

United States Senate

February 5, 2021

The Honorable Antony Blinken
United States Secretary of State
The State Department
2201 C Street, NW
Washington, DC 20520

Dear Secretary Blinken,

We are writing to offer our support in addressing the alarming military coup staged against the democratically elected, civilian-led government of Burma (also known as Myanmar). We thank you for the Biden administration's strong initial response, and are eager to cooperate on further action in order to help preserve Burma's fragile democratic transition.

Burma's democratic transition since 2011 has always been tenuous, marked by human rights abuses targeted against ethnic minorities, particularly the Rohingya.¹ Multiple international bodies, as well as investigators associated with the U.S. Department of State², have determined that there is evidence that the military-led abuses against the Rohingya people constitute crimes against humanity and genocide.³ Despite the atrocities perpetrated by the Burmese armed forces (known as the Tatmadaw), they have maintained an outsized role in the country's government and economy, even as the democratically elected government garners wide popular support.

On February 1, 2021, the Tatmadaw overturned the results of Burma's November 2020 elections. They seized power in a military coup and detained the country's democratically elected leaders, including State Counselor Aung San Suu Kyi and President Win Myint.⁴ Although some irregularities marred the election, including the disenfranchisement of ethnic minorities, they did not amount to widespread fraud as the Tatmadaw claimed.⁵ Electoral reform inside Burma is critical to strengthening its democracy, and many of us are strong advocates for U.S. assistance to support such reforms. However, the need for reform neither excuses nor justifies a coup. We

¹ Hannaah Beech, Saw Nang, and Marlise Simons, *'Kill All You See': In a First, Myanmar Soldiers Tell of Rohingya Slaughter*, N.Y. Times (Sept. 8, 2020), <https://www.nytimes.com/2020/09/08/world/asia/myanmar-rohingya-genocide.html>.

² *Documenting Atrocity Crimes Committed Against the Rohingya In Myanmar's Rakhine State*, The Public International Law & Policy Group (December 2018)
<https://static1.squarespace.com/static/5900b58e1b631bffa367167e/t/5c058268c2241b5f71a0535e/1543864941782/PILPG+-ROHINGYA+REPORT+-+Factual+Findings+and+Legal+Analysis+-+3+Dec+2018+%281%29.pdf>

³ *Report of the independent international fact-finding mission on Myanmar**, United Nations Human Rights Council (Sept. 12, 2018), <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=23575&LangID=E>.

⁴ Hannaah Beech, *Myanmar's Leader, Daw Aung San Suu Kyi, Is Detained Amid Coup*, N.Y. Times (Jan. 31, 2021), <https://www.nytimes.com/2021/01/31/world/asia/myanmar-coup-aung-san-suu-kyi.html>.

⁵ Mong Platino, *What election observers are saying about Myanmar's elections*, Global Voices (Nov. 12, 2020), <https://globalvoices.org/2020/11/12/what-election-observers-are-saying-about-myanmars-election/>.

commend the Administration's public determination that a coup occurred in Burma, giving the situation the full weight of condemnation it deserves.⁶

Given the Tatmadaw's long history of human rights violations and suppression of democracy, there is no reason to believe Burma's military leaders will return the country to democratic rule without strong and sustained international pressure.

We therefore stand ready to work with you to support the democratic aspirations of the people of Burma, and ask the Biden administration to take the following steps:

