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Cambodian Center for Human Rights

Media Comment – Phnom Penh, 20 April 2012

No justice in Bandith country

The Cambodian Center for Human Rights (CCHR) is appalled by the decision of Svay Rieng provincial court prosecutor, Hing Bunchea, to charge Chhouk Bandith, the former Bavet city governor, under Article 236 – Causing involuntary bodily harm – in relation to the shooting of three protesters during a protest outside of the Kaoway Sports Limited factory on 20 February 2012. This charge – which carries a punishment of between six months and two years in jail – severely underestimates the gravity of the act and is symptomatic of the culture of impunity that exists in Cambodia.

Article 236 of the Criminal Code deals with injuries to people resulting from “negligence, recklessness or carelessness” or “a breach of the safety requirement or due diligence imposed by law”. In stepping out of his car and firing indiscriminately at a large crowd of protesters outside the Kaoway Sport Limited factory, the shooter could, in no reasonable person’s estimation, be described as having acted carelessly, recklessly or negligently. The acts of the shooter demonstrated an intention to seriously injure, if not kill, those protesting outside the factory. Such an act ought to be treated with the severity it warrants, through a charge of attempted murder.

The treatment of Chhouk Bandith is symptomatic of the cloak of impunity that surrounds members of Cambodia’s political elite who occupy a sphere that is seemingly beyond the reach of Cambodia’s law enforcement and judicial systems. The recent case of Dy Proem, a cousin of Prime Minister Hun Sen, provides a good example of this culture of impunity. Dy Proem was convicted of corruption and sentenced to two and a half years in prison late last year, yet still remains at large in Phnom Penh as a warrant for her arrest has yet to be issued.

In response to the decision to charge Chhouk Bandith with the offense of Causing involuntary bodily harm, Ou Virak, President of CCHR, stated:

“This is yet another clear case of impunity in Cambodia, with the interest of members of the country’s political elite again riding roughshod over the demands of justice. Despite calls from members of the government for justice in this case, the fact that the criminal proceedings have met obstacles at every turn indicate, at best, an unwillingness of the part of the Svay Rieng Court to bring a powerful individual to heel or, at worst, active interference in the workings of the court system. The choice of charges is a real slap in the face to the victims. My biggest concern at this juncture is that this case will continue to be drawn out in the hope that it is forgotten and that Chhouk Bandith will never even face trial.”

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