



Plenary sitting

B8-0377/2018

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))

Ramon Tremosa i Balcells, Petras Auštrevičius, Javier Nart, Ilhan Kyuchuk, Izaskun Bilbao Barandica, Valentinas Mazuronis, Marietje Schaake, Beatriz Becerra Basterrechea, Dita Charanzová, Gérard Deprez, Martina Dlabajová, Ivan Jakovčić, Petr Ježek, Patricia Lalonde, Louis Michel, Urmas Paet, Maite Pagazaurtundúa Ruiz, Carolina Punset, Jozo Radoš, Frédérique Ries, Robert Rochefort, Ivo Vajgl, Johannes Cornelis van Baalen, Hilde Vautmans, Cecilia Wikström, Filiz Hyusmenova
on behalf of the ALDE Group

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

The European Parliament,

- having regard to its previous resolutions on Cambodia, in particular that of 14 September 2017 and 14 December 2017;
- having regard to the 2008 EU Guidelines on Human Rights Defenders,
- having regard to the statement by the spokesperson of the European External Action Service (EEAS) of 16 November 2017 on the dissolution of the Cambodian National Rescue Party,
- having regard to the 1997 Cooperation Agreement between the European Community and the Kingdom of Cambodia,
- having regard to the local EU statement of 22 February 2017 on the political situation in Cambodia, and the statements by the spokesperson of the EU Delegation of 3 September 2017 and 25 August 2017 on restrictions of political space in Cambodia,
- having regard to the UN Human Rights Council Resolution 36/32 from 29 September 2017 and the Report of the Secretary-General from 2 February 2018;
- having regard to the European Council conclusions on Cambodia, as adopted by the Council at its 3598th meeting held on 26 February 2018;
- having regard to the Report of the Committee on the Human Rights of Parliamentarians and the Decisions adopted by the Governing Council of the Inter-Parliamentary Union from March 2018;
- having regard to Resolution (A/RES/53/144) adopted by the UN General Assembly on 8 March 1999 on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognised human rights and fundamental freedoms;
- having regard to the 1991 Paris Peace Accords, in which a commitment to uphold human rights and fundamental freedoms in Cambodia, including on the part of international signatories, is enshrined in Article 15;
- having regard to the International Labour Organisation Convention on Freedom of Association and Protection of the Right to Organise;
- having regards to the conclusions on the fact finding mission of the European Commission to Cambodia from 5 to 11 July 2018, evaluating the situation on the

ground following the worrying human rights and labour rights developments in the country;

- having regard to the Cambodian Constitution, in particular Article 41 thereof, in which the rights and freedoms of expression and assembly are enshrined, Article 35 on the right to political participation and Article 80 on parliamentary immunity;
 - having regard to the Universal Declaration of Human Rights of 10 December 1948;
 - having regard to the International Covenant on Civil and Political Rights of 1966;
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the human rights situation in Cambodia has further deteriorated in 2018 with the arrests of political opposition members, human rights activists and civil society representatives;
- B. whereas in November 2017, the Supreme Court of Cambodia dissolved the Cambodia National Rescue Party (CNRP) under the ‘Law on Political Parties’; whereas the Supreme Court also banned 118 CNRP politicians from being politically active for the period of 5 years; whereas this decision has lead Cambodia into the elections of July 2018 without any opposition to the Cambodian People’s Party, the party of Prime minister Hun Sen;
- C. whereas, in September 2017, Kem Sokha, the president of the CNRP, was arrested and charged with treason despite having parliamentary immunity; whereas according to human rights organisations Sokha was interrogated on 24 November 2017, even though he has not had adequate access to legal counsel or private medical care; whereas the bail request has been rejected by the Supreme Court; whereas he faces up to 30 years in prison if found guilty; whereas the President of the Court, Dith Muntty, is a member of the standing committee of the ruling party
- D. whereas the previous president of the CNRP, Sam Rainsy, was forced to resign following legal threats; whereas he was convicted in his absence of criminal defamation and now lives in exile; whereas since the dissolution of the opposition, an increasing number of CNRP members of parliament have fled Cambodia; whereas human rights organisations report that some are seeking asylum;
- E. Whereas the authorities of Cambodia have also cracked down on journalists and reporters who are covering the attacks on the opposition parties; whereas 69 year old award-winning filmmaker James Ricketson is one of the victims of these attacks on the media; whereas Ricketson was arrested for flying a drone over an opposition party rally in June 2017; whereas Ricketson has been sentenced to six years in prison in the capital Phnom Penh on charges on espionage;
- F. Whereas on 25 February Senate elections were held in Cambodia after being postponed from 14 January, where the elected CNRP national and local legislators were excluded from the process; whereas the ruling Cambodian People’s Party won all 58 seats covering it into a one-party Senate.

