



New Myanmar Foundation

HUMAN RIGHTS PROGRAM

**A BRIEF ANALYSIS ON THE
MYANMAR MILITARY'S USE
OF TORTURE**

Feb 2022 to March 2024

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About New Myanmar Foundation

New Myanmar Foundation (NMF) was established by a group of concerned citizens in January 2008 to "contribute to the development of Myanmar by strengthening the capacity of citizens and promoting democratic governance". Till the military coup, it concentrated on election monitoring and related activities including training on voter rights, town hall meetings, and lobbying for municipal elections. After the coup, due to the crackdown and arrest of members, it moved to the Thai-Myanmar border and strived for the restoration of democracy and human rights in the country. It has been concentrating on emergency response to the humanitarian crisis including supporting political prisoners, pro-democracy activists, and internally displaced persons (IDP) in the country. At the border, it also supports Burmese refugees and migrants in their basic and urgent needs such as refuge, basic food, emergency health care, Thai language training, vocational training, and job facilitation.

New Myanmar Foundation (NMF) initiated the Human Rights Program in February 2023. It aims to strengthen human rights networks and advocacy on human rights defenders' endeavors in Myanmar and implement human rights defense and promotion activities, including education and awareness raising, documentation, protection of HRDs, networking, and advocacy.

The Military's Use of Torture in Central Burma

Executive Summary

In Myanmar, torture and other forms of cruel treatment have been extensively practiced across the country since the late 20th century, with the military being the primary perpetrator of these abuses. The continued practice of torture by the military has become more widespread and systematic after it staged the attempted coup in Feb 2021. Two major types of torture can be grouped based on either one or both of the places that occurred and the victim being subject to it. These include practices that occurred in prisons against those involved in the pro-democracy movement and practices that happened in residential areas against unarmed civilians and political activists.

Though Myanmar is not a signatory to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment (UNCAT), the obligation to prohibit torture and other form of inhuman or degrading treatment remains a peremptory norm of the international customary law that require all States including Myanmar to comply with accordingly. However, the Myanmar military regime has historically used torture to intentionally inflict both minor to major physical or mental pains or suffering against the civilians including pro-democracy activists and anti-military dissents. The military has been found to rely heavily on the practice of torture to extract information or confessions from perceived dissents and sometimes innocent civilians. Its motives for using torture often include instilling fear among the public including its dissents, punishing or intimidating civilians, and other arbitrary grounds.

Myanmar military is discovered to conduct torture against certain groups or individuals associated with the anti-military movement or pro-democracy activists. It targets civilians with a record of philanthropy or volunteer services for community affairs. Its victim also extends to innocent civilians including vulnerable group members such as children, women and girls, and mentally disabled persons. In practicing torture, the military is recorded to deploy different methods to inflict minor to major physical and mental harm to the individuals or group. Its methods include using excessive force, an indiscriminate nature of treatment, and some techniques that may result in the deaths of victims. The military also appears to apply certain methods that may have caused psychological effects on the victims and those around them. Often, the military's tactics are found to be associated with its attempt to evade accountability for the torture it committed.

Making use of the data and information analyzed from the ground incidents and 4 investigated or interviewed incidents and online monitoring, this brief report discusses the intentions or motives associated with the torture committed by the Myanmar military in central Burma: Sagaing, Magway, and Mandalay Regions. This analysis reveals how the perpetrators commit torture such as using disproportionate force, providing insights on the profile of the victims involved in the documented cases. This brief also attempts to provide information on the perpetrator of the torture incidents.

1. Introduction

Torture can never be justified in any context or civilized society worldwide. It is unequivocally a barbaric, repugnant, and immoral act. The forms of torture may vary across different regions and eras, and they can be inflicted for various reasons. The intensity and extent of harm or suffering caused by torture can vary between cases, and there is also diversity among the victims who are subjected to it. To fully respect, fulfill, and protect the fundamental human rights of human beings, it is paramount to respect and comply with the complete prohibitions against torture mentioned in the international human rights frameworks. 1948 Universal Declaration of Human Rights (UDHR) which is considered the first international human rights framework¹, enshrines everyone's rights to be free from torture as Article 5 of the UDHR states "No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment."² In 1950, the European Convention on Human Rights was adopted, guaranteeing the fundamental rights and freedom of the people in the region, and Article 3 explicitly prohibits torture, asserting that "No one shall be subjected to torture or inhuman or degrading treatment or punishment."³ The European Convention on Human Rights became the first regional human rights instrument providing citizens of the bloc with protection against torture, meanwhile, there are other regional human rights treaties or conventions developed in the coming years.

Although there were no widely accepted definitions of torture until 1984 when the United Nations General Assembly adopted the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment (UNCAT), the international prohibitions on torture have emerged, providing the overarching definitions of torture, which is generally cited in the upcoming international law.⁴ The UNCAT is defined in a detailed manner as follows;

"The term "torture" means any act by which mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other

In addition to the international definition of torture, the UNCAT especially Article 16⁶ mentions a provision on preventing any acts or other forms of inhuman treatment that may not fall into the definition of torture under Article 1, it fails to specify other acts of torture in the convention. Also, Article 5.2 of the International Covenant on Civil Rights and Political Rights (ICCPR)⁷, which is part of the International Bills of Human Rights along with two others, namely the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Universal Declaration of Human Rights

¹ Equality Myanmar, A License to Torture, 2023. <https://equalitymyanmar.org/book/archives/3041>

² 1948 Universal Declaration of Human Rights, Art 5. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

³ European Convention on Human Rights, Art 3. https://www.echr.coe.int/documents/d/echr/Convention_ENG

⁴ International Justice Resource Center, Torture. <https://ijrcenter.org/thematic-research-guides/torture/>

⁵ 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment, Art 1. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

⁶ Ibid. Art 16.

⁷ International Covenant on Civil and Political Rights, Article 5. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

(UDHR)⁸, it reaffirms the enjoyment of fundamental human rights by the citizens of the state party to the ICCPR.

Though Myanmar has not signed and ratified the ICCPR, and UNCAT, the international obligation to protect citizens against torture and other acts of inhuman or degrading treatment or punishment remains a peremptory norm of the international customary law that requires all States including Myanmar that is a signatory to the Universal Declaration of Human Rights (UDHR) to comply with accordingly. The Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC), and the Convention on the Rights of Persons with Disabilities (CRPD), to which Myanmar has ratified, safeguards rights of women, children, and disabled people, stipulating preventive measures against torture and ill-treatment of these group.

Freedom from torture and other ill-treatment is an absolute right⁹, requiring all states irrespective of whether it has been a signatory to the international conventions that prohibit torture to respect, fulfill, or protect and promote it accordingly. The individual right to be free from torture is also guaranteed in international humanitarian law, especially its Common Article 3 protecting both civilians and military personnel from torture, and international criminal law under the Rome statute which regards that inflictions of torture may constitute a crime against humanity or war crime¹⁰¹¹.

For this report, based on the UNCAT's umbrella meaning of torture, torture is defined as any acts either by state actors, namely State Administration Councils and its armed forces¹² or those with contested territorial authority conducted knowingly in an official capacity that intentionally inflicts both minor to major physical or mental pains or sufferings against a person for a specific purpose, which includes but is not limited to, obtaining information or confessions from that person, for punishing or intimidating one, and to seeking privileges one group at the disadvantages of other group members or for any reasons based on any discriminations.

