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**Statement by Mr. Paulo Sergio Pinheiro
Special Rapporteur on the situation of human rights in Myanmar**

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Mr. President,
Distinguished Members of the General Assembly,
Excellencies,
Ladies and gentlemen,
Colleagues and friends,

I have the honour to present my report A/62/223, mandated by General Assembly resolution 61/232, which focuses on the main pattern of human rights violations in Myanmar identified between January and July 2007. I would like to devote my statement to this session to the more recent events in Myanmar since 15 August 2007 and the mandate I have been given by a Special Session of the Human Rights Council to visit the country to further assess the situation there.

Despite having not been granted access to Myanmar since November 2003, I have continued to closely follow the events in the country and to fulfill my mandate to the best of my ability based on information collected from a variety of independent and reliable sources. I have maintained a positive dialogue with the Permanent Missions of Myanmar in Geneva as well as New York and included their comments in my report. I have further held consultations with representatives of Member States, officials of United Nations agencies, representatives of civil society organizations and members of the academic community.

Since the submission of my report, tragic events have been taking place in Myanmar since 15 August 2007 when the Government of Myanmar increased the retail price of fuel by up to 500 per cent. This decision, which was made without advance warning, has drastically affected the livelihoods of the people of Myanmar. The population, who has seen for the last years its standards of living curtailed, reacted to this state of affairs by staging a number of peaceful protests starting on 19 August, which culminated in large demonstrations from 18 September to 30 September, led by Buddhist monks with the participation of the 88 generation students, NLD parliamentarians, religious minorities and citizen, including women and children, as well as government officials. From 26 to 28 September, the security forces repressed peaceful demonstrators with the use of excessive force including shootings and severe beatings. As a result, people have been killed and thousands of them have been arrested. Many people remain still detained and I continue received alarming reports of death in custody, torture and disappearances.

At the time of speaking, I have been able to verify, through different independent and reliable sources, allegations of the use excessive force by the security forces including live ammunitions, rubber bullets, teargas, bamboo and wood sticks, rubber batons and catapults (slingshots). This largely explains the killings and the severe injuries reported. The use of non-law enforcement officials and non-State armed groups alongside the security forces, including members' of the Union Solidarity and Development Association (USDA) as well as militia (Swan Ah Shin), is also of very serious concern.

I have joined my Special Procedure colleagues and the international community in publicly denouncing these repressions and raising our deep concern for the fate of thousands of peaceful demonstrators who have been arrested since the beginning of the peaceful protests. We have further called on the authorities of Myanmar to immediately and unconditionally release the detainees and political prisoners, including the General Secretary of the National League for Democracy (NLD), Daw Aung Sang Suu Kyi. Today, 24 October, sadly marks the anniversary of her 12 years in detention. The Government's recent appointment of a liaison officer tasked with starting dialogue with the opposition is viewed as a positive step. Such dialogue should begin without any further delay.

I have also echoed the United Nations Secretary-General and the United Nations High Commissioner for Human Rights' press statements recalling that the use of excessive force, killings, arbitrary arrest or ill-treatment of peaceful protesters is abhorrent and unacceptable. These acts are strictly prohibited under international law and could invoke individual criminal responsibility. Myanmar has an obligation to thoroughly investigate grave violations of human rights, to prosecute those

responsible for their perpetration and, if their guilt is established, to punish them. This means that those responsible for human rights violations must stand trial and that victims must obtain reparations.

While States of the region have an outstanding role to play in this process, there is an urgent necessity to coordinate the different approaches among member states finding ways to contribute to the process towards upholding the principles of democracy and rule of law in Myanmar. A strategic dialogue should be reached through contacts & meetings with the Government, aiming at reconciling the army with the people of Myanmar. I therefore welcome the solidarity of the international community and am encouraged by the expressions of deep concern issued by key international and regional actors, in line with the statement issued by the Association of Southeast Asian States (ASEAN) urging Myanmar to desist from the use of violence against demonstrators. I am further pleased by the consensus Statement issued recently by the Members of the United Nations Security Council strongly deploring the violence used against the demonstrators and stressing the importance of early release for all political prisoners. An end to the violence by the police and military is only a beginning to the steps that are urgently needed. The starting point is a real dialogue with the opposition, and I therefore call for international actors to mediate in this process so as to prevent further repressions in Myanmar.

