

Violations of the right to freedom of religion and belief since the coup d'état in Myanmar:

A briefing paper

October 2022

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Introduction

The Myanmar military (the Tatmadaw) staged a *coup d'état* on 1 February 2021 (*coups* have previously taken place in 1958, 1962 and 1988), effectively ending Myanmar's experiment in transition to democracy by unlawfully ousting the elected civilian government and abrogating the fundamental freedoms and constitutional rights of the people of Myanmar.

Since the February 2021 *coup*, the military has been responsible for human rights violations on a large scale,¹ including unlawful killings, torture and other ill treatment and arbitrary detentions. As the UN Special Envoy on Myanmar has warned, the military takeover has led to armed conflict throughout the country, and the military has used "a range of tactics against civilian populations, including burning villages, looting properties, mass arrests, torture and execution of prisoners, gender-based violence and random artillery fire into residential areas."²

The rights to freedom of assembly, movement, information and speech have also been severely curtailed. Less well-reported have been the Tatmadaw's systematic violations of the right to freedom of religion or belief, particularly targeting members of Myanmar's religious minorities. These violations include raids and attacks on places of worship, leading to damage and destruction. Some of these attacks could amount to war crimes under international law. In other cases, the military has set up military encampments in places of worship. There have also been reports of arrests of religious leaders, who were later prohibited from practising their religion while in detention.

This report presents an overview of the violations of the right to freedom of religion or belief that have taken place from 1 February 2021 until 31 May 2022. The analysis is based on credible news reports gathered from international and local media outlets, as well as outlets based in areas of the country where ethnic minorities are based. Sources of data collection were limited to independent and credible media coverage of incidents, and cases of violations were limited to instances that are contextually linked to the *coup*.

Under the civilian government, respect for the right to religious freedom was limited by the absence of laws that committed the authorities to respecting, protecting and fulfilling their obligations under international human rights law. However, since the February 2021 *coup*, violations of the right to freedom of religion or belief have increased drastically. In the aftermath of the *coup*, the military initially focused on limiting the rights to freedom of expression and information by suppressing the media and internet access. Thereafter, massive arrests of journalists, activists, human rights defenders and internet shutdown systematically curtailed freedom of speech, freedom of assembly and media freedom. Meanwhile, places of worship became a refuge for civilians fleeing the armed conflicts between "ethnic revolutionary organizations" – and/or armed resistance groups established after the *coup* – and the regime troops. As a result,

¹ "Human rights 'catastrophe' in Myanmar: UN calls for urgent action", accessed at: <https://news.un.org/en/story/2021/09/1100922>.

² UN envoy: Myanmar is now in conflict, could be failed state, 21 October 2021. Accessed at: <https://apnews.com/article/myanmar-united-nations-army-3a207f8afd601624b4bdf7bcd46df4c7>.

the Myanmar military has subjected religious infrastructures, especially worship places, to enormous destruction and damage, leading to large numbers of fatalities and injuries among civilians.

One year and four months after the *coup*, the military is still committing acts of violence and massive human rights violations across the country. In the face of mass, unwavering public resistance, the military has increased its brutality against politicians, peaceful protesters and people participating in the civil disobedience movement (CDM) in major cities, and it has scaled up its scorch-earth military offensives against the ethnic armed organizations (EAOs), People Defence Force (PDF) and other armed groups, even carrying out airstrikes against the civilian population and religious infrastructures.

Background and sociopolitical context

To understand the violations of the right to the freedom of religion or belief since the *coup d'état* in February 2021, it is important to understand the sociopolitical context in Myanmar.

Myanmar is a religiously and ethnically diverse country. The 2014 Population and Housing Census, which also surveyed the religion or belief of residents, found that the vast majority of the country's population – comprising the ethnic Burman majority as well as many non-Burman people – practises Theravada Buddhism.³ The remaining population practises other religions, such as Christianity, Islam, Hinduism, Baha'ism, and other beliefs, including animist practices.

The 2008 Constitution of Myanmar recognizes "national races" of Myanmar, codified in law as comprising eight major ethnic groups: the Kachin; Kayah; Kayin; Chin; Burman; Mon; Rakhine; and Shan, who are descendants of families permanently living within the borders of present-day Myanmar since before the first Anglo-Burmese War.⁴ Many of the non-Burman residents live in States bordering Bangladesh, India, China, Laos and Thailand.⁵ Within and beyond these ethnic groups exist an extensive variety of different languages and cultural practices. According to the 2014 Census, the Burman is the largest ethnic group, comprising the majority of the population. Ethnic minority groups, such as the Kayin, Kachin and Chin, have sizeable Christian contingents. People who practise Islam can be found in most ethnic groups, as can members of other faiths.⁶

³ The results of the Census, however, have been reasonably assessed as problematic, including due to significant sections of the population not being surveyed. For a discussion, see: International Crisis Group, "Counting the Costs: Myanmar's Problematic Census," Asia Briefing No. 144, 14 May 2014.

⁴ Section 3 of the 1982 Citizenship Law states this date as 1824. See also: ICJ, "Citizenship and Human Rights in Myanmar," (citation above), pp. 8.

⁵ See <http://themimu.info/census-data>. Christina Fink (2018) MYANMAR: RELIGIOUS MINORITIES AND CONSTITUTIONAL QUESTIONS, Asian Affairs, 49:2, 259-277, DOI: 10.1080/03068374.2018.1469860. Note that the breakdown of population by ethnicity is highly contested, including but not limited to claims that the Government has consistently underestimated the size of non-Burman communities. Myanmar is a "Union" of seven states and seven regions, in addition to the capital state.

⁶ Ibid.

Historically, religious and ethnic identities have intersected in a variety of ways in Myanmar, and this has contributed to shaping the treatment of minorities by both the State and society. In particular, following Myanmar's independence and creation as a nation-state in 1948, there has been a long and complex historical relationship of interdependence between the Buddhist religious leadership and the government. Since 1980, the government-appointed Sangha Maha Nayaka Committee has played a role in the regulation of the Buddhist clergy (known as The *Sangha*).⁷ Non-governmental Buddhist religious associations have also played a significant and often controversial role in shaping the public discourse on religious matters, including by promoting Buddhism as a defining element of Myanmar's national identity.⁸

Section 361 of the 2008 Constitution "recognizes [the] special position of Buddhism as the faith professed by the great majority of the citizens of the Union." In contemporary public discourse, Buddhism has been closely associated with the State in the Burman-dominated centre of the country. Public messaging by Buddhist nationalist groups, such as the Association for the Protection of Race and Religion (commonly referred to by its Burmese-language acronym, Ma Ba Tha), often carries a strong anti-Muslim message.⁹ For example, Islam has been depicted as in opposition to Burmese values, inherently violent and a threat to Buddhism.¹⁰ At times, Buddhist nationalist groups have also advocated or condoned violence towards Muslims. The growing popularity of these movements has made Muslims, Christians and, to a lesser extent, other religious minorities feel increasingly vulnerable.

Since the *coup*, the military has increased its military operations in areas of the country where ethnic minorities are based, such as Chin State and Kayah (Karenni) State, and in the stronghold areas of the forces of the armed resistance that erupted following the *coup*, such as Sagaing Region and other parts of central Myanmar. In addition, pro-democracy Buddhist monks have been subjected to arbitrary arrest, unlawful detention and ill-treatment, while non-Buddhist, especially Christian clergies, most of whom are the majority in non-Burman ethnic States, are targeted based on their identity.

⁷ See, for example, "Buddhism under a Military Regime: The Iron Heel in Burma", Bruce Matthews, *Asian Survey*, Vol. 33, No. 4 (Apr., 1993), pp. 408-423.

⁸ For further discussion of Buddhist nationalism and the State in Myanmar, see: International Crisis Group, "Buddhism and State Power in Myanmar," Asia Report No. 290, 5 September 2017, particularly pp. 7-8.

⁹ See Iselin Frydenlund (2017) Religious Liberty for Whom? The Buddhist Politics of Religious Freedom during Myanmar's Transition to Democracy, *Nordic Journal of Human Rights*, 35:1, 55-73, DOI: 10.1080/18918131.2017.1288950 and Iselin Frydenlund (2018) The birth of Buddhist politics of religious freedom in Myanmar, *Journal of Religious and Political Practice*, 4:1, 107-121, DOI: 10.1080/20566093.2017.1390656.

¹⁰ See, for example, International Crisis Group, "Buddhism and State Power in Myanmar", Asia Report N°290 | 5 September 2017; Ronan Lee (2016) The Dark Side of Liberalization: How Myanmar's Political and Media Freedoms Are Being Used to Limit Muslim Rights, *Islam and Christian-Muslim Relations*, 27:2, 195-211, DOI: 10.1080/09596410.2016.1159045; and Iselin Frydenlund (2018) The birth of Buddhist politics of religious freedom in Myanmar, *Journal of Religious and Political Practice*, 4:1, 107-121, DOI: 10.1080/20566093.2017.1390656.

National Legal Framework

Article 34 of Myanmar's 2008 Constitution grants citizens the "right to freely profess and practise religion ... subject to public order, morality or health and to the other provisions of this Constitution." Article 364 further states that, "any act which is intended or is likely to promote feelings of hatred, enmity or discord between racial or religious communities or sects is contrary to this constitution." At the same time, however, Article 361 of the Constitution recognizes the "special position of Buddhism."

Violations of the right to freedom of religion or belief

Since February 2021, the Myanmar military, and in some cases, non-State armed groups, have carried out raids and attacks on places of worship, which have led to damage and destruction. Some of these attacks could amount to war crimes under international law.

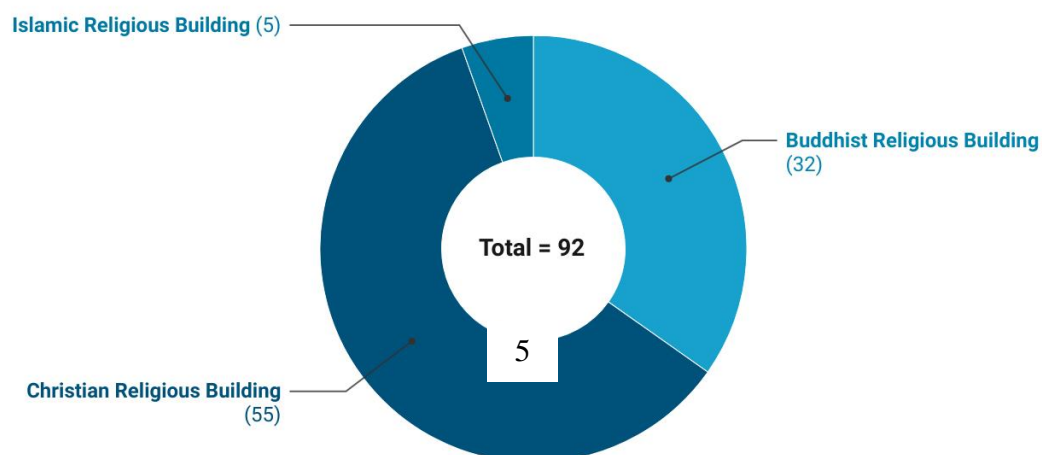
In other cases, the military has set up camps in places of worship. There have also been reports of arrests of religious leaders, who later were prohibited from practising their religion while in detention.

