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MARKUP OF H.R. 3190, BURMA Act of 2019; H.R. 2327, Burma Political Prisoners Assistance Act; H.R. 1632, Southeast Asia Strategy Act; H.R. 3252, Global Respect Act; H.Res. 259, H.Res. 432, H.Res. 441, H.Res. 444, H.R. 2229, First Responders Passport Act of 2019

MARKUP

BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

June 20, 2019

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Thursday, June 20, 2019
House of Representatives
Committee on Foreign Affairs

Washington, DC

The committee met, pursuant to notice, at 10:07 a.m., in room 2172 Rayburn House Office Building, Hon. Eliot Engel (chairman of the committee) presiding.

Chairman ENGEL. The committee will come to order.

Pursuant to notice, we meet today to markup nine bipartisan measures. Without objection, the chair is authorized to declare a recess of the committee at any point.

Pursuant to Committee Rule 4, the chair announces that the chair may postpone further proceedings on approving any measure or matter or adopting an amendment.

Without objection, all members may have 5 days to submit statements or extraneous materials on today's business.

As members were notified yesterday, we intend to consider today's en bloc.

The measures are H.R. 3190, the BURMA Act of 2019; H.R. 2327, Burma Political Prisoners Assistance Act, with the Levin amendment in the nature of a substitute; H.R. 1632, Southeast Asia Strategy Act, with the Wagner amendment in the nature of a substitute; H.R. 3252, the Global Respect Act; H. Res. 259, expressing the sense of the House of Representatives to support the repatriation of religious and ethnic minorities in Iraq to their ancestral homelands, with the Engel amendment in the nature of a substitute; H. Res. 432, condemning the attacks on peaceful protestors and supporting the immediate peaceful transition to a civilian-led democratic government in Sudan, with the McCaul amendment; H. Res. 441, condemning the attack on the AMIA Jewish community center in Buenos Aires, Argentina, in July 1994, and expressing the concern of the United States regarding the continuing 25-year-long delay in the resolution of this case and encouraging accountability for the attack; H. Res. 444, reaffirming the importance of the United States to promote the safety, health, and wellbeing of refugees and displaced persons, with the Lieu amendment; and H.R. 2229, First Responders Passport Act of 2019, with the Chabot amendment.

[The Bills offered en bloc follow:]

I

116TH CONGRESS
1ST SESSION

H. R. 3190

To authorize humanitarian assistance and impose sanctions with respect to human rights abuses in Burma, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2019

Mr. ENGEL (for himself and Mr. CHABOT) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, the Judiciary, Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To authorize humanitarian assistance and impose sanctions with respect to human rights abuses in Burma, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Burma Unified through Rigorous Military Accountability Act of 2019" or the "BURMA Act of 2019".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Findings.

TITLE I—MATTERS RELATING TO THE CONFLICT IN BURMA

Sec. 101. Statement of policy.
Sec. 102. Sense of Congress with respect to humanitarian assistance, freedom of movement, and rights of returnees.
Sec. 103. Sense of Congress on freedoms of press and association.
Sec. 104. Imposition of sanctions for the violation of human rights.

TITLE II—ASSISTANCE AND SANCTIONS WITH RESPECT TO BURMA

Sec. 201. Authorization to provide humanitarian assistance.
Sec. 202. Limitation on security assistance and security cooperation.
Sec. 203. Imposition of sanctions with respect to human rights abuses in Burma.

TITLE III—GOVERNANCE OF THE BURMESE MINING AND GEMSTONE SECTORS

Sec. 301. Sense of Congress on the mining sector of Burma.
Sec. 302. Guidance relating to responsibility and transparency in the mining sector of Burma.

TITLE IV—ACCOUNTABILITY FOR HUMAN RIGHTS ABUSES AND STRATEGY FOR ECONOMIC GROWTH

Sec. 401. Report on accountability for war crimes, crimes against humanity, and genocide in Burma.
Sec. 402. Authorization to provide technical assistance for efforts against human rights abuses.
Sec. 403. Strategy for promoting economic development in Burma.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(2) CRIMES AGAINST HUMANITY.—The term "crimes against humanity" includes, when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack—

(A) murder;

(B) deportation or forcible transfer of population;

(C) torture;

(D) extermination;

(E) enslavement;

(F) rape, sexual slavery, or any other form of sexual violence of comparable severity;

(G) persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognized as impermissible under international law; and

(H) enforced disappearance of persons.

(3) GENOCIDE.—The term "genocide" means any offense described in section 1091(a) of title 18, United States Code.

(4) TRANSITIONAL JUSTICE.—The term "transitional justice" means the range of judicial, non-judicial, formal, informal, retributive, and restorative measures employed by countries transitioning out of armed conflict or repressive regimes to redress legacies of atrocities and to promote long-term, sustainable peace.

(5) WAR CRIME.—The term "war crime" has the meaning given the term in section 2441(c) of title 18, United States Code.

SEC. 3. FINDINGS.

Congress finds the following:

(1) On August 25, 2017, Burmese military and security forces violently and disproportionately responded to an attack on security outposts, resulting in a mass exodus of Rohingya from the Rakhine State of Burma into Bangladesh, which the International Organization of Migration called "unprecedented in terms of volume and speed".

(2) Between August 2017 and March 2019, in response to the violence perpetrated by the Burmese military and security forces, the United Nations estimates more than 740,000 Rohingya, approximately 75 percent of whom are women and children, have fled to Bangladesh, fearing loss of life, livelihoods,

and shelter. Rohingya have continued to flee Burma in significant numbers, including in 2019. According to the United Nations High Commissioner for Refugees, more than 1,400 Rohingya have arrived in Bangladesh since January 1, 2019.

(3) Even after the Burmese military scaled back attacks against Rohingya in late 2017, security forces continued to impose restrictions on the basic freedoms of Rohingya in Rakhine State, including on freedom of movement. In November 2017, Amnesty International determined that Rohingya remaining in Rakhine are "trapped in a vicious system of state-sponsored, institutionalized discrimination that amounts to apartheid".

(4) Despite the steps taken toward democracy in Burma, there exists limited control by the civilian government over civilian agencies as well as military and security forces that carried out the violence in Rakhine State. The military and security forces continue to engage in grave human rights abuses against ethnic minorities throughout in the country.

(5) Both government- and military-initiated investigations into human rights abuses in Burma involving violence between ethnic minorities and Bur-

mese security forces have failed to yield credible results or hold perpetrators accountable.

(6) In a public address on October 12, 2017, State Counsellor Aung San Suu Kyi laid out the following goals for the State of Rakhine:

(A) Repatriation of those who have crossed over to Bangladesh.

(B) Effective provision of humanitarian assistance.

(C) Resettlement of displaced populations.

(D) Economic development and durable peace.

(7) Due to restrictions enforced by the Rakhine State government and the national military and security forces, there has been little progress made since that time and limited ability for the international community to support, verify, or evaluate the Government of Burma's efforts. There are also credible reports of Burmese military and security forces bulldozing numerous villages where violence occurred, thus destroying physical evidence, and in some cases, constructing new military installations on top of the bulldozed villages.

(8) On November 22, 2017, former Secretary of State Rex Tillerson stated that "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. Those responsible for these atrocities must be held accountable". He also said the violence "has a number of characteristics of certainly crimes against humanity". Despite repeated requests from Members of Congress, as well as the result of its own investigation (the executive summary of which was released on September 17, 2018), the Department has declined to make a determination if the atrocities in Rakhine State constitute genocide or crimes against humanity.

(9) On December 12, 2017, Wa Lone and Kyaw Soe Oo, two Reuters reporters covering the crisis in Rakhine State, were entrapped, arrested, and charged with violating the Official Secrets Act, continuing a trend of restricting media and free speech and attempting to thwart coverage of the events in Rakhine State.

(10) Another barrier to the voluntary, safe, dignified and sustainable return of the Rohingya to Rakhine State is the refusal of the Government of Burma to reinstate the full citizenship of the Rohingya, as well as the Government's unwillingness

to consider the repeal of or amendments to the Citizenship Act of 1982 that stripped the Rohingya of their full citizenship.

(11) During 2018, the ongoing conflict in Burma escalated in Kachin and Shan States, reignited in Karen (Kayin) State, and spread into Chin and Rakhine States. Along with the increase in fighting between Burma's security forces and several ethnic armed organizations, there was a rise in allegations of human rights abuses perpetrated by Burmese security forces in these conflict areas.

(12) In April 2018, thousands of civilians fled fighting between the military and ethnic armed groups in Kachin State, prompting peaceful demonstrations. In December 2018, three prominent activist in Kachin State, Lum Zawng, Nang Pu and Zau Jet were convicted and sentenced to six months imprisonment for defaming the military.

(13) On June 6, 2018, the United Nations Refugee Agency and the United Nations Development Programme signed a tripartite Memorandum of Understanding with Burma. The Office of the United Nations High Commissioner for Refugees and various international human rights and international relief agencies agreed that conditions in Rakhine State

are not sufficient for the voluntary, safe, dignified, and sustainable return of the Rohingya.

(14) The United Nations Independent International Fact-Finding Mission on Myanmar, the Department of State, and more than a dozen human rights organizations have reported and documented a campaign of violence perpetrated by the security forces of Burma, which indiscriminately fired on and killed civilians, raped women and girls, and arrested Rohingya men without any cause or charges. Satellite images obtained by Amnesty International reveal that, out of the approximately 470 villages in northern Rakhine State, nearly 300 were partially or completely destroyed by fire since August 25, 2017, most of which were completely or partially populated by Rohingya Muslims.

(15) In its report of September 17, 2018, the United Nations Independent International Fact-Finding Mission on Myanmar determined that there was sufficient evidence of "genocidal intent" in the attacks against the Rohingya in Rakhine State, and probable "crimes against humanity" and "war crimes" in Burmese security forces assaults on ethnic minorities in Kachin and Shan States. The Mission recommended that the United Nations Security

Council "should ensure accountability for crimes under international law committed in Myanmar, preferably by referring the situation to the International Criminal Court or alternatively by creating an ad hoc international criminal tribunal". The Mission also recommended the imposition of targeted economic sanctions, including an arms embargo on Burma.

(16) On September 3, 2018, Wa Lone and Kyaw Soe Oo were convicted and sentenced to seven years in prison and released as an act of Presidential amnesty on May 6, 2019, after over 500 days in jail. Time Magazine included pictures the two reporters on the cover of its "Person of the Year" issue on December 10, 2018, as two of the "Guardians and the War on Truth".

(17) According to the free-speech organization Athan, 44 journalists and 142 activists have faced trial since 2016 charged with colonial-era laws used to stifle dissent, while tightening restrictions on activist groups.

(18) On September 28, 2018, the United Nations Human Rights Council passed a resolution that calls for an independent mechanism to collect and analyze evidence in regard to the serious inter-

national crimes committed in Burma against Rohingya Muslims and other minorities since 2011. The resolution requests that the independent mechanism "prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes".

(19) On November 15, 2018, the Government of Bangladesh and the Government of Burma abandoned plans to return more than 2,000 Rohingya to Rakhine State after it was determined that none were willing to voluntarily return given the current conditions in Rakhine State, as well as the Government of Burma's failure to ensure the returnees' safety, dignity, or sustainability of their livelihoods.

(20) A December 2018 report by the Public Law Interest & Policy group noted that "the destruction of their villages, crops, and virtually all infrastructure clearly points to a strategy of ensuring the Rohingya's permanent removal. The mass killings and accompanying brutality, including against children, women, pregnant women, the elderly, and those crossing the border to Bangladesh fur-

ther suggest, however, that, at least in the minds of some perpetrators, the goal was not only to expel, but also to exterminate the Rohingya . . .'' and that ''there are reasonable grounds to believe that crimes against humanity, genocide, and war crimes have been committed against the Rohingya in Myanmar's northern Rakhine State''.

(21) Despite substantial evidence of widespread and systematic atrocities committed by Burmese security forces in Rakhine State, State Counselor Aung San Suu Kyi and Burma's Commander-in-Chief Senior General Min Aung Hlaing continue to maintain that no such widespread and systematic atrocities occurred.

(22) On December 13, 2018, the United States House of Representatives passed House Resolution 1091 (115th Congress) which expressed the sense of the House that ''the atrocities committed against the Rohingya by the Burmese military and security forces since August 2017 constitute crimes against humanity and genocide'' and called upon the Secretary of State to review the available evidence and make a similar determination.

(23) On December 19, 2018, the United Nations Humanitarian Coordinator requested

$202,000,000 for the 2019 Humanitarian Response Plan for Burma.

(24) The 2019 Joint Response Plan for the Rohingya Humanitarian Crisis asks the international community to provide $20,500,000 in assistance to meet needs in Bangladesh.

(25) On May 14, 2019, the United Nations Fact-Finding Mission on Myanmar urged all countries to cut off economic ties to Burma's military-owned businesses, stating ". . . due to the gravity of past and continuing violations, attention must be given to the political, economic and financial ties of the Myanmar military . . . so we can cut off the money supply as a means of increasing pressure and reducing the violence.".

TITLE I—MATTERS RELATING TO THE CONFLICT IN BURMA

SEC. 101. STATEMENT OF POLICY.

It is the policy of the United States as follows:

(1) To support a complete transition to democracy and genuine national reconciliation in Burma, including accountability for the atrocities committed by the Burmese military against the Rohingya population and other ethnic minorities throughout the country.

(2) To pursue a United States strategy of calibrated engagement, which is essential to support the establishment of a peaceful, prosperous, and democratic Burma that includes respect for the human rights of all its people regardless of ethnicity and religion.

(3) To ensure that the guiding principles of such a strategy include—

(A) supporting legal reforms, removing remaining restrictions on civil and political rights, and ensuring civilian governance, including reforms to the current constitutional provision reserving 25 percent of parliamentary seats for appointments by the military, which provides the military with veto power over constitutional amendments;

(B) establishing a fully democratic, pluralistic, and representative political system that includes free, fair, and democratic elections in which all people of Burma can vote;

(C) promoting national reconciliation and the conclusion of a nationwide cease-fire agreement, including the development of a political system that is inclusive of ethnic Rohingya, Shan, Kachin, Chin, Karen, and other ethnic

groups, measures to address natural resource governance, revenue-sharing, land rights, and constitutional change enabling inclusive peace;

(D) ensuring accountability through independent international investigations of genocide, war crimes, and crimes against humanity, including sexual and gender-based violence, perpetrated against the Rohingya and other ethnic minorities by the military and security forces of Burma, violent extremist groups and other combatants involved in the conflict;

(E) strengthening Burma's civilian governmental institutions, including support for greater transparency and accountability;

(F) encouraging the establishment of professional military, security, and police forces that operate under civilian control and are held accountable for human rights abuses, corruption, or other abuses of power;

(G) combating corruption and illegal economic activity, including that which involves the military and its close allies;

(H) empowering local communities, civil society, and independent media;

(I) encouraging the provision of full citizenship for the Rohingya population in Burma, as well as durable solutions for those displaced in Bangladesh;

(J) promoting responsible international and regional engagement;

(K) strengthening respect for and protection of human rights and religious freedom; and

(L) promoting broad-based, inclusive economic development and fostering healthy and resilient communities.

SEC. 102. SENSE OF CONGRESS WITH RESPECT TO HUMANITARIAN ASSISTANCE, FREEDOM OF MOVEMENT, AND RIGHTS OF RETURNEES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) significant and sustained international funding, from both public and private sources, is necessary to address the medium- and long-term impacts of the crisis in Burma and the impact of the crisis on Bangladesh; and

(2) the United States should make resolving the Rohingya crisis one of its top priorities in its engagement with regional institutions, such as the Association of Southeast Asian Nations.

(b) RESTORATION OF HUMANITARIAN ACCESS AND ACCOUNTABILITY IN RAKHINE STATE.—Congress calls on the Government of Burma, including the Burmese military and security forces, to ensure full humanitarian access to the State of Rakhine and to cooperate with the ongoing international mechanism set up by the United Nations Human Rights Council in September 2018 and funded by the United Nations General Assembly to gather evidence and other information pertaining to allegations of crimes against humanity and genocide committed in Burma.

(c) RIGHTS OF REFUGEES, INTERNALLY DISPLACED PERSONS, AND RETURNEES.—

(1) BURMA.—Congress calls on the Government of Burma to—

(A) ensure that Rohinyga in Burma have freedom of movement;

(B) create conditions for return of those displaced from their homes and implement the recommendations of the Advisory Commission on Rakhine State, which includes full and equal citizenship;

(C) work closely with the international community, including the United Nations High Commissioner for Refugees, to ensure the dignified, safe, sustainable and voluntary return of

all those displaced from their homes, especially from Rakhine State, without an unduly high burden of proof; and

(D) offer compensation or restitution to those refugees who do not want to return to their homes.

(2) BANGLADESH.—Congress calls on the Government of Bangladesh to—

(A) ensure that the rights of refugees are protected, including through allowing them to build more permanent shelters, and ensuring equal access to healthcare, basic services, education and work;

(B) work closely with the international community, including the United Nations High Commissioner for Refugees, to ensure that any repatriation or resettlement of refugees be dignified, safe, sustainable and voluntary; and

(C) ensure that any relocation or local integration of refugees in Bangladesh be consistent with international humanitarian principles, including freedom of movement, and implemented only through voluntary, fully informed consent.

SEC. 103. SENSE OF CONGRESS ON FREEDOMS OF PRESS AND ASSOCIATION.

It is the sense of Congress that, in order to promote the freedom of the press and speech, the Government of Burma should undertake serious legal reforms including reform of the Official Secrets Act, 1923, the Unlawful Association Act, 1908, and the Penal Code.

SEC. 104. IMPOSITION OF SANCTIONS FOR THE VIOLATION OF HUMAN RIGHTS.

The President shall impose sanctions—

(1) against officials in Burma, including Commander in Chief of the Armed Forces of Myanmar Min Aung Hlaing, under the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 2656 note); and

(2) against military-owned enterprises, including the Myanmar Economic Corporation and Union of Myanmar Economic Holding, under the Burmese Freedom and Democracy Act (50 U.S.C. 1701 note), the Tom Lantos Block Burmese JADE (Junta's Anti-Democratic Efforts) Act of 2008 (50 U.S.C. 1701 note), and other relevant statutory authorities.

TITLE II—ASSISTANCE AND SANCTIONS WITH RESPECT TO BURMA

SEC. 201. AUTHORIZATION TO PROVIDE HUMANITARIAN ASSISTANCE.

There is authorized to be appropriated $220,500,000 for fiscal year 2020 to provide humanitarian assistance for Burma, Bangladesh, and the surrounding region, including for the following purposes:

(1) Assisting the victims of the Burmese military's crimes against humanity targeting Rohingya and other ethnic minorities in Rakhine, Kachin, and Shan States, including those displaced in Burma, Bangladesh, Thailand, and the surrounding region.

(2) Supporting voluntary resettlement or repatriation of such displaced persons in Burma, upon the conclusion of genuine agreements developed and negotiated with the involvement and consultation of such displaced persons.

(3) Assistance to promote ethnic and religious tolerance, combat gender-based violence, and support victims of violence and destruction in Rakhine, Kachin, and Shan States.

(4) Supporting programs to investigate and document allegations of war crimes, crimes against

humanity, and genocide committed in Burma, including gender-based violence.

(5) Supporting access to education for children currently living in refugee camps in the surrounding region, and access to higher education in Bangladesh.

(6) Assisting minority ethnic groups and civil society in Burma to help sustain cease-fire agreements and further prospects for reconciliation and sustainable peace.

(7) Promoting ethnic minority inclusion and participation in Burma's political processes.

SEC. 202. LIMITATION ON SECURITY ASSISTANCE AND SECURITY COOPERATION.

(a) IN GENERAL.—Except as provided in subsection (b), for the period beginning on the date of the enactment of this Act and ending on the date described in subsection (c), the United States may not provide any security assistance or engage in any security cooperation with any of the military or security forces of Burma.

(b) EXCEPTIONS; WAIVER.—

(1) EXCEPTIONS.—

(A) CERTAIN EXISTING AUTHORITIES.—Notwithstanding subsection (a), the Secretary of Defense shall retain the authority granted by

section 1253 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (22 U.S.C. 2151 note). The limitation in subsection (a) of this section may not be construed to limit the authority to provide the Government of Burma with assistance necessary to make available the activities described in subsection (a) of such section 1253.

(B) HOSPITALITY.—Notwithstanding subsection (a), the Secretary of State and the United States Agency for International Development may provide assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to provide hospitality during research, dialogues, meetings, or other activities by the parties attending the Union Peace Conference 21st Century Panglong or related processes seeking inclusive, sustainable reconciliation.

(2) WAIVER.—The Secretary of State, with respect to security assistance, and the Secretary of State in consultation with the Secretary of Defense, with respect to security cooperation programs and activities of the Department of Defense, may waive

on a case-by-case basis the limitation under subsection (a) if the Secretary submits to the appropriate congressional committees, not later than 30 days before such waiver enters into effect—

(A) a list of the activities and participants to which such waiver would apply;

(B) a certification, including a justification, that the waiver is in the national security interest of the United States; and

(C) a certification that none of the participants included in the list described in subparagraph (A) have committed any of the acts described in subparagraph (A) or (B) of section 203(a)(1) or committed any other gross violation of human rights, as such term is defined for purposes of section 362 of title 10, United States Code.

(c) CERTIFICATION OF SIGNIFICANT PROGRESS.—The date described in this subsection is the earlier of the date that is 8 years after the date of the enactment of this Act or the date on which the Secretary of State certifies to the appropriate congressional committees the following:

(1) The military and security forces of Burma—

(A) have demonstrated significant progress in abiding by international human rights standards and are undertaking meaningful security sector reform, including reforms that enhance transparency and accountability, to prevent future abuses;

(B) adhere to international humanitarian law;

(C) pledge to stop future human rights abuses;

(D) support efforts to carry out comprehensive independent investigations of alleged abuses;

(E) are taking steps to hold accountable any members of such forces determined to be responsible for human rights abuses; and

(F) cease their attacks against ethnic minority groups and participate in the conclusion of a nationwide cease-fire agreement, political accommodation, and constitutional change, including the provision of citizenship to the Rohingya.

(2) The Government of Burma, including the military and security forces—

(A) allows full humanitarian access to communities in areas affected by conflict, including Rohingya communities in Rakhine State;

(B) cooperates with the United Nations High Commissioner for Refugees and organizations affiliated with the United Nations to ensure the protection of displaced persons and the safe, voluntary, sustainable, and dignified return of refugees and internally displaced persons;

(C) defines a transparent plan that includes—

(i) a timeline for professionalizing the military and security forces; and

(ii) a process by which the military withdraws from ownership or control of private-sector business enterprises and ceases involvement in the illegal trade in natural resources and narcotics; and

(D) establishes civilian control over the finances and assets of its military and security forces, including that military expenditures are subject to civilian oversight.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense and the Secretary of State shall submit to the appropriate congressional committees a report on the strategy and plans for military-to-military engagement between the United States Armed Forces and the military and security forces of Burma.

(2) ELEMENTS REQUIRED.—The report required under paragraph (1) shall include the following:

(A) A description and assessment of the Government of Burma's strategy for security sector reform, including any plans to withdraw the military from owning or controlling private-sector business entities and end involvement in the illegal trade in jade and other natural resources, reforms to end corruption and illicit drug trafficking, and constitutional reforms to ensure civilian control.

(B) A list of ongoing military activities conducted by the United States Government with the Government of Burma, and a description of the United States strategy for future military-to-military engagements between the

United States and Burma's military and security forces.

(C) An assessment of the progress of the military and security forces of Burma towards developing a framework to implement human right reforms, including—

(i) cooperation with civilian authorities and independent international investigations to investigate and prosecute cases of human rights abuses;

(ii) steps taken to demonstrate respect for and implementation of the laws of war; and

(iii) a description of the elements of the military-to-military engagement between the United States and Burma that promote such implementation.

(D) An assessment of progress on the peaceful settlement of armed conflicts between the Government of Burma and ethnic minority groups, including actions taken by the military of Burma to adhere to cease-fire agreements, allow for safe, voluntary, sustainable, and dignified returns of displaced persons to their homes, and withdraw forces from conflict zones.

(E) An assessment of the manner and extent to which the Burmese military recruits and uses children as soldiers.

(F) An assessment of the Burmese's military's use of violence against women, sexual violence, or other gender-based violence as a tool of terror, war, or ethnic cleansing.

(e) FORM.—

(1) IN GENERAL.—The certification described in subsection (c) and the report required by subsection (d) shall be submitted in unclassified form but may include a classified annex.

(2) CERTIFICATION.—The certification described in subsection (c) shall be accompanied by a written justification in unclassified form, that may contain a classified annex, describing the Burmese military's efforts to implement reforms, end impunity for human rights abuses, and increase transparency and accountability.

SEC. 203. IMPOSITION OF SANCTIONS WITH RESPECT TO HUMAN RIGHTS ABUSES IN BURMA.

(a) IN GENERAL.—For the 8-year period beginning on the date that is 270 days after the date of the enactment of this Act, the President shall impose the sanctions described in subsection (b) with respect to each foreign

person that the President determines, based on credible evidence—

(1) is a current or former senior official of the military or security forces of Burma who—

(A) knowingly perpetrated, ordered, or otherwise directed serious human rights abuses in Burma; or

(B) has taken significant steps to impede investigations or prosecutions of alleged serious human rights abuses, including against the Rohingya community in Rakhine State;

(2) is an entity owned or controlled by any person described in paragraph (1);

(3) is an entity, such as the Myanmar Economic Cooperation or the Myanmar Economic Holding Corporation, that is owned or controlled, directly or indirectly, by the military or security forces of Burma, including through collective or cooperative structures, from which one or more persons described in paragraph (1) derive significant revenue or financial benefit; or

(4) has knowingly—

(A) provided significant financial, material, or technological support—

(i) to a foreign person described in paragraph (1) in furtherance of any of the acts described in subparagraph (A) or (B) of such paragraph; or

(ii) to any entity owned or controlled by such person or an immediate family member of such person; or

(B) received significant financial, material, or technological support from a foreign person described in paragraph (1) or an entity owned or controlled by such person or an immediate family member of such person.

(b) SANCTIONS DESCRIBED; EXCEPTIONS.—

(1) SANCTIONS.—The sanctions described in this subsection are the following:

(A) ASSET BLOCKING.—Notwithstanding the requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701), the exercise of all powers granted to the President by such Act to the extent necessary to block and prohibit all transactions in all property and interests in property of a foreign person the President determines meets one or more of the criteria described in subsection (a) if such property and interests in property

are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) ALIENS INADMISSIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(i) VISAS, ADMISSION, OR PAROLE.—An alien who the Secretary of State or the Secretary of Homeland Security (or a designee of one of such Secretaries) knows, or has reason to believe, meets any of the criteria described in subsection (a) is—

(I) inadmissible to the United States;

(II) ineligible to receive a visa or other documentation to enter the United States; and

(III) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(ii) CURRENT VISAS REVOKED.—

(I) IN GENERAL.—The issuing consular officer or the Secretary of State (or a designee of the Secretary

of State) shall, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), revoke any visa or other entry documentation issued to an alien described in clause (i) regardless of when the visa or other entry documentation is issued.

(II) EFFECT OF REVOCATION.—A revocation under subclause (I) shall take effect immediately and shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(2) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under paragraph (1)(B) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(c) PENALTIES.—Any person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out subsection (b) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section and shall issue such regulations, licenses, and orders as are necessary to carry out this section.

(e) EXCEPTION RELATING TO THE IMPORTATION OF GOODS.—

(1) IN GENERAL.—The authorities and requirements to impose sanctions authorized under this Act shall not include the authority or requirement to impose sanctions on the importation of goods.

(2) GOOD DEFINED.—In this subsection, the term "good" means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(f) WAIVER.—The President may annually waive the application of sanctions imposed on a foreign person pursuant to subsection (a) if the President—

(1) determines that a waiver with respect to such foreign person is in the national interest of the United States; and

(2) not later than the date on which such waiver will take effect, submits to the following committees notice of and justification for such waiver:

(A) The Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Financial Services of the House of Representatives.

(B) The Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(g) DEFINITIONS.—In this section—

(1) ADMITTED; ALIEN.—The terms "admitted" and "alien" have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1001).

(2) FOREIGN PERSON.—The term "foreign person" means a person that is not a United States person.

(3) KNOWINGLY.—The term "knowingly" means, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) UNITED STATES PERSON.—The term "United States person" means—

(A) a United States citizen, an alien lawfully admitted for permanent residence to the United States, or any other individual subject to the jurisdiction of the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such entity.

TITLE III—GOVERNANCE OF THE BURMESE MINING AND GEMSTONE SECTORS

SEC. 301. SENSE OF CONGRESS ON THE MINING SECTOR OF BURMA.

(a) FINDINGS.—Congress finds the following:

(1) In 2015, the nongovernmental organization Global Witness estimated that the value of total production of jade in Burma in 2014 was $31,000,000,000, almost 48 percent of the official

gross domestic product of Burma. As much as 80 percent of that jade sold is smuggled out of Burma.

(2) Burma's military and associated entities, including companies owned or controlled by Myanmar Economic Corporation and Myanmar Economic Holding Limited, their affiliated companies, and companies owned or controlled by current and former senior military officers or their family members, are linked to the mining sector, including the gemstone industry, and benefit financially from widespread illegal smuggling of jade and rubies from Burma.

