An Open Letter to International Garment Brands Sourcing from Cambodia

May 1, 2013- On this International Labor Day, we, the undersigned civil society groups call upon all international garment brands sourcing from Cambodia to publicly denounce two recent baseless judicial decisions related to the garment sector. The first is the recent imprisonment of Born Samnang and Sok Sam Oeun. The two men were scapegoated and wrongly convicted in the 2004 murder of labor leader Chea Vichea. The second is the government’s failure to appropriately prosecute Chhouk Bandith, a well-connected former town governor who shot and severely injured three female garment factory workers.

Born Samnang and Sok Sam Oeun were imprisoned for Chea Vichea’s murder in 2004, convicted in 2005 after spending a year and a half in pre-trial detention, and courageously released by the Supreme Court in December 2008. The high court ordered further investigation into the killing amid extensive evidence of their innocence. But on December 27, 2012, Appeals Court Judges Chhoun Sunleng, Seng Sivutha and Khoun Leang Meng shocked observers by reinstating the previously vacated, grossly unfair verdict.

The brief appeal hearing, which occurred on November 7, 2012 nearly four years after the Supreme Court’s ruling, aired no new evidence of Sam Oeun and Samnang’s guilt, nor did it give any indication that a new investigation into the case had been completed as ordered by the Supreme Court. On the contrary, the appellate judges systematically dismissed and refused to address the mountain of evidence and testimonies in favor of the two, all of which has been repeatedly described in multiple published reports both in Cambodia and internationally. The men’s innocence is also the subject of the award-winning documentary “Who Killed Chea Vichea,” which is banned in Cambodia.

This is not the first time that the political strings have been blatanty pulled in this case. In 2004, Phnom Penh Municipal Court Judge Heng Thirith initially dismissed charges against the two based on the lack of evidence and credibility of the police investigation. Less than two weeks later, however, Judge Heng Thirith was removed from the court and the decision was overturned by Appeal Court Judge Thou Mony.

The Appeals Court’s recent decision to re-imprison Samnang and Sam Oeun without any new evidence as required by the Supreme Court’s decision should be condemned in the strongest possible terms. It demonstrates ongoing rampant impunity in Cambodia, and should cause alarm to all those doing business here.

In the other case highlighting unchecked impunity for violent crimes related to the garment sector, well-connected former Bavet town governor Chhouk Bandith is positioned to receive a slight slap on the wrist after he admitted to firing his gun during a factory strike in Svay Rieng in February 2012. The gunshots left three women seriously injured, one critically.

In stark contrast to Samnang and Sam Oeun, Bandith has yet to spend a single day in prison, and is unlikely to do so. The Svay Rieng court originally dropped even the minor charge of unintentionally causing bodily injury, which was first filed against the former governor after his involvement in the shooting was revealed. After the victims appealed that outrageous decision, the Appeal Court ordered the Svay Rieng court to try Bandith on the involuntary bodily harm charge, which carries a maximum sentence of only two years. Bandith’s trial is now set to take place on May 21, at 8 a.m. in Svay Rieng.

On this day, we once again express our support for Born Samnang, Sok Sam Oeun and their families and our hope that the two men will again be released from prison, to resume their normal lives, as soon as possible.
We also express our support for the victims of the Svay Rieng factory shooting, and continue to call for justice in that case.

We also again pay tribute to the courage and dedication of Chea Vichea, who gave his life to the struggle to represent the needs of Cambodian workers, and we continue to seek and expect justice to be provided for him and his family.

Cambodian Alliance of Trade Unions (CATU)
Cambodian Center for Independent Media (CCIM)
Cambodian Confederation Unions (CCU)
Cambodian Food and Service Worker Federation (CFSWF)
Cambodia's Independent Civil-servants Association (CICA)
Cambodian Independent Teacher's Association (CITA)
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)
The Cambodian Committee on CEDAW (NGO-CEDAW)
Neutral and Impartial Committee for Free and Fair Election in Cambodia (NICFEC)
People’s Action for Change (PAC)
Sahmakum Teang Tnaut (STT)
The Building and Wood Workers Trade Union Federation of Cambodia (BWTUC)
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