



BURNING KAREN STATE

Retaliatory burning of houses and property against rural civilian communities of Southeast Burma (2021 and 2022)

Briefing Paper

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KHRG

Karen Human Rights Group

Documenting the voices of villagers in rural Burma

1. Introduction



“We always have to be afraid due to the coup. [...] We worry that they will burn the village or kill people [civilians]. They might kill us if someone [KNLA] shoots at them.”¹

Following the 2021 coup² led by the Burma (Myanmar)³ military, rural communities in Karen State⁴ have been continuously targeted by the State Administration Council (SAC)⁵ in various ways, severely impacting their safety, livelihood and living conditions. Among those violations, houses and property destruction are widespread. According to KHRG documentation, the SAC began to set fire to Karen villages in May 2021, burning at least 170 civilian houses as well as

other properties such as shops, vehicles and food across Karen State, reminiscent of scorched earth policies enacted in the past by Burma military.

This report⁶ provides a concise overview of the main dynamics in relation to retaliatory burning of houses and property against rural civilian communities systematically committed by SAC soldiers. It presents a broad overview of the political and security context in Burma, and more precisely in Karen State, provides evidence of abuses, and expands on villagers’ agency in the face of such challenges. It also gives a security and legal analysis of the situation, as well as a set of policy recommendations that KHRG urges international stakeholders to follow.

2. Contextual overview: SAC reinvigorating the four cuts strategy

As a result of the February 2021 coup, violence against civilians, protestors and pro-democracy activists spread across Burma. Those who participated in anti-coup activities were arrested, detained and killed. This led to serious tensions and fighting between SAC forces, Burma’s military junta, and numerous armed and non-armed resistance groups. The SAC has reinvigorated a scorched-earth campaign in order to wipe out resistance groups or to clear areas under the control of resistance groups, resulting in the widespread burning of villages and towns all over the country, notably in Sagaing Region and Chin State⁷, leading to at least 58,000 homes and civilian structures burned since the coup.⁸ Due to the worsening of the situation, over 1.3 million people had to displace throughout Burma since the coup⁹, including over 500,000 people in Karen State.¹⁰

After peaceful pro-democracy protests were violently suppressed by the SAC in all seven districts in Karen State¹¹, SAC forces and Border Guard Force (BGF)¹² regularly clashed against armed resistance groups present in the region, including the Karen National Liberation Army (KNLA)¹³, Karen National Defence Organisation

(KNDO)¹⁴, and the People’s Defence Forces (PDF).¹⁵ In order to expand their control, the SAC began to increase their military activities and deployed more troops in Karen National Union (KNU)¹⁶ controlled areas despite KNU warnings against doing so. The SAC also conducted airstrikes and shelling in civilian areas as part of military operations, and, at times, in response to attacks by KNLA/KNDO and PDF, seriously affecting local villagers.

To destroy or weaken its opponents, the SAC deliberately targets anyone who potentially supports or is involved with armed resistance groups or other entities opposing the junta through arrests, threats and other acts of violence. This violence was acknowledged by the UN Special Rapporteur on the situation of human rights in Myanmar Tom Andrews on April 14th 2022: “if you live in an area or village that they (the junta) think is particularly supportive of those that have taken up arms then you are, in their view, the enemy.”¹⁷

This pattern of violence is reminiscent of the ‘four cuts’ strategy¹⁸ deployed by the Burma military in Karen State as early as the 1960s. The main purpose of this strategy is to destroy the links

between insurgents, their families, and local villagers by cutting off food, funds, intelligence, and recruits to ethnic armed groups (EAGs). As a result, EAG-controlled areas were labelled as 'black areas' under the 'four cuts' strategy, where the Burma army was given full authority to kill anyone or destroy anything that they thought could be linked to EAGs or to other entities opposing the junta.

