

INTERNATIONAL COURT OF JUSTICE

**CASE CONCERNING
APPLICATION OF THE CONVENTION ON
THE PREVENTION AND PUNISHMENT OF
THE CRIME OF GENOCIDE**

THE GAMBIA

v.

MYANMAR

**REPORT OF
THE REPUBLIC OF THE UNION OF MYANMAR
PURSUANT TO PARAGRAPH 86(4) OF
THE ORDER OF 23 JANUARY 2020**

22 MAY 2020

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TABLE OF ABBREVIATIONS

ARSA	Arakan Rohingya Salvation Army
ASEAN	Association of the Southeast Asian Nations
CDNH	Center for Diversity and National Harmony
CPB	Communist Party of Burma
CSC	Citizenship Scrutiny Card
CIPB	Criminal Investigation and Prosecution Body
DKBA	Democratic Karen Benevolent Army
DKBA-5	Democratic Karen Buddhist Army - Brigade 5
EAO	ethnic armed organization
FPNCC	Federal Political Negotiation and Consultative Committee
FIR	First Information Report
HaY	Harakah al-Yaqin
ICOE	Independent Commission of Enquiry
ICRC	International Committee of the Red Cross
IDP	internally displaced person
IED	improvised explosive device
ITI	In Transformation Initiative
JAG	Judge Advocate General
KNU	Karen National Union
KIA	Kachin Independence Army
MMK	Myanmar kyat (currency of Myanmar)
MNDAA	Myanmar National Democratic Alliance Army
MoU	memorandum of understanding

MOHS	Ministry of Health and Sports
MOSWRR	Ministry of Social Welfare, Relief and Resettlement
NCA	Nationwide Ceasefire Agreement
NGO	non-governmental organization
NVC	National Verification Card
PPE	personal protective equipment
PLW	pregnant and lactating women
SMMT	Social Media Monitoring Team
SRSB-SVC	Special Representative of the Secretary-General on Sexual Violence in Conflict
TNLA	Ta'ang National Liberation Army
UEHRD	Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine
USD	United States dollar
UWSA	United Wa State Army
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
WFP	World Food Programme
WHO	World Health Organization

1. Introduction

1. In its Order of 23 January 2020 (“Order”), at paragraph 86, the International Court of Justice (the “Court”) indicated the following provisional measures:

(1) [...] The Republic of the Union of Myanmar shall, in accordance with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, in relation to the members of the Rohingya group in its territory, take all measures within its power to prevent the commission of all acts within the scope of Article II of this Convention, in particular:

(a) killing members of the group;

(b) causing serious bodily or mental harm to the members of the group;

(c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and

(d) imposing measures intended to prevent births within the group;

(2) [...] The Republic of the Union of Myanmar shall, in relation to the members of the Rohingya group in its territory, ensure that its military, as well as any irregular armed units which may be directed or supported by it and any organizations and persons which may be subject to its control, direction or influence, do not commit any acts described in point (1) above, or of conspiracy to commit genocide, of direct and public incitement to commit genocide, of attempt to commit genocide, or of complicity in genocide;

(3) [...] The Republic of the Union of Myanmar shall take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of acts within the scope of Article II of the Convention on the Prevention and Punishment of the Crime of Genocide;

(4) [...] The Republic of the Union of Myanmar shall submit a report to the Court on all measures taken to give effect to this Order within four months, as from the date of this Order, and thereafter every six months, until a final decision on the case is rendered by the Court.

2. The Republic of the Union of Myanmar (“Myanmar”) submits the present report to the Court in accordance with the fourth of these provisional measures.

3. Myanmar notes that in the Order, the Court affirms in paragraph 85 that the indication of these provisional measures “in no way prejudices the question of the jurisdiction of the Court to deal with the merits of the case or any questions relating to the admissibility of the Application or to the merits themselves”, and “leaves unaffected the right of the Governments of The Gambia and Myanmar to submit arguments and evidence in respect of those questions”.
4. The present report is therefore submitted without prejudice to any of Myanmar’s rights in these proceedings, including the right to raise preliminary objections. Myanmar empathizes with the suffering of the many innocent people whose lives were torn apart as a consequence of the events of 2016 and 2017. However, Myanmar reiterates its principled position that the material relied on by The Gambia is incapable of establishing that any of the acts alleged, if committed, were done so with the specific intent referred to in Article II of the Convention on the Prevention and Punishment of the Crime of Genocide (the “Genocide Convention”).

2. **Relevant background**

(i) Introduction

5. This report is not the occasion for Myanmar to respond to the factual allegations made by The Gambia in the proceedings to date. Myanmar will do so at an appropriate time. However, certain background factual matters necessary for an understanding of the present report are set out below.

(ii) History of non-international armed conflict in Myanmar

6. Myanmar (known prior to 1989 as Burma) is ethnically a very diverse country. Unfortunately, from the time that it gained independence from British rule in 1948, its Government and its military (the Myanmar Defence Services, also known as the “Tatmadaw”) have been engaged more or less continuously in internal armed conflicts with various ethnically based insurgent groups in different parts of the country. These insurgent groups have, at different periods, been in control of various parts of the country’s territory. At times, some of these insurgent groups have also fought amongst themselves. These non-international armed conflicts have included the following.

7. Only a year after Myanmar gained independence, the Communist Party of Burma (“CPB”) and the Karen National Union (“KNU”) took up arms against the central Government. Conflicts between the central Government and the CPB lasted for 41 years until the latter’s defeat in 1989. However, four new armed groups emerged from the CPB, the two most notable of which are the United Wa State Army (“UWSA”) and the Myanmar National Democratic Alliance Army (“MNDAA”, also known as the “Kokang Army”).
8. The KNU and its armed wing, the Karen National Defence Organisation, fought against the central Government of Myanmar from 1949. There were major clashes between the Myanmar Defence Services and the KNU in Kayin State until 1995 when the KNU moved its headquarters to Thailand. Hundreds of thousands of civilians were displaced by intense clashes throughout the course of this conflict. According to the United Nations High Commissioner for Refugees (“UNHCR”), as of 8 April 2020, there were 93,227 civilians from Myanmar still in camps in neighbouring Thailand as a result of this conflict.
9. In 2010-2012, there were further clashes in Kayin State between the Myanmar Defence Services on the one side, and the Democratic Karen Buddhist Army - Brigade 5 (“DKBA-5”) and the KNU on the other. As a result of an attack by the DKBA-5 on Myawaddy Township in Kayin State on 8 November 2010, some 20,000 people fled to Thailand, and then subsequently returned to Myanmar after the Myanmar Defence Services fully reclaimed the town on 9 December 2010.
10. In January 2012, an initial ceasefire was agreed between the Government and the KNU, and on 15 October 2015, the KNU signed the Nationwide Ceasefire Agreement (see paragraphs 26 to 34 below). However, in March 2018, armed clashes erupted once again between the Myanmar Defence Services and the KNU in Hpapun District, as a result of which 2,000 civilians in that district were displaced. As of April 2020, some 5,281 civilians from across Kayin State who have been displaced are living in two internally displaced persons (“IDP”) camps in Kayin State.
11. In Kachin State in northern Myanmar, there were armed conflicts between the Myanmar Defence Services and the Kachin Independence Army (“KIA”), the military wing of the Kachin Independence Organisation, from 1961 until February 1994, when the Government and the KIA reached a ceasefire agreement. However, clashes resumed in June 2011. Clashes decreased during ceasefire talks between the Government and the KIA in 2013-2014, but then resumed again in November 2014. As a result of the fighting between the Myanmar Defence Services and the KIA in 2018, 6,000 people were internally displaced.

As of April 2020, a total of 42,168 people displaced as a result of the clashes in Kachin State are living in 84 IDP camps and 4 temporary camps in Kachin State.

12. According to the KIA, 663 armed engagements took place from 9 June to 31 December 2011, and there were 897 armed engagements in 2012, 224 in 2013, 155 in 2014, 634 in 2015, 740 in 2016, 361 in 2017, 257 in 2018, and 52 armed engagements from 1 January to 6 December 2019.
13. Shan State in eastern Myanmar, the largest State in Myanmar, is home to several ethnic armed groups or organizations (“EAOs”),¹ and has also experienced fierce armed conflict.
14. The MNDAA is a Kokang insurgent group active in the Kokang Self-Administered Zone in northern Shan State. The group signed a ceasefire agreement with the Government of Myanmar in 1989 which lasted until 2009. In August 2009, there were skirmishes between the Myanmar Defence Services and the MNDAA in the Kokang region, in which other ethnic groups joined the MNDAA. As a result of the conflict, the MNDAA lost control of the Kokang Self-Administered Zone and as many as 30,000 civilians fled to Yunnan province in neighbouring China.
15. There were further major clashes between the Myanmar Defence Services and the MNDAA in 2015 when the latter tried unsuccessfully to retake the Kokang Self-Administered Zone. This conflict forced 40,000 to 50,000 civilians to take shelter on the Chinese side of the border, while some 4,500 others fled to Lashio, Shan State.
16. In 2016, towns and border posts in northern Shan State were attacked by the Northern Alliance (which consists of the Arakan Army, the KIA, the Ta’ang National Liberation Army (“TNLA”) and the MNDAA; see paragraph 31 below). As a result, 2,000 to 3,000 civilians fled to China and cross-border trade in the area between China and Myanmar was severely disrupted.

¹ “Ethnic armed organization” or “EAO” is an expression used domestically in Myanmar to describe an organized armed group the members of which are drawn predominantly from a particular ethnic group. The UWSA, an EAO on the border with China, is the strongest EAO. The MNDAA is another EAO in northern Myanmar closely aligned with the UWSA.

17. On 15 August 2019, the members of the Three Brotherhood Alliance (consisting of the TNLA, the MNDAA, and the Arakan Army; see paragraph 31 below) launched a joint offensive in northern Shan State. The fighting resulted in the displacement of more than 2,000 civilians, and also impacted on trade between Myanmar and China.
18. Since 2011, there have also been clashes in Shan State between the Myanmar Defence Services and the Shan State Army-North and Shan State Army-South. Clashes with the former in April 2013 caused 1,000 civilians to flee. Clashes with the latter in May 2013 resulted in 800 civilians fleeing across the border to China.
19. As of April 2020, there were approximately 7,407 IDPs living in 23 IDP camps in Shan State.
20. Armed conflict has also existed in northern Rakhine State at various times since just after Myanmar's independence in January 1948.
21. A Mujahidin rebellion erupted in this part of the country in April 1948. The initial aim of the Mujahidin was the transfer of the northern part of Rakhine State to East Pakistan (now Bangladesh), but this plan was rejected by Pakistan.
22. Local Mujahidin groups subsequently fought against the central Government, gaining control over large parts of territory in northern Rakhine State and driving out members of other communities. Between 1950 and 1954, the Myanmar Defence Services launched several military operations against the Mujahidin rebels, and seized their strongholds. The Mujahidin surrendered to the Government in 1957 and again in 1961.
23. In 1982, an armed group called the Rohingya Solidarity Organization was formed. In April 1994, it planted bombs in Maungdaw Township in northern Rakhine State which caused damage to a few buildings and injured several civilians. Its fighters followed up with attacks on the outskirts of Maungdaw Township. However, the Myanmar Defence Services quickly defeated them.
24. As described in further detail below, since 2016, the Myanmar Defence Services have been in conflict with Harakah al-Yaqin ("HaY"), later known as the Arakan Rohingya Salvation Army ("ARSA"), an organized armed group consisting of Muslims from northern Rakhine State.

25. Furthermore, in northern Rakhine State, it has not only been Muslim groups that have been engaged in armed conflict with the Myanmar Defence Services. As described in further detail below, since 2015, the Myanmar Defence Services have also been in conflict with an ethnic Rakhine insurgent group, the Arakan Army.

(iii) The Nationwide Ceasefire Agreement

26. On 15 October 2015, the Government of Myanmar and eight EAOs signed the Nationwide Ceasefire Agreement (“NCA”). Two other EAOs subsequently signed the NCA on 13 February 2018.

27. The EAOs which are signatories to the NCA are the All Burma Students’ Democratic Front, the Arakan Liberation Party, the Chin National Front, the DKBA, the KNU, the KNU/Karen National Liberation Army Peace Council, the Pa-O National Liberation Organisation, the Restoration Council of Shan State, the New Mon State Party, and the Lahu Democratic Union.

28. Many of these EAOs have sizeable troops and operate in their own areas, which are currently not under absolute control of the Government. To avoid military confrontations, the signatories have agreed to confine their troops within their designated areas. The movement of armed troops by the Myanmar Defence Services or one of these EAOs in an area controlled by the other is not permitted without prior agreement. These EAOs are also prohibited from recruiting any further troops (other than administrative and emergency medical personnel), from building new military bases, and from receiving supplies of ammunition and weaponry.

29. The NCA stipulates the terms of the ceasefires as well as their monitoring and implementation. It also provides a roadmap for political dialogue leading to a future peace agreement.

30. In April 2017, seven other armed organizations which are not signatories of the NCA formed the Federal Political Negotiation and Consultative Committee (“FPNCC”). These organizations are: the UWSA, the MNDAA, the National Democratic Alliance Army, the Shan State Progressive Party, the KIA, the TNLA, and the Arakan Army. The FPNCC, led by the UWSA, is a political body set up for negotiating with the Government.

31. Some EAOs which are not signatories to the NCA have also formed military alliances amongst themselves. In 2016, the KIA, the TNLA, the MNDAA and the Arakan Army formed the Northern Alliance, which has been engaged in fierce military confrontations with

the Myanmar Defence Services since December 2016. In 2019, the TNLA, the MNDAA and the Arakan Army also formed the Three Brotherhood Alliance, whose ongoing conflicts with the Myanmar Defence Services intensified in 2019 and 2020.

32. In addition to the groups mentioned above, in around 2009 some smaller armed insurgent groups reached ceasefire agreements with the Myanmar Defence Services and became “Border Guard Forces” under the command and control of Regional Military Commands. These Border Guard Forces exist in Kachin, Kayin and Shan States, but not in Rakhine State.
33. It should be noted that Border Guard Forces and the Border Guard Police are different entities, the Border Guard Police being a department of the Myanmar Police Force under the Ministry of Home Affairs.
34. In Rakhine State, three People’s Militia groups have been formed in Bandula, Tat Chaung and Wai Lar Taung Villages since 1997. These People’s Militias were established to provide security for their respective villages, and consist of ordinary villagers who received basic training from the Myanmar Defence Services. Each group is composed of 10 core members and 20 reserves with 8 small arms. The People’s Militia groups have not been involved in the fighting against ARSA or the Arakan Army.

(iv) The current armed conflict in Rakhine State

35. Rakhine State is home to diverse ethnicities and religions. The majority of the population in Rakhine State are ethnic Rakhines, who are predominantly Buddhist and speak the Rakhine language, a Sino-Tibetan language closely related to the language spoken by the Bamar, who constitute the majority population in Myanmar. Rakhine State is also inhabited by two sizeable Muslim communities. One of these is the Kaman Muslim community, whose members live predominantly in the southern part of the State and speak the Rakhine language. The other is the community referred to in the Court’s Order as the “Rohingya”, the members of which live predominantly in northern Rakhine State, and speak an Indo-European tongue which is a variant of, or is closely related to, the Chittagonian dialect spoken in Bangladesh.² The Chin (Buddhist, Christian or animist), a small Bamar population, and a range of other

² Chittagonian is generally regarded as a dialect of Bengali, an Indo-European language spoken by more than 230 million people, in particular in Bangladesh (where it is the official language) and the Indian States of West Bengal, Tripura and lower Assam.

minorities (including the Maramagyi, Shan, Dinet, Khami and the Mro) account for the remaining population of Rakhine State.

36. In October 2016, fighters from HaY (as ARSA was then known), whose members were from the Muslim community in northern Rakhine State, attacked the headquarters and two outposts and stations of the Myanmar Border Guard Police. In 2017, ARSA coordinated a further series of attacks on 30 police outposts and a battalion headquarters of the Myanmar Defence Services.
37. In January 2018, ARSA detonated, by remote control, an improvised explosive device (“IED”) in Maungdaw Township, injuring six Myanmar Defence Services personnel and one civilian driver. In January 2019, ARSA carried out further attacks on members of the Myanmar Border Guard Police and the Myanmar Defence Services. In November 2019, the Myanmar Defence Services killed two ARSA fighters and captured three others after ARSA attacked Defence Services personnel.
38. On 8 April 2020, the Myanmar Defence Services seized an ARSA encampment and recovered ammunition, food and uniforms. On 9 April 2020, ARSA released a statement describing attacks on the Myanmar Defence Services and Myanmar Border Guard Police between 30 March and 5 April 2020, in which they claimed to have “eliminated” 11 Defence Services personnel and to have “put to death” six or seven members of the Border Guard Police.³
39. On 15 April 2020, ARSA further attacked and killed two members of the Border Guard Police in Maungdaw Township.
40. Currently, in Rakhine State there is also a separate armed conflict between the Myanmar Defence Services and an EAO called the Arakan Army (often referred to as “AA”).⁴ This organization was established in Kachin State in northern Myanmar in 2009 by a small group of ethnic Rakhine youths with the support of the KIA.⁵

³ Statement by ARSA on 9 April 2020, https://twitter.com/ARSA_Official/status/1248331062922469376.

⁴ The Arakan Army may have been previously referred to as the Arakan Army (Kachin State) as the group was based in Kachin State. This group is not associated with, and should not be confused with, the organization called the Arakan Army (Kayin State) which is affiliated with the Arakan National Council (“ANC”). The ANC currently only has a nominal status, and is not active militarily: see <https://www.mmpeacemonitor.org/1663>.

⁵ See the “About Us” page on the organization’s website, <https://www.arakanarmy.net/about-us>: “The Arakan Army is a revolutionary armed organization of the peoples of Arakan, founded on 10 April 2009. It is the military wing of the United League of Arakan (ULA). The main objective of the Arakan Army (AA) is to defend the Fatherland of Arakan and to protect all peoples of Arakan.”

41. The Arakan Army is a separatist organization pursuing terrorist means to achieve its goals.⁶ It aims to undermine the authority of the democratically elected Union Government of Myanmar and the Rakhine State Government,⁷ and to establish a parallel government in Rakhine State.
42. The Arakan Army is predominantly made up of persons of Rakhine ethnicity and of the Buddhist faith. It advocates a Rakhine separatist platform, described by its leader Tun Myat Naing as “a national revolution” in which “we are going to attain the independence of Arakan”.⁸ He labels this the “Arakan Dream 2020”, identifying the current year as “the life or death decision making time for the future and fate of the liberation of Arakan”. The approaches that the Arakan Army uses to achieve these aims include disrupting transport corridors, attacking the Myanmar Defence Services, police and elected officials, threatening village administrators and public servants to obtain their cooperation, and resorting to violence if there is any dissent.
43. As mentioned in paragraphs 30 and 31 above, the Arakan Army is a member of the FPNCC, the Northern Alliance, and the Three Brotherhood Alliance.
44. The Arakan Army receives arms and ammunition from the KIA and the UWSA, and also purchases weaponry and ammunition on the black market at the Thai-Myanmar border.
45. Some ethnic Rakhines who have migrated to major cities and abroad for employment contribute to its funds. Evidence indicates that the Arakan Army is funded in large measure by the illegal trade in narcotics, especially methamphetamines.
46. Until 2014, Arakan Army fighters had mostly been confined to KIA territory, where they gained battleground experience as they fought alongside their KIA allies in northern Myanmar. The Arakan Army subsequently began to shift its fighters from Kachin State into both Chin and northern Rakhine States. The first clashes between the Arakan Army and the Myanmar Defence Services took place in March 2015.

⁶ Anthony Davis, “New strategy to address escalating insurgency in western Myanmar leaves military locked in to conflict”, *Jane’s Terrorism and Insurgency Monitor* (21 April 2020) has argued that Myanmar is “confronting what is arguably its most threatening insurgent challenge since independence in 1948.”

⁷ The Arakan National Party, an ethnic Rakhine party, is the majority party in the Rakhine State parliament. It also has the third largest number of elected seats in the Pyidaungsu Hluttaw, the national legislature.

⁸ Arakan Army, “Speech by Commander-In-Chief at 11th anniversary day of Arakan army”, 11 April 2020, <https://www.arakanarmy.net/post/speech-by-commander-in-chief-at-11th-anniversary-day-of-arakan-army>.

47. This fighting intensified in November 2018. On 4 January 2019 (Myanmar’s Independence Day), the Arakan Army launched coordinated attacks on four police outposts in northern Rakhine State, killing 13 officers and injuring 9 others. Thereafter, it significantly increased its offensive against the Myanmar Defence Services and has expanded its military presence in northern Rakhine State and Chin State’s Paletwa Township.
48. The Arakan Army is not engaged directly in fighting Muslims in Rakhine State. Its main target is the State of Myanmar itself – defence and security forces, national and local civilian politicians, village administrators, and civilians, including civilians who are Muslim. The methods it uses include roadside IEDs, abductions and death threats. It has a significant military armoury.
49. Myanmar civilian officials therefore often undertake their work at risk of their lives and their freedom in those areas where Arakan Army separatists are fighting.
50. To achieve its goals, the Arakan Army has assassinated elected officials and public servants in the State capital, Sittwe,⁹ as well as in Rathedaung, Myebon and Mrauk-U Townships.¹⁰ It has also frequently orchestrated landmine and improvised explosive device (“IED”) attacks and conducted ambushes against Government and police convoys, including against Rakhine State’s Chief Minister.¹¹ It has abducted civil servants and off-duty security personnel from public transport on roads and rivers since October 2019.¹² It has further required both road and water transport companies to report on their vehicular movements. It has also made demands that people travelling in groups notify it in advance. It has detained people and subjected them to pseudo-judicial proceedings.

⁹ Sixteen civilians, 10 police officers and village administrators have been killed, and 25 civilians and 29 police personnel were abducted by the Arakan Army between October 2019 and March 2020. Of the 29 police personnel abducted by the Arakan Army, only four have been released.

¹⁰ The party chairman in Buthidaung Township of the ruling National League for Democracy (“NLD”) party, U Ye Thein, was abducted by the Arakan Army and killed. The Arakan Army chief Major-General Tun Myat Naing said that the Arakan Army killed him because he had planned to organize a rally in support of State Counsellor Daw Aung San Suu Kyi’s defence of Myanmar at the Court.

¹¹ On 19 February 2020, a military helicopter carrying Dr. Win Myat Aye, Union Minister for Social Welfare, Relief and Resettlement, and Rakhine State Chief Minister, U Nyi Pu, was attacked by the Arakan Army. Both ministers survived the attack without injury.

¹² The Arakan Army detained U Whei Tin, a Member of Parliament from the ruling NLD party on 3 November 2019, claiming that he was providing the Defence Services with intelligence. He was released after 79 days on 21 January 2020.

51. The Arakan Army's actions have intimidated and sowed fear and anxiety amongst administrators, public servants and the wider population. The Arakan Army has sent death threats to village tract administrators, demanding their cooperation and warning them against collaboration with the Government and the Myanmar Defence Services. Some village-level officials have been killed; others have disappeared.
52. The Arakan Army has also claimed that it will levy "taxation" on large businesses and infrastructure projects operating in the areas of Rakhine and Chin States under its partial control, including the India-backed Kaladan Multi-Modal Transit Transportation Project.¹³ It has also abducted personnel of this project and one Indian construction worker died in captivity. The Arakan Army has threatened that projects and companies refusing to pay this levy will not be allowed to do business in the area and may be subjected to violent action. While other EAOs in other regions of Myanmar have levied "taxes" on local businesses, such measures have generally been directed towards small and medium-sized projects. The bold intention of the Arakan Army to extend a "taxation" regime beyond small businesses to include major infrastructure projects that have the backing of the Union Government and Myanmar's international partners could seriously impact upon future economic development in Rakhine and Chin States.
53. The Arakan Army has infiltrated key towns in Rakhine State, including Buthidaung, Rathedaung, Kyauktaw, Mrauk-U, Ponnagyun and Minbya, and southwards into Myebon and Ann, the seat of the Myanmar Defence Services' Western Regional Command.¹⁴ In some cases, the Arakan Army's network of underground cells installed in these towns operate covertly to recruit, levy taxes, raise funds and carry out terror activities. The December 2019 detonation of three small explosive devices on Munaung Island in southern Rakhine State, just hours before a scheduled visit by State Counsellor Daw Aung San Suu Kyi, was a potent sign of the Arakan Army's reach and intent to interrupt as much as possible the lawful business of government.
54. In March and early April 2020, the Arakan Army launched offensives to seize Paletwa Township on the border of Chin State and northern Rakhine State, and the transport corridor connecting it with Kyauktaw Township in northern Rakhine State. The Arakan Army cut

¹³ Irrawaddy (Myanmar), "Arakan Army to 'Tax' Large Projects in Myanmar's Rakhine, Chin States", 10 December 2019, <https://www.irrawaddy.com/news/burma/arakan-army-tax-large-projects-myanmars-rakhine-chin-states.html>.

¹⁴ See the map showing Arakan Army movement in Rakhine State at **Annex 1**.

off all links to Paletwa Township, leaving its population of about 100,000 facing serious food shortages.

55. Civilians were placed at risk of starvation. Numerous attempts by the Government, the World Food Programme (“WFP”) and non-governmental organizations (“NGOs”) to deliver food assistance to Paletwa Township were blocked by the Arakan Army’s attacks on their vehicles. In one incident on 29 March 2020, the Arakan Army stopped and looted a food shipment intended for IDPs in Paletwa Township.
56. On 17 April 2020, the Union Government, Chin State Government and the WFP were able to deliver aid with airdrops and road transport, after the Myanmar Defence Services secured the road to Paletwa Township.¹⁵ On 29 April 2020, the Arakan Army fired on a clearly marked WFP aid convoy, headed for Paletwa Township, that was being escorted by the Myanmar Defence Services.¹⁶
57. As a result of the continuing violence, the targeting of civilian officials, and the threat posed by the Arakan Army to all efforts to bring peace and development to the State, on 23 March 2020 the Government of Myanmar declared the Arakan Army and its political wing, the United League of Arakan, to be an unlawful association pursuant to the Unlawful Associations Act of 1908. The Anti-Terrorism Central Committee thereafter declared the Arakan Army a terrorist group pursuant to the Counter-Terrorism Law of 2014.¹⁷
58. The Government has not been alone in making this judgement. The Arakan Army’s followers on Facebook have been engaging in hate speech to the point where Facebook has declared the Arakan Army a “dangerous organization”, that has been “responsible for attacks

¹⁵ Global New Light of Myanmar (Myanmar), “WFP reaches displaced people in Paletwa Township, Chin State”, 5 April 2020, <https://www.globalnewlightofmyanmar.com/wfp-reaches-displaced-people-in-paletwa-township-chin-state/>.

¹⁶ Global New Light of Myanmar (Myanmar), “AA attack WFP’s relief aid convoy for locals in Paletwa”, 1 May 2020, <https://www.globalnewlightofmyanmar.com/aa-attack-wfps-relief-aid-convoy-for-locals-in-paletwa/>.

¹⁷ Ministry of Home Affairs Order No. 1/2020, 23 March 2020; Anti-Terrorism Central Committee Order No. 1/2020, 23 March 2020; English translations published in Global New Light of Myanmar (Myanmar), 24 March 2020, p. 3.

against civilians and [has] engaged in violence in Myanmar”. Facebook has banned the Arakan Army from its platform, in order to prevent it from using Facebook for “incitement and hate” and “to further inflame tensions on the ground”.¹⁸

59. On 20 June 2019, a mobile data network suspension was imposed in nine townships (Ponnagyun, Mrauk-U, Kyauktaw, Minbya, Maungdaw, Buthidaung, Rathedaung and Myebon Townships in Rakhine State, and Paletwa Township in Chin State) until 31 August 2019. On 1 September 2019, mobile data network services in five of these townships (Maungdaw, Buthidaung, Rathedaung, Myebon and Paletwa Townships) were restored, while the suspension in the other townships was extended. This remained the position until 3 February 2020, when the mobile data network suspension was imposed in all nine townships until 2 May 2020. On 2 May 2020, the Government directed telecommunications operators to extend for three months the suspension of the mobile data network in all of these townships other than Maungdaw Township. Mobile data network services have been restored in Maungdaw Township since 3 May 2020.
60. This action was judged necessary to prevent the Arakan Army from exploiting mobile Internet services and social media as a tool to plan attacks, recruit and incite others to hatred, all of which is contrary to the best interests of all people in Rakhine State. Intelligence services both in Myanmar and India have also issued warnings that the Arakan Army have been using mobile Internet technologies to detonate IEDs and landmines.¹⁹
61. At first, the Myanmar Government sought to deal on an individual basis with these significant misuses of mobile Internet services, but a rise in the use of methods and tools to bypass these specific measures ultimately required more stringent action. The Government determined that these threats warranted a temporary interruption of all mobile Internet services (but not voice and SMS services), as the Arakan Army has been using encrypted messaging applications as intelligence and operational tools.
62. Suspensions of mobile Internet services have been for limited periods of time only, with review dates made public, and the Government has kept these decisions under continual and

¹⁸ Facebook, “Banning More Dangerous Organizations from Facebook in Myanmar”, 5 February 2019, <https://about.fb.com/news/2019/02/dangerous-organizations-in-myanmar/>.

¹⁹ Zee News (India), “Myanmar insurgent group using ‘Bluetooth’ to trigger landmines, Indian agencies worried”, 11 September 2019, <https://zeenews.india.com/india/myanmar-insurgent-group-using-bluetooth-to-trigger-landmines-indian-agencies-worried-2233651.html>

careful review. IDP camps in Sittwe, which house the largest number of IDPs in Rakhine State, are not affected by Internet and data suspensions.

63. As a result of this review process, mobile Internet services were restored in Maungdaw Township on 3 May 2020 after the assessment of threats by the Government indicated that the risk to life and security had reduced.²⁰ The Government had previously lifted the suspension in place in five townships when the situation was determined to have improved.
64. Areas where the Arakan Army is fighting to seize territory and set up a parallel administration include populations of both Rakhine and Muslim people. The entire population is suffering as a result of the insurgency, and there have been civilian casualties amongst both ethnic Rakhine and Muslim communities. Although these are in part collateral casualties resulting from military engagements near places where civilians live, some of the casualties are a result of the Arakan Army's tactics of using hit-and-run attacks launched from inside villages and urban centres (at times using covert fighters in civilian clothes already inserted *in situ*), making counterattacks more likely to cause collateral casualties amongst the civilian population.
65. Following the Court's Order of 23 January 2020, the Arakan Army has intensified its hit-and-run attacks and the planting of IEDs and landmines in the vicinity of villages, including Muslim villages in northern Rakhine State. This may indicate a change of tactics by the Arakan Army to smaller and more mobile units, after its earlier assaults with a large number of forces seeking to seize territory and major installations were repelled by the Myanmar Defence Services with the Arakan Army suffering heavy losses.
66. Before 23 January 2020, most of the clashes between the Myanmar Defence Services and the Arakan Army took place in areas of ethnic Rakhine villages. There were no Muslim civilian casualties caused by clashes between the Myanmar Defence Services and the Arakan Army in the years 2015 to 2018. In the period from 1 January 2019 to 22 January 2020, there were 101 such Muslim casualties (24 killed and 77 injured). Since 23 January 2020, there have been 91 Muslim civilian casualties resulting from clashes between the Myanmar Defence Services and the Arakan Army (19 killed and 72 injured). Myanmar regrets all the

²⁰ See Ministry of Foreign Affairs Myanmar, News update on Rakhine State (3)", 4 May 2020, https://www.facebook.com/mofamyanmar/photos/a.514086435458323/1453109194889371?_rdc=1&_rdr.

casualties caused by this unnecessary and unlawful separatist conflict. The Government is taking measures to mitigate the impact of this violence, as detailed below.

67. It is noted that aside from these fatalities and injuries related to the current armed conflict between the Myanmar Defence Services and the Arakan Army, there have been no serious allegations that since 23 January 2020 any acts of arbitrary killings or serious violence directed against the Muslim population in northern Rakhine State have occurred.
68. The Myanmar Defence Services, when conducting military operations, do not target nor intend harm to any civilians. As explained below, such operations are conducted in accordance with international humanitarian law requirements, incorporating internationally recognized rules of engagement including protections for civilians under international humanitarian law, such as the fundamental principles of distinction and proportionality, and the requirement to take feasible precautions to reduce the risk of harm to civilians. It is much to be regretted that any civilian casualties result from the Arakan Army launching attacks from or near villages and firing indiscriminately, including with large calibre weapons.
69. Appendix 1 to this report contains a table showing civilian casualties resulting from the conflict with the Arakan Army in Rakhine and Chin States in the period from 23 January 2020 to 12 May 2020. This table does not show incidents in the armed conflict between the Myanmar Defence Services and the Arakan Army that do not involve civilian casualties. The assessments of civilian casualties below are based on (1) a determination of whether there was military action within a reasonable distance and/or within a reasonable timeframe; and (2) a review of all available information, including information derived through intelligence sources, and reports from field commanders who have access to areas on the ground where civilian casualties are reported to have occurred. Assessments may be updated if new information becomes available.
70. Myanmar is aware that information in open source materials may indicate a somewhat higher figure of Muslim civilian casualties in the period in question, but having verified such information contained in open source reports, Myanmar is confident of the accuracy of the figures in Appendix 1 to this report.
71. The Myanmar Defence Services are committed not only to preventing civilian casualties but also to ensuring that civilians can live their lives safely. It is regrettable that civilians have had to flee their homes due to the Arakan Army's attacks and destabilizing acts that threaten lives, livelihood and property. As discussed later in this report, the Government is working

with international partners including the International Committee of the Red Cross (“ICRC”) and the WFP to address the needs of the displaced. The table below lists the number of people temporarily displaced by the conflict in Rakhine State as of 28 April 2020.

	Township	Number of people displaced	Remarks
1.	Buthidaung (6 Muslim villages)	2,520	Displaced Muslim villagers are temporarily staying in neighbouring Muslim villages.
2.	Buthidaung	11,530	
3.	Ponnagyun	4,373	
4.	Rathedaung	14,575	
5.	Pauktaw	471	
6.	Sittwe	2,872	
7.	Mrauk-U	16,609	
8.	Minbya	3,265	
9.	Kyauktaw	11,212	
10.	Myebon	4,759	
11.	Ann	578	
	Total:	72,764	

The people referred to in item 1 of the table above are Muslims, while the rest are not. The table above only shows those displaced by the clashes between the Myanmar Defence Services and the Arakan Army, and does not include those displaced by the events of 2012, 2016 and 2017.

72. The severity of the clashes between the Myanmar Defence Services and the Arakan Army, compounded with the Arakan Army’s disruption of civil administration in northern Rakhine State, has resulted in serious challenges for the Government, and has hampered the ability of the Government to protect communities in northern Rakhine State.

73. Furthermore, the impact of this separatist movement extends to international agencies, whose work is hampered by the fighting. On 20 April 2020, a World Health Organization (“WHO”) staff member of Myanmar origin was shot and killed in Minbya Township, Rakhine State, while driving a marked United Nations (“UN”) vehicle transporting COVID-19 samples in support of the COVID-19 prevention measures of the Union Ministry of Health and Sports. A Government health official travelling in the same car was injured. In a statement issued on 21 April 2020, the Office of the State Counsellor condemned the “destructive activities at this time when the Government, the people and well-wishers are all engaged in endeavours for the prevention, containment and cure of COVID-19”. On 28 April 2020, the Government formed a committee to conduct a thorough and transparent investigation, in line with international standards, of the events surrounding the incident in order to establish true and accurate accounts of these events.²¹
74. This violent insurgency and its terrorist acts present a uniquely difficult context in which the Myanmar Government has to seek to make good its commitments to the preservation of peace and public order, and to the development goals identified in the reports of the Rakhine Advisory Commission and the Independent Commission of Enquiry.
75. Myanmar has the right and the moral obligation to defend its territorial integrity, and to protect all individuals within its territory and subject to its jurisdiction from acts of terrorism. It has sought, and will continue to seek, peaceful solutions to the conflict through the Union Peace Conference, Myanmar’s national peace process, which, inspired by the 1947 Panglong Conference, has had three comprehensive sessions since 2016. Since taking office, the Government has made strenuous efforts to advance its national reconciliation and peace process with numerous ethnic armed organisations to end conflicts that have been ongoing for several decades. The Government held a series of discussions with the Arakan Army on 30 April 2019 at Nanhkan, on 31 August 2019 and 17 September 2019 at Kyaing Tone, and in Kunming, China on 14 December 2019.
76. In carrying out their legitimate operations, the Myanmar Defence Services are taking steps to prevent, mitigate and respond to the risk of civilian casualties, including the following:
- (1) Myanmar Defence Services personnel are required to adhere to the Commander-in-Chief’s Directive of 25 February 2020 (see paragraphs 93 to 94 below), pursuant to

²¹ See Office of the President, Order No. 64/2020, Establishment of the Committee to investigate the attack on a World Health Organization (WHO) vehicle, 28 April 2020 at **Annex 2**.

which violations of the Genocide Convention and the acts referred to in the first three provisional measures indicated by Court in its Order are punishable offences. Operating procedures and best practices have been updated accordingly.

- (2) Myanmar Defence Services personnel are required to adhere to the Rules of Engagement, adopted from the San Remo Handbook on Rules of Engagement, that prescribe protection of civilians, using appropriate force and distinguishing military targets from civilians even when acting in self-defence. All Myanmar Defence Services personnel must also strictly adhere to rules protecting civilian property and infrastructure.
- (3) Myanmar Defence Services officers review any reports of civilian casualties received from the ground, media and other sources so as (1) to determine whether there was military action within a reasonable distance and/or within a reasonable timeframe as that identified in the reports; and (2) to assess all available information, including information derived through intelligence sources, and reports from field commanders. If warranted, lessons learned are incorporated into standard operating procedures and best practices.
- (4) Standard Operating Procedures are being drafted to formalize the process of evacuating injured civilians in conflict-affected areas of Rakhine State to hospitals with minimal obstacles.
- (5) The Myanmar Defence Services, with input from the ICRC, will maintain and promote best practices and standard operating procedures that reduce the likelihood of civilian casualties, take appropriate steps when such casualties occur, and draw lessons from operations to further enhance the protection of civilians.
- (6) The Union Government, the Rakhine State Government and the Myanmar Defence Services will grant greater access to and will further streamline logistics for the ICRC and the WFP to provide humanitarian assistance including food deliveries and COVID-19 response to conflict-affected areas of Rakhine and Chin States. Thus, on 19 April and 2 May 2020, the Government was able to deliver rice supplies to Paletwa Township, where serious food shortages were putting lives at risk.
- (7) The Union Government, the Rakhine State Government and the Myanmar Defence Services are implementing measures to eliminate the risk of ambushes and IED and landmine attacks, in order to keep roads and waterways open.

(8) Although mobile Internet services are temporarily suspended in some townships in Rakhine State and Chin State due to the security risk, efforts are being made to minimize the impact. Service operators have reduced local and international voice call charges at the Government's request, and public service announcements are transmitted by SMS. The Government will lift the suspension as soon as it is safe to do so, and has done so in one township already.

77. Of course, no armed force anywhere in the world can guarantee that no abuses will ever be committed by any of its members. Myanmar is, for instance, aware of a video that recently went viral on the Internet, showing what appears to be soldiers of the Myanmar Defence Services mistreating civilians in Rakhine State. The Myanmar Defence Services have stated that they are conducting an investigation into the incident, promising to investigate and take legal action against those involved.²² On 13 May 2020, a military spokesperson stated that the personnel involved in the incident had been detained.²³ According to reports, the civilians concerned were not Muslim but rather were apparently suspected of involvement with the Arakan Army.

(v) *Measures taken prior to 23 January 2020*

78. The measures taken by Myanmar since 23 January 2020 to give effect to the Court's Order of that date must be considered in the context of prior actions that Myanmar had previously taken on its own initiative to investigate the causes of and responsibility for past violence in northern Rakhine State, to prevent the recurrence of such violence in the future, and to promote social cohesion.

79. These measures include those mentioned at the hearing on provisional measures in December 2019,²⁴ and will, in the event that this case proceeds to a merits phase, be described in detail at that stage.

²² Myanmar Now (Myanmar), "Tatmadaw admits to beating Rakhine detainees after viral video", 12 May 2020, <https://myanmar-now.org/en/news/tatmadaw-admits-to-beating-rakhine-detainees-after-viral-video>; Radio Free Asia (USA), "Myanmar Army Acknowledges Unlawful Interrogation Methods After Viral Rakhine Beating Video", 12 May 2020, <https://www.rfa.org/english/news/myanmar/unlawful-interrogation-05122020184850.html>.

²³ Irrawaddy (Myanmar), "Myanmar Military Detains Soldiers Filmed Beating Rakhine Civilians", 13 May 2020, <https://www.irrawaddy.com/news/burma/myanmar-military-detains-soldiers-filmed-beating-rakhine-civilians.html>.

²⁴ CR 2019/19, pp. 69-71, paras. 13-14 (Okowa).

