



**Joint Submission to the Special Rapporteur  
on torture and other cruel, inhuman or degrading treatment or punishment**

Response to Call for Input:  
Identifying, Documenting, Investigating and Prosecuting Crimes of Sexual Torture Committed  
by the Myanmar Military Junta during War and Armed Conflicts

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**Private Submission – Please keep confidential.**

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## Introduction

1. The Assistance Association for Political Prisoners (Burma), Burmese Women's Union, Colors Rainbow, and Progressive Voice submit the following response to the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.
2. This submission focuses on the Myanmar military junta's use of sexual violence as a means of torture since the attempted coup<sup>1</sup> on 1 February 2021.<sup>2</sup>
3. "Military junta" and "junta" refer herein to the Myanmar military—and its administrative body, the State Administration Council—following its attempted coup, to underscore that the junta is an illegal, illegitimate entity and that Myanmar's people have categorically resisted the attempted coup and rejected the junta as their government.

## Patterns of sexual torture committed by the Myanmar military junta

4. For decades, with complete impunity, the Myanmar military has used sexual violence perpetrated as torture<sup>3</sup> as a weapon of war and as a tactic of psycho-social warfare,<sup>4</sup> as detailed by the Independent International Fact-Finding Mission on Myanmar in its September 2018 report.<sup>5</sup> Since the attempted coup, the military junta has continuously used sexual torture in active fighting and its detention facilities.
5. The junta indiscriminately uses sexual torture against anyone perceived as an enemy. Moreover, the junta commits sexual torture against LGBTQI+ individuals based on their sexual orientation, gender identity, and gender expression not only to punish them but also to exploit them, as homosexuality is illegal under the Myanmar Penal Code.<sup>6</sup>
6. **In active fighting.** Across the country, junta ground raids frequently involve troops committing rape<sup>7</sup> and gang-rape<sup>8</sup> against civilians. During raids, junta troops have repeatedly mutilated victims' sexual organs, including severely beating and biting them, as well as cutting them off.<sup>9</sup> Junta troops have also forced individuals to watch others be raped, including by holding them at gunpoint.<sup>10</sup>
7. Sexual torture during raids is routinely, but not always, preceded by junta troops arresting the victims.<sup>11</sup> Documented cases indicate that junta troops kill the victims in conjunction with committing sexual torture against them.<sup>12</sup>
8. The junta also commits sexual torture—particularly rape, gang-rape, and sexual assault—against individuals at its road checkpoints.<sup>13</sup> In Sagaing Region, central Myanmar, junta personnel have raped at least four transwomen at checkpoints.<sup>14</sup>
9. **In junta detention.** The junta ubiquitously commits sexual torture against political prisoners in its detention facilities.<sup>15</sup> During interrogation, junta personnel use rape,<sup>16</sup> gang rape,<sup>17</sup> sexual organ mutilation,<sup>18</sup> insertion of objects into sexual organs,<sup>19</sup> and threats of sexual torture<sup>20</sup> as methods of punishment to instill fear and of coercion to force admissions of guilt.
10. The junta systematically conducts full body searches of political prisoners, involving forced stripping and nudity, groping, and insertion of fingers or objects into sexual organs.<sup>21</sup> During detainment, junta personnel verbally harass political prisoners with sexualized language and grope them.<sup>22</sup> Junta personnel also force political prisoners to remove their clothes,<sup>23</sup> undergo rape and gang rape,<sup>24</sup> and perform oral sex, including at gunpoint.<sup>25</sup>

