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*Plenary sitting*

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**B8-0369/2018**

11.9.2018

## **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, notably the case of Kem Sokha  
(2018/2842(RSP))

**Barbara Lochbihler, Bodil Valero, Ernest Urtasun, Heidi Hautala**  
on behalf of the Verts/ALE Group  
**Fabio Massimo Castaldo, Ignazio Corrao**

**European Parliament resolution on Cambodia, notably the case of Kem Sokha  
(2018/2842(RSP))**

*The European Parliament,*

- having regard to its previous resolutions, in particular those of 14 December 2017 and 14 September 2017,
  - having regard to the Council Conclusions on Cambodia of 26 February 2018,
  - having regard to the Statement of the High Representative/Vice-President Spokesperson on the general elections in Cambodia of 30 July 2018
  - having regard to the statement by Professor Rhona Smith, Special Rapporteur on the situation of human rights in Cambodia, Mr. David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and Mr. Clément Nyaletsossi Voulé, Special Rapporteur on the rights to freedom of peaceful assembly and of association, on the media freedom ahead of the vote of 15 June 2018,
  - having regard to the Opinion 9/2018 concerning Kem Sokha by the Working Group on Arbitrary Detention published on 5 June 2018;
  - having regard to the Universal Declaration of Human Rights of 1948,
  - having regard to the International Covenant on Civil and Political Rights of 1966 and the International Covenant on Economic, Social and Cultural Rights of 1966,
  - having regard to the ASEAN Charter,
  - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the amendments to the Law on Political Parties of 14 February 2017 allowed the judiciary to acquire the power to dissolve any party or ban party leaders from political activity on vaguely worded offenses such as threatening “national unity” or the “security of the state”;
- B. whereas in November 2017 the main opposition party, the Cambodia National Rescue Party (CNRP), was dissolved and 118 of its members banned from political activity for five years; whereas its local and national seats were reallocated to unelected members;
- C. whereas on 3 September 2017 Kem Sokha, the President of the CNRP, was arrested and charged with treason under Article 443 of the Cambodian Criminal Code, despite having parliamentary immunity; whereas Kem Sokha was held in isolation during his arrest and denied medical treatment; whereas the UN Working Group on Arbitrary detention declared Mr. Sokha’s pre-trial detention “arbitrary” and “politically

motivated”; whereas during his arrest the Cambodian government rejected repeated requests for visits, including from Rhona Smith, the UN Expert on human rights in Cambodia;

- D. whereas Kem Sokha was released on bail on 10 September 2018 due to his deteriorating health condition, but the charges against him still stand; whereas the rest of the CNRP’s senior leadership has been jailed on fabricated charges or forced into exile;
  - E. whereas on 29 July 2018 elections in Cambodia were held without the dissolved main opposition party, the Cambodia National Rescue Party (CNRP), leaving a significant proportion of the population without chosen representation; whereas the National Assembly now has all 125 seats filled by the ruling Cambodian People’s Party (CPP), and Prime Minister Hun Sen will be adding five more years to his already 33-year long rule; whereas in view of the elections the EU declined to conduct any observation and suspended its financial assistance to the Cambodian National Election Committee (NEC);
  - F. whereas the National Election Committee issued a media code of conduct for the ballot, prohibiting the publication of news which may lead to confusion or loss of confidence in the vote, publishing information deterring people from voting, and expressing personal opinion or prejudice;
  - G. whereas the leaders of the dissolved Cambodia National Rescue Party (CNRP) called on voters to boycott the election or abstain from voting as a sign of protest; whereas in response the NEC chairperson called for legal action against those calling for the boycott;
  - H. whereas in the run up to the election people were reportedly intimidated or paid to vote, and civil society organizations faced increased harassment; whereas seventeen popular websites were blocked for the election day and further restrictions were placed on the freedom of expression of individual voters and political opponents who called for a boycott or announced their intention to abstain from voting in the election, including through threats, fines and legal action;
  - I. whereas the Cambodian Government has adopted a series of repressive laws, including the Law on Political Parties, the Law on Non-Governmental Organizations, and the Law on Trade Unions, that severely restrict the rights to freedom of expression, assembly and association;
  - J. whereas conflicts regarding sugar plantations have not been resolved yet; whereas the European Commission prepared a draft Terms of Reference in July 2015 setting out a plan for an audit of land claims within economic land concessions granted for industrial sugarcane plantations in Koh Kong, Kampong Speu, Oddar Meanchey and Preah Vihear provinces which the Cambodian Government has refused to implement;
1. Urges the Cambodian government to immediately reverse the dissolution of the CNRP, to remove all obstacles for opposition parties and to resume constructive

dialogue with the opposition, as this is a prerequisite for the legitimacy of the forthcoming elections; reminds that an electoral process from which the main opposition party has been arbitrarily excluded is illegitimate and that the elections held on 29 July 2018 cannot be qualified as free and fair; stresses that the flawed elections held in Cambodia on 29 July 2018 have cemented the one-party, dictatorial rule;

