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Mr. Fredrik Reinfeldt  
Prime Minister  
Royal Government of Sweden

Subject: :Request to lead Swedish government and European Union in order to seek justice and criminal accountability for victims of heinous crimes in Burma/ Myanmar

Dear Your Excellency,

I would like to request your kind attention in regard to heinous crimes being committed by the ruling military regime in Burma, SPDC, against its own people, particularly for those offenses, which constitute international crimes such as crime against humanity, genocide and war crimes, since the emergence of the International Criminal Court, July 1, 2002, inter alias, as follows:

1. The regime used about 5,000 members of its lackey organization, namely Union Solidarity and Development Association (USDA) and crashed down Daw Aung San Suu Kyi, democracy icon in Burma, and members of the National League for Democracy (NLD) while making organizing trip at Depayin in upper Burma on May 30, 2003. Since that time, Daw Aung San Suu Kyi has been victim of crime and she has been under detention for almost six years. In recent month, UN Working Group on Arbitrary Detention made a ruling that detention of Daw Aung Sun Suu Kyi is against the national laws as well as international laws.

2. The International Committee of the Red Cross issued a global alert on Burma, on June 29, 2007, verifying the regime's criminal violations of the Geneva Conventions, stating that such violations were personally observed by ICRC delegates, that all confidential bilateral negotiations had broken down, and that the crimes by the government were likely to be ongoing. The president of the International Committee of the Red Cross (ICRC), Jakob Kellenberger, stated as follows:

"...I urge the government of Myanmar to put a stop to all violations of international humanitarian law and to ensure that they do not recur. ... I would also like to remind all States party to the Geneva Conventions of their obligation, under Article 1, to respect and to ensure respect for the Conventions."

3. In September 2007, the military regime brutally suppressed peaceful demonstration of several thousands of monks, and killed and tortured them. Without paying any regard to the effective Criminal Procedural Code in Burma, the military security forces of the SPDC raided the monasteries, searched the campuses, ruined the properties of Buddhist religion, and seriously tortured the monks.

4. In June 2008, the Amnesty International reported that for 2½ years a human rights emergency has been occurring in the form of a military offensive by the SPDC army waged against ethnic Karen civilians in Kayin (Karen) State and Bago (Pagu) Division. Accordingly, an estimate of 147,800 people have been and remain internally displaced in Kayin State and Bago Division and many of these people have been subject to widespread and systematic human rights violations including unlawful killings, torture and other ill-treatment, enforced disappearances and arbitrary arrests, the imposition of forced labour including portering, the destruction of homes and villages, and the destruction or confiscation of crops and food stocks and other forms of collective punishment. The research undertaken by AI raises grave concerns that the violations of international human right and humanitarian law against the Karen have been part of a widespread and systematic pattern of crimes which may constitute a crime against humanity.

5. In the wake of the SPDC's criminal negligence after Cyclone Nargis occurred in delta area of Burma, on May 22, 2008, European Parliament made a resolution on the tragic situation in Burma, as follows:

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 and calls on EU Member States to press for a UN Security Council resolution referring the case to the ICC for investigation and prosecution.

6. On 27 February 2009, John Hopkins Bloomberg School of Public Health in the United States and Emergency Assistance Team (Burma) jointly released a report entitled "After the Storm; Voices from the Delta" and mention that the SPDC obstructed relief to victims of the cyclone, arrested aid workers and severely restrained accurate information in the wake of the worst natural disaster to befall modern Burma. The report charges these abuses may constitute crimes against humanity through the creation of condition whereby the basic survival needs of victims cannot be adequately met, "intentionally causing great suffering, or serious injury to body or to mental or physical health" violating Article 7(1)(k) of the Rome Statue of the International Criminal Court.

7. Rape reports published by ethnic women in Burma including the Shan, Mon, Karen, Palaung, and Chin (Shan Women's Action Network, Shan Human Rights Foundation, Human Rights Foundation of Mon land, Karen Women's Organization, Palaung's Women Organization, Women League of Chin Land and Women's League of Burma as well as by Refugees International, document sexual and other forms of violence against women systematically perpetrated by the junta and even identify perpetrators, give relevant dates and the battalion numbers of the rapists.

Despite that the military regime committed heinous crimes one period after another consistently, the judiciary inside Burma has been keeping silent and no legal action has been taken on the perpetrators for those heinous crimes. The military regime

and its lackey perpetrators have been enjoying impunity endlessly and people in Burma lack any protection.

The Responsibility to Protect Doctrine or R2P is a catalyst in transforming the meaning of UN membership and participation in the international community by affirming that with state sovereignty comes the “obligation of a State to protect the welfare of its own people.” It makes clear that in exceptional cases where a State cannot or will not protect civilians the international community has a right to act, and a responsibility to do so. The legal import of UNSCR 1325 to Security Council Actions is that when the council is confronted with evidence of systematic crimes including rape in the context of conflict there should exist a presumption of a threat to international peace and security. In this case such presumption should require a UN Charter Chapter VII referral to the ICC.

In conclusion, I would like to request your Excellency to lead Swedish government and, if possible, European Union to press for a UN Security Council resolution referring the situation of Burma/Myanmar to the ICC for investigation and prosecution in order to seek justice and criminal accountability for victims of heinous crimes there. Only then, repeated crimes will be prevented; the rule of law will be restored; a genuine stability will be established; and a peaceful democratization process will also be facilitated in Burma.

Respectfully,