

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend the preamble.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. Res. 34

Expressing the sense of the Senate that the Governments of Burma and Bangladesh ensure the safe, dignified, voluntary, and sustainable return of the Rohingya refugees who have been displaced by the campaign of ethnic cleansing conducted by the Burmese military and to immediately release unjustly imprisoned journalists, Wa Lone and Kyaw Soe Oo.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MERKLEY

Viz:

1 Strike the preamble and insert the following:

Whereas, on August 25, 2017, attacks on security posts in Burma by the Arakan Rohingya Salvation Army militant group resulted in a brutal, systematic, and disproportionate reprisal by the Burmese military and security forces on Rohingya villages in Rakhine State;

Whereas over 740,000 Rohingya refugees have fled to Bangladesh since the Burmese military commenced its scorched-earth campaign, with the burning of villages and local landmarks, and reports of widespread gang rape, starvation, killing, and forcible deportation;

Whereas the August 2018 United Nations report of the Independent International Fact-Finding Mission on Myanmar states in paragraph 87 that “the Mission concluded . . . that there is sufficient information to warrant the investigation and prosecution of senior officials in the Tatmadaw chain of command, so that a competent court can determine their liability for genocide in relation to the situation in Rakhine State”;

Whereas, on August 28, 2018, then-United States Ambassador to the United Nations Nikki Haley reported to the United Nations Security Council that the Department of State had conducted interviews with 1,024 Rohingya refugees in camps throughout Cox’s Bazar and that the results of the interviews were consistent with the United Nations Independent International Fact-Finding Mission on Myanmar;

Whereas, on September 24, 2018, the Department of State report titled, “Documentation of Atrocities in Northern Rakhine State”, concluded that the military’s attacks in Burma’s Northern Rakhine State were “large-scale, widespread and seemingly geared toward both terrorizing the population and driving out the Rohingya residents” and that the “scope and scale of the military’s operations indicate that they were well-planned and coordinated”;

Whereas, on December 3, 2018, the United States Holocaust Memorial Museum concluded that “there is compelling evidence that the Burmese military committed ethnic cleansing, crimes against humanity, and genocide against the Rohingya”;

Whereas the May 2019 Amnesty International report on war crimes in Rakhine State, outlines continued human rights violations, including “indiscriminate attacks” on civilians,

and expresses alarm about the impact of continued fighting on the food security of Rakhine State;

Whereas, on May 14, 2019, the United Nations International Fact Finding Mission on Myanmar urged the international community to cut off all financial aid and other support to the Burmese military;

Whereas the Government of Burma has consistently denied access to the United Nations Fact-Finding Mission on Myanmar established to investigate human rights violations around the country;

Whereas the fundamental operational principles of voluntary repatriation are safety, to include legal and physical safety, and dignity, to include treatment with respect and full acceptance by their national authorities, including the full restoration of refugees' rights;

Whereas approximately 236,000 Rohingya refugees returned to Burma from Bangladesh under the terms of a 1992 agreement after a previous bout of violence against the Rohingya forced them to flee, only to face continued denial of citizenship, prejudice, violence, and persecution, and in many instances forced to live in internally displaced persons (IDP) camps with their freedom of movement restricted;

Whereas Burma's 1982 citizenship law stripped Rohingya of their Burmese citizenship, rendering them stateless;

Whereas the Government of Burma continues to systematically discriminate against the Rohingya people, a long-persecuted Muslim minority within Burma, including by continuing to restrict registration of Rohingya births and to deny them freedom of movement as well as access to

healthcare, land, education, marriage, voting rights, and political participation;

Whereas the Government of Burma has repeatedly abused land use laws to unjustly seize land from Rohingya refugees;

Whereas the United Nations High Commission on Refugees (UNHCR) is working closely with the Government of Bangladesh and partners to provide protection and assistance to the Rohingya refugees and to support the host populations affected by the influx;

