



FOUNDERS:

Betty Williams, Ireland - 1976
Máiread Maguire, Ireland - 1976
Rigoberta Menchú Tum, Guatemala - 1992
Prof. Jody Williams, USA - 1997
Dr. Shirin Ebadi, Iran - 2003
Prof. Wangari Maathai, Kenya - 2004

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Commission of Inquiry on Burma

Context

There is currently a major campaign underway to push for a resolution that would establish a Commission of Inquiry (COI) to investigate reports of violations of international human rights and humanitarian law in Burma, during the September 2011 UN General Assembly session. The resolution would be drafted by the EU and requires cross-regional support. Thus far, 16 countries have endorsed this call to address systematic, widespread and serious violations of international human rights and humanitarian law. Such abuses include war crimes and crimes against humanity by the Burmese armed forces.

Who is calling for a Commission of Inquiry?

Past and present UN special rapporteurs covering the human rights situation have called for a COI, including Tomas Ojea Quintana, Paulo Pinheiro and Yozo Yokota. Sixteen countries have publicly called for a COI (Australia, Belgium, Canada, the Czech Republic, Denmark, Estonia, France, Hungary, Ireland, Latvia, Lithuania, the Netherlands, New Zealand, Slovakia, the UK, and the US). In May 2010, the European Parliament passed a resolution on Burma in which it supported a COI. Burma's democracy movement is calling for a COI and human rights groups worldwide are supporting that call, including Human Rights Watch and Amnesty International. Aung San Suu Kyi called for a COI in a video message to the House Subcommittee on Asia and the Pacific hearing on Burma in June 2011.

Why a Commission of Inquiry?

The Burmese military has been responsible for numerous serious laws-of-war and human rights violations, including deliberate and indiscriminate attacks on civilians, summary executions of civilians and captured combatants, sexual violence against

women and girls, torture, use of child soldiers, attacks on populations' livelihood and food supplies, forced displacement of populations, and use of anti-personnel landmines.

Women are particularly affected. Most recently the Burma army launched military offensives in the northern Shan and Kachin provinces which are ongoing. Dozens of women have been raped since January 2011, and refugees noted that the government soldiers declared they were ordered to do so, adding to evidence of sexual violence as a weapon of war.

A COI is a practical step, which can help reduce human rights abuses in Burma.

- A COI can help prevent human rights abuses by exposing what it is taking place and ending the sense of impunity with which the dictatorship acts.
- A COI will help promote dialogue with the dictatorship. Experiences, as for example during Cyclone Nargiss, have 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. It is an important step towards justice. Victims of abuses want an opportunity to expose what has taken place, as was demonstrated by the Nobel Women's Initiative's Tribunal on Crimes Against Women of Burma.
- A COI can make recommendations which include reparations, and propose action should violations occur.

What would be the mandate of a COI?

A COI should be mandated to investigate reports of violations of international human rights and humanitarian law in Burma by all parties, establish the facts, and identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable. It should make recommendations to end abuses and to hold perpetrators accountable for serious violations.

Investigating and prosecuting individuals for serious violations of international human rights and humanitarian law is an obligation under international law. Holding individuals accountable for human rights abuses and war crimes is important because it may deter future violations, promote respect for the rule of law, and provide avenues of redress for the victims of these crimes. It can promote discipline and professionalism by the armed forces, maintain responsible command and control, and improve relations with the civilian population.