In Myanmar, torture and other forms of inhuman treatment have been extensively practiced across the country since 1988 when the civilian population demonstrated against the military regime.¹³ Historically, the Myanmar military has been the very perpetrator of these abuses and violations with which it extracted information from or punished political dissents and ethnic minorities, spreading fears among the general public.¹⁴ After the attempted coup staged by the military in Feb 2021¹⁵, there has been widespread and systematic use of torture by the military, as it

⁸ International Bill of Human Rights. <https://www.ohchr.org/en/what-are-human-rights/international-bill-human-rights>

⁹ Among the three types of rights- absolute, limited and qualified- the former one cannot be denied to any individual, e.g. Freedom from torture. https://www.amnesty.org.uk/files/the_human_rights_act-amnesty_speaker_programme_-_fact_sheet.pdf?k3iicerWCx9vUGvX3Gbg_7TR4GMJ0vld=https://www.amnesty.org/en/wp-content/uploads/2021/08/act400052005en.pdf

¹⁰ <https://www.amnesty.org/en/wp-content/uploads/2021/08/act400052005en.pdf>

¹¹ <https://ijrcenter.org/thematic-research-guides/torture/>

¹² It includes not only the ground, navy, or air forces members of the Myanmar military or collectively known as the so-called Tamadaw, controlled by the SAC chairperson or a military leader Commander in Chief Senior General Min Aung Hlaing but also Border Guard Forces members, and other local militias such as Pyu-Saw-Htee, Pyi-Thu-Sit, Thway-Thauk, Soon-Ye.

¹³ Amnesty International, Myanmar: The Institution of Torture, 2000

¹⁴ Ibid.

¹⁵ On February 1st, 2021, the Myanmar military overthrew the democratically elected government led by the National League for Democracy (NLD). The military seized all three branches of power and transferred them to Min Aung Hlaing, the Commander-in-Chief of Myanmar military (or so called Tatmadaw). The military considered null and void the landslide victory of the NLD in the November 2020 General Election, based on

has accelerated its violent campaigns against its civilians who have been peacefully demanding the release of all political detainees and restoration of democracy. The security forces and other local militias under the command of the military have been discovered to rely on torture to extract information from any political dissents including political prisoners while instilling fears among the civilian populations.

Analyzing the nature of torture reveals that two major types of torture are found in terms of the place where it takes place, or the victim being subject to it. The first type was discovered among pro-democracy individuals or groups who practice or fight for their right to freedom of expression, assembly, or associations. Those belonging to this group suffered from torture and other forms of inhuman treatment or punishments in police hookups, detention or interrogation centers, prisons, and other custody. The second type occurs among civilians or local community members who are not affiliated with any groups living either in or near the armed conflict areas or villages with no armed clash being subjected to torture. Pro-democracy individuals or groups are also subject to torture practices that occur in public areas. In this report, the emphasis is made on the analysis of torture incidents associated with those involved in the pro-democracy movement and civilians in general and happened in villages or urban areas with or without nearby armed clashes.

This report presents analysis and insights on torture that occurred between February 1, 2022, and March 31, 2024, in the Sagaing, Magway, and Mandalay regions. It includes a quantitative assessment of the recorded incidents and an in-depth review of the incidents investigated.

2. Methodology

This short report is based on the quantitative and qualitative analysis of the torture incidents that the NMF's Human Rights Program monitored and documented from Feb 1st, 2023 to March 31st, 2024. This assessment is drawn from the HRV case (especially torture cases) investigation, ground reports submitted by the program's partners CSOs, and other individuals or groups, and online monitoring carried out by the HR program. In this report, the quantitative review is made based on torture cases reported by ground data collectors (GDCs) and collected by online data collectors (ODCs) between 1st February 2023 and 31st March 2024 in Sagaing, Magway, and Mandalay Region.

The case analysis is largely built on the outputs from the interviews related to 4 torture incidents¹⁶ that occurred in Mandalay, and Sagaing Region while the key observations are drawn from the synergy of both reported and monitored cases and investigated or interviewed cases. The information and data analyzed or extracted from these interviews are presented in the case summary description or the testimonial quotes as they seem to fit across the report. However, considering the safety concerns of all individuals involved in these interviews, all personal information is treated strictly confidential, using pseudonyms or nicknames in this report.

Moreover, this report is also based on the analysis and verification of other secondary and open sources of data and information related to torture collected by online data collectors and ground partners or individuals. As the analysis is built on in-depth information on the investigated cases that occurred in Sagaing and Mandalay Regions, and a quantitative review of the torture cases reported and monitored in the Sagaing, Magway, and Mandalay Regions, the insights and patterns discussed in this report may fail to reflect the situations happened in other part of the country that this assessment

unproven voting fraud allegations. Elected President Win Myint and State Counsellor Aung San Suu Kyi were arrested, along with ministers, their deputies, members of Parliament and other prominent activists.

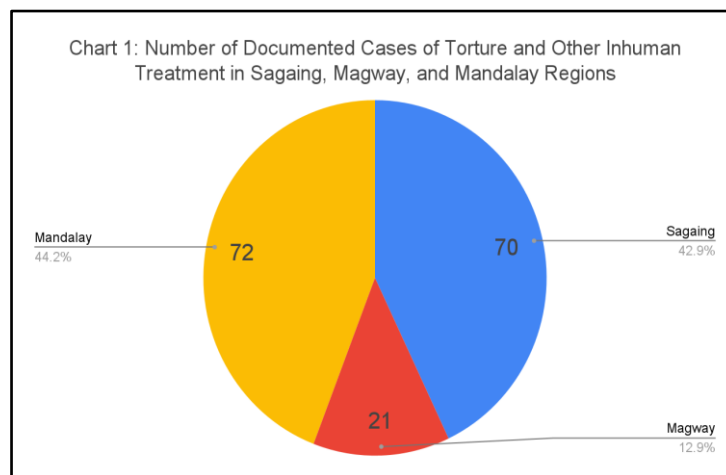
¹⁶ The individuals with the primary knowledge of these specific incidents are questioned or shared their accounts on the incidents they had encountered or witnessed or heard of.

does not focus on. Also, the number of torture cases mentioned in this report may represent an underestimation of the situations on the ground.

3. Findings

In this report, ‘torture and other inhuman treatment’ is defined as any act that involves physical abuse such as beating during or within imprisonment, and various forms of physical and psychological torture, including solitary confinement and stress positions. This term also covers any act that causes severe excruciating pain such as beating, dismembering, stabbing, or immolation, and others, by which a civilian is either injured directly or indirectly or dead.

From February 2023 to March 2024, a total of 163 cases of torture and inhuman treatment have been documented in central Burma, Mandalay, Sagaing, and Magway Regions. Over 80 percent of cases were documented in Sagaing and Mandalay Regions while the rest were recorded in Magway Region. (See. Chart 1)



Torture has been documented in various contexts: not just limited to prisons and interrogation centers where torture is most commonly used as a tool to interrogate and suppress political dissidents. In the three central regions studied in this report, torture occurs on the streets where both military and the police forces carry out arbitrary inspections of travelers, in villages where the military troops raid in the name of ‘clearance operations’, and even in the homes of the victims where the military and police may intrude arbitrarily without warrants at any time of the day.

The military justifies their human rights abuses by accusing victims of being ‘terrorists’ or threats to the peace and safety of the people. They blatantly broadcast ruthlessly tortured images of victims on national broadcasting channels and their informal channels, such as the Telegram channels of known pro-military lobbies, and claim that the victims are PDF or armed rebels. Regardless, such claims only shed light on the military’s negligence of international laws that enshrine the dignified treatment of all humans, including armed combatants and prisoners of war. In other words, being a PDF or a civilian has no bearing against the provisions of the UDHR which declares that everyone must be free from torture.

3.1 Interviewed Case Descriptions

Interviewed Case MDY_01

On February 17, 2022, uniformed soldiers and Pyu-Saw-Htee militia killed a 50-year-old man from a village in Myingyan Township, Mandalay Region. The man was a well-known community

member of the village, involved in community activities and pro-NLD electoral campaigns during the 2020 general elections. He had been away from his home, hiding from the military's threats. However, before the tragedy of February 17, soldiers and Pyu-Saw-Htee came to his home and threatened family members that their house would be burned down if he did not come back. Soon after he was back at his home, a group of soldiers and Pyu-Saw-Htee, totaling about fifty, came back home and beat him in front of family members for several hours until the victim died. No footage evidence was obtained because the perpetrators yelled threats that anyone who tried to look would be beaten as well.

