

## "NOTHING TO DO WITH THE MURDER"



Sok Sam Oeun (L) and Born Samnang (R) paraded by police in front of the media after their arrests

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Born Samnang and Sok Sam Oeun have spent over four years in prison for the murder of prominent trade union leader Chea Vichea. Amnesty International believes that they are unjustly imprisoned and that the true perpetrators of the murder have not been held to account. Brittis Edman, who visited the men in PJ prison on the outskirts of Phnom Penh in March 2008, explains.

PJ prison used to be right in the heart of Phnom Penh, Cambodia's commercial hub and capital city. It was dilapidated and notoriously over-crowded. But it is no longer so. After a dubious land-swap - where the highly valuable inner-city land was traded for lower value land on the outskirts - the prison moved to an outlying area about 30 minutes north of the city. The brand new building looks more like an office block than a prison.

As we arrived, prisoner visits were taking place in the front courtyard. Packed Saturday lunches were served by visiting wives and parents; a child refused to come out from under a table; some people were playing cards; and slivers of seemingly normal life took place at the ten or so tables that lined the courtyard.

The prison director pointed us towards a table and within minutes, Sok Sam Oeun emerged in his prisoners' outfit, blue with white collar and cuffs. A moment later, Born Samnang joined us. Both he and Oeun were largely positive about the new place. The air, they said, was fresh and the cells much less crowded.

Oeun explained, "I have space now to sleep on a [straw] mat on the floor. Before, we were so many we could never stretch out." As a result, their health had improved since the move.

Samnang was arrested on 27 January 2004, five days after Chea Vichea, prominent leader of the Free Trade Union of Workers of the Kingdom of Cambodia, was shot in the head and chest while reading a newspaper at a kiosk in central Phnom Penh. Eye witnesses reported that an unmasked killer had fled the scene on a motorbike driven by an accomplice. Oeun was arrested the following day.

Chea Vichea's murder created unprecedented domestic and international outrage. The authorities came under intense pressure to find the perpetrators and bring them to justice. It was widely believed that the killing was politically motivated – robbery didn't appear to be the reason as his cell phone and motorbike were left untouched. His high profile role as an advocate for worker and trade union rights, particularly in Cambodia's growing garment industry, as well as his political affiliation to the opposition Sam Rainsy Party (SRP), was widely known.

After their arrest, Born Samnang and Sok Sam Oeun were paraded by police in front of the media, where they declared their innocence and said they were being made scapegoats. Investigations by human rights groups and journalists showed both had strong alibis for the time around the shooting. Samnang claimed that the police had extracted a confession out of him under duress - beatings, threats and inducements.

However, Phnom Penh's police chief declared publicly at the time of the arrests: "We have found the killers who directly committed the killing of Chea Vichea." There was no presumption of innocence.

The entire criminal investigation was marred by irregularities. Instead of probing into the murder, police officers threatened and rounded up people who provided alibis for the suspects, while witnesses were intimidated.

Samnang and Oeun were sentenced to 20 years' imprisonment on 1 August 2005 and were ordered to provide financial compensation for the victim's family.

Chea Vichea's brother refused to accept the compensation, saying: "I was at the court hearings, and there was no evidence against Born Samnang and Sok Sam Oeun. I would not want to accept any money; they were not the real killers."

Now, the men think constantly about their own families' well-being while they are in prison. "My parents are getting old. I worry more for them than for myself. And my daughter. I so wish they could get some help," said Oeun.

Both come from poor families, who have faced hardships since they were imprisoned despite financial assistance from human rights groups and others. Samnang's mother has sold her house to pay for his supplemental food and to gain access to him in prison. She struggles to make a living. Oeun's parents live in Takeo province, farming rice. A visit to Phnom Penh to see Oeun is expensive and they too have been buying food and enduring the expenses that go with a prison visit. They struggle to do this every month.

Samnang and Oeun expressed gratitude to former King Sihanouk, who has supported them morally and financially. Altogether, he has given them 1,700 USD each, which their families have used towards visits and the many additional costs on the families that come with imprisonment, such as travelling, medicine, informal fees and the loss of an income.

Shortly after their trial in 2005, a key witness to the murder, now a refugee in a third country, came forward with testimony which had been withheld for fear of retribution. In a statement submitted to the Court of Appeal, the witness stated categorically that Oeun and Samnang were not present at the murder scene. A few days later, the (now former) police chief who had led the investigation and spoken publicly about their guilt admitted in an interview from self-imposed exile that at the time of the arrests he had understood the two men "had nothing to do with the murder."

The hearing in the Supreme Court of their second appeal had not been scheduled by mid-April 2008. The prospect of the hearing seemed to induce some hope. So did Amnesty International's information about people in many countries writing letters and campaigning on their behalf.

"Knowing that people remember us is keeping me alive here. We really want to thank all international and domestic organisations that help us", Oeun told us.

Prisoners are allowed out four times weekly, for between 15 and 25 minutes, which is less than the hour a day stipulated by Cambodian prison regulations. Another improvement at the new prison is a small open space in the courtyard where they can do physical exercise.

"It is like going to Sihanoukville", Samnang told us, smiling, referring to the coastal city where many middle-class Cambodians take their holiday breaks. But he continued, "You think too much when you are confined here, and that makes you stressed. I'm afraid I have a very short fuse these days."

Time, they said, was long and hard to fill. Oeun is brushing up his English by teaching the language to some of his 15 cell mates. Samnang, who is in another cell with 11 others, is learning Thai from two Thai citizens serving time.

Samnang and Oeun continue to find ways to fill their time and fight for their freedom. Meanwhile it has been over four years since the killers of Chea Vichea got away with murder.

For a full account of the murder of Chea Vichea, please see *The murder of trade unionist Chea Vichea: Still No Justice* ([ASA 23/008/2006](#)); and *Cambodia: Time to restore justice in the Chea Vichea case* ([ASA 23/004/2007](#)).