

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.

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

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.