I welcome the access provided by the Government of Myanmar to the Secretary-General's Special Adviser, Mr. Ibrahim Gambari, and call upon the Government to continue cooperating with him in the discharge of his good offices, with a view of keeping channels open for the international community collaborating in finding solutions for tangible progress towards democracy and protection of human rights in Myanmar. I welcome the recent call by the Special Advisor to the members of ASEAN to go beyond speaking out against the recent use of force in the country and do more to hasten the process of democratization and the longer-term issues of peace, stability, democratization and human rights in the country. The Special Adviser has urged the Government of Myanmar to halt the use of force against dissidents, calling recent reports of arrests, interrogations and intimidation "extremely disturbing." My report to the General Assembly has been shared for comments with the Special Adviser.

Mr. President,
Distinguished Members of the General Assembly,

When the situation in Myanmar was discussed at the United Nations Security Council earlier this year, several members urged parallel action by the United Nations Human Rights Council. I therefore welcome the decision by the members of the Human Rights Council to convene, on 2 October 2007, the "Special Session on the Human Rights Situation in Myanmar". The Human Rights Council's adoption, by consensus, of its Special Session resolution S-5/1 has mandated me to assess the current human rights situation and to monitor the implementation of its resolution, including by seeking an urgent visit to Myanmar in view of reporting to the resumed sixth session of the Council in December 2007.

I am pleased to report that the Government of Myanmar has this week confirmed its agreement to my visiting the country. I propose to travel in view of gathering information, collecting testimonies and data, as well as verifying the allegations on the ongoing human rights abuses in Myanmar. I will be particularly concerned to verify the numbers, whereabouts and conditions of those currently detained, as well as an accounting for the numbers killed during the protests.

Since the repression of the peaceful manifestations I have continuously received worrying reports of death in custody, torture, disappearances, ill-treatment, and lack of access to food, water or medical treatment in overcrowded unsanitary detention facilities across the country. Reports are being received regarding night raids during the curfew hours with the army and the militia going home by home searching for people and detaining participants in the demonstrations. Relatives of people in

hiding have reportedly been taken hostage as a way of pressure. It should be noted that the reduced curfew hours apparently has had no impact on the incidents which are reportedly committed between 11.00 p.m. to 3.00 a.m., when no witness are present in the streets. I have received reports that from 26 September to 6 October 52 monasteries had been raided by "Security Forces". I have also received reports of people who have already been charged and sentenced by special courts.

It is difficult at this stage to provide you with accurate numbers of persons killed and arrested as well as those who are still detained. The figures being provided by the authorities underestimate what might be the real numbers. According to other sources, between 30 to 40 monks and 50 to 70 civilians have allegedly been killed, while 200 have been beaten. An organization has made available on their website a list of 775 names of people allegedly detained or who have disappeared, some source report that over 3000 demonstrators are detained under horrific conditions. The numerous reports and allegations remain however alarming. The discrepancies between numbers show the need for an independent and thorough investigation. The International Committee of the Red Cross (ICRC) said recently that it was seeking access to thousand of people detained during the recent crackdowns in Myanmar, though authorities had not yet agreed to talks.

Organizations have confirmed that search operations continue. Some witnesses believe that there have been selective killings aimed at decapitating the incipient movement, even if the demonstrations do not have a strong well defined organization behind them. Many of the people who joined the demonstration in mass outraged by the economic situation and by the actions against a the monks, have *no* backup of any organization that could help them when arrested or detained.

