

Calendar No. 26

117TH CONGRESS
1ST SESSION

S. RES. 35

Condemning the military coup that took place on February 1, 2021, in Burma and the Burmese military's detention of civilian leaders, calling for an immediate and unconditional release of all those detained and for those elected to serve in parliament to resume their duties without impediment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2021

Mr. CARDIN (for himself, Mr. YOUNG, Mr. DURBIN, Mr. WYDEN, and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on Foreign Relations

MARCH 24, 2021

Reported by Mr. MENENDEZ, with an amendment and an amendment to the preamble

[Strike out all after the resolving clause and insert the part printed in *italic*]

[Strike the preamble and insert the part printed in *italic*]

RESOLUTION

Condemning the military coup that took place on February 1, 2021, in Burma and the Burmese military's detention of civilian leaders, calling for an immediate and unconditional release of all those detained and for those elected to serve in parliament to resume their duties without impediment, and for other purposes.

Whereas Burma held general elections on November 8, 2020, that resulted in the National League for Democracy party securing enough seats to form the next government, which was set to convene on February 2, 2021;

Whereas, on January 28, 2021, the Union Election Commission rejected allegations by the military of Burma (the “Tatmadaw”) that fraud played a significant role in determining the outcome of the November 2020 elections;

Whereas, on February 1, 2021, the Tatmadaw and its aligned Union Solidarity and Development Party (“USDP”) conducted a military coup against the civilian government, resulting in the military illegally detaining State Counsellor Aung San Suu Kyi, President Win Myint, and members of Parliament, as well as pro-democracy activists from the 88 Generation and other civil society leaders;

Whereas the Tatmadaw restricted freedom of movement, telecommunications, and the media, limiting access to information to and from Burma during a political and public health crisis; and

Whereas senior generals of the Tatmadaw have been sanctioned by the United States Government for perpetrating gross human rights violations and are subject to ongoing investigations into their conduct by the International Criminal Court and the International Court of Justice: Now, therefore, be it

Whereas Burma’s November 8, 2020, elections resulted in the National League for Democracy party securing enough seats in Parliament to form the next government, notwithstanding the disenfranchisement of more than 1,500,000

voters, mostly from ethnic minority communities in Kachin, Karen, Mon, Rakhine, Shan, and Chin states;

Whereas, on January 28, 2021, the Union Election Commission rejected allegations by the military of Burma (the “Tatmadaw”) that fraud played a significant role in determining the outcome of the November 2020 elections;

Whereas, on February 1, 2021, the Tatmadaw and its aligned Union Solidarity and Development Party (“USDP”) conducted a military coup against the civilian government hours before Parliament was to convene in a new session, resulting in the military junta illegally detaining State Counsellor Aung San Suu Kyi, President Win Myint, and members of Parliament, as well as pro-democracy activists from the 88 Generation and other civil society leaders;

Whereas the Tatmadaw restricted freedom of movement, telecommunications, and the media, limiting access to information to and from Burma during a political and public health crisis;

Whereas senior generals of the Tatmadaw have been sanctioned by the United States Government for serious human rights abuses and for their role in the coup and are subject to ongoing investigations into their conduct by the International Criminal Court and the International Court of Justice;

Whereas, since August 25, 2017, 740,000 Rohingya have fled northern Rakhine State to neighboring Bangladesh to escape a systematic campaign of atrocities by Burma’s military and security forces, and over three years later, conditions are still not conducive to the safe, voluntary, and dignified return of the Rohingya to Burma;

Whereas, according to the Department of State’s August 24, 2018, report entitled “Documentation of Atrocities in Northern Rakhine State”, violence committed by the Burmese military (Tatmadaw) against the Rohingya, including from August to October 2017, was not only “extreme, large-scale, widespread, and seemingly geared toward both terrorizing the population and driving out the Rohingya residents,” but also “well-planned and coordinated”;

Whereas, on August 28, 2018, the United States Ambassador to the United Nations told the United Nations Security Council that the Department of State report’s findings were “consistent with” those in an August 27, 2018, report by the Independent International Fact-Finding Mission on Myanmar (IIFMM) which urged that top Burmese military officials be investigated and prosecuted for genocide; and

Whereas Secretary of State Antony Blinken committed at his nomination hearing before the Committee on Foreign Relations of the Senate on January 19, 2021, and in subsequent written responses to questions for the record, that he will oversee an interagency review of whether the atrocities committed against the Rohingya in Burma constitute genocide: Now therefore be it

1 *Resolved, That the Senate—*

2 (1) stands with the people of Burma in their
3 ambition for a genuine democracy, sustainable peace
4 and genuine ethnic reconciliation, and the realization
5 of fundamental human rights for all;

6 (2) calls on the Tatmadaw to—

1 (A) immediately and unconditionally re-
2 lease all those detained as a result of the mili-
3 tary coup on February 1, 2021;

4 (B) immediately restore all forms of com-
5 munications, including access to the internet;

6 (C) remove all impediments to free travel
7 that have been imposed as a result of the coup;
8 separate from legitimate travel limits as a re-
9 sult of the COVID-19 pandemic;

10 (D) return to power all members of the ei-
11 vilian government elected in the November 8,
12 2020, elections and allow them to fulfill their
13 mandate without impediment;

14 (E) allow for freedom of expression, includ-
15 ing the right to protest, press freedom, and
16 freedom of movement; and

17 (F) allow unfettered reporting from local,
18 national, and international media;

