

May 27, 2008

**EU RESOLUTION URGES UK TO USE PRESIDENCY OF THE SECURITY COUNCIL TO
REFER BURMA TO THE INTERNATIONAL CRIMINAL COURT**

The United Kingdom should follow the recommendation of the Parliament of the European Union and use the presidency of the UN Security Council to press for justice and accountability for the people of Burma by referring Senior General Than Shwe and his military regime to the International Criminal Court. The denial of humanitarian aid to the victims of Cyclone Nargis should serve as a wake-up call to the international community to the brutality and indifference of a military regime that for four decades has systematically used torture, gang rape of ethnic women, slavery, murder, mass imprisonment, and child soldiers to consolidate its power.

In its Resolution of 22 May 2008 on the tragic situation in Burma, the Parliament of the European Union recognized that those responsible for the crimes committed in Burma should be brought before the International Criminal Court. The UK, a leader in the global effort to end impunity for international humanitarian violations, should heed the EU Resolution and use this opportunity to address these crimes and establish rule of law in Burma.

“The European Parliament,...

(Article 5) Reiterates that the sovereignty of a nation cannot be allowed to override the human rights of its people as enshrined in the UN principle of 'responsibility to protect'; calls on the Government of the United Kingdom, which holds the May Presidency of the UN Security Council, to take urgent action to put the situation in Burma on the agenda of the Security Council ...

(Article 11) Takes the view that, if the Burmese authorities continue to prevent aid from reaching those in danger, they should be held accountable for crimes against humanity before the ICC; calls on the EU Member States to press for a UN Security Council resolution referring the case to the Prosecutor of the ICC for investigation and prosecution;...”

The actions of the military regime go far beyond a repudiation of democracy; they are criminal violations of international humanitarian and human rights law, including crimes against humanity and war crimes. The International Committee of the Red Cross (ICRC), the monitor of international humanitarian law, issued a rare public statement on 29 June 2007 verifying criminal violations of the Geneva Conventions by the regime that were personally observed by ICRC delegates, and added that the crimes were likely to be ongoing.

The commitment of the UK to ensuring accountability for the most serious crimes was demonstrated by its support of Security Council Resolution 1325 on women, peace and security. In her statement to the Security Council, Karen Pierce, Deputy UK Permanent Representative to the United Nations, stated, “[i]n Burma, Mr. Pinheiro, the United Nations Special Rapporteur on human rights, has reported on the systematic sexual violence used by the military, police and border guards as part of the Government’s anti-insurgency tactics. The Council has a duty to listen to, but also to act upon, such reports.”

The evidence of crimes is overwhelming; the UK’s commitment to holding perpetrators responsible is well-established. **The United Kingdom should use the Presidency of the Security Council to lead the effort to end impunity for crimes against humanity and war crimes in Burma by referring the situation in Burma to the International Criminal Court.**

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