(3) Illegal trafficking in precious and semiprecious stones from Burma, including the trade in high-value jade and rubies, deprives the people of Burma and the civilian government of critical revenue and instead benefits military-linked entities, non-state armed groups, and transnational organized criminal networks.

(4) In 2016, the Government of Burma began to take steps to reform aspects of the mining sector, including—

(A) improving governance in the gemstone industry, by temporarily suspending the

issuance or renewal of jade and gemstone mining permits;

(B) commissioning an environmental management plan for some mining areas; and

(C) establishing the multi-stakeholder Jade and Gemstone Support Committee under the Ministry of Natural Resources and Environmental Conservation to develop recommendations for a new industry-wide policy and limited gemstone payment disclosures under the Myanmar Extractives Industry Transparency Initiative.

(5) In January 2019, the Government of Burma adopted a new Gemstone Law that does not adequately address corruption and tax avoidance, conflicts of interest, or the factors fueling conflict in Kachin State and other gemstone mining areas.

(6) The lifting in October 2016 of United States sanctions on the importation of jade and jadeite and rubies from Burma allowed such gemstones to legally enter the United States market, but some retailers have refrained from sourcing gemstones of Burmese origin due to governance and reputational concerns.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) notwithstanding Burma's "Trafficking in Persons" ranking, the President should continue to provide assistance to Burma, pursuant to the waiver authority under section 110(d)(4) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(d)(4)), in order to re-engage with the Government of Burma with respect to the mining sector and should make available technical, capacity-building and other assistance through the Department of State or the United States Agency for International Development to support the Government of Burma in efforts to reform the gemstone industry; and

(2) companies that seek to import to the United States gemstones or minerals that may be of Burmese origin or articles of jewelry containing such gemstones should—

(A) obtain such materials exclusively from entities that satisfy the transparency criteria described in section section 302(b)(2) or from third parties that can demonstrate that they sourced the materials from entities that meet such criteria; and

(B) undertake robust due diligence procedures in line with the "Due Diligence Guidance for Responsible Business Conduct" and "Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas" promulgated by the Organization for Economic Cooperation and Development.

SEC. 302. GUIDANCE RELATING TO RESPONSIBILITY AND TRANSPARENCY IN THE MINING SECTOR OF BURMA.

(a) LIST OF PARTICIPATING WHITE-LIST ENTITIES.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter until the date described in subsection (e), the Secretary of State shall submit to the appropriate congressional committees, and publish on a publicly available website, a list of each entity described in subsection (b)(1) that—

(1) participates in Burma's mining sector;

(2) publicly discloses beneficial ownership, as such term is defined for purposes of the Myanmar Extractive Industry Transparency Initiative ("Myanmar EITI");

(3) is not owned or controlled, either directly or indirectly, by the Burmese military or security

forces, any current or former senior Burmese military officer, or any person sanctioned by the United States pursuant to any relevant sanctions authority; and

(4) is making significant progress toward meeting the criteria described in subsection (b)(2).

(b) ENTITIES AND CRITERIA DESCRIBED.—

(1) ENTITIES DESCRIBED.—The entities described in this subsection are the following:

(A) Entities that produce or process precious and semiprecious gemstones.

(B) Entities that sell or export precious and semiprecious gemstones from Burma or articles of jewelry containing such gemstones.

(2) CRITERIA DESCRIBED.—The criteria described in this subsection are the following:

(A) The entity publicly discloses any politically exposed persons, officers, directors or beneficial owners, as defined under the Myanmar EITI.

(B) The entity publicly discloses valid authorization, license, or permit to produce, process, sell, or export minerals or gemstones, as applicable.

(C) The entity publicly discloses payments to the Government of Burma, including tax and non-tax, license, or royalty payments, and other payments or contract terms as may be required under Myanmar EITI standards.

(D) The entity undertakes due diligence, in line with the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, including public reporting.

(c) PERIODIC UPDATING.—The Secretary shall periodically update the publicly available version of the list described in subsection (a) as appropriate.

(d) GUIDANCE AND WHITE-LIST ENTITIES.—The Secretary shall issue guidance for entities in the United States private sector with respect to the best practices for supply-chain due diligence that are applicable to importation of gemstones or minerals that may be of Burmese origin or articles of jewelry containing such gemstones, including with respect to transactions with entities approved for inclusion in the list published pursuant subsection (a), in order to mitigate potential risks and legal liabilities associated with the importation of such items.

(e) TERMINATION.—The date described in this section is the date on which the President certifies to the

appropriate congressional committees that the Government of Burma has taken substantial measures to reform the mining sector in Burma, including the following:

(1) Require the mandatory disclosure of payments, permit and license allocations, project revenues, contracts, and beneficial ownership, including the identification any politically exposed persons who are beneficial owners, consistent with the approach agreed under the Myanmar EITI and with due regard for civil society participation.

(2) Separate the commercial, regulatory, and revenue collection responsibilities within the Myanmar Gems Enterprise and other key state-owned enterprises to remove existing conflicts of interest.

(3) Monitor and undertake enforcement actions, as warranted, to ensure that entities—

(A) adhere to environmental and social impact assessment and management standards in accordance with international responsible mining practices, the country's environmental conservation law, and other applicable laws and regulations; and

(B) uphold occupational health and safety standards and codes of conduct that are aligned

with the core labor standards of the International Labour Organisation and with domestic law.

(4) Address the transparent and fair distribution of benefits from natural resources, including through local benefit-sharing.

(5) Reform the process for valuation of gemstones at the mine-site, including developing an independent valuation system to prevent undervaluation and tax evasion.

(6) Require companies bidding for jade and ruby mining, finishing, or export permits to be independently audited upon the request of the Government of Burma and making the results of all such audits public.

(7) Establish credible and transparent procedures for permit allocations that are independent from external influence, including scrutiny of applicants that prevents unscrupulous entities from gaining access to concessions or the right to trade in minerals or gemstones.

(8) Establish effective oversight of state-owned enterprises operating in such sector, including through parliamentary oversight or requirements for independent financial auditing.

TITLE IV—ACCOUNTABILITY FOR HUMAN RIGHTS ABUSES AND STRATEGY FOR ECONOMIC GROWTH

SEC. 401. REPORT ON ACCOUNTABILITY FOR WAR CRIMES, CRIMES AGAINST HUMANITY, AND GENOCIDE IN BURMA.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that—

(1) summarizes credible reports of serious human rights violations, including war crimes, committed against the Rohingya or other ethnic minorities in Burma between 2012 and the date of the submission of the report;

(2) describes any potential transitional justice mechanisms in Burma;

(3) provides an analysis of whether the serious human rights violations summarized pursuant to paragraph (1) amount to war crimes, crimes against humanity, or genocide; and

(4) includes a determination of the Secretary whether—

(A) the events that took place in the state of Rakhine in Burma, starting on August 25, 2017, constitute war crimes, crimes against humanity, or genocide; or

(B) the situation faced by the Rohingya in Rakhine State, between 2012 and the date of the submission of the report, amounts to or has amounted to the crime of apartheid.

(b) ELEMENTS.—The report required by subsection (a) shall also include each of the following:

(1) A description of—

(A) each incident for which there is credible evidence that the incident may constitute war crimes, crimes against humanity, or genocide committed by the Burmese military or security forces against the Rohingya and other ethnic minorities, including the identities of any other actors involved in such incident;

(B) the role of the civilian government in the commission of any such incidents;

(C) each incident for which there is credible evidence that the incident may constitute war crime, crimes against humanity, or genocide committed by violent extremist groups in Burma;

(D) each attack on health workers, health facilities, health transport, or patients and, to the extent possible, the identities of any individuals who engaged in or organized such incidents in Burma; and

(E) to the extent possible, a description of the conventional and unconventional weapons used for any such crimes and the sources of such weapons.

(2) A description and assessment, in consultation with the Administrator of the United States Agency for International Development, the Attorney General, and other heads of any other appropriate Federal departments or agencies, of the effectiveness of any programs that the United States has already undertaken to ensure accountability for war crimes, crimes against humanity, and genocide perpetrated against the Rohingya by the military and security forces of Burma, the Rakhine State government, pro-government militias, and all other armed groups operating fighting in Rakhine, including programs to—

(A) train civilian investigators within and outside of Burma and Bangladesh on how to document, investigate, develop findings of, iden-

tify, and locate alleged perpetrators of war crimes, crimes against humanity, or genocide in Burma;

(B) promote and prepare for a transitional justice process or processes for the perpetrators of war crimes, crimes against humanity, and genocide occurring in the State of Rakhine in 2017; and

(C) document, collect, preserve, and protect evidence of war crimes, crimes against humanity, and genocide in Burma, including by providing support for Burmese, Bangladeshi, foreign, and international nongovernmental organizations, the United Nations Human Rights Council's investigative team, and other entities engaged in such investigative activities.

(3) A detailed study of the feasibility and desirability of potential transitional justice mechanisms for Burma, such as an international tribunal, a hybrid tribunal, or other international options, that includes—

(A) a discussion of the use of universal jurisdiction or of legal cases brought against the country of Burma by other sovereign countries at the International Court of Justice to address

war crimes, crimes against humanity, and genocide perpetrated in Burma;

(B) recommendations on which transitional justice mechanisms the United States should support, why such mechanisms should be supported, and what type of support should be offered; and

(C) close consultation regarding transitional justice mechanisms with Rohingya representatives and those of other ethnic minorities who have suffered grave human rights abuses.

(c) PROTECTION OF WITNESSES AND EVIDENCE.—The Secretary of State shall ensure that the identification of witnesses and physical evidence for purposes of the report required by subsection (a) are not publicly disclosed in a manner that might place such persons at risk of harm or encourage the destruction of such evidence by the military or Government of Burma.

(d) CRIME OF APARTHEID.—In this section, the term "crime of apartheid" means inhumane acts that—

(1) are of a character similar to the acts referred to in subparagraphs (A) through (H) of section 2(2);

(2) are committed in the context of an institutionalized regime of systematic oppression and domi-

nation by one racial group over any other racial group; and

(3) are committed with the intention of maintaining such regime.

SEC. 402. AUTHORIZATION TO PROVIDE TECHNICAL ASSISTANCE FOR EFFORTS AGAINST HUMAN RIGHTS ABUSES.

(a) IN GENERAL.—The Secretary of State is authorized to provide assistance to support appropriate civilian or international entities that are undertaking the efforts described in subsection (b) with respect to war crimes, crimes against humanity, and genocide perpetrated by the military and security forces of Burma, the Rakhine State government, pro-government militias, or any other armed groups fighting in Rakhine State.

(b) EFFORTS AGAINST HUMAN RIGHTS ABUSES.—The efforts described in this subsection are the following:

(1) Identifying suspected perpetrators of war crimes, crimes against humanity, and genocide.

(2) Collecting, documenting, and protecting evidence of such crimes and preserve the chain of custody for such evidence.

(3) Conducting criminal investigations.

(4) Supporting investigations conducted by other countries, as appropriate.

(c) AUTHORIZATION FOR TRANSITIONAL JUSTICE MECHANISMS.—The Secretary of State, taking into account any relevant findings in the report required by section 401(a), is authorized to provide support for the creation and operation of transitional justice mechanisms, including a potential hybrid tribunal, to prosecute individuals suspected of committing war crimes, crimes against humanity, or genocide in Burma.

SEC. 403. STRATEGY FOR PROMOTING ECONOMIC DEVELOPMENT IN BURMA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, the Secretary of the Treasury, and the Administrator of the United States Agency for International Development shall jointly submit to the appropriate congressional committees a strategy to support sustainable, inclusive and broad-based economic development in Burma, in accordance with the priorities of disadvantaged communities in Burma and in consultation with relevant civil society and local stakeholders, to improve economic conditions and government transparency.

(b) ELEMENTS.—The strategy required by subsection (a) to promote sustainable, inclusive and broad-based economic development shall include a plan with each of the following elements:

(1) Measures to diversify control over and access to participation in key industries and sectors, including efforts to remove barriers and increase competition, access, and opportunity in sectors dominated by officials of the Burmese military, former military officials, and their families, and businesspeople connected to the military of Burma, with the goal of eliminating the role of the military in the economy of Burma.

(2) Measures to increase transparency disclosure requirements in key sectors of the economy of Burma, to promote responsible investment, including through—

(A) efforts to provide technical support to develop and implement policy reforms related to public disclosure of the beneficial owners of entities in key sectors identified by the Government of Burma, specifically by—

(i) working with the Government of Burma to require the disclosure of the ultimate beneficial ownership of entities in the mining industry and the publication of project revenues, payments, and contract terms relating to that industry; and

(ii) ensuring that reforms complement the disclosures required to be put in place in Burma as a result of its participation in the Extractives Industry Transparency Initiative; and

(B) efforts to promote universal access to reliable, affordable, energy efficient, and sustainable power, including leveraging United States assistance to support reforms in the power sector and electrification projects that increase energy access, in partnership with multilateral organizations and the private sector.

(3) Measures to create an enabling environment for economic growth and opportunity for all ethnic groups residing in Burma, including through addressing issues related to land tenure.

(4) An identification of needs and opportunities to provide technical assistance to key ministries, institutions, and organizations to enact economic reforms, including revisions to existing policies on public disclosure of beneficial ownership of companies in key sectors that will allow for identification of those seeking or securing access to Burma's most valuable natural resources.

(c) CONSULTATION REQUIRED.—In developing the strategy required by subsection (a), the Secretary of State shall consult with appropriate officials of the Government of Burma, ethnic groups and civil society leaders in Burma.

(d) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the submission of the strategy required by subsection (a), the Secretary of State, the Secretary of the Treasury, and the Administrator of the United States Agency for International Development shall jointly submit to the appropriate congressional committees a report in unclassified form, that may contain a classified annex, that describes—

(1) the extent to which United States assistance and the efforts of the Government of Burma have promoted inclusive and enduring economic development in accordance with such strategy; and

(2) the efforts undertaken, progress achieved, and any next steps planned by either the United States or the Government of Burma with respect to—

(A) the elements in section 401(b);

(B) the promotion of accountability and transparency, including through the collection, verification, and publication of beneficial owner-

ship information related to extractive industries; and

(C) the promotion of best practices regarding—

(i) environmental conservation, management, and planning;

(ii) social impact assessments, including social and cultural protection and free, prior, and informed consent and meaningful participation of local populations, particularly minority ethnic nationalities; and

(iii) avoidance of displacement of local populations without meaningful consultation and consent, harm mitigation, and compensation.

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116TH CONGRESS
1ST SESSION

H. R. 2327

To direct the Secretary of State to provide assistance to civil society organizations in Burma that work to secure the release of prisoners of conscience and political prisoners in Burma, and assistance to current and former prisoners of conscience and political prisoners in Burma, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2019

Mr. LEVIN of Michigan (for himself and Mrs. WAGNER) introduced the following bill; which was referred to the Committee on Foreign Affairs

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A BILL

To direct the Secretary of State to provide assistance to civil society organizations in Burma that work to secure the release of prisoners of conscience and political prisoners in Burma, and assistance to current and former prisoners of conscience and political prisoners in Burma, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Burma Political Prisoners Assistance Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Aung San Suu Kyi and the National League for Democracy (NLD) pledged that they "would not arrest anyone as political prisoners", but have failed to fulfill this promise since they took control of Burma's Union Parliament and the Government's executive branch in April 2016.

(2) As of March 1, 2019, there are 354 political prisoners in Burma, 43 of them serving sentences, 86 awaiting trial inside prison, and 225 awaiting trial outside prison, according to the Assistance Association for Political Prisoners in Burma.

(3) During its three years in power, the NLD Government has provided pardons for Burma's political prisoners on three occasions. State Counsellor Aung San Suu Kyi took steps to secure the release of nearly 235 political prisoners. On May 23, 2017, former President Htin Kyaw granted pardons to 259 prisoners, including 89 political prisoners. On April 17, 2018, current President Win Myint pardoned 8,541 prisoners, including 36 political prisoners.

(4) The Burmese security forces have used colonial-era laws to arrest and charge political prisoners and prisoners of conscience. These laws include but are not limited to provisions of the Penal Code, the

Peaceful Assembly and Peaceful Procession Act, the 1908 Unlawful Associations Act, the 2013 Telecommunications Act, and the 1923 Official Secrets Act.

(5) On January 5, 2015, then-President Thein Sein announced the reconstitution of the "Scrutinizing Committee into the Prisoners of Conscience Affairs Committee", which was to comprise 28 members and which would "promptly [carry] out prisoners of conscience affairs at the grassroots level". However, the Committee never met and no information has been made publicly available regarding its mandate, procedures, or activities.

(6) On December 12, 2017, Reuters reporters Wa Lone and Kyaw Soe Oo were arrested and charged with violating the Official Secrets Act, continuing a trend of restricting media and free speech and attempting to thwart coverage of the events in Rakhine State.

(7) On September 3, 2018, Wa Lone and Kyaw Soe Oo were convicted and sentenced to seven years in prison. Time Magazine included pictures of the two reporters on the cover of its "Person of the Year" issue on December 10, 2018, as two of the "Guardians and the War on Truth".

(8) According to Burmese free speech organization Athan, 44 journalists and 142 activists since 2016 were charged with colonial-era laws used to stifle dissent and restrict activist groups and have faced trial.

(9) Since December 2018, three Kachin activists were sentenced to six months in prison in connection with peaceful antiwar protests; a protester demonstrating against the Myitsone Dam (a controversial Chinese-backed hydropower project) was charged for peaceful demonstrations, and police used excessive force to crack down on peaceful protesters in Kayah State, with some of the demonstrators charged under vaguely worded, repressive laws.

(10) On August 18, 2017, Aung Ko Htwe was arrested because he gave a media interview in which he described his experience as a child soldier, including how the military abducted and forcibly recruited him when he was 13 years old. He was charged under Section 505(b) of Burma's Penal Code. He faces up to two-and-a-half years in jail from the date of his conviction.

SEC. 3. CHILD SOLDIERS.

It is the sense of Congress that former child soldier Aung Ko Htwe should be immediately and unconditionally

released, and that no one should be jailed for freely expressing him or herself or for speaking against the use of child soldiers.

SEC. 4. PEACEFUL ASSEMBLY.

It is the sense of Congress that Burma must immediately drop defamation charges against the three Kachin activists, Lum Zawng, Nang Pu, and Zau Jet, who led a peaceful rally in Mytkyina, the capital of Kachin State in April 2018, and that the prosecution of Lum Zawng, Nang Pu, and Zau Jet is an attempt by the Burmese authorities to intimidate, harass, and silence community leaders and human rights defenders who speak out about military abuses and the impact on civilian populations.

SEC. 5. PRESS FREEDOM.

It is the sense of Congress that Burma must immediately and unconditionally release Wa Lone and Kyaw Soe Oo, and that the imprisonment of these two Reuters journalists for documenting and reporting the crimes under international law committed against the Rohingya people is a gross injustice. Congress holds that press freedom is a fundamental human right and should be upheld and protected in Burma and everywhere.

SEC. 6. STATEMENT OF POLICY.

It is the policy of the United States that—

(1) all prisoners of conscience and political prisoners in Burma should be unconditionally and immediately released;

(2) the Administration and the Department of State should use all of their diplomatic tools to ensure that all prisoners of conscience and political prisoners in Burma are released; and

(3) the Burmese Government should repeal or amend all laws that violate the rights to freedom of expression, peaceful assembly, or association, and ensure that laws such as the Telecommunications Law of 2013 and the Unlawful Associations Act of 1908, and laws relating to the right to peaceful assembly, all comply with international human rights standards.

SEC. 7. POLITICAL PRISONERS ASSISTANCE.

The Secretary of State shall provide assistance to civil society organizations in Burma that work to secure the release of prisoners of conscience and political prisoners in Burma, and assistance to current and former prisoners of conscience and political prisoners in Burma. Such assistance shall include the following:

(1) Support for the documentation of human rights violations with respect to prisoners of conscience and political prisoners.

(2) Support for advocacy in Burma to raise awareness of issues relating to prisoners of conscience and political prisoners.

(3) Support for efforts to repeal or amend laws that are used to imprison individuals as either prisoners of conscience or political prisoners.

(4) Support, including travel costs, and legal fees, for families of prisoners of conscience and political prisoners.

(5) Support for health, including mental health, and post-incarceration assistance in gaining access to education and employment opportunities or other forms of reparation to enable former prisoners of conscience and political prisoners to resume a normal life.

(6) The creation, in consultation with former political prisoners and prisoners of conscience, their families, and representatives, of an independent prisoner review mechanism in Burma to review the cases of individuals who may have been charged or deprived of their liberty for peacefully exercising their human rights, review all laws used to arrest, prosecute, and punish individuals as political prisoners and prisoners of conscience, and provide rec-

ommendations to the Burmese Government for the repeal or amendment of all such laws.

SEC. 8. DEFINITIONS.

In this Act:

(1) PRISONER OF CONSCIENCE.—The term "prisoner of conscience" means a person imprisoned or otherwise physically restricted primarily because of his or her political, religious, or other conscientiously held beliefs, ethnic origin, sex, race, ethnicity, language, national or social origin, economic status, birth, sexual orientation, or gender identity, or for exercising his or her right to freedom of expression or other human rights, and who has not used violence or advocated violence.

(2) POLITICAL PRISONER.—The term "political prisoner" means a person who is arrested, detained, or imprisoned for political reasons under political charges or wrongfully under criminal and civil charges because of his or her perceived or known active role in, perceived or known supporting role in, or perceived or known association with activities promoting freedom, justice, equality, human rights, or civil and political rights, including ethnic rights.

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AMENDMENT IN THE NATURE OF A SUBSTITUTE

TO H.R. 2327

OFFERED BY MR. LEVIN OF MICHIGAN

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Burma Political Prisoners Assistance Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Aung San Suu Kyi and the National League for Democracy (NLD) pledged that they "would not arrest anyone as political prisoners", but have failed to fulfill this promise since they took control of Burma's Union Parliament and the Government's executive branch in April 2016.

(2) As of the end of April 2019, there were 331 political prisoners in Burma, 48 of them serving sentences, 90 awaiting trial inside prison, and 193 awaiting trial outside prison, according to the Assistance Association for Political Prisoners in Burma.

(3) During its three years in power, the NLD Government has provided pardons for Burma's polit-

ical prisoners on six occasions. State Counsellor Aung San Suu Kyi took steps to secure the release of nearly 235 political prisoners in April 2016. On May 23, 2017, former President Htin Kyaw granted pardons to 259 prisoners, including 89 political prisoners. On April 17, 2018, current President Win Myint pardoned 8,541 prisoners, including 36 political prisoners. In April and May 2019, he pardoned more than 23,000 prisoners, including 20 political prisoners.

(4) The Burmese security forces have used colonial-era laws to arrest and charge political prisoners and prisoners of conscience. These laws include but are not limited to provisions of the Penal Code, the Peaceful Assembly and Peaceful Procession Act, the 1908 Unlawful Associations Act, the 2013 Telecommunications Act, and the 1923 Official Secrets Act.

(5) On December 12, 2017, Reuters reporters Wa Lone and Kyaw Soe Oo were arrested and charged with violating the Official Secrets Act, continuing a trend of restricting media and free speech and attempting to thwart coverage of the events in Rakhine State.

(6) On September 3, 2018, Wa Lone and Kyaw Soe Oo were convicted and sentenced to seven years in prison. Time Magazine included pictures of the two reporters on the cover of its "Person of the Year" issue on December 10, 2018, as two of the "Guardians and the War on Truth".

(7) On May 6, 2019, Wa Lone and Kyaw Soe Oo were released after more than 500 days behind bars.

(8) According to Burmese free speech organization Athan, 44 journalists and 142 activists since 2016 were charged with colonial-era laws used to stifle dissent and restrict activist groups and have faced trial.

(9) Since December 2018, three Kachin activists were sentenced to six months in prison in connection with peaceful antiwar protests; a protester demonstrating against the Myitsone Dam (a controversial Chinese-backed hydropower project) was charged for peaceful demonstrations, and police used excessive force to crack down on peaceful protesters in Kayah State, with some of the demonstrators charged under vaguely worded, repressive laws.

(10) On August 18, 2017, Aung Ko Htwe was arrested because he gave a media interview in which

he described his experience as a child soldier, including how the Burmese military abducted and forcibly recruited him when he was 13 years old. He was charged under Section 505(b) of Burma's Penal Code. He faces up to two-and-a-half years in jail from the date of his conviction.

(11) Although former Secretary of State Rex Tillerson took Burma off the State Department's list of the worst offenders in the use of child soldiers in 2017, the Department reinstated Burma to the list in 2018. According to the United Nations, the Burmese military and ethnic guerrilla groups remain "persistent perpetrators' in the recruitment and use of children in [Burma].".

SEC. 3. CHILD SOLDIERS.

It is the sense of Congress that former child soldier Aung Ko Htwe should be immediately and unconditionally released, and that no one should be jailed for freely expressing him or herself or for speaking against the use of child soldiers.

SEC. 4. PEACEFUL ASSEMBLY.

It is the sense of Congress that Burma must immediately drop defamation charges against the three Kachin activists, Lum Zawng, Nang Pu, and Zau Jet, who led a peaceful rally in Mytkyina, the capital of Kachin State

in April 2018, and that the prosecution of Lum Zawng, Nang Pu, and Zau Jet is an attempt by the Burmese authorities to intimidate, harass, and silence community leaders and human rights defenders who speak out about military abuses and the impact on civilian populations.

SEC. 5. PRESS FREEDOM.

It is the sense of Congress that press freedom is a fundamental human right and should be upheld and protected in Burma and everywhere, and that Burmese authorities must immediately cease the arbitrary arrest, detention, imprisonment, and physical attacks of journalists, which have created a climate of fear and self-censorship among local journalists.

SEC. 6. STATEMENT OF POLICY.

It is the policy of the United States that—

(1) all prisoners of conscience and political prisoners in Burma should be unconditionally and immediately released;

(2) the Administration and the Department of State should use all of their diplomatic tools to ensure that all prisoners of conscience and political prisoners in Burma are released; and

(3) the Burmese Government should repeal or amend all laws that violate the rights to freedom of expression, peaceful assembly, or association, and

ensure that laws such as the Telecommunications Law of 2013 and the Unlawful Associations Act of 1908, and laws relating to the right to peaceful assembly, all comply with international human rights standards.

SEC. 7. POLITICAL PRISONERS ASSISTANCE.

The Secretary of State shall continue to provide assistance to civil society organizations in Burma that work to secure the release of prisoners of conscience and political prisoners in Burma, and assistance to current and former prisoners of conscience and political prisoners in Burma. Such assistance may include the following:

(1) Support for the documentation of human rights violations with respect to prisoners of conscience and political prisoners.

(2) Support for advocacy in Burma to raise awareness of issues relating to prisoners of conscience and political prisoners.

(3) Support for efforts to repeal or amend laws that are used to imprison individuals as either prisoners of conscience or political prisoners.

(4) Support for health, including mental health, and post-incarceration assistance in gaining access to education and employment opportunities or other forms of reparation to enable former prisoners of

conscience and political prisoners to resume a normal life.

(5) The creation, in consultation with former political prisoners and prisoners of conscience, their families, and representatives, of an independent prisoner review mechanism in Burma to review the cases of individuals who may have been charged or deprived of their liberty for peacefully exercising their human rights, review all laws used to arrest, prosecute, and punish individuals as political prisoners and prisoners of conscience, and provide recommendations to the Burmese Government for the repeal or amendment of all such laws.

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116TH CONGRESS
1ST SESSION

H. R. 1632

To require a strategy for engagement with Southeast Asia and the Association of Southeast Asian Nations (ASEAN).

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2019

Mrs. WAGNER (for herself, Mr. CASTRO of Texas, and Mr. YOHO) introduced the following bill; which was referred to the Committee on Foreign Affairs

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A BILL

To require a strategy for engagement with Southeast Asia and the Association of Southeast Asian Nations (ASEAN).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southeast Asia Strategy Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Southeast Asia is the fulcrum of the Indo-Pacific region and the Association of Southeast Asian Nations (ASEAN), a regional intergovern-

mental organization, remains the centerpiece of the Indo-Pacific region's architecture.

(2) The United States has reaffirmed that the security and sovereignty of its Southeast Asian allies and partners, including a strong, independent ASEAN, remain vital to the security, prosperity, and stability of the Indo-Pacific region.

(3) The United States has committed to reinvigorating its longstanding security alliances with the Philippines and Thailand, as well as bolstering partnerships with a range of Southeast Asian nations.

(4) A central element of United States strategy for the Indo-Pacific region is strengthening United States alliances and partnerships and working with and through allies and partners to address common challenges and to enhance shared capabilities.

(5) ASEAN member states are critical United States security partners in preventing violent extremism, protecting the freedom and openness of the maritime domain, engaging in global peacekeeping operations, and preventing the trafficking of weapons of mass destruction.

(6) ASEAN member states are vital to the prosperity of the United States economy and exports

to ASEAN economies support more than 500,000 jobs in the United States.

