

111TH CONGRESS
1ST SESSION

H. RES. 898

Expressing the sense of Congress regarding the immediate and unconditional release of Aung San Suu Kyi, a meaningful tripartite political dialogue toward national reconciliation, and the full restoration of democracy, freedom of assembly, freedom of movement, freedom of speech, freedom of the press, and internationally recognized human rights for all Burmese citizens.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 2009

Mr. KING of New York (for himself, Mr. CROWLEY, Mr. MANZULLO, Mr. WOLF, Mr. ROHRABACHER, and Mr. PITTS) submitted the following resolution; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

RESOLUTION

Expressing the sense of Congress regarding the immediate and unconditional release of Aung San Suu Kyi, a meaningful tripartite political dialogue toward national reconciliation, and the full restoration of democracy, freedom of assembly, freedom of movement, freedom of speech, freedom of the press, and internationally recognized human rights for all Burmese citizens.

Whereas Aung San Suu Kyi's National League for Democracy and affiliated parties won the 1990 elections in a

landslide victory, garnering 80 percent of the parliamentary seats;

Whereas before this election, Aung San Suu Kyi was placed under house arrest and the military proceeded to arrest hundreds of members of the National League for Democracy;

Whereas Aung San Suu Kyi has been under house arrest for 14 of the past 20 years;

Whereas for her nonviolent struggle for democracy and human rights, Aung San Suu Kyi received the Nobel Peace Prize in 1991;

Whereas in April 2008, Congress completed passage of legislation to award the Congressional Gold Medal, the United States Congress' highest civilian honor, to Burma's democracy advocate Aung San Suu Kyi;

Whereas, on August 19, 2007, prominent student and democracy leaders peacefully took to the streets in Rangoon and elsewhere to protest the draconian action of the military junta in Rangoon;

Whereas by mid-September, more than 100,000 democracy supporters, led by Buddhist monks, were protesting;

Whereas the Burmese regime threatened to "take action", and on September 26, 2007, the military opened fire on peaceful protesting crowds demanding democratic reforms;

Whereas an estimated 200 people were killed, hundreds injured, and thousands of individuals were arrested, imprisoned, or tortured as part of this violent crackdown;

Whereas amidst the crisis in parts of the country caused by Cyclone Nargis, the country's military junta staged a ref-

erendum to force through a new constitution, drafted without input from the opposition;

Whereas the vote for the referendum did not follow a free and fair democratic process;

Whereas conditions prior to the referendum consisted of repression, a lack of a free media, and a lack of an independent referendum commission and courts to supervise the vote;

Whereas the regime's constitution, on which it predicates its upcoming elections in 2010, contains an amnesty provision that exempts members of the military regime from civilian prosecution;

Whereas the amnesty provision is a blatant attempt to legitimize the systematic violence in the country for all junta inflicted crimes;

Whereas the constitution removes any rights for civil redress for victims of crimes committed by the military and leaders of the democratic opposition have refused to accept this constitution;

Whereas following the visit of an uninvited man from the United States to her home in August 2009, Aung San Suu Kyi was sentenced to an additional 18 months of house arrest for allowing the man to stay briefly in her home without official permission;

Whereas this trial and the following rejection of an appeal was decried as a sham by the international community and was widely seen as a move to prevent Aung San Suu Kyi from participating in the 2010 national elections;

Whereas since May 2009, the regime has started to disband and disarm the ethnic opposition groups by issuing orders to reduce their troops from the current levels of

about 50,000 to 7,000, and then transfer them under the authority of the regime by end of October;

Whereas as a majority of ceasefire groups have refused to comply, in August, the regime started to attack the smallest group, Kokang, and defeated it in a week;

Whereas this attack against Kokang and the occupying Kokang region forced over 40,000 people to flee to China as refugees and sent the message to other ceasefire groups to obey its order;

Whereas the escalation of civil war and further destabilizing of the region can be expected anytime soon as the regime is strengthening its troops in the region for further attack and the ceasefire groups are preparing to defend their regions;

Whereas in June 2009, the United States tracked a North Korean ship carrying a suspicious cargo believed to be heading to Burma, but the ship returned to North Korea without ever reaching Burma;

Whereas North Korea is internationally known to proliferate nuclear and missile materials and information;

Whereas the United Nations has passed over 30 resolutions decrying the Burmese military regime's human rights violations and blatant system of impunity;

Whereas the regime has dismissed these resolutions by waging a war against its civilian population and destroying or forcing the abandonment of over 3,300 villages since 1996;

