

Cambodia, in particular the case of Sam Rainsy

European Parliament resolution of 21 October 2010 on Cambodia, in particular the case of Sam Rainsy

The European Parliament,

- having regard to its resolutions of 13 January 2005 on trafficking of women and children in Cambodia¹, 10 March 2005 on Cambodia², 1 December 2005 on the human rights situation in Cambodia, Laos and Vietnam³, 19 January 2006 on political repression in Cambodia⁴ and its resolution of 15 March 2007 on Cambodia⁵,
 - having regard to the Cooperation Agreement concluded in 1997 between the European Community and the Kingdom of Cambodia⁶, in particular Article 1 (respect for human rights) and Article 19 (suspension of agreement if one party violates Article 1) thereof and Annex I (regarding Article 19) thereto,
 - having regard to the 1998 UN Declaration on Human Rights Defenders,
 - having regard to the EU Guidelines on Human Rights Defenders approved by the Council on 14 June 2004 and updated in 2008,
 - 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 of the United Nations Special Rapporteur on the situation of human rights in Cambodia, which deplores external interference in the work of the judiciary⁷,
 - having regard to the decision taken by the Inter-Parliamentary Union's Committee on the Human Rights of Parliamentarians at its meeting of 12 to 15 July 2010,
 - having regard to the resolution of 6 October 2010 of the Inter-Parliamentary Union's Governing Council,
 - 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; whereas this is reflected in a deterioration in the human rights situation, the stifling of

¹ Texts adopted, P6_TA(2005)0012.

² Text adopted, P6_TA(2005)0081.

³ Texts adopted, P6_TA(2005)0462.

⁴ Texts adopted, P6_TA(2006)0032.

⁵ Texts adopted, P6_TA(2007)0085.

⁶ OJ L 269, 19.10.1999, p. 18.

⁷ 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

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 civil society activists, the use of the courts for political ends and a drift toward a one-party system,

- B. whereas Sam Rainsy, a member of the Cambodian parliament and the leader of his country's second largest political party, has been persecuted by the authoritarian ruling party and government of Cambodia,
- C. whereas on 23 September 2010 the opposition leader Sam Rainsy was sentenced *in absentia* to 10 years in prison on charges of disinformation and falsifying public documents by the Phnom Penh Municipal Court; whereas his conviction was based on an act of civil disobedience involving the uprooting of six wooden temporary border posts at the Vietnamese-Cambodian border, which is still disputed between the two countries; whereas the action took place in support of villagers who claimed to be victims of land-grabbing, saying that the Vietnamese had illegally shifted the posts onto Cambodian soil, in their rice fields, and that their complaints to the local authorities had remained unanswered,
- D. whereas on 13 October 2010 the Appeal Court in Phnom Penh decided to uphold a two-year handed down on 27 January 2010 by the Svay Rieng provincial court, *in absentia*, against Sam Rainsy in connection with a protest against alleged Vietnamese encroachment on Cambodian territory, but decided to release two villagers convicted along with Sam Rainsy, after nine months and 20 days in prison,
- E. whereas the strategy of Cambodia's ruling party is to use a politically subservient judiciary to crack down on all government critics,
- F. whereas an alarmingly high number of people are being held in detention in Cambodia owing to various shortcomings in the criminal justice system, and whereas there is still no guarantee of the independence and impartiality of the judiciary,
- G. whereas, according to human rights NGOs, the government has used the courts to silence criticism of its responses to land-grabbing, corruption and border disputes,
- H. whereas on 30 August 2010 a staffer of the NGO Licadho, Leang Sokchoeun, was sentenced to two years' imprisonment by the Takeo provincial court for allegedly distributing anti-government leaflets in January 2010; whereas, however, the trial was tainted by severe procedural irregularities,
- I. whereas Mu Sochua, an opposition member of parliament, has been convicted on a charge of defaming the Prime Minister,
- J. whereas the journalist Hang Chakra was detained for nine months after having denounced corruption in the entourage of Vice-President Sok An,
- K. whereas in 1995 Sam Rainsy was unconstitutionally expelled from the National Assembly, but managed to recover his parliamentary seat at subsequent elections; whereas he has escaped several assassination attempts, including a deadly grenade attack in 1997, but some 80 of his supporters have been murdered,
- L. whereas the ruling party has stripped him of his parliamentary immunity three times on

questionable bases in order to have him sentenced to prison terms,

M. whereas the EU is Cambodia's single largest donor,

1. Condemns all politically motivated sentences against representatives of the opposition and NGOs, in particular the sentences of 23 September 2010, 13 October 2010 and 27 January 2010 against Sam Rainsy, as well as that of 30 August 2010 against Leang Sokchoeun and those against Mu Sochua and the journalist Hang Chakra;
2. Reminds the Cambodian Government that it must 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 stipulated in Article 1 of that Agreement;
3. Calls on the Cambodian authorities to ensure that the NGO law which is currently in preparation will not restrict the activities of Cambodian civil society organisations on grounds of discretionary interpretation and will not be applied in such a way as to disadvantage civil society as well as the opposition;
4. Calls on all political players to foster good neighbourhood policies within the region and a policy of reconciliation among ethnic and cultural groups in Cambodia;
5. Notes that the UN Special Rapporteur has drawn attention to progress and efforts being made by the Cambodian Government, and wishes to see practical steps taken to bring about a noticeable and lasting improvement in the situation as regards human rights and the independence of the courts;
6. 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 reject 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;
 - draw up an action programme and timetable for implementing the recommendations made in the Special Rapporteur's report;
7. Is alarmed at the prosecution and sentencing to a 12-year prison term of the opposition leader Sam Rainsy, on account of a gesture which it considers to be of a symbolic and clearly political nature;
8. Is particularly alarmed that, should it be upheld, this verdict would bar Sam Rainsy from standing in the 2013 parliamentary elections and would have consequences far beyond Sam Rainsy's case, as it is bound to affect the opposition as a whole, all the more so because the recent prosecutions of a number of outspoken opposition members have already narrowed down the political space, and would hence be detrimental to the democratic process in Cambodia;

9. Calls therefore on the authorities to explore ways and means of resolving the issues at hand through political dialogue and to enable Sam Rainsy to resume his parliamentary activities as rapidly as possible;
10. 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;
11. 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; calls furthermore on the European Union to make continuation of its financial aid conditional upon an improvement in Cambodia's human rights record;
12. Calls for an emergency humanitarian plan to be put in place, with EU involvement and UN coordination, to assist the Cambodians who have been hardest hit by the crisis, in particular those working in the textile and construction industries who have lost their jobs;
13. Instructs its Delegation for relations with the countries of Southeast Asia and the Association of Southeast Asian Nations (ASEAN) and its Committee on Foreign Affairs to monitor developments;
14. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the governments of the ASEAN and ASEM member states, the ASEM secretariat, the UN Secretary-General, the UN High Commissioner for Human Rights and the government and National Assembly of the Kingdom of Cambodia.