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## TEXTS ADOPTED

*Provisional edition*

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### **P8\_TA-PROV(2017)0497**

#### **Cambodia: the banning of the opposition**

**European Parliament resolution of 14 December 2017 on Cambodia: notably the dissolution of CNRP Party (2017/3002(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Cambodia, in particular that of 14 September 2017<sup>1</sup>,
- having regard to the visit of the Association of Southeast Asian Nations (ASEAN) delegation to the European Parliament from 30 to 31 October 2017,
- having regard to the 2008 EU Guidelines on Human Rights Defenders,
- having regard to the statement by the spokesperson of the European External Action Service (EEAS) of 16 November 2017 on the dissolution of the Cambodian National Rescue Party,
- having regard to the 1997 Cooperation Agreement between the European Community and the Kingdom of Cambodia,
- having regard to the local EU statement of 22 February 2017 on the political situation in Cambodia, and the statements by the spokesperson of the EU Delegation of 3 September 2017 and 25 August 2017 on restrictions of political space in Cambodia,
- having regard to Resolution (A/RES/53/144) adopted by the UN General Assembly on 8 March 1999 on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognised human rights and fundamental freedoms,
- having regard to the 1991 Paris Peace Accords, in which a commitment to uphold human rights and fundamental freedoms in Cambodia, including on the part of international signatories, is enshrined in Article 15,
- having regard to the International Labour Organisation Convention on Freedom of Association and Protection of the Right to Organise,
- having regard to the Cambodian Constitution, in particular Article 41 thereof, in which

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<sup>1</sup> Texts adopted, P8\_TA(2017)0348.

the rights and freedoms of expression and assembly are enshrined, Article 35 on the right to political participation and Article 80 on parliamentary immunity,

- 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 Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas in 2017 the human rights situation in Cambodia further deteriorated, with an increasing number of arrests of political opposition members, human rights activists and civil society representatives being carried out in Cambodia;
- B. 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;
- C. whereas, on 6 October 2017, the Ministry of the Interior filed a request with the Supreme Court to dissolve the Cambodia National Rescue Party (CNRP) under the ‘Law on Political Parties’;
- D. whereas, on 16 November 2017, the Supreme Court announced the dissolution of the CNRP, at the end of a one-day hearing; whereas the Supreme Court has also banned 118 CNRP politicians from being politically active for five years; whereas this decision, which was based on two rounds of controversial amendments to the ‘Law on Political Parties’, leaves the government with no opposition ahead of next year’s general elections scheduled for July 2018;
- E. whereas opposition party members have been prosecuted and harassed by the Cambodian authorities for years; whereas fewer than 40 % of CNRP members of Parliament remain in Cambodia after other members were forced to flee the country, having been threatened with arrests;
- F. whereas the Ministry of the Interior holds sweeping powers to suspend political parties based on vaguely-defined criteria; whereas, on 2 October 2017, the Ministry of the Interior dissolved 20 political parties pursuant to Articles 19 and 20 of the ‘Law on Political Parties’;
- G. whereas, on 3 September 2017, Kem Sokha, the president of the CNRP, was arrested and charged with treason under Article 443 of the Cambodian Criminal Code, despite having parliamentary immunity; whereas Kem Sokha’s request for bail was rejected on 26 September 2017, when he was unable to attend the hearing, after the prisons department said they could not ensure his safety; whereas according to human rights organisations he was interrogated on 24 November 2017, even though he has not had adequate access to legal counsel or private medical care; whereas his legal status has to be clarified; whereas the bail request is now pending with the Supreme Court; whereas he faces up to 30 years in prison if found guilty; whereas the President of the Court, Dith Munt, is a member of the standing committee of the ruling party;
- H. whereas the issue of land grabbing remains a major concern in Cambodia; whereas there has been a steady increase in arrests and detention of members of the political opposition, political commentators, trade unionists, human rights activists and

representatives of civil society in Cambodia, including the ADHOC 5; whereas human rights defender Tep Vanny from the Boeung Kak community remains in prison serving a two-and-a-half-year sentence in connection with a peaceful protest in 2013; whereas on 8 December 2017 the Supreme Court upheld the verdict against Tep Vanny;

