

JUDICIAL SYSTEMS IN CHINLAND

AFTER THE 2021 COUP



The Chin Center for Peace and Reconciliation



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An Assessment Report by

The Chin Center for Peace and Reconciliation (CCPR)

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— CHAPTER 1 —

Executive Summary

This assessment report evaluates the judicial system in Chinland¹, a region undergoing significant historical, political, and social transformations. The judiciary functions within a complex framework influenced by the 2021 military coup, the rise of armed resistance groups, and the coexistence of customary and formal legal systems. The report aims to identify current challenges, assess the effectiveness of judicial structures, and propose reforms to ensure equitable access to justice for all people living in Chinland.

Beginning with a historical overview, the report traces the evolution of the judiciary from historic customary practices, changes under colonial rule to the present, highlighting how past political dynamics have shaped its current state. Today, Chinland's judicial system is decentralized and rooted in local administrative bodies (LABs)² that have established systems at the village level or township or tribal councils. LABs and justice bodies face immense challenges, including inadequate resources, insufficient training for legal personnel, and limited public awareness of judicial processes.

¹ Chinland refers to the region primarily inhabited by the Chin people, an ethnic group native to the mountainous areas of western Myanmar, near the borders with India and Bangladesh. This region, known for its rich cultural heritage and distinct languages, includes Chin State in Myanmar, as well as areas where Chin communities reside in India. The Chin people have a unique history, with a strong sense of identity tied to their ancestral lands. Despite challenges such as political marginalization and limited access to resources, Chinland remains a vibrant area. Chin people hold a deep commitment to preserving traditional practices and promoting their rights and well-being. The term "Chinland" thus not only refers to a geographic area but also symbolizes the cultural and political aspirations of the Chin community. In this context, we use the term "Chinland" instead of Chin State during this revolutionary period because the Chin people prefer it as a more comprehensive representation of their collective identity and homeland, which extends beyond Chin State's administrative boundaries.

² LABs (Local Administrative Bodies) refer to local governance bodies that emerged in the wake of the coup in Chinland. These bodies, typically consisting of local leaders, resistance groups, or community representatives, took over administrative and judicial responsibilities following the collapse of the previous government.

Village chiefs and customary experts³, who informally assist LAB courts, are crucial in resolving disputes through informal mechanisms; however, many communities face obstacles in accessing justice due to a lack of formal legal avenues. The report stresses the urgent need to modernize outdated legal frameworks, such as the Chin Special Division (Extension of Laws) Act of 1948, to align with contemporary standards and accommodate the diverse customs of the Chin tribes.

Moreover, a critical shortage of trained legal professionals hinders the judiciary's capacity and effectiveness. Public trust is further eroded by perceptions of inefficiency and a lack of transparency, compounded by ongoing political instability.

This assessment highlights the need for judicial reform in Chinland, recommending improvements in legal education, resource allocation, and the integration of customary and formal law. Strengthening these areas will enhance public trust and ensure equitable access to justice.

³ A 'customary expert' refers to an individual who possesses extensive knowledge and understanding of the traditional customs, practices, and beliefs of a Chin tribe or community. These individuals are often recognized by their community as experts on matters of tradition, rituals, and dispute resolution, and their expertise is passed down through generations. The Chin ethnic group consists of over 50 different tribes.

— CHAPTER 2 —

Introduction

This report provides a thorough evaluation of the judicial system in Chinland, including its structure, functions, and ability to address the needs of the Chin ethnic community. The report identifies critical issues and proposes actionable recommendations for strengthening the judicial framework, especially amid ongoing socio-political challenges and conflicts.

This assessment also presents an overview of the evolution of the judicial framework and the interplay between traditional practices and formal structures, with a focus on the emerging systems under the Local Administrative Bodies (LABs), which have emerged to maintain social harmony and address justice needs. Understanding the dynamics of this evolving system is crucial for developing frameworks that resonate with the aspirations of the Chin ethnic group.

Chinland's rich tapestry of tribal customs and historical governance practices has significantly influenced its judicial systems and practices. Historically, the Chin people have relied on customary law and community mediation for dispute resolution, with traditional leaders playing vital roles.⁴ However, colonial and post-colonial legal frameworks have introduced complexities that affect contemporary practices. The post-coup system, which was initially dominated by local armed resistance groups, has now established LABs which integrate traditional justice provision with more formal structures.

Despite ongoing efforts, the judicial system faces significant challenges, including shortages of human resources and infrastructure, inadequate training for personnel, and limited funding, all of which hinder effective justice administration.

This study emphasizes the need for a nuanced approach to judicial reform that respects cultural heritage while promoting effective governance. It is also

⁴ Sakhong, Lian H. (2003). "In Search of Chin Identity: A Study in Religion, Politics and Ethnic Identity in Burma."

important for understanding the evolving judicial landscape in Chinland, especially in the aftermath of the coup.

As the region navigates the transition from a centralized system to one led by LABs, there is an urgent need to evaluate the effectiveness and challenges of the emerging judicial framework. With limited resources, a mix of traditional and formal legal systems, and ongoing socio-political tensions, the assessment provides critical insights into how these factors intersect and influence the delivery of justice.

By evaluating the strengths and weaknesses of the current system, this report aims to identify key areas for improvement to ensure the judicial system meets the evolving needs of the Chin community.



— CHAPTER 3 —

Methodology

This assessment was guided by these three primary objectives:

1. Analyze the existing legal framework in Chinland and identify its weaknesses.
2. Systematically evaluate the structure, operations, and current state of each local administrative body's judiciary.
3. Assess the effectiveness of judicial systems, mechanisms, operations, and public services, while also identifying challenges, obstacles, and unmet needs.

Our assessment process began with a comprehensive review of existing literature and internal data on local governance, including LAB profiles, which CCPR has maintained since 2022. We have conducted 3 annual assessments of the capacity, effectiveness, and service delivery of 19 LABs during field visits. These assessments were complemented by information collected during governance workshops with LAB members, which included informal discussions about justice mechanisms. Building on this foundation, our field assessment team visited LAB areas from June to August 2024. After analyzing the data collected during the visits, we held a three-day validation workshop in January 2025. During the workshop, 30 participants, including administrators, judicial officials, and civil society representatives, provided further input on our findings.

The study employed a purposive sampling method. Forty-nine individuals were interviewed. This included 16 administrative and judicial personnel, 19 representatives from 16 Local Administrative Bodies, and 14 respondents from civil society organizations and the civilian population.

We also conducted a series of individual interviews and focus group discussions. These were conducted in an adaptive way based on the unique challenges posed by Chinland's operating environment. Data collection involved structured questionnaires and semi-structured interviews, enabling both specific responses and open-ended feedback from participants. Additionally, desk research was conducted to explore the historical legal context, international

human rights standards, reports from international organizations, and previous studies on Chinland's judiciary. This approach was especially useful for understanding the intersection of traditional and modern legal systems.

Our sample included interview and focus group participants selected based on their direct involvement in the judicial process or their expertise in Chinland's legal and tribal customs, ensuring a well-rounded perspective from key stakeholders. Interviews were conducted with key informants, including judges, court officials, legal professionals, and leaders from local administrative bodies and civil society organizations. The geographical scope of the assessment covered Chinland, focusing primarily on territories under the control of the Chinland Defense Forces. The findings presented in this report are drawn from extensive field research and interviews, providing insights into the current state of the judiciary in Chinland.

Limitations of the study

The research team encountered significant challenges during the data collection process. Security concerns severely limited access to local communities in some areas due to ongoing military operations. Many potential interviewees fled to temporary safe zones, making systematic sampling challenging. The research team was forced to evacuate on multiple occasions for safety reasons. At one point during fieldwork, the team narrowly avoided an airstrike. The rainy season exacerbated these difficulties, causing landslides that blocked many transportation routes, a similar issues resulting from Chinland's mountainous terrain. These conditions prevented access to several interview locations.

Political divisions between the two major Chin resistance actors posed additional barriers to data collection.⁵ The research team conducted fieldwork in areas controlled by both alliances but avoided categorizing LABs according to their political affiliations. CCPR prioritized maintaining research neutrality and ensuring participant safety, which limited data collection in a number of

⁵ The Chin political landscape is characterized by competing institutional frameworks between the Chinland Council (CC) and the Interim Chin National Consultative Council (ICNCC). The ICNCC was established on April 13, 2021, by 2020 elected members of parliament, the Chin National Front (CNF), political parties, civil society organizations, and Civil Disobedience Movement participants. However, significant internal disagreements emerged regarding governance approaches and policy implementation. In April 2023, the CNF formally withdrew from the ICNCC due to these disputes, and several individuals from political parties, civil society organizations, and MPs also left. Following the CNF's withdrawal, the Chinland Council was formed on December 6, 2023, following adoption of the Chinland Constitution by 235 representatives. According to Article 96 of the Chinland Constitution, the ICNCC's roles and responsibilities were transferred to the new council. However, some ICNCC members rejected this authority, and both institutions continue to operate in Chin State, creating ongoing institutional competition.

instances, making it difficult to comprehensively evaluate LABs across Chinland. The polarized political environment may have influenced participant responses, as some individuals may have withheld perspectives that could be perceived as favoring one alliance's policies or LABs over another.

In some townships, there were challenges for the resistance authorities themselves to participate. In these cases, the research team sought alternative perspectives from civil society organizations and other civilians.

Despite our efforts, this research does not comprehensively assess or capture the public sentiment toward the Chinland judicial system. Future research could benefit from employing a more wide-reaching methodology, such as surveys or polling, to gather insights directly from the public. This would provide a more representative understanding of public perceptions and experiences, complementing this study's findings and supporting the formulation of stronger policy recommendations.