80. These measures include amongst others:

- (1) the establishment on 17 August 2012 of the Inquiry Commission on Sectarian Violence in Rakhine State, to investigate the root causes of the inter-communal violence in Rakhine State in 2012, which presented its final report on 8 July 2013;²⁵
- (2) the establishment on 5 September 2016 of the Advisory Commission on Rakhine State, chaired by the late former UN Secretary-General Mr. Kofi Annan, to address the severe and persistent challenges facing Rakhine State, which released its final report with 88 recommendations on 24 August 2017;²⁶
- (3) the establishment on 1 December 2016 of the Investigation Commission on Maungdaw, to enquire and advise on matters related to the violent attacks that occurred on 9 October and 12-13 November 2016 in Maungdaw, Rakhine State, which submitted its final report with 48 recommendations to the Government in August 2017;
- (4) the spending of over USD 21 million of the Myanmar Government's Emergency Fund (Special Fund) over the years 2014-2016 to complete development projects, especially for IDPs, to meet compelling needs in Rakhine State, including houses, roads, and bridges, food, water, electricity, vocational training, health care services, education and schools (including temporary school units) in IDP camps, agricultural mechanization and quality seeds;
- (5) the establishment on 17 October 2017 of the Union Enterprise for Humanitarian Assistance, Resettlement and Development in Rakhine²⁷ ("UEHRD"), a public-private partnership mechanism,²⁸ which mobilizes alliances of private citizens, national donors, volunteers, private sector entities and interested donor countries, UN agencies

²⁵ Available at https://www.burmalibrary.org/docs15/Rakhine_Commission_Report-en-red.pdf.

²⁶ Available at http://www.rakhinecommission.org/app/uploads/2017/08/FinalReport_Eng.pdf.

²⁷ Ten taskforces were set up to enhance humanitarian assistance, resettlement and development of Rakhine State aimed at mobilizing the participation of the people, volunteers, the private sector, interested donor countries, UN agencies, and local and regional NGOs. UEHRD is still ongoing and developing its activities to meet needs.

²⁸ Office of the President, Order No. 86/2017, 17 October 2017, Establishment of the Committee for the Union Enterprise for humanitarian Assistance, Resettlement and Development in Rakhine, <https://www.president-office.gov.mm/en/?q=briefing-room/news/2017/10/19/id-7787>.

and local regional NGOs towards shared goals, focusing on the provision of humanitarian and development assistance to all affected communities, regardless of race or religion;²⁹

- (6) the issuing on 30 July 2019 of a new directive by the Rakhine State Government prohibiting persons from unlawfully occupying houses, lands and farms and from working fish ponds, belonging to persons who have fled to Bangladesh; and
- (7) the harvesting by the Government of paddy fields whose owners are no longer in residence, with the harvested grain being sold and the sale proceeds deposited at a designated bank for subsequent reimbursement to the paddy field owners.

- 81. On 30 July 2018, the Government of Myanmar established the Independent Commission of Enquiry (“ICOE”) as part of its intention to address and achieve reconciliation, peace, stability and development in Rakhine State. The ICOE was tasked to investigate allegations of human rights violations and related issues in Rakhine State with a view to seeking accountability and ensuring peace and stability. The ICOE submitted its Final Report, which consisted of 461 pages including 31 annexes, to the President of Myanmar on 20 January 2020.
- 82. The ICOE report also makes a series of recommendations that build on the earlier recommendations of the Advisory Commission on Rakhine State. These two groups of recommendations, taken together, form a roadmap for the delivery of substantive and lasting change in Rakhine State.
- 83. The ICOE report concluded that war crimes, serious human rights violations, and violations of domestic law were committed by multiple actors during the security operations between 25 August and 5 September 2017, and that there were reasonable grounds to believe that members of Myanmar’s security forces had been involved in serious crimes, including the killing of villagers who had not directly participated in hostilities and the destruction of their homes through disproportionate use of force.
- 84. The ICOE Final Report provides 13 annexes which set out the results of their investigation into events that occurred in 13 locations where, according to reports by several international

²⁹ Amongst other examples, MMK 533.1 million (approximately USD 370,000) worth of relief supplies have been distributed to Buddhist, Muslim and Hindu villages in Buthidaung and Maungdaw Townships, and MMK 12.1 billion (approximately USD 8.4 million) worth of facilities, including over 3,500 housing units, were constructed for IDPs in Rakhine State. 152,000 persons (of whom approximately 110,000 were from the Muslim community) have been provided with healthcare services by mobile medical teams, and the Kayinchaung industrial zone in Maungdaw Township has been constructed.

organizations, major incidents had taken place during the disturbances of 25 August 2017 in Rakhine State's Maungdaw, Buthidaung and Rathedaung Townships. These 13 locations are: (1) Min Gyi (Tula Toli) Village, Maungdaw Township; (2) Chut Pyin Village, Rathedaung Township; (3) Maung Nu Village, Buthidaung Township; (4) Gu Dar Pyin Village, Buthidaung Township; (5) Alai Than Kyaw Village Tract, Maungdaw Township; (6) Myin Hlut Village, Maungdaw Township; (7) Inn Din Village, Maungdaw Township; (8) Chein Kharli, Koetan Kauk Villages, Rathedaung Township; (9) Myo Thugyi Village, Maungdaw Township; (10) Kyauk Pandu Village, Maungdaw Township; (11) Maungdaw Township Wards 3, 4 and 5; (12) Southern Maungdaw Township; and (13) Northern Maungdaw.

85. As described below, these 13 incident reports have been shared by the President of Myanmar with the Union Attorney General's Office and the Office of the Judge Advocate General ("JAG") for their review and comprehensive investigation.

86. As the Agent of Myanmar said to the Court in December 2019:

It cannot be ruled out that disproportionate force was used by members of the Defence Services in some cases in disregard of international humanitarian law, or that they did not distinguish clearly enough between ARSA fighters and civilians. There may also have been failures to prevent civilians from looting or destroying property after fighting or in abandoned villages. But these are determinations to be made in the due course of the criminal justice process, not by any individual in the Myanmar Government.³⁰

87. Even before the ICOE submitted its Final Report, the Myanmar Defence Services were already investigating possible crimes committed by members of their forces during the events of 2016-2017. Under applicable military justice procedures, when a Court of Inquiry finds grounds for believing that a member of the Myanmar Defence Services has committed a crime under military law, that case is referred to a court-martial for trial. On 10 April 2018, a court-martial sentenced four officers and three soldiers to a 10-year prison sentence for the indiscriminate killing of 10 Muslim men and boys in Inn Din Village, northern Rakhine State, in September 2017.³¹ On 18 March 2019, the Office of the JAG established a military Court of Inquiry to investigate further into incidents related to the ARSA attacks in the

³⁰ CR 2019/19, p. 19, para. 30 (H.E. Ms. Aung San Suu Kyi).

³¹ In November 2018, those convicted were given a military pardon. As the Agent for Myanmar said in the December 2019 hearing: "Many of us in Myanmar were unhappy with this pardon" (CR 2019/19, p. 17, para. 20 (H.E. Ms. Aung San Suu Kyi)).

Buthidaung-Maungdaw region of northern Rakhine State in 2016-2017. In November 2019, the Court of Inquiry found that there were grounds to believe that some members of the Myanmar Defence Services had not complied with the Rules of Engagement in Gu Dar Pyin in August 2017. On 26 November 2019, a court-martial was established to try those accused. These court-martial proceedings were ongoing when the Court issued its Order on 23 January 2020.

3. Measures taken to implement the Order of the Court

(i) Introduction

88. The implementation of the Court’s 23 January 2020 Order is being overseen by a high-level Steering Committee, which is chaired by Daw Aung San Suu Kyi, State Counsellor, and includes several Government Ministers. It is supported by a Working Committee, chaired by a Deputy Minister of the Ministry of the Office of the State Counsellor, which includes senior officials from relevant Ministries.

(ii) Directives issued by the President of Myanmar

89. In April 2020, the Office of the President issued the following three directives to all Ministries and all State and Region Governments:

- (1) Compliance with the Convention on the Prevention and Punishment of the Crime of Genocide (the “President’s Genocide Convention Directive”), issued on 8 April 2020;³²
- (2) Preservation of evidence and property in areas of northern Rakhine State (the “Preservation of Evidence Directive”), issued on 8 April 2020;³³ and
- (3) Prevention of incitement to hatred and violence (or) Prevention of proliferation of hate speech (the “Hate Speech Directive”), issued on 20 April 2020.³⁴

90. The President’s Genocide Convention Directive is addressed to all Ministries and all State and Region Governments, requiring each addressee to ensure that its personnel, officers,

³² **Annex 3.**

³³ **Annex 4.**

³⁴ **Annex 5.**

staff – whether military or other security forces, or civil services – and local people, under its control or direction do not commit the acts mentioned in Articles II and III of the Genocide Convention. The Directive further requires all Ministries and all State and Region Governments, as well as any other person, to inform the Office of the President if they obtain credible information that one or more persons have committed any of the acts contained in Articles II and III of the Genocide Convention. Each Ministry and each State and Region Government is also required to provide a quarterly report on this matter to the Office of the President.

91. The Preservation of Evidence Directive prohibits all Ministries and the Rakhine State Government, their agencies, departments, offices, and personnel from destroying, removing, or permitting the destruction or removal of any property, immovable or moveable, in any area of northern Rakhine State, that may provide evidence of events referred to in the ICOE's Final Report, or anything that may provide evidence of acts referred to in Article II of the Genocide Convention. All Ministries and the Rakhine State Government are further instructed to preserve documents, images, videos, audio and other media related to the events that occurred in northern Rakhine State referred to in the ICOE's Final Report. The Directive also provides that any person suspected of violating its provisions shall be referred to the appropriate national criminal justice system for necessary action, including being charged under section 201 of the Penal Code, which makes it a crime for a person having reason to believe that an offence has been committed to cause any evidence thereof to disappear with the intention of screening the offender from legal punishment.
92. The Hate Speech Directive requires all Ministries and all State and Region Governments to ensure that their personnel, officers, staff – whether military or other security forces, or civil services – and local people under their control or direction take all possible measures to denounce and prevent all forms of hate speech. The Directive also instructs them to encourage all personnel to participate in and support anti-hate speech activities. Each Ministry as well as each State and Region Government is required to report to the Office of the President on the measures it has taken, and the progress made.

(iii) Instruction issued by the Myanmar Defence Services

93. On 25 February 2020, the Myanmar Defence Services issued a new Instruction³⁵ to all Divisional Military Headquarters, all regional commanding military offices, all light infantry headquarters, and all commanding officers for operations, requiring them to ensure that military personnel do not commit unlawful killing, rape or torture in conflict areas, and in the event of commission of such offences, to report this and take action in a timely manner. The Instruction also requires them to ensure that military personnel do not perpetrate any acts mentioned in the provisional measures indicated by the Court, and to ensure that they observe the rules of engagement and act in accordance with the principles of the law of armed conflict. The Instruction notes that acts mentioned in the provisional measures indicated by the Court, including in respect of the destruction of evidence, are prohibited by existing military and civil laws, and that action is to be taken against those violating such laws.
94. The Instruction, *inter alia*, states specifically that the Myanmar Defence Services do not allow military personnel to commit violations of the Genocide Convention.

(iv) Establishment of a Criminal Investigation and Prosecution Body

95. On 22 January 2020, the Union Attorney General's Office received the Final Report of the ICOE from the President of Myanmar.
96. On 24 January 2020, the President of Myanmar established a Criminal Investigation and Prosecution Body ("CIPB")³⁶ to undertake criminal investigations and prosecutions of those suspected of committing crimes during the internal armed conflict between the Myanmar Defence Services and ARSA in Rakhine State.³⁷ At the first meeting of the CIPB, held on 14 February 2020,³⁸ the Union Attorney General instructed that investigations should commence.

³⁵ See Office of the Commander-In-Chief (Army), Instruction to observe the provisional measures indicated by International Court of Justice (ICJ) with the special consideration, 25 February 2020 at **Annex 6**.

³⁶ See Office of the President, Notification No. 19/2020, Formation of the Criminal Investigation and Prosecution Body, 24 January 2020 at **Annex 7**.

³⁷ It should be noted that crimes alleged to have been committed by members of the Myanmar Defence Services are generally dealt with by the military justice system, discussed separately below, and not by the CIPB, the Union Attorney General's Office or the Myanmar Police Force.

³⁸ Global New Light of Myanmar (Myanmar), "Investigation team into alleged crimes in Rakhine hold first meeting", 15 February 2020, <https://www.globalnewlightofmyanmar.com/investigation-team-into-alleged-crimes-in-rakhine-hold-first-meeting/>.

97. The second meeting of the CIPB, held on 23 March 2020,³⁹ identified priority cases, organized a Task Force⁴⁰ to investigate and prosecute those priority cases, and instructed the Task Force to file First Information Reports (“FIRs”) at the relevant police stations in Rakhine State (the filing of an FIR at the local police station being the procedure in Myanmar for setting the criminal justice process in motion). The Union Attorney General’s Office and the Myanmar Police Force will coordinate and cooperate in investigating and prosecuting prioritized cases. The Task Force also receives recommendations and cooperation from a Special Unit on International Criminal Justice which was formed by the Office of the President.
98. The Final Report of the ICOE identifies some 139 cases of crimes apparently committed by members of ARSA and their collaborators, members of the Myanmar Border Guard Police, and local people in the 13 locations identified in the annexes to that report. These cases involve offences of murder, looting and destruction of property.
99. Of these 139 cases, members of the ARSA and their collaborators were the apparent perpetrators in 87 cases. Of these 87 cases, FIRs have now been filed in 58 cases, and 29 are still under consideration by the Task Force.
100. In a further 23 of these 139 cases, the apparent perpetrators were members of the Border Guard Police. Of these 23 cases, action had already been taken in 5 cases pursuant to Police disciplinary law, FIRs have now been filed in 12 cases, and 6 cases are still under consideration by the Task Force.
101. In the remaining 29 of these 139 cases, the apparent perpetrators were local people. Of these 29 cases, FIRs have now been filed in 16 cases, and 13 cases are still under consideration by the Task Force.
102. At the third and fourth meetings of the CIPB, held on 1 April 2020 and 29 April 2020 respectively, it was decided that the Myanmar Police Force should report on the progress and completion of the cases in which FIRs had been filed, and that the Task Force should investigate and file further FIRs at the relevant local police stations. It was also decided that the Task Force should look into establishing an appropriate complaints mechanism to enable

³⁹ Myanmar, Union Attorney General’s Office, “Holding the second meeting of the Criminal Investigation and Litigation Unit”, 23 March 2020, <https://www.oag.gov.mm/?p=5995>.

⁴⁰ See Criminal Investigation and Prosecution Body, Order No. 1/2020, 18 March 2020 at **Annex 8**.

affected people in northern Rakhine State to have access to justice, in accordance with the recommendations of the ICOE.

(v) *Proceedings within the military justice system*

103. The accountability work of the Office of the JAG has continued since 23 January 2020. On 21 January 2020, the full report of the ICOE with annexes was transmitted by the Office of the President of Myanmar to the JAG, who has been reviewing the ICOE report since then. Of the 13 more serious 2017 incidents identified in the ICOE report (see paragraph 84 above), the Inn Din incident has already seen a court-martial (as described in paragraph 87 above). A second court-martial on the Gu Dar Pyin incident was completed on 30 April 2020, with sentencing pending at the time of submission of this report. The Court of Inquiry is currently investigating the incidents in Maung Nu and Chut Pyin Villages, two further incidents on the list identified in the ICOE report. The remaining incidents on the ICOE list are still under review.

(vi) *Workshop to raise awareness of international humanitarian law*

104. On 7 and 8 April 2020, the Government of Myanmar, with the support of the ICRC, held a workshop in Nay Pyi Taw entitled “Inter-Ministerial Workshop on International Humanitarian Law”. It was attended by representatives from the Ministry of Defence, the Ministry of Home Affairs, the Ministry of Foreign Affairs, the Ministry of Union Government Office, the Ministry of Health and Sports, the Ministry of Social Welfare, Relief and Resettlement, the Ministry of Labour, Immigration and Population, the Union Attorney General’s Office, the Rakhine State Government and the Myanmar Red Cross Society.
105. During the interactive sessions, the participants exchanged views on issues concerning the protection of civilians in conflict situations, including strengthening the protection of innocent civilians and vulnerable groups. The discussions identified best practices and challenges while implementing the principles of international humanitarian law.

(vii) *Measures to combat hate speech*

106. The Government of Myanmar is opposed to any speech or act which could damage the social harmony of its multi-ethnic society or create conflicts between different communities, regardless of the religious faiths or ethnicities of those concerned.

107. Since 2010, a particular challenge for Myanmar has been the worldwide expansion of the use of the Internet and social media. After the 2012 communal violence in Rakhine State, there was a surge in the spread of private hate speech in Myanmar via the Internet and social media. Facebook, which was and remains a particularly popular social media platform in Myanmar, admitted in 2018 that it was used to incite violence in Myanmar and needed to do more to prevent this.⁴¹

108. As one media report from 2018 explains:

As recently as six years ago, Myanmar was one of the least connected countries on earth. In 2012, only 1.1 percent of the population used the internet and few people had telephones [...] That all changed in 2013, when a quasi-civilian government oversaw the deregulation of telecommunications. [...] The price of SIM cards dropped from more than \$200 to as little as \$2 and people purchased them in droves. By 2016, nearly half the population had mobile phone subscriptions [...] One app went viral: Facebook. [...] “Even grandmas, everyone was on Facebook.” To capture customers, Myanmar’s mobile phone operators began offering a sweet deal: use Facebook without paying any data charges.⁴²

109. That article goes on to state:

Back in 2014, tech organizations and researchers weren’t the only ones sounding alarms with Facebook. So was the Myanmar government.

In July of that year, riots broke out in the central city of Mandalay after false rumors spread online, on Facebook and elsewhere, that a Muslim man had raped a Buddhist woman. A Buddhist man and a Muslim man were killed in the fighting.

The Myanmar government asked [Mr. Chris] Tun, then a Deloitte consultant, to contact the company. He said he didn’t succeed at first, and the government briefly blocked Facebook.

Tun said he eventually helped to arrange meetings between the government and Facebook. “What they promised to do was, when you spot fake news, you could contact them via email,” Tun said of Facebook. “And they would take action – they were willing to take down pages after their own verification process.”

The government began reporting cases to Facebook, but Tun said he quickly realized the company couldn’t deal with Burmese text. “Honestly, Facebook had no clue about Burmese content. They were

⁴¹ New York Times (USA), “Facebook Admits It Was Used to Incite Violence in Myanmar”, 6 November 2018, <https://www.nytimes.com/2018/11/06/technology/myanmar-facebook.html>.

⁴² Reuters (United Kingdom), “Why Facebook is losing the war on hate speech in Myanmar”, 15 August 2018, <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/>.

totally unprepared,” he said. “We had to translate it into English for them.”

[...]

Many of the millions of items flagged globally each week – including violent diatribes and lurid sexual imagery – are detected by automated systems, Facebook says. But a company official acknowledged to Reuters that its systems have difficulty interpreting Burmese script because of the way the fonts are often rendered on computer screens, making it difficult to identify racial slurs and other hate speech.⁴³

110. A 2013 media report further indicates that the Government was active even at that time in dealing with the issue:

[Myanmar’s] Deputy Minister for Information U Ye Htut has been outspoken in his concerns that Facebook could be used to destabilise Myanmar, going as far as to say that it spreads “gunpowder” around the country by facilitating the spread of rumours and what the government views as hate speech.

“Hate speech has slowly been moving toward social media,” said U Ye Htut, who is also a spokesperson for the president and is himself an active user of Facebook.

“It spreads very quickly these days.”

But some question whether the threat from social media is more imagined than real.

Deputy director of Human Rights Watch’s Asia division, Phil Robertson, said that in Rakhine State social media has played only a minor role in inciting violence.⁴⁴

111. The Government, in collaboration with civil society organizations in Myanmar, has been seeking ways to combat the problem and enforce compliance with existing laws such as Article 505 of Myanmar’s Penal Code, which provides that:

Whoever makes, publishes or circulates any statement, rumours or report,—

- (a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman, in the Army, Navy or Air Force to mutiny or otherwise disregard or fail in his duty as such; or
- (b) with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may

⁴³ *Ibid.*

⁴⁴ Myanmar Times (Myanmar), “Fears Over Facebook Regulation Proposal”, 15 July 2013, <https://www.mmtimes.com/national-news/7491-fears-over-facebook-regulation-proposal.html>.

be induced to commit an offence against the State or against the public tranquility; or

- (c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community,

shall be punished with imprisonment which may extend to two years, or with fine, or with both.

112. For instance, ultra-nationalists Michael Kyaw Myint and Thiha Myo Naing were convicted of offences under Article 505(b) of the Penal Code and sentenced to imprisonment for one year with labour for leading a group of 100 people who forcibly shut down three houses designated by the Yangon Region Government for use by Muslims for praying during the holy month of Ramadan in May 2019.
113. The Social Media Monitoring Team (“SMMT”) under the Office of the President has been monitoring social media with a view to preventing acts of hate speech. The SMMT has laid out its plan for awareness-raising activities. For example, the Facebook pages “Myanmar Social Media Knowledge Centre” and “Let’s use Social Media” (in the original Myanmar version, “lu-hmu-kun Je’-thoun:- kja-me”) have been created to share knowledge of how to use social media responsibly.
114. The SMMT has so far held two forums on “Social Media Challenges in Myanmar Community”, on 29 June 2019 and 14 September 2019 respectively. A third was postponed due to the COVID-19 pandemic. The attendees at these forums included the business development manager from the Rakuten Viber company. Facebook representatives from a branch office in Southeast Asia were invited, but did not attend.
115. Additionally, the SMMT has reported to Facebook details of Facebook accounts, pages, and groups that are not in compliance with Facebook’s Community Standards. As a result, Facebook has blocked a total of 2,366 accounts which engaged in acts of hate speech. Additionally, the SMMT has been able to restrict 230 fake news websites which they considered were deliberately trying to incite different religious groups and instigate racial hatred and violence. Statistics have not been kept of precisely how many of these accounts were engaged in hate speech or incitement specifically aimed at the Muslims of northern Rakhine State.
116. From 23 to 27 February 2020, a dialogue was held in Yangon between the Department of Union Peace Formation, the Ministry of the Office of the State Counsellor, and the Center

for Diversity and National Harmony (“CDNH”).⁴⁵ Taking part in this dialogue were 138 women representatives (93 Buddhists, 1 Christian, 7 Hindus and 37 Muslims) from all of the 17 townships in Rakhine State. That process was led by the Government and the Rakhine women’s community in cooperation with local civil society organizations in Rakhine State. In that dialogue, it was agreed that women from each respective township in Rakhine State would undertake anti-hate speech campaigns, assemble at different locations to read out a statement in support of social cohesion that recognizes the country’s diversity,⁴⁶ and disseminate handouts and posters opposing all forms of hate speech.⁴⁷ The aims of this campaign are to stop hate speech on the basis of race, religion, birthplace or gender, including to protect and prevent conflicts on the basis of race and religion, and to assure social harmony amongst all communities in Rakhine State.

117. On 10 March 2020, women representatives from all 17 townships in Rakhine State launched anti-hate speech campaigns. Some 6,500 people participated in activities and talks on anti-hate speech in local office buildings.⁴⁸ The campaigns, organized in 17 townships for the first time, drew wide public attention, and were attended not only by youths and women, but also by members of Rakhine State’s political circle.⁴⁹ In addition, they were attended by young women from all communities from the different townships in Rakhine State. The leadership of the women resulted in a particularly effective campaign that helped foster social cohesion, through the cooperation and participation of youths and women from a number of different ethnic and religious communities.

(viii) Repatriations to Myanmar from Bangladesh

118. According to the Ministry of Labour, Immigration and Population, there were over 750,000 Muslims in Buthidaung, Maungdaw and Rathedaung Townships before the armed conflicts in northern Rakhine State in 2016 and 2017. After these events, over 220,000 Muslims re-

⁴⁵ Global New Light of Myanmar (Myanmar), “Empowering women’s role to promote social cohesion in Rakhine State discussed”, 24 February 2020, pp. 1-2, <https://www.moi.gov.mm/npe/nlm/?q=content/24-feb-20>.

⁴⁶ See Statement of Women’s Forum, Rakhine State, 10 March 2020 at **Annex 9**.

⁴⁷ See anti-hate speech pamphlets at **Annex 10**.

⁴⁸ Narinjara (Myanmar), “Colorful Women Organization”, 10 March 2020, https://burmese.narinjara.com/news/detail/5e675bb4dffa2b2c02702db6?fbclid=IwAR3Vot6QrkHi5f1G7XJwPdExY-pI_LxxckwajPI7s1GIgIh7ZLt-bZhchGd0.

⁴⁹ See report on anti-hate speech campaign in Rakhine, 10 March 2020 at **Annex 11**.

mained in these three townships. Of these, 8,000 people have lost their homes and are temporarily living in the homes of relatives after fleeing from the conflict areas. At present, the Government is resettling them at their original places of residence or at a safe and secure place nearest to it of their choice. Of the 8,000 people, the Ministry of Social Welfare, Relief and Resettlement is currently assisting 1,296 people from 229 households, whose houses were damaged during the 2016-2017 incidents to reconstruct their houses in their place of origin with funding from UEHRD.

119. The Government of Myanmar has also been proactively seeking to effect the repatriation to northern Rakhine State of those who fled to Bangladesh at the time of the 2016-2017 conflict. On 23 November 2017, the Governments of Myanmar and Bangladesh signed an Arrangement on Return of Displaced Persons from Rakhine State. On 19 December 2017, the two Governments signed the Terms of Reference for the establishment of a Joint Working Group on the repatriation of displaced Myanmar residents from Bangladesh. On 16 January 2018, they signed the Physical Arrangement for Repatriation of Displaced Myanmar Residents from Bangladesh.
120. Prior to the Court issuing its Order on provisional measures, Myanmar had already informed Bangladesh of 6,911 people (including 444 Hindus) verified by Myanmar as former residents of Rakhine State who would be accepted for repatriation. To date, Bangladesh has provided Myanmar with 106,173 people for verification, of whom Myanmar has verified 22,457 as former residents of Rakhine State. Myanmar is in the process of verifying the rest as former residents of Rakhine State. Unfortunately, no repatriations have yet taken place pursuant to the arrangement between Myanmar and Bangladesh, despite the willingness on the part of Myanmar to accept verified persons for repatriation.
121. Myanmar has been working in good faith for the speedy repatriation of displaced persons from Bangladesh and has been ready to receive verified returnees since 23 January 2018.⁵⁰ Although Bangladesh has sent Myanmar lists of displaced persons to be verified, they have ignored the lists of already verified persons sent from Myanmar. The repatriation process has therefore not yet commenced.
122. Myanmar also informed Bangladesh on 23 November 2017 that it is willing to expedite the repatriation of the 444 Hindus from northern Rakhine State who had expressed their desire

⁵⁰ Ministry of Foreign Affairs, press release, “Repatriation of Displaced Persons from Bangladesh did not occur as scheduled”, 22 August 2019, <https://www.moi.gov.mm/moi:eng/?q=announcement/23/08/2019/id-18845>.

to return to Myanmar through their Hindu elders and the Indian Embassy in Yangon. Repeated requests by Myanmar to Bangladesh for their early repatriation have so far not been fruitful.

123. On 20 August 2019, a newspaper in Bangladesh reported that:

On August 20, [Bangladesh's] foreign minister AK Abdul Momen said both Bangladesh and Myanmar were "fully ready" to resume the repatriation of Rohingyas to their homeland but some Rohingya leaders and NGOs were reportedly discouraging them to return.

"We've heard some Rohingya leaders emerged there. They don't want the return of any Rohingya (to their homeland). They're trying to stop returnees. Some INGOs and NGOs are instigating them (Rohingyas)," he told a small group of reporters at his office.

He said Bangladesh wanted to see Rohingyas' return to Rakhine State as soon as possible.⁵¹

124. There have been reports that some local NGOs in Bangladesh have been seeking to hinder the repatriations, and that members of ARSA have been using threats and intimidation to prevent the inhabitants of the camps in Cox's Bazar from taking part in the repatriation process. A 24 April 2019 Reuters report states:

The Arakan Rohingya Salvation Army, or ARSA, which sparked the 2017 crisis with attacks on security posts, is resurgent in the camps, refugees say, alongside several other armed groups. [...] "Refugee camps in many parts of the world are becoming recruitment grounds for terrorists," said Mozammel Haque, the head of Bangladesh's cabinet committee on law and order.⁵²

125. The Asahi Shimbun, a major national newspaper in Japan, has reported:

In November 2017, Myanmar and Bangladesh announced they would start repatriating refugees in stages on an "official route."

However, no one has taken this official route.

Instead, several hundred refugees returned through "unofficial routes." [...]

⁵¹ New Age (Bangladesh), "Bangladesh not to force Rohingyas for repatriation: FM", 22 August 2019, <https://www.newagebd.net/article/82202/bangladesh-not-to-force-rohingyas-for-repatriation-fm>.

⁵² Reuters (United Kingdom), "In Rohingya camps, a political awakening faces a backlash", 24 April 2019, <https://uk.reuters.com/article/uk-myanmar-rohingya-politics-insight/in-rohingya-camps-a-political-awakening-faces-a-backlash-idUKKCN1S000Z>. Also Deutsche Welle (Germany), "Rohingya militants active in Bangladeshi refugee camps", 24 September 2019, <https://www.dw.com/en/rohingya-militants-active-in-bangladeshi-refugee-camps/a-50490888>. It is noted that the term "refugee", when used in media articles, should not be understood as referring to the international law definition of a refugee.

When I asked them why they decided to return to an unsafe country, they mentioned the attacks by ARSA fighters in the refugee camp. They also said ARSA members have threatened anyone who wanted to return to Myanmar.

Returning home, especially through the official route, would indicate an acceptance of the Myanmar government's measures. And this could weaken ARSA's clout in its battle against the government.⁵³

126. Despite the absence of official repatriations under the bilateral arrangement with Bangladesh, there are still people who have returned from Bangladesh to Rakhine State on their own volition under their own arrangements. From 14 April 2018 to 11 April 2020, a total of 352 people (198 males and 154 females) have returned under their own arrangements.⁵⁴ Of these, 78 returned after 23 January 2020. They were welcomed at reception centres and provided with necessary assistance, including the issuance of a National Verification Card ("NVC") or verification for Citizenship Scrutiny Card ("CSC") depending on their eligibility. They were first settled at transit centres and later relocated to their original places of residence or to a nearby safe and secure place of their choice.
127. Returnees from Bangladesh have three options for resettlement: (1) to return to their own houses if these are still undamaged or have been rebuilt after receiving assistance at the Hla Phoe Khaung Transit Centre; (2) to rebuild houses by themselves; or (3) to wait for the Government to rebuild their houses.
128. For those returnees rebuilding houses by themselves, the Government provides a Cash for Work Program under which returnees are provided with building materials and receive daily wages while building the houses.
129. On 20 January 2020, at the second informal tri-partite working group meeting on the repatriation process between Myanmar, Bangladesh and China, a pilot project was initiated to commence repatriation on a small scale. Under the pilot project, Myanmar would provide Bangladesh with a list of individuals who lived in two village tracts, and specific plans for the resettlement, health care services, education and funding assistance. Bangladesh was to then inform the persons from these village tracts about the repatriation plan.

⁵³ Asahi Shimbun (Japan), "Refugees from Myanmar cite attacks from their 'protectors'", 21 January 2020, <http://www.asahi.com/ajw/articles/AJ202001210015.html>.

⁵⁴ See the list of voluntary returnees from Bangladesh to Rakhine State as of 11 April 2020 at **Annex 12**.

130. However, due to the COVID-19 pandemic, the repatriation process has currently been stalled. In response to the pandemic, the Government of Bangladesh has imposed a complete lockdown on the Cox's Bazar District since 9 April 2020.⁵⁵ Myanmar also informed Bangladesh on 12 April 2020 through the Bangladesh Ambassador to Myanmar in Yangon that the Myanmar-Bangladesh border will be closed except for trade movement starting from 13 April 2020.
131. On 6 June 2018, an MoU was signed between Myanmar, the United Nations Development Programme ("UNDP") and the UNHCR regarding the repatriation process, under which the parties agreed to cooperate on humanitarian and development action in Rakhine State to ensure a safe and voluntary return of the displaced persons from Rakhine State. On 28 May 2019, the three parties signed an "Exchange of Letters" to extend the MoU until 5 June 2020. On 11 May 2020, it was extended again for a further year.
132. Under this MoU, UNDP and UNHCR teams have independently conducted six field assessments in 101 villages in Buthidaung and Maungdaw Townships in Rakhine State. UNDP and UNHCR are currently implementing their Seventh Round Assessment in 28 villages in Maungdaw and Buthidaung Townships. UNDP and UNHCR teams are also currently implementing a total of 75 Quick Impact Projects in 41 villages in Rakhine State not directly affected by the current security situation. On 6 April 2020, the Ministry of Foreign Affairs informed the UNDP and the UNHCR that the Government of Myanmar has agreed, in principle, to their proposal for Quick Impact Projects in two pilot villages Nyaung Chaung and Pa Din to resettle IDPs. These pilot projects are to involve the construction of houses for the IDPs in consultation with the Rakhine State Government.
133. Both China and Japan have provided support and diplomatic assistance to try to move forward the repatriation process. The Association of the Southeast Asian Nations ("ASEAN") has also been assisting Myanmar in the repatriation process through the ASEAN Secretariat and ASEAN Humanitarian Assistance Centre (AHA).

(ix) Resettlement of internally displaced persons

134. There are three groups of IDPs in northern Rakhine State: (1) those who were displaced as a result of the events in 2012; (2) those who were displaced as a result of the events in 2016-

⁵⁵ See Straits Times (Singapore), "Coronavirus: Rohingya camps in Bangladesh put under 'complete lockdown'", 9 April 2020, <https://www.straitstimes.com/asia/south-asia/coronavirus-rohingya-camps-in-bangladesh-put-under-complete-lockdown>.

2017; and (3) those who have been displaced as a result of the recent armed conflict between the Myanmar Defence Services and the Arakan Army.

135. During the sectarian violence that occurred in Rakhine State in 2012, both Rakhine Buddhists and Muslims were involved in reciprocal attacks, burning of houses and killings. As a result, a total of 112,070 people (107,425 Muslims and 4,645 Rakhines and people of other ethnicities) were displaced. Temporary shelters to accommodate these people were established in Sittwe, Rathedaung, Pauktaw, and Myebon and Kyaukphyu Townships in Rakhine State. Of these, 46 were for IDPs who are Muslim, and 15 were for IDPs of Rakhine and other ethnicities. In 2015, of these 112,070 displaced persons, some 25,000 (including Muslims, Rakhines and people of other ethnicities) were assisted to resettle and be re-integrated locally, and were provided with housing. Those who were not able to resettle in their former places of residence (all of them Muslim) remain at sites of the former temporary shelters, where IDP camps have now been constructed by the Government and international organizations. Since then, humanitarian assistance, including food rations and non-food items, medical services and basic education, has been continuously provided to those residing in these IDP camps. Suspension of Internet access and mobile data did not affect the IDP camps in Sittwe Township. These camps, which constitute the largest percentage of the IDP population in Rakhine State, continue to have Internet access.
136. Under the administration of the current National League for Democracy (NLD) Government, that is, from April 2016 onwards, four IDP camps in Kyaukphyu, Yan Byal, Kyauktaw and Pauktaw Townships were closed in 2017 and 2018, and 370 households were resettled. There currently remain 18 IDP camps located in Sittwe, Pauktaw, Myebon and Kyaukphyu Townships.⁵⁶ The total number of people currently residing in these IDP camps is 125,689, who are from the first two groups referred to in paragraph 134 above.
137. As to the third group referred to in paragraph 134 above, those displaced by the recent armed conflict with the Arakan Army, new IDP camps were not established to accommodate these people due to the current clashes in that armed conflict. The Muslims falling within this third group took temporary shelter in neighbouring Muslim villages (see item 1 of the table in paragraph 71 above). The approximately 70,000 others displaced by the recent armed

⁵⁶ See Appendix 2 to this report.

conflict with the Arakan Army (items 2 to 11 in the table in paragraph 71 above) have taken temporary shelters in Rakhine villages and monasteries.

138. On 19 November 2019, the Myanmar Government adopted a “National Strategy on Resettlement of Internally Displaced Persons (IDPs) and Closure of IDP Camps” (the “National Strategy”).⁵⁷ Through consultation with leaders of the IDP camps, the National Strategy aims to rebuild the lives of IDPs that they may live in safety and dignity, without dependency.
139. On 20 February 2020, a meeting led by the Union Minister for Social Welfare, Relief and Resettlement was held with Professor Walter Kälin, Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons, and officials from the Government of Myanmar, to discuss the development of guidelines as an initial step towards action plans for each IDP camp in accordance with the National Strategy.
140. On 28 February 2020, the Myanmar Government established a National-Level Committee in order to implement the National Strategy effectively. At the first coordination meeting of the National-Level Committee, held in May 2020, it was agreed that a Regional-State-level Committee on Resettlement of IDPs would be set up and the closure of IDP camps prioritized.
141. The Taung Paw IDP camp (the residents of which are Muslim), in Myebon Township, is being closed and its residents resettled. A total of 642 households comprising 2,916 people were residing in the Taung Paw IDP camp. Altogether 400 out of the 642 households have been relocated in 400 houses, and 242 houses are being constructed for the resettlement of the remaining people. The closure of the Taung Paw IDP camp commenced under the previous government. A pilot project for a citizenship verification process was conducted in 2014 and many of the Muslim camp residents received CSCs. The displaced people in the Taung Paw IDP camp were former residents of Myebon Township. As there was active participation in the pilot project of the national verification process in 2014, many of the Muslims already have NVCs or CSCs.
142. The Kyauk Ta Lone IDP camp (the residents of which are Muslim), in Kyaukphyu Township, is also slated for closing down in accordance with the National Strategy. A field visit and dialogue between officials from the Ministry of Social Welfare, Relief and Resettlement

⁵⁷ See **Annex 13**.

and representatives of the residents of the camp were conducted on 17 and 18 March 2020 in the camp. However, the camp closure process has been delayed by the outbreak of COVID-19.

(x) *Preservation of evidence*

143. The Preservation of Evidence Directive has already been referred to in paragraphs 89(2) and 91 above.
144. Myanmar is monitoring the areas related to the allegations in the Application, in Buthidaung, Maungdaw, and Rathedaung Townships, so as to ensure the preservation of evidence related to allegations of acts within the scope of Article II of the Genocide Convention. It is not aware of any damage to or destruction of such evidence since 23 January 2020 and has received no information from any source expressing concerns about preservation of such evidence. On 26 February 2020, the Government of Myanmar, in cooperation with the CDNH, assigned a “Documentation Team” with responsibility for registering materials associated with the 2017 armed conflict between the Myanmar Defence Services and ARSA. It is taking steps to document the current state of the sites in question, including by conducting field observations and taking photos in 212 villages in Maungdaw Township, 21 villages in Buthidaung Township and 13 villages in Rathedaung Township. Some difficulties have been encountered in a few localities due to security issues related to the armed conflict. It has established a database in order to monitor the situation and to ensure compliance with the Court’s Order.

(xi) *Protection of the historic mosque in Sittwe*

145. The 161-year-old Kyay Pin Gyi Mosque in Kyay Pin Gyi Ward in Sittwe (completed in 1859) is regarded as a historic building.
146. After the 2012 inter-communal violence between Rakhines and Muslims, five officers provided security for the Mosque. On 24 March 2020, these five police officers were returned to unit, as part of a decision to consolidate police personnel scattered around in Sittwe Township based on intelligence reports that the Arakan Army was preparing to attack lightly-manned police outposts. However, since the last week of April 2020, six police personnel have been providing security for the Mosque.

(xii) Action on sexual violence

147. On 7 December 2018, the Permanent Representative of Myanmar to the United Nations and the Special Representative of the Secretary-General on Sexual Violence in Conflict (“SRSG-SVC”), Ms. Pramila Patten, signed a Joint Communiqué on Sexual Violence in Conflict to prevent and address conflict-related sexual violence in Myanmar. This Joint Communiqué was adopted under the framework of United Nations Security Council resolution 2106 (2013). In order to implement the Joint Communiqué, a Ministerial level National Committee on Prevention and Response to Conflict-Related Sexual Violence was formed in March 2019.
148. This National Committee is continuing to implement the following six priority areas contained in the Joint Communiqué with the assistance and suggestions of the SRSG-SVC:
- (1) supporting legal reforms to strengthen the overall rule of law response to sexual violence;
 - (2) training and capacity building of justice and security sector actors particularly on investigation and prosecution of sexual violence, and on international humanitarian law including the protection of civilians;
 - (3) ensuring effective access to strengthen service delivery of survivors of sexual violence, including medical, psychosocial, legal and livelihood support particularly in conflict areas;
 - (4) negotiating that the prevention of sexual violence is reflected in specific provisions of any peace and/or repatriation agreements, including those related to security arrangements and transitional justice mechanisms;
 - (5) ensuring that perpetrators of sexual violence crimes are excluded from amnesty; and
 - (6) putting in place risk mitigation measures against conflict-related trafficking for the purposes of sexual exploitation/violence, including awareness-raising of Border Guard Police and immigration officials, in line with Security Council resolution 2331 (2016).
149. The National Committee carries out public awareness activities on preventing sexual violence against women. It is currently discussing a draft National Action Plan, which is based

on three UN Security Council resolutions,⁵⁸ and the six priority areas contained in the Joint Communiqué. The National Action Plan focuses on prevention, protection, investigation and response related to violence against women.

150. On 3 March 2020, the sixth National Committee meeting was held. The meeting discussed the recommendations and comments by the Office of the SRSG-SVC on the draft National Action Plan. The revised draft National Action Plan is under internal consultations within the concerned Ministries.

