



MYANMAR

Civilian protection and human rights situation assessment

Prepared by
Security Studies and Rule of Law Association
(SRL Swiss)

This report examines civilian protection, human rights violations in Myanmar and returns from Malaysia in the framework of international law.

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This report by SRL Swiss examines violence against civilians and displacement in Myanmar, restrictions on humanitarian assistance, and the situation of people returned from Malaysia. The findings are assessed under international human rights and humanitarian law to identify priorities for protection and accountability.

Executive summary and key conclusions

Following the 2025–2026 elections, Min Aung Hlaing's assumption of the presidency in April 2026 marked a change in the institutional form of military rule. UN and independent reports published during this period describe continuing airstrikes against civilians, arbitrary detention, torture and forced displacement. Prevention of these violations and accountability for those responsible remain central to assessing the human rights implications of the political transition. [1, 10, 47, 48, 49]

Approximately 50 people were reported killed in the 28 September airstrike on a market area in Kyauktaw, attributed by Reuters to the Myanmar military. Myanmar Witness identified visual indicators consistent with at least 33 deceased people in the same incident. These findings, obtained through different methods, document severe civilian harm. At least 58 people were reported injured, with AP's initial report describing 22 as being in critical condition. [6, 12, 19]

UNHCR reported that it had been unable to meet the 1,476 people returned by Malaysia on 29 September and assess whether their decisions were free and informed. Although their arrival in Yangon has been reported, independent information about their subsequent safety and living conditions remains limited. [11, 21]

Addressee	Priority recommendation
Myanmar military and other armed parties	Protect civilians and civilian objects; end torture and arbitrary detention; facilitate impartial humanitarian relief.
Malaysian authorities	Suspend further returns until UNHCR access and effective individual assessments are ensured; apply child-specific safeguards.
UN, ASEAN and donors	Support independent investigations and post-return monitoring; provide safe, predictable funding to local relief networks.

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1. Political developments and scope

The crisis is rooted in military power beyond effective civilian oversight, unresolved demands for equal rights and autonomy, and impunity. The 2021 coup intensified these problems nationwide; repression of protests was followed by armed resistance and shifting territorial control. [41, 44, 45, 46]

Period	Development and protection implications
1962–1991	Entrenchment of military rule; refusal to transfer power after the NLD's 1990 electoral victory. Aung San Suu Kyi received the 1991 Nobel Peace Prize for her non-violent struggle for democracy. [40, 41]
2008–2016	Constitutional transition and the NLD's 2015 victory. Suu Kyi became State Counsellor in 2016; the military retained 25% of parliamentary seats and key security ministries. [41]
2017–2021	Military operations against the Rohingya and mass flight; the coup of 1 February 2021 after the 2020 election, and detention of civilian leaders. [42, 43, 44]
2023–2024	Operation 1027 and subsequent fighting changed local control; implementation of conscription began in 2024. [1, 46]
December 2025–April 2026	Military-controlled elections were followed by a pro-military parliament electing Min Aung Hlaing president on 3 April; he took office on 10 April. OHCHR highlighted violence and exclusion during the electoral process. [47, 48, 49]

Aung San Suu Kyi gained international recognition for her non-violent struggle against military rule. Her subsequent period in government drew criticism, particularly over her response to violence against the Rohingya. In its 2018 report, the UN Fact-Finding Mission assessed that she had not used her position and moral authority to prevent or stop the violence. This finding remains an important contribution to the debate on the civilian government's political responsibility. [40, 42]

Myanmar's authorities present the April 2026 transition as a return to constitutional government, while OHCHR has highlighted violence and exclusion during the electoral process. These differing assessments inform the context in which the elections and new government should be examined. The institutional transition leaves Myanmar's existing international obligations and questions of responsibility for past violations in place. [47, 48, 49, 52]

Method, period and case selection

The report draws on UN documents, investigations by human rights organisations and reliable news reporting published between July and 9 October 2026. Recent developments are examined alongside applicable law and academic literature. Kyauktaw receives detailed attention because of the extensive civilian harm and available visual investigation; the Malaysian return operation because of the protection concerns arising from large-scale returns. The analysis places these cases within wider patterns of abuse rather than providing an inventory of every incident in Myanmar.

