



**Catherine Ashton**

High Representative of the Union for  
Foreign Affairs and Security Policy/  
Vice President of the European Commission

Brussels, 18 November 2010  
Our Ref: B1018

Dear Baroness Ashton,

**Subject: Foreign Affairs Council, 22 November 2010 –  
Discussion on future EU policy vis-à-vis Burma/Myanmar**

In view of the upcoming discussions of the Foreign Affairs Council regarding the European Union's future policy options vis-à-vis Burma/Myanmar following the elections on 7 November 2010, we would like to offer some reflections on a number of elements of great importance for the transition to genuine democracy in this country.

We welcome the release of Daw Aung San Suu Kyi on 13 November and appreciate your statement made on that occasion, which also calls for the release of other prisoners of conscience. In this context however, it is important to underline that the human rights situation in Myanmar remains substantively unchanged, and that there is an urgent need for the Myanmar authorities and the international community to take effective action to address it. At least 2,200 political prisoners remain in detention, including many prisoners of conscience and individuals in poor health. Restrictions to the right of assembly, association and expression remained during the period of elections.

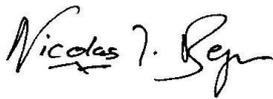
We appreciate that the EU has in the past paid considerable attention to the promotion and protection of human rights in Myanmar, including through support to the UN Special Rapporteur on Myanmar, as well as through UN General Assembly and Human Rights Council recommendations to end violations of international human rights and humanitarian law. We strongly encourage you and foreign ministers attending the Foreign Affairs Council meeting to continue applying this focus when considering options for the EU's policy on Burma/Myanmar, and to translate this approach into effective action.

Systematic and widespread violations of human rights have continued in Myanmar despite repeated recommendations by the UN. In 2008, Amnesty International found that crimes against humanity and possibly war crimes have been committed in the context of counter-insurgency operations, and numerous violations have been documented since (see for example the report entitled *Myanmar: The repression of ethnic minority activists*, 16 February 2010; as well as the briefing note entitled *Myanmar's 2010 Elections: A Human Rights Perspective*, 10 May 2010 – all documents available at [www.amnesty.org/en/region/Myanmar](http://www.amnesty.org/en/region/Myanmar)). The current government has continuously failed to respect its obligation to pursue justice and accountability. As the EU has publicly noted, the constitution which the elections will bring into force guarantees impunity to state officials for human rights violations.

As you are undoubtedly aware, the UN Special Rapporteur on Myanmar this year in his March report to the UN Human Rights Council and in his September report to the UN General Assembly recommended the UN to appoint a Commission of Inquiry into serious human rights violations, including possible crimes against humanity and war crimes. Amnesty International urges the Foreign Affairs Council to ensure that the EU as a whole and EU member state governments individually voice their support for the creation of such a Commission of Inquiry, and take action to ensure that it becomes a reality. In light of the failure of Myanmar authorities to take action, including with constitutional obstacles now in place, it is of great importance that all states and inter-governmental bodies ensure that impunity is addressed by the UN Commission of Inquiry.

Amnesty International urges the Foreign Affairs Council and individual Member States to pursue all avenues to expedite the appointment of an international Commission of Inquiry, including at the March 2011 session of the UN Human Rights Council. Furthermore, we encourage you as the High Representative/Vice-President and foreign ministers to reach out to other states, such as Australia, China, India, Japan, Russia, as well as member states of ASEAN and intergovernmental bodies, to generate support for a Commission of Inquiry. We further encourage you to ensure that relevant bodies continue to address the international community's concerns at the serious human rights situation - including the continued imprisonment of prisoners of conscience - with the government of Myanmar.

Yours sincerely,



Dr. Nicolas J. Beger  
Director

**CC:**  
Permanent Representatives of EU Member States in Brussels