

ACTIONS BIRMANIE - MEDIA RELEASE - FEB 03 2011 - FOR IMMEDIATE RELEASE

Belgium Supports the Establishment of a U.N. Commission of Inquiry with a mandate to examine war crimes and crimes against humanity in Burma



Illustration : General Than Shwe

Actions Birmanie Salutes the Position of Principle adopted by Belgium in favour of the creation of a United Nations Special Commission to Investigate War Crimes and crimes against humanity committed in Burma (Myanmar)

Belgium becomes the 14th country to officially support this position.¹

In his declaration² to the Federal Parliament, Mr. Steven Van Ackere, Foreign Affairs Minister, stated that, "*Belgium recognised the merits of creating, at the appropriate time, such a commission, and that we can count on different elements of the agenda for its implementation...*"

The Minister responded to another Parliamentary question in the External Relations Committee by stating " *In the coming weeks, we must gather all the analytical elements to draw conclusions for the future. Nevertheless, it is essential that in this exercise, the past not be hidden. The proposal to establish a Commission of Inquiry into War Crimes and Crimes Against Humanity, recommended by the Quintana Report, must therefore, logically be included into this process, in my opinion*".

Actions Birmanie is pleased that the Belgian Government has now adopted a position favorable to the creation of such a Committee.

"There is abundant proof of the possible crimes against humanity perpetrated by the Burmese generals, and these crimes occur increasingly. The time has come for these (crimes) to be investigated, in order to put an end to the culture of impunity, which feeds on a daily basis the oppression in Burma.

No nation has the right to oppress its people: to remain passive in the face of the oppression that the Burmese people are subject to, is to authorise the pursuit of crimes against them. We must always fight against impunity, wherever, and whenever it occurs!"

On January, 19th, 2011, a new report³ was added to the long list of damning proof against the Burmese generals. Prefaced by Judge Richard Goldstone and Archbishop Desmond Tutu, the report concludes that at least 8 of the violations documented "*fell within the purview of the International Criminal Court and may constitute crimes against humanity.*"

The holding of sham elections last November, as well as the recent liberation of Aung San Suu Kyi must not in any way be interpreted as signs of a softening of the generals' stance.

Violations of human rights and crimes remain daily occurrences, especially in relation to ethnic minorities living in border areas. More than 2300 political prisoners remain deprived of their liberty and tortured in military jails. Pressure on the leaders of the Burmese government must be maintained, and the international community must shed light on the crimes committed by the regime and pursue those responsible for these abuses.

Actions Birmanie adds " *We regret that the EU has not yet taken an official position on the issue. A firm and collective position from the European democracies would be an unequivocal sign sent to the other member countries of the United Nations, with the idea of creating a consensus within the Security Council.*"

¹ These countries are: Australia, Canada, New Zealand, USA, and in Europe: the Czech Republic, Estonia, France, Hungary, Ireland, Lithuania, the Netherlands, Slovakia, the United Kingdom.

² on October 20th, 2010

³ "Life under the Junta : Evidence of Crimes against Humanity in Burma's Chin State" publié par PHR-Physicians for Human Rights, lauréat du Prix Nobel de la Paix 1997. <http://physiciansforhumanrights.org/library/report-2011-01-19.html>

■ Declarations :

Jerzy Buzek: President of the European Parliament, on November 8th, 2010:

"As I already highlighted, following the elections of (November 7, 2010) the EU and the wider international community should consider establishing an international commission of inquiry to investigate the war crimes and the gross systematic human rights abuses in Myanmar/Burma."

Hillary Clinton, US Secretary of State, October 28th, 2010:

I would like to underscore the American commitment to seek accountability for the human rights violations that have occurred in Burma by working to establish an international Commission of Inquiry through close consultations with our friends, allies, and other partners at the United Nations."

Dr. Thaug Htun, Burma-Fund, UN Office, January 19th, 2011:

"We believe this is the most legitimate and effective way to address the culture of impunity and deter serious human rights violations from occurring in the country."

■ Background :

Back in 1998, Mr. Rajsoomer Lalah, former Special UN Rapporteur for Burma, said that the human rights abuses in Burma were so numerous and consistent that they were the *"result of policy at the highest level, entailing political and legal responsibility"*

More recently, in his latest March 2010 report on human rights violations in Burma, Mr Tomas Ojea Quintana, current Special Rapporteur, did not suggest anything else: *"The gross and systematic nature of the abuses and the lack of actions to stop them indicates a state policy that involves authorities in the executive, military, and judiciary at all levels."*

It further states that *"according to consistent reports, the possibility exists that some of these human rights violations may entail categories of crimes against humanity and war crimes under the terms of the Statute of the International Criminal Court."* The Special Rapporteur went on stating that the *"UN institutions may consider the possibility to establish a commission of inquiry with a specific fact-finding mandate to address the questions of international crimes."*

It is the first time in nearly 20 years that a high representative of the UN puts forth such a recommendation.

Furthermore, the proof compiled by diverse UN agencies and Burmese and international organisations is overwhelming⁴: the destruction of more than 3,300 villages since 1996, the very numerous cases of arbitrary execution, forced labour, abduction and rape, the forced relocation of more than a million people, and the forced recruitment of tens of thousands of child-soldiers.

During the presentation of his report to the UN General Assembly in October 2010, **Mr Quintana highlighted the responsibility incumbent on the international community to investigate** war crimes and crimes against humanity perpetrated in Burma, and asked the UN to establish this commission without delay.

He declared: *"If the (Burmese) government fails to assume its responsibility (to investigate crimes against humanity), then this responsibility is incumbent upon the international community (...) Failure to uphold the commitment to responsibility would be tantamount to encouraging the authors of international crimes and to delay the judicial process which has been awaited for far too long."*

Mr Quintana specified at the time that the UN could establish a commission to investigate war crimes and crimes against humanity by a Resolution of the Human Rights Council, the General Assembly, or the Security Council. The Secretary General could also establish one by his own initiative.

Yozo Yokota and Paulo Sergio Pinheiro, two of the former Special Rapporteurs on the human rights situation in Burma, have also expressed the importance of establishing such a commission.

Support for establishing such a commission is increasing with no less than 15 international organisations (including European Parliament, Human Rights Watch, International Federation for Human Rights, CSI-ITUC, ...) 15 Nobel laureates, 5 international judges (including R. Goldstone, Patricia Wald, ...) In December 2009, 442 Parliamentarians world-wide signed a petition in favour of establishing the commission.

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⁴ amongst which, "Crimes in Burma" published by Harvard Law School, Mai 2009
<http://www.law.harvard.edu/programs/hrp/documents/Crimes-in-Burma.pdf>

