

**Suspend the Rules and Pass the Bill, H.R. 2327, with an Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

116TH CONGRESS  
1ST SESSION

# H. R. 2327

To direct the Secretary of State to provide assistance to civil society organizations in Burma that work to secure the release of prisoners of conscience and political prisoners in Burma, and assistance to current and former prisoners of conscience and political prisoners in Burma, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2019

Mr. LEVIN of Michigan (for himself and Mrs. WAGNER) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

To direct the Secretary of State to provide assistance to civil society organizations in Burma that work to secure the release of prisoners of conscience and political prisoners in Burma, and assistance to current and former prisoners of conscience and political prisoners in Burma, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Burma Political Pris-  
3 oners Assistance Act”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) Aung San Suu Kyi and the National  
7 League for Democracy (NLD) pledged that they  
8 “would not arrest anyone as political prisoners”, but  
9 have failed to fulfill this promise since they took con-  
10 trol of Burma’s Union Parliament and the Govern-  
11 ment’s executive branch in April 2016.

12 (2) As of the end of April 2019, there were 331  
13 political prisoners in Burma, 48 of them serving sen-  
14 tences, 90 awaiting trial inside prison, and 193  
15 awaiting trial outside prison, according to the Assist-  
16 ance Association for Political Prisoners in Burma.

17 (3) During its three years in power, the NLD  
18 Government has provided pardons for Burma’s polit-  
19 ical prisoners on six occasions. State Counsellor  
20 Aung San Suu Kyi took steps to secure the release  
21 of nearly 235 political prisoners in April 2016. On  
22 May 23, 2017, former President Htin Kyaw granted  
23 pardons to 259 prisoners, including 89 political pris-  
24 oners. On April 17, 2018, current President Win  
25 Myint pardoned 8,541 prisoners, including 36 polit-  
26 ical prisoners. In April and May 2019, he pardoned

1 more than 23,000 prisoners, including 20 political  
2 prisoners.

3 (4) The Burmese security forces have used colo-  
4 nial-era laws to arrest and charge political prisoners  
5 and prisoners of conscience. These laws include but  
6 are not limited to provisions of the Penal Code, the  
7 Peaceful Assembly and Peaceful Procession Act, the  
8 1908 Unlawful Associations Act, the 2013 Tele-  
9 communications Act, and the 1923 Official Secrets  
10 Act.

11 (5) On December 12, 2017, Reuters reporters  
12 Wa Lone and Kyaw Soe Oo were arrested and  
13 charged with violating the Official Secrets Act, con-  
14 tinuing a trend of restricting media and free speech  
15 and attempting to thwart coverage of the events in  
16 Rakhine State.

17 (6) On September 3, 2018, Wa Lone and Kyaw  
18 Soe Oo were convicted and sentenced to seven years  
19 in prison. Time Magazine included pictures of the  
20 two reporters on the cover of its “Person of the  
21 Year” issue on December 10, 2018, as two of the  
22 “Guardians and the War on Truth”.

23 (7) On May 6, 2019, Wa Lone and Kyaw Soe  
24 Oo were released after more than 500 days behind  
25 bars.

1           (8) According to Burmese free speech organiza-  
2           tion Athan, 44 journalists and 142 activists since  
3           2016 were charged with colonial-era laws used to sti-  
4           fle dissent and restrict activist groups and have  
5           faced trial.

6           (9) Since December 2018, three Kachin activ-  
7           ists were sentenced to six months in prison in con-  
8           nection with peaceful antiwar protests; a protester  
9           demonstrating against the Myitsone Dam (a con-  
10          troversial Chinese-backed hydropower project) was  
11          charged for peaceful demonstrations, and police used  
12          excessive force to crack down on peaceful protesters  
13          in Kayah State, with some of the demonstrators  
14          charged under vaguely worded, repressive laws.

15          (10) On August 18, 2017, Aung Ko Htwe was  
16          arrested because he gave a media interview in which  
17          he described his experience as a child soldier, includ-  
18          ing how the Burmese military abducted and forcibly  
19          recruited him when he was 13 years old. He was  
20          charged under Section 505(b) of Burma's Penal  
21          Code. He faces up to two-and-a-half years in jail  
22          from the date of his conviction.

