
amnesty international

KINGDOM OF CAMBODIA Srun Vong Vannak, Prum Mean Rith, Sos Kasem: victims of injustice

21 May 1998

AI INDEX: ASA 23/16/98

DISTR: SC/CO

Amnesty International believes that Srun Vong Vannak, former chief of security for the Khmer Nation Party (KNP),¹ and currently serving a 13 year prison sentence following conviction for murder, is a prisoner of conscience, detained solely for his peaceful political affiliation, and wrongly convicted on politically motivated criminal charges. The organization calls for his immediate and unconditional release. Amnesty International also recommends the release of the two men convicted with Srun Vong Vannak, Prum Mean Rith and Sos Kasem, both of whom are suffering from serious medical conditions which require medical treatment at a level not available in PJ prison where they are detained. Prum Mean Rith and Sos Kasem confessed to involvement in the murder of Kov Samuth (see below) and gave evidence against Srun Vong Vannak at their trial on 9 September 1997. However, the two men have both since retracted their confessions, which they claim were made under duress while in incommunicado detention. Amnesty International believes that there is no evidence to support any case against Srun Vong Vannak, and that, as Prum Mean Rith and Sos Kasem were subjected to illegal detention and threatened with death, their testimony and confessions are inherently unsafe, and not admissible as evidence under Cambodia's constitution.

¹The Khmer Nation Party was founded by prominent dissident Sam Rainsy in November 1995. Following a number of splits within the party, Sam Rainsy has recently registered his party for the July 1998 elections under the name of the Sam Rainsy Party.

Background

Srun Vong Vannak was convicted of plotting the murder of Kov Samuth, the brother-in-law of Second Prime Minister Hun Sen, in Phnom Penh on 16 November 1996. Kov Samuth was shot dead at 8.30 in the morning, as he left a restaurant on one of Phnom Penh's main streets. The killer fired six shots at Kov Samuth, then escaped on a motorbike. Srun Vong Vannak's conviction was based in part on a confession he gave while being held in incommunicado detention and in fear of his life. He withdrew this confession as soon as he was brought before a court.

Srun Vong Vannak was arrested without a warrant on 14 February 1997 after leaving the KNP headquarters in Phnom Penh at around 10am. He was held in incommunicado detention, and attempts by lawyers and human rights workers to find him at the usual detention facilities in the city were prevented by the Cambodian authorities. It later transpired that, during his initial phase of detention, Srun Vong Vannak was held in illegal detention facilities, namely hotels and guesthouses in Phnom Penh.

On 3 March 1997, journalists who had gathered at the Phnom Penh Court to cover a particular court case happened to see Srun Vong Vannak, surrounded by a group of police officers. He was brought before the prosecutor and the investigating judge. Cambodian law demands that no one shall be detained more than 48 hours without being brought before a court. By the time Srun Vong Vannak reached a court, he had already spent 17 days in incommunicado detention. At his trial in Phnom Penh on 9 September 1997, Srun Vong Vannak told the court he had been blindfolded, interrogated, handcuffed and threatened during these 17 days, and that eventually he had agreed to make a confession, as he feared for his life.

In addition to the fact that legal procedures were ignored in the arrest, detention and trial of Srun Vong Vannak, it was noteworthy that the evidence against him from Prum Mean Rith and Sos Kasem was contradictory and inconsistent.² At no stage did the Cambodian authorities admit that proper procedures had been breached or that the three men had been subjected to coercion in order to obtain their "confessions". The trial lasted only one day and the judge spent only ten minutes considering his verdict, before returning to the court room to pronounce judgment and sentence on the men. All were found guilty, and sentenced to long terms of imprisonment - Sos Kasem to 15 years', Srun Vong Vannak to 13 and Prum Mean Rith to 10 years'.

Evidence of coercion and false confessions

Following the men's conviction, all three were imprisoned in the PJ detention facility in Phnom Penh. From there, Prum Mean Rith and Sos Kasem sent letters addressed to human rights groups, withdrawing their confessions and stating that they had been made under duress. Amnesty International has obtained information about the circumstances surrounding their separate arrests and interrogations. The organization believes that Prum Mean Rith and Sos Kasem were used by the Cambodian authorities to implicate

²See "Vannak faces justice: 13 years in 10 minutes", Phnom Penh Post Volume 6, No 18, September 12-25, 1997.

Srun Vong Vannak in the murder of Kov Samuth, and that the evidence given by the two men is unreliable and obtained under great duress. Both were variously threatened with death, or harm to their family members if they refused to cooperate, and were detained against their will and with no legal authority in hotel rooms in Phnom Penh. According to testimony obtained by Amnesty International, they were told that they could choose between agreeing to cooperate in the plan to implicate Srun Vong Vannak or they could expect to be killed. One of the men was forced to spend a week “learning” the evidence against Srun Vong Vannak, and looking at pictures and videotape footage of him, so that he would recognise Vannak in court. Of particular concern to Amnesty International is the allegation from one of the men that, if he cooperated, he would receive a reward rather than punishment, but if he did not cooperate, he would be killed. Both Prum Mean Rith and Sos Kasem have provided compelling testimony as to their whereabouts on the day that Kov Samuth was killed. The only “evidence” linking them with the murder is their forced confessions. Likewise, the only “evidence” against Srun Vong Vannak is his forced confession - retracted in court - and the testimony of Prum Mean Rith and Sos Kasem, which is contradictory, inconsistent and obtained under duress.

Unsafe convictions

Article 38 of Cambodia’s constitution states that:

“Accusations against, arrest, detention or imprisonment of a person may be made only when they are carried out correctly by virtue of the provisions of law... Confessions obtained through either physical or mental coercion may not be used as proof of guilt.”

Amnesty International believes that:

- the court judgments against Srun Vong Vannak, Prum Mean Rith and Sos Kasem are unsafe and that the case against Vannak was devised to discredit the KNP (as was) and its leader Sam Rainsy.
- the convictions should be overturned, and that those responsible for the arrest, detention, threats and coercion against these three men should be brought to justice.
- Srun Vong Vannak is a prisoner of conscience detained solely for his peaceful political affiliation. He should be released immediately and unconditionally.
- Prum Mean Rith and Sos Kasem are victims of illegal arrest, detention and threats. Under duress they confessed to involvement in a crime which they have since claimed they did not commit, and testified against an individual whom they did not know. Their convictions are unsafe and all the evidence should be re-examined, with the recommendation that the convictions be overturned. Pending this, on humanitarian grounds, the two men should be released in order to obtain the medical treatment they urgently need.

KEYWORDS: POLITICALLY MOTIVATED CRIMINAL CHARGES1 /
PRISONERS OF CONSCIENCE1 / CONFESSIONS / INCOMMUNICADO
DETENTION / TRIALS

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM