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118TH CONGRESS  
1ST SESSION**S. RES. 20****[Report No. 118-\_\_\_\_\_]**

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

\_\_\_\_\_ (legislative day, \_\_\_\_\_), \_\_\_\_\_

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

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

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

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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, 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, 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 parliamen-

tary 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

*Whereas, on February 1, 2021, Burma's military regime and its aligned Union Solidarity and Development Party (USDP) conducted a coup against the civilian government of Burma 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, since February 1, 2021, Burma's military regime 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 Burma's military regime 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, in March 2023, Burma's military regime-controlled Union Election Commission abolished 40 political parties on legally spurious grounds, including the National League for Democracy;*

*Whereas Burma's military regime has become one of the world's largest detainer of journalists, with over 100 journalists imprisoned since the coup;*

*Whereas the actions of Burma's military regime 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 Burma's military regime 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 senior generals of Burma's military regime have been sanctioned by the United States Government for serious human rights abuses and for their role in the coup;*

*Whereas cases of Burma's military regime and individual members of the security forces responsible for atrocities are being investigated and adjudicated in ongoing judicial processes, including at the International Criminal Court and the International Court of Justice;*

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

*Whereas Burma's military regime has a long history of committing atrocities against people across Burma, including the targeting of specific ethnic groups;*

*Whereas, on March 21, 2022, the United States Secretary of State announced his determination that members of Burma's military regime committed genocide and crimes against humanity against Rohingya; and*

*Whereas the governments of the People's Republic of China and the Russian Federation have taken advantage of the coup to extend their own security interests and commercial priorities, neither of which are in the interest of the people of Burma, the United States, or the military and economic interests of the United States in the Indo-Pacific: 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~~

1 rights have been violated repeatedly and who have  
2 been disenfranchised historically;

3 (2) calls on the Burmese military to—

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

7 (B) immediately restore all forms of com-  
8 munication, including access to the internet  
9 without surveillance;

10 (C) immediately end the use of violence  
11 and allow for a legal process for accountability  
12 and justice for those unlawfully detained, in-  
13 jured, and killed by the Burmese military;

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

16 (E) return to power all members of the ci-  
17 vilian government elected in the November 8,  
18 2020, elections and allow them to fulfill their  
19 mandate without impediment;

20 (F) allow for freedom of expression, includ-  
21 ing the right to protest, peaceful assembly,  
22 press freedom, and freedom of movement; and

23 (G) allow unfettered reporting from local,  
24 national, and international media;



1           (3) calls on social media companies to suspend  
2           the accounts of the Union Solidarity and Develop-  
3           ment Party and the Burmese military that have  
4           used their platforms to spread disinformation, fear,  
5           and threats of violence;

6           (4) supports the use of all diplomatic, economic,  
7           and development tools to ensure that vulnerable  
8           groups, including ethnic and religious groups, as well  
9           as all children, youth, and teachers in educational  
10          settings are safe, and schools and universities are  
11          not targeted for attacks or use by the Burmese mili-  
12          tary;

13          (5) expresses grave concern for the safety and  
14          security of the more than 1,000,000 internally dis-  
15          placed persons (referred to in this resolution as  
16          “IDPs”) and refugees who have been displaced by  
17          the Burmese military and now face challenging con-  
18          ditions in camps;

19          (6) expresses grave concern for the 17,600,000  
20          people of Burma who are in need of humanitarian  
21          aid, including the 1,500,000 IDPs in Burma, of  
22          which some 165,000 remain in the southeast, adding  
23          to those already displaced in Rakhine, Chin, Shan,  
24          and Kachin states;

1           (7) appreciates the generosity of Burma's  
2 neighboring countries, including Thailand, India,  
3 and Bangladesh, and encourages them to meaning-  
4 fully assist refugees who have fled and continue to  
5 flee the Burmese military, including through the de-  
6 livery of cross-border humanitarian assistance and  
7 with recognition of the protracted nature of the con-  
8 flict; and

9           (8) calls on the President, the Secretary of  
10 State, and the Secretary of Defense to fully imple-  
11 ment section 7008 of the Department of State, For-  
12 eign Operations, and Related Programs Appropria-  
13 tions Act, 2021 (division K of Public Law 116-260),  
14 the BURMA Act of 2022 (subtitle E of title LV of  
15 division E of Public Law 117-263), and any similar  
16 or successor law governing United States foreign as-  
17 sistance following a coup, and to immediately—

