

118TH CONGRESS
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H. RES. 86

Condemning the Burmese military for perpetrating gross violations of human rights as part of its brutal campaign to suppress the democratic aspirations of the people of Burma, two years after the coup d'état on February 1, 2021.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2023

Ms. ESHOO (for herself, Ms. TENNEY, Mr. MEEKS, Mr. BERA, Mr. FITZPATRICK, Mr. COSTA, Ms. SCHAKOWSKY, Mr. CONNOLLY, Ms. NORTON, Ms. TITUS, Mr. SHERMAN, and Ms. KAMLAGER-DOVE) submitted the following resolution; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

RESOLUTION

Condemning the Burmese military for perpetrating gross violations of human rights as part of its brutal campaign to suppress the democratic aspirations of the people of Burma, two years after the coup d'état on February 1, 2021.

Whereas after a decade of promising democratic reforms in Burma, the Burmese military (hereinafter referred to as the “Tatmadaw”) launched a coup against the civilian government on February 1, 2021, preventing a democratically elected Parliament from being seated;

Whereas the Tatmadaw seized control of the government, declared a national state of emergency, and unlawfully detained many democratically elected officials, including State Councilor Aung San Suu Kyi, President Win Myint, and dozens of Members of Parliament affiliated with the National League for Democracy (NLD);

Whereas the House of Representatives adopted H. Res. 134 on March 19, 2021, condemning the coup and calling for the restoration of civilian government and the release of detained officials;

Whereas the people of Burma, insistent that their country continue along the path toward democracy, courageously organized a civil disobedience movement and took to the streets to demand that the Tatmadaw relinquish power;

Whereas, on April 16, 2021, democratically elected members of Parliament, who had been denied the opportunity to serve by the Tatmadaw, formed a National Unity Government that asserts it is the legitimate Government of Burma;

Whereas the Tatmadaw has used lethal force, including extrajudicial executions, to violently suppress the pro-democracy movement, killing more than 2,500 civilians since the coup began in February 2021;

Whereas the Tatmadaw has relied heavily on mass arrests to stifle dissent and has detained at least 13,600 protesters, activists, and journalists since February 2021;

Whereas the Tatmadaw has used brutal and inhumane methods to intimidate, degrade, and torture detainees;

Whereas Tatmadaw soldiers have perpetrated rape and other forms of sexual violence with impunity;

Whereas the Tatmadaw has employed digital authoritarian tools and tactics to silence opposition, including internet shutdowns, online censorship, and high-tech surveillance;

Whereas the Tatmadaw has eroded the independence of the Burmese judiciary and conducted sham trials to convict political prisoners including State Councilor Aung San Suu Kyi and President Win Myint;

Whereas, on July 23, 2022, the Tatmadaw executed four prominent prodemocracy activists, prompting widespread international condemnation;

Whereas the Tatmadaw continues to perpetrate a horrific genocide against the Rohingya population in Burma's Rakhine State, and has also committed atrocities against other ethnic minority communities in the Kachin, Karen, Mon, Rakhine, Shan, and Chin States;

Whereas the House of Representatives adopted H. Res. 1091 on December 13, 2018, expressing the sense of the House of Representatives that the atrocities committed against the Rohingya by the Tatmadaw constitute genocide;

Whereas, on March 21, 2022, Secretary of State Antony Blinken announced the Department of State's determination that the Tatmadaw committed genocide and crimes against humanity against the Rohingya population of Burma;

Whereas the turmoil caused by the coup and the Tatmadaw's violence and mismanagement of the economy have resulted in a severe economic crisis that, according to the World Bank, has caused poverty in Burma to double since March 2020;

Whereas the deteriorating security situation in Burma following the coup has resulted in the internal displacement of nearly 1.3 million people and prompted thousands more to flee the country as refugees;

Whereas the Biden administration has frozen more than \$1,000,000,000 in Burmese Government funds held in the United States and coordinated with the European Union, Canada, and the United Kingdom to impose targeted sanctions against individuals and entities responsible for the coup, including Min Aung Hlaing, the commander in chief of the Tatmadaw;

Whereas Congress recently passed the bipartisan BURMA Act of 2022 as part of the National Defense Authorization Act for Fiscal Year 2023, granting the President increased authority to impose sanctions on individuals and entities affiliated with the Tatmadaw and authorizing increased humanitarian aid for the Burmese people;

Whereas numerous civil society and human rights groups have recommended additional sanctions targeting the largest sources of the Tatmadaw's foreign currency revenue such as the state-controlled natural gas, mining, and timber entities, including the highly lucrative Myanma Oil and Gas Enterprise (MOGE);

Whereas it has been reported that the European Union sanctions on MOGE have been effective in blocking revenues from the Shwe gas pipeline being transferred to the Tatmadaw;

