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*Plenary sitting*

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**B9-00185/2021**

9.3.2021

## **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 144 of the Rules of Procedure

on the mass trials against opposition and civil society in Cambodia  
(2021/2579(RSP))

**Marek Belka, Isabel Santos, Evin Incir**  
on behalf of the S&D Group

**B9-00184/2021**

**European Parliament resolution on the mass trials against opposition and civil society in Cambodia  
(2021/2579(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Cambodia, in particular of 12 September 2018<sup>1</sup>, of 14 September 2017<sup>2</sup> and 14 December 2017<sup>3</sup>,
- having regard to the Council conclusions on Cambodia of 26 February 2018,
- having regard to the Commission decision of 11 February 2019 to launch the procedure for a temporary withdrawal of the tariff preferences provided to Cambodia under Article 1(2) of the GSP Regulation<sup>4</sup>,
- having regard to the Commission delegated regulation of 12 February 2020 amending Annexes II and IV to Regulation (EU) No 978/2012 as regards the temporary withdrawal of the arrangements referred to in Article 1(2) of Regulation (EU) No 978/2012 in respect of certain products originating in the Kingdom of Cambodia,
- having regard to the statement by the spokesperson of the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 02 March 2021 on the on the mass trials conducted against opposition figures,
- having regard to the evaluation mission of the Commission and the European External Action Service (EEAS) to Cambodia of 5 to 11 July 2018,
- having regard to the 2008 EU Guidelines on Human Rights Defenders,
- having regard to the 1997 Cooperation Agreement between the European Community and the Kingdom of Cambodia,
- having regard to statement by the UN High Commissioner for Human Rights at the 46th session of the Human Rights Council of 26 February 2021,
- having regard to the statement by the UN Special rapporteur on the situation of human rights in Cambodia of 25 November 2020<sup>5</sup>,
- having regard to the statement by the UN Special rapporteur on the situation of human rights

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<sup>1</sup> Texts adopted, P8\_TA(2018)0346.

<sup>2</sup> Texts adopted, P8\_TA(2017)0348.

<sup>3</sup> Texts adopted, P8\_TA(2017)0497.

<sup>4</sup> 3OJ C55, 12.02.2019, p 11.

<sup>5</sup> <https://cambodia.ohchr.org/sites/default/files/25112020%20Cambodia%20SR%20mass%20trial-EN.pdf>

defenders of 16 November 2020<sup>6</sup>,

- having regard to the statement by the spokesperson for the UN Commissioner for Human Rights on the arrest of prominent trade unionist Rong Chhun and other 24 human rights and environmental defenders of 11 September 2020<sup>7</sup>,
- having regard to the joint statement on opposition leader Kem Sokha’s trial by the UN Special rapporteur on the situation of human rights in Cambodia, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the UN Special Rapporteur on the independence of judges and lawyers, of 17 January 2020<sup>8</sup>,
- having regard to the UN Human Rights Council Resolution 36/32 of 29 September 2017 and the Report of the Secretary-General of 2 February 2018 UN Human Rights Council Resolution 36/32 of 29 September 2017 and the Report of the Secretary-General of 2 February 2018,
- having regard to UN General Assembly Resolution A/RES/53/144 of 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 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 since 2017 the Cambodia Government has taken a series of repressive actions curtailing political participation and electoral rights in the country, moving away from the path towards democracy and creating an authoritarian state;

B. whereas repressive laws – including the amendments to the Law on Political Parties, the

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<sup>6</sup>[https://cambodia.ohchr.org/sites/default/files/UN%20experts%20alarmed%20by%20civil%20society%20crackdown%20attacks%20on%20defenders\\_Final\\_EN.pdf](https://cambodia.ohchr.org/sites/default/files/UN%20experts%20alarmed%20by%20civil%20society%20crackdown%20attacks%20on%20defenders_Final_EN.pdf)

<sup>7</sup><https://www.ohchr.org/FR/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26223&LangID=F>

<sup>8</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25472>

Law on Non-Governmental Organizations, and the Law on Trade Unions – have resulted in severe restrictions on the rights to freedom of expression, peaceful assembly and association;