19 (3) calls on social media companies, in par-
20 ticular Facebook, to suspend the accounts of USDP
21 and Tatmadaw military leaders that have used their
22 platforms to spread disinformation, fear, and psy-
23 chological violence;

24 (4) supports the use of all diplomatic and devel-
25 opment tools to ensure that in conflict contexts vul-

1 nerable groups, including ethnic and religious mi-
2 norities, as well as all children, youth, and teachers
3 in educational settings are safe, and schools and uni-
4 versities are not targeted for attacks or use by the
5 military; and

6 (5) calls on the President, the Secretary of
7 State, and the Secretary of Defense to immediately
8 take all steps necessary under the coup designation
9 and to—

10 (A) reinstate and impose new targeted re-
11 strictions aimed at the Tatmadaw, military-
12 owned or controlled enterprises, and those re-
13 sponsible for the February 1, 2021, coup;

14 (B) work with the international commu-
15 nity, including at the United Nations Security
16 Council, with United States allies in the region,
17 and with the Association of Southeast Asian
18 Nations, to forcefully condemn the coup and
19 enact multilateral, targeted sanctions on the
20 military, military owned businesses, military
21 partners' business interests, and others con-
22 nected to the coup;

23 (C) enact conditionality on diplomatic, eco-
24 nomic, and security relations with Burma, in-
25 cluding using the voice and vote of the United

1 States at multilateral development institutions,
2 until all those detained in the February 1,
3 2021, coup are released and there has been a
4 full restoration of civilian-controlled parliament
5 respecting the November 8, 2020, election re-
6 sults; and

7 (D) utilize the United States Government's
8 position on the United Nations Security Council
9 to bring about greater international cooperation
10 in the pursuit of justice and accountability in
11 Burma.

12 *That the Senate—*

13 (1) *supports the people of Burma in their ambi-*
14 *tion for a genuine democracy, sustainable peace and*
15 *genuine ethnic reconciliation, and the realization of*
16 *fundamental human rights for all, including for eth-*
17 *nic minorities whose human rights have been violated*
18 *repeatedly and who have been disenfranchised histori-*
19 *cally;*

20 (2) *calls on the military junta to—*

21 (A) *immediately and unconditionally re-*
22 *lease all those detained as a result of the mili-*
23 *tary coup on February 1, 2021;*

1 (B) immediately restore all forms of com-
2 munications, including access to the internet
3 without surveillance;

4 (C) remove all impediments to free travel
5 that have been imposed as a result of the coup;

6 (D) return to power all members of the ci-
7 vilian government elected in the November 8,
8 2020, elections and allow them to fulfill their
9 mandate without impediment;

10 (E) allow for freedom of expression, includ-
11 ing the right to protest, peaceful assembly, press
12 freedom, and freedom of movement; and

13 (F) allow unfettered reporting from local,
14 national, and international media;

15 (3) calls on social media companies to suspend
16 the accounts of USDP and Tatmadaw military lead-
17 ers that have used their platforms to spread
18 disinformation, fear, and psychological violence;

19 (4) supports the use of all diplomatic and devel-
20 opment tools to ensure that vulnerable groups, includ-
21 ing ethnic and religious minorities, as well as all
22 children, youth, and teachers in educational settings
23 are safe, and schools and universities are not targeted
24 for attacks or use by the military;

1 (5) expresses grave concern for the safety and se-
2 curity of hundreds of thousands of Rohingya refugees
3 who previously fled the Tatmadaw, and now face
4 challenging conditions in camps like Cox’s Bazar and
5 Bhasan Char in Bangladesh or risk being turned
6 away or moved into holding centers in other neigh-
7 boring countries;

8 (6) calls on the President, the Secretary of State,
9 and the Secretary of Defense to fully implement sec-
10 tion 7008 of the Department of State, Foreign Oper-
11 ations, and Related Programs Appropriations Act,
12 2021 (division K of Public Law 116–260) and any
13 similar or successor law governing United States for-
14 eign assistance following a coup d’etat, and to imme-
15 diately—

16 (A) impose targeted restrictions aimed at
17 the Tatmadaw, military-owned or controlled en-
18 terprises, and those responsible for the February
19 1, 2021, coup;

20 (B) work with the international commu-
21 nity, including at the United Nations Security
22 Council, with United States allies in the region,
23 and with the Association of Southeast Asian Na-
24 tions, to condemn the coup and take steps to en-
25 sure that international economic engagement in

1 *Burma does not contribute to human rights*
2 *abuses and enrich individuals connected to the*
3 *coup;*

4 *(C) support conditionality on diplomatic,*
5 *economic, and security relations with Burma,*
6 *including using the voice and vote of the United*
7 *States at multilateral development institutions,*
8 *until all those detained in the February 1, 2021,*
9 *coup are released and there has been a full res-*
10 *toration of civilian-controlled parliament re-*
11 *specting the November 8, 2020, election results;*
12 *and*

13 *(D) utilize the United States Government's*
14 *position on the United Nations Security Council*
15 *to bring about greater international cooperation*
16 *in the pursuit of justice and accountability in*
17 *Burma; and*

18 *(7) urges the Secretary of State to swiftly con-*
19 *duct an Interagency Process and issue a determina-*
20 *tion as to whether the crimes committed by the Bur-*
21 *mese military against the Rohingya beginning in Au-*
22 *gust 2017 constitute crimes against humanity or*
23 *genocide.*

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Reported with an amendment and an amendment to the
preamble