



# **“Walking at the Gun Points” Horrific Use of Civilians as Human Shields in Myanmar**



Myanmar military Junta’s Human Shield Crimes Since attempted  
the Coup in 2021

Equality Myanmar

19<sup>th</sup> December 2023

# Human Shield is War Crime



- ◆ The use of Human Shields is a violation of International Humanitarian Law (IHL), International Customary Law, and Geneva Conventions, which represent war crimes.

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# Acknowledgement

Equality Myanmar (EQMM) fundamentally acknowledges active contributions and dedications to the documentation of human rights violation cases from different parts of Myanmar, despite facing challenges and security risks. Furthermore, EQMM appreciates and recognizes all the efforts and inputs for the development of this report.

# Executive Summary

The Myanmar military junta and its council has been using innocent civilians as human shields to shield military objects and its attacks in different parts of Myanmar since 2021 in Myanmar. Using human shields and hostages is not a new tactic for the military junta and its troops. Throughout Myanmar's history, military junta and its troops forcefully arrested the ethnic/indigenous people to systematically use as human shields to protect themselves from the military response of ethnic armed groups. Many ethnic villagers, both women and men, were killed, raped, and forcibly disappeared after being used as human shields and hostages. Their continued use of civilians as human shields critically triggered and exacerbated grave human rights violations and likely crimes against humanity and war crimes.

This report analyses the human shield cases documented by Equality Myanmar from August 14, 2021 to August 31, 2023. According to the 2023 Special Rapporteur Report, 22 human shield cases were documented in eastern Myanmar, including 500 victims (Report of the Special Rapporteur on the situation of human rights in Myanmar, October 12, 2023). However, EQMM has documented 126 cases in five regions and seven states. Among 126 cases, 75% (95) were human shields, 17% (21) were hostage and human shields, and 6% (7) were porter and human shields. Further, EQMM documented 2335 victims comprising 44% (1038) males, 2% (47) females, 2% (42) children, and 52% (1205) unknown, including three People with Disability (PWD). The victims were brutally murdered after they were used as human shields and hostages by the Myanmar military junta's troops.

Qualitative case studies illustrate that the Myanmar military junta and its troops committed horrific practices in human shields, porters, force laborers, and killings. For instance, junta soldiers raided civilian villages and then arrested and tortured the villagers, including children and women. They then used these civilians as hostages and human shields to prevent the attacks by People's Defense Force - PDF and resistance groups. Subsequently, suspected human shield victims were murdered, while female victims were inhumanly raped and killed. Some victims were cut off their head, legs, hands, and bodies after using as human shields and torturing in the forest. Few victims were released, and some victims were uncontactable, as they had never returned to their villages and native lands. Most of the victims' relatives have not been in contact with them until now.

It is obvious that the Myanmar military junta and its council (State Administration Council) violated International Law by using human shields and killings of civilians and subjecting them to other violations, including sexual violence. Specifically, it violated the provisions of the International Humanitarian Law, International Customary Law, International Crime, Universal Declaration of Human Rights (Articles 3, 4, 5, and 9), Convention on the Rights of the Child (Article 38), United Nations Security Council resolutions 1325 and 1612, and the Convention on the Elimination of All Forms of Discrimination Against Women. These actions clearly indicate war crimes and crimes against humanity of the Myanmar Military junta and its council. EQMM thus recommends that the International Community, Governments, UN Human Rights Council, Security Council, ASEAN, National Unity Government, and Democratic Alliances tackle effective and serious actions in Myanmar. The recommendations and following sections provide more detailed information on this report.



# Introduction

Equality Myanmar (EQMM) recognizes that this report highlights the terrible and traumatic situation of Myanmar civilians who had faced and experienced human shields, forced laborers, and porters, including raping, killing, and torture. Despite cases covering August 14, 2021 to August 31, 2023 human rights violations, human shields, and killings of civilians have been rising in Myanmar. Cases documented by EQMM are not exhaustive of the situation on the ground, with the total number of civilians used as human shields believed to be much higher.

This report is a way to amplify the voices of human shield survivors and victims, as well as witnesses and local people who have directly or indirectly experienced the horrific situation of the human shield, porter, killing, and enforced disappearance. Both quantitative and qualitative (case studies) were studied well and provided a narration of how the Myanmar military junta and its council violated International Laws.

