



# INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

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## ICJ Intervention in the Special Session of the UN Human Rights Council on the Human Rights Crisis in Myanmar

2 October 2007

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Mr. President,  
Madam High-Commissioner,

The systematic crackdown by the Government of Myanmar on peaceful opposition and protest poses a major challenge to the Council's role to prevent – and end - human rights violations. It requires swift and resolute action, and effective follow-up.

Many actors in the international community, including ASEAN foreign ministers, have expressed the gravest concern at the acts of violence by the military against peaceful demonstrators. The violations include arbitrary killings, arrests and detentions, torture and excessive use of force against monks and other civilians.

The Myanmar Government, by suppressing peaceful protest, in blatant disregard of the human rights of its people, has shown once again that the so called "democratisation" process through the National Convention and other measures, has been a veil for the military Government staying in power. The current wave of suppression has shown that the so-called "transition to democracy" has failed.

The human rights violations may have included crimes under international law, for which their perpetrators are individually and criminally responsible. The full truth about the last few weeks must be investigated and revealed: how many peaceful demonstrators were killed and how many injured as a result of the violent actions of the security forces? How many people have been arbitrarily detained, to add to those already arbitrarily imprisoned? What has happened to those detained?

The ICJ calls on the Council to condemn the violent repression of peaceful demonstrations in Myanmar, including the killings of demonstrators and at least one journalist and to recall that those responsible should be held criminally responsible. The Council must call on the Myanmar Government to stop the current repression and to guarantee its people their right to peacefully express their views and to protest. The Government must immediately release those detained in recent peaceful protests and during raids, as well as all political prisoners and detainees in Myanmar, including Daw Aung San Suu Kyi.

Mr. President,

The political reverberations are being felt well beyond the borders of Myanmar. More Burmese refugees are fleeing and the ICJ urges the governments of neighbouring countries to permit these refugees to enter and seek asylum. The events in Myanmar raise major concerns both for international peace and security and for the protection of human rights. The UN Security Council and the Human Rights Council both have a responsibility to act. Their response should be complementary and mutually reinforcing. Indeed, we witness a crisis of such proportions, that all parts of the United Nations human rights and political machinery have a role.

Action now by the Council can help to prevent further loss of life and abuse and to restore the fundamental freedoms of the people of Myanmar. Human rights violations and political deadlock in Myanmar have been chronic and long-standing. But to this has been added a new and acute human rights and political crisis. They demand action over and above those measures already put in place so far. It should be remembered that the Special Rapporteur on Myanmar should already be visiting the country regularly, but has been denied entry by the government for almost four years. The ICJ considers that the current human rights crisis demands a new and higher level response by the Council – that the Council should remain actively seized of the situation, be able to re-examine developments in a short space of time and adjust its response accordingly.

The ICJ considers that this Council should request its President, accompanied by the Special Rapporteur on the situation of human rights in Myanmar, urgently to visit Myanmar. The Government of Myanmar must allow this mission unhindered access. The President and Special Rapporteur should report back not in December 2007, but to a resumed meeting of this 5<sup>th</sup> Special Session – no later than by 31 October 2007 – with recommendations for further action. The Council should continue to scrutinise the evolving situation in Myanmar at future sessions and ensure implementation of the mission's recommendations.

I thank you.