



Part D: Criminal Accountability

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Momentum Building for Criminal Accountability Campaign

For decades, the people of Burma have suffered extreme oppression under the rule of the military regime, the State Peace and Development Council (SPDC). The most horrific of the regime's acts, such as murder, rape, and torture, have been widespread and part of government policy. They are not merely human rights violations; rather they are crimes against humanity and war crimes that must be brought to justice.

In August 2007, the Global Justice Center (GJC), Burma Lawyers' Council (BLC) and Network for Human Rights Documentation – Burma (ND-Burma) met to formulate a strategy to end impunity for these crimes and hold perpetrators accountable by means of international justice mechanisms. The primary objective is to obtain a UN Security Council referral of the crimes to the International Criminal Court. This campaign for criminal accountability has now become a worldwide effort among numerous organizations and individuals to finally end the SPDC's reign of terror.

This timeline describes some of the highlights as the campaign continues to build momentum.

- August 2007: BLC, GJC and ND-Burma held three days of meetings to discuss how to hold perpetrators of heinous crimes in Burma accountable.
- August 2007: BLC published in its *Lawka Pala* legal journal an important legal strategy paper written by GJC President Janet Benshoof entitled "The Changing Landscape of International Law: The Global Responsibility to Prosecute Perpetrators of Grave Crimes Inflicted on the People of Burma".
- August 29, 2007: Australian Shadow Minister for Foreign Affairs Robert McClelland (currently Attorney General of Australia) called on Australia to request the UN Security Council to authorize the ICC to commence investigations into Burma's leaders for crimes against humanity.
- September 25, 2007: BLC and GJC officially executed a Memorandum of Understanding expressing their desire to work as partners to enforce the rights under international law of redress and accountability for victims of heinous crimes in Burma, focusing on the International Criminal Court.
- September 29, 2007: The Nation newspaper in Thailand published an editorial by the BLC and GJC urging the UN Security Council to take all actions necessary to stop the murders of innocent people in Burma and hold the military junta commanders criminally accountable.
- November 1, 2007: Journalist Bertil Lintner discussed in his Irrawaddy article how it has become necessary to explore ways of holding the SPDC leaders accountable through international justice mechanisms, including the ICC.
- November 22 – 23, 2007: The BLC and Union for Civil Liberty organized a Consultation in Bangkok on the International Criminal Court and the Rule of Law in Burma and Thailand that was supported by the Coalition for the



International Criminal Court - Asia (CICC-Asia) and the International Federation for Human Rights (FIDH). Speakers included an attorney authorized to practice before the ICC, a human rights expert and a Program Officer from FIDH, the Coordinator for CICC – Asia, and Legal Adviser for the International Committee of the Red Cross.

- February 1, 2008: The National Council of the Union of Burma formally endorsed the Campaign for Criminal Accountability.
- From February 18 - 22, BLC General Secretary U Aung Htoo, GJC President Janet Benshoof and Vice President Andi Friedman traveled to London to increase awareness of the criminal accountability campaign. They met with:
 - The Director of the UK Campaign for Burma, Ms. Anna Roberts.
 - The UK House of Lords.
 - The Honorable Baroness Scotland, Attorney General of the UK.
 - Ms. Sappho Dias of the Burma Justice Committee, comprising 34 experienced UK lawyers, primarily from the Queen's Council, dedicated to working for the rule of law and justice in Burma. Ms. Dias is the granddaughter of U Rashid (former Education Minister of Burma prior to the 1962 coup) and a Barrister in Law.
 - Director of War Crimes Emma Davies and Burma Desk representative Nigel Boud from the UK Foreign Commonwealth Office.
 - The Burmese community in London, including representatives of Burmese women's groups, the Burmese Muslim Association and NCUB representatives.
 - The Venerable U Uttara, secretary of International Burmese Monks Organization.
- March 17 - 18, 2008: BLC General Secretary provided training on the ICC to the Karen Human Rights Group.
- April 7, 2008: The BLC and ND-Burma entered into a Memorandum of Understanding to eliminate impunity for crimes by focusing on the collection and analysis of evidence. Shortly thereafter, the two organizations formed working teams that meet regularly to create an evidence database and prepare an analysis report.
- April 14, 2008: The GJC, BLC and Burma Justice Committee issued a press release denouncing the SPDC's attempt to give itself criminal immunity in the constitution.
- April 30 - May 4, 2008: The BLC General Secretary traveled to Sydney, Australia to discuss, among other things, the criminal accountability campaign. He met with:
 - A number of leading Burmese activists in Australia.
 - About 65 activists from different organizations at a symposium conducted by Joint Action Committee.
 - About 20 ABSDF activists.
 - Mr. John Kaye, a member of the Australia Legislative Council.
 - He was interviewed by the Sydney Morning Herald, one of the top newspapers in Sydney, and the Australian Broadcasting Center.
- May 5, 2008: The Far Eastern Economic Review published an article authored by BLC General Secretary U Aung Htoo and GJC President Janet Benshoof condemning the SPDC Constitution and urging an ICC referral.



