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## **The continuous crackdown of political opposition in Cambodia**

**European Parliament resolution of 5 May 2022 on the continuous crackdown of political opposition in Cambodia (2022/2658(RSP))**

(2022/C 465/10)

*The European Parliament,*

- having regard to its previous resolutions on Cambodia,
  - having regard to the previous reports and statements of the UN Special Rapporteur on the situation of human rights in Cambodia,
  - having regard to the Commission's decision of 12 February 2020 to withdraw part of the tariff preferences granted to Cambodia under the EU's 'Everything But Arms' (EBA) trade scheme as of 12 August 2020,
  - having regard to the International Labour Organization Convention on Freedom of Association and Protection of the Right to Organise,
  - having regard to the statement of the EU Delegation to the UN of 29 March 2022 on interactive dialogues with the Special Rapporteur on Cambodia at the 49th session of the UN Human Rights Council,
  - having regard to UN Human Rights Council resolution 48/23 of 11 October 2021 on advisory services and technical assistance for Cambodia,
  - having regard to the UN Human Rights Committee concluding observations of 30 March 2022 on the third periodic report on Cambodia,
  - having regard to the Cooperation Agreement between the European Community and the Kingdom of Cambodia, signed in Luxembourg on 29 April 1997 <sup>(1)</sup>,
  - having regard to the Comprehensive Cambodian Peace Agreement of 23 October 1991, in particular Article 15 thereof, which enshrines a commitment to uphold human rights and fundamental freedoms in Cambodia, including on the part of international signatories,
  - having regard to the Universal Declaration of Human Rights of 10 December 1948 and the International Covenant on Civil and Political Rights of 16 December 1966,
  - having regard to Rule 144(5) and 132(4) of its Rules of Procedure,
- A. whereas on 16 November 2017, the Supreme Court of Cambodia announced the dissolution of the largest opposition party, the Cambodia National Rescue Party (CNRP);
- B. whereas since the Supreme Court dissolved the CNRP in anticipation of the 2018 elections, the Cambodian Government has been waging a crackdown against members of the political opposition, which has pushed these members into exile due to fear of arbitrary arrest or retaliation; whereas the government crackdown on independent media, civil society organisations and political opposition that began in 2017 has continued throughout 2021 and 2022;
- C. whereas Prime Minister Hun Sen has been almost uninterruptedly in power for 37 years and the ruling Cambodian People's Party holds absolute power over the state and legislative bodies;

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<sup>(1)</sup> OJ L 269, 19.10.1999, p. 18.

