

Mandates of the Special Rapporteur on violence against women and girls, its causes and consequences; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Ref.: AL OTH 16/2025
(Please use this reference in your reply)

17 January 2025

Dear Mr. Min Aung Hlaing,

We have the honour to address you in our capacities as Special Rapporteur on violence against women and girls, its causes and consequences; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 50/7, 53/4, 52/36, 50/10 and 52/7.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 60 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, we would like to bring to your attention information we have received concerning **allegations of human rights violations committed against Rohingya women and girls by the State Administration Council (SAC) forces in Rakhine and other States since November 2023.**

Concerns regarding allegations of human rights violations committed by the SAC against Rohingya have been repeatedly raised by human rights mechanisms and experts, including the Special Rapporteur on the situation of human rights in Myanmar,

State Administration Council (SAC)

the Independent International Fact-finding Mission on Myanmar, the Independent Investigative Mechanism on Myanmar, the Special Envoy of the Secretary-General on Myanmar, the Special Representative to the Secretary-General on Sexual Violence in Conflict, the Special Adviser on the Prevention of Genocide, and the Special Adviser on the Responsibility to Protect.

According to the information received:

Since November 2023, the State Administration Council forces and the Arakan Army (AA) have been engaging in an escalating armed conflict in Rakhine State following a year-long unofficial ceasefire. Following the resumption of hostilities, mass human rights abuses have been reported throughout much of Rakhine State and across the region.

Targeting of Rakhine State and subsequent displacement resulting in heightened risks for women and girls and the deteriorating humanitarian situation

As of December 2024, The Humanitarian Update published by the Office for the Coordination of Humanitarian Affairs (OCHA) estimates that overran estimated 570,000 people have been displaced in Rakhine State due to the conflict and that around a third of Myanmar's population is in need of humanitarian assistance.

The intensified conflicts between the SAC and AA since 2023 led to new waves of displacement in the country, including the Rakhine State. According to the Emergency Update published by the Office of the United Nations High Commissioner for Refugees on 16 September 2024, women and girls account for 51 per cent of those who have been forcibly displaced since February 2021, and who face heightened gendered risks of sexual exploitation and abuse. Particularly, an estimated 100,000 people have been displaced since late 2023, with civilians often trapped between opposing forces, exposing them to severe shortages of food, clean water, and essential medical care due to blocked humanitarian aid and restricted access. The junta's forced conscription contributed to mass emigration from the region, exposing women to risks of unsafe travel, smuggling, trafficking, and early and forced marriages.

When fleeing the conflict affected areas, Rohingya women and girls and those belonging to other ethnic groups are particularly vulnerable since their villages have been destroyed with nowhere to go, along with the loss of livelihood and lack of food. The military's restrictions prevent humanitarian agencies from reaching affected communities, worsening the crisis as food stocks dwindle and water access remains scarce. This collective deprivation has left many displaced families struggling without shelter or adequate resources to meet their basic needs.

Since November 2023, the attacks carried out by the SAC have impacted Rohingya and Rakhine villages in Rakhine State and were tactically positioned in or around areas where the Rohingya minority resides. In particular, the conflict intensified in Buthidaung and Maungdaw Townships, where thousands of Rohingya and other ethnic and religious minority communities were forced

to flee on foot. Reportedly, between March and May 2024, roads were closed, and public hospitals, together with other civilian structures in Buthidaung and Maungdaw, were attacked, rendering civilians more vulnerable to conflict-related injuries during a near-total absence of humanitarian access in Rakhine State and a nationwide state of emergency. The junta's obstruction of humanitarian aid prevented full and unfettered humanitarian access to civilians in the area. On 17 July 2024, the SAC forces were reported to have attacked civilian infrastructures in Moo (Mone) Township, Kler Lwee Htoo (Nyaunglebin) District, with airstrikes, drones, and artillery, which resulted in the alleged killing of civilians. Reportedly, many of those wounded or killed as a result of these attacks were women and children, who remain at heightened risk of being targeted with artillery and drone attacks by the junta. Additionally, in November 2024, the SAC forces reportedly targeted civilian infrastructure in Laidaw Township. Over a seven-day period, they launched artillery and drone attacks on villages, resulting in injuries and the destruction of homes, clinics, a rice mill, and public buildings.

