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on Wednesday, 12 December 2007, at 10 a.m.

President: Mr. COSTEA

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The meeting was called to order at 10.15 a.m.

HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION
(agenda item 4) (continued) (A/HRC/6/14)

1. The PRESIDENT invited the Council to resume its discussion of the report of the Special Rapporteur on the situation of human rights in Myanmar.
2. Mr XAVIER ESTEVES (Observer for Portugal), speaking on behalf of the European Union; the candidate countries Croatia, The former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Armenia, Georgia, Iceland, Moldova and Ukraine, welcomed the fact that the Special Rapporteur had been allowed to visit Burma/Myanmar and meet members of the Government, detainees and non-governmental organizations (NGOs). The amnesty granted to over 8,500 prisoners during the past week - although only 10 were political prisoners - was also welcome. The European Union urged the release without delay of all political prisoners, including Daw Aung San Suu Kyi and those arrested and detained following the recent repression of peaceful protests. Independent observers, including the International Committee of the Red Cross (ICRC), should be granted unhindered access to all places of detention.
3. Genuine peace, stability and democratization in Myanmar could be achieved only through an all-inclusive political process and respect for fundamental rights and freedoms. The European Union condemned the use of lethal force by law enforcement officials in Myanmar in September 2007 and called on the Government of that country to take immediate action to end widespread and systematic abuses, including arbitrary detention, enforced disappearances, torture and cruel and degrading treatment in custody. He noted that the Council of the European Union had recently appointed a Special Envoy for Myanmar, who would cooperate closely with the Special Envoy of the Secretary-General and the Special Rapporteur on the situation of human rights in Myanmar.
4. The European Union welcomed the decision of the Government of Myanmar to re-engage in a dialogue with the United Nations human rights mechanisms. The Government should allow the Special Rapporteur to visit the country again before the seventh session of the Council. The lack of progress in investigating those responsible for the perpetration of human rights violations and in implementing measures on fundamental freedom was, however, regrettable. In view of the continuing lack of progress, the European Union would present proposals on measures to be taken to follow up the Special Rapporteur's report.
5. States neighbouring Burma/Myanmar, and the Association of Southeast Asian Nations (ASEAN), could play an important role in promoting the national reconciliation and political reform that had been long awaited by the vast majority of Burmese society.
6. Mr. SINGH (India) said that his country shared traditional links of geography, culture, history and religion with Myanmar. All initiatives relating to the recent events in that country should seek to engage the Government in a non-intrusive and constructive manner. His

Government had impressed upon the Government of Myanmar that the process of political reform and national reconciliation should be taken forward expeditiously and that it should include all sections of society.

7. His delegation supported the efforts of the Special Envoy of the Secretary-General. It was encouraged by the recent positive steps being taken by the Government of Myanmar to initiate a dialogue with Daw Aung San Suu Kyi and the cooperation that it had shown towards the United Nations. The Council should encourage and build on that spirit of cooperation.

8. Mr. GRINIUS (Canada) said that his delegation continued to support efforts to find a multilateral solution to the situation in Burma within the framework of the United Nations. It noted with concern the issues raised in the report of the Special Rapporteur on the situation of human rights in Myanmar, including his finding that security forces had used excessive force against civilians in September 2007 and his descriptions of the harsh prison conditions of those detained, of night raids conducted by the Burmese authorities and of the deaths of detainees in custody.

9. The violent repression of peaceful protest by the Burmese authorities in September 2007, as well as persistent human rights violations in the form of forced displacements, rape by the military, extrajudicial executions, forced labour, the use of child soldiers, arbitrary arrest and detention and the persecution of ethnic minorities, had led his Government to announce its intention of imposing new sanctions against Burma, including a prohibition on all exports to the country, except for humanitarian equipment, and all imports. The recent release of a number of political prisoners was welcome, but many others remained in detention. The Government should respect the people's human rights, release all political prisoners, including Daw Aung San Suu Kyi, cooperate with the Special Rapporteur and engage in sincere dialogue with the democratic opposition. In his statement the previous day, the Observer for Myanmar had urged an end to the international community's intrusion into the country's sovereign affairs and referred to the Government's efforts to "restore law and order". Such sentiments smacked of an attempt to block progress.

10. Mr. CARACCILO di VIETRI (Italy) welcomed the fact that the Special Rapporteur on the situation of human rights in Myanmar had been allowed to visit the country shortly after the fifth special session of the Council. Such an outcome was proof of the capacity of the Council to address human rights situations requiring its attention. The recommendations included in the Special Rapporteur's report must be fully endorsed by the Council.

11. His delegation once again urged the authorities in Myanmar to respect the human rights of all its citizens, release all political prisoners, starting with Ms. Aung San Suu Kyi and those detained following the peaceful protests in September 2007, and punish those responsible for human rights violations. The human rights situation of the most vulnerable groups, especially children, was of particular concern.

12. The main regional actors and neighbouring States could play an important role in improving the human rights situation in Myanmar. He also called on the Government to promote a political dialogue with the opposition with a view to starting a process of democratic reform.

13. Ms. JANJUA (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), welcomed the fact that the Government of Myanmar had resumed its dialogue with the United Nations human rights mechanisms and allowed an inquiry into the events that had occurred in the country in September and October 2007. The Government had taken steps to start a national dialogue with all parties with a view to achieving genuine national reconciliation, democratization and the establishment of the rule of law. The Minister for Labour and Minister for Relations had met Ms. Aung San Suu Kyi and over 8,585 detainees had been released. In the circumstances, OIC was of the view that there was no need for an international commission of inquiry. Rather than politicize the matter further, the international community should work for the interests of the people and Government of Myanmar.