— CHAPTER 4 —

Brief History of the Judiciary in Chinland through Different Eras

The Chin people trace their origins to Chinlung, believed to be in present-day China (Vomson, 1986)⁶. They began migrating to Myanmar in the early Common Era, settling along the Chindwin River by the 8th century. By the 10th century, many had moved to the Kalay-Kabaw region. The rise of feudal chiefs, known as Sawbwa, in the 15th century led to the expansion of Chin settlements into the Chin Hills and parts of India and Bangladesh.

From the 15th century until the late 19th century, this region was governed by chiefs who exercised self-governance without a formal judicial framework. Our knowledge of this period is limited by a lack of written sources, and because customary governance systems constantly evolve and are never frozen in an easily defined structure. Nonetheless, some features of these systems can be identified based on documentation of customary practices in later years, and some early observations by European visitors.

Under those systems, disputes were typically settled based on traditional customs, with resolutions often achieved through mutual agreement or, in the absence of consensus, through acts of revenge. There were no formal courts or judges at this time. Judicial practices varied by region and clan, especially regarding inheritance practices (Strait, 2014, p.379)⁷. The Ram Uk, or clan chief, along with village headmen, wielded significant authority (Sakhong, 2003, p.38), making final judgments with no right of appeal (Strait, 2014). Disobeying a ruling could lead to severe penalties, including loss of agricultural rights or expulsion from the community. In some cases, councils of village elders assisted the chief, but their decisions could not override the chief's authority (B.S. Carey and H.N. Tuck, 1896, P.3). As noted by British officers B.S. Carey and H.N.Tuck in 1896, "There is no word in [the Chin Hills] which corresponds to our definition of criminal law; custom alone governs the treatment of offenses."⁸

⁶ https://www.burmalibrary.org/docs12/Zo_History-Vumson.pdf

⁷ Strait, C. U. (2014). *The Chin People (A Selective History and Anthropology of the Chin People)*. Xlibris Corporation

⁸ <https://archive.org/details/in.ernet.dli.2015.41732>

However, some democratic elements took root, particularly for significant decisions, as seen in councils formed by the Cinzah clan in Thantlang. Notably, British officer Stevenson (1943)⁹ referred to the Tlaisun area as having adopted a “Democratic Council,” where elected elders governed without a chief.

Punishments during this period typically involve fines, with the most severe penalties including cattle fines or banishment. The customary judicial process mirrored civil proceedings today, where parties would present statements under oath. In 1884, Judge U Maung Tet Pyo compiled the customary laws of the Chin people, particularly those of the Asho Chin, in a book titled “ပစ္စိဇန ချင်း လူမျိုးတို့အပေါ်တွင် စီရင်ရာသော ဓမ္မသတ်” (Pyo, 1884)¹⁰.

Chinland Judiciary During the British Colonial Era

Following the British annexation of Chinland, governance was established under the Chin Hills Regulation of 1896, which integrated administrative and judicial powers in single individuals and offices, the Superintendent. The Superintendent served as a Sessions Judge, handling high level criminal matters, while leaving minor disputes to local leaders. Although the British introduced English Common Law, traditional systems were still recognized. Significant cases like murder were tried by the Sessions Judge, while local customs were employed for minor disputes (Stevenson, 1943, P. 148).

Despite the British regulations, traditional leaders retained some authority, seeing their powers only partially curtailed by the colonial administration. More widespread education among the populace and the influence of Christianity also diminished the role of traditional leaders (Sakhong, 2003, P. 231)¹¹. In some villages, strong personalities even came to dominate weaker clan chiefs (Strait, 2014, P. 164).

Judicial System in the Post-Independence Parliamentary Era

Following Myanmar’s independence in 1948, the Chin Special Division was established, continuing the Common Law system inherited from the British, though customary practices persisted in many areas. The Chin Special Division Act, which was promulgated in 1948, was grounded in democratic principles and recognized customary practices in judicial matters, particularly regarding inheritance. Village and township councils were empowered to administer justice according to local customs, with provisions for appeals to higher courts.

⁹ Stevenson, H. (1943). *The Economics of Central Chin Tribes*. The Times of India Press.

¹⁰ Pyo, M. T. (1884). *Customary Law of the Chin Tribe*. Yangon: Government Press.

¹¹ Sakhong, L. H. (2003). *In Search of Chin Identity*. NIAS Press Nordic Institute of Asian Studies.

Judicial System During the Military Dictatorship

The 1974 Constitution established the Chin State and redefined Chinland's governance by introducing a People's Judiciary Law that created councils at the township level with judges appointed from the general public, who often lacked legal training. This system marginalized customary practices and was largely ineffective, leading to its abolition after the 1988 uprising.

From 1988 to 2010, the judicial structure was reformed to include township, district, and state courts. The Chin Special Division Act became obsolete, and the judiciary functioned solely under the Union Judiciary Law. The 2008 Constitution reaffirmed this structure. Notably, the Chin Special Division Act was never formally repealed.

This historical overview highlights the evolving nature of the judiciary in Chinland, which is characterized by the interplay between traditional customs, the colonial influence of Common Law, and military governance.



— CHAPTER 5 —

Overview of Judicial Structure in Chinland after the Coup

Following the 2021 coup, the justice system in Chinland collapsed. A new system emerged in its place under the control of Local Administrative Bodies (LABs). These LABs now oversee a multi-tiered judicial systems that varies somewhat by region given differences in administrative control. The establishment of these systems in areas outside military government control has created variations in legal system coherence and consistency across Chinland.

Eight out of sixteen Chin LABs that were interviewed implement a three-tiered judicial system, consisting of village, area, and township/council courts¹². This represents the most robust structure and organizes the judiciary in a hierarchy, similar to colonial system. Five LABs operate with a two-tiered system that excludes the village level. Four LABs use a single-tiered systems in which a council court handles all legal matters. The LABs employing a single-tiered system experience more delays in case processing times. Without local courts, these LABs have limited capacity to systematically address community-based issues, relying on informal dispute resolution mechanisms that rarely connect with the formal system. Decisions about whether a LAB would operate with a single-, double-, or multi-tier system are typically based on the location of the LAB, the size of the community and the size of the LAB's administrative area.¹³

¹² LABs refer to their judicial levels with different terms. While all LABs call the lowest judicial level the “village level,” the second-highest level is referred to as the “local level,” “area level,” or “region level” by different LABs. To ensure consistency, this paper will use the term “area level” for all. The highest judicial level varies among LABs; some uses the term “Central Court,” while some other LABs “Council Court,” and/or “Township Court” for their highest judicial level. For consistency and clarity, the term “Township/Council Court” will be used throughout this paper to refer to the highest court of each LAB.

¹³ *The Administration of Ward or Village Law, 2012*, clarifies various administrative boundaries within a region, specifically in terms of defining villages, village tracts, cities, and townships. **Village (Section 2(b))**: A village is an area that is not part of the city areas. **Village Tract (Section 2(c))**: A village tract is a larger administrative unit that encompasses one or more villages. **City (Section 2(d))**: A city is an area made up of wards. Wards are the smaller administrative divisions within a city, and the city itself refers to the larger area made up of these wards. **Township (Section 2(e))**: A township refers to an area that may include either wards or village tracts.

To highlight a few examples in detail, one LAB manages a court system with a jurisdiction of nine regions covering 199 villages. This LAB is organized into a three-tiered system. Another LAB, which operates under a two-tiered system, is composed of five areas covering 51 villages, which are each equipped with “subordinate courts.” These courts are staffed by one to three judges and have the authority to hear original cases. The township council court manages appeals from these subordinate courts. Individuals dissatisfied with the council court’s decisions can submit a final appeal to the highest court. In a third example, a single-tiered LAB system covers 19 villages, with its judicial functions carried out by a chief justice and four judges.

Organizational Structure of the Judicial System

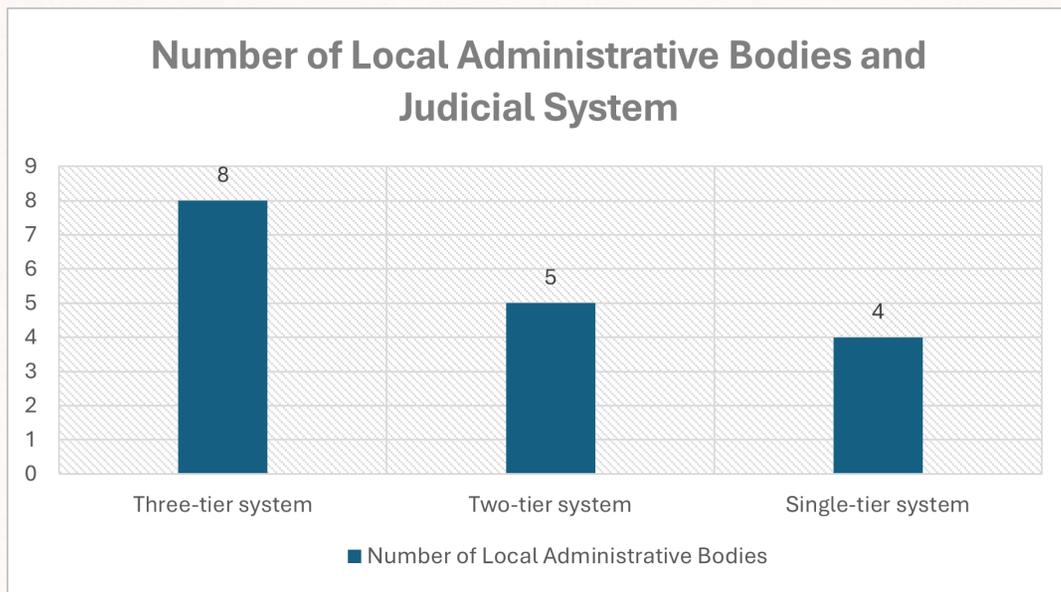


Figure: Organizational structure of the judicial system among different LABs

The single-tier system is the most streamlined, featuring only one governing body responsible for all functions, such as a single council or committee. Examples include a comprehensive council for the entire area or a specialized organization that consolidates governance into a unified entity. This classification illustrates the varying levels of decentralization and administrative complexity within different governance frameworks. Most interview respondents indicated that the three-tier system is the most decentralized and the single-tier system is the most centralized.

