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Credibility of Cambodian justice system compromised by the holding of two innocents in prison

Brussels, 1 February 2007 (ITUC OnLine): The ITUC has appealed on repeated occasions over the last week for a new inquiry into the murder of Cambodian trade union leader Chea Vichea and the immediate release of the two persons unjustly condemned for this crime, Born Samnang and Sok Sam Oeun. Chea Vichea, president of the Free Trade Union of the Workers of Cambodia (FTUWKC), was shot dead on 22 January 2004 whilst reading a newspaper at a kiosk in central Phnom Penh. Six days later, after a botched investigation, the Cambodian police arrested Born Samnang and Sok Sam Oeun. They were condemned on 1 August 2005 by a Phnom Penh court to 20 years imprisonment on the basis of confessions made by Born Samnang, confessions obtained by force. Aside from these forced confessions, no genuine piece of evidence was presented at the trial linking the two men to the murder. In addition, a judge who, on 19 March 2004, had concluded that there was no tangible evidence against them, was removed from the case and replaced by another.

An appeal hearing was due to take place on 6 October 2006 following the surfacing of new elements proving the innocence of the two condemned men, but was postponed (under the pretext that the judge was ill) and has not been rescheduled since. One of these new elements is the testimony of Va Sothy, the owner of the kiosk in front of which Chea Vichea was shot, who has attested that Born Samnang and Sok Sam Oeun are not the perpetrators of the crime. Her description of the physical appearance of the two murderers does not in any way coincide with that of the innocent men. She had been too afraid to testify during the trial, having been threatened by the actual murderers. But after having fled Cambodia she testified under oath.

Another piece of evidence is the testimony of Heng Pov, who was the chief of the Phnom Penh police in 2004 and head of the investigation into the murder. In an interview published in the Belgian weekly "Le Vif/L'Express" of 18 August 2006, he stated: "It did not take me long to realise that the two suspects had nothing to do with the murder." He denies playing any part in the pressure placed on the two innocent men to confess to the crime, indicating that it was exerted by people high up in the military.

Born Samnang's mother, Noun Kim Sry, has spoken out about the mistreatment of her son. "They beat my son many times to try to force him to confess to the murder of Chea Vichea; but he didn't even know who he was. They told him that his fiancée was also in prison and that his problems would be sorted out later on if he admitted to the crime. He refused, so they took his hand and affixed his fingerprint to the bottom of a document. I don't know what was written on it, but it was then that he was presented to the press as the guilty party who had supposedly confessed."

In a letter dated 22 January 2007, the ITUC once again called on the Cambodian prime minister, Hun Sen, to ensure that a new hearing be convened immediately and that Born Samnang and Sok Sam Oeun be released. It has also called on the European Commission to exert all its influence on the Cambodian government regarding this case and to press for full respect for human and trade union rights in Cambodia. The ITUC is, moreover, pursuing the case brought before the ILO Committee on Freedom of Association against the Cambodian government.

The ITUC has joined with democratic trade unions and civil society organisations in Cambodia and with numerous human rights organisations (including Amnesty International and Human Rights Watch) to demand the release of the two innocents and a return to the rule of law in the country. With only months to go before the start of the trial of the former Khmer Rouge, it is time that the Cambodian justice system regained its credibility.

Founded on 1 November 2006, the ITUC represents 168 million workers in 153 countries and territories and has 304 national affiliates.

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