. Available at <https://progressivevoicemyanmar.org/2022/04/22/aseans-five-point-failure/>. "Myanmar: ASEAN's Failed '5-Point Consensus' a Year On," Human Rights Watch, 22 April 2022. Available at <https://www.hrw.org/news/2022/04/22/myanmar-aseans-failed-5-point-consensus-year>. See also "ASEAN Should Scrap its Failed 'Five-Point Consensus' and Implement Measures to Protect Myanmar's Civilian Population," Burma Human Rights Network, 31 October 2022. Available at <https://progressivevoicemyanmar.org/2022/10/31/asean-should-scrap-its-failed-five-point-consensus-and-implement-measures-to-protect-myanmars-civilian-population/>.

Human rights violations since the 21 December 2022 UN Security Council resolution

Increased violence and attacks against civilians

Tensions have escalated in most areas as the Myanmar military continues to commit grave crimes across Myanmar, with an increase in conflict between armed actors as well as collective punishment directed against civilians. The legitimate government of Myanmar, the National Unity Government's (NUG) Ministry of Justice said in a recent report that **116 civilians died in the junta's attacks** in January 2023, while at least 37 more people were injured.⁹

Collective punishment has taken the form of deliberate and indiscriminate shelling into villages, the burning and destruction of homes and property, and the torture, execution and burning alive of villagers. 189 incidents of shelling reportedly resulted in 62 fatalities.¹⁰ In Ngazun Township, Mandalay Region, after resistance groups shot dead a junta-appointed village administrator in Yae Zin village, Myanmar military collectively punished the community by **arresting and executing** seven residents on 24 December 2022.¹¹

Junta troops have engaged in **burning sprees** destroying entire villages. In January 2023, Myanmar military burned down nearly **5,100 civilian houses** in Sagaing, Magwe, Mandalay and Tanintharyi regions and Chin, Mon and Karen (Kayin) states, according to an NUG report. The majority of these attacks took place in Sagaing, where around 4,700 civilian homes were torched.¹²

On 14 January 2023, junta troops torched a **129-year-old Catholic church** and at least 120 houses in the predominantly Catholic village of Chan Thar in Sagaing Region. This was the fourth arson attack on the village since last year.¹³

Troops have slaughtered civilians in the process. The NUG said that in January alone, 138 junta arson attacks nationwide had **burned 23 people to death**.¹⁴ While in some cases, the elderly and disabled were unable to flee and thus were burned alive in their homes, in other cases, junta soldiers deliberately **hunted down villagers** and burned them.

During a six-day raid of Ah Lel Sho village in Khin-U Township, Sagaing Region that began on 28 December 2022, the military junta burned houses and terrorized villagers, killing nine villagers, at least three of whom were tortured and burned to death.¹⁵

On 6 January 2023, a junta column raided a village in Kyunhla Township, Sagaing Region, killing two villagers and then burning their bodies along with the rest of the village. Three more bodies, also badly burned, were found near Kanbalu Township. Local sources said that the soldiers didn't just chase villagers from their homes—they also pursued them into the nearby forests as they attempted to flee.¹⁶

⁹ "Myanmar Regime Killed Over 110 Civilians Including 10 Children in January," *The Irrawaddy*, 7 February 2023. Available at <https://www.irrawaddy.com/news/burma/myanmar-regime-killed-over-110-civilians-including-10-children-in-january.html>.

¹⁰ Data from the Armed Conflict Location & Event Data Project (ACLED) Dashboard from 22 December 2022 to 3 March 2023. Available at <https://acleddata.com/dashboard/-/dashboard>.

¹¹ Aung Naing, "Seven civilians arrested by Myanmar military found dead in Mandalay Region," *Myanmar Now*, 29 December 2022. Available at <https://myanmar-now.org/en/news/seven-civilians-arrested-by-myanmar-military-found-dead-in-mandalay-region>.