- May 7– 15, 2008: The BLC General Secretary traveled to Tokyo, Japan, where he participated in a number of activities involving criminal accountability.
 - Gave a speech at a Symposium with Japanese lawyers to over 100 participants and activists.
 - Met with six Japanese Members of Parliament from both the House of Representatives and the House of Councilors, including two senators who played a crucial role in persuading the Japanese government to ratify the Rome Statute.
 - Met with Mr. Akira Kawamura, Secretary General of International Bar Association, Mr. Kohki Abe, Professor of Law, Kanagawa University School of Law, Yokohama, Mr. Kiyohiko Toyama, Member, House of Councilors and Chairperson, Committee on Judicial Affairs, and the offices of Morrison & Foerster, the largest law firm in Tokyo.
 - Held a press conference in the presence of the Asahi Shimbun, Yomiuri Shimbun, Kyodo News, Jiji Press and Human Rights Watch.
 - Met about 30 Burmese leaders of the Joint Action Committee and discussed how they can advocate within the political and legal community of Japan, focusing on criminal accountability.
 - Met with about 100 participants in a meeting organized by People's Forum on Burma, an association of Japanese MPs, Japanese lawyers and Burmese activists, where he discussed Burma's background of heinous crimes and the importance of criminal accountability.
 - Attended Parliamentarians for Global Action (PGA) meeting at the National Diet entitled "Strategy Meeting on the International Criminal Court (ICC) and the Responsibility to Protect the Civilian Population in Darfur and Tibet". It was attended by 10 MPs, including Ms. Yoriko Kawaguchi, former Minister of Foreign Affairs, Ms. Mayumi Moriyama, former Minister of Justice, diplomats and some academicians. Dr. David Donat Cattin, Director of the International Law and Human Rights Programme, PGA, said that a referral of Burma to the ICC is quite possible from the legal perspective.
- May 12, 2008: International Crisis Group President suggested that a prima facie case for crimes against humanity exists as a result of the military regime's actions after Cyclone Nargis.
- May 22, 2008: European Parliament recommended use of ICC to hold SPDC accountable for crimes and calls on EU Member States to press for a UN Security Council resolution referring the case to the ICC for investigation and prosecution. The ICC language was only included after extensive lobbying efforts from the GJC.
- May 22, 2008: In the wake of the SPDC's criminal behavior after Cyclone Nargis, the International Federation for Human Rights (FIDH) joined the BLC and GJC in calling for criminal accountability at the ICC.
- May 24, 2008: Andrew Mitchell, the UK Tory Party's shadow international development secretary, said that the regime's leaders should be brought to the ICC to face charges of crimes against humanity.
- May 27, 2008: Christian Solidarity Worldwide joined the GJC and BLC in urging the UK to use its presidency of the UN Security Council to press for justice and accountability by referring the military regime to the ICC.



- June 5, 2008: Amnesty International released a report detailing extensive crimes against humanity perpetrated by the SPDC.
- June 17, 2008: U.S. Senator John Kerry sent a letter to the U.S. Secretary of State expressing his grave concerns over the Burmese military junta's restricting foreign aid after Cyclone Nargis, and asked for a legal opinion on whether the junta's actions may constitute "crimes against humanity" under international law.
- June 19, 2008: All Burma Monks Alliance called on the European Union to bring Than Shwe before an international criminal court to face charges of crimes against humanity.
- June 20, 2008: The Karen Women's Organization and Palaung Women's Organization joined the GJC and BLC in recognizing the importance of historic UN Security Council Resolution 1820 on sexual violence in armed conflict and called for the Security Council to use its Chapter VII powers to refer the military junta to the ICC.
- June 24, 2008: Women's League of Burma called on the UN Security Council to refer top leaders of the Burmese military junta to the ICC for war crimes and crimes against humanity.
- June 27, 2008: BLC General Secretary met with ASEAN MPs in Mae Sod, Thailand to discuss criminal accountability.
- June 30 – July 2, 2008: GJC Vice-President met with Amnesty International, Burma Campaign UK and UK Foreign Commonwealth Office to continue ICC discussions.
- August 1, 2008: Sasanamoli International Burmese Monks Organization wrote an open letter to the European Parliament requesting the EU to push all Security Council members for a Chapter VII referral to the ICC, including accountability for violations of the Genocide Convention and Geneva Conventions.
- August 9, 2008: The BLC met with Tomás Ojea Quintana, United Nations Special Rapporteur, to discuss the legal situation in Burma and the criminal accountability campaign.
- August 24, 2008: The BLC General Secretary and Staff Attorney met with three Japanese Members of Parliament in Bangkok during their mandated delegation to discuss the legal situation in Burma and criminal accountability.
- September 1, 2008: Women's League of Burma and BLC met to discuss how the WLB can formally join the criminal accountability campaign.
- October 29 – November 1, 2008: BLC General Secretary U Aung Htoo introduced criminal accountability and the ICC to an esteemed audience at the 21st Conference of LawAsia in Kuala Lumpur, Malaysia.

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