



Plenary sitting

B8-0753/2016

7.6.2016

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 135 of the Rules of Procedure

on Cambodia
(2016/2753(RSP))

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on behalf of the Verts/ALE Group

B8-0753/2016

**European Parliament resolution on Cambodia
(2016/2753(RSP))**

The European Parliament,

- having regard to its previous resolutions on Cambodia,
- having regard to the press statement by the Delegation of the European Parliament's Subcommittee on Human Rights which conducted a visit to the Kingdom of Cambodia from 30 March to 2 April 2016,
- having regard to the EU local statement of 30 May 2016 on the situation in Cambodia,
- having regard to the statement attributable to the spokesman for the UN Secretary-General on Cambodia of 29 May 2016,
- having regard to the press statement made on 12 May 2016 by Michel Forst, Special Rapporteur on the situation of human rights defenders; David Kaye, Special Rapporteur on freedom of opinion and expression; Maina Kiai, Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Rhona Smith, Special Rapporteur on Cambodia,
- having regard to the press statement issued on 30 October 2015 by the spokesperson for the UN High Commissioner for Human Rights, Ravina Shamdasani,
- having regard to the statements made by the UN Special Rapporteur on the situation of human rights in Cambodia, Professor Rhona Smith, on 23 November 2015 and 24 September 2015,
- having regard to the report of the Special Rapporteur on the situation of human rights in Cambodia of 20 August 2015,
- having regard to the UN Human Rights Council resolution of 2 October 2015 on Cambodia,
- having regard to the statement issued by the EEAS spokesperson on 15 July 2015 on the Law on Associations and NGOs in Cambodia,
- having regard to the statement issued on 22 June 2015 by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association,
- having regard to the UN Human Rights Committee's concluding observations of 27 April 2015 on the second periodic report of Cambodia,
- having regard to the International Covenant on Civil and Political Rights which Cambodia is a state party to and which guarantees the rights to freedom of expression
- having regard to Art 35 of the Cambodian Constitution which guarantees the right to

freedom of association and the freedom to participate actively in the political, economic, social and cultural life of the nation

- having regard to the 1997 Cooperation Agreement between the EU and the Kingdom of Cambodia which foresees the suspension of the agreement if one party violates the respect for human rights
 - having regard to the trade preferences that are granted to Cambodia under the Everything But Arms (EBA) scheme,
 - having regard to the 2008 EU Guidelines on Human Rights Defenders,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure
- A. Whereas in the last months there has been a steady increase in arrests of political opposition members, human rights activists and representatives of civil society
 - B. whereas on 2 April 2016, the National Assembly adopted a Trade Union Law imposing new restrictions on workers' right to association and granting arbitrary new powers to government authorities to repress trade union exercise of that right,
 - C. whereas on 2 April 2016, government security forces violently broke up a peaceful demonstration by worker and union activists against the passage of the Trade Union Law,
 - D. whereas on 10 April 2015, Um Sam-an, National Assembly member from the opposition Cambodia National Rescue Party (CNRP) was arrested on trumped-up accusations of incitement in connection with his non-violent views on Cambodia-Vietnam relations and despite his parliamentary immunity, after which he was held by Counter-Terrorism police, then indicted for trial and remanded in detention on these charges,
 - E. whereas on 22 April 2016, a Phnom Penh Court prosecutor announced that CNRP President Sam Rainsy, driven into exile by previous prosecutions on trumped-up politically-motivated charges, will face trial in absentia on further such charges starting on 28 July 2016,
 - F. whereas on 25 April 2016, the ruling Cambodian Peoples Party (CPP), implementing a warning by Prime Minister Hun Sen, filed a suit for defamation against human rights defender and political commentator Ou Vireak in connection with non-violent opinions he expressed about the CPP's political strategy and demanding exorbitant damages aimed at deterring him and others from exercising their right of freedom of opinion and expression,
 - G. whereas on 26 April 2016, the Phnom Penh court indicted Rong Chhun, a former trade union leader who is currently a member of the Cambodia National Election Committee (NEC), for trial on trumped-up politically-motivated charges of incitement of violence provoked by government security force suppression of worker strikes in late December 2013-early January 2014,