¹² "Myanmar Regime Killed Over 110 Civilians Including 10 Children in January," *The Irrawaddy*, 7 February 2023. Available at <https://www.irrawaddy.com/news/burma/myanmar-regime-killed-over-110-civilians-including-10-children-in-january.html>.

¹³ Moe Oo, "Military destroys historic church, more than 100 houses in Catholic village," *Myanmar Now*, 17 January 2023. Available at <https://myanmar-now.org/en/news/military-destroys-historic-church-more-than-100-houses-in-catholic-village>.

¹⁴ "Junta burns nearly 5,000 homes in a month, Myanmar's shadow government says," *RFA*, 3 February 2023. Available at <https://www.rfa.org/english/news/myanmar/junta-arson-02032023044829.html>.

¹⁵ "In nightmarish account, villagers describe junta raid that left 9 civilians dead," *RFA*, 17 January 2023. Available at <https://www.rfa.org/english/news/myanmar/killings-01172023174916.html>.

¹⁶ Thura Maung, "Seven civilians killed in junta raids on central Sagaing villages," *Myanmar Now*, 12 January 2023. Available at <https://myanmar-now.org/en/news/seven-civilians-killed-in-junta-raids-on-central-sagaing-villages>.

Arbitrary arrests have increasingly been followed by extreme acts of **torture and murder**. On 23 January 2023, in Tamu Township, Sagaing Region, Myanmar military arrested two men and a **14-year-old boy** at a military checkpoint, before **beating them to death**.¹⁷

On 4 January 2023, in Natogyi Township, Mandalay Region, junta forces reportedly arrested three villagers, then tortured and killed them while in custody.¹⁸ On 24 and 25 January 2023, in Thabeikkyin Township, Mandalay Region, Myanmar military junta detained and tortured a villager they accused of being a People's Defence Force (PDF) member. They then arrested three more villagers, **executing all four**.¹⁹

Junta forces also engaged in a **week-long killing spree** in Sagaing District that began on 25 February 2023. Five resistance fighters were dismembered, two of whom were likely **beheaded alive**.²⁰ The same troops then **murdered 17 locals** in Tar Taing village in Sagaing Township on 1 March 2023. Bullet wounds were found in the heads and chests of the slain civilian victims, and their bodies also showed signs of torture. One victim, a resistance leader, was found **disemboweled and dismembered**, with his head, legs and arms cut off.²¹ As the troops continued to Myinmu Township, 14 villagers, including three females, were taken as human shields, then killed. The three women were also **brutally raped** before being stabbed and shot. Three days later, the same troops **beheaded two children, aged 12 and 13**, who they abducted as human shields. Another two resistance fighters were beheaded while defending the village.²² These acts are in direct contravention of UN Security Council Resolution 1325 on Women Peace and Security and other relevant resolutions, as well as protection of children in armed conflict.

On 17 February 2023, 17 villagers were **abducted by the Myanmar military** following clashes in Sagaing Region's Kawlin Township. Witnesses said they saw the abductees being beaten on the way to Koe Taung Boet. There were also unconfirmed reports that one of the abductees had been beaten to death with a metal rod and that some of the others had been slashed with knives. As of 23 February, the whereabouts of those 17 villagers is unknown.²³

In Dawei, Tanintharyi Region, in January 2023, the junta abducted at least nine people, including a **17-year-old girl and other young civilians**, accusing them of supporting the Civil Disobedience Movement (CDM) and the NUG. The police also stopped a minibus with 14 passengers and grabbed people suspected of supporting the CDM.²⁴

Airstrikes

Since 22 December 2022, the junta has conducted at least **125 airstrikes, killing 97 people**.²⁵ While Sagaing Region and Chin, Kachin and Karen states were already heavy targets of the military junta's

¹⁷ "Army beats 2 men and a boy to death in Sagaing region," *RFA*, 27 January 2023. Available at <https://www.rfa.org/english/news/myanmar/sagaing-torture-deaths-01272023044903.html>.

