

116TH CONGRESS
1ST SESSION

H. R. 2327

To direct the Secretary of State to provide assistance to civil society organizations in Burma that work to secure the release of prisoners of conscience and political prisoners in Burma, and assistance to current and former prisoners of conscience and political prisoners in Burma, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2019

Mr. LEVIN of Michigan (for himself and Mrs. WAGNER) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To direct the Secretary of State to provide assistance to civil society organizations in Burma that work to secure the release of prisoners of conscience and political prisoners in Burma, and assistance to current and former prisoners of conscience and political prisoners 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”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Aung San Suu Kyi and the National
4 League for Democracy (NLD) pledged that they
5 “would not arrest anyone as political prisoners”, but
6 have failed to fulfill this promise since they took con-
7 trol of Burma’s Union Parliament and the Govern-
8 ment’s executive branch in April 2016.

9 (2) As of March 1, 2019, there are 354 political
10 prisoners in Burma, 43 of them serving sentences,
11 86 awaiting trial inside prison, and 225 awaiting
12 trial outside prison, according to the Assistance As-
13 sociation for Political Prisoners in Burma.

14 (3) During its three years in power, the NLD
15 Government has provided pardons for Burma’s polit-
16 ical prisoners on three occasions. State Counsellor
17 Aung San Suu Kyi took steps to secure the release
18 of nearly 235 political prisoners. On May 23, 2017,
19 former President Htin Kyaw granted pardons to 259
20 prisoners, including 89 political prisoners. On April
21 17, 2018, current President Win Myint pardoned
22 8,541 prisoners, including 36 political prisoners.

23 (4) The Burmese security forces have used colo-
24 nial-era laws to arrest and charge political prisoners
25 and prisoners of conscience. These laws include but
26 are not limited to provisions of the Penal Code, the

1 Peaceful Assembly and Peaceful Procession Act, the
2 1908 Unlawful Associations Act, the 2013 Tele-
3 communications Act, and the 1923 Official Secrets
4 Act.

5 (5) On January 5, 2015, then-President Thein
6 Sein announced the reconstitution of the “Scruti-
7 nizing Committee into the Prisoners of Conscience
8 Affairs Committee”, which was to comprise 28 mem-
9 bers and which would “promptly [carry] out pris-
10 oners of conscience affairs at the grassroots level”.
11 However, the Committee never met and no informa-
12 tion has been made publicly available regarding its
13 mandate, procedures, or activities.

14 (6) On December 12, 2017, Reuters reporters
15 Wa Lone and Kyaw Soe Oo were arrested and
16 charged with violating the Official Secrets Act, con-
17 tinuing a trend of restricting media and free speech
18 and attempting to thwart coverage of the events in
19 Rakhine State.

20 (7) On September 3, 2018, Wa Lone and Kyaw
21 Soe Oo were convicted and sentenced to seven years
22 in prison. Time Magazine included pictures of the
23 two reporters on the cover of its “Person of the
24 Year” issue on December 10, 2018, as two of the
25 “Guardians and the War on Truth”.

1 (8) According to Burmese free speech organiza-
2 tion Athan, 44 journalists and 142 activists since
3 2016 were charged with colonial-era laws used to sti-
4 fle dissent and restrict activist groups and have
5 faced trial.

6 (9) Since December 2018, three Kachin activ-
7 ists were sentenced to six months in prison in con-
8 nection with peaceful antiwar protests; a protester
9 demonstrating against the Myitsone Dam (a con-
10 troversial Chinese-backed hydropower project) was
11 charged for peaceful demonstrations, and police used
12 excessive force to crack down on peaceful protesters
13 in Kayah State, with some of the demonstrators
14 charged under vaguely worded, repressive laws.

15 (10) On August 18, 2017, Aung Ko Htwe was
16 arrested because he gave a media interview in which
17 he described his experience as a child soldier, includ-
18 ing how the military abducted and forcibly recruited
19 him when he was 13 years old. He was charged
20 under Section 505(b) of Burma's Penal Code. He
21 faces up to two-and-a-half years in jail from the date
22 of his conviction.

