



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

**តំណាងពិសេសរបស់លោកអគ្គលេខាធិការទទួលបន្ទុកសិទ្ធិមនុស្សប្រចាំកម្ពុជា**



**The Special Representative calls for continued investigation into the murder of trade union leader Chea Vichea and for the immediate release of Cheam Channy**

The Special Representative of the Secretary-General for human rights in Cambodia, Peter Leuprecht, denounced the outcome of two trials in Cambodia earlier this month, when three defendants were sentenced to long prison terms on the basis of criminal investigations and court hearings that lacked any credibility.

On 1 August 2005, the Phnom Penh Municipal Court sentenced Born Samnang and Sok Sam Oeun to 20 years imprisonment for the murder of trade union leader Chea Vichea on 22 January 2004. The prosecution failed to present any evidence linking the defendants to the crime, and disregarded fundamental principles of fair trial, such as the presumption of innocence and the impartiality of the court.

On 8 August 2005, the Military Court sentenced opposition party parliamentarian, Cheam Channy, to seven years imprisonment for fraud and for organizing an illegal armed force. The lawyers for the defense were prevented from questioning all witnesses for the prosecution. They were not allowed to call their own witnesses, and their questioning of the defendant was interrupted for no apparent reason.

These latest convictions are a grave injustice for the victims and their families. They are also in breach of due process guarantees and provisions protecting against illegal arrest and detention enshrined in Cambodia's Constitution and the international human rights treaties to which Cambodia is party. The conduct of the investigations and prosecutions, and the failure to observe minimum guarantees for a fair trial, raise fundamental questions about Cambodia's progress towards the rule of law.

The verdicts also renew concern about the independence of the courts at a time when the Prime Minister has launched an "iron fist" policy against corruption in the judiciary. This policy has resulted in sanctions against several court officials without proper disciplinary procedures, and has further undermined the independence of the courts.

The Special Representative re-iterates Cambodia's need for an independent, impartial and trustworthy judiciary. He fears that courts are increasingly being used as an instrument of the executive to silence opposition voices.

The Special Representative calls again for a thorough, impartial and credible investigation into the murder of Chea Vichea, and for the prosecution of those responsible.

The Special Representative also calls for Cheam Channy's immediate and unconditional release and the restoration of his immunity. Cheam Channy is a civilian and, as such, not subject to military jurisdiction.

16 August 2005