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[Following are excerpts from the BLC General Secretary's Report on his trip to Australia and Japan. For a copy of the full report, please contact the Burma Lawyers' Council.]

**Dealing with Burma's Criminal Accountability Issue
Trip Report of the BLC General Secretary to Australia and Japan
(April 30 to May 16, 2008)**

Introduction

With the invitations of the Joint Action Committees in Australia and Japan, I made trips there, as the General Secretary of the BLC. I was in Australia between April 30 and May 4 and in Japan between May 7 and May 15, 2008. Joint Action Committees are the political alliances of all Burmese democratic and ethnic organizations in their respective countries. The objective of their invitation was to gain knowledge on the constitution and referendum from the BLC. While sharing such knowledge in a series of meetings attended by the activists and political leaders from Burma in those countries, I took advantage to conduct advocacy on Burma's criminal accountability issue, with the objective of creating legal and political pressure on the UN Security Council for a possible referral of the situation of Burma to the International Criminal Court. This is my trip report.

Trip to Australia

My stay in Sydney, Australia lasted for only four days. Dr. Aye Kyaw, the chairperson of the NLD (LA) Australia and coordinator of the JAC, took responsibility for all logistic issues of my meetings in Australia, including my convenient stay in his mother's house. I appreciate it.

On May 1, the Sydney Morning Herald, which is one of the top newspapers in Sydney interviewed me. In addition to constitution and referendum affairs, Burma's background was introduced with the issue of criminal accountability. I made a reference to the statement issued on May 29, 2007, by Australia Labor Party while it was in opposition, pushing the UNSC to refer the situation of Burma to ICC. I suggested that the Labor Party, now in power, should keep remain committed to its former position.

On May 2, the Sydney Morning Herald reported my interview. (Later, the same newspaper wrote an article on criminal accountability issue of Burma again on May 24.) On May 2, along with Dr. Aye Kyaw, I visited Burma Office and discussed with Dr. Myint Cho, its Director, and U Tin Htut, a MP elect in 1990 May election. Dr. Myint Cho is currently taking responsibility as a member



of Foreign Affairs Committee of the NCGUB. I elaborated on, inter alia, the criminal accountability issue of Burma with them again, criticizing the unreasonable concerns of some political leaders of Burma that political dialogue may not take place if our democratic movement emphasizes the criminal accountability issue. I elaborated that if we cannot take effective action on perpetrators who committed and have been committing heinous crimes, a genuine democratic transition may never occur; and, to the contrary, the human rights situation of Burma will deteriorate gravely. If we keep on exchanging ideas with them, centering on criminal accountability issue, it is expected that some educated Burmese activists in Australia may become core actors for Burma's criminal accountability project.

On the same day, under the arrangement of JAC, along with Dr. Aye Kyaw, Dr. Myint Cho, U Tin Htut and U Maung Maung Than, I visited Parliament House and met Mr. John Kaye, member of the Legislative Council, and his comrades. I briefly explained BLC's analysis on the SPDC's constitution and its fabricated referendum. In addition, I introduced Burma's heinous crime issue, with reference to the Labor Party's position. John is usually active on the issues of Burma and he mentioned that he would raise the question to the government in regard to their former commitment on criminal accountability.

On May 3, with the attendance of about 65 activists from different organizations, a symposium conducted by JAC was held and I took responsibility as the main speaker. I was, to some extent, able to encourage those activists so that they can keep on struggling for our just cause.

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I highlighted [criminal accountability] again when Australian Broadcasting Center interviewed me on the same day. The next day it was broadcast on ABC channel on television.

That evening, I met Ko Ye Htut (a.k.a.) Mr. Philip Smyte, who took responsibility as Joint General Secretary of the BLC between 1999 and 2001, along with U Myo Win, who is one of founding members of the BLC in Sydney. Ko Ye Htut is now practicing again as a lawyer there. I encouraged him to work with the BLC again, using his legal and language skills, and explained about our criminal accountability project. He generally agreed to work on that and cooperate with other Burmese activists in Australia. I also met about 20 ABSDF activists in Sydney and explained the current activities of BLC with background legal issues of Burma.

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Trip to Japan

I made a trip to Japan on May 6. On May 7, in Tokyo, with the arrangement of JAC, I talked at a Symposium along with other Japanese lawyers,



Mr. Shogo Watanabe and Ms. Yuki, and a Burmese leader of JAC. Over 100 participants and activists, both Burmese and some Japanese, attended. The major topic was constitution and referendum. Burma's criminal accountability issue was introduced a bit. Then, for the coming days, our Japanese lawyer friends, mainly Ms. Kazuko Ito, Secretary General of Human Rights Now, made arrangements for a series of meetings for me.

During my trip, I met the following Japanese MPs:

1. Mr. Kousuke Ito, Member, House of Representatives
2. Mr. Masaharu Nakagawa, House of Representatives, Democratic Party, Shadow Cabinet Minister of Finance
3. Mr. Azuma Konno, Member, House of Councilors
4. Mr. Tadashi Inuzuka, Member, House of Councilors
5. Mr. Toru Matsuoka, Member, House of Councilors
6. Mr. Kiyohiko Toyama, Member, House of Councilors

Meeting with Mr. Tadashi Inuzuka and Mr. Toru Matsuoka, held on May 9, was particular. These two senators played a crucial role in persuading the Japanese government to ratify the Rome Statue. Having asked some questions on the situations of Burma to me, they expressed their interest to support our efforts for seeking criminal accountability in Burma. Then, Mr. Inuzuka extended his invitation to me to attend a meeting of Parliamentarians for Global Action to be held on May 14.



