Failure to issue warrant for PM’s cousin indicative of culture of impunity in Cambodia

Yesterday, 30 November 2011, it was reported in The Cambodia Daily (“Warrant for Cousin of Hun Sen Not Likely Soon”) that a cousin of Prime Minister Hun Sen was found guilty of corruption. Dy Proem was sentenced in absentia to two and a half years’ imprisonment on 28 November 2011, however she is currently walking free in Phnom Penh, with the judges presiding over her case eschewing to issue the appropriate arrest warrant. According to The Cambodia Daily, Dy Proem was found guilty of paying a US$30,000 bribe to Sen Yean, the former Deputy Director-General of Inspection at the Ministry of National Assembly-Senate Relations, in order to create a fake Council of Ministers statement on 18 March 2008. The statement falsely claimed that a group of families were the rightful owners of the disputed land in Dangkao District, so that they could later sell the land to Dy Proem.

Furthermore, Sen Yean was also convicted of corruption for accepting the bribe under Article 38 of the United Nations Transitional Authority in Cambodia (UNTAC) Criminal Code and was sentenced to four years’ imprisonment. However, Sen Yean was also permitted to walk free without an arrest warrant being issued. Defending the judgment, Judge Seng Neang stated that both Dy Proem and Sen Yean had one month to appeal the decision and could remain free until that time.

This decision is another clear example of the divide between the rich and well-connected and the poor and marginalized in Cambodia: the courts do not hesitate to sentence average Cambodians to lengthy jail sentences for alleged violations of the law and to keep them in jail during appeal periods. It is clear that although Prime Minister Hun Sen has distanced himself from his cousin and has called for the law to be strictly followed, at the very least there appears to be a degree of uncertainty among judicial actors as to how to proceed in cases involving individuals with political connections.

This case illustrates the sphere of impunity in which these powerful individuals operate and the climate of fear that they create for ordinary Cambodians. In the present case, if an arrest warrant is not issued within five years, Dy Proem’s conviction will be expunged altogether.

Ou Virak, President of the Cambodian Center for Human Rights, comments:

“It is clear from this case that efforts made by the RGC to stamp out corruption and impunity are only superficial in nature. Not enough is being done to rid Cambodia of these endemic scourges. The Anti-Corruption Law was passed in 2010 to finally bring an end to the culture of corruption that is so crippling to Cambodia’s social and economic development. While inroads have been made in convicting corrupt officials, the new legislation may effectively be rendered toothless if well-connected individuals are allowed to exist above the law, there is zero judicial enforcement, and convicted felons are permitted to walk free.”

For more information, please contact CCHR President Ou Virak via telephone at +855 (0) 12 40 40 51 or e-mail at ouvirak@cchrcambodia.org.