



Plenary sitting

B8-0689/2017

12.12.2017

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: the banning of the opposition
(2017/3002(RSP))

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on behalf of the Verts/ALE Group

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**European Parliament resolution on Cambodia : the banning of the opposition
(2017/3002(RSP))**

The European Parliament,

- having regard to the visit of the ASEAN delegation of the European Parliament from, 30 to 31 October 2017
- having regard to its previous resolutions, notably those of 14 September 2017 on Cambodia, notably the case of Kem Sokha, 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 statement by the EEAS Spokesperson on restrictions of political space in Cambodia of 25 August and 3 September 2017 and on the dissolution of Cambodian National Rescue Party of 16 November 2017,
- having regard to the local EU Statements on the political situation in Cambodia of 22 February 2017, on the release of five human rights defenders of 1 July 2017, on the closure of Cambodia Daily of 5 September 2017 and on recent political developments in Cambodia of 9 October 2017,
- having regard to recent statements by the UN Special Rapporteur on the situation of human rights in Cambodia and by the UN High Commissioner for Human Rights,
- 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 the Cambodian Constitution, in particular Article 41 thereof, which enshrines the rights and freedoms of expression and assembly, Article 35 thereof on the right to political participation, and Article 80 thereof on parliamentary immunity,
- having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
 - A. whereas local elections took place on 4 June 2017, and the opposition CNRP gained considerable ground compared to 2012 despite fundamental flaws in the electoral process,
 - B. whereas in the following months the human rights situation in Cambodia has further deteriorated, with an increasing number of arrests of political opposition members, human rights activists and civil society representatives, as well as a crack down on

independent media;

- C. whereas the government in control of the criminal justice system has brought dozens of opposition politicians, activists and human rights defenders behind bars on trumped-up charges, while hundreds of others have pending criminal proceedings which can linger on as a threat for many years; whereas for example the land rights activist Tep Vanny has been repeatedly targeted and harassed by the authorities and is currently serving a jail sentence on politically motivated charges; whereas on 8 December 2017 the Supreme Court upheld the verdict against her;
- D. 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 and giving the judiciary the freedom to dissolve any party or bar party leaders from political activity on vaguely worded offenses such as threatening “national unity” or the “security of the states”;
- E. whereas it has been over three months, on 3 September 2017, that Kem Sokha, leader of the CNRP, was arrested on dubious charges of treason, and remains in detention with his request for bail repeatedly denied;
- F. whereas on 2 October 2017 the Ministry of Interior dissolved 20 political parties pursuant to Articles 19 and 20 of the Law on Political Parties;
- G. whereas on 6 October 2017 the Cambodian government filed a politically motivated legal case to dissolve the CNRP, asserting that it was involved in a United States-backed plot to overthrow the Cambodian People’s Party (CPP) and its leader, Prime Minister Hun Sen;
- H. whereas on 16 November 2017 the Supreme Court in Phnom Penh dissolved the CNRP according to Article 38 of the Law on Political Parties and imposed political bans of five years on 118 of its members; Whereas CNRP's parliamentary and commune level seats were redistributed to unelected members of the ruling Cambodian People’s Party (CPP) and other parties;
- I. Whereas the dissolution of the CNRP has a direct impact on the composition and independence of the Cambodia's National Election Committee;
- J. whereas Cambodia’s Prime Minister Hun Sen maintained that his country is governed by a multi-party democracy and said elections scheduled for next year would go on as planned; whereas under the present circumstances there will be no significant opposition party left to challenge the CPP in the 2018 national elections;
- K. whereas Sam Rainsy, the former president of the CNRP, remains in a self-imposed exile driven by previous prosecutions on trumped-up politically motivated charges;
- L. whereas reportedly opposition commune councilors in parts of the country are facing increasing pressure from local authorities to defect to the ruling CPP, including through 24-hour surveillance and restrictions on their freedom of movement;

- M. whereas respect for the democratic principles and fundamental human rights constitutes an essential element of the Cooperation Agreement between the European Community and the Kingdom of Cambodia;
- M. whereas Cambodia benefits from the most favourable regime available under the EU's Generalised Scheme of Preferences (GSP), the Everything But Arms (EBA) scheme;

1. Re-iterates its deep concern at the recent developments in Cambodia which has culminated in the dissolution of Cambodia's leading opposition party CNRP and the ban or even persecution of many of its members;

2. Condemns the increasing acts of violence, politically motivated charges, arbitrary detention, questioning, sentences and convictions against opposition politicians, journalists and human rights activists;

3. Stresses that a credible democratic process leading up to the National Assembly election in July 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; otherwise the 2018 elections will by no means be free and fair;

4. Considers that the Supreme Court in Phnom Penh is unacceptably interfering with the rights of Cambodian people to freely choose their political representatives and vote for them in the 2018 national elections; regrets the absence of an independent and impartial judiciary in the country;

5. Urges the Cambodian government to immediately reverse the dissolution of the CNRP and to remove all obstacles for opposition parties and to resume constructive dialogue with the opposition, as this is a prerequisite for the legitimacy of the forthcoming elections; reminds that an electoral process from which the main opposition party has been arbitrarily excluded is illegitimate; equally urges the Cambodian government to restore the elected members of the national parliament and commune council to their position;

6. Calls on the Cambodian government to end its politically motivated prosecution of the opposition party leader Kem Sokha and other political prisoners and to release them unconditionally; calls on the authorities to ensure fair trial rights and procedural safeguards as set out in the ICCPR to all arrested individuals;

7. 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;

8. 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;

9. 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;

10. Urges the EEAS and the Commission to immediately withdraw all electoral assistance until the above measures are taken and Cambodia engages in reforms in line with international electoral standards in order to advance democracy and protect civil society space;

11. Calls on the EEAS and the Commission to prepare a list of individuals responsible for the dissolution of the opposition and other serious human rights violations in Cambodia with a view in impose possible visa restrictions and asset freezes against them;

12. Calls on the EU to consider the temporary withdrawal of trade preferences given under the EBA scheme with regard to Cambodia's obligation under various conventions referred to in article 19 of the EBA regulation;

13. 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.