Conflict-related sexual violence against Rohingya women and girls

The worsening humanitarian situation has been particularly concerning for women and girls, particularly Rohingya, in Rakhine State. They face increased risks of conflict-related sexual violence and reportedly lack basic necessities, such as essential sexual and reproductive health and postpartum care, and access to reproductive health services, particularly for pregnant women. They also have limited access to justice or protection from local authorities due to ongoing instability and lack of governance structures. (A/HRC/56/CRP.8, paras. 5;169)

Reports indicate a troubling increase in sexual violence against women, girls, and sexual minorities perpetrated by the SAC. The SAC employs such gendered atrocities against women and LGBT (lesbian, gay, bisexual and transgender) persons as a deliberate tactic to instill fear among civilians. Junta soldiers also commit sexual violence during raids on civilian villages, kidnapping women into military-run camps to sexually violate them. (A/HRC/56/CRP.8, paras. 63;102) On 29 May 2024, junta soldiers massacred at least 50 Rakhine villagers in Byain Phyu village near Sittwe, reportedly torturing the victims before killing them and gang-raping women. (A/HRC/57/56, para. 36). Reports of sexual violence against pregnant women and adolescent girls by the SAC are also frequent.

Widespread and systematic sexual violence by the junta has also intensified against women, and girls, amongst others, in interrogation centers, prisons, and detention facilities. This includes executions following rape, sexualized torture, sexualized verbal threats, sexual humiliation, and invasive searches. (A/HRC/56/CRP.8, para. 107) Furthermore, displaced women and girls are also at risk of being forcefully recruited into the military.

There has also been a reported increase in acts of intimidation and reprisals against women human rights defenders. As a result of their prominent involvement in political life or of their political opinion, women human rights defenders have been increasingly vulnerable to arrest and victimization due to

the dangers associated with their advocacy. Sectors targeted by the junta, such as education and healthcare, are predominantly represented by women who face heightened risks. (A/HRC/56/CRP.8, para. 107) Women's organizations, including those of diverse sexual orientations and gender identities allegedly face obstacles when documenting sexual and gender-based crimes in the region, including military checkpoints, transportation restrictions, telecommunications blockages, and the risk of airstrikes or other military attacks. (A/HRC/56/CRP.8, para. 57)

The consequences of sexual violence for women and girls are compounded by forced displacement, destruction of resources, and lack of medical care and support for survivors. The involvement of the junta in abductions and other abuses has intensified calls from international organizations for accountability and protective measures to aid these communities.

Without prejudging the accuracy of these allegations, we express concern about the arbitrary killing of Rohingya civilians and other intensive and violent abuses against them and request that you take all available measures to ensure the safety and human rights of Rohingya women and girls in Rakhine State, and to protect their absolute right to life. We would like to remind you that the State Administration Council is obliged to conduct itself in accordance with international humanitarian and human rights law, which obliges military and civilian leaders to investigate and, where appropriate, punish acts that could amount to serious crimes, including acts of sexual violence and sexual torture. Rape constitutes an underlying act of genocide if committed with the intent to destroy a group, while restriction of humanitarian aid is also an unlawful act under international humanitarian law. Furthermore, deliberate or indiscriminate attacks on civilians and civilian objects, such as homes and hospitals, are prohibited as war crimes, along with summary killings and arson attacks.

In this sense, we reiterate that if the allegations above were confirmed, they suggest violations of international humanitarian law and would constitute crimes against humanity and war crimes. These violations also do not comply with the binding provisional measures ordered by the International Court of Justice in relation to the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*The Gambia v. Myanmar*). Many such violations would also run afoul of the absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment, which is a *jus cogens* and *erga omnes* violation. We urge you to take immediate steps to ensure that civilians are protected without identity-based distinction and that the perpetrators of such acts are held accountable. To this end, we also urge you to cooperate with international efforts to investigate and document crimes in Myanmar.

