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CCHR Highlights Concerns about the Abuse of Pre-Trial Detention in Cambodia

The Cambodian Center for Human Rights (“CCHR”) is deeply concerned that accused pedophile, Sebastian Reuyl, remains at liberty, despite reports that he is in violation of the conditions of his judicial supervision agreement (The Cambodia Daily, Wednesday 8 August 2012, p.17). Reuyl, a Dutch national, was charged in October 2011 with abusing five children, aged between 7 and 13 years old, in Siem Reap province. His trial was due to commence on 8 August 2012, but it has been postponed until 27 August 2012, apparently due to the unavailability of a translator.

Although convicted in the Netherlands in 2003 on similar charges, Reuyl was granted bail by Siem Reap Provincial Court. However, he was subjected to a judicial supervision order that included a condition that he must not have any contact with the alleged victims. Reuyl is reportedly still living with three of the young boys whom he is alleged to have abused, sparking fears that he is grooming the boys and their families in an attempt to persuade them to withdraw their allegations against him.

The principal purpose of pre-trial detention is to protect other members of society. Another case that would justify pre-trial detention is that of Chhouk Bandith, the ex-governor of Bavet in Svay Rieng province. He was accused of – and admitted to – shooting three female workers who were taking part in a protest outside the Kaoway Sports Ltd factory on 20 February 2012, and yet remains a free man. In fact, authorities have failed to issue any warrant for Chhouk Bandith’s arrest. In the absence of any form of detention or any kind of protection offered to witnesses in this case, witnesses are afraid to come forward with Chhouk Bandith still at large.

The Reuyl and Chhouk Bandith cases highlight the culture of impunity endemic within Cambodia’s criminal justice system – a consequence of the corruption that pervades the Cambodian judiciary, political establishment and enforcement agencies – to the clear detriment of the rights and freedoms of ordinary Cambodian citizens. However, the apparent failure to detain such obviously dangerous men as Reuyl and Chhouk Bandith stands in stark contrast to the readiness with which the judiciary detains harmless individuals in pre-trial detention – often for long periods – in cases where there are political undercurrents, such as those of the Borei Keila eviction demonstrators and of human rights defender, Mam Sonando. Mam Sonando, Director of the independent radio station, Beehive Radio, and President of the Democrat Association, was arrested on 15 July 2012 and currently remains in prolonged pre-trial detention facing spurious and politically-motivated charges. He has twice been denied bail, the latest denial coming just a few days ago, despite voluntarily returning to Cambodia from Europe in the knowledge that a warrant for his arrest had been issued.
Legal considerations determining decisions regarding the grant of bail and imposition of pre-trial detention are not being applied at all objectively or consistently in Cambodia’s criminal courts. By law, all those accused of a criminal offense must be presumed innocent until proven guilty, and, as such, there is a presumption that the accused will retain his/her liberty unless there are very good reasons to the contrary. Pre-trial detention should only be used as a last resort, in exceptional cases where the need to safeguard vulnerable witnesses, ensure the attendance of the accused at trial, or prevent the commission of further offenses outweighs the right to liberty of the accused.

In response to these cases, CCHR President Ou Virak comments:

“The judiciary has an obligation to ensure that the law is applied equally and fairly. The discretion to impose pre-trial detention is clearly being abused – used as a political tool against those who dare to speak out against the authorities, while individuals accused of grave crimes are allowed to roam free. Something is very wrong if men such as Reuyl and Chhouk Bandith walk free while the likes of Mam Sonando are denied bail. Pre-trial detention should be applied justly and judiciously to protect citizens’ rights, rather than to serve the interests of the authorities and the well-connected.”

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