

SAC-M Briefing Paper:

The Myanmar Military is a Terrorist Organisation Under Law

14 December 2021

Summary

Residents of Myanmar have increasingly referred to the country's military, the Tatmadaw, as terrorists, particularly since the 1 February 2021 attempted coup d'état. On 7 June 2021, the Tatmadaw was formally declared a terrorist organisation by Myanmar's National Unity Government, which was appointed by elected lawmakers in April.ⁱ

A review of relevant international and national law shows that three core elements are required to constitute an act of terrorism.

- 1) Firstly, there must be intentional action or actions to take hostages, or to cause death or serious injury to members of the general population, or to use lethal or other violence against members of the general population.

The Tatmadaw has perpetrated all these acts, including detaining government officials and members of the general public, as well as inflicting death and serious injury on thousands of members of the public.ⁱⁱ

- 2) Secondly, the action or actions must be intended to provoke a state of terror in the general public, or to compel a government to do or abstain from doing something.

The Tatmadaw's actions since 1 February in particular, including but not limited to the examples above, are clearly designed to inflict a state of terror on the population. The current campaign of terror is the latest manifestation of the Tatmadaw's decades-old strategy of imposing its will through fear.

- 3) Third, the action or actions must be serious criminal offences under national or international law.

The Tatmadaw's hostage-taking, killings and serious bodily injuries, conducted with the intention of provoking terror in the population, constitute terrorism offences under Myanmar's own law. And, while international law on terrorism may not apply to all the actions of militaries against their own people, the definitions of the acts of terrorism in international law clearly paint the Tatmadaw as terrorists.

The Special Advisory Council for Myanmar (SAC-M) considers the Tatmadaw to be an armed terrorist group, which engages in terrorism against the peoples of Myanmar.ⁱⁱⁱ SAC-M has likened the Tatmadaw's recent actions to those committed in the 2000s in Iraq by the designated terrorist group Islamic State (or Daesh) after receiving reports that Tatmadaw soldiers rigged dead bodies with landmines.^{iv} Extensive documentation has been produced on the Tatmadaw's terrorist acts.^v

This Briefing Paper provides an overview of relevant international and national law on terrorism. It demonstrates that, as well as being responsible for widespread violations of international human rights law and international humanitarian law and serious international criminal offences, including crimes against humanity, the Tatmadaw is also a terrorist organisation and should be designated and treated as such.

Examples of Tatmadaw acts of terrorism

The Tatmadaw is notorious for inflicting extreme violence on civilians from Myanmar's ethnic minorities as well as protestors during previous democratic uprisings. Tatmadaw violence has turned nationwide since the attempted coup in February, which was resoundingly rejected and resisted by the Myanmar public at large. Rather than change course in the face of popular opposition to its political objectives, the Tatmadaw responded with brutality. Certain repeated forms of this brutality have been

excessively cruel, deliberately public, indiscriminate, sudden and shocking, the apparent calculation being that the impact will reach far beyond those directly affected and provoke such terror in the population as a whole that ultimately people will submit to military rule out of fear.

It is beyond the scope of this Briefing Paper to document each reported Tatmadaw act of terror, however several emblematic cases since the coup are illustrative of the military's use of terrorist tactics, including extensive patterns of violence and barbarity.

They include public beatings and killings. Nineteen-year-old Kyal Sin was shot in the head and killed by a Tatmadaw sniper firing into the crowd during what started as a peaceful protest in Mandalay in March.^{vi} Pictures of snipers at the protests had already been leaked and within days dozens of protestors were killed by apparently random shots to the head. Prominent protest leader Wai Moe Naing was rammed by a car, beaten and dragged away by military forces during a protest in Sagaing Region in April.^{vii} A photo of him in custody, badly beaten, was later released and shared widely. Many bodies of those killed or injured and dragged away during the anti-coup protests were later returned to families with signs of torture or mutilation, instilling further terror.^{viii} The Tatmadaw has carried out violent and random night-time raids with thousands of people now abducted or disappeared.^{ix} Fears of torture in military custody are deliberately stoked by the Tatmadaw broadcasting images of the bruised and bloodied faces of those detained. The pictures of four men and two women abducted in Yangon in April were screened at prime time with black eyes and broken jaws on a military-owned television channel.^x When the target of a raid cannot be located, family members, including children, have been taken hostage by the Tatmadaw. In September, the UN Special Rapporteur on human rights in Myanmar told the Human Rights Council that child victims of Tatmadaw hostage-taking were as young as 20 months old.^{xi}

Furthermore, in many cases the arbitrary detention of government officials clearly amounts to the terrorist act of hostage taking, where attempts have

been made to compel detainees to testify or otherwise act against fellow elected officials, under threat of injury or prolonged detention for non-compliance.