(xiii) Birth registrations for children born in Rakhine State

151. Birth certificates are issued by hospitals and clinics throughout the country, and pursuant to a new Child Rights Law adopted in 2019 (Law No. 22/2019), it is a legal requirement that they be issued in respect of all births occurring in the country. Section 20 of that law states that all children born within the country shall have the right to birth registration free of charge without any discrimination. However, there remain problems in rural areas due to transportation difficulties and poor awareness of the entitlement to, and requirement for, birth registration.
152. Birth registration of Muslim babies born in northern Rakhine State unfortunately came almost to a halt after the violence in 2012. On 22 May 2017, the Government therefore formed a Rakhine State Birth Registration and Certificate Committee and Working Committee. Thereafter, birth certificates were issued to some 15,290 Muslim children under the age of 5 in Buthidaung and Maungdaw Townships through mobile teams, until their work was brought to an end by the ARSA attacks on 25 August 2017.
153. At the end of 2019, the Government of Myanmar resumed the special programme on the issuance of birth certificates to children without proper documentation at the IDP camps in Rakhine State. Between 9 December 2019 and 16 March 2020, birth certificates were issued to 8,976 Muslim children under the age of 10 in IDP camps in Sittwe and nearby villages. Currently, the process for issuing birth certificates has been suspended due to the COVID-19 pandemic.

⁵⁸ UN Security Council resolution 2106 (2013), resolution 2331 (2016) and resolution 2467 (2019).

(xiv) Citizenship and residence rights

154. Household lists, birth certificates and NVCs are important documents required for citizenship applications. Mobile teams comprised of immigration and health officials have been issuing household lists, birth certificates, NVCs, e-ID⁵⁹ and citizenship application forms at:
- (1) 14 IDP camps and 24 villages from 9 December 2019 to 24 January 2020;
 - (2) Basara IDP camp and 15 Muslim villages from 27 January 2020 to 17 February 2020; and
 - (3) Bawdufa administrative office starting from 13 March 2020.
155. By 13 March 2020, 13,175 household lists,⁶⁰ 2,000 NVCs and 2,574 e-IDs had been issued in these villages and camps, and 2,039 NVC holders and 349 national registration holders are in the process for citizenship scrutiny.
156. Awareness-raising sessions with respect to NVCs were held 16 times in Sittwe Township, Sittwe District, 11 times in Maungdaw Township, 5 times in Buthidaung Township, Maungdaw District, 7 times in Thandwe Township, Thandwe District, and 3 times in Kyaukphyu Township, Kyaukphyu District. A total of 42 awareness-raising sessions had been held by March 2020.
157. Due to the worldwide COVID-19 pandemic, mobile team activities have been suspended since 17 March 2020.

(xv) Release of persons convicted of immigration offences

158. In the past years, people found on illegal routes or entry points into Myanmar from Bangladesh (for instance in the jungle), and who have been unable to produce proper identity documents when asked by immigration or police officials, have been charged with offences under Myanmar law and imprisoned. Most were charged under section 13(1) of the Myanmar Immigration (Emergency Provisions) Act 1947, which makes it an offence punishable

⁵⁹ The e-ID system collects the biometric data of people in Myanmar and adds them to a database after which individual data are assigned Unique Identity (UID) numbers and registered. The system is very new and was introduced with the assistance of the Austria-based OeSD Company. The Governments of Myanmar and Austria are collaborating on the project, and arrangements are being made for the signing of a contract between the Ministry of Labour, Immigration and Population and OeSD Company.

⁶⁰ Residents of a household are listed in a household list issued by the Immigration Department.

with imprisonment between six months and five years, or a fine, to enter Myanmar in contravention of the provisions of that Act.

159. On 17 March 2020, at its first meeting, the Steering Committee (see paragraph 88 above) learned that the persons concerned were Muslims from Rakhine State, and decided, as special cases, that they were victims of human smuggling who should be released, while suspected perpetrators should be charged under other relevant laws.
160. Based on this decision of the Steering Committee, charges have been withdrawn against Muslims from northern Rakhine State in the cases of 93 people in Patheingyi Township charged with offences under immigration law in November 2019, and around 50 people in Patheingyi Township charged under the Trafficking in Persons Law in February 2020. Charges were also withdrawn in 21 similar cases in Minbu Township and 70 cases in Hlegu Township, on 7 April 2020 and 9 April 2020 respectively.
161. On 17 April 2020, the Government, under the President's Amnesty, also released from prison and juvenile detention centres 1,057 Muslim people from Rakhine State who had been convicted on similar charges, including 175 juveniles.
162. The Muslims who were released from the prisons returned to their communities in Rakhine State. The Rakhine State Government designated quarantine facilities in nine townships for all the released men, women and children who had to be quarantined for 21 days to ensure that none had been infected with COVID-19 and to prevent those infected from spreading it to others.

(xvi) Measures for social cohesion

a. General

163. Myanmar is engaged in efforts to promote social cohesion among the communities in Rakhine State. This includes collaborating with international and local NGOs. These efforts include the following.

b. Interfaith Dialogue

164. On 31 January 2008, the Department for Promotion and Propagation of the Sasana [religion] under the Ministry of Religion and Culture formed a core team, together with religious lead-

ers and representatives from various faiths, to cooperate and discuss matters related to religion, interfaith friendship and cooperation. The core team then became the Interfaith Dialogue Group (Myanmar) in 2012. On 22 March 2019, this body was reformed with 98 members from the Buddhist, Christian, Islamic and Hindu faiths.

165. The main objectives of the Interfaith Dialogue Group (Myanmar) are:

- (1) to promote social cohesion among different communities with respect to religions and beliefs;
- (2) to prevent religious conflicts in the country;
- (3) to provide care and relief to victims of religious conflicts; and
- (4) to cooperate harmoniously with all religions by maintaining national characteristics of the country.

166. The Interfaith Dialogue Group (Myanmar) has established a central-level team with 11 regional level teams, 40 district level teams, and 221 township level teams. To promote religious harmony and peace among different communities, Interfaith Dialogue discussions have been held 262 times at various levels across the country (65 times in 2016, 112 times in 2017, 36 times in 2018, 42 times in 2019, and 7 times in 2020 up to the end of March 2020).

c. Capacity building and training

167. The Ministry of the Office of the State Counsellor signed agreed minutes with the CDNH (Center for Diversity and National Harmony) on 30 January 2020 to cooperate in designing and implementing social cohesion programmes for communities and government officials in Rakhine State. The programme includes community dialogues, a campaign against hate speech, a women's forum, and vocational training.

168. Pursuant to this cooperation, the first workshop on enhancing women's social cohesion in Rakhine State was held on 23 February 2020 in Yangon to promote social cohesion and capacity development of all women in all communities, regardless of religion and ethnicity (this event is also referred to in paragraph 116 above). The workshop was attended by 138 women representatives from all 17 townships in Rakhine State, as well as representatives from the CDNH and senior officials from the Ministry of Foreign Affairs, the Ministry of

Health and Sports, the Ministry of Education, Ministry of Social Welfare, Relief and Resettlement (“MOSWRR”) and the National Reconciliation and Peace Centre.

169. In February and March 2020, the CDNH also organized 17 training programmes, including on Social Cohesion, Rumour Management, Civic Education, Gender Equality, Democracy and Federalism, in Maungdaw, Sittwe, Thandwe, Kyaukphyu and Yangon, for youth, women, village administrators and community members in Rakhine State, and a total of 22 reconciliation-oriented vocational training sessions for driving, wiring, making hand sanitizers and soap and making fruit jams in Maungdaw, Sittwe and Yangon. Although the CDNH had planned for 20 more training sessions in April and early May 2020, the activities had to be suspended due to the COVID-19 pandemic. The MOSWRR also organized 12 training sessions on sewing and knitting in 2019, and one training session on sewing flower buttons in February 2020 in IDP camps in Rakhine State to promote livelihood projects for women in IDP camps.
170. In February and March 2020, the CDNH and the local administration also organized cultural activities to promote social harmony and social cohesion among the communities in Rakhine State: five concerts with Rakhine and Muslim singers in Yangon and Maungdaw; a cooking contest in Maungdaw District with participants from Maungdaw and Buthidaung Townships; and three sports tournaments of volleyball, relay and soccer in Maungdaw and Sittwe Townships with Muslim and Rakhine players from Buthidaung, Maungdaw and Sittwe Township.
171. Additionally, four camps for the younger generation have been organized by the CDNH. Three of these camps were organized at Panpyolet Monastery, Inn-takaw Township, Bago Division in February and March 2020. The participants were Muslim and Rakhine, aged 20 to 38 years from various townships in Rakhine State. A total of 150 people participated in the three camps, approximately half male and half female. The fourth camp was organized in Yangon from 31 January 2020 to 1 February 2020 with 96 recipients of scholarships (including 47 Muslims) which the CDNH provided to students from all communities with the endorsement of the Government and the financial support of the Embassies of Norway and Denmark. These camps were designed to build understanding, respect and trust among the younger people of all communities living in Rakhine State and to encourage younger people to take the lead in promoting social cohesion within individual communities and between different communities.

172. In cooperation with the Nippon Foundation of Japan, a five-day online training programme was conducted from 1 to 3 April and from 6 to 7 April 2020 in Sittwe, Rakhine State. Junior local officials from the Police, the General Administration Department as well as the Immigration Department of the Ministry of Labour, Immigration and Population in Rakhine State participated in the programme. This online training was given by professors from the International University of Japan. The purpose of the training is to extend the participants' knowledge of social cohesion, social capital and trust, public service delivery, cross-cultural communication, local good governance, as well as human security in general.

d. Community dialogues and stakeholder meetings

173. The Government, in partnership with local NGOs, has been organizing community dialogues and stakeholder meetings to promote social cohesion. The CDNH, in cooperation with the Ministry of Social Welfare, Relief and Resettlement, organized 135 intra- and inter-community dialogues in the 17 townships of Rakhine State between February and April 2020, including 25 community dialogues in Maungdaw Township and 15 in Buthidaung Township, to discuss and exchange views on matters related to citizenship verification, IDPs, capacity building and social cohesion activities, quality education, access to health care, access to livelihoods, COVID-19 preventive measures and other matters. Also, the CDNH, in collaboration with the In Transformation Initiative (“ITI”)⁶¹ led by Mr. Roelf Meyer, established a Committee for Sustainable Peace and Development (“CSPD”) in Maungdaw Township involving representatives of different ethnic communities there. The ITI, in collaboration with the CDNH and the CSPD, organized 57 community dialogues in Maungdaw between January 2019 and March 2020. In February and March 2020, the ITI also organized seven community dialogues in Thandwe Township, and in March 2020 it set up a planning committee with a view to also establishing the CSPD there.

174. In February and March 2020, the CDNH organized four stakeholder meetings in Yangon to discuss and exchange views on humanitarian issues, development, peace building, issues relating to IDPs, political and social problems, the impact of the clashes between the Myanmar Defence Services and the Arakan Army on members of small ethnic communities, and other issues. The participants at these meetings were Government representatives, members

⁶¹ The ITI was established in 2013 by veterans of the South African transition to democracy. It works with political leaders, civil society organizations, NGOs, and governments around the world to advance the causes of peace, democracy, and social cohesion. More information is available at <http://www.intransformation.org.za/about-us/#History>.

of the diplomatic community, members of UEHRD task forces, and representatives from communities in Rakhine State.

(xvii) Education for the Muslim community in Rakhine State

175. Due to the armed conflict in 2017, 424 basic education schools were closed down in Rakhine State. In the 2019-2020 academic year, 347 of these have been reopened. Out of 66,890 pupils enrolled in the 2019-2020 academic year, 31,268 were Muslims from Maungdaw and Buthidaung Townships. In the 2018-2019 academic year, the matriculation examination was taken by a total of 1,918 Muslim pupils in Rakhine State, of whom 281 (14.65 per cent) passed. In the 2019-2020 academic year, a total of 2,702 Muslims in Rakhine State took the matriculation examination.
176. The Ministry of Education, in collaboration with the United Nations Children’s Fund (“UNICEF”) and the United Kingdom Department for International Development (DfID), has been operating the Learning Together Programme in 163 mixed schools in Rakhine State, where both ethnic Rakhine and Muslim pupils are learning together. Of these mixed schools, 46 are located in Maungdaw, Buthidaung and Rathedaung Townships. Out of the total of 40,472 pupils attending classes together, 16,071 are from Buthidaung, Maungdaw and Rathedaung Townships. The programme focuses on activities that include reading together, playing together, promoting school hygiene together and going back to school together.
177. The Ministry of Education has recruited and continues to employ teachers from Muslim communities to teach classes at the primary, middle and high schools and at the IDP camps. UNICEF and Save the Children have also recruited more teachers to support their projects in northern Rakhine State.
178. Norway and Denmark have taken the initiative to establish scholarships for university students in Rakhine State in close cooperation with the CDN. Under this project, a maximum of 100 scholarships will be made available every year and students from Rakhine State will be able to study at different universities in Myanmar. The purpose is to create opportunities for them to interact with students from different ethnic backgrounds, to cultivate habits of peaceful coexistence and to promote tolerance for ethnic and religious diversity, which is key to building peace not only in Rakhine State but also in the rest of Myanmar. In the 2019-2020 academic year, 47 Muslim students were awarded this scholarship and they have been

studying at universities in Yangon and Taunggyi. Forty-three out of these 47 Muslim students are NVC holders and the remaining four are CSC holders.

(xviii) Health-care services

179. The Government of Myanmar provides health-care services to all people living in Rakhine State regardless of ethnicity, race or religion. In public areas of every health-care facility of the Ministry of Health and Sports (“MOHS”), a notice is posted which says, in the Myanmar, Rakhine and English languages, “Access to Health Care Services; Everyone, regardless of gender, nationality, race or religion can access to health care services in this hospital or health centre”.
180. On 2 July 2019, the MOHS established a special body to pay close attention to the health sector in Rakhine State: the Committee for the Development of Health Sector in Rakhine State, led by the Director-General of the Department of Public Health. In the National Health Plan, the MOHS has included prioritized townships in Rakhine State.
181. On 24 September 2019, the MOHS completed constructing the 16-bed Station Hospital in Thet Kel Pyin Village, Sittwe Township. This hospital commenced work on 17 February 2020, in collaboration with health workers from Sittwe General Hospital, the Sittwe Township Health Department and Mercy Malaysia.
182. Moreover, Maungdaw Hospital, located in Muslim-majority Maungdaw Township at the border area with Bangladesh, will be upgraded from a 50-bed to a 100-bed hospital with development assistance from Japan to the amount of USD 480,000.⁶²
183. In 2019, Sittwe General Hospital was renovated by the MOHS, and four more in-patient buildings were added. In 2019, this hospital treated 80,967 people, of whom 2,441 (3 per cent) were Muslim. In the same period, other hospitals in Maungdaw District treated 13,905 people, of whom 7,258 (52 per cent) were Muslim.
184. The MOHS also arranges mobile teams to provide medical treatment in Rakhine State. In 2019, these treated 290,616 people, of whom 227,257 (78 per cent) were Muslim. Several

⁶² Retrieved on 30 March 2020 from <https://www.moi.gov.mm/?q=node/35280>.

other Ministries, the Myanmar Defence Services and governmental as well as non-governmental organizations provide additional special mobile teams in Rakhine State to cover all areas.

185. Because almost all of the public hospitals are located in urban areas, the MOHS has established various health-care facilities in rural areas, such as Station Hospitals in suburban areas and Rural Health Centres and Sub-Rural Health Centres in remote rural areas. As one Sub-Rural Health Centre covers many villages, the midwives and health assistants are assigned to a number of villages – on average, one midwife covers 5 to 10 villages. The mobile medical teams are arranged by the MOHS to cover all areas across the country, mainly for vaccinations programmes which are conducted three times a year and also for an outreach programme to provide treatment to people who cannot access public hospitals in urban areas. The health-care services provided by the mobile medical teams are usually carried out in villages where midwives are stationed and people living in remote villages come to the meeting point. The mobile medical teams also carry out the function of issuing birth certificates to children born in remote areas at home with traditional birth attendants rather than health-care professionals. It is noted that the majority of the Muslim population of northern Rakhine State live in rural areas.
186. Currently there are 18 IDP camps in Rakhine State, which are also located in rural areas. So far, there are no public hospitals inside the IDP camps and the health-care services to IDP camps are mainly handled by mobile clinics, consisting of teams comprising NGOs and health-care workers from the MOHS. The mobile clinics operate three to five days a week in the IDP camps. Residents of IDP camps are admitted to public hospitals on referral from the mobile clinic.
187. In the Thet Kel Pyin IDP camp located in Sittwe Township, a Sub-Rural Health Centre was established to provide effective health-care services to residents of the IDP camp and in 2019, 27,664 people (all Muslim) received medical treatment. The Sub-Rural Health Centre was upgraded to a 16-bed hospital in early 2020 to provide more effective health-care services through collaboration between the Sittwe Township Health Department and Mercy Malaysia.
188. Currently, health-care professionals from the MOHS, together with the International Organization for Migration, Médecins Sans Frontières (Doctors Without Borders), the International Rescue Committee, Relief International, Mercy Malaysia, the Myittar Resource Foun-

dation, the Myanmar Red Cross Society, the Myanmar Medical Association, and the Myanmar Health Assistant Association, are providing health-care services to people living in IDP camps.⁶³ In January, February and March 2020, the mobile teams provided health-care services to people living in IDP camps in Sittwe, Buthidaung and Maungdaw Townships, including 55,727 Muslims in Sittwe, 4,329 Muslims in Buthidaung and 1,438 Muslims in Maungdaw.

189. There are practical obstacles to members of the Muslim community in IDP camps utilizing public hospitals. Regrettably, following the 2012 inter-communal violence, inter-communal tensions still exist, especially between the Rakhine and Muslim communities. When residents of IDP camps are given permission to leave the camp to go to a public hospital (or for any other reason), they have to be provided with a security escort to protect them from the distrust and tension that is prevalent in local people in the urban area. In cases of medical emergency, there is no delay in the grant of permission to attend a public hospital. On reaching a public hospital, the patients are treated by health-care professionals without discrimination. Efforts are being made by the Government and many international and local NGOs to bring about a return to normalcy after the 2012 inter-communal violence by promoting social cohesion between different communities living in northern Rakhine State (see paragraphs 163 to 174 above).
190. As in other States and Regions in Myanmar, health-care professionals are provided for Rakhine State by the MOHS. To meet needs, the MOHS arranged a training programme for auxiliary midwives and voluntary health workers. From September to December 2019, 18 auxiliary midwives, 74 voluntary health workers and 18 voluntary health workers from the Muslim community were trained, and refresher courses were provided to 114 auxiliary midwives, 124 voluntary health workers as well as 62 voluntary workers from the Muslim community.
191. In Rakhine State, there are 129 Rural Health Centres, 528 Sub-Rural Health Centres and one border clinic. In addition, 831 midwives have been assigned to the village tracts. Recently, 13 doctors (specialists) and 10 assistant surgeons were assigned to Rakhine State.

⁶³ See Appendix 3 to this report.

(xix) Maternal and child support

192. A Maternal and Child Cash Transfer programme, which has been implemented in Rakhine State since the 2017-2018 fiscal year, continues to operate. Cash assistance (MMK 15,000 (approximately USD 11) per month per beneficiary) and education sessions on nutrition, hygiene, health, and family planning are provided to women from their second month of pregnancy until their child is two years old (about 1,000 days). From January to March 2020, a total of 9,711 Muslim pregnant women and 27,213 children under the age of 2 years in Rakhine State received cash assistance under this programme. The programme is implemented by the Ministry of Social Welfare, Relief and Resettlement and the Ministry of Health and Sports in cooperation with UN agencies and international NGOs including UNICEF, the WFP, the International Labour Organization, Save the Children, and the International Rescue Committee.
193. In responding to the current COVID-19 pandemic, Ministries are in the process of providing an additional MMK 30,000 (approximately USD 22) as one-time top-up assistance to each and every beneficiary under this programme.

(xx) Provision of food

194. The Government of Myanmar, in collaboration with United Nations agencies (primarily the WFP) and other international organizations, provides assistance to those in need living in Rakhine State, including in conflict-affected areas. The WFP started its work in Rakhine State more than four decades ago in 1978 in Maungdaw District. Recipients of the assistance include members of all communities. Such assistance includes emergency relief, life-saving food assistance, assistance with the creation or re-establishment of community assets such as dams and roads, school feeding, food support to people living with HIV and tuberculosis, and nutrition. In 2018, the WFP resumed procurement from local suppliers in Rakhine State, and purchases 37 per cent of the total tonnage of rice procured locally at a cost of USD 10 million.⁶⁴ In December 2019, the Government of Myanmar signed a Letter of Understanding with the WFP setting out the principles for a strategic partnership for the implementation of the Country Strategic Plan 2018-2022 which includes assistance to one million people per

⁶⁴ See WFP, “Rakhine Operational Brief WFP Myanmar”, 2019, <https://docs.wfp.org/api/documents/WFP-0000106159/download/>.

year for the entire country, to those in areas affected by conflicts and to other vulnerable people in Myanmar.

195. In December 2019, in northern Rakhine State, the WFP provided emergency food assistance to 1,100 newly-displaced people, complementing the Government's relief support through the MOSWRR. The WFP assisted 102,450 food-insecure people from 183 Muslim, Buddhist and Hindu villages in Buthidaung and Maungdaw Townships. Through nutrition interventions, the WFP provided 17,200 children aged 6-59 months and 2,900 pregnant and lactating women ("PLW") with fortified blended food.
196. In January 2020, in northern Rakhine State, the WFP assisted 115,300 conflict-affected people, including 2,760 PLW and 17,130 children aged 6-59 months, from 161 Muslim, Buddhist and Hindu villages in Buthidaung and Maungdaw Townships, with emergency food and nutrition assistance.
197. In February 2020, the WFP reached 13,800 newly-displaced people across Rakhine State. In northern Rakhine State, the WFP assisted 95,000 conflict-affected people, including 2,800 PLW and 16,560 children aged 6-59 months, in Buthidaung and Maungdaw Townships, with emergency food and nutrition assistance. In central Rakhine, the WFP provided 130,500 food-insecure people with relief food and cash assistance, including 26,800 children aged 6-59 months and 5,500 PLW who received food fortified with nutrients.
198. In March 2020, the WFP reached 16,300 newly-displaced people in Rakhine State. In northern Rakhine State, the WFP assisted 97,600 conflict-affected people, including 3,100 PLW and 18,100 children aged 6-59 months in Buthidaung and Maungdaw Townships, with emergency food and nutrition assistance. In central Rakhine, the WFP provided 130,800 food-insecure people, including 19,600 children aged 6-59 months and 4,200 PLW who received fortified blended food, with food and cash assistance.
199. In January, February and March 2020 respectively, 125,513, 126,855 and 127,144 IDPs in Sittwe, Myebon, Kyaukphyu, Kyauktaw, Mrauk-U, Minbya, Pauktaw and Rathedaung Townships benefitted from the assistance and relief support of the WFP.
200. The Department of Disaster Management of the MOSWRR provides food and household utensils to those in need. As of 25 March 2020, 15,987 households and 90,429 people were provided with food, household utensils and items needed for school children, amounting to MMK 641,554,057 (USD 457,916.27). In addition to the MOSWRR programme, UEHRD

also provided food to 10,744 households and 63,778 people in Maungdaw and Buthidaung Townships, amounting to MMK 721,041,550 (USD 514,650.62). Furthermore, donations for the provision of food to the people in Rakhine State affected by the conflicts have also been made by others, including the Government of India, the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (the “AHA Centre”), and the Red Cross Movement.

201. People in 11 townships in Rakhine State have become displaced by the conflict between the Myanmar Defence Services and the Arakan Army. The MOSWRR provides food and relief materials to them and, up to 22 April 2020, over MMK 3,394 million (USD 2,422,501.44) in assistance has been provided to 17,091 households and 70,633 people.
202. The Rakhine State Government collaborates with United Nations agencies and international organizations in relation to these matters. However, there remain security concerns for convoys which bring food for distribution to the people.
203. On 20 March 2020, the Government issued a statement on its commitment to cooperate with United Nations agencies and other international organizations such as the ICRC to enable humanitarian access to civilians in northern Rakhine State.⁶⁵ The statement says:

The Government is providing humanitarian assistance to the IDPs, and giving continued access to humanitarian partners, so far as security conditions allow.

[...]

[T]he Government has decided to step up efforts to provide humanitarian assistance and to grant enhanced access to international humanitarian partners, including the ICRC, who are working in support of the Government’s humanitarian efforts in Rakhine State. [...]

The Government will continue to take all necessary measures to ensure the protection of civilians and the prevention of civilian casualties.

204. There are now 68,754 people (16,638 households) who have become IDPs as a result of the armed engagements with the Arakan Army. The Rakhine and Chin State Governments as well as civil society organizations are providing relief support to them. Myanmar Defence

⁶⁵ Ministry of Foreign Affairs, “The Government to Step up Efforts to Enhance Provisions of Humanitarian Assistance to Affected Areas in Rakhine State”, 20 March 2020, <https://www.mofa.gov.mm/the-government-to-step-up-efforts-to-enhance-provisions-of-humanitarian-assistance-to-affected-areas-in-rakhine-state/>.

Services (Army, Navy, Air Force) personnel and their families also provided the following relief support to IDPs in Rakhine State:

- (1) on 20 November 2019, MMK 500,000,000 (USD 356,594) was donated to the Rakhine State Government;
- (2) on 14 March 2020, 100 bags of rice were donated to local people and IDP families in Paletwa Township, Chin State;
- (3) on 23 March 2020, MMK 322,000,000 (USD 229,646), 665 bags of rice, and 1,250 visses (about 2,000 kilograms) of cooking oil was donated to the Rakhine State Government; and
- (4) on 15 April 2020, 100 bags of rice were donated to local people and IDP families in Paletwa Township.

205. On 19 April 2020, relief support also reached Paletwa Township. The Myanmar Defence Services provided security to the transportation from Samee Town to Paletwa Town of 830 bags of rice, 200 visses (approximately 326 kilograms) of cooking oil, 750 visses (approximately 1,220 kilograms) of onions, 300 visses (approximately 490 kilograms) of potatoes and 18 boxes of assorted medicines which had been donated by Chin State Government and civil society organizations.

(xxi) The COVID-19 pandemic

206. As of 19 May 2020, 0700 hours (Myanmar Standard Time), there were two confirmed cases COVID-19 in Rakhine State, one in Thandwe Township, and one in Taungup Township. Both persons concerned had arrived in Yangon from abroad on 11 May 2020 on a relief flight, and had been sent to their respective townships on the same day on the Government's arrangement. Both had been under facility quarantine in their respective townships since they arrived from Yangon, and both tested positive on 18 May 2020.

207. There have been no confirmed cases in any of the IDP camps in Rakhine State. There have been other confirmed cases in other parts of Myanmar.

208. On 13 March 2020, with a view to curbing the COVID-19 pandemic and to alleviate the potentially devastating impact of the pandemic on the socio-economic situation of the country, the Central Committee for Coronavirus Disease 2019 (COVID-19) Prevention, Containment and Treatment (the “COVID-19 Central Committee”) was formed.
209. The MOHS (Ministry of Health and Sports) is implementing measures to prevent the COVID-19 pandemic in IDP camps and to monitor the situation of the IDPs in line with the instructions of the COVID-19 Central Committee.
210. Moreover, health-care professionals in the respective regions are practicing community-based monitoring and are informing residents of IDP camps and temporary displacement sites in Rakhine, Kachin, Kayin and Shan States about health measures for COVID-19 through hand-held speakers and loudspeakers. In Rakhine State, this information is being given in the languages and dialects spoken by both the Rakhine and the Muslim communities, as well as in the Myanmar language.
211. Health-care services have been made ready to receive COVID-19 persons under investigation (PUI) from IDP camps in Rakhine State at Sittwe General Hospital and Kyaukphyu Hospital. Three cyclone shelters near the IDP camps are being transformed into facility quarantine centres.
212. The MOHS has also been conducting National Health Cluster Meetings through video conferences with technical support from the WHO. State-level Health Cluster Meetings led by the Department of Rakhine Public Health and the WHO are being held monthly, especially for the temporary IDP camps. Furthermore, the MOHS is cooperating with the WHO in the following areas in response to COVID-19 across the country:
- (1) providing medicines and medical equipment (personal protective equipment (“PPE”), N95 masks, ventilators and hand sanitizers);
 - (2) providing test kits;
 - (3) assisting in transfer of testing samples of suspected cases and persons under investigation from the States and Regions;
 - (4) providing technical assistance;
 - (5) assisting in any necessary training and holding meetings on bio-safety and bio-security training;

- (6) managing the resources donated by donors and partner organizations; and
- (7) providing financial support for the operation of the Health Emergency Operations Centre, facility quarantine, and health-care services in the IDP camps.
213. Likewise, the Ministry of Social Welfare, Relief, and Resettlement is collaborating with UN humanitarian aid agencies such as the WFP, the UNHCR, UNICEF, the WHO, the UNDP and the UN Office for the Coordination of Humanitarian Affairs (“UNOCHA”) on the prevention, containment and treatment of COVID-19 for IDPs, including those from Rakhine State. The Ministry has adopted an action plan⁶⁶ for proactive control of any COVID-19 outbreak in IDP camps. The action plan was primarily focused on the efficient management of the disease outbreak at IDP camps. It has now been developed with reference to the “Interim Guidance on Scaling-up COVID-19 Outbreak in Readiness and Response Operations in Camps and Camp-like Settings” issued by the Inter-Agency Standing Committee,⁶⁷ and statements of the MOHS on the COVID-19 pandemic. During its implementation, it will be reviewed, modified and revised based upon observation of confirmed cases, as well as adapted to meet the situation on the ground.
214. The action plan includes awareness-raising activities and knowledge-sharing around COVID-19, prevention and control of the spread of the disease, and emergency response operations for persons detected with COVID-19 symptoms. In addition, it takes into account managing necessary resources, conducting proper management of the data of the contagion, and monitoring the implementation of the action plan and evaluating its outcomes. The goals of the action plan will be regarded as complete only once concerted efforts of the Union Government, Regional Governments, relevant Ministries, international and local NGOs, and civil society organizations have come into place.
215. For instance, the CDNH (Center for Diversity and National Harmony) has distributed hand sanitizers, masks, PPE and oxygen concentrators to all 17 townships in Rakhine State with financial support from Norway and Denmark. It has further carried out awareness-raising of the pandemic with young people from different communities in their respective languages

⁶⁶ See the “Action Plan for the Control of COVID-19 (Corona Virus Infectious Disease) Outbreak at IDPs Camps” at **Annex 14**.

⁶⁷ The Inter-Agency Standing Committee (IASC) is the highest-level humanitarian coordination forum of the UN system. On its Interim Guidance, see United Nations Office for the Coordination of Humanitarian Affairs (OCHA), “COVID-19: IASC issues interim guidance for camp operations and addressing mental health and psychosocial support”, 18 March 2020, <https://www.unocha.org/story/covid-19-iasc-issues-interim-guidance-camp-operations-and-addressing-mental-health-and>.

and dialects. The CDNH, with the help of Switzerland, is also assisting in the provision of food rations for IDPs who are not in camps and who have not received any support from the ICRC or the WFP.

216. As of January 2020, including the 18 IDP camps in Rakhine State, there are a total of 128 IDP camps in 24 townships of the States of Kachin, Kayin, Shan, and Rakhine. The action plan is being implemented in these IDP camps. The plan takes into account the various behavioural activities of the IDPs in the respective camps, including arrangements for emergency response for persons with COVID-19 symptoms. The precautionary measures for the prevention and control of the outbreak are in brief as follows:

- (1) local and international humanitarian organizations which are given access to IDP camps are to follow the rules of “Dos and Don’ts” on COVID-19;
- (2) a detailed record of visitors and their travel history is to be kept;
- (3) physical distancing of 3-feet (about 1 metre) is to be practised and mass gatherings are to be avoided;
- (4) basic facilities for personal hygiene are to be provided in camps;
- (5) adequate health-care professionals and staff for medical supervision during times of isolation are to be provided; and
- (6) religious or social counselling for people in camps is to be provided, and any discrimination against persons under investigation and suspected cases is to be prevented.

217. The Government has launched an awareness-raising programme on COVID-19 symptoms for IDPs in Kachin, Kayin, Shan and Rakhine States. This included, shortly after the outbreak of the first case of coronavirus in Myanmar was confirmed, distribution of posters and leaflets on health education, health-care instructions and guidelines by the MOHS. However, due to the risk of COVID-19 spreading through this activity, person-to-person distribution of information was cancelled. The Ministry has since been informing the public of health measures on COVID-19 at the IDP camps in Rakhine State through hand-held speakers and loudspeakers (see paragraph 210 above).

218. On 14 April 2020, the Ministry of Social Welfare, Relief and Resettlement issued the following notification on COVID-19 prevention in IDP camps:

2. Management committees and temporary residents of the IDP camps are notified to proceed with the following action points:

- Regularly and systematically wash hands with the hand basins and soaps provided in the camps.
- Be wary of personal hygiene and minimizing contact with other persons when using public toilets and showers.
- Be extra vigilant for the elderly and persons with chronic illnesses living in the camps.
- To regulate camp residents from going outside and to maintain records of persons going outside for compulsory reasons. Every time they leave or enter the camp, their body temperatures should be checked, surgical or cloth-sewn masks should be worn and hands should be washed systematically.
- Always wear fabric-woven face mask. Mark two colours for interior and exterior of face mask. Completely cover nose and mouth. Never touch mask with hand when worn on face. Remove from face using the strings attached to the mask. Clean the fabric-woven face mask thoroughly every day.
- Prevent external persons from entering the camp.
- Report immediately to authorities for unusual activities or requirements concerning COVID-19.
- Carefully read SMS messages from Ministry of Health and Sports on updates and information related to COVID-19.
- Follow patient referral procedures in case of COVID-19 symptoms.
- Connect with local general administration department, health department and philanthropic organizations to swiftly transport patients under surveillance and suspected persons to their designated locations.
- Adhere to notifications issued by the Ministry of Health and Sports and local governments concerning COVID-19.⁶⁸

219. During March 2020, some people returned to Maungdaw Township from abroad, particularly from Bangladesh. In accordance with the guidelines of the Ministry of Health and Sports, they were kept under quarantine for a period before they were allowed to return to their homes. Of these returnees to Maungdaw Township from abroad, 39 were Muslims (29 returning on 25 March 2020 and a further 10 returning on 27 March 2020). They were quarantined for a period at the Hla Pho Khaung Transit Centre, and then sent to their places of

⁶⁸ Global New Light of Myanmar (Myanmar), “Notification on COVID-19 prevention in IDP camps”, 26 April 2020, p. 11, <https://www.moi.gov.mm/npe/nlm/?q=content/26-april-2020>.

origin (29 to Kyet Yoe Pyin Village, 5 to Mingalar Gyi Village, 4 to Shwe Zar Kat Pa Kaung Village, and one to Kyauk Hlay Kar Village). Awareness-raising and knowledge-sharing activities have been undertaken in quarters and villages for those who have returned voluntarily from Bangladesh, including at the repatriation centre and the transit centres in Rakhine State. The District Public Health Department is monitoring them for fever and/or other symptoms on a daily basis. At present, the Health Department has publicly asked villagers to inform the authorities if there are returnees from other countries, or if there are suspected cases of COVID-19.

220. Myanmar has been striving to see positive outcomes in the fight against COVID-19, not just through activities at domestic level but by cooperating with ASEAN. On 3 March 2020, a delegation of Myanmar led by the Permanent Secretary of the Ministry of Foreign Affairs took part in the first video conference of the ASEAN Coordinating Council Working Group on Public Health Emergencies. At the twenty-fifth Meeting of the ASEAN Coordinating Council on 9 April 2020, Union Minister U Kyaw Tin set out the national measures taken by Myanmar's Government for the prevention, containment and treatment of COVID-19, including for IDPs and returnees from abroad. Additionally, on 10 April 2020, the Ministry of Foreign Affairs issued a statement on Myanmar's fight against COVID-19 in Rakhine State.⁶⁹ The statement articulates the Myanmar Government's unequivocal position that "no one is left uncared for". This same statement explains that the Ministry of Social Welfare, Relief and Resettlement has been providing COVID-19 information through mobile SMS services and announcements over loudspeakers, with help from mobile operators, particularly in the regions where access to Internet usage has been suspended. Despite constant escalation of armed clashes between the Myanmar Defence Services and the Arakan Army, the Government has been trying to make humanitarian assistance available in conflict-affected areas in collaboration with United Nations bodies and other international organizations, such as the WFP and the ICRC. At the Special ASEAN Summit and Special ASEAN Plus Three (APT) Summit, State Counsellor Daw Aung San Suu Kyi set out Myanmar's "Whole-of-Government" approach in tackling the health and socio-economic impacts of the global pandemic.
221. The Government of Myanmar is collaborating with the ICRC on the prevention of COVID-19 in the IDP camps in Rakhine State. In this regard, on 22 April 2020, Myanmar's Steering

⁶⁹ Ministry of Foreign Affairs, "Myanmar leaves no one behind in its fight against COVID-19 in Rakhine State", 10 April 2020, https://www.facebook.com/mofamyanmar/posts/1433138100219814?_rdc=1&_rdr.

Committee on International Court of Justice formed a “Committee to Cooperate with ICRC on Prevention and Control of COVID-19 at IDP Camps in Rakhine State”. This Committee will cooperate and coordinate with the ICRC on the effective prevention and control of COVID-19 in IDP camps in Rakhine State; coordinate matters related to food aid deliveries and travel arrangements for the ICRC to Rakhine State, coordinate with the ICRC to prioritize activities, procure necessary resources, conduct regular ground inspections and submit a monthly report on the measures taken with respect to COVID-19.⁷⁰

222. With respect to the actions proposed by the ICRC on COVID-19, the Government of Myanmar agreed with the ICRC to effectively and expeditiously carry out the action plan which will reinforce the Government’s continuous efforts for COVID-19 prevention in the IDP camps in Rakhine State. The Government has approved the following actions to be implemented by the ICRC in IDP camps in Rakhine State:

- (1) provision of essential requirements at all new and existing IDP camps;
- (2) activities to raise awareness on the COVID-19 pandemic in the IDP camps for their inhabitants, especially for those who have no Internet access, through messaging services;
- (3) enhancing emergency health-care capacity, mitigating risks of infection, promoting trash management and medical referrals in health structures in conflict-affected areas; and
- (4) assisting local administrators to arrange for “quarantine and isolation facilities, triage, infection prevention control, protective material” and to promote capacity building on COVID-19 care for medical staff.

223. On 27 April 2020, the Office of the President of Myanmar issued an order on “Formation of the Committee to Coordinate with Ethnic Armed Organizations (EAOs) for the prevention, control and treatment of Coronavirus Disease 2019 (COVID-19)”. This Committee has responsibility to coordinate with all stakeholders – individuals and organizations – without any discrimination on the basis of nationality, religion or place of residence, under the policy of “No one left behind”. The Committee will work on its functions together with the EAOs. These functions are: to exchange information on COVID-19; investigate and quarantine

⁷⁰ See Steering Committee on International Court of Justice, Formation of the Committee to Cooperate with ICRC on Prevention and Control of COVID-19 at IDP camps in Rakhine State, 22 April 2020 at **Annex 15**.

people who have entered through border gates; cooperate in medical referral and contact tracing of suspected cases; coordinate in supervising persons with COVID-19 symptoms; implementation of medical guidelines, technical matters to harmonize control measures for COVID-19; and cooperate on the emergency response operations on COVID-19 in the regions where EAOs are based, in accordance with the guidelines of the National Reconciliation and Peace Centre.

224. On 9 May 2020, the Office of the Commander-in-Chief of the Myanmar Defence Services declared a ceasefire from 10 May 2020 to 31 August 2020 in all areas of the country, other than those areas where groups designated as terrorist groups under Myanmar's anti-terrorism laws are active, to enable effective and prompt prevention, control and treatment of COVID-19.⁷¹ This ceasefire indicates conditions required to be complied with by EAOs during the ceasefire, including refraining from the use of force, refraining from taking unfair advantage of peace agreements, and refraining from placing burdens on local inhabitants. Although this ceasefire does not extend to areas where the Arakan Army is active, given that it has been designated as a terrorist group, the Arakan Army has nonetheless been informed of the Government's establishment of the Committee to coordinate the fight against COVID-19 with all the EAOs as part of the "no one left behind" policy of the Government. In May 2020, the Committee and several EAOs discussed the situation in their respective areas and drew up concrete measures to aid the fight against COVID-19.
225. At present, the Myanmar Government is striving to respond to the threats of the COVID-19 pandemic through a "Whole-of-Government" approach and is working with all international organizations within the country. The UNHCR is closely coordinating with State-level authorities and the WHO is active in Rakhine, Kachin, northern Shan and the southeast region. The UNHCR is identifying other options to provide additional support for the programmes of the WHO and the MOHS. Meanwhile, the UNHCR has provided 10,000 COVID-19 test kits. In collaboration with the WHO, the UNHCR has acquired COVID-19 support packages, in case of a potential outbreak for 40,000 people, and ICU (intensive care unit) treatment for 2,000 people. It is understood that the UNHCR is working with the WFP to procure these packages through air delivery.

⁷¹ Office of the Commander-in-Chief of the Defence Services, "Statement on Ceasefire for Lasting Peace", 9 May 2020 at **Annex 16**.

226. In Rakhine State, the United Nations Population Fund delivered approximately 120 dignity kits to women at quarantine centres in Sittwe. It is also undertaking gender-based violence case management, small-scale psychosocial support, and gender-based violence safety audits. Additionally, it plans to supply PPE (gloves and masks) to women and girls in communities who are providing the services mentioned above.
227. UNICEF is making arrangements to start providing 8 litres of water per person daily before the beginning of the monsoon season (in June) in Pauktaw Township. UNOCHA's WASH (water, sanitation and hygiene) cluster partners are supporting some 130,000 Muslim IDPs and over 47,000 Rakhine IDPs with soap bars and the installation of hand-washing stations. It has provided monthly hygiene kits received from the cluster partners to over 16,000 families in IDP camps.
228. In addition to these cooperative enterprises with international organizations, Myanmar is also continuing to engage with neighbouring countries, ASEAN countries, and other friendly Asian countries such as Japan and the Republic of Korea, as well as the United Kingdom, the United States and the European Union, in its response to the pandemic through diplomatic channels.

