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Congress of the United States

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Congressman Trent Franks
Statement: Human Rights in Burma
Tom Lantos Human Rights Commission Hearing
Thursday, February 28th, 2013
1:00-3:00PM
Cannon 334

Mr. Chairman: Thank you for holding this very important and timely hearing on human rights in Burma. As many in this room well know, ethnic and religious minorities, including Christians and Muslims, face some of the most severe persecution in Burma. We need to see serious political dialogue within the framework of a robust peace process to resolve the ongoing conflicts towards Burma's ethnic and religious groups.

Personal stories of many of the ethnic and religious minorities in Burma are horrifying. I would like to share one story that is revealing of greater dynamics within Burma and the ongoing violence in the ethnic regions.

A grandmother sat alone in a church near Burma's Kachin-China border last spring and silently waited for the notoriously brutal Burma Army to raid her village. Other Kachin villagers fled once they heard that the Burma Army was approaching, but this grandmother was left behind. Her only protection was the sanctuary of the church.

When the Burma Army finally came to the village, they showed no mercy towards the 48-year-old grandmother. Over a period of three days, she was violently beaten with rifle butts, stabbed with knives, stripped naked, and gang raped. Another Kachin man, who was captured while caring for his paralyzed wife, was brought back to the village. As he lay in the church with his hands and legs tied, he watched with horror and helplessness at the sickening acts that were committed against the vulnerable grandmother.

The victims in the village church were left semi-conscious and the grandmother later suffered severe mental health problems. After reports of the torture were released, a spokesman from the Kachin Women's Association stated, "[T]he Burmese military can rape and kill ethnic women with impunity."

The plight of the Kachin is often overlooked by the international community and humanitarian conditions are seriously deteriorating in Kachin State and Kachin internal displacement camps. Since the Burma Army broke the ceasefire agreement in Kachin State in June 2011, at least 80,000 civilians have been displaced from their villages. The atrocities committed against the Kachin by the Burma Army may amount to war crimes or crimes against humanity and should be thoroughly investigated and prosecuted as the evidence warrants. I urgently recommend President Obama call for a withdrawal of Burmese troops and the establishment of meaningful political dialogue and a peace process that will result in a political solution for the conflict in Kachin State.

Burma still has a very long road ahead and the U.S. must continue to advocate for the full inclusion of vulnerable ethnic and religious groups within Burmese society and the political process. The plight of the Kachin is only one such example of outstanding reforms that still need to take place within Burma. President Obama's visit to Burma last November signifies our developing bilateral relationship and desire to encourage U.S. business investment in the country. With the additional credibility and validation that a Presidential visit gives to the Burmese government, specific reform agenda items should be on the table, including the cessation of violence against the Kachin, Chin, Rohingya and other ethnic and religious minority groups.

Violence by the Burma security forces against the Rohingya Muslims in Rakhine State also continues with impunity and the Burmese government has failed to end what increasingly appears to be a campaign to forcibly displace thousands of Rohingya. Moreover, recent reports indicate how Burmese security forces are complicit with a group of Rakhine Buddhists in carrying out brutal attacks against the Rohingya people. Within the past few months alone, thousands of homes in Rakhine State have been destroyed, hundreds of people slaughtered, and over 100,000 displaced. Indeed, now is the time to ensure the plight of the vulnerable Rohingya are not forgotten and stress that this crisis against Burma's Muslim population will threaten future democracy measures.

In the immediate future, humanitarian aid for both the Rohingya and Kachin is desperately needed. The U.S. must call for unhindered access to aid for all victims of violence, regardless of religion or ethnicity, in Rakhine and Kachin States and all other conflict areas. United Nations agencies and international and local nongovernmental organizations should be granted unrestricted access to the affected areas. The U.S. cannot ignore state-sponsored persecution of these ethnic and religious minorities and should indeed raise these ongoing issues with the highest levels of the Burmese government as roadblocks to true peace and progress towards a democratic and free Burma.

Violence against Chin Christians deserves U.S. attention and escalation to the highest levels of the Burmese government. Chin is the poorest state in all of Burma and, for several decades, Chin communities have suffered institutionalized discrimination on the basis of both ethnicity and religion which has led to thousands of Chin refugees fleeing to neighboring India. Previously, successive military regimes viewed Christianity as a threat to homogenous national identity within Burma. Burmese nationalist resentment and discrimination continues against the Chin. Religious freedom and human rights atrocities have long been utilized against the Chin

and include forced labor and conversion, torture, rape, restrictions on construction of Christian infrastructure, violations of peaceful religious assembly, and threats of intimidation and harassment of pastors and missionaries. We must see an end to attacks on churches and civilians. Additionally, the Burma Army uses rape against ethnic and religious minorities, including the Chin, and the U.S. must call for an end to this violence and related impunity.

Burma's deeply flawed 2008 constitution grants the Burma Army sweeping authority to commit atrocities against ethnic minorities and furthers ethnic tensions. Reform within Burma cannot occur without substantial constitutional reform measures. As chairman of the House Judiciary Committee's Constitution Subcommittee, I understand the importance of constitutional protections to ensure fundamental freedoms and provide protection to its people. Burma's current constitution does neither and, in fact, works directly against many of its people. Article 20—which grants the army authority over civilians and jurisdiction to safeguard “unity”—essentially provides justification for the Burma Army's regular attacks against the civilian population in ethnic areas. I could see a situation where Burma could revert to war and military rule unless the constitution immediately addresses the underlying reasons for ethnic conflict.

In light of Aung San Suu Kyi's recent visit to the U.S. and President Obama's Southeast Asia tour and meeting with Burmese President Thein Sein, discussions about democratic reforms in Burma are underway. Burma's government has taken modest steps toward democratization by releasing hundreds of political prisoners, relaxing media censorship, and permitting Aung San Suu Kyi to participate in the political process. However, the U.S. must continue to aggressively identify and underscore atrocities that threaten future peace and stability and highlight reform measures, including reforms to Burma's constitution and the immediate unconditional release of all political prisoners including Buddhist monks.

As the U.S. continues to work closely with the Burmese government on reforms, we must ensure that legitimate ethnic and democracy leaders are included in negotiations. Comprehensive and effective dialogue on the overall situation in Burma cannot be conducted without these leaders. Burma desperately needs democratic systems that will guarantee democracy, human rights, rule of law, independence of judiciary, and ethnic minority rights. Moreover, the U.S. must be careful to take no action that could be interpreted as endorsement of any misconduct or human rights lapses by the Burmese government or President Thein Sein, particularly while the Burmese government is still dominated by current and former military leaders with a very brutal past.

As I conclude, I would like share with you a cartoon on the front page of the 2 August 2012 *Independent*, a weekly journal published in Burma's capital, that shows how the United States is often viewed by the Burmese. The cartoon shows a rider approaching a fortress that is adorned with the American flag.

“Please open the door,” the rider asks.

“What is the password?” responds a voice inside the fortress.

“Democracy,” states the rider.

"Is that permanent or temporary?" asks America.

Many Burmese want the reforms that a relationship with the United States should bring. The question is whether the Burmese government truly desires long-term change and if the United States can deliver.

I look forward to hearing the progress of how the U.S. is conditioning its relationship with the Burmese government based on human rights benchmarks. We must see additional reforms towards ethnic minority populations if the U.S. continues to suspend our sanctions and encourage U.S. investment. If greater reforms fail to take place and the U.S. continues our relationship with the Burmese, we threaten the stability of Burma's fledgling government and will forever be held accountable by their people. True peace and progress in Burma can be achieved by nothing less than the cessation of violence towards its ethnic and religious minorities.

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