## Challenges, impediments and obstacles to effective identification and documentation

11. **In active fighting.** In the current security context, identification and documentation of the junta's crimes of sexual torture are extremely risky for the victims, their families, and the documenters. Phone interviews with witnesses<sup>26</sup> pose heightened security risks due to junta surveillance, and conducting in-person interviews requires documenters to pass through areas of active conflict, as well as junta checkpoints.<sup>27</sup> Additionally, the junta intentionally cuts telecommunications networks in conflict-affected areas, seriously hindering both in-person and remote documentation efforts.<sup>28</sup> Furthermore, witnesses are often repeatedly displaced by junta attacks and are constantly fleeing to seek safety.<sup>29</sup>
12. Witnesses may refuse to be interviewed because of the risk of being targeted by the junta and the fear that the interviewer is a junta-affiliated informant.<sup>30</sup> Even once identified, many witnesses have not been emotionally ready to disclose their experiences<sup>31</sup> and risk re-traumatization by doing so.
13. When the junta has killed the victim, it becomes nearly impossible to confirm that sexual torture occurred, particularly when the junta mutilates, burns, or otherwise destroys the body.<sup>32</sup> Families have had difficulties confirming sexual torture because they were not the first to see the body.<sup>33</sup> Because of personal security risks, families have also denied that the victim was subjected to sexual torture even if their body shows evidence thereof.<sup>34</sup> Furthermore, because of safety concerns, some victims' families could not take photos to document the crimes, or the photos taken were ultimately deleted.<sup>35</sup>
14. **In junta detention.** Effective identification and documentation of the junta's crimes of sexual torture in detention are severely impeded by the junta's ongoing attempts to restrict information flowing from detention facilities, such as by banning prisoners from receiving visitors and restricting lawyers' access to prisoners. Cases of sexual torture, thus, often go unreported and unknown. Moreover, the junta has also made it impossible to confirm crimes of sexual torture in detention by killing the victims, not allowing families to see their bodies, and cremating them before any evidence collection or investigation can take place.<sup>36</sup>
15. In many cases, crimes of sexual torture can only be documented once a prisoner has been released and can share their experiences safely. As with witnesses to torture in active fighting, former prisoners face a risk of retaliation and further targeting by the junta for reporting sexual torture in detention.

## Impossibility of effective investigation and prosecution

16. In Myanmar, there are no existing functioning mechanisms to investigate and prosecute crimes of sexual torture committed by the military junta. Before the attempted coup, legal avenues for accountability were treacherous and most often unsuccessful for survivors, with many rape claims against military personnel being denied or dismissed by military tribunals.<sup>37</sup>
17. Since the attempted coup, the junta has completely destroyed Myanmar's judicial system—which the military had already corrupted and weaponized for decades—and has co-opted it to punish supporters of the Spring Revolution.<sup>38</sup> Despite its widespread, systematic use of rape against civilians, the junta has publicly acknowledged only two cases, about which it claimed that legal action would be taken against perpetrators.<sup>39</sup>
18. Moreover, the junta intentionally obstructs any investigation or prosecution by requiring political prisoners to sign non-disclosure agreements as a condition of their release—in an effort to stop survivors from reporting the junta's use of sexual torture.<sup>40</sup>

## **Systemic impunity due to non-existence of functioning regulatory frameworks**

19. No functioning regulatory framework exists for sexual torture in Myanmar, facilitating systemic impunity for crimes committed by the Myanmar military under domestic law.
20. While the Myanmar Penal Code prohibits torture, it fails to define the term, allowing the military to commit sexual torture with impunity.<sup>41</sup> The Penal Code also criminalizes rape, but only recognizes the existence of female rape victims, denying any legal recourse to male victims.<sup>42</sup> Nonetheless, despite the existence of these laws related to sexual torture, the junta neither adheres to nor enforces them.
21. Further perpetuating the pervasive culture of impunity, the military-drafted, now-abolished 2008 Constitution provided a blanket amnesty to military personnel for all crimes committed as a result of their official duty and established a court martial system for the military to adjudicate its own crimes.<sup>43</sup>
22. Moreover, in 2013, during the time of Myanmar's opening and transition to so-called democracy, military authorities intentionally removed from the National Action Plan for Prevention of Violence against Women and the proposed Protection and Prevention of Violence Against Women Law any protections for women and girls who suffer sexual and gender-based violence (SGBV) in conflict—despite constant advocacy from women's organizations—further ensuring impunity for military personnel.<sup>44</sup>

## **Towards accountability for crimes of sexual torture in Myanmar**

23. Through the Spring Revolution, Myanmar's people have abolished the 2008 Constitution and are building federal democracy from the ground up, guided by the Federal Democracy Charter ratified in 2021.<sup>45</sup>
24. In addition to the military junta's commission of sexual torture, crimes of sexual torture committed by resistance forces have also been documented since the attempted coup.<sup>46</sup> In response, the National Unity Government (NUG),<sup>47</sup> newly formed federal units, and ethnic resistance organizations (EROs) through their governance bodies are developing and implementing regulatory frameworks and accountability mechanisms to address these cases, facilitate justice and reparations for victims and survivors, and monitor the commission of sexual torture by resistance forces. Civil society organizations, including women's and LGBTQI+ organizations, play a critical role in monitoring and documenting crimes of sexual torture—committed by the junta, resistance forces, and others—as well as supporting and contributing to the development of new regulatory frameworks and accountability mechanisms.
25. For example, the NUG's Military Code of Conduct for People's Defense Forces explicitly prohibits the use of torture or ill-treatment against detainees and sexual assault of civilians.<sup>48</sup> The Code of Conduct also prohibits “sexual ill-treatment, humiliation, sexual exploitation, violence and abuse” against women, LGBTQI+ persons, and children.<sup>49</sup> Separately, the NUG has promised to decriminalize homosexuality and ensure the wellbeing of LGBTQI+ individuals.<sup>50</sup>
26. Likewise, the Interim Executive Council of Karenni State is in the process of developing guidelines to address SGBV cases in Karenni State.
27. This moment of the Spring Revolution is an unprecedented opportunity to end the culture of impunity in Myanmar, including community-level impunity for SGBV stemming from decades of military impunity. This, however, will only be possible if the Myanmar military is held accountable for its crimes under international law.

