



## Part A: Focus on Criminal Accountability

### (A. 1)

## Burma Lawyers' Council Report on the Campaign for Criminal Accountability

This issue of the *Lawka Pala* focuses largely on criminal accountability. There is overwhelming evidence that under the military regime, the people of Burma have suffered from widespread and systematic atrocities. In September 2007, the Burma Lawyers' Council (BLC) formally teamed up with U.S.-based Global Justice Center (GJC) to begin a campaign to hold perpetrators of these crimes responsible. Since then, many other organizations have endorsed the campaign and joined the BLC and GJC in calling for accountability. This brief report answers some of the most frequently asked questions about the Campaign.

### *1. What is the Campaign for Criminal Accountability?*

The Campaign for Criminal Accountability is a cooperative effort among concerned individuals, Burmese organizations, international organizations, and nation states to hold perpetrators of heinous crimes in Burma accountable for their acts. The primary campaign strategy is to get the United Nations Security Council (UN Security Council) to refer the crimes to the International Criminal Court (ICC) for an investigation and possible prosecution.

### *2. Why does the UN Security Council have to refer the crimes to the ICC?*

If Burma were a signatory to the ICC statute, this case could go directly to the ICC. As Burma did not sign the statute, however, the only way to get the case to the ICC is through a UN Security Council referral under its Chapter VII powers. Chapter VII of the UN Charter addresses threats to international peace and security.

### *3. What are "heinous crimes"?*

"Heinous crimes" are crimes that are atrocious enough to concern all of humanity. They include the crimes over which the ICC has jurisdiction; namely, crimes against humanity, war crimes and genocide. Amnesty International has independently concluded that crimes against humanity have taken place in Burma. The International Committee for the Red Cross, in a rare departure from neutrality, condemned the Burmese government for gross violations of international humanitarian law (war crimes). Numerous other organizations have also been documenting these crimes for many years.



#### *4. Who is participating in the Campaign for Criminal Accountability?*

The Campaign is a cooperative effort among many organizations, led by the BLC, GJC, Network for Human Rights Documentation – Burma, and Women’s League of Burma. Several important Burmese and international organizations have endorsed the Campaign or joined us for the Campaign, including the National Council of the Union of Burma, International Federation for Human Rights, Christian Solidarity Network, and Burma Justice Committee (UK).

#### *5. What have been the Campaign’s most important activities and accomplishments?*

The Campaign’s most important activity has been explaining to individuals, organizations and governments around the world why criminal accountability is important to improving the situation in Burma and how the Campaign is complimentary to, not in opposition with, true national reconciliation. Just as importantly, the BLC and GJC have been seeking the input and opinions of others to strengthen the Campaign strategy and incorporate new ideas.

To this end, members of the GJC and BLC have traveled to England, Belgium, Japan and Australia to hold discussions with Burmese activists, human rights groups, international NGOs, government administration officials, and Members of Parliament.

In cooperation with the Coalition for the International Criminal Court, Union for Civil Liberty and International Federation for Human Rights, in November 2007 the BLC co-hosted a Consultation on the International Criminal Court and the Rule of Law in Burma and Thailand.

In the aftermath of Cyclone Nargis, the Campaign successfully lobbied the European Parliament to include language in its May 22 Special Resolution that called for ICC involvement in Burma.

The Campaign’s primary documentation partner, Network for Documentation – Burma, has been collecting evidence of heinous crimes to be used in connection with a UN Security Council referral and a possible ICC investigation.

The next major effort will be an outreach trip to Japan, Korea, Philippines, and Indonesia. These countries are particularly important to bringing about the support of more Asian countries for criminal accountability in Burma. The trip



is tentatively planned for December 2008 and will include meetings with Burmese groups, NGOs, women's groups, the press, Members of Parliament and government authorities.

*6. Why is it important to get others to support the Campaign?*

For the Campaign to succeed there must be support from the ground up. First the Burmese people both inside and outside the country need to support accountability. This will signal to important international NGOs and governments around the world that the Burmese people want perpetrators to be held responsible and impunity to end. And then, only the pressure from the entire Burmese and international community can convince countries on the UN Security Council, particularly countries like Russia and China, that they have a legal and moral obligation to refer the case to the ICC to investigate heinous crimes that have occurred in Burma.

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