The following sections provide details of some of these violations of the right to freedom of religion or belief.

Destruction and damage of places of worship

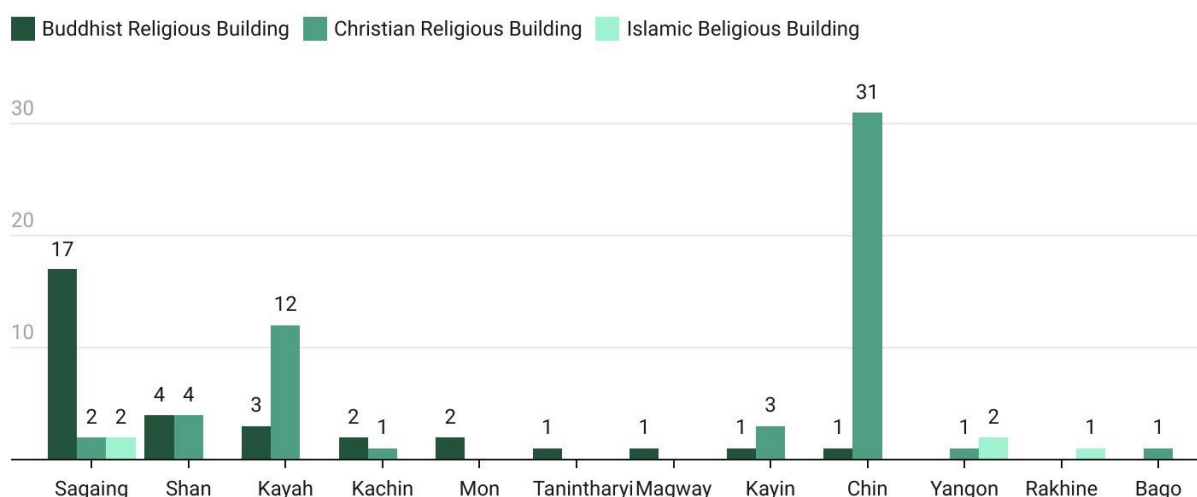
News sources covering incidents between February 2021 and May 2022¹¹ indicate that 92 religious or sacred sites in Kachin, Kyin, Kayah (Karenni), Chin, Shan and Mon State, as well as in the Bago, Magwe, Sagaing, Tanintharyi and Yangon Region, were destroyed or damaged. The sites comprised 55 Christian religious buildings, including a convent; five Islamic religious sites; and 32 Buddhist religious buildings, including stupas and Dhamma halls.

¹¹ "Myanmar Military destroys religious buildings in Chin State", Myanmar Now, September 3, 2021, <https://www.myanmar-now.org/en/news/myanmar-military-destroys-religious-buildings-in-chin-state>, (accessed November 30, 2021). Junta Artillery Shells Destroy Homes, Damages Church in Mindat, September 24, 2021, <https://www.myanmar-now.org/en/news/junta-artillery-shells-destroy-homes-damage-church-in-mindat#:~:text=A%20church%20and%20several%20buildings,on%20Wednesday%20night%20in%20Mindat.&text=The%20shells%20destroyed%20at%20least,Heart%20of%20Jesus%20Catholic%20Church>, (accessed November 30, 2021). 'A Living Hell': Churches, Clergy Targeted by Myanmar Military. Aljazeera, October 14, 2021, <https://www.aljazeera.com/news/2021/10/14/a-living-hell-churches-suffer-in-myanmar-military-attacks> (accessed November 30, 2021).



Number of Religious and Places of Worship Destroyed and Damaged between February 2021 and May 2022

Among the destroyed Christian religious buildings, the vast majority, that is, 31 churches, are located in Chin State, while 12 are situated in Kayah State, four in Shan State, three in Kayin State, two in Sagaing and Yangon Regions and one in Kachin State. Five Islamic religious buildings – namely, a mosque and a madrassa (an Islamic school) in Yangon Region, a madrassa in Rakhine State and two mosques in Sagaing Region – were burned down.¹² The majority of destroyed Buddhist buildings, 17 in total, are located in Sagaing Region, four are in Shan State, three are in Kayah States, two each in Kachin and Mon State, one each in Chin State, Kayin State, Magway Region, and Tanintharyi Region.



Destroyed and Damaged Places of Worship in States and Regions between February 2021 and May 2022

¹² "Junta armed forces target village along Ayeyarwady River in central Myanmar arson campaign". Myanmar Now, May 23, 2022, <https://www.myanmar-now.org/en/news/junta-armed-forces-target-villages-along-ayeyarwady-river-in-central-myanmar-arson-campaign>, (accessed June 6, 2022)

¹³ "More Sagaing villages come under attack from Myanmar's military". Myanmar Now, May 23, 2022, <https://www.myanmar-now.org/en/news/junta-armed-forces-target-villages-along-ayeyarwady-river-in-central-myanmar-arson-campaign>, (accessed June 6, 2022)

News reports also indicate that six churches in Kayah (Karenni) State and one church in Shan State were damaged beyond repair.¹⁴ In May and June 2021, military troops shelled eight churches and houses in Loikaw township and Demoso township in Kayah (Karenni) State, and Moby township and Pekon township in Shan State after the intensification of the armed conflict between the military and fighter members of Karenni communities belonging to local defence forces. On this occasion, shelling occurred after the East Command of the Myanmar Military ignored the Christian and Catholic priests' appeal not to target religious buildings where thousands of residents had taken refuge, resulting in large numbers of fatalities, and forcing the clergy and the local population to flee the towns.¹⁵

The heavily damaged seven churches included: Sacred Heart of Jesus church in Pekhon township; Immaculate Conception Church in Hpruso township; and Our Lady of Lourdes Church in Sanpya 6th Mile village (*Sanpya* means Standard in Burmese) in Demoso township, which were repeatedly hit by shell fire by the junta troops between September and November 2021, according to a statement by the Progressive Karenni People Force (PKPF) released on 12 November 2021.¹⁶ Among the airstrikes, on 8 March 2022, the Myanmar army aircraft dropped "highly destructive" bombs with a weight of an estimated 250kg, called FAB,¹⁷ on the Our Lady of Fatima church in Sawng Dula village, Demoso township despite the fact that there was no fighting ongoing at the time.¹⁸ While one bomb did not detonate, another one did explode, causing severe damage to the Catholic Church.¹⁹ On 10 March this year, two airstrikes by the Myanmar army severely damaged the Sisters of Reparation convent in Dawngankha village Demoso township.²⁰

Since May 2021, the military has intensified attacks on religious infrastructures in Chin State and Sagaing Region, following the escalation of the armed conflict between pro-democracy resistance armed groups and junta troops. Similarly, Karenni (Kayah) State and Pekon township and Moby township in southern Shan State, parts of the Karenni stronghold area, saw several disproportionate assaults on religious infrastructures leading to civilian casualties.²¹ In a statement released

¹⁴ "Karenni religious leaders cry foul as churches come under fire", Myanmar Now, June 15, 2021. <https://www.myanmar-now.org/en/news/karenni-religious-leaders-cry-foul-as-churches-come-under-fire> (accessed June 25 2021).

¹⁵ Ibid.

¹⁶ Seven Churches Damaged by Shelling in Shan and Kayah States. "ရှမ်းနဲ့ကယားမှာ လက်နက်ကြီးကြောင့် ခုနစ်လအတွင်း ဘုရားကျောင်း ခုနစ်ကျောင်း ပျက်စီး". Radio Free Asia, November 12, 2021, <https://www.rfa.org/burmese/news/7-churches-were-destroyed-11122021075244.html> (accessed November 30, 2021).

¹⁷ "Myanmar junta uses 'highly destructive' bomb in Karenni State, military insiders say". Myanmar Now, March 16, 2022, <https://www.myanmar-now.org/en/news/myanmar-junta-uses-highly-destructive-bomb-in-karenni-state-military-insiders-say> (accessed June 6, 2022)

¹⁸ "Catholic church damaged in airstrike by Myanmar military". Union of Catholic Asian News, March 09, 2022, <https://www.ucanews.com/news/catholic-church-damaged-in-airstrike-by-myanmar-military/96402>, (accessed June 7 2022)

¹⁹ Kanbawza Tai News. "ဒီးမော့ဆိုမြို့နယ် ဆောင်ဒူလာကျေးရွာအတွင်းသို့ စစ်ကောင်စီတပ်က လေယာဉ်ဖြင့် ဗုံးကြဲ" YouTube video, 01:17. March 16, 2022. https://www.youtube.com/watch?v=g_6RsADoVIY (accessed October 11, 2022)

²⁰ "Nuns' convent hit by Myanmar military airstrike". Union of Catholic Asian News, March 10, 2022, <https://www.ucanews.com/news/nuns-convent-hit-by-myanmar-military-airstrike/96434> (accessed June 6, 2022)

²¹ "A living hell: Churches, clergy targeted by Myanmar military." Aljazeera, October 14, 2021, <https://www.aljazeera.com/news/2021/10/14/a-living-hell-churches-suffer-in-myanmar-military-attacks> (accessed October 11, 2022)

on 1 June 2022, the Progressive Karenni People's Front (PKPF) asserted that 20 religious buildings were destroyed between 1 February 2021 and 1 June 2022.²² The Karenni Human Rights Group also reported that no less than 12 churches were razed to the ground in the same period.²³

According to an analysis of media sources,²⁴ the military troops shelled and burned eight Buddhist religious sites in violent acts, including arson and artillery shell explosions, between February and November 2021. In Kanin Kamaw village in Mon State, the Myanmar military burned down the monastery of the village over a quarrel.²⁵

Since the *coup*, in Chin State, which became an epicentre of the Myanmar military's targeted violence against the Christian community, the majority of Christian churches and affiliated buildings have been damaged. The military troops burned down and shelled the churches along with hundreds of houses in Falam, Mindat townships and particularly Thantlang township in Chin State.²⁶ According to the Chin Human Rights Organization, 35 religious buildings and 15 other associated buildings were destroyed between February 2021 and January 2022.²⁷

Thantlang township in northern Chin State, home to a population of 50,374 before the 2021 *coup*, suffered almost 30 arson attacks by the regime troops in separate instances between December 2021 and May 2022. According to Thantlang Placement Affairs Committee, at least 11 Christian churches have been burned in Thantlang since the *coup*. Out of 11, the regime forces torched and shelled seven

²² "More than 1,000 houses destroyed in Karenni within a year and four months after the coup". Tha Din, June 4, 2022, <https://thadinn.com/more-than-1000-houses-destroyed-in-karenni-within-a-year-and-four-months-after-the-coup/> (accessed June 6, 2022)

²³ *ibid*

²⁴ A Buddhist monastery was set fired in Ye township, Mon State. "ရေးမြို့နယ်တွင်ဘုန်းကြီးကျောင်းမီးလောင်".