Interviewed Case MDY_02

On the late morning of January 30, 2024, two teenage boys aged 14 and 17 were herding cattle near a village in Madaya Township in Mandalay Region. They suddenly heard a loud noise nearby, prompting them to run in fear. Soldiers in uniforms chased and captured them, kicking and beating them repeatedly while questioning them about PDFs and who set the mines. The 14-year-old boy sustained injuries because of the beating, kicking, and striking with the buttstocks by a group of 4-6 soldiers, while the 17-year-old boy was shot in the leg in addition to the beating. The boys were then relocated to a civilian town hall, where their families could come to take them home.

Interviewed Case SGG_01

At around 8 p.m. on January 28, 2024, six people including a 3-year-old girl, three women, and two men were arbitrarily arrested by at least fifty soldiers in a village of Wetlet Township, Sagaing Region. Of the two men detained, one was mentally disordered and the other one was severely beaten throughout detention. The victim reported being tied up, beaten, kicked, struck with the buttstocks, and stabbed with a blunt knife without any apparent reason. The detainees were blindfolded whenever they had to leave their cell at the police station. They were all released the next day after the soldiers demanded over 500,000 MMK worth of food and alcohol from locals.

Interviewed Case SGG_02

On the early morning of January 18, 2024, a military column with around 100 soldiers raided a village in Tabayin Township, Sagaing Region. All villagers who did not have time to flee were detained in a monastery. As the troops left for a nearby village, they took 14 detainees as human shields - including 3 women, 9 men, and 2 boys under the age of eighteen. One of the women was immolated inside a house; three of the men were killed and dismembered in that village. The remaining ten detainees were taken to another village where another male detainee was murdered. Survivors reported that they were severely tortured and interrogated, and the military used brutal methods, such as beating and pulling on the lips with pliers.

3.2 Examining the Military's Motives for Torture

Documented cases from online and on-ground documentation, as well as interviews, reveal that the military commonly uses torture against civilians for several reasons including but not limited to the following. In most cases, more than one of these motives are observed in the manners and methods of perpetrators.

1. **Instilling fear:** To spread fear among the public by torturing a civilian or a suspected dissident as an example and, often, by using noticeably brutal methods to inflict harm;
2. **Interrogation:** To gain information during interrogation processes;
3. **Retaliation:** To retaliate on someone related to a suspected dissident, or to scapegoat someone for a certain anti-military action for which the victim may not be responsible; or

4. **For other arbitrary reasons:** Many cases of torture are based purely on the perpetrators' suspicion against an individual or an action taken by the victim that does not meet the satisfaction of the soldiers.

3.2.1 Instilling fear

All cases of torture convey to the public that the military demonstrates no reluctance to cause extreme physical and psychological harm to anyone who opposes them. In many cases, as the military, the police, and their affiliated militia commit acts of torture blatantly in public or leave severely disfigured bodies in the wake of their operations, it becomes obvious that they are strategically using torture as a tool to signify their impunity and control, and thereby, to deter any anti-military sentiments. The following cases of torture against civilians as well as prisoners of war shed light on their strategic intent:

Interviewed Case MDY_01: The torture was conducted in the victim's own home and the presence of his family members, which means that the military intentionally caused profound psychological harm to family members. Torturing a person to death at his own home is also a lawless act that spreads a sense of fear and helplessness among neighbors and other civilians who could hear the crime being committed without being able to intervene.

"Right in front of h-Saw Htee did not ask any questions and just beat s an him, saying, 'Is it you who did this? Is it yo answered 'Yes, I did ift he tanswebeat 'Nim flordion' again saying, 'Did you not?'. Regardless of his

WitnessMDY_01

Box -1 Case MGY_01: Torture and Immolation of Two Resistance Fighters from Yaw Defense Force (YDF) - Magway Region.

On November 7, 2023, two resistance fighters were captured after being wounded during combat in Myauk Khin-Yan Village, Gangaw Township, Magway Region. The military and the Pyu-Saw-Htee militia made one person from each household in the village come to watch the execution. The two young men, Phoe Tay (23 years old) and Thar Htaung (22 years old) were shackled and beaten as the soldiers interrogated them. Then, they were tied to a tree and burned alive as the crowd watched.

Case MGY_01: As the two men were wounded and detained as prisoners of war, they were protected by the Geneva Convention (Article 13)¹⁷ which mandates that they be treated with respect and dignity and that their detention and questioning adhere to international standards. However, the case highlights that the military intentionally chose torture and immolation, which are the most extreme forms of human rights violations. More importantly, ordering civilians to watch the atrocity proves that they were strategically torturing the two young men to show an example of what would happen if the people opposed their rule.

Box -2 Case SGG_03: Torture and Massacre in Tar-Taing Village- Sagaing Region.

On March 1, at about 5:00 am, the military column of around 70 soldiers from the 99th Light Infantry Division, calling themselves "The Ogre Column", raided the Tar-Taing Village in Sagaing Township, Sagaing Region. About one hundred villagers were detained and interrogated in a monastery. Many of them, including three women, were brutally beaten and tortured. According to other detainees who survived, the women had been beaten to the point where they could not talk or eat. When the troops left on the morning of March 2, the three women, alongside fourteen other detainees, were

¹⁷ Geneva Convention III, Article 13- Humane Treatment of Prisoners (<https://ihl-databases.icrc.org/en/ihl-treaties/gciii-1949/article-13?activeTab=undefined>)

brought along as hostages and killed on the way. According to locals, the bodies indicated severe torture and mutilation; those of the three women sustained signs of sexual violence.

Case SGG_03 (See. Box-2): The massacre in Tar-Taing Village was one of the most atrocious crimes committed by the military since the 2021 coup, and it was also a case that spread the notoriety of the “Ogre Column (Bi-Luu Sitt-Kyaung)”. The victims were heavily tortured in the monastery in the presence of other villagers. Their dead bodies had been brutally disfigured - some of them were even dismembered, eviscerated, and decapitated. There were also reports from witnesses that the bodies of women bore signs of sexual violence, and onions had been inserted into their female genitalia. The use of such grievous methods reveals the military’s intention to spread fear among the public by symbolizing their cruelty. Moreover, one of the survivors recounted that the soldiers forced villagers to look at the photos of the mutilated body of the village defense leader: as a warning to deter villagers from joining the resistance movements.

Box -3 Case SGG_04: Dismembering by Tiger Ogre Column, Pale Township, Sagaging Region

On the morning of September 26, the military troops that raided Nyaung-Kone Village in Pale Township captured and brutally killed three men: one of whom was a member of a local defense force and the other two civilians. The bodies were dismembered and decapitated; the soldiers scattered the body parts on the streets of the village and wrote on one of the heads, “Tiger Ogre Column (Kyarr Bi-Luu Sitt-Kyaung)”.

Case SGG_04 (See. Box-3): The arbitrary killings in Nyaung-Kone Village further highlight the military’s intent to establish their reputation as merciless killers. Actions such as dismembering the victims, displaying the body parts to terrorize the returning villagers, and labeling the name of their troops on the decapitated head of a victim all point to the fact that they committed the atrocities intentionally and remorselessly.

3.2.2 Interrogation

Although torture has been prohibited by the UDHR and international laws including UNCAT, it is still pervasively used by police and soldiers as a method of interrogation. Many political prisoners and even non-political detainees have sustained long-lasting physical and psychological harm caused by interrogators. Hundreds have lost their lives in interrogation centers, which are widely regarded as slaughterhouses. This reputation of interrogation centers is reflected by the fact that families of political activists are often relieved when their loved ones are transported out of the interrogation centers to prisons.

Without effective legal enforcement and penalizing consequences against torturers, the military remains emboldened to use torture for interrogating suspected political activists even without well-founded reasons for their suspicions. The interrogators do not exhibit any effort to restrain from causing life-threatening harm either. The following examples depict the harrowing reality of interrogation sessions.

Interviewed Case MDY_02: The case shows how the soldiers are licensed to use torture as a method of interrogation without any appropriate restrictions. The questions from soldiers during the beating reveal that the soldiers tortured the boys on the unfounded presumption that the boys were PDFs. The beating did not stop even as the boys repeatedly explained that they were only civilians and knew nothing about the mines; in fact, the soldiers continued beating them for ‘not knowing the answers’ to their questions.