Township/Council-level courts represent the highest tier of this new judicial system. These courts are overseen by formal bodies or leaders with wide jurisdiction, handling complex or serious cases that arise from the village and local levels. Respondents noted that individuals can appeal to the township court if decisions made at the village or local level are unsatisfactory to them.

At the village level, justice is primarily administered by village chiefs and custodians of traditional practices. These individuals are often approached by community members to help resolve disputes and minor crimes within their immediate communities, relying on their knowledge of customary and community-based practices. Their methods and decisions are not based on written law, but on historical and customary norms of the community. Respondents from township/council-level authorities identified that the strength of the village-level system lies in its deep connection to the community and its ability to address disputes quickly and with cultural sensitivity. However, some acknowledged potential drawbacks. First, the informal nature of justice at this level may lead to inconsistent or subjective rulings, especially in cases where the customary practices conflict with modern legal norms. Additionally, power imbalances or biases could arise, particularly in cases involving women, minorities, or political dissidents, where traditional leaders might be more influenced by traditional norms than by human rights principles.

Justice at the village tracts and ward level involves more individuals who collectively serve in roles similar to village chiefs but covering more extensive areas.

In multi-tiered systems, area or village-level courts refer cases to township/council courts for appeals and for complex legal matters like land disputes or serious crimes. A participant from an LAB suggested that government leaders clarify the authority of village or area level courts, particularly in the scope of their decision-making powers, such as setting penalties. This is important to balance the need for local autonomy in effectively handling cases within their jurisdiction, while limiting potential for abuse of power.

The process of selecting and appointing judicial officials varies by LAB and level of governance. At the village level, chiefs and custodians of traditional practices are usually elected or selected by community members based on their reputation and respect within the community. These individuals often do not have formal legal education, instead relying on their deep knowledge of customary practices, social norms and community traditions to mediate disputes and resolve conflicts. While this approach is suited to the specific cultural context, interviews with legal practitioners and community members reveal concerns about the consistency, fairness, and legal soundness of decisions made without formal legal training.

At the township/council-level courts, there is significant variation in how judges are selected. In some cases, LABs have adopted a system in which judicial officers are directly elected by residents during community assemblies by a simple majority. Other LABs follow a more centralized process, where judicial officers are appointed by LAB members rather than elected by the community. In certain systems, judges are both elected and appointed by the council, blending these procedures. Typically, township/council-level judges

are law school graduates with legal experience. Systems in which judges are appointed could create perverse incentives that jeopardize the court's independence and leave judges beholden to political leaders. Safeguards such as term limits and separation of powers would help mitigate these risks.

The existence of so many different judicial models across Chinland is a testament to the resilience and adaptability of so many communities acting locally. Nevertheless, differences in organizational frameworks and selection methods may create obstacles to achieving consistent and fair justice throughout the region.



— CHAPTER 6 —

Legal Frameworks in LAB's Judiciary System in Chinland

This section examines the legal frameworks currently implemented within the judiciary systems of local administrative bodies. It explores the types of laws applied, challenges faced in establishing and maintaining these systems, and adaptations made amidst ongoing socio-political changes.

The analysis categorizes the LAB judicial systems into three groups based on the laws used in the judicial process. Some systems rely entirely on customary law, which is primarily unwritten and rooted in traditional community practices. Others blend customary law with formal laws or utilize a combination of existing national legislation, customary practices, and written regulations. Certain local bodies apply only specific local laws or regulations, excluding formal or customary law, while others combine formal laws with customary practices to resolve disputes.

Customary laws are predominantly applied at village or local court levels, while formal laws are used at township/council or higher levels. Disputes unresolved through customary practices are often escalated to formal legal system. The delineation of jurisdiction and authority between customary law and the formal legal system varies across regions. Serious crimes, such as murder or corruption, are typically handled under the formal legal system, while minor community disputes are generally addressed through customary law. A significant challenge arises when applying local customary law to cases involving individuals from different ethnic backgrounds, which often leads to conflicts or perceptions of unfairness.

Criminal cases are typically handled under nationally developed criminal law and procedure, though customary law can influence sentencing. In practice, penalties set out in formal law are sometimes reduced for several reasons: customary approaches that emphasize context and reconciliation, and practical constraints in the revolutionary setting, such as the costs and logistical challenges of detention. Customary practices are most influential at the sentencing stage, where informal reconciliation may be used in place of imprisonment or other punitive measures.

Maintaining the rule of law and social harmony remains a central concern in the current revolutionary environment. However, reliance solely on customary law presents significant issues, notably the lack of codification and human rights considerations. Some customary practices, like public shaming or forced marriages, conflict with modern human rights principles and create tensions within the system. Some interviewees from the LAB judiciary systems recognize the need to modify existing laws, especially regarding severe penalties, to better align with current realities. There are also signs that some laws are poorly understood or inconsistently applied by judicial personnel.

In many administrative areas, political instability, resource shortages, and ongoing conflict has severely hindered the establishment of formal judicial systems. In such regions, communities often resolve disputes informally through mutual understanding, though unresolved issues are escalated to local authorities when community-level resolution fails. These limitations create challenges for legal consistency.

There is widespread recognition among respondents of the need to amend current laws to reflect modern standards and international norms. This includes updating customary laws to accommodate diverse tribal practices, removing outdated punishments, and ensuring fairness in decision-making and application. Similarly, Colonial-era law often fails to protect individual rights or respect local norms and justice practices. Respondents identified the need to update these laws to align with contemporary values such as environmental concerns, land rights, and human rights standards.

This research finds that judicial bodies within LAB system employ a pragmatic approach, combining customary practices with formal laws to sustain legal functions while respecting cultural traditions. While this approach allows for flexibility and cultural relevance, it also presents challenges related to consistency and adherence to international human rights standards.



— CHAPTER 7 —

Judicial Independence in the Chinland Current Context

Although most LABs in Chinland have separate structures for administrative, defense, and judicial branches, these branches often work in close collaboration.

In some local administrative bodies, there is no separate judiciary; instead, administrative and defense teams are responsible for handling judicial functions. As one LAB member explained, “When we handle cases, there’s sometimes interference from the armed defense side. Recently, it could be said that the defense team has taken responsibility for judicial processes in our controlled area.” This situation arose when local judges resigned, leading administrative and defense teams to take joint responsibility for judicial matters by establishing tribunals to address disputes.

Even in areas with independent judicial bodies, respondents highlighted instances in which defense teams interfered in legal proceedings. Among the 18 respondents who addressed the issue of defense interference in legal processes, 8 reported some interference and 10 reported no interference.

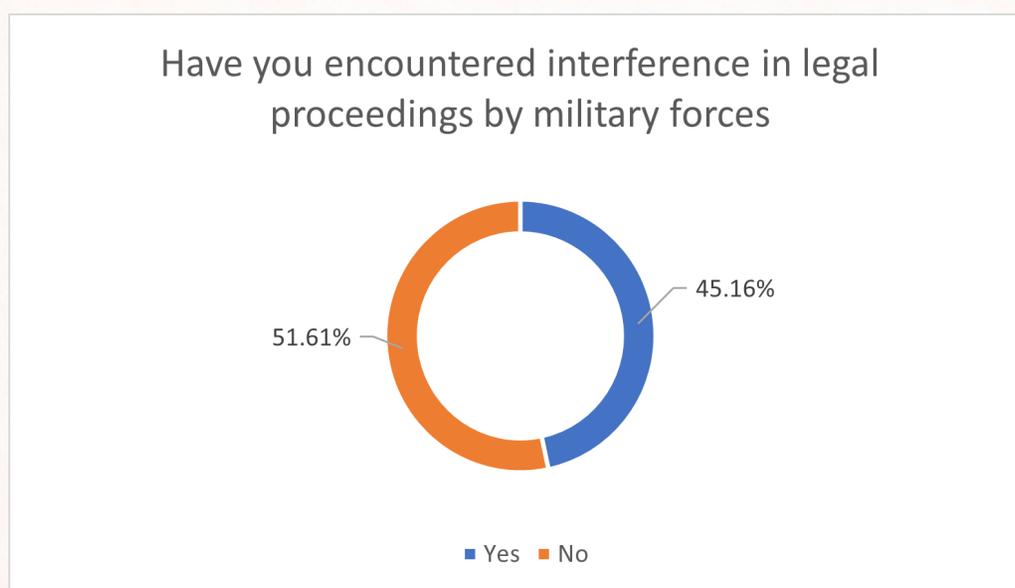


Figure 2: Have you encountered any intervention from administration or defense forces?

Several factors have complicated the establishment of an independent judiciary in Chinland within the revolutionary context. Firstly, the ongoing conflict has shifted power and resources to military matters, making it difficult to prioritize a fully independent judicial system. Changing authorities and the involvement of armed actors has complicated judicial independence and coherence. Additionally, securing independent funding for courts remains a challenge, as most judicial teams rely heavily on administrative and defense organizations for financial support.

A lack of effective law enforcement further complicates efforts to uphold court decisions and maintain judicial authority. The limited involvement of legal experts during the revolutionary period also affects the quality and independence of judicial processes, potentially hindering the judiciary's overall effectiveness and credibility.