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<sup>1</sup> “Attempted coup” refers herein to the military junta’s illegal attempt to seize power on 1 February 2021, which has failed.

<sup>2</sup> Separately, there are crimes of sexual torture being committed against Myanmar people in Thailand—particularly on the Thailand-Myanmar border—which should be explored further, but are not addressed herein.

<sup>3</sup> “Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar,” UN Doc. No. A/HRC/39/CRP.2, September 17, 2018,

[https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_CRP.2.docx)

[Myanmar/A\\_HRC\\_39\\_CRP.2.docx](https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_CRP.2.docx) (“The Mission accordingly notes that the acts of rape and sexual violence by Tatmadaw [Myanmar military] forces and others against civilians in Kachin and Shan States may also give rise to criminal liability for torture.”).

<sup>4</sup> See “Same Impunity, Same Patterns,” Women’s League of Burma, January 2014,

[https://www.womenofburma.org/sites/default/files/2018-06/2014\\_Jan\\_SameImpunitySamePattern\\_English-final.pdf](https://www.womenofburma.org/sites/default/files/2018-06/2014_Jan_SameImpunitySamePattern_English-final.pdf); “‘If they had hope, they would speak’: The ongoing use of state-sponsored sexual violence in Burma’s ethnic communities,” Women’s League of Burma, November 2014,

[https://www.womenofburma.org/sites/default/files/2018-](https://www.womenofburma.org/sites/default/files/2018-06/2014_Nov_VAW_Iftheyhadhope_TheywouldSpeak_English.pdf)

[06/2014\\_Nov\\_VAW\\_Iftheyhadhope\\_TheywouldSpeak\\_English.pdf](https://www.womenofburma.org/sites/default/files/2018-06/2014_Nov_VAW_Iftheyhadhope_TheywouldSpeak_English.pdf); Bo Kyi & Hannah Scott, “Torture, Political Prisoners And The Un-Rule Of Law: Challenges To Peace, Security And Human Rights In Burma,” Assistance Association for Political Prisoners (Burma), October 2010, <https://aappb.org/wp-content/uploads/2014/10/Torture-Political-Prisoners-and-the-Un-Rule-of-Law.pdf>.

<sup>5</sup> “Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar,” UN Doc. No. A/HRC/39/CRP.2 (“Both the opportunistic and more calculated commission of sexual violence against women and their relatives in their homes reinforce the Tatmadaw [Myanmar military] soldiers’ confidence in, and enjoyment of, absolute impunity for such violations.”), (“The scale, brutality and systematic nature of these violations, over this period of time, indicate that rape and sexual violence are part of a deliberate strategy to intimidate, terrorise or punish a civilian population, and are used as a tactic of war. This level of normalisation is only possible in a climate of long-standing impunity. When rapes and sexual violence are committed by, or in the presence of, senior military officers, with no sanction or consequence, it is easy to see how all Tatmadaw [Myanmar military] soldiers may consider themselves similarly authorised.”).

<sup>6</sup> Section 377, Myanmar: The Penal Code, [https://www.burmalibrary.org/docs17/1861-Penal\\_Code-ocr-en+bu.pdf](https://www.burmalibrary.org/docs17/1861-Penal_Code-ocr-en+bu.pdf).

