

Thursday 14 September 2017

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**Cambodia, notably the case of Kem Sokha****European Parliament resolution of 14 September 2017 on Cambodia, notably the case of Kem Sokha (2017/2829(RSP))**

(2018/C 337/13)

*The European Parliament,*

- having regard to its previous resolutions on Cambodia,
  - having regard to the local EU statements of 5 September 2017 on the closure of the Cambodia Daily, of 30 June 2017 on the release of five human rights defenders, and of 22 February 2017 on the political situation in Cambodia, and to the statements by the Spokesperson of the EU Delegation of 3 September 2017 and 25 August 2017 on restrictions of the political space in Cambodia,
  - having regard to the report of 5 September 2016 and the statement of 18 August 2017 by the UN Special Rapporteur on the situation of human rights in Cambodia,
  - having regard to the UN Human Rights Committee's concluding observations of 27 April 2015 on the second periodic report of Cambodia,
  - having regard to the report of March 2017 by ASEAN Parliamentarians for Human Rights,
  - 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 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 the International Labour Organisation Convention on Freedom of Association and Protection of the Right to Organise,
  - having regard to the resolution 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 Article 15 of which a commitment to uphold human rights and fundamental freedoms in Cambodia, including on the part of international signatories, is enshrined,
  - having regard to the Cambodian Constitution, in particular Article 41 thereof, which enshrines the rights and freedoms of expression and assembly, Article 35 thereof on the right to political participation, and Article 80 thereof on parliamentary immunity,
  - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas there is an increasing number of arrests of political opposition members, human rights activists and civil society representatives being carried out in Cambodia;
- B. whereas Cambodian opposition leader Kem Sokha was arrested on 3 September 2017, in a move that appears to have been carried out with no respect for the guarantees of due process, including respect for his parliamentary immunity;
- C. whereas Kem Sokha faces charges of 'colluding with foreigners' under Article 443 of Cambodia's penal code, which is considered an act of treason by the Phnom Penh Municipal Court; whereas he could face up to 30 years in prison if convicted;

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- D. whereas, reportedly, Kem Sokha was arrested without a warrant, and has not had access to a lawyer; whereas he has been charged on the basis of a video of a speech he gave in 2013 and which has been publicly available ever since; whereas human rights organisations have expressed concern that statements by the Cambodian Government put in jeopardy his right to a fair trial and the presumption of innocence;
- E. whereas former Khmer Rouge army commander and current Prime Minister Hun Sen has been in power for over 30 years; whereas Sam Rainsy, the former president of the leading opposition party, the Cambodia National Rescue Party (CNRP), remains in a self-imposed exile driven by previous prosecutions on trumped-up politically motivated charges;
- F. whereas at the local elections which took place on 4 June 2017, the CNRP gained considerable ground in 2012, despite fundamental flaws in the electoral process, most notably the intimidation of free media and critical citizens, no equitable access to radio and television for the opposition, control of election-related institutions by the ruling party, death threats against opposition candidates, and the lack of an independent dispute settlement mechanism; whereas the general elections are scheduled for July 2018;
- G. whereas two other opposition legislators have also been imprisoned and at least eight more have criminal charges pending against them; whereas 11 opposition party members and supporters are currently serving prison terms ranging from seven to 20 years on trumped-up charges for leading or participating in an insurrection in connection with a July 2014 demonstration;
- H. whereas amendments passed by the Cambodian parliament in 2017 to the Law on Political Parties allow parties to be dissolved if their leaders hold criminal convictions; whereas the Cambodian Ministry of the Interior holds sweeping powers to suspend political parties based on vaguely-defined criteria; whereas on 11 September 2017, Cambodian Prime Minister Hun Sen threatened the dissolution of the CNRP if it continues to back detained leader Kem Sokha;
- I. whereas an arrest warrant has been issued for the head of the youth group of the CNRP;
- J. whereas the arrest of Kem Sokha took place against a backdrop of increasing restrictions on NGOs, human rights organisations and civil society, including tax and regulatory probes, intimidation and threats of violence; whereas the 2015 Law on Associations and Non-governmental Organisations (LANGO) has been heavily criticised by the international community for its wide-ranging and arbitrary powers to repress NGOs;
- K. whereas a significant number of radio stations airing programming from other reputable radio stations have been closed in recent weeks; whereas these stations have been closed by the government for violations as 'outside programmes without requesting authorisation'; whereas their closure severely limits access to independent media broadcasts, particularly outside Phnom Penh; whereas these independent media outlets have been covering politically sensitive topics such as corruption, illegal logging and human rights violations;
- L. whereas in April 2016 five human rights defenders of the Cambodian Human Rights and Development Association (ADHOC) were detained for over 400 days on charges of bribery in connection with a case against Kem Sokha, and are currently awaiting trial; whereas the land rights activist Tep Vanny has been repeatedly targeted and harassed by the authorities and is currently serving a jail sentence on politically motivated charges;
- M. whereas on 4 September 2017, the Cambodia Daily, an independent newspaper founded in 1993, was forced to close after it received a tax bill amounting to USD 6,3 million;
- N. whereas on 23 August 2017, the Cambodian Government announced the expulsion under the LANGO of the non-governmental, US-based National Democratic Institute (NDI), and ordered its international staff to leave the country within seven days;
- O. whereas the Cambodian Government recently put the Situation Room, a consortium of NGOs that worked together as the election watchdog, under investigation for allegedly violating the new law on non-governmental groups and for serving as a base for a possible 'colour revolution' to topple the government;

