

# EUROPEAN PARLIAMENT

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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 115 of the Rules of Procedure

by Pasqualina Napoletano, Marc Tarabella, Harlem Désir,

on behalf of the PSE Group

on Cambodia

**European Parliament resolution on Cambodia**

*The European Parliament,*

- having regard to its resolutions of 19 January 2006 on Cambodia, 13 January 2005 and 10 March 2005 on Cambodia and its resolution of 1 December 2005 on the human rights situation in Cambodia, Laos and Vietnam,
  - having regard to the Cooperation Agreement between the European Community and the Kingdom of Cambodia in force since 1 November 1999,
  - having regard to the United Nations (UN) Declaration of Human rights defenders of 1998 and the European Union (EU) Guidelines on Human Rights Defenders approved 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 to which Cambodia is a party,
  - having regard to the agreement between the UN and the Royal Government of Cambodia concerning the prosecution under Cambodian law of crimes committed during the period of Democratic Kampuchea of 6 June 2003,
  - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas on 24 February 2007, Hy Vuthy, president of the Free Trade Union of Workers in the Kingdom of Cambodia (FTUWKC) at the Suntex garment factory, was shot dead after finishing his night shift at the Suntex factory in Phnom Penh's Dangkao district,
- B. whereas other trade unionists in Cambodia have been attacked in the past year: Chea Vichea, the FTUWKC President, was shot dead in January 2004, Ros Sovannareth, the FTUWKC President at the Trinunggal Komara factory, was murdered in May 2004, whereas the murder of Chea Vichea has still not been elucidated and its real perpetrators brought to justice,
- C. whereas Cambodia is a party to the ILO conventions relating to freedom of association and collective bargaining as well as to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, which provide for the right of everyone to form trade unions and join the trade union of his or her choice as well as the right of trade unions to operate freely,
- D. whereas the proceedings before the Extraordinary Chambers in the Courts of Cambodia (ECCC) have not started because of various disagreements between the Cambodian and the international judicial officers concerning the draft Internal Rules for the ECCC,

- E. seriously concerned that there is still no guarantee as to the independence and impartiality of the judiciary and therefore as to its ability to conduct the trials of the Khmer Rouge leaders in the specially-created court without political interference,
1. Condemns the killing of Hy Vuthy and all other acts of violence against trade unionists; calls on the Cambodian authorities to ensure that the killing of Hy Vuthy is thoroughly and independently investigated and that the persons responsible are brought to justice;
  2. Insists that the Cambodian Government must put an end to the prevailing climate of impunity and effectively apply the law towards offenders against human rights and civil liberties;
  3. 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 with the European Union, as defined in Article 1 of that Agreement;
  4. Calls on the Cambodian authorities to ensure in all circumstances the respect for human rights and fundamental freedoms, in accordance with international human rights standards and international conventions ratified by Cambodia;
  5. Urges the Cambodian Government to allow the Khmer Rouge Tribunal to start operating without further delay, in accordance with international standards of judicial independence, fair trial and due legal process, as agreed with the UN in June 2003;
  6. Instructs its President to forward this resolution to the Council, the Commission, 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.