Democratic Voice of Burma, November 27, 2021, <https://burmese.dvb.no/archives/502976>, (accessed November 30, 2021). The Military Even Destroys Religious Infrastructures in Chin State "ချင်းပြည်နယ်တွင် ဘာသာရေးအဆောက်အအုံပင်မချန် စစ်တပ်က ဖျက်ဆီး". Myanmar Now, September 2, 2021, <https://www.myanmar-now.org/mmm/news/8147> (accessed November 30, 2021). A Monastery in Budalin Township Hit by Shelling, Seven Refugees Injured, ဘုတလင်မြို့နယ် ဘုန်းကြီးကျောင်းခမ္ဘာရုံပေါ်လက်နက်ကြီးကျူ စစ်ရှောင် ၇ ဦး ဒဏ်ရာရ, November 26, 2021,

<https://burmese.dvb.no/archives/502682>, (accessed November 30, 2021)

²⁵ The regime troops burned a monastery after the abbot refused their plan to set a military bast at the monastery in Mon State. ရေးချောင်းဖျားဒေသ ကေအန်ယူထိန်းချုပ်နယ်မြေထဲကို စစ်ကောင်စီတပ်များ စစ်ရေးလှုပ်ရှားလာ, Democratic Voice of Burma, April 14, 2021,

<http://burmese.dvb.no/archives/457895>, (accessed November, 2021)

²⁶ "ထန်တလန်မြို့နယ်တွင် TCBC ဘုရားကျောင်း အပါအဝင် လူနေအိမ် ၅၀ နီးပါး ထပ်မံ၍ မီးလောင်ပြာကျ". Mizzima, November 26, 2021, <https://www.mizzimaburmese.com/article/92325>, (accessed November 30, 2021); "ထန်တလန်ကမီး". The Irrawaddy, October 30, 2021,

<https://burma.irrawaddy.com/article/2021/10/30/247163.html> (accessed November 30, 2021); "ထန်တလန်ကမီး". The Irrawaddy, October 30, 2021,

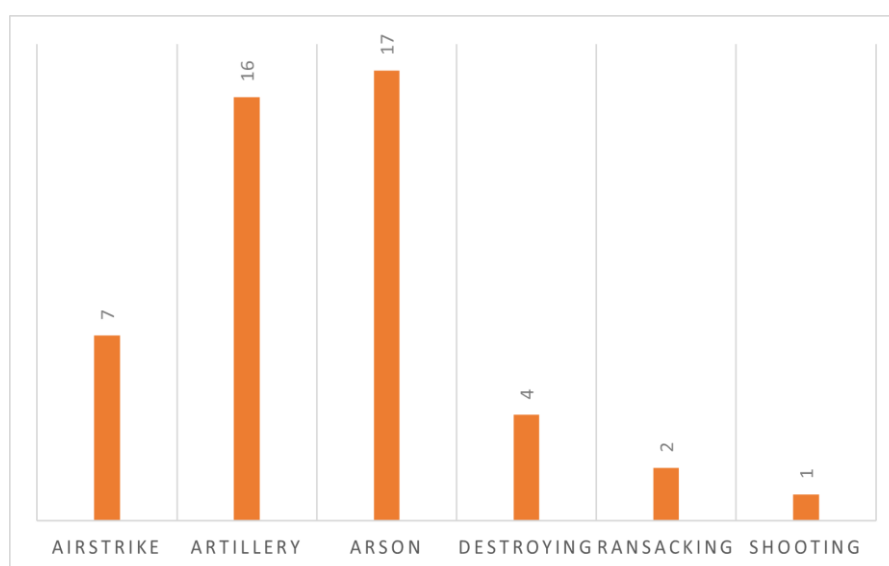
<https://burma.irrawaddy.com/article/2021/10/30/247163.html> (accessed November 30, 2021); "Myanmar Army Decimates Villages During Advance Through Chin State". Myanmar Now, October 21, 2021. <https://www.myanmar-now.org/en/news/myanmar-army-decimates-villages-during-advance-through-chin-state>, (accessed November 30, 2021)

²⁷ "As civil war rages, ruling junta destroys about a hundred religious buildings". Asia News, March 29, 2022, <https://www.asianews.it/news-en/As-civil-war-rages,-ruling-junta-destroys-about-a-hundred-religious-buildings-55466.html> (accessed June 6, 2022)

churches and affiliated buildings – United Pentecostal Church, the office building of Thangtlang Association of Baptist Churches, Thantlang Assembly of God Church, the Methodist Church, the Gospel Baptist Church, the Holiness Church and Johnson Memorial Baptist Church (JMBC) which was completed burned down on 24 May, two months after being damaged in shelling by the junta – between December 2021 and May 2022.

Riyazul Uloom, an important madrassa in Butheedaung township of Rakhine State, was damaged in a suspicious arson attack on 13 November, resulting in, among other things, the destruction of rare manuscripts, literature and sacred writings.²⁸

Of the total 44 instances of destruction or damage caused to religious buildings, the military junta is responsible for 42 incidents, while Pa-O National Army (PNA)²⁹ is responsible for two incidents: the destruction of a Roman Catholic church and a Buddhist monastery in Pinlaung township, Shan State. The news sources also indicate that the majority of religious buildings destroyed, that is, 16 were subjected to artillery fire, while the other 13 were destroyed as a result of arson attacks. Seven religious buildings were destroyed by the junta's airstrikes.



²⁸ "Prestigious Rohingya Islamic School Burned Down in Myanmar's Rakhine State". The Rohingya Post, November 13, 2021, <https://www.rohingyapost.com/prestigious-rohingya-islamic-school-burned-down-in-myanmars-rakhine-state/> (accessed November 30, 2021).

²⁹ The Ho Pone, Hsi Hseng, and Panglaung townships in southern Shan State make up the Pa-O Self-Administered Zone, which is defended by the PNA. In 1991, the PNA and the government State Peace and Development Council signed a ceasefire agreement, and the PNA reconstituted as a people's militia force. Since 2009, when the PNA merged with other paramilitary groups governed by the Myanmar army. The PNA is an armed organization that backs the political goals of the Myanmar's army. There have been claims of PNA forcibly recruiting villagers, extorting money, and conducting combined operations with the Burmese military against resistance organizations in the wake of the military coup d'état of 1 February 2021. See "Pa-O regions militia groups and Myanmar Military Junta". BNI. January 5, 2022, <https://www.bnionline.net/en/news/pa-o-regions-militia-groups-and-myanmar-military-junta>; "PNO/PNA Recruiting Youths In Mong Pawn Township". BNI. June 15, 2022, <https://www.bnionline.net/en/news/pnopna-recruiting-youths-mong-pawn-township> (accessed on October 12, 2022)

(3) Types of Attacks on Places of Worship between December 2021 and May 2022

There have been reports that the Myanmar military continued to use landmines in some areas, including Chin State, Kayah (Karenni) State and Shan State, in the aftermath of the *coup*.³⁰ Landmines allegedly planted by the junta troops were found within the premise of a Buddhist monastery in Bago Region's Paungde township and demined by the local PDF.³¹

Under international law, places of worship have a special status. In times of armed conflict, acts of hostility against cultural property, such as places of worship, are only permissible for imperatives of "military necessity", where "no feasible alternative" is available to obtain "a similar military advantage to that offered by directing an act of hostility against that objective." Under international humanitarian law, the burden of justifying hostile acts against cultural sites lies with the party that carries out such acts. To date, the Myanmar military has not discharged this burden in respect of the above-mentioned incidents.

Under the Rome Statute of the International Criminal Court, "intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes...provided they are not military objectives" is considered a war crime when committed in armed conflicts not of an international character. Similarly, "intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities" is also considered a war crime.

Raids on Places of Worship

As of 31 May 2022, the military has continued to conduct raids on religious sites and places of worship across the country.³² While there are limitations on accessing the figures of military raids across the country, a total of 45 raids were nonetheless reported, 44 of which were carried out by the Myanmar military and one by Ta'ang National Liberation Army (TNLA), an ethnic armed organization.³³

³⁰ "Myanmar army laid landmines along oil, gas pipelines in northern Shan State, rights group says". Myanmar Now, January 19, 2022, <https://www.myanmar-now.org/en/news/myanmar-army-laid-landmines-along-oil-gas-pipelines-in-northern-shan-state-rights-group-says>, (accessed June 9, 2022)

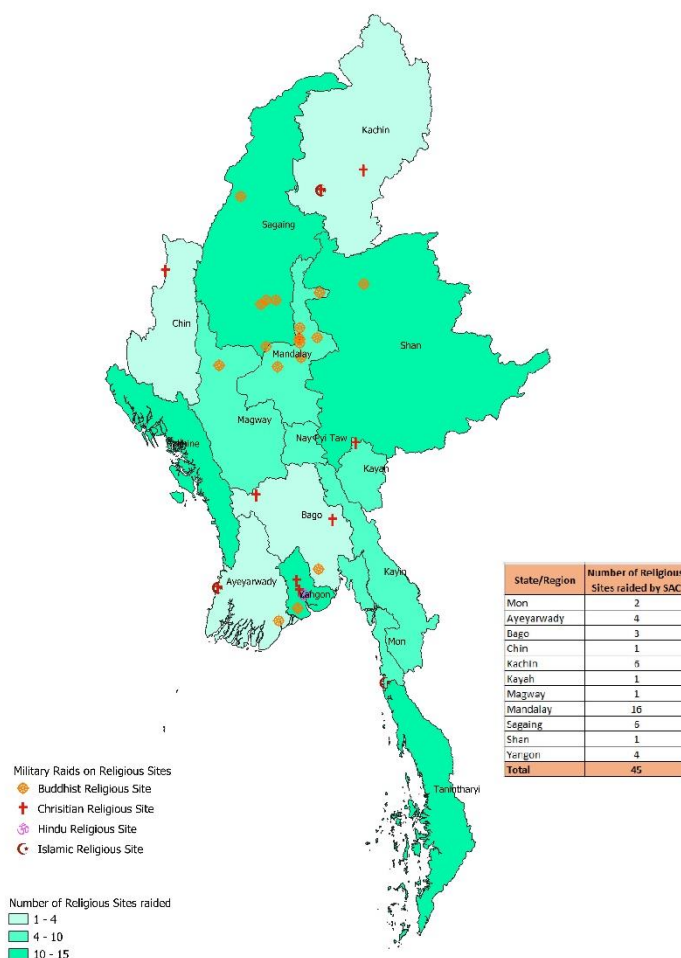
³¹ "ပေါင်းတည်မြို့တွင် စစ်ကောင်စီတပ်က ဘုန်းကြီးကျောင်းဝင်းထဲ မိုင်းထောင်". DVB, May 11, 2022, <http://burmese.dvb.no/archives/532844>, (accessed June 6, 2022)

³² The junta troops set military base at religious worship places including famous stupas, temples and churches. In Mon State, the troops set a military base at Kyaik Htoo Yoe pagoda, one of the famous pagoda in Myanmar. "ကျိုက်ထီးရိုးတောင်ပေါ်တွင် စစ်ကောင်စီတပ်ဖွဲ့". Democratic Voice of Burma, September 15, 2021, <https://burmese.dvb.no/archives/487967> (accessed November 30, 2021).