14. As it had stated at the fifth session, OIC favoured constructive engagement with Myanmar for the promotion and protection of human rights. Punitive sanctions were unnecessary. The international community should seek non-violent solutions to the current crisis; avoid any step that would imperil the country's integrity; call for greater respect for human rights for the people of Myanmar; and take steps to alleviate the people's suffering. Efforts to ensure stability and harmony in Myanmar required a sensitive understanding of the delicate ethnic balance in the country.

15. Mr. QIAN Bo (China) said that the situation in Myanmar was improving; calm had been restored and normality had returned to the life of the people. The Government was cooperating with the international community, as demonstrated by its invitation to the Special Rapporteur on the situation of human rights in Myanmar and the Special Envoy of the Secretary-General. It had launched a dialogue within the country, which would lead to a road map for democracy. It should take active measures to maintain the momentum of that dialogue. Meanwhile, the international community should recognize the Government's difficulties and provide constructive support for development. Progress in Myanmar would ultimately depend on the efforts of the Government and the people. His delegation therefore hoped that the Government would re-establish stability as soon as possible and respond positively to the offers of assistance by the international community to advance the political process.

16. Mr. VAN EENENNAAM (Netherlands) expressed regret that the Burmese authorities had not allowed the recent visit by the Special Rapporteur on the situation of human rights in Myanmar to be a fact-finding mission in the full sense of the term. It was also regrettable that significant steps had not been taken to implement the Council's recommendations. He urged the authorities to do so without delay and to allow an independent international investigation into the violent repression of peaceful demonstrations by the Burmese security forces.

17. Despite repeated calls from the international community, only 10 political prisoners had been released. Ms. Aung San Suu Kyi and those arrested and detained following the peaceful protests should be freed without delay and unhindered access should be permitted to independent observers, including ICRC, to all places of detention, which should meet international standards.

18. Ms. BASILIO (Philippines) said that the cooperation extended to the Special Rapporteur on the situation of human rights in Myanmar by the Government of that country in his visits to monasteries and prisons and meetings with government officials and civil society organizations was encouraging. Her delegation acknowledged the amnesty granted to a large number of prisoners with a view to advancing the Myanmar national road map to democracy. Such

developments, and Myanmar's cooperation with the Council and the Special Envoy of the Secretary-General, were an indication of the Government's willingness to engage with the international community in resolving its problems. Much more needed to be done, however. Faster progress should be made towards democracy and national reconciliation. A first step would be to release Daw Aung San Suu Kyi and other political prisoners and to allow the full and free participation of political parties, including the National League for Democracy, in the political process.

19. The Special Rapporteur's report highlighted the profound hardships faced by the people of Myanmar, especially the enormous rise in the price of oil, which had intensified the urgency of the demonstrations that had taken place in September 2007. The excessive use of force by the authorities to quell the demonstrations was a matter of concern. The Government of Myanmar should give constructive consideration to the Special Rapporteur's recommendations.

20. A peaceful transition to democracy and national reconciliation was of prime importance. The Philippines understood the complex, sensitive and often volatile nature of the transition to democratic governance and stood ready to assist Myanmar in the process. The Council, meanwhile, should adopt a practical approach. The situation of each country was unique and so were the challenges faced. The Council should support Myanmar in its progress towards human rights awareness.

21. Mr. LEE Sung-joo (Republic of Korea) said that his delegation appreciated the cooperation extended to the Special Rapporteur on the situation of human rights in Myanmar by the Government of that country. The next step was for the Government to act on the Special Rapporteur's recommendations, paying due regard to the international community's call for the protection of the population's human rights. His delegation welcomed the recent signing by Myanmar of the ASEAN Charter, which it hoped would encourage the Government of Myanmar to strengthen its commitment to democracy, good governance, the rule of law and the promotion and protection of human rights. It was disappointing that the Government had not implemented the provisions of Council resolution S-5/1. His delegation therefore supported the Special Rapporteur's recommendation that his mandate should be extended. The Special Rapporteur should be permitted to make follow-up visits to Myanmar and meet important political leaders, including Ms. Aung San Suu Kyi. The Government of Myanmar should engage in national dialogue, particularly with members of the opposition groups, with a view to improving the political, economic and human rights situation in the country.

22. Mr. AMRAN (Malaysia) said that Myanmar's readiness for re-engagement with the international community should be duly acknowledged and reciprocated. Malaysia hoped that the recent moves towards dialogue would lead to a meaningful, substantive and time-bound political process aimed at national reconciliation, democratization and the rule of law in Myanmar.

23. Myanmar needed time and political space to deal with its many complex challenges. The Council should respond positively to the Government's efforts. For the moment there should be no alternative to the mechanisms of the good offices of the United Nations Secretary-General and the Council's Special Rapporteur, and Malaysia would continue to work with other member countries of the Association of Southeast Asian Nations (ASEAN) in encouraging Myanmar to maintain its engagement with those mechanisms.

24. Mr. MINAMI (Japan) said that the credibility and objectivity of the Special Rapporteur's report had been enhanced by the variety of information sources he had drawn on. Japan called on the Government of Myanmar to implement the Special Rapporteur's recommendations and, in the interests of national reconciliation, to set forth a more detailed plan for democratization.

25. Mr. PUJA (Indonesia) said that the decision of the Government of Myanmar to allow the Special Rapporteur to visit was encouraging. Indonesia was also cognizant of the significance of the Government's decision to allow the Special Envoy of the Secretary-General for Myanmar to make two visits, and welcomed its efforts to create the conditions for dialogue and reconciliation. He urged the Government to continue cooperating with the Special Rapporteur and other United Nations mechanisms.

