

118TH CONGRESS  
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# S. RES. 20

Condemning the 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, promoting accountability and justice for those killed by the Burmese military, and calling for those elected to serve in parliament to resume their duties without impediment, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2023

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

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## RESOLUTION

Condemning the 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, promoting accountability and justice for those killed by the Burmese military, and calling for those elected to serve in parliament to resume their duties without impediment, and for other purposes.

Whereas, on February 1, 2021, the Burmese military and its aligned Union Solidarity and Development Party (USDP) conducted a coup against the civilian government hours before Parliament was to convene in a new session, re-

sulting 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, since February 1, 2021, the Burmese military has detained more than 13,000 people for exercising their rights of freedom of speech and assembly and killed more than 2,800 civilians, including children;

Whereas the Burmese military put the democratically elected civilian leadership of Burma, including President Win Myint and State Counsellor Aung San Suu Kyi, through sham trials for fabricated crimes and sentenced them to lengthy prison terms in order to remove them from political competition;

Whereas Aung San Suu Kyi was sentenced to 33 years in prison for multiple spurious charges;

Whereas the Burmese military has become the world's second largest detainer of journalists, with over 100 journalists imprisoned since the coup;

Whereas the Burmese military's actions have driven hundreds of thousands from their homes and driven thousands to flee across Burma's borders into Thailand, India, and Bangladesh;

Whereas fighting between the Burmese military and several ethnic armed groups continues, with government forces committing increasingly violent abuses against ethnic Karen, Kayah, Kachin, Chin, Rakhine, Shan, and Rohingya minority populations;

Whereas the Burmese military restricted freedom of movement, telecommunications, and the media, limiting access

to information to and from Burma during the COVID-19 pandemic, which exacerbated the political crisis initiated by the February 1, 2021 coup;

Whereas senior generals of the Burmese military 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, on January 28, 2021, the Union Election Commission rejected allegations by the Burmese military that fraud played a significant role in determining the outcome of the November 2020 elections;

Whereas Burma's November 2020 elections resulted in the National League for Democracy party securing enough seats in Parliament to form the next government;

Whereas Burmese military general Min Aung Hlaing has announced his intentions for Burmese parliamentary elections to be held by August 1, 2023;

Whereas, without full participation from relevant political forces in the country, including civil society groups and opposition parties, and without a robust presence of credible international observers, the results of any parliamentary election run by the military regime will not gain widespread acceptance, domestically or internationally;

Whereas, in July 2022, the Burmese military executed four male activists accused of aiding insurgents to fight Burma's army following secret trials;

Whereas, in response to the Civil Disobedience Movement's opposition protests, the Burmese military has used live

fire, water cannons, and rubber bullets against peace protestors;

Whereas, in December 2021, violent reprisals against peaceful protests resulted in the torture and subsequent deaths of over 40 civilians in Sagaing;

Whereas the Burmese military has a long history of committing atrocities against the people of Burma, including the targeting of specific ethnic groups;

Whereas, as of October 2022, over 943,000 stateless Rohingya refugees reside in Ukhiya and Teknaf Upazilas, Bangladesh, the vast majority of whom live in 34 extremely congested camps;

Whereas, on March 21, 2022, the United States Secretary of State formally determined that members of the Burmese military committed genocide and crimes against humanity against Rohingya in 2016 and 2017;

Whereas the Association of Southeast Asian Nations (ASEAN) and ASEAN member states continue to play an important role in addressing the crisis in Burma, including through the provision of humanitarian assistance in Burma and by preventing junta leadership from participating in ASEAN meetings, absent progress on the 5 Point Consensus;

Whereas United Nations Special Rapporteur on the Situation of Human Rights in Myanmar Thomas H. Andrews and Special Envoy of the Secretary-General on Myanmar Noeleen Heyzer continue to provide ongoing reporting and analysis of the dire and deteriorating situation for the men, women, and children of Burma, inside the country and as refugees, including through presentations to the United Nations Human Rights Council and the

United Nations General Assembly, and through reports that document the illegitimacy of the Burmese junta and urge member states to engage in coordinated sanctions and weapon embargos against the junta;

Whereas the Independent Investigative Mechanism for Myanmar continues to collect, consolidate, preserve, and analyze evidence of serious international crimes and violations of international law committed in Myanmar since 2011, and helps to facilitate and expedite fair and independent criminal proceedings; and

Whereas, in December 2022, the United Nations Security Council adopted Resolution 2669 on Burma, the first resolution on Burma since the country was admitted as a member state in 1948, calling for the immediate end to all forms of violence and urging restraint and the release of all prisoners: Now, therefore, be it