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- D. whereas Cambodia is holding communal elections in June 2022 and the next general elections are expected to take place in July 2023; whereas ahead of the communal elections in June 2022 and next year's national elections, Cambodia's human rights situation has reached a crisis point, as the government has been carrying out an intensified crackdown on the political opposition, journalists, independent media and civil society under the guise of COVID-19 measures; whereas Cambodia's National Election Committee has removed more than 100 candidates from the opposition Candlelight Party<sup>(?)</sup> from the list of those running in the country's communal elections on 5 June 2022;
- E. whereas after issuing court summons in November 2020, the authorities started mass trials in 2021 against more than 100 members of the opposition and human rights defenders for exercising their right to freedom of expression and peaceful assembly; whereas irregularities present in these trials included a lack of credible evidence, a violation of fair trial rights and due process guarantees and *in absentia* trials for several of the defendants, in breach of human rights guarantees; whereas there are currently more than 60 human rights defenders in prison, including trade union leaders and environmental activists;
- F. whereas in March 2021, nine senior party leaders, including Sam Rainsy, were found guilty *in absentia* of 'attempting to commit a felony' and 'attack' under Articles 27 and 451 of the Criminal Code, and were sentenced to 25 years in prison; whereas Sam Rainsy, Mu Sochua and other opposition politicians were tried *in absentia*, as they were not allowed to return to Cambodia to defend themselves in court;
- G. whereas while other trials were being held, the trial against Kem Sokha, who was released on restrictive bail, was postponed for almost two years despite repeated requests for its resumption; whereas his trial recommenced in January 2022, but with no end in sight, which leaves the politician stripped of his fundamental right of political participation;
- H. whereas the head of the CNRP, Kem Sokha, was arrested in September 2017 and continues to face trumped-up treason charges;
- I. whereas on 17 March 2022, the Phnom Penh Municipal Court sentenced political opponents of the ruling party to prison sentences ranging from 5 to 10 years, without bail; whereas on 17 March 2022, the Phnom Penh Municipal Court convicted 20 opposition politicians and activists of vague charges of 'incitement' and 'conspiracy', consigning them to lengthy prison terms;
- J. whereas in November 2021, Veourn Veasna, Voeung Samnang and Lanh Thavry, all CNRP supporters and UN High Commissioner for Refugees-recognised refugees, were forcibly returned to Cambodia from Thailand and then detained on charges of incitement and violations of the COVID-19 law;
- K. whereas in August 2021, trade union leader Rong Chhun was convicted of 'incitement to commit a felony or cause social unrest', alongside former political opposition members Sar Kanika and Ton Nimol, with sentences ranging from 20 months to 2 years and a large fine of 400 million riel (nearly EUR 95 000); whereas in November 2021, Rong Chhun, Sar Kanika, Ton Nimol and other activists arrested at the same time were released with suspended sentences and have remained free since then; whereas women engaged in peaceful strikes have been repeatedly and disproportionately targeted by government efforts to disperse them;
- L. whereas more than 60 documented political prisoners are being held in pre-trial detention, while representatives of the political opposition, community activists and trade unionists face arrest, detention and unlawful confinement; whereas since 2015, the number of inmates in Cambodian prisons has more than doubled and according to government figures, 38 977 people are currently being held in Cambodian prisons that have an official capacity of 8 804; whereas this dramatic overcrowding amounts to a serious violation of the rights of prisoners, who often have no access to clean water or medical care; whereas the government has also failed to take sufficient steps to prevent major COVID-19 outbreaks among the prison population;

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<sup>(?)</sup> The CNRP was founded in 2012 as a merger between the Candlelight Party and the Human Rights Party. Following the forced dissolution of the CNRP in 2017, the revived Candlelight Party became the main opposition party in Cambodia.

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- M. whereas according to reports, five candidates from the Candlelight Party have been imprisoned during the last two months; whereas other candidates have been coerced into withdrawing their candidacies to avoid spurious prosecution on charges such as plotting; whereas the government has previously used similar allegations to dismiss opposition parties and candidates; whereas in 2021, authorities refused to register the Cambodia National Heart Party, whose organiser is now the subject of an investigation by the Ministry of Interior; whereas over the past few weeks, the National Election Committee, controlled by the Cambodian People's Party, has barred a significant number of Candlelight Party candidates from running in the upcoming elections; whereas a number of rulings have led to the nullification of entire candidate lists in 11 communes;
- N. whereas in March 2021, the government adopted a new broad law on measures to prevent the spread of COVID-19 and other serious, dangerous and contagious Diseases, which allows for up to 20-year prison sentences and other disproportionate penalties for violations of COVID-19 measures;
- O. whereas in February 2021, the government adopted a sub-decree that tightens control of the internet and expands online surveillance of internet users who are critical of the government; whereas in March 2022, the government announced the indefinite postponement of the implementation of the sub-decree;
1. Condemns the prosecution of opposition politicians, trade unionists, human rights defenders, journalists, environmentalists, students and others for expressing their opinions, orchestrated by Prime Minister Hun Sen and his Cambodian Peoples' Party; calls on the Cambodian Prime Minister and his government to immediately put an end to all forms of intimidation and harassment, including judicial harassment, of members of the opposition, trade unionists, human rights defenders, the media and civil society actors; calls on the security forces to refrain from using unnecessary and excessive force against those engaged in peaceful protests;
  2. Condemns the dissolution of the CNRP and reiterates its call for the charges against Kem Sokha, Sam Rainsy, Mu Sochua and other opposition officials to be dropped immediately; urges the Cambodian authorities to immediately release all prisoners of conscience, as well as prisoners detained for conducting their legitimate work or exercising their rights, including journalists, human rights defenders environmental activists and trade unionists; calls on the Cambodian authorities to conduct independent investigations into all allegations of harassment, intimidation, arbitrary arrest and acts of violence and torture against members of opposition parties and civil society actors, and to bring the perpetrators to justice;
  3. Underlines that the trials of members of the political opposition, civil society activists, human rights defenders, journalists and ordinary citizens are being conducted in absolute contravention of international fair trials standards; calls on the government to reform the politicised judiciary, secure the right to due process for all and immediately and unconditionally release all political prisoners; calls on the Cambodian authorities to safeguard the full independence and impartiality of the judicial system and take effective legal and other measures to address the dramatic overcrowding of prisons, including by ending pre-trial detentions;
  4. Urges the Cambodian authorities to ensure that all allegations of extrajudicial killings are promptly and impartially investigated, including the cases of Sin Khon and Kem Ley, and that the perpetrators are prosecuted; calls on the Cambodian authorities to take all necessary measures to prevent and stop such killings;
  5. Expresses its deep concern over the backsliding on human rights in Cambodia in light of the upcoming local elections in June 2022 and national elections in 2023, including the restrictions on independent reporting, the criminalisation of free speech and the *de facto* ban on peaceful assembly; urges the Cambodian authorities to end all unlawful restrictions on people's participation in public affairs and to ensure that all political parties can carry out an equal, free and transparent electoral campaign, starting with the upcoming communal elections on 5 June 2022 and national elections in July 2023;
  6. Is deeply concerned about the government's online surveillance and threats to free speech and the right to privacy; calls on the Cambodian authorities to abolish the February 2022 law on a national internet gateway, which allows the government to monitor all internet activity and advance legal proceedings against persons reporting on governmental or

