

***Fact Sheet***

***16 Sept. 2019***

**MYANMAR MILITARY CONFLICT WITH ARAKAN ARMY**

**THE UN INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON MYANMAR**

*“My wife and I were in our bunker, our faces were in the dirt. We could barely even breathe. The shooting went on for what felt like hours, then stopped and started again. We thought we would die, I was so afraid during the attack. Bullets were raining down*.”

– Villager recalling Myanmar Army attack on Say Taung village in March 2019

Since the Fact-Finding Mission reported a year ago, fighting has intensified between the Myanmar Armed Forces, known as the Tatmadaw, and the Arakan Army, an insurgent group fighting for self-determination for the ethnic Rakhine people. The Mission’s final report to the Human Rights Council says “at the time of writing, the conflict did not appear to be dissipating. On the contrary, the conflict has affected nine townships of Rakhine State and Paletwa Township of Chin State. The unilateral ceasefire declared by the Tatmadaw in all other states on 21 December 2018 and extended until 31 August 2019 appears to have enabled the security forces to focus their attention and resources on Rakhine State. “ (A/HRC/42/CRP5, Section V. A Introduction) [Ceasefire since extended to 21 Sept. 2019.]

The report also says: “the Mission remains deeply concerned that the current situation, already grave, could deteriorate further, with wide-reaching and long lasting implications not only for Rakhine and Chin States, but also for the country and the region.”

The report examines a number of alleged violations by the Tatmadaw: unlawful attacks, military use of and damage to schools and religious sites; torture, arbitrary detention and deaths in custody; and forced labour - as well as alleged violations by the Arakan Army.

Extracts of the report follow, with references to sections of report A/HRC/42/CRP.5 in parentheses.

**VIOLATIONS BY THE TATMADAW**

The Mission documented attacks by the Tatmadaw during its conflict with the AA that have led to loss of civilian life, civilian injury and destruction of civilian property. The Mission assessed these incidents under international human rights law and international humanitarian law. (Section V.C.1)

While the Mission did not seek to undertake a comprehensive count of civilian casualties, credible organizations have estimated that, at the time of reporting, the conflict has resulted in approximately 91 civilian deaths and over one hundred injuries to others, including the elderly, women, men and children. Casualties have included ethnic Rakhine, Rohingya and members of Chin minorities. . (Section V.C.1)

The Mission documented a pattern of the Tatmadaw using small arms fire and munitions with wide area effect inside and in close proximity to densely populated civilian areas. Government sources consistently claimed that the AA was present in the towns and villages where attacks have occurred but the AA and villagers consistently denied this The Mission investigated six attacks that resulted in the civilian deaths and injuries, including children. Despite the Internet shutdown across the region, credible reports indicate that attacks following similar patterns continue to occur across the ten affected townships, with arrests, casualties and destruction of property. (Section V. C. 1)

International humanitarian law prohibits direct attacks against civilians. Such attacks constitute war crimes. The Mission concluded that in some instances the manner in which the Tatmadaw conducted its indiscriminate attacks may infer that those attacks were directed at civilians. In the conclusions of its investigation, the Mission found that the attack on Sin Taung and the helicopter attack at Sai Din may have been directed at civilians. Finally, the Mission concluded on reasonable grounds that the Tatmadaw’s attacks and other military operations in the ancient capital of Mrauk-U violated the rules under international law that protect cultural property. (Section V. C. 1. f)

The Mission concludes on reasonable grounds that the treatment it documented of people detained in the custody of the Tatmadaw in the context of its conflict with the AA constituted a pattern of torture or other cruel, inhuman or degrading treatment or punishment under international human rights law. (Section V. C.3)

**VIOLATIONS BY THE ARAKAN ARMY**

The Mission documented patterns of human rights abuses and violations of international humanitarian law by the AA, predominately against non-ethnic Rakhine communities, most notably Chin minorities, including patterns of forced labour and arbitrary deprivation of liberty, intimidation and theft. As a party to a non-international armed conflict with the Tatmadaw, the AA must respect and ensure respect for international humanitarian law. Members of the AA are also criminally liable for acts prohibited under international criminal law, in particular war crimes. (Section V. D.)

**THREATS TO FREEDOM OF EXPRESSION, ASSOCIATION AND THE PRESS**

The Myanmar Government’s response also included a crackdown on fundamental freedoms, including an internet shutdown. The shutdown creates an information vacuum about the human rights impact of the Government’s military operations. It has consequences for the delivery of humanitarian assistance. The Mission is also concerned with the Government’s increasingly unnecessary and disproportionately aggressive response towards those reporting on the military’s activities, in particular those highlighting human rights violations. (Section V.A.)

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