## Methodology

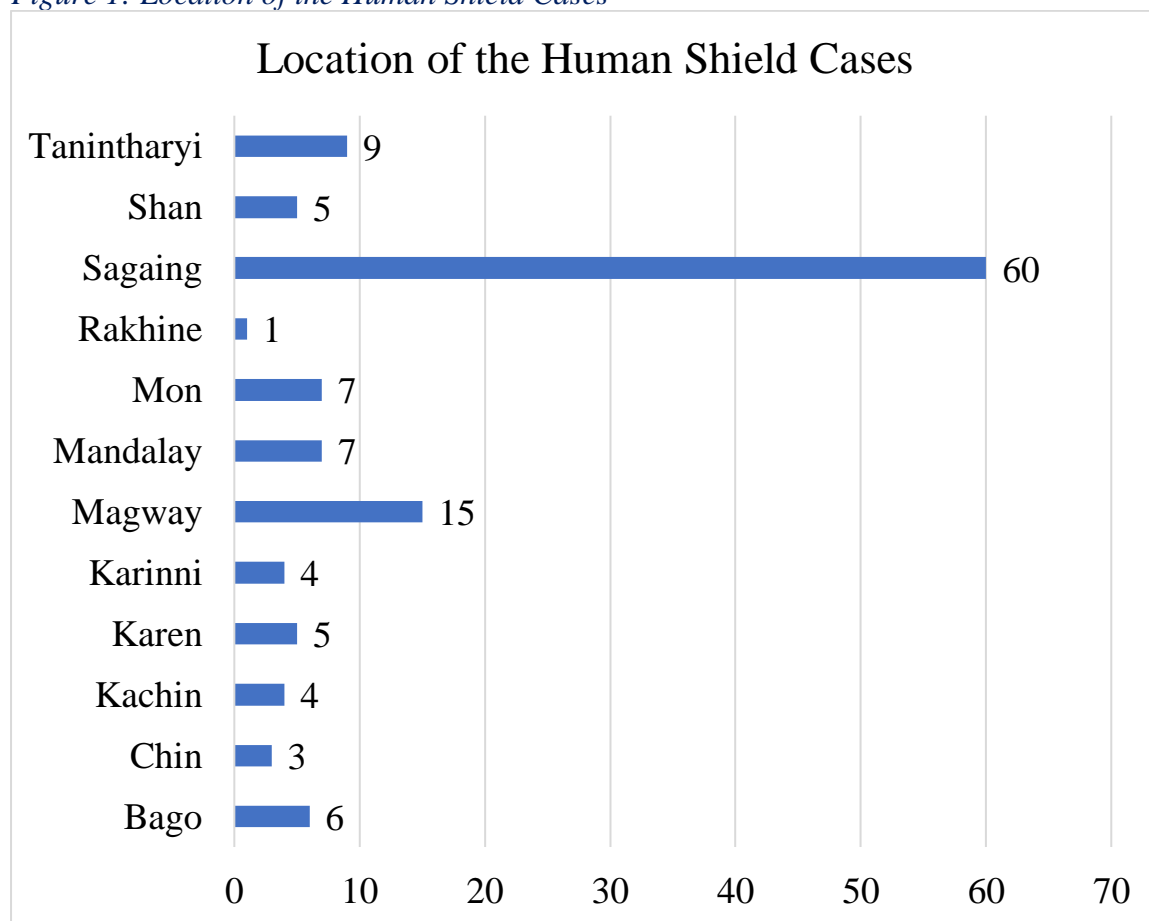
The Equality Myanmar (EQMM) embarked on its documentation of human rights violation cases since the Myanmar military junta and its council attempted the coup in early 2021. EQMM has a good documentation system that effectively impacts International and Regional human rights discourse, advocacy, and accountable mechanisms regarding the critical state of human rights and justice in Myanmar. EQMM focuses on the documentation of human rights violations in all the states and regions of Myanmar. For this report, the EQMM covers the collected cases from August 14, 2021 to August 31, 2023. The collected data were reviewed, validated, and verified using an EQMM data-management system. As data ethics and security are important, the names and personal identities of the affected persons, eyewitnesses, and victims were omitted in this report.