(7) The United States and ASEAN have recently celebrated the 40th anniversary of their ties and established a new strategic partnership that will enhance cooperation across the economic, political-security, and people-to-people pillars of the relationship.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) cooperate more closely with the ASEAN and ASEAN member states in the interest of promoting peace, security, and stability in the Indo-Pacific region;

(2) establish and communicate a comprehensive and focused strategy that articulates the role and importance of Southeast Asia to the United States, the value of the United States-ASEAN relationship, the mutual interests of both parties, and the concrete and material benefits all nations derive from strong United States engagement and leadership in Southeast Asia; and

(3) affirm the importance of ASEAN centrality and ASEAN-led mechanisms in the evolving regional architecture of the Indo-Pacific region.

SEC. 4. STRATEGY FOR ENGAGEMENT WITH SOUTHEAST ASIA AND ASEAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Defense, shall develop and submit to the appropriate congressional committees a comprehensive and focused multi-year strategy for engagement with Southeast Asia and ASEAN.

(b) MATTERS TO BE INCLUDED.—The strategy required by subsection (a) shall include the following:

(1) An identification of enduring United States interests in Southeast Asia and efforts to bolster the effectiveness of ASEAN as an independent and unified regional leader.

(2) An identification of—

(A) the future of Southeast Asian alliances, partnerships, and multilateral engagements, including efforts to expand security interoperability and economic connectivity, and build networks of allies and partners with other United States partners in the Indo-Pacific region; and

(B) partners outside ASEAN that support United States interests in Southeast Asia, such as an ASEAN-centered and rules-based order,

including multilateral efforts to coordinate engagement with ASEAN.

(3) A list of ongoing and planned initiatives and programs to strengthen the United States partnership with Southeast Asian countries and ASEAN through trade, investment, energy, and economic and political diplomacy in Southeast Asia and through development and capacity building, including efforts to improve the environment for private sector-led economic development, public-private partnerships, infrastructure development, development of the digital economy and technology, and other initiatives relating to education, disaster management, and public health.

(4) An assessment of ongoing and planned initiatives to directly assist Southeast Asian countries and ASEAN in developing institutional capabilities, including with respect to enforcing international law and sanctions, and initiatives to cooperate with ASEAN as an institution in these areas.

(5) An assessment of ongoing and planned efforts to promote and engage with Southeast Asian countries on human rights and democracy, to strengthen the rule of law, civil society, and trans-

parent governance, and to protect the integrity of elections and personal data from cyber threats.

(6) An assessment of ongoing and planned security cooperation, assistance, and training initiatives within Southeast Asian countries, including—

(A) maritime security and political initiatives for protecting the maritime commons and supporting international law and freedom of navigation in the South China Sea; and

(B) efforts to combat terrorism, human trafficking, piracy, and illegal fishing, and promote more open, reliable routes for trade.

(7) An assessment of ongoing and planned funding for relevant United States Government departments and agencies on the implementation of initiatives highlighted in the strategy and an identification of additional strategic, management, procedural, legal, personnel, and funding resources needed to fully implement the strategy.

(c) UPDATES TO STRATEGY.—The Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Defense, shall submit to the appropriate congressional committees an updated strategy under subsection (a) for each of the four years following the year

in which the initial strategy is submitted under subsection (a).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

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AMENDMENT IN THE NATURE OF A SUBSTITUTE

TO H.R. 1632

OFFERED BY MRS. WAGNER OF MISSOURI

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southeast Asia Strategy Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Southeast Asia is the fulcrum of the Indo-Pacific region, providing both a geographic and maritime link between East and South Asia.

(2) The Association of Southeast Asian Nations (ASEAN), a regional intergovernmental organization, remains central to the Indo-Pacific region's institutional architecture and to United States foreign policy toward the region.

(3) The United States has reaffirmed that the security and sovereignty of its Southeast Asian allies and partners, including a strong, independent ASEAN, remain vital to the security, prosperity, and stability of the Indo-Pacific region.

(4) The United States has committed to continuing to deepen longstanding alliances and partnerships with a range of Southeast Asian nations, including by promoting our shared values, democracy, human rights, and civil society.

(5) Since the end of the Second World War, United States investments in strengthening alliances and partnerships with Southeast Asian nations have yielded tremendous returns for United States interests, as working with and through these alliances and partnerships have increased the region's capacity and capability to address common challenges.

(6) ASEAN member states are critical United States security partners in preventing violent extremism and protecting the freedom and openness of the maritime domain and in preventing the trafficking of weapons of mass destruction.

(7) ASEAN member states have contributed significantly to regional disaster monitoring and management and emergency response through initiatives such as the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management, an inter-governmental organization that facilitates coordination and cooperation among ASEAN mem-

ber states and international organizations in times of emergency.

(8) According to the 2018 ASEAN Business Outlook Survey, ASEAN member states are vital to the prosperity of the United States economy and exports to ASEAN economies support more than 500,000 jobs in the United States.

(9) The United States and ASEAN have recently celebrated the 40th anniversary of their ties and established a new strategic partnership that will enhance cooperation across the economic, political-security, and people-to-people pillars of the relationship.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) deepen cooperation with ASEAN and ASEAN member states in the interest of promoting peace, security, and stability in the Indo-Pacific region;

(2) affirm the importance of ASEAN centrality and ASEAN-led mechanisms in the evolving institutional architecture of the Indo-Pacific region; and

(3) establish and communicate a comprehensive strategy toward the Indo-Pacific region that articulates—

(A) the role and importance of Southeast Asia to the United States;

(B) the value of the United States-ASEAN relationship;

(C) the mutual interests of all parties;

(D) the concrete and material benefits all nations derive from strong United States engagement and leadership in Southeast Asia; and

(E) efforts to forge and maintain ASEAN consensus, especially on key issues of political and security concern to the region, such as the South China Sea.

SEC. 4. STRATEGY FOR ENGAGEMENT WITH SOUTHEAST ASIA AND ASEAN.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the heads of other Federal departments and agencies as appropriate, shall develop and submit to the appropriate congressional committees a comprehensive strategy for engagement with Southeast Asia and ASEAN.

(b) MATTERS TO BE INCLUDED.—The strategy required by subsection (a) shall include the following:

(1) A statement of enduring United States interests in Southeast Asia and a description of efforts to bolster the effectiveness of ASEAN.

(2) A description of efforts to—

(A) deepen and expand Southeast Asian alliances, partnerships, and multilateral engagements, including efforts to expand broad based and inclusive economic growth, security ties, security cooperation and interoperability, economic connectivity, and expand opportunities for ASEAN to work with other like-minded partners in the region; and

(B) encourage like-minded partners outside of the Indo-Pacific region to engage with ASEAN.

(3) A summary of initiatives across the whole of the United States Government to strengthen the United States partnership with Southeast Asian nations and ASEAN, including to promote broad based and inclusive economic growth, trade, investment, energy and efforts to combat climate change, public-private partnerships, physical and digital infrastructure development, education, disaster management, public health and economic and political diplomacy in Southeast Asia.

(4) A summary of initiatives across the whole of the United States Government to enhance the capacity of Southeast Asian nations with respect to enforcing international law and multilateral sanctions, and initiatives to cooperate with ASEAN as an institution in these areas.

(5) A summary of initiatives across the whole of the United States Government to promote human rights and democracy, to strengthen the rule of law, civil society, and transparent governance, and to protect the integrity of elections from outside influence.

(6) A summary of initiatives to promote security cooperation and security assistance within Southeast Asian nations, including—

(A) maritime security and maritime domain awareness initiatives for protecting the maritime commons and supporting international law and freedom of navigation in the South China Sea; and

(B) efforts to combat terrorism, human trafficking, piracy, and illegal fishing, and promote more open, reliable routes for sea lines of communication.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.



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116TH CONGRESS
1ST SESSION

H. R. 3252

To impose sanctions on foreign persons responsible for violations of internationally recognized human rights against lesbian, gay, bisexual, transgender, or intersex (LGBTI) individuals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2019

Mr. CICILLINE (for himself, Ms. BONAMICI, Mr. BEYER, Mr. BROWN of Maryland, Ms. BROWNLEY of California, Ms. CLARK of Massachusetts, Mr. CARBAJAL, Mr. CONNOLLY, Mr. CUMMINGS, Mr. DEUTCH, Mr. DESAULNIER, Ms. FRANKEL, Mr. GALLEGO, Mr. GOTTHEIMER, Mr. GRIJALVA, Mr. HIMES, Mr. HUFFMAN, Ms. JACKSON LEE, Mr. KEATING, Ms. KELLY of Illinois, Mr. KILDEE, Mr. KILMER, Mr. KIND, Mr. LANGEVIN, Ms. LEE of California, Mr. LEVIN of Michigan, Mr. LOWENTHAL, Mr. NADLER, Mrs. CAROLYN B. MALONEY of New York, Mr. MCGOVERN, Mr. MEEKS, Ms. MENG, Ms. NORTON, Ms. OCASIO-CORTEZ, Ms. OMAR, Mr. PASCRELL, Mr. PAPPAS, Mr. PALLONE, Ms. PINGREE, Mr. POCAN, Miss RICE of New York, Ms. SCHAKOWSKY, Mr. SMITH of Washington, Mr. SOTO, Ms. SPEIER, Mr. TAKANO, Ms. TITUS, Mrs. TORRES of California, Mrs. WATSON COLEMAN, Ms. WASSERMAN SCHULTZ, Mr. ENGEL, Mrs. KIRKPATRICK, and Mrs. LOWEY) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To impose sanctions on foreign persons responsible for violations of internationally recognized human rights against lesbian, gay, bisexual, transgender, or intersex (LGBTI) individuals, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Respect Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The dignity, freedom, and equality of all human beings are fundamental to a thriving global community.

(2) The rights to life, liberty, and security of the person, the right to privacy, and the right to freedom of expression and association are fundamental human rights.

(3) An alarming trend of violence directed at LGBTI individuals around the world continues.

(4) Approximately one-third of all countries have laws criminalizing consensual same-sex relations, and many have enacted policies or laws that would further target LGBTI individuals.

(5) Every year thousands of individuals around the world are targeted for harassment, attack, arrest, and murder on the basis of their sexual orientation or gender identity.

(6) Those who commit crimes against LGBTI individuals often do so with impunity, and are not held accountable for their crimes.

(7) Homophobic and transphobic statements by government officials in many countries in every region of the world promote negative public attitudes and can lead to violence toward LGBTI individuals.

(8) In many instances police, prison, military, and civilian government authorities have been directly complicit in abuses aimed at LGBTI citizens, including arbitrary arrest, torture, and sexual abuse.

(9) Celebrations of LGBTI individuals and communities, such as film festivals, Pride events, and demonstrations are often forced underground due to inaction on the part of, or harassment by, local law enforcement and government officials, in violation of freedoms of assembly and expression.

(10) Laws criminalizing consensual same-sex relations severely hinder access to HIV/AIDS treatment, information, and preventive measures for LGBTI individuals and families.

(11) Many countries are making positive developments in the protection of the basic human rights of LGBTI individuals.

SEC. 3. SANCTIONS ON INDIVIDUALS RESPONSIBLE FOR VIOLATIONS OF HUMAN RIGHTS AGAINST LGBTI PEOPLE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and biannually thereafter, the President shall transmit to the appropriate congressional committees a list of each foreign person the President determines, based on credible information, including information obtained by other countries or by nongovernmental organizations that monitor violations of human rights—

(1) is responsible for or complicit in, with respect to persons based on actual or perceived sexual orientation, gender identity, or sex characteristics—

(A) cruel, inhuman, or degrading treatment or punishment;

(B) prolonged detention without charges and trial;

(C) causing the disappearance of such persons by the abduction and clandestine detention of such persons; or

(D) other flagrant denial of the right to life, liberty, or the security of such persons;

(2) acted as an agent of or on behalf of a foreign person in a matter relating to an activity described in paragraph (1); or

(3) is responsible for or complicit in inciting a foreign person to engage in an activity described in paragraph (1).

(b) FORM; UPDATES; REMOVAL.—

(1) FORM.—The list required by subsection (a) shall be transmitted in unclassified form and published in the Federal Register without regard to the requirements of section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States, except that the President may include a foreign person in a classified, unpublished annex to such list if the President—

(A) determines that—

(i) it is vital for the national security interests of the United States to do so; and

(ii) the use of such annex, and the inclusion of such person in such annex, would not undermine the overall purpose of this section to publicly identify foreign persons engaging in the conduct described in subsection (a) in order to increase accountability for such conduct; and

(B) not later than 15 days before including such person in a classified annex, provides to the appropriate congressional committees notice of, and a justification for, including or continuing to include each foreign person in such annex despite the existence of any publicly available credible information indicating that each such foreign person engaged in an activity described in subsection (a).

(2) UPDATES.—The President shall transmit to the appropriate congressional committees an update of the list required by subsection (a) as new information becomes available.

(3) REMOVAL.—A foreign person may be removed from the list required by subsection (a) if the President determines and reports to the appropriate congressional committees not later than 15 days before the removal of such person from such list that—

(A) credible information exists that such person did not engage in the activity for which the person was included in such list;

(B) such person has been prosecuted appropriately for the activity in which such person engaged; or

(C) such person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activities in which such person engaged, and has credibly committed to not engage in an activity described in subsection (a).

(c) PUBLIC SUBMISSION OF INFORMATION.—The President shall issue public guidance, including through United States diplomatic and consular posts, setting forth the manner by which the names of foreign persons that may meet the criteria to be included on the list required by subsection (a) may be submitted to the Department of State for evaluation.

(d) REQUESTS FROM CHAIR AND RANKING MEMBER OF APPROPRIATE CONGRESSIONAL COMMITTEES.—

(1) CONSIDERATION OF INFORMATION.—In addition to the guidance issued pursuant to subsection (c), the President shall also consider information provided by the Chair or Ranking Member of each of the appropriate congressional committees in determining whether to include a foreign person in the list required by subsection (a).

(2) REQUESTS.—Not later than 120 days after receiving a written request from the Chair or Ranking Member of one of the appropriate congressional

committees with respect to whether a foreign person meets the criteria for being included in the list required by subsection (a), the President shall transmit a response to such Chair or Ranking Member, as the case may be, with respect to the President's determination relating to such foreign person.

(3) REMOVAL.—If the President removes from the list required by subsection (a) a foreign person that had been included in such list pursuant to a request under paragraph (2), the President shall provide to the relevant Chair or Ranking Member of one of the appropriate congressional committees any information that contributed to such decision.

(4) FORM.—The President may transmit a response required by paragraph (2) or paragraph (3) in classified form if the President determines that it is necessary for the national security interests of the United States to do so.

(e) INADMISSIBILITY OF CERTAIN INDIVIDUALS.—

(1) INELIGIBILITY FOR VISAS AND ADMISSION TO THE UNITED STATES.—A foreign person on the list required by subsection (a) is—

(A) inadmissible to the United States;

(B) ineligible to receive a visa or other documentation to enter the United States; and

(C) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) CURRENT VISAS REVOKED.—

(A) IN GENERAL.—The issuing consular officer or the Secretary of State, (or a designee of the Secretary of State) shall, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), revoke any visa or other entry documentation issued to a foreign person on the list required by subsection (a) regardless of when the visa or other entry documentation is issued.

(B) EFFECT OF REVOCATION.—A revocation under subparagraph (A) shall—

(i) take effect immediately; and

(ii) automatically cancel any other valid visa or entry documentation that is in the foreign person's possession.

(C) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall prescribe such regulations as are necessary to carry out this subsection.

(D) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS.—Sanctions under this subsection shall not apply with respect to a foreign person if admitting or paroling such person into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success, June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(3) SENSE OF CONGRESS WITH RESPECT TO ADDITIONAL SANCTIONS.—It is the sense of Congress that the President should impose additional targeted sanctions with respect to foreign persons on the list required by subsection (a) to push for accountability for flagrant denials of the right to life, liberty, or the security of the person, through the use of designations and targeted sanctions provided for such conduct under other existing authorities.

(4) WAIVERS IN THE INTEREST OF NATIONAL SECURITY.—

(A) IN GENERAL.—The President may waive the application of paragraph (1) or (2)

with respect to a foreign person included in the list required by subsection (a) if the President determines and transmits to the appropriate congressional committees notice and justification, that such a waiver—

(i) is necessary to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, or other applicable international obligations of the United States; or

(ii) is in the national security interests of the United States.

(B) TIMING OF CERTAIN WAIVERS.—A waiver pursuant to a determination under clause (ii) of subparagraph (A) shall be transmitted not later than 15 days before the granting of such waiver.

(f) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act and annually thereafter, the President, acting through the Secretary of

State, shall submit to the appropriate congressional committees a report on—

(1) the actions taken to carry out this section, including—

(A) the number of foreign persons added to or removed from the list required by subsection (a) during the year preceding each such report, the dates on which such persons were so added or removed, and the reasons for so adding or removing such persons; and

(B) an analysis that compares increases or decreases in the number of such persons added or removed year-over-year and the reasons therefor; and

(2) any efforts by the President to coordinate with the governments of other countries, as appropriate, to impose sanctions that are similar to the sanctions imposed under this section.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on

the Judiciary of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

(2) FOREIGN PERSON.—The term "foreign person" has the meaning given such term in section 595.304 of title 31, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

(3) PERSON.—The term "person" has the meaning given such term in section 591.308 of title 31, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

SEC. 4. DISCRIMINATION RELATED TO SEXUAL ORIENTATION, GENDER IDENTITY, OR SEX CHARACTERISTICS.

(a) TRACKING VIOLENCE OR CRIMINALIZATION RELATED TO SEXUAL ORIENTATION OR GENDER IDENTITY.—The Assistant Secretary of State for Democracy, Human Rights, and Labor shall designate a Bureau-based senior officer or officers who shall be responsible for tracking violence, criminalization, and restrictions on the enjoy-

ment of fundamental freedoms in foreign countries based on actual or perceived sexual orientation, gender identity, or sex characteristics.

(b) ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.—The Foreign Assistance Act of 1961 is amended—

(1) in section 116(d) (22 U.S.C. 2151n(d))—

(A) in paragraph (11)(C), by striking "and" after the semicolon at the end;

(B) in paragraph (12)—

(i) in subparagraph (B), by striking "and" after the semicolon at the end; and

(ii) in subparagraph (C)(ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(13) wherever applicable, information relating to violence or discrimination that affects fundamental freedoms, including widespread or systematic violation of the freedoms of expression, association, or assembly, of individuals in foreign countries that is based on actual or perceived sexual orientation, gender identity, or sex characteristics."; and

(2) in section 502B(b) (22 U.S.C. 2304(b)), by inserting after the ninth sentence the following new sentence: "Wherever applicable, such report shall also include information relating to violence or discrimination that affects the fundamental freedoms, including widespread or systematic violation of the freedoms of expression, association, or assembly, of individuals in foreign countries that is based on actual or perceived sexual orientation, gender identity, or sex characteristics.".

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116TH CONGRESS
1ST SESSION

H. RES. 259

Expressing the sense of the House of Representatives to support the repatriation of religious and ethnic minorities in Iraq to their ancestral homelands.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2019

Mr. FORTENBERRY (for himself and Ms. ESHOO) submitted the following resolution; which was referred to the Committee on Foreign Affairs

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RESOLUTION

Expressing the sense of the House of Representatives to support the repatriation of religious and ethnic minorities in Iraq to their ancestral homelands.

Whereas the Nineveh Plain and the wider region have been the ancestral homeland of Assyrian Chaldean Syriac Christians, Yazidis, Shabak, and other religious and ethnic minorities, where they lived for centuries until the Islamic State of Iraq and Syria (ISIS) overran and occupied the area in 2014;

Whereas, in 2016, then-Secretary of State John Kerry announced, "In my judgment Daesh is responsible for genocide against groups in areas under its control, including Yezidis, Christians, and Shia Muslims. Daesh is genocidal by self-proclamation, by ideology, and by actions—

in what it says, what it believes, and what it does. Daesh is also responsible for crimes against humanity and ethnic cleansing directed at these same groups and in some cases also against Sunni Muslims, Kurds, and other minorities.";

Whereas these atrocities were undertaken with the specific intent to bring about the eradication and displacement of Christians, Yazidis, and other communities and the destruction of their cultural heritage, in violation of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide;

Whereas, in 2016, the House of Representatives passed H. Con. Res. 75 expressing the sense of the House of Representatives that the atrocities perpetrated by ISIS against religious and ethnic minorities in Iraq and Syria include war crimes, crimes against humanity, and genocide;

Whereas it is consistent with the commitments of Iraq, the Kurdish Regional Government, the United States, and the international community to guarantee the restoration of fundamental human rights, including property rights, to genocide victims, and to see that ethnic and religious pluralism survives in Iraq;

Whereas President Trump issued orders to defeat ISIS, and with the joint efforts of the United States and 79 allies and partners, ISIS has been edged out of large swaths of territory in Iraq and Syria that it once controlled;

Whereas, in July 2018, under the direction of Vice President Pence, the Genocide Recovery and Persecution Response Program has partnered the Department of State and the United States Agency for International Development with

local faith and community leaders to rapidly deliver aid to persecuted communities, beginning with Iraq;

Whereas Christians in Iraq once numbered over 1.5 million in 2003 and have dwindled to less than 200,000 today;

Whereas armed militia groups linked to Iran and operating in Sinjar and the Nineveh Plains are increasing the instability and insecurity of northern Iraq, preventing the conditions for local and indigenous minorities to return to their homelands;

Whereas Iraqi religious minorities have faced challenges in integrating into the Iraqi Security Forces and Kurdish Peshmerga; and

Whereas facilitating the success of communities in Sinjar and the Nineveh Plains requires a commitment from international, Iraqi, Kurdish, and local authorities, in partnership with local faith leaders, to promote the safety and security of all people, especially religious and ethnic minorities: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) it should be a policy priority of the United States, working with international partners, the Government of Iraq, the Kurdistan Regional Government, and local populations, to support the safe return of displaced indigenous people of the Nineveh Plain and Sinjar to their ancestral homeland;

(2) Iraqi Security Forces and the Kurdish Peshmerga should work to more fully integrate all

communities, including religious minority communities to counter current and future terrorist threats; and

(3) the United States, working with international allies and partners, should coordinate efforts to provide for the safe return and future security of religious minorities in the Nineveh Plain and Sinjar.

○

AMENDMENT IN THE NATURE OF A SUBSTITUTE

TO H. RES. 259

OFFERED BY MR. ENGEL OF NEW YORK

Strike the preamble and insert the following:

Whereas the Nineveh Plain and the wider region have been the ancestral homeland of Assyrian Chaldean Syriac Christians, Yazidis, Shabak, and other religious and ethnic minorities, where they lived for centuries until the Islamic State of Iraq and Syria (ISIS) overran and occupied the area in 2014;

Whereas, in 2016, then-Secretary of State John Kerry announced, "In my judgment Daesh is responsible for genocide against groups in areas under its control, including Yezidis, Christians, and Shia Muslims. Daesh is genocidal by self-proclamation, by ideology, and by actions—in what it says, what it believes, and what it does. Daesh is also responsible for crimes against humanity and ethnic cleansing directed at these same groups and in some cases also against Sunni Muslims, Kurds, and other minorities.";

Whereas these atrocities were undertaken with the specific intent to bring about the eradication and displacement of Christians, Yazidis, and other communities and the destruction of their cultural heritage, in violation of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide signed by the United States on December 11, 1948;

Whereas, in 2016, the House of Representatives passed H. Con. Res. 75 expressing the sense of the House of Representatives that the atrocities perpetrated by ISIS against religious and ethnic minorities in Iraq and Syria include war crimes, crimes against humanity, and genocide;

Whereas through joint efforts of the United States and 79 allies and partners, ISIS has been territorially defeated in Iraq and Syria;

Whereas, in July 2018, under the direction of Vice President Pence, the Genocide Recovery and Persecution Response Program partnered with the Department of State, the United States Agency for International Development, and local faith and community leaders to rapidly and directly deliver aid to persecuted communities, beginning with Iraq;

Whereas Christians in Iraq once numbered over 1.5 million in 2003 and have dwindled to less than 200,000 today;

Whereas armed militia groups linked to Iran, operating systematically in Sinjar and the Nineveh Plains, have harassed and intimidated religious and ethnic minorities thereby destabilizing northern Iraq and preventing local and indigenous minorities to return to their homelands;

Whereas Iraqi religious minorities have faced challenges in integrating into the Iraqi Security Forces and Kurdish Peshmerga;

Whereas over 500 acres of productive agricultural lands in eastern Ninevah Governate have been burned in cases of arson in May 2019 alone, destroying significant wheat and barley cultivation areas;

Whereas these agricultural resources are critical to northern Iraq's livelihood, especially that of minority populations, and continued crop arson prevents safe and prosperous return of minority populations as well as complicates stabilization efforts; and

Whereas facilitating the success of communities in Sinjar and the Nineveh Plains requires a commitment from international, Iraqi, Kurdish, and local authorities, in partnership with local faith leaders, to promote the safety and security of all people, especially religious and ethnic minorities: Now, therefore, be it

Strike all after the resolving clause and insert the following:

Resolved, That it is the sense of the House of Representatives that—

(1) it should remain a policy priority of the United States, working with international partners, the Government of Iraq, the Kurdistan Regional Government, and local populations, to support the safe return of displaced indigenous people of the Nineveh Plain and Sinjar to their ancestral homeland;

(2) it should be a policy priority of the Government of Iraq, the Kurdish Regional Government, the United States, and the international community to guarantee the restoration of fundamental human rights, including property rights, to genocide victims,

and to see that ethnic and religious pluralism survives in Iraq;

(3) Iraqi Security Forces and the Kurdish Peshmerga should work to more fully integrate all communities, including religious minority communities, to counter current and future terrorist threats; and

(4) the United States, working with international allies and partners, should continue to lead coordination of efforts to provide for the safe return and future security of religious minorities in the Nineveh Plain and Sinjar.

Amend the title so as to read: "A resolution expressing the sense of the House of Representatives to support the return and repatriation of religious and ethnic minorities in Iraq to their ancestral homelands.".

116TH CONGRESS
1ST SESSION

H. RES. 432

Condemning the attacks on peaceful protesters and supporting an immediate peaceful transition to a civilian-led democratic government in Sudan.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 2019

Mr. KILDEE (for himself, Mr. ENGEL, Mr. MCGOVERN, and Mr. BILIRAKIS) submitted the following resolution; which was referred to the Committee on Foreign Affairs

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RESOLUTION

Condemning the attacks on peaceful protesters and supporting an immediate peaceful transition to a civilian-led democratic government in Sudan.

Whereas in 2016, the Government of the United States launched a plan aimed at reducing conflict and expanding humanitarian access in Sudan, improving counterterrorism cooperation, ending Sudan's negative interference in South Sudan, and addressing the threat of the Lord's Resistance Army, that, according to the Department of State, led to significant progress in these areas and resulted in the lifting of some United States sanctions on Sudan in October 2017;

Whereas the Department of State announced "Phase II" of the bilateral reengagement framework with Sudan in No-

vember 2018, under which the United States would consider rescinding Sudan's designation as a state sponsor of terrorism if the country met the relevant statutory criteria for delisting and if the Government of Sudan made progress along six identified areas of concern related to counterterrorism cooperation, humanitarian access, respect for human rights, a cessation of internal hostilities and a conducive environment for peace processes, efforts to address outstanding terrorism-related legal claims, and adherence to United Nations Security Council resolutions on North Korea;

Whereas despite the Government of Sudan's pledge to cease hostilities, the United Nations Panel of Experts on the Sudan reported in January 2019 that forces of the Government of Sudan had launched "large-scale military operations" against insurgents in the Jebel Marra region of Darfur in 2018 and that elements of Sudan's Rapid Support Forces and associated militia were implicated in indiscriminate shootings, rape, acts of torture, and other inhumane treatment of civilians;

Whereas the Department of State's country reports on human rights practices describe reports of serious human rights violations by Sudan's intelligence service and military, including the Rapid Support Forces, citing credible reports that villages in Jebel Marra were targeted for attack in 2018, resulting in the displacement of thousands of civilians and noting that Sudan's Rapid Support Forces were implicated in the majority of reported human rights violations against civilians in the country;

Whereas contrary to the requirements of Phase II, humanitarian organizations report that humanitarian access restrictions have persisted, including bureaucratic inter-

ference, and reports of serious human rights abuses and media censorship increased after Phase II was launched;

Whereas in December 2018, protests that began in Damazin and Atbara spread across the country, with thousands of Sudanese gathering to demand political change;

Whereas the Government of Sudan responded to the protests by detaining hundreds of people, including protesters, members of the political opposition, civil society, journalists, and more than a dozen American citizens, and by using excessive and lethal force against protesters, killing more than 100 people since the demonstrations began;

Whereas in late February 2019, President Bashir declared a yearlong nationwide state of emergency, dissolving the Federal and State governments and appointing senior military officers to key government posts, banning unauthorized gatherings, demonstrations, and strikes, expanding authorization for searches, seizures, and arrests, and barring news deemed to undermine his government;

Whereas tens, if not hundreds, of thousands of protesters gathered in Khartoum on April 6, 2019, calling for the end of the government of President Bashir, and on April 11, 2019, he was ousted from power by the military and replaced by Defense Minister and First Vice President Lt. Gen. Ahmed Awad Ibn Auf, who later ceded power to Military Inspector General and Army Chief Lt. Gen. Abdel Fattah al-Burhan;

Whereas Lt. Gen. Burhan has stated that his Transitional Military Council is committed to transferring power to a civilian government, but the Council has yet to reach consensus with opposition representatives on a transitional arrangement;

Whereas protesters have maintained their vigil in Khartoum, despite the reported arrest of Bashir, calling for the military to transfer power to a civilian-led transitional authority that will end Sudan's civil wars, address the country's economic crisis, and lay the foundations for democratic elections;

Whereas the delay by the Transitional Military Council in meeting the demands of the protesters and the African Union Peace and Security Council to "step aside and hand over power to a civilian-led transitional authority, in accordance with the will of the people and constitutional order", has led to rising tensions;

Whereas negotiations between the Transitional Military Council and the opposition coalition, known as the Forces for Freedom and Change, on the composition and powers of a transitional government are complicated by the role of individuals in the Military Council who have been accused of war crimes, by the Council's insistence on Islamic Sharia law as the basis for laws, and by security forces use of live fire against protesters in the cities of Nyala, Zalingei, and Khartoum, resulting in multiple deaths, during the talks; and

Whereas in the Comprehensive Peace in Sudan Act of 2004, Congress expressed its sense that individuals found to be involved in the planning or carrying out of genocide, war crimes, or crimes against humanity should not hold leadership positions in the Government of Sudan: Now, therefore, be it

Resolved, That the House of Representatives—

(1) stands in solidarity with the people of Sudan and strongly supports the right of the Suda-

nese people to assemble peacefully and express their legitimate demands for fundamental political change, including a democratic, civilian-led government;

(2) condemns the Government of Sudan's use of violence and arbitrary detention against peaceful protesters and the harassment and intimidation of medical professionals, journalists, human rights defenders, political opposition, and civil society actors;

(3) strongly supports an immediate transfer of power by the military to an inclusive, civilian-led government that reflects the aspirations of the Sudanese people and puts Sudan on the path toward democracy and peace;

(4) condemns efforts by regional actors to undermine negotiations between the Military Council and the protesters, including efforts to offer financial support to military leaders;

(5) encourages the African Union and its member states to continue supporting the Sudanese people's aspirations for democracy, justice, and peace;

(6) urges the United States Government to continue efforts to convene and work with the international community in support of a civilian-led government in Sudan;

(7) emphasizes that a more positive and productive relationship between the United States and Sudan requires meaningful political reform, greater accountability, and a clear demonstration by the Government of Sudan of greater respect for human rights;

(8) calls upon Sudanese authorities to—

(A) immediately cease attacks on protesters and civilians, respect the right to freedom of association and expression, and investigate protester deaths and pursue accountability for serious crimes and human rights abuses that have occurred in the past three decades;

(B) protect the rights of political parties, journalists, human rights defenders, religious minorities, and nongovernmental organizations to operate without interference and release political prisoners;

(C) lift the bureaucratic restrictions on, and facilitate unhindered access across the country for, humanitarian relief operations;

(D) introduce strong measures to create transparency and address the structural corruption and kleptocracy of the state;

(E) meaningfully engage with opposition forces in Darfur, Southern Kordofan, and Blue Nile with the aim of achieving a just and sustainable peace; and

(F) foster conditions for a viable transition to democracy, economic stability, and sustainable peace and development; and

(9) calls upon the people of Sudan to work together to resolve conflicts peacefully.