³³ The Ta'ang National Liberation Army broke the lock and raided a monastery in Namtu township in northern Shan State. "နမ့်တူမြို့နယ် ပန်လုံဘုန်းကြီးကျောင်း TNLA မှ သော့ဖျက် ဝင်ရောက်စစ်ဆေးမှု ပြုလုပ်". Shan Herald, June 2, 2021. <https://burmese.shannews.org/archives/22350> (accessed June 20, 2021).

Sixteen raids were carried out in Mandalay Region,³⁴ six raids in Kachin State,³⁵ six raids in Sagaing Region,³⁶ four raids in Yangon Region³⁷ and the Irrawaddy Region, three in Bago Region, two in Mon State, and one each in Magway Region, Chin State, Kayah State and Shan State.

Military Raids on Religious Sites in States and Regions between February 2021 and May 2022



³⁴ Most incidents occurred in Buddhist monasteries in Mandalay Region, a home to Buddhist majority and politically active monks in central Myanmar. “အာရှအလင်းရောင်စောင့်ရှောက်မှု စစ်တပ်နဲ့ရဲ ဝင်ရောက် ယာဉ်မောင်းနဲ့ဆရာဝန် ဖမ်းခံရ” Radio Free Asia, April 8, 2021, <https://www.rfa.org/burmese/news/asia-light-foundation-04082021014752.html>, (accessed June 30, 2021).

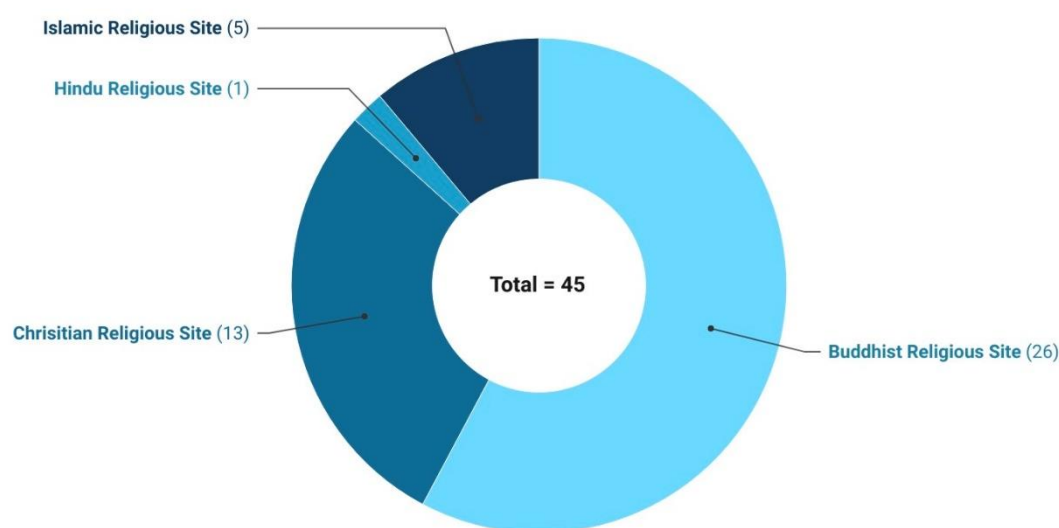
³⁵ “Myanmar Military Raids Kachin Churches”, The Irrawaddy, April 6, 2021, <https://www.irrawaddy.com/news/burma/myanmar-military-raids-kachin-churches.html>, (accessed June 30, 2021).

³⁶ Military troops often raid Buddhist monasteries in central Myanmar in order to find those they accuse of joining, supporting or contacting PDFs. စစ်ကိုင်းမှာ ဘုန်းကြီးကျောင်းကို ဝင်ရှာပြီး ဥပုသ်စောင့်သူတွေကို စစ်ဆေး, Radio Free Asia, May 25, 2021, <https://www.rfa.org/burmese/news/sagaing-riot-three-residents-got-detained-05252021103231.html>, (accessed November 30, 2021).

³⁷ Khit Thit Media. “သယံဇာတကွပ်မျက်မှု သူရိယ ကာလီ အမှန် ဘုရားကျောင်းကို စစ်တပ်နဲ့ရဲ ဝင်ရောက်စီးနင်းပြီး အမျိုးသမီး ၁ ဦးကို ဖမ်းဆီး”, March 18, 2021, <https://www.facebook.com/watch/?v=877977902748665>, (accessed November 30, 2021).

The majority of places of worship or religious sites that were raided are Buddhist sites, including 24 monasteries, two monastic education schools and one Jivatadana Sangha hospital in Yangon, a type of religious hospital and dispensary, which provides free health care for Buddhist monks and nuns. Thirteen Christian churches were raided by the armed forces and five Islamic religious buildings were raided in Kachin State, Bago Region, Irrawaddy Region, Sagaing Region and Tanintharyi Region. Security forces also entered a Hindu temple, reportedly to arrest a betel nut vendor who was hiding in the temple premises.

Junta troops raided Karuna, a church-run clinic in Kayah State's capital, Loikaw³⁸ and Sin Phyu Chat monastic education school run by a Buddhist monk in Mandalay Region's Kyaukse township.³⁹ Albeit the members of the clergy were not arrested, the Catholic Father had to appeal to the junta authorities for the release of 18 medics detained while the Buddhist monk in-charge was forced to leave the monastery and school with a handful of his followers. There are also reports that junta troops frequently resorted to acts of torture against the priests during the raid.⁴⁰



Number of Religious Sites raided per religious group

Ostensibly searching for hidden weapons, a group of approximately 100 regime soldiers armed with guns stormed Sacred Heart Cathedral, a Roman Catholic church whose prelate, Archbishop Tin Win, participated in anti-coup protests at

³⁸ "Military Raids Church-Run Clinic Kayah State". Mizzima, November 24, 2021, <https://mizzima.com/article/military-raids-church-run-clinic-kayah-state> (accessed November 24, 2021)

³⁹ "စစ်ကောင်စီက နာမည်ကျော် ဆင်ဖြူချင် ပရိဟိတနှင့် ဘာကျောင်းဆရာတော်ကို ဖိအားပေး ကျောင်းကိုစွန့်ခွာခိုင်း". Mizzima, October 16, 2021, <https://www.mizzimaburmese.com/article/88757> (accessed November 30, 2021)

⁴⁰ "Violence of the Burma Army against Civilians: Baptist Pastor Killed", Agenzia Fides, September 22, 2021, http://www.fides.org/en/news/70842ASIA_MYANMAR_Violence_of_the_Burmese_army_against_civilians_Baptist_pastor_killed (accessed November 30, 2021)

the peak of the mass pro-democracy street protests , in Mandalay on 8 December 2021, and searched any buildings within the church compound.⁴¹ No priests or members were arrested or hurt during the three-hour-long hunt, which spread fear within the Catholic minority community.

In another case in Ayeyarwaddy Region's Pyapon township, the regime forces raided a meditation centre situated within the premise of a Buddhist temple named Min Kyaung on 7 April 2022. The troops forced the Buddhist monks and laypersons to take off their robes and clothes to show whether they had a tattoo associated with the Spring Revolution.⁴²

Using religious sites as military camps

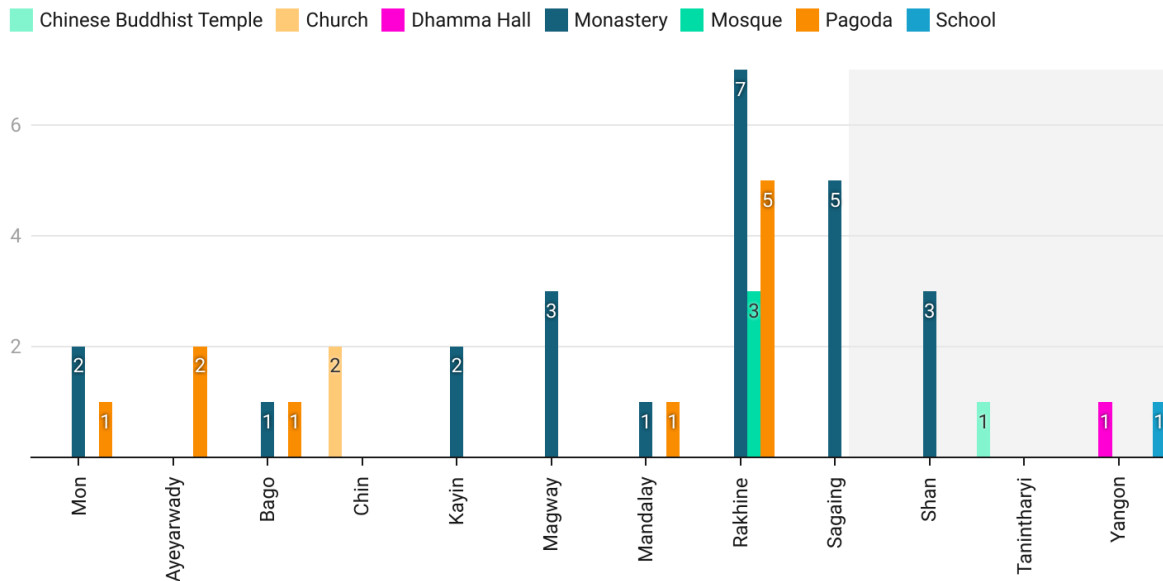
In the aftermath of the *coup*, when the security forces violently cracked down on demonstration and marches, protesters initially found sanctuary at religious sites. However, as the anti-*coup* movement gained momentum across the country, the security forces set up military camps at hospitals, schools, universities and religious sites, including monasteries, pagodas, churches and temples, to systematically crackdown on peaceful protests.

