

MEDIA RELEASE

July 21, 2023

**Key U.S. Senate Committee Unanimously Adopts
Amendment Describing Imprisoned Cambodian-American
Theary Seng's Detention "Unlawful and Wrongful"**

***FY24 State/Foreign Operations Bill Conditions Foreign
Assistance for Cambodia on Her Release***

Washington, D.C. – Yesterday, the U.S. Senate Committee on Appropriations met to mark up and then adopt three different appropriations bills, including the State, Foreign Operations, and Related Programs Fiscal Year 2024 Appropriations bill (SFOPS). This Committee, one of the most powerful in the Senate, consists of 29 U.S. Senators, including 15 Democrats and 14 Republicans. Its Chair is Senator Patty Murray (Democrat-Washington) and its Vice Chair is Senator Susan Collins (Republican-Maine). As part of these discussions, Senator Dick Durbin (Democrat-Illinois) and Senate Democratic Whip introduced an amendment to the SFOPS bill, co-sponsored by Senator Chris Van Hollen (Democrat-Maryland), regarding Theary Seng's ongoing detention in Cambodia. The amendment proposed adding to the bill an addition provision in correct location stating:

(2) PROHIBITION OF ENTRY. – Section 7031(c) of this Act shall be applied to officials of the Government of the Kingdom of Cambodia about whom the Secretary of State has credible information have been involved in the unlawful and wrongful detention of Theary Seng.

The amendment was then adopted unanimously by the Committee on Appropriations, see Senator Durbin's [tweet](#) (and **below**). Later, the Committee on Appropriations voted 27-2 to send the full SFOPS bill, with adopted amendments, to the floor of the U.S. Senate for a debate and then a vote. This is significant in two key ways.

First, it means that a bipartisan group of 29 U.S. Senators have concluded that Theary Seng's detention is "unlawful and wrongful." This is important because despite President Biden and Secretary Blinken having personally urged Prime Minister Hun Sen to release Theary Seng, the UN Working

Group on Arbitrary Detention having issued a judgment that she is being held illegally and in violation of international law, and the ABA/Clooney Foundation for Justice having given her trial a grade of "F," the State Department continues to refuse to determine she is being detained "unlawfully or wrongfully" under the Levinson Act and to refer her to case to the Special Presidential Envoy on Hostage Affairs. Instead, the State Department continues to assert her detention is merely "politically motivated" and "unjust," but that this falls short of being unlawful or wrongful. Given that according to the Oxford Dictionary, the word "unjust" means "not based on or behaving according to what is morally right or fair," this is a distinction without a difference. It is expected that the SFOPS bill - and this description of Theory's detention and imposition of potential sanctions - will ultimately pass the full U.S. Senate.

Second, this provision says that visa bans, which are described in Section 7031(c) of the bill, should be imposed by the Secretary of State on anyone involved in Theory's unlawful and wrongful detention. This sends a very clear signal to Prime Minister Hun Sen about the views of the U.S. Senate about his imprisonment of Theory as a political prisoner.

Beyond the addition of this amendment, the bill also restricts the provision of certain foreign assistance to Cambodia unless the Secretary of State certifies three conditions have been met. Among those conditions is that Cambodia "is taking measurable steps to restore the confidence of the Cambodian people in the country's political and judicial systems, including by . . . releasing American citizens wrongly detained, such as Theory Seng."

"I am so grateful to this bipartisan group of 29 U.S. Senators who unanimously agreed - as is patently obvious to everyone except the State Department - that my sister Theory Seng's detention is unlawful and wrongful," said Sina Seng, Theory's brother. "I again urge Secretary Blinken to refer her case to the Special Presidential Envoy on Hostage Affairs, as is required by the Levinson Act. I am especially appreciative of Senator Durbin for introducing this important amendment and to Senator Van Hollen for co-sponsoring it. I am also grateful to the Committee for having conditioned the release of foreign assistance to Cambodia on my sister being released. The greatest fear of any political prisoner is to be forgotten. And I know Theory will be incredibly heartened to hear about the strong support she has in Washington in the U.S. Senate," he added.

In the meantime, Theory's 10-day hunger strike, which she began on July 17, 2023, continues.

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As the UN Working Group on Arbitrary Detention recently concluded, she must be released without delay.



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