## Quantitative Findings

### Human Shield Cases and Its Location

Equality Myanmar (EQMM) documented 126 major cases committed by the Burmese military junta and its forces. According to **Figure 1**, The Sagaing Region had the highest number of cases in Myanmar, with 60 cases. The second-largest case occurred in Magway, with 15 cases. Furthermore, EQMM collected 7 cases in Mandalay and Mon State, 9 cases in Tanintharyi, 5 cases in Shan and Karen, 4 cases in Kachin and Karenni, 3 cases in Chin, and 6 cases in the Bago region. However, the number of cases continues to increase until 2023 and beyond.

Figure 1: Location of the Human Shield Cases

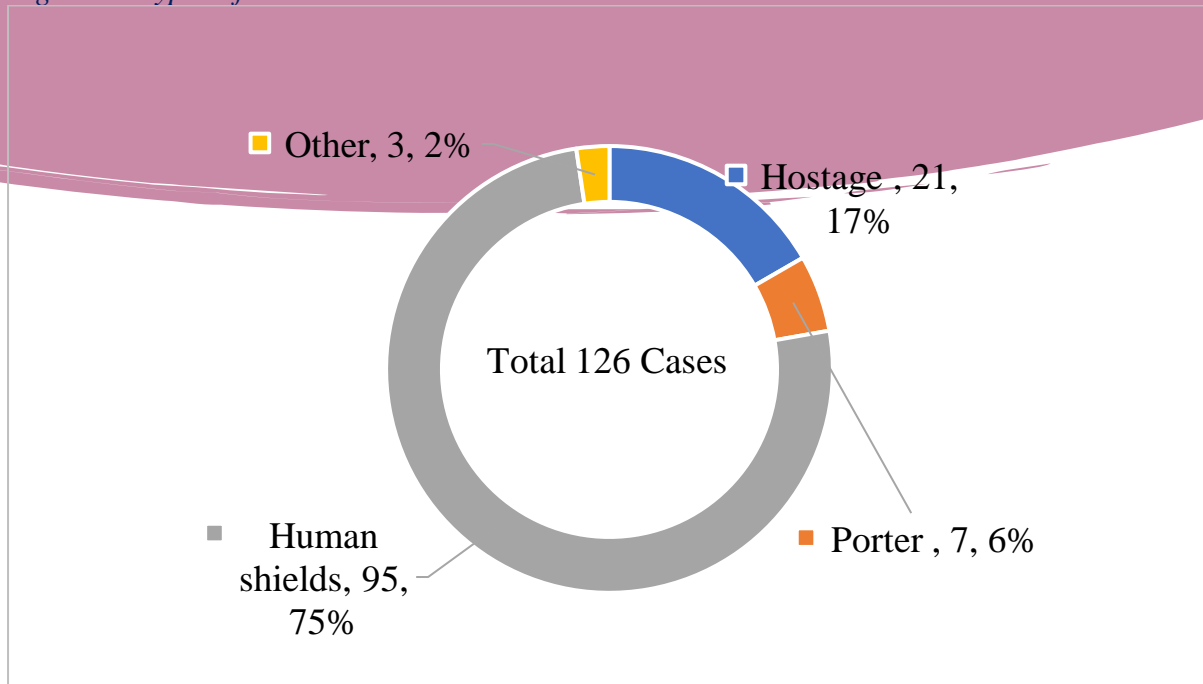


### Types of Human Shield Cases

Myanmar military junta's troops abducted and arrested people in villages and used them as hostages, human shields, and force labor (porters), including men, women, children and PWD. According to Figure 2, 95 cases were human shields, 21 cases were hostage and used as human shields, and 7 cases were porter and human shields. The human shields had the highest number of cases.