- C. whereas the amended 2017 Law on Political Parties includes numerous restrictions on the participation of opposition parties, including the dissolution of parties if its leaders have a criminal record;
- D. whereas in 2017 the Cambodian Authorities arrested Mr Kem Sokha, leader of the main opposition party, the Cambodia National Rescue Party (CNRP), dissolved the party and banned 118 CNRP politicians from being politically active for five years;
- E. whereas the dissolution of the CNRP also led to the removal from their positions of 5007 CNRP commune/local councillors elected in June 2017; whereas the CNRP members of the National Assembly were replaced by unelected individuals;
- F. whereas the 2018 elections in Cambodia failed to meet minimum international standards for democratic elections and allowed the ruling party, the Cambodian People's Party (“CPP”), to take full control of all seats both in the Senate and in the National Assembly, thereby de facto creating a one-party State with no parliamentary opposition.
- G. whereas Mr Kem Sokha was arrested on unsubstantiated and politically motivated charges and despite his parliamentary immunity; whereas he still awaiting for trial since 2017 and was informed by the competent Court the statements by the Cambodian Government jeopardised his right to a fair trial and the presumption of innocence; whereas he faces up to 30 years in prison if found guilty;
- H. whereas according to three UN Special Rapporteurs, “the entire process of Mr Sokha’s arrest and detention has been tainted by irregularities, and clear neglect of international human rights law and Cambodian law,” the experts said. “Mr Sokha was apprehended without an arrest warrant and with disregard for his parliamentary immunity privileges. He was also denied access to a lawyer in the early stages of his detention, and was ultimately held in pre-trial detention for a period that exceeded the maximum period permissible under Cambodian law”<sup>9</sup>;
- I. whereas on 14 January 2021 the Phnom Penh Municipal Court began a door-closed mass trial against nearly 130 opposition members on charges which seem to be politically motivated;
- H. whereas on 1 March 2021, the Phnom Penh municipal court convicted *in absentia* nine exiled leaders of the dissolved CNRP, including its former leaders Mr Sam Rainsy and Ms Mu Sochua, to more than 20 years in jail on unfounded allegations that all nine attempted to stage a coup by announcing their plans to return to Cambodia; whereas all nine were also heavily fined, stripped of their electoral rights and banned from public offices;
- I. whereas according to the UN Special Rapporteur for the human rights situation in

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<sup>9</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25472>

Cambodia, “since June 2019, over 150 people associated with CNRP have been arrested and detained, with the majority facing charges of plotting and incitement” and “the mass trials of CNRP activists appear to be politically motivated”

- J. whereas in July 2019 the court announced its verdict *in absentia* convicting Mr Kong Atith, newly elected president of the Coalition of Cambodian Apparel Workers Democratic Union (CCAWDU), of intentional acts of violence in relation to a 2016 protest between drivers and the Capitol Bus Company; whereas the court imposed a three-year suspended sentence, which will create legal implications under Article 20 of the Law on Trade Unions, which sets out among others that a leader of a worker union cannot have a felony or misdemeanour conviction;
- K. where on 31 July 2020, the authorities arrested Mr Rong Chhun, president of the independent Cambodian Confederation of Unions, without an arrest warrant at his home in Phnom Penh, alleging he was committing an *in flagrante delicto* (caught in the act) offense; whereas on 1 August 2020, the Phnom Penh municipal court charged him with “incitement to commit a felony” under articles 494 and 495 of Cambodia’s penal code and sent him to pretrial detention at Phnom Penh’s Correctional Center 1;
- L. whereas over the last four years, the Cambodian authorities have taken a series of repressive actions against political opposition, trade unions, human rights defenders, civil society organisations, and media; whereas the democratic space for citizens’ participation and dissent has significantly narrowed; whereas the UN Commissioner for Human Rights has declared at the 46th session of the Human Rights Council of 26 February 2021 to be “particularly concerned about the severe shrinking of civic space in Cambodia, where increasing and disproportionate legislative and administrative measures limit the rights to free expression, peaceful assembly, association and information, among others”;
- M. whereas the UN Commissioner on Human Rights has documented the arrest of 24 human rights defenders and environmental defenders in Cambodia only between 31 July 2020 and 11 September 2020 and witnessed on separate occasions the unnecessary and excessive use of force by security forces against those participating in peaceful demonstrations – including protestors calling for measures to alleviate the economic impact of COVID-19 on livelihoods, environmental activists, as well as those demanding the release of detained human rights defenders<sup>10</sup>;
- N. whereas, following the Government decree on Publication Controls of Website and Social Processing via the Internet and the Law on Telecommunications, social media networks have come under attack from increased surveillance and arbitrary interference; whereas, following the Covid-19 outbreak, the Government adopted a draconian state emergency law which is further restricting citizens’ fundamental rights
- O. whereas on 12 February 2020 the European Commission decided to withdraw part of the tariff preferences granted to Cambodia under the European Union’s Everything But Arms’ (EBA) trade scheme due to the serious and systematic violations of the human rights principles enshrined in the International Covenant on Civil and Political Rights;