Eleven months into the attempted coup, reports of Tatmadaw acts of terror continue. In the first week of December, five peaceful protesters in Yangon were killed when a military truck rammed into the crowd at high speed.^{xii} Reports indicate that more than a dozen incidents of military vehicles ramming protesters have been documented since February.^{xiii} A five-year-old girl was shot in the head by soldiers in Mandalay as retribution against the community for a nearby bomb attack.^{xiv} A mother was killed and her four-year-old child's leg amputated after they stepped on a landmine planted by soldiers outside of their house in Mindat, Chin state, a town subjected to repeated bouts of collective punishment for its resistance.^{xv} Finally, in Sagaing region eleven men and boys were rounded up, tied to a pole and set on fire, reportedly while some or all of them were still alive. Photos and footage of the scene taken soon after by members of the community showing their charred and contorted bodies were spread across social media.^{xvi}

Defining terrorism under international law

There is no single accepted definition of terrorism in international law and there is no comprehensive universal definition of what constitute acts of terrorism. However, a generally internationally accepted understanding of the elements constituting terrorist acts can be gleaned from the relevant treaties and documents issued by the UN.^{xvii}

A 991-page compendium compiled by the UN Office of Legal Affairs lists 20 treaties associated with terrorism, as well as various resolutions issued by the UN Security Council (UNSC) and General Assembly (UNGA).^{xviii} Of these, the 1994 UN Declaration on Measures to Eliminate International Terrorism, issued as a UNGA resolution, includes a definition that is broadly reflected in subsequent agreements:

“Criminal acts intended or calculated to provoke a state of

terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable...^{xxix}

The UNSC since expanded on this definition in a 2004 resolution, invoking its authority under Chapter 7 of the UN Charter to maintain international peace and security:

"...[C]riminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act... are under no circumstances justifiable..."^{xxx}

Similar language is found in the Association of Southeast Asian Nations (ASEAN) Terrorism Convention.^{xxxi}

The UNGA has also expanded the definition further, explaining that all terrorist acts are:

"...[a]imed at the destruction of human rights, fundamental freedoms and democracy, at threatening territorial integrity and the security of States and at destabilizing legitimately constituted Governments..."^{xxxi}

International counter-terrorism treaties lack a comprehensive definition of terrorism as they focus on specific subjects, such as nuclear terrorism and the financing of terrorism. Drafting efforts for a comprehensive counter-terrorism treaty have been ongoing for over 20 years.^{xxxi} In this context, a UN Special Rapporteur on terrorism and human rights proposed a "model definition", drawing from treaties

as well as international human rights law.^{xxiv} The model definition describes terrorism as "an action or attempted action where":

The action: (a) Constituted the intentional taking of hostages; or (b) Is intended to cause death or serious bodily injury to one or more members of the general population or segments of it; or (c) Involved lethal or serious physical violence against one or more members of the general population or segments of it; and

The action is done or attempted with the intention of: (a) Provoking a state of terror in the general public or a segment of it; or (b) Compelling a Government or international organization to do or abstain from doing something; and

The action corresponds to: (a) The definition of a serious offence in national law, enacted for the purpose of complying with international conventions and protocols relating to terrorism or with resolutions of the Security Council relating to terrorism; or (b) All elements of a serious crime defined by national law.^{xxv}

In the absence of any universal definition of terrorism, this model definition is particularly useful for the purpose of assessing possible terrorist acts of State institutions, because it is comprehensive and consistent with international human rights law. For this reason, it can be used to assess acts of the Tatmadaw and has been adopted in this paper.

It is important to note that most international counter-terrorism treaties do not apply to all instances of terrorism. Most do not apply to terrorism occurring in domestic contexts, where acts do not have an international character or component. Most

contain a clause stating that the treaty does not apply to acts by national military forces committed within their own territory.^{xxvi} As a result, while the Tatmadaw's acts may fall within the definition of terrorism contained in international counter-terrorism treaties, the treaties themselves may not be fully applicable to the Tatmadaw.

