



# အမျိုးသမီးများအဖွဲ့ချုပ် (မြန်မာနိုင်ငံ) Women's League of Burma

To,  
H.E. Nicolas Sarkozy  
President of the Republic of France  
President of the European Union  
Palais de l'Élysée  
55, rue du Faubourg Saint-Honoré  
75008 Paris, France

1<sup>st</sup> August 2008

CC: H.E. Bernard Kouchner, Minister of Foreign Affairs of France  
H.E. Javier Solana, High Representative for the Common Foreign and Security Policy and Secretary-General of the Council of the European Union  
H.E. José Manuel Barroso, President of the European Commission  
H.E. Piero Fassino, Special Envoy of the European Union to Burma

## **Regarding: To refer Sr. Gen. Than Shwe of Burma to the International Criminal Court (ICC)**

Your Excellency,

The Women's League of Burma would like to express its gratitude to the European Union for your efforts in assisting the victims of Cyclone Nargis and to the Government of France for seeking to ensure that the UN Security Council apply the norm of "Responsibility to Protect" after the initial refusal by the military junta to accept international offers of assistance.

The Women's League of Burma (WLB) is particularly appalled by the suffering of women, children and the elderly as a result of the denial by the SPDC of such international assistance. As Your Excellency is aware, they constitute the vast majority of the victims of the natural disaster caused by Cyclone Nargis.

The situation in Burma has now reached its worse stage. However, as Your Excellency is aware, the SPDC in Burma continues to deny women the right and the opportunity to participate in building peace and justice for Burma. Daw Aung San Suu Kyi's house arrest was extended once again last May, while women human rights defenders, including Nilar Thein, Su Su Nway, Mi Mi and others, remain under detention or on the run in order to avoid detection and arrest. Approximately 100 women are believed to be political prisoners in Burma according to the Assistance Association for Political Prisoners (Burma). In ethnic areas of Burma, SPDC troops continue to commit abuses against civilians with impunity.

The WLB therefore welcomes the adoption on 19 June 2008 by the UN Security Council Resolution of 1820 (2008) on women, peace and security. This resolution notes that rape and other forms of sexual violence can constitute war crimes and crimes against humanity, and stresses the importance of ending impunity for such acts.

The WLB believes that this historic resolution gives hope for justice to women around the world and in Burma in particular. Rape has been used for decades as a weapon in the Burmese military regime's war against ethnic nationalities, to demonstrate the army's absolute power to retaliate against those who resist them. Government soldiers from the State Peace and Development Council (SPDC) use women in conflict areas as porters to carry their military equipment and supplies during the day, and as sex slaves at night. Many women, and their family members, have been brutally killed to eliminate evidence of these crimes.

The WLB is an umbrella organization consisting of twelve existing women's organizations representing various ethnic groups and states in Burma. The WLB and its member organizations, as well as the Women's League of Chinland, representing women from Chin State in western Burma, have documented cases of rape and other forms of sexual violence in six reports published between 2002 and 2007, including:

- \* Shan Women's Action Network and Shan Human Rights Foundation: "Licence to Rape", May 2002.
- \* Karen Women's Organization: "Shattering Silences", April 2004.
- \* Women's League of Burma: "System of Impunity", September 2004.

- \* Women and Child Rights Project of Mon Land: "Cat Walk to the Barracks", July 2005.
- \* Karen Women's Organization: "State of Terror", February 2007.
- \* Women's League of Chinland: "Unsafe State", March 2007.

In total, these women's organizations have documented more than 1,800 cases of rape committed by SPDC troops in Burma.

As long as the military remains in control, there is no rule of law in Burma. To this day incidents of rape committed by SPDC troops with impunity continue to be reported. It should be stressed that the cases that have been reported over the years remain just a fraction of the cases that have taken place. Rape is associated with shame and stigma in Burma, and as a result, women seldom speak out about their experiences.

It should also be added that cases of rapes and other forms of sexual violence have also been reported by Human Rights Watch in "Burma: Rape, Forced Labour and Religious Persecution in Northern Arakan" (vol.4, issue 13, May 1002) as well as by Refugees International in "No Safe Place: Burma's Army and the Rape of Ethnic Women" (April 2003).

The SPDC has conducted three national investigations since 2002 to counter these reports. However, these investigations lack all credibility. To this day, the SPDC continues to reject that sexual violence by SPDC troops takes place in Burma, as was witnessed in the recent statement by the SPDC's permanent representative to the United Nations in New York during the UN Security Council's debate on 19 June 2008.

Hence, when the State itself is the abuser of human rights and the perpetrator of rape and other forms of gender-based violence, the only recourse to protection comes from international law and international criminal courts.

Indeed, various actors in the international community have responded to the reports of rape and sexual violence in Burma. Following a mission to the Thai-Burma border to investigate reports of rape in Burma, the US State Department's Bureau of Democracy, Human Rights and Labor published a report in December 2002, "Rape by the Burmese Military in Ethnic Regions", which concludes that it was likely that the cases described in "Licence to Rape" had taken place.

Furthermore, in 2003 the UN Special Rapporteur on Violence against Women included 144 cases of rape against ethnic minority women in Burma in her report to the UN Human Rights Commission regarding Burma. She corroborated information from "Licence to Rape" while presenting reports of more than 100 new cases.

To this date, however, the SPDC government continues to reject access for an international independent assessment of reports of sexual violence against women and girls by members of the armed forces in Shan and other states of the country, as requested by the UN General Assembly and by the UN Human Rights Commission in several consecutive resolutions since 2003.

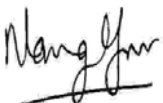
We are therefore pleased that France will seek to promote and defend the principle of "Responsibility to Protect", as agreed upon in the UN Summit Outcome from 2005 and UNSC resolution 1674(2006), during the French Presidency of the European Union. We urge the European Union and France to do its uttermost to ensure that such a Responsibility to Protect be firmly applied to the situation in Burma, and in particular when it comes to abuses against women and girls in Burma's conflict areas.

The Women's League of Burma is urging the UN Security Council to consider referring Senior-General Than Shwe to the International Criminal Court (ICC) for war crimes and crimes against humanity. We believe that an effort to bring the top leaders of the SPDC before the ICC or another international judicial body will send a strong signal to military officers in Burma that there is no future in continuing to support Senior-General Than Shwe and his dictatorship.

We call for a special protection to the women and girls in Burma and we urge the European Union and France, as President of the European Union and member of the UN Security Council, to play an active role in this regard.

Thank you for looking into our request.

Yours sincerely,



Nang Yain  
General Secretary  
Women's League of Burma