

116TH CONGRESS
2D SESSION

S. 4659

To require a determination as to whether crimes committed against the Rohingya in Burma amount to genocide.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2020

Mr. MARKEY (for himself, Mr. MERKLEY, Mr. CARDIN, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To require a determination as to whether crimes committed against the Rohingya in Burma amount to genocide.

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 “Rohingya Genocide
5 Determination Act of 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Since August 25, 2017, 740,000 Rohingya
9 have fled northern Rakhine State to neighboring
10 Bangladesh to escape a systematic campaign of

1 atrocities by Burma’s military and security forces,
2 and three years later, conditions are still not condu-
3 cive to the safe, voluntary, and dignified return of
4 the Rohingya to Burma.

5 (2) On November 23, 2017, the United States
6 Holocaust Museum and Fortify Rights released a re-
7 port entitled “They Tried to Kill Us All”, docu-
8 menting widespread and systematic atrocities com-
9 mitted against Rohingya civilians at the hands of
10 Burmese “security forces, civilian perpetrators, and
11 militants” and highlighting “growing evidence of
12 genocide”.

13 (3) According to the Department of State’s Au-
14 gust 24, 2018, report entitled “Documentation of
15 Atrocities in Northern Rakhine State”, violence com-
16 mitted by the Burmese military against the
17 Rohingya, including from August to October 2017,
18 was not only “extreme, large-scale, widespread, and
19 seemingly geared toward both terrorizing the popu-
20 lation and driving out the Rohingya residents,” but
21 also “well-planned and coordinated”.

22 (4) On August 28, 2018, the United States
23 Ambassador to the United Nations told the United
24 Nations Security Council that the Department of
25 State report’s findings were “consistent with” those

1 in an August 27, 2018, report by the Independent
2 International Fact-Finding Mission on Myanmar
3 (IIFMM) which urged that top Burmese military
4 officials be investigated and prosecuted for genocide.

5 (5) On September 12, 2018, the IIFMM re-
6 ported, “The crimes in Rakhine State, and the man-
7 ner in which they were perpetrated, are similar in
8 nature, gravity and scope to those that have allowed
9 genocidal intent to be established in other con-
10 texts.”.

11 (6) The Public International Law & Policy
12 Group (PILPG), whose investigation informed the
13 Department of State’s August 2018 report, pub-
14 lished in December 2018 its Factual Findings &
15 Legal Analysis Report, which concluded that “there
16 are reasonable grounds to believe that genocide was
17 committed against the Rohingya in Myanmar’s
18 northern Rakhine State”.

19 (7) According to the PILPG report, “The scale
20 and severity of the attacks and abuses—particularly
21 the mass killings and accompanying brutality
22 against children, women, pregnant women, the elder-
23 ly, religious leaders, and persons fleeing into Ban-
24 gladesh—suggest that, in the minds of the perpetra-

1 tors, the goal was not just to expel, but also to ex-
 2 terminate the Rohingya.”.

3 (8) On September 16, 2019, the IIFFMM re-
 4 ported that it “has reasonable grounds to conclude
 5 that the evidence that infers genocidal intent on the
 6 part of the State, identified in its last report, has
 7 strengthened that there is a serious risk that geno-
 8 cidal actions may occur or recur”.

9 (9) The IIFFMM also recognized in its Sep-
 10 tember 16, 2019, report that Burma’s military and
 11 security forces have committed abuses against mi-
 12 nority groups other than the Rohingya: “All the eth-
 13 nic minority communities that the Mission inves-
 14 tigated,” including ethnic groups in Rakhine, Chin,
 15 Kayin, Kachin, and Shan States, “have been de-
 16 prived of justice for the serious human rights viola-
 17 tions perpetrated against them.”.

18 **SEC. 3. SENSE OF CONGRESS.**

19 It is the sense of Congress that the atrocities com-
 20 mitted against the Rohingya by the Burmese military and
 21 security forces constitute genocide.

22 **SEC. 4. EVALUATION OF ATTACKS AGAINST ROHINGYA IN**
 23 **BURMA.**

24 (a) IN GENERAL.—Not later than 90 days after the
 25 date of the enactment of this Act, the Secretary of State,

1 after consultation with the heads of other United States
2 Government agencies represented on the Atrocity Early
3 Warning Task Force and representatives of human rights
4 organizations, as appropriate, shall submit to the appro-
5 priate congressional committees an evaluation of the per-
6 secution of, including attacks against, the Rohingya in
7 Burma by Burmese military and security forces, including
8 whether the situation constitutes genocide (as defined in
9 section 1091 of title 18, United States Code), and a de-
10 tailed description of any proposed atrocities prevention re-
11 sponse recommended by the Atrocity Early Warning Task
12 Force.

13 (b) FORM.—The evaluation required under sub-
14 section (a) shall be submitted in unclassified form and
15 posted to the Department of State website, but may in-
16 clude a classified annex as necessary.

17 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
18 FINED.—In this section, the term “appropriate congres-
19 sional committees” means—

20 (1) the Committee on Foreign Relations, the
21 Committee on Armed Services, and the Committee
22 on Appropriations of the Senate; and

1 (2) and the Committee on Foreign Affairs, the
2 Committee on Armed Services, and the Committee
3 on Appropriations of the House of Representatives.

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