

INTERNATIONAL COURT OF JUSTICE

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

THE GAMBIA

v.

MYANMAR

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

22 November 2024

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LIST OF ABBREVIATIONS

AA	Arakan Army
ACTED	Agency for Technical Cooperation and Development
AHA	ASEAN Coordinating Centre for Humanitarian Assistance on disaster management
ARSA	Arakan Rohingya Salvation Army
ASEAN	Association of Southeast Asian Nations
CEDAW	The Convention on the Elimination of All Forms of Discrimination Against Women
CIPB	Criminal Investigation and Prosecution Body
CSCs	Citizenship Scrutiny Cards
DRC	Danish Refugee Council
HRL	Human Rights Law
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IHL	International Humanitarian Law
INGOs	International Non-Governmental Organizations
LWF	Lutheran World Federation
MCCT	Maternal and Child Cash Transfer Programme
MITV	Myanmar International Television
MMK	Myanmar Kyat (currency of Myanmar)
MOH	Ministry of Health
MOSWRR	Ministry of Social Welfare, Relief and Resettlement
MoU	Memorandum of Understanding
MRTV	Myanma Radio and Television
MSF	Médecins Sans Frontières
NCSCs	Naturalized Citizenship Scrutiny Cards
NGO	Non-governmental Organization
NSPAW	National Strategic Plan for the Advancement of Women
NVC	National Verification Card
OHCHR	Office of the United Nations High Commissioner for Human Rights

PDF	People’s Defence Force
PNA	Preliminary Needs Assessment
RI	Relief International
RoE	Rule of Engagement
RRT	Rapid Response Team
SI	Solidarites International
STF-CIPB	Special Task Force of the Criminal Investigation and Prosecution Body
TICA	Thai International Cooperation Agency
ULA	United League of Arakan
UNDP	United Nations Development Programme
UNDSS	United Nations Department for Safety and Security
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
UNOPS	United Nations Office for Project Services
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNSCR	United Nations Security Council Resolution
USD	United States Dollar
WFP	World Food Programme

I. Introduction

1. In its Order of 23 January 2020 (the “Provisional Measures 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. In accordance with the fourth of these provisional measures, the Republic of the Union of Myanmar (“Myanmar”) submitted its first report to the Court (the “First Report”)

on 22 May 2020, its second report on 23 November 2020 (the “Second Report”), its third report on 20 May 2021 (the “Third Report”), its fourth report on 23 November 2021 (the “Fourth Report”), its fifth report on 23 May 2022 (the “Fifth Report”), its sixth report on 23 November 2022 (the “Sixth Report”), its seventh report on 23 May 2023 (the “Seventh Report”), its eighth report on 23 November 2023 (the “Eighth Report”), and its ninth report on 23 May 2024 (the “Ninth Report”). Myanmar now submits the present tenth report (the “Tenth Report”).

3. Paragraphs 3 to 5 of the First Report apply also to the present report. Notably, once again the action taken by Myanmar to give effect to the Court’s Provisional Measures Order is without prejudice to any of its rights, or its position with regard to any of the issues in these proceedings.
4. The present document reports to the Court on the measures taken since the Ninth Report to give effect to the Provisional Measures Order. This Report therefore avoids where possible any repetition of the contents of the nine previous reports.
5. The information in this Report covers events until 15 October 2024, unless specified otherwise. Later events will be described in the next report.

II. The conflict in northern Rakhine State

(i) ARSA activities

6. Between 16 April 2024 and 15 October 2024, there were two reported activities of ARSA in northern Rakhine State. The details are as follows:
 - (1) On 11 January 2024, at 1330 hours, a 40 year old Malawi teacher from Thazi Village, Maungdaw Township, was attacked by ARSA terrorist group (under investigation) near Hlabawza Bridge while he was returning from Maungdaw Town to Thazi Village. The victim received one gunshot wound on his right shoulder and received medical care at the Maungdaw Township hospital.
 - (2) It was reported that on 23 April 2024, at 2230 hours, there was an armed engagement near old police outpost (Mingalargyi-1 Chaungwa) between an ARSA terrorist group of around 200 in strength and an Arakan Army (“AA”)

insurgent group of around 150 in strength. The shooting ceased at 2345 hours and the Arakan Army insurgent group then retreated towards Thayet Ai Village.

(ii) Arakan Army activities

7. On 11 March 2021, the Anti-Terrorism Central Committee issued Order No. (1/2021), withdrawing its designation of the United League of Arakan (ULA)/Arakan Army (AA) as a terrorist group.¹
8. As reported in the Third, Fourth and Fifth Reports, there were no armed engagements between the Myanmar Defence Services and the Arakan Army between the period of 12 November 2020 and 6 February 2022.² However, the Arakan Army has subsequently committed acts such as detaining, abducting and launching attacks against civilians, members of the Myanmar Defence Services and the Myanmar Police Force, as well as government officials, as reported in the Sixth, Seventh, Eighth and Ninth Reports.³ The Arakan Army resumed violent attacks targeting civilians, infrastructures and State-owned buildings, vehicles, and harming public security, lives and properties, as well as committing terrorist acts against the State. Some details of the Arakan Army's activities in the period between 16 April 2024 and 15 October 2024 are listed in paragraph 11 below.
9. Therefore, in accordance with Section 6(e) and Section 72(b) of the Counter-Terrorism Law, with the approval of the Union Government, the Anti-Terrorism Central Committee has revoked its declaration dated 11 March 2021 by Notification no. (2/2024) dated 2 September 2024, and has declared the United League of Arakan (ULA)/Arakan Army (AA) as a terrorist group.⁴
10. In order to make concerted preparations for the upcoming multiparty democratic general election, considering the losses of the State due to the armed struggle and

¹ See paragraph 9 of the Third Report.

² See paragraphs 7 and 16 of the Third Report, paragraph 11 of the Fourth Report, and paragraph 22 of the Fifth Report.

³ See paragraph 10 of the Sixth report, paragraph 15 of the Seventh Report, paragraphs 27-54 of the Eighth Report, and paragraphs 13-18 of the Ninth Report.

⁴ See **Annex 1** to this Report.

terrorism, an invitation has been extended to the ethnic armed organizations and PDF⁵ terrorists fighting against the State. They are invited to contact the State to resolve the political issues through party politics or electoral processes in order to be able to join hands with the people to emphasize durable peace and development by discarding the armed terrorist way.⁶

11. Between 16 April 2024 and 15 October 2024, there were fourteen reported incidents of the Arakan Army in northern Rakhine State which resulted in Bengali civilian casualties. The details are as follows:

- (1) On 29 February 2024, the Arakan Army fired heavy artillery near Sittwe Myoma Market, which killed 13 civilians and injured 31.
- (2) On 9 March 2024, one heavy artillery fired by the Arakan Army exploded in Kathae Ward, Sittwe Township. Due to the explosion, five Bengali residents died and nine were injured.
- (3) On 17 April 2024, at 1730 hours, Arakan Army terrorists fired heavy artillery into Buthidaung Town, which exploded in No. (2) ward, killing four and seriously injuring eight innocent civilians, including a twelve-year-old child.
- (4) On 21 April 2024, a heavy weapon fired by Arakan Army terrorists exploded in No. (3) Basic Education Middle School (Branch), Buthidaung Town, injuring one Bengali woman who was taking refuge in the school.
- (5) On 21 April 2024, a motorcade transferring 258 prisoners (including Bengalis) from Buthidaung Prison to Maungdaw was attacked by about 100 Arakan Army forces in Maungdaw Township. As a result, 11 prisoners were injured and one died.
- (6) On 30 April 2024, about 50 Arakan Army terrorists came to Bagongna (South) Village, Buthidaung Township, and told villagers not to run away. During this

⁵ Committee Representing Pyidaungsu Hluttaw- CRPH, National Unity Government-NUG and People Defence Force- PDF and all their subordinates have been declared as terrorist groups according to the Anti-Terrorism Law Section 6, sub-section (e), Section 72 and sub-section (b) since 8 May 2021.

⁶ See **Annex 2** to this Report.

incident, three Bengali men who tried to run were shot at by the terrorists. A Bengali man wounded in the incident received medical treatment at the Military hospital (6/25).

