

Congress of the United States

Washington, DC 20515

December 13, 2023

The Honorable Antony J. Blinken
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Blinken,

We write with grave concerns regarding the imprisonment of political prisoners in Cambodia and urge the U.S. Department of State to focus on their release as a critical priority for U.S. engagement with Cambodia.

Since November 2020, approximately 250 Cambodian civil society and opposition party leaders have been targeted in mass trials and faced other judicial harassment, leaving many imprisoned, in exile, or defecting from opposition parties.¹ In March 2022, 20 opposition members were convicted on fabricated crimes, including exiled leaders Sam Rainsy, Eng Chai Eang, Ho Vann, and Mu Sochua.² On June 14, 2022, more than 50 people, including Cambodian-American citizen and lawyer Theary Seng, were convicted on baseless charges of “conspiracy to commit treason” and “incitement to social disorder.”³ And on March 3, 2023, respected opposition leader Kem Sokha was sentenced to 27 years of house arrest on unfounded “treason” charges.⁴

In July 2023, Cambodia held elections. Freedom House has given Cambodia’s electoral processes and political pluralism a rating of “0 out of 4,” and called the country a “de facto one-party state,”⁵ owing in part to its banning the opposition Candlelight Party in March 2023⁶ and the Cambodia National Rescue Party in 2017.⁷ Justifiably, the State Department and others condemned the July 2023 elections as “neither free nor fair.”⁸ As the State Department explained at the time, “Cambodian authorities engaged in a pattern of threats and harassment against the

¹ Press Release, Cambodia: 150 Opposition Politicians and Supporters Face Jail in Mass Trials, AMNESTY INTERNATIONAL (Jan. 14, 2021), <https://www.amnesty.org/en/latest/press-release/2021/01/cambodia-opposition-mass-trials/>.

² *Cambodia: Opposition Politicians Convicted in Mass Trial*, HUMAN RIGHTS WATCH, Mar. 17, 2022, <https://www.hrw.org/news/2022/03/17/cambodia-opposition-politicians-convicted-mass-trial>.

³ *Cambodia: 51 Opposition Politicians Convicted in Mass Trial*, HUMAN RIGHTS WATCH (June 14, 2022), <https://www.hrw.org/news/2022/06/14/cambodia-51-opposition-politicians-convicted-mass-trial>.

⁴ Ouch Sony & Danielle Keeton-Olsen, *Cambodia Opposition Leader Kem Sokha Sentenced to 27 Years*, ALJAZEERA (Mar. 3, 2023), <https://www.aljazeera.com/news/2023/3/3/cambodia-opposition-leader-kem-sokha-sentenced-to-27-years#:~:text=Phnom%20Penh%2C%20Cambodia%20%E2%80%93%20Cambodian%20opposition,encourage%20a%20%E2%80%9Ccolour%20revolution%E2%80%9D>.

⁵ FREEDOM IN THE WORLD 2023: CAMBODIA, FREEDOM HOUSE (2023), <https://freedomhouse.org/country/cambodia/freedom-world/2023#PR>.

⁶ Frances Mao, *Cambodia: Opposition Candlelight Party Barred from July Vote*, BBC NEWS (May 15, 2023), <https://www.bbc.com/news/world-asia-65478798>.

⁷ *Cambodia Top Court Dissolves Main Opposition CNRP Party*, BBC NEWS (Nov. 16, 2017), <https://www.bbc.com/news/world-asia-42006828>.

political opposition, media, and civil society that undermined the spirit of the country’s constitution and Cambodia’s international obligations,” actions that “denied the Cambodian people a voice and a choice in determining the future of their country.”⁹ Consequently, Hun Manet, the son of former Prime Minister Hun Sen — who ruled for 38 years — is now the country’s new Prime Minister.¹⁰

We are particularly disturbed by the wrongful and unlawful imprisonment of Theary Seng, who received a six-year prison sentence for innocuous posts on Facebook,¹¹ including one criticizing Hun Sen and another urging him to allow Sam Rainsy to return to Cambodia. The UN Working Group on Arbitrary Detention declared Seng’s detention arbitrary, politically motivated, and violative of international law, and called for her immediate and unconditional release.¹² In a co-published report, the American Bar Association and Clooney Foundation for Justice gave her trial a grade of “F.”¹³ And both you and President Biden, in separate meetings in Phnom Penh with then-Prime Minister Hun Sen, described her detention as “politically motivated,” urging her immediate release.¹⁴ This reinforced the State Department’s prior assessment months earlier that Seng was “unjustly detained,” and the Department’s own direct call for her release.¹⁵

On July 20, 2023, the U.S. Senate Committee on Appropriations approved — on a bipartisan basis — legislation that included language placing visa bans on anyone involved in Seng’s “unlawful and wrongful detention.”¹⁶ In recognition of this support for Seng, we urge you to immediately designate her as wrongfully or unlawfully detained under the Robert Levinson

⁸ Press Release, National Elections in Cambodia, U.S. DEP’T OF STATE (July 23, 2023), <https://www.state.gov/national-elections-in-cambodia/>; see *Cambodia’s ruling party says it won a landslide victory in elections*, Reuters (July 24, 2023), <https://www.reuters.com/world/us-pauses-some-aid-imposes-visa-bans-after-neither-free-nor-fair-cambodia-2023-07-24/>.