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AMENDMENT TO H. RES. 432

OFFERED BY MR. MCCAUL OF TEXAS

Strike the preamble and insert the following:

Whereas in 2016, the Government of the United States launched a plan aimed at reducing conflict and expanding humanitarian access in Sudan, improving counterterrorism cooperation, ending Sudan's negative interference in South Sudan, and addressing the threat of the Lord's Resistance Army, that, according to the Department of State, led to significant progress in these areas and resulted in the lifting of some United States sanctions on Sudan in October 2017;

Whereas the Department of State announced "Phase II" of the bilateral reengagement framework with Sudan in November 2018, under which the United States would consider rescinding Sudan's designation as a state sponsor of terrorism if the country met the relevant statutory criteria for delisting and if the Government of Sudan made progress along six identified areas of concern related to counterterrorism cooperation, humanitarian access, respect for human rights, a cessation of internal hostilities and a conducive environment for peace processes, efforts to address outstanding terrorism-related legal claims, and adherence to United Nations Security Council resolutions on North Korea;

Whereas despite the Government of Sudan's pledge to cease hostilities, the United Nations Panel of Experts on the Sudan reported in January 2019 that forces of the Gov-

ernment of Sudan had launched "large-scale military operations" against insurgents in the Jebel Marra region of Darfur in 2018 and that elements of Sudan's Rapid Support Forces and associated militia were implicated in indiscriminate shootings, rape, acts of torture, and other inhumane treatment of civilians;

Whereas the Department of State's country reports on human rights practices describe reports of serious human rights violations by Sudan's intelligence service and military, including the Rapid Support Forces, citing credible reports that villages in Jebel Marra were targeted for attack in 2018, resulting in the displacement of thousands of civilians and noting that Sudan's Rapid Support Forces were implicated in the majority of reported human rights violations against civilians in the country;

Whereas contrary to the requirements of Phase II, humanitarian organizations report that humanitarian access restrictions have persisted, including bureaucratic interference, and reports of serious human rights abuses and media censorship increased after Phase II was launched;

Whereas in December 2018, protests that began in Damazin and Atbara spread across the country, with thousands of Sudanese gathering to demand political change;

Whereas the Sudanese authorities responded to the protests by detaining hundreds of people, including protesters, members of the political opposition, civil society, journalists, and more than a dozen American citizens, and by using excessive and lethal force against protesters;

Whereas in late February 2019, President Bashir declared a yearlong nationwide state of emergency, dissolving the Federal and State governments and appointing senior

military officers to key government posts, banning unauthorized gatherings, demonstrations, and strikes, expanding authorization for searches, seizures, and arrests, and barring news deemed to undermine his government;

Whereas tens, if not hundreds, of thousands of protesters gathered in Khartoum on April 6, 2019, calling for the end of the government of President Bashir, and on April 11, 2019, he was ousted from power by the military and replaced by Defense Minister and First Vice President Lt. Gen. Ahmed Awad Ibn Auf, who later ceded power to Military Inspector General and Army Chief Lt. Gen. Abdel Fattah al-Burhan;

Whereas Lt. Gen. Burhan stated that his Transitional Military Council is committed to transferring power to a civilian government, but the Council has sought to maintain the military's dominance in negotiations with opposition representatives on a transitional arrangement;

Whereas protesters maintained their vigil in Khartoum, calling for the military to transfer power to a civilian-led transitional authority that would end Sudan's civil wars, address the country's economic crisis, and lay the foundations for democratic elections;

Whereas the Transitional Military Council has not met the demands of the protesters and the African Union Peace and Security Council to "step aside and hand over power to a civilian-led transitional authority, in accordance with the will of the people and constitutional order";

Whereas on June 3rd, elements of Sudanese security forces, led by the Rapid Support Forces, violently dispersed the sit-in of the protesters and killed over 100 people, with

hundreds more injured and reports of rape and other human rights abuses committed;

Whereas negotiations between the Transitional Military Council and the opposition coalition, known as the Forces for Freedom and Change, on the composition and powers of a transitional government are complicated by the role of individuals in the Military Council who have been accused of war crimes, by the Council's insistence on Islamic Sharia law as the basis for laws, and by security forces use of live fire against protesters in the cities of Nyala, Zalingei, and Khartoum, resulting in multiple deaths, during the talks; and

Whereas in the Comprehensive Peace in Sudan Act of 2004, Congress expressed its sense that individuals found to be involved in the planning or carrying out of genocide, war crimes, or crimes against humanity should not hold leadership positions in the Government of Sudan: Now, therefore, be it

IV

116TH CONGRESS
1ST SESSION

H. RES. 441

A resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994 and expressing the concern of the United States regarding the continuing, 25-year-long delay in the resolution of this case and encouraging accountability for the attack.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2019

Mr. DEUTCH (for himself, Mr. WILSON of South Carolina, Mr. SIRES, and Mr. ROONEY of Florida) submitted the following resolution; which was referred to the Committee on Foreign Affairs

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RESOLUTION

A resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994 and expressing the concern of the United States regarding the continuing, 25-year-long delay in the resolution of this case and encouraging accountability for the attack.

Whereas, 25 years ago, on July 18, 1994, 85 innocent people were killed and 300 were wounded when the Argentine Jewish Mutual Association (AMIA) was bombed in Buenos Aires, Argentina;

Whereas, 2 years earlier, Hezbollah operatives also blew up the Israeli embassy in Buenos Aires, killing 29 civilians;

Whereas it is reported that considerable evidence links the attack to the terrorist group Hezbollah, which is based in Lebanon, supported by the Government of the Syrian Arab Republic, and sponsored by the Government of the Islamic Republic of Iran;

Whereas the 25 years since the bombing have been marked by a failure to bring those responsible, including Iranian officials and their Hezbollah proxies, to justice;

Whereas, in September 2004, Alberto Nisman was appointed as the Special Prosecutor in charge of the 1994 AMIA bombing investigation;

Whereas, on October 25, 2006, Argentine prosecutors Alberto Nisman and Marcelo Martínez Burgos formally accused the Government of Iran of directing the bombing, and the Hezbollah militia of carrying it out;

Whereas Ibrahim Hussein Berro, a member of the terrorist group Hezbollah, was identified as the AMIA bomber;

Whereas, in November 2006, an Argentine judge issued arrest warrants for Iranian nationals Ali Fallahijan (former Iranian intelligence minister), Mohsen Rabbani (former Iranian cultural attaché), Ahmad Reza Asghari (former Iranian diplomat), Ahmad Vahidi (former Iranian defense minister), Ali Akbar Velayati (former Iranian foreign minister), Mohsen Rezaee (former chief commander of the Iranian Islamic Revolutionary Guards Corps), Ali Akbar Hashemi Rafsanjani (former President of Iran), Hadi Soleimanpour (former Iranian Ambassador to Argentina), and Lebanese national Imad Fayez Moughnieh who were named as suspects in the AMIA bombing;

Whereas, in November 2007, INTERPOL voted to put the following suspects in the 1994 AMIA attack on its most

wanted list—Ali Fallahijan, Mohsen Rabbani, Ahmad Reza Asghari, Ahmad Vahidi, and Mohsen Razaee from Iran and Imad Fayez Moughnieh from Lebanon;

Whereas Interpol currently has 4 red alerts in place in relation to the AMIA attack;

Whereas, on January 13, 2015, prosecutor Alberto Nisman alleged in a complaint that then-Argentinian President Cristina Fernandez de Kirchner and then-Minister of Foreign Relations Hector Timerman conspired to cover up Iranian involvement in the 1994 terrorist bombing, and reportedly agreed to negotiate immunity for Iranian suspects and help get their names removed from the INTERPOL list;

Whereas prosecutor Alberto Nisman was scheduled to present his new findings to the Argentinian Congress on January 19, 2015;

Whereas prosecutor Alberto Nisman was found shot in the head in his apartment in Buenos Aires on January 18, 2015;

Whereas the investigation of the AMIA bombing has been marked by judicial misconduct;

Whereas, in March 2019, an Argentine court handed down convictions and sentences, finding that the judge, prosecutors, and head of the Argentina's secret services—the individuals responsible for investigating the AMIA bombing, Argentina's deadliest terrorist attack—had interfered with the inquiry, diverting the investigation away from the truth;

Whereas former Federal judge Juan José Galeano was handed down a 6-year conviction by the court, which will not

be enforced until the sentence is confirmed by a higher tribunal;

Whereas former State Intelligence Secretariat (SIDE) intelligence head Hugo Anzorreguy was handed a prison sentence of 54 months;

Whereas Carlos Telleldín, a used car dealer who sold the van that contained the bomb used to attack AMIA and received a bribe to incriminate police officers falsely, was sentenced to 42 months in jail; and

Whereas no Iranian suspects for the AMIA bombing have yet faced prosecution: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reiterates its strongest condemnation of the 1994 attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, and honors the victims of this heinous act;

(2) expresses its sympathy to the relatives of the victims, who have waited a quarter of a century without justice for the loss of their loved ones, and may have to wait even longer for justice to be served;

(3) underscores the concern of the United States regarding the continuing, 25-year-long delay in the proper resolution of this case; and

(4) expresses strong support for accountability for this attack, including against those Iranian and Hezbollah operatives who were responsible.

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116TH CONGRESS
1ST SESSION

H. RES. 444

Reaffirming the importance of the United States to promote the safety, health, and well-being of refugees and displaced persons.

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2019

Mr. TED LIEU of California (for himself, Ms. LOFGREN, Mr. NEGUSE, and Mr. DIAZ-BALART) submitted the following resolution; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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RESOLUTION

Reaffirming the importance of the United States to promote the safety, health, and well-being of refugees and displaced persons.

Whereas the United States has historically served as the benchmark for establishing a comprehensive response to displacement crises around the world, as well as for promoting the safety, health, and well-being of refugees and displaced persons;

Whereas June 20 is observed as World Refugee Day, a global day to acknowledge the courage, strength, resilience, and determination of women, men, and children who are

forced to flee their homes due to conflict, violence, and persecution;

Whereas, in 2017, according to the United Nations High Commissioner for Refugees—

(1) there were more than 68,500,000 displaced persons worldwide, the worst displacement crisis in global history, including more than 25,400,000 refugees, over 40,000,000 internally displaced persons, and 3,100,000 people seeking asylum;

(2) on average, 44,400 people were forced from their homes each day in the absence of peace and reconciliation in countries where armed conflict, violence, and persecution continue to reign;

(3) 16,200,000 new individuals and families were displaced, the majority of whom were displaced within the borders of their own countries;

(4) 60 percent of preventable maternal deaths occur in situations of conflict and displacement, and 1 in 5 refugees or displaced women in situations of humanitarian crisis suffer sexual violence, a figure which is likely underestimated;

(5) children accounted for 52 percent of all refugees, only half of them attend school;

(6) refugee children were five times more likely to be out of school than children who are not displaced, with refugee girls having less access to school than refugee boys;

(7) 68 percent of all refugees came from Syria, Afghanistan, South Sudan, Myanmar, and Somalia, including 6,300,000 refugees from Syria alone;

(8) there were more than 12,600,000 forcibly displaced Syrians, including 6,300,000 refugees, 6,200,000

internally displaced people, and 146,700 asylum-seekers; and

(9) 85 percent of all refugees were hosted by developing nations, and less than 1 percent of vulnerable refugees in need of resettlement had the opportunity to resettle because sufficient numbers of places do not exist; and

Whereas the United States resettlement program is a life-saving solution critical to global humanitarian efforts, which serves to strengthen global security, advance United States foreign policy goals, and support regional host countries while serving individuals and families in need: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms the bipartisan commitment of the United States to promote the safety, health, education, and well-being of the millions of refugees and displaced persons uprooted by war, persecution, and violence in search of peace, hope, and freedom;

(2) supports those who have risked their lives, working either individually or for nongovernmental organizations or international agencies such as the United Nations High Commissioner for Refugees, to provide life-saving assistance and protection to those displaced around the world;

(3) underscores the importance of the United States refugee resettlement program as a critical tool for United States global leadership to leverage foreign policy, strengthen national and regional secu-

rity, and encourage international solidarity with host countries;

(4) calls upon the United States Secretary of State and United States Ambassador to the United Nations to—

(A) continue supporting robust funding for refugee protection and humanitarian response overseas and resettlement to the United States;

(B) uphold the United States international leadership role in responding to displacement crises with humanitarian assistance, and restore its leadership role in the protection of vulnerable refugee populations that endure sexual violence, human trafficking, persecution and violence against religious minorities, forced conscription, genocide, and exploitation;

(C) work in partnership with the international community to find solutions to existing conflicts, promote peace and reconciliation, and prevent new conflicts from beginning;

(D) continue supporting the efforts of the United Nations High Commissioner for Refugees and to advance the work of nongovernmental organizations to protect refugees regard-

less of their country of origin or religious beliefs;

(E) continue to alleviate pressures on frontline refugee host countries that absorb the majority of the world's refugees through humanitarian and development support; and

(F) respond to the global refugee crisis by meeting robust refugee admissions goals; and

(5) reaffirms the goals of World Refugee Day and reiterates the strong commitment to protect the millions of refugees who live without material, social, or legal protections.

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AMENDMENT TO H. RES. 444

OFFERED BY MR. TED LIEU OF CALIFORNIA

Strike the preamble and insert the following:

Whereas the United States has historically served as the benchmark for establishing a comprehensive response to displacement crises around the world, as well as for promoting the safety, health, and well-being of refugees and displaced persons;

Whereas June 20 is observed as World Refugee Day, a global day to acknowledge the courage, strength, resilience, and determination of women, men, and children who are forced to flee their homes due to conflict, violence, and persecution;

Whereas, in 2018, according to the United Nations High Commissioner for Refugees—

(1) there were more than 70,800,000 displaced persons worldwide, the worst displacement crisis in global history, including more than 25,900,000 refugees, over 41,300,000 internally displaced persons, and 3,500,000 people seeking asylum;

(2) on average, 37,000 people were forced from their homes each day in the absence of peace and reconciliation in countries where armed conflict, violence, and persecution continue to reign;

(3) 13,600,000 new individuals and families were displaced, the majority of whom were displaced within the borders of their own countries;

(4) 60 percent of preventable maternal deaths occur in situations of conflict and displacement, and 1 in 5 refugees or displaced women in situations of humanitarian crisis suffer sexual violence, a figure which is likely underestimated;

(5) children accounted for about half of all refugees, only half of them attend school;

(6) refugee children were five times more likely to be out of school than children who are not displaced, with refugee girls having less access to school than refugee boys;

(7) 67 percent of all refugees came from Syria, Afghanistan, South Sudan, Myanmar, and Somalia, including 6,654,000 refugees from Syria alone;

(8) there were more than 13,000,000 forcibly displaced Syrians, including 6,654,000 refugees, 6,184,000 internally displaced people, and 140,000 asylum-seekers; and

(9) 84 percent of all refugees were hosted by developing nations, and less than 1 percent of vulnerable refugees in need of resettlement had the opportunity to resettle because sufficient numbers of places do not exist; and

Whereas the United States resettlement program is a life-saving solution critical to global humanitarian efforts, which serves to strengthen global security, advance United States foreign policy goals, and support regional host countries while serving individuals and families in need: Now, therefore, be it



I

116TH CONGRESS
1ST SESSION

H. R. 2229

To waive the passport fees for first responders proceeding abroad to aid a foreign country suffering from a natural disaster.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2019

Mr. CHABOT (for himself, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. WEBER of Texas, Mr. CONNOLLY, Mr. LAMALFA, Mr. BEYER, Mr. GRAVES of Louisiana, Mr. DEUTCH, Mr. POSEY, Mr. LOWENTHAL, Mr. JOHNSON of Ohio, Mr. MCGOVERN, Mr. SCHWEIKERT, Mrs. DINGELL, Ms. JACKSON LEE, and Mr. SWALWELL of California) introduced the following bill; which was referred to the Committee on Foreign Affairs

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A BILL

To waive the passport fees for first responders proceeding abroad to aid a foreign country suffering from a natural disaster.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "First Responders Passport Act of 2019".

SEC. 2. PASSPORTS FOR FIRST RESPONDERS.

(a) IN GENERAL.—Subsection (a) of section 1 of the Act of June 4, 1920 (22 U.S.C. 214; 41 Stat. 750; com-

monly referred to as the "Passport Act of 1920"), is amended, in the third sentence, by inserting after "to attend a funeral or memorial service for such member;" the following: "from an individual who is operating under a contract, grant, or cooperative agreement with the United States Government, including a volunteer, who is proceeding abroad to aid a foreign country suffering from a natural disaster as determined by the Secretary;".

(b) REPORT.—Not later than 90 days after the end of the first full fiscal year after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the number of waivers of fees for the execution and issuance of passports to first responders under section 1 of the Act of June 4, 1920, as amended by subsection (a) of this section, for such fiscal year.

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AMENDMENT TO H.R. 2229

OFFERED BY MR. CHABOT OF OHIO

Page 2, strike lines 4 through 8 and insert the following: "following: 'at the discretion of the Secretary, from an individual, including a volunteer, who is operating under a contract, grant, or cooperative agreement with the United States Government to proceed abroad within the first seven days after a natural disaster to aid a foreign country suffering from such natural disaster;' ".



Chairman ENGEL. At this time, I recognize myself to speak on today's business. We have nine good bipartisan measures before us today. I am pleased to support them all.

First, I want to discuss some of the bills and resolutions that deal with human rights. I will start with the bill introduced with Mr. Chabot, the BURMA Act.

The world watched with horror as reports came out about the Burmese military and security forces' atrocities against the Rohingya people.

Now, over 1 million Rohingya refugees are in Bangladesh, unable to return home safely, and the Burmese military is using the same violent tactics against other ethnic minorities in Burma.

The BURMA Act will hold the perpetrators of these horrific crimes accountable and pursue justice for the victims. It also works to reform Burma's gemstone sector that is currently dominated by the military.

This lucrative industry should benefit the Burmese people. It should pay for the infrastructure and economic development so desperately needed there instead of funding the conflicts plaguing that country.

We passed the BURMA Act with broad bipartisan support in the last Congress and I hope this year we get it across the line to the president's desk and help bring a measure of justice to the Rohingya people.

While the BURMA Act focused on accountability for the military and security forces, we also need to hold the civilian government in Burma accountable for their crackdown on dissent.

Aung San Suu Kyi's government is repressing civil society and silencing journalists—I never thought I would ever say this—including two Reuter's journalists who were imprisoned for 500 days for reporting on the Rohingya crisis.

That brings me to Mr. Levin's Burma Political Prisoners Assistance Act. This bill calls on Aung San Suu Kyi's government to reform these repressive laws, and adds on the State Department's work to support civil society and free political prisoners.

It is a good bill and I urge all members on both sides of the aisle to join me in supporting it.

Next, I will turn to Mr. Fortenberry and Ms. Eshoo's measure that supports justice for persecuted minorities in Iraq.

I have discussed this with Mr. Fortenberry for many, many, many months. He has worked very hard on this. This resolution condemns the tragic and horrific brutality that ISIS has wrought on religious and ethnic minorities in that country.

It also calls on the United States along with the Iraqi and Kurdish regional governments to support the safe return and integration of these groups into Iraqi society. That includes Christians. It is a good resolution, and I am pleased to support it.

Today marks World Refugee Day so it is fitting that we are considering Mr. Lieu's measure reaffirming the importance for the United States to promote health and wellbeing of refugees and displaced persons.

This measure is a critical and timely call for all of us. We must continue to support refugee protection and humanitarian response to leadership investment of resources and partnership.

Countless brave children, women, and men have been forced out of their homes by violence, conflict, persecution, natural disaster, or war. Across most of our history there would be no question that the United States would stand ready to provide a measure of relief for those desperate people.

Today, sadly, I am sure that commitment is in doubt in many places around the world. So I thank Mr. Lieu for bringing forward this resolution that reaffirms what our country stands for, and I support moving it forward today.

Next, another piece of important human rights legislation, the Global Respect Act. Throughout the world everyday people face violence, discrimination, cruel inhumane degrading treatment simply because of whom they love. This is about people's safety and security.

We need to condemn persecution and violence against LGBT communities wherever and whenever it happens and those responsible for this sort of bigotry need to face justice.

The Global Respect Act puts visa sanctions on those responsible for human rights abuses against the LGBT community and requires the State Department to report on these issues in their human rights.

Mr. Cicilline, thank you for introducing this measure and for your remarkable leadership on this issue. I am a proud co-sponsor and I strongly support its passage.

Now I will turn to Mr. Kildee's resolution dealing with the ongoing crisis in Sudan, which I was pleased to join in as an original co-sponsor.

The situation in Sudan is dire and it is important that Congress send a strong message. Peaceful pro-democracy protestors are under attack by the country's security forces, especially General Hemedti's Rapid Support Forces.

H. Res. 432 condemns these human rights abuses and pushes the Administration to work with international partners to resolve the current crisis in Sudan.

This resolution is an important measure to show that Congress stands with the people of Sudan in their fight for a democratic civilian—led government. I am proud to support it and I urge all members to do the same.

Now I will turn to Mr. Deutch's resolution that strongly condemns the attack on the AMIA Jewish Community Center that took place 25 years ago in Buenos Aires.

This one hits close to the heart. I visited AMIA twice to meet with the community there and pay my respects to the victims. It is an absolute tragedy and, frankly, it is an outrage that after all these years there still has not been justice for those 85 victims and their families.

This resolution condemns the attack and calls for swift action to bring the perpetrators to justice. I am pleased to support it. I followed this case. It is a disgrace. Every time we think we are right there something happens to push it away.

Next, the First Responders Passport Act from Mr. Chabot. This is a good bill that passed the House in the 114th Congress, and I am glad we are considering it again now.

USAID-supported search and rescue teams have played an essential role in the aftermath of many overseas natural disasters, including earthquakes in Nepal, Haiti, Japan, and New Zealand.

These first responders provide specialized capabilities and demonstrate our commitment to international partners during times of need. This bill would authorize the Secretary of State to waive passport fees for the brave Americans who mobilize quickly as part of the U.S. government-supported team to help other countries when a natural disaster hits abroad.

This is a common sense fix for Americans who risk life and limb to help other countries during times of despair and I am please to move it forward.

Finally, we have the Southeast Asia Strategy Act from Mrs. Wagner. Southeast Asian States have been central to United States policy in Asia for decades and they are key partners in advancing our interests in the Indo-Pacific region.

But at this point, the United States still has not put together a comprehensive strategy on how to strengthen our engagement with these countries.

The Southeast Asia Strategy Act calls on the Secretary of State to develop this policy so we can fully engage with our partners on some of the most critical issues facing our world today.

From climate change and human rights to security cooperation, energy, and a growing global economy, it is a good bill to strengthen our position in this critical region.

I am pleased to support all these measures and I would like to thank our members for their hard work.

And now I will recognize our ranking member, Mr. McCaul of Texas, for his remarks.

Mr. MCCAUL. Thank you, Mr. Chairman.

Today, our committee will mark up five bills and four resolutions. This builds on the 26 bills and seven resolutions the committee has already approved, many in a bipartisan manner.

In particular, I would like to thank the vice ranking member, Mrs. Wagner, for her bill, the Southeast Asia Strategy Act. This bill will promote U.S. cooperation with the Association of Southeast Asian Nations and establish a comprehensive interagency strategy for engagement in Southeast Asia with ASEAN.

ASEAN is at the center of Asia's strategic and economic future and critical to the Administration's Indo-Pacific strategy. This legislation is especially important now to help us better counter China in their Belt and Road Initiative.

I would like to thank also Mr. Chabot for his bill to give the Secretary of State discretion to waive passport fees for certain American first responders making trips abroad for natural disaster response efforts as natural disasters can strike anywhere at any time.

I saw firsthand when Hurricane Harvey hit Texas, first responders and volunteers were absolutely critical in helping victims, cleaning up debris and restoring necessities such as electricity and clean water.

I appreciate Chabot's bill that would help these responders travel to aid a foreign country suffering from such disasters.

Last, I am proud to support, once again, Chairman Engel's BURMA Act of 2019. The Foreign Affairs Committee has a decades-long history of holding the Burmese military accountable for their atrocities.

It is more important than ever after their genocide against their own people in August 2017. The BURMA Act will selectively revive the sanctions regime that was recklessly scrapped during the last administration, which is long overdue.

With that, Mr. Chairman, I look forward to considering these bills and I yield back.

Chairman ENGEL. Thank you, Mr. McCaul.

Does anyone seek recognize for the purpose of speaking on the en bloc passage?

Mr. Sherman.

Mr. SHERMAN. Mr. Chairman, I just want to commend you and the ranking member once again for an outstanding package of bills brought forward in a collegial and bipartisan manner.

With regard to Asia, I particularly want to focus on the ethnic cleansing, if not the genocide, of the Rohingya and I am glad that we are dealing with two bills today that deal with that.

It is so important that the people of the—moving on to H. Res. 259, it is so important that the Assyrians and other ethnic minorities and religious minorities of Iraq be allowed to return in safety to their ancestral homelands.

And we are, of course, remembering what happened to the Jewish community of Buenos Aires and taking a strong stand to support the LGBTI community.

So it is an excellent package of bills. Pleased to co-sponsor them all, and I yield back.

Chairman ENGEL. Thank you, Mr. Sherman.

Mr. Wilson.

Mr. WILSON. Thank you, Mr. Chairman.

Thank you, Chairman Engel, and Ranking Leader—Republican Leader Mike McCaul for bringing these important bills to markup today.

These bills address some of the most pressing issues facing the world today and they are a testament to the bipartisan spirit of this committee.

I would like to start by expressing my strong support for House Resolution 441 condemning the attack on the Mutual Israelite Association of Argentina—AMIA—Jewish Community Center in Buenos Aires, Argentina, in July 1994 introduced by my friend and chairman of the Middle East, North Africa, and International Terrorism Subcommittee, Ted Deutch.

This dastardly attack carried out by Iran's primary global proxy, Hezbollah, tragically killed 85 innocent people and injured 300 others.

But for 25 years, those responsible for this tragic attack have not faced justice. In 2006, Argentine Special Prosecutor Alberto Nisman formerly accused the Iranian government of directing the attack and confirmed that Hezbollah carried it out.

But, unfortunately, the highest levels of the Argentinian government were also involved in the cover-up to seal Iran's role in the bombing.

Nisman was found shot in the head 1 day before he was scheduled to present his findings on the case to the Argentinian Congress.

