

Calendar No. 257

115TH CONGRESS
1ST SESSION

S. RES. 279

Reaffirming the commitment of the United States to promote democracy,
human rights, and the rule of law in Cambodia.

IN THE SENATE OF THE UNITED STATES

OCTOBER 3, 2017

Mr. McCAIN (for himself, Mr. DURBIN, and Mr. RUBIO) submitted the following resolution; which was referred to the Committee on Foreign Relations

NOVEMBER 1, 2017

Reported by Mr. CORKER, with an amendment and an amendment to the preamble

[Strike out all after the resolving clause and insert the part printed in *italic*]

[Strike the preamble and insert the part printed in *italic*]

RESOLUTION

Reaffirming the commitment of the United States to promote democracy, human rights, and the rule of law in Cambodia.

Whereas ~~Prime Minister Hun Sen has been in power in Cambodia since 1985 and is the longest-serving leader in Southeast Asia;~~

Whereas ~~the Paris Peace Accords in 1991 provided a vital framework, supported by the international community, intended to help Cambodia undertake a transition to de-~~

mocracy, including through elections and multiparty government;

Whereas the United States Government, for more than 25 years, has provided hundreds of millions of dollars in development aid and other types of assistance to the people of Cambodia and funded work in areas including civil society, capacity building for nongovernmental organizations (NGOs), global health, and the Khmer Rouge Tribunal;

Whereas, despite decades of international attention and assistance to promote a pluralistic, multi-party democratic system in Cambodia, the Government of Cambodia continues to be undemocratically dominated by the ruling Cambodia People's Party (CPP), which controls every agency and security apparatus of the state;

Whereas the leadership of Cambodia's security forces, including all of its top military and police commanders, sit on the Central Committee of the politburo of the CPP;

Whereas the CPP controls Cambodia's parliament and can pass legislation without any opposition, and has often passed laws that benefit its rule and weaken the capacity of the opposition to challenge it;

Whereas each of the five elections that have taken place in Cambodia since 1991 were not conducted in circumstances that were free and fair, and each were marked by fraud, intimidation, violence, and the government's misuse of legal mechanisms to weaken opposition candidates and parties;

Whereas, in 2015, the CPP-controlled parliament passed the "Law on Associations and Non-Governmental Organizations", known as LANGO, which gave the government

sweeping powers to revoke the registration of NGOs found to be operating with a political bias in a blatant attempt to restrict the legitimate work of civil society;

Whereas, since the passage of LANGO, the Interior Ministry has announced that it was surveilling several civil society organizations and their employees for allegedly aiding Cambodia's opposition party, the Cambodia National Rescue Party (CNRP);

Whereas both the National Democratic Institute (NDI) and the International Republican Institute (IRI) have a long history in Cambodia, engaging local partners and building capacity for civil society, democracy, and good governance;

Whereas, on August 23, 2017, Cambodia's Ministry of Foreign Affairs ordered the closure of NDI and the expulsion of its foreign staff on allegations that it had violated LANGO and was conspiring against Prime Minister Hun Sen;

Whereas, on September 15, 2017, Prime Minister Hun Sen called for the withdrawal of all volunteers from the United States Peace Corps, which has operated in Cambodia since 2006 with 500 United States volunteers providing English language and healthcare training;

Whereas the Government of Cambodia in 2016 arrested four senior staff members of the Cambodian Human Rights and Development Association (ADHOC), as well as a former ADHOC staff member and official on the National Election Committee (NEC), and held them in pre-trial detention for 427 days until released on bail on June 29, 2017, in the wake of sustained international pressure;

Whereas the Government of Cambodia arrested activist and women's rights defender Tep Vanny in August 2016 and has kept her in prison for over a year;

Whereas the prominent Cambodian political commentator Kem Ley was assassinated on July 10, 2016, five days after a senior Cambodian general publicly called on the Cambodian Armed Forces to "eliminate and dispose of" anyone "fomenting social turmoil" in Cambodia;

Whereas Kem Ley had been a frequent critic of Prime Minister Hun Sen, fueling concerns that his killing was politically motivated and ordered by higher authorities;

Whereas the Government of Cambodia has taken several measures to restrict its media environment, including imposing a tax bill amounting to millions of dollars levied against independent media outlets that resulted in the closure of independent newspaper The Cambodian Daily in early September 2017;

Whereas the Government of Cambodia has ordered several radio stations to stop the broadcasting of Radio Free Asia and Voice of America;

Whereas the next general election in Cambodia is scheduled for July 29, 2018, and the CPP continues to use intimidation and misuse of legal mechanisms to weaken political opposition and media organizations in order to retain its power;

Whereas the Cambodian parliament in 2017 passed two repressive amendments to Cambodia's Law on Political Parties that allow authorities to dissolve political parties and ban party leaders from political activity, and which contain numerous restrictions tailored to create obstacles

for opposition parties in an attempt to maintain the CPP's hold on power;