26. The recent signing by member States of ASEAN, including Myanmar, of the Charter of the Association of Southeast Asian Nations, reflected a strong commitment to human rights and humanitarian principles. Indonesia urged the Government of Myanmar to take further tangible steps in line with the road map to democracy.

27. Mr. GODET (Switzerland) said that his delegation was well aware of the significance of the fact that the Special Rapporteur had been able to visit Myanmar. It was nevertheless concerned at the reports of serious human rights violations and at the fact that the Special Rapporteur had found no significant signs that the Government was implementing Council resolution S-5/1.

28. Switzerland supported all the Special Rapporteur's recommendations and in particular his call for the resumption of cooperation with the International Committee of the Red Cross (ICRC), in line with Council resolution S-5/1. It encouraged the Government to extend a standing invitation to the Council's special procedures.

29. Switzerland also favoured the Office of the United Nations High Commissioner for Human Rights (OHCHR) taking a central role in monitoring the human rights situation in Myanmar, preparing reports thereon and providing support to the Government of Myanmar in meeting its international obligations.

30. Mr. MATTEI (France) said that France was particularly disturbed at the numerous cases of enforced disappearance noted by the Special Rapporteur and urged the Government of Burma/Myanmar to provide the Special Rapporteur, and victims' families, with full information on the victims' whereabouts and state of health.

31. France called on the Government not to allow a climate of impunity to develop and to bring the perpetrators of human rights violations to justice.

32. All Member States of the United Nations should persevere in their quest for truth in respect of the recent events in Myanmar and the Council should continue to seek the effective implementation of its resolution S-5/1, on the basis of the Special Rapporteur's recommendations.

33. Mr. RAHMAN (Bangladesh) said that the international community should take advantage of the positive environment that had developed in Myanmar to engage constructively with the Government so that the process of democratization could proceed in an inclusive manner. At the same time, Bangladesh urged the Myanmar authorities to continue their engagement with the United Nations in order to improve the situation of human rights. In such an environment of cooperation and dialogue there would be no need to resort to other mechanisms such as an international inquiry.

34. Ms. ZOLOTOVA (Russian Federation) said that, while her delegation welcomed the detailed report by the Special Rapporteur on the situation of human rights in Myanmar, it regretted that information submitted by the Government of that country, which might have clarified a number of points raised in the report, had not been published. Her delegation welcomed the cooperation extended by the Government to the Special Rapporteur and the Special Envoy of the Secretary-General. Any measures taken by the Council should be aimed at stabilizing the situation in the country, strengthening national reconciliation and restoring full respect for human rights and freedoms. The recommendations contained in the Special Rapporteur's report could make a real contribution in that regard.

35. In view of the cooperation shown by the Government of Myanmar, her delegation saw no need for a new mechanism, in the form of an independent commission of inquiry, which would undoubtedly duplicate the work of the Special Rapporteur and could lead to even greater politicization of the issue.

36. Lastly, she said that the failure to issue the Special Rapporteur's report in Russian could only have a negative impact on the work of the Council.

37. Mr. FLORÊNCIO (Brazil) said that Brazil acknowledged Myanmar's decision to start cooperating with the Council. It regretted, however, that the Special Rapporteur's mission had not been a fact-finding mission in the full sense, since his ability to act independently had been restricted. Despite certain positive signals from the Government of Myanmar, the scope of the initiatives taken and of the follow-up to the recommendations of the Council and the international community had been limited.

38. The Council had played a key role in inspiring a constructive approach and building consensus on what was a delicate issue. Countries with diverse histories and cultures had come to understand the dual need to stress the promotion of human rights and to ensure the cooperation of Myanmar's neighbours and ASEAN.

39. Mr. THORNE (United Kingdom of Great Britain and Northern Ireland) said that the United Kingdom appreciated the engagement of the Burmese authorities, which should not go unremarked.

40. The United Kingdom continued to regard the situation in Burma as being of the utmost gravity. The references in the Special Rapporteur's report to killings and disappearances should give the Council cause for great concern. Particularly disturbing were the accounts of new arrests of political activists notwithstanding the Government's assurances that such arrests would cease. The United Kingdom joined others in condemning those arrests.

41. The Council should ensure appropriate follow-up to the Special Rapporteur's visit.
42. Mr. ARTUCIO RODRÍGUEZ (Uruguay) commended the Government of Myanmar for its efforts to promote greater respect for human rights, but noted that the Special Rapporteur's report described human rights violations that had been perpetrated by government officials or were the result of the Government's own decisions.
43. Judicial tolerance for officials' abuse of power created a climate of impunity that would block efforts to improve the situation. The documented and widespread practice of forced labour and the recruitment of child soldiers also gave cause for concern, although it was clear that serious violations were also committed by armed opposition groups. The Myanmar authorities should be reminded that they had an obligation not only not to violate human rights but also to protect the population from such violations.
44. The transition to democracy and the rule of law could not be made overnight, but the longer it took to move towards an inclusive dialogue, the longer it would take to reach the ultimate goal. He suggested that the Council establish a follow-up committee, preferably one chaired by the Special Rapporteur.
45. Ms. MARTÍN GALLEGOS (Nicaragua) said that the dialogue and cooperation between the Government of Myanmar and the United Nations mechanisms should continue. The Government should broaden its dialogue with key social groups: Nicaragua knew from experience that only through reconciliation and national unity was it possible to move towards development and social well-being. The countries of the region had an important role to play in that process. It was through dialogue and cooperation rather than sanctions that full implementation of Council resolution S-5/1 and other international human rights standards would be achieved.
46. Ms. STIRØ (Observer for Norway) urged Myanmar's State Peace and Development Council to continue its cooperation with the Special Rapporteur. Norway considered the work of the Special Rapporteur and the Special Envoy of the Secretary-General to be of crucial importance in alleviating the plight of the people of Myanmar.
47. Norway condemned the gross, systematic violations of human rights and international humanitarian law in Myanmar. It was especially concerned at the plight of political prisoners and the reports of the opening of informal detention centres.
48. Norway strongly encouraged the Government to start an inclusive dialogue with the democratic opposition and representatives of ethnic groups.
49. Ms. MOSLEY (Observer for New Zealand) said that New Zealand hoped that both the Special Envoy of the Secretary-General to Myanmar and the Special Rapporteur would continue to gain proper and timely access to the country and to all relevant parties, and that their efforts would provide traction for advancing the process of national reconciliation and democratization in Myanmar.

