

Testimony for the Record from Erin Barclay

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Co-Chairman Smith and Co-Chairman McGovern, distinguished Members of the Commission, thank you for the opportunity to testify about the state of human rights in Burma. We appreciate this opportunity to shine a spotlight on the troubling human rights violations and abuses committed by this brutal regime.

More than two and a half years following the February 2021 military coup, Burma faces a growing human rights crisis that has undone much of its hard-fought progress toward democracy since 2011.

The military regime has suspended many civil liberties under a prolonged state of emergency, declaring another six-month extension in July despite reaching the constitutional limit for such extensions earlier this year. The regime also introduced a range of new laws that unduly restrict freedoms of expression, association, and peaceful assembly. The regime has impeded Internet access, including access to social media platforms, banned independent media outlets, and imprisoned at least 42 journalists – the third-highest number of imprisoned journalists globally as of 2022, according to the Committee to Protect Journalists. The military junta has targeted prominent leaders in the democracy movement, especially women and girls, with tech-facilitated violence. In one case, a prominent democracy activist had private, intimate images and her home address leaked by those loyal to the junta.

DRL continues to receive credible reporting of gross human rights violations committed by the regime across Burma, including those involving extrajudicial killings, enforced disappearances, torture, and sexual violence. The military junta has used gender-based violence, including sexual violence, to terrorize women and girls for decades, and they have escalated this tactic since the 2021 coup. Survivors report a range of violence including rape, gang rape, sexual assault, sexual harassment and human trafficking, the majority of which are committed by security forces, especially the military. Civil society activists say that women are most vulnerable when held alone during interrogation, enabling the police and military to act without witnesses. And these are only the cases that become public.

The Assistance Association for Political Prisoners, a nongovernmental human rights documentation organization, reports that nearly 4,000 people have been killed by the military regime since the coup and more than 24,000 arrested, including deposed President Win Myint and State Counselor Aung San Suu Kyi—though the actual numbers are likely far higher. In early August, the military regime commuted the sentences of 7,749 prisoners as part of a mass pardoning, but only 120 were political prisoners. Despite receiving pardons, the majority of the

charges for both President Win Myint and Aung San Suu Kyi were sustained, and they face years of imprisonment. We continue to call for their release as well as all those unjustly detained in Burma.

Many former detainees allege torture or other ill-treatment during their detention, and the UN High Commissioner for Human Rights has found that at least 273 people have died in police or military custody since the coup.

The military regime's increasing use of airstrikes has also had a devastating impact on local communities, leading to further displacement. An April 11 airstrike that killed at least 170 people and injured dozens more, including women and children, is but one recent example of the regime's complete disregard for human life in its quest to consolidate control.

The multifaceted crisis in Burma has required us to undertake a comprehensive response that addresses both the immediate humanitarian and human rights challenges facing the people of Burma and the longer-term goal of establishing genuine and inclusive multiparty democracy. We are doing this in several ways:

First, consistent with the BURMA Act, the Biden Administration is working to expand support to pro-democracy actors to develop atrocity prevention tools in response to the military regime's violence.

We continue to draw attention to these abuses at the UN and with our likeminded partners to galvanize international efforts to promote accountability for the regime's brutality and take action to prevent the regime from carrying out further violence.

Second, together with our interagency partners, the Bureau of Democracy, Human Rights, and Labor is working to strengthen the resilience of civil society and the pro-democracy movement to advance an inclusive, rights-respecting, and democratic future in Burma.

Since February 2021, DRL has provided financial support to over 1,000 human rights defenders and civil society advocates both inside and outside Burma to enable them to continue their critical work amid sustained harassment and threats. DRL is also providing critical assistance and capacity-building support to civil society organizations and other pro-democracy actors to promote respect for and protect human rights. The pro-democracy movement's needs are vast, and DRL partners routinely propose opportunities to provide assistance beyond current funding levels.

Third, we also continue to engage closely with representatives from across civil society and the pro-democracy movement, including members of ethnic organizations, human rights defenders, labor organizers, religious actors, the "National Unity Government," the National Unity Consultative Council, and the Committee Representing the Union Parliament.

We have demonstrated strong support for the pro-democracy movement's efforts to forge an inclusive, democratic vision for Burma's future, while understanding much work is left to be done to protect the rights of Rohingya and members of other ethnic and religious minority groups.

Finally, we continue to bolster our efforts to promote justice and accountability for both past and ongoing human rights abuses. The Secretary's determination in March 2022 that members of the military have committed genocide and crimes against humanity against Rohingya has also served to further promote accountability and justice for the military's atrocities.

As DAS Brown mentioned, we are working alongside allies and partners to impose significant costs on the leaders of the military regime who bear the greatest responsibility for committing atrocities, including by imposing targeted sanctions on military commanders and senior officials implicated in human rights abuses and expanding the use of Burma-related sanctions authorities to identify the jet fuel sector of the Burmese economy and designating actors involved in the procurement and distribution of jet fuel to Burma's military regime, which has used jet fuel to conduct violent airstrikes on the people of Burma.

We have at the same time increased support for the Independent Investigative Mechanism for Myanmar, provided The Gambia information in connection with its genocide case on behalf of the Organization of Islamic Cooperation against Burma before the International Court of Justice, and are supporting processes in a range of countries to help ensure that those responsible for atrocities and other abuses in Burma will be held to account.

We have made clear as well that the United States supports measures by the UN Security Council to promote justice for victims and accountability for the military's actions in line with its mandate to promote international peace and security. In this vein, we continue to work within the Security Council to identify options that seek to address the situation in Burma, including efforts that limit the flow of arms to Burma and hold the regime accountable for all atrocity crimes committed against Rohingya as well as any atrocity crimes committed against others in Burma.

Chairmen, Members, we thank you for Congress's continued concern about human rights violations and abuses inside Burma, and support for the people of Burma and the lines of effort that I have laid out. We hope to work closely with the Commission on this very challenging issue and remain committed to supporting the people of Burma in achieving an inclusive, democratic future for the country.