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BURMA Failure to investigate crimes against humanity will embolden the generals, says UN Rapporteur

The UN Special Rapporteur on Human Rights in Burma, Tomas Ojea Quintana, has said the international community has a responsibility to investigate crimes against humanity in Burma, in his latest report to the UN General Assembly.

“Failing to act on accountability in Myanmar will embolden the perpetrators of international crimes and further postpone long-overdue justice,” said Mr. Quintana.

The Rapporteur’s report follows his conclusion earlier this year that the violations of human rights perpetrated by Burma’s military regime may amount to crimes against humanity and war crimes, and his recommendation that the UN establish a Commission of Inquiry to investigate such crimes.

Over 13 governments have now expressed support for the establishment of a Commission of Inquiry. CSW is calling on the European Union to pledge its backing for the initiative. Former UN Special Rapporteurs Yozo Yokota and Paulo Sergio Pinheiro have also spoken out in support.

In his report, Mr. Quintana criticized the new Constitution in Burma, which was introduced in a sham referendum in the aftermath of Cyclone Nargis in 2008. The Constitution, which is the backdrop for discredited elections scheduled by the regime for 7 November, provides the military with 25 per cent of the parliamentary seats and immunity for past, present or future crimes.

“With the possibility of impunity enshrined in the Constitution, the United Nations can establish a commission of inquiry into crimes against humanity through resolutions adopted by the Human Rights Council, the General Assembly or the Security Council, or the Secretary-General could establish it on his own initiative,” Mr. Quintana said.

CSW’s East Asia Team Leader Benedict said, “We warmly welcome Mr. Quintana’s historic report. He has said precisely what we have been saying for some years, and now the time has come for the international community to wake up to the full scale of the situation in Burma. A regime that uses rape as a weapon of war, forced labor, torture and the forcible conscription of child soldiers on a widespread and systematic basis, as well as destroying more than 3,300 ethnic villages in eastern Burma alone, uses villagers as human minesweepers and carries out religious and ethnic persecution, must not be allowed to continue unchallenged. The UN now has no excuse for inaction. Its own Rapporteur has made the recommendation, in the clearest possible way, for action to end impunity, and the time has come for the member states, the various organs of the UN and the Secretary-General himself to stand up and be counted.”

Notes to Editor:

1. The 13 countries that have expressed support for the establishment of a Commission of Inquiry include the United Kingdom, the United States, Canada, Australia, New Zealand, the Czech Republic, Slovakia, the Netherlands, Ireland, Hungary, Lithuania, Estonia and France.