4. Conclusion

229. At the hearing before the Court in December 2019, counsel for Myanmar noted the dilemma faced by a respondent State in circumstances where the essence of a provisional measures order is that it comply with existing treaty obligations. If the Respondent takes no action in response to the provisional measures order on the basis that it considers itself already to be in compliance with the treaty, it risks being accused of breaching the provisional measures order. On the other hand, if the Respondent takes specific action to implement the provisional measures order, others may seek to argue that this constitutes a tacit acceptance by the Respondent that its prior conduct was in breach of its treaty obligations.⁷²
230. Myanmar therefore emphasizes once more that the actions it has taken to give effect to its obligations under the provisional measures order are without prejudice to any of its rights, or

⁷² CR 2019/19, p. 59, paras. 78-80 (Staker).

its position in these proceedings with regard to jurisdiction, admissibility or the merits. As this report indicates, various of these measures are in fact a continuation of initiatives that were already in progress at the time the Court's order of 23 January 2020 was rendered.



H.E. Daw Aung San Suu Kyi

**Union Minister for Foreign Affairs
of the Republic of the Union of Myanmar**

Agent of Myanmar

APPENDIX 1

CIVILIAN CASUALTIES IN NORTHERN RAKHINE STATE RELATED TO THE ARMED CONFLICT BETWEEN THE MYANMAR DEFENCE SERVICES AND THE ARAKAN ARMY BETWEEN 23 JANUARY AND 12 MAY 2020

The casualties in the shaded rows (1, 7, 10, 12, 14, 21, 22, 26, 31, 32, 34, 35, 37, 39, 43, 45, 48, 65, 67, 69, 71, 75, 82, 83 and 84) of the table below are from the Muslim community. Where an incident resulted in casualties from both the Muslim and another community, the communities are indicated.

No.	Date	Casualty	Description of Event
1.	25 January 2020	<p>Civilian casualties: 7 injured (Muslim) 2 killed (Muslim)</p> <p>Remarks: The incident has also been reported by The Irrawaddy, Mizzima, RFA, DMG, the BBC and the Myanmar Times.</p>	<p>Kindaung Village, Buthidaung Township, Rakhine State</p> <p>At 1230hrs, Arakan Army fighters attacked a Myanmar Defence Services patrol unit providing security for the Ponnyolaik bridge, from two directions 1,000 metres north-east of the bridge. The Defence Services unit returned fire towards the Arakan Army's positions. During the attack, shells from the Arakan Army's heavy weapons fell and exploded in Kindaung Village, killing one Muslim villager and injuring another who later succumbed to the injuries sustained, in Buthidaung Hospital. Seven others were injured and were transported to hospital.</p>
2.	2 February 2020	<p>Civilian casualty: 1 killed</p>	<p>Nga/Sanbaw Village, Rathedaung Township, Rakhine State</p> <p>One person was killed by an explosion whilst herding cattle.</p>
3.	2 February 2020	<p>Civilian casualties: 3 injured</p>	<p>Pyeindaw Village, Rathedaung Township, Rakhine State</p> <p>Three people were injured by shrapnel and were transported to Rathedaung Township Hospital.</p>

4.	2 February 2020	Civilian casualties: 2 injured	Chaung Thit Village, Sin O Village Tract, Mrauk-U Township Two people were injured by a bomb explosion.
5.	3 February 2020	Civilian casualty: 1 injured	Pyeindaw Village, Rathedaung Township, Rakhine State A person staying home was injured as a result of an explosion caused by heavy weapon fire. A shrapnel pierced her body from back to front. She was transported to Sittwe Hospital.
6.	3 February 2020	Civilian casualties: 1 killed 3 injured	Near Maha Kangyi Shin Pagoda, Kyauktaw Township, Rakhine State Arakan Army fighters attacked a Myanmar Defence Services security patrol near the Maha Kangyi Shin pagoda, situated at the town entrance full of shoppers and vehicular traffic. The injured were transported to hospital.
7.	5 February 2020	Civilian casualty: 1 injured (Muslim)	Sin Thay Pyin Village, Buthidaung Township, Rakhine State One person sustained wounds above his right knee due to a shot from a small arm whilst gathering firewood near a stream of the village.
8.	6 February 2020	Civilian casualty: 1 injured	Yaypoute Village, Rathedaung Township, Rakhine State One woman was wounded by a heavy weapon explosion resulting in bruises on her right leg. She was transported to Sittwe Hospital.

9.	7 February 2020	Civilian casualty: 1 injured	Ngwe Taung Village, Buthidaung Township, Rakhine State One person was injured by a shell from heavy weapon fire whilst hiding in the barn of her house avoiding a shoot-out.
10.	10 February 2020	Civilian casualty: 1 injured (Muslim)	Kansak Village, Rathedaung Township, Rakhine State One person was wounded by a small arm fire on his way back home after fishing.
11.	10 February 2020	Civilian casualty: 1 injured	Sin Kong Tai Village, Rathedaung Township, Rakhine State One person was wounded by fragments from heavy weapon fire coming from a clash between the Myanmar Defence Services and the Arakan Army.
12.	10 February 2020	Civilian casualties: 4 injured (3 Muslims, 1 Rakhine)	Taungbwe Village, Kyauktaw Town, Rakhine State Three Muslim villagers were injured due to heavy weapons fired by the Arakan Army into Taungbwe Village. The injured were transported to hospital.
13.	10 February 2020	Civilian casualties: 1 killed 5 injured	Ahtet Gar Bu Village, Kyauktaw Township, Rakhine State Casualties were caused by the explosion of a dormant explosive device that six people had picked up and played with.

14.	12 February 2020	<p>Civilian casualties: 3 killed (Muslim) 2 injured (Muslim)</p> <p>Remarks: Also reported by The Irrawaddy, RFA and the BBC.</p>	<p>Yechanpyin Village, Buthidaung Township, Rakhine State</p> <p>At 1500hrs, an explosion occurred at a home, killing three and injuring two.</p> <p>According to an eyewitness, at 1430hrs, a civilian brought back to his house an unexploded ordnance that he had found in the paddy field. At 1500hrs, the ordnance exploded when it was hit with a machete with the aim of recycling the metal casing for a handle, killing two and injuring three. The injured were transported to Buthidaung Hospital where one succumbed to her injuries. Eyewitness stated that although the Myanmar Defence Services were in the vicinity, they did not fire their weapons during this time.</p> <p>Myanmar Defence Services personnel in the area provided medical care to the injured and transported them to Buthidaung Hospital.</p>
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15.	13 February 2020	<p>Civilian casualties: 22 injured</p> <p>Remarks: The Irrawaddy and the BBC reported 21 injuries. RFA and Mizzima News reported 1 killed and 17 injured.</p>	<p>Khamwe Chaung Village, Buthidaung Township, Rakhine State</p> <p>At about 0800hrs, Arakan Army fighters attacked a Myanmar Defence Services column providing area security with small arms and heavy weapons at a place situated 2,000 metres to the south-east of Aotedaung Village. When the Defence Services unit returned fire, the attackers retreated 1,200 metres or so to the south of Khamwe Chaung Village. The Defence Services pursued the Arakan Army fighters who responded with heavy weapons hitting the Basic Education Primary School in Khamwe Chaung Village. The resulting explosions from the Arakan Army's shells injured 20 schoolchildren playing in front of the school building. The injured schoolchildren were treated at the Defence Service's clinic nearby and five injured children were subsequently transferred to Buthidaung Hospital. Senior Defence Services officers from Buthidaung area command provided assistance.</p>
16.	13 February 2020	<p>Civilian casualty: 1 killed</p>	<p>Phar Pyo Village, A Wa Village Tract, Minbya Township</p> <p>One person was killed by a heavy weapon explosion.</p>
17.	13 February 2020	<p>Civilian casualty: 1 injured</p>	<p>Tin Ma Village, Kyauktaw Township, Rakhine State</p> <p>One person was injured by the shells from heavy weapons which fell on him while he was cleaning the garden.</p>

18.	14 February 2020	Civilian casualties: 3 injured	A Wa Village Tract, Minbya Township Three people were injured when artillery shells from an armed engagement between the Myanmar Defence Services and the Arakan Army struck them.
19.	15 February 2020	Civilian casualty: 1 injured	Maung Thar Kone Village, Ywar Haung Taw Village Tract, Mrauk-U Township One person received a gunshot wound on his back from an armed engagement between the Myanmar Defence Services and the Arakan Army.
20.	16 February 2020	Civilian casualties: 4 injured	Myauk Taung Village, Kyauktaw Township, Rakhine State The injured were hit by shells from heavy weapons.
21.	18 February 2020	Civilian casualty: 1 killed (Muslim) Remarks: Also reported by the VOA.	Sin Thay Pyin Village, Buthidaung Township, Rakhine State At around 0700hrs, a villager stepped on a land mine laid by the Arakan Army about 800 metres from the village. He succumbed to his injuries while he was transported to Buthidaung Hospital by villagers.

22.	19 February 2020	<p>Civilian casualty: 1 killed (Muslim)</p> <p>Remarks: The Irrawaddy, the BBC and RFA reported that two Muslims were killed.</p>	<p>Paungtote Village, Mrauk-U Township, Rakhine State</p> <p>At 2030hrs on 18 February 2020, two villagers, while sitting on a concrete bridge on the Yangon-Sittwe road, and chatting on their phone were surrounded by four Arakan Army fighters on two motorbikes coming from the direction of Mrauk-U Township. One was able to escape but the other was taken away.</p> <p>The one who managed to escape summoned help from villagers and a search party began looking for the other. At 0800hrs on 19 February 2020, the body of the missing person was found in the paddy field about 100 feet to the west of the Yangon-Sittwe road, with stab wounds, cut on his neck, and wounds on the back of the head inflicted using a blunt object.</p>
23.	22 February 2020	<p>Civilian casualties: 3 injured</p>	<p>Paik Thei Ward, Kyauktaw Township, Rakhine State</p> <p>Three civilians stepped on landmines laid by the Arakan Army near the pagoda at the entrance of Kyauktaw town.</p>
24.	23 February 2020	<p>Civilian casualties: 3 injured</p>	<p>Near MahaKangyi Shin Pagoda, Kyauktaw Township, Rakhine State</p> <p>An armed engagement between the Myanmar Defence Services and the Arakan Army fighters resulted in three civilians from Paik Thei Ward being injured. They were transported to hospital.</p>

25.	24 February 2020	Civilian casualty: 1 injured	Tin Ma Village, Kyauktaw Township, Rakhine State One person was injured by shells from heavy weapons.
26.	26 February 2020	Civilian casualty: 1 killed (Muslim) Remarks: Reported by RFA.	Aung Ba Village, Buthidaung Township, Rakhine State At 1515hrs, a villager stepped on a landmine laid by the Arakan Army, while herding cattle and succumbed to his injuries as he was being transported to Buthidaung Hospital.
27.	27 February 2020	Civilian casualties: 4 injured	Pan Hpe Chaung Village, Kyauktaw Township, Rakhine State Four people on a boat were injured by shelling from heavy weapons.
28.	28 February 2020	Civilian casualties: 1 killed 2 injured Myanmar Defence Services casualties: Some injuries Arakan Army casualties: Under assessment	Minbya Township, Rakhine State At 0750hrs, about 100 Arakan Army fighters, in two formations, attacked a Myanmar Defence Services column with small and heavy weapons. The Defence Services returned fire. The engagement ended at 0835hrs.
29.	28 February 2020	Civilian casualties: 1 killed 5 injured	Min Bar Gyi Ward, Minbya Township One person was killed and five others injured when a clash between the Myanmar Defence Services and the Arakan Army occurred.

30.	29 February 2020	<p>Civilian casualties: 9 injured 5 killed 4 houses burnt</p> <p>Reference: Rakhine State Government.</p> <p>Myanmar Defence Services casualties: A number of officers and other ranks injured</p> <p>Arakan Army casualty: 1 body recovered</p>	<p>Nankya and Shwelan Villages, Mrauk-U and Minbya Townships, Rakhine State</p> <p>At 0207hrs, Arakan Army fighters remotely detonated two mines as a Myanmar Defence Services convoy of 17 vehicles travelling from Mrauk-U Town to Minbya Town was approaching Nankya Village about 3 kilometres south of Mrauk-U Town. Two vehicles were slightly damaged and the convoy arrived at Minbya Town at 0400hrs. On the return trip, at 0730hrs, 30 Arakan Army fighters attacked the Defence Services convoy. They set off a remotely detonated mine and fired small and heavy weapons as the convoy approached Shwelan Village about 19 kilometres north of Minbya Town. The Myanmar Defence Services returned fire and the engagement ended at 0745hrs.</p>
31.	29 February 2020	<p>Civilian casualties: 5 killed (4 Muslims, 1 Rakhine) 12 injured (9 Muslims, 3 Rakhines)</p>	<p>Bu Ta Lone Village, Mrauk-U Township</p> <p>Clash between the Myanmar Defence Services and the Arakan Army.</p>
32.	29 February 2020	<p>Civilian casualty: 1 injured (Muslim)</p>	<p>Thayet Cho Village, Pe Pin Yin Village Tract, Mrauk-U Township</p> <p>Clash between the Myanmar Defence Services and the Arakan Army.</p>
33.	29 February 2020	<p>Civilian casualties: 3 injured</p>	<p>Oakkar Kyaw Village Tract, Mrauk-U Township</p> <p>Clash between the Myanmar Defence Services and the Arakan Army.</p>

34.	6 March 2020	Civilian casualties: 1 killed (Rakhine) 4 injured (Muslim)	Paung Tote Village, Mrauk-U Township Clash between the Myanmar Defence Services and the Arakan Army.
35.	8 March 2020	Civilian casualties: 3 injured (Muslim)	Bu Ta Lone Village, Mrauk-U Township Clash between the Myanmar Defence Services and the Arakan Army.
36.	9 March 2020	Civilian casualties: 4 injured	Phar Pyo Village, Minbya Township Clash between the Myanmar Defence Services and the Arakan Army.
37.	10 March 2020	Civilian casualties: 1 killed (Muslim) 1 injured (Muslim)	Arkar Taung Village, Rathedaung Township, Rakhine State Caused by stepping on a landmine.
38.	10 March 2020	Civilian casualties: 1 killed 1 injured	Laung Shey Village, Kyauktaw Township, Rakhine State Caused by the shelling of heavy weapons.
39.	10 March 2020	Civilian casualties: 3 killed (Muslim) 1 injured (Muslim)	Nagara Pauk Taw Village, Minbya Township Caused by a mine explosion.
40.	11 March 2020	Civilian casualty: 1 injured	Lat Wel Sar Tite Village, Ponnagyun Township, Rakhine State Caused by an artillery strike. Treatment given at the Sub-Rural Health Centre.

41.	11 March 2020	Civilian Casualties 1 killed 4 injured	Mun Htaung Village, Kyauktaw Township, Rakhine State Caused by shelling of heavy weapons.
42.	13 March 2020	Civilian casualties: 3 killed 11 injured	Thayet Ta Pin Village, Laung Shey Village and Mae Taung Tharsi Village, Kyauktaw Township, Rakhine State Caused by shelling of heavy weapons.
43.	13 March 2020	Civilian casualties: 23 injured (10 Muslims, 13 Rakhines)	Paung Tote Village, Mrauk-U Township Clash between the Myanmar Defence Services and the Arakan Army.
44.	14-16 March 2020	Civilian casualties: 13 injured Myanmar Defence Services casualties: Some killed 3 injured Arakan Army casualties: Under assessment Remarks: The BBC, Eleven, The Irrawaddy, Mizzima, The Myanmar Times, RFA, and The Strait Times reported 12 killed in Paletwa Township and 21 killed in Samee Township.	Paletwa and Samee Townships, Chin State Armed engagement at 0930hrs on 14 March 2020 between a Myanmar Defence Services security patrol and Arakan Army fighters in the vicinity of Meiksar Village about 32 kilometres from Paletwa town. Shells from heavy weapons exploded in Meiksar Village injuring thirteen villagers. The injured were transported to Matupi Hospital. At 1620hrs on 15 March 2020, a Myanmar Defence Services column conducting a security patrol near Watma Village, Samee Township, was attacked by 200 Arakan Army fighters from four different directions with small arms and heavy weapons. The Myanmar Defence Services returned fire. The engagement ended at 1715hrs.

45.	16 March 2020	Civilian casualties: 8 injured (3 Muslims and 5 Rakhines)	Kyaung Swal Phyu Village, Akhasar Village and Dauk Kan Chaung Village, Kyauktaw Township, Rakhine State Caused by shelling of heavy weapons.
46.	16 March 2020	Civilian casualty: 1 injured	Mee Wa Village, Htate Wa Pyin Village Tract, Mrauk-U Township Gunshot received in his left leg.
47.	16 March 2020	Civilian casualty: 1 killed	Chal Village, Kyaung Taw Village Tract, Minbya Township Caused by a mine explosion.
48.	22 March 2020	Civilian casualties: 5 injured (Muslim)	Goke Pi Htaung Village, Kyauktaw Township, Rakhine State Civilians injured by shelling of heavy weapons while staying at home.
49.	23 March 2020	Civilian casualty: 1 killed	Lat Wel Myan Village, Ponnagyun Township, Rakhine State Caused by an explosion of a heavy ordnance weapon which he carried.
50.	23 March 2020	Civilian casualties: 10 injured	Chal Village, Minbya Township Caused by an artillery shell striking a home.
51.	26 March 2020	Civilian casualty: 1 injured	Daunk Chay Village, A Wa Village Tract, Minbya Township Caused by a mine explosion.

52.	28 March 2020	Civilian casualties: 1 killed 3 injured	Ponnagyun Township, Rakhine State At 1820hrs, the Arakan Army fighters attacked a Myanmar Defence Services column guarding the Tawpyar Chaung bridge on the Rathedaung-Ponnagyun road about 300 metres north of Pauktawpyin Village. The Defence Services returned fire and the engagement ended at 1845hrs.
53.	28 March 2020	Civilian casualties: 2 killed	Phar Pyo Village, A Wa Village Tract, Minbya Township Burned to death following an artillery attack.
54.	29 March 2020	Civilian Casualties: 2 injured	Ma Nyin Taung Village, Pyein Taw Village Tract, Rathedaung Township, Rakhine State Villagers wounded when they stepped on a landmine on their way to the field. They were transported to Rathedaung Hospital.
55.	30 March 2020	Civilian casualties: 1 killed 2 injured	May Lun Village, Minbya Township Caused by gunshots.

56.	31 March 2020	<p>Civilian casualties: 2 injured (assessed to be unrelated to the Myanmar Defence Services operations)</p>	<p>Thal Ma Chaunghtae Village, Aoutthaemawa Village Tract, Paletwa Township, Chin State</p> <p>Based on the claims that two civilians were injured and 13 homes were burnt due to an armed engagement between the Defence Services and the Arakan Army fighters in the vicinity of a hill situated about some 600 metres to the rear of Thanmaichaunghtae Village.</p> <p>The assessment by the Myanmar Defence Services found that there were no armed engagements at the time and location claimed. The village administrator U Kan Aung confirmed that there was no fighting at the time and location. He stated that it was a forest fire that had destroyed 13 houses and slightly injured two civilians.</p>
57.	1 April 2020	<p>Civilian casualties: 5 killed 4 injured</p>	<p>Shanywar Ward, Pyitawthar Ward, Painnae Chaung Village, Kyauktaw Township, Rakhine State</p> <p>Five people were killed and four injured in an armed engagement between the Myanmar Defence Services and the Arakan Army.</p>
58.	3 April 2020	<p>Civilian Casualty: 1 injured</p>	<p>Lat Wel Sar Tite Village, Lat Wel Sar Tite Village Tract, Ponnagyun Township, Rakhine State</p> <p>Caused by artillery strike while herding cattle. The victim received treatment at Ponnagyun Hospital.</p>

59.	3 April 2020	Civilian Casualties: 3 injured	Paik Thei Ward, Kyauktaw Township, Rakhine State Injured in an armed engagement between the Myanmar Defence Services and the Arakan Army.
60.	5 April 2020	Civilian casualty: 1 injured	Nga/Sanbaw Village, Rathedaung Township, Rakhine State Caused by stepping on a landmine on his way to herd buffaloes.
61.	7 April 2020	Civilian casualties: 7 killed Myanmar Defence Services casualty: 1 injured Arakan Army casualties: Under assessment	Paletwa Township, Chin State At 0750hrs, about 1,500 metres to the south of Paletwa Town, a Myanmar Defence Services temporary camp came under small and heavy weapons attack from 90 Arakan Army fighters who had split into four formations. The Myanmar Defence Services returned fire and the engagement ended at 1130hrs. At 0750hrs, the Myanmar Defence Services providing security for the Kaladan river bridge, situated about 4,000 metres to the southeast of Paletwa Town, came under small and heavy weapons attack from a large number of Arakan Army fighters. The Defence Services unit returned fire and the engagement ended at about 1130hrs.
62.	7 April 2020	Civilian casualty: 1 injured	Lanmadaw Village, Kyauktaw Township, Rakhine State Injured by shelling of heavy weapons.

63.	10 April 2020	Civilian casualty: 1 injured	Sanbalay Village Tract, Minbya Township Injured in armed engagement between the Myanmar Defence Services and the Arakan Army.
64.	11 April 2020	Civilian casualties: 2 injured	Paletwa Town, Paletwa Township, Chin State The Arakan Army attacked a Myanmar Defence Services battalion in Paletwa Town. The injured were transported to hospital.
65.	11 April 2020	Civilian casualties: 1 killed (Muslim) 2 injured (Muslim)	Maung Thar Kone Village, Ywar Haung Taw Village Tract, Mrauk-U Township Caused by a mine explosion.
66.	13 April 2020	Civilian casualties: None Remarks: Contrary to The Irrawaddy, Mizzima, the Myanmar Times and RFA reports that six civilians were killed in Kyauksake Village on 13 April 2020, there were no military engagements at or near Kyauksake Village that day.	Pauktawpyin Village, Ponnagyun Township, Rakhine State Armed engagements between Arakan Army fighters and the Myanmar Defence Services on 11 April 2020 about 1,000 metres north-east and 3,000 metres south-east of Pauktawpyin Village; and on 12 April 2020, about 1,000 metres to the east of Pauktawpyin Village. Area Command from Ponnagyun Township fired heavy weapons in support of the Defence Services. The command targeted the area 9,000 metres north-west of Ponnagyun Town. Contrary to media reports that Defence Services shells had landed in Kyauksake Village, located 3,500 metres from Ponnagyun town, the Defence Services affirm that there were no engagements at or near Kyauksake Village on 13 April 2020.

67.	16 April 2020	Civilian casualties: 7 injured (5 Muslims and 2 Rakhines)	Wa Kin Village and Ahtet Pike Thei Village, Kyauktaw Township, Rakhine State Armed engagement between the Myanmar Defence Services and Arakan Army.
68.	16 April 2020	Civilian casualties: 1 killed 3 injured	Paik Thei Village, Kyauktaw Township, Rakhine State Armed engagement between the Myanmar Defence Services and the Arakan Army.
69.	19 April 2020	Civilian casualties: 4 injured (2 Muslims and 2 Rakhines)	Ah Pauk Wa Village, Kyauktaw Township, Rakhine State Caused by shelling of heavy weapons.

70.	20 April 2020	<p>Civilian casualties: 1 killed 1 injured</p>	<p>Minbya Town, Rakhine State</p> <p>A WHO vehicle with clear markings (registration number UN 5/34) transporting COVID-19 samples to Yangon was fired on near Minbya Town. The driver, a WHO staff member, and his passenger, a staff member of the Ministry of Health and Sports, were hit. The former succumbed to his injuries at Minbya Hospital. According to initial information, at 1700hrs, the Myanmar Defence Services had permitted the WHO vehicle to proceed after it was initially stopped at Yarmaung bridge by Defence Services units providing security at the bridge due to the danger posed by the activities of the Arakan Army. The vehicle was fired upon after it was allowed to proceed by the Defence Services.</p> <p>The injured received treatment at Minywar Village Tract health department and was subsequently, transported by boat to Minbya Hospital. The bullet extracted from the driver's body measured 7.62 mm by 25 mm. Bullets issued to the Myanmar Defence Services measured 7.62 mm by 28.46 mm.</p> <p>On 28 April 2020, the Government formed a committee in line with international standards to conduct transparent investigations of the events surrounding the incident in order to establish the true and accurate account of the events.</p>
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71.	20 April 2020	Civilian casualties: 5 injured (Muslim)	Yadanar Pone Village, Kyauktaw Township, Rakhine State Caused by shelling from heavy weapons.
72.	20 April 2020	Civilian casualties: 1 killed 6 injured	A Wa Village Tract, Minbya Township Caused by artillery shell explosion.
73.	21 April 2020	Civilian casualties: 1 injured 1 killed	Minbya Town, Minbya Township, Rakhine State At 1300hrs, about 500 metres west of Phar Pho Village located 11 kilometres east of Minbya Town, a light truck owned by CPS, a pest control company, was hit by Arakan Army small weapons fire. The attack killed the driver and injured the passenger.
74.	21 April 2020	Civilian casualty: 1 killed	May Lun Village, Minbya Township Caused by gunshot to the man's abdomen during a clash between the Myanmar Defence Services and the Arakan Army.
75.	21 April 2020	Civilian casualty: 1 injured (Muslim)	Laung Shey Village, Kyauktaw Township, Rakhine State Caused by shelling from heavy weapons.

76.	22 April 2020	Civilian casualties: 3 killed 2 injured	Paletwa Town, Paletwa Township, Chin State The Arakan Army fired heavy weapons at the State-owned Myanmar Economic Bank in Paletwa Town from the south and west of Paletwa Town. Shells fell and exploded about 5 feet to the west of the bank killing three people (including a 4-year-old child), and seriously wounding the bank manager and the deputy bank manager. The injured were transported to hospital.
77.	22 April 2020	Civilian casualties: 2 killed 2 injured	Sanbalay Village, Minbya Township Caused by artillery strikes
78.	24 April 2020	Civilian casualties: 2 injured	Yan Aung Pyin Village, Yan Aung Pyin Village Tract, Mrauk-U Township Caused by mine explosions and small weapons strike.
79.	26 April 2020	Civilian casualty: 1 killed	Yangon-Sittwe Road near Pyi Thaw Thar Village, Mrauk-U Township Gunshot wound to the head.
80.	27 April 2020	Civilian casualty: 1 injured	A WFP convoy transporting relief supplies to Paletwa Town, Chin State, was fired on by the Arakan Army with small weapons as it made its way from Matupi to Samee. The attack injured the driver and destroyed five vehicles.
81.	27 April 2020	Civilian casualties: 3 injured	Nyaung Pin Zay Village Tract, Mrauk-U Township Clash between the Myanmar Defence Services and the Arakan Army.

82.	28 April 2020	Civilian casualty: 1 injured (Muslim)	Near the mountain to the west of Doe Tan Village, Ba Yone Chaung Village Tract in Buthidaung Township The victim was hit by a bullet and was sent to Buthidaung Hospital for medical treatment.
83.	11 May 2020	Civilian casualties: 5 injured (Muslim)	Near Kispandi Bridge, Rakhine Paik Thei Ward, Kyauktaw Township Clash between the Myanmar Defence Services and the Arakan Army.
84.	12 May 2020	Civilian casualties: 2 killed (Muslim)	Thayat Pyin Village Tract, Buthidaung Township Caused by a mine explosion.

APPENDIX 2

IDP CAMPS IN RAKHINE STATE

	Township	Camp name	Households	Population
1.	Sittwe Township	Ohn Taw Chay	695	4,372
2.		Baw Du Pha (1)	832	4,891
3.		Baw Du Pha (2)	3,228	6,839
4.		Ohn Taw Gyi (Northern)	2,513	12,625
5.		Ohn Taw Gyi (Southern)	2,260	12,652
6.		Dar Paing	448	9,751
7.		Thet Kay Pyin	1,000	6,086
8.		Maw Thi Nyar	656	4,515
9.		Gaung Dote Kar	787	4,296
10.		Bar Sa Ra	397	2,288
11.		Say Thamar Gyi	1,823	11,466
12.		Thea Chaung	2,088	13,156
13.	Pauktaw Township	Kyein Ni Pyin	1,251	6,178
14.		Hngat Chaung	1,626	9,295
15.		A Nouk Ye	1,013	6,692
16.		Sin That Maw	421	6,661
17.	Myebon Township	Taung Paw	642	2,916
18.	Kyaukphyu Township	Kyauk Talone	363	1,010
Total (18 camps)			22,043	125,689

APPENDIX 3

ORGANIZATIONS PROVIDING HEALTH-CARE SERVICES AT IDP CAMPS IN RAKHINE STATE

	Township	Camp name	Organization providing healthcare services
1.	Sittwe Township	Ohn Taw Chay	MRCS / MMA
2.		Baw Du Pha (1)	Mercy Malaysia
3.		Baw Du Pha (2)	Mercy Malaysia
4.		Ohn Taw Gyi (Northern)	Mercy Malaysia
5.		Ohn Taw Gyi (Southern)	Mercy Malaysia
6.		Dar Paing	MOHS / Mercy Malaysia / MMA
7.		Thet Kay Pyin	MOHS / Mercy Malaysia
8.		Maw Thi Nyar	IOM
9.		Gaung Dote Kar	Mercy Malaysia / MMA / IOM
10.		Bar Sa Ra	MRCS
11.		Say Thamar Gyi	MRF / IOM
12.		Thea Chaung	MOHS / Mercy Malaysia / IRC / MRF
13.	Pauktaw Township	Kyein Ni Pyin	MSF
14.		Hngat Chaung	MSF
15.		A Nouk Ye	MSF
16.		Sin That Maw	MSF
17.	Myebon Township	Taung Paw	Relief International / MHAA
18.	Kyaukphyu Township	Kyauk Talone	MOHS

ABBREVIATIONS:

IRC	International Rescue Committee
IOM	International Organization for Migration
MHAA	Myanmar Health Assistant Association
MMA	Myanmar Medical Association
MOHS	Ministry of Health and Sports
MRCS	Myanmar Red Cross Society
MRF	Myittar Resource Foundation
MSF	Médecins Sans Frontières/Doctors Without Borders

ANNEXES

I have the honour to certify that the documents contained in the following annexes are true copies and conform to the original documents, and that where such a document is accompanied by a translation into English, that translation is accurate.



H.E. Daw Aung San Suu Kyi

**Union Minister for Foreign Affairs
of the Republic of the Union of Myanmar**

Agent of Myanmar

Annex 1

Map showing Arakan Army (AA) movements in Rakhine State

Map showing AA movements in Rakhine State



Annex 2

Republic of the Union of Myanmar, Office of the President, Order No. 64/2020, Establishment of the Committee to investigate the attack on a World Health Organization (WHO) vehicle, 28 April 2020
[original and English translation]



ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်
နိုင်ငံတော်သမ္မတရုံး

အမိန့်ကြော်ငြာစာအမှတ်၊ ၆၄ / ၂၀၂၀

၁၃၈၂ ခုနှစ်၊ ကဆုန်လဆန်း ၇ ရက်
(၂၀၂၀ ပြည့်နှစ်၊ ဧပြီလ ၂၈ ရက်)

ကမ္ဘာ့ကျန်းမာရေးအဖွဲ့ပိုင် မော်တော်ယာဉ် ပစ်ခတ်တိုက်ခိုက်ခံခဲ့ရခြင်းနှင့် စပ်လျဉ်းသည့်
စုံစမ်းစစ်ဆေးရေး ကော်မတီ ဖွဲ့စည်းခြင်း

၁။ ကမ္ဘာ့ကျန်းမာရေးအဖွဲ့ (World Health Organization-WHO) ဝန်ထမ်း ဦးပြည့်စုံဝင်းမောင်နှင့် အရပ်သားဝန်ထမ်း ကျန်းမာရေးကြီးကြပ် (၂) ဦးအောင်မျိုးဦးတို့သည် ရခိုင်ပြည်နယ်အတွင်းရှိ မြို့နယ်များမှ COVID-19 ရောဂါ စောင့်ကြည့်ခံထားရသူများ၏ နှာခေါင်း၊ အာခေါင် တို့ဖတ်နမူနာများကို ရန်ကုန်မြို့ရှိ အမျိုးသားဓါတ်ခွဲခွဲဆိုင်ရာဌာနသို့ ပို့ဆောင်ရန် ကမ္ဘာ့ကျန်းမာရေးအဖွဲ့ပိုင် ယာဉ်အမှတ် UN (5/34) ဖြင့် သယ်ယူလာစဉ် ၂၀၂၀ ပြည့်နှစ်၊ ဧပြီလ ၂၀ ရက် ညနေပိုင်းတွင် ရခိုင်ပြည်နယ်၊ မင်းပြားမြို့နယ်၊ ရာမောင် ဇက်ဆိပ်အနီး၌ လက်နက်ငယ်များဖြင့် ပစ်ခတ်တိုက်ခိုက်ခြင်းခံခဲ့ရပါသည်။

၂။ ထိုသို့ ကမ္ဘာ့ကုလသမဂ္ဂ (United Nation-UN) အမှတ်တံဆိပ်ပါမော်တော်ယာဉ်ကို ပစ်ခတ်တိုက်ခိုက်မှုခံခဲ့ရခြင်းကြောင့် ဦးပြည့်စုံဝင်းမောင်၏ ဘယ်ဘက် တင်ပါး၊ ယာဘက် တံတောင်ဆစ်နှင့် ဦးအောင်မျိုးဦး၏ ယာဘက်လက်တို့တွင် လက်နက်ငယ် ထိမှန်ဒဏ်ရာအသီးသီး ရရှိခဲ့သဖြင့် မင်းရွာကျေးလက်ကျန်းမာရေးဌာနသို့ ဝင်ရောက်ပြသခဲ့ပြီး ၎င်းမှတစ်ဆင့် စက်လှေဖြင့် မင်းပြားပြည်သူ့ဆေးရုံသို့ ပို့ဆောင်ကုသပေးခဲ့ရာ ဦးပြည့်စုံဝင်းမောင်သည် ဧပြီလ ၂၁ ရက် နံနက် ၁ နာရီတွင် ဆေးရုံ၌ ကွယ်လွန်ခဲ့ပါသည်။

၃။ COVID-19 ရောဂါနှင့်သက်ဆိုင်သည့် လိုအပ်သော ဓါတ်ခွဲစမ်းသပ်မှုများပြုလုပ်ရန် သယ်ဆောင်ပေးသည့် ကမ္ဘာ့ကုလသမဂ္ဂ (UN) အမှတ်တံဆိပ်ပါ ကမ္ဘာ့ကျန်းမာရေးအဖွဲ့ပိုင် မော်တော်ယာဉ်ကို ပစ်ခတ် တိုက်ခိုက်ခံခြင်းနှင့်စပ်လျဉ်း၍ ဖြစ်စဉ်အမှန်ကို စုံစမ်းစစ်ဆေး ဖော်ထုတ် သိရှိနိုင်ရေးအတွက် "ကမ္ဘာ့ကျန်းမာရေးအဖွဲ့ပိုင် မော်တော်ယာဉ် ပစ်ခတ်တိုက်ခိုက်ခံခဲ့ရခြင်းနှင့်စပ်လျဉ်းသည့် စုံစမ်းစစ်ဆေးရေး ကော်မတီ" ကို အောက်ပါပုဂ္ဂိုလ်များဖြင့် ဖွဲ့စည်းလိုက်သည်-

- | | | |
|-----|--|---------|
| (က) | ဦးစော | ဥက္ကဋ္ဌ |
| | ဥက္ကဋ္ဌ | |
| | နိုင်ငံသားများ၏မူလအခွင့်အရေးဆိုင်ရာကော်မတီ | |
| | ပြည်သူ့လွှတ်တော် | |

- (ခ) ဒေါက်တာစုစုသာထွန်း အဖွဲ့ဝင်
ကမ္ဘာ့ကုလသမဂ္ဂ အကြီးတန်းအကြံပေးပုဂ္ဂိုလ်(အငြိမ်းစား)
- (ဂ) ဒေါက်တာအောင်သူရိန် အဖွဲ့ဝင်
ညွှန်ကြားရေးမှူး
လူမှုဝန်ထမ်း၊ ကယ်ဆယ်ရေးနှင့် ပြန်လည်နေရာချထားရေး
ဝန်ကြီးဌာန
- (ဃ) ဗိုလ်မှူးကြီးထိန်လင်း အတွင်းရေးမှူး
နိုင်ငံတော်သမ္မတရုံး တွဲဘက်တာဝန်

၄။ “ကမ္ဘာ့ကျန်းမာရေးအဖွဲ့ပိုင် မော်တော်ယာဉ် ပစ်ခတ်တိုက်ခိုက်ခံခဲ့ရခြင်းနှင့်စပ်လျဉ်းသည့် စုံစမ်းစစ်ဆေးရေး ကော်မတီ” ၏ လုပ်ငန်းတာဝန်များမှာ အောက်ပါအတိုင်း ဖြစ်သည် -

- (က) ဖြစ်စဉ်ဖြစ်ပွားခဲ့သည့် နေရာ၏ နောက်ခံအခြေအနေ၊ ဖြစ်ပွားခဲ့ရခြင်းအကြောင်းရင်း၊ ဖြစ်စဉ်အသေးစိတ် စသည်တို့ သိရှိနိုင်ရန် ဖြစ်စဉ်နေရာသို့ သွားရောက်၍ မြေပြင် ကွင်းဆင်း စစ်ဆေးမှုများ ဆောင်ရွက်ခြင်း၊
- (ခ) ကမ္ဘာ့ကျန်းမာရေးအဖွဲ့ပိုင် ယာဉ်အမှတ် UN (5/34) ပစ်ခတ် တိုက်ခိုက်ခံခဲ့ရခြင်း အတွက် မျက်မြင်သက်သေများ၊ အထောက်အထားများ ရှာဖွေစုံစမ်း၍ ထွက်ဆိုချက် များ ရယူခြင်း၊
- (ဂ) ပစ်ခတ်တိုက်ခိုက်မှု ဖြစ်စဉ်နှင့်စပ်လျဉ်းသည့် သက်မဲ့သက်သေ၊ သက်ရှိသက်သေ များမှ အထောက်အထားများ၊ အချက်အလက်များ ရယူခြင်း၊
- (ဃ) စုံစမ်းစစ်ဆေးမှု မှန်ကန် ပြည့်စုံစေရေးအတွက် ရင်ခွဲစစ်ဆေးချက်များ၊ မှုခင်း ကျွမ်းကျင်သူများ၊ စစ်လက်နက်ဆိုင်ရာ ကျွမ်းကျင်သူများ၊ အခြားကျွမ်းကျင်သူ များ၏ ထင်မြင်ယူဆချက် သဘောထားများကို ရယူခြင်း၊
- (င) ကမ္ဘာ့ကျန်းမာရေးအဖွဲ့ပိုင် ယာဉ်အမှတ် UN (5/34) ပစ်ခတ် တိုက်ခိုက်ခံခဲ့ရခြင်း နှင့် အရပ်သား ပြည်သူများ ထိခိုက်ဆုံးရှုံးမှု မရှိစေရေးအတွက် အကြံပြုချက်များ တင်ပြခြင်း၊
- (စ) စုံစမ်းစစ်ဆေးမှုများ ပြုလုပ်ရာတွင် နိုင်ငံတကာစံနှုန်းနှင့် လုပ်ထုံးလုပ်နည်းများ နှင့်အညီ ဆောင်ရွက်ခြင်း။

၅။ စုံစမ်းစစ်ဆေးရေးကော်မတီ၏ တာဝန်ထမ်းဆောင်စဉ် လုံခြုံရေးနှင့် အုပ်ချုပ်ရေးဆိုင်ရာ လိုအပ် ချက်များကို နိုင်ငံတော်သမ္မတရုံးနှင့် ရခိုင်ပြည်နယ်အစိုးရအဖွဲ့တို့က စီမံဆောင်ရွက်ပေးရမည်။

၆။ စုံစမ်းစစ်ဆေးရေးကော်မတီသည် စုံစမ်းစစ်ဆေးမှုများ ဆောင်ရွက်ရာတွင် ရာဇဝတ် ကျင့်ထုံး ဥပဒေ၊ သက်သေခံဥပဒေတို့နှင့်အညီ စုံစမ်းစစ်ဆေးနိုင်သည့်အပြင် တပ်မတော်၊ ရဲတပ်ဖွဲ့၊ အထွေထွေအုပ်ချုပ်ရေး အရာရှိများအပါအဝင် လိုအပ်သော လူပုဂ္ဂိုလ်များကို ခေါ်ယူမေးမြန်းခြင်း၊ စာရွက်စာတမ်းတောင်းယူခြင်းနှင့် လိုအပ်သည့်နေရာများသို့ သွားရောက်စစ်ဆေးခြင်းတို့ကို ဆောင်ရွက်ခွင့်ရှိသည်။

၇။ စုံစမ်းစစ်ဆေးရေးကော်မတီ၏ သက်တမ်းသည် နိုင်ငံတော်သမ္မတထံ စုံစမ်းစစ်ဆေးရေး အစီရင်ခံစာ တင်သွင်းပြီးချိန်အထိဖြစ်သည်။

(ပုံ) ဝင်းမြင့်
နိုင်ငံတော်သမ္မတ
ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်

Republic of the Union of Myanmar

Office of the President

Order No. 64/2020

7th Waxing of Kasone 1382 ME

28 April 2020

**Establishment of the Committee to investigate the attack on a World Health Organization
(WHO) vehicle**

1. On the evening of 20 April, 2020, a World Health Organization (WHO) staff member U Pyae Sone Win Maung and a government health worker, U Aung Myo Oo, travelling in a WHO vehicle (UN 5/34) that was carrying swab samples taken from persons under investigation (PUI) in Rakhine State to be tested for coronavirus at the National Health Laboratory (Yangon) came under attack from small weapons fire near Yar Maung jetty, Minbya Township.
2. Due to the attack on the marked WHO vehicle, U Pyae Sone Win Maung sustained injuries to his left buttocks, right elbow and U Aung Myo Oo sustained injuries to his right arm. The injured were taken to the Minywa village tract clinic and then transported to Minbya hospital by boat. U Pyae Sone Win Maung passed away at 1 am on 21 April 2020 at the hospital.
3. In order to investigate, to establish true and accurate accounts of the attack on the marked World Health Organization (WHO) vehicle, the President Office hereby establishes the Committee to Investigate the attack on the WHO vehicle with the following members:

- (a) U Saw Chairperson
Chairperson
Citizens' Fundamental Rights Affairs Committee
Pyithu Hluttaw

- | | | |
|-----|---|-----------|
| (b) | Dr. Su Su Thar Tun
UN Senior Advisor (Retired) | Member |
| (c) | Dr. Aung Thurein
Director
Ministry of Social Welfare, Relief and Resettlement | Member |
| (d) | Colonel Htein Linn
Office of the President (Attached) | Secretary |

4. The duties of the Committee are as follows:

(a) The Committee shall undertake field visits to investigate the scene of the attack, background and the events leading to the attack.