However, acts of terrorism almost always constitute crimes under national law, and the definitions of terrorism under international law can assist in determining whether a State or States should also recognise those crimes as the acts of terrorists, and treat the Tatmadaw accordingly.^{xxvii}

Acts of terrorism under Myanmar Law

Myanmar has a 2014 Counter-Terrorism Law. Like many Myanmar laws, it is problematic, for being overly broad and vague and so unclear, and for lacking clear lines of responsibility and accountability, thus making it prone to abuse. Myanmar authorities have a track-record of being selective and arbitrary in using this law.^{xxviii}

However, this law is helpful for assessing if acts occurring in the country constitute terrorism, and for giving a legal basis to unequivocally describe perpetrators of such acts as terrorists.

Section 4 of the law lists its objectives. Note that these objectives, as well as to prevent and protect people against terrorism, include an affirmation and endorsement of the relevant international law and policy. The law's stated objectives are:

(a) to prevent an act of terrorism against the life and property of human beings and infrastructure facilities and environment;

(b) to prevent an act of terrorism by using various means in executive, economic and social sectors of the State;

(c) to prevent and take action by revealing the terrorist groups, terrorists, their activities, instigation and causes of

terrorism, and offences of financing of terrorism; and

(d) to enable to implement pursuant to the United Nations International Conventions, resolutions of the United Nations Security Council, ASEAN Conventions for counter terrorism in carrying out the prevention and suppression of terrorism.

Section 3 lists a range of acts which, as well as tending to be crimes under the penal code, are categorised as terrorism offences, including:

(iii) an act against the taking of hostages...;

(ix) an offence against financing and providing material of terrorism;

(x) acts which cause serious damage and loss to the public security or life and property of the public or the important infrastructure facilities for the public or individual or State-owned facilities...;

(xiii) acts which cause death or serious injury to a civilian or any other person not participating at hostilities in the situation of armed conflict with the intent to cause fear in the public, to force Government or any internal and international organization to do unlawful act or to refrain from doing lawful act, and other acts;

(xiv) acts... which cause serious damage to the health or safety of the public or the environment with the intent to terrorize;

(xv) acts of exhortation, persuasion, propaganda, recruitment of any person to participate in any terrorist group...^{xxx}

According to the law, a terrorist is an individual or group responsible for any of these or other prescribed acts.^{xxx}

The law also contains more detailed chapters on certain categories of terrorism offences, such as hostage-taking, covered in chapter 6:

Whoever: (a) seizes or detains any person, and requests any other person or State or international intergovernmental organization or association formed under law or any group of persons to do unlawful act or refrain from doing lawful act and threatens with condition to kill, to injure or to continue to detain the hostage if the request is refused and to release the hostage if it is accepted, amounts to an offence of taking of hostage (b) attempt, abetment, instigation to commit any offence or participation as an accomplice in such offence contained in sub-section (a), amounts to such offence.

Importantly, while relevant international treaties explicitly do not apply to potential acts of terrorism by military forces within their territory, Myanmar's 2014 Law does not include this type of limitation.^{xxxii} This means that members of the Tatmadaw and the

Tatmadaw as an institution remain liable to be classed as terrorists under Myanmar law.

Conclusion & recommendations

The actions of the Tatmadaw following the 1 February coup d'état clearly fall within the definitions of terrorism under international law. These same actions fall within the terrorism offences under the Myanmar 2014 Counter-Terrorism Law, and are thereby crimes under national law. Myanmar's National Unity Government has rightly used its authority to prescribe the Tatmadaw as a terrorist organisation. UN organs, entities, agencies and forums and other States should follow.

SAC-M reiterates its call for members of the international community of States, including at the United Nations Security Council, to recognise and to designate the Tatmadaw as a terrorist organisation and its leaders as terrorists. As terrorists, they cannot be a genuine partner for negotiation and should be subject to collective action under the Responsibility to Protect (R2P) principle, including: cutting the flow of arms; cutting the flow of cash; and cutting the impunity that they continue to enjoy.^{xxxii}

The Special Advisory Council for Myanmar is a group of independent international experts, who came together in response to the February 2021 military coup in Myanmar, to support the peoples of Myanmar in their fight for human rights, peace, democracy, justice and accountability. For information about SAC-M and details of our work, please visit <https://specialadvisorycouncil.org/>

Credible reports as secondary sources of research are used to compile reliable information for SAC-M Briefing Papers that is then further verified through independent and secure sources.

