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Cambodia: Judiciary on trial

(London/New York) - Amnesty International and Human Rights Watch today criticized the Cambodian government for undermining the right to a fair trial of suspected members of the Cambodian Freedom Fighters group.

"Once again, the Cambodian judicial system is in the spotlight, and once again, it has failed to give a fair hearing to those on trial," the two human rights organizations said. "No one questions the need to bring suspected criminals to justice, but even the most basic safeguards for the rights of defendants have been absent from these proceedings."

The high profile trial of 32 suspects (two of whom are being tried *in absentia*), opened in Phnom Penh on 11 June, amid intimidating security arrangements. Family members, journalists and human rights monitors were denied access to the courtroom in the initial stages of the trial, while heavily armed police, soldiers and military police with dogs packed the courtroom and the surrounding area. The verdict is expected to be announced on June 22.

Fair trial procedures had been breached long before the case reached the courtroom. The suspects were arrested following an attack in Phnom Penh in November 2000, which left eight people dead and fourteen injured. Lawyers for some of the accused were prevented from holding confidential meetings with their clients in the period before the trial, effectively denying the defendants the right to fair trials by limiting the lawyers' ability to prepare a defence. In addition, Cambodian law limits pre-trial detention to a maximum period of six months, which expired weeks before the trial began.

Faced with the intimidating situation in the courtroom, most of the lawyers for the accused boycotted the proceedings after the first day, citing breaches of proper procedures. The judge proceeded to appoint two new lawyers to act for all of the accused, and refused to delay the hearing, although these lawyers never had the opportunity to meet their new clients and were thus unable to prepare any sort of defence at all.

"Justice is not served by court processes which ignore the rights of the accused, undermine the role of their lawyers, and intimidate their families," the rights groups said. "The dignity of the court and the interests of justice have been sacrificed for a flawed legal process, which is in nobody's best interests."

Background

On 23 November 2000, a group of armed men from the Cambodian Freedom Fighters (CFF) movement launched an attack at the Ministry of Defence and the Council of Ministers building in Phnom Penh, and a military base on the outskirts of the capital. Eight people were killed and at least fourteen more were injured. In the days following the attack, more than 200 people were arrested throughout Cambodia on suspicion of involvement in the CFF. While most of these people were never charged and were subsequently released, more than 60 remain in detention. Thirty suspects were brought to trial on 11 June 2001 on charges of conspiracy, terrorism, and membership of an illegal armed group. The charges carry a maximum penalty of life in prison. Two more defendants at the 11 June trial, Chhun Yasith and Thong Samien, are believed to be in the United States, and were tried *in absentia*.

Cambodia's judicial system is weak and far from independent, with numerous court decisions influenced by corruption or apparent political interference. Amnesty International and Human Rights Watch have

monitored many trials in recent years, all of which have fallen short of international standards for fairness.

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