50. Mr. PHUANGKETKEOW (Observer for Thailand) expressed appreciation of the candid exchange of views that was taking place on Myanmar. Although there were many well-founded perspectives on the subject, all shared the concern to move forward in the process of dialogue and engagement with the Government.

51. Thailand, as a friend and neighbour of Myanmar, viewed the Special Rapporteur's recent visit and the mission of the Special Envoy of the Secretary-General to Myanmar as part and parcel of an ongoing process of constructive dialogue. The Government's decision to receive the Special Rapporteur was also a positive step, as was the cooperation it had rendered during his visit. He urged Myanmar to maintain and deepen its cooperation with the United Nations and its friends in the region and beyond.

52. Leaders attending the summit of the Association of Southeast Asian Nations (ASEAN) in November 2007 had reiterated their request to the Government of Myanmar to continue working with the United Nations in order to launch a meaningful dialogue with Daw Aung San Suu Kyi and all political forces in the country. They had urged Myanmar to make full use of the good offices of the United Nations Secretary-General and his Special Envoy in order to move towards national reconciliation and democratization. The new ASEAN Charter had been signed by all ASEAN leaders, including Myanmar. It pledged to set up an ASEAN human rights body that reflected the will of the ASEAN peoples to adhere to the principles of democracy, the rule of law and good governance and to respect human rights and fundamental freedoms.

53. The Special Rapporteur's report raised a number of issues that remained to be addressed. However, some progress had been made and the Council should express support and encouragement and make recommendations in order to provide further impetus for positive developments. The Special Rapporteur's mission was part of a process that could be given further momentum by taking incremental steps to build confidence and trust among all parties involved. He therefore urged the Special Rapporteur to continue with his efforts, the Government of Myanmar to pursue its positive engagement, and the Council to use the opportunity to demonstrate its ability to address human rights situations in specific countries by engaging in a constructive dialogue.

54. Ms. FROMMELT (Observer for Liechtenstein) commended the Special Rapporteur on his comprehensive report and welcomed his visit to Myanmar as well as the cooperation extended to him by the Government. It was clear from the report, however, that the Council's substantive demands, as set out in resolution S-5/1, had not been met and that human rights violations were continuing. Liechtenstein was particularly concerned about the unnecessary and disproportionate use of force, including lethal force, against civilians and peaceful demonstrators. The cases of arbitrary and unlawful arrest and detention, including of family members of protestors, constituted hostage-taking in clear violation of fundamental rules of international law. Alleged cases of cruel, inhuman and degrading treatment and torture in detention centres were also deeply worrying.

55. Liechtenstein strongly appealed to the Government to investigate those serious human rights violations, to end impunity by bringing the perpetrators to justice, and to provide the victims and their families with effective remedies. It should also provide the Special Rapporteur with the requested lists of people arrested, released and still in detention, including information on their whereabouts, conditions of detention and the charges against them.

56. Liechtenstein fully supported the Special Rapporteur's recommendations, especially those calling for an immediate halt to arrests related to the peaceful protests, unhindered access to detention facilities for the International Committee of the Red Cross and other independent humanitarian personnel, and the release of all political prisoners. It welcomed the recommendation that the State and its agents seek to identify and address the underlying causes that had led to the demonstrations.

57. As the Special Rapporteur had been unable to access all places and people in order to verify information independently and confidentially, his visit should be viewed as the beginning of a process of cooperation and constructive dialogue with the Government that would be continued in a follow-up mission. The Special Rapporteur should also continue to coordinate his mandate with that of the Special Envoy of the Secretary-General and with other human rights mechanisms, including other special procedures.

58. Ms. MILLAR (Observer for Australia) expressed strong support for the Council's continued focus on human rights in Burma. The Special Rapporteur's report reinforced her country's grave concern at the regime's lack of respect for fundamental human rights and freedoms, and its persistent failure to heed the voice of its own people and international opinion regarding compliance with its international human rights obligations. The regime's dismissal of the recent protests as "trivial" was shocking, since its continuing campaign of violence and intimidation against those who participated was well known. Those who had committed human rights abuses must be brought to account.

59. She urged the regime to release all political prisoners immediately and unconditionally. The ongoing detention of Daw Aung San Suu Kyi and over 1,000 other political prisoners, many of them long-term detainees, was unacceptable. The protests were a clear call from the Burmese people for democratic change that could not be ignored. Human rights could not be guaranteed without genuine political reform and national reconciliation.

60. As noted by the Special Rapporteur, the recent incidents had not been an isolated episode, since the Government had been denying people their basic civil and political rights and restricting freedom of expression and peaceful assembly for decades. It should take the opportunity provided by the Secretary-General and his Special Envoy to open a dialogue with Aung San Suu Kyi and other opposition figures.