- (7) On 1 May 2024, three heavy artillery shells fired by Arakan Army terrorists exploded in Ywama (Bengali) Village, Buthidaung Township, and one Bengali villager was injured by the shell fragments. The victim was treated at the Military hospital (6/25).
- (8) On 4 May 2024, at about 0100 hours, Arakan Army terrorists intentionally fired heavy weapons into a residential area from the side of Bagongna (South) Village, which is about 4,000 metres south of Buthidaung Town. Two shells exploded inside the campus of No. (1) Basic Education High School, where temporarily displaced Bengalis live. As a result of the explosion, two local people died and 15 local people, including four children, were injured.
- (9) On 11 May 2024, at about 2300 hours, Arakan Army terrorists intentionally fired heavy weapons into the compound of Buthidaung Hospital from the side of Kyauk Yit Village, about 2800 meters northeast of Buthidaung Town. A bombshell detonated on the staff housing building, killing three temporarily displaced persons and injuring and 10 local residents, including 2 children.
- (10) On 17 May 2024, Arakan Army terrorists launched attacks on Myo Thu Gyi Village, Nandawon Pagoda Hill, and entered Buthidaung. Then, in cooperation with some Rakhines, the terrorists committed acts such as threatening Bengalis residing in Buthidaung Town, looting, and razing Bengali quarters. As a consequence, since 18 May 2024, Bengalis in Buthidaung Town have had to abandon their homes and run away.
- (11) On 22 June 2024, Arakan Army terrorists dropped bombs on the storage unit of the World Food Programme (“WFP”), situated in Maungdaw Township. The facility caught on fire due to the bombing.
- (12) On 2 July 2024, while Arakan Army terrorists attacked the Maungdaw Myoma Police Station with heavy weapons, the shells exploded near the fence of the

Police Station, as well as nearby Bengali houses. During this incident, one Bengali died and four were wounded.

(13) On 4 July 2024, one Bengali man residing in Ohntaw Chay Village, Sittwe Township, stepped on a landmine planted by the Arakan Army near Palin Pyin Village shore. The victim sustained injuries.

(14) During the period from 16 April to 31 July 2024, Arakan Army terrorists kidnapped one Buddhist monk, 10 Bengalis and one Bengali village Administrator.

12. Additionally, in other incidents between 16 April 2024 and 15 October 2024, the attacks of the Arakan Army resulted in 189 deaths and 521 wounded/injured Police personnel. In addition, a total of 32 Police personnel were captured by the Arakan Army. Details are as follows:

Table 1: Police personnel killed, injured and captured in attacks by the Arakan Army in Rakhine State (16 April 2024 - 15 October 2024)

No.	Township	Killed			Injured			Captured		
		Officer	Other ranks	Total	Officer	Other ranks	Total	Officer	Other ranks	Total
1	Buthidaung	-	-	-	6	21	27	-	-	-
2	Maungdaw	20	135	155	44	375	419	9	23	32
3	Thandwe	3	31	34	6	43	49	-	-	-
4	Gwa	-	-	-	3	23	26	-	-	-
Total		23	166	189	59	462	521	9	23	32

Source: Ministry of Home Affairs, 29 October 2024.

13. The Gambia has made a series of allegations in paragraphs 27-36 of its observations on Myanmar's Ninth Report, relying on a report of a United Nations Special Rapporteur, and documents of Office of the United Nations High Commissioner for

Human Rights (OHCHR), Non-Governmental Organizations (NGOs) and media reports. What is stated in those reports is often far from the truth of the situation on the ground, and seems to be derived and referenced from one-sided misinformation.

14. The allegations that the Myanmar Defence Services carried out indiscriminate shelling is incorrect. On the contrary, it was Arakan Army terrorists who carried out indiscriminate shelling targeting the Bengali people as described in paragraph 10 above. Moreover, it is possible that the Arakan Army may have used Bengali people as human shields.
15. On the other hand, the Tatmadaw has, to the best of its abilities, provided humanitarian assistance to the Bengali population. During the attacks launched by the Arakan Army in April 2024, the Tatmadaw opened 4 temporary shelters and provided food to the Bengali populations. On 12 April 2024, military officials and regional administrative officials provided 1,000 rice bags to 955 Bengali households who had suffered attacks by the Arakan Army.⁷ In June 2024, when the Arakan Army attacked the World Food Programme's (WFP) storage facility in Maungdaw using drop bombs, Tatmadaw forces salvaged the rice bags so that they could be distributed to the Bengali population, and, accordingly, was able to provide over 2,000 rice bags to Bengali households.⁸
16. Due to such targeted attacks against the Bengali population, the Bengali population has expressed its own disdain of the Arakan Army by means of self-organised demonstrations.⁹
17. It should be noted that members of the Bengali population, who have suffered multiple targeted attacks and destruction of their property, are legally entitled to defend themselves. The allegation that the Myanmar Defence Services pressured Bengali

⁷ Myanmar News Agency, "Temporarily displaced persons provided with rice in Buthidaung", *Global New Light of Myanmar*, 23 April 2024, <https://www.gnlm.com.mm/temporarily-displaced-persons-provided-with-rice-in-buthidaung/>.

⁸ Myanmar News Agency, "Clarification by Maj-Gen Zaw Min Tun, SAC's Information Team Leader, on the arson attack at the WFP warehouse in Maungdaw and drug smuggling of AA terrorists", *Global New Light of Myanmar*, 27 June 2024, <https://www.gnlm.com.mm/clarification-by-maj-gen-zaw-min-tun-sacs-information-team-leader-on-the-arson-attack-at-the-wfp-warehouse-in-maungdaw-and-drug-smuggling-of-aa-terrorists/>.

⁹ See paragraph 22 of the Ninth Report.

communities to carry out armed attacks against the Arakan Army is no more than propaganda deployed by the Arakan Army. Maj-Gen Zaw Min Tun, Leader of the Information Committee of the State Administration Council, has provided clarifications on the news concocted by the Arakan Army about the incident at Byaingphyu Village, Sittwe Township.¹⁰

18. Moreover, due to the terrorist acts of the Arakan Army, the provision of healthcare, education and other kinds of public services in Rakhine State has been hindered. Currently, the security forces, including the Myanmar Defence Services, are striving to maintain peace and security in Rakhine State and to ensure that the livelihoods of all civilians are well protected.

III. Measures taken to implement the Provisional Measures Order

(i) The three directives issued by the Office of the President

19. Pursuant to the Directive on Compliance with the Convention on the Prevention and Punishment of the Crime of Genocide, the Directive on Prevention of Incitement to Hatred and Violence (or) Prevention of Proliferation of Hate Speech, and the Directive on Preservation of Evidence and Property in Areas of northern Rakhine State, the respective Union Ministries and the State and Region Governments have submitted six-month periodic reports for the period from April to October 2024.

a. The Directive on Compliance with the Genocide Convention

20. The Union Ministries and State and Region Governments have reported that there have been no violations of the Convention on the Prevention and Punishment of the Crime of Genocide in the reporting period. Additionally, no criminal case or complaint has been filed regarding killings/murder, rape, or torture allegedly

¹⁰ Myanmar News Agency, “Clarification by Maj-Gen Zaw Min Tun, Leader of the Information Committee of the State Administration Council, on the Fabricated News about the incident in Byaingphyu Village in Sittway Township Released by AA Terrorists”, *Global New Light of Myanmar*, 6 June 2024, <https://www.gnlm.com.mm/clarification-by-maj-gen-zaw-min-tun-leader-of-the-information-committee-of-the-state-administration-council-on-the-fabricated-news-about-the-incident-in-byaingphyu-village-in-sittway-township-relea/>.

committed by Government officials/staff or military/police personnel against any Bengali.

21. Currently, the International Convention on the Prevention and Punishment of the Crime of Genocide has been incorporated into the curriculum of Yangon University and Mandalay University. This includes specialized programmes in Law and International Relations Departments, as well as subjects in Cultural Anthropology and Political Anthropology. This inclusion ensures that students in these disciplines receive comprehensive education on the legal obligations and international standards related to the prevention and punishment of genocide.
22. In a letter to the Agent of Myanmar dated 14 October 2024, the Registrar communicated a request from the Court that Myanmar include in this Report a response to the following additional questions:

Recalling the Presidential Directive No. 1/2020 on the Compliance with the Convention on the Prevention and Punishment of the Crime of Genocide, promulgated by the President of the Republic of the Union of Myanmar on 8 April 2020:

- (a)* Paragraph 4 of the Presidential Directive refers to the possible establishment of ‘appropriate mechanisms’ to transmit credible information to the Office of the President about the commission of acts referred to in Articles II and III of the Convention on the Prevention and Punishment of the Crime of Genocide. Have any such mechanisms been established and, if so, what form do they take?
- (b)* What action, if any, may the President take on receipt of any credible information referred to in paragraph 4?
- (c)* Are there any other mechanisms in place to enforce the Presidential Directive?

23. The answers to those questions are as follows.
24. With regard to the first question, the words “appropriate mechanisms” are an English translation of the original Myanmar text of the Presidential Directive. The words in the original text mean “appropriate means” or “appropriate way”. They do not envisage that additional new mechanisms will be established. All government officials from the Union Ministries, Region and State Governments are instructed that if they receive any credible information regarding a violation of the Genocide Convention,

they are to report it to the Office of the President, either directly, or through his or her superiors, or through other “appropriate means”.