SRL Swiss conducted no field interviews or site investigations for this report. The publications reviewed include organisations' research based on witness interviews, local documentation and visual investigations. Their findings were assessed with reference to the methods used and the geographical areas covered. The bibliography distinguishes UN documents, independent research, media reporting and party statements. [10, 12, 15, 18, 38, 39]

Scope: Conscription, political detention and sexual violence are examined at the level of broader patterns. Executions, violations affecting journalists and defenders, Bangladesh camps, maritime journeys, scam centres and trafficking require separate research. Airstrikes in Sagaing, Magway and Mandalay are addressed through selected findings.

2. Recent findings and protection risks

Research published in July and August documents protection concerns underlying the late-September developments. Progressive Voice's findings concern the Dry Zone, while KHRG's records cover Southeast Myanmar. These regional studies are not used to estimate the nationwide frequency of abuses. The table identifies each study's data period and publication date.

Event or data period	Publication / source	Finding and assessment limit
Interviews in February–March 2026	22 July / Progressive Voice [18]	The Dry Zone study, based on 32 interviews, examines aid restrictions and local solidarity. The findings are limited to the local research sample.
Protracted displacement	22 July / KHRG [16]	Women's care burdens, livelihood loss and repeated flight. Interview periods are distinguished from publication date.
21 and 24 August 2026	14 September / BHRN [8]	Reported 14 deaths and about 20 injuries in a monastery attack in Myaung; five deaths and 17 injuries in Paletwa. Casualty figures are based on BHRN reporting.
October 2024–March 2026	27 August / KHRG [15]	At least 520 people arbitrarily detained in 132 records. The data cover documented cases in Southeast Myanmar.
1–30 September 2026	3 October / AAPP [13]	97 verified civilian deaths; 107 reports under review. Eight political arrests recorded. The two figures represent different stages of verification.
Coup–8 October 2026	8 October / AAPP [14]	32,076 cumulative arrests; 14,970 people verified as still detained; 8,513 deaths attributed to military forces and affiliates. The figures reflect cumulative records since the coup.

Arbitrary detention, torture and sexual violence

IIMM's 2026 report describes efforts to establish perpetrator and command links in abuses in military detention facilities and attacks on civilians. Sexual and gender-based violence forms an important part of these investigations. ND-Burma's first-half report draws on local monitoring networks to document the occurrence of abuses across different areas. [10, 17]

Protection monitoring should establish detention location, family and lawyer access, medical examination and retaliation risks. Security considerations do not suspend the prohibitions of torture and sexual violence. Common Article 3 and customary rules 90, 93 and 99 are relevant to all parties to the applicable conflicts. [15, 23]

Minorities and conscription

OHCHR records abuses affecting Rohingya communities by both military forces and the Arakan Army, including forced labour and restrictions on movement and property. Damage to religious and community spaces is also a protection concern. Conscription and coercive recruitment by armed groups create additional risks, particularly for young and displaced people. Not every military service requirement is automatically prohibited; child recruitment, discrimination, arbitrary arrest and coercive methods require separate assessment. [1, 2, 8]

The AA (Arakan Army) and ARSA (Arakan Rohingya Salvation Army) are separate organisations. Establishing the motive for attacks on religious buildings requires further evidence. AAPP, KHRG and UN data are presented in their respective contexts, taking account of differences in coverage and documentation methods.

3. Kyauktaw and preliminary legal assessment

Reuters's 29 September report attributes the 28 September 2026 airstrike on a market area in Kyauktaw, Rakhine State, to the Myanmar military. Its sources include an Arakan Army spokesperson and a local aid worker. The military did not answer Reuters's request for comment on this incident. [6]



Figure 1. Different evidentiary findings for the same attack. Event: 28 September 2026; publications: 28 September–8 October. [6, 12, 19] Figures are not additive.

