JOINT STATEMENT
Scapegoats Born Samnang and Sok Sam Oeun Unjustly Back in Jail

December 27, 2012

We, the undersigned organizations, condemn in the strongest terms the unexpected decision by Appeals Court Judges Chhoun Sunleng, Seng Sivutha and Khoun Leang Meng to uphold the Phnom Penh court’s grossly unfair verdict against Born Samnang and Sok Sam Oeun. The two were arrested by Ministry of Interior police officers in the hearing room and sent back to jail earlier this morning.

The pair, widely believed to have been framed as scapegoats for the 2004 killing of unionist Chea Vichea, had been freed in December 2008 by a courageous Supreme Court, in a decision which ordered further investigation into the killing amid extensive evidence of their innocence.

“This morning’s verdict has left us speechless”, said Moeun Tola, Head of CLEC Labour Program. “The Appeals Court decision defies any sense of justice and rule of law.”

The swift appeal hearing, which took place on November 7, 2012, offered no new evidence of Sam Oeun and Samnang’s guilt – as expressly ordered by the Supreme Court. The judges nevertheless found them guilty, relying on former police officers’ written testimonies. In doing so, the judges decided to systematically dismiss and ignore evidence and testimonies in favor of the two, including:

- The sole credible eye witness to the killing – the newspaper seller standing next to Chea Vichea when he was murdered - who stated that Born Samnang and Sok Sam Oeun were not the killers she saw on that day.
- The then lead cop of the murder investigation, former Phnom Penh police chief Heng Pov, who – after falling out of grace - stated that Born Samnang and Sok Sam Oeun were not the killers.
- Eye witnesses who placed Born Samnang in Prey Veng province, 60 kilometers away from Phnom Penh, at the time of the killing.
- Torture committed by police officers against Born Samnang to extort the initial confession, which he quickly retracted.
- A witness stating that, at the time of the killing, Sok Sam Oeun was staying with him and some friends.

All of the above was enough for the Supreme Court to free the two. In the absence of any credible evidence proving Born Samnang and Sok Sam Oeun’s guilt, it should have been enough to find them not guilty.

“This verdict adds to the many tragedies which occurred in 2012, making it the worse year in over a decade when it comes to human rights and rule of law.”, said LICADHO Director Naly Pilorge. “We urge the Supreme Court to quickly reverse today’s decision and put an end to this gross farce by finding the pair not guilty of a crime they simply didn’t commit.”

“King Father Norodom Sihanouk once declared the pair innocent. The fact that the court unjustly sent the pair back in jail amid King Father’s mourning period is disgraceful” said Sar Mora, President of CFSWF.

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Cambodian Food and Service Worker Federation (CFSWF)
Cambodia’s Independent Civil-servants Association (CICA)
Cambodian Labour Confederation (CLC)
Cambodian League for the Promotion and Defense of Human Rights (LICADHO)
Cambodian Worker Center for Development (CWCD)
Cambodian Youth Network (CYN)
Collective Union of Movement of Workers (CUMW)
Coalition of Cambodian Farmer Community (CCFC)
Community Legal Education Centre (CLEC)
Equitable Cambodia (EC)
Housing Rights Task Force (HRTF)
Independent Democracy of Informal Economy Association (IDEA)
LICADHO Canada (LC)
National Trade Unions Coalition (NTUC)
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