The ICJ's analysis of media sources indicates that, from February 2021 to May 2022, the military established camps in at least 42 places of worship in as many as 12 states and Regions – Chin State, Shan State, Kayah State, Rakhine State, Mon State, Ayeyarwaddy Region, Tanintharyi Region, Bago Region, Yangon Region, Mandalay Region, Sagaing Region and Magway Region.⁴³

⁴¹ "Myanmar junta raids cathedral complex in Mandalay". Union of Catholic Asian News, April 11, 2022, <https://www.ucanews.com/news/myanmar-junta-raids-cathedral-complex-in-mandalay/96855> (accessed June 6, 2022)

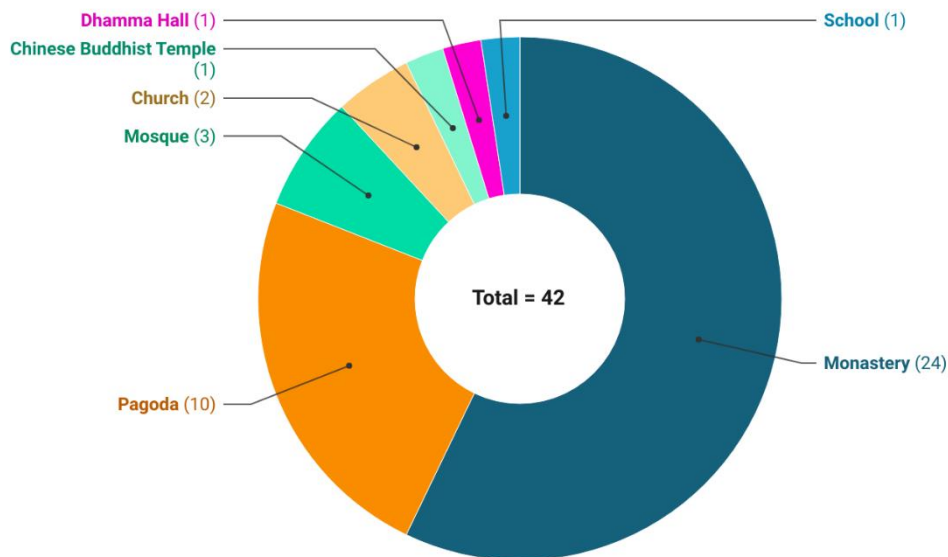
⁴² The decision of the Myanmar military to seize power on 1 February 2021 sparked a nationwide uprising that became known as the Spring Revolution. Hundreds of civilians were killed in a series of brutal crackdowns on peaceful protestors as millions marched to protect their freedoms from military regime. Anti-*coup* activists have continued to demonstrate, and some have armed themselves in self-defence despite the repression. The military takeover has also reignited hostilities in border regions that had been on the decline until lately. According to the Assistance Political Prisoners Association (AAPP) and UN Special Rapporteur on Myanmar, Tom Andrews, as of 23 June 2022, the junta has killed at least 2,000 demonstrators, detained 14,000, and displaced 700,000. "Daily Briefing in relation to the Military Coup". Assistance Political Prisoners Association (AAPP), 23 June, 2022, <https://aappb.org/?p=22111> (accessed October 10, 2022); "UN expert calls for Myanmar Action as death toll tops 2,000". Aljazeera, June 23, 2022, <https://www.aljazeera.com/news/2022/6/23/un-expert-calls-for-myanmar-action-as-death-toll-tops-2000> (accessed October 10, 2022). Ayeyarwaddy Times. 2022. "ဖျာပုံမြို့တွင် စစ်ကောင်စီတပ်သားတွေက တရားစခန်းညှပ်ဝင်းစီးပြီး ဘုန်းကြီးရော လူတွေကိုပါ ရင်ဘတ်လှန်ပြောင်းကာ တက်တူးရှာ", Facebook, April 10, 2022. <https://www.facebook.com/ayeyarwaddytimes/photos/a.509189952572344/2150135598477763/> (accessed June 6, 2022)

⁴³ "စစ်တပ်က ဘာသာရေးအဆောက်အအုံများ၊ ဆေးရုံများနှင့် ကျောင်းများတွင် ဝင်ရောက်တပ်စွဲ". Myanmar Now, March 7, 2021, <https://www.myanmar-now.org/mm/news/5986>, (accessed June 30, 2021). "တာချီလိတ်မြို့ ဘုန်းကြီးကျောင်းတွင် စစ်အုပ်စုတပ်စွဲထား". Shan News, June 14, 2021, <https://burmese.shannews.org/archives/22546>, (accessed June 30, 2021). "Mindat Becomes A Ghost Town Under Military Rule", Myanmar Now, June 14, 2021, <https://www.myanmar-now.org/en/news/mindat-becomes-a-ghost-town-under-military-rule> (accessed June 30, 2021) "ပဲခူးဆံတော်တွင်းလမ်းမ၌ လက်နက်ကိုင်တပ်များ တပ်စွဲထားပြီး ဆန္ဒပြသူများကို ဖြိုခွင်းရန်ပြင်ဆင်". Democratic Voice of Burma, March 21, 2021, <https://burmese.dvb.no/archives/452681>, (accessed June 30, 2021).



Number and Type of Site used as the Military Camps in States and Regions

Military camps were set up at several churches in Mindat township in southern Chin State, Pekon and Mobyet townships in southern Shan State and Loikaw and Demoso in Kayah (Karenni) State.⁴⁴ In addition, the military set up camps at monasteries, temples and churches in Mandalay city in Mandalay Region, Patheingyi township in the Irrawaddy Region and Bago township in Bago Region.



Number and Type of Site used as the Military Camps

⁴⁴ ချင်းပြည်နယ်က ဘုရားကျောင်းတွေထဲ စစ်ကောင်စီတပ်ဖွဲ့ပြီး ဖျက်ဆီးခံရတာတွေ ရှိနေ". Radio Free Asia, September 3, 2021, https://www.rfa.org/burmese/program_2/church-in-chin-destroyed-09032021073422.html, (accessed November 30, 2021). "ကယားပြည်နယ်တွင် စစ်ကောင်စီက ဘုရားရှိခိုးကျောင်းများကို ပစ်မှတ်ထားတိုက်ခိုက်ခဲ့" Myanmar Now, June 11m 2021, <https://www.myanmar-now.org/mm/news/7074> (accessed November 30, 2021)

The Myanmar Christian Fellowship of the Blind (MCFB)'s school for the visually impaired and a religious building on the premises of MCFB were among the religious sites where the military set up a base camp in Yangon Region.⁴⁵

According to media coverage, the junta troops sometimes used the monasteries as bunkers and resorted to the use of human shields⁴⁶ in the course of hostilities against local People's Defence Forces (PDFs) in some ethnic areas.⁴⁷

The findings show that the Myanmar military mainly set up military camps at religious buildings or sites in Rakhine State and Sagaing and Magway Region due to escalation of hostilities with the Arakan Army (AA) and in Rakhine State and as a result of armed resistance in the country's Dry Zone.⁴⁸

Rakhine State accounts for 60 per cent of all instances of the military using religious sites as military camps, with 15 religious buildings, including three mosques at which the military set up the military camps, in Butheedaung township, followed by Sagaing Region with five, Magway, Mon and Shan with three, Ayeyarwaddy, Bago, Mandalay, Chin and Kayin with two, and finally, Tanintharyi and Yangon with one, according to the news sources.

Within a few months from late 2021 to early 2022, there were reports that the military troops used the monasteries as barriers in the course of combat against the armed resistance groups. According to news sources, between December 2021 and May 2022, in addition to the installation of a military camp, regime soldiers ransacked and used sacred sites as interrogations centers or killing fields where they tortured and executed people and detainees, committing atrocities in sacred places, especially in the areas where the internet blackout has been imposed for

⁴⁵ “ရန်ကုန်ရှိမျက်မမြင်မိတ်သဟာယကျောင်းဝင်း၌ စစ်ကောင်စီတပ်စွဲထားသည့်အပေါ် စိုးရိမ်မှုရှိနေ”, Karen Information Center, April 15, 2021, <https://kicnews.org/2021/04/%E1%80%9B%E1%80%94%E1%80%94%E1%80%A%E1%80%94%E1%80%B9%E1%80%9B%E1%80%BD%E1%80%AD-%E1%80%99%E1%80%BA%E1%80%80%E1%80%B9%E1%80%99%E1%80%BB%E1%80%99%E1%80%84%E1%80%B9%E1%80%99%E1%80%AD%E1%80%90/>, (accessed November 30, 2021)

⁴⁶ On 16 January 2022, the regime troops raiding the Kan Gyi village in Magway Region's Saw township immediately disrobed the abbot of the village monastery, using him as one of the human shields for the column of the troops. “ဆောမြို့နယ်မှ ကျောင်းထိုင်ဆရာတော်ကို လူသားဒိုင်းအဖြစ် စစ်ကောင်စီ ဖမ်းခေါ်”. The Irrawaddy, January 17, 2020, <https://burma.irrawaddy.com/news/2022/01/17/249006.html> (accessed June 6, 2022)

⁴⁷ The Junta Troops Using Monasteries and Residents as Shield in Fighting Peoples'd Defence Forces in Shan State. “စစ်ကောင်စီ ဘုန်းကြီးကျောင်းနှင့် ရွာသားများကို အကာအကွယ်ထားပြီး PDF ကို တိုက်ခိုက်”, Shan News, September 21, 2021, <https://burmese.shannews.org/archives/24124>, (accessed November 30, 2021)

⁴⁸ “The Dry Zone covers more than 54,000km, encompassing 58 townships which span from lower Sagaing region, to the western and central parts of Mandalay region and most of Magway region. It is estimated that approximately one-quarter of the country's population live in this area.”, The MIMU, <https://themimu.info/special-interest-region/dry-zone#:~:text=The%20Dry%20zone%20covers%20more,population%20live%20in%20this%20area>. (accessed October 10, 2022)

a long time⁴⁹. On 5 May 2022, the junta troops massacred nine villagers among more than 40 internally displaced people who had taken refuge at a meditation centre in Oak Pho village of Sagaing Region's Budalin township.⁵⁰ The military used a monastery in another village as an interrogation centre in Yinmabin township in the same Region.⁵¹

As the military junta took to establishing military bases at religious sites in addition to within hospitals and schools, some monks were arrested when they refused to allow regime forces to set up military bases in monastic compounds.⁵² The junta troops arrested a Buddhist monk providing no reason for his arrest after being refused permission to set up a military base in the central monastery of Ka Nyon Kyun village in Long Lon township on 9 December 2021; they then seized the two vehicles owned by the Hman⁵³ monastery in Pein Daw village, Thayetchaung township on 14 December as the abbot refused them permission to set up a military base on the premises of the monastery in Tanintharyi Region.