AP reported 49 deaths on 28 September, while Reuters reported 50 the following day. Myanmar Witness subsequently identified visual indicators consistent with at least 33 deceased people. Its finding is a minimum visual estimate for the same attack; the final death toll remains uncertain. Reports identified at least 58 injured people, including 22 described as being in critical condition. [6, 12, 19]

Factual question	Applicable rule and possible implication
Character of the target	Rules 1 and 7 protect civilians and civilian objects. Under Rule 8, the bridge's nature, location, purpose or use must effectively contribute to military action, and its neutralisation must offer a definite military advantage in the circumstances. The bridge's contemporaneous military function therefore requires examination.
Choice of weapon and method	Rules 11–12 prohibit indiscriminate attacks. The prohibition is engaged if the weapon's effects cannot be limited in a densely populated civilian area.
Proportionality	Rule 14 compares harm anticipated before the attack with the concrete and direct military advantage expected. The assessment concerns circumstances that could be anticipated before the attack.
Precautions in attack	Rules 15–20 address target verification, means and methods, harm assessment, cancellation where required, and effective advance warning where circumstances permit.

Legal basis: ICRC customary rules 1, 7–8 and 11–20 [23], PDF pp. 1–3; see Gillard [27] for proportionality analysis.

Prima facie, the market's civilian character and reports of extensive civilian harm provide serious grounds to examine possible breaches of distinction and precautions. If deliberate targeting of the civilian market is established, the prohibition on attacking civilians/civilian objects would be breached; classification as a war crime requires proof of separate elements, including conflict nexus and the requisite intent. A claimed military target does not remove the need to assess proportionality and precautions.

Priority evidence: attack time and market activity; munition remnants; flight and targeting records; contemporaneous use of the bridge; hospital and burial records; command structure. Identifying victims requires forensic investigation and comparison of records. [12, 23, 27, 39]

4. Displacement and humanitarian access

UNICEF's mid-year data identify 16.2 million people in humanitarian need, including 4.9 million children. June–July sources put internal displacement at approximately 3.8 million people. OCHA's first-half dashboard reports reaching 3.1 million people; being reached does not establish adequate, sustained assistance. [3, 4, 9]

KHRG's research on women's experiences treats displacement as continuing insecurity rather than a single movement. Camps may also be unsafe: Reuters's 5 October report relayed eight deaths in two days of attacks on displacement camps in Rakhine. Its attribution and casualty information came from an armed-group statement. [7, 16]

