

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 2327  
OFFERED BY MR. LEVIN OF MICHIGAN**

Strike all after the enacting clause and insert the following:

**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-

1 ical prisoners on six occasions. State Counsellor  
2 Aung San Suu Kyi took steps to secure the release  
3 of nearly 235 political prisoners in April 2016. On  
4 May 23, 2017, former President Htin Kyaw granted  
5 pardons to 259 prisoners, including 89 political pris-  
6 oners. On April 17, 2018, current President Win  
7 Myint pardoned 8,541 prisoners, including 36 polit-  
8 ical prisoners. In April and May 2019, he pardoned  
9 more than 23,000 prisoners, including 20 political  
10 prisoners.

11 (4) The Burmese security forces have used colo-  
12 nial-era laws to arrest and charge political prisoners  
13 and prisoners of conscience. These laws include but  
14 are not limited to provisions of the Penal Code, the  
15 Peaceful Assembly and Peaceful Procession Act, the  
16 1908 Unlawful Associations Act, the 2013 Tele-  
17 communications Act, and the 1923 Official Secrets  
18 Act.

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

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

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

10          (8) According to Burmese free speech organiza-  
11          tion Athan, 44 journalists and 142 activists since  
12          2016 were charged with colonial-era laws used to sti-  
13          fle dissent and restrict activist groups and have  
14          faced trial.

15          (9) Since December 2018, three Kachin activ-  
16          ists were sentenced to six months in prison in con-  
17          nection with peaceful antiwar protests; a protester  
18          demonstrating against the Myitsone Dam (a con-  
19          troversial Chinese-backed hydropower project) was  
20          charged for peaceful demonstrations, and police used  
21          excessive force to crack down on peaceful protesters  
22          in Kayah State, with some of the demonstrators  
23          charged under vaguely worded, repressive laws.

24          (10) On August 18, 2017, Aung Ko Htwe was  
25          arrested because he gave a media interview in which

1 he described his experience as a child soldier, includ-  
2 ing how the Burmese military abducted and forcibly  
3 recruited him when he was 13 years old. He was  
4 charged under Section 505(b) of Burma’s Penal  
5 Code. He faces up to two-and-a-half years in jail  
6 from the date of his conviction.

7 (11) Although former Secretary of State Rex  
8 Tillerson took Burma off the State Department’s list  
9 of the worst offenders in the use of child soldiers in  
10 2017, the Department reinstated Burma to the list  
11 in 2018. According to the United Nations, the Bur-  
12 mese military and ethnic guerrilla groups remain  
13 “persistent perpetrators’ in the recruitment and use  
14 of children in [Burma].”

15 **SEC. 3. CHILD SOLDIERS.**

16 It is the sense of Congress that former child soldier  
17 Aung Ko Htwe should be immediately and unconditionally  
18 released, and that no one should be jailed for freely ex-  
19 pressing him or herself or for speaking against the use  
20 of child soldiers.

21 **SEC. 4. PEACEFUL ASSEMBLY.**

22 It is the sense of Congress that Burma must imme-  
23 diately drop defamation charges against the three Kachin  
24 activists, Lum Zawng, Nang Pu, and Zau Jet, who led  
25 a peaceful rally in Mytkyina, the capital of Kachin State

1 in April 2018, and that the prosecution of Lum Zawng,  
2 Nang Pu, and Zau Jet is an attempt by the Burmese au-  
3 thorities to intimidate, harass, and silence community  
4 leaders and human rights defenders who speak out about  
5 military abuses and the impact on civilian populations.

6 **SEC. 5. PRESS FREEDOM.**

7 It is the sense of Congress that press freedom is a  
8 fundamental human right and should be upheld and pro-  
9 tected in Burma and everywhere, and that Burmese au-  
10 thorities must immediately cease the arbitrary arrest, de-  
11 tention, imprisonment, and physical attacks of journalists,  
12 which have created a climate of fear and self-censorship  
13 among local journalists.

14 **SEC. 6. STATEMENT OF POLICY.**

15 It is the policy of the United States that—

16 (1) all prisoners of conscience and political pris-  
17 oners in Burma should be unconditionally and im-  
18 mediately released;

19 (2) the Administration and the Department of  
20 State should use all of their diplomatic tools to en-  
21 sure that all prisoners of conscience and political  
22 prisoners in Burma are released; and

23 (3) the Burmese Government should repeal or  
24 amend all laws that violate the rights to freedom of  
25 expression, peaceful assembly, or association, and

1 ensure that laws such as the Telecommunications  
2 Law of 2013 and the Unlawful Associations Act of  
3 1908, and laws relating to the right to peaceful as-  
4 sembly, all comply with international human rights  
5 standards.

6 **SEC. 7. POLITICAL PRISONERS ASSISTANCE.**

7 The Secretary of State shall continue to provide as-  
8 sistance to civil society organizations in Burma that work  
9 to secure the release of prisoners of conscience and polit-  
10 ical prisoners in Burma, and assistance to current and  
11 former prisoners of conscience and political prisoners in  
12 Burma. Such assistance may include the following:

13 (1) Support for the documentation of human  
14 rights violations with respect to prisoners of con-  
15 science and political prisoners.

16 (2) Support for advocacy in Burma to raise  
17 awareness of issues relating to prisoners of con-  
18 science and political prisoners.

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

22 (4) Support for health, including mental health,  
23 and post-incarceration assistance in gaining access  
24 to education and employment opportunities or other  
25 forms of reparation to enable former prisoners of

1 conscience and political prisoners to resume a nor-  
2 mal life.

3 (5) The creation, in consultation with former  
4 political prisoners and prisoners of conscience, their  
5 families, and representatives, of an independent pris-  
6 oner review mechanism in Burma to review the cases  
7 of individuals who may have been charged or de-  
8 prived of their liberty for peacefully exercising their  
9 human rights, review all laws used to arrest, pros-  
10 ecute, and punish individuals as political prisoners  
11 and prisoners of conscience, and provide rec-  
12 ommendations to the Burmese Government for the  
13 repeal or amendment of all such laws.

