

115TH CONGRESS
2D SESSION

H. RES. 1091

Calling on the Government of Burma to release Burmese journalists Wa Lone and Kyaw Soe Oo sentenced to seven years imprisonment after investigating attacks against civilians by Burma's military and security forces, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2018

Mr. CHABOT (for himself, Mr. ENGEL, Mr. ROYCE of California, Mr. SCHIFF, Mr. YOHO, Mr. SHERMAN, Mrs. COMSTOCK, and Mr. CROWLEY) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Calling on the Government of Burma to release Burmese journalists Wa Lone and Kyaw Soe Oo sentenced to seven years imprisonment after investigating attacks against civilians by Burma's military and security forces, and for other purposes.

Whereas for years under the rule of the military junta and continuing under a democratically elected government in Burma, journalists face threats of violence and retaliation, especially for those covering military abuses, religious intolerance, and the genocide and crimes against humanity that occurred in Rakhine State;

Whereas Reuters, a highly respected worldwide news organization, discovered a mass murder in the village of Inn Din as part of its ongoing reporting on the Burmese military's campaign against the Rohingya and Reuters journalists Wa Lone and Kyaw Soe Oo were doing fact-checking and interviewing eyewitnesses to these and other events;

Whereas, on December 12, 2017, Wa Lone and Kyaw Soe Oo, were arrested by police in a suburb of Yangon and have been in custody to the present;

Whereas, on April 20, 2018, a key witness for the prosecution, Police Captain Moe Yan Naing, testified that he was ordered by his superiors to “trap” Wa Lone;

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 when they collected and obtained confidential documents during their investigation into the massacre in Inn Din, and then sentenced them each to 7 years in prison with hard labor;

Whereas Secretary of State Pompeo met with Burma's Foreign Minister, Kyaw Tin at the ASEAN Foreign Ministers' Meeting in August 2018 and called for the immediate release of Wa Lone and Kyaw Soe Oo;

Whereas, on September 4, 2018, Vice President Mike Pence said, “Wa Lone & Kyaw Soe Oo should be commended—not imprisoned—for their work exposing human rights violations [and] mass killings. Freedom of religion [and] freedom of the press are essential to a strong democracy.”;

Whereas Members of Congress, professional journalist organizations, human rights groups, and other distinguished writers from around the world have called on the Burmese authorities to release Wa Lone and Kyaw Soe Oo from their unjust imprisonment;

Whereas the Burmese military has committed numerous crimes against civilians over many years in Burma's Rakhine, Shan, and Karen States;

Whereas Marzuki Darusman, chair of the United Nations fact-finding mission on Burma said in a statement on September 18, 2018, "Peace will not be achieved while the Tatmadaw remains above the law. The Tatmadaw is the greatest impediment to Myanmar's development as a modern democratic nation. The Commander-in-Chief of the Tatmadaw, Min Aung Hlaing, and all the current leadership must be replaced, and a complete restructuring must be undertaken to place the Tatmadaw under full civilian control. Myanmar's democratic transition depends on it.";

Whereas in recent decades the Rohingya people have lost, through systematic discrimination by Burmese national, state, and local authorities, a range of civil and political rights, including citizenship, and face barriers today such that they are mostly a stateless people;

Whereas, on August 25, 2017, the Arakan Rohingya Salvation Army carried out attacks on government positions in Rakhine State;

Whereas since the August 25, 2017, attacks, Burma's military and security forces, as well as private mobs, have carried out widespread attacks, rapes, killings, and the

burning of villages throughout Rakhine State resulting in approximately 700,000 Rohingya fleeing to Bangladesh;

Whereas Burma's civilian government, led by State Counsellor Aung San Suu Kyi and President Win Myint, has not yet taken necessary steps to address the violence and should take further measures;

Whereas, on November 22, 2017, Secretary of State Rex Tillerson stated, "After a careful and thorough analysis of available facts, it is clear that the situation in northern Rakhine State constitutes ethnic cleansing against the Rohingya.";

Whereas the Department of the Treasury announced sanctions on five Tatmadaw officers and two Tatmadaw units for human rights abuses in Rakhine, Kachin, and Shan States;

Whereas, on August 24, 2018, the United Nations International Fact Finding Mission on Myanmar released a preliminary report stating 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 25, 2018, Secretary of State Mike Pompeo said, "A year ago, following deadly militant attacks, security forces responded by launching abhorrent ethnic cleansing of ethnic Rohingya in Burma", and continued "The U.S. will continue to hold those responsible accountable. The military must respect human rights for Burma's democracy to succeed."; and

Whereas, on September 24, 2018, the Department of State released a report entitled “Documentation of Atrocities in Northern Rakhine State” that stated the military “targeted civilians indiscriminately and often with extreme brutality” and that the violence in northern Rakhine State was “extreme, 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”: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) condemns the attacks against civilians by
3 Burma’s military and security forces;

4 (2) urges the Secretary of State to make a de-
5 termination based on available evidence as to wheth-
6 er or not the actions by the Burmese military in
7 northern Rakhine State in 2017 constitute crimes
8 against humanity, genocide, or other crimes and to
9 fully support efforts to collect, preserve, and make
10 available evidence related to these crimes;

11 (3) considers the actions by the Burmese mili-
12 tary against the Rohingya in northern Rakhine
13 State in 2017 to be genocide as defined in the
14 United Nations Convention on the Prevention and
15 Punishment of the Crime of Genocide (entered into
16 force with respect to the United States on November
17 25, 1988) and therefore urges the Secretary of State
18 put the full force of United States diplomacy behind

1 an effort to refer the atrocities against the Rohingya
2 to the appropriate international mechanisms for
3 prosecution;

4 (4) calls on Burma's military and government
5 to allow refugees to immediately and voluntarily re-
6 turn to Burma in a manner consistent with inter-
7 nationally recognized human rights and principles
8 for refugee protection and to change laws and poli-
9 cies that have contributed to insecurity in the
10 Rakhine State;

11 (5) calls on the President to impose additional
12 sanctions on senior members of the Burmese mili-
13 tary and security forces who are responsible for
14 human rights abuses, including Tatmadaw Com-
15 mander-In-Chief Min Aung Hliang;

16 (6) calls on the United States Ambassador to
17 the United Nations to work to refer the atrocities
18 against the Rohingya to the appropriate inter-
19 national mechanisms for prosecution;

20 (7) reaffirms the central role that independent
21 and professional journalism plays in strengthening
22 democratic governance, upholding the rule of law,
23 mitigating conflict, and informing public opinion
24 around the world;

1 (8) condemns the unjust prosecution of Wa
2 Lone and Kyaw Soe Oo for doing the work of pro-
3 fessional journalists;

4 (9) calls on State Counsellor Aung San Suu Kyi
5 and President Win Myint to pardon Wa Lone and
6 Kyaw Soe Oo as well as all other journalists and po-
7 litical prisoners;

8 (10) calls on the Secretary of State to engage
9 immediately and at the highest levels with the Gov-
10 ernment of Burma to press for the immediate re-
11 lease from prison of Wa Lone and Kyaw Soe Oo;
12 and

13 (11) calls on the Government of Burma to re-
14 scind or substantially modify laws that obstruct the
15 freedom of the press.

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