Security concerns, including threats against judicial personnel, also undermine the judiciary's independence and effectiveness. Judges have faced intimidation, with threats sometimes directed at their ethnic identity or personal lives. One respondent from an LAB described additional security risks stemming from resource constraints that limit prison sentences to a maximum of six months in their region. Residents reported feeling unsafe because people released after short terms may still pose a threat. As the respondent explained, "As the town is not yet considered a fully controlled area, maintaining security remains a significant challenge for us."

Despite these difficulties, some local judicial bodies in Chinland have managed to maintain their independence. For instance, one township-level Judicial Committee appears to operate independently both in structure and practice. The Chief Justice of this Judicial Committee reported that the committee even secures its funding without relying on external sources. Although some courts are funded through LABs, others finance themselves with the fines and fees paid by parties convicted in their courts, which may carry perverse incentives. Another township/council court in a different town indicated that it has begun receiving donations to support its functions. Financing methods pose challenges to court independence. It is essential that judges are not consciously or unconsciously making decisions that they think will be preferable to potential donors. Several respondents suggested that if donor funding becomes necessary, transparent mechanisms with clear guidelines would be important to avoid conditions that might compromise judicial independence.

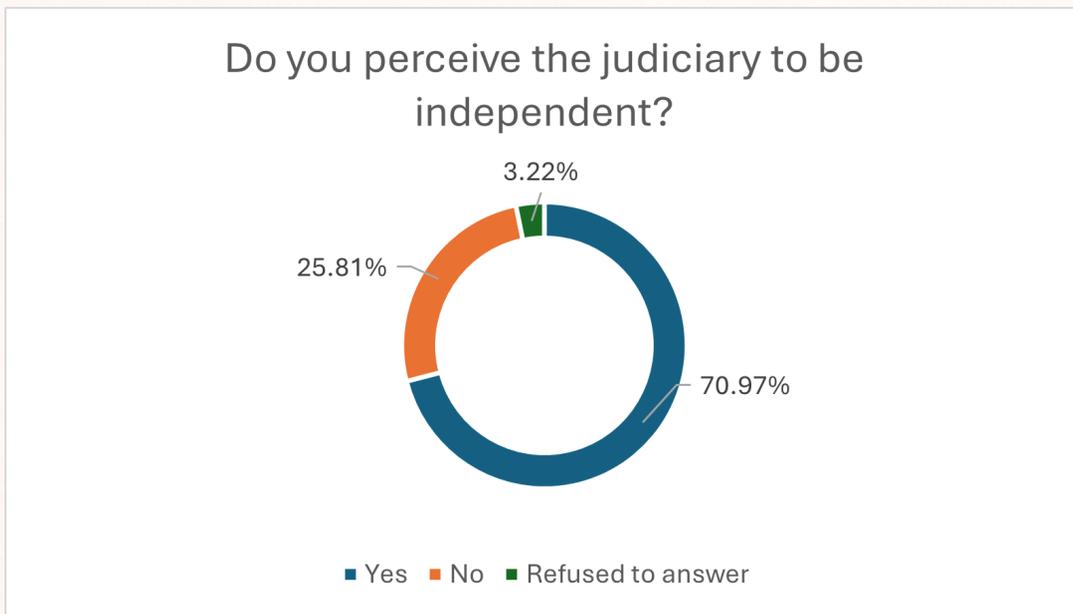


Figure 3: Do you perceive the judiciary to be independent?

While a majority of respondents said that the judicial bodies were independent, significant regional variation exists. For example, participants noted that in one town, judicial responsibilities are heavily influenced by defense teams, illustrating localized challenges to independence.

The challenge of establishing an independent judiciary in Chinland remains significant amidst the prevailing challenges of conflict and insecurity. While the study identified some judicial bodies that demonstrate resilience, dependence on external support and threats to judicial personnel represent significant vulnerabilities. Secure funding mechanisms, protective measures for judges, and transparent practices for donor contributions are important elements for developing a more effective judicial system that could better serve the region's needs for justice and stability.

— CHAPTER 8 —

Access to Legal Rights and Information: Efforts to Promote Awareness Initiatives

This study examined efforts by Local Administrative Bodies to promote legal awareness and improve residents' access to legal rights and information. Central to these efforts is ensuring that the local residents are not only aware of their rights but also understand how to engage with the judicial processes, such as reporting issues like domestic abuse, land disputes, and other legal concerns.

LABs have developed various approaches to reach the public and disseminate legal information. Public education initiatives have included village tours, question-and-answer sessions, and the distribution of information by phone. One LAB Chairman explained their approach:

“We often visit villages to explain the revolutionary context and our current mechanisms. Through these meetings, we believe the residents can access information about our legal processes.”

Another official from the same LAB pointed out

“We conducted annual visits to 51 villages, with at least two meetings per year held in different areas to discuss legal issues.”

Another LAB's judicial officers also mentioned,

“As judicial officers, we conducted a tour where we met with the residents, provided information, and held Q&A sessions. We have also shared enacted laws via phone. We cover 19 villages in our area.”

In addition to these outreach efforts, Chinland residents can access judicial information through administrative meetings held at the local, township, and village levels. Annual township-level meetings and triannual area-based meetings serve as forums for discussing legal matters. In remote and rural regions of Chinland, village administrators play a crucial role in disseminating

legal information. They communicate legal matters from higher judicial levels and relay judicial information to the local communities. However, this model faces its own set of challenges, as village administrators' ability to effectively communicate complex legal issues may be limited by their resources or understanding.

Despite the concerted efforts to promote legal awareness, several challenges persist.

- A major obstacle is the lack of financial and human resources. The majority of LABs report being unable to conduct outreach initiatives due to financial limitations and a shortage of specialized personnel. Budget constraints are severe, with one official stating, *“Since 2021, we’ve been operating on a zero budget.”* This financial limitation restricts the ability of these organizations to plan and conduct public legal awareness campaigns.
- The instability and poor infrastructure exacerbate all other challenges and undermine the ability to resolve them. In some regions, security concerns prevent the safe conduct of outreach activities entirely. The region’s poor infrastructure also hinders the ability of judicial officers to reach remote communities.
- The effectiveness of legal awareness efforts is also constrained by communication infrastructure limitations. Although the military coup of 2021 exacerbated telecommunication challenges due to cut-off phone and internet services, there have been signs of gradual improvement. By 2023, some villages near Mizoram, India, had limited access to Indian phone networks and Wi-Fi. However, this access remains restricted to border villages and is not available to every household, even in border areas. Additionally, some organizations have started using Starlink satellite internet services, leading to a gradual improvement in connectivity from late 2023 onwards.

Data on public engagement with judicial systems reflects these challenges. The chart below shows that 62.5% of respondents from six CSO/NGOs and two civilians answered “Yes,” indicating that a majority have experienced or know someone who has experienced difficulties accessing the judicial system. 37.5% answered “No”, indicating that they haven’t faced such difficulties. This data suggests significant challenges exist in accessing courts or the judicial system for the general public.

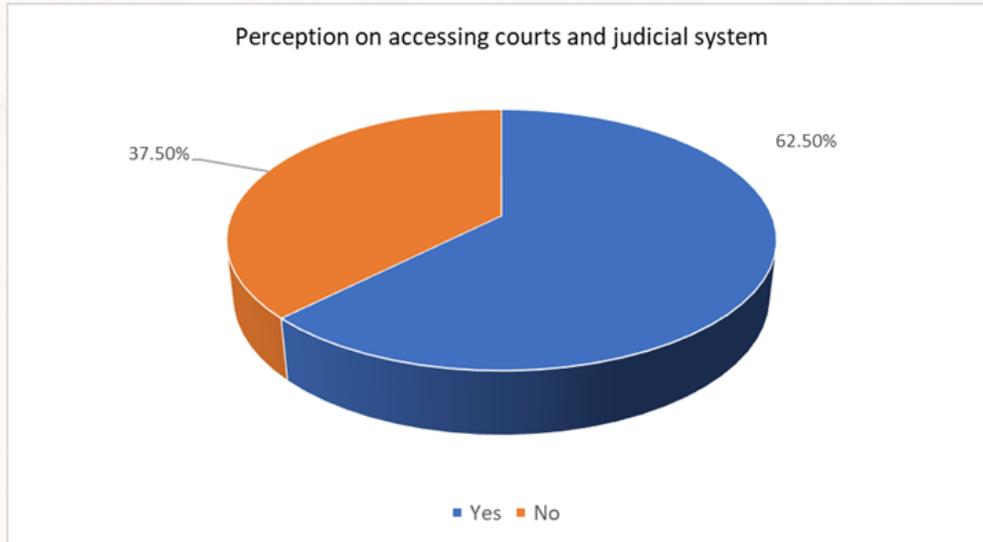


Figure 4: Have you experienced or know someone who experienced difficulty accessing the judicial system?

Public perceptions of the judicial system reflect both the successes and limitations of current awareness efforts. The majority of respondents expressed some level of difficulty in accessing the judicial system, and other interviews revealed unequal access to the justice system within their communities.

In summary, while LABs have undertaken various initiatives to promote legal awareness and improve access to legal information, these efforts encounter substantial obstacles. The data shows heavy reliance on local administrators as the primary sources of legal knowledge, combined with resource limitations and security concerns that constrain program effectiveness. Key stakeholders identified addressing infrastructure, funding, and security challenges as key factors that could enhance the reach and impact of legal awareness initiatives.



— CHAPTER 9 —

Transparency of the Justice System

LABs have implemented various measures to promote efficiency and effectiveness through transparent processes, aiming to increase public confidence in both the legal system and the fair administration of justice. These transparency practices are believed by these LABs to encourage judges to act with fairness, consistency, and impartiality. Despite the unstable conditions in the region, respondents reported that judicial personnel are working diligently to ensure that trials, hearings, and decisions are conducted in a clear, understandable manner and are open to public scrutiny as much as possible.