23 **SEC. 3. CHILD SOLDIERS.**

24 It is the sense of Congress that former child soldier
25 Aung Ko Htwe should be immediately and unconditionally

1 released, and that no one should be jailed for freely ex-
2 pressing him or herself or for speaking against the use
3 of child soldiers.

4 **SEC. 4. PEACEFUL ASSEMBLY.**

5 It is the sense of Congress that Burma must imme-
6 diately drop defamation charges against the three Kachin
7 activists, Lum Zawng, Nang Pu, and Zau Jet, who led
8 a peaceful rally in Mytkyina, the capital of Kachin State
9 in April 2018, and that the prosecution of Lum Zawng,
10 Nang Pu, and Zau Jet is an attempt by the Burmese au-
11 thorities to intimidate, harass, and silence community
12 leaders and human rights defenders who speak out about
13 military abuses and the impact on civilian populations.

14 **SEC. 5. PRESS FREEDOM.**

15 It is the sense of Congress that Burma must imme-
16 diately and unconditionally release Wa Lone and Kyaw
17 Soe Oo, and that the imprisonment of these two Reuters
18 journalists for documenting and reporting the crimes
19 under international law committed against the Rohingya
20 people is a gross injustice. Congress holds that press free-
21 dom is a fundamental human right and should be upheld
22 and protected in Burma and everywhere.

23 **SEC. 6. STATEMENT OF POLICY.**

24 It is the policy of the United States that—

1 (1) all prisoners of conscience and political pris-
2 oners in Burma should be unconditionally and im-
3 mediately released;

4 (2) the Administration and the Department of
5 State should use all of their diplomatic tools to en-
6 sure that all prisoners of conscience and political
7 prisoners in Burma are released; and

8 (3) the Burmese Government should repeal or
9 amend all laws that violate the rights to freedom of
10 expression, peaceful assembly, or association, and
11 ensure that laws such as the Telecommunications
12 Law of 2013 and the Unlawful Associations Act of
13 1908, and laws relating to the right to peaceful as-
14 sembly, all comply with international human rights
15 standards.

16 **SEC. 7. 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 assistance to current and former
21 prisoners of conscience and political prisoners in Burma.
22 Such assistance shall include the following:

23 (1) Support for the documentation of human
24 rights violations with respect to prisoners of con-
25 science and political 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 creation, in consultation with former
17 political prisoners and prisoners of conscience, their
18 families, and representatives, of an independent pris-
19 oner review mechanism in Burma to review the cases
20 of individuals who may have been charged or de-
21 prived of their liberty for peacefully exercising their
22 human rights, review all laws used to arrest, pros-
23 ecute, and punish individuals as political prisoners
24 and prisoners of conscience, and provide rec-

1 commendations to the Burmese Government for the
2 repeal or amendment of all such laws.

3 **SEC. 8. DEFINITIONS.**

4 In this Act:

5 (1) PRISONER OF CONSCIENCE.—The term
6 “prisoner of conscience” means a person imprisoned
7 or otherwise physically restricted primarily because
8 of his or her political, religious, or other conscien-
9 tiously held beliefs, ethnic origin, sex, race, ethnicity,
10 language, national or social origin, economic status,
11 birth, sexual orientation, or gender identity, or for
12 exercising his or her right to freedom of expression
13 or other human rights, and who has not used vio-
14 lence or advocated violence.

15 (2) POLITICAL PRISONER.—The term “political
16 prisoner” means a person who is arrested, detained,
17 or imprisoned for political reasons under political
18 charges or wrongfully under criminal and civil
19 charges because of his or her perceived or known ac-
20 tive role in, perceived or known supporting role in,
21 or perceived or known association with activities pro-
22 moting freedom, justice, equality, human rights, or
23 civil and political rights, including ethnic rights.

○