25. There are various government means in Myanmar to enforce Office of the President Directive No. 1/2020, and report to the Office of the President (currently the State Administration Council Office) if one receives credible information regarding the commission of acts referred to in Articles II and III of the Genocide Convention. Myanmar is utilizing these means in an effective manner. According to the abovementioned Presidential Directive, any individual who receives any credible information that a person or a group of people is committing or attempting or conspiring to commit genocide, shall inform the Office of the President (currently the State Administration Council Office) directly. In addition, if the Union Ministries, Region and State Governments receive credible information regarding the violation of the Presidential Directive or commission of any acts referred to in Articles II and III of the Genocide Convention from their subordinate offices, they can also report directly to the Office of the President (currently the State Administration Council Office). Moreover, the Presidential Directive specifically directed all the Union Ministries, State and Region Governments to submit quarterly reports on the implementation and progress of the Presidential Directive to the Office of the President. In accordance with the said instruction, Union Ministries, and State and Region Governments have been collecting ground information from their respective subordinate offices and submit their periodic reports on a regular basis. The Office of the President (currently the State Administration Council Office) stands ready to instruct relevant Ministries to take appropriate action according to the reports submitted from the Union Ministries, State and Region Governments.

26. On 25 February 2020, Myanmar Defence Services issued an instruction 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.¹¹ The instruction also stated that Myanmar Defence Services do not allow military personal to commit any act that violates the Genocide Convention. In

¹¹ See paragraph 93 of the First Report.

the event of commission of such offences, the information will be immediately reported to the higher authorities in the Myanmar Defence Services and punitive action will be taken in a timely manner. In addition, on 18 March 2019, the Myanmar Defence Services also established a Court of Inquiry composed of three high-ranking military officials in order to further scrutinize and verify the investigation reports conducted earlier on the incidents taking place during the military operation in Rakhine State in 2017.¹² The Myanmar Defence Services also made a public announcement inviting the public to submit to the said Court of Inquiry, either through an email or in person, if they have any information such as witness statements, photos, evidence, audio or video files relating to the events in Rakhine State in August 2017. Besides, any criminal acts including violation of the Genocide Convention committed by military personnel can immediately be reported to any commanding officers in military headquarters, regional commanding military offices, light infantry headquarters, or relevant military offices located across the country, including the Ministry of Defence as well as the Myanmar National Human Rights Commission and media outlets. Additionally, in accordance with the Presidential Directive 1/2020, the Ministry of Defence has been regularly submitting quarterly reports on the implementation and progress regarding the Directive.

27. Apart from the above-mentioned government means, anyone can also report to the Myanmar National Human Rights Commission, either by correspondence or in person, if they have any credible information regarding the commission of acts referred to in Articles II and III of the Genocide Convention. There have been instances in which the National Human Rights Commission received complaints from individuals who were affected by incidents that took place in Rakhine State in 2017. (For example, the Commission received a complaint letter in January 2021 from Legal Action Worldwide concerning the case of the wife of a victim of the incident in Inn-din Village that occurred in Rakhine State in 2017).
28. In addition, the public can submit grievances, previously to the President and currently to the Prime Minister and the Chairman of the State Administration Council. The

¹² “Information released on formation of investigation court to further scrutinize and approve incidents related to terror attacks of extremist Bengali terrorists which occurred in Buthidaung-Maungtaw region of Rakhine State” *Tatmadaw True News Information Team* , <https://cincds.gov.mm/node/2135?d=1>

Office of the President (currently the State Administration Council) has also set up a Complaint and Legal Affairs Department. This particular department handles grievances submitted by the public. If someone obtains credible information regarding the violation of the Presidential Directive or violation of the provisions of Articles II and III of the Genocide Convention, he or she can transmit the information to the Complaint and Legal Affairs Department of the Office of the President (currently the State Administration Council).

29. On 21 August 2021, Myanmar amended section 311 of the Penal Code, adding two additional sections, 311-A and 311-B, by the Law Amending the Penal Code (Law No. 22/2021). Sections 311-A and 311-B provide that “*whoever, with an intent to destroy, in whole or in part, a national, ethnical or racial or religious group: (a) kills members of the group; or (b) causes grievous hurt or serious mental harm to members of the group; or (c) deliberately inflicts on the group conditions of life calculated to bring its physical destruction in whole or in part; or (d) imposes measures, not in accordance with any existing laws, intended to prevent births within the group; or (e) forcibly transfers children of the group to another group is said to have committed the offence of genocide, shall be punished with death or imprisonment for life*”. Therefore, whoever obtains credible information relating to the violation of section 311-A and 311-B of the Penal Code can open a case at any relevant police station in the area. Moreover, the Ministry of Home Affairs is conducting readiness to receive complaints and take action on them, opening police outposts to monitor the situation and gather information to ensure there are no violations of the Genocide Convention.
30. In this connection, Myanmar reiterates that it is utilizing its already existing government means to implement Directive No. 1/2020 of the Office of the President. Credible information concerning the commission of acts referred to in Articles II and III of the Genocide Convention can be transmitted directly to the Myanmar National Human Rights Commission, through the Complaint and Legal Affairs Department of the Office of the President (currently the State Administration Council) or through the judicial means. The existing means are being utilized sufficiently to implement the Presidential Directive.
31. With regard to the second question, there have been no reports of genocide cases in Myanmar up to this date and, likewise, since the issuance of Presidential Directive

No. 1/2020, there have been no reports of violations of the Directive in Myanmar. In the periodic reports submitted by the Union Ministries, State and Region governments, there have been no violations of the Genocide Convention.

32. If the Office of the President receives credible information regarding the commission of genocide either through existing means or other appropriate means referred to in Directive No. 1/2020, the Office of the President will take prompt and effective action in accordance with the relevant laws, rules and regulations. The Office of the President directly handles the matter in order to ensure such efficient action. The Office of the President, being the highest executive body, can instruct, without requiring any approval from higher authority, all the government organs including the armed forces to take immediate action. According to section 201 of the Constitution of the Republic of the Union of Myanmar, 2008, the National Defence and Security Council is led by the President, who holds the highest authority on defence and security matters.¹³ Upon receiving credible information of genocide offences being committed, the President, after co-ordinating with the National Defence and Security Council, can declare a state of emergency and enlist the assistance of the Myanmar Defence Services to effectively control the situation and quickly restore the affected area to its original situation pursuant to sections 412 and 413 of the Constitution.¹⁴ The President may either direct the existing means or establish new ones to undertake the necessary investigation of the situations. Previously, the Advisory Commission on Rakhine State, headed by former UN Secretary-General Kofi Annan, and the Investigation Commission on Maungdaw, headed by Vice-President U Myint Swe were established, to investigate the incidents that took place in northern Rakhine State. Additionally, the Office of the President directed the Myanmar National Human Rights Commission to investigate the situation on the ground in northern Rakhine State during 2017. If concrete evidence is found, action will be taken in accordance with the existing laws, rules and regulations through the local judicial system. There were a number of examples in which individuals were sentenced for not observing the relevant laws rules and

¹³ Constitution of the Republic of the Union of Myanmar, 2008. Section 201, *Myanmar Law Information System*.
<https://www.mlis.gov.mm/mLsView.do;jsessionid=7D3BEA836BF5402CFD900A64F713377B?lawordSn=3165>

¹⁴ *Ibid.* Sections 412 and 413 (A).

regulations, or rules of engagement, or committed criminal offenses during the military operations in northern Rakhine State.

33. With regard to the final question, this has been addressed in the answers to the first two questions.

b. The Directive on Prevention of Incitement to Hatred and Violence (or) Prevention of Proliferation of Hate Speech

34. Pursuant to the Directive on Prevention of Incitement to Hatred and Violence (or) Prevention of Proliferation of Hate Speech, officials from Government Departments, military personnel, police officers, and other security forces have been instructed to refrain from engaging in or promoting hate speech. Additionally, Regional Administrative Bodies, and District and Township Administration Committees, have been directed to take measures to prevent and discourage hate speech among the public. To ensure compliance, every Region and State Government has mandated that Ward and Village Tract Administration Committees conduct awareness and educational sessions aimed at informing and guiding the public against the use of hate speech.
35. As part of the initiatives against hate speech, Government Departments, Police Forces, Administrative Bodies, and local communities are collaborating to address and discuss the issue in various meetings, as well as conducting awareness sessions with the public in different wards and villages. These efforts include encouraging community members to actively prevent hate speech, distributing pamphlets and educational materials, and raising awareness among the public. Additionally, local authorities are tasked with monitoring and collecting early warnings of incitement activities and taking immediate action to prevent and address such incidents. Online platforms, including Facebook Pages and websites, are being monitored to identify and counteract inflammatory content and misinformation, with the aim of promptly disseminating accurate information to the public. Pamphlets, banners, and other necessary materials are also being provided and supported as part of these efforts.
36. Hate speech can lead to misunderstandings, suspicions, dissatisfaction, and violence between different ethnic groups, languages, individuals, and organizations. Therefore,

legal actions are taken against any groups or individuals involved in such hate speech or incitement, in accordance with the law.

