



**Special Representative of the Secretary-General  
for Human Rights in Cambodia**

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**Statement by Mr. Peter Leuprecht, the Special Representative of the  
Secretary General for Human Rights in Cambodia  
8 July 2004**

The Special Representative of the Secretary-General for human rights in Cambodia, Peter Leuprecht, expressed growing concern at the latest developments in the prosecution of two men, Born Samnang and Sok Sam Ouen, for the January 2004 murder of trade union leader, Chea Vichea. On 1 July, the Court of Appeal overturned the decision of the judge at first instance to dismiss the charges for lack of evidence, and returned the case to the Phnom Penh Municipal Court for further investigation on charges of murder.

The Special Representative will continue to pay close attention to this case, considering the numerous procedural irregularities observed with the investigation and prosecution. These include the arrest of the accused without warrant; the dearth of evidence against them; an initial confession of one of the accused, allegedly made under duress after he was beaten and given inducements; indications of entrapment; allegations of executive interference from the investigating judge, Heng Thirith, who dismissed the charges for lack of evidence; the disciplinary action that was announced against the judge shortly after he issued the non-suit order; and the subsequent announcement of his forcible transfer to the remote province of Stung Treng just before the Appeal Court hearing.

Chea Vichea was shot dead in the center of Phnom Penh on the morning of 22 January in one of a series of contract-style murders and attempted murders of prominent figures in Cambodia over the past 18 months. Convictions have been secured in some of these cases, but the conduct of the investigations and prosecutions and the failure to observe minimum guarantees for a fair trial, has raised questions about the reliability of some of the convictions. In several cases, no suspects have been identified. In others, questions have been raised about the impartiality of investigations, the absence of evidence apart from confessions, the discounting of exculpatory evidence such as alibi testimony, and the abject failure to search for those who ordered the contract-style killings. Mr. Leuprecht commented that it is a matter of great concern that little regard has been had to the call by the Acting High Commissioner for Human Rights in January that "a thorough and impartial investigation must be publicly established and undertaken, identifying both those who are immediately responsible for the killing of Chea Vichea, as well as those who ordered it".

" Impunity is a central human rights problem in Cambodia. It is not addressed by simply arresting persons for a high profile crime, regardless of the evidence. All investigations must be thorough and impartial, and all judicial processes must be undertaken with due regard to the procedural rights of accused persons guaranteed by the Cambodian Constitution and the international human rights agreements to which Cambodia is a party. In the case of Chea Vichea, there are many indications that the accused men have been chosen to take the blame, regardless of what the evidence suggests. Few believe that they are responsible for the crime, further diminishing public confidence in the administration of justice," Mr. Leuprecht said.

The Cambodia Office of the High Commissioner for Human Rights will continue to closely monitor the ongoing investigation and court proceedings in this case.

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