<sup>7</sup> The following rape cases are available in the Assistance Association for Political Prisoners’ (AAPP’s) Killed List, located at <https://airtable.com/appHDJLeiPsMGFJ7s/shrYUzbzQe1hKXQ68x>, by searching their ID numbers listed here: HTE-20220601-01568 & KHI-20220601-01570 (“Sann Min, Khin Saw, Saw Min Oo and Htet Nay Chi Min were killed by the military column. The later was living in Min Kone Village, in Sagaing Region’s Kawlin Township, and was evading arrest due to her involvement in the Civil Disobedience Movement (CDM). After the military column entered Min Kone Village on February 22, 2022, their bodies were found by local villagers at the Taung Phi village’s hill on February 23, 2022. Their hands were tied on their back and knife wounds were found on their necks and hands. Htet Nay Chi Min and Khin Saw were raped and killed but [it has] not been independently confirmed.”); UNK-20220922-0002; MOE-20220713-0001; PAN-20230306-0010, SWE-20230306-0011 & PAN-20230306-0013 (“On the evening of March 1, 2023, a column of junta forces attacked Tar Tai Village in Sagaing Township, Sagaing Region. On the morning of March 2, 2023, while leaving the village, the junta column took three women and 13 men as human shields. The junta killed them on the way and then left their bodies there. According to the statement from the locals, three women were raped and killed. To prevent the bodies from being recovered, the junta planted bombs and mines under the bodies.”); Grant Peck, “Myanmar army killed 17 people in 2 villages, residents say,” *Associated Press*, March 7, 2023, <https://apnews.com/article/myanmar-burma-army-village-killings-beheading-f67a2070a43cfa60c5800881a38f0b82>; Moe Oo, “Myanmar army soldiers rape and murder pregnant woman in Sagaing’s Wetlet Township,” *Myanmar Now*, August 29, 2023, <https://myanmar-now.org/en/news/myanmar-army-soldiers-rape-and-murder-pregnant-woman-in-sagaings-wetlet-township/>;

“Myanmar Junta Troops Rape at Least Seven Women in Sagaing,” *The Irrawaddy*, September 6, 2022,

<https://www.irrawaddy.com/news/burma/myanmar-junta-troops-rape-at-least-seven-women-in-sagaing.html>;

“Myanmar Junta Forces Rape and Kill Mother, Before Killing Her Two Daughters,” *The Irrawaddy*, March 9, 2022,

<https://www.irrawaddy.com/news/burma/myanmar-junta-forces-rape-and-kill-mother-before-killing-her-two-daughters.html>.

<sup>8</sup> “‘First We Killed Her Mother’ – Myanmar Soldier Confesses to Gang Rape,” *The Irrawaddy*, March 4, 2024,

<https://www.irrawaddy.com/news/burma/first-we-killed-her-mother-myanmar-soldier-confesses-to-gang-rape.html>;

“Myanmar Junta Soldiers’ Gang Rape Victim Reveals Her Ordeal,” *The Irrawaddy*, November 19, 2021,

<https://www.irrawaddy.com/news/burma/myanmar-junta-soldiers-gang-rape-victim-reveals-her-ordeal.html>;

Charlotte Attwood, Ko Ko Aung & Rebecca Henschke, “‘I can’t forget her’- Myanmar’s soldiers admit atrocities,” *BBC World Service*, July 22, 2022, <https://www.bbc.com/news/world-asia-62208882>; Killed List, ID Number: KHA-

20240307-0002, Assistance Association for Political Prisoners (Burma),

<https://airtable.com/appHDJLeiPsMGFJ7s/shrYUzbzQe1hKXQ68x> (“On March 5, 2024, a logistic column of the

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junta forces departing from Pakokku Township, Magway Region, arrived in Kamma Town, during which a woman named Khaing was gang-raped by the junta forces at her home in No. 3 Ward, Kamma Town. Following this, the junta forces killed her and her mother, Kyi Aung, by slitting their throats in their house.”)

<sup>9</sup> “Accountability for the Junta Criminals,” Assistance Association for Political Prisoners (Burma), July 8, 2022, [https://aappb.org/wp-content/uploads/2022/07/Crimes-Against-Humanity-Report\\_8-Jul-2022-English.pdf](https://aappb.org/wp-content/uploads/2022/07/Crimes-Against-Humanity-Report_8-Jul-2022-English.pdf) (“Male genitals were also cut off during the massacre in Kani Township; while a female detainee reported enduring genital beatings that caused severe vaginal bleeding, as well as being touched by a police officer in a sexual way.”); “Myanmar Junta Troops Suspected of Killing and Mutilating Civilians,” *The Irrawaddy*, September 15, 2021, <https://www.irrawaddy.com/news/burma/myanmar-junta-troops-suspected-of-killing-and-mutilating-civilians.html>; Nayt Thit, “Myanmar Junta Ramps Up Atrocities Amid Lack of International Pressure,” May 12, 2023, *The Irrawaddy*, <https://www.irrawaddy.com/opinion/analysis/myanmar-junta-ramps-up-atrocities-amid-lack-of-international-pressure.html>; “Junta troops accused of raping two women in Myanmar’s Chin state,” *Radio Free Asia*, November 16, 2021, <https://www.rfa.org/english/news/myanmar/rape-11162021200357.html>.