And here we are, nearly 25 years to the day of the AMIA bombing and not a single Iranian suspect has faced prosecution. Our hearts go out to the families and loved ones of the victims of this horrible attack.

Justice must be served. I am grateful to support this measure as original co-sponsor and appreciate that Chairman Deutch has highlighted this case and advocated for justice for these families.

I would also like to express my support for Mr. Chabot's support measures H.R. 2229 that would waive passport fees for selfless American first responders traveling abroad to aid a foreign country suffering from a natural disaster.

The generosity and charitable spirit of the American people are boundless. When disaster strikes, brave American men and women risk their lives to shuttle off to places many of us have never heard of to help local communities deal with some of the most devastating conditions on Earth.

They not only help those communities but, in the long run, they spread good will about America. They ultimately serve as Ambassadors of our country and represent the best of the United States.

The very least we in Congress can do to support these courageous individuals is waive their passport fees and send them on their way. Again, thanks to Mr. Chabot for his great work on this bill.

Last, I would like to express my strong support for Chairman Engel and Mr. Chabot's BURMA Act of 2019. The ongoing situation in Burma is beyond belief. The massive human rights abuses and unthinkable violence against ethnic Rohingya civilians in Burma are reprehensible.

We have seen the tragic reports. Seven hundred and fifty thousand have already fled, 80 percent of whom are women and children.

But even when they finally get out of Burma these hapless refugees are packed in harsh conditions and sometimes even targets of continued violence.

Just last month, 65 Rohingya refugees were found shipwrecked and stranded in southern Thailand, suspected of being victims of human trafficking.

This is, unfortunately, an ongoing situation and the Burmese military leaders with blood on their hands have yet to be held accountable for their crimes against humanity.

That is why the BURMA Act is so critical. It would ensure sanctions, accountability, and justice related to the ethnic cleansing of the Rohingya in Burma.

It is our moral imperative to stand with the systematic human rights abuses of the—against the abuses of the Burmese military and seek accountability and justice for the victims of this heinous campaign.

With that, I yield back the balance of my time.

Chairman ENGEL. Thank you, Mr. Wilson.

Mr. Deutch.

Mr. DEUTCH. Thank you, Mr. Chairman. I thank you and the ranking member for bringing this slate of bipartisan measures before us today. I am proud to support all of them.

I thank my colleagues for continuing to highlight the gross injustices taking place against the Rohingya in Burma. I thank Mr. Cicilline for his tireless work to fight for equality and I stand with him in making clear that attacks on the LGBTI community are attacks on fundamental human rights.

I support Mr. Lieu's effort to remind the world that we have a responsibility to those who are fleeing violence and displacement in seeking a better life.

I am also proud to stand with my colleagues in support of those peaceful protestors in Sudan who seek a democratic transition and have been met with violence. These deadly attacks must end and a civilian transition must begin.

It is with a heavy heart that I, along with the ranking member of the Middle East, North African, and International Terrorism Subcommittee, Mr. Wilson, and the chairman and ranking member of the Western Hemisphere Subcommittee, Mr. Sires and Mr. Rooney, introduced a resolution marking the 25th anniversary of the AMIA terror attack and urging justice and accountability for those responsible for this attack.

On July 18th, 1994, a terrorist detonated a car bomb in the AMIA building, a Jewish community center in Buenos Aires. Eighty-five innocent people were killed. Hundreds more were injured, and to date this remains the deadliest terror attack in Argentina.

Unfortunately, the investigations into the AMIA attack have been marked by long delays and judicial misconduct, failing thus far to bring justice for the victims, for the families, and for the community.

Considerable evidence has linked this heinous attack to the terrorist group Hezbollah and to its sponsor, the government of the Islamic Republic of Iran, and despite warrants issued by the Argentinian justice system for Iranian and Lebanese nationals thought to be involved in the attacks and their addition on Interpol's most wanted lists, Iranian and Hezbollah operatives have yet to face accountability for their actions.

After the previous president of Argentina worked to prevent Iran from being held accountable, prosecutor Alberto Nisman heroically proceeded investigating this bombing, shedding light on the alarming and growing partnership between leaders in Iran and Argentina.

Just 1 day before he was scheduled to present his latest findings, Alberto Nisman was found dead in his home with a fatal gunshot to the head.

We are grateful that President Macri's government has continued to push for Iranian accountability and we hope that responsible nations will comply and not afford those involved in this terror attack the opportunity to escape justice.

Twenty-five years later, Iranian-backed Hezbollah continues to carry out terror operations. Twenty-five years later, anti-Semitism continues to threaten the lives of Jewish communities throughout Latin America and around the world.

The rise in anti-Semitic attacks including the brutal attack on a rabbi in Argentina earlier this year should put us all on notice that we as a global community must do more to combat hate.

And with this vote, the committee honors the memory of the victims of this horrific attack, recalls the brave work by Alberto Nisman, who lost his life pursuing justice, and calls for full accountability for all of those who are responsible.

I urge my colleagues to support this resolution and the other good measures before us today, and I yield back.

Chairman ENGEL. Thank you, Mr. Deutch.

Mrs. Wagner.

Mrs. WAGNER. Mr. Chairman, I would like to thank you very much and the ranking member for including H.R. 1632, the Southeast Asia Strategy Act, in today's markup.

I would also like to thank Congressman Castro, with whom I founded and co-chair the ASEAN Caucus for working with me on this legislation and for his great support of U.S.-ASEAN relations.

This bill will deepen U.S. engagement without Southeast Asian partners by requiring the Secretary of State, in consultation with other agencies as appropriate, to develop and communicate a communicate regional strategy that addresses all aspects of the relationship, from trade and humanitarian goals to diplomatic and security arrangements.

ASEAN member States are vital to the prosperity of the United States economy, generating hundreds of thousands of American jobs and investing more in our economy than China and India combined.

In 2015, the United States and ASEAN elevated the relationship into a strategic partnership to enhance cooperation across the economic, political security, and people-to-people pillars of this relationship.

Southeast Asian countries seek assurance that the United States is a reliable partner as they try to maintain economic independence from China and defend their territorial claims in the South China Sea.

While ASEAN countries have expressed support for the Trump Administration's free and open Indo-Pacific strategy, which promotes cooperation with India, Japan, and Australia to contain China, some worry that the focus on the peripheral waters of Asia will leave Southeast Asian States to fend off China without substantial support.

The U.S. withdrawal from the Trans Pacific Partnership further stoked concerns that the United States is no longer as committed to enhancing our trade relations.

I have had many opportunities to meet with ASEAN officials and foreign ministers. One message that I hear repeatedly is that the United States must demonstrate strength and leadership in the region.

Congress should listen closely to our partners, who are demanding stronger leadership and not just because China would be sure to fill any vacuum in power.

ASEAN is, clearly, a powerhouse and a critical region to engage in in and of itself. The U.S. should be proactively crafting and implementing its Southeast Asia strategy.

This bill would require the Administration to do just that. I thank the chairman for his attention to U.S. engagement in the region and I urge my colleagues to support H.R. 1632, the Southeast Asia Strategy Act.

I thank you, and I yield back, Mr. Chairman.

Chairman ENGEL. Thank you, Mrs. Wagner.

Mr. Keating.

Mr. KEATING. Thank you, Mr. Chairman.

I would like to thank you and your ranking member, Mr. McCaul, for your leadership and the slate of bills we have in front of us—very important bills all advancing important causes, all of which I support.

I would like to also in particular thank Congressman Cicilline for his leadership for the Global Respect Act. I am pleased to be a original co-sponsor of the Global Respect Act.

For too long we have seen prejudice and violence against the LGBTI persons globally and here in the United States. This bill is a strong response to international human rights abuse based on sexual orientation, gender identification, or sex characteristics, and it is worth noting the timing of advancing this bill since next week we mark an important half century milestone. Here in the United States we have come a long way in 50 years since the Stonewall raid and riots.

But there is still more work that has to be done to ensure the LGBTI individuals have the rights and respect that they truly deserve.

With the passage of the Global Respect Act, the United States will lead by example in sending a strong message to our counterparts around the world.

With that, I yield back.

Chairman ENGEL. Thank you, Mr. Keating.

Mr. Chabot.

Mr. CHABOT. Thank you, Mr. Chairman, and I am bouncing back and forth between this hearing and Judiciary—this markup and Judiciary and Small Business as well, so I will be brief. I would just like to comment on two of the bills we have before us today.

The first is H.R. 2229, the First Responders Passport Act, which is legislation I introduced to allow the Secretary of States to waive passport fees for first responders who are contracted to deploy to disaster zones around the world.

For instance, every 5 years USAID awards contracts to a couple fire department search and rescue teams to be able to mobilize immediately after disaster strikes abroad.

Since teams have to be ready to leave the country the day a disaster strikes, these first responders must maintain active passports.

However, since they are not government personnel they have to do so at their own expense. Furthermore, the teams do not deploy all that often. So foreign travel is not really an essential part of their jobs normally.

Brave first responders represent our Nation to people who have lost everything across the globe. They should not be personally required to incur this expense to do their job. Instead, our country should provide them the necessary documents so that they can

bring the compassion and generosity of the American people to those who need it most.

I also briefly want to mention my amendment to this legislation, which brings its text into better alignment with its intent.

It limits the exemption to individuals who are truly first responders; that is, those who are under contract to deploy within a week and so must have an active passport at all times.

The second piece of legislation I would like to comment on is the BURMA Act, of which I am the lead Republican and I want to thank Chairman Engel for sponsoring this legislation and working with me to hold the Burmese military accountable for its barbaric attacks on the Rohingya in the fall of 2017.

Since then, I and many on this committee have condemned these atrocities. The facts bear repeating. In September 2017, the Burmese military began a campaign to permanently drive the Rohingya out of Burma that resulted in over 700,000 Rohingya refugees fleeing from Rakhine State, Burma, into neighboring Bangladesh. They remain there today without any meaningful hope of returning home.

This campaign consisted of widespread, systematic, and premeditated human rights abuses including barbaric killings, gang rapes, and the burning of around 400 Rohingya villages.

According to a partial State Department report on these atrocities, about half of the Rohingya surveyed said that they had personally witnessed a rape while about 80 percent witnessed killings and the destruction of villages.

Since the Burma Act passed the House as part of the NDAA last year, there have been substantial developments in our understanding of the true horror of these atrocities as various investigations have been completed.

The evidence is so bad that virtually everyone who has looked at it says these crimes were genocide and crimes against humanity. Based on this evidence last December, the House voted overwhelmingly to adopt this resolution determining that the atrocities were indeed a genocide and calling for accountability.

It is very disappointing that after almost 2 years, the Burmese military has not been held accountable for these atrocities.

The BURMA Act would utilize sanctions and other tools to bring about some measure of justice for the Rohingya and move Burma toward a better future.

Time alone will not absolve these crimes and it is long overdue that this legislation became law, and I want to thank you, Mr. Chairman, for your leadership on this and thank all the other members of the committee that have been involved.

And I yield back.

Chairman ENGEL. Thank you, Mr. Chabot.

Mr. Sires.

Mr. SIRES. Thank you, Mr. Chairman.

I am grateful you have called this markup that we are able to advance these bipartisan measures today.

I want to thank my good friend from Florida, Chairman Ted Deutch, for introducing an important bill to condemn the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in 1994.

As we approach the 25th anniversary of that horrible day, I am proud to cosponsor this bill and join Mr. Deutch, Ranking Member Rooney, Ranking Member Wilson, and our other colleagues in repeating our calls for accountability.

The AMIA bombing killed 85 people, injured 300, and shook the entire Jewish community in Argentina. It was the deadliest terrorist attack in Argentina's history. Evidence suggests that the terrorist group Hezbollah carried out this vicious and cowardly attack with the support of Iran.

Yet, 25 years later, the perpetrators have not been brought to justice. The family of the victims deserve better.

We in Congress must continue to call for the investigation to be completed. We should also continue to condemn those powerful interests that have sought to keep the truth from coming to light.

I was honored to visit the AMIA Center in 2016 and meet with representatives of the Jewish community in Argentina who are still fighting for justice and accountability.

I plan to lead a bipartisan delegation to Argentina next month to once again stand in solidarity with the Jewish community in Argentina and throughout the world.

I urge my colleagues to support this resolution which sends a strong message that we will never forget what happened 25 years ago and we will not give up until the perpetrators have been brought to justice.

I thank Chairman Engel and Ranking Member McCaul for their efforts to have this markup and I thank all the members and their staff for their hard work.

Thank you. I yield back.

Chairman ENGEL. Thank you, Mr. Sires.

Mr. Burchett.

Mr. BURCHETT. Thank you, Mr. Chairman, and Ranking Member.

I would like to express my strong support for House Resolution 441 and thank Mr. Deutch for introducing it.

It is pretty clear to me and I guess the members that this committee that 25 years ago Hezbollah committed this heinous bombing on the Argentine Jewish Mutual Association—the AMIA—and killed 85 civilians.

This resolution is a stark reminder of the evil that Hezbollah has espoused since their founding in the early 1980's. Additionally, we must never forget about Hezbollah's patron, Iran, who is equally culpable in this massacre and is leading the State sponsor in the world.

It is safe to say that with Iranian help, Hezbollah has been able to launch many transnational terror attacks which, besides the AMIA, include the Israeli embassy bombing in Buenos Aires, the attack on U.S. embassy in Beirut, the Marine barracks bombing in Beirut, and not to mention the continued threat Hezbollah poses on Israel's northern borders.

Mr. Chairman, the 25th anniversary of the AMIA bombing is a stark reminder that we must never forget the cowardly acts of Hezbollah and Iran, the ones that they have perpetrated over the years.

And I yield back the rest of my time. Thank you, Mr. Chairman.

Chairman ENGEL. Thank you, Mr. Burchett.

Ms. Bass.

Ms. BASS. Thank you, Mr. Chairman.

I want to speak in support of House Resolution 432, condemning the attacks on peaceful protestors and supporting an immediate peaceful transition to a civilian-led democratic government in the Sudan.

Protests have taken place all across Sudan since December 2018, both in response to Bashir's authoritarian regime and the country's declining economy.

Bashir was removed in April after being in power for 30 years, soon after a transitional military council assumed control of the country, promising to negotiate a civilian-led transition to power.

In June, the Rapid Support Forces, a militia linked to atrocities against civilians in Darfur, slaughter peaceful protestors in the streets.

There have been numerous atrocities committed including bodies being found in the Nile River, the killing of a 26-year-old engineer named Mohamed Mattar, and other reported cases of rape in the country while peaceful protests have tried to press for a swift return to civilian rule.

All the while Sudanese security forces have continuously cracked down violently on protestors, used excessive lethal force, and reportedly detained hundreds.

The current political crisis has the potential to destabilize the country. This resolution is important because it signals to the Sudanese population that we stand with their call for civilian rule, that we hear them, and that their lives are important.

In the past hearings I have stated my disappointment with the Sudanese Security Forces firing live ammunition, causing multiple fatalities in order to disband sit-ins and peaceful protests in Sudan.

I am also alarmed that the military has shut down media networks in Sudan, the social media. The internet has been shut down for more than 17 days.

I call on the Sudanese Transitional Military Council to immediately open up the internet. And it is also critical that journalists continue covering this situation in Sudan.

This not only gives the international community insight about what is happening on the ground but also boosts morale for protestors.

I encourage everyone to support House Res. 432 condemning the attacks on citizens and supporting an immediate peaceful transition to civilian rule.

Next Tuesday, the Africa Subcommittee is having a hearing on the political crisis in Sudan with government witnesses and I encourage you all to come and give voice to this alarming crisis.

I have to say that I am deeply disappointed, having traveled to Sudan last year and was hopeful that we were moving in a positive direction in terms of our two countries. But, obviously, this has been a tremendous backslide.

We also had planned to travel to Sudan next week. But because of the crisis, the instability, we are not going to be allowed to go into the country.

So with that, I yield back my time. Thank you.

Chairman ENGEL. Thank you, Ms. Bass.

Mr. Rooney.

Mr. ROONEY. Thank you, Mr. Chairman.

I want to add my voice and support to my colleague Ted Deutch's resolution, H. Res. 441 condemning the attack on the AMIA Jewish Community Center in Buenos Aires back in July 1994, which expresses concern over the 25-year-long delay in resolving the case and encourages that those people responsible for this heinous act be held accountable.

It is critically important that this committee condemn this terrorist attack, one of the worst in the history of Latin America, and it is equally important that we recognize that those victims of the attack and their families deserve justice.

For 25 years now, Hezbollah, generally backed by Iran, has been able to avoid accountability for the murders of these 85 men, women, and children.

This resolution serves as a potent reminder that the United States will continue to recognize and hold responsible those who perpetrate acts of terror anywhere in the world.

I want to further commend the Macri government of Argentina for its effort to find the truth behind the death of prosecutor Alberto Nisman, who was responsible for investigating this terrorist attack but was found dead with a single bullet to his head in his apartment in a crime that we do not necessarily think was an accident, and I have the fervent belief that the government of Iran was behind it.

Last, although this terrorist attack was perpetrated 25 years ago, it should serve as a strong reminder that foreign terrorist groups do not just operate across oceans but in our own hemisphere as well.

We all know the things that are taking place on the Uruguay-Argentina-Brazil border. We must work with our strong ally, Argentina, and all of our partners in the region to combat the malign influence of foreign actors and hold those responsible who perpetrate crimes and terror against innocent people.

I want to thank my colleague from Florida, Mr. Deutch, again for introducing this important resolution. I thank the other people who have spoken on its behalf and thank, last, Chairman Engel and Ranking Member McCaul for bringing it before the committee for swift passage.

I urge all my colleagues to support the resolution, and yield back.

Chairman ENGEL. Thank you, Mr. Rooney.

Mr. Cicilline.

Mr. CICILLINE. Thank you, Mr. Chairman, and thank you to you, Chairman Engel, and Ranking Member McCaul for bringing up these important bills in a bipartisan fashion and I, of course, urge my colleagues to support all of them.

I would like to spend a moment on H.R. 3252, the Global Respect Act. It speaks volumes to the LGBTI community around the world that the U.S. House stands united in support of the fundamental rights the LGBTI community to live with dignity, free from violence, unlawful detention, torture, and other indignities.

H.R. 3252, the Global Respect Act, will build on existing human rights-related sanctions authorities to ensure that human rights

abusers are held accountable. This legislation will require the State Department to compile a list of foreign individuals who commit violations against members of the LGBTI community and to deny or rescind travel visas for individuals who have committed such violations.

It would also codify reporting requirements on these issues in the State Department's annual Human Rights Report.

As you may be aware, about 80 countries specifically outlaw same sex relations with the threat of imprisonment, fines, and, in several countries, even death.

In the past few years, disturbing efforts to target lesbian, gay, bisexual, transgender, intersex people and their families have passed and been signed into law in several countries around the world.

Violence against LGBTI communities is pervasive and sometimes sanctioned or directed by government officials. The Universal Declaration of Human Rights States that, and I quote, "All human beings are born free and equal in dignity and rights."

As with any form of social or legal marginalization whether based on sex, race, religion, ethnicity, or other status, the denial of human rights of LGBTI people is not only wrong, but it also negatively affects health outcomes, social stability, rule of law, and economic potential.

The United States must stand up against egregious human rights abuses. The Global Respect Act will ensure that foreigners who are culpable in violations against the LGBTI community face consequences for their actions.

This bill will send a signal to not just the abusers but to the victims that the United States stands with them. Victims like Joel Simpson, an LGBTI activist in Guyana who was targeted and beaten outside of a nightclub in June.

Or Assil Belalta, a 21-year-old medical student who was attacked in his own home by two assailants who slit his throat and wrote, "He is gay" on the wall with his blood.

Or I.J., a victim of Ramzan Kadyrov's systematic rounding up and torture of men and women perceived to be gay in Chechnya. I.J. described his experience of being detained and arrested by Chechnyan security forces in a report written by the journalist Elena Malishina, whose dogged reporting at the expense of her own safety brought these atrocities to light in 2017.

I.J. said of his attack, and I quote, "They threw me to the floor and beat me. They beat my chest and my face with their feet and they hit my head against the floor. One of them said, 'Do not beat him until the shock stage. At that point, he will stop feeling the pain. We do not need that,' end quote. They addressed me with female pronouns and demanded that I tell them the names of other gay people I knew. They threatened to kill me if I didn't," end quote.

Or the LGBTI men and women in Brunei where a new law imposes State-sponsored torture and the death penalty for LGBTQ people with punishments including floggings and prisons for those convicted of engaging in consensual same-sex relations and the possibility of death by stoning.

I could go on and on. This bill is simple and straightforward and will give the executive branch greater tools to punish those who target the LGBTI community abroad whether they are part of a government apparatus or not.

I thank all of my colleagues on the committee for the support of these measures and urge you to support final passage.

And with this, Mr. Chairman, I would ask unanimous consent to put into the record a report prepared by the Russian LGBTI Network, which details some of these incidents as well as four news articles which recount some of the worst atrocities against LGBTI individuals around the world.

Chairman ENGEL. Without objection, so ordered.

[The information referred to follows:]



"They said that I'm not a human, that I am nothing, that I should rather be a terrorist, then a fagot"

LGBT Persecution in the North Caucasus: a Report

Prepared by the Russian LGBT Network
in cooperation with Elena Milashina
(senior reporter, Novaya Gazeta)

Saint-Petersburg
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INTRODUCTION

Towards the end of March, the Russian LGBT Network received its first worrying messages from the Chechen Republic. The messages that the activists received reported brutal crimes that the Chechen authorities engaged in. The victims, who requested assistance from the Network, reported that they were persecuted by the police because of their sexual orientation.

The first applicants were gay men from the Republic. During that period, Human Rights defenders — both those who had representative offices in Chechnya and those who worked outside of the Republic — started to gather testimonies from the local residents to keep themselves updated on how the situation was developing and to take immediate action.

To enhance the accessibility of our already operating Emergency Assistance Program, the Russian LGBT Network launched a 24-hour Hotline for those who suffered sexuality-based persecution in the Chechen Republic and the North Caucasus. The victims in need of assistance could contact the Program Officer directly via phone/email to report persecution and request assistance. The Officer makes a decision about possible assistance based on their evaluation of the situation and the testimonies received.

During the course of the last 4 months, more than 130 people from Chechnya and its neighboring Republics in the North Caucasus requested assistance of a different nature because of the persecution from the local authorities and hostile relatives. Most of the requests for assistance resulted in the evacuation of the victims from the region. 64 people were relocated to safe housing units — shelters — located in the central parts of Russia. The Network provided all the necessary services: housing, nutrition, travel costs, paperwork, social and psychological support, etc.

While working with the victims of this anti-LGBT persecution, the Network has documented 33 testimonies. This data outlines the general traits of the persecution of LGBT people in the North Caucasus, and confirms the fact that the regional authorities participated in multiple violent campaigns against LGBT people. The testimonies directly focus on the fact that the implementation of the orders, as well as the orders themselves, were directed by the highest officials of Chechnya.

This report displays the preliminary results of the analysis that the Russian LGBT Network carried out. It is based on the testimonies of the LGBT people who were persecuted and fled the Chechen Republic, and witnesses of this outrageous crime against humanity. Together with the journalists Elena Milashina and Elena Kostiuchenko from the Novaya Gazeta news outlet, the activists from the Russian LGBT Network conducted personal interviews and documented the testimonies to have evidentiary support for the criminal case. As the calls for assistance continue to pour in, at this stage, the activists continue to collect testimonies. The victims are ready to anonymously testify about the horrid violation of the fundamental human rights in the Chechen and the neighboring republics.

The current situation with authorities' violence towards LGBT people has its foundation long before these persecutions started. However, the timeline of the systemic violations presented in this report discusses recent events. The first wave of persecution of LGBT people started in December of 2016 and went on through February of 2017. The second wave of unlawful detentions occurred in March of 2017 and went on through the Holy Month of

Ramadan (May of 2017). The third wave started after the end of the Holy Month of Ramadan in June of 2017, and still continues at the time this report was published (the end of July of 2017).

For security concerns, all personal information or factual information that might be used to identify the victims were eliminated from the data used in the current report. The victims authorized the Russian LGBT Network to use this testimonial evidence through an individual consent form that drew the limits of anonymity they wanted their case to receive.

POLITICAL AND CULTURAL CONTEXT: TRADITIONALISM AND MORALITY IN THE CHECHEN REPUBLIC

In late March, the global community became aware of the mass persecution of Russian citizens based on their alleged (homo)sexual orientation that is happening in the territory of the Chechen Republic. The survivors of this crime describe it as a repressive campaign that took place all over the region and was orchestrated by the Chechen authorities themselves. Despite the fact that Russia is commonly defined as a society with high levels of homophobia, mass discriminatory detentions, torture, and persecution that involves state authorities is exceptional in the case of Chechnya. This is an unprecedented act of mass violence towards LGBT people in the territory of the Russian Federation.

Various political, social, and economic aspects of the regional development of Chechnya made this situation possible. The main reason this situation became possible is the consistent long-term support that the Chechen regime has received from the Russian federal authorities. The Chechen Republic and its current leadership have been a recipient of consistent and substantial financial support in conjunction with vast political autonomy and legal immunity. This laid the groundwork for the current large-scale violations of human rights.

The legal privilege granted to the Chechen authorities came with an obvious justification for the Russian state. Its key purpose was to eradicate the Chechen Islamist separatist groups. But this eradication was not the only goal for the state authorities: their ultimate goal was to eliminate all possible support these separatist groups could receive from the population of Chechnya.

The state has chosen "shared responsibility" as the primary method for working with separatist sentiments. Shared responsibility, in a form of mass terror, was widely implemented during the Stalinist era. Shared responsibility implied that families of those who were rendered "public enemies" also became subject to political and social repression. Thus, the state suggested that separatism arises from the family, and that the respectability of one's family is the key element in keeping the Chechen society from armed conflicts. The principles of "shared responsibility" were intensified by the Vainakh traditions (ссылка), which not only teach people to respect the bond between next-of-kin, but also suggest that a person's social responsibility is to their kin. Shared responsibility and Vainakh traditionalism jointly created unprecedented forms of authoritarianism that disproportionately terrorized Chechen families all over the region. Relatives of separatists were held hostage, their households were set on fire, and whole families were displaced and evicted from the region. Lynch laws and mob trials were carried out to publicly condemn, shame, and demand severe punishments for the families and relatives of those suspected of Islamist separatism.

Ten years ago, in 2007, Moscow granted the authority over the Chechen Republic to a then 30-year-old Ramzan Kadyrov. Authorized to fight the Islamist separatists by the Russian state, he was exempt from the rule of Russian law. The immunity that the Kadyrov's authorities were granted became the basis for the absolutist regime that exists in Chechnya to this day. In suppressing separatist sentiments within the rebellious society, they laid the groundwork for the humanitarian crisis that Russia faces today.

During the past 10 years, Kadyrov's reign managed to gradually, yet violently, exterminate Islamist separatist groups in Chechnya. At the same time, data recorded a gradual decrease (ссылка) of Islamist activity in somewhat turbulent regions of the North Caucasus: Dagestan, Ingushetia, and Kabardino-Balkaria. Hard power politics were applied towards the members of the Islamist separatist groups in other Caucasian regions. Yet, the method of shared responsibility was employed only by the Chechen authorities. Thus, all the regions of the North Caucasus, which were affected by radical Islam after the fall of the Soviet Union and went through active phases of combatting them, are still subjected to Russian law. The rule of Russian law in Chechnya was substituted by the notions of traditionalism and morality that were effectively used to threaten and terrorize the population. Chechnya, while it formally remained a part of Russia, became a state of exception.

Since 2011, there has been a consistent decrease in the amount of separatist activity all over the region (ссылка). The fight against terrorism was no longer a viable reason to justify the existing absolutist regime. The Chechen authorities started an active search for yet another reason to remain in place. And thus, the fight against dissidence started. Dissidence for the Chechen authorities was defined as any deviation from the rules and ideas of neo-traditionalism, heterosexual morality, cultural and political docility, and religiosity that were set by the government of the Republic itself.

Under the pretext of preserving the morality and authentic values of the Chechen society, the Chechen authorities declared a disgusting and dirty war against what is considered problematic in traditionalist societies: alcohol consumption, drug use, and high mortality rates. Yet, the list went on to include the ruthless fight against women's rights for education and equality, Salafi Muslims, freedom of speech, and youth subcultures. The fundamentalism and absolutism of today's Chechen society not only rejects personal freedoms, but also aims to severely punish them. In their battle with "the other", the government employed the same techniques of power: family responsibility and shame. Any deviation from the archaic understanding of Chechen traditions was employed to reiterate and sustain the Republic's position on the battlefield. Through these notions of a permanent state of emergency, Chechen authorities justified their existence. Ramzan Kadyrov's political project was to purify the Chechen nation and to create a "perfect society" in the Republic; to meet this objective, he employed the same tactics that he used in his fight against terror: unlawful detentions, torture, and extrajudicial killings.

The first series of repressive action towards a clearly defined social group was recorded in 2013. Salafi Muslims who resided in Chechnya became a target of the authorities. They ethnically profiled the Chechen population and targeted those who fit the stereotypical visual portrait of a Salafi Muslim, selecting men based on the styling of their facial hair and choice of clothing. Those who were suspected of "Salafism" were rendered as a threat to the Republic's security, arrested, and illegally detained in the so-called "unofficial prisons". Such detention facilities were reportedly located in the basements of the local police stations. Such practices of mass detentions find their legacy in the military filtration camps that were widely employed by the Russian soldiers during the first and second Chechen military campaigns. After the second military campaign came to its end, the amnestied Chechen militants joined the police force and used the former filtration camps as a base to create unofficial detention units.