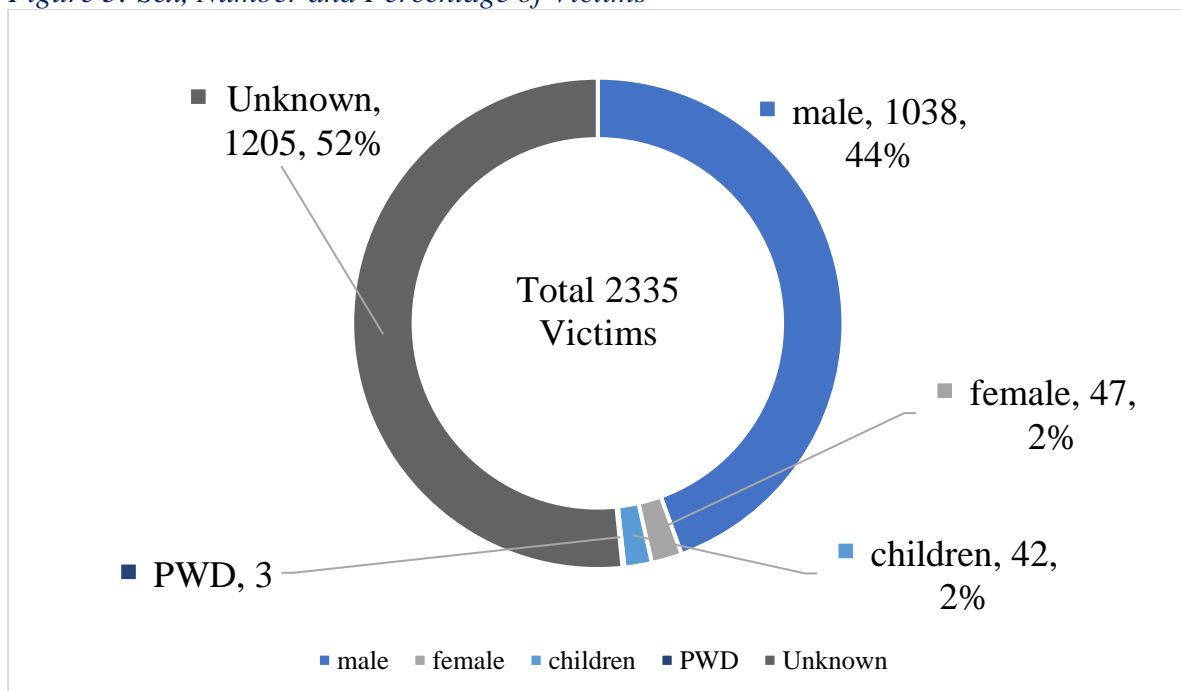
Figure 2: Types of Cases in Human Shields



### Number and Percentage of Victims

In the 126 human shield cases, it included a total of 2335 civilians. As shown in Figure 3, 2% (47) were female, 2% (42) were children, 52% (1205) were unknown, and 44% (1041) were male. Males had the second highest number and percentage of females at 44% (1041) in total.

Figure 3: Sex, Number and Percentage of Victims



## Number of Victims in Different States and Regions

**Sagaing Region:** The Sagaing Region had the highest number of victims, with 868 (533 unknown, 311 males, 7 females, 15 children, and 2 PWD).

**Kachin State:** Kachin State had the second largest victims as it had a total of 366. There were 301 unknown victims and 64 male victims. The military junta and its councils committed horrific airstrikes, ground attacks, and artillery shells on villages, IDP camps, churches, schools, and public places in Kachin State.

**Mandalay Region:** A total of 242 victims were documented in the Mandalay Region. The study included 188 males and 54 unknown victims. The sex and gender information of the victims was difficult to follow by the EQMM because of the intense military conflicts between the military junta's troops and local People's Defense Force (PDF) members. Since the military coup, the Mandalay Region has suffered serious military attacks by the junta's troops. Many peaceful protesters were arrested, tortured, and killed in Mandalay in 2021. EQMM documented only 242 human shield cases committed by the Myanmar military junta troops. A total of 46 (two males and 44 unknown) human shield victims were released, while the other 196 victims had no information until now.

**Magway Region:** A total of 222 victims were recorded in this region. It included 152 males, 26 females, 15 children, 1 PWD, and 28 unknown. Among them, 1 unknown and 97 male victims were released whereas 1 female and 11 male victims were arrested after using as hostages and human shields. 7 victims (5 males and 2 children) were killed after they were used as human shields and porters. EQMM did not obtain information on the other 105 human shield victims. Most local people said that these victims were killed and buried after being used as hostages and human shields because they were unable to contact them.