Whereas aviation fuel shipments imported to Burma by foreign suppliers enable the Tatmadaw to carry out horrifyingly violent and indiscriminate air strikes on civilian targets such as villages, schools, religious buildings,

medical facilities, and camps for the internally displaced and continue wreaking devastating havoc across the country; and

Whereas the Independent Investigative Mechanism for Myanmar, which was established by the United Nations Human Rights Council to investigate the Tatmadaw's crimes against humanity and compile evidence for future prosecutions, is crucial to ensuring accountability for atrocities and bringing justice to the people of Burma: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) condemns, in the strongest possible terms,
3 the military coup that took place in Burma on Feb-
4 ruary 1, 2021;

5 (2) denounces the Tatmadaw for perpetrating
6 gross violations of human rights as part of its brutal
7 campaign to suppress the democratic aspirations of
8 the people of Burma;

9 (3) stands in solidarity with the courageous
10 people of Burma as they struggle to wrest political
11 power from the hands of their authoritarian mili-
12 tary;

13 (4) calls on the Tatmadaw to—

14 (A) cease all violence against prodemocracy
15 activists and reach a cease-fire with ethnic
16 armed organizations;

17 (B) release all political prisoners;

1 (C) unconditionally vacate all fraudulent
2 verdicts stemming from politically motivated
3 charges and legal proceedings against elected
4 officials, journalists, civil society leaders, pro-
5 democracy activists, and other unjustly con-
6 victed Burmese people;

7 (D) engage in constructive dialogue with
8 all parties to negotiate a pathway toward a gov-
9 ernment that reflects the will of the Burmese
10 people;

11 (E) grant humanitarian actors unhindered
12 access to all relevant areas of Burma to help al-
13 leviate the immense suffering that has resulted
14 from the Tatmadaw's violence; and

15 (F) respect the human rights and civil lib-
16 erties of all people of Burma, including ethnic
17 minorities who currently face state-sponsored
18 persecution;

19 (5) rejects any attempts by the Tatmadaw to
20 hold sham general elections in 2023 without first
21 ceasing its violence against prodemocracy forces and
22 releasing all opposition politicians, as any such elec-
23 tion would be far from free or fair; and

24 (6) calls on the President, and the relevant
25 Federal agencies, to take immediate action to—

1 (A) work with international partners and
2 multilateral institutions, including the United
3 Nations Security Council, to enact new targeted
4 sanctions on individuals and entities affiliated
5 with the Tatmadaw, including an international
6 arms embargo and a prohibition on the sale of
7 aviation fuel and other dual use items to the
8 Burmese military;

9 (B) coordinate with like-minded partners
10 and allies to restrict the Tatmadaw's ability to
11 finance its military operations by imposing new
12 sanctions on Tatmadaw-linked individuals as
13 well as Tatmadaw-controlled entities, including
14 state-owned enterprises;

15 (C) work with Indonesia, the 2023 chair of
16 the Association of Southeast Asian Nations and
17 current country coordinator for the U.S.-
18 ASEAN Partnership, to leverage its position
19 and regional heft to exert greater pressure on
20 the Tatmadaw to fully and meaningfully imple-
21 ment the five-point consensus and bring an end
22 to the crisis;

23 (D) issue public warnings to businesses
24 and individuals outlining the legal liability of
25 doing business with the Tatmadaw, including

1 potential liability associated with the
2 Tatmadaw's crimes against humanity;

3 (E) enhance enforcement of existing sanc-
4 tions prohibiting the importation of precious
5 and semiprecious gemstones, jade, timber, and
6 amber from Burma to the United States;

7 (F) implement the BURMA Act fully and
8 expeditiously;

9 (G) provide robust humanitarian assistance
10 in Burma, Bangladesh, Thailand, and the sur-
11 rounding region and ensure that targeted sanc-
12 tions allow all necessary exemptions to permit
13 the delivery of humanitarian assistance to civil-
14 ians in need;

15 (H) ensure that United States-based social
16 media companies, including Facebook, not allow
17 their platforms to be used as vehicles for
18 disinformation campaigns or advocating vio-
19 lence against the Burmese people;

20 (I) build on the Department of State's
21 March 21, 2022, genocide determination by
22 supporting efforts to end impunity for those
23 committing the crime of genocide and pledging
24 to intervene in the International Court of Jus-

1 tice case in support of The Gambia against
2 Myanmar;

3 (J) direct the United States Permanent
4 Representative to the United Nations to use the
5 voice, vote, and influence of the United States
6 to bring about greater international cooperation
7 to pursue justice and accountability in Burma;
8 and

9 (K) support inclusive international ac-
10 countability efforts, including the Independent
11 Investigative Mechanism for Myanmar, with a
12 particular emphasis on Burma's civil society or-
13 ganizations, to investigate and hold perpetra-
14 tors of atrocities accountable.

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