KHRG underlined that the 'four cuts' approach made its return in Burma following the 2021 military coup, spearheaded by the junta's desire to eradicate opposition efforts.¹⁹ Its reinvigoration by the Burma military following the coup and its devastating consequences for civilians is well-depicted by the events monitored by KHRG since February 2021. This has included house

burning and property destruction, violations often conducted due to the perceived or assumed links between villagers and insurgents. A worrying pattern of abuses can be identified in such cases: burning of houses or destruction of civilian properties regularly take place during or following clashes between SAC and armed resistance groups, or during SAC military operations. This pattern stems from the overall aim of the 'four cuts' approach and its central assumption that all villagers are (potentially) affiliated with armed resistance groups or other entities opposing the junta. This is illustrated in the next section, which also underlines villagers' agency in face of such abuses, defined as the capacity, strategies, and efforts taken by villagers to understand, confront, and prevent human rights abuses.²⁰

3. Retaliatory destruction of houses and property during or following armed clashes or military operations

This section illustrates the pattern of abuse mentioned above by offering an overview of retaliatory cases involving houses or property burning or destruction that took place from the 2021 coup to December 2022 in six out of seven districts²¹ of Karen State. During this period, KHRG received 39 detailed field reports on house burning and property destruction cases (including short updates, interviews, and photo evidence) provided by community members trained to monitor human rights conditions on the ground. Among these, KHRG identified a pattern of retaliatory destruction of houses and property by SAC soldiers during or following armed clashes with armed resistance groups or military operations. In these cases, armed clashes prompted SAC soldiers to violate civilians' human rights and principles of international humanitarian law. As exemplified by cases of SAC forces threatening to burn the homes of local civilians if they are attacked by armed resistance groups, the SAC systematically assumes civilians to be affiliated to or connected with opponents to the junta.

For instance, on June 1st 2022, SAC Artillery Unit #9 conducted heavy artillery fire for six

consecutive days into Waw Ray village tract, Tha Htoo (Thaton) Township, Doo Tha Htoo (Thaton) District, following the capture of an SAC company commander and military medic by KNLA soldiers, causing over 3,000 villagers to flee. An SAC officer from the same Unit threatened to "burn everything" between Hton Bo Gyi and Hton Bo Lay villages, Waw Ray village tract. This threat came to fruition on June 25th 2022, when SAC soldiers from Light Infantry Division (LID)²² #22 and #44 entered Hton Bo Lay (also known as Kaw Kyar Ther) village, killed four civilians, looted and damaged villagers' properties, and torched at least 66 houses and 30 thatch huts.²³

In a similar pattern, on September 19th 2021, following an attack by KNLA soldiers, SAC troops entered into A--- village, Bilin Township, Doo Tha Htoo District, searching for KNLA soldiers. They shot at and intended to burn a shop down before they were stopped by a female village head. They instead looted food and materials from the shop. A few days later, on September 25th 2021, drunken SAC and BGF troops based in Htee Hpa Doh Hta village threatened to burn the village down if the KNLA attacked them. Reports of forced labour, use of human shields, and ongoing militarisation

increased the burden on villagers of A--- village. As Naw C---, a local villager, states: “We worry that they will burn the village or kill people [civilians]. They might kill us if someone [KNLA] shoots at

them. [...] When they came into the village, they randomly shot guns a lot as if they were getting free guns to shoot”.²⁴



Houses in Hton Bo Lay village, Win Raw village tract, Tha Htoo Township, Doo Tha Htoo District, were reduced to ash after SAC LID #22 set them on fire on June 25th 2022. [Photos - Local villager]

SAC often destroyed other strategic targets such as shops or rice barns during or after the torching of houses, most likely in an attempt at preventing EAGs from getting food or supplies from them, severely impacting villagers. For example, on October 19th 2021, a shop was also looted and burned following clashes that happened the day before between SAC and KNLA near B--- village, D--- village tract, Kaw T’Ree (Kawkareik)

Township, Dooplaya District. SAC troops arbitrarily searched villagers’ houses alleging that KNLA might be keeping goods in villagers’ homes, asked homeowners for household registration documents and ID cards, destroyed villagers’ cars, and killed their livestock.²⁵

Similarly, on December 10th, 2022, SAC troops from LID #44 burned 3 rice barns in La Ghaw Der

village, Hkaw Poo village tract, Bu Tho township, Mu Traw (Hpapun) District. Some 250 baskets of rice were destroyed, severely impacting local communities. Once again, this followed fighting between KNLA/KNDO and SAC troops from LID #44 at the eastern side of the village earlier that day.²⁶

