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The Burma Lawyers' Council Applauds the United States for Its Support for a United Nations Commission of Inquiry

The Burma Lawyers' Council welcomes the public support of the United States for a United Nations Commission of Inquiry (COI) to investigate crimes against humanity and war crimes in Burma. The Obama administration announced its support for a COI on August 17, 2010, which marked the government's departure from its previous policy of engagement with the regime.

The United States has become the fifth country to affirm the need for a United Nations investigation of international crimes in Burma, joining the United Kingdom, Australia, the Czech Republic, and Slovakia. The demand builds upon the momentum created by the groundbreaking March 2010 report of the Special Rapporteur on the Situation of Human Rights in Burma which called for a United Nations COI to investigate war crimes and crimes against humanity in Burma. In his report the Special Rapporteur, Tomas Ojea Quintana, indicated that human rights violations are a part of systematic state policy that involves all levels of the regime. He noted that the crimes in Burma are not only human rights violations but also crimes against humanity or war crimes as defined under the Rome Statute of the International Criminal Court, and he urged the United Nations to establish a COI to address these crimes.

By supporting a United Nations COI, the United States takes a stand against the long-running impunity that currently reigns in Burma. After the elections scheduled for November 7, 2010, this systematic impunity will be codified in law. Burma's 2008 constitution, which will be enacted following the elections, offers no hope for justice through Burma's domestic legal system. The constitution ensures that the judiciary will be unable to hear any charges against government officials for any crimes, even crimes against humanity and war crimes. Victims of international crimes in Burma must look elsewhere for some measure of justice. The international community's support for a COI is the first step to uncovering the truth about the regime's rampant criminality and forging a path to justice.

The United States has taken a strong stance against the criminality of Burma's ruling regime. Since the United States announced its support for an investigation, the Burma Lawyers' Council is now looking to other countries to echo this necessary demand. Other nations dedicated to international justice and peace building must join the call for justice in Burma and push for a United Nations COI to investigate war crimes and crimes against humanity in the country. One



key opportunity for the international community to rally around the call for justice is to include the need for a COI in the United Nations 20th General Assembly Resolution on Burma, which will be released later this year. The General Assembly Resolution should acknowledge the need for an international investigation into the criminality of Burma's ruling regime and should include strong language calling for the establishment of a United Nations COI. The international community must respond to the calls for justice from within Burma and establish a COI to begin the process of bringing the rule of law and accountability to the country.

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