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Cambodia: Release Scapegoats for Labor Leader's Murder *Four Years On, Still No Justice in Killing of Chea Vichea*

(January 22, 2008) – Four years after the murder of Cambodia's most prominent labor union leader, Chea Vichea, six leading international human rights organizations and the world's largest trade union federation called on the Cambodian authorities to exonerate and free the two men unfairly convicted for the crime.

The continued imprisonment of Born Samnang and Sok Sam Oeum without any credible evidence against them is of grave concern, said a joint statement by Human Rights Watch, Amnesty International, the Asian Human Rights Commission, the Asian Forum for Human Rights and Development (FORUM-ASIA), the Observatory for the Protection of Human Rights Defenders (a joint program of the International Federation for Human Rights and the World Organization Against Torture), and the International Trade Union Confederation (ITUC).

January 28 will mark the fourth anniversary of the initial arrests of Born Samnang and Sok Sam Oeun for the murder of Chea Vichea, the president of the Free Trade Union of the Workers of the Kingdom of Cambodia (FTUWKC), who was killed on January 22, 2004. Each is currently serving a 20-year prison sentence after being convicted in a grossly unfair trial in August 2005.

“From the beginning, this case has been tainted by serious procedural flaws and violations of basic fair trial rights,” said Sara Colm, senior researcher for New York-based Human Rights Watch. “A first step for justice in Chea Vichea's murder would be the prompt release of those unfairly convicted.”

Numerous irregularities marred the police and court investigations in this case. The police allegedly tortured Born Samnang to get a confession. A judge who initially dropped the charges against the two men for lack of evidence was swiftly removed from his position, and the charges were reinstated. The subsequent trial of the two men was conducted in a manner that flagrantly violated Cambodian law and international fair trial standards. In April 2007, the country's Appeal Court upheld their convictions despite its own prosecutor acknowledging that there was insufficient evidence.

Chea Vichea's family members say they believe Born Samnang and Sok Sam Oeun are not responsible for the crime, as has the prime witness to the murder, Var Sothy, who fled the country in fear for her life.

“There is compelling evidence that these two men were targeted by the authorities as scapegoats for the murder, and nobody is fooled by this charade,” said Souhayr Belhassen, president of the Paris-based International Federation for Human Rights (FIDH).

The Cambodian authorities' handling of the case has attracted extensive criticism, domestically and internationally, from human rights activists, lawyers, union advocates, and others. The International Labor Organization and the UN Special Representative of the Secretary-General for human rights in Cambodia have repeatedly expressed grave concerns about the convictions of the two men and called for a fresh investigation into Chea Vichea's murder.

“Any objective examination of all the available evidence shows that these two men never should have been arrested, much less imprisoned for four years already,” said Basil Fernando, executive director of the Hong Kong-based Asian Human Rights Commission.

In addition to calling for the exoneration and immediate release of the two men, the seven organizations urged the Cambodian government to launch a full and impartial investigation into the murder, as well as an independent and public inquiry into the handling of the prosecution of Born Samnang and Sok Sam Oeun. This would include investigation into allegations of police brutality, intimidation of witnesses, and political interference in the judicial process.

In addition to the murder of Chea Vichea, there has been a clear and ongoing pattern of violence against trade union activists in Cambodia. This includes the murders of FTUWKC official Hy Vuthy in February 2007 and FTUWKC Steering Committee member Ros Sovannarith in 2004, and a series of physical assaults against other FTUWKC unionists.

“The murder of Chea Vichea and other trade union leaders has had a chilling effect on labor rights and workers' freedoms in Cambodia, even more so given the lack of proper, credible investigations to find their killers,” said Guy Ryder of the Brussels-based International Trade Union Confederation, whose 311 affiliates represent 168 million workers worldwide. “It sends a deplorable message to Cambodian workers that trade union membership or activity will put their safety at risk.”

The seven organizations urged the Cambodian government to take prompt action to address the key issues highlighted by this case: Cambodia's endemic impunity and lack of rule of law, government interference in the judiciary, intimidation and violence faced by trade union members and leaders, and widespread torture by the police.

“This case highlights the use of torture by Cambodian police, mainly to force confessions out of criminal suspects, and the courts’ readiness to turn a blind eye,” said Eric Sottas, director of the Geneva-based World Organization against Torture. “The Cambodian government and courts should take meaningful action to prevent and punish the use of torture.”

“Four years after the murder of Chea Vichea, the true perpetrators remain at large while two innocent men are imprisoned,” said Brittis Edman, Southeast Asia researcher for London-based Amnesty International. “This deep injustice shows the sorry state of rule of law in Cambodia and the urgent need for genuine legal and judicial reform.”

“Cambodia’s donors, who are pumping millions of dollars in aid into the country, and particularly those supporting the government’s so-called reform programs, need to be demanding real progress – not mere lip service – toward improving the judiciary’s independence and professionalism,” said Anselmo Lee, executive director of FORUM-ASIA.

For additional background on the Chea Vichea Case and the Trial of Born Samnang and Sok Sam Oeun, please see:

- June 2007 Licadho briefing paper, “Innocent Prisoners Awaiting Justice,” at: <http://licadho.org/reports/files/107LICADHOPaperSummaryBSSSO07.pdf>
- April 18, 2007 statement by the International Labour Organization, “ILO statement on appeal hearing for murder of Chea Vichea,” at: http://www.ilo.org/public/english/region/asro/bangkok/public/releases/yr2007/ilo07_11.htm
- April 12, 2007 statement by the UN Secretary-General’s Special Representative for Human Rights in Cambodia, “The Special Representative expresses deep regret over the upholding of the sentences against Born Samnang and Sok Sam Oeun,” at: <http://cambodia.ohchr.org/Documents/Statements%20and%20Speeches/English/322.pdf>
- August 10, 2006 written statement by the prime witness to Chea Vichea’s murder, at: <http://licadho.org/news/files/VaSothyStatementTransEN.pdf>
- October 3, 2006 complaint about the Chea Vichea case filed by the International Confederation of Free Trade Unions (now the International Trade Union Confederation) to the International Labour Organization, at: <http://www.icftu.org/www/PDF/CFAComplaint2318CheaVichea2006.pdf>
- Further background documents, at: <http://www.hrw.org/english/docs/2006/10/03/cambod14314.htm>

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