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Catastrophe in Burma a Wake Up Call to the International Community: Time to End Impunity for Heinous Crimes by the Military Regime

Senior General Than Shwe's denial of international humanitarian aid to the victims of Cyclone Nargis should come as no surprise to the international community. This negligence and refusal of access is part and parcel of the criminal nature of the regime and reflects their fear that the entire world will see first hand the results of decades of systematic human rights violations, crimes against humanity and war crimes. Today, the Parliament of the European Union made an important statement in the Joint Motion for Resolution on the tragic situation in Burma and recognized that those responsible for the crimes committed in Burma should be brought before the International Criminal Court. We applaud this step forward, however, any referral to the International Criminal Court must include the on-going use of torture, gang rape of ethnic women, forced labour, murder, mass imprisonment, and abduction of children to fill military quotas.

The European Parliament Resolution reflects the growing international consensus that impunity for state perpetrators of heinous crimes threatens global peace and security. The actions of the military regime go far beyond a repudiation of democracy; they are criminal violations of international humanitarian and human rights law including crimes against humanity, war crimes and possibly genocide. *We urge the Security Council to use its Chapter VII powers to end the impunity for state sponsored heinous crimes in Burma.*

Despite the October 2007 Presidential Statement by the Security Council condemning the violent repression of the peaceful "Saffron Revolution", the arbitrary arrests, detention and torture by the regime continues to undermine the credibility of the United Nations and the international legal system. In fact, all efforts to engage with the junta at the regional or international levels over the last three decades have failed, including some 30 condemnatory resolutions by the General Assembly and Commission on Human Rights. There have been



seven envoys to Burma since 1990. Razali Ismail, who served from 2000 to 2006, and made twelve visits to Burma, stated on his resignation, “It is best to conclude that I have failed.”

The Security Council’s actions addressing state-sponsored international crimes were consolidated with the condemnation of Iraq’s repression of civilians as a threat to international peace and security in 1991 and continued with the establishment of international criminal tribunals, and the referral of the situation in Darfur, Sudan to the International Criminal Court. Resolution 1325 on women, peace and security, which applies to the Security Council itself, supports a Chapter VII resolution given the well documented ongoing gender crimes of sexual violence in Burma. An additional instrument attesting to the Security Council’s commitment is Resolution 1674 on the Protection of Civilians in Armed Conflict endorsing the “Responsibility to Protect” Doctrine.

A Security Council Resolution under Chapter VII addressing the criminal accountability of perpetrators of international crimes in Burma is a moral and legal obligation of the world community. Ending such impunity enforces the most fundamental rights of victims and the people of Burma and represents to the world of a constructive commitment to international justice.

Contact : Gaël Grilhot

Tel : +33-1 43 55 90 19

Web: <http://www.fidh.org>

Email : ggrilhot@fidh.org

Contact: Andrea Friedman, Esq

Tel: 212-725-6530 x203

Cell: 617-970-9168

Web: www.globaljusticecenter.net

Email: afriedman@globaljusticecenter.net

Contact: U Aung Htoo

Cell: 66 (0) 81 533 0605

Web: www.blc-burma.org

Email: blcsan@ksc.th.com

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