September 23, 2008

Media Statement

BORN SAMNANG & SOK SAM OEUN

INNOCENT PRISONERS – 1,700 DAYS BEHIND BARS

Today marks the 1,700th day that Born Samnang and Sok Sam Oeun have spent in prison for a crime they did not commit.

Despite overwhelming evidence of their innocence, the two men continue to serve 20-year prison sentences for the murder of trade union leader Chea Vichea. They remain in Phnom Penh’s PJ prison, where they have been since their arrests on January 28, 2004.

“After more than four years and seven months in prison, it is long overdue that the gross injustice done to Born Samnang and Sok Sam Oeun be ended and that they be released,” said LICADHO director Naly Pilorge.

“Every day longer that these two men remain in prison only imposes greater suffering and hardship on them and their families, and draws more attention to the appalling state of Cambodia’s justice system.”

The Cambodian police and courts’ handling of the case has attracted widespread criticism, from inside and outside of the country. The two men’s trial by the Phnom Penh Municipal Court in August 2005, and an Appeal Court hearing in April 2007 which upheld their convictions, violated Cambodian legal procedures and international human rights standards.

Both courts ignored key evidence, including witness testimony that Born Samnang was 60km away from the crime scene at the time of the murder. The Appeal Court disregarded a written statement by Va Sothy, the prime witness to Chea Vichea’s murder, that Born Samnang and Sok Sam Oeun were not the killers whom she saw. The Appeal Court also ignored the conclusions of its own prosecutor, who acknowledged that the police investigation into the murder was incomplete and recommended more investigation.

“The continuing miscarriage of justice done to Born Samnang and Sok Sam Oeun underlines the lack of genuine progress made in reforming Cambodia’s justice system,” said Naly Pilorge. “The justice system cannot be judged by the number of new laws which are approved or by how many workshops and conferences are held - it must be judged by how the courts deal with real people suffering real injustices, like Born Samnang and Sok Sam Oeun.”

Following the Appeal Court’s upholding of their convictions in April last year, the two men have been waiting for 17 months for the Supreme Court to hold a hearing on their case. By law the Supreme Court is supposed to issue a verdict within six months of receiving a case.

“We hope the Supreme Court will hold a hearing as soon as possible and that, by releasing Born Samnang and Sok Sam Oeun, it will take the opportunity to restore some level of justice in this case and some degree of credibility to the Cambodian judiciary,” said Naly Pilorge.

“If the Supreme Court is unable or unwilling to do this, we hope that His Majesty King Sihanomi will, in his Constitutional role as guarantor of the independence of the judiciary in Cambodia, grant a Royal pardon to the two men,” said Pilorge.
Numerous organizations and individuals, including former King Norodom Sihanouk and the family of Chea Vichea, have publicly declared the innocence of Born Samnang and Sok Sam Oeun.

Note: Family, friends and supporters of Born Samnang and Sok Sam Oeun will gather outside PJ prison at 10am this morning to release balloons to show solidarity with the two men. Media are welcome to join.

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