

Testimony of APDAS Scott Busby
Senate Foreign Relations Committee
At a hearing titled “U.S. Response to the Coup in Burma”
March 25, 2021

Mr. Chairman and Members of the Committee, thank you for holding this important hearing to focus attention on the deteriorating human rights situation in Burma in the wake of the February 1 military coup d'état. We greatly appreciate the Senate's ongoing concerns about Burma at this critical juncture in the nation and region's history.

The military leaders of Burma have brutally sought to remain in charge of Burma's future regardless of the people's will. They have sought to consolidate power over the country's resources at the expense of the nation. They have violently attacked or imprisoned any who are perceived to threaten their power, with more than 2,000 detained since the start of the coup. The pro-democracy protests and peaceful demonstrations of the civil disobedience movement over the past two months have made it clear that the Burmese people do not want to live in a country where their votes are summarily dismissed, their human rights, and fundamental freedoms are not respected, and where the military is free to commit violence against them with impunity. They do not want to live in a country, once again, cut off from the world.

Deteriorating Environment for Civil Society, Labor Unions, and Journalists

We are alarmed by the deteriorating environment for civil society, labor unionists, and journalists in Burma. Since February 1, security forces have killed at least 275 people. In every case for which we have specific information, the person died of gunshot wounds. Medical workers have said they are prevented by the military from helping injured protesters and security forces have attacked health care personnel and facilities.

The Assistance Association for Political Prisoners, a Burma-based organization, has identified over 2,000 persons who have been arrested, charged or sentenced in relation to opposing the military coup, as of March 15. We expect the numbers to increase as the military tightens its hold on the country.

The Administration is also working to protect those fleeing repression. We have engaged with the UN High Commissioner for Refugees, nongovernmental organizations, and other governments in the region to identify persons seeking refuge outside Burma and to provide them with the protection they deserve. We have urged other governments in the region to respect the principle of non-refoulement.

We are also providing protection to the people of Burma living in our own country. Earlier this month, the Department of Homeland Security, in consultation with the Department of State, designated Burma for Temporary Protected Status (TPS) for 18 months, so that Burmese nationals and habitual residents without nationality may remain temporarily in the United States.

Organized Labor

Organized labor has been instrumental in initiating and sustaining the on-going pro-democracy movement. In response, the military junta has targeted workers and unions, and negated core labor rights and protections. It has declared 16 trade unions and labor organizations illegal, threatened them with prosecution, raided workers' housing complexes in search of union leaders, and violently attacked trade unionists peacefully exercising their fundamental rights. Many trade unions have ceased their operations due to the worsening environment, and many union leaders and members have gone into hiding.

On March 20, the United States issued a Statement at the 341st Session of the ILO Governing Body addressing the situation in Burma and condemning the military's actions against trade unionists and workers as an assault on democracy, the core values of the ILO, and workers' ability to exercise their human and fundamental worker rights.

Media and Internet

The junta is similarly attacking the media. We are deeply concerned by the recent arrest of eight journalists, who have been charged under Article 505(A) of the Myanmar Penal Code, for reporting on pro-democracy protests. Their arrest came on the heels of the revocation of operating licenses for five independent news outlets. As of March 21, twenty-one journalists remain in detention. The junta's actions have created a culture of fear among independent news sources throughout the country. We are doing all we can to support independent journalism within Burma as it faces escalating pressure from the security forces.

The junta also continues to restrict access to the Internet and online communication tools. Days after the coup, the military ordered Internet service providers to block access to Facebook, Wikipedia, Twitter, and Instagram. Authorities have blocked certain censorship circumvention tool websites as well as instant messaging apps, such as WhatsApp and Facebook Messenger and continue to impose nightly broad Internet blackouts, including cellular data and Wi-Fi. The Department continues to engage with these service providers to encourage them to continue their operations to the extent possible and we continue to train civil society actors on how to minimize risks in their use of such tools.

Ethnic Communities

Those who have led the military's coup in Burma are many of the same individuals largely responsible for previous abuses throughout the country, particularly in ethnic areas and including atrocities against the Rohingya. We believe the safety and security of Burma's ethnic and religious minority communities is a critical part of the larger discussion on the way forward in Burma.

We remain committed to promoting accountability for the perpetrators of atrocities against the people of Burma, including the Rohingya. Documentation of ongoing violence and human rights violations against protesters and civil society activists is essential to initiating accountability.

As you may recall, in 2019, the Department of State publicly announced senior leaders of Burma's military, including Min Aung Hlaing, and their immediate family members, were ineligible for travel to the United States under Section 7031(c) of the Appropriations Act because of their involvement in gross violations of human rights against ethnic minorities, including the Rohingya. Later that year, the Department of the Treasury imposed Global Magnitsky sanctions on those same senior military leaders. As we stated at the time, our public 7031(c) designations and sanctions were intended to deter abuses and violations of human rights against the Rohingya and other ethnic minorities.

We also support multilateral efforts to promote accountability for those responsible for these atrocities and other abuses, including the UN's Independent Investigative Mechanism for Myanmar, whose mandate includes documenting ongoing abuses as well as those that took place in the past. As a consequence of Secretary Blinken's decision to re-engage with the UN Human Rights Council, we actively participated in a Special Session of the Council on Myanmar in February and have co-sponsored the resolution that was adopted by the Council yesterday, which, among other things, extends the important mandate of Special Rapporteur on the human rights situation in Myanmar, Mr. Tom Andrews, who you will hear from after us.

The United States will also continue to provide humanitarian and development assistance to ethnic and religious minority communities, notably Rohingya communities impacted by ethnic cleansing, other atrocities, and a deep and abiding legacy of societal intolerance and human rights violations. The United States remains the largest supporter of efforts to provide assistance to those affected by the military's ethnic cleansing and other atrocities in Rakhine State since 2016.

Again, thank you for holding this hearing on the U.S. response to the coup in Burma. We look forward to working with the Members of the Committee and I will be happy to take your questions.