(b) The Committee shall collect evidence and witness testimonies in connection with the attack on WHO vehicle No. UN (5/34).

(c) The Committee shall collect data and information from documentary and physical sources.

(d) The Committee shall rely on diagnostic tests and seek the opinions and views of forensic experts, military experts and other relevant experts.

(e) The Committee shall make recommendations based on the outcome of the investigation and to prevent civilian casualties in the future.

(f) The Committee shall conduct the investigation in accordance with international standards and norms.

5. The President Office and Rakhine State Government Office shall provide necessary security and administrative arrangements for the Committee.

6. In the discharge of its mandate, the Committee shall be guided by the Penal Code and Evidence Act. The Committee is authorized to question persons including military

personnel, police personnel and General Administration Department officials, request relevant documents, and conduct field inspections as necessary.

7. The Committee's mandate shall remain effective until the report of the Committee is submitted to the President of the Republic of the Union of Myanmar.

(Win Myint)

President

Republic of the Union of Myanmar

Annex 3

Republic of the Union of Myanmar, Office of the President, Directive No. 1/2020, Compliance with the Convention on the Prevention and Punishment of the Crime of Genocide, 8 April 2020 [original and English translation]



ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်
နိုင်ငံတော်သမ္မတရုံး

ညွှန်ကြားချက်အမှတ်၊ ၁ / ၂၀၂၀

၁၃၈၁ ခုနှစ်၊ တန်ခူးလပြည့်ကျော် ၁ ရက်
(၂၀၂၀ ပြည့်နှစ်၊ ဧပြီလ ၈ ရက်)

လူမျိုးပြုန်းစေမှုကိုတားဆီးရေးနှင့် ပြစ်ဒဏ်ပေးရေး နိုင်ငံတကာသဘောတူစာချုပ်ကို
လိုက်နာဆောင်ရွက်ရန် ညွှန်ကြားခြင်း

၁။ ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်သည်လူမျိုးပြုန်းစေမှုကို တားဆီးရေးနှင့် ပြစ်ဒဏ်ပေးရေး နိုင်ငံတကာသဘောတူစာချုပ် (Genocide Convention) ကို ၁၉၄၉ ခုနှစ်၊ ဒီဇင်ဘာလ ၃၀ ရက်နေ့တွင် လက်မှတ်ရေးထိုးပြီး ၁၉၅၆ ခုနှစ်၊ မတ်လ၁၄ရက်နေ့တွင် အတည်ပြုခဲ့သည့်အလျောက် ယင်းနိုင်ငံတကာ သဘောတူစာချုပ်နှင့် အခြားအပြည်ပြည်ဆိုင်ရာဥပဒေများအရ လိုက်နာရမည့် တာဝန်ဝတ္တရားများကို လေးစားလိုက်နာဆောင်ရွက်လျက်ရှိပါသည်။

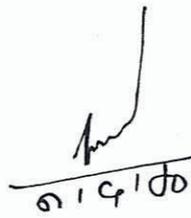
၂။ ပြည်ထောင်စုဝန်ကြီးဌာနများနှင့် တိုင်းဒေသကြီး/ ပြည်နယ်အစိုးရအဖွဲ့များသည် မိမိတို့၏ကွပ်ကဲမှု သို့မဟုတ် ညွှန်ကြားမှုအောက်တွင်ရှိသော ဝန်ထမ်းများ၊ အရာရှိများ၊ စစ်မှုထမ်းများ၊ အခြားလုံခြုံရေး တပ်ဖွဲ့ဝင်များနှင့် ဒေသခံပြည်သူများအနေဖြင့် လူမျိုးပြုန်းစေမှုကိုတားဆီးရေးနှင့် ပြစ်ဒဏ်ပေးရေး နိုင်ငံတကာသဘောတူစာချုပ်၏ အပိုဒ် ၂ နှင့် အပိုဒ် ၃ ပြဋ္ဌာန်းချက်များပါ ပြစ်မှုများကို ကျူးလွန်ခြင်း မပြုစေရန် စီမံဆောင်ရွက်ရမည်။ (အဆိုပါ သဘောတူစာချုပ် အပိုဒ် ၂ နှင့် ၃ တို့၏ ပြဋ္ဌာန်းချက် အပြည့်အစုံကို နောက်ဆက်တွဲအဖြစ် ဖော်ပြထားပါသည်။)

၃။ လူတစ်ဦးဦးကဖြစ်စေ၊ တစ်ဦးထက်ပိုသောသူများကဖြစ်စေ အထက်အပိုဒ် ၂ တွင်ဖော်ပြသည့် ပြစ်မှုကိုကျူးလွန်ကြောင်း သို့မဟုတ် ကျူးလွန်ရန်အားထုတ်ကြောင်းသို့မဟုတ် ကြိုတင်ကြံစည်ကြောင်း သို့မဟုတ် အားပေးလှုံ့ဆော်မှုပြုကြောင်း သို့မဟုတ် အဆိုပါ ပြစ်မှုကိုပူးပေါင်းကျူးလွန်ကြောင်း ခိုင်လုံသောသတင်းရရှိသူမည်သူမဆို ယင်းကိစ္စရပ်အား ၎င်း၏ အထက်အရာရှိထံမှတစ်ဆင့်ဖြစ်စေ၊ ၎င်းကိုယ်တိုင်ဖြစ်စေ၊ အခြားသင့်လျော်သောနည်းလမ်းဖြင့်ဖြစ်စေ နိုင်ငံတော်သမ္မတရုံးသို့ တင်ပြရမည်။

၄။ ပြည်ထောင်စုဝန်ကြီးဌာနများနှင့် တိုင်းဒေသကြီး/ ပြည်နယ်အစိုးရအဖွဲ့များသည် အထက်အပိုဒ် ၂ ပါ ပြစ်မှုများကိုကျူးလွန်ခြင်းနှင့်စပ်လျဉ်းသည့် ခိုင်လုံသောသတင်းအချက်အလက်များကို ယင်း၏ လက်အောက်ခံရုံးများမှရရှိပါက နိုင်ငံတော်သမ္မတရုံးသို့တင်ပြရမည်။

၅။ ပြည်ထောင်စုဝန်ကြီးဌာနများနှင့် တိုင်းဒေသကြီး/ ပြည်နယ်အစိုးရအဖွဲ့များသည် ဤညွှန်ကြားချက် နှင့်စပ်လျဉ်း၍ စီမံဆောင်ရွက်မှုအခြေအနေနှင့် တိုးတက်မှုအခြေအနေတို့ကို နိုင်ငံတော်သမ္မတရုံးသို့ သုံးလတစ်ကြိမ် အစီရင်ခံစာတင်ပြရမည်။

အမိန့်အရ



ခင်လတ်

အမြဲတမ်းအတွင်းဝန်
၈၁၄ ၈၅ ၈၁၄ ၈၁၄

စာအမှတ်၊ ၁၅၈ (၁) / ၈ / သမ္မတရုံး
ရက်စွဲ၊ ၂၀၂၀ ပြည့်နှစ်၊ ဧပြီလ ၈ ရက်

ဖြန့်ဝေခြင်း

နိုင်ငံခြားရေးဝန်ကြီးဌာန

သမ္မတရုံးဝန်ကြီးဌာန

နိုင်ငံတော်အတိုင်ပင်ခံရုံးဝန်ကြီးဌာန

ပြည်ထောင်စုအစိုးရအဖွဲ့ရုံးဝန်ကြီးဌာန

ပြည်ထဲရေးဝန်ကြီးဌာန

ကာကွယ်ရေးဝန်ကြီးဌာန

နယ်စပ်ရေးရာဝန်ကြီးဌာန

စီမံကိန်း၊ ဘဏ္ဍာရေးနှင့်စက်မှုဝန်ကြီးဌာန

ရင်းနှီးမြုပ်နှံမှုနှင့်နိုင်ငံခြားစီးပွားဆက်သွယ်ရေးဝန်ကြီးဌာန

အပြည်ပြည်ဆိုင်ရာပူးပေါင်းဆောင်ရွက်ရေးဝန်ကြီးဌာန

ပြန်ကြားရေးဝန်ကြီးဌာန

သာသနာရေးနှင့်ယဉ်ကျေးမှုဝန်ကြီးဌာန
 စိုက်ပျိုးရေး၊ မွေးမြူရေးနှင့်ဆည်မြောင်းဝန်ကြီးဌာန
 ပို့ဆောင်ရေးနှင့်ဆက်သွယ်ရေးဝန်ကြီးဌာန
 သယံဇာတနှင့်သဘာဝပတ်ဝန်းကျင်ထိန်းသိမ်းရေးဝန်ကြီးဌာန
 လျှပ်စစ်နှင့်စွမ်းအင်ဝန်ကြီးဌာန
 အလုပ်သမား၊ လူဝင်မှုကြီးကြပ်ရေးနှင့်ပြည်သူ့အင်အားဝန်ကြီးဌာန
 စီးပွားရေးနှင့်ကူးသန်းရောင်းဝယ်ရေးဝန်ကြီးဌာန
 ပညာရေးဝန်ကြီးဌာန

ကျန်းမာရေးနှင့်အားကစားဝန်ကြီးဌာန
 ဆောက်လုပ်ရေးဝန်ကြီးဌာန
 လူမှုဝန်ထမ်း၊ ကယ်ဆယ်ရေးနှင့်ပြန်လည်နေရာချထားရေးဝန်ကြီးဌာန
 ဟိုတယ်နှင့်ခရီးသွားလာရေးဝန်ကြီးဌာန
 တိုင်းရင်းသားလူမျိုးများရေးရာဝန်ကြီးဌာန

ပြည်ထောင်စုရှေ့နေချုပ်ရုံး
 နေပြည်တော်ကောင်စီ
 ကချင်ပြည်နယ်အစိုးရအဖွဲ့
 ကယားပြည်နယ်အစိုးရအဖွဲ့
 ကရင်ပြည်နယ်အစိုးရအဖွဲ့

ချင်းပြည်နယ်အစိုးရအဖွဲ့
 စစ်ကိုင်းတိုင်းဒေသကြီးအစိုးရအဖွဲ့
 တနင်္သာရီတိုင်းဒေသကြီးအစိုးရအဖွဲ့
 ပဲခူးတိုင်းဒေသကြီးအစိုးရအဖွဲ့
 မကွေးတိုင်းဒေသကြီးအစိုးရအဖွဲ့
 မန္တလေးတိုင်းဒေသကြီးအစိုးရအဖွဲ့
 မွန်ပြည်နယ်အစိုးရအဖွဲ့
 ရခိုင်ပြည်နယ်အစိုးရအဖွဲ့
 ရန်ကုန်တိုင်းဒေသကြီးအစိုးရအဖွဲ့
 ရှမ်းပြည်နယ်အစိုးရအဖွဲ့

ရောဝတီတိုင်းဒေသကြီးအစိုးရအဖွဲ့

ညွှန်ကြားရေးမှူးချုပ်

ပုံနှိပ်ရေးနှင့်ထုတ်ဝေရေးဦးစီးဌာန

} မြန်မာနိုင်ငံပြန်တမ်းအပိုင်း (၁) တွင်
ထည့်သွင်းကြေညာပေးပါရန်။

မိတ္တူကို

နိုင်ငံတော်သမ္မတရုံး (ရုံး / ဌာနကြီးများအားလုံး)

ပြည်ထောင်စုအစိုးရအဖွဲ့ရုံး

လူမျိုးပြုန်းစေမှုကိုတားဆီးရေးနှင့် ပြစ်ဒဏ်ပေးရေး နိုင်ငံတကာ သဘောတူစာချုပ်

အပိုဒ် ၂ နှင့် ၃

အပိုဒ် ၂

ယခုစာချုပ်တွင် လူမျိုးပြုန်းစေမှုဆိုသည်မှာ နိုင်ငံသား၊ တိုင်းရင်းသား၊ လူမျိုးသို့မဟုတ် ဘာသာရေးဆိုင်ရာအုပ်စုစသည်တို့အားလုံးဖြစ်စေ၊ တစ်စိတ်တစ်ဒေသဖြစ်စေ ဖျက်ဆီးရန် ရည်ရွယ်ချက်ဖြင့်ကျူးလွန်သော အောက်ဖော်ပြပါဆောင်ရွက်မှုတစ်ခုခုဖြစ်သည်-

- (က) အုပ်စုတစ်စု၏အဖွဲ့ဝင်များအားသတ်ဖြတ်ခြင်း၊
- (ခ) အုပ်စုတစ်စု၏အဖွဲ့ဝင်များကို စိတ်ပိုင်းနှင့်ရုပ်ပိုင်းဆိုင်ရာပြင်းထန်သော ထိခိုက်နာကျင်မှုကိုဖြစ်စေခြင်း၊
- (ဂ) အုပ်စုတစ်စုတစ်ခုလုံးဖြစ်စေ၊ တစ်စိတ်တစ်ပိုင်းဖြစ်စေ ရုပ်ပိုင်းဆိုင်ရာ ပျက်စီးမှုဖြစ်စေရန် တွက်ချက်အကွက်ချ၍ ယင်းတို့၏ဘဝရပ်တည်မှု အခြေအနေအား ရည်ရွယ်ချက်ရှိရှိဖြင့် ထိခိုက်စေခြင်း၊
- (ဃ) အုပ်စုတစ်စုအတွင်း မွေးဖွားမှုများကို တားမြစ်ပိတ်ပင်ရန်ရည်ရွယ်၍ နည်းလမ်းများချမှတ်ကျင့်သုံးခြင်း၊
- (င) အုပ်စုတစ်စု၏ ကလေးများကိုအခြားအုပ်စုတစ်စုသို့ အမွေလွှဲပြောင်းခြင်း။

အပိုဒ် ၃

အောက်ပါဆောင်ရွက်မှုများကိုအပြစ်ပေးရမည်-

- (က) လူမျိုးပြုန်းစေမှု၊
- (ခ) လူမျိုးပြုန်းစေမှု ကျူးလွန်ရန်ပူးပေါင်းကြံစည်ခြင်း၊
- (ဂ) လူမျိုးပြုန်းစေမှု ကျူးလွန်ရန် ညွှန်ကြားခြင်းနှင့် အများပြည်သူအားလှုံ့ဆော်ခြင်း၊
- (ဃ) လူမျိုးပြုန်းစေမှု ကျူးလွန်ရန်အားထုတ်ခြင်း၊
- (င) လူမျိုးပြုန်းစေမှု ကျူးလွန်ရန် အလိုတူအလိုပါဖြစ်ခြင်း။



Republic of the Union of Myanmar

Office of the President

Directive No. 1 / 2020

1st Waning of Tagu 1381 ME

(8 April 2020)

Compliance with the Convention on the Prevention and Punishment
of the Crime of Genocide

1. The Republic of the Union of Myanmar signed on 30 December 1949 and ratified on 14 March 1956 the Convention on the Prevention and Punishment of the Crime of Genocide ("Genocide Convention").
2. The Republic of the Union of Myanmar respects its obligations arising under the Genocide Convention and other sources of international law to prevent and punish the crime of genocide.
3. This Directive is addressed to all Ministries and all Regions and States Governments to ensure that its personnel, officers, staff – whether military or other security forces, or civil services – and local people, under its control or direction do not commit the acts mentioned in Articles II and III of the Genocide Convention, the text of which is set out in full in the attached Annex.
4. If anyone obtains credible information that one or more persons have violated paragraph 3 above – by commission of any of the acts mentioned there, or by attempting, conspiring to or inciting the commission of, or by being complicit in, any such acts – he or she shall inform the Office of the President either through his or her superiors or directly or through other appropriate mechanisms that may be established.
5. Each Ministry and each Region and State Government shall transmit any credible information that it may receive from subordinates about possible acts referred to in paragraphs 3 and 4 above to the Office of the President. Each Ministry and each Region and State Government shall also provide a quarterly report on relevant developments to the Office of the President.

By order,

Khin Latt
8/4/20

Khin Latt

103

Permanent Secretary

Zaw D 8/4
S.A 8/4
S 8/4
S 8/4

Letter No: 158 (1) / 8 / President's Office

Date : 8 April 2020

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Ministry of the Office of the Union Government

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Ministry of Defence

Ministry of Border Affairs

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Ministry of Transport and Communications

Ministry of Natural Resources and Environmental Conservation

Ministry of Electricity and Energy

Ministry of Labour, Immigration and Population

Ministry of Commerce

Ministry of Education

Ministry of Health and Sports

Ministry of Construction

Ministry of Social Welfare, Relief and Resettlement

Ministry of Hotels and Tourism

Ministry of Ethnic Affairs

Union Attorney General's Office

Nay Pyi Taw Council

Kachin State Government

Kayah State Government

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Chin State Government

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Magway Region Government

Mandalay Region Government

Mon State Government

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Ayeyawady Region Government

Director General

Department of Printing and Publishing

To announce it in the Part I of the
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Copy to : President's Office (All Head Offices and Departments)

Office of the Union Government

Convention on the Prevention and Punishment of the Crime of Genocide

Article II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Article III

The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

Annex 4

Republic of the Union of Myanmar, Office of the President, Directive No. 2/2020, Preservation of evidence and property in areas of northern Rakhine State, 8 April 2020 [original and English translation]



ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်
နိုင်ငံတော်သမ္မတရုံး

ညွှန်ကြားချက်အမှတ်၊ ၂ / ၂၀၂၀

၁၃၈၁ ခုနှစ်၊ တန်ခူးလပြည့်ကျော် ၁ ရက်
(၂၀၂၀ ပြည့်နှစ်၊ ဧပြီလ ၈ ရက်)

ရခိုင်ပြည်နယ်မြောက်ပိုင်းရှိ သက်သေအထောက်အထားနှင့်ပစ္စည်းများကို
ထိန်းသိမ်းထားရှိရန်ညွှန်ကြားခြင်း

၁။ ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်အစိုးရသည် ရခိုင်ပြည်နယ်၏ အမျိုးသားပြန်လည်သင့်မြတ်ရေး၊ ငြိမ်းချမ်းရေး၊ တည်ငြိမ်ရေးနှင့် ဖွံ့ဖြိုးတိုးတက်ရေးတို့အတွက် ၂၀၁၈ ခုနှစ်၊ ဇူလိုင်လ ၃၀ ရက်နေ့တွင် လွတ်လပ်သောစုံစမ်းစစ်ဆေးရေးကော်မရှင်ကို ဖွဲ့စည်း၍ ARSA ၏ အကြမ်းဖက်တိုက်ခိုက်မှုဖြစ်ပွားပြီးနောက် လူ့အခွင့်အရေးချိုးဖောက်မှုစွပ်စွဲချက်များ၊ ယင်းနှင့်သက်ဆိုင်သည့်ကိစ္စများကို စုံစမ်းစစ်ဆေးရန် တာဝန်ပေးအပ်ခဲ့ရာ ကော်မရှင်က အပြီးသတ်အစီရင်ခံစာကို နိုင်ငံတော်သမ္မတထံ ၂၀၂၀ ပြည့်နှစ်၊ ဇန်နဝါရီလ ၂၀ ရက်နေ့တွင် တင်သွင်းခဲ့ပါသည်။

၂။ ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်အစိုးရသည် လွတ်လပ်သောစုံစမ်းစစ်ဆေးရေးကော်မရှင်၏ အပြီးသတ်အစီရင်ခံစာကို တပ်မတော်ကာကွယ်ရေးဦးစီးချုပ်နှင့် ပြည်ထောင်စုရှေ့နေချုပ်တို့ထံ ပေးပို့လမ်းညွှန်ခဲ့ပြီးနောက်တွင် ပြည်ထောင်စုရှေ့နေချုပ်ရုံးနှင့် စစ်ဥပဒေချုပ်ရုံးတို့သည် ယင်းအစီရင်ခံစာတွင် ဖော်ပြထားသည့်ဖြစ်စဉ်များကို ရာဇဝတ်မှုဆိုင်ရာစုံစမ်းစစ်ဆေးမှုများ ပြုလုပ်မည်ဖြစ်ကြောင်း သတင်းထုတ်ပြန်ခဲ့ပါသည်။

၃။ အပိုဒ် ၂ ပါ ရာဇဝတ်မှုဆိုင်ရာ စုံစမ်းစစ်ဆေးမှုကို ကူညီပံ့ပိုးနိုင်ရေးအတွက် ပြည်ထောင်စုဝန်ကြီးဌာနများနှင့် ရခိုင်ပြည်နယ်အစိုးရအဖွဲ့၊ ယင်းတို့၏လက်အောက်ခံအဖွဲ့အစည်းများ၊ ဌာနများ၊ ရုံးများနှင့် ဝန်ထမ်းများအား အောက်ပါတို့ကိုဖျက်ဆီးခြင်းဖြစ်စေ၊ ဖယ်ရှားခြင်းဖြစ်စေ၊ ဖျက်ဆီးခြင်းသို့မဟုတ် ဖယ်ရှားခြင်းကို ခွင့်ပြုခြင်းဖြစ်စေ မပြုရန်တားမြစ်လိုက်သည်-

- (က) လွတ်လပ်သော စုံစမ်းစစ်ဆေးရေးကော်မရှင်၏အပြီးသတ် အစီရင်ခံစာတွင် ဖော်ပြထားသည့်ဖြစ်စဉ်များအတွက် သက်သေအထောက်အထားဖြစ်စေသည့် ရခိုင်ပြည်နယ်မြောက်ပိုင်းဧရိယာတစ်ခုခုအတွင်းရှိ ရွှေ့ပြောင်းနိုင်သည့်ပစ္စည်း သို့မဟုတ် မရွှေ့မပြောင်းနိုင်သည့်ပစ္စည်း၊

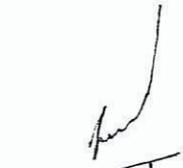
- (ခ) အောက်ပါတို့နှင့်စပ်လျဉ်း၍ သက်သေအထောက်အထားဖြစ်စေသည့်အရာတစ်ခုခု-
 - (၁) လူအုပ်စုတစ်စု၏အဖွဲ့ဝင်များကိုသတ်ဖြတ်ခြင်း၊
 - (၂) လူအုပ်စုတစ်စု၏အဖွဲ့ဝင်များကို စိတ်ပိုင်းနှင့် ရုပ်ပိုင်းဆိုင်ရာပြင်းထန်သော ထိခိုက်နာကျင်မှုဖြစ်စေခြင်း၊
 - (၃) လူအုပ်စုတစ်စုလုံးကိုဖြစ်စေ၊ တစ်စိတ်တစ်ပိုင်းကိုဖြစ်စေ ရုပ်ပိုင်းဆိုင်ရာ ပျက်စီးမှုဖြစ်စေရန်အကွက်ဆင်၍ ယင်းတို့၏ဘဝရပ်တည်မှု အခြေအနေကို ရည်ရွယ်ချက်ရှိရှိဖြင့် ထိခိုက်စေခြင်း၊
 - (၄) လူအုပ်စုတစ်စုအတွင်းကလေးမွေးဖွားမှုကို တားမြစ်ပိတ်ပင်ရန် ရည်ရွယ်၍ အစီအမံများချမှတ်ကျင့်သုံးခြင်း၊
 - (၅) လူအုပ်စုတစ်စု၏ ကလေးများကို အခြားအုပ်စုတစ်စုသို့ အဓမ္မလွှဲပြောင်းခြင်း။
- ရှင်းလင်းချက်။ “လူအုပ်စု” ဆိုသည်မှာ ကိုးကွယ်ရာဘာသာ၊ လူမျိုး၊ ဇာတိ ခွဲခြားမှုမရှိစေဘဲ မည်သည့်လူအုပ်စုကိုမဆိုဆိုသည်။

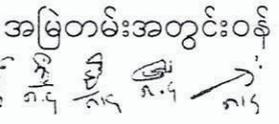
၄။ ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်အစိုးရသည် အပြီးသတ်အစီရင်ခံစာပါ ဖြစ်စဉ်များ ဖြစ်ပွားသည့်နေရာများ၏ လက်ရှိအခြေအနေကို မှတ်တမ်းတင်ရန်နှင့် စာရင်းပြုစုရန် မြေပြင်တွင် လည်းကောင်း၊ ဂြိုဟ်တုပုံရိပ်များသုံး၍လည်းကောင်း လိုအပ်သည့်လုပ်ငန်းများ ဆောင်ရွက်လျက် ရှိရာ ပြည်ထောင်စုဝန်ကြီးဌာနများနှင့် ရခိုင်ပြည်နယ်အစိုးရအဖွဲ့တို့သည် လွတ်လပ်သော စုံစမ်း စစ်ဆေးရေးကော်မရှင်၏အပြီးသတ်အစီရင်ခံစာတွင်ဖော်ပြသည့် ရခိုင်ပြည်နယ်မြောက်ပိုင်းတွင်ဖြစ်ပွား ခဲ့သော ဖြစ်စဉ်များနှင့် စပ်လျဉ်းသည့်စာရွက်စာတမ်းများ၊ ဓာတ်ပုံများ၊ ဗီဒီယိုများ၊ အသံသွင်းယူချက် များနှင့် အခြားသောသတင်းအချက်အလက်များကို ထိန်းသိမ်းထားရန် ညွှန်ကြားလိုက်သည်။

၅။ ပြည်ထောင်စုဝန်ကြီးဌာနများနှင့် ရခိုင်ပြည်နယ်အစိုးရအဖွဲ့တို့သည် ဤညွှန်ကြားချက်ကို ဖောက်ဖျက်သော မည်သည့်ပုဂ္ဂိုလ်ကိုမဆို သက်ဆိုင်ရာဥပဒေနှင့်အညီ လိုအပ်သည့်အရေးယူဆောင်ရွက်မှု ပြုရမည်။

၆။ ပြည်ထောင်စုဝန်ကြီးဌာနများနှင့် ရခိုင်ပြည်နယ်အစိုးရအဖွဲ့တို့သည် ဤညွှန်ကြားချက်ကို လိုက်နာရေးအတွက် စီမံဆောင်ရွက်မှုများကို နိုင်ငံတော်သမ္မတရုံးသို့ အစီရင်ခံတင်ပြရမည်။

အမိန့်အရ


 ၈/၄/၀၈
 ခင်လတ်

အမြဲတမ်းအတွင်းဝန်


စာအမှတ်၊ ၁၅၈ (၂) / ၈ / သမ္မတရုံး
ရက်စွဲ၊ ၂၀၂၀ ပြည့်နှစ်၊ ဧပြီလ ၈ ရက်

ဖြန့်ဝေခြင်း

နိုင်ငံခြားရေးဝန်ကြီးဌာန

သမ္မတရုံးဝန်ကြီးဌာန

နိုင်ငံတော်အတိုင်ပင်ခံရုံးဝန်ကြီးဌာန

ပြည်ထောင်စုအစိုးရအဖွဲ့ရုံးဝန်ကြီးဌာန

ပြည်ထဲရေးဝန်ကြီးဌာန

ကာကွယ်ရေးဝန်ကြီးဌာန

နယ်စပ်ရေးရာဝန်ကြီးဌာန

စီမံကိန်း၊ ဘဏ္ဍာရေးနှင့် စက်မှုဝန်ကြီးဌာန

ရင်းနှီးမြှုပ်နှံမှုနှင့် နိုင်ငံခြားစီးပွားဆက်သွယ်ရေးဝန်ကြီးဌာန

အပြည်ပြည်ဆိုင်ရာပူးပေါင်းဆောင်ရွက်ရေးဝန်ကြီးဌာန

ပြန်ကြားရေးဝန်ကြီးဌာန

သာသနာရေးနှင့်ယဉ်ကျေးမှုဝန်ကြီးဌာန

စိုက်ပျိုးရေး၊ မွေးမြူရေးနှင့် ဆည်မြောင်းဝန်ကြီးဌာန

ပို့ဆောင်ရေးနှင့် ဆက်သွယ်ရေးဝန်ကြီးဌာန

သယံဇာတနှင့် သဘာဝပတ်ဝန်းကျင်ထိန်းသိမ်းရေးဝန်ကြီးဌာန

လျှပ်စစ်နှင့်စွမ်းအင်ဝန်ကြီးဌာန

အလုပ်သမား၊ လူဝင်မှုကြီးကြပ်ရေးနှင့် ပြည်သူ့အင်အားဝန်ကြီးဌာန

စီးပွားရေးနှင့်ကူးသန်းရောင်းဝယ်ရေးဝန်ကြီးဌာန

ပညာရေးဝန်ကြီးဌာန

ကျန်းမာရေးနှင့်အားကစားဝန်ကြီးဌာန

ဆောက်လုပ်ရေးဝန်ကြီးဌာန

လူမှုဝန်ထမ်း၊ ကယ်ဆယ်ရေးနှင့် ပြန်လည်နေရာချထားရေးဝန်ကြီးဌာန

ဟိုတယ်နှင့်ခရီးသွားလာရေးဝန်ကြီးဌာန
တိုင်းရင်းသားလူမျိုးများရေးရာဝန်ကြီးဌာန

ပြည်ထောင်စုရှေ့နေချုပ်ရုံး

ရခိုင်ပြည်နယ်အစိုးရအဖွဲ့

ညွှန်ကြားရေးမှူးချုပ်

ပုံနှိပ်ရေးနှင့်ထုတ်ဝေရေးဦးစီးဌာန

} မြန်မာနိုင်ငံပြန်တမ်းအပိုင်း (၁) တွင်
ထည့်သွင်းကြေညာပေးပါရန်။

မိတ္တူကို

နိုင်ငံတော်သမ္မတရုံး (ရုံး / ဌာနကြီးများအားလုံး)

ပြည်ထောင်စုအစိုးရအဖွဲ့ရုံး



Republic of the Union of Myanmar

Office of the President

Directive No. 2 /2020

1st Waning of Tagu 1381 ME

(8 April 2020)

Preservation of evidence and property in areas of northern Rakhine State

1. The Government of the Republic of the Union of Myanmar established the Independent Commission of Enquiry (ICOE) on 30th July 2018 as part of its national initiative to address reconciliation, peace, stability and development in Rakhine. The Independent Commission was tasked to investigate the allegations of human rights violations and related issues, following the terrorist attacks by ARSA. The Commission submitted its final report to the President on 20th January 2020.

2. The Government of Myanmar has forwarded the final report of ICOE to the Commander in Chief of the Tatmadaw (Myanmar Defence Services) and to the Union Attorney General. The Union Attorney General's Office and the Office of Judge Advocate General have announced that they are undertaking criminal investigations of incidents mentioned in the ICOE's report.

3. The Government of Myanmar took necessary steps, on the ground as well as through the use of satellite imagery, to document and inventory the current state of the sites in question.

4. To assist and ensure that criminal investigations can be undertaken, all Ministries and the Rakhine State government, their agencies, departments, offices, and personnel are prohibited from destroying, or removing, or permitting the destruction, or removal of:

- i. any property, immovable or moveable, in any area of northern Rakhine State, that may provide evidence of events referred to in the ICOE's final report;

- ii. anything that may provide evidence of:
- a. killing members of a group;
 - b. causing serious bodily or mental harm to members of a group;
 - c. deliberately inflicting on a group conditions of life calculated to bring about its physical destruction in whole or in part;
 - d. imposing measures intended to prevent births within a group;
 - e. forcibly transferring children of a group to another group.

5. In paragraph 4(ii) above, "group" means any national, ethnical, racial or religious group.

6. All ministries and Rakhine State government are further directed to preserve documents, images, videos, audios and other media related to the events that occurred in northern Rakhine State referred to in the ICOE's final report.

7. Any person suspected of violating this directive shall be referred to the appropriate national criminal justice system for necessary action and action may also be taken against them under section 201 of the Penal Code.

8. Each ministry and Rakhine State Government shall report to the Office of the President on the measures it has taken to abide with the directive.

By Order,

Khin Latt
8.14.20

Khin Latt

Permanent Secretary

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D 8.4
S 8.4
S 8.4

Letter No: 158 (2) /8/ President's Office

Date : 8 April 2020

Circulation to:

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Ministry of President office

Ministry of the Office of the State Counsellor

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Ministry of Home Affairs

Ministry of Defence

Ministry of Border Affairs

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Ministry of Investment and Foreign Economic Relations

Ministry of International Cooperation

Ministry of Information

Ministry of Religious Affairs and Culture

Ministry of Agriculture, Livestock and Irrigation

Ministry of Transport and Communications

Ministry of Natural Resources and Environmental Conservation

Ministry of Electricity and Energy

Ministry of Labour, Immigration and Population

Ministry of Commerce

Ministry of Education

Ministry of Health and Sports

Ministry of Construction

Ministry of Social Welfare, Relief and Resettlement

Ministry of Hotels and Tourism

Ministry of Ethnic Affairs

Union Attorney General's Office

Rakhine State Government

Director General

Department of Printing and Publishing

]

To announce it in the Part I of the
Myanmar Gazette

Copy to : President's Office (All Head Offices and Departments)

Office of the Union Government

Annex 5

Republic of the Union of Myanmar, Office of the President, Directive No. 3/2020, Prevention of incitement to hatred and violence (or) Prevention of proliferation of hate speech, 20 April 2020
[original and English translation]



ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်
နိုင်ငံတော်သမ္မတရုံး

ညွှန်ကြားချက်အမှတ်၊ ၃ / ၂၀၂၀

၁၃၈၂ ခုနှစ်၊ တန်ခူးလပြည့်ကျော် ၁၃ ရက်
(၂၀၂၀ ပြည့်နှစ်၊ ဧပြီလ ၂၀ ရက်)

အမုန်းစကားနှင့် အကြမ်းဖက်မှုဖြစ်စေရန်လှုံ့ဆော်မှုကိုတားဆီးခြင်းနှင့်စပ်လျဉ်း၍
ညွှန်ကြားခြင်း

၁။ ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်သည် လူမျိုးပေါင်းစုံ၊ ဘာသာပေါင်းစုံစုစည်းနေထိုင်သည့် လူ့အဖွဲ့အစည်းဖြစ်ပြီး လူတိုင်းသည် ဂုဏ်သိက္ခာရှိစွာ ဘဝရပ်တည်ရန်၊ လေးစားစွာဆက်ဆံမှုခံယူရန်၊ ကြောက်ရွံ့မှုကင်းစွာနေထိုင်ရန် အခွင့်အရေးရှိသည်ဖြစ်၍ အပြန်အလှန်နားလည်မှု၊ အပြန်အလှန် လေးစားမှုစသည်တို့ကိုအခြေခံသည့် လူ့အဖွဲ့အစည်းဖြစ်ပေါ်စေရန် ကြိုးပမ်းဆောင်ရွက်ကြရမည်ဖြစ်သည်။

၂။ “အမုန်းစကား” ဟုဆိုရာတွင် လူမျိုး၊ ကိုးကွယ်ရာဘာသာ၊ ကျား မ သို့မဟုတ် မည်သူမည်ဝါ ဖြစ်သည်ဆိုသည့်အကြောင်းအရာတို့အပေါ်အခြေပြု၍ လူပုဂ္ဂိုလ်တစ်ဦး သို့မဟုတ် လူအုပ်စုတစ်စုကို မျှတမှုမရှိစွာဝေဖန်သည့် သို့မဟုတ် မလိုမုန်းထားမှုကိုဖော်ပြသည့် ဆက်ဆံမှုတစ်မျိုးမျိုးကို ရည်ညွှန်းပြီး အကြမ်းဖက်ရန်လှုံ့ဆော်ခြင်းသည်လည်း အမုန်းစကားပင်ဖြစ်သည်။

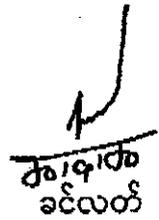
၃။ အမုန်းစကားပြန်ပွားခြင်းသည် လူ့အဖွဲ့အစည်းအတွင်း ခွဲခြားဆက်ဆံမှုနှင့် အကြမ်းဖက်မှုကို ဖြစ်ပေါ်စေပြီး ဂုဏ်သိက္ခာရှိစွာနေထိုင်ရန်နှင့် ငြိမ်းချမ်းပြီး ညီညွတ်သည့် လူ့အဖွဲ့အစည်းတည်ဆောက်ရန် မျှော်မှန်းချက်တို့ကို ထိခိုက်စေသည့်အပြင် အကျင့်စာရိတ္တကိုလည်း ထိပါးစေသည်။

၄။ သို့ဖြစ်၍ ပြည်ထောင်စုဝန်ကြီးဌာနများနှင့် တိုင်းဒေသကြီး/ ပြည်နယ်အစိုးရအဖွဲ့များသည် မိမိတို့၏ကွပ်ကဲမှု သို့မဟုတ် ညွှန်ကြားမှုအောက်တွင်ရှိသော ဝန်ထမ်းများ၊ အရာရှိများ၊ စစ်မှုထမ်းများ၊ အခြားလုံခြုံရေးတပ်ဖွဲ့ဝင်များနှင့် ဒေသခံပြည်သူများအနေဖြင့် အမုန်းစကားများကို ရှုတ်ချရန်နှင့် တားဆီးရန် စီမံဆောင်ရွက်ရမည်ဖြစ်ပြီး အမုန်းစကားဆန့်ကျင်သည့် လှုပ်ရှားမှုများတွင် ဝန်ထမ်းများ အားလုံးပါဝင်ရန်နှင့် ပံ့ပိုးရန်အားပေးရမည်။

J

၅။ ပြည်ထောင်စုဝန်ကြီးဌာနများနှင့် တိုင်းဒေသကြီး/ ပြည်နယ်အစိုးရအဖွဲ့များသည် ဤညွှန်ကြားချက် နှင့်စပ်လျဉ်း၍ မိမိတို့၏ဆောင်ရွက်မှုအခြေအနေနှင့် တိုးတက်မှုအခြေအနေတို့ကို နိုင်ငံတော်သမ္မတရုံးသို့ အစီရင်ခံတင်ပြရမည်။

အမိန့်အရ


ခင်လတ်

အမြဲတမ်းအတွင်းဝန်

၂၀၁၇ ခု၊ ၂၀/၄/၂၀၂၀

စာအမှတ်၊ ၁၅၈ (၁) / ၈ / သမ္မတရုံး
ရက်စွဲ၊ ၂၀၂၀ ပြည့်နှစ်၊ ဧပြီလ ၁၈ ရက်

ဖြန့်ဝေခြင်း

နိုင်ငံခြားရေးဝန်ကြီးဌာန

သမ္မတရုံးဝန်ကြီးဌာန

နိုင်ငံတော်အတိုင်ပင်ခံရုံးဝန်ကြီးဌာန

ပြည်ထောင်စုအစိုးရအဖွဲ့ရုံးဝန်ကြီးဌာန

ပြည်ထဲရေးဝန်ကြီးဌာန

ကာကွယ်ရေးဝန်ကြီးဌာန

နယ်စပ်ရေးရာဝန်ကြီးဌာန

စီမံကိန်း၊ ဘဏ္ဍာရေးနှင့်စက်မှုဝန်ကြီးဌာန

ရင်းနှီးမြုပ်နှံမှုနှင့်နိုင်ငံခြားစီးပွားဆက်သွယ်ရေးဝန်ကြီးဌာန

အပြည်ပြည်ဆိုင်ရာပူးပေါင်းဆောင်ရွက်ရေးဝန်ကြီးဌာန

ပြန်ကြားရေးဝန်ကြီးဌာန

သာသနာရေးနှင့်ယဉ်ကျေးမှုဝန်ကြီးဌာန

စိုက်ပျိုးရေး၊ မွေးမြူရေးနှင့်ဆည်မြောင်းဝန်ကြီးဌာန

ပို့ဆောင်ရေးနှင့်ဆက်သွယ်ရေးဝန်ကြီးဌာန

သယံဇာတနှင့်သဘာဝပတ်ဝန်းကျင်ထိန်းသိမ်းရေးဝန်ကြီးဌာန

လျှပ်စစ်နှင့်စွမ်းအင်ဝန်ကြီးဌာန
အလုပ်သမား၊ လူဝင်မှုကြီးကြပ်ရေးနှင့်ပြည်သူ့အင်အားဝန်ကြီးဌာန
စီးပွားရေးနှင့်ကူးသန်းရောင်းဝယ်ရေးဝန်ကြီးဌာန

ပညာရေးဝန်ကြီးဌာန
ကျန်းမာရေးနှင့်အားကစားဝန်ကြီးဌာန
ဆောက်လုပ်ရေးဝန်ကြီးဌာန
လူမှုဝန်ထမ်း၊ ကယ်ဆယ်ရေးနှင့်ပြန်လည်နေရာချထားရေးဝန်ကြီးဌာန
ဟိုတယ်နှင့်ခရီးသွားလာရေးဝန်ကြီးဌာန
တိုင်းရင်းသားလူမျိုးများရေးရာဝန်ကြီးဌာန

ပြည်ထောင်စုရှေ့နေချုပ်ရုံး
နေပြည်တော်ကောင်စီ
ကချင်ပြည်နယ်အစိုးရအဖွဲ့
ကယားပြည်နယ်အစိုးရအဖွဲ့
ကရင်ပြည်နယ်အစိုးရအဖွဲ့
ချင်းပြည်နယ်အစိုးရအဖွဲ့
စစ်ကိုင်းတိုင်းဒေသကြီးအစိုးရအဖွဲ့
တနင်္သာရီတိုင်းဒေသကြီးအစိုးရအဖွဲ့
ပဲခူးတိုင်းဒေသကြီးအစိုးရအဖွဲ့
မကွေးတိုင်းဒေသကြီးအစိုးရအဖွဲ့
မန္တလေးတိုင်းဒေသကြီးအစိုးရအဖွဲ့
မွန်ပြည်နယ်အစိုးရအဖွဲ့
ရန်ကင်းပြည်နယ်အစိုးရအဖွဲ့
ရန်ကုန်တိုင်းဒေသကြီးအစိုးရအဖွဲ့
ရှမ်းပြည်နယ်အစိုးရအဖွဲ့
ဧရာဝတီတိုင်းဒေသကြီးအစိုးရအဖွဲ့

ညွှန်ကြားရေးမှူးချုပ် } မြန်မာနိုင်ငံပြန်တမ်းအပိုင်း (၁) တွင်
ပုံနှိပ်ရေးနှင့်ထုတ်ဝေရေးဦးစီးဌာန } ထည့်သွင်းကြေညာပေးပါရန်။

မိတ္တူကို

နိုင်ငံတော်သမ္မတရုံး (ရုံး / ဌာနကြီးများအားလုံး)
ပြည်ထောင်စုအစိုးရအဖွဲ့ရုံး



Republic of the Union of Myanmar

Office of the President

Directive No. 3 / 2020

13th Waning of Tagu 1382 ME

(20 April 2020)

Prevention of incitement to hatred and violence (or) Prevention of proliferation of hate speech

1. The Republic of the Union of Myanmar is a multicultural society. We believe that every human being has a right to a dignified life, to be treated with respect, and to live without fear of violence, intimidation, or discrimination based on group identity or personal characteristics. Therefore, we must strive to bring together diverse communities on the basis of common values of mutual understanding and mutual respect for each other.
2. Proliferation of hate speech may lead to discrimination and violence within our communities. This undermines our aspirations to live with dignity and to build a peaceful and harmonious society. Moreover, proliferation of hate speech hampers our well-being, diminishes our dignity and undermines our virtue.
3. Therefore, all Ministries and all Regions and States Governments are to ensure that its personnel, officers, staff – whether military or other security forces, or civil services – and local people under its control or direction shall take all possible measures to denounce and prevent all forms of hate speech. All ministries, their agencies, departments and offices shall further encourage all personnel to participate in and support anti-hate speech activities.
4. Hate speech refers to communications of any kind that denigrate or express animosity towards a person or a group on the basis of religion, ethnicity, nationality, race, gender or other identity factor. Incitement to violence may constitute hate speech.

