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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on Cambodia: in particular the case of Sam Rainsy

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European Parliament resolution on Cambodia: in particular the case of Sam Rainsy

The European Parliament,

- having regard to its resolutions of 13 January 2005 and 10 March 2005 on Cambodia, its resolution of 1 December 2005 on the human rights situation in Cambodia, Laos and Vietnam, its resolution of 1 January 2006 and its resolution of 13 March 2007 on Cambodia,
 - having regard to the Cooperation Agreement of 1997 between the European Community and the Kingdom of Cambodia¹[1], in particular Article 1 (respect of Human Rights), Article 19 (suspension of agreement if one party violates Article 1) and Annex 1 regarding Article 19,
 - having regard to the UN declaration of Human rights defenders of 1998,
 - having regard to the EU Guidelines on Human Rights Defenders approved by the Council on 14 June 2004,
 - having regard to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,
 - having regard to the 17 June 2010 report by Professor Surya Subedi, the United Nations Special Rapporteur on the situation of Human Rights in Cambodia, which deplores external interference in the work of the judiciary,²[2]
 - having regard to the decision of the Inter-Parliamentary Union's Committee on the Human Rights of Parliamentarians of 12-15 July 2010,
 - having regard to the resolution of the Inter-Parliamentary Union's General Council of 6 October 2010,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas a worrying authoritarian trend has been noticeable in Cambodia over the last few years, taking the form of a deterioration in the human rights situation, the stifling of fundamental freedoms, a brutal policy of land grabbing that affects essentially the poor, the suppression of all forms of criticism and protest, the persecution of the parliamentary opposition and activists of the civil society, the use of the judicial power for political ends

¹[1] OJ L 269, 19.10.1999, p. 18.

²[2] http://www.un.org.kh/index.php?option=com_content&view=article&id=330:united-nations-special-rapporteur-on-the-situation-of-human-rights-in-cambodia-statement&catid=44:un-speeches-and-statements&Itemid=77

and a drift toward a one-party system,

- B. whereas Human Rights NGOs assess that the government has used the courts to silence criticism of its responses to land-grabbing, corruption and border disputes,
 - C. whereas Sam Rainsy, Member of Parliament of Cambodia and the leader of his country's second largest political party, has been persecuted by the authoritarian ruling party and government of Cambodia,
 - D. whereas in 1995 Sam Rainsy was unconstitutionally expelled from the National Assembly but managed to recover his parliamentary seat through subsequent elections,
 - E. whereas he escaped several assassination attempts, such as a deadly grenade attack in 1997, but some eighty of his supporters have been murdered,
 - F. whereas the ruling party has managed to strip him of his parliamentary immunity three times on questionable basis and to get him sentenced to prison terms,
 - G. whereas the latest sentence to ten years in jail was pronounced on 23 September 2010, forcing him into exile,
 - H. whereas his last conviction by a kangaroo court demonstrates continuing persecution of critics and political control of judiciary and whereas the trial was qualified as a farce by Human Rights Watch,
 - I. whereas the EU is the single largest donor institution to Cambodia,
1. Reminds the Cambodian Government that it has to fulfil its obligations and commitments regarding the democratic principles and fundamental human rights which are an essential element of the above mentioned Cooperation Agreement, as defined in Article 1 of that Agreement;
 2. Calls on the European Union to take steps to ensure that fundamental freedoms, as enshrined in Article 1 of the above mentioned Cooperation Agreement, are respected and that attacks on civil liberties have consequences; further calls on the European Union to make continuation of its financial aid conditional upon an improvement in Cambodia's human rights record;
 3. Calls on the Cambodian authorities to:
 - engage in political and institutional reforms to build a democratic state governed by the rule of law and founded on respect for fundamental freedoms,
 - demonstrate their will to combat effectively the endemic scourges of corruption, massive deforestation resulting in the displacement of people, and the sex tourism industry, to refuse the current culture of impunity and to bring to justice all those involved in such activities,
 - guarantee free and fair political expression without intimidation and harassment;
 4. Is alarmed at the prosecution and sentencing to a 12-year prison term of Mr Sam Rainsy,

the opposition leader, on account of a gesture which it considers to be of a symbolic and clearly political nature and which, consequently, should never have been brought before a court but should have been resolved instead at the political level;

5. Is particularly alarmed that, if upheld, this verdict would bar Mr Sam Rainsy from standing in the 2013 parliamentary elections and have consequences far beyond Mr Sam Rainsy's case as it is bound to affect the opposition as such, all the more so as the recent prosecutions of a number of outspoken opposition members have already narrowed down the political space, and hence be detrimental to the democratic process in Cambodia;
6. Calls, therefore, on the authorities to explore every possibility of resolving the issues at hand through a political dialogue and to enable Mr Sam Rainsy to resume his parliamentary activities as rapidly as possible;
7. Calls on the Cambodian authorities to heed the recommendations made by the United Nations Special Rapporteur on the situation of human rights in Cambodia; invites the Parliament of Cambodia to debate his report in parliament and to take the necessary measures to ensure implementation of his recommendations;
8. Instructs its President to forward this resolution to the to the HR/VP Baroness Ashton, the governments and parliaments of the Member States, the governments of the ASEAN and ASEM member states, the ASEM secretariat, the UN Secretary-General and the UN High Commissioner for Human Rights and the government and National Assembly of the Kingdom of Cambodia.