Landmine and explosive ordnance risks

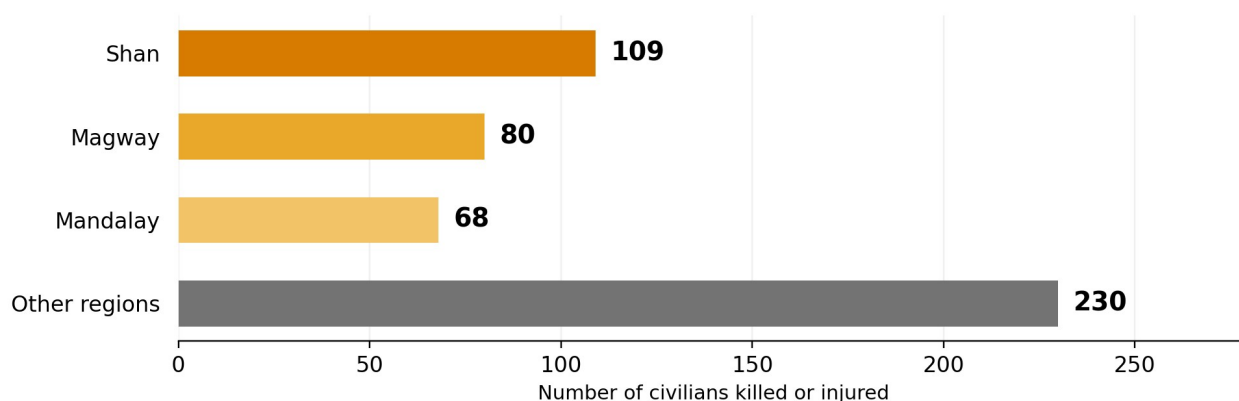


Figure 2. Civilians killed or injured in landmine and explosive ordnance incidents, January–June 2026. Source: UNICEF, September 2026 publication. [5]

UNICEF recorded 487 civilians killed or injured in 327 incidents, including 113 children (23.2%). The 230 people grouped under “other regions” account for 47.2% of the total. This aggregated category does not provide a separate figure for Rakhine. The data concern landmine and explosive ordnance incidents. [5]

Note: The chart uses the summary distribution on UNICEF's webpage. “Other regions” groups the remaining states and regions. The absence of a separate Rakhine figure does not indicate an absence of casualties there. The chart shows recorded casualties without adjusting for differences in population or exposure.

Relief access and local capacity

Progressive Voice's Dry Zone study considers checkpoints, administrative obstacles and risks facing relief workers together. These are not merely logistical problems: the responsible actor, duration, justification and civilian consequences of restrictions must be recorded. Localisation research questions the transfer of compliance and security costs from donors to local organisations. [18, 34, 35]

ICRC Rule 55 requires parties to allow and facilitate rapid, unimpeded passage of impartial relief without adverse distinction, subject to their right of control. Rule 56 protects the essential freedom of movement of authorised relief personnel; temporary restrictions require imperative military necessity. Rule 129B prohibits conflict-related orders to displace civilians except within narrow exceptions; Rules 131–132 address reception conditions and voluntary return in safety. [23]

Priorities: Direct, predictable support for local health networks; safe routes to school, risk education, clearance and rehabilitation. Identities and locations of aid recipients should not be published without a security assessment.

5. People returned from Malaysia

According to SUHAKAM's statement of 1 October, the 1,476 Myanmar nationals returned from Malaysia on 29 September 2026 included 27 children. Independent information remains limited concerning the group's ethnic composition, individual protection needs and post-return circumstances. [11, 21, 58]

Event / process	Publication and evidence	What can be concluded
29 September: return operation	30 September: UNHCR statement [11]	1,476 people; UNHCR lacked access and could not assess whether decisions were free and informed.
4 October: arrival in Yangon	4 October: AP [21]	The report records arrival but provides no independent findings on subsequent safety and living conditions.
Claim of voluntariness	Malaysian statement relayed by UNHCR and Fortify Rights [11, 20]	The claim of voluntariness requires examination through individual protection assessments.

Voluntariness and safety require separate assessment

Assessment of voluntariness should consider the duration of detention, access to understandable information and independent advice, available alternatives and pressure on family members. Conditions at the destination also require examination, including risks of detention, conscription, torture and discrimination, and access to essential services. Children's needs and best interests require specific assessment. [11, 36, 37]

UNHCR's lack of access prevented it from assessing whether the decisions to return were free and informed. [11]

Non-refoulement and children's protection

Malaysia's non-participation in the 1951 Refugee Convention, ICCPR and Convention against Torture makes the customary-law basis of non-refoulement particularly significant. UNHCR considers the principle binding on Malaysia on this basis. Return decisions require an individual assessment of risks of persecution and other serious harm in light of current country information. [22, 24]

Malaysia is party to the Convention on the Rights of the Child. The current, unwithdrawn reservations recorded by the UN Treaty Collection concern Articles 2, 7, 14, 28(1)(a) and 37; Articles 3, 12 and 22 are not on that list. These three provisions are relevant to best interests, hearing the child's views and protection of refugee children, respectively. Return with family does not replace a child-specific assessment. [24, 25, 26]

Safeguards requiring practical verification

Malaysian authorities should ensure UNHCR access, interpretation and legal assistance, an independent pre-return risk assessment and an effective appeal available before removal takes place. Post-return monitoring should include independent confidential interviews, family contact, detention and renewed displacement risks. Personal data should not be passed to destination authorities without consent and a security assessment.