LAB judicial bodies have established detailed trial guidelines intended to align closely with international legal and human rights standards. Further analysis of both these guidelines and their implementation would help assess judicial credibility and the extent to which global norms are reflected in justice practices in conflict-affected or contested governance settings.

Some LAB judicial bodies promote transparency by holding court proceedings openly and allowing public attendance, with witnesses and relevant stakeholders present. Respondents reported that evidence is shared with all parties, who are permitted to call witnesses and review testimony. In certain areas, trials are conducted in the presence of close relatives, community leaders, or religious figures to balance transparency with security concerns. While some participants viewed this practice as strengthening community oversight and legitimacy, others cautioned that it could introduce familial or local bias into judicial proceedings.

In some jurisdictions, cases are adjudicated by panels of multiple judges, which participants said helps mitigate individual bias. Interviewees also noted that mechanisms exist to resolve judicial disagreements, a feature viewed as a significant institutional strength. However, security concerns and case complexity can limit the openness of proceedings, particularly in cases involving politically sensitive individuals or conflict-related detainees. Some officials acknowledged these transparency constraints, citing security risks and differing procedures across case types.

The findings suggest that efforts to maintain transparency are ongoing but face obstacles related to security and resource constraints. Improved transparency depends on addressing these challenges and is important for preserving the credibility and effectiveness of the LAB judicial bodies.



— CHAPTER 10 —

Accountability of the Judicial Branch

Interview data reveal that LABs try hard to maintain accountability around their judicial practices. Decisions made by the judicial bodies are held accountable by the administrative bodies and organizations.

Staff of judicial bodies and the chief justices of various councils or organizations report being committed to taking full responsibility for their judgments. According to participants, these judgements are based on established judicial procedures and regulations, as well as on solid evidence.

A respondent from one Township Council mentioned that

“the entire judicial process is thoroughly documented. This includes how and why decisions are made. Records are preserved in case any party wishes to [appeal] decisions [or hold a retrial] during the post-revolutionary period.”

This participant noted that such documentation strengthens trust in the judicial system. The same respondent acknowledged concerns that the documentation system faces challenges in ensuring security and protection, particularly in contexts of political or social upheaval, where records may be vulnerable to loss, tampering, or destruction.

Regarding financial accountability, corruption policies strictly prohibit any form of bribery, including even small tokens of appreciation. As one respondent noted,

“Acceptance of bribes or gifts, no matter how small, is strictly prohibited. Even a small token, like a soft drink, is not accepted.”

However, genuine donations made with good intentions are sometimes accepted, though participants emphasized that the courts' financial viability is not dependent on financial support from external organizations. Some respondents noted the importance of distinguishing between different types of gifts and those that could potentially compromise judicial independence, while expressing that transparency about such donations represents an important aspect of their current practices.

The findings indicate that key accountability measures are needed, such as procedural safeguards, judge selection processes, secure record-keeping systems, and clear guidelines around financial matters. This will be essential to maintain accountability and independence of the judicial process under the current conditions.



— CHAPTER 11 —

Effectiveness, Efficiency, and Rule of Law in the Judicial System

The study identified numerous obstacles that impact the effectiveness of the judiciary during this revolutionary period. Key challenges across all LABs include limited budgets, inadequate capacity of judges, lawyers, and judicial staff, a shortage of legal professionals, and difficulties with transportation.

Overview of Legal Cases Handled by LABs in Chinland

Assessing actual caseloads provides important context for evaluating judicial effectiveness and reveals a diverse range of cases handled across multiple organizations. Several judicial bodies included in this study have adjudicated hundreds of cases, with some managing more than 200, indicating a high level of judicial activity. These cases span criminal, civil, and customary disputes.

The volume of cases brought before the courts suggests a meaningful level of local engagement with the regional judicial system. Township-level judicial committees handle the majority of cases, with data indicating that they have accepted more than 380 cases since their establishment. Similarly, another court has received over 200 cases since it was formed.

Beyond the volume of cases, the nature of these legal matters reveals important patterns about judicial priorities and community needs. While criminal cases, such as narcotics, theft, and violent crimes are prevalent, many courts in Chinland receive many civil cases like land disputes and family conflicts. The variety of case types reflects the distinct needs and priorities of the communities served by these organizations.

Narcotics-related crimes were identified as a major concern, attributed to drug trafficking and abuse, likely intensified by limited law enforcement resources and economic instability. Land disputes were also prevalent, with many courts engaged in resolving conflicts over ownership, boundaries, and land use, highlighting the need for more effective land management systems. Theft and other property crimes were commonly handled by several courts, while serious offenses such as rape and murder were frequently addressed as well, reflecting persistent concerns about violent crime.

Analysis of the case types in the table below provides a overview of the legal matters handled by different courts across Chinland, encompassing both criminal and civil issues prevalent in the region.

Table 3: Status of total received cases and type of cases

No.	Name of Org.	Most Common Case Types	Total Cases	Resolved Cases	Ongoing Cases	Unsolved Cases
1.	LAB-1	Narcotic offenses, theft, rape, and murder cases	53+	50+	No data	3
2.	LAB-2	Narcotic offenses, robbery and theft cases	No data	No data	No data	No data
3.	LAB-3	Social disputes and Land conflicts	300+	300+	No data	No data
4.	LAB-4	Cases involving demands for repayment, land disputes, and spousal conflicts.	200+	178	20	2
5.	LAB-5	Social disputes and cases involving demands for repayment.	No data	No data	No data	No data
6.	LAB-6	Land disputes, social disputes, and cases involving demands for repayment.	No data	No data	5	No data
7.	LAB-7	Land	50+	No data	No data	No data
8.	LAB-8	Narcotic offenses, land conflicts, and cases of murder and rape.	150	No data	No data	No data
9.	LAB-9	Land conflicts and Rape cases	No data	5	6	No data
10.	LAB-10	Land conflicts	17	13	4	No data
11.	LAB-11	Land conflicts	6	4	No data	No data
12.	LAB-12	Land conflicts	9	4	5	No data
13.	LAB-13	For Revolutionary cases	70+	60	10	No data
14.	LAB-14	No data	No data	No data	No data	No data
15.	LAB-15	Narcotic offenses	20-30	No data	1	1
16.	LAB-16	No data	No data	No data	No data	No data
17.	LAB-17	No data	No data	No data	No data	No data
18.	LAB-18	No data	50+	No data	No data	No data
19.	LAB-19	Narcotic offenses	25	15	10	No data

These numbers are estimates based on the respondents' input and were current as of the day of the interviews.

The large number of ongoing cases suggests delays and resource limitations in fully processing cases. This high volume of unresolved matters reflects persistent operational challenges, including case-handling constraints and limited resources, which hinder the timely delivery of justice and contribute to backlogs across courts.

Factors Contributing to Case Processing Delays

In the context of ongoing conflict and instability in Chinland, a combination of security concerns, limited resources, and shortages of qualified personnel has contributed to delays and case backlogs.

- All of the LABs cited the lack of knowledge about judicial procedures as contributing to delays in case processing. A shortage of judges and legal professionals is among the most acute challenges. Conflict-related displacement has forced many judges, lawyers, and clerks to relocate to safer areas, making them unable to perform their duties. In addition, all LABs interviewed for this study reported that limited knowledge of judicial procedures further contributes to delays in case processing.
- Inadequate funding constitutes another major challenge facing the judiciary in Chinland. Financial resources are often redirected toward security and defense priorities, leaving the judiciary with insufficient support. With resources stretched thin, the judiciary struggles to sustain its infrastructure, maintain up-to-date legal references, or compensate its staff. Lack of resources hampers capacity to review case precedents and courtrooms remain poorly equipped, which affects the effectiveness of hearings. The financial strain severely hampers the judiciary's capacity to operate effectively.
- The constant threat of violence also disrupts court proceedings, making it difficult to hold hearings, particularly in conflict zones. As respondents from one LAB explained, *"When a village hosting trials is targeted by airstrikes, the judicial bodies and all parties involved must relocate to safer areas."*
- Five LABs highlighted that Chinland's rugged terrain presents significant logistical challenges. The mountainous and remote regions make travel to court hearings difficult, especially when roads are blocked, infrastructure is damaged, or during the rainy season. Remote communities often lack access to legal representation, and legal professionals face substantial time and cost barriers to reach these areas. Furthermore, the transportation of evidence and court documents is delayed due to poor infrastructure, further hindering the efficient processing of cases.

Case Resolution and Regional Patterns

As a result of the challenges outlined above, judicial outcomes and performance vary significantly across LABs. While most judicial bodies are able to provide effective dispute resolution despite these constraints, levels of performance differ widely.

For example, one LAB has 20 ongoing and 2 unresolved cases, while another LAB has 3 unresolved cases. One LAB, specializing in politically sensitive cases involving revolutionary stakeholders, also has a notable number of ongoing cases (10 out of 70). This indicates that cases involving politically sensitive or revolutionary matters may take longer to resolve due to the complexity of the issues involved. The prevalence of unresolved or ongoing cases may indicate challenges in the legal and judicial system in Chinland.

An examination of regional variations reveals distinct patterns in case types and resolution challenges. In southern Chinland, land and boundary disputes occur frequently in several LAB regions. Such cases are also common in central Chinland. Certain cases, including territorial and land disputes, targeted assassination, and religious or church-related conflicts, often exceed the capacity of township- or regional-level judicial bodies, according to court officials. For complex cases or those that are politically sensitive, courts may send them to revolutionary government bodies or directly to the Central Court.

In response to the ongoing revolutionary period, some organizations have adopted temporary legal measures, including suspensions on land sales and the adjudication of boundary disputes. Prior to the establishment of a Chinland Supreme Court with jurisdiction across the region, boundary and land cases were particularly difficult for township- and regional-level judicial bodies to resolve.