37. Regarding online hate speech and misinformation, legal actions can be taken under the Electronic Transactions Law, the Telecommunications Law, and Section 505A, subsections (a) and (b), of the Penal Code.

c. The Directive on Preservation of Evidence and Property in Areas of northern Rakhine State

38. With regards to the Directive on Preservation of Evidence and Property in Areas of Northern Rakhine State, the government authorities have identified and safeguarded immovable properties in Maungdaw, Buthidaung and Rathedaung Townships that were abandoned by individuals who departed for Bangladesh following the terrorist attacks in northern Rakhine State in 2017. According to information from the Rakhine State Government, those immovable properties which belonged to Bengalis, including lands and houses, have been preserved and no permission has been given to anyone else to use or sell these properties.
39. There is no doubt that local authorities and law enforcement agencies in these townships are paying serious attention to preventing the destruction of evidence and property in accordance with instructions and directives from the Central Government and relevant Union Ministries.

(ii) Civilian accountability

40. To facilitate the tasks of the Criminal Investigation and Prosecution Body (CIPB), the Special Task Force of the Criminal Investigation and Prosecution Body (STF-CIPB) was established in 2023. Even though the CIPB was unable to hold meetings during the reporting period, the members of the STF-CIPB met and discussed the progress of the work from time to time. However, because of the unstable situation caused by the Arakan Army terrorist group in northern Rakhine State, the CIPB has been unable to move forward with its tasks. The latest information on 139 cases is as mentioned in the Eighth Report.

(iii) Proceedings within the military justice system

41. The Gambia's observations on the Ninth Report allege continuing impunity and "no meaningful actions regarding accountability".¹⁵ Myanmar denies these allegations. A crime committed by military personnel can be immediately judged by a military court by taking a written summary of the evidence of the crime. However, if the crime is not clearly proven, according to Military Rule 176, a Court of Inquiry is established to ensure that the incident is properly investigated. If the Court of Inquiry finds that there are crimes to be judged by a court-martial, in accordance with the Defence Services Rule 22, excerpts of evidence are recorded, charges are filed against the accused, and they are examined by a court-martial.
42. Therefore, a crime can be prosecuted only when there is evidence. In the case of Chut Pyin, the Ninth Report has already mentioned that the repatriation status of witnesses from Chut Pyin (Bengali) village and nearby villages is being monitored in order to continue the investigation procedures upon their return.
43. Regarding the other allegations, the investigations and punishments were carried out in accordance with the existing laws in an open and transparent manner, including by issuing official press releases. These procedures have been continually included in the previous Reports.¹⁶
44. Moreover, rape committed by military personnel against women are punishable by up to 20 years in prison. Rape and murder is punished by a death sentence. Moreover, strict action is being taken to ensure that there is no delay in delivering justice in accordance with the Defence Services Act, 1959 and the Defence Services Regulations. With a zero-tolerance policy that does not accept any immunity from action for any case committed by military personnel that violates the public's rights, such cases are prosecuted with efficiency.
45. It has been alleged by The Gambia that "the military continued to maintain effective control over judicial processes, circumventing legal procedures and shielding its soldiers from legal repercussions for criminal acts". However, it is crucial to clarify

¹⁵ See paragraph 11 of the Gambia's observations on the Ninth Report.

¹⁶ See paragraph 67 of the Eighth Report.

that military personnel are legally obligated to adhere not only to the existing laws of Myanmar but also to the specific provisions of the Defence Services Act, 1959 and the Defence Services Rules. When military personnel are accused of committing offences, these allegations must be thoroughly investigated and adjudicated in accordance with the Defence Services Act, 1959 and the Defence Services Rules. Should an investigation conclude that an offence has been committed, appropriate punitive measures are to be imposed accordingly.

46. Section 293 of the Constitution of the Republic of the Union of Myanmar provides that: Courts of the Union are formed as (a) the Supreme Court of the Union, High Courts of the Regions, High Courts of the States, Courts of the Self-Administered Divisions, Courts of the Self-Administered Zones, District Courts, Township Courts and the other Courts constituted by law; (b) Courts-Martial; and (c) the Constitutional Tribunal of the Union. Furthermore, Section 294 of the Constitution states that: In the Union, there shall be a Supreme Court of the Union. Without affecting the powers of the Constitutional Tribunal and the Courts-Martial, the Supreme Court of the Union is the highest Court of the Union. The Judicial Law and the Defence Services Act, 1959 were enacted in accordance with the above provisions of the Constitution ensuring that all legal processes are conducted lawfully. Therefore, the allegations of the Gambia hold no merit.

(iv) International Humanitarian Law (IHL) training

47. During the period from 16 April 2024 to 15 October 2024, a total of 263 legal awareness raising activities regarding International Humanitarian Law (IHL), Human Rights Law (HRL), Rules of Engagement (RoE), and the Geneva Conventions were provided for 13,370 military officers, officer cadets and other ranks.

(v) Measures to combat hate speech

48. The Ministry of Information has been continuously raising awareness and educating the public on the harmful effects on society of hate speech and incitement, through state-owned media enterprises, the web portal of Myanmar's Facebook page, and other social media platforms.

49. From 16 April 2024 to 15 October 2024, the Ministry of Information broadcast announcements to prohibit hate speech and violence 366 times via television, 183 times via MRTV Webportal and Facebook pages, 549 times via MITV Channel, and 259 times (in the Myanmar language) and 637 times (in ethnic languages) via Myanma Radio and Thabyay Radio respectively. In addition, the Media Development Department’s Facebook page also uploaded 5 videos¹⁷ disseminating information about hate speech. Moreover, information regarding hate speech has also been featured 38 times in newspapers.

(vi) Repatriation to Myanmar from Bangladesh

50. Myanmar continues to work for the repatriation of displaced persons from Bangladesh in accordance with the bilateral agreements between Bangladesh and Myanmar and to accept verified displaced persons as agreed. Myanmar also stands firm to start the safe, voluntary and sustainable repatriation of those verified displaced persons once the security situation in Rakhine State permits (see paragraphs 7 to 17 above). While remaining committed to collaborate with Bangladesh for the early commencement of the repatriation process, Myanmar continues the process of verifying the lists of individuals provided by Bangladesh to Myanmar.¹⁸

51. As of 30 September 2024, Myanmar has scrutinized a total of 217,450 individuals. Of these, 152,543 persons have been verified by Myanmar as former residents of Rakhine State, while 2,604 have been identified as having been involved in terrorist acts. There are 62,303 persons for whom records could not be found in the official household registration list of Myanmar. Myanmar conveyed these latest verification results to Bangladesh on 14 October 2024.

¹⁷ “အမုန်းစကား - Hate Speech” “အမုန်းစကားကို ဆန့်ကျင်ကြိုတားဆီးကြရမည် - Oppose Hate Speech , Prevent it”, *The Media Development Department-MDD*, Ministry of Information’s Facebook page, <https://www.facebook.com/share/v/bQunBinaVc6R4fqv/?mibextid=oFDknk> , <https://www.facebook.com/watch/?v=1933441230385019> , <https://www.facebook.com/watch/?v=796511532537060> , https://www.facebook.com/permalink.php?story_fbid=pfbid03k5Zz7U6VVg5GbLfczH78STodnGFgKP_YTFzMhgFSMr2YnHm6LWkdw5w2YJQQjX5Rl&id=61552246822842 and https://www.facebook.com/permalink.php?story_fbid=pfbid02vffWALTRJ6F3tnU83ZJ5ETjD7wYi8u7eDq1NiGujmgyRM3kW9dLJfej6FHzi5Egwl&id=61556251194154.

¹⁸ See paragraph 34 of the Ninth Report.

52. In its observations on the Ninth Report, The Gambia claims that “Myanmar is also woefully unprepared to even process their names for return”.¹⁹ Myanmar responds to this claim as follows.
53. Myanmar has consistently demonstrated a proactive commitment to facilitating the repatriation of displaced persons from Bangladesh. On 23 November 2017, Myanmar and Bangladesh formalized their collaboration through the signing of an Arrangement on Return of Displaced Persons from Rakhine State. Subsequently, on 19 December 2017, the two parties executed 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 further formalized their agreement with the signing of the Physical Arrangement for Repatriation of Displaced Myanmar Residents from Bangladesh.²⁰
54. Before the Court issued its order on provisional measures, Myanmar had already notified Bangladesh of 6,911 individuals who were verified by Myanmar as former residents eligible for repatriation.²¹ Regrettably, no repatriations have occurred despite Myanmar’s diligent work in good faith, and its preparedness since 23 January 2018 to accept verified returnees.²²
55. As the verification process proceeds, the Myanmar Government has also been preparing for the voluntary, safe, and dignified return of displaced persons through a Pilot Project. The Pilot Project has arranged for 2,933 verified displaced persons²³ (575 households), to be repatriated as part of the initial phase of the project. Myanmar is also continuing the verification process for their associated family members.
56. For the repatriation process, Myanmar has prepared two Reception Centres (Nga Khu Ya Reception Centre and Taungpyo Letwe Reception Centre), and the Hla Phoe

¹⁹ The Gambia’s observations on the Ninth Report, para. 26.

