

October 5, 2010

H.E. Catherine Ashton
High Representative of the European Union
for Foreign Affairs and Security Policy
Vice-President of the European Commission

Your Excellency,

We are writing to draw your urgent attention to the human rights-situation in Burma, and to appeal to you to support the recommendation by the current UN Special Rapporteur for Human Rights in Burma, Mr. Tomas Ojea Quintana, for the establishment of a UN Commission of Inquiry to investigate crimes against humanity and war crimes in Burma.

As former UN Special Rapporteurs on Human Rights in Myanmar, it is our firm conclusion that the pattern of human-rights violations perpetrated by the military regime in Burma is severe, widespread and systematic, and directed at civilians, and may therefore violate international human-rights and humanitarian law. As the current Special Rapporteur has concluded, the abuses are a matter of state policy and there is more than sufficient evidence to justify the creation of such a Commission of Inquiry.

Evidence of the widespread and systematic use of forced labor, rape as a weapon of war, the forcible conscription of child soldiers, religious persecution, torture and killings is well-documented, and has been presented by many respected human rights organizations including Amnesty International, Human Rights Watch, International Federation of Human Rights (FIDH), and Christian Solidarity Worldwide (CSW), among others. Since 1996, over 3,500 villages in eastern Burma alone have been destroyed, and at least half a million people internally displaced. Hundreds of thousands have been forced to flee to the borders of neighboring countries, and beyond. These violations of international humanitarian law have been documented by the UN in numerous resolutions by the General Assembly and Human Rights Council, and in our own and other reports of Special Rapporteurs.

In addition, some 2,200 political prisoners remain in jail, many serving sentences of 65 years or more. Burma's democracy leader, Nobel Peace Prize winner Aung San Suu Kyi, has spent almost fifteen of the past twenty years under house arrest. The new Constitution, which will come into force after the regime's elections in November, contains a clause providing blanket immunity for all crimes, past, present and future, committed by the military, and guarantees the military a quarter of the parliamentary seats. The election laws issued earlier this year, the recent de-registration of Aung San Suu Kyi's party, the National League for Democracy, and the regime's decision to exclude many ethnic populations and parties from participating, mean that the forthcoming elections offer little hope of meaningful change in Burma. The elections, in our opinion, will perpetuate military rule and result in continuing human-rights violations.

For all these reasons, we believe that it is time for the UN to establish a Commission of Inquiry, as the Special Rapporteur has recommended, and we believe the EU should propose this in the forthcoming UN General Assembly resolution. It is essential to send a strong message to the

regime ahead of the elections that the international community will not continue to tolerate its violation of international humanitarian law and that impunity must end. As you should be aware, many EU members have already announced their support for this approach, including the United Kingdom, France, The Netherlands, Ireland, Czech Republic, Slovakia, Hungary and Lithuania.

We hope, therefore, that you will publicly add your support to the growing calls for the establishment of a UN Commission of Inquiry.

Yours sincerely,



Paulo Sergio Pinheiro
Special Rapporteur on Human Rights
in Myanmar (2000-2008)



Yozo Yokota
Special Rapporteur on Human Rights
in Myanmar (1992-1996)

Cc: Government of Belgium, Presidency of the Council of the European Union
Foreign Ministers of EU Member States
Permanent Representatives of EU Member States in New York and Geneva
European Commission