“While herding cattle, we heard a loud bang near and caught us. After capturing us, they started

were only herding cattle, but they would not stop your PDF groups?', 'Who taught you to set up mines even know, these yankees are striking us.'"

Survivor MDY_02

Interviewed Case SGG_01: The interviewed survivor was beaten continuously since the time of the arrest, and after he was brought into the police station, he was verbally questioned by the police about PDFs. Although the questioning period did not involve further physical abuse, the arbitrary beatings before the questioning reflect a common practice used by police, soldiers, and even prison authorities to frighten and force detainees into submission before the interrogation process so that the detainees will give up information more readily.

"Yes, there was (interrogation). They asked me, PDF; there are PDFs. Just tell us how many." I am working on my business (PDFs). I don't know how many."

Survivor SGG_01

Case SGG_03 (See. Box-2): Survivors recalled that the soldiers had a list of names they were searching for and singled out those people to interrogate and torture separately. Some villagers reported that the soldiers told them they were looking for "members of the People Defense Force" (although only one of the murdered victims was in the local defense force). Therefore, it can also be inferred that the brutal torture utilized by the soldiers was likely to be to gain information.

The following cases further exemplify the military's use of torture as a method of interrogation-

Box-4. MDY_03: Beating the detainee, Mandalay

At around 6 p.m. on February 19, 2023, soldiers raided the home of a photographer and violently arrested him in the city of Mandalay. The soldiers fired guns to threaten and also beat the detainee at the time of the arrest. About three hours later, the family was informed of his death.

Box-5. Case MDY_04: Torture inside Myingyan Prison, Mandalay Region.

In May 2023, there was a marked increase in cases of torture and enforced disappearance of political prisoners in Myingyan Prison. Without any precipitating event or conflict, from May 21st to the end of June, a total of over 70 political prisoners were taken out of their cells and interrogated for about 4 days. They were tied up and beaten in the jailor's office. Fourteen of them, however, were blindfolded with hands cuffed behind their backs and taken to Light Infantry Battalion-15 (Kha-Ma-Ya/ LIB – 15) where they were brutally tortured. Among them, Soe Yarzar Tun Lwin was tortured to a life-threatening extent as he had wounds inflicted on his body with knives and was beaten until some of his teeth fell off. Consequently, his life was at great risk, but alongside other survivors, he was denied access to medical treatment or any communication with his family.

Thirteen of those tortured by the LIB-15 were put in solitary confinement for over a month, without medical treatment, legal aid, or communications with family, before being transferred to other prisons. Three of them had also been sued with additional charges under the Telecommunications Law. One missing victim, Toe Wai Aung, was reportedly killed due to the abuse.

3.2.3 Retaliation and Punishment

In several cases of human rights violations, it is noticeable that the military resorted to brutalities against civilian populations or captured members of resistance groups to take revenge against any form of opposition: either against peaceful tactics (such as protests) or against armed actions (such as ambushes against military troops). The military has been documented to burn villages, arrest uninvolved civilians, or indiscriminately threaten civilians in areas where such acts of opposition have taken place. These are acts of collective punishment, where the military takes out their hatred and retaliates against the opposition forces by inflicting harm on civilian populations - which is also intended as a deterrence against anti-military movements. Moreover, when supporters of pro-democracy movements are detained, soldiers and police often impose severe punishment upon them in the form of torture.

Case MGY_01 (See. Box-1): The case again exemplifies how the military uses torture to retaliate against anti-military forces. As the two resistance fighters were captured after an anti-military armed attack, they were subjected to extreme methods of torture as the soldiers retaliated against them for their involvement in anti-military actions.

Interviewed Case SGG_02: In this case, the survivor recounted being tortured immediately after the soldiers noticed that they owned a radio transmitting device. Without following appropriate protocols for questioning, the soldiers resorted to beating them. Although owning a walkie-talkie without a license is illegalized by Myanmar's Telecommunications Law, it does not justify the unrestrained use of violence against unarmed civilians. This action also reveals that soldiers are accustomed to this type of treatment towards people they suspect since they do not appear to have any protocols in place for handling arrestees in line with human rights standards.

"The soldiers stopped u-talkieaimnly handh, they told us to keep our t h e heads down and started beating us. We use the walkie to be alerted when the soldiers are near and evacuate in advance ."

Survivor–SGG_02

Box-6. Case SGG_05: Burning the Village and Torturing the Hostages, Sagaing Region.

Before the dawn of July 31, 2023, the military and Pyu-Saw-Htee militia raided and burned a village in the Khin-U Township of Sagaing Region. The spree of burning villages occurred after the military was attacked with landmines near the village within the last week of July. As they departed from the village in the evening, they took about 40 villagers as hostages to a nearby village. The detainees were beaten along the way, and the soldiers threatened them that the remaining houses would be burned down if the military were attacked again.

Case SGG_05 (See. Box-6): There was no evidence that any of the victims were associated with the resistance group(s) that carried out the attack, in this case. It highlights the military's tactic of collective punishment against local civilian populations for an event that occurred in their vicinity.

Box-7 Case MDY_05: Mass Apprehension and Torture of Civilians, Mandalay Region

On September 1, 2023, a military troop of about 300 soldiers occupying a monastery in a village in Ngazun Township of Mandalay Region was attacked with drones by a local defense group. Two days later, the soldiers arbitrarily arrested over 50 villagers, including women and youths under the age of eighteen, without any warrant or solid reason for suspicion. The detainees were blindfolded and had their hands tied behind their backs. They were physically abused and interrogated in the village administration office before being transported to another village the next day.

Case MDY_05 (See. Box-7): The case also adds to the point that the military uses physical and psychological abuse (such as blindfolding and tying up detainees) not only as a way of intimidation and interrogation but also to punish them for an act they were not responsible for. The military commonly deploys this tactic of indiscriminate abuse against civilians to deter resistance movements.

Box- 8 Case MDY_06: Torture of Demonstrator, Mandalay

On June 19, as pro-democracy organizations called for the Flower Strike (where participants would demonstrate their solidarity with the detained State Counsellor and their support for democracy by wearing flowers), the military intensified their scrutiny and arbitrary arrests of civilians across the country. In one case in Mandalay, a woman wearing a flower was stopped by soldiers, and they viciously beat her publicly on the road, right in front of her husband and child.

Case MDY_06 (See. Box-8): The case depicts the suffocating reality of Burmese people, silenced under the oppression of the military without any rights to freedom of expression. Although wearing a flower is a common practice in Burmese culture, the soldiers subjected the woman to public humiliation and physical abuse solely based on the suspicion that she was taking part in the Flower Strike. Torture was conducted as a form of punishment, and in this case, it also inflicted psychological harm to the family members who had to witness the beating.

Box -9 Case SGG_06: Massacre in Wingyi Village, Wuntho Township, Sagaing Region

On January 7, locals discovered the bodies of 19 civilians who were arbitrarily detained by the military after the troops were attacked with mines on December 6. The victims included 2 women and 17 men, including residents of Kawlin - a town recently acquired control by anti-military forces. The bodies sustained signs of torture, and nine of them were found together on a roadside - indicating an intentional mass killing.

Case SGG_06 (See. Box-9): The case exemplifies the military's commonly observed pattern of 'collectively punishing' uninvolved civilians after being attacked by opposition forces although there was no proof for the soldiers to believe that the victims were armed combatants or supporters of the armed resistance movements.

Box -10 Case MDY_07: inhuman Treatment against Female Political Prisoners in Oh-Bo Prison

In February 2023, female political prisoners in Oh Bo Prison of Mandalay Region encountered a conflict with prison authorities. The authorities inflicted physical harm upon the prisoners by shooting stones with slingshots, beating, and bludgeoning them. According to the NUG's report, perpetrators included not only prison guards but also male non-political inmates, totaling over 100 perpetrators. Approximately 70 prisoners were injured, and about 21 sustained serious wounds, including injuries on their heads, eyes, and ears. At least 2 female political prisoners were put into solitary confinement after the beatings.

Again, in December, prison authorities forced female political prisoners to sit in stressful positions in cold weather - intentionally making them prone to illnesses. Such conducts were commonly used to punish political prisoners who got into disputes with guards.

