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Cambodian Center for Human Rights

PRESS RELEASE

Phnom Penh – 13 November 2009

CCHR CALLS FOR THE RECOMMENCEMENT OF INVESTIGATIONS INTO JUDGE THOR SARON

The Cambodian Center for Human Rights (CCHR) is dismayed by the announcement yesterday – 12 November 2009 – that investigations by the Justice Ministry into alleged misconduct on the part of Ratanakkiri Provincial Investigating Judge Thor Saron have found no wrong doing on the part of the Judge. The CCHR opines that this revelation is contrary to the evidence against Judge Thor and is disappointed by what it considers a missed opportunity for the Justice Ministry to send a message to the people of Cambodia that judges are bound by their constitutional obligation to fulfil their duties with strict respect for the laws, wholeheartedly and conscientiously.

According to the Justice Ministry, the use by Judge Thor Saron of a pick-up truck that had been confiscated by police as evidence was permissible as the use was in response to an actual demand and was in the public interest. The CCHR rejects this reasoning and opines that the reasons for the use of the truck are immaterial; the fact of the matter is that Judge Thor Saron – in using the truck – has undermined the probative value of the truck as evidence and – in so doing – has potentially diverted the course of justice in the case in question. Such actions are in clear dereliction of the Judge's obligation to uphold the fair trial rights of the defendants in that case. Moreover, the Justice Ministry has stated that there was nothing wrong with the acquisition by Judge Thor Saron of 100 hectares of land in Lumphat district near to land that is the subject of a land dispute between ethnic Tumpuon villagers and a private company, DM Group. This land was reportedly transferred to Judge Thor Saron in return for his release from jail of individuals involved in that land conflict. The Justice Ministry appears to have reached its conclusion on the basis that none of the villagers in the area dispute Judge Thor Saron's ownership of the land in question. The investigation has therefore again missed the point; the issue here is not whether the villagers contest the Judge's ownership of the land rather it is the manner in which Judge Thor Saron came into possession of the land in question that is important.

On 14 October 2009, the CCHR issued a press release welcoming the intervention of His Majesty King Norodom Sihamouني in the case of Judge Thor Saron. The CCHR reiterates this message and welcomes the decision to investigate Judge Thor Saron as a positive and encouraging one. However, the results appear to have failed to take into consideration the particulars which prompted the investigation and are contrary to the prima facie evidence in the case. Accordingly, the CCHR today writes a letter to His Majesty King Norodom Sihamouني respectfully requesting his intervention in this case and the re-commencement of investigations into the actions of Judge Thor Saron.

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