

116TH CONGRESS
1ST SESSION

S. _____

To assist prisoners of conscience in Burma, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY (for himself and Mrs. BLACKBURN) introduced the following bill;
which was read twice and referred to the Committee on

A BILL

To assist prisoners of conscience 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) The United States has been a longstanding
9 friend and partner of the people of Burma, and has
10 sought to promote their democratic aspirations.

1 (2) Despite a campaign pledge that Aung San
2 Suu Kyi and the National League for Democracy
3 (NLD) “would not arrest anyone as political pris-
4 oners,” they have failed to fulfil this promise since
5 they took control of Burma’s Union Parliament and
6 the government’s executive branch in April 2016.

7 (3) As of March 1, 2019, there were 354 polit-
8 ical prisoners in Burma, 43 of them serving sen-
9 tences, 86 awaiting trial inside prison, and 225
10 awaiting trial outside prison according to the Assist-
11 ance Association for Political Prisoners in Burma.

12 (4) During its 3 years in power, the NLD gov-
13 ernment has provided pardons for Burma’s political
14 prisoners on three occasions. State Counsellor Aung
15 San Suu Kyi took steps to secure the release of
16 nearly 235 political prisoners. On May 23, 2017,
17 former President Htin Kyaw granted pardons to 259
18 prisoners, including 89 political prisoners. On April
19 17, 2018, current President Win Myint pardoned
20 8,541 prisoners, including 36 political prisoners.

21 (5) The Burmese security forces have histori-
22 cally and recently used a range of repressive laws to
23 arrest and prosecute political prisoners and pris-
24 oners of conscience. These laws include provisions of
25 the Penal Code, the Peaceful Assembly and Peaceful

1 Procession Act, the 1908 Unlawful Associations Act,
2 the 2013 Telecommunications Act, and the 1923 Of-
3 ficial Secrets Act.

4 (6) On January 5, 2015, then-President Thein
5 Sein announced the reconstitution of the “Scruti-
6 nizing Committee into the Prisoners of Conscience
7 Affairs Committee,” which was to comprise 28 mem-
8 bers and which would “promptly [carry] out pris-
9 oners of conscience affairs at the grassroots level”.
10 However, it appears that the Committee never even
11 met and no information has been made publicly
12 available regarding its mandate, procedures, or ac-
13 tivities. The lack of information and action appears
14 to justify concerns that the Committee had been re-
15 constituted merely to deflect growing national and
16 international criticism, rather than to resolve the
17 issue of remaining political prisoners.

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

1 (8) On September 3, 2018, Wa Lone and Kyaw
2 Soe Oo were convicted and sentenced to seven years
3 in prison. After 18 months in prison, they were re-
4 leased from prison. On May 28, 2018, Wa Lone and
5 Kyaw Soe Oo personally received the Pulitzer Prize
6 that was awarded to them while they were impris-
7 oned.

8 (9) According to Burma free-speech organiza-
9 tion Athan, 44 journalists and 142 activists have
10 faced trial since 2016, charged with repressive laws
11 used to stifle dissent at the same time restrictions
12 on activist groups are being tightened. In the first
13 three months of 2019, three Kachin activists were
14 each sentenced to six months in prison in connection
15 with peaceful anti-war protests, a protester against
16 the Myitsone dam (a controversial Chinese backed-
17 hydropower project) was charged for peaceful dem-
18 onstrations, and police used excessive force to crack-
19 down on peaceful protesters in Kayah State, with
20 some of the demonstrators charged under vaguely
21 worded, repressive laws. One of the activists, Nang
22 Pu, was released on April 1, 2019, on health
23 grounds.

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 military abducted and forcibly recruited
3 him when he was 13 years old. He was charged
4 under section 505(b) of Burma’s Penal Code. He
5 was subsequently sentenced to two years and six
6 months in prison.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) PRISONER OF CONSCIENCE.—The term
10 “prisoner of conscience” means any person who—

11 (A) is imprisoned or otherwise physically
12 restricted solely for the peaceful exercise of his
13 or her human rights; and

14 (B) has not used violence or advocated vio-
15 lence or hatred.

16 (2) POLITICAL PRISONER.—The term “political
17 prisoner” applies to a person who has been detained
18 or imprisoned on politically motivated grounds. Po-
19 litical prisoners may have used or advocated violence
20 or hatred, or in some cases they may have com-
21 mitted some minor offense, which is a pretext for a
22 politically-motivated imprisonment.

23 **SEC. 4. STATEMENT OF POLICY.**

24 It is the policy of the United States—

1 (1) to support Burma's democratic transition to
2 a democratic, peaceful and prosperous state;

3 (2) that prisoners of conscience and political
4 prisoners in Burma should be unconditionally and
5 immediately released and all charges or other pro-
6 ceedings against them should be abandoned;

7 (3) to use all diplomatic tools to ensure that all
8 prisoners of conscience and political prisoners in
9 Burma are released; and

10 (4) to support and pressure the Government of
11 Burma in the repeal and amendment of all laws that
12 violate the rights to freedom of expression, peaceful
13 assembly, and association to ensure the laws de-
14 scribed in section 2(5) comply with international
15 human rights standards.

16 **SEC. 5. POLITICAL PRISONERS ASSISTANCE.**

17 The Secretary of State shall provide assistance to
18 civil society organizations in Burma that work to secure
19 the release of prisoners of conscience and political pris-
20 oners in Burma, and to current and former prisoners of
21 conscience and political prisoners in Burma. Assistance
22 shall include the following activities:

23 (1) Support for the documentation of human
24 rights violations with respect to prisoners of con-
25 science and politically-motivated prisoners;

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

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

7 (4) Support, including travel costs, and legal
8 fees, for families of prisoners of conscience and polit-
9 ical prisoners.

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

16 (5) The delegation of specific United States
17 mission staff who will observe trials in politically mo-
18 tivated cases.

19 **SEC. 6. SENSE OF CONGRESS ON CHILD SOLDIERS.**

20 It is the sense of Congress that—

21 (1) former child soldier Aung Ko Htwe should
22 be immediately and unconditionally released; and

23 (2) no one should be in jail for freely expressing
24 themselves nor for speaking against the military's
25 atrocious use of child soldiers in any arena.

1 **SEC. 7. SENSE OF CONGRESS ON PEACEFUL ASSEMBLY.**

2 It is the sense of Congress that—

3 (1) the Government of Burma must imme-
4 diately drop defamation charges against Lum Zawng
5 and Zau Jet, two Kachin activists who led a peaceful
6 rally in Mytkyina, the capital of Kachin State, whose
7 crime is peacefully calling for humanitarian access to
8 thousands of displaced civilians and for an end to
9 the armed conflicts in northern Burma; and

10 (2) the prosecution of these activists is an at-
11 tempt by the Burmese authorities to intimidate, har-
12 ass, and silence community leaders and human
13 rights defenders who speak out about military
14 abuses and the impact of civilian populations.

15 **SEC. 8. SENSE OF CONGRESS ON PRESS FREEDOM.**

16 It is the sense of Congress that—

17 (1) the Government of Burma must take steps
18 to significantly improve the climate for journalists,
19 including ending the enforcement of draconian laws
20 that restrict the freedom of expression and releasing
21 all journalists imprisoned for fulfilling their profes-
22 sional responsibilities;

23 (2) press freedom is a fundamental human
24 right and should be upheld and protected in Burma
25 and everywhere; and

1 (3) to lock up journalists harkens back to the
2 days of military junta rule.