Access to healthcare is also unnecessarily difficult and restricted in prison, causing the death of a female political prisoner in February 2024 due to delayed and inadequate treatment for her kidney disease.

Case MDY_07 (See. Box-10): Oh-Bo prison is notorious for its maltreatment and abuses against political prisoners. Reports of such inhuman treatment in 2023 highlight how various methods

of torture and inhuman treatment are used to punish political prisoners. Such methods include those that cause direct physical injuries as well as those that insidiously cause health problems and psychological trauma - such as solitary confinement (which is a prohibited practice by international laws).

3.2.4 For other arbitrary reasons

On many occasions, civilians have been subjected to torture even when they had not been associated with political activities. This is especially common during military operations where soldiers would raid villages and attack any individual they find -without any proper questioning, differentiating, or taking precautionary measures to minimize harm. Civilians face the risk of torture anytime they encounter soldiers or police: at highway checkpoints, during patrols by soldiers, at arbitrary checkpoints while commuting on roads, or during “clearance operations” or raids by the military. Pretexts for torture vary; civilians have been abused for sharing a certain post on social media, for owning a particular telecommunication device, for wearing a certain outfit, for trying to avoid soldiers, or for doing any activity that might raise suspicion or cause annoyance to soldiers.

The unpredictability and severity of such physical abuses implant a deep sense of insecurity for civilians. Moreover, it also interferes with the daily lives of civilians as they have to be constantly on the lookout for soldiers and seek various measures to minimize the risk of encountering soldiers and police. Most importantly, this widespread practice of the military using torture arbitrarily against civilians also explains why villagers feel the need to evacuate whenever the junta’s troops are nearby.

Interviewed Case SGG_01: The survivor of torture noted that he was beaten by the soldiers outside of the interrogation sessions without any questioning from the soldiers. He would be beaten simply because he was limping or because he made subtle movements that unintentionally upset the captors. Therefore, these actions from the soldiers show that torture is not always intended for a specific purpose such as interrogation or punishment: captive civilians still face the risk of torture by soldiers without any predictable reason.

“ I d o n o t k n o w w h y I w a s t o r t u r e d . T h e y t h e r e n o c a m e n e a r m e a n d h i t m e ; f o r e x a m p l e , i f I t i l t e d m y h e a d a l i t t l e b i t b e c a u s e m y m u s c l e s f e l t s t r a i n e d I h a d b e e n m a d e t o b e n d d o w n u n t i l m y h e a d a l m o s t t o u c h e d t h e g r o u n d . A n d t h e y w o u l d h i t m e j u s t b e c a u s e I t i t l e d m y h e a d . ”

Survivor SGG_01

Box-11 Case MDY_08: Torture of Innocent Villager, Mandalay

On May 4, about 30 soldiers entered a village in Myingyan Township in Mandalay Region and made a villager cook a meal for them in his home. When he asked them the number of people he needed to cook for, the soldiers started punching his face and bludgeoning him with the buttstocks of their guns.

Case MDY_08 (See. Box-11): This case shows that the junta’s soldiers do not follow military codes of conduct as they had been enabled to enter the home of a civilian and force him to cook for them. Their violent reaction to the host's question also revealed their distrust towards locals and their tendency to resort to physical violence almost habitually.

The following cases further exemplify how torture can happen without any predisposing event and shed light on the unsafe lives of locals in the middle regions of Myanmar:

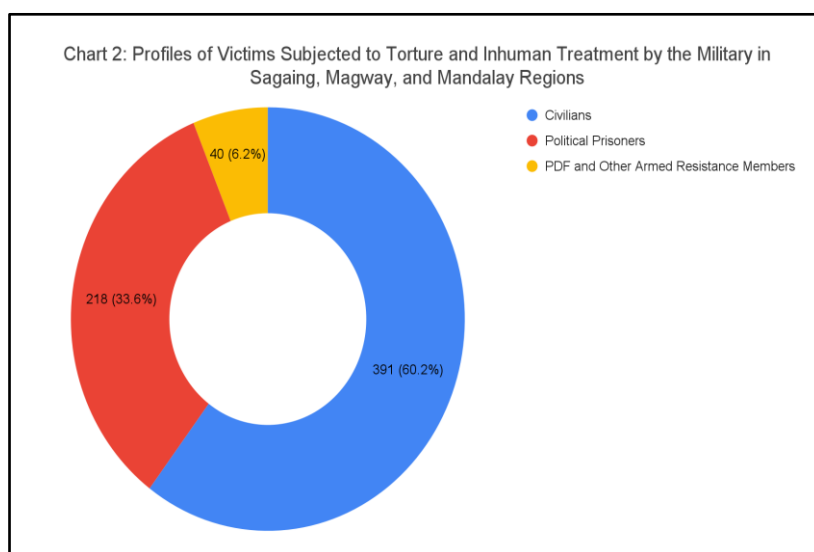
- On November 23, in Myingyan Township, about 10 soldiers detained a man from a nearby village, then released him after kicking and beating him about 30 times, accusing him of being a member of the PDF. The soldiers threatened other commuters by firing their guns, while the

commander of the group reportedly shouted to “shoot straight (at the people) and not shoot at the sky”.

- On the evening of November 11, four soldiers drank alcohol at the home of a military supporter in a village in Myingyan Township. As they got drunk, they started indiscriminately firing guns about 50 times, risking the safety of civilian neighbors and causing them to hide. On their way back to their settled area, they encountered a local man and a woman in the village and got mad at the two ‘for being on the street even after they fired guns’. The soldiers chased the two civilians into their homes, firing guns after them. One of the soldiers pressed the man’s head against the floor with his shoe as the soldiers swore and yelled threats at the people nearby.
- On the night of January 23, near a village in Yesagyo Township, a patrolling team of soldiers and Pyu-Saw-Htee militia encountered two men, who were arbitrarily detained and tortured. One of the men was killed and his body burned overnight; another was subsequently taken to a military base.

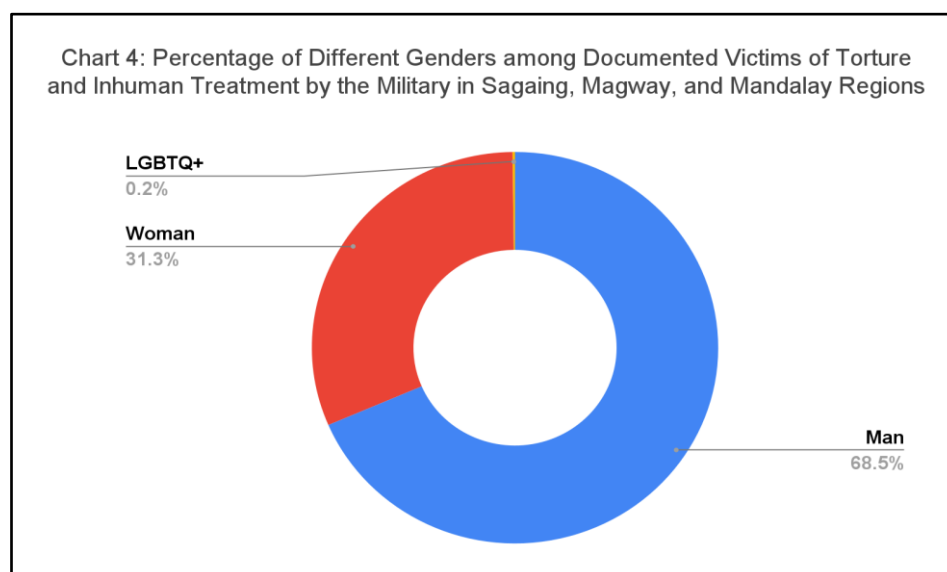
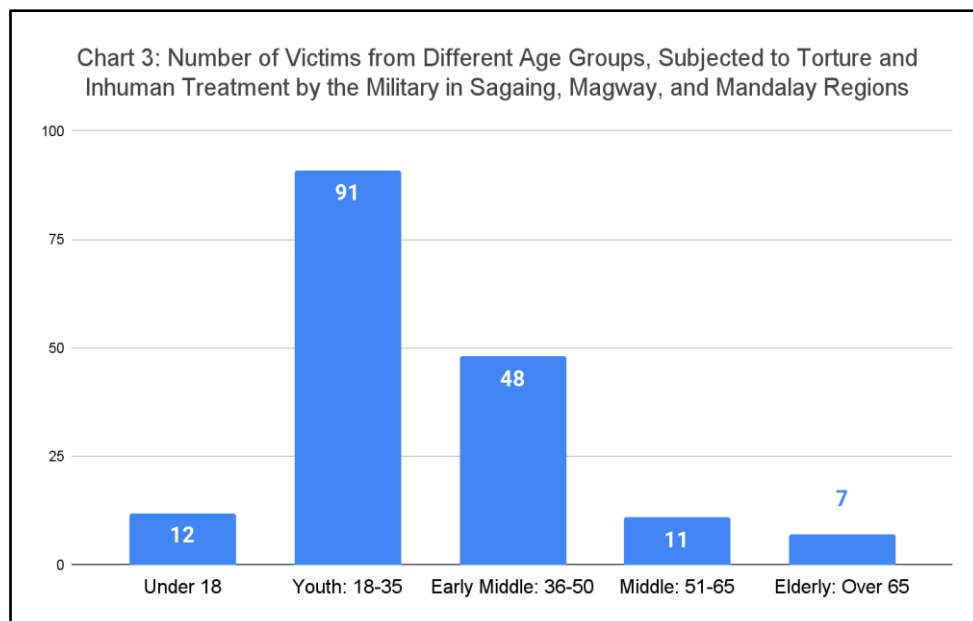
3.3 Profiles of Victims Subjected to Torture