2

5. Each ministry as well as region and state government shall report to the Office of the President on the measures it has taken and the progress made with respect to the above-mentioned.

By Order,

Khin Latt
20/4/20

Khin Latt

Permanent Secretary

2020 4/20/20
2014 20/4/20
2014 20/4/20
2014 20/4/20

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Ministry of Transport and Communications

Ministry of Natural Resources and Environmental Conservation

Ministry of Electricity and Energy

Ministry of Labour, Immigration and Population

Ministry of Commerce

Ministry of Education

Ministry of Health and Sports

Ministry of Construction

Ministry of Social Welfare, Relief and Resettlement

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Union Attorney General's Office

Nay Pyi Taw Council

Kachin State Government

Kayah State Government

Kayin State Government

Chin State Government

Sagaing Region Government

Taninthayi Region Government

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Mon State Government

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Ayeyawady Region Government

Director General

Department of Printing and Publishing

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Office of the Union Government

Annex 6

Republic of the Union of Myanmar, Office of the Commander-In-Chief (Army), Instruction to observe the provisional measures indicated by International Court of Justice (ICJ) with the special consideration, 25 February 2020 [original and English translation]

လျှို့ဝှက်

ဝန်ကြီးရုံး၊ ကာကွယ်ရေးဝန်ကြီးဌာန၏ ၂-၄-၂၀၂၀

ရက်စွဲပါစာအမှတ်၊ ၇/၉၄၀(မူဝါဒ)/ကကန၏ ပူးတွဲ

ကာကွယ်ရေးဦးစီးချုပ်ရုံး(ကြည်း)၏ ၂၅-၂-၂၀၂၀ ရက်စွဲပါစာအမှတ်၊

၃/၃၀၀/ ၃(ခ)၆၈/ဦး ၁ဖြင့် ညွှန်ကြားခဲ့သည့် ညွှန်ကြားချက်ပါ အကြောင်းအရာများ

အကြောင်းအရာ။ အပြည်ပြည်ဆိုင်ရာတရားရုံး (International Court of Justice- ICJ) က ချမှတ်ခဲ့သည့် ကြားဖြတ်စီမံဆောင်ရွက်ချက်များကို အလေးထား လိုက်နာ ဆောင်ရွက်ရေး

၁။ ဂမ်ဘီယာနိုင်ငံနှင့်မြန်မာနိုင်ငံအမှုကိစ္စတွင် ICJ က ကြားဖြတ်စီမံဆောင်ရွက်ချက် (၄)ချက်ကို ချမှတ်ခဲ့ပါသည်။ ယင်းအချက်(၄)ချက်၏ အနှစ်ချုပ်မှာ လူမျိုးဖြုတ်ရှင်းလင်းမှု မဖြစ်ပွားအောင် မြန်မာနိုင်ငံက ကာကွယ်တားဆီးရန်၊ လူမျိုးဖြုတ်ရှင်းလင်းမှု ဖြစ်ပွားခြင်းမရှိ စေရေး သေချာမှုရှိစေရန်၊ သက်သေခံအထောက်အထားများ ဖျောက်ဖျက်ခြင်းမပြုရန်နှင့် လိုက်နာဆောင်ရွက်ချက်များကို ICJ သို့ အစီရင်ခံတင်ပြရန်တို့ ဖြစ်ပါသည်။

၂။ လူမျိုးဖြုတ်ရှင်းလင်းမှုတွင် အဓိကအားဖြင့် လူသတ်မှု၊ အဖွဲ့ဝင်များအား စိတ်ပိုင်း နှင့်ရုပ်ပိုင်းဆိုင်ရာ ပြင်းထန်သောထိခိုက်နာကျင်စေမှု၊ ရုပ်ပိုင်းဆိုင်ရာ ပျက်စီးမှု ဖြစ်စေရန် တွက်ချက် အကွက်ချ၍ ယင်းတို့၏ ဘဝရပ်တည်မှုအခြေအနေအား ရည်ရွယ်ချက်ရှိရှိဖြင့် ထိခိုက်စေခြင်း ၊ လူ့အဖွဲ့အစည်းတစ်ရပ်အတွင်း မွေးဖွားမှုများကို တားမြစ်ပိတ်ပင်ရန် ရည်ရွယ်ချက်ဖြင့် နည်းလမ်းများ ချမှတ်ကျင့်သုံးခြင်းတို့ ပါဝင်ပါသည်။

၃။ အထက်ဖော်ပြပါပြစ်မှုများကိုကျူးလွန်ရန် တပ်မတော်ကခွင့်ပြုထားခြင်း မရှိသည့် အပြင် သာမန်လူသတ်မှု၊ အဓမ္မပြုကျင့်မှုနှင့် ညှဉ်းပန်းနှိပ်စက်မှုများကို တပ်မတော်သားများက ကျူးလွန်လျှင်ပင် ထိရောက်ဟန့်တားသည့်ပြစ်ဒဏ်များ ချမှတ်ဆောင်ရွက်လျက်ရှိပါသည်။

၄။ သို့ရာတွင် ICJ က ကြားဖြတ်စီမံဆောင်ရွက်ချက်များ ချမှတ်ထားသည်ဖြစ်ရာ အောက်ပါပြုလုပ်မှုများကို တပ်မတော်သားများက ကျူးလွန်မှုမရှိအောင် အလေးထား ကြပ်မတ် ဆောင်ရွက်သွားရန်ဖြစ်သည်-

- (က) လူ့အဖွဲ့အစည်းတစ်ရပ်၏ အဖွဲ့ဝင်များအားသတ်ဖြတ်ခြင်း။
- (ခ) လူ့အဖွဲ့အစည်းတစ်ရပ်၏ အဖွဲ့ဝင်များအား စိတ်ပိုင်းနှင့် ရုပ်ပိုင်းဆိုင်ရာ ပြင်းထန်သောထိခိုက်နာကျင်စေမှုကိုဖြစ်စေခြင်း။

လျှို့ဝှက်

လျှို့ဝှက်

J

- (ဂ) လူ့အဖွဲ့အစည်းတစ်ရပ်အား အလုံးစုံဖြစ်စေ ၊ တစ်စိတ်တစ်ပိုင်းဖြစ်စေ ရုပ်ပိုင်းဆိုင်ရာ ပျက်စီးမှုဖြစ်စေရန် တွက်ချက်အကွက်ချ၍ ယင်းတို့၏ ဘဝရပ်တည်မှုအခြေအနေအား ရည်ရွယ်ချက်ရှိရှိဖြင့် ထိခိုက်စေခြင်း။
- (ဃ) လူ့အဖွဲ့အစည်းတစ်ရပ်အတွင်း မွေးဖွားမှုများကို တားမြစ်ပိတ်ပင်ရန် ရည်ရွယ်ချက်ဖြင့် နည်းလမ်းများ ချမှတ်ကျင့်သုံးခြင်း။
- (င) အထက်ပါ ပြုလုပ်မှုများကို ကျူးလွန်မှုနှင့် စပ်လျဉ်းသည့် သက်သေ အထောက်အထားများကို ဖျက်ဆီးခြင်း။

၅။ လူ့အဖွဲ့အစည်းတစ်ရပ်၏ အဖွဲ့ဝင်များအားသတ်ဖြတ်ခြင်း၊ လူ့အဖွဲ့အစည်းတစ်ရပ်၏ အဖွဲ့ဝင်များအား စိတ်ပိုင်းနှင့်ရုပ်ပိုင်းဆိုင်ရာ ပြင်းထန်သောထိခိုက်နာကျင်စေ မှုကိုဖြစ်စေခြင်း ဆိုသည့်အချက်များနှင့်စပ်လျဉ်း၍ တပ်မတော်သားများက အရပ်သားများအပေါ် ကျူးလွန်သည့် လူသတ်မှုကို တပ်မတော်အက်ဥပဒေပုဒ်မ ၇၁ ၊ နယ်ဘက်ပြစ်မှုတစ်ရပ်ဖြစ်သော ရာဇသတ်ကြီး ပုဒ်မ ၃၀၂ အရလည်းကောင်း၊ မုဒိမ်းမှုကို တပ်မတော်အက်ဥပဒေပုဒ်မ ၇၁၊ နယ်ဘက်ပြစ်မှုတစ်ရပ်ဖြစ်သော ရာဇသတ်ကြီးပုဒ်မ ၃၇၆ အရလည်းကောင်း စွဲချက်တင်၍ စစ်တရားရုံးဖြင့် အရေးယူဆောင်ရွက်လျက်ရှိ သကဲ့သို့ ဆက်လက်၍လည်း ပိုမိုထိရောက်စွာ အရေးယူ ဆောင်ရွက်သွားရန်ဖြစ်သည်။

၆။ တပ်မတော်သားတစ်ဦးက ကျူးလွန်သည့် လူသတ်မှု ၊ ရာဇဝတ်ပြစ်ဒဏ်ထိုက်သည့် လူသေမှုနှင့်မုဒိမ်းမှုတို့ကို တန်းပြည့်စစ်မှုထမ်းချိန်တွင် ကျူးလွန်မှသာ စစ်တရားရုံးဖြင့် စစ်ဆေး စီရင်ဆောင်ရွက်ရန်ဖြစ်ပြီး တန်းပြည့်စစ်မှုထမ်းချိန်မဟုတ်သည့်အချိန်တွင် ကျူးလွန်မှုများကို နယ်ဘက်တရားရုံးသို့ လွှဲပြောင်းစစ်ဆေးရန်ဖြစ်သည်။ တင်ကူး ကြံရွယ်ချက်ဖြင့် လူသတ်မှုကို ကျူးလွန်ပါက အမြင့်ဆုံးပြစ်ဒဏ်မှာ သေဒဏ်အထိချမှတ်ခံရနိုင်ပြီး မုဒိမ်းမှုကျူးလွန်ပါက အမြင့်ဆုံးပြစ်ဒဏ်မှာ ၁၀ နှစ်အထိ ထောင်ဒဏ်ကိုလည်းကောင်း၊ အသက် ၁၂ နှစ်အောက် မိန်းကလေးကို ကျူးလွန်ပါက အမြင့်ဆုံးပြစ်ဒဏ်မှာ ထောင်ဒဏ်တစ်သက်အထိ ပြစ်ဒဏ်ကို လည်းကောင်း ချမှတ်ခြင်းခံရနိုင်ကြောင်း သတိပြုရန်နှင့် ပြစ်မှုကျူးလွန်မှုမရှိစေရေး အလေးထား လိုက်နာ ဆောင်ရွက်သွားရန်ဖြစ်သည်။

၇။ လူ့အဖွဲ့အစည်းတစ်ရပ်အား အလုံးစုံဖြစ်စေ၊ တစ်စိတ်တစ်ပိုင်းဖြစ်စေ ရုပ်ပိုင်းဆိုင်ရာ ပျက်စီးမှုဖြစ်စေရန် တွက်ချက်အကွက်ချ၍ ယင်းတို့၏ ဘဝရပ်တည်မှုအခြေအနေအား ရည်ရွယ်ချက်ရှိရှိဖြင့် ထိခိုက်စေခြင်း၊ လူ့အဖွဲ့အစည်းတစ်ရပ်အတွင်း မွေးဖွားမှုများကို တားမြစ် ပိတ်ပင်ရန်ရည်ရွယ်ချက်ဖြင့် နည်းလမ်းများချမှတ်ကျင့်သုံးခြင်း ဆိုသည့် အချက်များနှင့် စပ်လျဉ်း၍ တပ်မတော်အက်ဥပဒေပုဒ်မ ၆၆(က)အရ တာဝန်ကျနေရာတစ်ခုခုကို ကွပ်ကဲနေရစဉ် ဖြစ်စေ၊ စစ်ချီနေစဉ်ဖြစ်စေ မိမိလက်အောက်ရှိ တစ်ဦးတစ်ယောက် သောသူက အခြားသူ တစ်ဦးဦးအားရိုက်နှက်သည် သို့တည်းမဟုတ် အခြားနည်းဖြင့် ညှဉ်းပန်းသည် သို့တည်းမဟုတ် ဖိနှိပ်ချုပ်ချယ်သည်.....ဟု တိုင်ကြားချက်ကို ရရှိ လျက်နှင့် နစ်နာသူကိုထိုက်သင့်သော ကျေနပ်မှုရရှိအောင် ပြုလုပ်ရန်ပျက်ကွက်လျှင် သို့တည်းမဟုတ် ဆိုင်ရာအာဏာပိုင်ထံအမှုကို အစီရင်ခံရန် ပျက်ကွက်လျှင်သော်လည်း ကောင်း၊ ပုဒ်မ ၆၆(ခ)အရ ကိုးကွယ်ဝတ်ပြုသော နေရာတစ်ခုခုကို ယုတ်ညံ့စေခြင်းဖြင့်ဖြစ်စေ၊ အခြားနည်းဖြင့်ဖြစ်စေ၊ သူတစ်ဦးဦး၏ ဘာသာ သာသနာကို တမင်စော်ကား လျှင် သို့တည်းမဟုတ် သူတစ်ဦးဦး၏ ဘာသာရေးစိတ်ကို တမင်နာကြည်းစေလျှင်သော် လည်းကောင်း၊ စစ်တရားရုံးဖြင့် စစ်ဆေးအရေးယူဆောင်ရွက် သွားရန်ဖြစ်ပြီး ပြစ်မှု ကျူးလွန်ပါက အမြင့်ဆုံးပြစ်ဒဏ်မှာ ထောင်ဒဏ် ၇ နှစ်အထိချမှတ်ခြင်း ခံရနိုင်ကြောင်း သတိပြုရန်နှင့် ပြစ်မှုကျူးလွန်မှုမရှိစေရေး အလေးထားလိုက်နာ ဆောင်ရွက် သွားရန် ဖြစ်သည်။

၈။ သက်သေခံအထောက်အထားများကို ဖျက်ဆီးခြင်း ဆိုသည့်အချက်နှင့် စပ်လျဉ်း၍ တပ်မတော်သားတစ်ဦး ပြစ်မှုကျူးလွန်မှုနှင့်သက်ဆိုင်သည့်သက်သေခံပစ္စည်း၊ အထောက်အထား တစ်ခုခုကို ပြစ်မှုကျူးလွန်သူကသော်လည်းကောင်း၊ အခြားသူ တစ်ဦးဦးကသော်လည်းကောင်း ဖျောက်ဖျက်ပစ်ခဲ့လျှင် စစ်တရားရုံးတွင် ပြစ်မှုထင်ရှားစီရင်သည့်အခါ နယ်ဘက်တရားရုံး ကဲ့သို့ပင် သက်သေခံပစ္စည်းဖျောက်ဖျက်မှုအတွက် တပ်မတော်အက်ဥပဒေပုဒ်မ ၇၁၊ နယ်ဘက် ပြစ်မှုတစ်ရပ်ဖြစ်သော ရာဇသတ်ကြီးပုဒ်မ ၂၀၁ အရ အရေးယူဆောင်ရွက်ရန်ဖြစ်ပြီး ပြစ်မှု ကျူးလွန်ပါက အမြင့်ဆုံးပြစ်ဒဏ်မှာ ထောင်ဒဏ် ၇ နှစ်အထိ ချမှတ်ခြင်းခံရနိုင်ကြောင်း သတိ ပြုရန်နှင့် ပြစ်မှုကျူးလွန်မှုမရှိစေရေး အလေးထား လိုက်နာဆောင်ရွက်သွားရန် ဖြစ်သည်။ ပြစ်မှုကျူးလွန်ရန် အားထုတ်မှုနှင့် အားပေးကူညီမှုတို့အတွက် တပ်မတော်အက်ဥပဒေပုဒ်မ ၆၇၊ ၆၈၊ ၆၉ နှင့် ၇၀ တို့အပြင် သက်ဆိုင်ရာဥပဒေ ပြဋ္ဌာန်းချက်များအရ အရေးယူ ဆောင်ရွက်

သွားရန်ဖြစ်ပြီး အားထုတ်မှုကျူးလွန်သည့်ပြစ်မှုသည် သေဒဏ်ထိုက်သင့်သည့် ပြစ်မှုဖြစ်ပါက ၁၄ နှစ် အထိ ထောင်ဒဏ်ကိုလည်းကောင်း၊ ထောင်ဒဏ်ထိုက်သင့်သည့် ပြစ်မှုဖြစ်ပါက အမြင့်ဆုံး ထောင်ဒဏ်၏ တစ်ဝက်ကိုလည်းကောင်း၊ အားပေးကူညီမှုအတွက် မူလပြစ်မှုပါ ပြစ်ဒဏ်ကို လည်းကောင်း ချမှတ်ခြင်းခံရနိုင်ကြောင်း သတိပြုရန်နှင့် ပြစ်မှုကျူးလွန်မှု မရှိ စေရေး အလေးထားလိုက်နာ ဆောင်ရွက်သွားရန်ဖြစ်သည်။

၉။ တပ်မတော်သားများက ပြဿနာဖြစ်ပွားသည့် နယ်မြေများတွင် အရပ်သားများကို အကြောင်းမဲ့သတ်ဖြတ်မှု၊ အဓမ္မပြုကျင့်မှု၊ ညှဉ်းပန်းနှိပ်စက်မှုတို့ မရှိစေရေး အလေးထား ကြပ်မတ်ပြီး ကျူးလွန်မှု ရှိလာခဲ့လျှင်လည်း အချိန်နှင့်တစ်ပြေးညီ တင်ပြ၍ အရေးယူ ဆောင်ရွက်သွားရန်ဖြစ်သည်။

၁၀။ ICJ ၏ ကြားဖြတ်စီမံဆောင်ရွက်ချက်များတွင် ဖော်ပြပါရှိသည့် ပြုလုပ်မှုများ ကိုလည်းကောင်း၊ ယင်းပြုလုပ်မှုနှင့်ဆက်စပ်သည့် ပြုလုပ်မှုများကိုလည်းကောင်း တပ်မတော်သား များက ဖောက်ဖျက်ကျူးလွန်မှုမရှိစေရေး အလေးထား ကြပ်မတ်ဆောင်ရွက်သွားရန်၊ တရားမဝင် လူစုလူဝေးကို ဖြိုခွဲရသည့် အခြေအနေတွင်လည်းကောင်း ၊ လက်နက်ကိုင်ပဋိပက္ခ အခြေအနေတွင် လည်းကောင်း၊ ထုတ်ပြန်ထားသည့် ထိတွေ့တိုက်ခိုက်မှုစည်းမျဉ်းများ အတိုင်း လိုက်နာဆောင်ရွက်သွားရန်နှင့် စစ်ပွဲဆိုင်ရာ ဥပဒေများကို သင်တန်းများတွင် သင်ကြားပို့ချထားသည့်အတိုင်း လိုက်နာဆောင်ရွက်ကြရန် ဖြစ်သည်။

၁၁။ ICJ မှချမှတ်ခဲ့သည့် ကြားဖြတ်စီမံဆောင်ရွက်ချက်များတွင် ဖော်ပြပါရှိသည့် ပြုလုပ်မှု များသည် မူလကပင် မိမိနိုင်ငံတွင် ပြဋ္ဌာန်းကျင့်သုံးနေသော စစ်ဘက်/နယ်ဘက် ဥပဒေများအရ တားမြစ်ထားသည့် ပြုလုပ်မှုများဖြစ်ပြီး အဆိုပါ ပြစ်မှုကျူးလွန်သူများအား ဥပဒေနှင့်အညီ အရေးယူဆောင်ရွက်လျက်ရှိသကဲ့သို့ ဆက်လက်၍လည်း အလေးထားလိုက်နာဆောင်ရွက် သွားရန် ဖြစ်သည်။

၁၂။ သို့ဖြစ်ပါ၍ အထက်အပိုဒ် (၄) မှ (၁၁)အထိ အချက်များကို အလေးထားလိုက်နာ ဆောင်ရွက်သွားရန် ညွှန်ကြားသည်။

Secret

Minister Office, Ministry of Defence

Letter No. 7/94 (b) (Principle)/CIC Attached:

As of 2 April 2020

Instructions by Office of the Commander-In-Chief (Army) as of 25 February 2020

Letter No. 3/300/3 (b) 68/ Oo 1

Subject- Instruction to observe the provisional measures indicated by International Court of Justice (ICJ) with the special consideration

1. In the case of Gambia v Myanmar, the ICJ indicated the four provisional measures. Such measures are briefly to prevent not occur the genocide in Myanmar; to ensure not to commit the genocide; not to destruct the evidence; and to submit a report to the Court on all measures taken to give effect to this Order.

2. The term 'genocide' mainly includes killing, causing serious bodily or mental harm to the members, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction, and imposing measures intended to prevent births within the group.

3. Tatmadaw never allows its military personnel to commit the above offences and has been effectively punishing them even if they committed the common crimes such as murder, rape and torture.

4. Nevertheless, since the ICJ indicated the above provisional measures, it must seriously oversee that the military personnel are not able to commit the following acts:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to the members of the group;

Secret

- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group; and
- (e) destruction of evidence related to commission of the above acts;

5. With respect to killing members of the group and causing serious bodily or mental harm to the members of the group, any military personnel who commit murder against the civilians are charged with the Section 71 of the 1959 Defence Services Act which is a civil offence as of the Section 302 of Myanmar Penal Code and those who commit rape against the civilians are charged with the Section 71 of the 1959 Defence Services Act which is a civil offence as of the Section 376 of Myanmar Penal Code and are adjudicated by the Courts-Martial. Accordingly, such kind of punitive action against those who commit such crimes shall continue and take action with severe punishment.

6. If any military personnel commit a murder, culpable homicide and rape against the civilians while only on active service, the case must be adjudicated by the Court-Martial. If such crimes are committed under any other circumstances, the case must be transferred to the Civil Courts. It must pay attention that whoever commits murder with premeditation shall be punished with death as the highest punishment and whoever commits rape shall be punished with imprisonment for a term which may extend to ten years and whoever commits rape against a woman who is under twelve years of age shall be punished with imprisonment for life as the highest punishment and must seriously observe not to commit such offences.

7. With respect to deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part and imposing measures intended to prevent births within the group, it must pay attention that according to Section 66(a) of the 1959 Defence Services Act, any military personnel, being in command at any post or on the march, and receiving a complaint that anyone under his command has beaten otherwise maltreated or oppressed any person fails to have due reparation made to the injured person or to report the case to the proper authority, or by defiling any place of worship, or otherwise, intentionally insults the religion or wounds the religious feelings of any person under Section 66(b) of this Act, shall be punished with seven years imprisonment as the highest punishment, and must seriously observe not to commit such offences.

8. With respect to destruction of evidence, it must pay attention that if any evidence of the commission of offence is destructed by a military personnel who committed such offence or by any other person, he shall be adjudicated by courts-martial in accordance with Section 71 of the 1959 Defence Services Act which is a civil offence as of the Section 201 of the Penal Code, and must seriously observe not to commit such offence. Relating to attempts to commit offence or abets the commission of offence, it must take action in accordance with the Sections 67, 68, 69 and 70 of the 1959 Defence Services Act, and other relevant laws and the attempts to commit the offence punishable with death may be sentenced up to fourteen years imprisonment and the attempts to commit the offence punishable with imprisonment may be sentenced up to imprisonment for a term of one-half of the longest term and in a case of abetment of offence may be liable to suffer the punishment provided for that offence and must seriously observe not to commit such offences.

9. It must have special consideration to oversee that the military personnel are not able to commit the unlawful killing, rape and torture in the conflict area and if there is a commission of such offences, it must report and take action in timely manner.

10. It must have great attention to oversee that the military personnel are not able to perpetrate any acts mentioned in the provisional measures indicated by the ICJ and other related acts and must observe the rules of engagement which were already issued and must conduct in accordance with the principles of the law of armed conflict which were lectured at training courses while on dispersing an unlawful assembly or the situation of armed conflict.

11. The acts mentioned in provisional measures indicated by ICJ are since the prohibited acts provided for in the existing enacted military and civil laws. The offenders committed such offences are being taken action in accordance with the laws and it must have special consideration to observe accordingly.

12. Therefore, this instruction is issued to observe seriously above mentioned paragraphs 4 to 11.

XXXXXXXXXXXXXXXXXX

(for) Commander -In-Chief (Army)

Annex 7

Republic of the Union of Myanmar, Office of the President, Notification No. 19/2020, Formation of the Criminal Investigation and Prosecution Body, 24 January 2020 [original and English translation]



ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်
နိုင်ငံတော်သမ္မတရုံး

အမိန့်ကြော်ငြာစာအမှတ်၊ ၁၉ / ၂၀၂၀

၁၃၈၁ ခုနှစ်၊ ပြာသိုလပြည့်ကျော် ၁၅ ရက်
(၂၀၂၀ ပြည့်နှစ်၊ ဇန်နဝါရီလ ၂၄ ရက်)

ရာဇဝတ်မှုဆိုင်ရာစုံစမ်းစစ်ဆေးခြင်းနှင့် တရားစွဲဆိုခြင်းများ ဆောင်ရွက်ရေးအဖွဲ့ ဖွဲ့စည်းခြင်း

၁။ နိုင်ငံတော်သမ္မတရုံး၏ ၁၅-၈-၂၀၁၈ ရက်စွဲပါ အမိန့်ကြော်ငြာစာအမှတ် ၆၁/၂၀၁၈ ဖြင့် ဖွဲ့စည်းခဲ့သော လွတ်လပ်သောစုံစမ်းစစ်ဆေးရေးကော်မရှင် (Independent Commission of Enquiry - ICOE) ၏ အပြီးသတ်အစီရင်ခံစာပါ အကြံပြုချက်အရ မြန်မာ့တပ်မတော်နှင့် ARSA အကြမ်းဖက်အဖွဲ့တို့ အကြား ဖြစ်ပွားခဲ့သည့် တိုက်ခိုက်မှုဖြစ်စဉ်များအတွင်း ရခိုင်ပြည်နယ်၌ဖြစ်ပွားခဲ့သည့် ရာဇဝတ်မှုများကို စုံစမ်းစစ်ဆေးခြင်းနှင့် တရားစွဲဆိုခြင်းများ ဆောင်ရွက်နိုင်ရန် “ရာဇဝတ်မှုဆိုင်ရာ စုံစမ်းစစ်ဆေးခြင်းနှင့် တရားစွဲဆိုခြင်းများ ဆောင်ရွက်ရေးအဖွဲ့” ကို အောက်ပါပုဂ္ဂိုလ်များဖြင့် ဖွဲ့စည်းလိုက်သည်-

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| (က) ပြည်ထောင်စုရှေ့နေချုပ်
ပြည်ထောင်စုရှေ့နေချုပ်ရုံး | ဥက္ကဋ္ဌ |
| (ခ) ဒုတိယရှေ့နေချုပ်
ပြည်ထောင်စုရှေ့နေချုပ်ရုံး | ဒုတိယဥက္ကဋ္ဌ |
| (ဂ) စစ်ဥပဒေချုပ်
စစ်ဥပဒေချုပ်ရုံး | အဖွဲ့ဝင် |
| (ဃ) ဒုတိယဝန်ကြီး
ပြည်ထဲရေးဝန်ကြီးဌာန | အဖွဲ့ဝင် |
| (င) ဒုတိယဝန်ကြီး
ပြည်ထောင်စုအစိုးရအဖွဲ့ရုံးဝန်ကြီးဌာန | အဖွဲ့ဝင် |
| (စ) ဒုတိယဝန်ကြီး
လူမှုဝန်ထမ်း၊ ကယ်ဆယ်ရေးနှင့်ပြန်လည်
နေရာချထားရေးဝန်ကြီးဌာန | အဖွဲ့ဝင် |

(ဆ) ညွှန်ကြားရေးမှူးချုပ် အဖွဲ့ဝင်
အမျိုးသားမှတ်ပုံတင်နှင့်နိုင်ငံသားဦးစီးဌာန
အလုပ်သမား၊ လူဝင်မှုကြီးကြပ်ရေးနှင့်
ပြည်သူ့အင်အားဝန်ကြီးဌာန

(ဇ) ဒုတိယရဲချုပ် (၂) အဖွဲ့ဝင်
ပြည်ထဲရေးဝန်ကြီးဌာန

(ဈ) ညွှန်ကြားရေးမှူးချုပ် အတွင်းရေးမှူး
တရားစွဲနှင့်အမှုလိုက်ဦးစီးဌာန
ပြည်ထောင်စုရှေ့နေချုပ်ရုံး

၂။ ရာဇဝတ်မှုဆိုင်ရာစုံစမ်းစစ်ဆေးခြင်းနှင့် တရားစွဲဆိုခြင်းများဆောင်ရွက်ရေးအဖွဲ့၏ လုပ်ငန်း
တာဝန်များမှာ အောက်ပါအတိုင်းဖြစ်သည်-

(က) အစီရင်ခံစာပါ ရခိုင်ပြည်နယ်အတွင်းဖြစ်ပွားခဲ့သည့် ပဋိပက္ခဖြစ်စဉ်ကာလအတွင်း
ARSA အဖွဲ့ဝင်များ၊ ၎င်းတို့နှင့်အလိုတူ ပူးပေါင်းပါဝင်ဆောင်ရွက်ခဲ့သူများကို စုံစမ်း
ဖော်ထုတ်၍ ဥပဒေနှင့်အညီ တရားစွဲဆိုရေးအတွက် ဆောင်ရွက်ခြင်း၊

(ခ) အစီရင်ခံစာပါ ရခိုင်ပြည်နယ်အတွင်းဖြစ်ပွားခဲ့သည့် ပဋိပက္ခဖြစ်စဉ်ကာလအတွင်း
ရာဇဝတ်မှုကျူးလွန်ခဲ့သည့် မြန်မာနိုင်ငံရဲတပ်ဖွဲ့ဝင်များကို စုံစမ်းဖော်ထုတ်၍ ဥပဒေ
နှင့်အညီ အရေးယူတရားစွဲဆိုရေးအတွက် ဆောင်ရွက်ခြင်း၊

(ဂ) အစီရင်ခံစာပါ ရခိုင်ပြည်နယ်အတွင်းဖြစ်ပွားခဲ့သည့် ပဋိပက္ခဖြစ်စဉ်ကာလအတွင်း
ဖြစ်ပွားခဲ့သည့် အမှုဖြစ်စဉ်များတွင် အရပ်သားများကျူးလွန်ခဲ့သည့် ရာဇဝတ်မှုများကို
စုံစမ်းဖော်ထုတ်၍ ဥပဒေနှင့်အညီ တရားစွဲဆိုရေးအတွက် ဆောင်ရွက်ခြင်း၊

(ဃ) ရခိုင်ပြည်နယ်မြောက်ပိုင်းရှိ လူမှုအသိုင်းအဝိုင်းအားလုံးမှ ဒေသခံများအတွက်
တရားစွဲဆိုခွင့်နှင့် တိုင်တန်းမှုများအား ဖြေရှင်းနိုင်မည့် သင့်လျော်သည့် နည်းလမ်းများ
အပါအဝင် တရားရေးရာအရ ဖြေရှင်းဆောင်ရွက်နိုင်မည့် နည်းလမ်းများရရှိစေရန်
လိုအပ်သလို ဆောင်ရွက်ခြင်း၊

- (င) မြန်မာနိုင်ငံနှင့် လိုက်လျောညီထွေဖြစ်မည့် အကူးအပြောင်းကာလ တရားမျှတမှုနှင့် သက်ဆိုင်သည့် လုပ်ငန်းစဉ်များအား လိုအပ်သလို စီစဉ်ဆောင်ရွက်ခြင်း၊
- (စ) နိုင်ငံတော်သမ္မတ က အစီရင်ခံစာနှင့်စပ်လျဉ်း၍ ပေးအပ်သော အခြားလုပ်ငန်း တာဝန်များကို ထမ်းဆောင်ခြင်း။

(ပုံ) ဝင်းမြင့်
 နိုင်ငံတော်သမ္မတ
 ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်

The Republic of the Union of Myanmar

The President's Office

Notification No. 19/ 2020

The 15th Waning Day of Pyatho, 1381 ME

(24th January 2020)

Formation of the Criminal Investigation and Prosecution Body

1. Pursuant to the recommendations in the Final Report of the Independent Commission of Enquiry (ICOE) formed under Notification No. 61/ 2018 of the President's Office dated 15th August 2018, "**the Criminal Investigation and Prosecution Body**" is hereby formed with the following persons, to undertake criminal investigations and prosecutions against those who committed crimes during the internal armed conflict in the Rakhine State between Myanmar's Defence Services and the ARSA terrorist group:

- | | | |
|-----|--|---------------|
| (a) | Attorney General of the Union
Union Attorney General's Office | Chairman |
| (b) | Deputy Attorney General
Union Attorney General's Office | Vice-Chairman |
| (c) | Judge Advocate General
Judge Advocate General's Office | Member |
| (d) | Deputy Minister
Ministry of Home Affairs | Member |
| (e) | Deputy Minister
Ministry of the Union Government Office | Member |
| (f) | Deputy Minister
Ministry of Social Welfare, Relief and Resettlement | Member |
| (g) | Director General
National Registration and Citizenship Department
Ministry of Labour, Immigration and Population | Member |

- | | | |
|-----|---|-----------|
| (h) | Deputy Chief of Police (2)
Ministry of Home Affairs | Member |
| (i) | Director General
Prosecution Department
Union Attorney General's Office | Secretary |

2. The functions and duties of the Criminal Investigation and Prosecution Body are as follows:

- (a) Conducting criminal investigations and prosecutions, in accordance with the law, against members and collaborators of ARSA who committed crimes during internal armed conflict in the Rakhine State according to the ICOE's report;
- (b) Conducting criminal investigations and prosecutions, in accordance with the law, against members of Myanmar's Police Force who committed crimes during the internal armed conflict in the Rakhine State according to the ICOE's report;
- (c) Conducting criminal investigations and prosecutions, in accordance with the law, against civilians who committed crimes during the internal armed conflict in the Rakhine State according to the ICOE's report;
- (d) Establishing mechanisms, including appropriate complaint mechanisms, for members of all communities in northern Rakhine State to have access to prosecution and judicial remedies;
- (e) Undertaking appropriate activities related to a transitional justice appropriate for Myanmar; and
- (f) Undertaking other functions and duties duly assigned by the President regarding the ICOE's report.

