

# EUROPEAN PARLIAMENT

16 February 2000

B5-0154/2000 }  
B5-0161/2000

}RC1

## JOINT MOTION FOR A RESOLUTION

pursuant to Rule 50 of the Rules of Procedure

by the following Members:

Morillon, Salafranca and Oostlander, on behalf of the PPE-DE Group  
Schori, on behalf of the PSE Group  
Maaten and Wiebenga, on behalf of the ELDR Group  
McKenna and Wuori, on behalf of the Verts/ALE Group  
Vinci, on behalf of the GUE/NGL Group

replacing the motions by the following groups:

- PPE-DE (B5-0154/2000)
- ELDR (B5-0161/2000)

on the need for an international trial of the Khmer Rouge

The European Parliament,

- having regard to its previous resolutions on Cambodia,
- A. whereas on 8 February 2000 the UN Secretary General wrote to the Cambodian Prime Minister Hun Sen calling for urgent steps towards establishing a special tribunal to prosecute former Khmer Rouge leaders,
- B. whereas the UN has reacted with great reservations to Cambodia's final draft of a law to establish a trial for former Khmer Rouge leaders in which a majority of judges would be Cambodian,
- C. whereas the UN is sending a team of legal experts to Phnom Penh soon to try to resolve differences with Cambodian officials,
- D. whereas the UN Secretary-General has identified four key issues having far-reaching implications for the nature of the tribunal and an eventual UN endorsement, namely that those indicted would surrender or be arrested, that there would be no amnesties or pardons,

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that international prosecutors and an investigating judge would be appointed and finally that the majority of judges would not be Cambodian and would be appropriately appointed,

- E. considering the need to try those leaders of Democratic Kampuchea who were responsible for the deaths of almost two million Cambodians in the 1975-79 period,
  - F. disturbed at the climate of intimidation which seems to be developing against the opposition, which is openly favourable to this process,
  - G. recalling that the democratic process in Cambodia, the stability of the new institutions and the rehabilitation of civil society can only become reality if those responsible for the genocide face a fair trial conducted by an independent court,
1. Fully supports the new initiative addressed by the UN Secretary-General Kofi Annan to the Cambodian Prime Minister Hun Sen for the establishment of a special international tribunal to prosecute former Khmer Rouge leaders;
  2. Urges the Cambodian government to allow Ta Mok and others accused of crimes against humanity and genocide to be tried by a UN ad-hoc independent tribunal;
  3. Recalls that the transparency and impartiality of the judicial system, international judicial cooperation, respect for Human Rights, democratic principles and the rule of law are essential elements for the renewal of EU/Cambodia relations;
  4. Urges the Cambodian authorities to refrain from any act of intimidation against the democratic opposition;
  5. Instructs its President to forward this resolution to the Council, Commission, the United Nations, ASEAN and the government and parliament of Cambodia.