Right after the Salafi persecution ended, the Chechen authorities announced a campaign that aimed to fight for a healthy lifestyle for the Chechen people. During this campaign, the unofficial detention units were filled with people who were suspected of the consumption of alcohol, the consumption of drugs, and/or drunk driving. Like the case with Salafi Muslims, the Chechen authorities declared these people's existence as a threat to the nation's well-being and equated them to terrorists.

Interestingly enough, during these anti-dissent campaigns, the rationale behind the Chechen authorities' use of torture and beatings was the transformation and normalization of those rendered as "the other". Severe physical punishments were supposed to return those who lost their path in life to a proper, state-legitimized path. In lieu of shared responsibility practices, relatives of those detained and persecuted were invited, if not forced, to participate in the execution of various punitive technologies. When the authorities were about to release the inmates from the unauthorized detention facilities, they invited their relatives to gather at the local police department. On the date of the release, the police officers forced the inmates to line up in front of their relatives, and then subjected them to verbal abuse and public humiliation. The inmates were forced to publicly plead guilty in the presence of their relatives. Sometimes, the police invited local religious leaders to be present during these events. Reportedly, the Head of the Chechen Republic Ramzan Kadyrov often takes part in these events. When this happens, these shaming procedures are broadcasted by the local media.

The role that the local Chechen media and the Ministry of Press of the Chechen Republic plays in strengthening the absolutist regime is truly extraordinary. No freedom of expression and no pluralism is allowed in the Chechen media. The media outlets exist under the coherent control of the Republic's government. This grants the authorities the power to substitute public opinion with what they consider to be in line with the existing regime. The real opinions of the silenced Chechen people are hidden behind the powerful political rhetoric.

The initial desire of the Russian authorities to establish totalitarian control over the population of the Republic led to the construction of a totalitarian regime based on Kadyrov's personality. Kadyrov's has repeatedly positioned himself outside of the rule of Russian law, and he has demonstrated that Russian authorities have no control over his actions. Gradually, the Regional authorities got more and more hostile, if not barbaric, in the ways they treat the general population. Their punitive campaigns were directed towards both individuals who criticized the regime and towards social groups who were rendered as "unfit" according the idealistic views of the Chechen society that were perpetuated by Kadyrov and his government and became an integral part of the Chechen social life. Under these circumstances, LGBT people in Chechnya could not be a better target for a new wave of threatening persecution.

STATE-ORCHESTRATED HATE CRIMES AGAINST LGBT PEOPLE IN THE NORTH CAUCASUS

LGBT people in the North Caucasus region became the ultimate target of law-enforcement agencies long before the information about the mass persecution spread around the globe in April of 2017. The victims testified that similar cases of unlawful arrests and detentions had begun in the late 2000's. The police force and military personnel organized set-up dates for gay men to

blackmail them and extorted money from gay men in exchange for silence about their sexual orientation/gender identity. A similar scenario had been used by criminals in other federal subjects of the Russian Federation, yet in this case, the victims reported the direct involvement of the state authorities in these set-ups. The demanded ransom varied from RUR 20,000 (twenty thousand rubles) to more than RUR 1,000,000 (one million rubles).

A.B.

"In 2009, I met a person in a chat, and we exchanged photos. He swore, vowed, that he was a trustworthy man. He came to my house, and I got in his car. He offered me a ride. We were out of the city when I noticed two hitchhikers on the road. He suggested that we pick them up, because it was late. I didn't suspect anything. When they got into the car, my friend said – "We got you". They pulled me out of the car and started to beat me. They took my phone and money. Then, they just drove me back and I never saw them again. Later on, I learned from my community that men dated gays with the purpose of extorting money, as they were sure that gays would never report on them."

B.C.

"In 2012, I was at home with several friends. I knew that one of them was gay. He got a call, and suddenly 10-15 policemen broke into my house. They turned my guests out and started to beat me. Then, I was driven to the police station. That time, they threatened me, saying that if they found anyone again at my place, they would hurt me. They told me it would be better for me to leave Chechnya so that they could never meet me in the district. A couple of days later, some other friends visited me. We didn't do anything like, you know... There were women there as well. The policemen took the men with me to the car, called us female names and beat us in front of the neighbors... That's how we were finally taken to the police station. My friends were released after their relatives came. The reason for the detention was clear. For Chechens, it's easier to fall through the ground than to be accused of being gay. I have been threatened again with torture. They gave me 24 hours to leave Chechnya <...> Soon after, I had to make a short visit to Chechnya to restore some documents. They caught me as soon as I came back. This time, they introduced themselves as Criminal Investigation Department (CID) officers. In the former Commandant's office, they turned the camera on and started to ask questions about my relationships with men. They assaulted and humiliated me a lot, and then showed the recording to some of my family members. They asked for 500,000 rubles for my release."

C.D.

"In 2012, the Department of Criminal Investigation of the Chechen Republic started to blackmail people. They discovered one LGBT person and then, by blackmailing him, started to identify others. It was their own initiative. I still don't know who told them I was gay or how they found me. All I know is that before me, there were many other arrests and beatings. They usually asked family members if they knew that their son, nephew, or brother was gay, and told them that they needed to do something

about this. They said: if you do not want this information about him to go public and to disgrace your family, you need to pay RUR 150,000. Many people paid."

M.N.

"They pulled me out of the car. Took off my clothes. My shirt, jeans, even my underwear. They themselves started to undress me. The one who was driving filmed all of it; the others just beat me. They did this to get money from me. They wanted RUR 300,000."

D.E.

"It started long ago - I mean, there were individual cases. But it has never been this massive."

The main difference that distinguishes these stories from the ordeals that started in the first quarter of 2017 is the following: while the cases of violence in the late 2000's were scattered, the later events were manifested in the form of organized crime and took the form of a mass violence. Moreover, despite being traumatizing for the victims, the criminal offenses towards LGBT people never involved torture before recent events. Before 2017, this cruelty pursued one aim - to financially benefit from the vulnerability of the LGBT population. The new wave of persecution was related to the idea of "purification of the nation". Current persecutions always include the use of detentions, secret prisons that were actually concrete barracks. The testimonies of those who went through detentions and torture mentioned at least 4 military facilities. In this regard, there is no reason to neglect the assumption that the state authorities were involved in the persecutions.

UNLAWFUL ARRESTS: REASONS FOR DETENTION

The testimonies of the victims exhibit a particular pattern and follow this pattern aside from certain personal details. Men who were suspected of having an intimate relationship with other men were detained based on the same scenario. The police officers or military personnel who executed the arrest appeared unexpectedly. The arrest never had any relation to events that would require such an intervention. Some arrests were executed at workplaces, while some were at personal houses and apartments. The time of the arrests varied from midday until late at night. Some were detained during the road police raids.

In most cases, the police force and the military personnel were looking for specific people, thus it seems that they already knew who was involved in homosexual relations. However, some victims were not preselected, and got arrested "by accident" when they were stopped and frisked by the local police. The police force in the Chechen republic commonly executes random personal searches, justifying it as a preventive measure of drug offenses and terrorist activities. Evidence shows that this is actually a common practice in the Republic.

E.F.

"There was a police raid. They stopped the car we were in to find drugs. They took our company to the police station to question us. I had bracelets on my wrist... and also a leather bag, which a "straight" man probably wouldn't wear, full of personal belongings for hygiene – a moist towelette, manicure set, etc. So, they saw this stuff, and I heard the following: "Are you a faggot? If you are, I'll shoot you right here." That's what the Head of the District Department of Domestic Affairs (ROVD) in Argun told me. It was sufficient to imprison me."

F.G.

"This was not the first time the police came. They had a tendency to come and check various things: how many men there are in the family, and whether there were any men who could be accused of extremism or leave to fight in Syria."

The victims say that it is almost impossible to resist these searches, given the fact that the police officers are never held accountable for their actions. During personal searches, the officers commonly look through the contents of personal phones. If they find "questionable" content or pictures, the owner of the mobile device can be immediately detained. During this organized campaign against LGBT people in the Chechen Republic, personal information was already made available to the police. This information had to do with same-sex romantic and sexual relations; however, sometimes even being in touch with homosexual people was reason enough for detention.

G.H.

"It was a usual day, I was working with my client. 3 or 4 militants jumped in; they already knew my name and came for me. They asked for me, and I came forward. After that, they handcuffed me and put me into the trunk of the car. It was in front of the general public; a lot of people saw. They took away my phone right away. When I was already in the trunk of the car and we were on our way, they asked these questions. This is embarrassing, but things like, you know, whether it is good to have sex with other men... They warned me that if I didn't respond, they would stop the car, take me out, and beat me right on the street."

H.I.

"I was watching a movie at home when someone came after me. I saw two policemen, and they said I should proceed with them to the station. The stated reason was that a robbery was committed nearby, so they were interrogating all young people. When I got into the car, they said that we were going to ROVD. When we arrived, they threw me into one of the rooms there, and started to humiliate and insult me. They then claimed, "We have proof that you are a fag."

Aside from blatant procedural violations that are incompatible with professional codes of ethics, this detention had no legal base.The victims were directly accused of homosexuality either at the moment of arrest or upon arrival to the facility for the interrogation. The latter

usually followed the false reasoning the officer presented as for why the person was brought to the facility. In most cases, the officers "hinted" to the victims as to why they were being arrested, not feeling the need to formulate an official reason behind their actions. Already at this stage the police force and the military personnel exhibited violent behavior towards the victims and disregarded all professional ethical standards.

C.D.

"They openly told us: "You were brought here because you are faggots. You bring shame on our people; you shouldn't exist. We will catch all of you. We will fight homosexuality in the Chechen Republic."

N.O.

"They said that I am a homosexual. Threw it in my face. "Do you know why are you here? - No - Because you let others fuck you in the ass. — Why did you assume that? — Some of the people you know told us you do."

I.J.

"They threw me to the floor and beat me. They beat my chest and my face with their feet, and they hit my head against the floor. One of them said: "Do not beat him until the shock stage, at that point he will stop feeling pain. We don't need that." They addressed me with female pronouns and demanded that I tell them the names of other gay people I knew. They threatened to kill me if I didn't."

L.M.

"The first thing the police officer asked was which female name I liked the most. I didn't respond, and then he hit me."

A.B.

"The police warned my relatives that I was taken to the station because I was a suspect in a drug offense. There were several people during the interrogation - the head of the division and other police officers. They told me that they knew I was gay, and that is why I am here."

O.P.

"One of the 6 kidnappers, all of whom wore a military uniform, said: "Get this faggot into the car and let's go." I feel nauseated when I try to recall all the humiliating things they said about my homosexuality."

According to the testimonies, the first wave of persecution of LGBT people in the Chechen Republic began with the accidental arrest of W. W was a drug user. In his phone, the police officers found evidence that he was a homosexual man and that he engaged in same-sex relationships with other Chechen men. He was detained and pressured to collaborate with the

authorities in order for them to find more gay men in the Republic. He became the source of names of multiple men, who later became the victims of hate crimes.

The scheme they used had the following pattern. Potential victims were contacted via cell phones or mobile apps (AirWaveChat, Hornet, Mobimeet) by gay men who were previously detained. If the victim didn't know that the person who contacted them was incarcerated, the invitation to see each other didn't seem suspicious. Some men had known each other for a long time, some were acquaintances, and some had even just met. They arranged a meeting. Yet, on the other side of the messenger, there were members of the Special Division of First Responders (SOBR) or military personnel. Thus, when they arrived at the meeting point, they were detained. The criminals exerted pressure on the victims to threaten them as much as they could and to submit to their demands. They brought the victims to the police stations and then distributed them to the incarceration units, located in the aforementioned stations or unofficial prisons.

All the testimonies mention that the police officers and military personnel harassed the victims both verbally and physically. Most received severe physical injuries: broken jaws, ribs, and multiple bruises.

I.J.

"My new friend invited me to see him. On the stairs, a person attacked me. A professional. It was like a professionally trained SWAT team. He got me by my shoulder-blades and started pulling me upstairs. I resisted this, and I screamed. They took some of my clothes off and took my phone. And as they were grabbing me everywhere, I thought that they were going to rape me. But, there was a military man. And other guys were there. I never talked about anything personal with that man from the website – you know, just "how are you" sort of communication. They beat and tortured me. The right part of my face was swollen, during the first days at least. They painted my life as if I am a monster. There were police cars under the balcony. Towards the evening, they got tired and called someone. And then they took us to the police station. Since the first day, we were forced to work like slaves."

A.B.

*"On February ** of 2017, my friend called me late at night and offered to come over. I agreed. When he arrived, I went outside the house to see him. I saw him with other people and immediately realized that it was a set-up. The people who were with him were wearing camouflage uniforms. They said that they were taking me away. They started beating me up and saying humiliating things. They said that I'm not a man, just some creature, that I am nothing. That I should rather be a terrorist than a faggot. That a dirty piece of cloth was worth more than me."*

J.K.

"The man I knew from a chat came to my workplace and asked me to get into his car. We were on the way out of my job when he suddenly turned to me and asked – "Aren't you ashamed now?" I replied – "Sorry, for what?" He punched me in my face and I

rapidly fell out of the car. He brought out a pistol and yelled that if I tried to escape, he would shoot me."

C.D.

"I was in relations with only one guy from Chechnya. One evening, he came to see me, and I thought that we were going to go for a walk as usual. When I went out, I saw a car with tinted windows behind him. There was another person next to the car. In an orderly tone, he told me to get into the car. I heard rumors about the fact that gays were detained and kept somewhere, but I did not want to believe it."

CONDITIONS OF DETENTION: TORTURE AND OTHER HUMILIATING TREATMENT THAT DEGRADES HUMAN DIGNITY

As the number of detainees grew, the offenders got more and more informants in their hands. The victims were in bad physical and moral condition; these conditions were established to break them and thus force them to give the names. Every victim seems to understand that they were in a snowball effect because someone had previously said their name. The victims gave in to the torture and pressure, and gave away the names of their closest friends and family members. This, however, did not ease the violent behavior of the perpetrators. The testimonies show that the perpetrators claimed that they would do anything to "make them talk". They said that if they are not able to get the information from the victims' cell phones, they will get it from the victims themselves. The testimonies suggest that the perpetrators enjoyed the torture, the humiliation, and the verbal and physical abuse.

The evidence confirms the following set of torturous activities that the perpetrators have used: severe beatings, torture by electric current (used to both get the names of other homosexual men and to "cure" the victims of homosexuality), lack of water, malnutrition, and lack of sleep. The victims were in the context of constant humiliation. They were constantly misgendered in a degrading way. The testimonies confirm that there were no centralized kitchen services. During the course of detention (which in some cases lasted for 2-3 weeks), the victims could not have any personal belongings and could not contact their relatives.

There was a hierarchy among those who were illegally detained in those facilities. The victims who were detained for drug offenses or because of their terrorist sentiments had a higher status. They had access to nutrition and deliveries from their relatives. They had access to bunk beds, while gay detainees were forced to sleep on the concrete floor. They only had 3 hours of sleep on average every day, and they couldn't use the bathroom when they wanted to. Most of the general detainees used their privilege to harass and torture the gay people, but some were more sympathetic and even shared their food with them. However, the victims said they didn't really feel hungry after they experienced the horror of torture.

Aside from the physical pain, the victims were also subjected to the emotional pain of desperation. After the arrest happened, no one aside from the perpetrators knew where they were kept. New people were coming into the facility every day, and there was a feeling of a never-ending horror.

A.B.

"I endured as much as I could, but I broke when they showed me a video of the tortures. They filmed it themselves. They caught a guy, and he allegedly had contacts with terrorists. They brought in a hollow tube and a barbed wire. They put a tube inside of him. In his anus. Then, they put the barbed wire inside this tube. Then they took the tube out. And then they were slowly pulling the barbed wire out. When I saw that video and realized they had already brought the tube and the barbed wire, I broke. I agreed to collaborate with them. <...> They enjoyed the torture. We were forced to beat others up and to electrocute them. They instructed other inmates to do whatever they wanted with us.

G.H.

"The unit was extremely small, and we were given just one corner. And there were 15-16 of us. We were not allowed to eat, walk, or sleep. The number of men who were beating me up was at least 7-8 people. They put me on a chair; at first I was handcuffed in the front, and then in the back. They hit me all the time with their giant black boots. They said they were disgusted to touch us with their hands. The only area they didn't hit was my face. Then, they got these plastic tubes, and they started to beat me with those."

C.D.

"They took our documents and phones away from us. We were led out into the hallway and chained to the power unit. We just sat on the cold floor all night long. Everyone passing by kicked us, spat on us, and insulted us. They were utterly angry with me at the fact that I had dated Russians. 'You shouldn't be sleeping with the representatives of another nation,' they said. The militants beat me using pipes, aiming below the waist: the hips and the buttocks. And from time to time, I was tortured with electric current. They used a casket with wires that had tweezers at the end. They attached those tweezers to my body. They laughed when I cried."

K.L.

"We were forced to lie on the floor with our bottoms up, and each person in the cell would hit us with a pipe 3 times. As the week went by, there were already 18 LGBT people being detained and tortured. The youngest was around 17 years old, and the oldest was about 47 years old. We were not allowed to wash. Some detainees developed open-cut wounds, and the cell smelled like rotten meat."

L.M.

"They tied my hands back and linked the wires to me with clamps, so that the wires permeated under my nails. I remember a militant laughing at me. The machine he used for electric torture was labeled with the words "lie detector". They poured water on my skin so that it would hit me harder."

H.I.

"They forced us to clean the barracks and wash their cars with water that was as cold as ice, and they beat us every single day.

E.F

"Every day, I was transported to the premises for torture. It was situated underground. I was beaten there every day. Every new day. <...> It was impossible to sleep there; you could be captured anytime and thrown into another place. There were no windows, nothing. It was always as dark as night. <...> They put plastic bags on my head, and when I was running out of oxygen, they tore the bag away and hit my legs at the same time. <...> We had no water inside. The only water we could drink was when we were going out of the cells."

M.N.

"If this happened to me again, I would hang myself for sure."

Each wave lasted for about one month. Some victims were detained for as long as one month. A handful of victims were in critical physical and mental states, and at least 3 people attempted suicide. The victims were not aware for how long this detention would last. Also, they were not sure if the perpetrators had any limits. Some detainees died because of the torture, and this also affected the general emotional climate of the whole situation that the victims found themselves in.

THE ROLE THE CHECHEN AUTHORITIES PLAYED IN THE CRIMES AGAINST HUMANITY

The testimonies undoubtedly argue that the crisis in the Chechen Republic was sponsored by the regional governmental authorities. The perpetrators were the employees of the Department of Internal Affairs, which is a part of the General Division of the Ministry of Internal Affairs of the Russian Federation. The victims also testify against the local division of the union "Rosgvardia", called the Special Division of First Responders (SOBR) "Terek", local police officers, and military divisions.

O.P.

"The military personnel, they were wearing uniforms. They are called afghanka or amerikanka - those kinds of uniforms. They were armed with shotguns, and those on the block posts had guns. They talked in Chechen."

T.U.

"Two of them were wearing uniforms. Bodyguards usually wear these uniforms. Kadyrov's bodyguards. Sometimes, the members of the 6th division wear such uniforms. The 6th division is responsible for the Republic's security."

E.F.

"The head was called "a small one" (Malii), and he was dressed like a civilian. But the ones who arrested me - those people were wearing uniforms, military uniforms."

I.J.

"One of the people who grabbed me was our local police officer."

U.V.

"My friends warned me that police officers were looking for me because of the texts we were exchanging. They told me that while being tortured, they revealed the city where I was."

F.G.

"Members of the Department of Internal Affairs came to my house and asked where I was."

V.W.

"Two people came in. They were wearing uniforms with the signs of the Special Militia Detachment. They already knew my name, and asked me to come with them to the local Division of Internal Affairs."

G.H.

"3–4 people, all wearing the black uniform of the Special Division of First Responders."

Bisexual and homosexual men who went through the horrors of unlawfulness and barbaric treatment were formally released. However, the price they paid for being released was extremely high. The procedure did not resemble the reacquiring of freedom. It took the form of a ceremonial event of shaming the sins of those who dared to dishonor their kin. The release involved a visit from the honored representatives of the Chechen authorities, who advised the victims' relatives on how they should treat their next of kin. Their relatives were advised to find a "proper solution" to get rid of the "sick" members of their family, who spoiled the teip.

The authorities guaranteed that if the family decided to kill the gay/bisexual family member (to wash the shame away with blood), they would not be prosecuted for this crime. During one such ceremony, the relatives of one of the detainees asked why the authorities didn't kill the inmates themselves. The representative of the authorities said that they could "take them to the forest, accuse them of terrorist sentiments, and kill them, but it would be better if the parents took care of their children." The victims were told that from this moment on, they could not leave the Republic or try to flee, because law enforcement officers would come with random searches to check on the victims' movements.

Being released from the prison also involved paying a ransom. The perpetrators also demanded money from the families in exchange for not disclosing the real reason why the person in question was detained. The financial donation was mandatory; it was a symbolic way of buying out the guilt in front of the Chechen people.

O.P

"They demanded money. How much money? It depends on what you have and who you are. If you are an important person, your release will cost more than 3000. If you are no one - you can get out for 300. If you are an important person who could bring shame to the authorities or to the administration, you will not be released. You will be killed. Your relatives will not be able to buy you out, because if you brought shame to the highest people, there is no place for you in this life."

Most of the testimonies confirmed that the Republic's officials took part in torturing the victims. Different evidence confirms that at least the following highest officials took part in executing this crime against humanity:

- the spokesperson of the Parliament of the Chechen Republic, Magomed Daudov (also known as "the Lord");
- the head of the Ministry of Internal Affairs of the Russian Federation in Argun, Aiub Kataev;
- the head of the Special Division of First Responders (SOBR) "Terek", Abuzaid Vismuradov (also known as "the Patriot")

(the excerpts from these testimonies are used without identification of the victims)

****

"One day, all my relatives were informed about the fact that I was detained. "The Lord" came to us, the chairman of the parliament — Magomed Daudov. We were all set down before the Lord. The Lord approached us, took pictures on his phone, and asked if each of us was gay. We had to answer "yes". This all happened in front of our relatives. He talked to our relatives, saying that we brought disgrace to the nation and to our families. He told them that if they honor the traditions, they must kill us. And that if they did everything, they would not be punished for it. After all this talk, a few people were released to their relatives."

****

"When "the Lord" arrived, I thought there was no hope for salvation, because this operation was already sanctioned by the top authorities. Our relatives were called. The Lord started to put us to shame, stating that male adults from the family should take us out and "figure out" how to punish us. He added that even if they decide to execute us, they would not bear the responsibility for it, because the militants would settle it."

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"They put us into a pickup truck and brought us to the ROVD. We were watching the Lord from the car's windows. At that moment, we lost any hope of coming out alive. We also saw our relatives and a well-known militant – Aiub Kataev. There were also journalists, but they left soon. With our heads down, we were led to the facilities. The Lord started to ask us awkward and dirty questions in a demonstrative manner."

****

"One day, Aiub Kataev came to see us. He dragged out a young guy who had been recently caught, took out his pistol, and started to shoot at the floor, right next to his feet, asking if he knew more "offenders". He didn't shoot his body because it could have provoked problems that were too big."

One of the testimonies witnessed a phone conversation between Aiub Kataev and Magomed Daudov.

(the excerpts from these testimonies are used without identification of the victims)

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Aub K.: What do we need these faggots here for, these cocks? They were arrested out of law.
Interlocutor: Don't torture them too badly. Let me hear someone... (the old beaten man was invited to the phone) – Did they hurt you?
The old prisoner: No.
Aub K.: Should we bring them all to your place?
Interlocutor: Not yet. We will figure it out soon, after we receive an order from the commander-in-chief.

The victims also said that the perpetrators filmed the tortures and forwarded them to "the Lord". The fact that the officials were aware that these criminal offenses were happening and were also involved in these crimes against humanity showcases that this campaign was state-sponsored. In Kadyrov's Chechnya, everything is under tight control. Even the tiniest protest and disagreement with the state cannot stay unacknowledged. It is obvious that the perpetrators were acting illegally. The long-term detainment of gay and bisexual men should be explained by the necessity of setting the dominant regime of traditionalism and intervention into personal lives of the people who reside in Chechnya.

These events are a way to remind people that different sexualities and gender identities are rendered "non-traditional" in the context of the current political and social regime that values Chechen traditionalism. In this context, the human dignity of vulnerable populations is disregarded. The popular rhetoric of the Chechen authorities functions as a threat to those who do not fit into the nationalist standards. Any disagreement is viewed as an attempt to overrule the existing social order. The political authorities use the atmosphere of constant fear that was established within the political authoritarianism of Ramzan Kadyrov to oppress the population.

Critical opinion of the regime can negatively affect the life of any person. No one can protect themselves from the all-mighty authorities of the Republic.

E.F.

"One of the militants told me – "Well, we will let you go now, but under one condition – you will have to work for us. You will search for the faggots, "Syrians" (those suspected of visiting Syria to join terrorist troops), and drug-users. You see?" – he patted me on my shoulder and scoffed - "You are our freelancer now."

C.D.

"One day, when all of us were tortured, the head of the ROVD had a "conversation" with us about the deadly sin of homosexuality. He said that we should be ashamed, and that we are a disgrace for such a proud nation. That there had never been such people among the Chechens. One of us said that there is no way we can change who we are, and he replied that they would continue their efforts to clear the Republic of such contamination. There was a question about our constitutional rights, and he answered: "We have our own laws, and the law is what the current government of the Republic says to do."

N.O.

"They wanted easy money. They said: 'Once we catch someone, we get money from him and then share it among us. You will have your part, and no one will know you are working with us. You will be protected if you commit any offense, and no one can threaten you with death."

The perpetrators blackmailed the victims. They threatened them with criminal persecution in case they fled the Republic. While most of the representatives of the state authorities seriously equate homosexuality with a criminal offense, homosexuality cannot be a formal reason for detention. Thus, they try to find a formal reason for persecution, understanding the powerlessness of the victims.

V.W.

"I was told: we have unsolved criminal cases. We can accuse you of committing one of them if you won't collaborate. You will remain here for a long time."

A.B.

"There were a number of people: the head of the police department and other policemen. They said that they know I am gay and that I should not try to hide it. If I told them the truth, it would get better for me. They wanted to get information from me — everything I knew about other gays, drug users, and terrorists. They said that if I wouldn't tell them at least three names, they would accuse me of something similar and I would never be released from the prison."

Such evidence showcases that in the Chechen Republic, LGBT people are treated as a second-class people, as "undesirables". They are rendered nonexistent in the North Caucasus, and are marked as foreign. They need to be eradicated. This opinion is widely shared among the general population. Even LGBT people themselves think that they should be treated like this, and that their sexuality is an anomaly, an illness, and a sin.

After most of the victims were released, some of the former inmates went missing. Some became the victims of honor killings. Some families falsified an honor killing and even held fake funerals to cover up the fact that their LGBT relatives fled the Republic.

(the excerpts from these testimonies are used without identification of the victims)

****

"I know about 4 people who were detained. Some were killed. Others – people whom I didn't know - were killed as well."

****

"In our village, people were detained in January and February. That friend of mine was killed. He was given to his relatives so they could kill him to wash away the shame."

****

"My friend was detained. He came back to the village in the beginning of March. We met. And then he disappeared."

****

"In February, one of the men who confessed his feelings to me was arrested. We never had any relationship. He is already dead now."

****

"One mullah had a bodyguard. He got caught. The bodyguard was killed by his co-workers. The mullah got out of that situation. Kadyrov forgave him."

****

"There was a school teacher from a village called Gekhov. It was obvious that he was gay. He had worked and lived there for a long time. He was killed in this wave, by his relatives, as far as I know."

The victims report dozens of murders that happened as the anti-LGBT campaign was unraveling. There is solid evidence that three of these people were executed by the Republic's officials or by the relatives of the victim, who were pressured to do so.

(based on the evidence from the witnesses)

X – a young man who was caught by militants in March. Was detained in Argun. His father and uncle came to him. The perpetrators showed them the recordings which exposed him as a homosexual. The relatives replied that they would punish the victim themselves. He was taken to the woods and buried there without a funeral.
Y – was murdered by militants. He was employed in Muftiate, close to the head of the Chechen Administration, and was a member of the high-ranking official's circles. He was detained in February, and killed in March.
Z – was arrested while having a date with a young man. He was brutally beaten and tortured when detained. Once the torture was over, he was thrown away in the backyard. The next morning, he was found dead. His family did not report anything, and just wrote it off as a heart attack. Police officers of the Ursun Martan district department brought him home dead.

In their testimonies, the victims highlighted that the most troubling experience for them was the psychological violence - they lost their spirit, were morally drained, and were almost dead. The psychological and moral pressure also affected the relatives of the victims. Even the slightest assumption about the non-heterosexuality of a person bears consequences not only for their lives, but for the lives of their relatives. Public opinion and social pressure have an immense effect on the general population in the North Caucasus. People are forced to feel their responsibility for the teip. This pressure of social responsibility forces the relatives to at times employ extreme efforts to protect members of their family from social persecution - kangaroo courts, arsons, etc.

At the same time, the victims hardly blame their relatives for the hostility and do not renounce their ties with their families. The residents of the North Caucasus were raised with an understanding that family is the most important thing in their lives. While testifying, the victims never blamed their relatives - parents, brothers, and others, who threatened them with death. The idea of family and kinship goes hand in hand with respect, understanding, and unconditional love. The fact that the homosexuality of the victim questions the position of the family that stays in the North Caucasus worries them the most.

FAMILIES: PERPETRATORS OR VICTIMS?

The hostility of the North Caucasian residents towards LGBT people came into being under a number of circumstances. The influences that came together were high traditionalism, pre-Islamic legal norms, the strict norms of Sharia law, and defined political course. Chechnya is the most clear-cut example of strict hierarchies and heteronormativity. The social system that currently exists in Chechnya is unquestionable; it does not allow and severely punishes any deviation from the existing set of norms. Ramzan Kadyrov himself sets the limits of both the norm and the deviation. He is the self-proclaimed sole guardian of morality and social order in the Chechen Republic. Kadyrov sets these standards based on his personal views on how the Chechen people should behave. He ignores federal legislations and the Constitution, thus situating the Republic outside of federal jurisdiction. He uses local police forces and security services to ensure that the Republic functions the way he envisions it.

The Chechen people are used to following these rules. Some people might not agree with them, but it is easier to follow them than to get into trouble with the authorities. Thus, Kadyrov's politics receive prominent support. In this regime, only a proper subject of Kadyrov's rule can be treated with respect. Chechen society is divided by teips, or kinship clans. This kinship-based structure becomes highly susceptible to the society's intrusion into family affairs. Families are vulnerable. If someone suspects a person is committing something that is against the law, the whole family will be held responsible.

Traditions in the North Caucasus suggest that the family should renounce problematic relatives or undergo a series of severe punishments. In Chechen society, people mark homosexuality as one such "problematic personality trait"; one that can be resolved by honor killing. By such severe execution, the family demonstrates that it not only renounces its relative in accordance with the Chechen tradition, but also that it values these traditions higher than kinship ties. Every victim who was outed to the family experienced violence on the side of their relatives. The victims who were able to hide their sexuality were assured that if their relatives knew they were homosexuals, they would be executed under the rule of honor killing.

We have no records about what happened to many victims after they were released from the prisons to their relatives. The testimonies suggest that dozens of people were killed by their relatives. Moreover, the persecution of LGBT people from the side of the Republic's authorities has intensified hostility and hatred towards LGBT people. This rhetoric of traditionalism is a way of asserting the political regime of the Chechen Republic. Some families are forced to follow these traditions, fearing possible prosecution, and show solidarity with the perpetrators who tortured their homosexual family members.

C.D.

*"My *** (male relative) is very conservative. Together with my *** (other male relatives), they knew [my sexuality] from the policemen with whom I communicated and with whom I met. I could not oppose anything. I was shocked by how detailed their information was. I could not imagine in my worst nightmares that my relatives would know this about me. All these male relatives thanked the police for the information, and told them that they would resolve this matter themselves. They began to clobber me with impossible cruelty and put a gun to my temple. One crushed my *** (one of the bones), so that I had to have surgery for it to be removed."*

J.K.

"My brother was fighting with me aggressively. When my mom tried to protect me, he told her, "You should not do that, he deserves it."

O.P.

"My family knows nothing about this story. If they did, they would kill me before I managed to flee the Republic. They would definitely kill me then, and never forgive me."

However, among some families, there were supportive parents or relatives who tried to keep the survivors from reprisal. They provided them with safe houses or even organized their fleeing from the Republic to keep their gay or lesbian children, siblings, or nephews alive. Helping their LGBT relatives find sanctuary is a risky affair for the relatives. Along with social sanctions, the relatives can become the subject of persecution themselves. The testimonies showcase that in some cases, the brothers of the outed homosexual men and the spouses and children of outed bisexual men were persecuted by the authorities. Children and spouses in these circumstances become the most vulnerable, not only because they lose the head of the family, but also because they lose their social status without an opportunity to reinstate it.

Caucasian traditions brought up men who cannot leave their family in danger and who are determined to make sacrifices in order to keep their families away from abuse, which is why many of those who have families (not all of them) left the region together with their relatives in danger of further consequences of the crackdown. The traditionalist rhetoric in the North Caucasus suggests that men must take responsibility for their families. Most of them are ready to sacrifice their sense of security to guarantee that their family is safe. For these reasons, those men who had families in Chechnya used their best efforts to relocate their families with them. They did so to make sure their families avoided the repressions that the men themselves have faced.

FEMALE ISSUE

In the context of violent reprisals and ill-treatment, lesbian women in Chechnya and nearby republics of the North Caucasus appear to be the most vulnerable in front of the complex traditionalist rhetoric. There is alarming news about harassment and ill-treatment of Chechen, Ingush, and Dagestan women available, yet these cases are very rarely reported within the framework of the 2017 anti-LGBT campaign. Female voices have always been silenced by the oppressing customs of masculinity-focused culture. Women in the North Caucasus have always been stripped of their rights due to religious and cultural confines. They could become the victims of honor killings on grounds of almost anything, even rumors, as they are treated as second-class people in general. There is a set of restrictions and rules that Caucasian women are supposed to follow, even if their families are secular.

P.Q.

> *"There were a lot of set-ups, which always made me feel unsafe and under someone else's control. I received threats from people I didn't know – they promised to find us and kill us, or to inform our parents about our sexual orientation to let them execute us. That was very stressful. <...> If any opponents knew that I was lesbian, they would beat me and rape me, film it, and then share it with others, or simply kill me...These cases used to happen with girls. I was lucky to avoid it. <...> It is typical for Chechens to punish a woman if she lives alone in another city – it is already cause for lynch law. No one has ever been convicted of any penalty after committing an honor killing of a female. Neither by public opinion nor from the legal point of view."*

Despite the fact that the female survivors were not massively taken to prisons, some of them also suffered detention and torture. The repressions and extreme violence were mostly coming from their brothers. The women also claim that they were rejected when asking for understanding or tolerance from their female relatives who are less affected by the ordeals of men. Lesbian and bisexual women withstood humiliation, abuse, and threats to "come, find, and kill" them, or "beat-it-out-of-them" warnings that came from their brothers and male relatives, or from the friends of lesbian women in the Republic. Some female survivors are persecuted by their relatives, who are recruited as security agents. This brings worries for the outed lesbians because they can easily be monitored, and if their ruthless relatives want to kill them, they could have the means and sources to determine their location and attempt a reprisal.

Q.R.

> *"I needed to hide the fact that I am a lesbian, so I married a man so as not to ruin the reputation of my family. I left the region soon, and my mother renounced me, and everyone in the family knew that there was a sham marriage. Since then, I was attacked with threats from my male relatives, who are seeking to punish me for the lie and my lifestyle."*

R.S.

> *"Someone took screenshots of my correspondence with a girlfriend and some friends and sent it to my uncle with the comment, 'Look what your niece is about! Is anyone watching her? Does she have a father or a brother? Why don't they check what she is doing?' My brother broke into the room and started to beat me. Then my sister came to say that my uncle was crying and that one day, she would come and kill me. 'Allah will reward us for it,' she added. <...> I was told that I could no longer live in my room, so I was moved to the empty room. My mom stood behind the door for a couple of days to protect me from my father and brother. After a couple of months, I contacted my girlfriend from ***'s device. She said she was caught and tortured with electric current by her brother. He also said that he would search for us through our network of friends, and that he would not rest before he executed all of us by shooting. <...> My brother entered my room, sat in front of me with a pistol, and asked me to kill myself. He said that he promised my father that he wouldn't do it, and that it would be easier to explain to others that it was an accident if I shot myself. I replied that I was not going to commit suicide, and if he was ready to kill me, it's time."*

R.S. attempted to escape several times. Once, after yet another attempt, her relative brought her back to Chechnya and signed her into a psychiatric facility for a month. Later, she managed to move to Moscow. She was accommodated in the shelter. After a while, her relatives tracked her down and locked her up again, but this time the security was much more complex: she had no ability to leave the house, as she was under constant control after she came back to the region. A new plan was implemented to help R.S. flee Chechnya, but unfortunately, it failed. She was

brought back home, and she died after a week. The official death certificate stated that she passed away after "organ rejection, in consequence of complications after having the flu." Our contacts in the Chechen Republic assume that she was poisoned.

THE INVESTIGATION: A CRIME AGAINST HUMANITY

From the very beginning of the crackdown in the Chechen Republic, the local authorities have continued to be in "complete denial" of these events. The very first statements that were made after the article in the Novaya Gazeta was published were filled with anger, denial of these events, and an immense amount of homophobia. Ramzan Kadyrov, the president of the Republic, simply denied the existence of gay people in Chechnya in his first interviews, and continues to do so. In his recent interview to the US-based media outlet HBO, Kadyrov said: "This is gibberish. We don't have such people. If there are any — take them to Canada. For the sake of Allah. Then, they would be far away from us."

A statement from the Press Secretary of the Head of the Chechen Republic, Alvi Kerimov: "This publication (NG article "Honor killing" dated 01.04.2017) is a complete lie. It is impossible to detain and oppress those who simply don't exist in the Republic." "If there were such people in Chechnya, the law-enforcement agencies wouldn't need to have anything to do with them, because their relatives would send them to a place of no return."

A member of the Human Rights Council of Chechnya under the Head of the Republic, Kheda Saratova, stated: "I haven't received a single application on the matter, but even if there had been any, I would not have even considered them." "I am a Chechen woman. I live in this society, and the fact that you say [there are homosexuals in Chechnya] is even worse than a war. <...> I assure you, in our Chechen society, any person who respects himself, our traditions, and our culture would hunt down this kind of person without any help from the authorities, and would do everything to make sure that this kind of person did not exist in our society." "Homosexuality is an evil that every citizen of the Republic struggles against."

The Federal authorities followed the same pattern of remaining in denial, but with less involvement of homophobic rhetoric, as the questions about what is happening in the Chechen Republic started to suddenly appear on a regular basis. The Press Secretary of the President of the Russian Federation, Dmitry Peskov, stated that it is not the Kremlin's prerogative to initiate any criminal proceedings in this regard. These statements, together with the substantial lack of public response of the Federal Authorities, showcase that they do not consider this tragic persecution of innocent citizens of the Russian Federation to be important enough, and that they are relatively reluctant to conduct any investigation.

The Russian LGBT Network and the Novaya Gazeta filed a complaint with the Investigative Committee and the Prosecutor's General Office. However, these governmental bodies did not reply promptly to these filed requests. After the time for responding to the requests was up for both offices, both the Russian LGBT Network and the Novaya Gazeta received official replies that stated that there was no urgency in initiating an investigation. After a month, the Novaya Gazeta submitted an official complaint that the Investigative Committee did not conduct a proper examination of the evidence to the Basmanny Court of Moscow City. The Court refused to consider this complaint. After this event, Tatiana Moskalkova, the Human

Rights Ombudsperson of the Russian Federation, submitted the information herself about the anti-gay purges in Chechnya to the Investigative Committee. Her request used the same data that the Novaya Gazeta used. It was the first time that the ombudsperson, who at first had remained distant from the issue of LGBT-rights and said that the events in Chechnya in 2017 were a provocation, agreed to assist with the investigation.

Various international actors issued calls for action in relation to the crisis in Chechnya. The Ombudsperson for Human Rights in the Russian Federation received requests to pay attention to the information that was previously published in the Novaya Gazeta. The requests came from many organizations and individuals, including the Russian LGBT Network, Amnesty International, and the Secretary General of the Council of Europe. After receiving these calls, Moskal'kova issued a public statement saying that she never received any requests for assistance from the victims. Later, she was invited to have a meeting with the survivors, who were just recently evacuated. After this meeting, Moskal'kova claimed that she was ready to assist with the investigation.

While different governmental institutions have ignored this issue, the fact that the ombudswoman claimed to be ready to assist with the investigation is a high achievement. Yet, the Human Rights Ombudswoman has no feasible authority to contribute to a thorough and transparent investigation. There is no mention of the Human Rights Ombudsperson in the Code of Criminal Procedure, or of their authority within the procedure. However, Moskal'kova, along with many international officials such as the German Councilor Angela Merkel, the newly elected French President Emmanuel Macron, the High Commissioner for Human Rights of the United Nations, the Secretary General of the Council of Europe, and many other leaders — applied directly to the President of the Russian Federation, Vladimir Putin, to draw the attention of the Russian authorities to the fact that there is a need to verify existing information on this matter. During a meeting with the President, Tatiana Moskal'kova suggested creating an inter-departmental working group outside of the Chechen Republic to accept HR-related complaints from the citizens. Putin said that he is going to negotiate this with the Prosecutor General and the Head of the Ministry of Internal Affairs.

The Ombudswoman has also publicly offered state protection for the victims who are ready to testify in front of the court. This, she suggested, should be guaranteed to all the survivors who are ready to collaborate with the investigation. However, the state protection can only be issued to those who are involved in the official criminal proceedings. As no official criminal investigation had started, no victim can apply for state protection, and therefore no one can be ensured safety. The Law on the Human Rights Ombudsperson also does not state that the Ombudsperson can offer state protection, or that she can carry out any investigative procedures. Thus, all this information seems questionable.

Thanks to the grave concern of international actors and serious alarm around the globe from activists, civil society actors, and the media, the fact of this blatant crime that is happening in the Chechen Republic is not totally dismissed by the Russian authorities at the moment. Yet, some officials have tried to ignore the discussion and have refused to speak on the issue of the persecution of LGBT people at all. Maria Zakharova, the official spokesperson of the Ministry of Foreign Affairs of the Russian Federation, said that extrajudicial execution of LGBT people in

Chechnya is "not her topic." With this, she displayed not only a high level of unprofessionalism, but also exhibited the way Russian authorities treat this issue.

It has been reported that starting from mid-late April of 2017, the Investigative Committee has been conducting a preliminary investigation of the persecution of LGBT people in Chechnya. This is the first time over the last decade of Kadyrov's rule that the federal authorities have sanctioned an investigation of the Chechen authorities. In this matter, even these pre-investigative efforts should be viewed as an achievement for the media and the civil society activists who have raised the issue of horrendous HR violations over the past years.

The pre-investigative procedures that the investigative group conducts involve interviews with the victims and examinations of the alleged places of detention. The investigative group that was assigned to carry out the prior actions reportedly faced multiple obstacles on the way to do their job. The detention center that was most frequently mentioned in the testimonies is a former military commandant's office, located next to the city of Argun on the way to Grozny (Kadyrova street, 99b). The testimonies described exactly how this military facility looked like. However, inside this detention center, the investigative team found only fresh material debris, and no traces that could confirm the fact of brutal beatings and torture. Chechen officers prevented the group from investigating the base of the Special Division of First Responders (SOBR) "Terek", which was reportedly used to resettle all the detainees. The local authorities explained that the base was being used for the militants' workouts and training at that time, and that these events should not be disturbed.

There is strong evidence that the Chechen authorities are starting to worry about their fate, judging by the fact that the law-enforcement agents refused to participate in the investigation, ignored notice papers, and only visited pre-trial investigative activities after they were threatened with potential arrests.

At the same time, they left traces which could guide the investigation. During the first couple of weeks, the order to persecute homosexuals was directed to the police force. Officers started to act immediately, and that resulted in many flaws. Now, these flaws can be used as evidence that points directly to their involvement in these criminal activities. Then, around a couple of weeks later, militia personnel were assigned to handle the issue. They were not simply involved in the persecutions, unlawful detentions, torture, prosecutions, and extrajudicial killings. They also recorded the personal information of everyone who suffered persecution and prosecution based on their (assumed) sexual orientation. There are lists of those detained. Each of the detainees received clarification about why were they arrested.

G.H.

> *"I was detained on the *** of March. And I want this to be erased. Because when you get there, they put you on the list, and they know who came in and who came out. The registry is renewed every day."*

According to the information shared by the Novaya Gazeta, the investigators from the District Department of Domestic Affairs carried out the interrogations. They recorded the personal data of the detainees and their relatives, the information about their sexual activity, and other intimate information. These interrogations were designed to serve one purpose: to get

evidence and confirm that the detainee was a homosexual. These investigative actions, while not being under the jurisdiction of the Code of Criminal Procedure of the Russian Federation, were nevertheless recorded according to the official procedures of the Code of Criminal Procedure of the Russian Federation with the use of official stationery.

The victims were strictly advised not to flee the Republic, and that their location could be checked by law-enforcement personnel. After a month and a half of the anti-gay campaign, the crisis received immense coverage in the media, and the police were pressured to release all the detainees. However, using all the data that they had unlawfully recorded, the state officials were able to figure out the fates of those who had been detained. They could check whether they were killed by their relatives or if they had fled the Republic. If the victim fled, the authorities demanded that the relatives sign a statement saying that they had no complaints about the work of the Law Enforcement Officers of the Chechen Republic. The relatives were forced to give false testimonies. The Novaya Gazeta recorded data that said that they were also forced to contact the victims and pressure them to keep silent about their experiences in Chechnya.

Disturbing news continues to emerge. There is firm evidence that such anti-LGBT violence has spread outside of the region. Some victims of mass persecution were not Chechen by nationality. We know of at least 3 such cases. The Chechen authorities have comprehensive data that allows them to exert pressure on these people even when they are not in the Republic. According to the information we have (from the Chechen authorities, from the victims, and from their relatives), there were at least two such cases. In both cases, the Chechen authorities went to the Russian regions where these people lived. The Chechen authorities were in contact with the local authorities. We have evidence that in one case, the victim was not abducted only because they were warned and managed to hide from the persecutors. In another case, our sources say that the victim was murdered. This information is not verified yet. Both of these cases happened outside of the Chechen Republic. This leads to the conclusion that the Chechen authorities have enough access to the data that it allows them to locate the victims and their relatives. The relatives release this information under severe pressure. The authorities are able to exert pressure and intimidate even those who do not reside permanently in the Chechen Republic. They use interregional mechanisms of police cooperation and receive assistance from Russian law enforcement agencies in various regions.

It is acknowledged that the criminal case has not yet been instituted. And if there is no criminal case, then there is no trial. This entails that no investigative actions can take place.

In the beginning of July, the Investigative Committee of the Russian Federation forwarded an intermediate report on the persecution of LGBT people in Chechnya to Tatiana Moskal'kova, the Human Rights Ombudsperson of the Russian Federation. Moskal'kova said that the investigative group did not find any evidence that human rights violations took place in the Republic, because there was no personal information of the people who were persecuted. This response allows us to make conclusions about the position of the Investigative Committee. It also allows us to make conclusions about the fact that the investigative actions were just a formality. Until the victims themselves report the crimes, they will not take any action and will proceed to lie idle.

In this situation, Moskal'kova took a different approach and asked the Investigative Committee to comment on the information that the Novaya Gazeta had previously published:

"Both my request and the letter from the "Novaya Gazeta" that I forwarded to you contain the names of people who were allegedly killed. I would like to receive an update on those names in particular," Moskal'kova said.

While the team of Federal Investigators continues to study the facts and circumstances of the mass persecution of LGBT people in Chechnya, independent investigators — human rights activists and journalists — offer necessary assistance to the victims to ensure their safety and security. Every victim who suffered persecution during the campaign that was organized by the Chechen authorities must be granted asylum in a country where they can be safe. In addition, anyone who wants to file an appeal to the European Court of Human Rights will receive the necessary assistance from the Russian LGBT Network. At the moment, every potential applicant can consult an attorney who can explain all the necessary mechanisms of filing a complaint to international courts. All testimonies were documented by the journalists from Novaya Gazeta and by the activists from the Russian LGBT Network, and will be used as evidentiary support in a lawsuit against the Head of the Chechen Republic, Ramzan Kadyrov. This lawsuit will be filed by international human rights organizations to the International Criminal Court.

The crimes that are being committed in Chechnya fall precisely under the definition of crimes against humanity in the Rome Statute, and must be qualified as such. The detention of innocent people occurred on the basis of their sexuality, with is an illegal motive. To persecute a group of people based on their sexual orientation is universally recognized as inadmissible under international law. The arrests of these civilians were accompanied by unthinkable cruelty and a derogatory attitude towards the "suspects". The anti-LGBT campaign has unfolded throughout the Republic and has even managed to go beyond its borders. The law enforcement agencies, while recognizing that their actions are illegal, consciously and systematically led the execution. As crimes against humanity, the events in Chechnya were a violent operation organized by the Republic's authorities. It resulted in persecution, torture, murder, and other "inhuman acts of a similar nature, consisting of the intentional infliction of severe suffering or serious bodily harm, as well as serious damage to mental or physical health."

CONCLUSION

Relying on the testimonies and the evidence collected we can draw the following conclusions.

The first issue, since February 2017 state authorities in the Chechen Republic persecutes men based on their (alleged) homosexuality. These persecution continue to happen. The Russian LGBT Network has all the evidence to conclude that these persecutions fall under the category of "a crime against humanity" as it is defined in the Article 7 of the Roman Statue of the International Criminal Court.

The police force and the Rosguard (The Special Division of First Responders "Terek") profiled men based on their (assumed) homosexuality. The detainees, whose homosexuality was not confirmed, were released. Thus, the persecution was based on their sexual orientation. It also was a mass persecution. The Russian LGBT Network received a number of applications from the residents of Chechnya, who have detained themselves or have valid information about the detentions.

According to the testimonies we have, the anti-LGBT purges were supervised by the Spokesperson of the Chechen Parliament Magomed Daudov, the Head of the Chechen Department of the Ministry of Domestic Affairs in Argun Aiub Kataev, and the Commander of The Special Division of First Responders "Terek" Abuzaid Vismuradov. This information allows claiming that persecutions were not only carried out but also orchestrated by the state authorities. Numerous statements coming from Ramzan Kadyrov, the Head of the Chechen Republic, and from the other spokespeople of the Chechen Republic, stated that there are no gay people in the Chechen Republic and if there were gay people, they should be killed by their relatives or deported. Purification of the Chechen blood is one of the goals of the Republic's politics.

The victims were subjected to tortures, humiliations, and other measures that harm their physical and psychological well-being. Testimonies confirm that dozens were killed. Three murders have strong evidence confirming that the authorities were either directly involved in the execution, or pressured the relatives to do so. At least some people died during tortures. The victims were detained for a long period of time (some were detained for as long as a month). Their relatives and acquaintances had no idea where they were. Upon their release, they were prohibited from leaving Chechnya and threatened that they will initiate a criminal case.

The relatives of those, who fled, are required to submit written confirmation that they have no complaints about the work of the law enforcement agencies. The Chechen authorities pressured the people around them to conceal and publicly the facts of persecution to defend themselves.This allows us to characterize what is happening as the forced disappearance of people.

The second issue, the Russian Federation doesn't want to initiate a criminal investigation of this crime against humanity. This situation can shift only if the political will of the highest officials change under the effective international pressure.

Three months after the Novaya Gazeta and the Russian LGBT Network applied to the investigating authorities, the criminal case was not instituted until now. The Investigative Committee has reportedly initiated a pre-investigation, yet neither the Russian LGBT Network nor the Novaya Gazeta has received any reports on it. It is reasonable, therefore, to assume that

the investigation is biased. The highest officials, including the Press Secretary of the President of the Russian Federation, publicly stated that information about the persecution of gays in Chechnya "was never confirmed."

When the information about the persecution received an immense international coverage, Russian officials changed their rhetoric. The Commissioner for Human Rights in the Russian Federation, Tatiana Moskal'kova declared that she was ready "to provide state protection [to the victims of the crimes] or to patronize the law enforcement agencies." The representatives of the Russian Ministry of Foreign Affairs also began to talk about certain "guarantees" that Moskal'kova is prepared to provide and an "attestation of the situation" that she was conducting "on behalf of the president." Meanwhile, Russian legislation does not grant the Commissioner for Human Rights in the Russian Federation any powers to participate in the investigation of criminal offenses, nor to provide state protection to the victims and witnesses. Thus, the measures were knowingly ineffective. These statements also suggest that the state does not want to conduct a criminal investigation properly.

The state protection can be offered by the special Department of the Ministry of Internal Affairs of the Russian Federation (in the regions - the so-called Centers of State Protection with the local Ministry of Internal Affairs). The persecution of the residents of Chechnya based on their sexual orientation is a crime that is impossible in any other region of Russia.In such situation, an effective application of the Federal Law on State Security cannot happen: the employees of a Chechen Ministry must provide the Chechens with protection from other employees of the Chechen Ministry of Internal Affairs or from the leadership of the Republic.

Chechen policemen are not only not interested in protecting victims and witnesses in this situation, but also they do everything to silence them and their relatives. They have all the data that makes it easy to exert pressure on these people even outside of Chechnya.It is known that in a search of victims and witnesses Chechen policemen travel to other regions of Russia and enjoy the support of the Ministry of Internal Affairs on the grounds. In such circumstances, victims and witnesses do not have the opportunity to apply to law enforcement agencies for allegations of the committed crimes.

INDEPENDENT

Azerbaijan named most anti-LGBT+ country in Europe

Campaign group analyses laws and policies across 49 nations in new ranking

Zamira Rahim @ZamiraRahim

Monday 13 May 2019 21:15

56 comments

Azerbaijan is the worst place to be gay in Europe, according to LGBT+ rights group ILGA-Europe.

The campaigners ranked countries along a scale, in which zero indicated gross human rights abuses and 100 per cent represented the greatest degree of equality.

Now in its 10th year, the ranking analysed laws and policies governing LGBT+ matters across 49 European countries over the past 12 months.

Marks were given across 69 individual categories, such as employment rights and marriage equality.

Azerbaijan scored just 3 per cent in the survey, while Turkey and Armeniawere awarded 5 per cent and 7 per cent each.

In 2017 reports emerged of an alleged crackdown on LGBT+ people in Azerbaijan.

Human rights groups condemned news of mass arrests and abuses and urged authorities to release those who were jailed.

Azerbaijan's Ministry of Internal Affairs has responded to criticism by activists in the past by claiming that such raids are not a specific attack on LGBT+ people but instead a crackdown on prostitution.

The countries that did well in ILGA's ranking include Malta, which came first with 90 per cent.
Belgium and Luxembourg were ranked as the second and third best European countries for LGBT+ rights.

"Those countries that continue to do really well and go up are those that ... clicked quite some time ago that the agenda was more than marriage equality," said Evelyne Paradis, the campaign group's executive director.

Due to a shift in the number of categories included in the survey, several countries that had formerly been seen as leaders of LGBT+ equality, such as the UK, saw their overall percentages slip between 2018 and 2019.

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Last year, Britain scored 73 per cent and was ranked equal with Finlandand France at fourth.
The UK fell to 66 per cent in the 2019 index, tied at seventh with Portugal.
Additional reporting by agencies

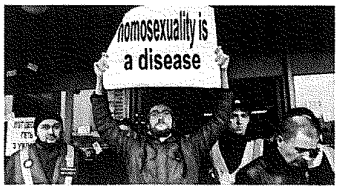
Lesbian conference in Ukraine targeted by anti-LGBT protesters

Patrick Kelleher, PinkNews
12th April 2019, 7:09 PM

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GENYA SVILOV/AFP/Getty

Anti LGBT+ protesters descended on a hotel yesterday (April 11) in Kiev, Ukraine where the European Lesbian Conference (ELC) was due to kick off.

Dozens of protesters blocked the entrance to the hotel and held signs that said "homosexuality is a disease" and "go back to hell sodomites," according to the Thomas Reuters Foundation.

A number of protesters also allegedly tried to break into the hotel to throw tear gas canisters but were prevented by police, according to Olena Shevchenko of LGBT+ group Insight.

Protesters broke windows at the hotel and wrote 'homophobic threats' on walls

Oksana Pokalchuk, director of Amnesty International Ukraine, posted photos to Twitter which showed broken windows at the hotel and "homophobic threats" written on walls.

One protester, Margarita Korotkikh, said their goal was "to put pressure on the government and explain that heterosexuals are against LGBT propaganda," according to Public Radio.

The group of protesters was reportedly made up of about 35 people mostly from religious groups.

> **"We need to be outside and not to keep our sexuality and genders hidden at home under the sheets."**
>
> – European Lesbian Conference Chair Silvia Casalino

When the conference kicked off today, Shevchenko took to the stage and asked attendees: "Are you scared?" which drew a chorus of "No!" in reply.

In a speech at the conference today, Svitlana Lukhymovych said: "The majority of people in Ukraine are not like the people outside of our venue protesting. The majority are too busy trying to make ends meet to care about us lesbians. It's our goal to make sure they don't end up joining those protesters."

Participants plan to stage a short march in Ukraine this weekend



GENYA SAVILOV/AFP/Getty

Executive director of ILGA Europe, Evelyne Paradis, praised those taking part in the conference. She said: "It is particularly amazing as you are organising the #ELC2019 in spite of efforts to try to silence you and you are showing an incredible strength and resilience in doing this."

Participants in the conference plan to stage a short march tomorrow (Saturday 13 April) in Kiev, however they have said that this will be dependent upon security.

European Lesbian Conference chair Silvia Casalino said the protests were "stressful."

"A lot of us are used to that," she told the Thomas Reuters Foundation. "We need to be outside and not to keep our sexuality and genders hidden at home under the sheets."

Last November, a rally for transgender rights was disrupted in Kiev when a group of religious protesters confronted them and demanded they move to a new location.