According to the Chin Association of Maryland, military forces occupied several Christian churches in several townships throughout Chin State, including Mindat, Hakha and Kanpetlet.⁵⁴

Restrictions on freedom of religion or belief in detention

A large number of people, including religious leaders, participating in peaceful protests against the military *coup* have been arbitrarily arrested and detained. While there is no evidence to suggest religious leaders were arrested because of their religion or belief, in a number of cases, once in detention, they were denied their right to practise their religion.

Initially, the military authorities targeted politically active and pro-democracy Buddhist monks individually. However, as the CDM gained momentum, leading to mass protests on the streets, the military arrested and detained priests, pastors and clergy from other religions.

According to news sources, as of 31 May 2022, 86 religious leaders have been detained. Of these, there were 36 Christian clergy, including three nuns and a

49 "Open call to all international actors: do more to stop inter shutdowns shrouding torchings and killings in Myanmar", Access Now, June 22, 2022, <https://www.accessnow.org/statement-against-myanmar-shutdowns/>

50 Myanmar soldiers execute nine IDPs sheltering at Sagaing meditation centre <https://myanmar-now.org/en/news/myanmar-soldiers-execute-nine-idps-sheltering-at-sagaing-meditation-centre>

51 "As civil war rages, ruling junta destroys about a hundred religious buildings". Asia News, March 29, 2022, <https://www.asianews.it/news-en/As-civil-war-rages,-ruling-junta-destroys-about-a-hundred-religious-buildings-55466.html> (accessed June 6, 2022)

52 "တနင်္သာရီမှာ တပ်စွဲခွင့်မပေးတဲ့ ဘုန်းကြီးတွေကို စစ်ကောင်စီတပ်က ဖမ်းဆီးနေ". Than Lwin Times, December 15, 2021, <https://burmese.thanlwinnews.com/2021/12/15/%e1%80%90%e1%80%94%e1%80%84%e1%80%ba%e1%80%b9%e1%80%9e%e1%80%ac%e1%80%9b%e1%80%ae%e1%80%99%e1%80%be%e1%80%ac-%e1%80%90%e1%80%95%e1%80%ba%e1%80%85%e1%80%bd%e1%80%b2%e1%80%81%e1%80%bd%e1%80%84%e1%80%b7/> (accessed June 6, 2022)

53 Hman meaning "mirror" in Burmese.

54 CAM, Seventeen Months After the Military Coup in Myanmar/Burma (2022), <https://chinmd.org/wp-content/uploads/2022/06/CRFReport-June-2022-June.22.22-compressed.pdf>

female missionary, 49 Buddhist clergy, including a nun who was 70 years old, and one Muslim leader.⁵⁵ Some of them were subsequently released.⁵⁶ However, many Buddhist monks, including Yebu Sayadaw from Mandalay's Mogok township; Shwe Nya Wah Sayadaw and Sayadaw U Sobhita, as well as three Christian priests from different churches – Pastor Koshan Singsar from Kachin Baptist Church (KBC), Pastor Z Kaw Htinah from Christ Church and Pastor M Hawng Di from Rawang Baptist Church – were detained, and charged under the military amended Section 505(a) of the Penal Code⁵⁷ for attending a prayer for peace in Myanmar.⁵⁸

⁵⁵ Radio Free Asia. “သံဃာတော် ၁၈ ပါးကို စစ်ကောင်စီက ဖမ်းဆီးထား”. YouTube video, 08:54. June 10, 2021. <https://www.youtube.com/watch?v=YS2NsCqvWhA&t=20s> (accessed June 25, 2021) According to Dhamma and Peace, an association which collects the information of Buddhist monks detained since the coup, 36 are Buddhist monks arrested and charged by the junta for exercising their right to participation in peaceful anti-junta protests. “အာဏာသိမ်း ရှစ်လကျော်အတွင်း သံဃာ ၃၆ ပါး ဖမ်းဆီးခံရ”. Radio Free Asia, October 14, 2021, https://www.rfa.org/burmese/program_2/myanmar-soldiers-arrested-more-than-30-monks-10142021063759.html (accessed November 30, 2021).

⁵⁶ Some prominent religious leaders including Myawaddy Min Gyi Sayadaw⁵⁶ who had been arrested since 1 February was released in August, “We Have to Speak up for the Sake of the Country,” Says Freed Monk”. Radio Free Asia, August 03, 2021. <https://www.rfa.org/english/news/myanmar/abbot-interview-08032021185753.html> (accessed November 30, 2021); Three Christian pastors – Pastor Koshan Singsar, Pastor Z Kaw Htinah and Pastor M Hawng Di – who had been arrested in June for leading a peace prayer service in March were also released in October. “3 Pastors Among 5,000 Freed from Myanmar Prisons, Many More Remain Behind Bars”. CBN News, October 24, 2021. <https://www1.cbn.com/cbnnews/cwn/2021/october/3-pastors-among-5-000-freed-from-myanmar-prisons-many-more-remain-behind-bars> (access November 30, 2021)

⁵⁷ The junta announced on 13 February 2021 that it had amended Section 505 of the Penal Code. In the amendment the junta reclassified subsections 505(a), 505(b) and 505(c) as subsections 505(b), 505(c) and 505(d), adding subsection 505(a) with the phrase, “whoever with intent to cause, or which is likely to cause, a member of the

Defence Services or government employees to deprive affect, hinder, disturb, damage the motivation, discipline, health, conduct upon Government or the Defence Services and the duty of government employees or members of defence services to being into the hatred, disobedience, disloyalty;

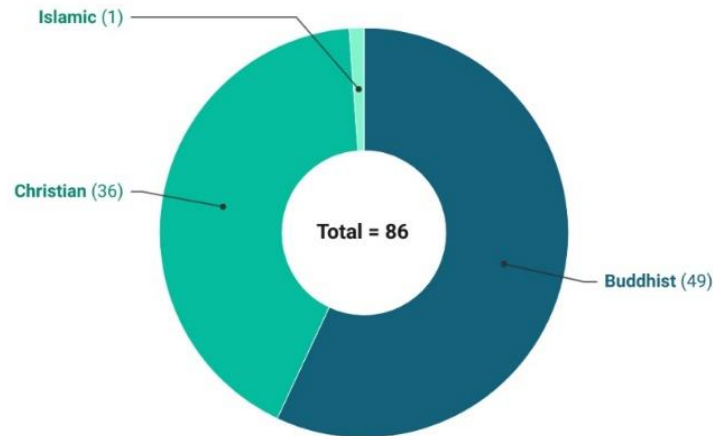
Furthermore, the junta added another Section 505-A as follows:

“cause fear, spread false news, agitate directly or indirectly criminal offence against a Government employee”

505 A. Whoever-

(a) causes or intends to cause fear to a group of citizens or to the public,
(b) causes or intends to spread false news, knowing or believing that it is untrue,
(c) causes or intends to commit or to agitate directly or indirectly criminal offence against a Government employee, any kind of Government employees or Government employees.

⁵⁸ “Myanmar Regime Charges Three Priests After Peace Prayer”. The Irrawaddy, June 30, 2021. <https://www.irrawaddy.com/news/burma/myanmar-regime-charges-three-priests-after-peace-prayer.html> (accessed July 2, 2021).



Total Number of Clergies Arrested or/and Prosecuted Since the Coup

Among those detained, some clerics were not allowed to practise their religion while in detention.⁵⁹ Buddhist monks were forced to disrobe and leave the monkhood. In addition, they were not allowed to shave their heads in accordance with the stipulations laid out in the Vinaya-pitaka⁶⁰ for monks.

In addition to detained members of religious clergies, members of religious minorities too were prevented from practising their religion or belief while in detention. Prison officials in Insein Prison accused Ma Kay Zon Nway, a Muslim journalist, who was arrested in February 2021 while she was live streaming a peaceful anti-coup protest in Yangon, of staging a hunger strike when she was observing the religious practice of fasting during the holy month of Ramadan.⁶¹ As a result, she was separated from the other prisoners and kept in isolation in a small prison cell for more than a month.

By denying detainees the right to practise their religion or belief, the Myanmar authorities have violated their obligations under international law. Under international law and standards, everyone has the right to freedom of thought, conscience and religion. This includes people in detention. The Revised United Nations Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules) provide additional measures to safeguard the right of detainees to practise their religion or belief in detention.⁶²

⁵⁹ “မန္တလေးမှာ ဖမ်းဆီးခံရတဲ့သံဃာတွေကို စစ်တပ်က ပြင်းထန်စွာ ရိုက်နှက်ညှဉ်းပန်းခဲ့”။ Radio Free Asia, June 02, 2021. <https://www.rfa.org/burmese/news/mandalay-monks-military-coup-07022021185137.html> (accessed June 25).

⁶⁰ Vinaya Pitaka “The Basket of Discipline,” one of the three Pitakas (Baskets) of Buddhist canonical scripture, regulates the Buddhist monk community to maintain the monastic order.

⁶¹ “Detained Myanmar Now Reporter Separated from Prison Population for More Than One Month”. Myanmar Now, June 4, 2021. <https://www.myanmar-now.org/en/news/detained-myanmar-now-reporter-separated-from-prison-population-for-more-than-one-month> (accessed June 20, 2021).

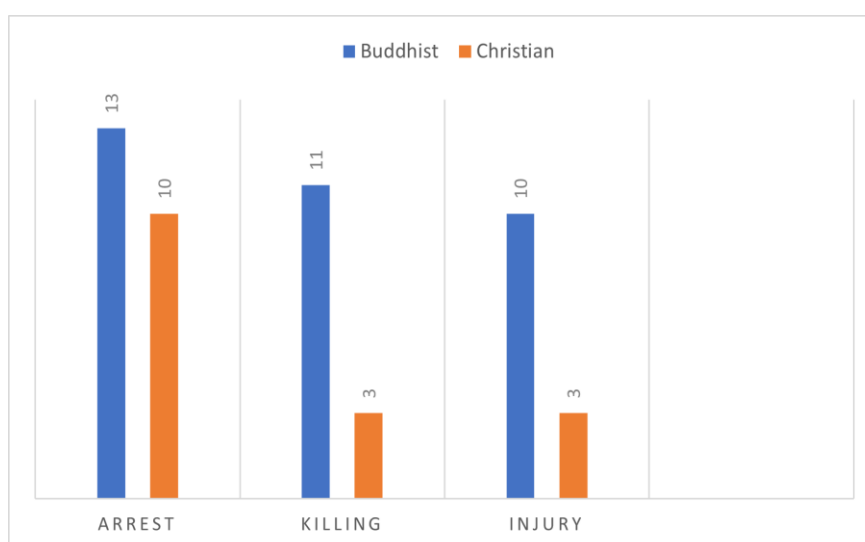
⁶² 41 (1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved. If the number of prisoners justifies it and conditions permit, the arrangement should be on a full-time basis.
(2) A qualified representative appointed or approved under paragraph (1) shall be allowed to hold regular services and to pay pastoral visits in private to prisoners of his religion at proper times.