- G. Whereas the elections to select members of the sixth National Assembly in Cambodia were held on 29 July 2018; whereas the elections were organised solely by the members of the ruling party without presence of the opposition in the National Election Commission or the electoral boards; whereas the European Union, alongside the US and Japan, had withdrawn any funding for the elections, and has declined to send observers; whereas the ruling Cambodian People's Party won all 125 seats in the National Assembly; Whereas no other party has won any seat during the July 2018 elections;
- H. Whereas the decision to dissolve the CNRP was a significant step towards the creation of an authoritarian state; Whereas the political structure of Cambodia can no longer be considered a democracy
- I. whereas Cambodia benefits from the most favourable regime available under the EU's Generalised Scheme of Preferences (GSP), namely the Everything But Arms (EBA) scheme; whereas the EU has allocated up to EUR 410 million to Cambodia for the financial period 2014-2020, of which EUR 10 million is to support the electoral reform process in Cambodia;
- J. Whereas the UN Secretary General recalled in his July statement that an inclusive and pluralistic political process remains essential for safeguarding the progress made by Cambodia in consolidating peace.
1. Calls on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), Federica Mogherini, and the EU Special Representative for Human Rights to use all means available to protect the fundamental rights of the Cambodian people to elect and be elected, to guarantee pluralism and democratic principles strictly in line with Cambodia's constitution;
 2. Deeply regrets the dissolution of the CNRP, which is evidence of further autocratic actions taken by Hun Sen;
 3. Strongly urges the government to drop all charges against Kem Sokha and Sam Rainsy and to release Sokha without delay, to reverse the decision to dissolve the CNRP, to declare the elections of July 2018 void and to reinstate the elected members of the CNRP; calls on the European commission to suspend any cooperation agreement including the EBA programme as long as Hun Sen has not implemented the above-mentioned actions (i.e. drop all charges against Kem Sokha and release him, reverse the decision to dissolve CNRP, declare the elections of July 2018 void and reinstate the 5,007 locally-elected members of the CNRP);
 4. Call 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 (LANGO) 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;

5. Call 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;
6. Reiterate the call on the Cambodian government to put an end to all forms of harassment, abuse and politically motivated criminal charges of members of the political opposition, human rights defenders, trade unionists and labor rights advocates, and other civil society activists, and journalists, among others;
7. Call 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 on them;

7 bis (NEW)

Calls on the Commission to consider consequences in the context of the trade preferences Cambodia enjoys, including launching an investigation under the mechanisms provided for in the Everything But Arms provision; (Marietje Schaake)

8. Calls on the European Commission to publish as soon as possible the conclusions on the fact finding mission to Cambodia and invites the European Commission to answer questions on these conclusions in the relevant Parliamentary committees , precisely AFET, INTA and EMPL;
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 Council by the UN High Commissioner for Human Rights to ensure necessary scrutiny of the civil and political rights situation following the elections.
10. urges EU member-state governments to raise the issue of Cambodia's seat at the United Nations being occupied by an illegitimate government following a sham election;
11. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service, the Secretary-General of ASEAN, the governments and parliaments of the Member States and the Government and National Assembly of Cambodia.