<sup>10</sup> *Radio Free Asia*, “Junta troops accused of raping two women in Myanmar’s Chin state.”

<sup>11</sup> The following cases of sexual torture in conjunction with arrest are available in AAPP’s Killed List, located at <https://airtable.com/appHDJLeiPsMGFJ7s/shrYUbzQe1hKXQ68x>, by searching their ID numbers listed here: MOE-20220601-01748, HNI-20220711-0002; KHA-20230313-00041, AYE-20220601-01625, SHW-20230829-0002.

<sup>12</sup> The following cases of killing in conjunction with sexual torture are available in AAPP’s Killed List, located at <https://airtable.com/appHDJLeiPsMGFJ7s/shrYUbzQe1hKXQ68x>, by searching their ID numbers listed here: MOE-20220601-01748, HNI-20220711-0002; KHA-20230313-00041, AYE-20220601-01625, SHW-20230829-0002, MAK-20220601-00938, MAY-20230228-00011, KHA-20240307-0002, PAN-20230306-0010, SWE-20230306-0011, PAN-20230306-0013, HTE-20220601-01568, KHI-20220601-01570, MOE-20220713-0001, UNK-20220922-0002.

<sup>13</sup> Junta checkpoints are increasingly prevalent across the country as the junta continually expands its surveillance of Myanmar’s people to target anyone it perceives as an enemy. At these checkpoints, junta personnel subject individuals to invasive searches, intimidation, bullying, sexual torture, other forms of assault, arbitrary arrest, and even death. For more information, see “The Dangers of Checkpoints: Stories of arrest and censorship from Myanmar civilians,” *Engage Media*, January 15, 2024, <https://engagemedia.org/2024/youth-myanmar-checkpoints/> (“Ordinary people put themselves at risk every time they pass through a checkpoint. At every crossing, the military can arrest you just for having a certain number on your national ID card. The procedure at checkpoints is unpredictable but typically includes the scrutiny of national ID cards, followed by demands to see a person’s phone, whereby security forces will trawl through the person’s photos and Facebook... Security forces stop civilians for interrogation, and grounds for arrest can be simply when soldiers perceive a lack of respect.”).

<sup>14</sup> In addition to facing sexual torture at checkpoints, transwomen in Sagaing Region who need to pass junta checkpoints for their daily activities (e.g., going to the market, a clinic, school, or work) are forced to pay money to pass through the checkpoints because of their visible identity as transwomen, while others are not.

<sup>15</sup> Killed List, ID Number: MAY-20230228-00011, Assistance Association for Political Prisoners (Burma), <https://airtable.com/appHDJLeiPsMGFJ7s/shrYUbzQe1hKXQ68x> (“On January 29, 2023, junta forces arrested May Zun Moe at their Tein Nyunt Checkpoint near Kyauk Phyu Taung Village, Aye Mya Thar Yar Village Tract, located in Okpho Township, Bago Region. May Zun Moe was a nurse who joined the Civil Disobedience Movement. She was arrested while returning to Okpho Town after delivering a baby of a PDF woman in Bago Range. On February 16, 2023, the junta shot her dead and set her body on fire. It was reported that she was raped before being killed; this has not been independently confirmed yet. From the day of her arrest till the day she was killed, she was tortured at the office room of the Military Security Affairs in Okpho Township. On February 16, 2023, her body was discovered at the edge of a jungle near Htan Pin Kone Village.”); “Towards Accountability: The Urgent Need for Renewed International Attention to Sit-Tat’s Crimes Against Humanity in Burma,” Assistance Association for Political Prisoners (Burma), March 1, 2023, <https://aappb.org/wp-content/uploads/2023/03/AAPP-2023-Towards-Accountability-final.pdf>; Assistance Association for Political Prisoners (Burma), “Accountability for the Junta Criminals” (“Rape and other forms of sexual violence are also used as a method of torture. Such cases have been reported in coercive environments such as prisons and interrogation centers, mostly targeting women but affecting all genders.”).

<sup>16</sup> Mary Hnin & Maung Shwe Wah, “Junta forces raped three detainees in Mandalay interrogation centre, student activists say,” *Myanmar Now*, February 22, 2022, <https://myanmar-now.org/en/news/junta-forces-raped-three-detainees-in-mandalay-interrogation-centre-student-activists-say/>.