²⁰ See paragraph 119 of the First Report.

²¹ See paragraph 120 of the First Report.

²² See paragraph 121 of the First Report.

²³ See paragraph 38 of the Ninth Report.

Khaung Transit Centre.²⁴ However, due to the current security situation in Rakhine State, Myanmar has planned to receive displaced persons under the security supervision of Rakhine State Government and the Commander of Western Command Headquarters once the security situation in Rakhine State permits.

57. For productive collaboration and smooth repatriation, Myanmar has conducted several Come-and-See visits in Rakhine State, and several Go-and-Talk visits in Teknaf, Bangladesh.²⁵ During these visits, Myanmar informed the Bangladesh officials and representatives of prospective returnees about the plans and preparations on the Myanmar side, to provide necessary assistance to resettle returnees in designated villages, and to provide foodstuff and basic needs including healthcare, education and livelihood. In accordance with the existing Myanmar laws, relevant identification (ID) cards including National Verification Cards (NVCs) will be issued to returnees. This was made known in a booklet named “Facts on the Arrangement of the Myanmar Government for Reception and Resettlement of Displaced Persons on their Return under the Pilot Project”, which was distributed during those visits.
58. Returnees under the Pilot Project will be allocated, with their consent and according to their choice, to one of 20 designated villages,²⁶ where several housing units are in place, or where wide plots of land are available on which returnees can construct their own houses pursuant to the Cash-for-Work Programme (see paragraph 128 of the First Report). Moreover, in order to provide more options for the prospective returnees for their resettlement, Myanmar has designated an additional 60 villages which are currently inhabited and located within a 5-mile radius of the initially selected 20 villages.
59. In addition, Myanmar has actively been collaborating with UNDP and UNHCR to facilitate the return of displaced persons from Bangladesh to Myanmar. On 6 June 2018, a Memorandum of Understanding (MoU) was signed between Myanmar, UNDP and the UNHCR in which they agreed to cooperate on humanitarian and development action in Rakhine State to ensure a safe and voluntary return of displaced persons from

²⁴ See paragraph 39 of the Ninth Report.

²⁵ See paragraphs 84 and 85 of the Eighth Report; paragraph 37 of the Ninth Report.

²⁶ See paragraph 41 of the Ninth Report.

Bangladesh. On 28 May 2019, they signed an “Exchange of Letters” to extend the MoU until 5 June 2020. On 11 May 2020, the MoU was extended for a further year until 5 June 2021.²⁷ After that, a new MoU was signed on 11 March 2022 for the period until 10 March 2023, with all terms remaining unchanged from the previous agreement.²⁸ On 13 December 2023, another new MoU was signed on the same terms for one year until December 2024.²⁹ Under the 2023-2024 MoU, a proposed field visit was requested by UNDP and UNHCR on 16 January 2024, but this has not been approved due to the prevailing security situation in Rakhine State. However, a visit to their own UNHCR branch in Sittwe Township was allowed in June 2024.

60. Myanmar is also closely engaged in collaborative efforts with the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management (AHA Centre) in the repatriation process.
61. Of the 12 projects initiated based on the recommendations of the Preliminary Needs Assessment for Repatriation (PNA) under the ASEAN-ROK Fund on the Repatriation of Displaced Persons in Rakhine State, two projects have been successfully completed.³⁰ In addition, the Department of Fisheries, Ministry of Agriculture, Livestock and Irrigation, proposed a project to be implemented in Rakhine State, aimed at securing technical support and funding from the Thailand International Cooperation Agency (TICA),³¹ but this is still awaiting approval. Currently, funding for the remaining nine projects is still being sought.
62. Mr. A. K. Abdul Momen, the Chairman of the Standing Committee on Ministry of Foreign Affairs of the Bangladesh National Parliament, and former Foreign Minister of Bangladesh, stated in an interview with *Daily Jugantor* (a daily newspaper in Bangladesh) on 28 May 2014 that he believed that repatriation would be possible

²⁷ See paragraph 131 of the First Report; paragraph 78 of the Second Report; paragraph 50 of the Third Report.

²⁸ See paragraph 69 of the Fifth Report.

²⁹ See paragraph 52 of the Ninth Report.

³⁰ See paragraph 104 of the Eighth Report.

³¹ See paragraph 54 of the Ninth Report.

through bilateral discussions between Bangladesh and Myanmar.³² He noted that there had been previous occasions when large numbers of people from northern Rakhine State had gone to Bangladesh and then been repatriated. He expressed the view that the reason why repatriations were proving more difficult at present than it had been in the past was due to the role of the international community (international organizations and NGOs) and the media. He said that “conditions right now are much complex and difficult as there are many international organizations, including UNHCR, involved and also too many rules and regulations to follow”, and that “media outlets are more focus on this than it is necessary and some stories are exaggeratedly reported only on small case”.³³ He added that “some countries block the repatriation through various reasons”, including by saying that “there is no conducive environment there at present as well as raise the question of whether granting citizenship to them or not if they arrive back”.³⁴ He said that “there are many agencies running with various agendas inside the camps, which are financially aided by support from donor countries”, but added that “we do not know exactly what these agencies are doing, only Allah may know”.³⁵ He concluded that “to solve the issue, first step should be NGOs to be banned”.³⁶ In no sense did he express the view that any fault lay on the part of Myanmar.

(vii) Resettlement of internally displaced persons

63. Detailed information regarding the closure of the Kyauk Ta Lone IDP Camp and the relocation of its residents to Aye Mya Thar Yar Village has been provided in the Seventh, Eighth and Ninth Reports.³⁷ The relocation efforts were led by the National Level Committee on Resettlement and Closure of IDP Camps. It was arranged for the residents to relocate with dignity after thorough discussions with Committee members in the camp, and elders. The relocation site is close to the previous camp location.

³² “রোহিঙ্গা আমাদের জন্য একটা ক্যান্সারের মত হবে: সাবেক পররাষ্ট্রমন্ত্রী মোমেন: Rohingya will be like a cancer for us: Former Foreign Minister Momen”, *Daily Jugantor*, 18 May 2024, available at <https://www.youtube.com/watch?v=13EV1naQ0k4>

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ See paragraph 57 of the Seventh Report, paragraphs 106 and 107 of the Eighth Report, and paragraphs 59 to 62 of the Ninth Report.

Therefore, the allegation of the Gambia that the families that relocated there have no access to employment is incorrect.

64. Before the relocation, amenities and infrastructure were set up, such as housing, medical, education and drinking-water facilities, electric works, community hall, latrines, roads and villages. In addition, with the arrangement of the Ministry of Border Affairs, two modular houses from the old Kyauk Ta Lone IDP Camp have now been refurbished and relocated to be used as a library and temporary rescue house at the Aye Mya Thar Yar Village.

(viii) Preservation of property and evidence

65. Updates regarding the actions taken in relation to the Directive on Preservation of Evidence and Property in Areas of Northern Rakhine State has been provided in paragraphs 38 and 39 of this Report.

(ix) Action on sexual violence

66. In order effectively to achieve the goals set out in the National Action Plan on Prevention and Response to Conflict-related Sexual Violence (2023-2024), awareness campaigns concerning the prevention of and response to Conflict-Related Sexual Violence in Rakhine State have been launched. On 25 June 2024, an awareness-raising training regarding Gender, The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the National Strategic Plan for the Advancement of Women (NSPAW), and United Nations Security Council Resolution (UNSCR) 1325, was conducted in Sittwe Town, Rakhine State.
67. The working committee meeting (2/2024) on Prevention and Response to Conflict Related Sexual Violence was held on 11 June 2024 to discuss the first six-month Report (2023-2024), and comments from relevant departments on the report were requested and compiled. The report was presented to the National Committee Meeting (2/2024) on 9 August 2024.