(S/d)

Win Myint
President

The Republic of the Union of Myanmar

Annex 8

Government of the Republic of the Union of Myanmar, Criminal Investigation and Prosecution Body,
Order No. 1/2020, 18 March 2020 [original and English translation]

ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်အစိုးရ
ရာဇဝတ်မှုဆိုင်ရာစုံစမ်းစစ်ဆေးခြင်းနှင့် တရားစွဲဆိုခြင်းများဆောင်ရွက်ရေးအဖွဲ့
နေပြည်တော်

အမိန့်အမှတ် ၁/၂၀၂၀

၁၃၈၁ ခုနှစ်၊ တပေါင်းလပြည့်ကျော် ၁၀ ရက်

၂၀၂၀ ပြည့်နှစ်၊ မတ်လ ၁၈ ရက်

၁။ လွတ်လပ်သောစုံစမ်းစစ်ဆေးရေးကော်မရှင် (ICOE)၏ အပြီးသတ်အစီရင်ခံစာပါ အကြံပြုချက်အရ မြန်မာ့တပ်မတော်နှင့် ARSA အကြမ်းဖက်အဖွဲ့တို့အကြား ဖြစ်ပွားခဲ့သည့် တိုက်ခိုက်မှုဖြစ်စဉ်များအတွင်း ရခိုင်ပြည်နယ်၌ဖြစ်ပွားခဲ့သည့် ရာဇဝတ်မှုများကို စုံစမ်းစစ်ဆေးခြင်းနှင့် တရားစွဲဆိုခြင်းများ ဆောင်ရွက်နိုင်ရန် “ရာဇဝတ်မှုဆိုင်ရာ စုံစမ်းစစ်ဆေးခြင်းနှင့် တရားစွဲဆိုခြင်းများဆောင်ရွက်ရေးအဖွဲ့”ကို နိုင်ငံတော်သမ္မတရုံးက ၂၄-၁-၂၀၂၀ ရက်စွဲပါ အမိန့်ကြော်ငြာစာအမှတ် ၁၉/၂၀၂၀ ဖြင့် ဖွဲ့စည်းပြီး ၁၁-၂-၂၀၂၀ ရက်စွဲပါ နိုင်ငံတော်သမ္မတရုံး၏ အမိန့်ကြော်ငြာစာအမှတ် ၃၀/၂၀၂၀ ဖြင့် ပြင်ဆင်ဖြည့်စွက်ခဲ့ပါသည်။

၂။ ရာဇဝတ်မှုဆိုင်ရာစုံစမ်းစစ်ဆေးခြင်းနှင့် တရားစွဲဆိုခြင်းများဆောင်ရွက်ရေးအဖွဲ့၏ ပထမအကြိမ် အစည်းအဝေးကို ၁၄-၂-၂၀၂၀ ရက်နေ့တွင် ကျင်းပခဲ့ပြီး ယင်းအစည်းအဝေးက ဆုံးဖြတ်သော အဖွဲ့၏လုပ်ငန်းတာဝန်များကို ထိရောက်စွာဆောင်ရွက်နိုင်ရေးအတွက် ပူးပေါင်းစုံစမ်းအရေးယူဆောင်ရွက်ရေးအဖွဲ့ (Task Force) ကို နအောက်ပါပုဂ္ဂိုလ်များဖြင့် ဖွဲ့စည်းလိုက်သည် -

- (က) ညွှန်ကြားရေးမှူးချုပ် အဖွဲ့ခေါင်းဆောင်
- တရားစွဲနှင့်အမှုလိုက်ဦးစီးဌာန
- ပြည်ထောင်စုရှေ့နေချုပ်ရုံး

- (ခ) ညွှန်ကြားရေးမှူး(မူခင်း) အဖွဲ့ဝင်
 မြန်မာနိုင်ငံရဲတပ်ဖွဲ့ဌာနချုပ်
- (ဂ) ဒုတိယတပ်ဖွဲ့မှူး အဖွဲ့ဝင်
 မူခင်းရဲတပ်ဖွဲ့
- (ဃ) ပြည်နယ်ရဲတပ်ဖွဲ့မှူး အဖွဲ့ဝင်
 ရခိုင်ပြည်နယ်ရဲတပ်ဖွဲ့မှူးရုံး
- (င) ဒုတိယကွပ်ကဲရေးမှူး အဖွဲ့ဝင်
 အမှတ်(၁)နယ်ခြားစောင့်တပ်
- (စ) ဦးအေးလွင် အဖွဲ့ဝင်
 ညွှန်ကြားရေးမှူး
 တရားစွဲနှင့်အမှုလိုက်ဦးစီးဌာန
- (ဆ) ပြည်နယ်ဥပဒေအရာရှိ အဖွဲ့ဝင်
 ရခိုင်ပြည်နယ်ဥပဒေချုပ်ရုံး
- (ဇ) ဦးဝေဖြိုးနိုင် အဖွဲ့ဝင်
 လက်ထောက်ညွှန်ကြားရေးမှူး
 တရားစွဲနှင့်အမှုလိုက်ဦးစီးဌာန
- (ဈ) ဦးကျော်မင်းအောင် အတွင်းရေးမှူး
 ဒုတိယညွှန်ကြားရေးမှူး
 တရားစွဲနှင့်အမှုလိုက်ဦးစီးဌာန

၃။ ပူးပေါင်းစုံစမ်းအရေးယူဆောင်ရွက်ရေးအဖွဲ့၏ လုပ်ငန်းတာဝန်များမှာ အောက်ပါအတိုင်း ဖြစ်ပါသည် -

- (က) ပဋိပက္ခဖြစ်စဉ်ကာလအတွင်း ARSA အဖွဲ့ဝင်များ၊ ၎င်းတို့နှင့်အလိုတူ ပူးပေါင်းပါဝင် ဆောင်ရွက်ခဲ့သူများ၊ ရာဇဝတ်မှုကျူးလွန်ခဲ့သည့် ရဲတပ်ဖွဲ့ဝင်များနှင့် အရပ်သားများ အား အရေးယူနိုင်ရေးအတွက် ဦးစားပေးဆောင်ရွက်ရန်လိုသည့် အမှုများအား ရွေးချယ်ပြီးနောက် ဆက်လက် စုံစမ်းဖော်ထုတ် တရားစွဲဆိုနိုင်ရေး ဆောင်ရွက်ရန်၊
- (ခ) အမှုကို ထိရောက်စွာ စုံစမ်းဖော်ထုတ် တရားစွဲဆို အရေးယူနိုင်ရေးအတွက် လိုအပ်သော သက်သေခံအချက်အလက်များ ရှာဖွေရန်၊
- (ဂ) နယ်မြေခံ အမှုစစ်ရဲအရာရှိများအား လိုအပ်သော လမ်းညွှန်ကြီးကြပ်မှုများပြုရန်နှင့် ပူးပေါင်းဆောင်ရွက်ရန်၊
- (ဃ) လစဉ်ပုံမှန်အစည်းအဝေးပြုလုပ်၍ စုံစမ်းဖော်ထုတ် အရေးယူဆောင်ရွက်မှုများ၏ တိုးတက်မှုအစီရင်ခံစာကို ရာဇဝတ်မှုဆိုင်ရာစုံစမ်းစစ်ဆေးခြင်းနှင့် တရားစွဲဆိုခြင်း များဆောင်ရွက်ရေးအဖွဲ့သို့ တင်ပြရန်၊
- (င) ပဋိပက္ခဖြစ်စဉ်အပေါ် အရေးယူအမှုဖွင့်လှစ်ထားသည့်ဖြစ်စဉ်များ၊ အမှုတွဲပါ တရားခံ များ၏ အမည်စာရင်းကို ပြုစု၍ ရာဇဝတ်မှုဆိုင်ရာစုံစမ်းစစ်ဆေးခြင်းနှင့် တရားစွဲဆို ခြင်းများဆောင်ရွက်ရေးအဖွဲ့သို့ တင်ပြရန်၊
- (စ) ထပ်မံစုံစမ်း အမှုဖွင့်လှစ်သည့်ဖြစ်စဉ်များ၊ တရားခံများ၏အမည်စာရင်းကို ရာဇဝတ် မှုဆိုင်ရာစုံစမ်းစစ်ဆေးခြင်းနှင့်တရားစွဲဆိုခြင်းများဆောင်ရွက်ရေးအဖွဲ့သို့ တင်ပြရန်၊

- (ဆ) အမှုများ ဖွင့်လှစ်စုံစမ်းစစ်ဆေးပြီးနောက် စစ်ဆေးပေါ်ပေါက်ချက်များကို ရာဇဝတ်မှု ဆိုင်ရာစုံစမ်းစစ်ဆေးခြင်းနှင့် တရားစွဲဆိုခြင်းများဆောင်ရွက်ရေးအဖွဲ့သို့ တင်ပြရန်၊
- (ဇ) ရခိုင်ပြည်နယ်မှ အဖွဲ့ဝင်များအား လိုအပ်သည့်အခါ နေပြည်တော်တွင် ပြုလုပ်သည့် အစည်းအဝေးသို့ တက်ရောက်နိုင်ရေး ဖိတ်ကြားရန်။
- (ဈ) ရာဇဝတ်မှုဆိုင်ရာစုံစမ်းစစ်ဆေးခြင်းနှင့် တရားစွဲဆိုခြင်းများဆောင်ရွက်ရေးအဖွဲ့က ပေးအပ်သည့် တာဝန်များကိုဆောင်ရွက်ရန်။


 (ထွန်းထွန်းဦး၊ဥက္ကဋ္ဌ)

ရာဇဝတ်မှုဆိုင်ရာစုံစမ်းစစ်ဆေးခြင်းနှင့်
 တရားစွဲဆိုခြင်းများဆောင်ရွက်ရေးအဖွဲ့
 ၏

ဖြန့်ဝေခြင်း

ပူးပေါင်းစုံစမ်းအရေးယူဆောင်ရွက်ရေးအဖွဲ့ဝင်အားလုံး

မိတ္တူကို

- ရုံးလက်ခံ
- မျှောစာတွဲ

The Government of the Republic of the Union of Myanmar

Criminal Investigation and Prosecution Body

Nay Pyi Taw

Order No. 1/2020

The 10th Waning Day of Tabaung, 1381 ME

18 March, 2020

1. Pursuant to the recommendations in the Final Report of the Independent Commission of Enquiry (ICOE), “The Criminal Investigation and Prosecution Body” is formed under the Notification No. 19/2020 dated 24.1.2020 of the President’s Office, and re-instituted under the Notification No. 30/2020 dated 1.1.2.2020 of the President’s Office, in order to undertake criminal investigations and prosecutions against those who committed crimes during the internal armed conflict in the Rakhine State between Myanmar Defense Services and ARSA terrorist group.

2. The first meeting of the Criminal Investigation and Prosecution Body was held on 14.2.2020, and the Task Force is formed with the following persons to undertake the functions and duties of the Body effectively according to the meeting resolutions:

- | | | |
|-----|--|--------|
| (a) | Director General
Prosecution Department
Union Attorney General’s Office | Leader |
| (b) | Director (CID)
Myanmar Police Force Headquarter | Member |
| (c) | Deputy Commander-in-Chief
Criminal Investigation Department | Member |
| (d) | Chief of the State Police Force
Office of the Chief of Rakhine State Police Force | Member |
| (e) | Deputy Regiment Commander
No (1) Border Guard Police | Member |
| (f) | U Aye Lwin
Director
Prosecution Department | Member |
| (g) | State Law Officer
Rakhine State Advocate General’s Office | Member |
| (h) | U Wai Phyo Naing
Assistant Director
Prosecution Department | Member |

(i) U Kyaw Min Aung Secretary
 Deputy Director
 Prosecution Department

3. The functions and duties of the Task Force are:
- (a) to undertake, after selecting and prioritizing cases, investigations and prosecutions against members and collaborators of ARSA, members of Myanmar's Police Force and civilians who committed crimes during the internal armed conflict;
 - (b) to collect necessary evidence to undertake effective investigations and prosecutions;
 - (c) to supervise and cooperate with the local police officers;
 - (d) to hold the regular monthly meeting and to submit the progress report on the investigation to the Criminal Investigation and Prosecution Body;
 - (e) to compile the list of cases prosecuted concerning the conflict and the name list of the accused and submit them to the Criminal Investigation and Prosecution Body;
 - (f) to submit further investigation proceedings and the name list of the accused to the Criminal Investigation and Prosecution Body;
 - (g) to submit the findings to the Criminal Investigation and Prosecution Body after investigating and prosecuting those cases;
 - (h) to invite the members from Rakhine State to attend the meeting held in Nay Pyi Taw when necessary;
 - (i) to undertake duties assigned by the Criminal Investigation and Prosecution Body.

(Tun Tun Oo, Chairman)

Criminal Investigation and Prosecution Body

Circulation to:

- All Members of the Task Force

Copy to:

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Annex 9

Statement of Women's Forum, Rakhine State, 10 March 2020 [original and English translation]

Women's Forum, Rakhine State ၏ ထုတ်ပြန်ကြေငြာချက်

မတ် (၁၀)၊ ၂၀၂၀ ခုနှစ်

ယဉ်ကျေးမှုများ စုံလင်ကွဲပြားသောဒေသဖြစ်သည့် ရခိုင်ပြည်နယ်တွင် မှီတင်းနေထိုင်ကြသော ကျွန်ုပ်တို့ရခိုင်ပြည်နယ်ရှိ ပြည်သူများမှာ တစ်ဦးနှင့်တစ်ဦး အပြန်အလှန်လေးစားနားလည်မှုရှိသော လူမှုအဝန်းအဝိုင်းတစ်ခုဖြစ်ပေါ်လာအောင် ဝိုင်းဝန်းတည်ဆောက်သွားကြရန် ကြိုးပမ်းသွားကြမည် ဖြစ်သည်။ ထို့အပြင် လူသားတိုင်းမှာ တစ်ဦးနှင့်တစ်ဦးလေးစားမှု၊ ရင်းနှီးချစ်ကြည်မှုများကို အခြေတည်ကာ လူသားဂုဏ်သိက္ခာနှင့်အညီ ရှင်သန်နေထိုင်ခွင့် အခွင့်အရေးရှိသည်ကို ကျွန်ုပ်တို့ယုံကြည်ကြပြီး၊ အကြမ်းဖက်ချိုးဖောက်မှုများ၊ ခြိမ်းခြောက်မှုများ (သို့မဟုတ်) အစုအဖွဲ့သော်လည်းကောင်း၊ သို့မဟုတ် တစ်ဦးချင်းသော်လည်းကောင်း ယဉ်ကျေးမှုလေ့စရိုက်နှင့်သွင်ပြင်လက္ခဏာများကို အခြေပြုကာ ခွဲခြား နှိမ်ချဆက်ဆံခြင်းများမှ စိုးရိမ်ကြောင့်ကျမှုကင်းစွာ နေထိုင်ရှင်သန်နိုင်ရန် အခွင့်အရေးရှိသည်ဟု ကျွန်ုပ်တို့ ခိုင်မာစွာ ယုံကြည်ကြသည်။

လူမှုအဝန်းအဝိုင်းများအကြား ခွဲခြားဆက်ဆံခြင်းနှင့် အကြမ်းဖက်ချိုးဖောက်မှုများ ဖြစ်ပေါ်စေရန် လှုံ့ဆော်ခြင်းအားဖြင့် အမုန်းစကားဖြန့်ချိခြင်းသည် ဂုဏ်သိက္ခာနှင့်အညီ ရှင်သန်နေထိုင်နိုင်ခြင်းနှင့် ငြိမ်းချမ်းပြီး သဟဇာတဖြစ်သောလူ့ဘောင်တစ်ခုတည်ဆောက်ကြရန် ရည်ရွယ်ထားရှိသောကျွန်ုပ်တို့၏ ရည်မှန်းချက်များအား အနှောက်အယှက် အဟန့်အတားဖြစ်စေသည်။ ထို့ပြင် အမုန်းစကားဖြန့်ချိခြင်းကြောင့် ဖြစ်ပေါ်လာသည့် လူမှုအဝန်းအဝိုင်းများကြားမှ မသင့်မြတ်မှုမှာ ကျွန်ုပ်တို့၏စီးပွားရေးရာနှင့်နိုင်ငံရေးရာ အဆင်ပြေချောမွေ့မှုများကို အတားအဆီးဖြစ်စေသလို ကျွန်ုပ်တို့၏ နာမည်ဂုဏ် သတင်းကောင်းကို လျော့ပါးထိခိုက်စေသည့်အပြင် ကျွန်ုပ်တို့၏ အလေ့အထကောင်းများနှင့်အညီ ကောင်းမွန်သင့်မြတ်စွာ ယှဉ်တွဲနေထိုင်ခြင်း အလေ့အထကိုလည်း သိမ်ငယ်လျော့ပါးစေသည်။

ထို့ကြောင့် ကျွန်ုပ်တို့အနေနှင့် ကျွန်ုပ်တို့လူမှုအဝန်းအဝိုင်းများမှ အဖွဲ့ဝင်များအားလုံး၊ ဘာသာရေးခေါင်းဆောင်များ၊ အစိုးရအရာရှိကြီးများ၊ စီးပွားရေးနှင့် ပညာရေးဆိုင်ရာ အစုအဖွဲ့များ/ ဌာနကြီးများ၊ နိုင်ငံရေးပါတီများနှင့် လူမှုအဖွဲ့အစည်းများအားလုံးကို အမုန်းစကားနှင့် အမုန်းတရား ဖြန့်ချိရေးပုံစံအားလုံးကို စွန့်လွှတ်ကြပါရန် တောင်းဆိုအပ်သည်။ ထို့ပြင် လူမှုအဝန်းအဝိုင်းအတွင်း အမုန်းစကားဖြန့်ချိခြင်းအား အဆုံးသတ်နိုင်ရန်အတွက် တတ်နိုင်သည့်အရာအားလုံးကို ဝိုင်းဝန်းကူညီ လုပ်ဆောင်ကြပါရန် ကျွန်ုပ်တို့အနေနှင့် တိုက်တွန်းမေတ္တာရပ်ခံအပ်ပါသည်။

Women's Forum,

Rakhine State

10 Mar 2020

Statement of Women's Forum, Rakhine State

10 Mar 2020

We, the people of Rakhine State, live in a multicultural society and we endeavor to build a community grounded in mutual understanding and respect for each other. Moreover, we believe that every human being has a right to a dignified life and a right to be treated with respect and to live without fear of violence, intimidation, or discrimination based on group identity or personal characteristics.

We recognize that proliferation of hate speech, by encouraging discrimination and provoking violence within our communities, undermines our aspirations to live with dignity and build a peaceful and harmonious society. We also recognize that communal strife caused by proliferation of hate speech hampers our economic and political wellbeing, diminishes our reputation, and undermines our virtue.

We, therefore, call upon all our community members, religious leaders, government officials, businesses, educational institutions, political parties and civil society groups to denounce hate speech in all its forms. We also call upon everyone to do whatever you can to stop the proliferation of hate speech within our communities.

Women's Forum
Rakhine State
10 Mar 2020

Annex 10

Anti-hate speech pamphlets distributed in a campaign in all 17 townships in Rakhine State in March 2020 [originals and English translations]

အမုန်းစကား တို့မဟုတ်



သင်၏ အမုန်းစကားများကြောင့် လူသားများ၏ မိသားစုဘဝများ မပျက်စီးပါစေနှင့်

သင့်ထံမှ အမုန်းစကားများ ထပ်ဆင့်ပပွားများစေခြင်းဖြင့် သင်၏လူအဖွဲ့အစည်း အေးချမ်းသာယာမှုကိုရရှိရန် သင်ကူညီပေးပါ

အမုန်းစကား တို့မဟုတ်



သင်၏ အမုန်းစကားများကြောင့် လူသားများ၏ မိသားစုဘဝများ မပျက်စီးပါစေနှင့်

သင့်ထံမှ အမုန်းစကားများ ထပ်ဆင့်ပပွားများစေခြင်းဖြင့် သင်၏လူအဖွဲ့အစည်း အေးချမ်းသာယာမှုကိုရရှိရန် သင်ကူညီပေးပါ

အမုန်းစကား တို့မဟုတ်



သင်၏ အမုန်းစကားများကြောင့် လူသားများ၏ မိသားစုဘဝများ မပျက်စီးပါစေနှင့်

သင့်ထံမှ အမုန်းစကားများ ထပ်ဆင့်ပပွားများစေခြင်းဖြင့် သင်၏လူအဖွဲ့အစည်း အေးချမ်းသာယာမှုကိုရရှိရန် သင်ကူညီပေးပါ



သင့်အဖေ၊ သင့်ရိုး၊ သင့်အစ်မ၊ သင့်ညီမများမှ

အမှန်ကောင်းများ ပြောကြားခြင်း၊ ထင်ဆင့်ပွားများခြင်း၊
 ကြောင့် အပြစ်ပဲ့သည် ဘဝပေါင်းများစွာ ပျက်ဆီးဆုံးရှုံး
 နေမှုများအား ကာကွယ်ပေးရန် **သင့်အား** တောင်းဆို
 တိုက်တွန်းအပ်ပါသည်။



- လူမျိုးရေးကိုအခြေခံသည့် အမှန်ကောင်းများ၊ ချက်ချင်းရပ်
- ကိုကွယ်ပုံကြည့်မှုကိုအခြေခံသည့် အမှန်ကောင်းများ၊ ချက်ချင်းရပ်
- ဓမ္မစွာများ နေထိုင်ရာ အရပ်ဒေသကိုအခြေခံသည့် အမှန်ကောင်းများ၊ ချက်ချင်းရပ်
- လိင်ကွဲပြားမှုကိုအခြေခံသည့် အမှန်ကောင်းများ၊ ချက်ချင်းရပ်
- လူ့အချင်းချင်းကွဲပြားခြားနားသည့် အမှန်ကောင်းများ၊ ချက်ချင်းရပ်

သင့်အဖေ၊ သင့်ရိုး၊ သင့်အစ်မ၊ သင့်ညီမများမှ

အမှန်ကောင်းများ ပြောကြားခြင်း၊ ထင်ဆင့်ပွားများခြင်း၊
 ကြောင့် အပြစ်ပဲ့သည် ဘဝပေါင်းများစွာ ပျက်ဆီးဆုံးရှုံး
 နေမှုများအား ကာကွယ်ပေးရန် **သင့်အား** တောင်းဆို
 တိုက်တွန်းအပ်ပါသည်။



- လူမျိုးရေးကိုအခြေခံသည့် အမှန်ကောင်းများ၊ ချက်ချင်းရပ်
- ကိုကွယ်ပုံကြည့်မှုကိုအခြေခံသည့် အမှန်ကောင်းများ၊ ချက်ချင်းရပ်
- ဓမ္မစွာများ နေထိုင်ရာ အရပ်ဒေသကိုအခြေခံသည့် အမှန်ကောင်းများ၊ ချက်ချင်းရပ်
- လိင်ကွဲပြားမှုကိုအခြေခံသည့် အမှန်ကောင်းများ၊ ချက်ချင်းရပ်
- လူ့အချင်းချင်းကွဲပြားခြားနားသည့် အမှန်ကောင်းများ၊ ချက်ချင်းရပ်

သင့်အဖေ၊ သင့်ရိုး၊ သင့်အစ်မ၊ သင့်ညီမများမှ

အမှန်ကောင်းများ ပြောကြားခြင်း၊ ထင်ဆင့်ပွားများခြင်း၊
 ကြောင့် အပြစ်ပဲ့သည် ဘဝပေါင်းများစွာ ပျက်ဆီးဆုံးရှုံး
 နေမှုများအား ကာကွယ်ပေးရန် **သင့်အား** တောင်းဆို
 တိုက်တွန်းအပ်ပါသည်။



- လူမျိုးရေးကိုအခြေခံသည့် အမှန်ကောင်းများ၊ ချက်ချင်းရပ်
- ကိုကွယ်ပုံကြည့်မှုကိုအခြေခံသည့် အမှန်ကောင်းများ၊ ချက်ချင်းရပ်
- ဓမ္မစွာများ နေထိုင်ရာ အရပ်ဒေသကိုအခြေခံသည့် အမှန်ကောင်းများ၊ ချက်ချင်းရပ်
- လိင်ကွဲပြားမှုကိုအခြေခံသည့် အမှန်ကောင်းများ၊ ချက်ချင်းရပ်
- လူ့အချင်းချင်းကွဲပြားခြားနားသည့် အမှန်ကောင်းများ၊ ချက်ချင်းရပ်

Anti-Hate Speech Pamphlets

Pamphlet 1

"Let's not spread hate-speech"

"Let's hold together as we all are same together"

- "Please do not destroy others' family lives with your hate-speech"
- "Please stop spreading hate-speech, starting from you, to your peaceful society."

Pamphlet 2

Your Mom, Your Wife, Your Sisters, request "you" to protect other innocent people's lives from being destroyed by spreading hate.

Stop Hate-Speech

- Stop Racism Hate Speech based on ethnicity and nationality race
- Stop Hate Speech based on religions
- Stop Hate Speech based on place of origins
- Stop Hate Speech based on gender
- Stop Hate Speech based on other identity factor

Annex 11

Report on “Anti-Hate Speech Campaign in Rakhine”, 10 March 2020 [original and English translation]

ရခိုင်ပြည်နယ်တွင် "အမုန်းစကားဆန့်ကျင်ရေးလှုပ်ရှားမှု" ပြုလုပ်ခဲ့သည့် အစီရင်ခံစာ

နိဒါန်း

၁။ နိုင်ငံတော်အတိုင်ပင်ခံရုံးဝန်ကြီးဌာန ပြည်ထောင်စုဝန်ကြီး၏ လမ်းညွှန်ချက်ဖြင့် "ရခိုင်ပြည်နယ်အတွင်း လူမှုသဟဇာတဖြစ်စေရေးဦးတည်သော အမျိုးသမီးများ တွေ့ဆုံ ဆွေးနွေးပွဲ"ကို နိုင်ငံတော်အတိုင်ပင်ခံရုံးဝန်ကြီးဌာန၊ အမျိုးသားပြန်လည်သင့်မြတ်ရေးနှင့် ငြိမ်းချမ်းရေးဗဟိုဌာနနှင့် CDNH တို့ ပူးပေါင်းပြီး (၂၃-၂-၂၀၂၀) ရက်နေ့မှ (၂၇-၂-၂၀၂၀) ရက်နေ့အထိ ရန်ကုန်မြို့၌ ကျင်းပပြုလုပ်ခဲ့ပါသည်။ အဆိုပါ ဆွေးနွေးပွဲသို့ ရခိုင်ပြည်နယ် (၁၇) မြို့နယ်ရှိ လူမျိုးပေါင်းစုံ၊ ဘာသာပေါင်းစုံမှ အမျိုးသမီးကိုယ်စားလှယ် (၁၀၀) ဦးကျော် တက်ရောက်ခဲ့ပြီး ဆွေးနွေးပွဲတွင် "အမုန်းစကားဆန့်ကျင်ရေးလှုပ်ရှားမှု" "Anti-Hate Speech Campaign" များကို ၂၀၂၀ ပြည့်နှစ်၊ မတ်လ (၁၀)ရက်နေ့တွင် ရခိုင်ပြည်နယ် (၁၇) မြို့နယ်၌ တစ်ပြိုင်နက်တည်း ပြုလုပ်မည်ဖြစ်ကြောင်း ဆွေးနွေးဆုံးဖြတ်ခဲ့ကြပါသည်။

ရည်ရွယ်ချက်

- ၂။ (က) လူမျိုးရေး၊ ဘာသာရေးကို အခြေခံသော အမုန်းစကားပြောဆိုနေမှုများ ရပ်တန့်ရန်။
- (ခ) မွေးဖွားရာဒေသ၊ လိင်ကွဲပြားခြားနားမှုတို့အပေါ်အခြေခံသော အမုန်းစကား ပြောဆိုမှုများ ရပ်တန့်ရန်။
- (ဂ) လူမျိုးရေး၊ ဘာသာရေးကိုအခြေခံသော ပဋိပက္ခများဖြစ်ပွားမှုမှ ကာကွယ်တားဆီးနိုင်ရန်။
- (ဃ) ရခိုင်ပြည်နယ်အတွင်း လူမှုသဟဇာတဖြစ်စေရေးကို ဦးတည်ရန်။

ညှိနှိုင်းဆောင်ရွက်ပေးမှု

၃။ "အမုန်းစကားဆန့်ကျင်ရေး လှုပ်ရှားမှု"များ အဆင်ပြေစွာဆောင်ရွက်နိုင်ရန်အတွက် နိုင်ငံတော်အတိုင်ပင်ခံရုံးဝန်ကြီးဌာနက ရခိုင်ပြည်နယ်အစိုးရအဖွဲ့ထံသို့ (၆-၃-၂၀၂၀) ရက်စွဲ ပါ စာအမှတ် ၂၃၅ (၀၀၂/၁၀/၂၀၂၀ (၇၄၅)) ဖြင့် ညှိနှိုင်းအကြောင်းကြားပေးခဲ့ပါသည်။

လှုပ်ရှားဆောင်ရွက်မှု

၄။ လှုပ်ရှားဆောင်ရွက်မှုများအဖြစ် ရခိုင်ပြည်နယ် (၁၇) မြို့နယ်စလုံးတွင် သက်ဆိုင်ရာ မြို့နယ်များမှ အမျိုးသမီးများဦးဆောင်၍ "အမုန်းစကားဆန့်ကျင်သောကြေညာချက်" ဖတ်ကြားခြင်း၊ မတူကွဲပြားမှုများကို အသိအမှတ်ပြု၍ သဟဇာတဖြစ်စွာအတူတကွ နေထိုင် နိုင်ရေးအတွက် ဆွေးနွေးပြောကြားခြင်း၊ ကြိုတင်ခွင့်ပြုချက်ရယူထားသော နေရာများတွင် စီတန်းလှည့်လည်ခြင်း၊ ပြည်သူလူထုအား အမုန်းစကားဆန့်ကျင်ရေး လက်ကမ်းစာစောင် များ ဖြန့်ဝေခြင်း၊ အမုန်းစကားဆန့်ကျင်ရေးပိုစတာများ ချိတ်ဆွဲခြင်းတို့ကို ပြုလုပ်ခဲ့ကြပါ သည်။ ထို့ပြင် စစ်တွေမြို့၌ အဆိုတော်များမှ သီချင်းများသီဆိုခြင်း၊ အမုန်းစကား ဆန့်ကျင် ရေး ဇာတ်လမ်းသရုပ်ဖော်ခြင်းများ ပြုလုပ်ခဲ့ကြပါသည်။ ရခိုင်ပြည်နယ် (၁၇) မြို့နယ်မှ လူဦးရေ (၆၅၀၀) ကျော် လှုပ်ရှားမှုတွင် ပါဝင်ခဲ့ကြပါသည်။

လူထုစိတ်ဝင်စားမှု

၅။ ယခုလှုပ်ရှားမှုသည် ရခိုင်ပြည်နယ်အတွင်း ပထမဦးဆုံးအကြိမ်အဖြစ် (၁၇) မြို့နယ် စလုံးတွင် ဆောင်ရွက်ခြင်းဖြစ်သောကြောင့် လူထုစိတ်ဝင်စားမှု ကောင်းစွာရရှိခဲ့ပါသည်။ အမျိုးသမီးများ၊ လူငယ်များသာမက ရခိုင်နိုင်ငံရေးအသိုင်းအဝိုင်းကပါ စိတ်ဝင်စားမှုရှိခဲ့ ကြောင်းသိရပါသည်။ ထို့ပြင် ကုလသမဂ္ဂအပါအဝင် ပြည်တွင်းအခြေစိုက် နိုင်ငံတကာ အဖွဲ့ အစည်းများကလည်း အသိအမှတ်ပြုခြင်းခံရကြောင်း သိရပါသည်။

Media များတွင် ပါဝင်မှု

၆။ ရခိုင်ပြည်နယ်အခြေစိုက် သတင်းဌာနများဖြစ်သော နိရဇ္ဈရာသတင်းဌာန၊ DMG သတင်းဌာနများတွင် ယခုလှုပ်ရှားမှု သတင်းများအား ဖော်ပြခဲ့ကြပြီး Myanmar Press Photo Agency (MPA) တွင်လည်း ဓါတ်ပုံသတင်းများ ဖော်ပြခဲ့ကြောင်းတွေ့ရှိရပါသည်။

သုံးသပ်တင်ပြချက်

- ၇။ (က) ရခိုင်ပြည်နယ် (၁၇) မြို့နယ်စလုံးတွင် တစ်ပြိုင်နက် ပြုလုပ်နိုင်ခဲ့ခြင်းကြောင့် လူထုစိတ်ဝင်စားမှုခံရသော လှုပ်ရှားမှုဖြစ်ခဲ့ပါသည်။
- (ခ) ဒေသခံအမျိုးသမီးများက ဦးဆောင်ဆောင်ရွက်ခြင်းဖြစ်ခြင်းကြောင့် ထိရောက် သော လှုပ်ရှားမှုဖြစ်ခဲ့ပါသည်။

- (ဂ) လူမျိုးပေါင်းစုံ၊ ဘာသာပေါင်းစုံမှ အမျိုးသမီးများ၊ လူငယ်များ ပူးပေါင်း ဆောင်ရွက်ခြင်းဖြစ်ခြင်းကြောင့် လူမှုသဟဇာတဖြစ်စေရေးအတွက် အထောက်အကူ ဖြစ်စေပါသည်။
- (ဃ) ယခုလှုပ်ရှားမှုကို နမူနာယူ၍ လူမှုသဟဇာတဖြစ်စေရေးကို ဦးတည်သော လှုပ်ရှားမှုများ ဆက်လက်ပြုလုပ်သွားနိုင်မည်ဖြစ်ပါသည်။
- (င) ဒေသခံမီဒီယာများတွင် လှုပ်ရှားမှုသတင်းကို ဖော်ပြကြသော်လည်း နိုင်ငံပိုင် မီဒီယာများနှင့် ရန်ကုန်အခြေစိုက် မီဒီယာများတွင် သတင်းဖော်ပြမှုမရှိခဲ့ကြောင်း တွေ့ရှိရပါသည်။
- (စ) ယခုလက်ရှိဖြစ်ပွားလျက်ရှိသော တိုက်ပွဲများကြောင့် အချို့မြို့နယ်များတွင် ကျယ်ကျယ်ပြန့်ပြန့် ဆောင်ရွက်နိုင်ခဲ့ခြင်းမရှိကြောင်း သိရှိရပါသည်။

နိဂုံး

၈။ ယခုကဲ့သို့ "အမုန်းစကားဆန့်ကျင်ရေးလှုပ်ရှားမှု" များသည် ရခိုင်ပြည်နယ်အတွက် သာမက မြန်မာနိုင်ငံတစ်ခုလုံးအတွက်ပါ အကျိုးရှိသော လှုပ်ရှားမှုမျိုးဖြစ်ပါသည်။ လှုပ်ရှားမှုအား တစ်ကြိမ်တည်းဖြင့် ရပ်မသွားဘဲ ပုံမှန်ဆက်လက်ပြုလုပ်နိုင်ပါက ရခိုင်ပြည်နယ်အတွင်း လူမှုသဟဇာတဖြစ်စေရေးကို များစွာအထောက်အကူဖြစ်ကြောင်း တင်ပြအပ်ပါသည်။

ဒေါက်တာအောင်သူရိန်
ညွှန်ကြားရေးမှူး

Report on “Anti-Hate Speech Campaign in Rakhine”

10 March 2020

1. Introduction

The Workshop on Enhancing Women’s Social Cohesion Roles in Rakhine State was held from 23rd to 27th February 2020 at the National Reconciliation and Peace Centre (NRPC-Yangon). The workshop was co-organized by the Ministry of the Office of the State Counsellor, the National Reconciliation and Peace Centre (NRPC-Yangon) and the Center for Diversity and National Harmony (CDNH). Over 100 women representatives from the 17 townships within the Rakhine State attended the workshop and “Anti-Hate Speech Campaign” will be conducted simultaneously in 17 townships within the Rakhine State on 10th March 2020.

2. Objectives

- (a) to stop the hate speech based on nationality and religion
- (b) to stop hate speech based on national origin and sexual orientation.
- (c) to prevent the conflicts based on nationality and religion
- (d) to bring about social harmony among all communities living in Rakhine State

3. Coordination

In order to carry out the project on “Anti-Hate Speech Campaign”, the Ministry of the Office of the State Counsellor referred a letter (reference 235 (0012/10/2020(745)) to Rakhine Government on 6th March 2020.

4. Implementation

- Women from 17 townships read the declaration on “Anti-Hate Speech”.
- Discussion on the social cohesion based on the reorganization of different life styles
- Peaceful assimilation at the certain places
- Distribution of Anti-Hate Speech pamphlet to the public
- Hanging Anti-Hate Speech poster

Moreover, songs were sung and short films were shown with Anti-Hate Speech theme. Over 6500 people from 17 townships participated in the campaign

5. Public Awareness

As Anti-Hate Speech Campaign is the first project which implemented in 17 townships simultaneously, it attracted the public attention very much. Not only women and youths but also political community from Rakhine State interested in the Campaign. In addition, it was appreciated by the international community and UN agencies.

6. Media Involvement

The news of Anti-Hate Speech Campaign was published on Local news agency-Niyitooyar and DMG. Myanmar Press Photo Agency (MPA) published the photo news of the Campaign.

7. Recommendations

- (a) Public attention on this Campaign is high because it was implemented in the 17 townships at the same time.
- (b) It is an effective movement because it was focused on local women.
- (c) It helps building mutual respect and understanding between different communities living in Rakhine State because of the participation of women and youths from different communities.
- (d) The Campaign is the first example for other campaigns to be implemented in the future.
- (e) State Media and news agency based in Yangon did not publish the news of Campaign even though the local media did.
- (f) There were limitation in some townships at Rakhine State because of the battle between Tamataw and AA.

8. Conclusion

“Anti-Hate Speech Campaign” should be done not only in Rakhine State but also in other parts of Myanmar. It would be better if the campaign should be carried out continuously in order to develop social cohesion in Rakhine State.

Reported by Dr. Aung Thurein
Director
Ministry of Social Welfare, Relief and Resettlement

Annex 12

List of voluntary returnees from Bangladesh to Rakhine State as of 11 April 2020 [English]

List of voluntary returnees from Bangladesh to Rakhine State

No.	Returnees Date	Receipt Camp	Number of voluntary returnees			
			Male	Female	Total	
1.	14.4.2018	Taungpyo Letwe	2	3	5	
2.	4.9.2018		4	2	6	
3.	9.10.2018		1	-	1	
4.	10.10.2018		3	2	5	
5.	4.3.2019	Nga Khu Ya	-	1	1	
6.	7.3.2019		3	1	4	
7.	19.4.2019		1	4	5	
8.			3	3	6	
9.	24.4.2019		3	2	5	
10.	29.4.2019		1	-	1	
11.	18.5.2019		3	-	3	
12.	25.6.2019		1	-	1	
13.			4	5	9	
14.			1	-	1	
15.	12.7.2019		1	-	1	
16.	9.8.2019		14	6	20	
17.	11.9.2019		Taungpyo Letwe	4	2	6
18.	25.9.2019		Nga Khu Ya	15	11	26
19.	30.9.2019	10		6	16	
20.	2.10.2019	3		6	9	
21.	22.10.2019	Taungpyo Letwe	18	11	29	
22.	31.10.2019	Nga Khu Ya	24	19	43	
23.		Taungpyo Letwe	2	2	4	
24.	1.11.2019	Taungpyo Letwe	10	7	17	

No.	Returnees Date	Receipt Camp	Number of voluntary returnees		
			Male	Female	Total
25.	25.11.2019	Taungpyo Letwe	1	3	4
26.		Nga Khu Ya	9	10	19
27.	11.12.2019	Taungpyo Letwe	5	6	11
28.	17.12.2019		4	5	9
29.	21.12.2019		4	3	7
30.	29.1.2020	Nga Khu Ya	16	10	26
31.	11.2.2020		7	4	11
32.	25.2.2020		8	8	16
33.	7.3.2020	Taungpyo Letwe	2	1	3
34.	19.3.2020	Nga Khu Ya	5	6	11
35.	29.3.2020		3	1	4
36.	11.4.2020		3	4	7
Total			198	154	352

Annex 13

Government of the Republic of the Union of Myanmar, Ministry of Social Welfare, Relief and Resettlement, National Strategy on Resettlement of Internally Displaced Persons (IDPs) and Closure of IDP Camps: Rebuilding Lives of IDPs in Safety and Dignity without Dependency, October 2019 [English translation]

The Government of the Republic of the Union of Myanmar
Ministry of Social Welfare, Relief and Resettlement

National Strategy on Resettlement of Internally Displaced
Persons (IDPs) and Closure of IDP Camps

(Rebuilding Lives of IDPs in Safety and Dignity without Dependency)

October, 2019

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13. Multi-level Structure of Committee on Resettlement of Internally Displaced Persons (IDPs) and Closure of IDP Camps

National Strategy on Resettlement of Internally Displaced Persons (IDPs) and Closure of IDP Camps

Introduction

1. IDP camps were established to provide protection and assistance to IDPs displaced for various reasons in Kachin, Kayin, Rakhine and Shan States. Recognizing the desire of IDPs staying in the camps, there is a need to implement strategies to close IDP camps that facilitate the voluntary and sustainable return, relocation or local integration (hereinafter resettlement) of IDPs. The closure of the camps should aim at ultimately achieving sustainable solutions for IDPs ending their displacement. It means helping them to rebuild their live in safety and dignity without dependency. It is a process which requires close cooperation between the government, citizens, IDPs, Civil Society Organizations and partner organizations. This national strategy aiming for resettlements of IDPs and Closure of IDP camps has been developed to this end.

2. This National Strategy provides a framework for closing IDPs camps, rehabilitating IDPs and ultimately finding solutions ending their displacement consistent with existing laws and policies of Myanmar, applicable international standards, the recommendations of the Advisory Commission on Rakhine State and the social sector basic principle agreements of the Union Accord, Social Sector Agreement which was adopted in 2nd Session of Union Peace Conference- 21st Century Panglong on May 29, 2017.

Objective

3. The strategy aims to “rebuild lives of internally displaced persons (IDPs) in safety and dignity without dependency. In order to achieve this objective, the national strategy outlines the short term and long term programs and projects which are expected to deliver the following results:

- (a) Closing IDP camps and create conditions that enable former residents in IDP camps to resume their normal lives in safety and dignity and without further dependency;
- (b) Ensuring that former residents in IDP camps and all the communities receiving them in areas of resettlement can have access to education, health and other basic services, as well housing and livelihood opportunities;
- (c) Enabling former residents in IDP camps to live in a peaceful, free and socially cohesive society while being entitled to full enjoyment of their basic rights;
- (d) Enabling former residents in IDP camps to contribute to nation-building in the pursuit of a free, safe tranquil and developed nation.

Definitions

4. Internally displaced persons (IDPs) are persons who have been obliged to flee or leave their homes or places of habitual residence; in particular in order to avoid the effects of natural disasters or human-made disasters such as armed conflicts and violence. This definition only applies to those who have not crossed an internationally recognized border.

5. Camps are sites/buildings allocated for the collective and communal accommodation of IDPs or those where IDPs are collectively hosted.

6. Resettlement is understood as any of the following: (a) return of IDPs to and reintegration in their place of origin;(b) relocation of IDPs and integration a place which is the closet to their place of origin or somewhere else as appropriate; or (c) Local integration of IDPs in the area where they have been displaced to.

Process

7. The process for implementing this Strategy comprises the following steps:

- (a) Formation of the National-level Committee on Resettlement of IDPs and Closure of IDP camps;
- (b) Formation of Regional/State-level Committee on Resettlement of IDPs and Closure of IDP Camps and their Working and Sub-Committees for Regions and States as appropriate;
- (c) Elaboration of action plans to be implemented by the respective Committees either for the selected camp(s);
- (d) Implementation of the action plans.

The National-level Committee on Resettlement of Internally Displaced Persons (IDPs) and Closure of IDP Camps

8. The National-level Committee on IDP camps shall be formed with the relevant Union Ministries, members of Regional/State governments, members of parliament, and defense and security officials.

9. IDP representatives as well as representatives of civil society organizations (CSOs), UN agencies and INGOs may be invited to meetings as appropriate.(Woman representatives must be included among them).

10. The National-level Committee on Resettlement of Internally Displaced Persons (IDPs) and Closure of IDP camps is, in particular, responsible for:

- (a) Establishment of policy and guidelines;
- (b) Formation of the Regional/State-level Committee on Resettlement of Internally Displaced Persons (IDPs) and their Working Committees and necessary Sub-Committees, and definition of their roles and responsibilities;
- (c) Review and approval of action plans proposed by the Committees;
- (d) Overseeing the works of the Committees;
- (e) Reporting to the Union government on the progress of activities;
- (f) Presenting to the Union government regarding funding needs.

Establishing Regional/ State-level Committee on Resettlement of Internally Displaced Persons (IDPs) and Closure of IDP Camps

11. The Regional/State-level Committee on Resettlement of Internally Displaced Persons (IDPs) and Closure of IDP Camps shall be formed by relevant Regional/State government with

relevant Regional/State government ministers, members of Regional/State parliament and responsible officials from government departments at the Region/State level.

12. The Regional/State-level Committee on Resettlement of Internally Displaced Persons (IDPs) and Closure of IDP Camps is responsible for:

- (a) Implementation of activities in accordance with the established policies and undertaking coordination as necessary;
- (b) Managing records, documentations and information in a systematic way;
- (c) Coordinating with stakeholders who will participate in different programs under the action plans;
- (d) Awareness raising and educating of existing laws, rules and regulations, orders, directives, programs and other information in order to promote mutual trust and social cohesion between IDPs and the communities receiving them in the areas of resettlement;
- (e) Providing support for scrutiny and verification of original land tenure of IDPs in line with existing laws and regulations.

Establishing Working Committees on Resettlement of Internally Displaced Persons (IDPs) and Closure of IDP Camps

13. The respective working committees for Region/State or camps shall be formed, comprising:

- (a) Relevant Regional/State government officials;
- (b) Members of the Regional/State Parliament;
- (c) Representatives from government departments at Regional/State level;
- (d) IDP representatives, representatives from the camps slated for closure, local representatives from the areas that are going to be resettled, and representatives from other organizations as appropriate.

