

116TH CONGRESS
1ST SESSION

H. R. 2327

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2019

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

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”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

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

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

19 (3) During its 3 years in power, the NLD Gov-
20 ernment has provided pardons for Burma’s political
21 prisoners on six occasions. State Counsellor Aung
22 San Suu Kyi took steps to secure the release of
23 nearly 235 political prisoners in April 2016. On May
24 23, 2017, former President Htin Kyaw granted par-
25 dons to 259 prisoners, including 89 political pris-

1 oners. On April 17, 2018, current President Win
2 Myint pardoned 8,541 prisoners, including 36 polit-
3 ical prisoners. In April and May 2019, he pardoned
4 more than 23,000 prisoners, including 20 political
5 prisoners.

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

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

20 (6) On September 3, 2018, Wa Lone and Kyaw
21 Soe Oo were convicted and sentenced to 7 years in
22 prison. Time Magazine included pictures of the two
23 reporters on the cover of its “Person of the Year”
24 issue on December 10, 2018, as two of the “Guard-
25 ians and the War on Truth”.

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

4 (8) According to Burmese free speech organiza-
5 tion Athan, 44 journalists and 142 activists since
6 2016 were charged with colonial-era laws used to sti-
7 fle dissent and restrict activist groups and have
8 faced trial.

9 (9) Since December 2018, three Kachin activ-
10 ists were sentenced to 6 months in prison in connec-
11 tion with peaceful antiwar protests; a protester dem-
12 onstrating against the Myitsone Dam (a controver-
13 sial Chinese-backed hydropower project) was charged
14 for peaceful demonstrations, and police used exces-
15 sive force to crack down on peaceful protesters in
16 Kayah State, with some of the demonstrators
17 charged under vaguely worded, repressive laws.

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

1 (11) Although former Secretary of State Rex
2 Tillerson took Burma off the State Department’s list
3 of the worst offenders in the use of child soldiers in
4 2017, the Department reinstated Burma to the list
5 in 2018. According to the United Nations, the Bur-
6 mese military and ethnic guerrilla groups remain
7 “persistent perpetrators’ in the recruitment and use
8 of children in [Burma].”.

9 **SEC. 3. CHILD SOLDIERS.**

10 It is the sense of Congress that no one should be
11 jailed for freely expressing him or herself or for speaking
12 against the use of child soldiers.

13 **SEC. 4. PEACEFUL ASSEMBLY.**

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

23 **SEC. 5. PRESS FREEDOM.**

24 It is the sense of Congress that press freedom is a
25 fundamental human right and should be upheld and pro-

1 tected in Burma and everywhere, and that Burmese au-
2 thorities must immediately cease the arbitrary arrest, de-
3 tention, imprisonment, and physical attacks of journalists,
4 which have created a climate of fear and self-censorship
5 among local journalists.

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

7 It is the policy of the United States that—

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

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

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

23 **SEC. 7. POLITICAL PRISONERS ASSISTANCE.**

24 The Secretary of State shall continue to provide as-
25 sistance to civil society organizations in Burma that work

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

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

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

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

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

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

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

Passed the House of Representatives September 24,
2019.

Attest: CHERYL L. JOHNSON,
Clerk.