



INTERNATIONAL COMMISSION OF JURISTS

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United Nations Human Rights Council

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**ICJ Intervention on the Report of the Special Rapporteur on the Situation of Human Rights in Myanmar, Paulo Sérgio Pinheiro,
Mandated by Resolution 6/33 of the Human Rights Council**

13 March 2008

Check against delivery

Distinguished Mr. President,

According to estimates, there are currently 1,850 political prisoners detained in Myanmar, with a further 75 individuals whose whereabouts the Government has failed to clarify and are presumed to be victims of enforced disappearance. Military authorities continue to practice torture and cruel, inhuman and degrading treatment in violation of peremptory norms of the international law.

The Government of Myanmar has continued to inflict inhuman conditions of detention on prisoners, reportedly allowing a political prisoner to die of untreated tuberculosis as recently as March 6th. Illegal and political persecution to silence peaceful political opposition and journalists remains widespread. Daw Aung San Suu Kyi has spent over four years under house arrest, and has been detained for more than 11 years. And the list of human rights abuses goes on.

The International Commission of Jurists (ICJ) deplores the Myanmar's Government continuous gross violations of human rights, in manifest disregard of the Council's repeated calls for reform and of the UN Special Rapporteur's recommendations. The fact that the Special Rapporteur has not been allowed to return to the country, as requested by the Council's resolution 6/33, is of particular concern.

This situation is a test for the Council, along with all of its members, to exercise its responsibility to hold the Government of Myanmar to account.

In para. 36 of his report, "the Special Rapporteur regrets that he has not received any concrete information regarding the investigation nor clarification of the responsibilities of any official or security branch involved in the killing of the 15 individuals acknowledged by the authorities as casualties from the crackdown on the demonstrations held in September 2007. He also regrets the lack of information regarding the allegations of the killing of 16 additional individuals and the accounted burning of a number of bodies at the Ye Way crematorium."

An adequate investigation of the crackdown on peaceful protesters in September 2007 has yet to take place. This should be part of a follow-up visit by the Special Rapporteur to Myanmar, as requested in the Council's resolution 6/33.

On this occasion, the ICJ repeats its call for the Council to establish an international commission of investigation, to be assisted by the relevant Council's Special Procedures and the OHCHR. Legal accountability for the massive atrocities in Myanmar is an important

precondition of finding a political solution to the crisis in Myanmar, in which the UN Secretary-General and the Security Council are currently engaged.

We also call on the Council to urge the Myanmar Government to release all prisoners of conscience, political prisoners, as well as detainees who have not been duly convicted of a crime, and to reveal the whereabouts of all persons detained or missing.

The ICJ also supports the Special Rapporteur's recommendation that the Government repeal or amend existing laws and regulations in relation to the right to peaceful assembly, the right to freedom of expression, the right to freedom of movement and all matters related to criminal and penal procedures and prison regulations.

I thank you.