14. The following Sub-Committees shall work under the Working Committee:

- (a) Basic Infrastructure Management Sub-Committee;
- (b) Humanitarian Assistance Sub-Committee;
- (c) Information Sub-Committee;
- (d) Health Sub-Committee;
- (e) Education Sub-Committee;
- (f) Sub-Committee on Establishment of Livelihood Programs;
- (g) Sub-Committee on Supporting of Public Safety, Rule of Law and Freedom of Movement;
- (h) Sub-Committee on Social Cohesion;
- (i) Sub-Committee on Facilitation of Citizenship Verification.

Action Plans

15. The action plans will:
- (a) Designate the camps to be closed in Region/State, considering local needs;
 - (b) Outline the process of consultations;
 - (c) Determine the criteria for resettlement and selection of camps to be closed;
 - (d) Define specific activities to be undertaken by the Sub-Committees;
 - (e) Define time-lines for implementation and estimate costs;
 - (f) Provide monitoring and evaluation mechanism,
16. Relevant actors and stakeholders, when elaborating and implementing the Action Plans, shall:
- (a) Respect and be in line with laws and regulations as well as the rule of law, the principle of non-discrimination, applicable human rights of IDPs and members of communities receiving them, and the principle of “do no harm”;
 - (b) Reflect local contexts and specificities;
 - (c) Take into account the interests of IDPs as well as of the communities receiving them;
 - (d) Take into account of venerable groups including women, children, the elderly, people with disability and those who needs special care in their activities and give priority to participation of those groups;
 - (e) Put emphasis on consultation with IDPs in implementation of resettlement. In particular, abstain from compelling them to return or relocate to an area highly prone to disasters;
 - (f) Ensure security of land, housing and property originally owned by IDPs with sufficient proof of ownership in accordance with the law once they are resettled in appropriate safe places;
 - (g) Make sure that resettlements take place without detriment to the communities receiving IDPs in areas of resettlement in accordance with the law;
 - (h) Prioritize social cohesion in implementing public services and infrastructure for resettlements;
 - (i) Work towards and promote restoration of freedom of movement for everyone;
 - (j) Facilitate the provision of humanitarian assistance and humanitarian access for UN agencies, INGOs and LNGOs.

Implementation of Action Plans

17. The following activities will be undertaken in respective areas of responsibility:

(a) Basic Infrastructure Management

- (1) When implementing resettlement and camp closure, identifying the location of resettlement by considering the desire of former residents in IDP camps and if necessary, that of the communities receiving IDPs in areas of resettlement;
- (2) Where appropriate, facilitating the drafting and implementation of development plans in accordance with the National Development Plans and with the consultation and participation of relevant stakeholders;
- (3) Prioritizing provision of basic infrastructure and facilities such as health, education, religious, administrative, security and management buildings, residential houses,

roads, bridges, sports-grounds and parks, electricity, communications, and water and sanitation;

- (4) Creating cash-for-work programs for IDPs in building their own houses.

(b) Humanitarian Assistance

- (1) Coordinating humanitarian assistance to ensure that assistance items are provided pursuant to humanitarian principles;
- (2) Establishing a mechanism which enables the provision of humanitarian assistance as needs dictate, and aims toward enabling IDPs to resume their normal lives without dependency,

(c) Information

- (1) Disseminating public information within suitable time periods regarding the different elements of the action plans;
- (2) Seeking, referring and responding feedback and inputs with regards to implementation of action plans;
- (3) Disseminating information to the public widely through media;
- (4) Preventing the spreading of rumors including by mobilizing civil society to monitor and clarify rumors;
- (5) Curtailing hate speech as the situation arises.

(d) Health

- (1) Prioritizing to make sure that there are healthcare facilities which meet set standards at locations accessible to all communities and with the capacity, health staff, medicines and medical equipment sufficient to respond to basic health needs;
- (2) Facilitating, when necessary, speedy access to hospital in emergency cases, in particular for women, children, elderly and people with disability and others who need special protection or in cases requiring specialized medical services not available at the present location of IDPs;
- (3) Providing treatment, psychosocial support and counseling to people who suffer from mental health consequences of conflict as well as rehabilitation services to people who are in physical disability;
- (4) Informing the public that healthcare facilities, dispensaries and hospitals provide medical treatment indiscriminately, and ensuring that patients are protected from discrimination.

(e) Education

- (1) Providing educational needs within the framework set out by the government;
- (2) Advocating that educational services in areas of resettlement are inclusive and fully accessible for everyone, including girls, students with disabilities, and members of minorities.

(f) Livelihoods Programs

- (1) Creating livelihood programs based on local context that enable IDPs to make reasonable incomes to meet their basic needs;
- (2) Facilitating access to capital, livelihood skills training and labor markets;
- (3) Promoting investments which can create employment opportunities;
- (4) Facilitating voluntary, safe and orderly labor migration of IDPs within and outside Myanmar is to be carried out in line with law.

(g) Enhancing Public Safety, Rule of Law and Freedom of Movement

- (1) Enhancing security arrangements, including through coordination for humanitarian demining where necessary;
- (2) Collaborating with IDPs, local communities, and security forces to eliminate gender-based violence, human trafficking (in particular for women and children), drug trade and use, and other crimes;
- (3) Conducting the training of security forces to enable them to carry out duties with cultural sensitivity, considering importance of social cohesion and in line with applicable procedures;
- (4) Taking measures to enhance, in areas of resettlement, the safety of persons delivering public services;
- (5) Enhancing freedom of movement by
 - (aa) informing IDPs that freedom of movement is not restricted and can be exercised in accordance with the law and enhancing local security and social cohesion;
 - (bb) identifying ways to provide travel authorizations for IDPs who do not hold any identify cards, where appropriate;

(h) Social Cohesion and Integration

- (1) Mobilizing expertise and seeking cooperation that fosters social cohesion between communities in the implementation of the action plans;
- (2) Facilitating and supporting for cooperation including community-based dialogues and women-led initiatives;
- (3) Cooperating with the Sub-Committee on Information on preventing the spreading of rumors and curtailing hate speech.

(i) Facilitation of Citizenship Verification

- (1) Facilitating citizenship verification in camps slated for closure in line with the relevant rules, regulations and procedures;
- (2) Extensively carrying out public awareness, and information dissemination about citizenship verification process;
- (3) Cooperating with the Sub-Committee on Information on preventing the spreading of rumors;

Funding

18. The implementation of the Strategy is funded through:
- (a) Resources from the relevant Union Government Ministries;
 - (b) Resources from the relevant Regional/State governments;
 - (c) Resources and contributions provided by the international community;
 - (d) Resources and contributions provided by civil society, religious institutions and the private sector.

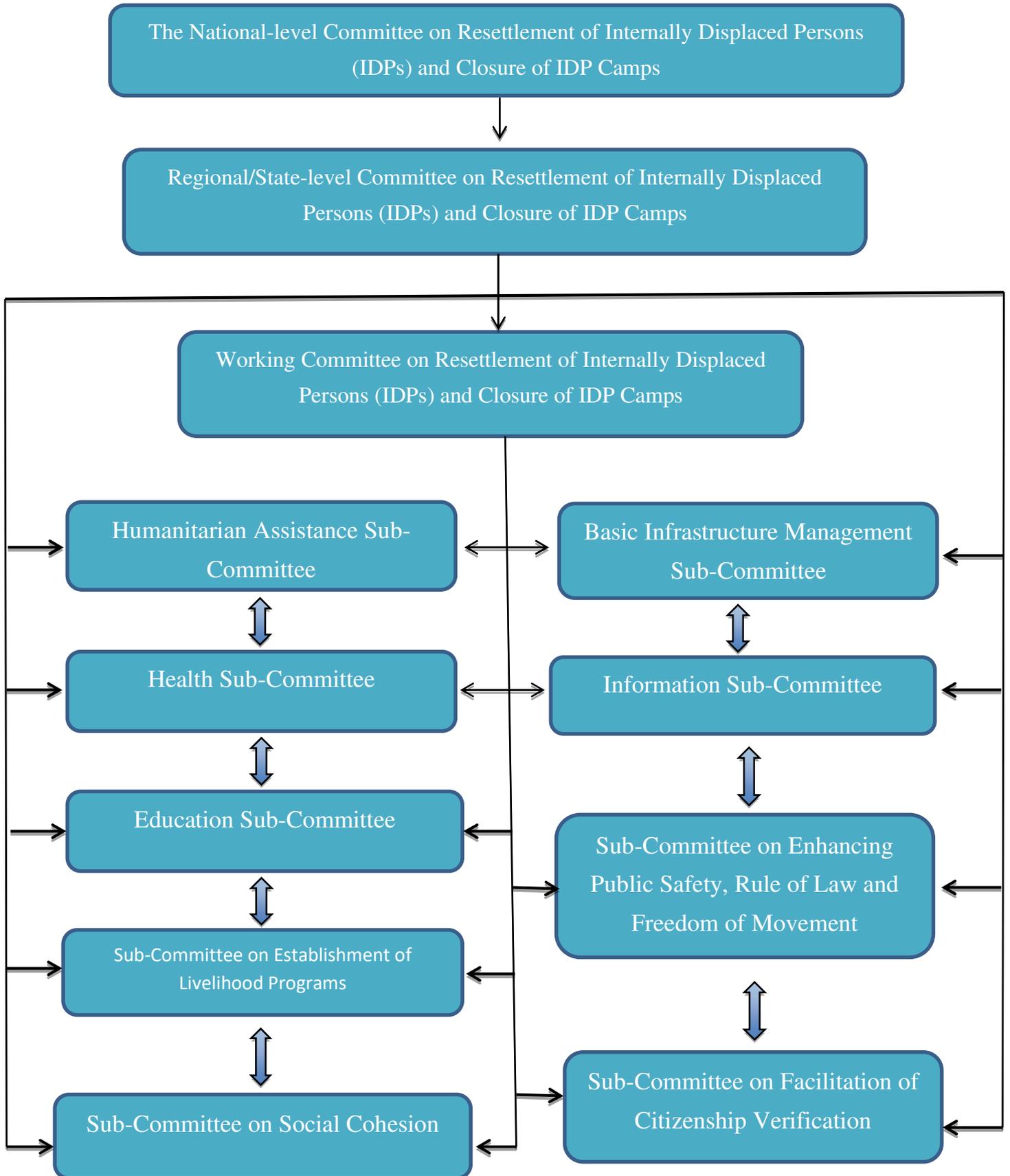
Monitoring and Evaluation

19. The National Committee on Closure of IDP Camps will conduct monitoring and evaluation (M&E) of the implementation of the action plans by Working Committees and Sub-Committees six months after implementation has begun; and succeeding M&E activities will be conducted every year. The Committee will designate a team with appropriate personnel.

Conclusion

20. The resettlement of the IDPs and the implementation of sustainable solutions for them will contribute to Myanmar's wider strategy of promoting justice, peace, and reconciliation. It will also contribute to the implementation of the Myanmar Sustainable Development Plan (MSDP) and stimulate the socioeconomic development of the nation. The improved socioeconomic conditions of IDPs and residents in the areas of resettlement will also eliminate social conflicts within the communities and provide momentum for the undertaking of a regional development agenda. To generate the aforementioned benefits, the closure of IDP camps must be implemented systematically and sustainably, striking a fair balance between local context, international standards, resources available in the country, and the support provided by local actors and the international community. Achieving security, peace and development in the country is the sole solution to eliminate displacement and all IDP camps.

Multi-level Structure of the Committee on Resettlement of Internally Displaced Persons (IDPs) and Closure of IDP Camps



Annex 14

Action Plan for the Control of COVID-19 (Corona Virus Infectious Disease) Outbreak at IDPs
Camps [English translation]

Action Plan for the Control of COVID-19 (Corona Virus Infectious Disease) Outbreak at IDPs Camps

Introduction

A pandemic called COVID-19 was first informed to the World Health Organization (WHO) as an infectious disease which was originated in Wuhan, China where there were many cases of severe pneumonia of unknown cause detected in December, 2019. It was found out that the infectious disease is caused by a new virus; WHO named it Novel (New) Coronavirus 2019 which is abbreviated to COVID-19, on 12th February, 2020 and declared the outbreak a pandemic on 11th March, 2020.

2. In Myanmar, the Ministry of Health and Sports has been doing awareness-raising, controlling the spread of the disease, keeping suspected cases under surveillance, doing laboratory testing for COVID-19, providing health care and medical treatment and releasing real time information and announcements. In order to control and manage the detrimental impacts of the disease on society, economy and international relations of the country in an effective manner, the Central Committee for Coronavirus Disease 2019 (COVID-19) Prevention, Containment and Treatment chaired by the State Counsellor was formed on 13th March, 2020. The responsibilities of the Committee is to oversee prevention, control and surveillance of COVID-19, to monitor the health conditions of people entering the country through Ports of Entry (PoE) such as international airports, seaports and border crossings, and to supervise timely treatment and control of onward spread, etc.

Internally Displaced Persons (IDPs)

3. As of January 2020, there are totally 184,333 IDPs staying at 128 camps in 24 townships of Kachin State, Kayin State, Shan State and Rakhine State within Myanmar (see attachment). The shelters, food, health, education and livelihoods for those IDPs have been provided and managed under close supervision of relevant state governments and in coordination with relevant departments and organizations.

4. Given the Ministry of Social Welfare, Relief and Resettlement upholds the principle of “leave no one behind” in providing humanitarian assistance and carrying out humanitarian activities, this Action Plan has been developed to prepare to control COVID-19 outbreak at IDP camps, reflecting international humanitarian and protection standards as well as Inter-agency Standing Committee’s Interim Guidance on COVID-19. This Action Plan is a living document which will

be reviewed, modified and revised from time to time based on strengths/weaknesses observed and lessons learned during its implementation.

Objectives

5. The objectives of this Action Plan are as follows:

- (a) To increase awareness and knowledge about COVID-19 and encourage good hygiene practices among IDPs staying at camps;
- (b) To make preparations and arrangements in advance for prevention and control of COVID-19 outbreak in camps;
- (c) To achieve effective coordination to prepare for and respond to COVID-19 among stakeholders.

Awareness Raising and Education on COVID-19

6. The camp management committee is to carry out awareness raising and education about COVID-19 as follows under the guidance of the Central Committee and under close supervision of concerned state governments, cooperating with relevant ministries and seeking advice from relevant health departments:

- (a) Distribute information, education and communication (IEC) materials on COVID-19 published by the Ministry of Health and Sports in ethnic minority languages in addition to Myanmar language among IDPs at camps;
- (b) Ask IDPs to listen to the information about COVID-19 and “Dos and Don’ts” which is broadcast on radio;
- (c) Organize demonstrations how to wash hands and how to use face masks;
- (d) Just as in the saying “notify early, know early, and everyone benefits”, ask people to notify relevant in-charges of camp immediately if they have symptoms like fever, cough, difficulty breathing and fatigue and provide them with emergency contact information;
- (e) Provide camp in-charges with education about COVID-19 and through them, do awareness raising widely as well as make announcements and requests at camps by using PA system;
- (f) Hand out leaflets and put up posters and vinyl sheets at places easily and highly visible to people at the camp;

(g) Make sure people at camps are aware of the following requests made by the Ministry of Health and Sports to the public:

- i. Wash hands frequently by using soap and water or clean hands by using alcohol based hand sanitizer with at least 60% alcohol, particularly after coming back from outside and touching/holding frequently touched surfaces by people (such as railings and doorknobs/handles). Avoid touching nose, mouth and face without washing or cleaning hands;
- ii. Cover your mouth and nose whenever you cough or sneeze. Avoid going to crowded places, taking a bus and travelling if you have got a fever, a cough and if you are sneezing. Be careful not to spread the disease to your family, friends and other people.
- iii. Avoid going to crowded places and festivities. Stay home as much as possible. People over 60 and those with chronic diseases (diabetes, heart diseases, hypertension, cancer, renal diseases, liver diseases, etc.) should avoid going out or a certain period of time;
- iv. People who have come back from the places and countries where the disease is spreading must inform the nearest health center. Cooperate responsibly with the Ministry of Health and Sports in quarantine and isolation of people with disease. In this way, if you yourself get infected, you can receive effective medical attention promptly and so you can save yourself and also protect your family, friends and people in the place where you live from getting the disease.
- v. People staying in camps are requested to follow and share updated news released by the Ministry of Health and Sports.

Prevention and Controlling COVID-19 Outbreak

7. For prevention and control of COVID-19 spreading among IDPs staying in camps, the following preparedness activities shall be undertaken:

- (a) People from local and international humanitarian organizations who come to IDP camps to provide assistance and support are to follow “Dos and Don’ts” about COVID-19 issued by the Ministry and Health and Sports and to follow the requests issued on 18/03/2020 to the international organizations which have signed MOU with the Ministry of Social Welfare, Relief and Resettlement.

- (b) Systematically record the real time data of the lists of visitors to camps including time of their visits, names, ages, national scrutiny card or passport numbers, nationality, addresses, and phone numbers.
- (c) Take travel history of the foreigners visiting camps and check whether they have fulfilled the precautionary measures and requirements imposed on incoming travelers to Myanmar from other countries and if they have not yet done so, make them do.
- (d) As the disease can be transmitted from person to person, make sure physical distancing is practiced, 3 feet away from each other; avoid carrying out activities which can lead to mass gatherings and if it is not possible to do so, make necessary arrangements to minimize the number of people involved and time taken.
- (e) Provide water and sanitation facilities such as clean water, buckets/bowls, soap/liquid soap and hand washing facilities as well as good drainage.
- (f) Make sure that shelters and housing units at camps are well-ventilated.
- (g) Improve waste water and sewage system and provide garbage bags for waste disposal.
- (h) Stockpile face masks in advance to be used when people in camps show symptoms like fever, cough and sneezing.
- (i) Prepare facilities to serve as quarantine centers where people will be kept under quarantine if necessary and make necessary arrangements to provide food and accommodation to those people.
- (j) Make arrangements to assign health care professionals and staff to provide necessary health care and medical supervision during quarantine.
- (k) Ensure people under quarantine to stay at designated facilities and prohibit them from visiting other places and going outside.
- (l) Ban spitting, littering, betel chewing, smoking and drinking at quarantine facilities.
- (m) Consider specific needs in provision of health care to vulnerable groups.
- (n) In order to prevent unreasonable fear and suspicions over COVID-19 and discrimination against people under investigation and suspected cases, provide

counseling to people at camps in coordination with relevant religious leaders, town and village elders and social welfare organizations.

Arrangements for Emergency Response upon Detecting People with Symptoms of COVID-19

8. If anyone in a camp shows the symptoms of fever, cough, shortness of breath and fatigue, the following emergency measures must be taken:

- (a) Notify the nearest health facility promptly and follow their instructions accordingly.
- (b) Monitor the health conditions of people who may have been in contact with that person showing the symptoms.
- (c) Keep those people under quarantine if necessary.

Management and Coordination to Mobilize Resources

9. Coordination and cooperation among stakeholders is the key to successful implementation of this Action Plan. To mobilize human and financial resources, technical assistance and equipment needed for the implementation, the following actions shall be taken:

- (a) Camp management committees which have already been in place in respective camps are to take charge of the implementation.
- (b) Receive and properly manage hygiene, cleaning and disinfection supplies necessary for prevention and control of COVID-19 (e.g. toilet paper, tissue, soap, hand rub, disinfectant, etc.) and other supplies.
- (c) Designate facilities/rooms which will be served as quarantine centers and do cleaning and disinfection. If necessary, arrange temporary shelters which can be used for quarantine.
- (d) Coordinate and cooperate with the Union Government, state governments, relevant departments, relevant UN agencies/INGOs and NGOs, red cross societies, and civil society organizations.

Adaptive Management upon Updated Information about COVID-19 and Monitoring and Evaluation of the Action Plan Implementation

10. Based on latest guidelines and instructions on COVID-19, effective management, monitoring and evaluation must be ensured as follows:

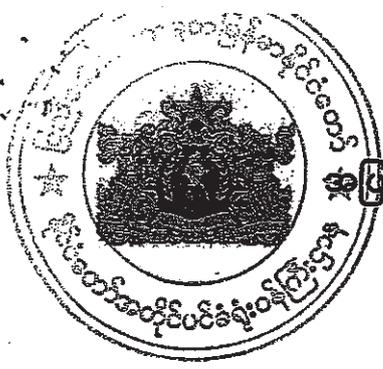
- (a) Share information among stakeholders, including actions and measures taken for COVID-19 prevention, containment and treatment at camps, needs and gaps.
- (b) Communicate and share information through camp in-charges in order to get real news and avoid fake news about COVID-19.
- (c) Manage day-to-day activities at camps depending on updated guidelines and instructions provided by the Ministry of Health and Sports.
- (d) Camp management committees are to monitor and evaluate the implementation of the Action Plan and submit weekly reports on progress, needs and gaps.
- (e) To facilitate oversight and supervision of the implementation of the Action Plan, compile and make a list of contact numbers of camp in-charges, hotline numbers of Department of Disaster Management, Department of Social Welfare and Department of Public Health.

Conclusion

11. COVID-19 is an infectious disease which rapidly spread to almost every country all over the world over the period of 4 months since the start of epidemic. To beat this pandemic disease requires the Whole-of-Society Approach. Internally displaced persons can be protected from COVID-19 outbreak and its negative consequences by providing, in addition to regular health care provision, COVID-19 awareness raising and education, working for prevention and preparedness, taking measures for effective prevention, containment and treatment of the disease in an equitable manner.

Annex 15

Republic of the Union of Myanmar, Steering Committee on International Court of Justice,
Formation of the Committee to Cooperate with ICRC on Prevention and Control of COVID-19 at
IDP camps in Rakhine State, 22 April 2020 [original and English translation]



ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်

အပြည်ပြည်ဆိုင်ရာတရားရုံး (International Court of Justice - ICJ) ဆိုင်ရာ
ဦးဆောင်ကော်မတီ

စာအမှတ်၊ ၂၃၃(၀၀၆)/၁၀/၂၀၂၀(၂၁၄၄)

ရက်စွဲ၊ ၂၀၂၀ ပြည့်နှစ်၊ ဧပြီလ ၂၂ ရက်

အကြောင်းအရာ။ ရခိုင်ပြည်နယ်ရှိ IDP Camp များတွင် COVID-19 ရောဂါ တားဆီးကာကွယ် ထိန်းချုပ်ရေးလုပ်ငန်းများနှင့်စပ်လျဉ်း၍ ICRC နှင့် ပူးပေါင်းဆောင်ရွက်ရေး ကော်မတီ ဖွဲ့စည်းခြင်း

၁။ ရခိုင်ပြည်နယ်ရှိ IDP Camp များတွင် COVID-19 ရောဂါ တားဆီးကာကွယ်ထိန်းချုပ်ရေး လုပ်ငန်းများ ပိုမိုထိရောက်စွာဆောင်ရွက်နိုင်ရေးသည် မြန်မာနိုင်ငံအနေဖြင့် ICJ တွင် ရင်ဆိုင်နေရသော ကိစ္စရပ်များအတွက် အရေးပါသောလုပ်ငန်းစဉ်တစ်ရပ်ဖြစ်သဖြင့် “ရခိုင်ပြည်နယ်ရှိ IDP Camp များ တွင် COVID-19 ရောဂါ တားဆီးကာကွယ်ထိန်းချုပ်ရေးလုပ်ငန်းများနှင့်စပ်လျဉ်း၍ ICRC နှင့် ပူးပေါင်းဆောင်ရွက်ရေးကော်မတီ” ကို အောက်ပါပုဂ္ဂိုလ်များဖြင့် ဖွဲ့စည်းလိုက်သည်-

- (က) ဦးခင်မောင်တင် ဥက္ကဋ္ဌ
ဒုတိယဝန်ကြီး
နိုင်ငံတော်အတိုင်ပင်ခံရုံးဝန်ကြီးဌာန
- (ခ) ဗိုလ်မှူးကြီးထိန်လင်း အဖွဲ့ဝင်
နိုင်ငံတော်သမ္မတရုံး၏ အကြံပေးပုဂ္ဂိုလ်
- (ဂ) ဦးချမ်းအေး အဖွဲ့ဝင်
ညွှန်ကြားရေးမှူးချုပ်
နိုင်ငံခြားရေးဝန်ကြီးဌာန
- (ဃ) ဦးဇော်ဌေး အဖွဲ့ဝင်
ညွှန်ကြားရေးမှူးချုပ်
နိုင်ငံတော်အတိုင်ပင်ခံရုံးဝန်ကြီးဌာန
- (င) ဦးဝင်းကျော်အောင် အဖွဲ့ဝင်
ညွှန်ကြားရေးမှူးချုပ်
နိုင်ငံတော်အတိုင်ပင်ခံရုံးဝန်ကြီးဌာန

(စ) ဒေါက်တာစိုးဦး အဖွဲ့ဝင်
ညွှန်ကြားရေးမှူးချုပ်
ကျန်းမာရေးနှင့် အားကစားဝန်ကြီးဌာန

(ဆ) ဒေါက်တာကိုကိုနိုင် အဖွဲ့ဝင်
ညွှန်ကြားရေးမှူးချုပ်
လူမှုဝန်ထမ်း၊ ကယ်ဆယ်ရေးနှင့် ပြန်လည်နေရာချထားရေး
ဝန်ကြီးဌာန

(ဇ) ဦးကျော်လွင် အတွင်းရေးမှူး
ဒုတိယညွှန်ကြားရေးမှူးချုပ်
နိုင်ငံတော်အတိုင်ပင်ခံရုံးဝန်ကြီးဌာန

(ဈ) ဒေါက်တာအောင်သူရိန် တွဲဖက်အတွင်းရေးမှူး
ညွှန်ကြားရေးမှူး
လူမှုဝန်ထမ်း၊ ကယ်ဆယ်ရေးနှင့် ပြန်လည်နေရာချထားရေး
ဝန်ကြီးဌာန

၂။ ရခိုင်ပြည်နယ်ရှိ IDP Camp များတွင် COVID-19 ရောဂါ တားဆီးကာကွယ် ထိန်းချုပ်ရေး လုပ်ငန်းများနှင့်စပ်လျဉ်း၍ ICRC နှင့် ပူးပေါင်းဆောင်ရွက်ရေးကော်မတီ၏ လုပ်ငန်းတာဝန်များမှာ အောက်ပါအတိုင်းဖြစ်ပါသည်-

(က) ရခိုင်ပြည်နယ်အတွင်းရှိ IDP Camp များတွင် COVID-19 ရောဂါ တားဆီးကာကွယ် ထိန်းချုပ်ရေးလုပ်ငန်းများ ပိုမိုထိရောက်စွာဆောင်ရွက်နိုင်ရန်အတွက် ICRC နှင့် ပူးပေါင်း ညှိနှိုင်းဆောင်ရွက်ရန်၊

(ခ) ရခိုင်ပြည်နယ်သို့ ICRC ၏ စားနပ်ရိက္ခာထောက်ပံ့ရေးကိစ္စများနှင့် ခရီးသွားလာရေး ကိစ္စရပ်များ အဆင်ပြေစေရေး ညှိနှိုင်းဆောင်ရွက်ပေးရန်၊

(ဂ) ICRC ၏ ပံ့ပိုးကူညီမှုများ၊ အကြံဉာဏ်များအပေါ် မြေပြင်တွင် အမှန်တကယ်လက်တွေ့ ဆောင်ရွက်နိုင်သည့်လုပ်ငန်းများကိုသာ ဦးစားပေးဆောင်ရွက်ရေး ညှိနှိုင်းဆောင်ရွက်ရန်၊

(ဃ) COVID-19 ရောဂါ တားဆီးကာကွယ်ထိန်းချုပ်ရေးအတွက် လိုအပ်သော အရင်းအမြစ် များရရှိရေးနှင့် လက်တွေ့မြေပြင်တွင် အကောင်အထည်ဖော်ဆောင်ရွက်နိုင်ရေးအတွက် သက်ဆိုင်ရာဝန်ကြီးဌာနများ၊ ရခိုင်ပြည်နယ်အစိုးရတို့နှင့် ပေါင်းစပ်ညှိနှိုင်းဆောင်ရွက်ရန်၊

(င) COVID-19 ရောဂါ တားဆီးကာကွယ်ထိန်းချုပ်ရေးဆိုင်ရာ ဆောင်ရွက်ချက်များအပေါ် အခါအားလျော်စွာ ကွင်းဆင်းကြည့်ရှုစစ်ဆေးခြင်းဆောင်ရွက်ရန်၊

(ဆ) COVID-19 ရောဂါ တားဆီးကာကွယ်ထိန်းချုပ်ရေး ဆောင်ရွက်ချက်အစီရင်ခံစာကို လစဉ်တင်ပြနိုင်ရေး ICRC နှင့်ညှိနှိုင်းဆောင်ရွက်ရန်။



ဥက္ကဋ္ဌ(ကိုယ်စား)

(ကျော်တင့်ဆွေ၊ ဒုတိယဥက္ကဋ္ဌ)

ဖြန့်ဝေခြင်း

ရခိုင်ပြည်နယ်ရှိ IDP Camp များတွင် COVID-19 ရောဂါ တားဆီးကာကွယ်ထိန်းချုပ်ရေးလုပ်ငန်းများ နှင့်စပ်လျဉ်း၍ ICRC နှင့် ပူးပေါင်းဆောင်ရွက်ရေး ကော်မတီဝင်များအားလုံး

မိတ္တူကို

နိုင်ငံတော်သမ္မတရုံး

ပြည်ထောင်စုအစိုးရအဖွဲ့ရုံး

နိုင်ငံခြားရေးဝန်ကြီးဌာန

ပြည်ထောင်စုအစိုးရအဖွဲ့ရုံးဝန်ကြီးဌာန

ကျန်းမာရေးနှင့်အားကစားဝန်ကြီးဌာန

လူမှုဝန်ထမ်း၊ ကယ်ဆယ်ရေးနှင့်ပြန်လည်နေရာချထားရေးဝန်ကြီးဌာန

ရခိုင်ပြည်နယ်အစိုးရအဖွဲ့ရုံး

ရုံးလက်ခံ / မျှော



The Republic of the Union of Myanmar
The Steering Committee on International Court of Justice

Letter no: 233 (006)/10/2020 (1144)

Date: 22nd April, 2020

Subject: Formation of the Committee to Cooperate with ICRC on Prevention and Control of COVID-19 at IDP camps in Rakhine State

1. Since the effective prevention and control of COVID-19 in IDP camps in Rakhine State are essential tasks relating to proceedings against Myanmar at the International Court of Justice (ICJ), **“the Committee to Cooperate with the International Committee of the Red Cross (ICRC) on the Prevention and Control of COVID-19 in IDP camps in Rakhine State”** is hereby formed with the following persons:

- | | | |
|-----|---|-------------|
| (a) | U Khin Maung Tin
Deputy Minister
Ministry of the Office of the State Counsellor | Chairperson |
| (b) | Colonel Htein Lin
Special Adviser of the President’s Office | Member |
| (c) | U Chan Aye
Director General
Ministry of Foreign Affairs | Member |
| (d) | U Zaw Htay
Director General
Ministry of the Office of the State Counsellor | Member |
| (e) | U Win Kyaw Aung
Director General
Ministry of the Office of the State Counsellor | Member |
| (f) | Dr. Soe Oo
Director General
Ministry of Health and Sports | Member |
| (g) | Dr. Ko Ko Naing
Director General | Member |

- Ministry of Social Welfare, Relief and Resettlement
- (h) U Kyaw Lwin Secretary
Deputy Director General
- Ministry of the Office of the State Counsellor
- (i) Dr. Aung Thurein Joint-Secretary
Director
- Ministry of the Office of the State Counsellor

2. With respect to the prevention and control of COVID-19 in IDP camps in Rakhine State, the functions and duties of the Committee are:

- (a) to cooperate and coordinate with ICRC in order to prevent and control COVID-19 effectively in IDP camps in Rakhine State;
- (b) to coordinate matters related to food aid deliveries and travel matters of ICRC to Rakhine State;
- (c) to coordinate with ICRC to prioritize activities where its assistance and expertise can actually be implemented in practice;
- (d) to coordinate with the relevant Ministries and Rakhine State Government in order to obtain necessary resources and implement activities in practice for the prevention and control of COVID-19;
- (e) to undertake regular field inspections of activities for the prevention and control of COVID-19; and
- (f) to coordinate with ICRC in order to submit a monthly report on the prevention and control of COVID-19.

(S/d)
c/o Chairperson
Kyaw Tint Swe
Vice Chairperson

Distribution to:

All Members of the Cooperation Committee with ICRC on Prevention and Control of COVID-19 at the IDP Camp in the Rakhine State

Circulation to:

President's Office
Office of the Union Government
Ministry of Foreign Affairs
Ministry of the Office of the Union Government
Ministry of Health and Sports
Ministry of Social Welfare, Relief and Resettlement
Rakhine State Government
Office File/ Floating File

Annex 16

Office of the Commander-in-Chief of the Defence Services, “Statement on Ceasefire for Lasting Peace”, 9 May 2020 [original and English translation]

ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်

တပ်မတော်ကာကွယ်ရေးဦးစီးချုပ်ရုံး

ပစ်ခတ်တိုက်ခိုက်မှုရပ်စဲရေးနှင့် ထာဝရငြိမ်းချမ်းရေးအတွက် ထုတ်ပြန်ချက်

(၁၃၈၂ ခုနှစ်၊ ကဆုန်လပြည့်ကျော် ၃ ရက်) (၂၀၂၀ ပြည့်နှစ်၊ မေလ ၉ ရက်)

၁။ ကမ္ဘာအနှံ့တွင် COVID-19 ကမ္ဘာ့ကပ်ရောဂါနှင့် ရင်ဆိုင်နေရသောကြောင့် ကမ္ဘာတစ်ဝန်း လက်ရှိဖြစ်ပွား နေသည့် လက်နက်ကိုင်ပဋိပက္ခများ ရပ်တန့်ပေးကြရန် ကုလသမဂ္ဂအထွေထွေအတွင်းရေးမှူးချုပ် Antonio Guterres က ၂၀၂၀ ပြည့်နှစ်၊ မတ်လ ၂၃ ရက်နေ့တွင် တိုက်တွန်းပြောကြားခဲ့ပါသည်။

၂။ မြန်မာနိုင်ငံတွင်လည်း ကမ္ဘာ့ကပ်ရောဂါ COVID-19 ထိန်းချုပ်၊ ကာကွယ်၊ ကုသရေးအတွက် နိုင်ငံတော်မှ Coronavirus Disease 2019(COVID-19) ကာကွယ်၊ ထိန်းချုပ်၊ ကုသရေး၊ အမျိုးသားအဆင့်ဗဟိုကော်မတီနှင့် အဆင့်ဆင့်သော ကော်မတီများဖွဲ့စည်း ဆောင်ရွက်လျက်ရှိပြီး တပ်မတော်ကလည်း အင်တိုက်အားတိုက် ပါဝင် ကူညီဆောင်ရွက်လျက်ရှိပါသည်။

၃။ မြန်မာနိုင်ငံတွင် COVID-19 ရောဂါထိန်းချုပ်၊ ကာကွယ်၊ ကုသရေးလုပ်ငန်းများ ပိုမိုထိရောက် လျင်မြန် ကျယ်ပြန့်စွာ ဆောင်ရွက်နိုင်ရေးနှင့် ထာဝရငြိမ်းချမ်းရေးအတွက် တပ်မတော်အနေဖြင့် နိုင်ငံတကာ စံနှုန်းအတိုင်း နိုင်ငံတော်မှအကြမ်းဖက်ဟု သတ်မှတ် ကြေညာထားသော အကြမ်းဖက်အဖွဲ့အစည်းများရှိသည့် နေရာများမှအပ ကျန်နယ်မြေများ၌ ၂၀၂၀ ပြည့်နှစ်၊ မေလ(၁၀) ရက်မှ သြဂုတ်လ (၃၁) ရက်နေ့အထိ ပစ်ခတ် တိုက်ခိုက်မှု ရပ်စဲထားကြောင်း ကြေညာလိုက်သည်။

၄။ ယခုကဲ့သို့ ပစ်ခတ်တိုက်ခိုက်မှုရပ်စဲရေး ကြေညာထားသည့်ကာလအတွင်း တိုင်းရင်းသားလက်နက်ကိုင်အဖွဲ့အစည်းများအားလုံးအနေဖြင့် တပ်မတော် ကာကွယ်ရေး ဦးစီးချုပ်၏ ငြိမ်းချမ်းရေးမူဝါဒ(၆) ရပ်အနက်မှ အောက်ဖော်ပြပါ (၄) ချက်ကို အလေးအနက်ထား လိုက်နာရန် လိုအပ်မည်ဖြစ်ပါသည်-

- (က) သဘောတူစာချုပ်များအတိုင်းကတိတည်ရန်။
- (ခ) ငြိမ်းချမ်းရေးသဘောတူညီချက်များအပေါ်အမြတ်မထုတ်ရန်။

(ဂ) ဒေသခံပြည်သူများအပေါ် ဝန်ထုပ်ဝန်ပိုးမဖြစ်စေရန်။

(ဃ) နိုင်ငံတော်က ထုတ်ပြန်ထားသည့် တည်ဆဲဥပဒေများကို လိုက်နာရန်။

၅။ ထို့အပြင် တိုင်းရင်းသားလက်နက်ကိုင်အဖွဲ့အချင်းချင်း တစ်ဖွဲ့နှင့်တစ်ဖွဲ့ အပြန်အလှန် အင်အား အသုံးပြု၍ တိုက်ခိုက်ခြင်း၊ ဒေသခံတိုင်းရင်းသားများအပေါ် အနိုင်ကျင့်ခြင်းများ မပြုလုပ်ရေးကို တာဝန်ယူထိန်းသိမ်း ဆောင်ရွက်ရန် လိုအပ်မည်ဖြစ်ပါသည်။

၆။ အလားတူ နိုင်ငံတော်အစိုးရ၏ အုပ်ချုပ်မှု ယန္တရားအဆင့်ဆင့်ကို လည်းကောင်း၊ လမ်းပန်းဆက်သွယ်မှု လုံခြုံချောမွေ့စေရေးကိုလည်းကောင်း၊ ပြည်သူလူထု၏ အသက် အိုးအိမ်စည်းစိမ်နှင့် အကျိုးစီးပွားများကိုလည်း ကောင်း ထိခိုက်မှုမဖြစ်စေရန် တာဝန်ယူ ရပါမည်။

၇။ အထက်အပိုဒ် (၄)(၅)နှင့်(၆)ပါ ဖြစ်စဉ်ဖြစ်ရပ်များ ဖြစ်ပေါ်လာပါက တပ်မတော် အနေဖြင့် လိုအပ်သလို အရေးယူဆောင်ရွက်သွားမည်ဖြစ်ပါသည်။

၈။ တပ်မတော်အနေဖြင့် တိုင်းရင်းသားပြည်သူလူထု လိုလားတောင့်တနေသည့် ထာဝရ ငြိမ်းချမ်းရေးကို ပြည်သူ့လက်သို့အရောက်အပ်နှင်းမည်ဟူသည့် သံန္နိဋ္ဌာန်အတိုင်း ဖြစ်မြောက် အောင် ဆက်လက်ကြိုးပမ်း ဆောင်ရွက်သွားမည်ဖြစ်ပြီး မြန်မာနိုင်ငံ၌ COVID-19 ကမ္ဘာ့ကပ် ရောဂါ ထိန်းချုပ်၊ ကာကွယ်၊ ကုသရေးလုပ်ငန်းစဉ်များအား နိုင်ငံအရေး၊ အမျိုးသား အရေးအဖြစ် အင်တိုက်အားတိုက် ထိထိရောက်ရောက် ဆက်လက် ပါဝင်ကူညီ ဆောင်ရွက် သွားမည်ဖြစ်ကြောင်း ထုတ်ပြန်ကြေညာအပ်ပါသည်။

တပ်မတော်ကာကွယ်ရေးဦးစီးချုပ်ရုံး



The Republic of the Union of Myanmar

Office of the Commander in Chief of the Defence Services

“Statement on Ceasefire for Lasting Peace”

9 May, 2020

1. On 23 March, 2020, in an appeal to focus on the fight against the Covid-19 global pandemic, the United Nations Secretary-General Mr. Antonio Guterres called for a global ceasefire.
2. The Government of the Republic of the Union of Myanmar has formed the National-Level Central Committee on Prevention, Control and Treatment of the Coronavirus Disease 2019 (Covid-19) and sub-committees to effectively fight against Covid-19. The Tatmadaw is actively participating and assisting in the work of the Central Committee and sub-committees.
3. To effectively and promptly carry out the prevention, control and treatment of Covid-19, the Tatmadaw hereby declares a ceasefire in line with international norms, from 10 May, 2020 to 31 August, 2020, in all areas of the country, with the exception of the areas where terrorist groups, designated as such under the anti-terrorism laws of Myanmar, are active.
4. During the ceasefire period, all Ethnic Armed Organizations must strictly adhere to the following four (4) of the six (6) peace principles of the Commander in Chief:
 - a. Commitments pursuant to peace agreements;
 - b. Refrain from taking unfair advantage of peace agreements;
 - c. Refrain from placing burdens on local inhabitants;
 - d. Strict adherence to existing laws.
5. The EAOs must also act responsibly to refrain from the use of force to attack each other and from intimidating/bullying the local inhabitants.
6. All Ethnic Armed Organizations must refrain from harming various levels of the state administration, smooth transportation and the lives, property and well-being of the general public.
7. The Tatmadaw will take necessary actions in the event of violations of the provisions set forth in paragraphs 4, 5 and 6.
8. The Tatmadaw will continue to do everything necessary to realize its determination to deliver lasting peace to the people and to energetically join the effort to prevent, control and treat Covid-19, a task which it considers as its national responsibility.