As of 10 October 2026: HRW's 6 October statement reports the government's announcement that 3,524 people had been approved for a second phase. Reuters reported Min Aung Hlaing's 8 October pledge to dispatch ships for further returns. The sources reviewed did not verify completion of a second transfer or restoration of UNHCR access. Independent risk assessment and post-return monitoring remain necessary. [20, 56, 57]

6. Responsibility, accountability and literature

The humanitarian-law analysis concerns non-international armed conflicts meeting the organisation and intensity thresholds. Human rights obligations also continue: Myanmar's participation in the CRC, CEDAW, CRPD and ICESCR must be considered for the rights concerned; participation in the ICCPR or CAT must not be assumed. [28, 54]

The Arakan Army and de facto governance

The AA, which controlled much of Rakhine during the period reported by OHCHR, is bound as a conflict party by Common Article 3 and applicable customary humanitarian law. These duties do not depend on recognition or political legitimacy. Civilian protection, prohibitions of torture and adverse discrimination, detention safeguards and relief access must therefore also be assessed in relation to the AA. [1, 10, 23]

The AA's territorial control and influence over public services also raise questions of de facto human rights responsibility. The legal basis and scope of these responsibilities remain debated and differ from States' treaty obligations. The ICRC approach and relevant scholarship emphasise stable control over populations. Rohingya access to identity documents, movement, property and places of worship should be examined in this context. [2, 50, 51]

International mechanisms and proceedings

Mechanism	Jurisdiction and procedural position
IIMM	Collects and analyses evidence of international crimes to support competent judicial authorities. Its 2026 report, A/HRC/63/19, pp. 5–11, addresses attacks, detention, Rakhine and support to proceedings. [10]
International Criminal Court	The ICC's public situation page describes the Prosecutor's 27 November 2024 application for an arrest warrant against Min Aung Hlaing as pending before Pre-Trial Chamber I. The connection to Bangladesh is relevant to the Court's territorial jurisdiction. [29, 53]
International Court of Justice	The <i>Gambia v. Myanmar</i> concerns State responsibility under the Genocide Convention. Merits hearings took place on 12–29 January 2026, after which the Court began deliberating. The judgment date is to be announced separately. [30]

As of 10 October 2026: No subsequent ICJ merits judgment, new order or announced judgment date could be verified. The October expectation reported by The Standard on 23 September was attributed to the Gambian Justice Minister. No publicly announced decision granting or rejecting the ICC application could be verified either. Paragraph 50 of IIMM's report explains that applications and related decisions may remain confidential; public records do not establish whether a confidential decision exists. [10, 30, 53, 55]

Contribution of selected scholarship

Cheesman's (2017) study of citizenship and ethnic exclusion illuminates the historical and institutional dimensions of the Rohingya's loss of rights. Brenner (2026) and Loong (2026) examine armed organisations' relationships with local communities and the varied forms of governance emerging during conflict. These studies inform analysis of the relationship between current abuses, exclusionary citizenship arrangements and fragmented local authority. [31, 32, 33]

Nwe Hlaing, Wells and Décobert (2024) and Décobert et al. (2025) examine burdens transferred to local actors by aid bureaucracy. McConnachie (2022) and Ottonelli–Torresi (online 2024) connect return to border governance and meaningful choice. Gillard (2018) informs consideration of foreseeable indirect harm in proportionality analysis. [27, 34, 35, 36, 37]

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Numbers correspond to in-text citations. Source titles are clickable. Tags identify source type, not a uniform verification standard. Access and editorial review: 9–10 October 2026.

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