(x) *Birth registrations for children born in Rakhine State*

68. Due to the present security situation in Rakhine State, it was not possible during the reporting period for birth registrations to be undertaken in Maungdaw Township, Buthidaung Township or Rathedaung Township. Nevertheless, despite the security concerns, Ministry of Health officials have continued to provide the birth registration service in other areas of Rakhine State. Photographs of healthcare officials issuing birth registration to Bengalis in Rakhine State appear as **Annex 3** to this Report.
69. Between 16 April 2024 and 15 October 2024, a total of 821 birth certificates were issued to Bengali children born in Rakhine State. Details are as follows:

**Table 2: Issuance of Birth Certificates to Bengali Children Born in Rakhine State
(16 April 2024 - 15 October 2024)**

No.	District	Hospital/Township	Bengali children born in Rakhine State who received birth certificates
1.	Sittwe	Sittwe General Hospital	29
2.		Sittwe	787
9.	Kyauk Phyu	Kyauk Phyu	5
Total			821

Source: *Ministry of Health*, 26 October 2024.

(xi) *Citizenship and residence rights*

70. In order to streamline the issuance of citizenship scrutiny cards, including for the Bengali population in Rakhine State, the Ministry of Immigration and Population is continuously implementing the Pan Khin Project³⁸ phase (I to III) in accordance with the existing rules and regulations of the Citizenship Law, 1982.
71. During the reporting period, a total of 1,734 identification cards were issued to Bengalis in Rakhine State by the Ministry of Immigration and Population. These comprised 281 Citizenship Scrutiny Cards (CSCs), 1,364 Naturalized Citizenship

³⁸ See paragraph 72 of the Ninth Report.

Scrutiny Cards (NCSCs) and 89 National Verification Cards (NVCs). Moreover, officials from the Ministry issued 156 household lists (copy) to Bengali NVC holders and their families, and 74 household lists (copy) to Bengali CSC-holders or NCSC-holders and their families.

72. However, due to the current situation in Rakhine State, the Ministry of Immigration and Population could not carry out awareness-raising activities about the national verification process in Rakhine State during the reporting period. Additionally, no new applications for citizenship in accordance with Section 65 of the Citizenship Law of 1982 have been received from 16 April to 15 October 2024.

(xii) Education for Bengalis

73. In the 2024-2025 academic year, a total of 14,515 Bengali Muslim children who live in camps for internally displaced people (IDPs) are enrolled in 12 educational centres for primary education located in Sittwe Township. The detailed list of students and the photographs appear as **Annex 4** to this Report. A total of 368 volunteer teachers are teaching primary education classes at the aforementioned education centres. They were recruited by the Ministry of Education in collaboration with the Lutheran World Federation (LWF), Save the Children, and Plan International. In addition, Bengali children living in IDP camps continue to receive educational items including exercise books, textbooks, backpacks, pens, and pencils.
74. At the Basic Education Primary School (Post) Kalapaitseik in Aye Mya Thar Yar Village, Kyauk Phyu Township, school children continue to receive primary education from ten teachers appointed by the Ministry of Education. This was reported in paragraph 80 of the Ninth Report. Currently, a total of 175 students are studying at that school.
75. A total of 788 Bengali students from Sittwe, Maungdaw and Buthidaung Townships in Rakhine State have sat for the 2023-2024 academic year matriculation examination. This is due to the fact that a special matriculation examination was held on 29 April 2024, which saw 81 Bengali students take the exam in addition to the number provided in paragraph 82 of the Ninth Report. Out of those 788 Bengali students, 337 (42.77%) passed the exam. Moreover, in the 2024-2025 academic year, a total of 97,336 Bengali

students are studying at Basic Education Schools in Rakhine State. The detailed list appears as **Annex 5** to this Report.

76. With regard to higher education for Bengali students in the 2023-2024 academic year, one male and one female Bengali student have gained entry to higher education. The university enrolment application process will begin in October 2024.
77. In connection with Bengali students' university education in the 2023-2024 academic year, 34 out of 84 Bengali students have sat for first year, first semester exam at Sittwe University (day classes). Moreover, 36 Bengali students consisting of 29 males and 7 females have enrolled at Sittwe University for distance education classes. In the 2023-2024 academic year, 9 Bengali students (8 males and 1 female) have gained entry to first year courses for distance education at Toungup University but currently only 2 male students have enrolled.

(xiii) Healthcare services

78. During the reporting period of 16 April 2024 to 15 October 2024, a total of 33,814 Bengali individuals have received healthcare services in both IDP camp-based and mobile clinics without discrimination. According to the Ministry of Health (MOH), the data for remaining locations could not be collected because of communication difficulties to the Township Healthcare departments due to security conditions.

Table 3: Bengali Patients Receiving Healthcare Services from IDP Camp-based Clinics and Mobile Clinics (16 April 2024 - 15 October 2024)

No.	District	Township	Bengali people receiving healthcare services	
			Inpatient	Outpatient
1.	Sittwe	Sittwe	2,617	33,738
2.	Kyauk Phyu	Kyauk Phyu	5	76
Total			2,622	33,814

Source: *Ministry of Health*, 26 October 2024.

79. In addition to regular healthcare services provided to the Bengali population, the Ministry of Health has provided emergency healthcare services during a cholera outbreak in Sittwe Township from 24 July 2024. Moreover, in cooperation with the Myanmar Red Cross Society, UN organizations and INGOs, field visits were conducted during the cholera outbreak to open mobile clinics, provide awareness-raising activities, clean the neighbourhood, and implement access to clean water in the affected areas. During the outbreak, from 24 July 2024 to 31 August 2024, a total of 387 Bengali patients (including children) suffering from cholera received emergency medical care in Sittwe Public Hospital and Thet Kal Pin Circuit Hospital. Moreover, from 1 August to 15 October 2024, a total of 3,170 Bengali patients (418 inpatients and 2,752 outpatients) suffering from cholera received healthcare services in Sittwe Public Hospital, Thet Kal Pin Circuit Hospital and clinics in IDP camps. Photographs of Bengali patients receiving healthcare services appear as **Annex 6** to this Report.

(xiv) Maternal and child support

80. According to the Ministry of Social Welfare, Relief and Resettlement (MOSWRR), the Maternal and Child Cash Transfer Programme (MCCT) and social pension provisions could not be implemented during the 2024-2025 fiscal year due to the current security conditions on the ground in Rakhine State.

(xv) Humanitarian assistance

81. In the period from 16 April to 15 October 2024, a total of 8 visit approvals to Rakhine State were issued to the Delegation of the European Union, and to the Embassies of India and China in Yangon. Moreover, except for the areas where security concerns prevail, the Government is granting approval to different UN and national and international organizations to provide humanitarian assistance, food provision, emergency preparedness and response, water and sanitation, as well as healthcare services in Rakhine State. These organisations include the World Food Programme (WFP), Solidarités International (SI), the International Committee of the Red Cross (ICRC), Danish Refugee Council (DRC), United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), United Nations High Commissioner for

Refugees (UNHCR), United Nations Children Fund (UNICEF), United Nations Population Fund (UNFPA), United Nations Office for Project Services (UNOPS), United Nations Department for Safety and Security (UNDSS), Relief International (RI), Agency for Technical Cooperation and Development (ACTED), Médecins Sans Frontières-Holland (MSF), and Lutheran World Federation (LWF). Moreover, Ms Hai Kyung Jun, Director of the Asia-Pacific Regional Bureau Office of the United Nations High Commissioner for Refugees (UNHCR) and five team members visited Sittwe, Rakhine State from 28 September 2024 to 4 October 2024. During the visit, the delegation met with the Rakhine State Government, visited Basara Bengali IDP Camp and a monastery where temporarily displaced persons reside. There are no limitations or restrictions imposed on humanitarian assistance provision to the IDP camps in Rakhine State.

82. The WFP distributed rice and money valued at 11,178,916,000 MMK (approximately USD 5,323,293) to 127,596 Bengalis in IDP camps in Sittwe Township, Rakhine State.

(xvi) Cyclone Mocha preparedness, emergency responses and rehabilitation

83. Before and after Cyclone Mocha approached the coastal regions of Myanmar and Bangladesh, the Myanmar Government implemented various disaster preparedness, emergency response and rehabilitation measures. Government officials of Rakhine State oversaw the evacuation of people including Bengalis residing in Rakhine State to safer locations,³⁹ as shown in a news video in **Annex 7** to this Report. Moreover, relief measures including the provision of humanitarian assistance to Bengalis,⁴⁰ along with relief and rehabilitation efforts, can be seen in a news video in **Annex 8** to this Report.
84. Additionally, photographs documenting Myanmar's disaster response efforts in Maungdaw, Buthidaung and Myebon Townships in Rakhine State in 2023 can be found in **Annex 9** to this Report. These photographs illustrate various actions taken to address the impacts of Cyclone Mocha. Alerts were issued in advance to inform the public about

³⁹ See paragraph 148 of the Eighth Report.