Whereas, on November 23, 2017, the Government of Burma and the Government of Bangladesh signed an agreement, known as the “Arrangement”, on the return of displaced persons from Rakhine State, which is modeled after the 1992 repatriation agreement between Burma and Bangladesh;

Whereas the Arrangement includes references to restoring normalcy and human rights in Rakhine State, ensuring refugee returns comply with international standards of safety, dignity, and voluntariness, and commencing a process to address root causes in line with the Rakhine Advisory Commission recommendations;

Whereas the Department of State assesses that Burma has not made progress on the “more crucial” of the 88 recommendations of the Rakhine Advisory Commission identified by Rohingya refugees as prerequisites to repatriation, including freedom of movement, provision of civil documentation, and a transparent pathway to citizenship;

Whereas, on June 6, 2018, the Government of Burma reached a tripartite Memorandum of Understanding with the UNHCR and the United Nations Development Agen-

cy to promote the safe, dignified, and voluntary return of Rakhine State refugees, which was extended one additional year to June 6, 2020;

Whereas Rohingya refugees currently hosted in Bangladesh demonstrated in protest against an initial November 2018 repatriation plan between the Governments of Bangladesh and Burma, citing concerns for their security and the lack of meaningful political reforms in Burma to include extension of full citizenship;

Whereas UNHCR, on January 4, 2019, reported that conditions in Burma's Rakhine State remain "not conducive to return" on the heels of the Government of India's regrettable decision to repatriate Rohingya to Burma without having first ascertained the "voluntariness of their decision to return";

Whereas, throughout this process, the Government of Burma has restricted media freedom and jailed journalists;

Whereas, on December 12, 2017, Wa Lone and Kyaw Soe Oo, two journalists reporting and documenting atrocities against the Rohingya, were arrested and on January 10, 2018, formally charged with violating the "Official Secrets Act";

Whereas Wa Lone and Kyaw Soe Soo had uncovered a massacre of 10 Rohingya men perpetrated by Burma's security forces and aided by local Buddhist villagers in the village of Inn Din in Rakhine State;

Whereas, on September 3, 2018, Yangon northern district judge Ye Lwin ruled that Wa Lone and Kyaw Soe Oo breached the colonial-era Official Secrets Act and sentenced them each to seven years in prison with hard labor;

Whereas Time Magazine named Wa Lone and Kyaw Soe Oo as co-recipients of 2018 Time Magazine’s “Person of the Year” in recognition for their courageous reporting;

Whereas the release of Wa Lone and Kyaw Soe Oo on May 7, 2019, concluded over 500 days of imprisonment, more than twice the amount of time served by the soldiers deemed responsible for the massacre uncovered by their reporting;

Whereas, despite the pardon of Wa Lone and Kyaw Soe Oo, the Department of State’s 2018 annual human rights report on Burma found continued and widespread restrictions on journalistic activity and other forms of freedom of expression, stating that—

(1) “[T]he government appeared to manipulate the courts for political ends and sometimes deprived citizens of due process and the right to a fair trial, particularly regarding the freedom of expression.”;

(2) “The government continued to detain and arrest journalists, activists, and critics of the government and the military.”; and

(3) “Threats against and arrests of journalists continued during the year . . . Authorities arrested, detained, convicted, intimidated, and imprisoned citizens for expressing political opinions critical of the government and the military, generally under the charges of defamation, protesting without a permit, or violating national security laws. This included the detentions and trials of journalists and other figures, applying laws carrying more severe punishments than those used previously.”;

Whereas, according to PEN America press release dated June 13, 2018, “The discontinuation of Radio Free

Asia’s broadcasting in Burma on a domestic channel constitutes a further shrinking of the space for free expression in the country’; and

Whereas, additionally, PEN America reports—

(1) increased legal threats, imprisonment, and physical harassment of journalists;

(2) restrictions on the ability to report from and receive information on conflict areas; and

(3) lack of reform of media laws and institutions that is driving a decline in media freedom:
Now, therefore, be it