

117TH CONGRESS  
2D SESSION

# S. RES. 35

Condemning the military coup that took place on February 1, 2021, in Burma and the Tatmadaw'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 Tatmadaw, 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

FEBRUARY 4, 2021

Mr. CARDIN (for himself, Mr. YOUNG, Mr. DURBIN, Mr. WYDEN, Ms. COLLINS, Mr. BRAUN, Mrs. FEINSTEIN, Mr. MERKLEY, and Mr. MARKEY) submitted the following resolution; which was referred to the Committee on Foreign Relations

MARCH 24, 2021

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

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

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

FEBRUARY 1, 2022

Considered, amended, and agreed to with an amended preamble and an amendment to the title

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# RESOLUTION

Condemning the military coup that took place on February 1, 2021, in Burma and the Tatmadaw'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 Tatmadaw,

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 military of Burma (the “Tatmadaw”) and its aligned Union Solidarity and Development Party (USDP) conducted a military 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 Tatmadaw has detained more than 11,000 people for exercising their rights of freedom of speech and assembly and killed more than 1,400 civilians, including children;

Whereas the Tatmadaw has 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 the Tatmadaw has become the world’s second largest detainer of journalists, with over 100 journalists imprisoned since the military coup;

Whereas the Tatmadaw’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 Tatmadaw and several ethnic armed groups continues, with government forces commit-

ting increased abuses against ethnic Karen, Kayah, Kachin, Chin, Rakhine, Shan, and Rohingya minority populations;

Whereas the Tatmadaw restricted freedom of movement, telecommunications, and the media, limiting access to information to and from Burma during a political and public health crisis;

Whereas senior generals of the Tatmadaw 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 Tatmadaw that fraud played a significant role in determining the outcome of the November 2020 elections;

Whereas Burma's November 8, 2020, elections resulted in the National League for Democracy party securing enough seats in Parliament to form the next government;

Whereas the Tatmadaw has a long history of committing atrocities against the people of Burma, including the targeting of specific ethnic groups; and

Whereas senior United States officials have committed to making a determination of whether such atrocities constitute genocide: Now, therefore, be it

1       *Resolved*, That the Senate—

2               (1) supports the people of Burma in their ambi-  
3               tion for democracy, sustainable peace, and genuine  
4               ethnic and religious reconciliation, and the realiza-

1       tion of internationally recognized human rights for  
2       all, including for ethnic and religious groups whose  
3       human rights have been violated repeatedly and who  
4       have been disenfranchised historically;

5               (2) calls on the Tatmadaw to—

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

9                       (B) immediately restore all forms of com-  
10                      munications, including access to the internet  
11                      without surveillance;

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

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

18                     (E) return to power all members of the ci-  
19                     vilian government elected in the November 8,  
20                     2020, elections and allow them to fulfill their  
21                     mandate without impediment;

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

1 (G) allow unfettered reporting from local,  
2 national, and international media;

3 (3) calls on social media companies to suspend  
4 the accounts of the Union Solidarity and Develop-  
5 ment Party and the Tatmadaw that have used their  
6 platforms to spread disinformation, fear, and psy-  
7 chological violence;

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

14 (5) expresses grave concern for the safety and  
15 security of hundreds of thousands of internally dis-  
16 placed persons (referred to in this resolution as  
17 “IDPs”) and refugees who have been displaced by  
18 the Tatmadaw and now face challenging conditions  
19 in camps;

20 (6) expresses grave concern for the 3,000,000  
21 people of Burma who are in need of humanitarian  
22 aid, including the 223,000 IDPs in Burma, of which  
23 165,000 remain in the southeast, adding to those al-  
24 ready displaced in Rakhine, Chin, Shan and Kachin  
25 states;

1           (7) encourages Burma’s neighboring countries,  
2 including Thailand, India, and Bangladesh, to mean-  
3 ingfully assist refugees who have fled and continue  
4 to flee the Tatmadaw;

5           (8) calls on the President, the Secretary of  
6 State, and the Secretary of Defense to fully imple-  
7 ment section 7008 of the Department of State, For-  
8 eign Operations, and Related Programs Appropria-  
9 tions Act, 2021 (division K of Public Law 116–260)  
10 and any similar or successor law governing United  
11 States foreign assistance following a coup d’etat,  
12 and to immediately—

13           (A) impose targeted restrictions aimed at  
14 the Tatmadaw, military-owned or controlled en-  
15 terprises, and those responsible for the Feb-  
16 ruary 1, 2021, coup;

17           (B) work with the international commu-  
18 nity, including at the United Nations Security  
19 Council, with United States allies in the region,  
20 and with the Association of Southeast Asian  
21 Nations, to condemn the coup, delegitimize the  
22 junta, and take steps to ensure that inter-  
23 national economic engagement in Burma does  
24 not contribute to human rights abuses and ben-  
25 efit individuals connected to the coup;

1 (C) support conditionality on diplomatic,  
2 economic, and security relations with Burma,  
3 including using the voice and vote of the United  
4 States at multilateral development institutions,  
5 until all those detained in the February 1,  
6 2021, coup are released and there has been a  
7 full restoration of civilian-controlled parliament  
8 respecting the November 8, 2020, election re-  
9 sults;

10 (D) utilize the United States Government's  
11 position on the United Nations Security Council  
12 to bring about greater international cooperation  
13 in the pursuit of justice and accountability in  
14 Burma;

15 (E) legitimize and provide assistance to the  
16 National Unity Government of the Republic of  
17 the Union of Myanmar, the National Unity  
18 Consultative Council, the Civil Disobedience  
19 Movement in Myanmar, and other entities pro-  
20 moting democracy in Burma, while simulta-  
21 neously denying legitimacy and resources to the  
22 junta;

23 (F) promote national reconciliation among  
24 the diverse ethnic and religious groups in  
25 Burma;

1           (G) counter support to the junta by the  
2           People's Republic of China and the Russian  
3           Federation; and

4           (H) secure the restoration of democracy,  
5           the establishment of an inclusive and represent-  
6           ative civilian government and a reformed mili-  
7           tary reflecting the diversity of Burma and  
8           under civilian control, and the enactment of  
9           constitutional, political, and economic reform in  
10          Burma; and

11          (9) urges the Secretary of State to swiftly con-  
12          duct an Interagency Process and issue a determina-  
13          tion as to whether the targeting and murder of inno-  
14          cent civilians by the Tatmadaw during and after the  
15          February 1, 2021, coup d'etat, specifically those as-  
16          sociated with ethnic and religious groups in Burma,  
17          and crimes committed by the Tatmadaw against  
18          such ethnic and religious groups prior to the coup  
19          constitute crimes against humanity or genocide.

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