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Myanmar: UN General Assembly should call for commission of inquiry

Amnesty International is calling on the UN General Assembly to adopt a resolution ensuring the urgent establishment of an international commission of inquiry into serious human rights violations committed in Myanmar, including crimes against humanity and possible war crimes.

The establishment of such a commission was recommended by the UN Special Rapporteur on the situation of human rights in Myanmar in March. Australia, the Czech Republic, Slovakia, the UK and the USA have since voiced their support.

The General Assembly should request the UN Secretary-General to rapidly establish a commission to investigate reports of violations of international human rights and humanitarian law in Myanmar by all parties, and to identify the perpetrators of such violations with a view to ensuring that those responsible for the crimes are brought to justice.

In particular, the inquiry should focus on reports of widespread and systematic persecution of civilian populations by government security forces, especially against the largely Muslim Rohingya ethnic minority in Rakhine State; the ethnic minority Shan in Shan State; and the ethnic minority Karen in eastern Myanmar. The commission should also investigate reports of violations of international human rights and humanitarian law by armed groups in the Shan State and in eastern Myanmar.

A June 2008 Amnesty International report, *Crimes against humanity in eastern Myanmar*, documented unlawful killings, torture and other ill-treatment, enforced disappearances, forced labour, arbitrary arrests, and various forms of collective punishment, committed as part of a widespread or systematic attack against the civilian population in northern Kayah State and eastern Bago Division starting in late 2005. Amnesty International continues to receive reports of violations of international humanitarian law and human rights law, committed with impunity in Myanmar.

The report also highlighted the Myanmar government's persistent failure to implement the recommendations of the General Assembly, which has adopted 19 resolutions on Myanmar.

The government has signalled its intention to maintain this impunity for its officials accused of past human rights violations. Article 445 of its 2008 Constitution—which will come into force via Myanmar's first national elections since 1990 set for 7 November 2010—grants present and past officials complete impunity, providing that “no proceeding” may be instituted against officials of the military governments since 1988 “in respect of any act done in the execution of their respective duties.”

With no possibility of justice, truth and reparations for victims at the national level, the international community must take action now.

Background

In his March 2010 report to the UN Human Rights Council (A/HRC/13/48), Special Rapporteur Tomas Ojea Quintana stated that, “According to consistent reports, the possibility

exists that some of these human rights violations may entail categories of crimes against humanity or war crimes under the terms of the Rome Statute of the International Criminal Court. ... Given this lack of accountability, United Nations institutions may consider the possibility to establish a commission of inquiry with a specific fact-finding mandate to address the question of international crimes.”

A UN commission of inquiry into alleged war crimes, crimes against humanity or genocide can be established by the Security Council, the General Assembly, the Human Rights Council or the Secretary-General.

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