In accordance with the resolution S-5/1 of the Human Rights Council I urge the Authorities of Myanmar:

- To secure the physical and psychological integrity of all persons who have been taken into custody
- To reveal the whereabouts of the people, especially missing persons
- To ensure an immediate access by the ICRC or/and other humanitarian personnel to all detainees
- To take steps to release unconditionally all detainees
- To grant amnesty to people who have been already sentenced, and to drop charges against those who are in the process of being prosecuted
- To conduct an independent and thorough investigations into the killings and enforced disappearances
- To take action against those responsible
- To effectively engage in a constructive dialogue with the Human Rights Council and its special procedures, especially with my mandate
- To take steps to alleviate the economic hardship of the great majority of the population and introduce serious reforms.

Mr. President,
Distinguished Members of the General Assembly,

The recent tragic events have shown to the international community, once again, that the government is not adequately protecting the freedoms of opinion and of assembly.

The persecution of members of political parties in the opposition and human rights defenders shows that nowadays the road map for democracy and the laying down of principles for a new constitution by the National Convention, which was concluded on 3 September 2007 with the adoption of detailed and basic principles, faces many obstacles to bring a genuine transition. The starting point for a national reconciliation requires meaningful and inclusive dialogue from the Government with and between political representatives and ethnic groups. I therefore call for international actors, including through the Human Rights Council mechanisms, to contribute to this process.

According to numerous and consistent reports, there have been marked signs of deterioration in the economic and social sectors that could lead to aggravate the humanitarian situation. There is a need to address adequately and urgently the needs of the population. The international humanitarian assistance cannot be made hostage of politics. Any decision on humanitarian assistance must be solely guided by the best interests of children, women, people living with disabilities, those affected by diseases and minority groups. It would be a terrible mistake to wait the political normalization of Myanmar to help the population and to reinforce the strengths of the community.

While international attention has focused on the protests for democracy in Myanmar's cities, a hidden war has decimated generations of the Karen, the Shan and other minority groups have faced the consequences of conflict for decades. There are numerous allegations that their thatched-roofed, bamboo homes have been torched, men have been seized into forced labor for the army, while women, children and the elderly either hide out in nearby jungles until the soldiers leave or flee over the mountains to crowded, makeshift refugee camps. A new analysis of high-resolution commercial satellite images (completed by the American Association for the Advancement of Science) is pinpointing evidence consistent with village destruction, forced relocations, and a growing military presence at 25 sites across Eastern Myanmar where eye-witnesses have reported human rights violations. This research may offer clear physical evidence to corroborate on-the-ground accounts of specific instances of destruction and is believed to be the first demonstration of satellite image analysis to document human rights violations in Myanmar.

Credible documents reports ongoing violations of international humanitarian law committed against internally displaced communities, currently estimated to be at least half a million. A survey found that approximately 76,000 people were forced to leave their homes as a result of the effects of armed conflict and human rights abuses during the past year. While the total number of deaths caused by these military operations is unknown, at least 38 villagers have been killed during 2007 in Thandaung Township alone.

In order to access information about what is really happening within their country, and the rest of the world, many citizens are forced to rely on sources of information that are prohibited by the national authorities. The main sources of outside information are the daily Myanmar-language radio broadcasts from abroad. Meanwhile, the Government continues to impose black-outs on other forms of outside communication. The Internet also continues to be censored and extensive efforts are made to block free, independent e-mail services, particularly in the wake of last month's crackdown.

Mr. President,
Distinguished Members of the General Assembly,

I am convinced that the government of Myanmar could benefit from a more active cooperation with my mandate, and welcome the opportunity presented by my visit to deepen my dialogue with the Government. The stability of Myanmar is not well served by the arrest and detention of political leaders or by the severe and sustained restrictions on fundamental freedoms. The unconditional release of the General Secretary of the NLD and thousand of political prisoners is a prerequisite for an authentic democratic transition. The severe treatment of senior ethnic nationality leaders further sends a counter-productive and shocking signal. There will be no progress in Myanmar's political transition unless ordinary people have space to express their views and discontent, peacefully and in public.

Thank you