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police actions; calls on the Cambodian Government to repeal all repressive laws, particularly the law on political parties, the trade union law and all other pieces of legislation limiting freedom of speech and political freedoms, and those that are not fully in line with international standards and Cambodia's international obligations;

7. Expresses its concern about the intensifying crackdown on environmental activists, including land right activists, who have been notably targeted in recently held mass trials; strongly regrets, in this context, the reported acceleration of illegal logging in Cambodia's protected forests during the pandemic and calls for the EU and the Member States to foster international coordination in order to prevent any unauthorised goods from being illegally exported from Cambodia;

8. Reminds EU-based businesses of the need to conduct thorough human rights and environmental due diligence, and to ensure that they have no ties with political leaders or leaders of the security forces responsible for serious human rights violations and the dissolution and subsequent repression of the opposition in Cambodia, as well as with entities owned or controlled by these leaders and entities benefiting from illegal logging and land grabbing;

9. Calls for the EU, the Member States and the international community, in light of Cambodia's role as chair of the Association of Southeast Asian Nations (ASEAN), to seize the opportunity to apply pressure and take public actions to provide protection for activists and human rights defenders and to support political parties in their struggle to reopen some amount of political and civic space in anticipation of the upcoming communal elections on 5 June 2022 and national elections in 2023; stresses that the latest developments further undermine the Cambodian Government's credibility in implementing a positive human rights agenda in the region and as ASEAN chair;

10. Reiterates its call for the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy to closely monitor the situation in Cambodia, in particular to ensure that the Candlelight Party is not dissolved under ludicrous terms as the CNRP was;

11. Reiterates its call for targeted sanctions and urges the Council to adopt restrictive measures, including travel bans and asset freezes, against political leaders and leaders of the security forces, as well as their economic interests, under the EU Global Human Rights Sanctions Regime with a view to holding to account all persons responsible for serious human rights violations and the dissolution and subsequent repression of the opposition in Cambodia;

12. Calls on the Commission to monitor the upcoming local elections very closely and to be prepared to use all tools available, including a complete suspension of Cambodia's EBA status and other sanctions, should the electoral observers find evidence of unfair elections;

13. Urges the Commission to insist on clearly defined human rights benchmarks in all its interactions with the Cambodian Government and to include the issues of concern highlighted in this resolution, including Cambodia's EBA status, as part of its ongoing enhanced engagement with the Cambodian authorities; calls on the Commission to closely monitor the situation and assess the effect of the partial EBA suspension on the most vulnerable segments of civil society;

14. Calls on the Commission to monitor all bilateral financial support to the Cambodian Government and ensure that bilateral financial support goes to Cambodian civil society organisations and opposition parties;

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 Secretary-General of ASEAN and the Government, Prime Minister and National Assembly of Cambodia.

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