Effectiveness of the Judiciary System

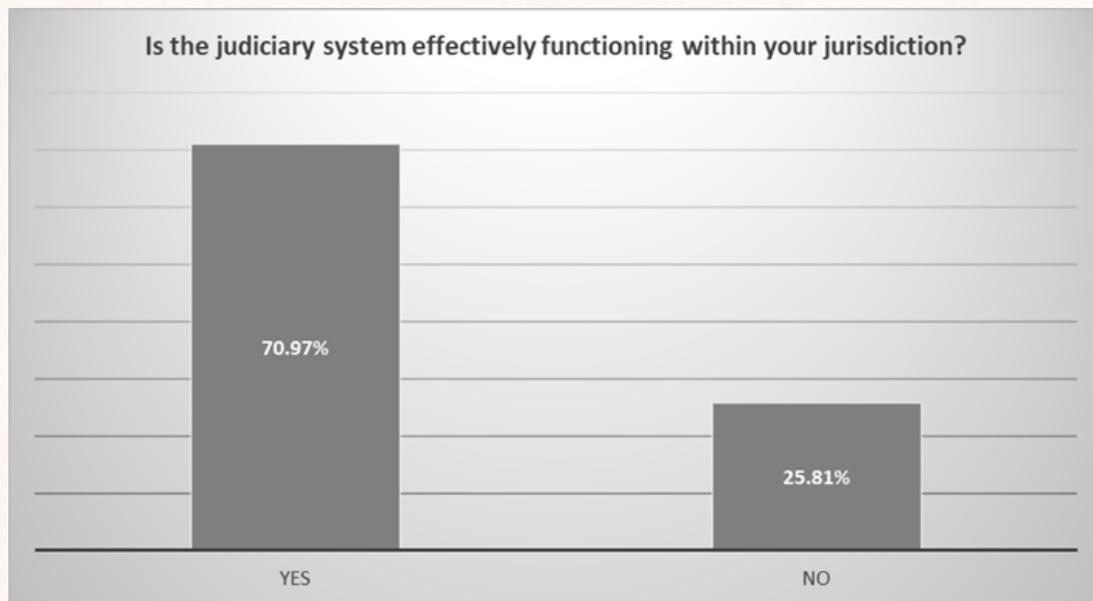


Figure 5: Perception on effectiveness of the judiciary system

A significant majority of participants (71%) reported that the judicial system in their area is functioning effectively within its jurisdiction, a notably positive finding given the challenging circumstances. However, 24% of respondents indicated that the system is not effective, representing a sizeable minority. Only a small number of participants declined to respond, suggesting that most felt sufficiently informed to offer a clear assessment.

14 out of 16 LABs reported that they face limitations and challenges in enforcing decisions made by the courts. In one exception, the LAB said enforcement is relatively straightforward due to the presence of established prisons and court police. In areas lacking such facilities, the judicial bodies often cooperate with administrative units and local defense forces to enforce court decisions. The following challenges in enforcing judgments were identified:

- **Criminal suspects fleeing beyond areas of effective control**, limiting the ability of judicial bodies to enforce decisions.
- **Complainants filing cases with other resistance forces**, sometimes resulting in disputes or tensions among armed groups.
- **Threats against judicial officials** from individuals dissatisfied with court rulings.
- **Delays in filing cases or appealing decisions**, as some individuals choose to wait until after the revolutionary period due to limited confidence in the current judicial system.

- **Geographical barriers and transportation challenges**, which restrict access to courts in remote areas.
- **Financial constraints**, particularly affecting the enforcement of judicial rulings.

A member of one Judicial Committee stated,

“Although our township judicial team is not yet systematically organized, we can resolve most cases brought to us, except for land issues.”

Similarly, the Secretary of another LAB confirmed their ability to finalize judgments for most cases they handle.

Operational Challenges and Infrastructure

While perceptions of effectiveness remain generally positive and LABs have demonstrated the ability to resolve a significant number of cases under challenging circumstances, the practical realities of judicial operations reveal structural limitations. The absence of proper facilities and resources in many regions forces judicial proceedings to be held in informal settings where confidentiality and security are weaker. This lack of infrastructure not only affects the formality of the trials but also compromises the perceived fairness of the process. This situation can lead to delays in case resolution and diminished public confidence in the judiciary.

The findings suggest that the judiciary in Chinland has demonstrated capacity to resolve cases during this revolutionary period, while simultaneously facing significant challenges that affect operational efficiency. Resource constraints, infrastructure deficits, and ongoing military conflict create substantial barriers to accessing justice in the region.

— CHAPTER 12 —

Human Resources and Capacity Building in Local Judiciary Systems

This section examines the current state of human resources and capacity building within local judicial systems. Most LABs have designated personnel, though staffing levels vary significantly across organizations. However, few LABs formally define staff numbers or roles in policies or bylaws; instead, staffing decisions are typically made on an ad hoc basis in response to departmental needs.

Variation in staffing reflects the different organizational approaches and resource constraints faced by each LAB. For instance, one LAB has five (5) members in its local and central judicial teams, while another one has only one member. One LAB township judiciary has four (4) members, equally split between males and females. Another LAB judiciary has three (3) members total, including one (1) judicial officer and two (2) members. One LAB has a more complex structure, with six (6) circle areas, each having one court staffed by two (2) officials, while the central Supreme Court has three (3) officials.

Local Administrative Body	Total Judicial Members	Composition	Remarks
LAB-1	5	Central judicial team	
LAB-2	1	Single member	Minimal judicial structure
LAB-3	4	Equally split between males and females	Gender-balanced team
LAB-4	4	Township level judicial team	
LAB-5	3	1 judicial officer + 2 members	
LAB-6	-		Administrative Officers lead the tribunal.
LAB-7	3	1 judicial officer + 2 members	
LAB-8	Up to 18-20	5 Circle Area courts (1-3 officials each) + 2 council court judges	Flexible court structure
LAB-9	5	1 Chief Justice, 2 Judges, 2 staff members	Hierarchical organization
LAB-10	5	5 judicial officers, no additional staff	No supporting staffs yet
LAB-11	7	1 officer in charge + 6	Leadership-focused structure
LAB-12	3	members	Developing structure
LAB-13	-10	1 Chief Justice, 2 Judges, recruiting staff	Broad judicial engagement
LAB-14		1 Judicial Official, -10 total with judicial responsibilities	The administration is currently handling judicial matters, there's no a dedicated judge.
LAB-15	0		No judicial staff yet
LAB-19	18	LAB Chairman serves as judicial officer 6 circle areas, 2 officials per court + 3 in Supreme Court	Complex multi-level structure

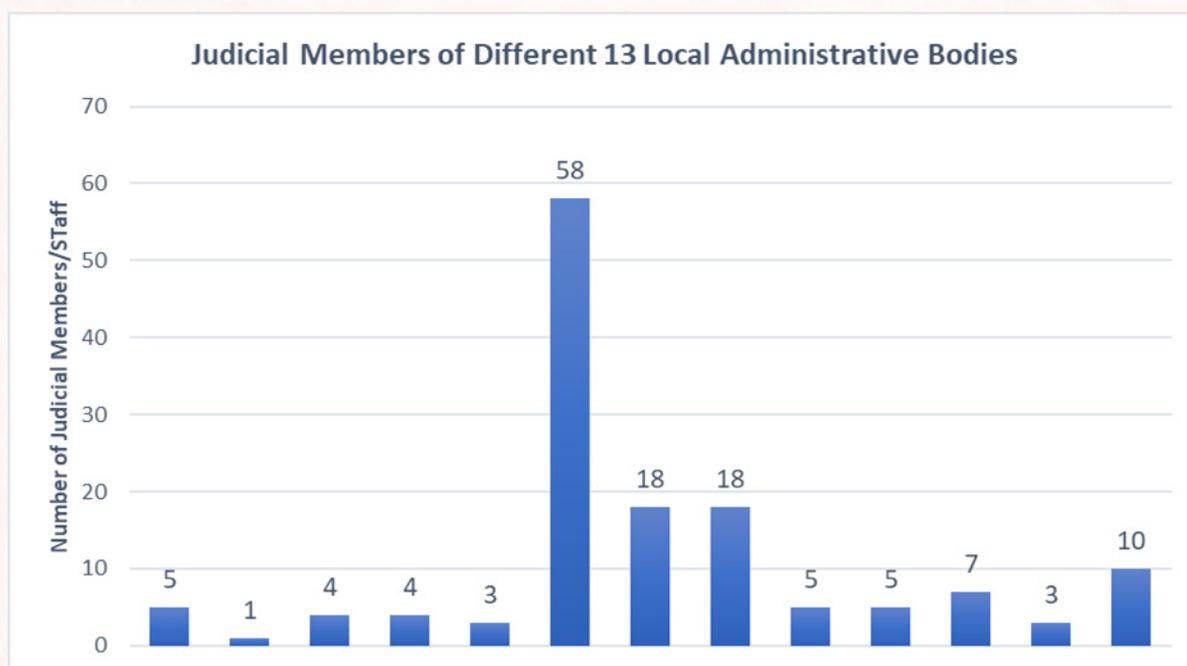


Figure 6: Judicial members or staff composition of Local Administrative Bodies

All LABs face a common challenge stemming from the limited involvement of individuals with legal backgrounds in the current revolutionary context: a shortage of personnel with formal legal training and extensive professional experience. As a result, many judicial functions at the village and area levels are carried out by village chiefs and customary law practitioners. Although these individuals bring valuable experience in customary practices and a strong understanding of local community needs, they often lack formal legal education.

