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,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “Burma Political Pris-
5 oners Assistance Act”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Aung San Suu Kyi and the National League for Democracy (NLD) pledged that they “would not arrest anyone as political prisoners”, but have failed to fulfill this promise since they took control of Burma’s Union Parliament and the Government’s executive branch in April 2016.

(2) As of March 1, 2019, there are 354 political prisoners in Burma, 43 of them serving sentences, 86 awaiting trial inside prison, and 225 awaiting trial outside prison, according to the Assistance Association for Political Prisoners in Burma.

(3) During its three years in power, the NLD Government has provided pardons for Burma’s political prisoners on three occasions. State Counsellor Aung San Suu Kyi took steps to secure the release of nearly 235 political prisoners. On May 23, 2017, former President Htin Kyaw granted pardons to 259 prisoners, including 89 political prisoners. On April 17, 2018, current President Win Myint pardoned 8,541 prisoners, including 36 political prisoners.

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

(5) On January 5, 2015, then-President Thein Sein announced the reconstitution of the “Scruti-
nizing Committee into the Prisoners of Conscience Affairs Committee”, which was to comprise 28 mem-
bers and which would “promptly [carry] out pris-
oners of conscience affairs at the grassroots level”.
However, the Committee never met and no informa-
tion has been made publicly available regarding its mandate, procedures, or activities.

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

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

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(8) According to Burmese free speech organization Athan, 44 journalists and 142 activists since 2016 were charged with colonial-era laws used to stifle dissent and restrict activist groups and have faced trial.

(9) Since December 2018, three Kachin activists were sentenced to six months in prison in connection with peaceful antiwar protests; a protester demonstrating against the Myitsone Dam (a controversial Chinese-backed hydropower project) was charged for peaceful demonstrations, and police used excessive force to crack down on peaceful protesters in Kayah State, with some of the demonstrators charged under vaguely worded, repressive laws.

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

SEC. 3. CHILD SOLDIERS.

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

SEC. 4. PEACEFUL ASSEMBLY.

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

SEC. 5. PRESS FREEDOM.

It is the sense of Congress that Burma must imme-
diately and unconditionally release Wa Lone and Kyaw
Soe Oo, and that the imprisonment of these two Reuters
journalists for documenting and reporting the crimes
under international law committed against the Rohingya
people is a gross injustice. Congress holds that press free-
dom is a fundamental human right and should be upheld
and protected in Burma and everywhere.

SEC. 6. STATEMENT OF POLICY.

It is the policy of the United States that—
(1) all prisoners of conscience and political prisoners in Burma should be unconditionally and immediately released;

(2) the Administration and the Department of State should use all of their diplomatic tools to ensure that all prisoners of conscience and political prisoners in Burma are released; and

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

SEC. 7. POLITICAL PRISONERS ASSISTANCE.

The Secretary of State shall 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. Such assistance shall include the following:

(1) Support for the documentation of human rights violations with respect to prisoners of conscience and political prisoners.
(2) Support for advocacy in Burma to raise awareness of issues relating to prisoners of conscience and political prisoners.

(3) Support for efforts to repeal or amend laws that are used to imprison individuals as either prisoners of conscience or political prisoners.

(4) Support, including travel costs, and legal fees, for families of prisoners of conscience and political prisoners.

(5) Support for health, including mental health, and post-incarceration assistance in gaining access to education and employment opportunities or other forms of reparation to enable former prisoners of conscience and political prisoners to resume a normal life.

(6) The creation, in consultation with former political prisoners and prisoners of conscience, their families, and representatives, of an independent prisoner review mechanism in Burma to review the cases of individuals who may have been charged or deprived of their liberty for peacefully exercising their human rights, review all laws used to arrest, prosecute, and punish individuals as political prisoners and prisoners of conscience, and provide rec-
ommendations to the Burmese Government for the
repeal or amendment of all such laws.

SEC. 8. DEFINITIONS.

In this Act:

(1) **PRISONER OF CONSCIENCE.**—The term
"prisoner of conscience" means a person imprisoned
or otherwise physically restricted primarily because
of his or her political, religious, or other conscien-
tiously held beliefs, ethnic origin, sex, race, ethnicity,
language, national or social origin, economic status,
birth, sexual orientation, or gender identity, or for
exercising his or her right to freedom of expression
or other human rights, and who has not used vio-

ence or advocated violence.

(2) **POLITICAL PRISONER.**—The term "political
prisoner" means a person who is arrested, detained,
or imprisoned for political reasons under political
charges or wrongfully under criminal and civil
charges because of his or her perceived or known ac-
tive role in, perceived or known supporting role in,
or perceived or known association with activities pro-
moting freedom, justice, equality, human rights, or
civil and political rights, including ethnic rights.