

116TH CONGRESS  
1ST SESSION

# S. 2069

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

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IN THE SENATE OF THE UNITED STATES

JULY 10, 2019

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

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## 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 fulfill 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          (5) 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          (6) 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.

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