

Mr. President, Asian Forum for Human Rights and Development (FORUM-ASIA) makes this statement in association with its NGO partners. We welcome this special session on Burma/Myanmar. We note that the latest escalation of the crisis in Burma/Myanmar unfolded just as the 36th session of this Council began. Its unfortunate that the Council failed to respond then in an adequate manner, making this special session necessary. We welcome the High Commissioner's statement today including his recommendation for the UN General Assembly to establish a mechanism for criminal prosecutions.

The situation in Burma/Myanmar is one of the worst tragedies in recent times. One which the High Commissioner for Human Rights and the UN Secretary General have described as ethnic cleansing. One where the High Commissioner today said elements of genocide cannot be ruled out. The UN Special Advisor on Genocide and the UN Special Advisor on the Responsibility to Protect have jointly called on the government to stop and address atrocity crimes reportedly taking place. Despite this and condemnation at the UN General Assembly and the UN Security Council the situation in Burma/Myanmar, particularly in Rakhine State as well other parts such as Kachin and Shan states, remains grave.

The UN Human Rights Council should echo concerns expressed by UN experts today and call for an end to gross violations including alleged atrocity crimes.

The Council should call on the UN Fact Finding Mission on Myanmar to provide its expertise to relevant UN bodies seized of the matter including the UN General Assembly and the UN Security Council. The Council should also further call on the Fact Finding Mission to include specific recommendations on establishing accountability for alleged gross violations. The Council should also urge Burma/Myanmar to provide the Fact Finding Mission, humanitarian aid and independent international observers unhindered access to Rakhine State.

In the context of the recent repatriation agreement between Burma/Myanmar and Bangladesh the Council should call for the explicit recognition of non-refoulement. The Council should call on Burma/Myanmar to institute clear and explicit safeguards under UN supervision to allow refugees to return voluntarily, in safety and dignity. The Council should also call on Burma/Myanmar to take immediate steps to fully recognise the Rohingya identity and grant Rohingyas full citizenship and equal rights without any discrimination.

The Council must continue to closely scrutinise Burma/Myanmar and review the situation regularly with the participation of UN Experts.