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Plenary sitting

23.10.2012

B7-0486/2012

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on the situation in Cambodia
(2012/2844(RSP))

Charles Tannock; Adam Bielan; Paweł Robert Kowal
on behalf of the ECR Group

**European Parliament resolution on the situation in Cambodia
(2012/2844(RSP))**

The European Parliament,

- having regard to its resolution of 1 December 2005 on the human rights situation in Cambodia, Laos and Vietnam, its resolution of 13 March 2007 on Cambodia, its resolution of 21 October 2010 on Cambodia, in particular the case of Sam Rainsy and its resolution of 17 February 2011 on the border clashes between Thailand and Cambodia,
- having regard to the Cooperation Agreement of 1997 between the European Community and the Kingdom of Cambodia^[1], in particular Article 1 (respect of Human Rights), Article 19 (suspension of agreement if one party violates Article 1) and Annex 1 regarding Article 19,
- 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, and updated in 2008,
- having regard to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,
- having regard to the open letter of June 26, 2012 by Cambodian and European civil society organizations and coalitions to the European Union Trade Commissioner Karel de Gucht,
- having regard to the 16 July 2012 and to the 24 September 2012 reports by the United Nations Special Rapporteur on the situation of Human Rights in Cambodia,
- having regard to the 20 September 2012 report of the Secretary General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights,
- having regard to the statement of 1 October 2012 by the Spokesperson of the EU High Representative Catherine Ashton on the sentencing of human rights defenders in Cambodia,
- having regard to its article 122 (5) of the Rules of Procedure,

^[1] OJ L 269, 19.10.1999, p. 18.

- A. whereas a worrying authoritarian trend has been noticeable in Cambodia over the last few years; it is manifested by a deterioration in the human rights situation, the stifling of fundamental freedoms, a brutal policy of land grabbing that affects essentially the poor, the suppression of all forms of criticism and protest, the persecution of the parliamentary opposition and activists of the civil society, the use of the judicial power for political ends and a drift towards a one-party system;
- B. whereas in particular Mam Sonando, the owner of Beehive Radio, the most outspoken and politically independent radio station in Cambodia, has been persecuted by the authoritarian ruling party and government of Cambodia;
- C. whereas on October 1, 2012 Mam Sonando was sentenced to 20 years in prison by the Phnom Penh criminal court on baseless charges of anti-state offences including instigating an 'insurrection' in Kratie province;
- D. whereas Mr Sonando is a longstanding critic of Cambodia's Prime Minister Hun Sen and his rule, and has been arrested twice before for nonviolent political activities;
- E. whereas Sonando's radio station has provided airtime for various points of view, including aspects regarding civil society, exposing human trafficking, and raising campaigns against AIDS/HIV, maternal mortality, economic transparency, women's rights, environmental protection, the rule of law, labour rights, electoral education and others;
- F. whereas most of the electronic media in Cambodia, such as Apsara TV or Bayon TV are entirely controlled by the government;
- G. whereas Mam Sonando's conviction is as a result of a speech made by Prime Minister Hun Sen on 26 June 2012, in which he accused Mr Sonando and local activists of the Association of Democrats of being involved in the plot for Pro Ma village in Kratie province to secede from Cambodia;
- H. whereas Hun Sen gave his speech just after Beehive Radio broadcasted a report on a complaint to the International Criminal Court that accuses Cambodia's authorities of human rights breaches and forced evictions;
- I. whereas the plot for Pro Ma village was in fact a protest against what its villagers call a 'land-grabbing' by a rubber company with close links to Cambodian political leaders, and which was used by the authorities as a pretext for the violent eviction of the community in May 2012;
- J. whereas during the violent eviction of the Pro Ma villagers, the community was the target of a violent military attack led by the authorities and a 14-year-old girl, Heng Chantha, was tragically shot dead by security forces;
- K. whereas on April 26, 2012 environmental activist, Chut Wutty was shot dead after being stopped by the military police from documenting illegal logging activities in Koh Kong province and the exact circumstances of his death remain unclear;

- L. whereas on May 24, 2012, 13 women were convicted to two-and-a-half years in prison for their involvement in an anti-evictions campaign demanding proper resettlement for people displaced by a development project owned by one of Hun Sen's associate;
 - M. whereas as of August 2012, the Cambodian government has granted at least 2,157,744 hectares of economic land concessions to over 200 companies often in violation of provisions of the 2001 Land Law and bypassing legal safeguards, such as the prevention of concessions in protected areas, undertaking social impact assessment, and obtaining the free, prior and informed consent of indigenous communities;
 - N. whereas human rights NGOs assess that the government has used the courts to silence criticism of its responses to land-grabbing, alleged corruption and border disputes;
 - O. whereas in Cambodia there is an alarmingly high number of people in detention due to various shortcomings in the criminal justice system and there is still no guarantee of the independence and impartiality of the judiciary,
 - P. whereas Cambodia is to host November's East Asia Summit;
 - Q. whereas Cambodia will hold parliamentary elections by mid - 2013;
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- 1. Condemns all politically motivated sentences against representatives of the opposition and NGO representatives, in particular the sentence of 1 October 2012 against Mam Sonando and the sentence of 24 May 2012 against 13 women; calls at the same time for a fair and transparent investigation over the circumstances of Chut Wutty's death;
 - 2. Is alarmed at the prosecution and sentencing by selective justice to a 20-year prison term of Mr Mam Sonando, prominent journalist, on account of his nonviolent pro-democratic activity;
 - 3. 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, as defined in Article 1 of that Agreement;
 - 4. Is strongly concerned about the recent deterioration of the situation of freedom of expression in Cambodia;
 - 5. Condemns increasing harassment, legal action through government-controlled courts and violence including killings targeted against human rights defenders and peaceful protesters in Cambodia;
 - 6. Calls on the Cambodian authorities to stop attacks against critics, halt questionable land concessions and to release all convicted on politically motivated grounds;

7. Calls on Cambodian authorities to respect its obligations under the human rights treaties it has ratified;
8. Calls on the Cambodian authorities to heed the recommendations made by the United Nations Special Rapporteur on the situation of human rights in Cambodia; invites the parliament of Cambodia to debate his report in parliament and to take all necessary measures to ensure the implementation of his recommendations;
9. Calls on the European Union to take steps to ensure that fundamental freedoms are respected and that attacks on civil liberties have consequences to EU-Cambodia commercial and political relations;
10. Instructs its President to forward this resolution to the to the HR/VP Mrs Ashton, the governments and parliaments of the Member States, the governments of the ASEAN and ASEM member states, the ASEM secretariat, the UN Secretary-General and the UN High Commissioner for Human Rights and the government and National Assembly of the Kingdom of Cambodia.