¹⁸ လင်းထင်၊ "စစ်တပ်က ဖမ်းသွားသည့် နွားထိုးကြီးဒေသခံ နှစ်ဦးသေ၊ တစ်ဦး ဒဏ်ရာရ၊" *Myanmar Now*, 4 January 2023. Available at <https://myanmar-now.org/mm/news/13657>.

¹⁹ "Junta troops shoot 4 men in Mandalay region village," *RFA*, 26 January 2023. Available at <https://www.rfa.org/english/news/myanmar/mandalay-killings-01262023035708.html>.

²⁰ Maung Shwe Wah, "Beheaded bodies of PDF members found in southern Sagaing Region," *Myanmar Now*, 2 March 2023. Available at <https://myanmar-now.org/en/news/beheaded-bodies-of-pdf-members-found-in-southern-sagaing-region>

²¹ Khin Yi Yi Zaw, "Junta hostages found tortured, executed in Sagaing," *Myanmar Now*, 3 March 2023. Available at <https://myanmar-now.net/en/news/junta-hostages-found-tortured-executed-in-sagaing>.

²² "Myanmar Junta Rapes and Kills During Sagaing Raid," *The Irrawaddy*, 3 March 2023. Available at <https://www.irrawaddy.com/news/burma/myanmar-junta-rapes-and-kills-during-sagaing-raid.html>.

²³ Nyein Swe, "Fate of 17 villagers abducted by Myanmar junta troops last week remains unknown," *Myanmar Now*, 23 February 2023. Available at <https://myanmar-now.org/en/news/fate-of-17-villagers-abducted-by-myanmar-junta-troops-last-week-remains-unknown>.

²⁴ Ibid.

²⁵ Data from the Armed Conflict Location & Event Data Project (ACLED) Dashboard from 22 December 2022 to 3 March 2023. Available at <https://acleddata.com/dashboard/-/dashboard>.

aerial bombardments and strafing, the military has intensified its campaign of airstrikes on both civilian and resistance targets in these areas since early January 2023.²⁶

During the first two months of 2023, Chin Human Rights Organization (CHRO) reported 53 separate airstrikes by the junta's air force, with at least 138 heavy bombs dropped in four townships in Chin State. The air campaign significantly escalated in February following the declaration of martial law and the fall of the junta's key outpost in Thantlang.²⁷ Over 40 bombs were dropped on Thantlang and surrounding areas in a single day on 16 February 2023.²⁸

The Myanmar military also carried out multiple **airstrikes on IDP camps** in eastern Loikaw Township, Karenni State, and shelled IDP areas in Phekon, Demawso and Pruso townships over a two-week period from 22 January to 3 February 2023, killing two civilians and injuring 13, including **two children under the age of 5**. In one attack, the Myanmar military dropped two 500-pound bombs around an IDP camp.²⁹ On February 3rd, the Myanmar military's airstrike set fire to an **IDP clinic and a teaching shelter**. At the time, there were no clashes in the area.³⁰

The junta has continued to launch heavy airstrikes in two districts of Karen State. In January alone, the junta carried out 57 air strikes in Mu Traw and Dooplaya districts.³¹ Eleven deaths were reported for airstrikes during the first two weeks of January. Due to the onslaught of attacks in Dooplaya District, a local 45-year-old widow from Kyainseikgyi Township stated, "The Burmese Army's jet fighters and surprise artillery attacks are terrifying. **You cannot indicate when and how you will be attacked. I couldn't sleep or eat for almost a week ago of great anxiety. There are children and old people in my family.**"³²

On 3 January 2023, four junta aircraft dropped more than **50 bombs** and fired more than **20,000 rounds of machine guns** on farmlands in Me Wai village tract in Dwe Lo Township in Mu Traw District. A few days later on 7 January, the junta sent seven fighter jets to Me Thu village tract, killing six civilians.³³