61. The importance of strong, credible and sustained action by the international community, including the Council, could not be overstated. Australia urged the Burmese Government to afford the Special Rapporteur full access and cooperation, and called on Council members to support the draft follow-up resolution, which reaffirmed the need for urgent implementation of the Special Rapporteur's recommendations and provided for ongoing monitoring and reporting mechanisms.

62. Mr. TICHENOR (Observer for the United States of America) said that the Special Rapporteur had shown great determination and persistence in objectively investigating the human rights situation in Burma. His recommendations regarding the immediate steps that the Burmese authorities should take to address the serious human rights issues deserved strong support from the Council.

63. His report documented the unnecessary and disproportionate use of force, including lethal force, against civilians, by the military and police forces and by officially sanctioned non-law-enforcement organizations, resulting in an unknown number of killings, disappearances, detentions and severe injuries. The regime showed no restraint in repressing dissent and preserving its power.

64. The reports of a large number of bodies being burned in a crematorium were particularly disturbing, as were the accounts of “hostage-taking”, the arbitrary and unlawful detention of family members, close friends and suspected sympathizers of protestors and activists thought to be in hiding.

65. The international community’s repeated calls for the release of political prisoners and for genuine dialogue with the democratic opposition and ethnic minorities about a transition to democracy had been met with empty gestures clearly designed to buy time. The regime had continued, even during the Special Rapporteur’s visit, to arrest democracy activists, harass monks and close down monasteries, including one that had served as a treatment centre for HIV/AIDS patients. The Minister for Information had callously dismissed the mass demonstrations as “trivial” and blamed them on a conspiracy between “destructive elements” and unspecified “external powers”.

66. As a first step towards improving the human rights situation, the Burmese authorities must accept and implement the United Nations recommendations. The Council should adopt a strong resolution calling on the regime to release all political prisoners, including Aung San Suu Kyi, unconditionally, to halt its arrests of democracy activists, and to engage in a formal dialogue with the democratic opposition and ethnic minorities.

67. Mr. PHANTHAVONE (Observer for the Lao People’s Democratic Republic) expressed appreciation of the efforts that the Government of Myanmar had been making to improve the situation in the country. As a neighbouring State, the Lao People’s Democratic Republic had been closely following the situation, which it viewed as an internal affair of Myanmar. Significant progress had been made to date and the Government was cooperating with the international community, especially with the Special Envoy of the Secretary-General and the Special Rapporteur. They had met with a number of important figures, including Daw Aung San Suu Kyi, on two occasions.

68. The Government had drawn up a widely supported seven-step road map leading to democracy. The third step, which was currently being implemented, involved the establishment of a 54-member commission to draft a new constitution. The Lao Government believed that the Government of Myanmar should be given time to implement its efforts to stabilize the country and implement the road map to democracy.

69. Mr. OUVRY (Observer for Belgium) said that the Special Rapporteur’s successful establishment of direct contact with the Government, the opposition and victims of violations in Myanmar had been of crucial importance. It had been the Government’s first step for a very long time towards cooperating with a body such as the Council, and although the visit had afforded only a very partial glimpse of ongoing human rights violations, it had demonstrated the need for robust follow-up by the international community in order to move the country towards democratization and persuade the Government to respect its international human rights

obligations. Those were the prerequisites for a lasting improvement in health and living standards, especially of vulnerable groups, and for a halt to the flow of refugees to neighbouring countries and beyond.

70. He condemned the recent use of lethal force against peaceful demonstrators and the large number of arrests on political grounds. Perpetrators of human rights violations should be identified and prosecuted. Only an international commission of inquiry such as that recommended by the Special Rapporteur could establish the truth and restore justice. It was regrettable that the Special Rapporteur had been unable to conclude that the Government was actively seeking to restore human rights. Dialogue served little purpose unless it was followed by concrete action.

71. He urged the Council to support the Special Rapporteur's mandate and to ensure that he received stronger support from the secretariat for the implementation of his recommendations. It was to be hoped that he would have the opportunity to visit Myanmar again in the coming weeks in order to pursue his urgent mission.

72. Mr. PHAM QUOC TRU (Observer for Viet Nam) said that Viet Nam, as a member of ASEAN, warmly welcomed the improvement in the situation in Myanmar. It appreciated the Government's efforts, in cooperation with the United Nations, the Human Rights Council and the international community, to stabilize the situation and promote national reconciliation through dialogue among all parties involved against a background of respect for human rights and democracy.

73. It would be a long and difficult process that required sustained support from the international community, which should also, of course, respect Myanmar's independence and the self-determination of its people. Viet Nam was confident that such cooperation and support would stabilize the situation and thereby promote economic and social development as well as democracy and human rights. At the same time, it was important to avoid complicating the situation and taking any steps, particularly sanctions, that might undermine the current dialogue aimed at national reconciliation.

74. Mr. CHHEANG (Observer for Cambodia) said that, in Cambodia's view, the situation in Myanmar was moving in the right direction and the current trend should be encouraged and supported. The Government had appointed a Minister for Relations who had held three meetings with Daw Aung San Suu Kyi. The Prime Minister of Cambodia had encouraged the Prime Minister of Myanmar during an official visit to Cambodia the previous week to continue that dialogue.

75. The Government of Myanmar had received visits from the Special Envoy of the Secretary-General and from the Special Rapporteur, who had been given the opportunity to meet interested parties. The international community should encourage further dialogue between the opposition and the Government in order to achieve national reconciliation and democratization. During the recent ASEAN summit meeting in Singapore, the Prime Minister of Myanmar had announced that his country was committed to cooperating with the United Nations and ASEAN with a view to promoting further positive developments.

