



Plenary sitting

B8-0509/2017

12.9.2017

MOTION FOR A RESOLUTION

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

pursuant to Rule 135 of the Rules of Procedure

on Cambodia: notably the case of Kem Sokha
(2017/2829(RSP))

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B8-0509/2017

European Parliament resolution on Cambodia: notably the case of Kem Sokha (2017/2829(RSP))

The European Parliament,

- having regard to its previous resolutions, notably those of 9 June 2016 on Cambodia, of 26 November 2015 on the political situation in Cambodia, of 9 July 2015 on Cambodia's draft laws on NGOs and trade unions and of 16 January 2014 on the situation of rights defenders and opposition activists in Cambodia and Laos,
- having regard to the local EU statement on the political situation in Cambodia of 22 February 2017,
- having regard to the EU local statement on the local EU Statement on the release of five human rights defenders of 1 July 2017,
- having regard to the statement by the EEAS Spokesperson on restrictions of political space in Cambodia of 25 August and 3 September 2017,
- having regard to the local EU Statement on the closure of Cambodia Daily of 5 September 2017,
- having regard to the Statement by the United Nations Special Rapporteur on the situation of human rights in Cambodia of 18 August 2017,
- having regard to the 1997 Cooperation Agreement between the European Community and the Kingdom of Cambodia,
- having regard to the Universal Declaration of Human Rights of 10 December 1948,
- having regard to the International Covenant on Civil and Political Rights of 1966,
- having regard to Rule 135 of its Rules of Procedure,

A. whereas on 3 September 2017 Kem Sokha, leader of the opposition Cambodia National Rescue Party (CNRP), was arrested, in breach of his parliamentary immunity;

B. whereas Sokha faces charges on "colluding with foreigners" under Article 443 of Cambodia's penal code, considered an act of treason by the Phnom Penh Municipal Court; whereas he could face up to 15-30 years in prison if convicted;

C. whereas the evidence the government presented is a video of Kem Sokha from 2013 in which he tells supporters of the CNRP he has had American support and advice for his political strategy to win power;

D. whereas from 26 May to 3 December 2016, Kem Sokha was confined to the CNRP headquarters in Phnom Penh to avoid arrest under charges of failing to appear in court in connection with a politically motivated case for which he was convicted in absentia and subsequently pardoned on 2 December 2016;

E. whereas two other opposition legislators are also behind bars and at least eight more have pending criminal charges against them; whereas 11 opposition party members and supporters are currently serving prison terms ranging from seven and 20 years on trumped-up charges for leading or participating in an insurrection in connection with a July 2014 demonstration;

F. whereas the Cambodian parliament passed two sets of repressive amendments to the Law on Political Parties in 2017 which contain numerous restrictions tailored to create obstacles for opposition parties;

G. whereas the right of political participation is enshrined in Article 41 of the Cambodian Constitution;

H. whereas local elections in Cambodia took place in 2017, resulting in a small victory for the governing Cambodian People's Party (CPP) and large gains for the CNRP;

I. whereas Cambodia's human rights situation has rapidly deteriorated during the past year as the July 2018 national elections approach and an alarming increase of threatening political rhetoric, including repeated threats of violence and other forms of intimidation by government officials directed at dissidents and nongovernmental organizations (NGOs);

J. whereas in late June 2017 four staff members of the Cambodian Human Rights and Development Association (ADHOC) and the deputy secretary-general of the National Election Committee (NEC) who had been detained without trial for 14 months in Cambodia were released on bail;

J. whereas in August 2017 the Cambodian authorities forcibly ended broadcasts by the stations operated by Mohanokor Radio and Voice of Democracy; whereas Radio Free Asia and Voice of America fell silent as their host networks were ordered to stop broadcasting "outside programs without requesting authorization";

K. whereas the independent newspaper Cambodia Daily was forced out of business on 5 September 2017 after being presented with a huge but disputed tax bill;

L. whereas, despite widespread criticism from civil society and the international community, the 2015 the Law on Associations and NGOs (LANGO) has given state authorities arbitrary powers to shut down and block the creation of organisations defending human rights, and deters human rights defence work in Cambodia and impedes civil society action;

M. whereas on 23 August 2017 the Cambodian government announced the expulsion of the nongovernmental, US-based National Democratic Institute (NDI), under the LANGO and ordered its international staff to leave the country within seven days;

N. whereas the government recently put the Situation Room, a consortium of nongovernmental

organizations that worked together as the election-watch, under investigation for allegedly violating the new law on nongovernmental groups and serving as a base for a possible “color revolution” to topple the government;

1. Calls on the Cambodian government to end its politically motivated prosecution of the opposition party leader Kem Sokha and release him unconditionally;
2. Is concerned that numerous public statements by the Prime Minister and high-ranking officials about Sokha’s supposed guilt breach the presumption of innocence and the right to a fair trial to which he is entitled under Cambodian and international human rights law;
3. Is worried about the overall deterioration of the environment for human rights defenders and civil society in Cambodia and calls on the government to end its escalating campaign of politically-motivated harassment, intimidation, and legal action against the media, nongovernmental groups, and human rights defenders;
4. Stresses that a credible democratic process leading up to the general elections in 2018 requires an environment in which political parties, civil society and the media are able to carry out their legitimate roles without fear, threats or arbitrary restrictions;
5. Urges the Cambodian authorities to resume as soon as possible a peaceful and constructive dialogue with the opposition, as this is a prerequisite for the legitimacy of the forthcoming elections;
6. Welcomes that the voter registration process for the June 2017 local elections progressed well and that the elections were orderly and peaceful, but expresses its concern at the atmosphere of intimidation and threats of violence, including by high level officials, in the lead up to the election and in the weeks after;
7. 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 Cooperation Agreement;
8. Encourages the government to work towards strengthening democracy and the rule of law and to respect human rights and fundamental freedoms, which includes fully complying with the constitutional provisions concerning pluralism and freedom of association and expression;
9. Underlines that free media are an underpinning of a pluralist democracy and expects the Cambodian authorities to allow the Cambodia Daily and other affected media organisations to resume and continue operations while any tax or other issues are resolved through appropriate due process;
10. Welcomes the release on bail of the four ADHOC staff members and the deputy secretary-general of the National Election Committee and asks the EEAS to continue to monitor their case closely;
11. Urges the Government of Cambodia to recognise the legitimate and useful role played by civil society;
12. Calls on the EU Institutions and the Member States to set out clear benchmarks for the forthcoming elections in Cambodia, consistent with international law on freedom of

expression, association and assembly, and to publicly communicate these benchmarks to Cambodian authorities and the opposition;

13. Highlights the importance of an EU Election Observation Mission and its contribution to fair and free elections; calls on the NEC and the relevant government authorities to ensure that all eligible voters have access to and time to take advantage of registration opportunities;

14. Instructs its President to forward this resolution to the Commission, the Council, the European External Action Service, the Member States, the Government and National Assembly of the Kingdom of Cambodia and the governments of the ASEAN countries.