Incorporating formally trained judicial personnel at these levels is increasingly important, particularly as legal matters become more complex, including criminal cases and appeals. Educational qualifications vary widely across LABs. Some demonstrate strong capacity with one LAB reporting that

“almost all members are graduates, with some judges holding master’s degrees in law”,

while another noted that all team members are law graduates, with two of five holding master’s degrees and relevant professional experience. In one township, two of four judicial officials are law graduates.

By contrast, another LAB reported that those responsible for judicial matters are not law graduates and lack practical legal experience, making it difficult to even appoint a Chief Justice. In such cases, individuals with non-legal degrees but an interest in judicial work have been assigned to judicial roles.

These disparities in educational background translate into operational challenges. Practical experience among judicial officials varies significantly, and limited professional experience, particularly among court leaders at different levels, has reportedly hindered effective case adjudication, according to officials from two LABs.

Capacity Building Efforts

In response to these capacity gaps, LABs have adopted a range of strategies to strengthen judicial competencies and are actively working to improve the skills of their judicial personnel. While approaches vary across organizations, they commonly include financial support for training, self-directed learning, and peer-to-peer mentorship. For example, one township LAB reported, *“We provide financial support for necessary training.”* Self-directed learning is also widespread; as one judicial official explained, *“We mostly study National Unity Government (NUG) judicial announcements on our own, attend online courses, and search for information online.”* Peer learning further supports capacity development, with one official noting, *“I’ve learned a lot from our Chief Justice, who is very experienced. When I don’t know something or need help, I just call him.”*

These efforts, however, are constrained by significant structural barriers. The current political context limits opportunities for formal capacity-building programs, while technological challenges, financial constraints, and human resource shortages further impede progress. These limitations are particularly pronounced at the village level, where trainings are seldom conducted for judicial officials.

Despite these challenges, LABs widely recognize the importance of strengthening judicial capacity, and many have incorporated training and professional development initiatives into their future plans.

In conclusion, while judicial systems across Chinland vary by region and structure, they face common challenges, including human resource shortages and limited ability to access formal training. Nonetheless, LABs and councils are employing adaptive approaches such as peer learning and online training to build their capacity. Planned future initiatives reflect a longer-term commitment to strengthening the judiciary’s role in governance across Chinland.

— CHAPTER 13 —

Chinland Supreme Court

The Chinland Supreme Court, established under the Chinland Constitution 2024, is mandated to have three to five judges, including a Chief Justice. As a newly established institution, the court remains in its formative stage. It is currently developing operational frameworks and departmental structures. As such, it remains limited in its ability to engage fully with township and local judicial officers.

Interviews revealed that the Chinland Supreme Court and local judicial bodies face significant challenges in coordination and collaboration. Despite these challenges, interviews revealed that local councils are eager to work with the Chinland Supreme Court. Many judicial officials indicated a desire for more discussions on cooperation, particularly regarding case referrals, division of judicial power, and legal procedures. For instance, one LAB emphasized the importance of implementing a decentralized structure with multiple levels of connection between the judiciary and local governance systems, rather than enforcing a rigid, top-down legal structure.

The integration of customary law with formal legal frameworks emerged as a key concern among local judicial representatives. Many emphasized the need for a central judicial authority to formally recognize and incorporate traditional practices. Participants from several regions expressed interest in collaboratively developing legal frameworks that reflect local customs, noting that *“it’s critical to identify commonalities and differences in customary practices across townships and regions and then standardize them.”*

Respondents identified specific areas where collaboration with the Chinland Supreme Court could yield immediate benefits, particularly in addressing land disputes and serious criminal cases such as homicide. Several expressed optimism that closer coordination between the central court and local judicial bodies would improve case resolution. The appeals process was also frequently cited as an area requiring collaboration, with many proposing a multi-tiered system that allows appeals at different jurisdictional levels.

While there is broad support for enhanced judicial cooperation, significant implementation questions remain. Local judicial bodies generally agree on the value of a multi-tiered judicial system with strong linkages between the Chinland Supreme Court and local courts, but many noted that the practical details of implementation are still unclear. Some groups reported taking a cautious, observational approach, preferring to assess how the Supreme Court evolves before fully engaging in formal collaboration.

In conclusion, the future effectiveness of Chinland's judiciary will depend on meaningful collaboration between the Chinland Supreme Court and local judicial bodies. Substantial work remains to clarify roles, draft and harmonize laws, align judicial procedures, and secure adequate resources. Nonetheless, respondents expressed a shared expectation that, with sustained cooperation and support, Chinland can develop a more coherent and effective judicial system capable of serving its population more equitably.



— CHAPTER 14 —

The Appeal System

Appeal mechanisms are in place across most areas, enabling individuals to challenge judicial decisions at multiple levels. The decisions made at the village level can be appealed to the area level, with further opportunities for appeal at the township/council level. The procedures for filing appeals may vary across different areas due to the structure and composition of judicial teams within the Local Administrative Bodies (LABs) in each area. Establishing clear and accessible appeal mechanisms is essential for reinforcing the rule of law.

In some LABs, decisions made by the township/council level courts, which serve as the highest courts in each controlled area, are final and conclusive. In other areas, cases can be appealed to higher courts. Higher courts will decide whether to accept a case based on the type of case and its importance.

In one region, if a party is dissatisfied with a decision by the chief judicial officer, they may appeal to the regional council. However, no instances of this have been reported to date. Some councils specify that decisions are final but may be appealed to the regional council, with some offering a 30-day window to file such appeals. Before the formation of the regional council, some appeals were directed to higher-level national or regional authorities.

Despite these developments, inconsistencies exist across different administrative areas. For example, some local councils, like the central regional council, have clear procedures, while others, such as traditional or community bodies, lack formalized systems. Several regional bodies responsible for dispute resolution do not have established appeal procedures, with some acting solely as adjudicators without formal channels for appeals. In certain administrative areas, no formal appeal mechanisms exist at all. Nonetheless, individuals seeking to challenge decisions can sometimes approach higher-level national organizations for assistance, according to officials.

Public understanding of available appeal mechanisms varies significantly across the region, but the majority of respondents from 16 LABs are aware of the existence of appeal mechanisms.

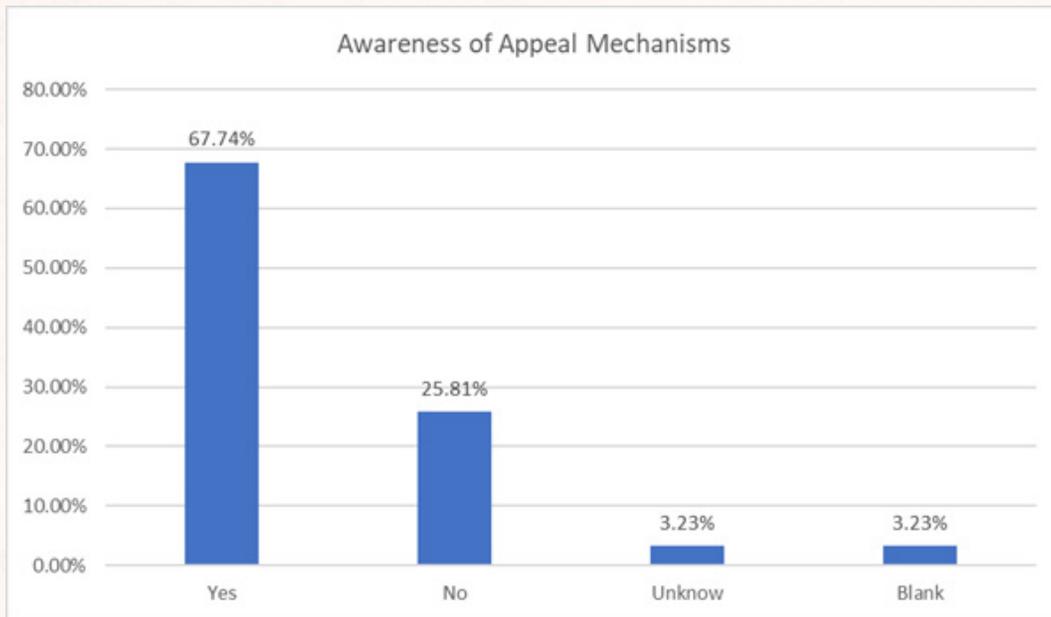


Figure 7: Awareness of Appeal Mechanisms

In conclusion, the presence of an appeal mechanism is crucial for ensuring fairness and accountability within the judiciary. It allows individuals to challenge decisions made by lower courts, providing an essential check on judicial authority. For the judiciary in Chinland, developing a clear and accessible appeal process will be vital in restoring trust and ensuring that the rights of all individuals are upheld.



— CHAPTER 15 —

Key Challenges, Efforts and Support for Strengthening the Judicial System

This section outlines four key challenges facing the judicial system. While some of these issues were noted earlier, they warrant more focused attention here, as interviewees consistently emphasized their importance and highlighted ongoing efforts to address them.

Infrastructure and Court Operations

Beyond general resource constraints, specific operational conditions underscore the severity of infrastructure deficits within the judiciary. Court proceedings often occur in inadequate settings that compromise judicial formality and public confidence. As one judicial official described: *“When there’s a case, we hold trials in community halls. This is inefficient, and we need dedicated court facilities.”* These makeshift arrangements affect not only the dignity of proceedings but also their effectiveness and perceived legitimacy.

The absence of proper detention facilities further complicates judicial enforcement. In some areas, local defense groups are responsible for holding detainees but lack the resources needed to ensure secure and humane detention. This situation creates additional challenges for courts seeking to manage convicted individuals and enforce sentences effectively.