On 12 January 2023, four junta fighter jets conducted air strikes in Lay Wah village, Lu Thaw Township, Mu Traw District. The Baptist church in the village was completely demolished, while two school buildings and the Catholic church sustained damages. Five villagers, including the **Roman Catholic priest and the Baptist pastor, were killed**, and two others were injured. According to a community member, the school was open that day and **all students could have died** if they hadn't been dismissed early.³⁴

²⁶ "Myanmar Regime Bombs Village of 7,000 People, Killing 7 Civilians," *The Irrawaddy*, 19 January 2023. Available at <https://www.irrawaddy.com/news/burma/myanmar-regime-bombs-village-of-7000-people-killing-7-civilians.html>.

²⁷ Chin Human Rights Organization (CHRO) Facebook page, 27 February 2023. Available at <https://www.facebook.com/ChinHumanRightsOrganization/posts/pfbid02NFYgAYUBicAW1qLR4XKdi96wUamVcaBel5tfoh8Sw9QNhWrNS41ANToKHuKlcwzml>.

²⁸ Chin Human Rights Organization's Facebook page, 17 February 2023. Available at <https://www.facebook.com/ChinHumanRightsOrganization/videos/896899668187977/>.

²⁹ "Jan 16 to 29, 2023 Summary of SAC human rights violations in Karenni State and Pekhon Township (Briefer 43)," Karenni Civil Society Network, 1 February 2023. Available at <https://karennicsn.org/2023/02/01/jan-16-to-29-2023-summary-of-sac-human-rights-violations-in-karenni-state-and-pekhn-township/>.

³⁰ "Jan 30 to Feb 12, 2023 Summary of SAC human rights violations in Karenni State and Pekhon Township (Briefer 44)," Karenni Civil Society Network, 15 February 2023. Available at <https://karennicsn.org/2023/02/15/jan-30-to-feb-12-2023-summary-of-sac-human-rights-violations-in-karenni-state-and-pekhn-township/>.

³¹ "International support urgently needed to counter Myanmar junta air strikes," *Burma News International (BNI)*, 24 February 2023. Available at <https://www.bnionline.net/en/news/international-support-urgently-needed-counter-myanmar-junta-air-strikes>.

³² "Monthly Overview: Airstrikes in Southeastern Burma Kill and Injure Civilians While Forcing Thousands to Flee as the Burma Army Prepares for their Sham 2023 Elections, January 2023," Human Rights Foundation of Monland, 2 February 2023. Available at <https://rehmonnya.org/archives/7935>.

³³ "7 Junta fighter jets attack KNU-held Mutraw (Hpapon) district on Jan 7th," *Karen News*, 12 January 2023. Available at <https://karennews.org/2023/01/7-junta-fighter-jets-attack-knu-held-mutraw-hpapon-district-on-jan-7th/>.

³⁴ "Statement of condemnation of the recent aerial attacks on the civilian population," Karen Human Rights Group (KHRG), 16 January 2023. Available at <https://khrg.org/2023/01/statement-condemnation-recent-aerial-attacks-civilian-population>.

Seven civilians were killed and at least 30 injured in Katha Township, upper Sagaing Region on 18 January 2023 when two Myanmar military jets bombed a large village of 1,800 households. A bomb landed on one of the houses, and three people in the house were burned alive.³⁵

New illegal martial law orders and increased arrests

On 1 February 2023, two years since the attempted coup, the illegitimate military junta extended the state of emergency for another six months.³⁶ Since 22 February 2023, the junta has illegally imposed new martial law orders in 50 townships in Chin, Kachin, Karen, Karenni, and Mon States, as well as in Yangon and Mandalay Regions.³⁷ The new orders by the illegal and illegitimate junta declared that all administrative and judicial work in the junta specified areas must be led by regional military commanders, who can now initiate **military tribunals for 23 offenses**, including discrediting the “state”, illegal association, and unlawful possession of a weapon. They are also authorized to hand out maximum punishments such as the **death penalty** and **indefinite imprisonment** for these offenses. All of the affected townships are in areas where anti-junta forces have a strong presence.³⁸ **Giving military courts such disproportionate and overbroad power has no precedent in Myanmar.**