As stated above, several cases of retaliation were also recorded during or following SAC military activities. Following an increase in SAC activity and military operations in Ler Mu Per village tract, Ler Doh (Kyaukkyi) Township, Kler Lwee Htoo (Nyaunglebin) District in 2022, SAC Military Operations Command (MOC)²⁷ #3, #8, and #15, and Infantry Battalion (IB)²⁸ #60 entered into E--- village on July 3rd, killed two villagers and burned 12 houses.²⁹ The assumed connection between villagers and other entities opposed to the junta is brought to light by the testimony of a E--- villager, whose house was burned in the incident: “They [SAC] think that villagers rely on the KNU or support

the KNU. So they shot dead villagers if they saw villagers in the area.” The troops burned villagers’ motorbikes and looted food and household items from the houses and shops that did not burn.³⁰ Once more, abuses against civilians are tied to SAC’s aim to suppress all types of opposition and to its belief that villagers are their enemies, or that they are at least supporting their enemies. This includes political adversaries to the SAC. A female human rights activist from Mergui-Tavoy District describes the retaliation that she and her family faced: “[SAC] conducted the offensive in our area. [T]he first time, they burned down protest leaders’ houses in the area as well as local National League for Democracy (NLD)³¹ leaders’ houses. On April 3rd 2022, they burned down my sister’s shop and my grandparent’s house. Actually, they could not arrest me so they burned [their] houses. [...] they wanted to arrest me because of my political standpoint but they burned down my family member’s house because they could not arrest me.”³²



These photos, taken in December 2022, depict the ashes of three rice barns owned by La Ghaw Der villagers, after they were burned by SAC LID #44 in La Ghaw Der village, Hkaw Poo village tract, Bu Tho township, Mu Traw District. The right photo shows partially burned rice. [Photos – KHRG]

Soldiers’ constant suspicion towards villagers is made explicit by the numerous threats reported by villagers. On March 28th 2022, following a KNLA attack, SAC troops threatened villagers from F--- village, Daung Yat village tract, Tha Htoo Township, Doo Tha Htoo District, that they would burn the village if they were attacked by KNLA soldiers in the future.³³ Similarly, on April 28th 2022, SAC troops from IB #402, based in Tha Byay Chaung army camp in Dawei Town, Ler Doh Soh Township, Mergui-Tavoy District, threatened the villagers of G--- village, located in the same

township, that they would burn down everything in the eastern part of the area. Two days later, SAC troops threatened villagers they encountered between H--- village and Dawei Town, saying that they would come to burn down the villages and accused the villagers of supporting the PDF. Again, these threats came to fruition on May 20th 2022, when SAC soldiers led by IB #402 torched four houses in I--- village, Htee Ler Klay village tract and another in J--- village, K’Mu Thway area, Ler Doh Soh Township.³⁴



These photos, taken on July 5th 2022 in E--- village, Ler Muh Per village tract, Ler Doh Township, Kler Lwee Htoo District, show some of the 12 houses that were burned down by SAC soldiers two day earlier. [Photos: KHRG]

Cases similar to these are likely to be far more numerous than the ones KHRG had access to, and KHRG has continued to receive reports of such abuses in 2023. Regardless, they are enough to bring to light a worrying trend in human rights violations in Southeast Burma. They also underline the strategies villagers use when facing such systemic abuses. When directly negotiating with SAC soldiers, as in the case of the female village leader who was able to deter the burning of a shop mentioned above, are insufficient, villagers often resort to avoidance and strategic displacement strategies. A testimony from a villager describes the situation and despair in Hton Bo Lay village, Win Raw village tract, Tha Htoo Township, Doo Tha Htoo District, following the burning of his and about 70 other houses by SAC soldiers in June 2022: “They [SAC soldiers] burned our village because they thought that

villagers support PDF and KNLA. [...] I feel very sad that my house was burned down because my parents gave me this house. This house is my heritage. Even though we are sad, what can we do? We are just ordinary villagers. [...] We are not involved in any armed group. We are just farmers and plantation workers. [...] Some villagers go to stay [fled] at their huts in their plantations. Some villagers just go to stay [fled] at their relatives’ houses.”³⁵ As mentioned here, some villagers fled to areas near their villages, in forests or nearby villages, allowing them to go back and forth between their place of refuge and their crops and plantations when the situation calmed down, doing so at risk to their lives. Others decided to flee to places farther away, leaving behind their homes and properties.