Constraints to Judicial Reform

Recognizing these challenges, there are efforts underway to improve the judiciary. Despite political will to reform and update the judiciary, progress is slow due to financial and logistical obstacles. Stakeholders across various sectors have identified specific areas for improvement and proposed approaches to reform. In discussing ways to enhance the judiciary and increase public participation, local judicial bodies emphasized the need for clearer

communication with communities, with particular focus on explaining offenses and penalties in civil cases, and for maintaining full judicial independence. They also highlighted that effective cooperation with emerging police forces responsible for public security and law enforcement would significantly improve judicial outcomes.

Customary Law and Human Rights Integration

Tensions between customary practices and international human rights standards continue to pose challenges for legal reform. There is a growing constituency which is advocating for greater alignment of customary law with international human rights norms, particularly in cases affecting women and minors. Reform proponents argue that certain practices, such as child marriage and dowry, are outdated, violate fundamental rights and should be abolished. This push for reform reflects a growing recognition that such practices undermine gender equality and harm vulnerable populations, underscoring the need for legal frameworks that protect women and minors in accordance with international human rights standards. More effort is needed to negotiate this tension.

Judicial Independence and External Interference

The judiciary faces significant challenges from external interference that undermines its independence and effectiveness. Instead of functioning as an independent body, courts are frequently under the influence of local defense forces, which compromises the judicial process. The importance of judicial independence was recognized by all respondents. One said, *“The judiciary should be independent and free from influence, allowing justice to be served impartially.”* However, due to ongoing conflict, armed groups continue to exercise significant control over judicial decisions, undermining the independence and fairness of the judiciary and leading to distrust among residents.

— CHAPTER 16 —

Conclusion and Recommendations

This study identifies several priority areas for strengthening the judicial system in Chinland. The diversity of structures and practices among local administrative bodies highlights the need for improved communication and coordination. Building stronger relationships and fostering mutual understanding among these actors would enhance operational efficiency and contribute to more consistent judicial outcomes.

As Chinland's judicial institutions remain in a formative stage, the development of a comprehensive long-term strategy is essential. Clear and consistent guidelines for adjudicating disputes and criminal cases would help ensure coherence across different levels of the judicial system. At the same time, customary practices may require adaptation to align with international human rights standards and the human rights aspirations of the revolutionary movement. Chinland must focus on developing a unified legal framework that harmonizes customary and formal legal principles.

Strengthening judicial capacity also requires sustained investment in legal training for all participants in the justice system, including judges, lawyers, justice police, and local justice providers. Equally important is the provision of adequate remuneration to maintain motivation and reduce risks of bias or corruption. Fair compensation supports the recruitment and retention of qualified personnel and reinforces professional integrity.

Finally, mechanisms for monitoring and reviewing judicial decisions are necessary to prevent miscarriages of justice. Establishment of robust oversight mechanisms will ensure accountability and transparency. By focusing on these areas, Chinland can build a strong foundation that supports justice, fairness, and efficiency as the judiciary continues to develop.

The challenges and opportunities identified in the findings inform the following recommendations:

A. To Chinland Judiciary Officials

1. **Strengthen Judicial Capacity and Infrastructure:** To build a well-functioning judiciary, it is essential to first enhance the judicial infrastructure and build the capacity of judicial personnel. This can be achieved by prioritizing improvements to courthouse facilities, ensuring they are equipped with essential resources such as computers, secure detention areas, and modern case management system.
2. **Strengthen Judicial Training and Capacity Building:** Introduce a comprehensive six-month training program for judges, legal staff, and local justice providers to enhance their expertise and build capacity. The program should focus on:
 - a) **Legal Knowledge:** Deepening understanding of statutory and customary laws.
 - b) **Case-Handling Skills:** Training judges on best practices for managing cases, ensuring due process, and delivering fair, impartial rulings.
 - c) **Professional Ethics:** Emphasizing the importance of integrity, impartiality, and ethical conduct in judicial proceedings.
3. **Foster Judicial Independence:** Ensure the judiciary operates free from interference by establishing clear protections for judicial officers, shielding them from threats or intimidation. Achieving this requires strong legal safeguards and political will, but by instituting laws that guarantee judicial security and independence, we can foster a more impartial and fair justice system.
4. **Promote Gender Equality in the Judiciary:** Encourage the appointment of women and underrepresented groups within the judiciary and legal profession, establishing mentorship programs for their advancement. This is both attainable and impactful by promoting gender-inclusive policies and creating targeted professional development opportunities. As more women and diverse voices are integrated, the judiciary will become more representative and equitable.
5. **Conduct Regular Judicial Performance Evaluations and Strengthen Accountability:** Implement a system-wide approach to evaluating the performance of judges and legal personnel. To achieve this, a framework for performance reviews based on clear criteria and regular feedback can be developed. This will ensure accountability, continuous professional development, and improvements in judicial standards. This will also require the establishment of internal Judicial Oversight Body, or an equivalent, with the authority to oversee performance of judicial

personnel as well as judicial conduct, administration, and discipline. Develop a strict code of ethics for judicial officials and create an independent body to investigate complaints. While this will require careful coordination and legal reforms, establishing a transparent mechanism for handling grievances will help build public trust, ensuring that ethical breaches are promptly addressed and preventing corruption from taking root.

6. **Develop Courthouse Infrastructure:** Prioritize the construction and renovation of courthouses, ensuring they are equipped with necessary resources like computers and secure holding areas for detainees. This can be achieved incrementally, starting with critical renovations and phased expansion. With focused planning and resource allocation, courthouse infrastructure can be developed to meet the growing needs of the judiciary.
7. **Strengthen Public Awareness and Participation:** Launch educational campaigns to inform the local residents about their legal rights and the role of the judiciary. To make this effective, hold workshops and community meetings, and distribute informational materials tailored to local contexts. In addition, establish feedback mechanisms to gather public input on the perceived fairness and effectiveness of the justice system. This can be achieved through surveys, public forums, and regular consultations with community leaders. Develop initiatives that allow judicial officials to engage directly with communities, helping to demystify the legal process. This can be achieved through mobile court services, town hall meetings, and public forums, which will increase transparency and help the public understand how the judicial system works. By integrating public feedback into the system, the judiciary can address concerns, build transparency, and foster trust. Increasing public awareness and involvement will not only empower citizens but also help ensure the system evolves in a way that is just and responsive to the needs of the community.
8. **Strengthen Police and Security Cooperation:** Improve collaboration between the judiciary and law enforcement agencies through regular training and shared initiatives. Create joint programs that focus on building trust, communication, and collaboration, ultimately leading to enhanced public safety and a more cohesive justice system.
9. **Establish a Dedicated People's Police Service:** Form a professional police service responsible for enforcing court rulings, maintaining public order, and ensuring the safety of judicial personnel and citizens. These reforms will improve the efficiency and effectiveness of the justice system.

B. To the Chinland Supreme Court

1. **Establish a Three-Tier Court System:** A structured and hierarchical court system is essential for ensuring consistency and fairness in legal proceedings. The proposed three-tier system should include:
 - a) *The Chin National Level Supreme Court:* Overseeing legal interpretations, handling appeals, and ensuring uniformity in the application of the law.
 - b) *Township/Regional Courts:* Adjudicating civil and criminal cases at the local level, ensuring accessibility and community-driven justice.
 - c) *District Courts:* Handling specialized legal matters and serving as an intermediate appellate level to reduce the burden on the Supreme Court. This system will provide a clear framework for handling cases at different levels of authority, ensuring efficiency and fairness.
2. **Implement Technological Solution:** Invest in technology to digitize court records and streamline case management, improving efficiency and access to justice, and simplifying coordination across regions that are hard to navigate.
3. **Create Specialized Courts:** Establish courts to handle specific types of cases, such as administrative or regulatory disputes, sexual violence and gender-based crimes, and revolutionary or political cases. Creating specialized courts will enable for judicial personnel with particular expertise to manage challenging cases, ensure more consistent and secure handling of those cases, and promote fairness across the system.
4. **Establish Alternative Dispute Resolution (ADR) Mechanisms:** Promote mediation and arbitration as alternatives to traditional court processes as a low-cost mechanism to alleviate case backlogs.
5. **Strengthen Legal Aid Services:** Develop comprehensive legal aid programs to ensure marginalized individuals have access to legal representation.
6. **Review Customary Laws:** Review and reform customary laws that violate fundamental rights, and the rights of women and children. Align local laws with international human rights standards to promote equality.
7. **Address Human Resource Shortages:** Tackle the shortage of judges and legal professionals by developing strategies that include incentives for entering the judiciary and improving working conditions.

C. To International Organizations

1. **Support the Chinland Judiciary:** Engage with the Chinland judiciary and relevant organizations to share best practices and training opportunities, enhancing local judicial capacity.
2. **Fund Capacity Building Initiatives:** Collaborate on programs aimed at strengthening legal institutions and improving judicial practices.
3. **Facilitate Knowledge Exchange:** Organize workshops and seminars to facilitate knowledge transfer across constituencies within Burma and with relevant international stakeholders on effective judicial management and reforms.
4. **Facilitate Resource Mobilization:** Assist in identifying and securing funding sources to support judicial development projects in Chinland.
5. **Advocate for Human Rights:** Partner with local organizations to promote adherence to international human rights standards within the judicial system.

Reference Materials

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This assessment report evaluates the judicial system in Chinland , a region undergoing significant historical, political, and social transformations. The judiciary functions within a complex framework influenced by the 2021 military coup, the rise of armed resistance groups, and the coexistence of customary and formal legal systems. The report aims to identify current challenges, assess the effectiveness of judicial structures, and propose reforms to ensure equitable access to justice for all people living in Chinland.

This assessment highlights the need for judicial reform in Chinland, recommending improvements in legal education, resource allocation, and the integration of customary and formal law. Strengthening these areas will enhance public trust and ensure equitable access to justice.