Holding banners, rainbow and transgender flags, a group of around 40 LGBT+ campaigners relocated in front of the University metro station, to continue their legally-sanctioned rally.

But counter-protesters attacked them with smoke bombs and shouted homophobic slurs.

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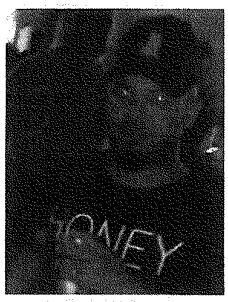
SASOD's Joel Simpson attacked by six men at Bourda Market

By *Stabroek News* On June 17, 2019 @ 2:15 am In Guyana News |

Managing Director of the Society Against Sexual Orientation Discrimination (SASOD) Joel Simpson was attacked and beaten by six men early yesterday morning as he was waiting to purchase food at Bourda Market, hours after being harassed by the same group of men at the Palm Court nightclub.

So far, one of the alleged attackers has been identified as Maverick DeAbreu, who is on trial over the assaulting of Soca artiste, Benjai.

According to Simpson, he and five friends were hanging out during the day and three of them ended up going to Palm Court around 10 pm on Saturday. He told Stabroek News that when they got there, it wasn't crowded and he and his two friends were drinking until around midnight when the nightclub started to fill with more patrons.



Maverick De Abreu shown in a screen grab from the video filmed by one of Joel Simpson's friends.

"We were just sitting at the bar having tequila shots, one female and male friend... and we were dancing by the bar and then we felt beer thrown on us. It literally landed on all three of us. We looked around puzzled and shook it off and thought it was a drunken spill," Simpson, a gay rights activist, said.

However, his initial thought of it being an accident was quickly dispelled after beer was throw on them again some two minutes later.

"We felt another spill of beer on us and I looked around and saw these group of [six] guys by the bar looking at us menacingly and mockingly and we realised it was them," he recalled.

After he figured out who had thrown the beers at him and his friends, Simpson said he enquired at the bar and requested to speak to the supervisor or manager to make a complaint. He said that he was pointed to a man who was not in uniform.

Upon further enquiries, he learnt that the man was the head of security, and he approached him and related what had happened.

"His response was 'we don't want man wining on man in here'... After he said that, I said 'you don't understand but I am reporting that someone assaulted me with beer and the issue at hand is the assault' and he repeated the statement again. I was shocked and perplexed and so I went back to my friends and told them what happened," Simpson related. He added that by this point, two other female friends had joined their group.

After the second incident, Simpson said that he and his friends were discussing whether they should stay at the nightclub or leave, but decided to wait until they had finished their drinks.

"When the beer was throw on us for the second time, the girls that we ran into there started responding to the guys and questioning why they were doing it and I had to restrain them from approaching the guys and that is when one of the girls took a short video of one of the guys, and when she was videoing, he tried to hit the phone out of her hand," Simpson recalled.

Around 1:30 am, he said, he and his male friend decided to leave and went to the Strip at the Giftland Mall in Turkeyen and stayed there until 4 am. After parting ways with his friend, he decided to pick up breakfast from his regular spot in Bourda Market called 'Aunty' before heading home.

When Simpson arrived at Bourda Market, the same group of six men, who were harassing him and his friends at Palm Court, were at the snackette.

"The guys were there and I was waiting on my turn to order and one of them say 'ey that's the guy from PC who disrespect we'. I didn't pay any mind and Aunty started asking me what I am getting. I started making my order and while ordering, I just felt being cuffed and kicked and I hit the ground," Simpson recalled.

He fell a couple of feet away from the snackette and the group of men started to kick him about his body. Instinctively, he said, he covered his head and endured the attack before the snackette owner's son, Dave, tried to intervene and rescue him. A City Constabulary officer, who was on the scene, also tried to intervene but was slapped by one of the men.

Subsequently, a verbal altercation ensued between the men and other persons around as Dave and the City Constabulary officer pulled him away before the six men left in two white cars.

After they drove off, Simpson said he called one of his friends and was taken to the Accident and Emergency Unit at the Georgetown Public Hospital where his injuries were tended to. He was given three injections and painkillers. An x-ray showed that there was no internal bleeding, and according to him, at this moment, he just has a lot of bruises about his body, soreness in places where he was kicked as well as pain when he takes deep breaths.

"I think if the officer didn't intervene and Dave, it could've been much worse because they just kept kicking at me. After the hospital, I went to the Brickdam Police Station and they directed me to Alberttown and by the time I got there, I was told that the report was already made by the City Constabulary officer. I gave my statement and they said they were going to make contact with Palm Court management to see if the perpetrators can be identified," Simpson said.

When he got home, Simpson said he realised that one of his friends had made a short video of one of the alleged attackers in Palm Court and after circulating the video among his social circles, the man was identified as De Abreu.

"At this point, I am outraged at Palm Court because if he [De Abreu] has a matter like what he has before the courts, how is he still allowed to be going there? If it was me as an ordinary man spilling beer purposely on someone, I would've been banned and this guy (allegedly) assaulted a Soca artiste and is not even banned," Simpson said.

Stabroek News visited Palm Court yesterday afternoon and requested to speak to the supervisor. However, another man, who identified himself as Sanjiv, related that the man who was on duty when the incident occurred would not be back at work until Tuesday.

He also said that they do not discriminate against persons on the basis of sexual orientation, and when asked to view CCTV footage, he said that he had to wait until the technician was on the premises and could not say anything further since he was not there.

Owner of the nightclub, Manniram Prashad could not be reached for a comment.

The police are continuing their investigations.

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GAYSTARNEWS

Algerian man's throat cut, then killers write 'gay' on the wall with his blood

Hundreds of people gathered to protest and pay tribute to the victim



Assil Belalta. | Photo: Facebook

11 February 2019 12:52 BST **James Besanvalle**

Share this: Recommend 7.5k Tweet

An **Algerian man** died after two attackers came into his room, slit his throat and then wrote 'gay' on the wall with his own blood.

21-year-old medical student Assil Belalta returned home to his room around 7pm on Sunday night (10 February) in the area of Ben Aknoun, Algiers.

Upon entering his room, two attackers followed him in and slit his throat. They also took his car keys.

The killers then left a message on the wall using the victim's blood: 'He is gay'.

His friends found his lifeless body and reported it to police.



Belalta was a third-year medical student at the Faculté de médecine d'Alger. His Facebook profile states that he is interested in both men and women.

Tributes pour in

Alouen is an LGBTI activist group based in Algeria and confirmed the details of Belalta's death.

It posted about the death on Facebook: 'Homophobic crime at the university city of Ben Aknoun in Algiers.'

The post then added: 'This vile and homophobic act occurred two weeks after the statements of the president of the Algerian Magistrates Union, Mr Laîdouni.

'[He] said that human rights associations and NGOs asking for the decriminalization of homosexuality in Algeria and the fight against homophobia are "trampling on the values and foundations of the Algerian people, who do not show tolerance to homosexual people", and that the magistrates will "face anyone who wants to establish laws against the specificities of the Algerian people".'

As a tribute to Belalta, several hundred students rallied outside the Faculty of Medicine Zania in Algiers this morning (11 February).

They observed a minute of silence, according to local reports.

Protestors also organized a human chain between the Faculty of Medicine and the university campus.

Mr. CICILLINE. And with that, I yield back, Mr. Chairman.

Chairman ENGEL. Thank you, Mr. Cicilline.

Is there anyone on the Republican side that wishes to be recognized?

OK. Mr. Castro.

Mr. CASTRO. Thank you, Chairman, and I am proud to support all nine bills today.

I just want to speak quickly about one of them, which is H.R. 1632, the Southeast Asia Strategy Act, which I introduced with my fellow ASEAN co-chair, Representative Wagner.

Together we have introduced the Southeast Asia Strategy Act to enhance American engagement with this vibrant organization and important region in the world.

For decades, the United States and its allies have established the infrastructure of security and prosperity in the Indo-Pacific, generating progress for peoples throughout Asia.

Our unshakeable bond and commitments to regional allies bind U.S. engagement in the Indo-Pacific. Together, we work to reinforce the rules-based multilateral institutions and the international order that is proven to be indispensable, an effort in which ASEAN is integral.

Even as the region transforms, the United States and its allies remain stalwarts of sustainable inclusive development, freedom of exchange and navigation, and democratic norms.

At the nexus of the region's transformation and central to its bright future is Southeast Asia. To place proper emphasis on this significant region and invigorate our partnership for the years ahead, the United States must articulate a comprehensive strategy.

This bill would direct the Secretary of State to do just that. On our shared interests and economic growth, enduring peace, reliable energy, and many others, this legislation catalyzes positive cooperation and contributes to sustaining a free and open Indo-Pacific and I was glad to work with Representatives Wagner and Yoho to help bolster a robust U.S.-ASEAN relationship.

I yield back.

Chairman ENGEL. Thank you, Mr. Castro.

I understand that Mr. Sires has something to add.

Mr. SIRES. Yes, thank you, Mr. Chairman.

I would like to add for the record that—to the Cicilline resolution that in Cuba the LGBT community had a parade and the government broke up the parade by beating them and breaking up the parade.

So I would like to know if I can add that to the record on that resolution. They broke it up, beating them and jailing people.

Chairman ENGEL. Without objection, so ordered.

Mr. SIRES. Thank you.

Chairman ENGEL. OK. Thank you.

Ms. Titus.

Ms. TITUS. Thank you, Mr. Chairman.

I support all the measures before us today and I am a co-sponsor of several of them. But I would like to speak particularly about the Global Respect Act and I want to commend Mr. Cicilline on his leadership on this issue.

I am proud to co-sponsor this legislation to ensure a strong and unwavering U.S. response to severe human rights abuses against LGBTI people.

As we celebrate Pride Month, we should be reminded of the serious threats people from the LGBTI community continue to face around the world.

As you have heard, in at least 68 countries same-sex and relationships are criminalized. The State Department's Human Rights Reports have shown a clear pattern of human rights violations including murder, rape, torture, death threats, extortion, and imprisonment in every region of the world based on sexual orientation and gender identity.

No one should face such treatment for whom they love. The sanctions in this legislation are an important tool to push for accountability for violations of human rights of LGBTI people.

I am also glad that this legislation will be included and I thank Mr. Cicilline for working with me on the Globe Act, which is a comprehensive vision of what the U.S. leadership should be doing to advance LGBTI human rights around the world.

Unfortunately, this administration—under this administration the U.S. is ceding its role as a leader in advancing human rights and we in Congress cannot stand idly by as they try to stop the U.S. embassies from flying Pride flags, appoint anti-LGBTI State Department officials, and cozy up to authoritarian regimes that are responsible for these grave abuses.

I also want to take a moment to recognize World Refugee Day. I am a co-sponsor of House Resolution 444, which underscores the important role the U.S. must play in refugee resettlement and global responses to the refugee crisis.

We have a proud tradition of welcoming the world's most vulnerable. But, unfortunately, that also is being undermined.

The Administration continues to shut out those fleeing violence, proposed drastic cuts to assistance to address some of the root causes of these crises, and cut the refugee admission target from a dismal 45,000 in 2018 to only 30,000 in 2019. These are the lowest targets in modern history.

The president must not abdicate the moral leadership and if he does, the Congress has to step in. We have got to continue to welcome those who are seeking a better life and promote the safety, health, and welfare of refugees.

The symbol of the U.S. should remain the Statue of Liberty and not become a border wall.

With that, I yield back.

Chairman ENGEL. Thank you, Ms. Titus.

Mr. Lieu.

Mr. LIEU. Thank you, Mr. Chair.

Today is World Refugee Day. I am pleased on this day the committee is considering H. Res. 444, a bipartisan resolution that I introduced with Representatives Diaz-Balart, Neguse, and Lofgren to reaffirm U.S. leadership in responding to the displacement crises around the world.

We are currently facing the worst refugee crisis in history. According to the United Nations High Commission of Refugees in 2018, there are more than 70.8 million displaced persons world-

wide. This included nearly 26 million refugees, over 41 million internally displaced persons, and 3.5 million people seeking asylum.

Put another way, in 2018, 37,000 people being displaced from their homes every single day and about half of these refugees were children.

Here at home in the United States, we have seen a drastic reduction in refugee admissions. In 2018, the U.S. resettled only 22,000 refugees compared to the 85,000 resettled in Fiscal Year 2016.

Refugees are fleeing home because of a well-founded fear of being persecuted for reasons of race, religion, nationality, membership, and a particular social group or political opinion.

The U.S. resettlement program is critical to global humanitarian efforts. H. Res. 444 reaffirms the U.S. commitment to promote the safety, health, and wellbeing of the millions of displaced persons.

In addition, it recognizes the people in organizations who have risked their lives to provide assistance to displaced communities.

And finally, the resolution calls on the Secretary of State and the U.S. Ambassador to the United Nations to continue supporting robust funding for refugee protection, to set robust refugee admission goals, and to work in partnership with the international community and find solutions to existing conflicts and to promote peace and reconciliation.

This resolution is supported by more than 60 organizations including Church World Service, International Rescue Committee, Oxfam America, and Refugees International, and has been co-sponsored by 62 of our colleagues in the House.

Thank you, Chairman Engel and Ranking Member McCaul, for bringing up this resolution and I yield back.

Chairman ENGEL. Thank you, Mr. Lieu.

Ms. Wild.

Ms. WILD. Thank you, Mr. Chairman.

I am pleased to support all of these bills today. But I want to speak in support of H.R. 3252, the Global Respect Act, and I too commend Mr. Cicilline for his efforts on this, because acts of violence and hatred targeting members of communities for who they are or what they believe are a threat to the moral fabric of our country and our world.

We cannot let these violations of fundamental human rights and dignity go unanswered. Across the world, people are harassed, tortured, arrested, detained, and sometimes killed because of who they are, who they love, or the gender with which they identify.

Nine countries, including Saudi Arabia, have laws on the books making homosexuality a crime punishable by death. Recently, Brunei codified the punishment of homosexuality by capital punishment, ultimately announcing that it would not proceed with executions for the time being in light of the international outcry that followed, but still leaving the law on the books.

In the Russian region of Chechnya, a coordinated strategy of purges, detentions, and executions has terrorized the LGBT community. Despite being part of the Russian Federation, the local authorities in Chechnya have been left free to operate with impunity.

The Global Respect Act would take a crucial step in saying unequivocally that LGBTQ people must be free from being targeted,

attacked, or imprisoned on the basis of sexual orientation or gender.

By requiring the State Department to track individuals responsible for violations against members of the LGBTQ community around the world and denying or revoking visas for individuals who have committed such violations, we will send a clear message to allies and adversaries alike.

The LGBTQ rights are human rights. By passing this legislation, we have the opportunity to place our country firmly on the right side of history, affirming that we call for respecting the rights and dignity of all people everywhere.

I encourage my colleagues on this committee on both sides of the aisle to pass the Global Respect Act.

Thank you, Mr. Chairman. I yield back.

Chairman ENGEL. Thank you, Ms. Wild.

Mr. Levin.

Mr. LEVIN. Thank you, Mr. Chairman, and I want to commend you and Mr. McCaul, the ranking member, for your leadership and your work on this. I feel, as a new member of the Congress, that the work of this committee is a real model for the House and for the whole Congress in terms of how we work together in a bipartisan way.

And I want to speak specifically to urge my colleagues to support the Burma Political Prisoners Assistance Act, H.R. 2327.

In the past couple years, there has rightly been a lot of attention on the horrific crimes against the Rohingya people. It is a genocide and we have an obligation to act both as policymakers and as human beings.

But far less has been said about those who are fighting to shed light on that crisis and share the stories that are, sadly, so dangerous yet so important to tell about the Rohingya situation and other human rights violations in Burma.

I am talking about people like Wa Lone and Kyaw Soe Oo, Reuters journalists who were arrested while investigating a massacre of Rohingya men and boys and spent more than 500 days in prison before being released last month.

Even now they have not been officially exonerated of the false charges against them. Their stories are indicative of a much, much bigger problem when it comes to free expression in Burma.

There have been crackdowns on peaceful protestors. There was the arrest of Aung Ko Htwe, a former child soldier, who gave an interview talking about his experience being abducted and forcibly recruited by the Burmese military at the age of 13. For that, he faces up to 2° years in jail.

While our State Department and USAID are working to aid political prisoners, more needs to be done. That is where this bill comes in. We need to support efforts to change or repeal the very laws that are being used to stifle free expression and honest reporting and that were used to imprison people like Wa Lone and Kyaw Soe Oo.

Many of these laws date back to the colonial era. We should support the creation of an independent prisoner review mechanism to examine cases like these and offer recommendations as to how the law might better protect free expression and we need to make clear

that this Congress is united, Democrats and Republicans, in our support for a free press, freedom of expression, and the fundamental rights of the Burmese people.

Thank you, again, Mr. Chairman, for bringing this bill up today and to your staff for their hard work, and I want to thank in particular Congresswoman Wagner for partnering with me to introduce this legislation.

I urge my colleagues to support it and the entire package, and I yield back the balance of my time.

Thank you.

Chairman ENGEL. Thank you, Mr. Levin.

Ms. Spanberger.

Ms. SPANBERGER. Thank you, Mr. Chair.

I would like to speak today in support of House Resolution 432, condemning the attacks on peaceful protestors and supporting an immediate peaceful transition to a civilian-led democratic government in Sudan.

I am incredibly supportive of this effort because it is so vitally important for us, as members of the U.S. Congress, to stand up for civilians and those who are using their voices, those who are trying to impact change in their own communities through peaceful transitional efforts.

I also speak in support of this resolution because I have a substantial Sudanese-American community who have family members and friends impacted who are fearful in the streets of their home country as they try to lift up their voices, as they try to peacefully protest and impact change within their country.

And it is today in support of them and in support of the peaceful protestors who are seeking a transition to a civilian-led government that I ask all of my colleagues to support House Resolution 432.

Thank you. I yield back.

Chairman ENGEL. Thank you, Ms. Spanberger.

Mr. Costa.

Mr. COSTA. Thank you very much, Mr. Chairman, to you and to the ranking member.

Today is a very good day for the House Foreign Affairs Committee because all of these pieces of legislation really speak to the moral high ground that I think reflects American values—American values of human rights, American values of freedom of speech, freedom of religion, freedom to gather.

Let me just point out a couple of the pieces of legislation that I think, for me, are personal. The impacts of U.S. leadership in responding to displacement of refugees around the world is something that as always in the past stood out for America as a beacon of light around the world, and the refugee crisis that we have on our own borders is one that reminds us of the fact that we have a role to play.

Anti-Semitism, sadly, continues to still exist around the world and it is fitting and appropriate that we recognize the attack that took place in July 1994 in Buenos Aires, reminding all of us that in fact anti-Semitism still, sadly, today occurs around the world and we must call it out for where and when we see it.

Having been to Sudan, I can tell you that the resolution H.R. 432 is fitting and appropriate. The horrific violation of human rights in

Sudan has been well known and demonstrated, and clearly, even with the change of the horrific regime that perpetuated the violation of human rights we still see people suffering in Sudan. We must call it out for what it is.

And, clearly, America, as a beacon of religious freedom throughout our history, it is appropriate that the ethnic and religious minorities in Iraq, a part of the world that many of us have been to and which we have expended a great deal of American resources, we must remind those in Iraq that they have a responsibility in this area.

Finally, as was noted before by my colleagues, it is Gay Pride Month, and the LGBTI community has had a long and difficult journey, not only in our country but around the world.

Countries in which these abilities of people to enjoy their own basic rights, to love the persons that they choose in consensual relations, in some parts of the world we know is punishable by death and that is simply, simply unacceptable.

And so these pieces of legislation, separately and taken together, I think make a incredibly strong statement today for the Foreign Affairs Committee and attribute to the leadership on a bipartisan basis that America is still a beacon of light and that we still, as a country, can come together and maintain the moral high ground, and I think this package of bills reflects that sentiment and it is something that we should all be proud of today.

I will yield back the balance of my time, but I want to commend my colleagues and the authors of these five pieces of legislation, and look forward to supporting the entire package.

I yield back the balance of my time. Thank you.

Chairman ENGEL. The gentleman yields back. Thank you, Mr. Costa.

Are there any other members seeking recognition? Hearing no further requests for recognition, then without objection the committee will proceed to consider the noticed items en bloc.

A reporting quorum is present and without objection each measure is considered as read and the amendments to each are considered as read and are agreed to.

The question occurs on the measures en bloc as amended if amended.

All those in favor say aye.

All those opposed, no.

In the opinion of the chair, the ayes have it. The measures considered en bloc are agreed to.

And without objection, each measure is ordered favorably reported as amended if amended, and each amendment to each bill shall be reported as a single amendment in the nature of a substitute.

Without objection, staff is authorized to make any technical and conforming changes, and this concludes our business today.

I thank all the members of the committee, especially Ranking Member McCaul, for their contributions and assistance with today's markup.

The committee stands adjourned. Let me just say for those who want to take a photo to show your blue for Sudan, we will be doing it quickly right after we end, which is now.

Thank you very much. The committee is adjourned.
[Whereupon, at 11:09 a.m., the committee was adjourned.]

APPENDIX

FULL COMMITTEE MARKUP NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Eliot L. Engel (D-NY), Chairman

June 20, 2019

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN markup of the Committee on Foreign Affairs to be held in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at https://foreignaffairs.house.gov/):

DATE: Thursday, June 20, 2019

TIME: 10:00 a.m.

MARKUP OF: H.R. 3190, BURMA Act of 2019

H.R. 2327, Burma Political Prisoners Assistance Act

H.R.1632, Southeast Asia Strategy Act

H.R. 3252, Global Respect Act

H.Res. 259, Expressing the sense of the House of Representatives to support the repatriation of religious and ethnic minorities in Iraq to their ancestral homelands

H.Res. 432, Condemning the attacks on peaceful protesters and supporting an immediate peaceful transition to a civilian-led democratic government in Sudan

H.Res. 441, Condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994 and expressing the concern of the United States regarding the continuing, 25-year-long delay in the resolution of this case and encouraging accountability for the attack

H.Res. 444, Reaffirming the importance of the United States to promote the safety, health, and well-being of refugees and displaced persons

H.R. 2229, First Responders Passport Act of 2019

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS
MINUTES OF FULL COMMITTEE MARKUP

Day *Thursday* **Date** *06/20/19* **Room** *2172 RHOB*

Starting Time *10:07 a.m.* **Ending Time** *11:09 a.m.*

Recesses *0* (____to____) (____to____) (____to____) (____to____) (____to____) (____to____)

Presiding Member(s)
Chairman Eliot L. Engel

Check all of the following that apply:

Open Session ☑
Executive (closed) Session ☐
Televised ☑

Electronically Recorded (taped) ☑
Stenographic Record ☑

BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*
H.R. 3190, BURMA Act of 2019; H.R. 2537, Burma Political Prisoners Assistance Act; H.R.1632, Southeast Asia Strategy Act; H.R. 3252, Global Respect Act; H.Res. 259, Expressing the sense of the House of Representatives to support the repatriation of religious and ethnic minorities in Iraq to their ancestral homelands; H.Res. 433, Condemning the attacks on peaceful protesters and supporting an immediate, peaceful transition to a civilian-led democratic government in Sudan; H.Res. 441, Condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994 and expressing the concern of the United States regarding the continuing, 25-year-long delay in the resolution of this case and encouraging accountability for the attack; H.Res. 444, Reaffirming the importance of the United States to promote the safety, health, and well-being of refugees and displaced persons; H.R. 3239, First Responders Passport Act of 2019

COMMITTEE MEMBERS PRESENT:
See attached.

NON-COMMITTEE MEMBERS PRESENT:
N/A

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*
SFR - Wright
IFR - Cicilline (I, II, III, IV, V)

ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*
The measures considered en bloc were agreed to by voice vote. By unanimous consent, the measures were ordered favorably reported, as amended if amended. The Chairman intends to seek House consideration under suspension of the rules.

RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

Subject	Yeas	Nays	Present	Not Voting
N/A	*N/A*	*N/A*	*N/A*	*N/A*

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *11:09 a.m.*

Evan Bursey
Full Committee Hearing Coordinator

HOUSE COMMITTEE ON FOREIGN AFFAIRS

FULL COMMITTEE Markup

PRESENT	*MEMBER*
X	Eliot L. Engel, NY
X	Brad Sherman, CA
	Gregory W. Meeks, NY
X	Albio Sires, NJ
X	Gerald E. Connolly, VA
X	Theodore E. Deutch, FL
X	Karen Bass, CA
X	William Keating, MA
X	David Cicilline, RI
	Ami Bera, CA
X	Joaquin Castro, TX
X	Dina Titus, NV
	Adriano Espaillat, NY
X	Ted Lieu, CA
X	Susan Wild, PA
X	Dean Phillips, MN
X	Ilhan Omar, MN
X	Colin Allred, TX
X	Andy Levin, MI
X	Abigail Spanberger, VA
X	Chrissy Houlahan, PA
	Tom Malinowski, NJ
X	David Trone, MD
X	Jim Costa, CA
X	Juan Vargas, CA
	Vicente Gonzalez, TX

PRESENT	*MEMBER*
X	Michael T. McCaul, TX
X	Christopher H. Smith, NJ
X	Steve Chabot, OH
X	Joe Wilson, SC
X	Scott Perry, PA
X	Ted Yoho, FL
	Adam Kinzinger, IL
X	Lee Zeldin, NY
	James Sensenbrenner, Jr., WI
X	Ann Wagner, MO
X	Brian J. Mast, FL
X	Francis Rooney, FL
X	Brian K. Fitzpatrick, PA
X	John Curtis, UT
	Ken Buck, CO
X	Ron Wright, TX
X	Guy Reschenthaler, PA
X	Tim Burchett, TN
X	Greg Pence, IN
X	Steve Watkins, KS
X	Michael Guest, MS

06/20/2019 House Foreign Affairs Committee Markup Summary

By unanimous consent, the Chair called up the following measures and amendments, previously provided to Members, to be considered *en bloc:*

(1) H.R. 3190, BURMA Act of 2019 (Engel)

(2) H.R. 2327, Burma Political Prisoners Assistance Act (Levin)
- Levin, an amendment in the nature of a substitute to H.R. 2327

(3) H.R. 1632, Southeast Asia Strategy Act (Wagner)
- Wagner, an amendment in the nature of a substitute to H.R. 1632

(4) H.R. 3252, Global Respect Act (Cicilline)

(5) H.Res. 259, Expressing the sense of the House of Representatives to support the repatriation of religious and ethnic minorities in Iraq to their ancestral homelands. (Fortenberry)
- Engel, an amendment in the nature of a substitute to H.Res 259

(6) H.Res. 432, Condemning the attacks on peaceful protesters and supporting an immediate peaceful transition to a civilian-led democratic government in Sudan. (Kildee)
- McCaul amendment #27 to H.Res 432

(7) H.Res. 441, A resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994 and expressing the concern of the United States regarding the continuing, 25-year-long delay in the resolution of this case and encouraging accountability for the attack. (Deutch)

(8) H.Res. 444, Reaffirming the importance of the United States to promote the safety, health, and well-being of refugees and displaced persons. (Lieu)
- Lieu amendment #58 to H.Res. 444

(9) H.R. 2229, First Responders Passport Act of 2019 (Chabot)
- Chabot amendment #23 to H.R. 2229

The measures considered *en bloc* were agreed to by voice vote.

By unanimous consent, the measures were ordered favorably reported, as amended if amended. The Chairman intends to seek House consideration under suspension of the rules.

The Committee adjourned.

***All measures can be found here.

ADDITIONAL MATERIALS FOR THE RECORD

Statement for the Record from Representative Ron Wright
Markup of Various Measures
June 20, 2019

I am a firm believer that how we do things matters as much as what we do. For this reason, I am very disappointed that the *en bloc* considered during the June 20, 2019 markup included H.R. 3252, the Global Respect Act.

I am a staunch supporter of human rights. In fact, defending human rights is the main reason I requested to be on the House Foreign Affairs Committee. As far as I am concerned, no human being should be mistreated by any other. However, I do not believe we need to endlessly enumerate the types of people who cannot be abused by their governments and fellow man.

Furthermore, the U.S. government already has a law in place to target human rights abusers: the Global Magnitsky Human Rights Accountability Act. Signed into law in 2016, it gives the U.S. government the ability to sanction foreign government officials anywhere in the world if they are implicated in human rights abuses. Nothing in this act restricts the U.S. government from targeting foreign government officials who have carried out human rights abuses against the LGBTI community.

While I appreciate the Global Respect Act's goal of defending vulnerable communities from human rights abuses, its approach leaves a lot to be desired. Creating an alternative, but nearly identical, sanctioning mechanism for foreign government officials who target the LGBTI community makes no sense. It's duplicative and, frankly, bad policy. Unless they're broken, we should use the tools we already have. This will only create more headaches, administrative burden, and waste at the Departments of State and Treasury.

Finally, this bill also diminishes the plight of other victims of human rights abuses, such as the Coptic Christians in Egypt, the Uyghurs in China, and the people living under the oppressive Iranian and North Korean regimes. All human beings are equal and should be treated with respect. No victim of human rights abuses should take precedence over any other. Unfortunately, the Global Respect Act does not send this message.

For these reasons, I oppose the Global Respect Act and encourage the House Foreign Affairs Committee Majority to reconsider reporting the bill out of committee in its current form.

