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Cambodia: Supreme Court must deliver justice

The Cambodian Supreme Court must seize the opportunity to deliver justice in the high-profile murder case of union leader Chea Vichea on 31 December 2008, Amnesty International said today.

Amnesty International calls on the Supreme Court to dismiss the case against Born Samnang and Sok Sam Oeun, and ensure that they are released without delay and their names cleared. In view of the human rights violations perpetrated during their detention and trial, including torture or other ill-treatment, unfounded and inadmissible “evidence” and deeply flawed court proceedings, this is the only fair and just outcome for this case, the organization said.

Amnesty International believes that the true perpetrators of the murder remain at large, while Born Samnang and Sok Sam Oeun have spent almost five years in prison after a seriously flawed criminal investigation and a grossly unfair trial.

Born Samnang and Sok Sam Oeun had alibis for the time of the shooting on 22 January 2004. Instead of conducting a thorough, impartial investigation, police officers threatened and detained people who would provide these alibis, and intimidated other witnesses. Born Samnang repeatedly stated that police beat, coerced and bribed him into making a confession; despite this the Municipal Court accepted the confession as a central piece of evidence on the basis of which both men were convicted. On 1 August 2005, the Municipal Court sentenced them both to 20 years’ imprisonment for murder; on 6 April 2007, the Appeal Court upheld the decision, despite the prosecutor’s acknowledgment there was insufficient evidence.

Amnesty International repeats its calls to the Cambodian authorities to conduct an impartial and effective investigation into the murder of Chea Vichea so that those responsible for it are brought to justice.

The organisation also urges the authorities to initiate a thorough, independent and impartial investigation into the conduct of the case - including allegations of torture or other ill-treatment by police during the initial interrogation of the two men, intimidation of witnesses and political interference with the judicial process.

Background

Chea Vichea, President of Cambodia’s Free Trade Union (FTU), was murdered on 22 January 2004 after receiving a series of death threats. He was shot dead in an assassination style killing at a news-stand in central Phnom Penh. Born Samnang and Sok Sam Oeun were arrested shortly afterwards on suspicion of his murder.

Chea Vichea was a well-known trade union leader who championed workers’ rights in Cambodia’s burgeoning garment industry and a founding member of the main opposition Khmer Nation Party (KNP) in 1995, renamed the Sam Rainsy Party (SRP) in 1998. He was elected President of the FTU, one of Cambodia’s largest trade unions, in 1999, when he left all official positions within the

SRP.

Since Chea Vichea's death another two FTU activists have been killed in Phnom Penh. In May 2004, Ros Sovannareth, FTU President at the Trinunggal Komara factory, was murdered. Thach Saveth was sentenced to 15 years in prison for his murder in a one hour trial described by observers as grossly unfair. On 24 February 2007, Hy Vuthy, FTU President at the Suntex factory, was shot dead. No one has been brought to justice for this killing, and by September 2008, a Phnom Penh court official told media that the investigation had been closed for lack of evidence. Moreover, numerous other trade union members have been victims of harassment, intimidation and violence.

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