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1. Expresses its deep concerns about the worsening climate for opposition politicians and human rights activists in Cambodia, and condemns all acts of violence, politically motivated charges, arbitrary detention, questioning, sentences and convictions in respect of these individuals;
  2. Strongly condemns the arrest of CNRP President Kem Sokha on a number of charges that appear to be politically motivated; calls for the immediate and unconditional release of Kem Sokha, for all charges against him to be dropped, and for an end to threats of arrest against other opposition lawmakers;
  3. Deplores the public statements made 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; appeals to the Prime Minister to protect the parliamentary immunity of Members of Parliament;
  4. Urges the Cambodian authorities to revoke the arrest warrant for, and drop all charges against, opposition leader and lawmaker Sam Rainsy, and to release and drop charges against other opposition officials and human rights defenders who have been convicted, charged, and imprisoned, notably National Assembly Member Um Sam An, Senator Hong Sok Hour and land rights activist Tep Vanny;
  5. Urges the Cambodian Government to guarantee the freedoms of expression and the media in the country, while any tax or other issues should be resolved through appropriate due process; urges the government to reinstate the radio stations that have been closed down; expresses its concern about the closure of the National Democratic Institute (NDI) without due process;
  6. Urges the Cambodian Government to ensure due process in all measures taken, including the right to appeal, and to respect the rights to freedom of association and expression;
  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 include full compliance with the constitutional provisions concerning pluralism and freedom of association and expression;
  8. Reminds the Cambodian Government that it has to fulfil its obligations and commitments regarding democratic principles and fundamental human rights, which are an essential element of the Cooperation Agreement;
  9. Expresses its serious concern at ongoing land-grabbing, and the recent launch by the Cambodian Government of a limited and partial compensation scheme; calls on the Cambodian Government to resume dialogue with partners, including the European Union and civil society, with a view to establishing comprehensive and inclusive compensation;
  10. Stresses that a credible democratic process leading up to the National Assembly election in July 2018 requires an environment in which political parties, civil society and the media are able to carry out their legitimate roles without fear and without being subjected to threats or arbitrary restrictions;
  11. Urges the Cambodian Government to implement the recommendations of the UN High Commissioner for Human Rights, and to engage meaningfully with the upcoming Report of the UN Special Rapporteur on the situation of human rights in Cambodia;
  12. Highlights the importance of EU and international election observation missions and their contribution to fair and free elections; calls on the National Election Committee of Cambodia (NEC) and the relevant government authorities to ensure that all eligible voters, including migrant workers and detainees, have access to, and sufficient time to take advantage of, registration opportunities;
  13. 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 governments and parliaments of the Member States and the Government and National Assembly of Cambodia.
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