Thursday 11 March 2021

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The mass trials against opposition and civil society in Cambodia

European Parliament resolution of 11 March 2021 on the mass trials against the opposition and civil society in Cambodia (2021/2579(RSP))

(2021/C 474/13)

The European Parliament,

— having regard to its previous resolutions on Cambodia, in particular those of 14 September 2017 on Cambodia, notably the case of Kem Sokha ([1]), 14 December 2017 on Cambodia: notably the dissolution of CNRP Party ([2]) and 13 September 2018 on Cambodia, notably the case of Kem Sokha ([3]),

— having regard to the Council conclusions on Cambodia of 26 February 2018,

— 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 Commission's decision of 12 February 2020 ([4]) to withdraw part of the tariff preferences granted to Cambodia under the European Union's Everything But Arms (EBA) trade scheme as of 12 August 2020,

— having regard to the statement by the spokesperson for the UN High Commissioner for Human Rights of 11 September 2020 on the arrest of the prominent trade unionist Rong Chhun and 24 other human rights and environmental defenders ([5]),

— having regard of the statement by the spokesperson of the European External Action Service (EEAS) of 2 March 2021 on the mass trials conducted against opposition figures,

— having regard to the International Labour Organization Convention on Freedom of Association and Protection of the Right to Organise,

— having regard to the statement by the Special Rapporteur on the rights of peaceful assembly and association, the Members of the Working Group on discrimination against women and girls and the Special Rapporteur on the freedom of opinion and expression of 16 November 2020 on the crackdown on civil society and attacks on human rights defenders in Cambodia,

— having regard to the Cooperation Agreement between the European Community and the Kingdom of Cambodia of 29 April 1997 ([6]),

— having regard of the Cambodian Criminal Code,

— having regard to the EU Guidelines on Human Rights Defenders of 2008,

— 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 statement of the Special Rapporteur on the situation of human rights in Cambodia, Rhona Smith, of 25 November 2020,

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([1]) OJ C 337, 20.9.2018, p. 99.
([2]) OJ C 369, 11.10.2018, p. 76.
([3]) OJ C 433, 23.12.2019, p. 128.
([4]) Commission Delegated Regulation (EU) 2020/550 of 12 February 2020 amending Annexes II and IV to Regulation (EU) No 978/2012 of the European Parliament and of the Council 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 (OJ L 127, 22.4.2020, p. 1).
([5]) www.ohchr.org/FR/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26223&LangID=F
([6]) OJ L 269, 19.10.1999, p. 18.

— having regard to Rules 144(5) and 132(4) of its Rules of Procedure,

A. whereas in November 2020 at least 137 individuals were accused of being linked to the dissolved opposition Cambodia National Rescue Party (CNRP) to stand trial for politically motivated charges of incitement, plotting and attacks against the state under Articles 451, 453, 494 and 495 of the Criminal Code;

B. whereas on 1 March 2021, the Phnom Penh Municipal Court convicted the nine most senior leaders of the CNRP on charges of 'attempting to organise a coup d'état to overthrow the government' in relation to their attempted return to Cambodia on 9 November 2019;

C. whereas theformer CNRP president Sam Rainsy attempted to return to Cambodia in 2019; whereas Mr Rainsy was handed down the harshest sentence of 25 years imprisonment; whereas Mu Sochua, Eng Chhay Eang, Ou Chanrith, Ho Vann, Long Ry, Men Sothavrin, Tiolung Saumura and Nuth Romduol were sentenced alongside Sam Rainsy; whereas all defendants face prison sentences of between 20 and 25 years; whereas their right to vote and stand for election has been revoked;

D. whereas the opposition politicians were tried *in absentia*, as they were not allowed to return to Cambodia to defend themselves in court;

E. whereas, while these cases are being expedited by the courts, the trial against the former president of the CNRP, Kem Sokha, who was released on restrictive bail, remains suspended and his petitions for a resumption of the proceedings have been rejected;

F. whereas in July 2019 the court convicted *in absentia* Kong Atith, the 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 as a result of his three-year suspended sentence, Mr Kong Atith can no longer work as the leader of a worker's union;

G. whereas on 31 July 2020, the authorities arrested Rong Chhun, president of the independent Cambodian Confederation of Unions, without an arrest warrant at his home in Phnom Penh, and whereas on 1 August 2020, he was charged with 'incitement to commit a felony' under Articles 494 and 495 of Cambodia's Criminal Code; whereas he was subsequently placed in pre-trial detention at Phnom Penh's Correctional Centre 1;

H. whereas throughout the mass trials conducted from November 2020 to February 2021, no reliable evidence was presented; whereas the defendants were not allowed to be present during the trials; whereas the public was largely excluded from the legal proceedings; whereas there have been reports of defendants objecting to the alleged confessions used during the trial, arguing that these were signed or thumb-printed under duress and without legal representation present;

I. whereas the trials staged by the Phnom Penh Municipal Court violate the procedural and substantive requirements of a fair trial reflected in the Cambodian Criminal Code and Article 14(3)(d) of the International Covenant on Civil and Political Rights;

J. whereas since 2017 the Government of Cambodia has undertaken 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;

K. whereas on 16 November 2017, the Supreme Court announced the dissolution of the CNRP;

L. whereas the 2018 elections in Cambodia failed to meet the 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;

M. whereas the Cambodian authorities have announced that the next local elections will take place on 5 June 2022, while the key opposition party CNRP remains legally dissolved and its leaders convicted and banned from participating in politics, with its supporters being harassed, arrested and subjected to violence;