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<sup>10</sup> <https://www.ohchr.org/FR/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26223&LangID=F>

1. Expresses serious concern for Cambodia's authoritarian and anti-democratic drift;
2. Condemns the Cambodian authorities' repressive laws and crackdown, including mass arrests and trials, against political opponents, trade unionists, human rights defenders, environmental defenders and protesters;
3. Calls on the Government to immediately and unconditionally release all prisoners of conscience who are detained for their exercise of their fundamental rights, to drop all charges against opposition and trade union leaders, including Mr Kem Sokha, Mr Sam Rainsy, Ms Mu Sochua, Mr Kong Atith, and Mr Rong Chhun, and to reinstate their political rights;
4. Calls on the Government to bring an end to any form of harassment, intimidation and politically motivated criminal charges against members of the opposition, trade unionists, human rights defenders, media and civil society actors; calls on security forces to refrain from unnecessary and excessive force against those engaged in peaceful protests;
5. Calls on the Cambodian Government to restore democracy and to strengthen the legislation on political pluralism and opposition rights in view of new truly democratic elections; calls, furthermore, 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;
6. Calls on the Government to take the necessary measures to ensure that the dissolution of CNRP is swiftly reversed and its 5007 local councillors reinstated;
7. Condemns repressive action under the guise of protecting health and recalls that emergency measures in the framework of containing the Covid-19 pandemics should not be used simply to quash dissent;
8. Demands the Government to cooperate with the Office of the UN High Commissioner for Human Rights and UN Special Procedures in order to allow them to fulfil their mandates without interference;
9. Welcomes and supports the European Commission's decision to withdraw part of the tariff preferences granted to Cambodia under the European Union's Everything But Arms' (EBA) trade scheme due to the serious and systematic violations of the human rights principles enshrined in the International Covenant on Civil and Political Rights;
10. Calls on the EU Member States to suspend all bilateral support to the government and instead focus on supporting human rights organisations, democracy building, gender equality, but also to tackle climate change.
11. Calls on the European Council to take a formal position on the human rights situation and deterioration of democracy in Cambodia;

12. Reiterates its call on the EEAS and the Commission to compile a list of individuals responsible for the dissolution of the opposition and other serious human rights violations in Cambodia with a view to imposing possible visa restrictions and asset freezes on them;
13. Calls on the EEAS and the Member States to take urgent action to lead the efforts at the forthcoming 48th session of the UN Human Rights Council towards the adoption of a strong resolution addressing the human rights situation in Cambodia, extending the mandate of the UN Special Rapporteur on human rights in Cambodia, and requesting the UN High Commissioner for Human Rights to monitor and report on the situation of human rights in Cambodia and outline actions the government should take to comply with its international human rights obligations;
14. Urges the European Commission and Council to elaborate a comprehensive and strategic Democracy Initiative vis a vis the countries of the region and to present it to the European Parliament within six months;
15. 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.