2. Calls on the Cambodian government to end its politically motivated prosecution of the opposition party leader Kem Sokha and other political prisoners, to release them unconditionally and to drop all charges against them; calls on the authorities to ensure fair trial rights and procedural safeguards as set out in the ICCPR to all arrested individuals;
3. Welcomes Kem Sokha's release on bail on 10 September 2018, but strongly underlines that his arrest was based on fabricated charges and an additional move to dissolve the CNPR; deplores in this regard the public statements by the Prime Minister and high-ranking officials about Kem Sokha's supposed guilt, which breach the presumption of innocence and the right to a fair trial to which he is entitled under Cambodian and international human rights law;
4. Deeply deplores the worsening climate for opposition politicians, journalists and human rights activists in Cambodia, and condemns all acts of violence, politically motivated charges, arbitrary detention, questioning, sentences and convictions in respect to these individuals;
5. Urges the Government to release political opponents, journalists, human rights defenders and ordinary citizens who have been detained for exercising their human rights, in particular their right to freedom of expression; calls on the Cambodian government to lift the ban against opponents taking part in political activity, and to protect and expand space for civil society;
6. Urges the Government to refrain from taking legal action in cases of individual voters and political opponents who called for a boycott or announced their intention to abstain from voting in the election; reminds the Cambodian government that the right to freedom of expression protects calls for a boycott in a non-compulsory election;
7. Calls on the Cambodian Government to work towards strengthening democracy and the rule of law and to respect human rights and fundamental freedoms, which includes fully complying with the constitutional provisions concerning pluralism and freedom of association and expression; further calls on the Cambodian government to repeal all recent amendments to the Constitution, the Penal Code, the Law on Political Parties, the Trade Union Law, the Law on NGOs and all other pieces of legislation limiting freedom of speech and political freedoms that are not fully in line with Cambodia's obligations and international standards;
8. Calls on the Cambodian government to renew the Memorandum of Understanding (MoU) with the UN Office of the High Commissioner for Human Rights (OHCHR) in Cambodia upon its expiry on 31 December 2018;
9. Calls on the EEAS and EU member states to lead efforts at the upcoming 39th session of the UN Human Rights Council towards the adoption of a resolution addressing the

seriously deteriorating human rights situation in Cambodia and mandating additional monitoring and reporting to the Human Rights Council by the UN High Commissioner for Human Rights to ensure necessary scrutiny of the civil and political rights situation following the elections;

10. Calls on the EEAS and the Commission to prepare a list of individuals responsible for the dissolution of the opposition and other serious human rights violations in Cambodia with a view to imposing targeted sanctions against them;
11. Welcomes the EBA fact-finding mission which took place in July to evaluate Cambodia's compliance with its obligations under the conventions in Article 19 of the EBA regulation; calls on the Commission to make its findings public and to report to Parliament about the next steps it intends to take based on that assessment; calls on the Commission to start procedural steps with a view to the possible removal of trade preferences given under the EBA scheme, taking into account Cambodia's obligation under various conventions referred to in article 19 of the EBA regulation;
12. Calls on the EU Delegation in Phnom Penh to provide all appropriate support to the imprisoned human rights defenders, such as prison visits, trial monitoring and the provision of legal or any other form of assistance that the defendants might require;
13. Re-iterates its continuing concern about land evictions, persisting impunity for such acts and the dire situation of the affected communities; praises the work of land rights activists such as Tep Vanny who have been victims of harassment and arbitrary arrest by the Cambodian Government; welcomes the positive steps regarding the engagement of the Cambodian Government with affected communities but stresses that this process is neither inclusive nor standardized and needs to be opened to all legitimate claimants in order to provide remedies that correspond appropriately to community losses; urges the Government of Cambodia to sign on to the EU Terms of Reference for the Sugar Cane Audit process;
14. Instructs its President to forward this resolution to the Commission, the Council, the European External Action Service, the Member States, the Government and National Assembly of the Kingdom of Cambodia, the Secretary-General of ASEAN and the governments of the ASEAN countries.