According to local reports, more than 50 people from Kawkaik Township, Karen State have been arrested since martial law was imposed in February. A resident of Kawkaik stated, “According to martial law, locals are instructed not to leave the house between 7:00 pm and 6:00 am. **As soon as they see people on the street who violate that rule even a little bit, they arrest them.** We also heard that detainees were charged in court, were all sentenced to 6-month prison terms. Family members who want to send food to them are turned away.”³⁹

Ongoing restrictions on humanitarian access and attacks on humanitarian and medical personnel

United Nations Office for the Coordination of Humanitarian Affairs (OCHA) estimates that **17.6 million people - nearly one third of the population - are in need of humanitarian assistance with 1.6 million people currently internally displaced across Myanmar, though this number is likely conservative.**⁴⁰ With surging displacement and ongoing restrictions on the transportation of essential goods, the resources of host communities and those on the move are being rapidly depleted. Nutritious food is becoming increasingly scarce and more unaffordable. The sick continue to have little access to medicine and life-saving treatment. Meanwhile, OCHA’s report states that access situation remains “substantially constrained” and that “Heavy fighting, including airstrikes, tight security, access restrictions, and threats against aid workers have continued unabated.”⁴¹

³⁵ “Myanmar Regime Bombs Village of 7,000 People, Killing 7 Civilians,” *The Irrawaddy*, 19 January 2023. Available at <https://www.irrawaddy.com/news/burma/myanmar-regime-bombs-village-of-7000-people-killing-7-civilians.html>. See also Nyein Swe, “Airstrike leaves seven civilians dead in Sagaing’s Katha Township,” *Myanmar Now*, 20 January 2023. Available at <https://myanmar-now.org/en/news/airstrike-leaves-seven-civilians-dead-in-sagaings-katha-township>.

³⁶ “Myanmar military rulers extend state of emergency by six months,” *Aljazeera*, 1 February 2023. Available at <https://www.aljazeera.com/news/2023/2/1/myanmar-military-rulers-extend-state-of-emergency-by-six-months>.

³⁷ Manny Maung, “Myanmar Junta Extends Martial Law,” Human Rights Watch, 27 February 2023. Available at <https://www.hrw.org/news/2023/02/27/myanmar-junta-extends-martial-law>. See also Republic of the Union of Myanmar State Administration Council, Martial Law Order Nos 1-6/2023, 2 February 2023, *The Global New Light of Myanmar*, 3 February 2023. Available at <https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/GNLM2023-02-03-red.pdf>.

³⁸ “Myanmar junta declares martial law in 37 townships across the country,” *RFA*, 3 February 2023. Available at <https://www.rfa.org/english/news/myanmar/martial-law-02032023190606.html>.

³⁹ “More than 50 Kawkaik people arrested since martial law imposed Karen state,” *BNI*, 13 February 2023. Available at <https://www.bnionline.net/en/news/more-50-kawkaik-people-arrested-martial-law-imposedkaren-state>.

⁴⁰ “Myanmar Humanitarian Update No. 26, 2 February 2023,” United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 2 February 2023. Available at <https://reliefweb.int/report/myanmar/myanmar-humanitarian-update-no-26-2-february-2023>. See also “Myanmar UNHCR displacement overview 20 Feb 2023,” UNHCR, 23 February 2023. Available at <https://data.unhcr.org/en/documents/details/99091>.

⁴¹ Ibid.

