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Cambodia: Court of Appeal must restore justice

On 6 October the Cambodian Court of Appeal has a real chance to restore some level of justice to a high-profile murder case that has exposed the precarious state of the country's judiciary, said Amnesty International.

Born Samnang, 25, and Sok Sam Oeun, 38, were convicted in August 2005 for the murder of union leader Chea Vichea and sentenced to 20 years' imprisonment after a trial that fell far short of international fair trial standards. Their lawyers appealed, and on 6 October 2006, the two men will take the stand at the Court of Appeal.

In the light of the deeply flawed criminal investigation and trial, a compelling new witness testimony and statements made by the former Chief of Phnom Penh police, Amnesty International believes that the true perpetrators responsible for the murder of Chea Vichea remain at large.

Unless there is sufficient evidence brought forward by the prosecution to bring new charges against them, there is no case against Born Samnang and Sok Sam Oeun, said Amnesty International.

In the absence of such evidence, the organisation calls on the authorities to ensure that prisoners Born Samnang and Sok Sam Oeun are released without delay and their names cleared.

On 10 August 2006, a key witness to the murder of Chea Vichea came forward with a compelling testimony which had previously been withheld for fear of retribution. In the statement, which has been submitted to the Court of Appeal, the witness categorically states that the two men were not present at the murder scene.

On 16 August 2006, Phnom Penh's former Chief of Police, who led the investigation into the murder of Chea Vichea, admitted in an interview in self-imposed exile that at the time of the arrests he had understood the two men "had nothing to do with the murder".⁽¹⁾

The Phnom Penh Court paid no heed to fundamental principles of fair trials, such as the presumption of innocence, the rights to cross examine witnesses and challenge evidence. Now the Court of Appeal must show that the judiciary is an independent institution, which guarantees and upholds impartiality and protects the rights and freedoms of the people.

Amnesty International calls on the authorities to ensure that an urgent impartial and effective investigation into the murder of Chea Vichea be launched so that those responsible are brought to justice.

The organization also urges the authorities to conduct a thorough, independent investigation into the

conduct of the case -- including allegations of police brutality during the initial interrogation of the two men, intimidation of witnesses and political interference with the judicial process.

Background

Chea Vichea, President of Free Trade Union of Workers, was murdered on 22 January 2004 after receiving a series of death threats. He was shot dead at point blank range in a contract-style killing while reading a newspaper at a newsstand near the Lanka Pagoda in central Phnom Penh. Witnessed by several bystanders, the unmasked killer fled the scene on a motorbike driven by an accomplice.

At the time of his death, Chea Vichea, around 36 years old, was a well-known and respected trade union leader who championed workers' rights in Cambodia's burgeoning garment industry. He was a founding member of the main opposition Khmer Nation Party (KNP) in 1995, renamed the Sam Rainsy Party (SRP) in 1998.

Chea Vichea was elected President of the Free Trade Union of Workers, one of Cambodia's largest trade unions, in 1999, when he resigned from official positions within the SRP. He successfully stood for re-election twice and served as the president for five years. He dedicated his presidency to advocating for workers' rights, such as living wages, reduced working hours, and protection for workers' representatives.

Further reading: *Cambodia: The murder of trade unionist Chea Vichea: Still No Justice*, Amnesty International, AI Index: ASA 23/008/2006, 1 August 2006,
<http://web.amnesty.org/library/Index/ENGASA230082006?open&of=ENG-KHM>

(1) L'Express, 16 August 2006