Media Comment: 2 March 2011

Supreme Court ruling in case of Thach Saveth raises more questions then answers

The Supreme Court of the Kingdom of Cambodia (“Cambodia”) today, 2 March 2011, ordered the provisional release of Thach Saveth from detention – albeit under judicial supervision – on account of a lack of evidence and the length of time that he has already spent in detention and has sent the case back down to the Court of Appeal to be re-considered. Thach Saveth has been in prison since 2004 since being convicted of and sentenced to 15 years imprisonment for the murder of Free Trade Union of Workers in the Kingdom of Cambodia (FTUWKC) Ros Sovannareth.

While the Cambodian Center for Human Rights (“CCHR”) welcomes Thach Saveth’s long overdue release, his initial conviction for a crime for which there was no credible evidence against him raises more questions than it provides answers about the competence of the Cambodian judiciary and its failure to provide accountability in cases involving violent crimes against union activists, journalists and other human rights defenders.

Ou Virak, President of CCHR, a non-political, independent, non-governmental organization that works to promote and protect democracy and respect for human rights throughout Cambodia, commented:

“I am delighted that Thach Saveth has finally been released from detention, even if it’s only provisionally, after almost six years in prison for a crime which he is widely believed not to have committed. The fact that the case needed to be proceeded as far as the Supreme Court in order for it to be rejected for a lack of evidence at best suggests a lack of competence within the Cambodian judicial system and at worst points to its manipulation in political and or sensitive cases. As with the cases of Chea Vichea and Hy Vuthy, the real perpetrators of this crime have not been brought to justice. The judiciary’s lack of competence and independence continues to be one of the most important factors preventing the country from developing a fair, just and inclusive society based on the rule of law. I sincerely hope this is an end to Thach Saveth’s ordeal as a victim of our justice system. Until wider problems within our judiciary are rectified, it appears likely that more innocent Cambodian citizens will have to suffer for crimes that they have not committed”.

A 2010 report by the CCHR Trial Monitoring Project - ‘Fair Trial Rights in Cambodia’ (July 2010 )– highlights a number of major concerns with regard to respect for fair trial rights by the Cambodian courts. For example, in 88% of the trials monitored, the defendant had been held in provisional detention; moreover, in 32% of such trials, the defendant appeared in court without legal representation.

For more information please contact Ou Virak on +855 (0) 12 404 051 or via e-mail at ouvirak@cchrcambodia.org. The CCHR Report “Fair Trial Rights in Cambodia” is available online at the CCHR hosted Cambodian Human Rights Portal www.sithi.org