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Amnesty International

# MONTHLY ACTION

ACTIVISM TEAM, Amnesty International UK  
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JULY 2013

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## INDIVIDUALS AT RISK: CAMBODIA

### Born Samnang and Sok Sam Oeun

Two men in Cambodia who were wrongfully convicted and imprisoned for the killing of prominent trade union leader Chea Vichea in 2004 and were originally released in 2008 have suddenly been sent back to prison.

Following an unfair trial and seriously flawed criminal investigation, Born Samnang, 32, and Sok Sam Oeun, 45, were sentenced to 20 years in prison in 2005 after being convicted for the murder a year earlier of Chea Vichea, the president of Cambodia's Free Trade Union. Both Born Samnang and Sok Sam Oeun had strong alibis at the time of the murder and the prosecution presented no direct evidence to link the two men to the murder; apart from a confession extracted from one other defendant under duress.

After campaigning by human rights groups, including Amnesty International, the Supreme Court released the two men on bail on 31 December 2008 and ordered a retrial. **But on 27 December 2012, four years after their provisional release, the Appeals Court upheld the original verdict and sent the pair back to prison, despite a lack of any new evidence being presented.** They have appealed this latest decision.

Amnesty believes that the true perpetrators of the murder of Chea Vichea have not been held to account and that the two men are unjustly imprisoned.

**Take action: write to Cambodian before the 28 July 2013 to put pressure on the authorities in the build-up to the elections**

Please send a letter, fax or email calling for the release of Born Samnang and Sok Sam Oeun to the Cambodian Deputy Prime Minister and Minister in the Council of Ministers.

**Name:** Sok An  
**Address:** Deputy Prime Minister and Minister in the Council of Ministers  
Office of the Council of Ministers  
41 Russian Federation Blvd  
Phnom Penh 12209  
Kingdom of Cambodia

**Fax** + 855 23 880624  
**Email:** [ocm@cambodia.gov.kh](mailto:ocm@cambodia.gov.kh)  
**Salutation:** Your Excellency

It is important that letters, emails or faxes reach Sok An before the Cambodian elections on the 28 July 2013. We believe that the Cambodian authorities will be particularly open to pressure ahead of the elections as they look to gain votes.

If you would like to find out more about this case or are interested in doing more work on this region please contact the South Asia Country Coordinator Amanda Barnes: [amanda.barnes@amnesty.org.uk](mailto:amanda.barnes@amnesty.org.uk)

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## GOT QUERIES OR WANT TO DO MORE?

For any queries about this action and for updates, please contact [jar@amnesty.org.uk](mailto:jar@amnesty.org.uk)  
Download this mailing at [www.amnesty.org.uk/groups](http://www.amnesty.org.uk/groups)

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## **MONTHLY ACTION**

### Background information

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## **INDIVIDUALS AT RISK**

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### **Background**

Chea Vichea had been shot dead at a newspaper stand in the centre of the capital Phnom Penh in January 2004, following a series of death threats against him. He had led the Free Trade Union since 1999 and was a leading advocate for workers' rights in the country's burgeoning garments industry.

Born Samnang and Sok Sam Oeun were arrested on 27 and 28 January 2004. Shortly after their arrest, Phnom Penh's police chief declared "We have found the killers who directly committed the killing of Chea Vichea". A direct contradiction of the presumption of innocence. Born Samnang and Sok Sam Oeun declared their innocence and said they were being made scapegoats. Investigations by human rights groups and journalists showed both suspects had strong alibis for the time around the shooting. But during the criminal investigation into Chea Vichea's murder, police officers threatened and detained those providing alibis for the two suspects and intimidated other witnesses.

Born Samnang claimed that the police beat and threatened him to extract a confession - the principal evidence on which the pair were convicted. An investigating judge – who initially dropped the case citing a lack of evidence – was removed from his position and saw his decision overturned. Furthermore, Cambodia's late King Norodom Sihanouk had called the pair scapegoats, while former Phnom Penh police chief Heng Pov said that the two were innocent.

Both men were also ordered to pay 5000 USD to the victim's family. Chea Vichea's brother refused to accept the compensation, saying: *'I was at the court hearings, and there was no evidence against Born Samnang and Sok Sam Oeun. I would not want to accept any money; they were not the real killers.'*

The investigation, trial and appeals have been riddled with serious flaws that violate the fair trial rights protected in Cambodia's Constitution and the International Covenant on Civil and Political Rights to which Cambodia is a state party. While Born Samnang and Sok Sam Oeun are in prison, Chea Vichea's real killers have never been brought to justice.

The conviction and imprisonment of Born Samnang and Sok Sam Oeun for the killing of Chea Vichea has met with widespread international condemnation and scepticism. We would like to see the Cambodian authorities conduct an impartial and effective investigation into the murder of Chea Vichea and bring those responsible to justice.

Born Samnang and Sok Sam Oeun should be released and their names should be cleared. Their return to prison has been a shock to those who have worked on the case, especially after no new evidence has been put forward, and we now have a small window of opportunity to campaign for their release.

The decision to uphold Born Samnang and Sok Sam Oeun's original sentence in December 2012 and return them to prison was unexpected and has shocked any who were working on the case. There is now a small window of opportunity to build momentum on the case and call for their release as there are elections coming up in Cambodia on the 28 July. We believe that the ruling party will be more susceptible to pressure before the elections as they are hoping to increase their popular vote so we are asking groups to take action as quickly as possible.

Deputy Prime Minister and Minister in the Council of Ministers  
Office of the Council of Ministers  
41 Russian Federation Blvd  
Phnom Penh 12209  
Kingdom of Cambodia

Your Excellency,

I am extremely concerned about Born Samnang and Sok Sam Oeun, who were sentenced to 20 years' imprisonment on 1 August 2005 for the murder of Chea Vichea on 22 January 2004.

I was very alarmed to learn that in December 2012, four years after their provisional release, the Appeals Court upheld the original verdict against Born Samnang and Sok Sam Oeun and sent them both back to prison, despite a lack of any new credible evidence being presented.

The criminal investigation for this case was deeply flawed and the trial did not meet international standards for fairness. Both men had strong alibis at the time of the murder and the prosecution presented no direct evidence, apart from a confession extracted from one of the defendants under duress.

Amnesty International believes that the true perpetrators of the murder of Chea Vichea have not been held to account and that Born Samnang and Sok Sam Oeun are unjustly imprisoned.

Please release Born Samnang and Sok Sam Oeun immediately and ensure that their names are cleared and reparations are you provided for their suffering.

I would also urge you to conduct a thorough, independent investigation into the conduct of the case - including allegations of police brutality during initial interrogation, intimidation of witnesses and political interference with the judicial process, and ensure that there is an impartial, independent and effective investigation into the murder of Chea Vichea so that the true perpetrators can be brought to justice.

I look forward to hearing from you on this matter.

Yours faithfully