76. Mr. BERG (Observer for Sweden) said that he welcomed the cooperation extended to the Special Rapporteur by the Government of Burma/Myanmar. He called for further cooperation, including through a second visit by the Special Rapporteur before the next regular session of the Council.

77. Although the tensions that had led to demonstrations and large-scale repression in September 2007 seemed to have abated, the overall level of human rights violations remained alarming. Assaults on freedom of religion through arrests of clergy and raids on temples had been particularly distressing. In many cases, the situation of ethnic minorities and internally displaced persons continued to cause grave concern, particularly reports of forced displacement and forced labour in connection with the construction of a new city at Nyapidaw.

78. As lack of attention to the situation of human rights in Burma/Myanmar by the Council would undermine the international community's ability to take action and also harm the Council's credibility, he trusted that follow-up action would be taken on the Special Rapporteur's report. Sweden would continue to work for peace and reconciliation, the transition to a civilian democratic government and full respect for human rights through transparent and inclusive measures.

79. Mr. MARTABIT (Observer for Chile) noted with satisfaction that the Special Rapporteur had finally been able to travel to Myanmar to fulfil his mandate and encouraged the Government to continue its cooperation with the United Nations human rights mechanisms. He expressed support for the conclusions of the Special Rapporteur's report, especially concerning the need to monitor the safety of detainees and work for their immediate release. It was also important to establish the whereabouts of persons listed as having disappeared. Perpetrators of human rights violations should be brought to justice and the victims should be awarded appropriate compensation.

80. Chile associated itself with the Special Rapporteur's appeal to Myanmar to cooperate closely with the ASEAN countries and with his demand that the International Committee of the Red Cross be given immediate access to all detainees. It also supported the establishment of a commission of inquiry to clarify the facts.

81. He urged the countries that had promoted cooperation with the Government of Myanmar to redouble their efforts and remain vigilant in order to ensure the country's ongoing cooperation with the international community.

82. Mr. LESCURE (Observer for Panama) said that Panama had been greatly disturbed by the events of September 2007 and shared the international community's wish to promote harmony, peace and development in Myanmar. In a recent address to the General Assembly, President Torrijos of Panama had condemned the continued detention of Nobel Peace Prize laureate Aung San Suu Kyi. He had also noted that most conflicts occurred against a background of impunity and the lack of institutions capable of safeguarding human rights, a situation that caused instability and suffering for civilians and vulnerable minorities.

83. While condemning all acts that were contrary to the Universal Declaration of Human Rights adopted 60 years previously, he welcomed the efforts that were being made by the Government of Myanmar to alleviate tensions and promote understanding, for instance its

invitation to the Special Rapporteur and the release of several hundred political prisoners. He trusted that a solution would be found that would bring peace and development to Myanmar based on cooperation and dialogue.

84. Ms. ESCOBAR (Observer for Spain) said that Spain had welcomed the agreement by the Government of Myanmar to a visit by the Special Rapporteur and supported the recommendations contained in the resulting report. It called on the Government to release political prisoners and prisoners of conscience, including the opposition leader and Nobel Peace Prize laureate Aung San Suu Kyi. It was regrettable that the Special Rapporteur had been unable to meet her. He had, on the other hand, been given access to a number of political prisoners and it was to be hoped that the International Committee of the Red Cross would be allowed to resume its work in Myanmar.

85. The ASEAN Charter signed by Myanmar included a firm human rights commitment. He trusted that the Government would comply with those obligations, work for national reconciliation and pursue its dialogue with Aung San Suu Kyi. It should repeal legislation that was incompatible with the rights to peaceful assembly, freedom of expression and freedom of movement, prosecute perpetrators of human rights violations and compensate victims.

86. Spain hoped that Myanmar would facilitate the Special Rapporteur's work and permit him to visit the country as frequently as the human rights situation required.

87. Ms. ARMIWULAN (Indonesian National Commission on Human Rights), speaking also on behalf of the National Human Rights Institution of Malaysia, expressed deep concern about the human rights situation in Myanmar, especially the suppression of peaceful protests resulting in loss of life and injuries. She condemned the use of violence and disproportionate force against unarmed peaceful demonstrators, including Buddhist monks. All parties in Myanmar should exercise restraint and use only peaceful means to settle disputes. In particular, the Government should refrain from using disproportionate force and firearms against demonstrators and respect basic human rights norms in the arrest and detention of demonstrators and activists.

88. She encouraged ASEAN Governments, individually and collectively, to take urgent action to ensure that Myanmar complied with basic human rights norms and the rule of law.

89. Mr. CLEOFE (Asian Forum for Human Rights and Development), speaking also on behalf of Forum-Asia, International NGO Forum on Indonesian Development, INFID, Ain O Salish Kendra Law and Meditation Centre, ASK, Centre for Organization Research and Education, CORE, Peace Boat, Lawyers for a Democratic Society, MINBYUN and Non-violence International, welcomed the report of the Special Rapporteur. His visit to Burma/Myanmar had followed international concern and outrage at the violent response of the Burmese/Myanmar Government to peaceful demonstrations.

90. The inability of the Special Rapporteur to conduct a thorough, independent and confidential investigation and the unsatisfactory cooperation of the Burmese/Myanmar Government were deeply regrettable. As a result, there were still many unanswered questions about the extent and nature of the ongoing human rights violations. The deployment of an

independent commission of inquiry composed of the Special Rapporteur and other relevant mandate-holders and the establishment of a permanent human rights monitoring presence in Burma/Myanmar were crucial.