Whereas Kem Sokha, the President of CNRP, was arrested on September 3, 2017, and charged with treason and conspiring with the United States Government to overthrow the Government of Cambodia, and if convicted faces up to 30 years in prison, which sets the stage for the CNRP to be dissolved;

Whereas the United States Embassy in Cambodia has publicly called for the immediate release of Mr. Sokha and the removal of restrictions on civil society;

Whereas the CNRP's previous leader, Sam Rainsy, remains in exile due to an outstanding warrant for his arrest in a politically motivated criminal case;

Whereas Human Rights Watch reported that local elections held in Cambodia on June 4, 2017, took place in a "threatening environment hostile to free speech and genuine political participation, leading to elections that were neither free nor fair";

Whereas international election monitoring groups reported fundamental flaws in the electoral process and violations of Cambodia's election campaign rules during June's local election;

Whereas the Interior Ministry of Cambodia demanded that two election-monitoring organizations cease their activities just months after the local elections for allegedly violating the LANGO law, which will allow the CPP to continue to increase restrictions on election monitoring as the 2018 national elections approach;

Whereas, despite irregularities in the electoral process, the CNRP made significant gains in local elections compared

to previous cycles, making clear that national elections in 2018, if they are conducted freely and fairly, will be tightly contested;

Whereas national elections in 2018 will be closely watched to ensure openness and fairness, and to monitor whether all political parties and civil society groups are allowed to freely participate;

Whereas, on September 7, 2017, the Committee on Appropriations of the Senate reported out the fiscal year 2018 appropriations bill for the Department of State and foreign operations (S. 1780), which restricted any funds to the central Government of Cambodia unless it has “ceased efforts to intimidate civil society and the political opposition in Cambodia, is credibly investigating the murder of social and political activists” and “is supporting the conduct of free and fair elections in Cambodia through a non-partisan election commission; fair election processes; open and inclusive participation; to include the return of exiled former opposition leaders and the release of jailed opposition leaders and civil society activists; respect for freedoms of assembly, speech, and the press; and credible post-election dispute resolution mechanism”; and

Whereas S. 1780 also includes language addressing the “inadmissibility of Cambodia officials who undermine democracy in Cambodia”: Now, therefore, be it

Whereas Prime Minister Hun Sen has been in power in Cambodia since 1985 and is the longest-serving leader in Southeast Asia;

Whereas the Paris Peace Accords in 1991 provided a vital framework, supported by the international community, in-

tended to help Cambodia undertake a transition to democracy, including through elections and multiparty government;

Whereas the United States Government, for more than 25 years, has provided hundreds of millions of dollars in development aid and other types of assistance to the people of Cambodia and funded work in areas including civil society, capacity building for nongovernmental organizations (NGOs), global health, and the Khmer Rouge Tribunal;

Whereas, despite decades of international attention and assistance to promote a pluralistic, multi-party democratic system in Cambodia, the Government of Cambodia continues to be undemocratically dominated by the ruling Cambodia People's Party (CPP), which controls every agency and security apparatus of the state;

Whereas the leadership of Cambodia's security forces, including all of its top military and police commanders, sit on the Central Committee of the Politburo of the CPP;

Whereas the CPP controls Cambodia's parliament and can pass legislation without any opposition, and has often passed laws that benefit its rule and weaken the capacity of the opposition to challenge it;

Whereas each of the five elections that have taken place in Cambodia since 1991 were not conducted in circumstances that were free and fair, and each were marked by fraud, intimidation, violence, and the government's misuse of legal mechanisms to weaken opposition candidates and parties;

Whereas, in 2015, the CPP-controlled parliament passed the "Law on Associations and Non-Governmental Organizations", known as LANGO, which gave the government

sweeping powers to revoke the registration of NGOs found to be operating with a political bias in a blatant attempt to restrict the legitimate work of civil society;

Whereas, since the passage of LANGO, the Interior Ministry has announced that it was surveilling several civil society organizations and their employees for allegedly aiding Cambodia's opposition party, the Cambodia National Rescue Party (CNRP);

Whereas both the National Democratic Institute (NDI) and the International Republican Institute (IRI) have a long history in Cambodia, engaging local partners and building capacity for civil society, democracy, and good governance;

Whereas, on August 23, 2017, Cambodia's Ministry of Foreign Affairs ordered the closure of NDI and the expulsion of its foreign staff on allegations that it had violated LANGO and was conspiring against Prime Minister Hun Sen;

Whereas, on September 15, 2017, Prime Minister Hun Sen called for the withdrawal of all volunteers from the United States Peace Corps, which has operated in Cambodia since 2006 with 500 United States volunteers providing English language and healthcare training;

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Whereas the Government of Cambodia arrested activist and women's rights defender Tep Vanny in August 2016 and has kept her in prison for over a year;

Whereas the prominent Cambodian political commentator Kem Ley was assassinated on July 10, 2016, five days after a senior Cambodian general publicly called on the Cambodian Armed Forces to “eliminate and dispose of” anyone “fomenting social turmoil” in Cambodia;