**Mon State:** A total 137 victims (132 males and 5 Children) were documented in Mon State. A total of 18 victims (12 males and 6 Unknown) were released after using as hostages, but 3 Unknown victims were detained in the military camp. The information of 116 victims were unable to get from the local data collectors, community members and human rights defenders.

**Tanintharyi Region:** A total of 200 victims (67 males, 6 females, 2 children and 125 Unknown) were documented in Tanintharyi Region. 126 (26 males and 100 Unknown) victims were released while 17 victims (2 males and 15 Unknown) were arrested after taking as human shields. 2 victims (males) were killed after using as human shields.

**Shan State:** EQMM documented a total of 48 victims (38 males and 10 females) in Shan State. Amongst them, 19 victims were arrested and 1 victim got serious injured after using as human shields by the military junta's troops in Shan State.

**Bago Region:** EQMM documented a total of 70 victims (69 males and 5 females) in Bago Region. 4 victims (males) were released and 4 victims (2 males and 2 females) were killed after using as human shields in Bago Region. The other 7 victims (4 males and 3 females) disappeared after using as hostages and human shields. EQMM has lost the local contact including the information of remaining 55 victims.

**Karen, Karenni, Rakhine and Chin State:** EQMM documented 109 (92 Unknown, 13 males and 4 children) human shield victims in Karen State. In these incidents, 6 victims disappeared after being taken as hostages and human shields by military junta troops in Karen State. In Karenni State, 29 victims were documented in Karenni State and the 15 victims were arrested after using as human shields. EQMM discovered 10 human shield victims in Rakhine State. Chin civilians had faced gross human rights violations, and horrific attacks by Myanmar military junta and its troops since 2021 February military attempted the coup. EQMM collected 3 major cases which included a total of 30 victims. Among them, 25 victims were released after using as human shields.

Overall, 1265 (571 males, 23 females, 34 children, 3 PWD and 634 Unknown) out of 2335 human shield victims were uncontactable after using as human shields and porters by the military junta's soldiers and troops.

All things considered, human shield victims were used as human shields and porters by the military junta's troops. After that, some of the human shield victims were brutally murdered while female victims were raped by the junta's soldiers in Yedashe Township area. Significantly, most human shield victims were uncountable, as they never returned to their homes and native lands. These cases need to be seriously investigated and documented in the future to understand whether they were murdered and buried for disappearance.

## Qualitative Findings

### Selected Case Study

#### Human Shields and Killings in Tartaing Village, Sagaing Region

On March 1, 2023, the Burmese military junta's soldiers, 33rd Region, raided Tartaing village, Sagaing Region. It was at approximately 5:00 AM in the early morning. The military junta soldiers took some villagers to the village monastery, while some villagers were captured separately in their houses. Subsequently, the soldiers set up camps and controlled all the village areas. Individuals who found their bodies stated that the junta's soldiers brutally killed Ye Bo by cutting his head, hands, legs, and body.

On March 2, 2023, at about 6:00 AM, military junta soldiers departed from Tartaing village. However, they took 15 villagers (12 males and 3 females) from the village to use as human shields to prevent attacks by People Defense Force - PDF. Among 15 human shield victims, 5 were brutally killed by military junta soldiers. Death bodies were found near Nyaung Yin Village, Myinmu Township.

The 3 female victims and the remaining 10 male victims were taken to Nyaung Yin village, Myinmu Township. These three female victims were killed on March 2, 2023, at night. Specifically, these three female human shield victims were sexually harassed, raped, and brutally killed by junta soldiers. Many onions have been inserted into the genitals of murdered women.

On March 3, 2023, two dead male bodies were found in the Myinmu Township area. However, it was difficult to identify who they were because they were brutally murdered and cut off all the bodies. Furthermore, the military junta soldiers killed two villagers near Pa Le Tang village, Myinmu Township. The Myanmar military junta's troop burned 37 houses in Tartaing village

on February 2, 2023. On March 1, 15 villagers were brutally taken as human shields to shield People Defense Force - PDF members in the Sagaing Region. Thus, the villagers from Tartaing village were threatened twice by the military junta's soldiers. EQMM's Revenge against the people report was clearly mentioned in detail regarding this case.