91. Given that the members of the Association of Southeast Asian Nations (ASEAN) played a key role in pushing for reforms in Burma/Myanmar, their failure to use the opportunity of the thirteenth ASEAN Summit held in November 2007 to exert pressure on the Government was deeply regrettable. It was also unfortunate that Burma/Myanmar had successfully pressured other ASEAN member States to cancel the planned briefing by the Special Envoy of the United Nations Secretary-General to Myanmar.

92. In the light of the continuing serious violations of human rights, the Council must not be deceived by token concessions on the part of the State Peace and Development Council of Myanmar (SPDC).

93. Mr. VANLOQUEREN (International Federation of Human Rights Leagues; International Trade Union Confederation) said that the International Federation of Human Rights Leagues and the International Trade Union Confederation had conducted a joint mission along the Thai-Burma border in October 2007 and had met with demonstrators and eyewitnesses, representatives of the democracy movement and members of the diplomatic community. The current situation in Burma was unprecedented and the influence of the international community would be crucial.

94. He urged the Council to build on resolution S-5/1 and continue a thorough investigation into human rights abuses in Burma. It should adopt a resolution calling, inter alia, for access to places of detention for the International Committee of the Red Cross, disclosure of the whereabouts of missing persons and the prosecution of perpetrators of human rights violations. The Council could also request the SPDC to accept the establishment of permanent offices for the Special Envoy of the Secretary-General and the Office of the United Nations High Commissioner for Human Rights.

95. The Council must acknowledge that the success of the reconciliation process required the setting of clear benchmarks for the Burmese regime and a timeline for an effective transition to democracy and respect for human rights. It should also express support for national reconciliation and call on the international community to impose sanctions to cut the regime's economic lifeline. There were direct links between foreign direct investment and repression and economic sanctions would hurt the military regime and crony elites, rather than the population. Only a combination of those steps could help end the dictatorship.

96. Ms. NAMIECH (United Nations Watch) said that the report of the Special Rapporteur revealed that the Burmese authorities had been covering up the true death toll of the September 2007 events, that it had arrested some 3,000 persons, including children and pregnant women, and that it had used torture leading to the death of at least 14 persons in custody. Over the years, the denial of basic civil and political rights had compromised the standard of living of the population.

97. United Nations Watch supported the adoption of a strong resolution that would call on the Burmese authorities to release without delay all persons arrested during the peaceful protests; guarantee the freedom of speech, assembly and association; and commit to democracy and the rule of law.

98. The victims of the regime included pregnant women, small children, monks and nuns. While the authorities sought to use brutal repression to crush the spirit of the people, the parade of more than 25 women activists in commemoration of the International Day for the Elimination of Violence against Women on 26 November 2007 showed that those efforts had been unsuccessful.

99. Mr. GORDON LENNOX (Reporters without Borders, RSF) thanked the Special Rapporteur for having visited political prisoner Win Tin, who had been awarded the Reporters Sans Frontières - Fondation de France Prize in 2006. After more than 18 years in prison on charges of “subversion” and “anti-government propaganda”, the 77-year-old Burmese journalist continued to call for the release of thousands of prisoners of conscience. The 2007 Reporters Sans Frontières - Fondation de France Prize in the media category had gone to the Democratic Voice of Burma television and radio station, which had been instrumental in informing the world of the September 2007 repression, with many of their informants risking imprisonment or death.

100. The members of the security forces responsible for the killing of the Japanese photo-journalist Kenji Nagai and dozens of others must be brought to justice. His organization had received reports of the detention and ill-treatment of journalists and the hunting of video journalists, bloggers and underground television journalists. Increasingly repressive censorship had led to the removal of several news editors, while the Government media had accused all foreign media of being “traitors”. He called on the Myanmar authorities to implement all of the Special Rapporteur’s recommendations without delay.

101. Mr. LWIN Oo (Asian Legal Resource Centre) said that, although the international community had long been aware of the gravity and scale of human rights violations in Myanmar, it had struggled to come up with an effective response. It would therefore be important to deploy an international commission of inquiry to investigate the most recent events and, in particular, the high number of enforced disappearances and the growing use of extralegal gangs to threaten, assault and detain citizens.

102. In order to identify ways to address systemic obstacles to the enjoyment of human rights in Myanmar, a special study and strategy group should be established to coordinate work among United Nations agencies and other key international bodies. The group was likely to receive much support from humanitarian organizations, whose work was seriously hampered by the deteriorating human rights situation. Such a group could build on the work of the Special Rapporteur and other human rights mechanisms. Human rights work in Myanmar must not be treated as “business as usual”. Rather, at the current crucial juncture, the Council should take effective action on the specific proposal made by his organization.

103. Ms. LILLIEBJERG (Amnesty International), recalling Human Rights Council resolution S-5/1, said that the Special Rapporteur’s report painted a bleak picture of the human rights situation in Myanmar and showed that the Government had done nothing to implement the demands made in the document. Information compiled by Amnesty International confirmed

those findings. Some 700 persons detained during and in the aftermath of the protests and 1,150 political prisoners detained prior to those events reportedly remained behind bars. There were also reports of over 70 enforced disappearances in connection with the protests, appalling conditions of detention, and torture and ill-treatment of detainees.

104. Amnesty International fully supported the recommendations of the Special Rapporteur. The Council must urge the Government of Myanmar to release the persons detained during the recent protests and all prisoners of conscience; make public the names of persons that had been detained or gone missing in connection with the demonstrations; ensure that all reports of human rights violations were investigated and those responsible were brought to justice; lift all restraints on political activity and guarantee freedom of peaceful assembly, association, opinion and expression; end impunity for perpetrators of human rights violations; and invite the Special Rapporteur to undertake a follow-up mission with unrestricted access to persons, places and sources of information before the Council's seventh session.