Contrary to the military’s justifications that the victims are armed combatants, documented cases reveal that over 93% of victims are civilians (See Chart 2), including vulnerable groups such as children, elderly, and handicapped people, as well as political prisoners. Only about 6% of victims have been confirmed to be a member of local defense groups: the excruciating sufferings they have suffered at the hands of the military cannot be excused since international humanitarian laws protect captured combatants from torture.



On analysis of victims’ identities, it is found that all genders and all age groups are exposed to the risk of torture on any encounter with the junta’s forces: women, children, elderly, and handicapped people who pose no threat to the civilian populations or the stability of the region are treated as enemies by the military and are vulnerable to extreme forms of physical abuse. Youths between the age of 18-35 years of age are most commonly perceived as suspected combatants or political dissidents by the military, therefore, they compose the largest percentage of torture victims for whom the age group can be identified (See. Chart 3). Importantly, although relatively fewer than other age groups, about 7% of documented victims are minors under the age of 18 and about 4% are elderly people over the age of 65, which further supports the fact that the military does not spare these vulnerable age groups in their widespread use of torture. In terms of gender, over 68% of

documented victims are men (See. Chart 4), which reveals the military's heightened suspicion and hostility towards male civilians. In addition, certain groups, such as political and social activists, are perceived as 'terrorists' by the military, thereby making them a specifically targeted group for the military's brutal torture and extrajudicial killings.



3.3.1 Sparing Nobody: Harming Vulnerable Group Members

As all civilians are vulnerable to the military's abuses, women are not spared from physical violence even when it is clear that those women are neither armed nor dangerous to the soldiers. Because of the lack of restraint by soldiers, women faced with physical abuse often sustain serious injuries. In addition, there have been several reports of sexual violence occurring in interrogation centers and prisons although verification and documentation are obstructed due to the restricted access to political prisoners.

Elderly people and handicapped people are often exposed to the brutalities of the military. These people face difficulties in evacuating in time, and in particular, mentally disabled people run a

higher risk of upsetting the soldiers by failing to obey them. However, even when disabilities were noticeable, soldiers showed a lack of mercy for them in several cases.

Within the scope of this report, the following cases show the circumstances in which the military uses violence against women, elderly people, and handicapped people even when these people are harmless to the troops. These cases further highlight the arbitrary nature of abuses and the military's lack of effort to distinguish between military targets and civilians.

Women

- At around 4 pm on May 10, soldiers raided Magyisu Village in Myingyan Township. When they could not find the men in the village, they beat the remaining women - forcibly questioning where their husbands had gone. About 10 women were badly injured due to the abuse. In this case, the soldiers used torture to intimidate the women and to gain information from them. Moreover, the women were scapegoated or punished for the absence of the men despite there being no evidence to suggest that any of the women were involved in hostilities against the military.
- On August 27, 2023, a local woman was arbitrarily stopped and questioned by soldiers on her way to the town of Kale, Sagaing Region. The soldiers brutally beat her right on the side of the road and confiscated her motorcycle, phone, and purse. Her family noted that she had been bleeding from the ear when she returned home. About nine days afterward, she died from the head injury sustained due to the beatings.

Handicapped People

- In Hnaw Pin Village, Myaing Township, Magway Region, a total of about 70 militants, including soldiers and Pyu-Saw-Htee, occupied the village on July 23 and took 11 male villagers as porters when they departed from the village the next day. While in the village, the soldiers extensively beat a handicapped villager, who had mental disabilities and was unable to talk and walk normally.
- In March 2023, the family of a mentally disabled man from Pyin Oo Lwin Township of Mandalay region reported that the man had been tortured during detainment at the Pyin Oo Lwin Myoh Ma Police Station. He went missing on March 22 and was reconnected with family members on March 25. He sustained injuries on his body, presumably due to whipping with barbed wire.

Elderly People

- On March 23, the soldiers and Pyu-Saw-Htee militia raided the Mya-Kan Village in Khin-U Township of Sagaing Region. They caught a 65-year-old man who was trying to flee from the village. The soldiers and militia bludgeoned him with the buttstocks of their guns, kicked him with boots, and killed him.
- On August 4, the military raided Nyaung-Oat Village in Madaya Township of Mandalay Region and detained over 20 villagers. Among them, an elderly man and woman, both aged over 70 years, were caught while talking on the phone. The soldiers beat and interrogated them out of suspicion just because they were talking on the phone.

3.3.2 Targeted Group Members

Underaged youths and children are not protected from the military's acts of torture either. It has been found that teenage boys may be perceived as threats by the military and may be more vulnerable to torture. For instance, in the **Interviewed Case MDY_02**, both of the boys subjected to severe torture were underage: one being 14 years old and the other 17 years old. The following cases further

illustrate how victims aged under eighteen are targeted by the military, as soldiers often profile them as potential rebels.

- On October 16, 2023, in Thae-Kone Village of Yinmarbin Township, Sagaing Region, 6 male villagers, including three children around 14-17 years of age, were killed by bludgeoning and decapitating. The military troops raided the village, tricked the evacuating villagers to return to the village, and detained the returning villagers. Some decapitated heads of the teenage victims were found displayed on poles near the entry points of the village.
- On October 7, in In-Lel-Gyi Village of Kantbalu Township in Sagaing Region, the military and Pyu-Saw-Htee militia captured 3 male villagers who were evacuated from their village because of the raiding troops. Two of them were shot to death. The 17-year-old survivor was tortured by bludgeoning the legs and feet with a metal pole, and he was also threatened not to talk about the incident to other people, causing significant psychological trauma to the survivor.
- At dusk of July 21, at about 2:00 a.m., the military stealthily raided Sone-Chaung Village in Yinmarbin Township of Sagaing Region. Fourteen villagers were detained, tortured, and killed by the soldiers during this attack. Although pro-military propagandists claim that six members of the People's Defense Force were killed, only two of the fourteen victims were leaders of village defense teams. The victims include four teenage boys under the age of 18, and the bodies sustained injuries of severe torture, such as stab wounds and burns.

Although everyone is subject to the risk of arbitrary arrest and torture by the military, hundreds of cases show that politically active civilians are more prone to life-threatening torture at the hands of the military. In prisons, the prison authorities persecute political prisoners - commonly subjecting them to inhuman rules and appointing non-political prisoners to abuse the political prisoners. Civilians associated with pro-democracy organizations, those known to be previously involved in community-based activities or electoral campaigns, or even those suspected of participation in pro-democracy movements face disproportionate torture for various reasons: interrogation, punishment, or retaliation.