⁹ Press Release, National Elections in Cambodia, U.S. DEP’T OF STATE (July 23, 2023), <https://www.state.gov/national-elections-in-cambodia/>.

¹⁰ Sui-Lee Wee, *A ‘Once-in-a-Lifetime’ Change in Cambodia: A New Leader*, N.Y. Times (Aug. 21, 2023), <https://www.nytimes.com/2023/08/21/world/asia/cambodia-hun-manet-prime-minister.html>.

¹¹ *Seng Chan Theary v. Cambodia*, Opinion No. 5/2023 at ¶ 56, U.N. Doc. A/HRC/WGAD/2023/5, U.N. WORKING GROUP ON ARBITRARY DETENTION, *adopted* Mar. 27, 2023.

¹² *Id.* at ¶ 88

¹³ “Egregious and Blatant Violation of the Rule of Law and Administration of Justice” in *Trial of Cambodian-American Lawyer*, CLOONEY FOUNDATION FOR JUSTICE (Sept. 15, 2022), <https://cfj.org/news/egregious-and-blatant-violations-of-the-rule-of-law-and-administration-of-justice-in-trial-of-cambodian-american-lawyer/>.

¹⁴ Press Release, Secretary Blinken’s Meeting with Cambodian Prime Minister Hun Sen, U.S. DEP’T OF STATE (Aug. 4, 2022), <https://www.state.gov/secretary-blinkens-meeting-with-cambodian-prime-minister-hun-sen/>; Press Release, Readout of President Joe Biden’s Meeting with Prime Minister Hun Sen of Cambodia, THE WHITE HOUSE (Nov. 12, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/11/12/readout-of-president-joe-bidens-meeting-with-prime-minister-hun-sen-of-cambodia/>.

¹⁵ Press Release, *Mass Sentencing of Opposition Activists in Cambodia*, U.S. DEP’T OF STATE (June 15, 2022), <https://www.state.gov/mass-sentencing-of-opposition-activists-in-cambodia/>.

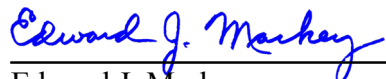
¹⁶ Making Appropriations for the Department of State, Foreign Operations, and Related Programs for the Fiscal Year Ending September 30, 2024, and For Other Purposes, S. 2438, 118th Cong. § 7043(b)(2) (July 20, 2023); see also @SenatorDurbin, TWITTER (Jul. 20, 2023, 3:51 pm), <https://x.com/SenatorDurbin/status/1682115827082973184?s=20>.


Hostage Recovery and Hostage-Taking Accountability Act¹⁷ and transfer her case to the Office of the Special Presidential Envoy on Hostage Affairs.


Given the change of Cambodian leadership, this is a pivotal moment for the U.S. Department of State to urgently designate Theory Seng as unlawfully detained and firmly emphasize the importance of releasing all those who the Cambodian government has wrongfully imprisoned.


Thank you for your attention to this important matter.


Sincerely,

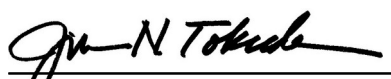

Edward J. Markey
United States Senator



Richard J. Durbin
United States Senator


Chris Van Hollen
United States Senator


Barbara Lee
Member of Congress


Veronica Escobar
Member of Congress


Jim Tokuda
Member of Congress


Raúl M. Grijalva
Member of Congress

¹⁷ Pub. L. No. 116-280, §§ 301-308, 134 Stat. 1182, 3091-99 (2020).



Jack Reed
United States Senator



Bernard Sanders
United States Senator



Jeffrey A. Merkley
United States Senator



Robert Garcia
Member of Congress



Sheldon Whitehouse
United States Senator



James P. McGovern
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Christopher A. Coons
United States Senator



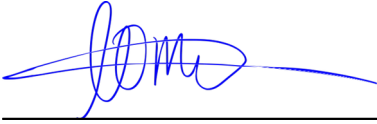
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United States Senator



Eleanor Holmes Norton
Member of Congress



Steve Cohen
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Ilhan Omar
Member of Congress