ⁱ The National Unity Government (NUG), established in April 2021 by elected lawmakers who comprise the Committee Representing the Pyidaungsu Hluttaw (CRPH), issued an announcement entitled: “Announcement on Counter Terrorism and the Designation of Terrorist Organizations”. The statement designates “the Tatmadaw and its affiliated organisations as terrorist organisations” and further includes, inter alia, the text: “Generally, five critical components of terrorism include an involvement in an act of violence, an audience, the creation of a mood of fear, innocent victims, and political goals or motives”. See Republic of the Union of Myanmar National Unity Government, “Announcement on Counter Terrorism and Designation of Terrorist Organizations,” Announcement 3/2021, 7 June 2021, available at: <https://www.facebook.com/crph.official.mm/photos/p.cb.197140835745229/197139209078725>, (accessed 13 July 2021). The NUG’s announcement followed a declaration issued by the military junta’s “Special Administrative Council” on 8 May 2021, that the Committee Representing the Pyidaungsu Hluttaw (CRPH) was as a terrorist group. See GNLM, “Anti-Terrorism Central Committee, Declaration of Terrorist Groups, Notification 2/2021, 8 May 2021” published 9 May 2021, available at: <https://www.burmalibrary.org/sites/burmalibrary.org/files/obl/GNLM2021-05-09-red.pdf> (accessed 13 July 2021).

ⁱⁱ These have been extensively documented by the United Nations, human rights groups and media agencies, and consistently highlighted by SAC-M. See for example: “SAC-M: MYANMAR MILITARY TARGETING MEDICAL PROFESSIONALS” 7 May, available at: (accessed 6 November 2021).

ⁱⁱⁱ “SAC-M SAYS MYANMAR MILITARY IS ENGAGING IN TERRORISM AND CALLS FOR GLOBAL “THREE CUTS” STRATEGY” 28 March 2021, available at: <https://specialadvisorycouncil.org/2021/03/sac-m-says-myanmar-military-is-engaging-in-terrorism-and-calls-for-global-three-cuts-strategy/> (accessed 6 November 2021).

^{iv} “MYANMAR MILITARY JUNTA ENGAGING IN TERRORISM WITH FLAGRANT DISREGARD FOR UNITED NATIONS MEETINGS” 27 September 2021, available at: <https://specialadvisorycouncil.org/2021/09/myanmar-military-junta-engaging-in-terrorism-with-flagrant-disregard-for-united-nations-meetings/> (accessed 6 November 2021).

^v For example, see Assistance Association for Political Prisoners (AAPP) 2021 Coup Daily Briefings, available at: <https://aappb.org/?cat=109> (accessed 19 November 2021), UN Special Rapporteur on the situation of human rights in Myanmar reports, press releases and statements, available at: <https://www.ohchr.org/en/hrbodies/sp/countriesman/dates/mm/pages/srmyanmar.aspx> (accessed 19 November 2021), Amnesty International Myanmar News, available at: <https://www.amnesty.org/en/latest/news/?qlocation=1821> (accessed 19 November 2021), Independent Investigative Mechanism for Myanmar (IIMM) bulletins, available at: <https://iimm.un.org/category/news-features/> (accessed 19 November).

^{vi} See “‘Everything will be OK’: slain Myanmar teen’s T-shirt slogan spurs defiance” 3 March 2021, available at: <https://www.reuters.com/article/us-myanmar-politics-victim-idUSKBN2AV247> (accessed 11 December 2021)

^{vii} See “Mother of Prominent Protest Leader Detained by Myanmar Junta Fears for his Health” 21 April 2021, available at: <https://www.irrawaddy.com/news/burma/mother-prominent-protest-leader-detained-myanmar-junta-fears-health.html> (accessed 11 December 2021)

^{viii} See “Myanmar’s junta uses bodies as tools of terror in crackdown” 26 May 2021, available at: <https://apnews.com/article/myanmar-business-cc400550ff89c429bc809aa356abbe4d> (accessed 11 December 2021)

^{ix} See “Myanmar’s military disappearing young men to crush uprising” 5 May 2021, available at: <https://apnews.com/article/united-nations-myanmar-technology-e5c0036949f7e7fb8ce1da5884f250a4> (accessed 11 December 2021)

^x See “Outcry in Myanmar as military airs images of ‘tortured’ detainees” 19 April 2021, available at: <https://www.aljazeera.com/news/2021/4/19/outcry-in-myanmar-as-military-airs-images-of-tortured-detainees> (accessed 11 December 2021)

^{xi} See “Myanmar junta abducting children of people targeted for arrest, says UN expert” 23 September 2021, available at: <https://www.theguardian.com/world/2021/sep/23/thousands-of-civilians-flee-myanmar-town-after-military-clash-with-rebels> (accessed 11 December 2021)