Medical professionals persistently face **arrest and imprisonment** under counter terrorism laws.⁴² The junta has also been **forcing medical facilities in resistance strongholds to shut down**. In Mahaangmyay and Chanayethazan townships in Mandalay, five private hospitals were forced by the military junta to close on 27 December 2022.⁴³ On 5 January 2023, in Kyainseikgyi Town, Karen State, the Myanmar military occupied the township hospital after forcing dozens of patients to immediately leave the building.⁴⁴ Many patients who were forced to leave the affected hospitals lacked access to health care since the remaining public and private hospitals did not have the capacity to admit them.

Ongoing persecution and deprivation of rights of the Rohingya and failure to protect

The voluntary, safe, dignified and sustainable return of Rohingya refugees remains impossible under the current multiple crises in Myanmar. The Rohingya who remain in Rakhine State face systematic abuses that amount to ongoing atrocity crimes,⁴⁵ including **apartheid like conditions, persecution, and deprivation of liberty**. They are confined to camps and villages without freedom of movement, cut off from access to adequate food, health care, education, and livelihoods.⁴⁶

Moreover, on 29 December 2022, the junta notified IDPs of their intention to shutdown 25 temporary IDP camps near Sittwe in Rakhine State, which amount to **forced evictions**. IDPs had to sign pledges to leave and choose between returning home despite the lack of security guarantees, moving to a place of their own choosing without any support, or resettling in junta-designated areas. One IDP said that, given the alternatives, most felt compelled to choose to move where the military sent them. The junta is also planning the permanent closure of over 20 IDP camps in and near Myitkyina, Kachin State in 2023. It will reportedly give their inhabitants the same three choices.⁴⁷

Since the attempted coup, the Myanmar military junta have arrested an estimated 2,000 Rohingya, hundreds of them children, for **“unauthorized travel.”**⁴⁸ During the first week of January 2023, Myanmar military junta arrested 136 Rohingya in Yangon Region.⁴⁹ On 6 January, a junta court in Bogale, Ayeyarwady Region sentenced 116 Rohingya, including 12 children, to **prison terms ranging from two to five years** for traveling without legal documents. They had been trying to leave the country.⁵⁰

The situation in the **refugee camps in Bangladesh** is also deplorable, with overcrowding, fires, severe food shortages, no access to paid employment, and heavy restrictions on movement. Yet, on 1 March 2023, the World Food Programme (WFP), citing a \$125 million donation shortfall, **cut the**

⁴² “Attacks on Health Care in Myanmar, 28 December 2022-10 January 2023,” Insecurity Insight, n.d. Available at <https://insecurityinsight.org/wp-content/uploads/2023/01/5.-28-December-2022-10-January-2023-Attacks-on-Health-Care-in-Myanmar.pdf>.

⁴³ Mandalay Free Press Facebook page, 29 December 2022. Available at [https://www.facebook.com/mandalayfreepress/posts/pfbid02okS87krs8c9CtgTpHDKp8DywhcUWJtrnqndahr8LdopgJkvXMxS87p5MEjv5Tgavl?_cft__\[0\]=AZW9BGGppDxRPumsbv1se1H1Us62Fszus94YAcXJ0OrziFhy6T_E0ZGA9BgHORQLb0UfKkVprCZX8MR534-wP44LT8ba2crTxduSbUnFUcEsfvMz4TlnrByIV](https://www.facebook.com/mandalayfreepress/posts/pfbid02okS87krs8c9CtgTpHDKp8DywhcUWJtrnqndahr8LdopgJkvXMxS87p5MEjv5Tgavl?_cft__[0]=AZW9BGGppDxRPumsbv1se1H1Us62Fszus94YAcXJ0OrziFhy6T_E0ZGA9BgHORQLb0UfKkVprCZX8MR534-wP44LT8ba2crTxduSbUnFUcEsfvMz4TlnrByIV).