4. Analysis: patterns of abuses and violations of international law and standards

As shown by the incidents above, abuses have usually happened during or after fighting or skirmishes, as SAC forces have responded to attacks by armed groups by retaliating against local communities. Although house burnings and acts of property destruction often followed this pattern, this is only one reason among others that explain these actions. In other cases, SAC forces destroyed villagers' property as a threat to entire populations in the area. At times, the goal was to eliminate EAGs or to undermine suspected villager aid to such groups by burning houses or villages. Villagers who refuse or fail to comply with SAC demands or orders also often face retaliation.³⁶ As explained above, looting of food or possessions by SAC soldiers, at times under-supplied, is also commonly conducted together with house burnings. Burning is a relatively easy, cheap and safe way to threaten the whole population or to attempt to eliminate EAGs in specific areas, and its impact on local communities is disastrous, as exemplified above.

Balakrishnan Rajagopal, the UN Special Rapporteur on the right to adequate housing, marked the intentional destruction of homes during armed conflict as "domicide".³⁷ Indeed, the right to adequate housing is a fundamental human right, enshrined in Article 25 (1) of the Universal Declaration of Human Rights. It is furthermore a right that Burma has committed to upholding by ratifying the 1966 International Covenant on Economic, Social and Cultural Rights, which protects the right to adequate housing in Article 11(1).³⁸ The deliberate and systematic burning or destruction of houses therefore amounts to a violation of Burma's obligations to respect, protect and fulfil this human right.

Such destruction during an armed conflict is also in clear violation of customary international humanitarian law. Notably, the SAC's deliberate targeting of civilian property violates the foundational principle of distinction between military objectives, and civilian objects and persons. By presupposing that villagers are supporting armed resistance groups, and targeting them on these grounds, the SAC has contravened the principle that, by default, all non-

military persons and objects are deemed civilian, and as such cannot be targeted.

From this principle of distinction follows that any attack should be conducted in a way that minimises risks to civilian life, health and property. The SAC has shown a total disregard of this.

Under international humanitarian law, all feasible precautions must be taken to avoid the destruction of civilian property during armed conflict, especially by choosing methods of warfare that are not indiscriminate. However, the SAC deliberately chooses a method that permits, and even furthers indiscriminate damage to neighbouring civilian properties. Furthermore, by burning rice reserves and food shops, the military violates the principle prohibiting the destruction of objects indispensable to the survival of the civilian population.

By doing this, and endangering people's livelihood, subsistence and shelter, the SAC has conducted grave breaches of international humanitarian law³⁹. This behaviour also amounts to war crimes according to the Article 8 (2) a) iv) of the Rome Statute of the International Criminal Court (ICC), codifying customary international criminal law.

In February 2023, the junta extended martial law to a total of 50 townships across several states, including in Karen State, effectively jeopardizing legal systems to further the SAC's agenda. By using this new angle of attack, the SAC puts more pressure on state opponents and makes it highly unlikely that perpetrators will be held accountable and that victims achieve justice. As pointed out by Human Rights Watch, the enactment of martial law "permits a disproportionate, overbroad and open-ended response [by the Myanmar junta]. [...] In essence, these martial law orders all but guarantee that ongoing military abuses remain unchecked and those responsible [remain] unaccountable. [...] So long as martial law remains in place, it's clear the military has no intention of changing course."⁴⁰ And it looks like, until strong pressure is put on the junta by national, regional and international actors, Karen State, among others throughout Burma, will continue to burn.

