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Cambodia: Time to restore justice in the Chea Vichea case

On 6 April the Cambodian Court of Appeal has a new chance to restore justice by correcting fundamental flaws in a high-profile murder case that has highlighted how the failings of Cambodia's judiciary perpetuate impunity.

On 1 August 2005, Born Samnang, 25, and Sok Sam Oeun, 38, were each sentenced to 20 years' imprisonment for the murder of union leader Chea Vichea after a deeply flawed criminal investigation and trial. Their lawyers appealed, and on 6 April 2007, after spending over three years behind bars, the two men will take the stand at the Court of Appeal.

Born Samnang and Sok Sam Oeun had alibis for the time of the shooting, but those providing the alibis were threatened and detained by police, while other witnesses were also intimidated by the police. Born Samnang repeatedly stated that he was beaten, coerced and bribed into making a confession; despite this the confession was presented as evidence in the trial that convicted both men. Unless sufficient evidence, admissible in accordance with international standards, is brought forward by the prosecution to support the charges against Born Samnang and Sok Sam Oeun, Amnesty International calls on the Court of Appeal to dismiss the case against them and ensure that they are released immediately.

This is the second time the appeal hearing has been scheduled. Last time, six months ago, one of the three judges on the panel reportedly fell ill and the hearing was postponed.

Amnesty International believes that the true perpetrators of the murder of Chea Vichea remain at large. If the conviction following the unfair trial of Born Samnang and Sok Sam Oeun is upheld by the Court of Appeal, the true perpetrators will escape accountability for the killing of Chea Vichea, while innocent men will remain in prison.

Background

Chea Vichea, President of Free Trade Union of Workers (FTU), was murdered on 22 January 2004 after receiving a series of death threats. He was shot dead in a contract-style killing at a newsstand in central Phnom Penh. Born Samnang and Sok Sam Oeun were arrested shortly afterwards on 27 and 28 January on suspicion of his murder.

Since his death another two FTU officials have been killed in Phnom Penh. In May 2004, Ros Sovannareth, President at the Trinunggal Komara factory, was murdered. On 24 February 2007, Hy Vuthy, President at the Suntext factory, was shot dead. In the past year, many other trade union members have been victims of harassment, intimidation and violence.

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.

Chea Vichea was elected President of the FTU, one of Cambodia's largest trade unions, in 1999, when he left all official positions within the SRP.

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

The organization also repeats its calls on the authorities to conduct a thorough, independent investigation into the conduct of the case – including allegations of police brutality during the initial interrogation of Born Samnang and Sok Sam Oeun, intimidation of witnesses and political interference with the judicial process.