- H. whereas on 28 April 2016, the government's Anti-Corruption Unit (ACU) took into police custody four senior staffers of the Cambodian Human Rights and Development Association (ADHOC) Ny Sokha, Nay Vanda, Yi Soksan and Lim Mony, and Ny Chariya, a former ADHOC senior staffer and current NEC member, and on 2 May 2016, the five there were subjected to politically-motivated charges of "bribing a witness" and remanded in detention in connection with ADHOC's human rights defence work;
- I. whereas in connection with this same case, Cambodian Prime Minister Hun Sen and the head of the above-mentioned ACU threatened also to arrest a Cambodian staffer of the Cambodia Office of the UN High Commissioner for Human Rights (COCHR) Sally Soen in connection with COCHR's human rights defence work and contrary to this UN staff member's immunity under international law,
- J. whereas the Cambodian government has failed to renew the memorandum of understanding between it and the COHCHR, thus threatening to end the work in it has done in Cambodia since 1993 to further the aims of the 1991 international Paris Agreements on Cambodia, to which Cambodia is a signatory,
- K. whereas on 2 May 2016, the CPP warned that the government may apply repressive provisions of the Law on Associations and Non-governmental Organizations to shut down human rights organizations it arbitrarily deems not politically "neutral,"
- L. whereas on 4 May 2016, the ACU warned of further arrests in connection with the case against ADHOC staffers,
- M. whereas on 5 May 2016, hearings began in the case of three CNRP youth activists detained and falsely charged with "insurrection" in connection with violence provoked by government security forces during a 15 July 2014 CNRP-sponsored demonstration in favour of freedom of peaceful assembly,
- N. whereas on 7 May 2016, the government announced that planned non-violent protests against the detention of ADHOC staffers and other cases of politically-motivated detention would be considered "rebellion" in the form of a "colour revolution" and suppressed as such,
- O. whereas on 9 May 2016, police, including Counter-Terrorism forces, temporarily detained for interrogation six Cambodian and two foreign human rights defenders for alleged involvement in non-violent protests against politically-motivated detentions, threatening the Cambodians with criminal prosecution and the foreigners with deportation,
- P. whereas on 11 May 2016, Counter-Terrorism and other police questioned a number of human rights defenders in connection with false allegations that their involvement in non-violent demonstrations constituted an attempt to make "colour revolution,"
- Q. whereas on 11 May 2016, the Ministry of Interior announced it was still seeking to arrest a COHCHR staffer in connection with the ADHOC case,

