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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

**Filip Kaczmarek, Cristian Dan Preda, Bernd Posselt, Tunne Kelam,
Laima Liucija Andrikiienė, Monica Luisa Macovei, Eija-Riitta Korhola,
Elena Băsescu, Mario Mauro, Sari Essayah, Alain Cadec, Dominique
Baudis**

on behalf of the PPE Group

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

The European Parliament,

having regard to its resolutions of 13 January 2005¹, 10 March 2005² 19 January 2006³ and 15 March 2007⁴ on Cambodia and its resolution of 1 December 2005 on the human rights situation in Cambodia, Laos and Vietnam⁵,

- having regard to the Cooperation Agreement between the European Community and the Kingdom of Cambodia⁶, approved on 4 October 1999,
 - having regard to the United Nations Declaration on Human Rights Defenders, adopted on 9 December 1998,
 - having regard to the European Union Guidelines on Human Rights Defenders adopted 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, both adopted on 16 December 1966, to which Cambodia is a party,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas on 23 September 2010 the opposition leader Sam Rainsy was sentenced in absentia to 10 years' imprisonment on charges of disinformation and falsifying public documents by the Phnom Penh Municipal Court,
- B. whereas on 13 October 2010 the Appeal Court in Phnom Penh decided to uphold a 2-year sentence handed down by the Svay Rieng provincial court (dated 27 January 2010) 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,
- C. whereas on 30 August 2010 a staffer of the NGO Licadho, Leang Sokchoeun was charged by the Takeo provincial court to a sentence of 2 years imprisonment for allegedly distributing anti-government leaflets in January 2010, despite the fact that the trial was marked by serious procedural irregularities,
- D. whereas in the past representatives of civil society, journalists and opposition political leaders have faced repression and prosecution through the selective use of laws on disinformation and defamation,

¹ OJ C 247 E, 6.10.2005, p. 161.

² OJ C 320 E, 15.12.2005, p. 280.

³ OJ C 287 E, 24.11.2006, p. 334.

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⁵ OJ C 285 E, 22.11.2006, p. 129.

⁶ OJ L 269, 19.10.1999, p. 18.

- E. whereas the UN Declaration on Human Rights Defenders also enshrines ‘the right, individually and in association with others, to promote and to strive for the protection and realization of human rights’ (Article 1),
- F. whereas Cambodia is a party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, which, amongst other, provide for the right of everyone to have a fair and public trial by a competent, independent and impartial tribunal established by law and the right to freedom of association with others,
- G. whereas it is seriously concerned at the fact that the abovementioned cases demonstrate there is still no guarantee of the independence and impartiality of the judiciary,
1. Condemns the sentences of 23 September 2010 and of 13 October and 27 January 2010 against Sam Rainsy and the sentence of 30 August 2010 against Leang Sokchoeun as well as all politically motivated sentences against representatives of the opposition and NGO representatives;
 2. Calls on the authorities to ensure that the laws on disinformation and defamation passed in 2009 are not selectively used to repress civil society organisations, media representatives and political opposition leaders, to outlaw public expression of opinion and to restrict political freedom;
 3. Calls on the Cambodian authorities to ensure in particular that the planned law regulating non-governmental organisations (NGOs) will not restrict lawful activities of Cambodian civil society organizations on grounds of discretionary interpretation and use of the law and will not be used to disadvantage civil society and the opposition;
 4. Reminds the Cambodian Government that it must meet its obligations and commitments with regard to the democratic principles and fundamental human rights which are an essential element of the Cooperation Agreement with the European Community, as defined in Article 1 of that agreement;
 5. Calls on the Cambodian authorities to continue engaging in political and institutional reforms with a view to building a democratic State governed by the rule of law and founded on respect for constitutional rights and to ensure in all circumstances respect for fundamental rights, in accordance with international human rights standards and international conventions ratified by Cambodia;
 6. Calls on the Council and the Commission to address the concerns over human rights and the rule of law in Cambodia in their contacts with the Cambodian Government;
 7. Instructs its President to forward this resolution to the Council, the Commission, the High Representative for Foreign Affairs and Security Policy of the European Union, the Government and National Assembly of the Kingdom of Cambodia, the UN Secretary-General, the UN High Commissioner for Human Rights, the Special Representative of the UN Secretary-General for Human Rights in Cambodia, and the governments of the ASEAN Member States.