Media Statement
Phnom Penh, September 10, 2009
For Immediate Release

The Cambodian Center for Human Rights ("CCHR") sends a request to the Supreme Council of Magistracy to investigate the alleged improper conduct of Judge Thor Saran in relation to the on-going land conflict between ethnic minorities and the DM Group in Ratanakkiri Province.

The CCHR today sent a letter to the Supreme Council of Magistracy (SCM) requesting an investigation of the practices of Ratanakkiri Provincial Court Judge Thor Saran in relation to the land conflict in Lumphat district between ethnic minorities and the private DM Group. There is an unresolved question as to who owns the land in Lumphat district: the private DM group, or the local villagers.

According to media reports and investigations performed by the CCHR, Judge Thor Saran may be in violation of the Cambodian Criminal Procedure Code as well as the SCM’s Code of Ethics for Judges.

First, the CCHR asks the SCM to investigate the alleged exchange of land for the release of prisoners in Lumphat district. According to media reports, Judge Thor Saran allegedly released imprisoned villagers, who were arrested for protesting against the DM group, in exchange for 100 hectares of land.

Second, Judge Thor Saran’s comments regarding the dropping of charges of incitement to terrorism against human rights defender PEN Bonnar, if the latter apologised and left Ratanakkiri, may be contrary to the SCM’s Code of Ethics. Judge Thor Saran was quoted on 6 August 2009 in the Cambodia Daily newspaper as saying, “I just proposed it to the ADHOC president in Phnom Penh to consider. It is just showing a way so that it would be beyond the court’s territory, so the case could be dissolved.” This comment appears to amount to an ultimatum. PEN Bonnar has since been removed from Ratanakkiri and transferred to Phnom Penh.

Finally, the CCHR opines that Judge Thor Saran may have acted improperly when he dismissed a letter by an Adhoc legal representative to release imprisoned villagers in Lumphat district. The DM Group had filed a complaint in April 2009 against villagers for planting crops on the disputed land and these villagers were arrested. When an Adhoc lawyer protested these arrests and sent a letter to Judge Thor Saran, the latter rejected the letter. The CCHR
believes that the Judge should have first decided who owns the land in question before deciding on the DM group complaint.

For these reasons, the CCHR respectfully submitted a letter to the SCM requesting an investigation into the practices of Judge Thor Saran.

For more information, please contact:

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