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*Plenary sitting*

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**B8-0366/2018**

11.9.2018

## **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  
(2018/2842(RSP))

**Charles Tannock, Ruža Tomašić, Karol Karski, Hans-Olaf Henkel,  
Urszula Krupa, Pirkko Ruohonen-Lerner, Jadwiga Wiśniewska,  
Valdemar Tomaševski, Jana Žitňanská, Ryszard Czarnecki, Monica  
Macovei**

on behalf of the ECR Group

**B8-0366/2018**

**European Parliament resolution on Cambodia : notably the case of Kem Sokha  
(2018/2842(RSP))**

*The European Parliament,*

- having regard to its previous resolutions, notably those of 14 December 2017 on Cambodia: the banning of the opposition and of 14 September 2017 on Cambodia, notably the case of Kem Sokha,
- having regard to the Statements by the EEAS Spokesperson on the general elections in Cambodia of 30 July 2018, of 16 November 2017 on the dissolution of the Cambodian National Rescue Party and on restrictions of political space in Cambodia of 25 August and 3 September 2017,
- having regard to the Council Conclusions of the EU Foreign Affairs Council of 26 February 2018,
- 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,
- having regard to Rule 135 of its Rules of Procedure,

A. whereas on 3 September 2017 Cambodian opposition leader Kem Sokha was arrested without a warrant, in breach of his parliamentary immunity; whereas Kem Sokha is the President of the Cambodia National Rescue Party (CNRP), which used to be the main opposition party before its dissolution by the Supreme Court on 16 November 2017;

B. whereas Kem Sokha was arrested and charged with treason under Article 443 of the Cambodian Criminal Code on the basis of a video of a speech he gave in 2013 and which has been publicly available ever since; whereas human rights organisations have expressed concern that statements by the Cambodian Government put in jeopardy his right to a fair trial and the presumption of innocence; whereas he faces up to 30 years in prison if found guilty;

C. whereas Kem Sokha remained in solitary confinement in the Tra Peang Thlong prison in the remote Tboung Khmum province; whereas prison authorities were holding him in isolation and have refused access to all visitors other than his immediate family and his lawyers; whereas the government has rejected repeated requests for visits from international observers, UN officials, foreign diplomats and human rights officers; whereas Kem Sokha is

suffering from serious health problems, but is being denied surgery and other medical treatment so far;

D. whereas Kem Sokha was denied bail for the sixth time in August; whereas on 30 August the Phnom Penh Municipal Court extended Sokha's pre-trial detention for a further six months; whereas on 9 September 2018 Kem Sokha was released on bail and was brought to his Phnom Penh home where he is placed under house arrest; whereas his bail was granted on grounds of ill health, according to a statement released by a Cambodian court;

E. whereas in its Opinion No. 9/2018, published on 5 June 2018, the United Nations Working Group on Arbitrary Detention declared Sokha's pretrial detention "arbitrary" and "politically motivated," and said Cambodian authorities should immediately and unconditionally release him;

F. whereas the arrest of Kem Sokha took place against worrying political developments and the continuing deterioration of democracy, respect for human rights and the rule of law, including the escalating repression of the opposition, media and civil society, including the closure or suspension of several NGOs and media outlets;

G. whereas the Cambodian government has taken wide-ranging measures to ensure the ruling CPP would run virtually unopposed in the election for both the Senate and the National Assembly; whereas these measures included the dissolution of the main opposition party CNRP, the banning of 118 CNRP politicians from being politically active for five years, the jailing of at least 18 other opposition members and supporters, and the adoption of repressive amendments to the election laws;

H. whereas general elections in Cambodia took place on 29 July 2018, resulting in a landslide win for the governing Cambodian People's Party (CPP), due to the lack of genuine electoral competition and the absence of an inclusive political process, allowing it to take all 125 National Assembly seats; whereas the EU had declined to observe the 29 July election and suspended its financial assistance to the Cambodian National Election Committee;

I. whereas on 28 August, King Norodom Sihamoni granted a royal pardon at Hun Sen's behest to 14 jailed CNRP activists who were serving long sentences for "insurrection" in connection with anti-government street protests in 2014 that turned into violent clashes with police and security forces; whereas their release followed the freeing by royal decree earlier of Tep Vanny—a prominent land activist—and three other campaigners convicted for their roles in a protest over a land grab, as well as the granting of bail to two former RFA reporters who are facing charges of "espionage";

J. whereas five human rights defenders affiliated with the Cambodian Human Rights and Development Association (ADHOC), Nay Vanda, Ny Sokha, Yi Soksan, Lim Mony, and Ny Chakrya face charges of bribing a witness and being an accomplice to bribery of a witness; whereas the five human rights defenders spent 14 months in pre-trial detention;

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

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1. Welcomes the recent release on bail of Kem Sokha, but is concerned that he still faces charges; condemns the politically motivated persecution of Kem Sokha and urges the Cambodian authorities to drop all charges against him;
2. Is worried about the health condition of Kem Sokha and calls on the Cambodian authorities to allow him to receive appropriate medical treatment; asks the government to allow Kem Sokha to meet with foreign diplomats, UN officials and human rights observers;
3. 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;
4. 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 campaign of politically-motivated harassment, intimidation, and legal action against the media, nongovernmental groups, and human rights defenders;
5. Welcomes the recent release of several human rights activists and journalists and the pardoning of 14 CNRP activists;
6. Underlines that an electoral process from which the main opposition party has been arbitrarily excluded is not legitimate; stresses that the 29 July election is not representative of the democratic will of the Cambodian people and the election result lacks credibility;
7. Stresses that a credible democratic process 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; calls on the government to take the necessary measures to ensure that the dissolution of CNRP be swiftly reversed and that CNRP members of Parliament and CNRP local counselors be reinstated;
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. Calls on Cambodian authorities to end all judicial harassment and threats against human rights defenders, including against ADHOC staff members and affiliates, and drop all charges against them; urges Cambodian authorities to work to create an enabling environment for civil society and human rights defenders to carry out their work free from impediment or risk;
10. 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; stresses that respect for fundamental human rights is a prerequisite for Cambodia to continue to benefit from the EU's preferential EBA scheme; calls in view of recent developments on the Council and Commission to consider specific targeted political and economic measures if the situation does not improve;
11. 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.