23          (11) Although former Secretary of State Rex  
24          Tillerson took Burma off the State Department's list  
25          of the worst offenders in the use of child soldiers in

1       2017, the Department reinstated Burma to the list  
2       in 2018. According to the United Nations, the Bur-  
3       mese military and ethnic guerrilla groups remain  
4       “persistent perpetrators’ in the recruitment and use  
5       of children in [Burma].”.

6       **SEC. 3. CHILD SOLDIERS.**

7       It is the sense of Congress that former child soldier  
8       Aung Ko Htwe should be immediately and unconditionally  
9       released, and that no one should be jailed for freely ex-  
10      pressing him or herself or for speaking against the use  
11      of child soldiers.

12      **SEC. 4. PEACEFUL ASSEMBLY.**

13      It is the sense of Congress that Burma must imme-  
14      diately drop defamation charges against the three Kachin  
15      activists, Lum Zawng, Nang Pu, and Zau Jet, who led  
16      a peaceful rally in Mytkyina, the capital of Kachin State  
17      in April 2018, and that the prosecution of Lum Zawng,  
18      Nang Pu, and Zau Jet is an attempt by the Burmese au-  
19      thorities to intimidate, harass, and silence community  
20      leaders and human rights defenders who speak out about  
21      military abuses and the impact on civilian populations.

22      **SEC. 5. PRESS FREEDOM.**

23      It is the sense of Congress that press freedom is a  
24      fundamental human right and should be upheld and pro-  
25      tected in Burma and everywhere, and that Burmese au-

1 thorties must immediately cease the arbitrary arrest, de-  
2 tention, imprisonment, and physical attacks of journalists,  
3 which have created a climate of fear and self-censorship  
4 among local journalists.

5 **SEC. 6. STATEMENT OF POLICY.**

6 It is the policy of the United States that—

7 (1) all prisoners of conscience and political pris-  
8 oners in Burma should be unconditionally and im-  
9 mediately released;

10 (2) the Administration and the Department of  
11 State should use all of their diplomatic tools to en-  
12 sure that all prisoners of conscience and political  
13 prisoners in Burma are released; and

14 (3) the Burmese Government should repeal or  
15 amend all laws that violate the rights to freedom of  
16 expression, peaceful assembly, or association, and  
17 ensure that laws such as the Telecommunications  
18 Law of 2013 and the Unlawful Associations Act of  
19 1908, and laws relating to the right to peaceful as-  
20 sembly, all comply with international human rights  
21 standards.

22 **SEC. 7. POLITICAL PRISONERS ASSISTANCE.**

23 The Secretary of State shall continue to provide as-  
24 sistance to civil society organizations in Burma that work  
25 to secure the release of prisoners of conscience and polit-

1 ical prisoners in Burma, and assistance to current and  
2 former prisoners of conscience and political prisoners in  
3 Burma. Such assistance may include the following:

4 (1) Support for the documentation of human  
5 rights violations with respect to prisoners of con-  
6 science and political prisoners.

7 (2) Support for advocacy in Burma to raise  
8 awareness of issues relating to prisoners of con-  
9 science and political prisoners.

10 (3) Support for efforts to repeal or amend laws  
11 that are used to imprison individuals as either pris-  
12 oners of conscience or political prisoners.

13 (4) Support for health, including mental health,  
14 and post-incarceration assistance in gaining access  
15 to education and employment opportunities or other  
16 forms of reparation to enable former prisoners of  
17 conscience and political prisoners to resume a nor-  
18 mal life.

19 (5) The creation, in consultation with former  
20 political prisoners and prisoners of conscience, their  
21 families, and representatives, of an independent pris-  
22 oner review mechanism in Burma to review the cases  
23 of individuals who may have been charged or de-  
24 prived of their liberty for peacefully exercising their  
25 human rights, review all laws used to arrest, pros-

1       ecute, and punish individuals as political prisoners  
2       and prisoners of conscience, and provide rec-  
3       ommendations to the Burmese Government for the  
4       repeal or amendment of all such laws.