^{xii} See “Five killed, dozens injured in Myanmar military ramming attack on peaceful protest” 6 December 2021, available at:

<https://www.rfa.org/english/news/myanmar/attack-12062021163754.html> (accessed 11 December 2021)

^{xiii} See “A Chronology of the Myanmar Junta’s Vehicle-Ramming Attacks on Peaceful Protesters” 8 December 2021, available at:

[https://www.irrawaddy.com/news/burma/a-chronology-of-the-myanmar-juntas-vehicle-ramming-attacks-on-peaceful-protesters.html?utm_source=The+Irrawaddy&utm_campaign=d78596c602-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_1465753ec6-d78596c602-26436421&ct=t\(RSS_EMAIL_CAMPAIGN\)](https://www.irrawaddy.com/news/burma/a-chronology-of-the-myanmar-juntas-vehicle-ramming-attacks-on-peaceful-protesters.html?utm_source=The+Irrawaddy&utm_campaign=d78596c602-RSS_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_1465753ec6-d78596c602-26436421&ct=t(RSS_EMAIL_CAMPAIGN)) (accessed 11 December 2021)

^{xiv} See “Five-year-old Girl Killed by Myanmar Junta Forces” 7 December 2021, available at: <https://www.irrawaddy.com/news/burma/five-year-old-girl-killed-by-myanmar-junta-forces.html> (accessed 11 December 2021)

^{xv} See “A 45 yr-old mother was killed & her 2 yr-old child lost both her legs...” 6 December 2021, available at:

<https://twitter.com/ChinHumanRights/status/1467776918531416067> (accessed 12 December 2021)

^{xvi} See “Myanmar troops massacre, burn 11 villagers in Sagaing” 7 December 2021, available at: <https://www.rfa.org/english/news/myanmar/burn-12072021165002.html> (accessed 11 December 2021)

^{xvii} The five core UN conventions or declarations are: the 1973 Protection of Diplomats Convention; the 1979 Hostages Convention; the 1997 Terrorist Bombings Convention; the 1999 Terrorist Financing Convention; and the 2005 International Convention for the Suppression of Acts of Nuclear Terrorism. Of these Myanmar is Party to all but the 2005 International Convention for the Suppression of Acts of Nuclear Terrorism. The remaining conventions are multilateral or regional instruments, including the 2007 ASEAN Convention on Counter-Terrorism. Note too resolutions of the UNGA including, importantly, the 1994 Declaration on Measures to Eliminate International Terrorism, and its 1996 supplementary declaration.

^{xviii} UN Office of Legal Affairs, “International Instruments related to the Prevention and Suppression of Terrorism” 2009, available at: <https://www.un-ilibrary.org/content/books/9789210477024/read> (accessed 10 July 2021). The four core international treaties are the 1973 Protection of Diplomats Convention; the 1979 Hostages Convention; the 1997

Terrorist Bombings Convention; and the 1999 Terrorist Financing Convention. Note too the 2007 ASEAN Convention on Counter-Terrorism (Association of South East Asian Nations, of which Myanmar is a member).

^{xix} Art 3. Passed as a UNGA resolution in 1995. The 1994 declaration is recalled in the preambular text of all three of the subsequent related UN treaties, indicating its consensus character under international law.

^{xx} UNSC resolution 1566(2004), operative paragraph 3. The UNSC has previously and since invoked Chapter 7 in relation to terrorism, for instance in resolution 1373 (2001) in which States were called upon to take certain measures to address terrorism, including preventing and suppressing financing to terrorists.

^{xxi} Article 9(1) of the ASEAN Convention: “The Parties shall adopt such measures as may be necessary, including, where appropriate, national legislation, to ensure that offences covered in Article II of this Convention, especially when it is intended to intimidate a population, or to compel a government or an international organisation to do or to abstain from doing any act, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.”

^{xxii} UNGA resolution 72/284 (2004), preambular paragraph 10.

^{xxiii} See for example: “Draft comprehensive convention on international terrorism: working document / submitted by India” 2000, available at: <https://digitallibrary.un.org/record/422477?ln=en> (accessed 10 July 2021).

^{xxiv} Amid growing concerns about States’ use of counter-terrorism laws and security operations, in 2005 the UN Human Rights Council created a Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, whose mandate continues. The focus of related human rights law, practice and discourse has been on the abuse of counter-terrorism measures rather than State involvement in terrorism, although concerns about the misuse of counter-terrorism laws was nothing new. Importantly, in the UN Global Counter-Terrorism Strategy adopted in 2006, one of four pillars is “respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism”.