Photo: Killed Five Human Shields Victims, Tartaing village, Sagaing Region

### **Human Shields, Torturing, Raping and Killing in Shwetaung and Kyautpon villages, Yedashe Township**

On April 4, 2023, about 2:00 PM, the Myanmar military junta's soldiers, 77th Brigade, raid Shwetaung village, and arrested 10 villagers. The soldiers released the three villagers and the seven villagers were abducted as hostage and human shields to shield themselves from the attacks of People Defense Force - PDF on the way to Kyautpon Village.

On the same day, the Myanmar military junta soldiers brutally killed husband, and wife of a family who worked for farming. This couple were killed in their house. Before brutally murdering, the soldiers raped and tortured the farmer's wife. While the junta's soldier slaughtered his wife, he ran away and jumped into the nearby stream. However, he was shot by military junta soldiers. Subsequently, the military junta conducted airstrike and bombarded the village.

At that time, 12 villagers moved to the safe places. However, they were detained by military junta soldiers outside the village. The two villagers, the husband and wife, were forcefully detained, tortured, and killed by these soldiers. They were accused as food supporters of the People Defense Force - PDF. The junta's soldiers tied their heads with clothes, cut their necks with knives, and then floated their corpses into the stream.



The seven villagers from Kyautpon and ten villagers from Shwetaung were released two days after using as hostages and human shields by the military junta's soldiers. However, the villagers felt insecure about returning to their villages because they faced a horrific and traumatic situation and experience for them.



Photo: woman raped and killed by the military junta's soldiers, Shwetaung and Kyautpon village, Yedashe Township

### **Human Shields in Mawbon (Maden Yang) and Sankha village, Lawngkhong in Hpakant, Kachin State**

This case happened in Mawbon and Sankha villages, Lawngkhong, Hpakant township, Kachin State on April 21, 2023. The Myanmar military junta's troop, about 100 soldiers, entered Mawbon and Sankha villages at about 5:30 AM. A total of 150 local people was detained by soldiers. Subsequently, the local people were divided into two groups and placed in the middle of the village.

The Myanmar military junta soldiers aggressively comments to the arrested people to shout "NUG and PDF we do not need" for many times. It was a horrific time for these local villagers because they were also used as human shields to walk in front of them. For instance, each soldier was surrounded by two villagers to protect them from People Defense Force - PDF and used these villagers as human shields and left the village.

Moreover, many village houses were destroyed and burned down. Many local villagers testified that the military junta's troops who entered the village were just wearing typical civilian clothing, and they were unable to identify to which army they belonged. Seriously, local villagers said that they had not been able to contact these villagers, as the victims were not released by the military junta's troops. These factors indicated how the military junta and its troops threatened innocent civilians in Kachin State.



Photo: Mawbon and Sankha village, Hpakant Township, Kachin State

### **Testimonies of Human Shield Victims from Thanpyarchaung village, Yesagyo Township, Magway Region**

Equality Myanmar (EQMM) interviewed two human shields and porter victims. According to the interview results, these two villagers were forcefully arrested in their villages and took them as human shields and porters. Then, they had to walk all day without having enough food, water, and sleep. Furthermore, they had to carry heavy weapons and ammunitions. On the way, these two victims had to walk in front of the military junta's soldiers as human shields to prevent military responses of democratic resistance (People's Defense Force - PDF). The victims provided the following testimonies:

*"I was arrested in the forest of Tanpyarchaung village, Yesagyo Township. At that time, I searched mushrooms for my daily food on a farm which located two miles away from the village. It was about 7:30 AM. They arrested me and brought me to Taung Oo village. I knew that I was being arrested as a porter. They wore typical civilian clothing. Some soldiers wore short pants, while others wore long pants. All the soldiers had guns. The number of soldiers was approximately 100, which included four and five small groups, respectively. We have to carry heavy weapons and ammunitions. On the guns and weapons, it wrote 258. In our village, 8 villagers are used as porters, including me. We cannot speak anything. We had to walk and carry what they ordered us. We walked for approximately 9 and 10 days.*

