

WASHINGTON — The special UN rapporteur on the situation of human rights in Burma in his latest report said there is little potential for the Nov. 7 Burmese election to bring meaningful change in the country that has remained under military rule for more than 40 years.



“Conditions for genuine elections are limited under the current circumstances and the potential for these elections to bring meaningful change and improvement to the human rights situation in Myanmar remains uncertain,” said Tomás Ojea Quintana, in his annual report submitted to the UN General Assembly.

The report was dated Sept. 15 but was made available only today on the UN website.

Regarding the issue of justice and accountability, the special rapporteur said that while it is foremost the responsibility of the respective government to address the problem of systematic human rights violations by all parties, that responsibility falls to the international community if the government fails to assume it.

“In this respect, of particular concern is Article 445 of the 2008 Constitution, which may impede the government from effectively addressing justice and accountability in the future,” said the 22-page report.

“With the possibility of impunity enshrined in the Constitution, the United Nations can establish a commission of inquiry into crimes against humanity through resolutions adopted by the Human Rights Council, the General Assembly or the Security Council, or the Secretary-General could establish it on his own initiative,” Quintana said.

“Justice and accountability are the very foundation of the United Nations system rooted in the Universal Declaration of Human Rights which calls for an international order in which the rights and freedoms set out in the Declaration can be fully realized. Failing to act on accountability in

Myanmar [Burma] will embolden the perpetrators of international crimes and further postpone long-overdue justice,” he said.

He said that the Burmese military government should respect freedom of expression, opinion and assembly in the context of the national election; release all prisoners of conscience; address justice and accountability; and implement the four core human rights elements, as detailed in his previous reports.

Quintana also said the Burmese junta should facilitate access for humanitarian assistance and cooperate with the international human rights system.

The report said that “despite calls by various United Nations bodies and officials including the Security Council, the General Assembly, the Human Rights Council, the Secretary-General and the Working Group on Arbitrary Detention, and by regional bodies, particularly the Association of Southeast Asian Nations (Asean), for the release of all political prisoners, especially Daw Aung San Suu Kyi, the Government of Myanmar has not taken this important step to establish an environment for credible, inclusive elections.”

According to the report, prisoners of conscience who were convicted in a court of law in Burma did not enjoy a fair and public trial by an independent and impartial tribunal as required by the Universal Declaration of Human Rights. In fact, the trials were conducted in a manner inconsistent with Burma’s own laws, the report said.