5. Recommendations to all international actors

The pursuit of criminal justice and accountability shows that human rights violations and impunity for these acts are not tolerated. There is an imperative need to prosecute Burma military leaders for their crimes throughout the country, including for those committed specifically against the Karen. At the same time, it is urgent to ensure adequate humanitarian assistance and protection for ethnic populations who are facing violence and atrocities at the hands of the Burma military, including the burning of their properties. The international community should:

- Acknowledge that the military junta is the source of the current human rights violations and the root cause of the humanitarian crisis in Burma, and refrain from supporting or granting legitimacy to the junta, including by signing agreements with them and presenting them with credentials.
- Pressure respective governments to support current international investigations and proceedings, and seek out all additional opportunities to hold the Burma military accountable for its vast array of crimes, including the universal jurisdiction case in Germany⁴¹ and a referral to the International Criminal Court (ICC).⁴²
- Broaden the scope of accountability of international investigations to include crimes committed against Karen peoples, past and present, and other ethnic and religious minorities not yet covered by current proceedings.
- Support the emergency response delivered by local civil society and community-based organisations (CSO/CBOs) and ethnic service providers that prioritise human rights, including by supporting victims of property destruction.
- Support coordinated and targeted sanctions against junta officials suspected of responsibility for international crimes and other serious violations of international law.

About KHRG

Founded in 1992, Karen Human Rights Group is an independent local organisation committed to improving the human rights situation in Southeast Burma. KHRG trains local people to document and gather evidence of human rights abuses, and publishes this information to project the voices, experiences and perspectives of local communities. More examples of our work can be seen online at www.khrg.org.