*I did not know the exact location of this place. I knew only that they had an armed battle with People Defense Force - PDF in Taung Oo Village. At that time, we were locked in a room at the monastery of Taung Oo Village. Then, we have to travel with them. I saw about 100 villagers who had to carry ammunition and heavy weapons. The villagers were used as human shield to walk in front of the military junta's soldiers while carrying the ammunitions and heavy weapons. All the soldiers had not sufficient food. For this reason, they grabbed rice and*

*chicken from the villages. When the junta soldiers arrested new villagers, we were released. At that time, I was in the Myain Township area. The leader military junta's troops said that we got new villagers, and we could go home. When we were released, we went to nearby villages and asked help to return to our village. We cannot run away from porters and human shields because they say they would shoot us. I was very worried for my life and I also missed my family. I want to share this information. But, I worry a lot if they know I am sharing about my experiences.” (male interviewee 1)*

*“The soldiers commented me to walk in front of them. Although I was not beaten, I had to carry a heavy basket, and I saw that the soldiers had aggressive interactions with each other. I had to carry this heavy basket when I have food and even relaxed on the way. I had to walk with this basket every day. I felt unsafe and exhausted as I faced this horrific situation. On the way, the soldiers arrested a couple: the husband and wife. The wife was released, but her husband was detained and had to carry a large basket. When we arrived in Taung Oo village, a leader of soldiers said, if all of you run away, I will shoot you all. When we arrived in the villages, they went to the villages and grabbed food and chickens. It was a horrifying experience for me. I arrived my village and now I met my father, mother, and my daughters’ (male interviewee 2).*

*“The soldiers commented me to walk in front of them. I felt unsafe and exhausted as I faced this horrific situation.”*



## International Laws and Conclusion

EQMM strongly condemns Myanmar military junta (Min Aung Hlaing) and its council committed war crimes as they used civilians and innocent villagers as human shields and porters, and brutally tortured, killed and raped the human shield victims. It is evident that the UN Special Rapporteur on the human rights situation in Myanmar also reported in 2017 report that “there have been numerous reports of killings, torture, even the use of human shields by the military junta allegedly in some cases accompanied by threats of further violence if incidents are reported” (Office of the UN High Commissioner for Human Rights 2017b). Thus, using human shields is not only a violation of international humanitarian law and international criminal law, but also the law of customary principles, UDHR, and other laws that aim to protect civilians. The following sessions indicated how the Myanmar military junta and its council violated international laws.

*Customary International Law:* it is prohibited that the use of human shields, in the context of both International and non-International armed conflicts, is a fundamental feature of Customary International Law. This is also compulsory and unavoidable in all states. It also widely described in the Customary Law Database of the International Committee of the Red Cross (International Committee of the Red Cross 2020a and 2020b).

*Geneva Conventions:* Article 3 of the Geneva Conventions, parties must protect persons taking no active part in hostilities and prohibit violence to life and persons, taking hostages, outrages upon personal dignity, and carrying out executions without previous judgment pronounced by a regularly constituted court. Military practices aimed at arresting, kidnapping, and making use of civilians as protection are therefore grave violations of norms of international humanitarian law.” (International Committee of the Red Cross, IHL Law Database).

According to Customary International Law and Geneva Conventions, the Myanmar military junta and its council violated these laws by using innocent civilians as horrific human shields. They then brutally tortured and killed the human shield victims.

Furthermore, using innocent children and women as human shields violated the *Universal Declaration of Human Rights (Articles 3, 4, 5, and 9)*, *the Convention on the Rights of the Child (Article 38)*, *United Nations Security Council resolutions 1325 and 1612*, and *the Convention on the Elimination of All Forms of Discrimination Against Women*. The female human shield victims were raped and brutally killed by military junta soldiers.

Therefore, EQMM recognizes that these acts represent war crimes. In addition, the military junta and its council are still committing killings of civilians; using human shields; and conducting horrific airstrikes, extrajudicial killings, torture, and arbitrary arrest on innocent civilians, human rights defenders, civil society organization (CSO) members, pro-democracy activists, and indigenous people in Myanmar.