Other violations against leaders of religious groups

Religious leaders and laypeople belonging to religious minority communities and pro-democracy clerics belonging to the Buddhist community have been subjected to persecution, discrimination and violence since the February 2021 coup.

From February 2021 to May 2022, several religious leaders and members of religious minorities were killed. Notable instances include a Kachin Christian pastor, whose handcuffed and bruised body was found three days after he had disappeared in the Kutkai township of Shan State;⁶³ the shooting dead of a young Muslim man inside a mosque during the month of Ramadan;⁶⁴ and in Yangon's Tamwe township, the hanging of a muezzin of a mosque who was tied up, made to dress in women's clothes before being hanged inside the mosque. Moreover, a Buddhist monk was killed during the Myanmar military's offensive against the Kachin Independence Army (KIA) in Momauk township.⁶⁵

Buddhist monks were also subject to torture or other cruel, inhuman or degrading treatment or punishment in detention. A young monk, who was arrested while organizing a peaceful protest against the *coup* in Mandalay on 20 May 2021, was subjected to torture, resulting in an inability to concentrate when communicating with others after his release on 30 June 2021.⁶⁶



(3) Access to a qualified representative of any religion shall not be refused to any prisoner. On the other hand, if any prisoner should object to a visit of any religious representative, his attitude shall be fully respected.

42. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life by attending the services provided in the institution and having in his possession the books of religious observance and instruction of his denomination.

⁶³ "(၃)ရက်ကြာ ပျောက်ခဲ့သည့် ကွတ်ခိုင်ဘာသာရေးဆရာတစ်ဦးသေနတ်ဒဏ်ရာဖြင့် သေဆုံးနေ". Shan Herald, June 22, 2021. <https://burmese.shannews.org/archives/21850> (accessed June 25, 2021)

⁶⁴ "As Ramadan begins, soldiers attack sleeping Muslims at Mandalay mosque". Myanmar Now, April 15, 2021. <https://www.myanmar-now.org/en/news/as-ramadan-begins-soldiers-attack-sleeping-muslims-at-mandalay-mosque> (accessed June 20, 2021)

⁶⁵ "မိုးမောက်မြို့နယ် စစ်ကောင်စီ ရဟတ်ယာဉ်ကို KIA ပစ်ချ၊ တိုက်ပွဲပြင်းထန် အရပ်သားသေဆုံးမှုရှိ". Shan Herald, May 3, 2021. <https://burmese.shannews.org/archives/21850> (accessed June 20, 2021)

⁶⁶ "ဖမ်းဆီးခံ မန္တလေးသံဃာတော်တွေ အပြင်းအထန် နှိပ်စက်ညှဉ်းပန်းခံခဲ့ရ". Radio Free Asia, June 2, 2021.

<https://www.rfa.org/burmese/interview/detained-mandalay-monk-military-coup-07082021173539.html> (accessed June 25).

(9) Types of Violence against clergies from Buddhism and Christianity during the period between December 2021 to May 2022

During this phase of the junta's repression, the position of the majority of jailed clergies from various religious communities in detention has become increasingly difficult to ascertain, making it almost impossible to shed light on their plight.⁶⁷ Detained Buddhist monks, most of whom had been arrested for engaging in the pro-democracy campaigns, were not only forbidden from manifesting or practising their religious beliefs but faced ill-treatment during interrogation or while detained. A leading monk of the Mandalay Sangha Union recalled that the arrested Buddhist monks were beaten and even threatened with rape in prison.⁶⁸ On 16 January 2022, the regime troops raiding the Kan Gyi village in Magway Region's Saw township immediately disrobed the abbot of the village monastery, using him as one of the human shields for the column of the troops.⁶⁹

From December 2021 until May 2022, a total of 14 clerics were killed by gunshots, artillery shells, or died under torture, with 10 deaths attributable to the military junta. Among those killed, nine were Buddhist monks, and three were Buddhist novices killed by the junta troops' shelling of the monastery. One Buddhist monk was killed by the military forces in the interrogation centre⁷⁰ in Mandalay Region's Madayar township and another monk was decapitated together with some civilians in Magway Region's Myaing township; both are Buddhist predominant Regions.

Similarly, Christian ministers faced inhumane treatment, torture, and even death in detention or enforced disappearance after being arrested.

Salai Ngwe Kyar, a 26-year-old ethnic Asho Chin pastor from Magway Region's Sidoktaya township, working at the Thet Kei Taung Village Christian Congregation, was arrested while travelling to Saw township in the same Region on 6 December 2021 on suspicion of having a connection with the People's Defence Force. He was then killed during a military interrogation in the No. 20 Defence Equipment Industry factory.⁷¹ U Om Kui or Om Kee, another Chin Christian pastor, aged 29, was arrested on his way to to purchase food in Kanpelet township, Chin State, on

⁶⁷ As months pass without contact, concerns grow for safety of injured Mandalay monk in junta custody", Myanmar Now, May 12, 2022. <https://www.myanmar-now.org/en/news/as-months-pass-without-contact-concerns-grow-for-safety-of-injured-mandalay-monk-in-junta>, (accessed June 6, 2022)

⁶⁸ “မန္တလေးမှာ ဖမ်းဆီးခံထားရတဲ့ သံဃာတော်တွေကို စစ်ကြောရေးမှာ အဓမ္မပြုကျင့်ဖို့ထိ အာဏာသိမ်းစစ်တပ်ကလုပ်ဆောင်”, Than Lwin Times, May 6, 2022. <https://burmese.thanlwinnews.com/2022/05/06/%E1%80%99%E1%80%94%E1%80%90%E1%80%9C%E1%80%B1%E1%80%B8%E1%80%99%E1%80%BE%E1%80%AC%E1%80%96%E1%80%99%E1%80%BA%E1%80%B8%E1%80%86%E1%80%AE%E1%80%B8%E1%80%81%E1%80%B6%E1%80%91%E1%80%AC%E1%80%B8>, (accessed June 6, 2022)

⁶⁹ “ဆေးမြို့နယ်မှ ကျောင်းထိုင်ဆရာတော်ကို လူသားဒိုင်းအဖြစ် စစ်ကောင်စီ ဖမ်းခေါ်”. The Irrawaddy, January 17, 2020, <https://burma.irrawaddy.com/news/2022/01/17/249006.html> (accessed June 6, 2022)

⁷⁰ “မတ္တရာမြို့နယ် ကင်းရွာမှ ဆရာတော်နှစ်ပါး သတ်ဖြတ်ခံရ”, Myanmar Now, April 4, 2022. <https://myanmar-now.org/mm/news/10948>, (accessed June 6, 2022)

⁷¹ “Chin pastor from Magway Region killed during military interrogation”. Myanmar Now, December 13, 2021. <https://www.myanmar-now.org/en/news/chin-pastor-from-magway-region-killed-during-military-interrogation> (accessed June 6, 2022).

11 December 2021. Two days later, his dead body with bullet wounds to his head and stomach, ostensibly sustained during his military interrogation, was discovered on the side of a road on 13 December 2021.⁷²

There were 13 religious leaders injured or disabled due to the lethal explosives and ammunition. Nine of the 10 Buddhist clergies injured are novices, and two of the three Christian clergies injured lost parts of their bodies due to the landmines allegedly planted by the junta troops in the war-torn Chin State. U Ting Za Lian, one of the three survivors of the landmine explosion, lost his leg after he and another colleague stepped on landmines in a school in Matupi township on 2 April 2022.⁷³

Restrictions of Movement and Denied Citizenship for Rohingya

Discrimination and restrictions on those holding a National Registration Card (NRC)⁷⁴ with State Number 5, which represents Sagaing Region, have been increasing in the country since the beginning of 2022 as the hostilities between the armed resistance forces and the military junta escalated.⁷⁵

Domestic migrant workers from Sagaing Region were denied the right to employment and access to accommodation in other regions, such as Mandalay, which remains largely untouched by the armed conflict. In townships neighbouring conflict areas in the Sagaing Region, IDPs have had to pay bribes or a “tax” to pass through the toll gates or lest be denied passage.

Meanwhile, the Rohingya community, which had been persecuted for many decades prior to the 2021 *coup*, continues to be denied their right to citizenship of the country, as well as their right to freedom of movement, and other fundamental rights and freedoms. The junta’s official propaganda channel and military-controlled State media described the Rohingya as “Bengalis” from Bangladesh and accused them of attempting to “enter Myanmar through illegal channels.”⁷⁶

The junta’s forces have strictly criminalized the Rohingya’s right to exercise freedom of movement. Since the February 2021 *coup*, according to the Women’s Peace Network, at least 856 Rohingya people, including more than 464 women and 101 children – have been arrested as some of them had tried to relocate or attempt to go overseas, while some had been domestically trafficked within

⁷² “Missionary found dead in Kanpetlet two days after arrest”. Myanmar Now, December 15, 2021, <https://www.myanmar-now.org/en/news/missionary-found-dead-in-kanpetlet-two-days-after-arrest> (accessed June 6, 2022)

⁷³ “မတူပီမှာ ခရစ်ယာန်ဓမ္မဆရာနှစ်ဦး မိုင်းနင်းမိပြီး ပြန်ထန်ဒဏ်ရာရ”. Radio Free Asia, April 6, 2022, <https://www.rfa.org/burmese/news/land-mine-in-chin-state-04062022111337.html>, (accessed June 6, 2022)

⁷⁴ A National Registration Card (NRC) is a national identification system that uses the following format State Number, District, Status of Citizenship, Register Number.