105. Mr. HLAWNCHING (International Working Group for Indigenous Affairs) denounced the brutal crackdown on the peaceful demonstrations by the Burmese military and the involvement of non-law enforcement militias amounting to terrorist activities under existing international standards.

106. The report of the Special Rapporteur was well-founded and reflected the reality on the ground. The response of the regime, on the other hand, was entirely unacceptable. The regime had, for example, declined to invite an international commission of inquiry to investigate recent events.

107. The arrest of human rights defenders and opposition leaders in Burma continued and the increase in military operations involving the burning of villages, destruction of crops, arrests, torture and execution of innocent civilians, looting, extortion, planting of mines and forced labour in ethnic states had driven more than 20,000 civilians from their homes in 2007 in Karen state alone.

108. People had been forced to join false rallies; failure to obey the order to do so had been punishable by a monetary fine amounting to more than a month's wages.

109. The Council must urge the regime to stop military operations in ethnic territories, release all political prisoners, and ban militia groups such as the Union Solidarity and Development Association and Swan Ah Shin, which should be listed as terrorist organizations by the United Nations Security Council.

110. Mr. MACHON (International Commission of Jurists) said that the extent of human rights violations described in the report of the Special Rapporteur was appalling. Reliable sources had documented at least 30 deaths during the crackdown on peaceful protest and at least 7 deaths in detention. The real number was likely to be much higher. Torture and ill-treatment had been reported in regular places of detention; conditions in informal detention facilities had not been fully documented. There were credible, although not verifiable, reports that female relatives of protest leaders in hiding were being held "hostage" to secure the surrender of the activists.

111. The SPDC had facilitated the visit of the Special Rapporteur, but at the same time continued to commit serious human rights violations and hundreds of persons were still missing. There appeared to be no genuine intention on the part of the regime to move towards democracy and the rule of law, and the drafting of the constitution could not be seen as a genuine process of change.

112. The Special Rapporteur had been able to carry out a useful preliminary visit, but it was now necessary for the Council to establish a commission composed of the Special Rapporteur and other experts to carry out an in-depth investigation into the recent events. The commission should be mandated to access records and premises of all detention facilities used during and after the crackdown; gather forensic evidence; operate with a support team on the ground to monitor the safety of persons and groups assisting it; liaise with the good office functions of the Special Envoy of the Secretary-General; and report its findings to the United Nations Security Council and the Human Rights Council.

113. Ms. De RIVERO (Human Rights Watch), said that Human Rights Watch had carried out its own investigations into the situation in Burma and had documented serious violations of human rights. Despite the intervention of the international community, those violations continued. There were daily reports of new arrests, raids and occupation of monasteries by the security forces, and mistreatment and torture of detainees.

114. She called on the Burmese authorities to release those arrested during the protests and all political prisoners detained prior to those events, including Aung San Suu Kyi. The authorities should also account for all those who had been killed or gone missing. In its examination of the crackdown, Human Rights Watch had gathered detailed information about the involvement of specific military units, including the Rangoon military command and the 11th, 66th and 77th Light Infantry Divisions, and militia forces, which had used extreme violence against peaceful protesters.

115. While reports suggested that the extent of human rights violations was much greater than the Burmese Government admitted, further investigations were necessary to ascertain the truth. Follow-up to the recommendations of the Special Rapporteur was essential. The Council should establish a commission of inquiry to verify the individual cases documented by the Special Rapporteur, examine the root causes of the crisis and identify remedial measures. The Council must further hold the Burmese authorities accountable for the implementation of all aspects of resolution S-5/1.

116. Mr. PINHEIRO (United Nations Special Rapporteur on the situation of human rights in Myanmar) said that none of the member States and NGO representatives appeared to have considered his report on the situation of human rights in Myanmar to be intrusive, based on distorted information provided by anti-government sources and unreliable sources, or an infringement of the sovereignty of the country concerned, as had been suggested by the representative of Myanmar at the Council's previous meeting. He would therefore choose to acknowledge and thank the representative of Myanmar for recognizing his personal integrity, academic qualifications and knowledge, and disregard the remaining remarks.

117. His visit to Myanmar, rather than an isolated event, was part of a process, and he welcomed the Government's efforts to facilitate that visit. The Government of Myanmar was well aware of the problems and of the challenge involved in addressing the situation. Its comments constituted an important contribution to the current dialogue. However, in recognition of the considerable attention paid by the international community to the situation in Myanmar, the Government should acknowledge some of the issues addressed in the report, including the excessive use of force during peaceful protests and the large-scale arbitrary detentions.

118. With regard to the claim that the Prime Minister of Myanmar had made no commitment to the Special Envoy of the Secretary-General to the effect that no more arrests would be carried out, as had been stated in paragraph 51 of his report, he drew attention to the record of the 5777th meeting of the United Nations Security Council held on 3 November 2007 (S/PV.5777). The record contained a briefing presented to the Security Council by the Special Envoy, during which he had stated that the Prime Minister of Myanmar had "reiterated his Government's full confidence in and support for the Secretary-General's good offices", assuring him that the Government would "release more detainees and that no more arrests will be carried out". Notwithstanding those assurances, the Government had continued detaining citizens. The Special Envoy would brief the United Nations General Assembly on 18 December 2007 on developments in Myanmar.

The meeting rose at 12.55 p.m.