Endnotes

- 1 See “Doo Tha Htoo District Short Update: Forced portering and the use of civilians as human shields by the SAC and BGF in Bilin Township, September 2021,” KHRG, March 31st 2022. <https://khr.org/2022/03/21-290-d1/doo-tha-htoo-district-short-update-forced-portering-and-use-civilians-human>.
- 2 On February 1st 2021, the Burma Army deposed the democratically elected government led by the National League for Democracy (NLD), transferred power to Min Aung Hlaing, the Commander-in-Chief of Myanmar’s Armed Forces, and invalidated the NLD’s landslide victory in the November 2020 General Election.
- 3 In 1989, the then-ruling military regime changed the name of the country from Burma to Myanmar without consultation from the people. KHRG prefers the use of Burma because it is more typically used by villagers and since the name change to Myanmar is reflective of the military regime’s longstanding abuse of power.
- 4 Karen State, or Kaw Thoo Lei, as defined by the Karen National Union (KNU), covers Kayin State, Tanintharyi Region and parts of Mon State and Bago Region. The KNU uses different boundaries and location names for the areas under its control, dividing Karen State into seven districts. Karen State, located in Southeastern Burma, is primarily inhabited by ethnic Karen people. Most of the Karen population resides in the largely rural areas of Southeast Burma, living alongside other ethnic groups, including Bamar, Shan, Mon and Pa’Oh.
- 5 The State Administration Council (SAC) is the executive governing body created in the aftermath of the February 1st 2021 military coup. It was established on February 2nd 2021 by Senior General Min Aung Hlaing, Commander-in-Chief of Myanmar’s Armed Forces, and is composed of eight military officers and eight civilians. The chairperson serves as the de facto head of government of Burma/Myanmar and leads the Military Cabinet of Myanmar, the executive branch of the government. Min Aung Hlaing assumed the role of SAC chairperson following the coup.
- 6 The present document is based on information received from May 2021 to March 2023. It was provided by community members in six out of seven districts of Karen State who have been trained by KHRG to monitor human rights conditions on the ground. The names of the victims, their photos and the exact locations are censored for security reasons. The parts in square brackets are explanations added by KHRG.
- 7 “Military burns more than 1,000 homes in northwestern Myanmar in one week,” Myanmar Now, May 6th 2022. <https://myanmar-now.org/en/news/military-burns-more-than-1000-homes-in-northwestern-myanmar-in-one-week>.
- 8 “A/HRC/52/66: Situation of human rights in Myanmar - Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews,” OHCHR, March 9th 2023. <https://www.ohchr.org/en/documents/country-reports/ahrc5266-situation-human-rights-myanmar-report-special-rapporteur>.
- 9 Ibid.
- 10 “Kawthoolei IDP Update,” Karen Peace Support Network, February 7th 2023. https://www.karenpeace.org/wp-content/uploads/2023/02/Briefing_Kawthoolei-IDP-update_Eng.pdf.
- 11 “Military Atrocities and Civilian Resilience: Testimonies of injustice, insecurity and violence in Southeast Myanmar during the 2021 coup,” KHRG, November 24th 2021. <https://khr.org/2021/11/military-atrocities-and-civilian-resilience-testimonies-injustice-insecurity-and-violence>.
- 12 Border Guard Force battalions of the Tatmadaw were established in 2010, and they are composed mostly of soldiers from former non-state armed groups, such as older constellations of the DKBA, which have formalised ceasefire agreements with the Burma/Myanmar government and agreed to transform into battalions within the Tatmadaw.
- 13 The Karen National Liberation Army is the armed wing of the Karen National Union.
- 14 The Karen National Defence Organisation (KNDO) was formed in 1947 by the Karen National Union and is the precursor to the Karen National Liberation Army (KNLA). Today the KNDO refers to a militia force of local volunteers trained and equipped by the KNLA and incorporated into its battalion and command structure; its members wear uniforms and typically commit to two-year terms of service.
- 15 The People’s Defence Force (PDF) is an armed resistance established independently as local civilian militias operating across the country. Following the February 1st 2021 military coup and the ongoing brutal violence enacted by the junta, the majority of these groups began working with the National Unity Government (NUG), a body claiming to be the legitimate government of Burma/Myanmar, which then formalized the PDF on May 5th 2021 as a precursor to a federal army.
- 16 The Karen National Union (KNU) is the main Karen political organisation. It was established in 1947 and has been in conflict with the Burma government since 1949. The KNU wields power across large areas of Southeast Burma and has been calling for the creation of a democratic federal system since 1976.
- 17 “Troops burn villages in Myanmar heartland, seek to crush resistance,” Reuters, April 14th, 2022. <https://www.reuters.com/world/asia-pacific/troops-burn-villages-myanmar-heartland-seek-crush-resistance-2022-04-14/>.
- 18 In Burma, the scorched earth policy of ‘pyat lay pyat’, literally ‘cut the four cuts’, was a counter-insurgency strategy employed by the Burma military as early as the 1950s, and officially adopted in the mid-1960s, aiming to destroy links between insurgents and sources of funding, supplies, intelligence, and recruits from local villages. See Martin SMITH, “Burma: Insurgency and the Politics of Ethnicity,” New York: St. Martin’s Press, 1999 p. 258-262. See also “Undeniable: War crimes, crimes against humanity and 30 years of villagers’ testimonies in rural Southeast Burma,” KHRG, December 13th 2022. <https://khr.org/2022/12/undeniable-war-crimes-crimes-against-humanity-and-30-years-villagers%E2%80%99-testimonies-rural>.
- 19 See “Undeniable: War crimes, crimes against humanity and 30 years of villagers’ testimonies in rural Southeast Burma,” KHRG, December 13th 2022. <https://khr.org/2022/12/undeniable-war-crimes-crimes-against-humanity-and-30-years-villagers%E2%80%99-testimonies-rural>.
- 20 See “‘Development Without Us’: Village Agency and Land Confiscations in Southeast Myanmar”, KHRG, August 2018. <https://khr.org/2018/08/%E2%80%98development-without-us%E2%80%99-village-agency-and-land-confiscations-southeast-myanmar>.
- 21 These include Doo Tha Htoo (Thaton), Taw Oo (Toungoo), Kler Lwee Htoo (Nyauglebin), Mergui-Tavoy, Mu Traw (Hpapun), and Dooطلا District.
- 22 A Light Infantry Division (LID) of the Tatmadaw is commanded by a brigadier general, and consists of ten light infantry battalions specially trained in counter-insurgency, jungle warfare, search and destroy operations against ethnic insurgents. They were first incorporated into the Tatmadaw in 1966. LIDs are organised under three Tactical Operations Commands, commanded by a colonel, three battalions each and one reserve, one field artillery battalion, one armoured squadron and other support units. Each division is directly under the command of the Chief of Staff (Army).
- 23 This information is taken from an unpublished report from Doo Tha Htoo District received in July 2022.
- 24 See “Doo Tha Htoo District Short Update: Forced portering and the use of civilians as human shields by the SAC and BGF in Bilin

Township, September 2021,” KHRG, March 31st 2022. <https://khr.org/2022/03/21-290-d1/doo-tha-htoo-district-short-update-forced-portering-and-use-civilians-human>.

