

April 25, 2011

The Honorable Hillary Rodham Clinton
Secretary of State
U.S. Department of State
2201 C Street
Washington, D.C. 20522

Dear Secretary Clinton:

We welcome the news that President Obama has nominated Derek Mitchell as Special Representative and Policy Coordinator for Burma and hope that it signals a renewed effort to press for serious democratic reforms there. As the United States continues to try to engage the regime, it also should demonstrate that its patience is not infinite and that continued defiance of international concerns will have consequences for the government's leaders. We strongly urge you to follow through on your decision last fall to back the creation of an International Commission of Inquiry for Burma and lead the effort to create such a commission at the June session of the UN Human Rights Council.

For too many years, the regime in Burma has carried out with impunity widespread and serious violations of international human rights and humanitarian law. Since 1991, the United Nations has expressed serious concern about Burma through numerous resolutions, reports and documents. During this time, the Secretary-General has used his good offices to engage with Burmese regime authorities. Two decades of efforts at engagement and dialogue by the international community have failed to end violations and alleviate the suffering of the Burmese people.

The report submitted by Special Rapporteur Tomas Ojea Quintana to the UN Human Rights Council last month paints a grim picture of continuing and systematic human rights abuses. In the report, Mr. Quintana emphasizes "the important need for justice and accountability measures for Myanmar as well as access to truth," noting that in the absence of government action, the responsibility falls to the international community.

A number of recent reports from Burma underscore the urgency of the situation, bringing to light ongoing atrocities committed against civilians by the Burmese authorities. A January 2011 report by Physicians for Human Rights (PHR), entitled *Life Under the Junta*, uncovered widespread and systematic crimes by the military regime. PHR interviews revealed that 92 percent of civilians in Chin State in western Burma experienced at least one incident of forced labor at the hands of the military regime in the previous twelve months. The PHR report documents widespread human rights abuses carried out by regime forces, including forced labor, arbitrary arrest, torture, rape, religious persecution, child soldier's recruitment and murder.

Human Rights Watch reports that since November 2010, *Tatmadaw* operations have increased in central Karen State of eastern Burma, resulting in tens of thousands of civilians being displaced on both sides of the Burma-Thailand border. Civilians have

been forced to carry wounded army personnel through areas containing anti-personnel landmines and improvised explosive devices (IEDs). Large numbers of convicts from several prisons throughout Burma have been forced to be porters for the army during military operations, including walking ahead of troops to trigger landmines in a practice known as "atrocious de-mining." The *Tatmadaw* have also been implicated in a large number of laws of war violations that remain uninvestigated by Burmese authorities, including deliberate and indiscriminate attacks on civilians, summary executions of civilians and captured combatants, sexual violence against women and girls, torture, use of child soldiers, attacks on populations' livelihood and food supplies, forced displacement of populations, and use of anti-personnel landmines. Non-state armed groups have also been implicated in serious abuses, including forced labor, recruitment of child soldiers and anti-personnel landmine use.

Global support for an investigation into ongoing human rights violations in Burma has been steadily growing since March 2010, when Mr. Quintana recommended the creation of a Commission of Inquiry. Sixteen countries, including the United States, have publicly endorsed that recommendation. As Mr. Quintana reported to the Council, "It is essential for investigations of human rights violations to be conducted in an independent, impartial and credible manner, without delay."

Effective diplomacy by the United States in Geneva over the past year on issues such as Iran and freedom of association and assembly shows that leadership makes a difference. Now is the time to make a difference on Burma and actively lead other members of the United Nations to support the creation of a Commission of Inquiry.

Sincerely,

Michele Bohana
Director, Institute for Asian Democracy

Aung Din
Executive Director, U.S. Campaign for Burma

Dokhi Fassihian
Executive Director, Democracy Coalition Project

Jerry Fowler
Senior Policy Analyst, Open Society Foundations

E. Robert Goodkind
Chair, Jacob Blaustein Institute for the Advancement of Human Rights

Hans Hogrefe
Chief Policy Officer / Washington Director, Physicians for Human Rights

Don Kraus
Chief Executive Officer, Citizens for Global Solutions

T. Kumar
Director, International Advocacy, Amnesty International USA

Tom Malinowski
Washington Director, Human Rights Watch

Theodore Piccone
Senior Fellow and Deputy Director for Foreign Policy, The Brookings Institution

Karin Ryan
Director, Human Rights Program, Carter Center

Paula Schriefer
Director of Advocacy, Freedom House

Tad Stahnke
Director of Policy and Programs, Human Rights First

CC:

Dr. Esther Brimmer, Assistant Secretary of State for International Organization Affairs

Michael Posner, Assistant Secretary of State for Democracy, Human Rights and Labor

Kurt Campbell, Assistant Secretary of State for East Asian and Pacific Affairs

Eric P. Schwartz, Assistant Secretary of State for Population, Refugees and Migration

Thomas E. Donilon, National Security Adviser, National Security Council

Samantha Power, Senior Director for Multilateral Affairs and Human Rights, National Security Council

Daniel Russel, Senior Director for Asian Affairs, National Security Council