Whereas these inhumane tactics have caused a serious refugee crisis numbering more than 1,000,000 between 1996 and 2006, and up to 500,000 internally displaced persons remaining today;

Whereas the ruling military junta in Burma has one of the worst human rights records in the world and routinely violates the rights of Burmese citizens, including the systematic use of rape as a weapon of war, extrajudicial killings, arbitrary arrests and detention, torture, as well as slave and child labor, including child soldiers;

Whereas the International Labor Organization (ILO) since 1998 has found that Burma's state authorities use "widespread" and "systematic" forced labor, arrest, or dismiss workers affiliated with labor protests, and murder, imprison, and torture trade unionists;

Whereas the ILO as recently as June 2009, concluded Burma's military regime has continuously failed to implement the Convention since 1996;

Whereas the United Nations Working Group on Arbitrary Detention has stated five times that the detention of Aung San Suu Kyi by the Burmese military regime violates international law;

Whereas in March 2009, in opinion No. 46/2008 the United Nations committee announced for the first time that Aung San Suu Kyi's house arrest violates, not only international law, but Burmese law as well, further highlighting the Burmese junta's utter disregard for the rule of law;

Whereas, on October 11, 2007, the United Nations Security Council issued a statement condemning the violence in Burma, urging the release of all political prisoners, and calling on the State Peace and Development Council (SPDC) to enter into a United Nations-mediated dialogue with its political opposition;

Whereas in July 2008, the Congress overwhelmingly passed and President George W. Bush signed into law the Tom Lantos Block Burmese JADE Act (Public Law 110–286) imposing further financial and travel sanctions on the Burmese military regime;

Whereas since 2003, Congress has annually renewed import restrictions affiliated with the Burmese Freedom and Democracy Act (Public Law 108–61) which imposes sanctions on the ruling Burmese military junta with the purpose of strengthening Burma’s democratic forces and supporting and recognizing the National League of Democracy as the legitimate representative of the Burmese people;

Whereas this act was once again renewed and signed into law by President Obama on July 28, 2009;

Whereas in September 2009, the Administration concluded a seven-month review of United States policy towards Burma, the revised policy seeks credible democratic reform by maintaining the current sanctions against the Burmese regime in addition to direct engagement with senior Burmese officials; and

Whereas the European Union, Canada, and Australia have imposed their own sanctions against the Burmese regime:
Now, therefore, be it

- 1 *Resolved*, That the House of Representatives—
- 2 (1) insists that Burma’s military regime begin
- 3 a meaningful tripartite political dialogue with Aung
- 4 San Suu Kyi, the National League for Democracy,
- 5 and ethnic nationalities toward national reconcili-
- 6 ation, and the full restoration of democracy, freedom

1 of assembly, freedom of movement, freedom of
2 speech, freedom of the press, and internationally rec-
3 ognized human rights for all Burmese citizens;

4 (2) demands the immediate and unconditional
5 release of Aung San Suu Kyi, detained Buddhist
6 monks, and all other political prisoners and pris-
7 oners of conscience;

8 (3) calls for full accountability of those respon-
9 sible for human rights violations;

10 (4) calls on governments around the world, in-
11 cluding the nations of the European Union and the
12 Association of Southeast Asian Nations (ASEAN) to
13 strengthen sanction regimes against Burma, with
14 the goal of denying the Burmese ruling junta hard
15 currency to continue its campaign of repression;

16 (5) calls on the United Nations Security Coun-
17 cil to immediately pass a resolution imposing multi-
18 lateral sanctions on Burma's military regime, includ-
19 ing a complete arms embargo, and to take other ap-
20 propriate action to respond to the growing threat the
21 State Peace and Development Council (SPDC) poses
22 in Burma and the region;

23 (6) calls for the Administration to fully imple-
24 ment the Tom Lantos Block Burmese JADE Act
25 (Public Law 110–286) to include financial sanctions

1 as well as the appointment of a United States Spe-
2 cial Coordinator for Burma;

3 (7) calls for the Administration to support a
4 United Nations Security Council Commission of In-
5 quiry to investigate the Burmese regime's war
6 crimes, crimes against humanity, and system of im-
7 punity;

8 (8) calls on the Burmese junta to change the
9 current fraudulent constitution by permitting mem-
10 bers of the democratic opposition and ethnic minori-
11 ties to participate in government and that these
12 changes are made before the 2010 elections;

13 (9) calls for countries throughout the world to
14 unite behind a global arms embargo on the Burmese
15 military regime; and

16 (10) demands the Burmese ruling junta release
17 Kyaw Zaw Lwin, a Burmese born American citizen
18 being detained at Insein Prison.

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