

Union Leader's 2004 Murder Case Still Haunts

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Two days before the Court of Appeal is once again set to hear the case against two men accused in the 2004 murder of union leader Chea Vichea, a lawyer for one of the accused requested a postponement yesterday, claiming he never received official notice of the hearing.

"Neither I nor my client have been informed officially about this

hearing," said Kim Suon, a lawyer for Sok Sam Oeun.

Mr Sam Oeun and Born Samnang were arrested and found guilty shortly after the Jan 22, 2004, killing of Free Trade Union President Chea Vichea. Though the men were widely believed to be innocent, they remained in prison for nearly five years until the Supreme Court released them on bail and ordered the lower court to reinvestigate the case against them. Since then, the case has

been volleying between courts, leaving the two men to reside in a limbo of sorts.

Chum Sovannaly, Mr Samnang's lawyer, said yesterday that he had received notice of the Appeal Court hearing on July 28 but was considering whether to join the delay request.

"My client is ready to attend the hearing," said Mr Sovannaly. "[But] because it's a case linked with lawyer Hong Kim Suon's

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[client], we are facing difficulties deciding whether or not to attend the hearing."

An Appeal Court prosecutor involved in the case who spoke on the condition of anonymity, as he was not authorized to speak to journalists, said the hearing had been scheduled for Wednesday morning and summonses should have been sent at least two weeks ago.

"I have no clue why some parties haven't received the court notice," the prosecutor said, adding that the court will reveal at the hearing whether it has decided to honor the requested delay sought by the lawyer.

"Whenever there is a complaint asking for the extension, the Appeal Court announces on the hearing day whether or not to extend or proceed with the case."

The claim of insufficient notice is just one more incongruity in a case that has spanned more than seven years and included what critics say are some of the most egregious judicial maneuverings ever seen in Cambodia.

When Mr Samnang and Mr Sam Oeun are eventually tried at the Appeal Court, it will be the fourth such hearing at that level and the sixth overall.

The men were arrested following the slaying of Chea Vichea. An outspoken and politically-engaged union leader, Chea Vichea spent the final months of his life lying low after receiving a death threat that police at the time reportedly traced to a high-ranking individual. It wasn't enough to save him. On Jan 22, 2004, during a rare venture outside his apartment, he was gunned down while reading a newspaper at a Phnom Penh newsstand.

Days after the murder, the police announced they had captured the assassins. After weeping, pleading their innocence and begging for help, one of the suspects went on to issue a public confession, believed to be forced and eventually recanted.

Mr Samnang and Mr Sam Oeun were tried at the Municipal Court, where a judge dropped the charges citing a lack of evidence. The judge was summarily dismissed. The Appeal Court, however, reversed that decision and sent the two men back for retrial. One-and-a-

half years after their arrests, the men were then convicted and given sentences of 20 years.

An appeal hearing was eventually scheduled, then canceled because a judge had diarrhea. It was another six months before the court rescheduled the hearing. The conviction was upheld. Then, at the very end of 2008, the Supreme Court ordered that the men be provisionally released, and the Appeal Court was ordered to reinvestigate their case.

Mr Samnang and Mr Sam Oeun had spent nearly five years in prison.

Since then, the investigation has almost mirrored the original proceedings: being bounced from court to court, but revealing very little information about the still-unsolved murder of Cambodia's most prominent union leader.

The Appeal Court held a trial in August 2009 in which they decided nothing but scheduled a reinvestigation. Weeks later, they ordered the Municipal Court to run the reinvestigation, citing a shortage of judges. The investigation has been pending since.

In July 2010, the court summoned disgraced—and jailed—former municipal police chief Heng Pov for questioning in the

killing of Chea Vichea. In 2006, while fleeing from multiple arrest warrants on a host of serious crime charges, Heng Pov said in an interview with French news-magazine L'Express that the murder of Chea Vichea was part of a government-ordered conspiracy, and Mr Samnang and Mr Sam Oeun had been framed.

When the latest hearing gets under way—either this Wednesday, or at a later date—it will be a rare chance for the judiciary to redress years of shoddy investigations, human rights workers say.

"This is yet another test case for the independence of the Cambodian judiciary," said Phil Robertson, deputy director of the Asia division at Human Rights Watch. "If there is a shred of justice left in the country, they should be released unconditionally and compensation paid for their wrongful imprisonment."

Meanwhile, Mr Samnang and Mr Sam Oeun are preparing for yet another hearing in a case that has colored their lives for the better part of a decade.

"It is like seeing a ghost again," Mr Sam Oeun said yesterday, speaking of the pending hearing. "Now, the ghost has come back to frighten me."