^{xxv} “Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Martin Scheinin” December 2010, UN Doc. A/HRC/16/51, available at:

<https://undocs.org/en/A/HRC/16/51> (accessed 13 July 2021).

^{xxvi} International law on terrorism does not specifically address a situation where armed forces are engaging in terrorism within their own territory. Yet such acts may still be prescribed as terrorism in domestic law. Those acts are likely to be considered to be crimes under international law unrelated to terrorism, for instance the crime against humanity of murder, of imprisonment or other severe deprivation of liberty, of torture, and of enforced disappearance of persons, all of which are likely applicable to the actions of individuals in the Tatmadaw before and since the 2021 coup.

^{xxvii} Regarding the designation of terrorist groups in the international arena, many States have a practice of designating individuals and States for involvement in terrorism and instituting measures accordingly. Generally, the designated entities are non-State actors, although not always, for example the United States listed Iran's Revolutionary Guards Corps as a terrorist organisation, albeit for its acts abroad rather than those inside Iran. The UN Security Council maintains a listing system as part of sanctions regimes, as does the EU and others. For a discussion of these, see: International Commission of Jurists, "Report of the Eminent Jurists Panel on Terrorism, Counter-Terrorism and Human Rights: Assessing Damage, Urging Action" 2009, pages 113-117, available at: <https://www.icj.org/report-of-the-eminant-jurists-panel-on-terrorism-counter-terrorism-and-human-rights/> (accessed 12 July 2021).

^{xxviii} Prior to the 1 February 2021 coup in Myanmar, the 2014 Counter-Terrorism Law is known to have been used twice to prescribe groups as terrorists qualifying for investigation and prosecution for criminal offenses listed in the law: on 25 August 2017, the Arakan Rohingya Salvation Army (ARSA) was listed; and in March 2000, the Arakan Army (AA) was listed, a designation that was revoked by the junta around six weeks after its attempt to seize power in February 2021. Regarding the ARSA designation, it is still not clear if any individuals were prosecuted under this law, although further research could establish this, and an analysis published by the International Commission of Jurists highlights how the terrorist designation was nonetheless used punitively, including against civilians and children. See: ICJ, "Myanmar: 'Terrorist' list publications defy rule of law principles and put lives at

risk" 25 January 2018, available at: <https://www.icj.org/myanmar-terrorist-list-publications-defy-rule-of-law-principles-and-put-lives-at-risk/> (6 November 2021). Separately to these two cases in Rakhine State, note that in December 2016 the Shan State parliament passed a motion declaring the "Northern Alliance" group of Ethnic Armed Organisations as a terrorist group, although this carried no legal effect nor authority. See: "Shan State gov't proclaims Northern Alliance 'terrorists'" 8 December 2016, BNI, available at: <https://www.bnionline.net/en/news/shan-state/item/2560-shan-state-govt-proclaims-northern-alliance-terrorists.html> (accessed 13 July 2021).

^{xxix} This is an abridged selection of the acts prescribed in section 3(b) of the law.

^{xxx} 2014 Myanmar Counter-Terrorism Law, articles 3(u) and 3(v): "Terrorist means any person who commits or attempts to commit unlawfully any act of terrorism by any means directly or indirectly, or participates as an accomplice in an act of terrorism or directs or organizes others to commit an act of terrorism or intentionally contributes to commit an act of terrorism" and "Terrorist group means a group of two or more persons formed taking a period of time to commit an act of terrorism. In this expression, a group of terrorists declared under the resolution of United Nations Security Council or by the Central Body with the approval of the Union Government is also included."

^{xxxi} While there are a limited number of non-applicability clauses, each is specific to an article or category of terrorist offences, for example the provisions on nuclear terrorism do not apply to military forces during an armed conflict (section 26(f)). There is otherwise nothing to say that military actors are not governed by the law, for example in acts of hostage-taking or killings: chapter 6, for instance, specifically states that "whoever" is involved in the prescribed acts of hostage-taking in turn commits a terrorism offence under the law.

^{xxxii} See the SAC-M Briefing Note on this topic: "BRIEFING PAPER: THE RESPONSIBILITY TO PROTECT (R2P) IN MYANMAR" 1 September 2021, available at: <https://specialadvisorycouncil.org/2021/09/briefing-paper-the-responsibility-to-protect-r2p-in-myanmar/> (accessed 6 November 2021).