

108TH CONGRESS
1ST SESSION

S. 1365

To provide increased foreign assistance for Cambodia under certain circumstances, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 26, 2003

Mr. MCCONNELL (for himself, Mr. KYL, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide increased foreign assistance for Cambodia under certain circumstances, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cambodia Democracy
5 and Accountability Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The Government of Cambodia, led by Prime
9 Minister Hun Sen, has failed to provide for the wel-
10 fare of the people of Cambodia.

1 (2) The Government of Cambodia, under the
2 control of the ruling Cambodian People’s Party
3 (CPP), has repeatedly abused the human rights and
4 dignity of the people of Cambodia by suppressing
5 freedom of assembly, belief, and speech.

6 (3) According to the State Department’s annual
7 report on human rights, there is no independent ju-
8 diciary in Cambodia despite constitutional guaran-
9 tees, and courts are subject to “influence and inter-
10 ference” by the CPP.

11 (4) The United Nations, through Resolution 57/
12 225, expressed serious and grave concerns with the
13 human rights situation in Cambodia, including im-
14 punity for violations of human rights.

15 (5) According to the State Department’s annual
16 report on human rights, security forces are nomi-
17 nally under the control of civilian authority, “but in
18 practice answer to persons within the CPP”.

19 (6) Security forces in Cambodia are responsible
20 for extra-judicial killings and torture, and are sus-
21 pected of conducting a terrorist attack against the
22 Khmer Nation Party in March 1997, during which
23 American democracy worker, Ron Abney, was seri-
24 ously injured.

1 (7) According to the Department of State's
2 "Report to Congress on the Anti-Thai Riots in Cam-
3 bodia on January 29, 2003", the Government of
4 Cambodia bears responsibility for riots against Thai-
5 land in Phnom Penh, and was "incompetent in han-
6 dling the unfolding crisis" that resulted in
7 \$50,000,000 in damages to Thai public and private
8 interests.

9 (8) The Government of Cambodia exerts total
10 control over national and local election organiza-
11 tions, and restricts fair and equal access to media to
12 competing democratic political parties.

13 (9) Since 1993, the international community
14 has repeatedly failed to hold the Government of
15 Cambodia, and in particular Prime Minister Hun
16 Sen, accountable for lawless and repressive actions
17 that undermines security, peace, and stability in
18 Cambodia.

19 (10) The people of Cambodia deserve represent-
20 ative and responsive government that promotes
21 peace, development, and prosperity.

22 **SEC. 3. INCREASED FOREIGN ASSISTANCE FOR CAMBODIA.**

23 (a) IN GENERAL.—Subject to the requirements of
24 subsection (b), an additional \$21,500,000 shall be made

1 available for assistance for Cambodia above the fiscal year
2 2004 budget request of \$43,000,000.

3 (b) CERTIFICATION REQUIRED.—Increased assist-
4 ance for Cambodia under subsection (a) shall only be
5 made available if the Secretary of State certifies and re-
6 ports to the appropriate congressional committees that
7 new leadership in Cambodia has been elected in free and
8 fair elections, and that Prime Minister Hun Sen is no
9 longer in power.

10 **SEC. 4. RESTRICTIONS OR ASSISTANCE FOR A KHMER**
11 **ROUGE TRIBUNAL.**

12 Assistance may be provided to support, directly or in-
13 directly, a Khmer Rouge tribunal, trial, or other legal
14 venue established by the Government of Cambodia with
15 the assistance of the United Nations if the President de-
16 termines and reports to the appropriate congressional
17 committees that such tribunal, trial, or other legal
18 venue—

19 (1) is not subject to the control or influence of
20 the ruling Cambodian People's Party;

21 (2) includes participation of judges of high
22 moral character;

23 (3) is supported by democratic Cambodian po-
24 litical parties; and

25 (4) meets international standards of justice.

1 **SEC. 5. RESUMPTION OF FBI INVESTIGATION.**

2 Not later than 90 days after the date of enactment
3 of this Act, the Federal Bureau of Investigations shall re-
4 sume its investigation into the March 1997, grenade at-
5 tack in Cambodia, and shall report to the appropriate con-
6 gressional committees on an ongoing and regular basis
7 until such time as the investigation is completed.

8 **SEC. 6. DEFINITION.**

9 For purposes of this Act, the term “appropriate con-
10 gressional committees” means the Committees on Appro-
11 priations and Foreign Relations of the Senate and the
12 Committees on Appropriations and International Rela-
13 tions of the House of Representatives.

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