<sup>17</sup> “Rainbow Amid the Storm: Exposing the Harsh Realities of LGBTQIAs in Post-Coup Myanmar,” Myanmar LGBTIQ Human Rights Watch Forum, May 2023, [https://progressivevoicemyanmar.org/wp-content/uploads/2023/08/MLHRWF\\_RATSReport\\_FINAL\\_ENG-.pdf](https://progressivevoicemyanmar.org/wp-content/uploads/2023/08/MLHRWF_RATSReport_FINAL_ENG-.pdf).

<sup>18</sup> “15 Days Felt Like 15 Years: Torture in detention Since The Myanmar coup,” Amnesty International, July 2022, <https://www.amnesty.org.uk/files/2022-07/15%20Days%20Felt%20Like%2015%20Years%20Amnesty%20report%20Embargoed%2020822.pdf>; “Interview: Myanmar Police Take Unyielding Detainees in Handcuffs For ‘Beatings And Torture,’” *Radio Free Asia*, April 22, 2021, <https://www.rfa.org/english/news/myanmar/shwe-yamin-htet-04222021181201.html>.

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<sup>19</sup> Maung Shwe Wah, “Fresh evidence emerges of brutal torture of prisoners inside Mandalay Palace,” *Myanmar Now*, January 3, 2022, <https://myanmar-now.org/en/news/fresh-evidence-emerges-of-brutal-torture-of-prisoners-inside-mandalay-palace/>.

<sup>20</sup> Assistance Association for Political Prisoners (Burma), “Towards Accountability.”

<sup>21</sup> “Myanmar Guards Will be Held Accountable For Sexual Abuse of Women Political Prisoners,” *The Irrawaddy*, January 19, 2024, <https://www.irrawaddy.com/news/burma/myanmar-guards-will-be-held-accountable-for-sexual-abuse-of-women-political-prisoners.html>; “Women Subjected to Sexual Violence during the Spring Revolution under the Military Coup,” Assistance Association for Political Prisoners (Burma), March 1, 2024, <https://progressivevoicemyanmar.org/2024/03/01/women-subjected-to-sexual-violence-during-the-spring-revolution-under-the-military-coup/>.

<sup>22</sup> Assistance Association for Political Prisoners (Burma), “Women Subjected to Sexual Violence during the Spring Revolution under the Military Coup”; Emanuel Stoakes, “Before executions, Myanmar’s junta tortured opponents to crush dissent,” *NBC News*, August 2, 2022, <https://www.nbcnews.com/news/world/myanmar-junta-detainees-tortured-executions-rcna40901>.

<sup>23</sup> “Conflict-Related Sexual Violence,” Colors Rainbow, last updated March 2024 (cases documented on file with Colors Rainbow); Myanmar LGBTIQ Human Rights Watch Forum, “Rainbow Amid the Storm: Exposing the Harsh Realities of LGBTQIAs in Post-Coup Myanmar.”

<sup>24</sup> “Myanmar Rights Groups Call on Junta Rape Victims to Report Violations,” *The Irrawaddy*, November 10, 2022, <https://www.irrawaddy.com/news/burma/myanmar-rights-groups-call-on-junta-rape-victims-to-report-violations.html>.

<sup>25</sup> “Transgender Political Detainee Sexually Abused by Prison Officer in Upper Myanmar,” *The Irrawaddy*, July 5, 2022, <https://www.irrawaddy.com/news/burma/transgender-political-detainee-sexually-abused-by-prison-officer-in-upper-myanmar.html>; Colors Rainbow, “Conflict-Related Sexual Violence”; Myanmar LGBTIQ Human Rights Watch Forum, “Rainbow Amid the Storm: Exposing the Harsh Realities of LGBTQIAs in Post-Coup Myanmar.”

<sup>26</sup> Herein “witness” refers to a victim/survivor who experienced sexual torture or a third-party who witnessed another person undergo sexual torture.

<sup>27</sup> “Sexual Violence Against Women under the Political Instability,” Burmese Women’s Union, June 2023, <https://progressivevoicemyanmar.org/wp-content/uploads/2023/07/Sexual-Violence-Against-Women-under-the-Political-Instability-ENG.pdf>.

<sup>28</sup> Civil society documenters use telecommunications networks to communicate with interviewees, communicate with colleagues for safety purposes, share information with human rights networks, and generally conduct their work safely. Furthermore, cuts to telecommunications networks means that locals are unable to report human rights violations, including crimes of sexual torture, to civil society organizations conducting documentation thereof.