- R. whereas on 18 May 2016, the government announced it was considering application of repressive provisions of LANGO to shut down the Cambodian League for the Promotion and Defence of Human Rights for being not politically “neutral” after the organization posted a list of 29 persons it deemed Cambodian political prisoners,
- S. whereas on 26 May 2016, the authorities attempted to accost CNRP acting President Kem Sokha as part of a politically-motivated case in which he is accused of refusing to comply with a Phnom Penh Court prosecutor’s summons for him to provide testimony against two other CNRP members of the National Assembly, after which Kem Sokha was declared to have committed a flagrant crime and stripped of his parliamentary immunity, leaving him vulnerable to prosecution at any time
- T. whereas on 27 May 2016, the Phnom Penh Court convicted only three of as many as 20 persons directly involved in the 26 October 2015 brutal assault on two CNRP members of the National Assembly and failed to pursue extensive evidence that the assault may have been orchestrated by senior CPP government and security force officials,
- U. whereas the rights of freedom of expression and assembly are enshrined in Article 41 of the Cambodian Constitution, the right of political participation in Article 35 thereof, and parliamentary immunity in Article 80 thereof;
- V. whereas the EU is Cambodia’s largest partner in terms of development assistance, with a new allocation for the 2014-2020 period of EUR 410 million; whereas the EU supports a wide range of human rights initiatives carried out by Cambodian non-governmental organisations (NGOs) and other civil society organisations;
1. Expresses its deepening concerns about the further serious worsening of the climate for opposition politicians and activists, and domestic and international human rights, social and environmental activists in Cambodia, and condemns all acts of violence and politically-motivated charges, sentences and convictions against opposition politicians, activists and human rights defenders in Cambodia;
 2. Urges the Cambodian authorities to revoke the arrest warrant and drop all politically-motivated charges and other criminal proceedings against CNRP leaders Sam Rainsy and Kem Sokha, CNRP members of the National Assembly and Senate, to allow them to work freely without fear of arrest or persecution, and to end political use of the courts to prosecute people on politically-motivated and trumped-up charges; furthermore calls on Cambodian authorities to drop all charges against former trade union leader and member of the Cambodia National Election Committee (NEC) Rong Chhun;
 3. Urges the Cambodian authorities to drop all politically-motivated charges and other criminal proceedings against ADHOC and other Cambodian human rights defenders, to cease all threats of application of repressive LANGO provisions and other attempts at intimidation and harassment of human rights defenders and organizations, national and international, and to immediately and unconditionally release all those jailed on politically motivated and trumped up charges;;
 3. Calls on the National Assembly to reinstate Sam Rainsy, Kem Sokha and other CNRP members of the National Assembly to their assembly membership and immediately and to

restore their parliamentary immunity;

4. Urges the Government of Cambodia to recognise the legitimate and useful role played by civil society, trade unions and the political opposition in contributing to Cambodia's overall economic and political development;
5. Urges the government to repeal or amend LANGO, the new Trade Union Law and other recent legislation with provisions threatening to the exercise of human rights in order to remove those provisions and ensure all legislation relevant to human rights is in line with domestic Constitutional guarantees and international standards;
6. Recalls again that a non-threatening environment of democratic dialogue is essential for political stability, democracy and a peaceful society in the country and urges the government to take all the necessary measures to ensure the security of all democratically elected representatives of Cambodia, irrespective of their political affiliation;
7. Recalls that the 'culture of dialogue' between the leaders of the CPP and CNRP brought hope that Cambodia's democracy was on a positive trajectory; calls again on the Government of Cambodia and the opposition to engage in a serious and meaningful dialogue;
8. Calls on the government to ensure full and impartial investigations with United Nations participation, leading to prosecution of all those responsible, regardless of rank or position, for the 26 October 2015 brutal attack on the two CNRP members of the National Assembly by members of the armed forces and for military and police use of excessive force to suppress demonstrations, strikes and social unrest;
9. Deeply regrets that the Cambodian legal system is misused by the government and powerful individuals to silence civil society opponents through the criminal justice system and that courts fail to protect human rights
10. Stresses that in view to the upcoming elections in 2017 and 2018, the opposition needs to be able to lead their election campaign free of interference and pressure from the current government
11. Calls on EU Member States, the EU High Representative, European External Action Service, the European Commission in line with the EU's Strategic Framework on human rights and democracy, to immediately raise the above concerns and recommendations with Cambodian authorities;
12. Stresses the importance of EU public diplomacy in addressing the EU's human rights concerns in Cambodia, allowing the EU's messages to be heard by both government, opposition and the public at large.
13. Calls on the Member States, the High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service and the Commission to set out clear benchmarks for the forthcoming elections in Cambodia, consistent with international law on freedom of expression, association and assembly, and to publicly communicate these benchmarks to Cambodian authorities and the opposition.

14. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the Secretariat of the Association of Southeast Asian Nations, the UN Human Rights Council, and the Government and National Assembly of the Kingdom of Cambodia.