⁴⁰ "Relief Aid: MOBA Provides Aid To Storm-Affected IDP Camps in Sittwe", *mitv – Myanmar International Television*, 18 May 2023, available at [Myanmar International TV \(myanmaritv.com\)](https://myanmaritv.com)

the approaching cyclone and its anticipated trajectory. Efforts were made to evacuate people from riverside and lowland areas to safer locations. Moreover, fieldwork was conducted to move both people and property from storm-risk areas to safety before the Cyclone hit, and preparations were underway to ensure timely disaster prevention and relief work in northern Rakhine State.

85. After the Cyclone, the rehabilitation process began in villages affected in those townships, with humanitarian assistance, temporary shelter and construction materials provided to those impacted.⁴¹ Free healthcare services were offered by the travelling medical team of the Western Regional Military Headquarters in Buthidaung Township. Nutritional supplements were also provided to those in need, and healthcare services delivered by specialists were observed and encouraged. Donations of drinking water to villages and wards facing shortages after the storm were another key measure taken. Photographs of relief, restoration, and resettlement assistance appear in **Annex 10** to this Report. These comprehensive measures reflect Myanmar's commitment to addressing the needs of those affected by Cyclone Mocha.
86. The Ministry of Health has deployed a central coordination support team (10 teams), specialized teams (33 teams), and Rapid Response Teams (RRT) (59 teams), to the affected townships in Rakhine State as part of the health sector's response to the impact of Cyclone Mocha. In various IDP camps in Rakhine State, local health workers, domestic and international volunteer organizations, and health personnel from different states have come together to provide daily medical services, to monitor infectious diseases, to engage in health education discussions, to collaborate with the camp communities on environmental sanitation efforts, to distribute clean water and sanitation supplies, and to conduct vaccination campaigns. As a result of these coordinated efforts, the spread of infectious diseases, including water-and vector-borne diseases, has been reduced. Photographs of healthcare services appear in **Annex 11** to this Report.
87. Joint efforts of the Government and development partners such as the Governments of Bangladesh, Cambodia, China, India, Indonesia, Russia, Pakistan and Sri Lanka, Myanmar civil society, and various other donors to the Government, and the ASEAN

⁴¹ See paragraph 148 of the Eighth Report.

AHA Center, can be seen in **Annex 12** to this Report. There is no evidence of discrimination by the Myanmar Government against any community in its emergency response and rehabilitation efforts related to Cyclone Mocha. Just as it evacuated Bengali populations from affected areas prior to the cyclone's arrival, Myanmar also implemented measures in the aftermath of the cyclone without any form of discrimination.

(xvii) Illegal entry

88. From 16 April to 15 October 2024, a total of 1,100 foreigners were prosecuted under Section 3(1) and Section 13(1) of the Myanmar Immigration (Emergency Provisions) Act, 1947 for illegally entering Myanmar. Out of those persons, 1,055 held Chinese passports, 12 held Thai passports, 5 held Vietnamese passports, 10 held Taiwanese passports, 2 held Bangladeshi passports, 8 held Indonesian passports, 6 held Indian passports and 2 held Malaysian passports. Legal action, including opening cases as well as repatriation to their respective countries of origin in coordination with the respective embassies based in Yangon, was taken against them under Sections 3(1) and 13(1) of the Myanmar Immigration (Emergency Provisions) Act, 1947.
89. Of these, 2 Bangladesh nationals were detained for illegally entering Rakhine State. Legal proceedings are under way against them in accordance with Sections 3 (1) and 13 (1) of the Myanmar Immigration (Emergency Provision) Act, 1947. Upon completion of their trials, if deportation is ordered by the Ministry of Immigration and Population, they are subject to repatriation to Bangladesh via diplomatic channels.
90. From 16 April to 15 October 2024, there have been no Bengalis who have been arrested for illegally entering Rakhine State from Bangladesh.
91. From 16 April to 15 October 2024, there have been no Myanmar nationals who illegally entered Rakhine State from border areas.
92. Additionally, 78 Bengalis (65 males and 13 females) who illegally entered other States and Regions of Myanmar were prosecuted under Section 6 (2) and/or 6 (3) of the Residents of the Union of Myanmar Registration Act, 1949 and legal action is being

taken against two among them under above mentioned Law. The following table shows the detailed list of those Bengalis.

Table 4: Bengalis subject to legal actions for illegally entering other States and Regions of Myanmar

No.	Types of Legal actions	No. of Bengali
1.	Sentenced	4
2.	In proceedings	67
3.	Sent to Training School	7
	Total	78

Source: *Ministry of Immigration and Population*, 15 October 2024.

(xviii) Action taken against undocumented persons

93. Whoever resides in the Republic of the Union of Myanmar is required to abide by the laws and regulations enacted by the State. If anyone fails to comply with these laws, they shall be subject to legal action in accordance with the law.
94. Any person who illegally enters another country and then re-enters the Republic of the Union of Myanmar without holding any valid identification documents shall be prosecuted under Section 3(2)/13(1) of the Myanmar Immigration (Emergency Provisions) Act, 1947.
95. The law requires that anyone travelling between townships must carry their identification documents. Anyone found travelling between townships without carrying any identification documents, is prosecuted under Section 6(2)/6(3) of the Residents of the Union of Myanmar Registration Act, 1949. This applies to all persons, in every part of Myanmar.
96. From 16 April 2024 to 31 July 2024, legal action was taken under Section 6 (2) and/or 6 (3) of the Residents of the Union of Myanmar Registration Act, 1949 against 17 undocumented Bengalis for illegally entering townships of Rakhine State without proper identification documents.

Table 5: Bengalis subject to legal actions for illegally entering townships of Rakhine State

No.	Court Name	Prosecuted Case		Convicted Case	
		Case	Accused	Case	Accused
1.	Sittwe Township Court	1	17	-	-
2.	Maungdaw Township Court	-	-	-	-
3.	Buthidaung Township Court	-	-	-	-
Total		1	17	-	-

Source: *Rakhine State Government*, 30 September 2024.

Conclusion

97. Myanmar considers that the measures set out above confirm compliance with the Provisional Measures Order. The next report pursuant to paragraph 86(4) of the Provisional Measures Order is due to be submitted by Myanmar on 23 May 2025.



Ko Ko Hlaing
Union Minister for Ministry 2 at Office of the Chairman of the
State Administration Council of the Republic of the Union of Myanmar
Agent of Myanmar

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.



Ko Ko Hlaing
Union Minister for Ministry 2 at Office of the Chairman of the
State Administration Council of the Republic of the Union of Myanmar
Agent of Myanmar

Annex 1

Notification (2/2024) dated 2 September 2024 of Anti-Terrorism Central Committee

The Global **NEW LIGHT** of MYANMAR

Republic of the Union of Myanmar Anti-Terrorism Central Committee Notification 2/2024

14th Waning of Wagoung 1386 ME
2 September 2024

Terrorist group reclassified after reversing previous declaration

THE Anti-Terrorism Central Committee has issued this notification by exercising the authority mentioned in Subsection (e) of Section 6 and Subsection (b) of Section 72 of the Counter-Terrorism Law, with the approval of the Union government.

SEE PAGE 3

Republic of the Union of Myanmar Anti-Terrorism Central Committee Notification 2/2024

14th Waning of Wagoung 1386 ME
2 September 2024

Terrorist group reclassified after reversing previous declaration

FROM PAGE 1

1. The Anti-Terrorism Central Committee declared the United League of Arakan (ULA)/Arakan Army (AA) as a terrorist group under its notification 1/2020 dated 23 March 2020. However, the declaration against that terrorist group was revoked under notification of the central committee dated 11 March 2021 in order to restore durable peace nationwide in accord with the five-point roadmap and nine objectives adopted by the State Administration Council.
2. Currently, the United League of Arakan (ULA)/Arakan Army (AA) still commits terror acts mentioned in the Counter-Terrorism Law by harming public security and their life and property and violently causing loss and damage to essential infrastructures of individuals or public, State-owned buildings, vehicles, machinery, and accessories, including the violent acts to blow up public roads and bridges, explode electric towers, fire on populated towns and villages from a far distance with the use of heavy weapons, drop bombs, kill innocent people, forcibly recruit new members and destroy State-owned buildings, vehicles, machinery and equipment. Moreover, the group based in the country is committing terror acts against the State.
3. As such, the Anti-Terrorism Central Committee has cancelled the revocation of its declaration over the aforementioned group under notification 1/2021 dated 11 March 2021 and has declared the group as a terrorist group.

