



Assistance Association for Political Prisoners (Burma)

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Rhetoric is not enough: Governments must act now and support a commission of inquiry on Burma.

[Maesot, Thailand] The Assistance Association for Political Prisoners- Burma warmly welcomes the report of Tomas Quintana, the UN Special Rapporteur on the human rights situation in Burma and urges the international community to act now to ensure his recommendations become a reality. The report exposes the increasing repression faced by the people of Burma in the lead up to the elections, and calls for the unconditional release of all political prisoners, and for accountability and justice through a commission of inquiry.

The Special Rapporteur's report to the UN General Assembly states that the new electoral framework and its implementation by authorities have further prohibited the enjoyment of the fundamental freedoms of expression, assembly and association. Documentation by AAPP of the arrest of 11 students in September for anti- election campaigning supports his findings.

AAPP appreciates the Special Rapporteur's repeated calls for the military regime to release all prisoners of conscience. Sadly, his efforts have been to no avail and at least 2,193 political prisoners remain in jail for simply exercising their basic civil and political rights. The State Peace and Development Council (SPDC) repeatedly denies the existence of political prisoners and refutes claims of torture and ill-treatment in Burma's places of detention.

The Special Rapporteur said: *"Some have already spent most of the past two decades imprisoned...for their involvement in calling for democratic transition in Myanmar, such as the leaders of the 88 Generation students' group, currently serving 65-year prison sentences. He recalls that he "met some of these women and men — student leaders, monks, political party leaders and ethnic minority leaders — during prison visits...These people have a legitimate role to play in these historic elections. An immediate unconditional release of all prisoners of conscience is necessary for the elections to be credible"*.

Quintana's report places responsibility for the fate of the Burmese people in the hands of the international community: *"The pursuit of justice and accountability will require tremendous effort. The international community must stand ready to help and support the people of Myanmar as they undertake these steps"*.

This report goes further than his ground-breaking March 2010 report to the Human Rights Council by stating: *If the Government fails to assume this responsibility, then the responsibility falls to the international community... [Of] particular concern is article 445 of the 2008 Constitution, which may impede the Government from effectively addressing justice and accountability in the future. 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.*

He adds: *Justice and accountability are the very foundation of the United Nations system rooted in the Universal Declaration of Human Rights which calls for an international order in which the rights and freedoms set out in the Declaration can be fully realized. Failing to act on accountability in Myanmar will embolden the perpetrators of international crimes and further postpone long-overdue justice.*

AAPP urges ASEAN, the European Union, and other states to stand with the people of Burma and pledge their support for a commission of inquiry into crimes against humanity in Burma, as recommended by the UN Special Rapporteur.

“The international community has long been aware of the systematic nature of human rights violations committed in Burma, and it is time they started to investigate them; the people of Burma are dying, mere rhetoric is not enough,” Bo Kyi Joint Secretary of AAPP said.

“A growing number of countries, including the United States, France, United Kingdom and Australia, have backed the call of activists, both inside Burma and around the world, by publicly supporting a UN commission of inquiry. Hopefully, this new report will inspire other UN member states to do the same”.

There is no doubt that the military junta of Burma is one of the worst human rights violators in the world. Torture, arbitrary arrest and detention, extra-judicial killings, sexual violence, forced labour, and the recruitment of child soldiers are widespread and systematic and committed by representatives of the regime and its supporters.

“AAPP has spent years documenting human rights violations in Burma and has strong evidence that the torture experienced by political prisoners is widespread and systematic, and we are ready to help an inquiry whenever needed. While the past decade has seen a strengthening of legal measures to bring human rights violators to justice, in Burma after nearly 50 years of successive military rule, impunity and a pervasive culture of fear prevail,” said Bo Kyi.

In response to questioning from the Special Rapporteur, the SPDC stated: “Concerning allegations of committing crimes against humanity and war crimes, there is no occurrence of such crimes in Myanmar.”

“As long as the military regime continues to respond with denial in the face of such horrific and harrowing human rights abuses, then we need to ensure that these violations are adequately addressed through independent channels. Establishing a commission of inquiry is a necessary first step to ending impunity and bringing the abusers to justice,” Bo Kyi said.

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