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TUR/JS

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Chea Vichea: inquiry into his murder and release of Born Samnang and Sok Sam Oeun

Dear Prime Minister,

The then ICFTU, now International Trade Union Confederation (ITUC) has already protested to you on several occasions against the conduct of the trials and the subsequent sentences handed down to Born Samnang and Sok Sam Oeun for the murder of our colleague and trade union leader Chea Vichea.

On the third anniversary of their arrest on 28 January 2004, we once more call your attention to the fact that Born Samnang and Sok Sam Oeun had strong alibis and that new evidence which strongly indicates that these men are innocent has been made public. The ITUC is aware that a court hearing that was initially scheduled in their appeal case for the 6 October 2006 was postponed and has never been rescheduled. The ITUC knows from reliable sources that new testimonies in favour of Born Samnang and Sok Sam Oeun were sent to court in order for them to be considered at the appeal hearing on 6 October. At the time, there was wide media coverage of the new testimonies by the owner of the newspaper stand in front of which Chea Vichea was killed, Ms Va Sothy and by Heng Pov, a senior police official who was at the time overseeing the investigation into the murder of Chea Vichea.

Ms. Va Sothy says in her statement that she “understood that the fake murderers had been created, because I could clearly remember the faces of the murderers and they were not the same as the pictures publicized”. Heng Pov states in an interview that he quickly understood that these two men were not the killers. The ITUC believes that in light of the new evidence Born Samnang and Sok Sam Oeun are entitled to a new court hearing without further delay, which meets all the hallmarks of a fair trial and takes into consideration all testimonies, both the new ones and the old ones that were ignored during the first trial which led to their conviction.

The new testimonies warrant that a new and serious investigation into the murder of Chea Vichea be carried out immediately and that Born Samnang and Sok Sam Oeun be released immediately pending the outcome of a new trial. They should be provided full safety guarantees both if they are released or kept in prison. The new investigation should include a serious and impartial examination of all aspects of the murder, including those indicating that it was a contract murder. The ITUC is still very concerned that this aspect of the case has never been properly investigated and that no serious attempt to find the contractor has been made. The conviction of Born Samnang and Sok Sam Oeun without any convincing evidence, despite strong alibis and the lack of investigation into finding the contractor seems to indicate that the Cambodian authorities are not interested in the full truth about the murder of Chea Vichea being known and it raises serious questions as to the independence of the Cambodian judicial system.

The impunity that the real perpetrators and the contractor continue to enjoy helps maintain a climate of intimidation and fear amongst trade union activists and it impairs confidence in the Cambodian justice system. The ITUC, formerly ICFTU, has over the last years already protested to you on several occasions at violent attacks, harassment and intimidation against trade unionists which are contrary to ILO conventions 87 and 98 ratified by Cambodia.

The ITUC is also alarmed at continuous reports of other serious trade union rights violations in your country. The ITUC has just been informed about persistent rumours of blacklists of trade unionists, preventing them from finding jobs.

In order to obtain justice for the murder of Chea Vichea and create a climate in which trade unionists can operate safely without fear of reprisals, I urge you, Prime Minister, to ensure that a new court hearing is held without delay and that Born Samnang and Sok Sam Oeun are released immediately pending the outcome of the trial. I also urge you to ensure that they are provided full safety guarantees during this time. I finally urge you to order a new serious investigation into the murder, and ensure that the independence of the judiciary is not compromised.

Yours sincerely,

General Secretary