Chairman
Anti-Terrorism Central Committee

Annex 2

Offer to resolve political issues in political means (26 September 2024)

Offer to resolve political issues in political means

1. Tatmadaw assumed the State power in accord with the Constitution (2008) of the Republic of the Union of Myanmar only because attempts were made to grasp the State power in improper ways with ignorance over the endeavours of Tatmadaw to solve the political problems through various political means in order to peacefully end the political issues triggered by voting fraud in the multiparty democratic general election held in 2020.
2. Tatmadaw formed the State Administration Council with an equal number of military and civilian participants and adopted its roadmap and objectives. The State Administration Council is steadfastly implementing the fifth point of the five-point roadmap, as its ultimate mission is to hold a free and fair multiparty democratic general election and to hand over the State power to the elected government. However, the State lost a large number of human resources, infrastructures, lives and property of the people due to the fact that some individuals and organizations chose to resort to armed terrorism and armed struggle line without solving political problems through political ways. Moreover, their terror acts have posed obstacles to the peace, stability and development of the State.
3. Currently, the census is scheduled to take place on 1 October to ensure the accuracy of voter lists for the upcoming multiparty democratic general election. Now is the time to make concerted preparations for this election. Considering the losses of the State due to the armed struggle line and terrorism, ethnic armed organizations and PDF terrorists fighting against the State are invited to contact the State to resolve the political issues through party politics or electoral processes in order to be able to join hands with the people to emphasize durable peace and development by discarding the armed terrorist way.

*Information Team
State Administration Council
26 September 2024*

Annex 3

Photographs of issuing birth registration to Bengalis



Photographs of issuing birth certificates to Bengalis in the public hospital in Sittwe Township



Source: Ministry of Health, August 2024.

Photographs of issuing birth certificates to Bengalis in the public hospital in Sittwe Township



Source: Ministry of Health, August 2024.



Annex 4

List and photographs of Bengali students receiving primary education in IDP camps in Rakhine State, 2024-2025 academic year

List of Bengali students receiving primary education in IDP camps in Rakhine State, 2024-2025 academic year

No.	Township	Name of IDP Camps/School	Primary							Total of Primary	Total
			G5	G4	G3	G2	G1	KG			
1	Sittwe	Say Thamar Gyi	223	211	439	321	296	311	1801	1801	
2		Ba Sa Ra	55	54	76	115	135	190	625	625	
3		Manzi	64	62	83	69	49	57	384	384	
4		Ohn Taw Chay	258	474	665	817	684	1109	4007	4007	
5		Palinpyin	25	39	53	56	55	104	332	332	
6		Phweyarkone	54	62	102	54	65	88	425	425	
7		Thet Kyay Pyin	123	166	267	243	316	342	1457	1457	
8		Maw Thi Nyar	56	44	130	88	119	144	581	581	
9		Baw Du Pha	201	236	362	322	386	381	1888	1888	
10		Gaung Dote Kar	43	71	95	71	60	85	425	425	
11		Dar Paing	91	179	249	248	158	264	1189	1189	
12		Thea Chaung	72	169	232	316	196	416	1401	1401	
		Total	1265	1767	2753	2720	2519	3491	14515	14515	

Source: Ministry of Education, 26 August 2024.

Photographs of the Bengali students receiving primary education in IDP camps in Rakhine State



Source: Ministry of Education, 25 October 2024.

Annex 5

List of Bengali students receiving basic education in Rakhine State (excluding IDP camps), 2024-2025 academic year

List of Bengali students receiving basic education in in Rakhine State (excluding IDP camps), 2024-2025 academic year

No.	Township	Primary School	Middle School	High School	Total
1	Sittwe	13,538	3,485	1,239	1,8262
2	Ponnakyun	304	-	-	304
3	Pauktaw	1,863	54	-	1,917
4	Rathedaung	2,001	27	2	2,030
5	Mrauk U	5,864	353	239	6,456
6	Kyauk Taw	9,542	988	460	10,990
7	Minbya	3,411	194	-	3,605
8	Myaebon	605	83	-	688
9	Maungdaw	13,632	2,501	1,141	17,274
10	Buthidaung	29,612	3,058	1,524	34,194
11	Kyauk Phyu	145	28	-	173
12	Yanbye	891	419	133	1,443
	Total	81,408	11,190	4,738	97,336

Source: *Ministry of Education*, 14 August 2024.

Annex 6

Photographs of providing healthcare services to Bengali patients during Cholera outbreak in Sittwe Township



Healthcare services being provided in the Saythamagyi Camp in Sittwe Township



Bengali patients admitted to Thet Kal Pin circuit hospital with Cholera disease

Source: *Ministry of Health*, 19 August 2024.



Bengali children admitted to the pediatric ward at the Sittwe Public Hospital



Rakhine and Bengali patients receiving medical treatment in Sittwe Public Hospital

Source: *Ministry of Health*, 19 August 2024.



Bengali patients receiving medical treatment from INGOs at the Thet Kal Pin circuit hospital



Bengalis receiving medical care at Saythamagyi Camp in Sittwe Township

Source: *Ministry of Health*, 19 August 2024.

Annex 7

News video of evacuation efforts before Cyclone Mocha

(see separate mp4 video file)

Annex 8

News video of relief and rehabilitation and providing humanitarian assistance after Cyclone Mocha

(see separate mp4 video file)

Annex 9

Photographs of Myanmar's disaster management efforts

Issuing alerts for the evacuation of people from riverside and lowland areas to safer locations in Buthidaung Township, Rakhine State (13 May 2023)



Conducting fieldwork to evacuate people and properties from storm-risk areas to safe locations in Myebon Township, Rakhine State



Source: *Information and Public Relations Department of Ministry of Information, 13 May 2023.*

Preparing for timely disaster prevention and relief work in Maungdaw Township, Rakhine State



Source: *Information and Public Relations Department of Ministry of Information, 13 May 2023.*

Preparing for timely disaster prevention in Buthidaung Township, Rakhine State



Source: *Information and Public Relations Department of Ministry of Information, 13 May 2023.*

Annex 10

Photographs of Relief, restoration and resettlement efforts

Providing temporary shelter and construction materials to those affected by Cyclone Mocha disaster



Source: National Disaster Management Committee, 18 May 2023.

Providing medication and food supplies to those affected by Cyclone Mocha



Initiating the rehabilitation process in villages affected in Maungdaw Township, Rakhine State



Source: *National Disaster Management Committee*, 18 May 2023.

Providing humanitarian assistance to individuals affected by Cyclone Mocha in Buthidaung Township, Rakhine State



Offering free healthcare services to local residents by the traveling medical team of the Western Regional Military Headquarters in Buthidaung Township, Rakhine State



Source: National Disaster Management Committee, 18 May 2023.

Distributing humanitarian aid to those affected by Cyclone Mocha in Buthidaung Township, Rakhine State



Conducting fieldwork to support reconstruction efforts in Buthidaung Township, Rakhine State



Source: National Disaster Management Committee, 18 May 2023.

Donating drinking water to villages and wards experiencing shortages after the storm in Buthidaung Township, Rakhine State



Facilitating meetings between 84 village groups and departments to coordinate rehabilitation efforts in Buthidaung Township, Rakhine State



Source: National Disaster Management Committee, 18 May 2023.

Conducting fieldwork to carry out rehabilitation activities in Buthidaung Township, Rakhine State



Source: *Information and Public Relations Department of Ministry of Information, 5 July 2023.*

Providing nutritional supplements and observing healthcare services offered by specialists in
Maungdaw Township, Rakhine State



Source: *Information and Public Relations Department of Ministry of Information, 5 July 2023.*

Annex 11

Photographs of providing healthcare services to Bengali patients after Cyclone Mocha

Providing medical treatment by the Mercy Malaysia team to injured individuals at the Ohn Taw Gyi Camp in Sittwe Township (15 May 2023 – 20 November 2023)



Providing community health services by Township Health Department and the International Rescue Committee in Sittwe Township (15 May 2023 – 20 November 2023)



Source: *Ministry of Health*, 19 August 2024.

Providing essential medicines by the township health department at the Baw Du Pha IDP Camp in Sittwe Township (15 May 2023 – 20 November 2023)



Providing treatment by the Ministry of Health, through a special medical team, at the Thet Kae Pyin rural health department in Sittwe Township (15 May 2023 – 20 November 2023)



Source: Ministry of Health, 19 August 2024.

Annex 12

Photographs of providing Humanitarian Assistance from the International Community

Providing supplies from Thailand and International Organizations



18 July 2023



15 July 2023

Source: National Disaster Management Committee, 23 August 2024.



June 2023

26



21 May 2023

Source: *National Disaster Management Committee, 23 August 2024.*

Providing Humanitarian Assistance from ASEAN



Source: *National Disaster Management Committee, 23 August 2024.*

Providing supplies from UN and INGOs



Source: *National Disaster Management Committee, 23 August 2024.*

Providing supplies from the Russian Federation



9 September 2023



9 September 2023

Source: *National Disaster Management Committee, 23 August 2024.*

Providing supplies from Yunnan Provincial People's Association for Friendship



Source: National Disaster Management Committee, 23 August 2024.