⁷⁵ “Sagaing residents say they face discrimination under Myanmar junta.” Radio Free Asia, June 8, 2022, <https://www.rfa.org/english/news/myanmar/sagaing-region-07082022173447.html> (accessed October 11, 2022)

⁷⁶ Women’s Peace Network, The Arbitrary Arrest and Detention of Rohingya Since the Attempted Coup, (2022) https://mcusercontent.com/6819ae24e30bd9a9db0322d69/files/2a79f5e9-4d82-bf0a-7c7e-702bc869a5c2/Briefer_on_Arbitrary_Arrest_Detention.pdf

Myanmar-.⁷⁷ Of 856, 265 were arrested by the junta's police forces between December 2021 and May 2022, according to the Women's Peace Network.⁷⁸

The emergence of New Forms of Nationalism After the Coup

Myanmar's military and the notion of Burmese Buddhist nationalism promoting Buddhism as a superior religion to other religions or beliefs have been intertwined for decades. Following the *coup*, the emergence of new extreme nationalist threats to marginalized and at-risk communities, especially ethnic Rohingya, the Muslim community, and non-Burman communities has become even greater. The military junta has described itself as the protector of the race (meaning Bamar) and religion (meaning Buddhism) for many decades since the independence, in several forms which included the pro-military vigilante group named Thway Thout (Sworn in sipping blood). Since the launch of the Thway Thout network-based group, some major cities, including Yangon and Mandalay, have seen a series of killings of the NLD party supporters, including a 22-year-old Muslim student who was shot to death in Yangon on 19 May 2022.⁷⁹

In addition to targeting Muslim communities, the Myanmar military and its henchmen have incited the targeting of other religious groups using social media and traditional propaganda. Specifically, in the stronghold areas of armed resistance groups, such as Sagaing Region and Magway Region, the Myanmar military, under the internet blackout, disseminated pamphlets attributing guilt to anti-junta armed resistance fighters based on religiously inciting narratives that claimed non-Buddhist entities were encouraging "Buddhist" armed groups to fight each other. It has been claimed that in December 2021, various villages in Sagaing Region and Magway Region had pamphlets dropped from helicopters. In the Sagaing Region, pamphlets stating "OIC (Organisation of Islamic Cooperation) and KIA (Kachin Independence Army) will be pleased if Buddhists fight each other" were distributed.⁸⁰

In April 2022, a video of a Kachin man grumbling to a Buddhist monk over the construction of a Buddha statue became viral on social media after a pause was lifted from the construction of the Buddha statue in Nhkai Bum, a national park widely recognised as a national heritage of the Kachin by the Kachin community that is composed of almost entirely Christians. The resumption of construction that had been suspended under the civilian government led by NLD party sparked an outcry within the Kachin community as well. Upon the distribution of the video, ultranationalists and supporters of the Myanmar military disseminated a number of hateful incitements and disinformation against the Kachin community on the basis of religion on social media and other messaging applications, particularly Telegram.⁸¹

⁷⁷ *ibid*

⁷⁸ *Ibid*

⁷⁹ "Murders in Yangon and Mandalay linked to Thwe Thout". Myanmar Now, May 23, 2022, <https://www.myanmar-now.org/en/news/murders-in-yangon-and-mandalay-linked-to-thwe-thout> (accessed June 6, 2022)

⁸⁰ *ibid*

⁸¹ "Construction of Buddha statues on Inkhawngwan Mountain in Myitkyina may lead to conflict". Myanmar Peace Monitor, May 11, 2022, <https://www.mmpeacemonitor.org/310887/construction-of-buddha-statues-on-inkhawngwan-mountain-in-myitkyina-may-lead-to-conflict/> (accessed June 6, 2022)

Conclusion and recommendations

The ICJ's analysis of news reports clearly indicates that the military has violated the human rights of religious minorities and destroyed minority religious sites and places of worship in violation of international law and standards. The military targeted Buddhist monks, novices and nuns on suspicion of participating in the anti-*coup* movement or of having ties to people's defence forces (PDFs). , However, it mostly targets ethnic Christian clergy, mainly based on their ethnicity.

A wider and systematic documentation of violence against religious minorities and religious sites is necessary but has been hampered by the lack of Internet connectivity post *coup*, and by the arbitrary arrest and detention of journalists, human rights defenders and civil society activists. The military's return to the "four cuts" strategy⁸² – which includes indiscriminate attacks, arbitrary arrests, cutting off internet access and arresting people suspected of providing essential supplies and food in areas where the resistance is active – has also prevented adequate documentation of human rights violations in ethnic minority areas. The ICJ's analysis of news sources indicates that the military has continued to carry out indiscriminate and disproportionate attacks against the civilian population, targeting the cultural property and religious sites or places of worship where the civilians take sanctuary and that those attacks have been even more widespread throughout the country.

Recommendations

To the Myanmar Military

- Respect the outcome of the democratic elections of November 2020 and immediately reinstate the civilian government;
- end the state of emergency;
- end the use of violence against peaceful protesters;
- respect the right to freedom of expression and association;
- release all political detainees;
- reverse restrictions on the rights to freedom of expression, assembly and association; and
- respect the right to freedom of religion or belief;

To International Community

Ensure that the Independent Investigative Mechanism for Myanmar has the requisite support to discharge its mandate;

UN Human Rights Council

Monitor the implementation of its previous resolutions on the country, and urge the UN Security Council to refer the situation of Myanmar to the International Criminal Court;

⁸² For more details on the "four cuts" strategy, see <https://www.aljazeera.com/news/2021/7/5/what-is-the-myanmar-militarys-four-cuts-strategy>

Work to ensure accountability for gross human rights violations and likely crimes against humanity committed in Myanmar, including the freedom of religion or belief.

International legal framework

Myanmar's international human rights obligations are to be found in the UN Charter, human rights treaties, general and customary international law.

International human rights law

International human rights law and standards guarantee access to places of worship, and such access is recognized under international law and standards as a core part of the freedom of religion or belief (FoRB). The right to access places of religious worship is guaranteed in the Universal Declaration of Human Rights (UDHR), under the International Covenant on Civil and Political Rights and other international human rights treaties, as well as in the 1981 UN General Assembly's Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief ("1981 Declaration")⁸³ and in the jurisprudence and General Comments of the UN human rights treaty bodies, such as the Human Rights Committee.

Article 18 of the UDHR provides that "Everyone has the right to freedom of thought, conscience and religion; this right includes [...] freedom either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."⁸⁴

In similar terms, Article 18(1) of the International Covenant on Civil and Political Rights (ICCPR),⁸⁵ which guarantees the freedom to manifest one's religion or beliefs and the right to worship in community with others, includes the right to access places of worship. While Myanmar has yet to become a party to the ICCPR, it is still bound to respect the right to freedom of thought, conscience, religion or belief, since core aspects of the right have attained the status of customary international law.⁸⁶ The UN Human Rights Committee, the ICCPR's supervisory body, in its General Comment 22, has elucidated that: "the concept of worship extends to ... various practices integral to such acts, including the building of places of worship."

The right to establish, maintain buildings dedicated to religion and access to places of worship is also guaranteed by the UN General Assembly 1981 Declaration, Article 6(a) of which affirms that: the right to freedom of thought, conscience, religion or belief includes the freedom: "[t]o worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes."

The UN Special Rapporteur on freedom of religion or belief (UN Special Rapporteur on FoRB) has repeatedly affirmed that places of worship are an essential element for the manifestation of the right to freedom of thought, conscience, religion or

⁸³ UN General Assembly, Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 25 November 1981, UN Doc. A/Res/36/55.

⁸⁴ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948.

⁸⁵ UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966.

⁸⁶ Daniel Wehrenfennig (2006) The Human Right of Religious Freedom in International Law, *Peace Review*, 18:3, 403-410, DOI: [10.1080/10402650600848498](https://doi.org/10.1080/10402650600848498).

belief to the extent that the great majority of religious communities need the existence of a place of worship where their members can manifest their faith.⁸⁷

In addition, other international human rights instruments recognize that religious places, sites and shrines enjoy a special protection. Unlike other violations of the right to freedom of thought, conscience, religion or belief, attacks or restrictions on places of worship or other religious sites and shrines violate the right not only of a single individual, but the rights of a group of individuals forming the community that is attached to the place of worship.⁸⁸ In this context, the UN Special Rapporteur on FoRB has observed that, preventing members of a religious community from using a place of worship that belongs to them would constitute a violation of their right to freedom of thought, conscience, religion or belief.⁸⁹

Thus, Myanmar has an obligation to protect the right of all persons to worship or assemble in connection with their religion and to establish and maintain places of worship, including by guaranteeing people's access to places of worship for these purposes, and by ensuring that religious places, sites and shrines are fully respected and protected, including when they are at risk of destruction.

Any limitation on the right to freedom of thought, conscience, religion or belief must be based exclusively on the legitimate grounds recognized by international human rights law, namely, to protect public safety, order, health, or morals, or the fundamental rights and freedoms of others; that any such limitations be prescribed by law and be necessary; that they pursue at least one of the above-mentioned legitimate aims; and that they be proportionate.⁹⁰

International humanitarian law

Large parts of Myanmar are in a state of armed conflict, including Kachin, Kayin, Chin, Rakhine, Northern Shan States. In addition to international human rights law, laws of war or international humanitarian law are also applicable.

Under international humanitarian law, parties to a conflict must at all times distinguish between the civilian population and combatants, and between civilian objectives and military objectives. The parties to the conflict may direct their operations only against military objectives.

⁸⁷ Report submitted by Asma Jahangir, UN Special Rapporteur on Freedom of Religion or Belief, U.N. Doc. E/CN.4/2005/61, 20 December 2004, para. 25.

⁸⁸ *Ibid.*, paras 48 and 49. See also: Human Rights Council resolution 6/37, Elimination of all forms of intolerance and of discrimination based on religion or belief, in which the Human Rights Council urges States "To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction" (para. 9(e)); and "To ensure, in particular, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes [...]" (para. 9(g)). For international humanitarian law, see also Article 53 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), and Article 16 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), which protect places of worship in times of armed conflict.

⁸⁹ Report by Mr. Abdelfattah Amor, Special Rapporteur on Freedom of Religion or Belief, Visit to Romania, E/CN.4/2004/63/Add.2, 16 December 2003, para. 104.

⁹⁰ Human Rights Committee's General Comment No. 22.

“Cultural property” has special significance under international humanitarian law. It includes places and objects dedicated to religion, art, science or education. Special care must be taken to avoid damaging cultural property. The destruction of cultural property can be seen as an attempt to destroy the cultural identity of an entire society.⁹¹

⁹¹ Article 4 of the 1954 Hague Convention for the Protection of Cultural Property provides:

1. The High Contracting Parties undertake to respect cultural property situated within their own territory as well as within the territory of other High Contracting Parties ... by refraining from any act of hostility directed against such property.

2. The obligations mentioned in paragraph 1 of the present Article may be waived only in cases where military necessity imperatively requires such a waiver.

Article 53 of the 1977 Additional Protocol I provides:

Without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, and of other relevant international instruments, it is prohibited:

a. to commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples.

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