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N. whereas UN human rights experts have expressed concerns about the tightening of restrictions on civil society in Cambodia;

O. whereas on 12 February 2020, the Commission decided to withdraw part of the tariff preferences granted to Cambodia under the European Union's Everything But Arms (EBA) trade scheme owing to the serious and systematic violations of the human rights principles enshrined in the International Covenant on Civil and Political Rights;

1. Calls on the Government of Cambodia to put an end to all forms of harassment, intimidation and politically motivated criminal charges against members of the opposition, trade unionists, human rights defenders, the media and civil society actors; calls on the security forces to refrain from unnecessary and excessive force against those engaged in peaceful protests;

2. Calls on the Cambodian authorities to proceed with the immediate and unconditional annulment of the sentences against Sam Rainsy, Mu Sochua, Eng Chhay Eang, Ou Chanrith, Ho Vann, Long Ry, Men Sothavrin, Tiolung Saumura and Nuth Romduol;

3. Calls on the Cambodian authorities to initiate a process of national reconciliation through genuine and inclusive dialogue with the political opposition parties and civil society;

4. Calls on the Government of Cambodia to release, without delay, all persons who have been detained for exercising their human rights, and to drop all charges against them; emphasises that the charges brought against the more than 130 persons targeted are politically motivated and aimed at eradicating any dissent;

5. Is appalled by and condemns the escalating violations of human rights in Cambodia, including violence against peaceful protesters, the adoption of new repressive laws and the arrest of human rights defenders, journalists, opposition party activists, environmentalists, students and ordinary citizens for peacefully expressing their opinions;

6. Urges the Cambodian Government to repeal all repressive laws, including the recent decrees and draft laws regulating the digital environment and enabling the government to increase online surveillance, censorship and control of the internet, as well as to repeal all recent amendments to the Constitution, the Criminal 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, and which are not fully in line with Cambodia's obligations and international standards;

7. Calls on the Cambodian authorities to respect the rights of all citizens to a fair trial, freedom of expression and freedom of association and peaceful assembly;

8. Calls on the Cambodian authorities to immediately cease other forms of harassment, including judicial harassment and intimidation of opposition members in the country;

9. Condemns repressive action under the guise of protecting health and recalls that emergency measures in the framework of containing the COVID-19 pandemic should not be used simply to quash dissent;

10. Expresses its concern about the increasing crackdown on environmental activists; is alarmed by their inclusion in the recent mass trials;

11. Reiterates that the elections were neither free nor fair and the CPP should not be considered the legitimate ruling party of Cambodia; emphasises that elections can only be truly free and fair if the opposition parties are allowed to participate;

12. Calls on the Cambodian Government to restore democracy and ensure that the application of the law respects human rights and fundamental freedoms, which includes fully complying with the constitutional provisions on pluralism and freedom of association and expression;

13. Expresses serious concern about continuous governmental measures and acts of harassment against independent media outlets and journalists that stifle their rights to freedom of expression, including their right to hold opinions and to receive and impart information and ideas without interference by public authority, and expresses alarm at the imprisonment on trumped-up charges of several journalists for independent reporting;

14. Regrets the fact that the Cambodian Government failed to meet its responsibility in overcoming serious and systematic violations of political participation, freedom of expression and freedom of association, which led to the Commission's decision to withdraw part of the tariff preferences granted to Cambodia under the European Union's EBA trade scheme as of 12 August 2020; 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 as part of its ongoing enhanced engagement with the authorities, including on EBA; calls on the Commission to closely monitor the situation, and to assess the effect of the partial EBA withdrawal on the most vulnerable segments of civil society;

15. Notes that this year's Asia-Europe Meeting Summit is scheduled to take place in Phnom Penh; believes that the EU should not accept this location unless democracy is restored;

16. Calls on the Member States to suspend all bilateral financial support to the Cambodian Government and instead focus on civil society organisations and opposition parties;

17. Calls on the EEAS and the Member States to monitor the human rights situation in Cambodia and act in full compliance with the EU Action Plan on Human Rights and Democracy and the EU Guidelines on Human Rights Defenders; asks the EU Delegation in Phnom Penh and the embassies of the Member States to monitor trials and conduct prison visits;

18. Insists that the Cambodian Government 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;

19. Calls on the Cambodian Government to take the necessary measures to ensure that the dissolution of the CNRP is swiftly reversed and its 5 007 local councillors reinstated;

20. Reiterates the call on the Cambodian authorities by Rhona Smith, the UN Special Rapporteur on the situation of human rights in Cambodia, to open up civic space, protect and promote fundamental freedoms, including the rights to assembly and of expression, and to ensure the right to a fair trial for all, as guaranteed by international human rights norms and standards and Cambodian laws;

21. Urges the Commission and the Council to draw up a comprehensive and strategic democracy initiative with regard to the countries of the ASEAN region and to present it to the European Parliament within six months;

22. Believes that targeted sanctions, including travel bans and asset freezes, against Cambodian leaders and their economic interests are overdue; urges the Council to adopt restrictive measures against the political leaders and leaders of the security forces responsible for serious human rights violations, the dissolution and subsequent repression of the opposition in Cambodia, and against their economic interests under the EU global human rights sanctions regime;

23. 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 the situation of human rights in Cambodia, and requesting that the UN High Commissioner for Human Rights 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;

24. Calls on the European Council to adopt a formal position on the human rights situation and deterioration of democracy in Cambodia;

25. 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 the Association of Southeast Asian Nations, the governments and parliaments of the Member States and the Government and National Assembly of Cambodia.