I also met a famous lawyer in Japan, Mr. Akira Kawamura, now taking responsibility as the Secretary General of International Bar Association (IBA). He was generous. He mentioned that individually he supports our efforts and suggested that I contact the human rights section of the IBA.

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We met Mr. Kohki Abe, Professor of Law, Kanagawa University School of Law, Yokohama. Prof. Abe is one of the two most prominent international law professors in Japan. He commented that, from the perspective of the international human rights law, it is worth trying to raise the situation of Burma by putting pressure on the UNSC and "it is not impossible".

On May 9, the meeting with Mr. Kiyohiko Toyama, Member, House of Councilors and Chairperson, Committee on Judicial Affairs, was also significant. In that meeting, three Japanese lawyers, Mr. Shogo Watanabe, Ms. Yuki and Ms. Kazuko Ito and a Burmese activist accompanied me. Mr. Toyama was an Attorney at Law and law lecturer in a university in Tokyo. He got his doctorate in peace studies from the UK. His main concern was the position of China



which may use a veto in the UNSC meeting. With reference to the Sudan case, when I explained that China may abstain in the motion if we can create huge international legal and political pressure on China, highlighting the status of the regime as 'criminals', he agreed upon it. He suggested that, to create international legal pressure, in addition to Japanese legal community, we should organize the Minbyan, a powerful law group in Korea, in which former Presidents of Korea are its members.

I also visited the office of Morrison & Foerster, the biggest law firm in Tokyo and met the following lawyers:

- (1) Peter J.Stern
- (2) Kazuyuki Fujii
- (3) Yuko Ino
- (4) Hiromi Furushima



They expressed their interest in our criminal accountability project from the aspect of the international human rights law. However, they responded that, as they are not much familiar with the laws on ICC, they need time to observe it and, later they may attempt to cooperate with us.

In the evening of May 9, at the meeting hall of the Japan Federation of Bar associations, I gave a press conference in the presence of the Asahi Shimbun, The Yomiuri Shimbun, Kyodo news, Jiji Press and Human Rights Watch.

On May 11, I met about 30 Burmese leaders of the Joint Action Committee, comprising 30 democratic and ethnic organizations, which invited me to Japan. I encouraged them to form a legal team, as a working group of JAC, which will mainly observe and study legal issues of Burma and make advocacy within the political and legal community of Japan, focusing on the criminal accountability issue of Burma. They generally agreed upon it. We need to follow up with JAC and continue to push them to implement it. I also encouraged some Burmese lawyers who are now in Japan and who have submitted their applications to become members of the BLC to cooperate with JAC for formation of a legal team.

In the evening of May 12, People's Forum on Burma, an association of Japanese MPs, Japanese lawyers and some Burmese activists, organized a meeting. About one hundred participants, both Burmese and Japanese, participated in the meeting. There, I was the only speaker and mainly elaborated on Burma's background of heinous crimes and the importance of the criminal accountability issue. U Shwe Ba, a Japanese writer and journalist, took responsibility as interpreter. I answered all relevant questions and the audience expressed their interest. My explanation was recorded on television by PFB; it is expected that more numbers of Japanese MPs and responsible governmental authorities may observe it following that meeting. After my return, I learned



that the Japanese media has started to report about Burma from the aspect of heinous crimes issues and a possible referral of the UNSC to the ICC. Anyway, I presume that a lot of hard work is still required to organize the Japanese legal and political community as they mainly focus on domestic affairs, instead of international issues.

On May 14, I was invited to a PGA meeting by Senator Inuzuka, which was held at Conference Room No. 4, National Diet. The title of the meeting was "Strategy Meeting on the International Criminal Court (ICC) and the Responsibility to Protect the Civilian Population in Durfur and Tibet". It was attended by 10 MPs, including Ms. Yoriko Kawaguchi, former Minister of Foreign Affairs, and Ms. Mayumi Moriyama, former Minister of Justice, diplomats and some academicians. I attended accompanied by a Burmese activist, Min Htet Zaw from Burma Democratic Action Group.

Opening remarks were made by Mr. Satsuki Eda, President, House of Councilors, PGA members. Dr. David Donat Cattin, Director of the International Law and Human Rights Programme, PGA, talked about the Intervention of the International Criminal Court in Durfur. He worked to promote the universality and the effectiveness of the Rome Statue of the ICC in approximately 80 countries. Despite that, an agenda on Burma was not included. With the permission of the meeting, I asked Dr. David to make a brief comparative analysis between Sudan and Burma as to whether the possible referral can be made by the UNSC to ICC. He responded that, from the legal aspect, it is quite possible; even though previous crimes were not considered, the ignorance of the military regime on the atrocities of several thousand people after the Nargis storm has constituted a crime against humanity.

While I was in Japan, Maykha Media shot me on television; and there, I explained to our Burmese audience focusing on the Burma background of heinous crimes and criminal accountability issues. I recognize the hospitality of all members of BDA Group, led by U Than Swe, for all of their facilitation so that I could conveniently stay in their office and make local trips in Tokyo for meetings. I also appreciate the contribution of U Myint San, a former lawyer and economist, who assisted me with Japanese translation, and accompanied me in some meetings, coming down from Nagoya. I left Tokyo on May 16 and got back to the Thai Burma border on May 17, 2008.

Your comment and suggestions are welcome.

Thanks for your attention.

Aung Htoo
General Secretary
May 30, 2008

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