

BURMA: Letter to President Obama on Continuing National Emergency

May 6, 2014

The Honorable Mr. Barack Obama
President of the United States of America
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

Dear President Obama,

Our organizations urge you to continue the national emergency with respect to Burma. Since May 20, 2013, the Burmese government has failed to substantively address any of the concerns that informed the renewal of Executive Order 13619.

Your Administration previously recognized that acknowledging the gravity of the political and human rights situation is fundamental to promoting permanent reform in Burma. The concerns and rationale for continuing the national emergency persist and have even worsened. Last year, your Administration cited persisting concerns such as continued arrests and detentions, ongoing conflict and human rights abuses in ethnic minority areas, efforts to undermine or obstruct the political reform process, and the country's military relationship with the Democratic People's Republic of Korea.

1) Continued arrests and detentions

The Burmese government is continuing to arrest journalists, farmers, activists, human rights defenders, and ethnic minorities at alarmingly high rates. Despite President Thein Sein's July 2013 announcement that all political prisoners would be released, hundreds are currently being processed by Burma's courts or detained without charges.¹ These include Zaw Pe, a *Democratic Voice of Burma* video journalist who was sentenced in April to one year in prison on trumped-up charges. The government has also barred Burma's Committee for Scrutinizing Remaining Political Prisoners from recognizing new political prisoners. Even those who are fortunate enough to be recognized as political prisoners and subsequently released are subject to intimidation and re-arrest.

2) Ongoing conflict and human rights abuses in ethnic minority areas

The government continues to allow human rights abuses against vulnerable minorities to continue without significant consequences and without meaningful investigative repercussions. One of the most flagrant examples of government complicity in human rights violations is the ongoing crisis in Rakhine State, where hundreds of thousands of Rohingya Muslims are being denied access to life-saving medical care and humanitarian aid, subject to discriminatory restrictions and policies of apartheid and ethnic cleansing, and trapped in inhumane internment camps.² According to UN Special Rapporteur Tomás Ojea Quintana, these developments could amount to crimes against humanity.³ Citing these anti-Muslim abuses last

¹ See Hanna Hindstrom, *Nearly 70 political prisoners freed in Burma*, *Democratic Voice of Burma*, Nov. 15, 2013, <https://www.dvb.no/news/nearly-70-political-prisoners-freed-in-burma-myanmar/34443> (quoting the Assistance Association for Political Prisoners-Burma reporting that "another 265 people are currently awaiting trial for political offenses").

² See e.g., *Policies of Persecution*, Fortify Rights, Feb. 2014, http://www.fortifyrights.org/downloads/Policies_of_Persecution_Feb_25_Fortify_Rights.pdf.

³ See *Myanmar: UN expert raises alarm on Rakhine State*, UN OHCHR, Apr. 7, 2014, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14476&LangID=E>.

BURMA: Letter to President Obama on Continuing National Emergency

week, the US Commission on International Religious Freedom recommended the national emergency be continued.⁴

The government also continues to perpetuate—and deny—human rights abuses in ethnic minority areas throughout the country. Conflict and abuses, including sexual violence, human trafficking, torture, and extrajudicial killings, are particularly severe in Kachin and Northern Shan States. In March, the UN Secretary-General called for an investigation into these past and ongoing violations and abuses, specifically including crimes of sexual violence.⁵

Since April 10, 2014, the Burmese military has escalated attacks against villages and IDP camps, forcing thousands of civilians to flee.⁶ Civilians have been raped and shot, and have fled to China.⁷ These attacks are committed in conjunction with the military's exploitation of natural resources in the region. The attacks are a serious threat to both the nationwide ceasefire process and the dialogue on a national political process. Moreover, the government continues to block humanitarian aid access to displaced populations. This systematically subjects the Kachin, like the Rohingya, to a preventable humanitarian crisis.

3) *Efforts to undermine or obstruct the political reform process*

Government actors continue to deliberately undermine and obstruct the political reform process. The government is actively backsliding on its high-profile press reforms by tightening restrictions on domestic and foreign media through law, censorship, and underhanded surveillance practices. The government is also intimidating, jailing, and sentencing journalists; restricting media access throughout the country, most glaringly following the massacre in Du Chee Yar Tan, Maungdaw Township, Rakhine State; and placing restrictions on foreign journalist visas.