- I. whereas the previous president of the CNRP, Sam Rainsy, was forced to resign following legal threats; whereas he was convicted in his absence of criminal defamation and now lives in exile; whereas since the dissolution of the opposition, an increasing number of CNRP members of parliament have fled Cambodia; whereas human rights organisations report that some are seeking asylum;
  - J. whereas the influence of China is playing an important role in political life in Cambodia and on its government;
  - K. whereas Cambodia benefits from the most favourable regime available under the EU's Generalised Scheme of Preferences (GSP), namely the Everything But Arms (EBA) scheme; whereas the EU has allocated up to EUR 410 million to Cambodia for the financial period 2014-2020, of which EUR 10 million is to support the electoral reform process in Cambodia;
  - L. whereas the right of political participation is enshrined in Article 41 of the Cambodian Constitution; whereas the decision to dissolve the CNRP is a significant step away from the path of pluralism and democracy enshrined in Cambodia's constitution;
  - M. whereas 55 NGOs released a call for a new Paris Conference on Cambodia with all relevant stakeholders to discuss the rule of law and democracy in Cambodia in order to encourage the Cambodian Government to reconsider its policies on opposition parties;
1. Expresses its serious concerns at the dissolution of the CNRP; deeply regrets the prohibition of the party, which is evidence of further autocratic action by Prime Minister Hun Sen; urges the government to reverse the decision to dissolve the CNRP, to restore the elected members of the national parliament and commune council to their positions, to allow the full participation of opposition parties in public life and to ensure free space for action for media and civil society organisations and to put an end to the climate of fear and intimidation, as these are all preconditions for free, inclusive and transparent elections;
  2. Reiterates its strong concerns expressed in the previous resolutions about the further worsening climate for opposition politicians, human rights activists and members of civil society in Cambodia;
  3. Supports the view of the United Nations High Commissioner for Human Rights that the accusations against the CNRP and its members were vague, as were the legal provisions supporting the complaint to dissolve it;
  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. Calls on the Government of Cambodia to repeal all recent amendments to the 'Law on Political Parties' and electoral laws limiting freedom of speech and political freedoms;

6. Strongly condemns the arrest of Kem Sokha and other political activists; urges the Cambodian authorities to immediately revoke the arrest warrant for, and drop all charges against, opposition leader Sam Rainsy and to immediately and unconditionally release Kem Sokha from prison and to drop all charges against him and other opposition parliamentarians;
7. Expresses grave concerns about the conduct of credible and transparent elections in Cambodia in 2018 following the decision by the Supreme Court to dissolve the CNRP; stresses that an electoral process from which the main opposition party has been arbitrarily excluded is not legitimate, and that a transparent and competitive election is a key instrument in guaranteeing peace and stability in the country and the entire region;
8. Welcomes the EU decision to withdraw all electoral assistance until Cambodia engages in reforms in line with international electoral standards in order to advance democracy and protect civil society space;
9. Calls on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Federica Mogherini, and the EU Special Representative for Human Rights to use all means available to protect the fundamental rights of the Cambodian people to elect and be elected, to guarantee pluralism and democratic principles strictly in line with Cambodia's constitution;
10. Reminds the Cambodian Government that it has to fulfil its obligations and commitments regarding democratic principles and fundamental human rights, which are an essential element of the Cooperation Agreement;
11. Stresses that respect for fundamental human rights is a prerequisite for Cambodia to continue to benefit from the EU's preferential EBA scheme; calls on the VP/HR and Commissioner Malmström to immediately review Cambodia's obligations under the conventions in Article 19 of the EBA regulation; Emphasises that if Cambodia is acting in violation of its obligation under the EBA regulation, the tariff preferences it currently enjoys must be temporarily withdrawn;
12. 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 to imposing possible visa restrictions and asset freezes on them;
13. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service, the Secretary-General of ASEAN, the governments and parliaments of the Member States and the Government and National Assembly of Cambodia.