25 See “Dooplaya District Short Update: Skirmishes between armed groups and indiscriminate shelling result in displacement, casualties and destruction of villagers’ property (October 2021), KHRG, December 22nd 2021. <https://khr.org/2021/12/21-298-d1/dooplaya-district-short-update-skirmishes-between-armed-groups-and-indiscriminate>.

26 This information is taken from an unpublished report from Mu Traw District received in December 2022.

27 Military Operations Command (MOC) is comprised of ten battalions for offensive operations. Most MOCs have three Tactical Operations Commands (TOCs) made up of three battalions each.

28 An Infantry Battalion (IB) comprises 500 soldiers. However, most Infantry Battalions in the Tatmadaw are under-strength with less than 200 soldiers. Yet up to date information regarding the size of battalions is hard to come by, particularly following the signing of the NCA. They are primarily used for garrison duty but are sometimes used in offensive operations.

29 See “Kler Lwee Htoo District Incident Report: Two villagers shot dead and 12 villagers’ houses burned down by SAC in Ler Doh Township, July 2022,” KHRG, December 21st 2022. <https://khr.org/2022/12/22-248-i1/kler-lwee-htoo-district-incident-report-two-villagers-shot-dead-and-12-villagers%E2%80%99>.

30 This information is taken from an unpublished report from Kler Lwee Htoo District received in July 2022.

31 The National League for Democracy (NLD) is the political party that governed Burma/Myanmar from 2016 to January 2021. Led by Aung San Suu Kyi, the NLD won landslide victories in the 2015 and 2020 General Elections.

The NLD government was deposed by the Burma Army in the February 2021 Myanmar coup d’état, after which elected President Win Myint and State Counsellor Aung San Suu Kyi were detained, along with ministers, their deputies and members of Parliament.

32 This information is taken from an unpublished report from Mergui-Tavoy District received in April 2022.

33 This information is taken from an unpublished report from Doo Tha Htoo District received in March 2022.

34 This information is taken from an unpublished report from Mergui-Tavoy District received in May 2022.

35 This information is taken from an unpublished report from Doo Tha Htoo District received in March 2023.

36 Although KHRG did not receive reports of such nature in direct connection to house burnings and destruction of property during the reporting period, this claim is supported by older data showcasing this pattern of abuses. See “Undeniable: War crimes, crimes against humanity and 30 years of villagers’ testimonies in rural Southeast Burma,” KHRG, December 13th 2022. <https://khr.org/2022/12/undeniable-war-crimes-crimes-against-humanity-and-30-years-villagers%E2%80%99-testimonies-rural>.

37 “UN Expert - “Domicide” destruction of homes during conflict,” OHCHR, 2022. <https://www.ohchr.org/en/video/2022/un-expert-domicide-destruction-homes-during-conflict>.

38 “International Covenant on Economic, Social and Cultural Rights,” OHCHR, 1996. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

39 KHRG believes that the retaliatory burning of houses violates rules 2, 7 with 9, 11 with 12, 14, 15, 17, 37, as well as 54 of the customary international humanitarian law rules, as described by the ICRC, legal guardian of international humanitarian law. For more information on customary international humanitarian law, see International Committee of the Red Cross (ICRC), Customary International Humanitarian Law, 2005, Volume I. <https://ihl-databases.icrc.org/en/customary-ihl/v1>.

40 “Myanmar Junta Extends Martial Law,” Human Rights Watch,

2023. <https://www.hrw.org/news/2023/02/27/myanmar-junta-extends-martial-law>.

41 On 20th January 2023, sixteen individuals from Burma filed a criminal complaint in Germany under the principle of universal jurisdiction against Burma military generals for genocide, war crimes and crimes against humanity. Although not the only accountability initiative currently under way, it is the first to include crimes against the Karen among other ethnic minorities, as well as crimes committed since the 2021 military coup, seeking the extradition of the perpetrators.

42 Given that Myanmar is not a party to the Rome Statute, an investigation of individuals responsible for war crimes and crimes against humanity committed in Burma can only occur if the UN Security Council refers the party to the International Criminal Court (ICC). The National Unity Government (NUG) issued a declaration in August 2021 delegating jurisdiction to the court to investigate and prosecute mass atrocity crimes that occurred in Burma since 2002. The ICC has yet to accept the NUG as being a valid authority to issue the Declaration on behalf of Myanmar.