Unlawful killings of civilians are serious breaches of Common article 3 to the four Geneva Conventions, which prohibits violence to life against persons taking no active part in hostilities, as a customary norm. Furthermore, the right not to be arbitrarily deprived of life is a jus cogens obligation and should be respected and always protected, without possible derogation or exception even in times of war or security emergencies. We remind that the intentional killing of civilians represents a war crime and may represent a crime against humanity when committed as part of a widespread, systematic, or planned attack directed against any civilian population.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the alleged unlawful killings carried out by the SAC and any measures taken to ensure the SAC forces respect the right to life of all individuals and hold members of their forces accountable for such serious violations.
3. Please indicate what measures have been taken to prevent and respond to conflict-related sexual violence and sexual torture against women, girls and LGBT persons, including, in particular, those of Rohingya ethnicity.
4. Please provide information on the measures undertaken to provide women and girls in Rakhine state with basic services, including gender-responsive humanitarian aid.
5. Please provide concrete information on measures taken to ensure that all cases of unlawful killings of civilians, including of women and girls, have been investigated thoroughly and impartially, in accordance with the internationally recognized standards outlined in the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016). If no investigations have been initiated, and no international mechanisms have been allowed access to ensure investigations of such crimes, please explain why, and how this complies with customary rules of international law pertaining to the right to life.

This communication and any response received will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the

investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Finally, we stress that this letter does not in any way imply the expression of opinion concerning the legal status of the State Administration Council.

Please accept, Mr. Min Aung Hlaing, the assurances of our highest consideration.

Reem Alsalem

Special Rapporteur on violence against women and girls, its causes and consequences

Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

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Alice Jill Edwards

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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the relevant international norms and standards that are applicable to the issues raised by the situation described above, as well as authoritative guidance on their interpretation.

We wish to reiterate that both international and humanitarian law and international human rights law continue to apply in a situation of armed conflict, and obligations to respect fundamental human rights are recognized in customary international law, including the Universal Declaration on Human Rights and the Geneva Conventions of 1949, which are binding at all times. In this regard, we would like to refer you to the general provisions of the Universal Declaration on Human Rights, which are reflective of customary international law, read alone and in conjunction with the right to non-discrimination (article 2), the right to life, liberty and security (article 3), the prohibition of torture or to cruel, inhuman or degrading treatment or punishment (article 5), the right to an effective remedy (article 8) and the prohibition of arbitrary detention (article 9). We also recall that the right to life constitutes an international customary and jus cogens norm and is universally binding (A/HRC/35/23, paras. 25-26).

While acknowledging that Myanmar is not a party, we would also like to refer to the Rome Statute of the International Criminal Court. Several crimes under the Rome Statute, including those under articles 6, 7 and 8, involve acts of sexual and gender-based violence, either by definition or by possibility. All crimes under the Statute may potentially include gendered forms in their commission and/or result in gender-specific harms, as has been recognized by the Policy on Gender-based Crimes by the Office of the Prosecutor of the International Criminal Court published in December 2023.

We further recall that according to common article 3 of the Geneva Conventions, civilians shall not be subject to violence and treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. We urge that armed non-State actors should, as a priority, investigate killings, acts of torture and sexual violence committed by their members, in line with applicable standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016) and the Istanbul Protocol on the Documentation and Investigation of Torture (2022). Investigations should be prompt, effective and thorough, and conducted in an independent, impartial and transparent manner. Furthermore, according to international human rights law, all parties to a conflict, including non-international armed conflicts, are bound by the principle of non-refoulement to any place where a person faces risk of torture and other cruel, inhuman or degrading treatment or punishment or transfers of persons to risks of persecution.

