

P5_TA(2003)0339

Cambodia

European Parliament resolution on Cambodia

The European Parliament,

- having regard to its previous resolutions on Cambodia, especially the resolution of 13 March 2003¹,
- having regard to the EC-Cambodia Framework Cooperation Agreement of 1 November 1999,
- having regard to the Commission communication on EU election assistance and observation (COM(2000) 191),
- having regard to the EC-Cambodia Strategy Paper 2000-2003,
- having regard to the report of the UN Secretary-General's Special Representative for Human Rights in Cambodia,
- having regard to the statement of the EU High Representative for the Common Foreign and Security Policy on a Cambodia Tribunal,
- having regard to the UN General Assembly endorsement on 13 May of the plan to establish a special Cambodia war crimes tribunal in order to put the perpetrators of crimes against humanity under the Khmer Rouge regime of 1975 to 1979 on trial, which awaits endorsement by Cambodia's parliament after the 27 July elections,
- having regard to the joint guideline issued on 27 May 2003 by the Cambodian National Electoral Commission (NEC) and the Ministry of Interior,
 - A. whereas around twenty political parties will take part in the general elections of 27 July 2003, marking another important step in the democratisation process of the country,
 - B. expressing appreciation of all the rules and standards established by the National Electoral Commission (NEC) with a view to the 27 July elections which, if applied consistently by the authorities, can ensure that elections are free and democratic,
 - C. having regard to the violent incidents which marred the previous elections,
 - D. alarmed at the continuing violence perpetrated against people who are involved in political parties, with two members of the opposition being murdered in the first week of June 2003,

¹ P5_TA(2003)0103.

- E. concerned about the collection of voters' identification cards and thumbprints by village chiefs, commune officials, and other local political activists who serve as local extensions of the Cambodian People's Party (CPP),
- F. whereas the office of the High Commissioner for Human Rights in Cambodia describes the situation as 'significantly less serious than in the past' and ANFREL (Asian Network for Free Elections) noted 'a significant decrease of violence compared with past elections',
- G. whereas the omnipotence of the Cambodian People's Party raises the problem of the impartiality of the institutions,
- H. whereas most of the violations of election laws have been allegedly perpetrated by village chiefs, and commune officials,
- I. whereas the authorities can prosecute those who allegedly violate the election laws and regulations, but nobody has been subjected to such punitive measures, and such violations have become a prominent feature of the election process,
- J. whereas during the past year human rights defenders, opposition journalists and the independent media have been subjected to intimidation, arrests and killings, the perpetrators of which have never been brought to justice,
- K. whereas the electronic media remain under the control of persons and companies affiliated to Prime Minister Hun Sen's Cambodian People's Party,
- L. whereas new electoral regulations limit the ability of political parties to meet, while Cambodian voters continue to be denied access to the information needed to make meaningful choices at the ballot box as a direct result of the government's persistent refusal to open up the media to parties not aligned with the ruling Cambodian People's Party,
- M. whereas good governance and support for the strengthening of the rule of law and respect for human rights are important aspects of the EC Strategy Document for Cambodia and the EC's 2002/2004 National Indicative Programme,
- N. whereas action to strengthen national unity must include genuine plans for the trials of the former Khmer Rouge leaders,
- O. whereas Cambodia has ratified the Statute of the International Criminal Court and has signed the agreement with the United Nations (UN) concerning the prosecution of crimes committed during the period of Democratic Kampuchea,
- P. whereas the achieved compromise for the special tribunal on the basis of a mixed competence of a majority of Cambodian judges joined by international judges puts high expectations on the Cambodian judiciary to live up to international standards of prosecution,
- Q. concerned about the government's decision in January 2003 to bar Christian groups from disseminating religious literature in public, and noting the difficulties in registering experienced by Buddhist monks,

- R. drawing attention, furthermore, to the expulsion of at least 28 foreign Islamic teachers from Cambodia,
- S. whereas Vietnamese Montagnard refugees continue to be routinely sent back to Vietnam, facing ill-treatment and unfair trials,
1. Condemns the continuing violence and the intimidation of voters in the run-up to the general elections, and urges the Royal Government of Cambodia to guarantee free and fair elections without intimidation and harassment;
 2. Calls on the Cambodian authorities to fully respect the right to freedom of assembly, association and expression during and after the election period;
 3. Calls on the Cambodian police, prosecutors, and government authorities to prosecute any suspects, including government officials and village chiefs, who violate the electoral law, and also to deter them from further violations;
 4. Calls on the Government of Cambodia to ensure that the electoral campaign and the ballot take place in a peaceful atmosphere;
 5. Calls on the public and private broadcasting media to give all political parties taking part in the elections a fair and balanced access to the media;
 6. Calls for scrupulous respect by the NEC for its rules during the 30-day election campaign to be considered as the essential means of ensuring the credibility of the electoral process and of the electoral results;
 7. Calls on the authorities to ensure scrupulous respect for the 'Code of Conduct for members of the armed forces and national police' issued by the NEC and the Government Directive reminding officials of their obligation to act impartially;
 8. Calls on the Cambodian government authorities to fully cooperate with the local and international election observers and guarantee their safety; asks the EU Election Observation Mission to give a full and detailed account of the findings of the mission and offer recommendations for possible improvement;
 9. Urges, in particular, the National Electoral Commission to play a full neutral role and to exert strong pressure to prevent and sanction all kinds of discrimination;
 10. Calls on the Cambodian Government to assign to the Ministry of Interior (MOI) and the National Electoral Commission the task of promptly investigating, prosecuting and stopping all acts of political violence and other electoral violations according to Article 124 of the National Assembly Election Law and Cambodian criminal law;
 11. Calls on the Cambodian authorities to immediately repeal the NEC-MOI Joint Directive of 27 May which places arbitrary and unnecessary restrictions on political party meetings;
 12. Calls on the Secretary-General of the UN and the Government of Cambodia to ensure that the agreement between the UN and Cambodia concerning the prosecution of crimes

committed during the period of Democratic Kampuchea will be implemented as soon as possible;

13. Calls on the future Cambodian parliament to make sure that international standards of fairness will be applied by the future Tribunal to try senior members of the Khmer Rouge and that this project of national reconciliation will not succumb to the serious deficiencies of the Cambodian judiciary;
14. Calls on the Government of Cambodia to respect freedom of expression and of religion and to abolish the decree of 14 January 2003 for the prevention of conflicts between individual religious groupings;
15. Stresses that before, during and after the campaign period, all parties must respect the laws governing their activities and refrain from violence, racist rhetoric and vote-buying;
16. Calls on the Cambodian authorities to immediately end the 'refoulement' of Montagnard asylum-seekers as a matter of the utmost urgency;
17. Reminds the Cambodian authorities that free and fair elections and full respect for the rights of the opposition are an essential element for the maintenance of full EU cooperation with Cambodia;
18. Regrets that, in spite of large amounts of European aid to Cambodia, living conditions in the country have worsened;
19. Urges the European Commission to focus its aid on civil society and local NGOs and to channel the aid through government or government bodies and make it conditional upon respect of pluralism and human rights;
20. Calls on the EU and Member States' representatives in Phnom Penh to underline the need for:
 - guarantees of free, fair and democratic elections;
 - an impartial committee within the NEC charged with hearing and solving complaints;
 - a clear guideline to be implemented by Commune Election Committees (CECs) before refusing any complaint lodged by political parties or electoral observers;
21. Instructs its President to forward this resolution to the Council, the Commission, the Secretary-General of the UN, the governments of the ASEAN member states, and the government and parliament of Cambodia.