

Cambodia: Jemaah Islamiyah suspects must all be brought to trial now

Four men were arrested in Cambodia in May and June 2003 as alleged members of Jemaah Islamiyah, an Islamic group linked to al-Qaeda and blamed for the Bali bombing. The arrests were greeted with much international press attention and applause from the United States authorities. Fifteen months later, considerably longer than the six-month legal limit for pre-trial detention, the men are still waiting for their day in court.

Amnesty International takes no position on the men's guilt or innocence, but is increasingly concerned by their continuing unlawful detention and political pressure for their conviction. The defendants continue to protest their innocence.

Three of the suspects -- two Thai nationals, Abdul Azi Haiji Chiming and Muhammad Yalaludin Mading, and one Egyptian national, Esam Mohammed Khidr Ali -- were arrested on 25 May 2003. The three were allegedly associated with a Saudi-based NGO in Cambodia, Om-Alqura, which ran several Islamic schools. One month later, in June 2003, a Cambodian national, Sman Esma El, was also arrested. He is from the Muslim Cham ethnic minority that now make up anywhere between three and 10 percent of Cambodia's estimated 13million population.

The Egyptian national, Esam Mohammed Khidr Ali, came to Cambodia to work as the director of a Muslim school in the south-eastern province of Kandal where the two Thai nationals worked as teachers. Following the arrests, the school was closed down and another 28 foreign teachers were expelled from the country.

During the search of the school, several thousand dollars were reportedly confiscated by the police. This money has neither been accounted for nor returned. The school has only recently been allowed to reopen and only for a small number of local children. Prior to its closure, the school had 700 students.

All four men were initially charged with the "commission of acts of international terrorism" for their links to Jemaah Islamiyah based on Article 2 of the Cambodian Anti-terrorism Law. However, the vague wording of this law, which was drawn up in 1992 to address the then on-going armed conflict with the Khmer Rouge, is believed to be among the problems facing the prosecution.

The original charges against the men were dropped in February 2004, but, in a highly unusual step, the judge ordered that the defendants remain in detention while prosecutors brought new charges under the same anti-terrorism law. Under the new charges, the four defendants are accused of attempted murder. The four men are being held in Phnom Penh's PJ prison.

The case also raises the problem, endemic to high-profile cases, of political interference with the judiciary. There has been intense political pressure from the outset for a conviction. One high-level government official told reporters outside the court that he was sure that the defendants were guilty.

It is disturbing that the initial trial was reportedly postponed at the request of the US embassy who wished to supply additional documentation. Even more troubling was the removal of the original trial judge from the case, apparently at the behest of one of the court-appointed public defenders for reasons that have never been made clear.

Amnesty International has also been informed that American "experts" were permitted by the Cambodian authorities to interrogate the defendants without their lawyer being present. The defendants reported being verbally threatened by the interrogators. These are all serious breaches of both Cambodian and international law.

Amnesty International is increasingly concerned by the failure of the Cambodian judiciary to conform to international fair trial standards in this case. "Heavy-handed and arbitrary treatment of 'terrorist' suspects only serves to alienate the Muslim community in Cambodia

and risks being counterproductive if the object is to prevent Cambodia becoming a haven for terrorists,” said the organization. “Once again, the Cambodian judicial system stands in the dock along with the defendants in this case”.

The suspects in this case, which has been dogged by procedural irregularities, must be tried without further delay before an open court of law and in accordance with international standards of fairness. If there is insufficient evidence to prosecute then they should be released.