Interviewed case MDY_01: Although there was no evidence that the victim was currently involved in anti-military activities, he was known in the community to be associated with pro-NLD campaigns - which shows the military's targeted attack on political dissidents.

" (T h e v i c t i m) w a s i n v o l v e d . d u r i n g t h e e l e c t i o n s p e r i o d . H e w a s o n c e a l s o i n v o l v e d i n c o m m u n i t y a c t i v i t i e s . I t h i n k h e w a s d e t a i n e d a n d t o r t u r e d b e c a u s e o f t h o s e a c t i v i t i e s . T h o s e m u s t h a v e p l a y e d a p a r t (i n t h i s c a s e) . "

Witness MDY_01

The following cases testify to the observations that soldiers intentionally use brutal methods of torture to crack down on political activists:

- In July, local anti-military organizations reported that three men detained for political reasons were being brutally tortured at an interrogation center by the military. Two of the men were detained with the accusation that they were providing information to local defense forces; another man was known to be an executive member of a township branch of the NLD party from Singu Township in Mandalay Region and was arrested in June. Since the arrest, the men had not been allowed to connect with their families or receive medical help for their wounds.
- The military raided three villages in Sagaing Township from April 30 to May 2, 2023, and they arbitrarily arrested 16 men - two of whom were subsequently killed by the soldiers. One of the murdered victims was severely tortured and interrogated before the killing because the

soldiers found his tattoos depicting the fighting peacock - a symbol of Burmese democratic movements - and a slogan of the NLD party.

- On July 28, the military raided the office of Budalin Township Students' Union, and they detained, tortured, and brutally killed three students. The victims were Kyaw Win Thant (the president of Budalin Township Students' Union (All Burma Federation of Student Unions)), Kyal Sin Nyein Chan (the vice-president), and Thuta Nay (the information officer).
- On June 1, 2023, the military troops departing from the Wangpao Company premises (Salingyi Township, Sagaing Region) detained Vant Gyi, a 40-year-old member of the local peoples' administrative group of Salingyi Township. Witnesses report that he was beaten at the time of the arrest before being taken to Nyaung Pin Gyi Police Station, and on the next day, to Monywa Interrogation Center. Then, on June 11, his body was retrieved near Nyaung Pin Gyi Village where the military was occupying. Signs of torture, including bludgeoning injuries on the head and multiple stab wounds on the chest, were found.

3.4 Methods Used in Torture by the Military

In documented cases of torture and inhuman treatment, the military is found to use different methods that impose life-threatening physical harm and long-standing psychological trauma to victims. Beating with blunt objects, such as bludgeoning with metal poles and buttstocks of guns, is most commonly observed, more grievous techniques such as immolating a person alive, cutting or stabbing the victim's body with sharp objects, as well as, dismembering have been employed by the military on several occasions. Unnecessary use of firearms in close range is also documented even when the victim does not appear to be armed with weapons and when he/she is not in a position to flee or defend themselves.

Two notable patterns are observed in all documented cases: that the military does not have any rules and regulations in place for differentiating between armed combatants and unarmed civilians to minimize unintentional harm inflicted upon civilians; and that the military tortures civilians using disproportionate force - with excessively injurious methods of torture and conducting the acts of torture in large groups of perpetrators.

3.4.1 Lack of Effort to Distinguish

Although international humanitarian law enshrines that militaries must carefully identify military targets to minimize the adversities inflicted upon civilians, the junta's forces have not exhibited any effort to differentiate between armed combatants and normal civilians.

For instance, in Interviewed Case MDY_02, the soldiers justified to the father of the 14-year-old victim that the occurrence was only an accident because the boys were in the field. However, several facts in this case prove that the physical and mental harm suffered by the boys was not accidental; the soldiers did not make any effort to mitigate the harm inflicted upon the boys. For example, they could have warned and instructed the boys to stop running and searched them without resorting to torture. The soldiers' course of action shows that there was no intention to make sure whether the boys were actual perpetrators or not; they did not set or follow any protocol to stop and question the boys before inflicting severe physical harm. Suspicion alone cannot justify the mistreatment.

On October 19, the military raided Pauk-Ku Village in Yesagyo Township, Magway Region. The soldiers shot at two male villagers who could not flee the village in time and captured them. They bludgeoned the two villagers to death, and the lower body of one victim had also been immolated.

Case MGY_02 (See. Box 12): This case is another evidence of how the military does not distinguish between armed combatants and unarmed civilians. As the soldiers fired guns at the two villagers and seized them, it would have been obvious to the soldiers that the two men were defenseless and were not a threat to their troops. Yet, they tortured the two men to death.

3.4.2 Disproportionate Force

In several cases, defenseless civilians are tortured by large groups of aggressors, totaling tens of members and composed of soldiers and police as well as unofficial militia such as Pyu-Saw-Htee and Thway-Thouk groups. Because of disproportionate force and unnecessarily violent methods of abuse, some victims have been tortured to death, and those who survive also sustain long-standing physical and psychological damage.

Interviewed Case MDY_01: The involvement of an excessive number of perpetrators and the frequency of visits prove that the case was intentional and premeditated. It also shows that the military made no effort to refrain from disproportionate harm inflicted upon the victim because the torture was conducted for several hours until the victim died from injuries.

Interviewed Case MDY_02: During close contact between the soldiers and the victims, it would have been clear to the soldiers that the two boys were defenseless against the group of soldiers; and that they could not pose a safety risk against the soldiers. However, the soldiers used disproportionate force against them as multiple soldiers beat, punched, and hit the boys by using the buttstock, ignoring the boys' explanations and pleas.

" They kicked me , struck me with buttstocks , and surrounded and kicked me; then, another one kicked me once in the chest and a couple more times on the back They asked ~~habeI was just a cattle herder~~ , but they o m . I beat me . "

Survivor-MDY_02

Interviewed Case SGG_02: In addition to beating and kicking, most of the time, soldiers have been found to use different methods to torture civilians using tools such as pliers and sharp objects.

" They pulled o randkicked us with their boots. One of the detained girls had her ears pulled, and they pulled harder when she screamed in pain. (One of the men) begged them, saying he had not done anything . But it was in vain . T

Survivor-SGG_02

Interviewed Case SGG_01: The case demonstrates that the soldiers do not comply with any legal or standard protocols for the arrests. During the arrest in this case, the survivor reported being beaten and having his hands tied behind his back with a wire. Moreover, all the detainees were blindfolded whenever they were made to leave the cell in which they were detained.

" Just at the time of arrest , they tied my hands knife and used it to tie me because they did not

Survivor-SGG_01

Interviewed Case MDY_02: The most significant evidence of the soldiers' use of disproportionate force or method is the unjustified gunshot against the unarmed 17-year-old boy. They made the boy kneel on the ground, after he had already complied with their commands and the soldiers shot the boy twice - the second shot hitting his leg after the first shot missed. The boy reported

that he was subjected to more beating even after the gunshot injured him. Each action in this incident shows the soldiers' intentional use of firearms against civilians, their lack of restraint, and their habit of arbitrarily shooting civilians without any justifiable grounds.