18           (A) impose targeted restrictions aimed at  
19 the Burmese military, military-owned or con-  
20 trolled enterprises, and those responsible for the  
21 February 1, 2021, coup;

22           (B) work with the international commu-  
23 nity, including at the United Nations Security  
24 Council, with United States allies in the region,  
25 and with the Association of Southeast Asian

1 Nations, to condemn the coup, delegitimize the  
2 junta and any military-run elections announced  
3 by the junta, and take steps to ensure that  
4 international economic engagement in Burma  
5 does not contribute to human rights abuses or  
6 benefit individuals connected to the coup;

7 (C) support conditionality on diplomatic,  
8 economic, and security relations with Burma,  
9 including using the voice and vote of the United  
10 States at multilateral development institutions,  
11 until all those detained in the February 1,  
12 2021, coup are released and there has been a  
13 full restoration of the civilian-controlled par-  
14 liament reflecting the November 8, 2020, elec-  
15 tion results;

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

21 (E) empower and provide assistance to the  
22 National Unity Government of the Republic of  
23 the Union of Myanmar, the National Unity  
24 Consultative Council, the Civil Disobedience  
25 Movement in Myanmar, and other entities pro-

1 moting democracy in Burma through nonviolent  
2 efforts, including channeling aid through local  
3 civil society organizations along the Thai and  
4 Indian borders that are not controlled by the  
5 junta, while simultaneously denying legitimacy  
6 and resources to the junta;

7 (F) promote national reconciliation among  
8 the diverse ethnic and religious groups in  
9 Burma;

10 (G) counter support to the junta by the  
11 People's Republic of China and the Russian  
12 Federation and other supporters of the military  
13 regime; and

14 (H) secure the restoration of democracy,  
15 the establishment of an inclusive and represent-  
16 ative civilian government and a reformed mili-  
17 tary reflecting the diversity of Burma and  
18 under civilian control, and the enactment of  
19 constitutional, political, and economic reform in  
20 Burma.

21 *That the Senate—*

22 *(1) supports the people of Burma in their quest*  
23 *for democracy, sustainable peace, and genuine ethnic*  
24 *and religious reconciliation, including for members of*  
25 *ethnic and religious groups whose human rights have*

1        *been violated repeatedly and who have been*  
2        *disenfranchised historically;*

3            *(2) calls on Burma's military regime to—*

4            *(A) immediately and unconditionally re-*  
5        *lease all political prisoners detained as a result*  
6        *of the coup on February 1, 2021;*

7            *(B) immediately restore all forms of com-*  
8        *munication, including access to the internet*  
9        *without surveillance;*

10           *(C) immediately end the use of violence and*  
11        *allow for a legal process for accountability and*  
12        *justice for those unlawfully detained, injured,*  
13        *and killed by Burma's military regime;*

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

16           *(E) return to power all members of the ci-*  
17        *vilian government elected in the November 8,*  
18        *2020 elections and allow them to fulfill their*  
19        *mandate without impediment;*

20           *(F) allow for the exercise of freedoms of ex-*  
21        *pression, including with respect to press free-*  
22        *doms and the freedom of peaceful assembly, and*  
23        *freedom of movement; and*

24           *(G) allow unfettered reporting from local,*  
25        *national, and international media;*

1           (3) calls on social media companies to take ac-  
2           tion with respect to the accounts of the Union Soli-  
3           darity and Development Party and Burma's military  
4           regime that have used their platforms to spread  
5           disinformation, fear, and threats of violence;

6           (4) supports the use of all diplomatic, economic,  
7           and development tools to ensure that vulnerable  
8           groups, including ethnic and religious groups, as well  
9           as all children, youth, and teachers in educational  
10          settings are safe, and schools and universities are not  
11          targeted for attacks or use by the military regime;

12          (5) expresses grave concern for the safety and se-  
13          curity of the more than 1,000,000 internally displaced  
14          persons (referred to in this resolution as "IDPs") and  
15          refugees who have been displaced by Burma's military  
16          regime and now face challenging conditions in camps  
17          or makeshift communities disconnected from humani-  
18          tarian routes and access;