We further remind that the absolute prohibition against torture is a jus cogens and erga omnes crime, and does not allow any derogations in times of war or other public emergency. Sexual torture is further prohibited conduct, and reference is made to the Special Rapporteur on torture's report (A/78/181) in which she found that "Sexual assaults committed by warring parties are almost always torture. Sexual torture

is a prohibited form of severe pain or suffering that is intentionally inflicted for such purposes as interrogation, punishment, intimidation or discrimination” (para. 21). The situation in Myanmar is referenced in her report.

With reference to the alleged attacks on civilians and civilian infrastructure, we would like to emphasize that launching an attack which may be expected to cause incidental loss of civilian life, injury to civilians, or damage to civilian objects, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited (rule 14 of the International Committee on the Red Cross, study on customary International Humanitarian Law “Customary Rules”). Parties to the conflict must “do everything feasible to verify that targets are military objectives” (rule 16) and take all feasible precautions to avoid and minimize incidental loss of civilian life (rule 15). We further remind you that extensive destruction of property not justified by military necessity and carried out unlawfully or wantonly constitutes a war crime (rule 156).

We would like to recall the United Nations Security Council resolution 2669 (2022) on the situation in Myanmar, which demands an immediate end to all forms of violence (S/RES/2669 (2022)). The resolution also underlines the need to uphold the rule of law, and in particular, the need to fully protect the rights of women and children. We also recall that the Declaration on the Elimination of Violence against Women adopted by the General Assembly resolution 48/104 of 20 December 1993, calls for the protection of all human rights and fundamental freedoms of women, inter alia, the rights to life, equality, liberty and security. Article 4(g) of the Declaration underscores the importance of the provision of specialized assistance to victims of violence, including rehabilitation, assistance in childcare, treatment, and counselling, and notes that all appropriate measures should be taken to promote the safety and physical and psychological rehabilitation of victims of violence.

Furthermore, the 1998 Guiding Principles on Internal Displacement establishes that all authorities shall respect their obligations under international law, including human rights and humanitarian law, to prevent and avoid conditions that might lead to the displacement of persons. The principles clarify that everyone has the right to be protected from being arbitrarily displaced, including in situations of armed conflict or gross human rights violations. The principles also state that internally displaced persons shall be protected against direct or indiscriminate attacks or other acts of violence, and attacks against their camps or settlements. Moreover, authorities have the obligation to protect internally displaced persons from rape, mutilation, torture, cruel, inhuman or degrading treatment, and acts of gender-based violence.

In addition, the Committee on the Elimination of Discrimination against Women, in its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, recalls that non-State actors, including parties to an armed conflict or armed groups with identifiable political structure exercising significant control over territory and population, are bound by international humanitarian law (CEDAW/C/GC/30). The Committee also clarifies that while non-State actors are not parties to Conventions, they are obliged to respect international human rights and that gross violations of human rights and serious violations of humanitarian law could entail individual criminal responsibility.

In its concluding observations on the report of Myanmar submitted under the exceptional reporting procedure, the Committee on the Elimination of Discrimination against Women also raises concern about the recurrent sexual violence against women and girls, including rape, gang rape, sexual slavery, forced nudity, sexual humiliation, mutilation and sexual assault (CEDAW/C/MMR/CO/EP/1). The Committee also notes with concern the lack of meaningful, independent and impartial investigations into conflict-related sexual violence committed by security forces in northern Rakhine State.

We would like to draw your attention to the conference room paper of the Special Rapporteur on the situation of human rights in Myanmar on the gendered impacts of the coup, in which the Special Rapporteur raises concern about the precipitous deterioration of the rights of women, girls and LGBT people, including in regards to rape and other forms of sexual violence in conflict zones, at checkpoints, and in places of detention (A/HRC/56/CRP.8).

The sixth report submitted by the Independent Investigative Mechanism for Myanmar to the Human Rights Council observes that sexual and gender-based violence was “committed with an intent to punish and induce terror in the civilian population and that victims were often targeted on one or more discriminatory grounds, including gender, ethnicity, religion, perceived political affiliation or sexual identity” (A/HRC/57/18, para. 27).