Whereas Kem Ley had been a frequent critic of Prime Minister Hun Sen, fueling concerns that his killing was politically motivated and ordered by higher authorities;

Whereas the Government of Cambodia has taken several measures to restrict its media environment, including imposing a tax bill amounting to millions of dollars levied against independent media outlets that resulted in the closure of independent newspaper The Cambodian Daily in early September 2017;

Whereas the Government of Cambodia has ordered several radio stations to stop the broadcasting of Radio Free Asia and Voice of America;

Whereas the next general election in Cambodia is scheduled for July 29, 2018, and the CPP continues to use intimidation and misuse of legal mechanisms to weaken political opposition and media organizations in order to retain its power;

Whereas the Cambodian parliament in 2017 passed two repressive amendments to Cambodia’s Law on Political Parties that allow authorities to dissolve political parties and ban party leaders from political activity, and which contain numerous restrictions tailored to create obstacles for opposition parties in an attempt to maintain the CPP’s hold on power;

Whereas Kem Sokha, the President of CNRP, was arrested on September 3, 2017, and charged with treason and con-

spirings with the United States Government to overthrow the Government of Cambodia, and if convicted faces up to 30 years in prison, which sets the stage for the CNRP to be dissolved;

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Whereas Human Rights Watch reported that local elections held in Cambodia on June 4, 2017, took place in a "threatening environment hostile to free speech and genuine political participation, leading to elections that were neither free nor fair";

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Whereas the Interior Ministry of Cambodia demanded that two election-monitoring organizations cease their activities just months after the local elections for allegedly violating the LANGO law, which will allow the CPP to continue to increase restrictions on election monitoring as the 2018 national elections approach;

Whereas, despite irregularities in the electoral process, the CNRP made significant gains in local elections compared to previous cycles, making clear that national elections in 2018, if they are conducted freely and fairly, will be tightly contested; and

Whereas national elections in 2018 will be closely watched to ensure openness and fairness, and to monitor whether all political parties and civil society groups are allowed to freely participate: Now, therefore, be it

1 *Resolved, That the Senate—*

2 ~~(1) reaffirms the commitment of the United~~
3 ~~States to promote democracy, human rights, and the~~
4 ~~rule of law in Cambodia;~~

5 ~~(2) condemns all forms of political violence in~~
6 ~~Cambodia, and urges the cessation of ongoing~~
7 ~~human rights violations;~~

8 ~~(3) urges Prime Minister Hun Sen and the~~
9 ~~Cambodian People's Party to end all harassment~~
10 ~~and intimidation of Cambodia's opposition and fos-~~
11 ~~ter an environment where democracy can thrive and~~
12 ~~flourish;~~

13 ~~(4) urges the Department of State, in associa-~~
14 ~~tion with the Office of Foreign Assets Control~~
15 ~~(OFAC) of the Department of the Treasury, to con-~~
16 ~~sider placing all senior Cambodian government offi-~~
17 ~~cials implicated in the abuses noted above on the~~
18 ~~Specially Designated Nationals (SDN) list;~~

19 ~~(5) urges the Government of Cambodia to free~~
20 ~~Mr. Kem Sokha immediately and unconditionally;~~

21 ~~(6) calls on the Government of Cambodia to re-~~
22 ~~spect freedom of the press and the rights of its citi-~~

1 zens to freely assemble, protest, and speak out
2 against the government;

3 ~~(7) supports electoral reform efforts in Cam-~~
4 ~~bodia and free and fair elections in 2018 monitored~~
5 ~~by international observers; and~~

6 ~~(8) urges the President to communicate to the~~
7 ~~Government of Cambodia that if it ignores the rec-~~
8 ~~ommendations of the international community and~~
9 ~~maintains the current restrictive and intimidating~~
10 ~~political environment, the United States Government~~
11 ~~will have no choice but to determine that the 2018~~
12 ~~elections were not conducted freely or fairly because~~
13 ~~the results could not be an expression of the demo-~~
14 ~~cratic will of the Cambodian people.~~

15 *That the Senate—*

16 *(1) reaffirms the commitment of the United*
17 *States to promote democracy, human rights, and the*
18 *rule of law in Cambodia;*

19 *(2) condemns all forms of political violence in*
20 *Cambodia, and urges the cessation of ongoing human*
21 *rights violations;*

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23 *Cambodian People's Party to end all harassment and*
24 *intimidation of Cambodia's opposition and foster an*

1 *environment where democracy can thrive and flourish;*
2 *ish;*

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4 *consultation with the Department of State, to con-*
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11 *spect freedom of the press and the rights of its citizens*
12 *to freely assemble, protest, and speak out against the*
13 *government; and*

14 *(7) supports electoral reform efforts in Cambodia*
15 *and free and fair elections in 2018 monitored by*
16 *international observers.*

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preamble