

Summary

For twenty years the United Nations has documented human rights abuses in Burma which may be in violation of international law. In March 2010 the United Nations Special Rapporteur on Burma called on the UN to establish a Commission of Inquiry into possible war crimes and crimes against humanity. Later that year, with no serious moves being made to establish an inquiry, he repeated his call, stating: "Failing to act on accountability in Myanmar will embolden the perpetrators of international crimes and further postpone long-overdue justice."

Burma's democracy movement is also calling for a UN Commission of Inquiry, and human rights groups worldwide are supporting that call, including Burma campaign groups, Human Rights Watch and Amnesty International. The issue of war crimes and crimes against humanity taking place in Burma is becoming one of the main issues discussed by the international community in relation to Burma.

Why a Commission of Inquiry?

Repeated calls by the United Nations to the dictatorship to end human rights abuses, and for them to investigate abuses which have taken place, have been ignored. In fact, as the dictatorship has begun breaking ceasefire agreements with armed ethnic groups, serious human rights abuses are now increasing. A Commission of Inquiry is a practical step which can help reduce human rights abuses in Burma.

- A Commission of Inquiry can help prevent human rights abuses by exposing what is taking place and ending the sense of impunity with which the dictatorship acts.
- A Commission of Inquiry will help promote

"Given the gross and systematic nature of human rights violations in Myanmar over a period of many years, and the lack of accountability, there is an indication that those human rights violations are the result of a state policy that involves authorities in the executive, military and judiciary at all levels. According to consistent reports, the possibility exists that some of these human rights violations may entail categories of crimes against humanity or war crimes under the terms of the Statute of the International Criminal Court. The mere existence of this possibility obliges the Government of Myanmar to take prompt and effective measures to investigate these facts. There have clearly been cases where it has been necessary to establish responsibility, but this has not been done. Given this lack of accountability, UN institutions may consider the possibility to establish a commission of inquiry with a specific fact finding mandate to address the question of international crimes."

Tomas Ojea Quintana, UN Special Rapporteur on Myanmar, March 2010

- Possible war crimes and crimes against humanity documented by the United Nations include: gang-rape, arbitrary execution, arbitrary detention, forced labour, torture, mass forced displacement, recruitment of child soldiers, and deliberate targeting of civilians by the Burmese Army.
- Since 1992 the UN General Assembly has been calling on the dictatorship in Burma to respect the Geneva Conventions, but it is still failing to do so.
- Language used in past UN General Assembly Resolutions relate to at least 15 possible war crimes and crimes against humanity.

dialogue with the dictatorship. Experience, such as with the International Labour Organisation, UN Security Council, and after Cyclone Nargis, has shown that when there is a credible threat the dictatorship is more willing to respond to international concerns.

- Establishing the truth is an important step towards establishing a basis for national reconciliation.
- Victims of abuses want an opportunity to expose what has taken place.
- It can be an important step towards justice.
- A Commission of Inquiry can make recommendations which include reparations, and propose action should violations continue.

What abuses are taking place?

War crimes and crimes against humanity, as defined by the international treaty, The Rome Statute, are being committed in Burma. The majority of these crimes are committed by the dictatorship against political opponents, and against ethnic minority civilians. In ethnic states the Burmese Army uses rape as a weapon of war against women and girls, uses forced labour, deliberately targets civilians including shooting on sight and mortar-bombing villages, uses torture, and has forced hundreds of thousands of people from their homes, often confiscating their land. There is also one of the highest rates of child soldiers in the world. These kinds of abuses could constitute around 15 different possible war crimes and crimes against humanity. Political opponents are subject to imprisonment and torture. There are around 5 possible violations of the Rome Statute taking place against political prisoners.

Who Can Set Up a UN Inquiry?

An Inquiry can be set up by resolutions at the UN Security Council, UN Human Rights Council, UN General Assembly, or by UN Secretary General

Ban Ki-moon. At the present time, the UN General Assembly is the most likely place where a resolution could be passed which includes establishing an Inquiry. The European Union draft the General Assembly resolution on Burma, so it is vital the EU includes establishing an inquiry in the draft resolution.

Who Supports an Inquiry?

"Professor Quintana has spoken of the need for a commission of inquiry into human rights violations in Burma. I support his call for such a commission..."
Aung San Suu Kyi, 22 June 2011

Support for an Inquiry comes from inside and outside Burma. Past and present Special Rapporteurs on Burma support an inquiry, the National League for Democracy, students who led the uprising in 1988, and many other political and civil society organisations from Burma support an inquiry. 16 governments have so far publicly supported an inquiry, including the USA, UK and 11 other European countries.

More information:

Burma Briefing No.2: The United Nations General Assembly and Crimes in Burma
<http://www.burmacampaign.org.uk/index.php/news-and-reports/burma-briefing/title/the-united-nations-general-assembly-burma>

Burma Briefing No.7: Support for a UN Commission of Inquiry
<http://www.burmacampaign.org.uk/index.php/news-and-reports/burma-briefing/title/support-for-a-united-nations-commission-of-inquiry>

Burma Briefing No.9: Political prisoners in Burma – A Crime Against Humanity
<http://www.burmacampaign.org.uk/index.php/news-and-reports/burma-briefing/title/support-for-a-united-nations-commission-of-inquiry>

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