19          (6) expresses grave concern for the 17,600,000  
20          people of Burma who are in need of humanitarian  
21          aid, including the 1,500,000 IDPs in Burma, of  
22          which some 165,000 remain in the southeast, adding  
23          to those already displaced in Rakhine, Chin, Shan,  
24          and Kachin states;

1           (7) appreciates the generosity of Burma's neigh-  
2           boring countries, including Thailand, India, and  
3           Bangladesh, and encourages them to meaningfully as-  
4           sist refugees who have fled and continue to flee Bur-  
5           ma's military regime, including through the delivery  
6           of cross-border humanitarian assistance and with rec-  
7           ognition of the protracted nature of the conflict;

8           (8) encourages the Association of Southeast  
9           Asian Nations (ASEAN) and ASEAN member states  
10          to take a more active role asserting the unacceptable  
11          nature of the junta's coup and continued oppression  
12          of the people of Burma, including, if necessary, recon-  
13          sidering their commercial relations with the junta  
14          and state-owned or -controlled enterprises in Burma,  
15          especially where commercial and business arrange-  
16          ments serve as obstacles to action by ASEAN member  
17          states; and

18          (9) calls on the President, the Secretary of State,  
19          and the Secretary of Defense to fully implement the  
20          BURMA Act of 2022 (subtitle E of title LV of divi-  
21          sion E of Public Law 117-263), and any similar or  
22          successor law or other law addressing United States  
23          foreign assistance following a coup, and to imme-  
24          diately—

1           (A) impose targeted restrictions aimed at  
2           the military regime, military-owned or -con-  
3           trolled enterprises, and those responsible for the  
4           February 1, 2021 coup;

5           (B) prioritize in bilateral and multilateral  
6           diplomacy, including at the United Nations,  
7           with United States' allies in the region, and  
8           with ASEAN, the condemnation of the coup and  
9           its international enablers and delegitimization of  
10          the junta and any military-run elections an-  
11          nounced by the junta;

12          (C) take steps to ensure that international  
13          economic engagement in Burma does not con-  
14          tribute to human rights abuses or benefit indi-  
15          viduals connected to the coup;

16          (D) support conditionality on diplomatic,  
17          economic, and security relations with Burma,  
18          including using the voice and vote of the United  
19          States at multilateral development institutions,  
20          until all those wrongfully detained in the Feb-  
21          ruary 1, 2021 coup are released and there has  
22          been a full restoration of the civilian-controlled  
23          parliament;

24          (E) use the voice and vote of the United  
25          States on the United Nations Security Council



1           *and in other multilateral and bilateral fora to*  
2           *bring about greater international cooperation*  
3           *and support for the pursuit of justice and ac-*  
4           *countability in Burma;*

5           *(F) empower and provide assistance to the*  
6           *National Unity Government of the Republic of*  
7           *the Union of Myanmar, the National Unity Con-*  
8           *sultative Council, the Civil Disobedience Move-*  
9           *ment in Myanmar, and other entities promoting*  
10          *democracy in Burma, including the provision of*  
11          *non-lethal assistance, including to Ethnic Armed*  
12          *Organizations and People's Defense Forces, con-*  
13          *sistent with the BURMA Act (subtitle E of title*  
14          *LV of division E of Public Law 117–263) and*  
15          *channeling aid through local civil society organi-*  
16          *zations along the Thai and Indian borders that*  
17          *are not controlled by the junta, while simulta-*  
18          *neously denying legitimacy and resources to the*  
19          *junta;*

20          *(G) promote national reconciliation among*  
21          *the diverse ethnic and religious groups in*  
22          *Burma;*

23          *(H) counter moral and material support to*  
24          *the junta by the People's Republic of China and*  
25          *the Russian Federation and other supporters of*

1           *the military regime, including through the voice*  
2           *and vote of the United States at the United Na-*  
3           *tions Security Council and other multilateral*  
4           *fora; and*

5                     *(I) secure the restoration of democracy, the*  
6           *establishment of an inclusive and representative*  
7           *civilian government and a reformed military re-*  
8           *flecting the diversity of Burma and under civil-*  
9           *ian control, and the enactment of constitutional,*  
10           *political, and economic reform in Burma.*

Amend the title so as to read: “A resolution condemning the coup that took place on February 1, 2021, in Burma and the military regime’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 military regime, and calling for those elected to serve in parliament to resume their duties without impediment, and for other purposes.”.