

30.06.2003

B5-0346/03

M. McKenna

MOTION FOR A RESOLUTION (ART. 50)

Tabled by Patricia McKenna, Marie-Anne Isler Béguin, Matti Wuori

On behalf of the Green/EFA Group

PMcKenna
M Béguin

On Cambodia

-Recalling its previous resolution of 13 March 2003-06-26

-Having regard to the UN General Assembly endorsement on 13 May of the plan to establish a special Cambodia war crimes tribunal in order to put the perpetrators of crimes against humanity under the Khmer Rouge regime of 1975 to 1979 on trial, which awaits endorsement by Cambodia's parliament after the June 27 elections

-Having regard to Amnesty International's report on Cambodia, addressed to the UN Commission against Torture on 23 June 2003

A. Whereas at least 15 people, mostly opposition supporters, have been killed since January in violence related to the parliamentary elections of 27 July

B. Whereas poll-related violence remains "unacceptably high" although it is lower than in previous elections

C. Whereas the general human rights situation and standards in the penal system in Cambodia have not improved in Cambodia in the last ten years, despite considerable technical assistance from bilateral and UN judicial reform programs

D. Whereas human rights organisations' overarching concern in Cambodia remains impunity for the perpetrators of human rights violations, notably by members of the police and military

E. Whereas torture and ill-treatment continue to be widely reported, and whereas the only "successful prosecution" as registered by the Cambodian Government dates back to 1993, when Cambodia was under the administration of the UN, and that the then sentenced Mr. Tem Seng is in the meantime working as deputy chief of the same prison where he committed his crimes

F. Whereas Vietnamese Montagnard refugees continue to be routinely refouled back to Vietnam facing ill-treatment and unfair trials

G. Whereas by and large the legal safeguards exist, which, if adhered to, outlaw the use of torture and provide for mechanisms and safeguards within the judicial and penal system against different forms of ill treatment and ensure sanctions towards perpetrators

H. Whereas there seems to be a clear lack of political will to accomplish real and durable reform

I. Whereas the achieved compromise for the special tribunal on the basis of a mixed competence of a majority of Cambodian judges joined by international judges puts high expectations on the Cambodian judiciary to live up to international standards of prosecution

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1. Condemns the political killings, as well as the intimidation, taking place during the pre-election period and re-iterates its call on the government of Cambodia to take immediate measures against the widespread impunity, notably to assure investigation into credible cases of political violence;
2. Urgently calls on the future Cambodian Government to show the political will in order to tackle the lack of implementation of the existing legal safeguards to guarantee respect for human rights and the rule of law in Cambodia
3. Calls on the future Cambodian Parliament and Government to enact the necessary provisions for practical safeguards within the police stations in order to prevent torture and ill-treatment, an independent police monitoring authority to assess complaints and a system of sanctions against police officers who fail to implement these safeguards
4. Calls on the future Cambodian Parliament to make sure that international standards of fairness are being applied for the future Tribunal to try senior members of the Khmer Rouge and that this project of national reconciliation will not succumb to the serious deficiencies of the Cambodian judiciary
5. Calls on the Cambodian authorities to immediately end the refoulement of Montagnard asylum-seekers as a matter of utmost urgency
6. Instructs its President to forward this resolution to the Council, the Commission and the Government and Parliament of Cambodia.

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