



Fédération internationale des ligues des droits de l'Homme

ORGANISATION INTERNATIONALE NON GOUVERNEMENTALE AYANT STATUT CONSULTATIF AUPRES DES NATIONS UNIES, DE L'UNESCO,
DU CONSEIL DE L'EUROPE ET D'OBSERVATEUR AUPRES DE LA COMMISSION AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

International Federation
for Human Rights

Federación Internacional
de los Derechos Humanos

الغدرالية الدولية لحقوق الانسان

Attn:

H.E. Catherine Ashton

High Representative of the European Union

for Foreign Affairs and Security Policy

Vice-President of the European Commission

Paris, September 30, 2010

Subject: The European Union's support to the establishment of a United Nations Commission of Inquiry into international crimes perpetrated in Burma

Your Excellency,

The International Federation for Human Rights (FIDH) representing 164 organisations across the world, has the honour to send you the latest report of the Alternative ASEAN Network on Burma (ALTSEAN -Burma), a FIDH affiliated league. The report presents in detail the most recently documented grave violations in Burma/Myanmar, amounting to international crimes. FIDH wishes to reiterate its call to the European Union for a public and unequivocal support for the creation of a United Nations commission of inquiry on the allegations of grave human rights violations in the country. In a context of institutionalised and pervasive impunity, such a commission is necessary in order to establish the facts of and accountability for such heinous acts.

In March 2010, in his report to the UN Human Rights Council, the Special Rapporteur on the human rights situation in Myanmar, Professor Mr. Tomás Ojea Quintana, stated that the “gross and systematic” human rights violations in Burma “were the result of state policy”. Therefore, he recommended that the UN consider creating a Commission of Inquiry to address the issue of international crimes. Since then, 11 states have expressed their support for such a commission, including eight (8) Member States of the European Union: France, United Kingdom, Czech Republic, Slovakia, Hungary, Netherlands, Lithuania and Ireland. The United States, Canada and New Zealand have already supported the creation of such organ.

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The international community must do its utmost in supporting genuine democracy and sustainable peace in Burma at this critical juncture, as the military regime is preparing to hold general elections on November 7, 2010. In March, the junta-led State Peace and Development Council (SPDC) issued five draconian and undemocratic election laws that are designed to eliminate genuine opposition from standing for offices and legalise and institutionalise dictatorship by members of the SPDC, who will continue to rule the country in disguise as 'civilians'. Many military leaders have already resigned in order to take part to these elections, thus confirming FIDH's fears that such process will simply institutionalise the military ruling of Burma.

The states that are supporting the establishment of a Commission of Inquiry understand that the international community cannot stand by idly while these abuses continue unabated. A Commission of Inquiry will ensure that victims of serious international crimes can obtain justice and hold perpetrators to account. Establishing accountability will also have the effect of deterring future abuses and promote respect for the rule of law, thereby contributing to a lasting peace and national reconciliation in Burma.

FIDH calls on you and the European Union to assist the Burmese people's quest for justice and truth, by supporting the establishment of a UN Commission of Inquiry, in the current session of the United Nations General Assembly and include such a demand in the proposed resolution to be adopted by the Assembly, with a specific fact-finding mandate to look into war crimes and crimes against humanity, committed by all actors, state and non-state in Burma.

Under the international human rights law and the relevant resolutions of the UN Security Council as well as the doctrine of the "responsibility to protect", the European Union should take concrete actions in order to guarantee the security and the basic rights of large part of Burmese population. The EU should, now more than ever, send a clear message to the Burmese junta and all relevant stakeholders that any real transition to democracy and sustainable peace cannot be achieved if the gross and systematic human rights violations in Burma continue and are not squarely addressed and accounted for.

We sincerely hope you will take our concerns and recommendations into consideration.

Sincerely yours,



Souhayr Belhassen
FIDH President

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