“ When we got to the base of the hill (to release motorcycle accident, so I was limping. And they hit my back the buttstock They started punching me from all sides. They tortured me. I was the only one who was tortured. When we were taken through the village from the police station to go to the harbor (where the victims were released), they hit my head with their guns; kicked me with their boots; and stabbed me with a dull knife. They kicked me in my face . . . on the sides... everywhere . ”

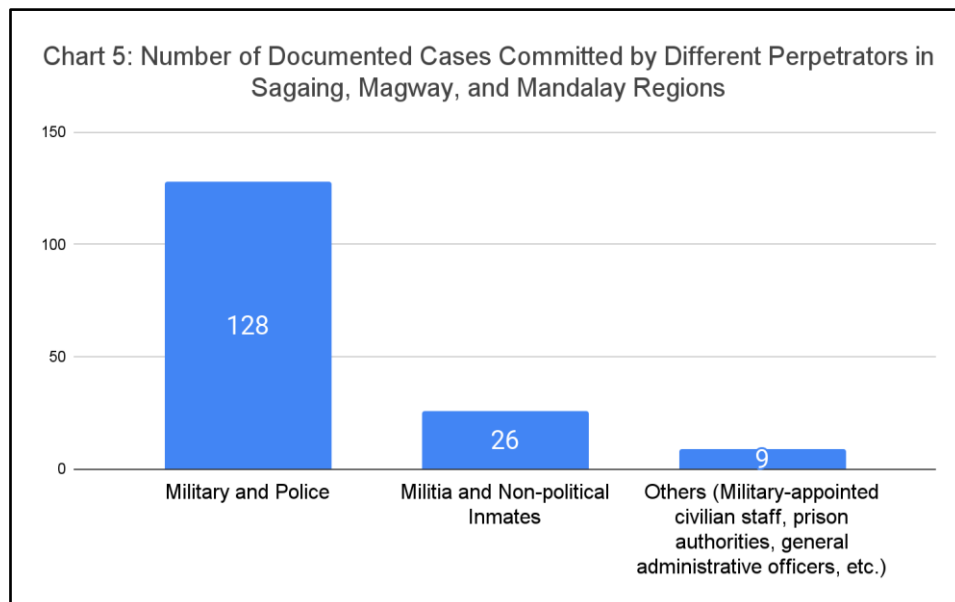
Survivor SGG_01

3.5 Perpetrators of Torture

3.5.1 Perpetrators' Profile

While human rights abuses are commonly perpetrated by soldiers and police directly under the command of the military junta, there have been several cases where perpetrators, though not officially uniformed or registered as the military or police, have been sponsored and armed by the military junta. Often, these groups are composed of former soldiers, members of military-affiliated nationalist political parties such as the Union Solidarity and Development Party (USDP), monks, and civilians belonging to the Ma-Ba-Tha xenophobic group (which is known to spread hate and perpetrate violence against minorities religious and ethnic groups), and other military supporters.

These militant groups, going by the names of Pyu-Saw-Htee and Thway-Thouk, in civilian disguise have significantly increased their participation in human rights abuses: acting as informants to relay data to the military about political dissidents, threatening civilians and extorting money, and even directly taking part in physical violence against civilians by joining the military in raids or carrying out the abuses on behalf of uniformed soldiers. At least **16%** of documented cases in the reporting period have involved militia groups as co-perpetrators of torture and inhuman treatment. (See. Chart 5)



A notable incidence is the heinous torture and immolation of two resistance fighters in Myauk Khin-Yan Village (See Box_01: **MGY_01**), in which the Pyu-Saw-Htee militia was found to take part in armed hostilities alongside the military and commit the torture and killing themselves. Similarly, the

following cases serve as examples to demonstrate how these militia groups, enabled by the military, blatantly intrude into the homes of civilians and commit grievous crimes with impunity:

- After the killing of a military informant in a village of Township MDY-134, local groups of Pyu-Saw-Htee abducted four people, known to be NLD supporters involved in anti-military protests. Solely based on their political beliefs, the abductees were brutally killed by the Pyu-Saw-Htee as an act of retaliation and scapegoating.
- On the night of April 16, 2023, Pyu-Saw-Htee militia forcibly entered the home of a resident in Township MDY-134 and brutally beat him. The reason for their conduct was that the son of the victim splashed water on the car of a monk, who reported the accident to the Pyu-Saw-Htee militia.

Importantly, inside prisons, groups of non-political inmates are also assigned as abettors of human rights abuses by prison authorities. As evident in documented human rights violations inside Oh-Bo Prison of Mandalay Region (**See Box_10: MDY_07**), inmates charged with non-political crimes are commissioned by prison authorities to keep a watch on political prisoners and are openly permitted to abuse them on behalf of the authorities.

3.5.2 The perpetrators' tactics of evading accountability

In several cases, the military and their affiliates have taken different measures to impede the documentation of their human rights violations and to hide information about perpetrators. In documented cases, survivors have recounted being blindfolded when being taken to military bases or police stations and being unable to identify the groups to which the perpetrators belong. The military and the police have been found to threaten bystanders not to look or take pictures as they commit human rights violations. Most commonly, the military disposes of the bodies of victims who have died from torture and refuses to let families reclaim the bodies of their loved ones. The following cases exemplify the common ways in which the military intentionally tries to evade accountability for their crimes:

- **Interviewed Case MDY_02:** After the beatings, the victims were eventually taken to a civilian town hall that the soldiers had occupied. Moreover, the victims reported being blindfolded on the way. Although the gunshot victim received initial medical care for the wound, the victims and their families did not receive any information about the identity of the perpetrators, appropriate compensation, or any promise of disciplinary action against the perpetrators. The common practice of blindfolding detainees and keeping them in informal civilian venues appears to be the military's attempt to evade accountability.
- **Interviewed Case MDY_01:** In the torture and killing of the community leader, there was no footage evidence documented because the military had threatened that they would hurt any person who looked or intervened. This is also a tactic of deterring people from acquiring evidence which can contribute to legal proceedings against the perpetrators.
- On June 26, 2023, a 51-year-old man, imprisoned under politically motivated charges in Myingyan Prison, was reported to be dead at Myingyan Hospital. Although the prison authorities claimed that he died from a heart attack, the family disputed this claim as he did not have any history of heart disease. Moreover, the military also refused to let the family see or retrieve the body, asserting that he had already been cremated.

4. Conclusions and Recommendations

After the military's coup attempt in 2021, there was widespread and systematic use of torture against civilians across the country, especially in Central Myanmar. The military continues to heavily deploy torture in its atrocity campaign against the whole population including its dissents. This results in

serious violation of fundamental human rights, specifically freedom from torture, and cruel and other inhuman treatment.

The documentation results highlight that the military extensively uses torture as a weapon to terrorize civilians, extract information from perceived dissents, and punish activists or innocent civilians. The military is documented to use excessive force in conducting torture practices, without making an effort to distinguish innocent civilians or dissents. Not only political activists and those involved in anti-military movements but also unarmed civilians including vulnerable group members are subject to torture by the military forces. The outputs of the documentation reveal that different local militias such as Pyu-saw-Htee and Thway-Thouk groups conduct torture on the civilian population. Some methods such as blindfolding and immolation serve as the perpetrator's tactics of evading accountability for the practices it had committed.

The following recommendations are made to the United Nations and the International Community including the US, China, Russia, EU, ASEAN, and neighbor countries such as Thailand, and India, and the military regime and the National Unity Government:

1. The United Nations Security Council should promptly refer the situation in Myanmar to the International Criminal Court (ICC).
2. The Myanmar military must put an abrupt and immediate halt to the use of torture.
3. The foreign powers, such as the US, EU, China, and neighboring countries, should impose concrete, coordinated, and effective economic sanctions against the Myanmar military.
4. Mandated international organizations, such as the ICRC, should implement effective interventions to investigate human rights violations against political prisoners, stop ongoing acts of violence in prisons and interrogation centers, and deliver effective medical and legal aid, as well as food and essential living supplies, to ensure dignified living situations for all political prisoners.
5. Foreign powers and neighboring countries should work with local and international humanitarian organizations to promptly establish coordinated mechanisms to provide shelter and protection for people fleeing from torture and other forms of violence by the military. Coordinated international actions should include the initiation of screening processes for refugees and asylees in neighboring countries and increased international support for governments of countries harboring Myanmar's refugees and asylees.
6. The National Unity Government (NUG) should strengthen its efforts to seek justice and accountability for the torture committed by the Myanmar military at all possible international accountability mechanisms.
7. The NUG should take reparation measures for the victims of torture including providing rehabilitation and psychological support to the victims.
8. International governments and non-governmental organizations should work with local community organizations to implement programs for survivors of torture, witnesses, and human rights documenters to protect them and document their testimonies to use in judiciary mechanisms.
9. Local and international human rights organizations should strengthen the capacity of local grassroots organizations and establish nonpartisan channels to safely report acts of torture

and inhumane treatment - not only those committed by the military but also those committed by all other actors with territorial authority.