<sup>29</sup> Burmese Women’s Union, “Sexual Violence Against Women under the Political Instability.”

<sup>30</sup> *Ibid.*; Witnesses, including victims and survivors, may not be willing to be interviewed because they lack trust in the interviewer. Specifically, they are worried that the person interviewing them is a junta-affiliated informant (or “Dalan” in Burmese) or someone who will share the information with the military junta.

<sup>31</sup> Burmese Women’s Union, “Sexual Violence Against Women under the Political Instability.”

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*; According to BWU’s documentation and reporting work, within the current conflict situation, the main reason family members have denied disclosing sexual violence cases is the security risk involved, rather than social norms or culture. Although they want justice for the victims, the families fear that the perpetrator(s) can quickly and easily identify them, so they do not want to put their lives at risk for a family member who has already been killed.

<sup>35</sup> Burmese Women’s Union, “Sexual Violence Against Women under the Political Instability.”

<sup>36</sup> “Assistance Association for Political Prisoners’ Submission to Special Rapporteur on extrajudicial, summary or arbitrary executions: Call for input – Deaths in custody,” Assistance Association for Political Prisoners (Burma), March 6, 2023, <https://www.ohchr.org/sites/default/files/documents/issues/executions/sr-sumex/cfi-deathincustody/submissions/subm-deaths-custody-cso-assistance-association-political-pri-burma.pdf>.

<sup>37</sup> *AFP*, “Myanmar gang-rape victim wins legal battle with military,” *Frontier Myanmar*, December 18, 2020, <https://www.frontiermyanmar.net/en/myanmar-gang-rape-victim-wins-legal-battle-with-military/>; “Myanmar Must Act to Prevent Violence Against Women in Conflict and Provide Justice for Victims,” Progressive Voice, November 1, 2017, <https://progressivevoicemyanmar.org/2017/11/01/myanmar-must-act-to-prevent-and-provide-justice-for-violence-against-women-in-conflict/> (“[Sexual violence] cases have rarely been prosecuted. Cases that do go to trial are, for the most part, conducted behind closed doors by a military tribunal and in many cases the accused are charged with less serious offenses and the sentences imposed are light.”).

<sup>38</sup> In the wake of the military’s illegal coup attempt on February 1, 2021, the Spring Revolution emerged as the Myanmar people’s nationwide, bottom-up democratic resistance movement against the Myanmar military and its illegal attempt to seize power. This revolution is unparalleled in Myanmar’s history, drawing its strength from the intersectional and intergenerational collaboration and coordination among diverse groups nationwide, including longstanding ethnic resistance organizations. The goals of the Spring Revolution transcend the mere dismantling of the military junta. This revolution has united Myanmar’s people—across ethnicities, religions, social classes, genders,

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and sectors—behind the common goal of ending the military’s atrocity crimes, societal divisions, misogyny, discriminatory ideologies, and decades-long impunity to pave the way for the establishment of a peaceful, federal democratic Myanmar that guarantees equal rights for all.

<sup>39</sup> Killed List, ID Number: MAK-20220601-00938, Assistance Association for Political Prisoners (Burma), <https://airtable.com/appHDJLeIPsMGFJ7s/shrYUbzQe1hKXQ68x> (“On July 14, Ma Khaw Roi from Num Lang Village in Momauk Township, Kachin State, was raped and killed by three junta soldiers, while she was on the way to a field. Three of the perpetrators are from Division 88. On July 19, junta personnel from a light infantry battalion and Division 88, met with the victim’s family in Num Lang Village and gave them 2.1M kyat (\$1,276) in compensation, stating that lawful action would be taken against the three soldiers.”); “Myanmar Detains Three Soldiers for Alleged Rape and Murder of Kachin Woman,” *Radio Free Asia*, July 20, 2021, <https://www.rfa.org/english/news/myanmar/kachin-07202021201524.html>; *Radio Free Asia*, “Junta troops accused of raping two women in Myanmar’s Chin state” (“[O]n Nov. 7, military troops raped a 62-year-old ethnic Kachin resident of Phakhat village in northern Shan state’s Kutkai township. The military has acknowledged the incident and vowed to bring the perpetrators to justice in accordance with local laws.”).

<sup>40</sup> See “The junta’s sexual assault victims will not be silent,” Editorial, *Frontier Myanmar*, September 23, 2023, <https://www.frontiermyanmar.net/en/the-juntas-sexual-assault-victims-will-not-be-silent/>.