1. Work with our allies and partners to urge the immediate release of political prisoners, journalists, and members of civil society who were detained during the military coup. The United States should also work closely with other countries to identify how we can support dissidents, journalists, and civil society members at risk.
2. Impose targeted sanctions on the senior leadership of the Tatmadaw, all members of the newly installed cabinet who are current or former military officers, and explore options for sanctioning companies and conglomerates under the control of the military.⁷ We also encourage you to closely coordinate with other governments to impose similar sanctions as soon as possible, or otherwise use their existing laws or regulations to mirror the effect of U.S. sanctions.
3. Convey the gravity of the situation to our European and Indo-Pacific allies and push for multilateral economic and diplomatic pressure. The United States should encourage governments around the world to cease supplying the Tatmadaw with military equipment or other assistance and training, and institute arms embargos on Burma for as long as the military suppresses democratic rule. The gravity of the situation calls for coordinated, sustained global diplomatic and economic pressure to demonstrate to the Tatmadaw that their actions will have swift and sweeping repercussions, including with close allies and partners of the United States with significant economic investments in Burma.
4. Press for quick and serious United Nations consideration of the situation in Burma. The United States must use its position on the U.N. Security Council (UNSC). If the UNSC fails to address the matter, the United States should push for consideration by the UN General Assembly. The United States should also press our allies on the UN Human Rights Council to hold a special session to consider a resolution requiring the Office of High Commissioner on Human Rights (OHCHR) to investigate possible human rights violations related to the coup.

⁶ Briefing with Senior State Department Officials on the State Department's Assessment of Recent Events in Burma, United States Department of State (Feb. 2, 2021), <https://www.state.gov/briefing-with-senior-state-department-officials-on-the-state-departments-assessment-of-recent-events-in-burma/>.

⁷ Governance Structure of MEHL and MEC, *International Fact-Finding Mission on Myanmar*, United Nations Office of High Commissioner on Human Rights (August 2019), https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/EconomicInterestsMyanmarMilitary/Infographic1_Governance_Structure_of_MEHL_and_MEC.pdf.

5. Remain engaged with partners in Burma — particularly civil society organizations — that seek peace, economic reform, and genuine democracy for the country. Despite the gravity of the current situation, the United States has formed strong relationships with partners on the ground, including thorough assistance related to humanitarian efforts, development, human rights, and resiliency against external coercion. We believe it is still in the U.S. interest, and to the benefit of the Burmese people, that we remain engaged to the extent that we can in a very difficult environment. As you conduct a review of U.S. assistance, we look forward to close consultations with the State Department, the U.S. Agency for International Development, and other executive agencies with a presence in or that provide assistance to Burma.
6. Use our voice to urge the protection of the roughly 600,000 Rohingya who still live in Rakhine State, including the more than 100,000 who live in prison-like conditions in internally displaced camps. In January 2020, the International Criminal Court of Justice (ICJ) issued a unanimous decision calling on Burma’s military to prevent further genocidal acts by Burma’s military or others over which it has “control, direction, or influence.”⁸ We fear that the same units of the Burmese military that perpetrated genocide and crimes against humanity in 2017 may feel emboldened to repeat these past atrocities against the Rohingya and other ethnic minorities. We urge the United States to prioritize the prevention of further atrocities in Burma, as well as to sustain its generous humanitarian assistance to the more than 700,000 Rohingya who fled to neighboring Bangladesh in 2017 and thereafter.

Only strong, sustained, and multilateral pressure is likely to change the behavior of the Tatmadaw. We thank you for your leadership on this matter and stand ready to work with you to respond to this grave turn of events in Burma. If you have any questions about this matter, please do not hesitate to contact us or members of our staff.

Sincerely,



Edward J. Markey
United States Senator



James E. Risch
United States Senator





Robert Menendez
United States Senator





Marco Rubio
United States Senator


⁸ D. Wes Rist, *What Does the ICJ Decision Gambia v. Myanmar Mean*, American Society of International Law, Vol. 24, Issue 2 (Feb. 27, 2020), <https://www.asil.org/insights/volume/24/issue/2/what-does-icj-decision-gambia-v-myanmar-mean>.

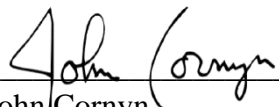

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United States Senator


Thomas Tillis
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Richard J. Durbin
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John Cornyn
United States Senator


Jack Reed
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Tim Kaine
United States Senator


Brian Schatz
United States Senator


Sherrod Brown
United States Senator

cc: National Security Advisor Jake Sullivan
Indo-Pacific Coordinator Kurt Campbell
Secretary of the Treasury Janet Yellen
Acting U.S. Ambassador to the UN Richard M. Mills, Jr.