⁴⁴ “စစ်တပ်က ကြာအင်းဆိပ်ကြီးဆေးရုံရှိ လူနာများကို မောင်းထုတ်ပြီးတပ်စွဲ,” *Democratic Voice of Burma (DVB)*, 6 January 2023. Available at https://burmese.dvb.no/archives/572180?fbclid=IwAR28bqvVxrU80jIPVUE5jVMura6KbGt8i7IZAb_xHyACmi50QIZjYcZfx_w.

⁴⁵ “NEW BRIEFING: Ongoing Rohingya genocide – Myanmar military defies provisional measures ordered by International Court of Justice,” Burmese Rohingya Organisation UK (BROUK), 22 November 2021. Available at <https://www.brouk.org.uk/new-briefing-ongoing-rohingya-genocide-myanmar-military-defies-provisional-measures-ordered-by-international-court-of-justice/>.

⁴⁶ “Myanmar: No Justice, No Freedom for Rohingya 5 Years On,” Human Rights Watch, 24 August 2022. Available at <https://www.hrw.org/news/2022/08/24/myanmar-no-justice-no-freedom-rohingya-5-years>.

⁴⁷ Myo Thit, “Military plans to force IDPs out of 25 camps in Rakhine State,” *Myanmar Now*, 5 January 2023. Available at <https://myanmar-now.org/en/news/military-plans-to-force-idps-out-of-25-camps-in-rakhine-state-:::~:text=Junta officials initiated the shutdown, at one of the camps>.

⁴⁸ Ibid.

⁴⁹ “Soldiers Arrest 136 Rohingya During Yangon Raid,” *Network Media Group*, 11 January 2023. Available at <https://www.nmg-news.net/2023/01/12/23101>.

⁵⁰ “Myanmar court sentences 116 Rohingya refugees for violating immigration laws,” *RFA*, 9 January 2023. Available at <https://www.rfa.org/english/news/myanmar/rohingya-0109202320235.html>.

monthly food vouchers for the refugees from \$12 to \$10 per person, warning further cuts were “imminent”.⁵¹ Given the already high levels of malnutrition in the camps, these cuts will be ‘immediate and long-lasting,’ according to UN experts.⁵²

Many Rohingya risk **dangerous sea journeys** to escape growing restrictions and hopelessness in refugee camps in Bangladesh and unending oppression and violence in western Rakhine State. The number of deaths and missing persons has risen due to increased sea movements since mid-November 2022.⁵³ UNHCR warned that **more people will die** on the high seas without concrete pledges for regional cooperation.⁵⁴ 2022 was one of the deadliest years for Rohingya at sea. Last year, more than 3,500 Rohingya attempted deadly sea crossings on rickety boats, a staggering 360 percent increase from the year before. Hundreds died or went missing, according to the UN.⁵⁵

⁵¹ “Concerns mount over UN food aid cut for Rohingya in Bangladesh,” *Aljazeera*, 7 March 2023. Available at <https://www.aljazeera.com/news/2023/3/7/concerns-mount-over-un-food-aid-cut-for-rohingya-in-bangladesh>.

⁵² “Alarm grows over WFP plan to cut food aid for Rohingya refugees,” *Aljazeera*, 17 February 2023. Available at <https://www.aljazeera.com/news/2023/2/17/alarm-grows-over-plan-to-cut-food-aid-for-rohingya-refugees>.

⁵³ Protection at Sea in South East Asia - 2022 in Review,” UNHCR, 17 January 2023. Available at <https://data.unhcr.org/en/documents/details/98170>.

⁵⁴ “UNHCR seeks comprehensive regional response to address rise in deadly South-East Asia sea journeys,” UNHCR, 17 January 2023. Available at <https://www.unhcr.org/en-au/news/briefing/2023/1/63c66c3c4/unhcr-seeks-comprehensive-regional-response-address-rise-deadly-south-east.html>. See also “Steep increase in deadly boat journeys reflects Rohingyas’ desperation: UNHCR,” *UN News*, 17 January 2023. Available at <https://news.un.org/en/story/2023/01/1132517>.

⁵⁵ Ibid.