<sup>41</sup> The penal code prohibits the commission of “bodily pain” and “grievous hurt,” and specifically forbids government staff from committing “hurt” and “grievous hurt” during interrogations. Government staff intentionally harming any person shall be sentenced to one year’s imprisonment, a fine, or both. “Though such provisions indicate a prohibition of torture, the failure to explicitly define and designate torture as a grave crime, in Burmese law, allows torture to take place more easily.” Bo Kyi & Hannah Scott, “Torture, Political Prisoners And The Un-Rule Of Law: Challenges To Peace, Security And Human Rights In Burma.”

<sup>42</sup> “Submission to the UN SRVAW for report on rape as a grave and systematic human rights violation and gender-based violence against women,” Asia Justice and Rights, August 2020, <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/SR/RapeReport/CSOs/171-bangladesh.pdf>

<sup>43</sup> Women’s League of Burma, “Same Impunity, Same Patterns.”

<sup>44</sup> See Cate Buchanan, “Preventing Gender Based Violence in Myanmar,” Constitution Assessment for Women’s Equality Series No. 3, International Institute for Democracy and Electoral Assistance, March 2022, <https://acrobat.adobe.com/id/urn:aaid:sc:AP:f479c89f-8d94-471d-a9a9-8ca5fef179c3>; “Denying the Irrefutable: Women, Justice and the PoVAW Law,” *Progressive Voice*, July 23, 2020, <https://progressivevoicemyanmar.org/2020/07/23/denying-the-irrefutable-women-justice-and-the-povaw-law/>.

<sup>45</sup> The Federal Democracy Charter was ratified on March 31, 2021 “by respective stakeholders against the attempted coup with the goal of eradicating all forms of dictatorship, including military dictatorship, abolition of the 2008 constitution, Democratic Federal Union building, and the emergence of Civilian Government.” “Joint Statement on Second Anniversary of Federal Democracy Charter,” National Unity Government & National Unity Consultative Council, March 31, 2023, <https://progressivevoicemyanmar.org/2023/03/31/joint-statement-on-second-anniversary-of-federal-democracy-charter/>; Federal Democracy Charter, adopted March 31, 2021, [http://www.myanmar-law-library.org/spip.php?page=pdfjs&cid\\_document=1326](http://www.myanmar-law-library.org/spip.php?page=pdfjs&cid_document=1326).

<sup>46</sup> “Sexual violence in the fog of war,” *Frontier Myanmar*, May 22, 2023, <https://www.frontiermyanmar.net/en/sexual-violence-in-the-fog-of-war/>; Burmese Women’s Union, “Sexual Violence Against Women under the Political Instability.”

<sup>47</sup> The National Unity Government is the only legitimate government of Myanmar. It is functioning as an interim government that is working with ethnic councils and Ethnic Resistance Organizations to establish a genuine federal democracy in Myanmar. It was formed after the military coup attempt in 2021 by the Committee Representing Pyidaungsu Hluttaw “with the authority bestowed by the People’s mandate of the all parties’ democratic election held in 2020 in discussion with National Unity Consultative Council.” For more information, see <https://gov.nugmyanmar.org/about-nug/>.

<sup>48</sup> Office of the President, “Military Code of Conduct for People’s Defence Forces,” National Unity Government, March 22, 2024, <https://www.facebook.com/photo/?fbid=122139321836088093&set=pcb.122138662934088093>.

<sup>49</sup> *Ibid.*

<sup>50</sup> During the December 2022 launch of a policy brief regarding abuse of LGBTQI+ communities in Myanmar, the NUG’s Ministry of Women, Youth, and Children Affairs and Ministry of Human Rights promised to decriminalize homosexuality. During the launch, they also recognized LGBTQI+ participation in the Spring Revolution and promised to ensure the wellbeing—including the physical, mental, and economic wellbeing—and legal protection of LGBTQI+ individuals and communities following the victory of the Spring Revolution. “Abuse of LGBTI communities widespread in post-coup Myanmar – Policy Brief,” Ministry of Women, Youths and Children Affairs, October 2022, <https://mowya.nugmyanmar.org/en/abuse-of-lgbti-communities-widespread-in-post-coup-myanmar/>; Ministry of Women, Youths and Children Affairs, “LGBTQ မူဝါဒဆိုင်ရာအနှစ်ချုပ်ကို ဆွေးနွေးတင်ပြခြင်း,” Facebook Live, <https://www.facebook.com/mowya/videos/540819294236798>.