Earlier this year, four journalists and the CEO of the Rangoon-based *Unity Journal* were arrested, and some sentenced, for reporting on a chemical weapons factory.⁸ Freedom of the press to scrutinize and critique the government is fundamental to building a democratic state. Burma's progress toward press freedoms was one of the areas of "significant progress" highlighted in your May 2, 2013 letter calling for a renewal of the national emergency; this has now become an area of regression.

Government leaders have also been recalcitrant on constitutional reform; the Union Solidarity and Development Party (USDP) went so far as to release a statement warning that people will be in "serious danger and face consequences beyond expectation" if the constitution were to be redrawn.⁹ Moreover, the

⁴ See *Annual Report 2014: Burma*, USCIRF, Apr. 30, 2014, http://www.uscifr.gov/sites/default/files/Burma%202014_0.pdf.

⁵ See *Conflict-related sexual violence*, Report of the Secretary-General, S/2014/181, United Nations Security Council, Mar. 13, 2014, <http://burmacampaign.org.uk/media/UNSG-SV-UNSC-2014.pdf>.

⁶ See Seamus Martov, *5,000 Displaced by Kachin Clashes Amid KIO Leader's US Visit*, Irrawaddy, Apr. 21, 2014, <http://www.irrawaddy.org/burma/5000-displaced-kachin-clashes-amid-kio-leaders-us-visit.html>; see also Nang Mya Nadi and Naw Noreen, *Aid shortage hits Kachin refugees*, Democratic Voice of Burma, Apr. 19, 2014, <http://www.dvb.no/news/aid-shortage-hits-kachin-refugees-burma-myanmar/39734>.

⁷ See *Burma Army rapes teenage girl, shoots civilians and displaces over 3,600 people in attacks in northern Kachin State, Burma*, Free Burma Rangers, Apr. 19, 2014, <http://www.freeburmarangers.org/2014/04/21/burma-army-rapes-teenage-girl-shoots-civilians-and-displaces-over-3600-people-in-attacks-in-northern-kachin-state-burma/>.

⁸ See *Burma holds 4 journalists for chemical weapons report*, Committee to Protect Journalists, Feb. 3, 2014, <https://www.cpj.org/2014/02/in-burma-4-journalists-held-for-chemical-weapons-r.php>.

⁹ Kyaw Phyotha, *Burma's Ruling Party Says Constitutional Change Could Mean 'Serious Danger'*, Irrawaddy, October 7, 2013, <http://www.irrawaddy.org/burma/burmas-ruling-party-says-constitutional-change-mean-serious-danger.html>.

BURMA: Letter to President Obama on Continuing National Emergency

government has banned Rohingya from participating in the national census,¹⁰ and is pursuing national legislation to ban non-citizens (i.e. Rohingya) from forming political parties.¹¹ At the behest of President Thein Sein, the government is also drafting highly discriminatory laws to allegedly protect the country's "national race and religion."¹² These laws would criminalize marriage between Buddhist women and non-Buddhists,¹³ restrict religious conversion, and restrict childbirth [for Rohingya women].¹⁴ These abusive laws would blatantly violate nondiscrimination principles in the Universal Declaration of Human Rights, article 16 of the Convention on the Elimination of All Forms of Discrimination against Women, and Burma's own constitution.

4) *Military relationship with the Democratic People's Republic of Korea*

The government continues to maintain official relations with North Korea. This is clear to your Administration, which added Lt. Gen. Thein Htay, Lt. Col. Kyaw Nyunt Oo, and 3 companies to the SDN list in 2013 for their military and arms procurement relations with North Korea. The Burmese government continues to enjoy good relations with North Korean diplomats in Naypyidaw, and reportedly works with North Korea on military weapons programs.¹⁵

Conclusion

US policy strives to advance "a Burmese government of the people, by the people, and for the people [that] will strive on to finish the work it is in; to bind up its nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan — to do all which may achieve and cherish a just and lasting peace."¹⁶ We thus look forward to working together to ensure that all people of Burma are beneficiaries of reform, not victims of preventable abuses.

