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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 Marco Pannella, Marco Cappato, Annemie Neyts-Uyttebroeck, Frédérique Ries, Jules Maaten, Marios Matsakis and Ignasi Guardans Cambó,

on behalf of the ALDE Group

on Cambodia

**European Parliament resolution on Cambodia**

*The European Parliament,*

- having regard to its resolutions of 13 January 2005<sup>1</sup> and 10 March 2005<sup>2</sup> on Cambodia, its resolution of 1 December 2005 on the human rights situation in Cambodia, Laos and Vietnam<sup>3</sup>, and its resolution of 1st January 2006,
  - having regard to the Cooperation Agreement of 1997 between the European Community and the Kingdom of Cambodia<sup>4</sup>,
  - having regard to the UN declaration of Human rights defenders of 1998,
  - having regard to the 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,
  - 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 while riding his motorbike home after finishing his night shift at the Suntex factory in Phnom Penh's Dangkao district,
- B. whereas this murder, which took place one kilometre from the factory, was reportedly committed by two men on a motorbike,
- C. deeply concerned by the fact that Hy Vuthy is the third FTUWKC official to be killed in three years: Chea Vichea, the union's President, was shot dead in January 2004 and Ros Sovannareth, the FTUWKC President at the Trinunggal Komara factory, was murdered in May 2004,
- D. 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 both 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 function freely,

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<sup>1</sup> OJ C 247 E, 6. 10.2005, p. 161.

<sup>2</sup> OJ C 320 E, 15.12.2005, p. 280.

<sup>3</sup> *Texts Adopted*, P6\_TA(2005)0462.

<sup>4</sup> OJ L 269, 19.10.1999, p. 18.

- E. whereas the UN Declaration on Human Rights Defenders of 1998 also enshrines "the right, individually and in association with others, to promote and to strive for the protection and realization of human rights";
- F. 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,
- G. seriously concerned by the fact that Cambodia has one of the worst deforestation rates in the world, bringing the country's primary rainforest cover from over 70 percent in 1970 to 3.1 percent today,
- H. alarmed by the uncertain legal status in Cambodia of Montagnards refugees from Vietnam,
- I. whereas the upcoming parliamentary elections will take place in July 2008 and local elections will take place in April 2007,
1. Calls on the Government of Cambodia to prosecute those responsible for Hy Vuthy's killing;
  2. Strongly believes that is the only way to give a clear signal to the perpetrators of acts of violence against trade unionists that such behaviour will not be tolerated in the future;
  3. Insists that the Cambodian Government must put an end to the prevailing climate of impunity;
  4. 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 above mentioned Cooperation Agreement, as defined in Article 1 of that Agreement;
  5. 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 refuse the current culture of impunity and to bring to justice all those involved in such activities;
    - to guarantee free and fair elections without intimidation and harassment;
  6. Calls for all the political groupings fielding candidates to be afforded total freedom of political expression and equal access to the media, particularly the State media;

7. Casts serious doubts on the Cambodian Government's commitment to establish the Khmer Rouge Tribunal in accordance with international standards of judicial independence, fair trial and due legal process, as agreed with the UN in June 2003;
8. Expect the Government of Cambodia to adhere to international obligations regarding the treatment of refugees in Cambodia, including Montagnards refugees from Vietnam;
9. 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; further calls on the European Union to make continuation of its financial aid conditional upon an improvement in Cambodia's human rights record;
10. Insists on the fact that that a second ad hoc delegation of the Parliament visit Cambodia to evaluate respect for the provisions of Article 1 of the Cooperation Agreement and the situation of human rights defenders, political activists, media representatives and trade union leaders in the country;
11. Invites the President of the Special Khmer Rouge Tribunal and the Special Representative of the UN Secretary-General on the situation of human rights in Cambodia to report on the situation in Cambodia before the relevant committees of the European Parliament;
12. Instructs its President to forward this resolution to the Council, the Commission, the UN High Commissioner for Human Rights, the Special Representative of the UN Secretary General for Human Rights in Cambodia, the President of the World Bank, the ASEAN Secretariat and the government and National Assembly of the Kingdom of Cambodia.