## Recommendations

### To the UN Security Council

- ❖ Seriously take action for the International accountability for the use of human shields, porter, and killing of human shield victims or killings of civilians including other human rights violations, war crimes and crimes against humanity through International Criminal Court and Universal Jurisdiction Cases.
- ❖ Quickly Implement a strong action on armed embargo to restrict the flow of weapons and military equipment from India, Russia, China, Thailand and Cambodia including other countries.

### To the UN Human Rights Council

- ❖ Enhance effective resolutions that reflect the critical state of Myanmar situation and its crisis, while legally supporting the National Unity Government, and strongly condemn the atrocities of Myanmar military junta and its council.
- ❖ Take action of UN Secretary General to identify and implement the possibility of an ad hoc tribunal to impeach the perpetrators (Myanmar military junta and its councils) of the violation of International human rights laws, humanitarian laws, Geneva Conventions, the Rome Statute and Customary International Law.
- ❖ Take action of Independent Investigative Mechanism for Myanmar (IIMM) to effectively identify and implement national jurisdictions under the action of Universal Jurisdiction and to expedite the preparation of case files.
- ❖ Accelerate the mandate of IIMM to tackle the action against Myanmar military junta and its council to hold their accountable and crimes.

### To the Association of Southeast Asian Nation (ASEAN)

- ❖ Stop all official engagements with the Myanmar military junta and its council as they are continuing human rights violations, killings of civilians, human shields, war crimes and crimes against human rights in Myanmar.
- ❖ Take effective action beyond 5 Points Consensus and Collaborate with Myanmar human rights organizations and CSO to include the voices of the people in Myanmar.
- ❖ Take serious action to stop the Myanmar military junta and its council's war crimes, human rights violations, crimes against humanity and its atrocities in Myanmar through serious dialogue, political discourse and sanction.
- ❖ Cooperate with National Unity Government (NUG), National Unity Consultative Council (NUCC), Committee Representing Phyidaungsu Hluttaw (CRPH), Ethnic Revolutionary Organizations (EROs) and civil society in all political sectors to take against Myanmar military junta and its council. It also needs to ensure that the ASEAN Special Envoy engages with NUG, NUCC, CRPH, EROs and CSO in this intervention.

## **To the National Unity Government, Ethnic Armed Organizations and Resistance Groups:**

- ◆ Contribute supports and active collaborations for documentation of human rights violations, human rights awareness raising and advocacy with CSOs and Human Rights Organizations in the liberated areas of NUG and EROs.
- ◆ Strengthen for the transitional justice and accountability mechanism process to address international crimes, human shields, human rights violations, war crimes, crimes against humanity and killings of civilians since 2021 military attempted the coup.
- ◆ Ensure accountability for taking effective action against the perpetrators who committed crimes and violations which broke International laws, humanitarian laws and human rights principles.
- ◆ Develop and enhance the International human rights laws, humanitarian laws and International laws including the ICCPR and CAT within democratic alliances and EROs, while initiating and implementing military code of conduct and chain of command to prevent and protect the civilians from threats and insecurities.

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## About Equality Myanmar

Equality Myanmar (EQMM) is a leading local nongovernmental organization that organises a wide range of human rights education and advocacy programs, the documentation human rights violations, and provides emergency support for activists, human rights defenders, and their families. We work with a range of local civil society organizations, educators, activists, various local actors, including indigenous and land rights defenders, and our programs and activities reach all states and regions in Myanmar.

Equality Myanmar, formerly known as the Human Rights Education Institute of Burma (HREIB), was founded, by U Aung Myo Min, in 2000 in Chiang Mai, Thailand. In 2013, HREIB's headquarters and operations transitioned to working exclusively inside Myanmar under its new name: Equality Myanmar.

Equality Myanmar stands strong for professional commitment, despite the organization having faced a critical situation in 2021 due to the political crisis. Our fundamental vision is to build a peaceful, tolerant, and federal democratic society that is embedded in respect for the dignity and human rights of all the languages, religions, and ethnic groups in Myanmar.

We fortify, promote and support a culture of human rights compliance, human rights education, and accountability where Myanmar people are empowered to access their rights, justice, sociopolitical and democratic space as well as engage in a process of social and political transformation of Myanmar.

[info@equalitymyanmar.org](mailto:info@equalitymyanmar.org)  
[www.equalitymyanmar.org](http://www.equalitymyanmar.org)