The government's failure to address the persisting concerns that your Administration identified in 2013 make continuing the national emergency an imperative for supporting the reform process in Burma. The government's escalation of human rights abuses over the past year makes this especially urgent.

We appreciate your consideration of these recommendations.

Signed by:

¹⁰ See Shwe Aung and Angus Watson, *Term 'Rohingya' struck from census*, Democratic Voice of Burma, Mar. 30, 2014, <http://www.dvb.no/census/term-rohingya-to-be-struck-from-census-gov-spokesman-burma-myanmar/39125>.

¹¹ See Lawi Weng, *Upper House Approves Ban on Politics for Non-Citizens*, Irrawaddy, Mar. 20, 2014, available at <http://www.irrawaddy.org/burma/upper-house-approves-ban-politics-non-citizens.html>.

¹² Shwe Aung, *Speaker urges laws to protect Burma's national race, religion*, Democratic Voice of Burma, Feb. 27, 2014, <http://www.dvb.no/news/speaker-urges-laws-to-protect-burmas-national-race-religion-burma-myanmar/37855>.

¹³ See *Burma: Scrap Proposed Discriminatory Marriage Law*, Human Rights Watch, Mar. 25, 2014, available at <http://www.hrw.org/news/2014/03/24/burma-scrap-proposed-discriminatory-marriage-law>.

¹⁴ See Yen Snaing, *Draft Law on Religious Conversion to Be Finished by June: Deputy Minister*, Irrawaddy, Apr. 2, 2014, <http://www.irrawaddy.org/burma/draft-law-religious-conversion-finished-june-deputy-minister.html>.

¹⁵ See Angus Watson, *Burma's VP meets N Korean envoy in Naypyidaw*, Democratic Voice of Burma, Feb. 19, 2014, <https://www.dvb.no/news/burmas-vp-meets-n-korean-envoy-in-naypyidaw-burma-myanmar/37465>.

¹⁶ [Quoting Abraham Lincoln's Second Inaugural Address] US Department of State Assistant Secretary for Democracy, Human Rights and Labor, Tom Malinowski, *Working Towards a National Peace in Burma*, Apr. 4, 2014, http://www.humanrights.gov/2014/04/19/working-towards-a-national-peace-in-burma/?utm_source=rss&utm_medium=rss&utm_campaign=working-towards-a-national-peace-in-burma.

BURMA: Letter to President Obama on Continuing National Emergency

Access

Action Committee for Democracy Development

AFL-CIO

Burma Environmental Working Group

Burma Campaign UK

Burma Link

Burmese Women's Union

Equality Myanmar

Fortify Rights

Forum for Democracy in Burma

Human Rights Foundation of Monland – Burma

Institute for Asian Democracy

International Labor Rights Forum

International Trade Union Confederation

Inter Pares

Investors Against Genocide

Kachin Peace Network

Kachin Women Peace Network

Karen Environmental and Social Action Network

Karen Women's Organization

Lahu Women Organization

Mae Tao Clinic

Network for Democracy and Development

Physicians for Human Rights

Responsible Sourcing Network

Tavoyan Women's Union

United to End Genocide

US Campaign for Burma

Women's League of Burma

Cc:

John Kerry, U.S. Secretary of State

Susan Rice, National Security Adviser

Jacob Lew, U.S. Secretary of Treasury

Adam Szubin, Director, Office of Foreign Assets Control, Department of Treasury

Ben Rhodes, Deputy National Security Adviser for Strategic Communications

Tom Malinowski, Assistant Secretary of State, Bureau of Democracy, Human Rights and Labor,
Department of State

Daniel Russel, Assistant Secretary of State, Bureau of East Asia and the Pacific, Department of
State

House Committee on Foreign Affairs, through Chairman Edward Royce and Ranking
Member Eliot Engel

Senate Committee on Foreign Relations, through Chairman Robert Menendez and
Ranking Member Bob Corker

Original Co-sponsors of the Burmese Freedom and Democracy Act and JADE Act,
Senators Mitch McConnell, Dianne Feinstein, John McCain, Richard Durbin,
Representatives Joseph Crowley and Peter King