1       *Resolved*, That the Senate—

2               (1) supports the people of Burma in their quest  
3       for democracy, sustainable peace, and genuine ethnic  
4       and religious reconciliation, and the realization of  
5       internationally recognized human rights for all, in-  
6       cluding for ethnic and religious groups whose human  
7       rights have been violated repeatedly and who have  
8       been disenfranchised historically;

9               (2) calls on the Burmese military to—

10              (A) immediately and unconditionally re-  
11       lease all political prisoners detained as a result  
12       of the coup on February 1, 2021;

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

4 (C) immediately end the use of violence  
5 and allow for a legal process for accountability  
6 and justice for those unlawfully detained, in-  
7 jured, and killed by the Burmese military;

8 (D) remove all impediments to free travel  
9 that have been imposed as a result of the coup;

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

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

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

19 (3) calls on social media companies to suspend  
20 the accounts of the Union Solidarity and Develop-  
21 ment Party and the Burmese military that have  
22 used their platforms to spread disinformation, fear,  
23 and threats of violence;

24 (4) supports the use of all diplomatic, economic,  
25 and development tools to ensure that vulnerable

1 groups, including ethnic and religious groups, as well  
2 as all children, youth, and teachers in educational  
3 settings are safe, and schools and universities are  
4 not targeted for attacks or use by the Burmese mili-  
5 tary;

6 (5) expresses grave concern for the safety and  
7 security of the more than 1,000,000 internally dis-  
8 placed persons (referred to in this resolution as  
9 “IDPs”) and refugees who have been displaced by  
10 the Burmese military and now face challenging con-  
11 ditions in camps;

12 (6) expresses grave concern for the 17,600,000  
13 people of Burma who are in need of humanitarian  
14 aid, including the 1,500,000 IDPs in Burma, of  
15 which some 165,000 remain in the southeast, adding  
16 to those already displaced in Rakhine, Chin, Shan,  
17 and Kachin states;

18 (7) appreciates the generosity of Burma’s  
19 neighboring countries, including Thailand, India,  
20 and Bangladesh, and encourages them to meaning-  
21 fully assist refugees who have fled and continue to  
22 flee the Burmese military, including through the de-  
23 livery of cross-border humanitarian assistance and  
24 with recognition of the protracted nature of the con-  
25 flict; and

1           (8) calls on the President, the Secretary of  
2 State, and the Secretary of Defense to fully imple-  
3 ment section 7008 of the Department of State, For-  
4 eign Operations, and Related Programs Appropria-  
5 tions Act, 2021 (division K of Public Law 116–260),  
6 the BURMA Act of 2022 (subtitle E of title LV of  
7 division E of Public Law 117–263), and any similar  
8 or successor law governing United States foreign as-  
9 sistance following a coup, and to immediately—

10           (A) impose targeted restrictions aimed at  
11 the Burmese military, military-owned or con-  
12 trolled enterprises, and those responsible for the  
13 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 condemn the coup, delegitimize the  
19 junta and any military-run elections announced  
20 by the junta, and take steps to ensure that  
21 international economic engagement in Burma  
22 does not contribute to human rights abuses or  
23 benefit individuals connected to the coup;

24           (C) support conditionality on diplomatic,  
25 economic, and security relations with Burma,



1 including using the voice and vote of the United  
2 States at multilateral development institutions,  
3 until all those detained in the February 1,  
4 2021, coup are released and there has been a  
5 full restoration of the civilian-controlled par-  
6 liament reflecting the November 8, 2020, elec-  
7 tion results;

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

13 (E) empower and provide assistance to the  
14 National Unity Government of the Republic of  
15 the Union of Myanmar, the National Unity  
16 Consultative Council, the Civil Disobedience  
17 Movement in Myanmar, and other entities pro-  
18 moting democracy in Burma through nonviolent  
19 efforts, including channeling aid through local  
20 civil society organizations along the Thai and  
21 Indian borders that are not controlled by the  
22 junta, while simultaneously denying legitimacy  
23 and resources to the junta;

1           (F) promote national reconciliation among  
2 the diverse ethnic and religious groups in  
3 Burma;

4           (G) counter support to the junta by the  
5 People's Republic of China and the Russian  
6 Federation and other supporters of the military  
7 regime; and

8           (H) secure the restoration of democracy,  
9 the establishment of an inclusive and represent-  
10 ative civilian government and a reformed mili-  
11 tary reflecting the diversity of Burma and  
12 under civilian control, and the enactment of  
13 constitutional, political, and economic reform in  
14 Burma.

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