

August 12 - 25, 2005

CHEAM CHANNY: THE TRIAL

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Unlike the municipal court, which hears the bulk of Phnom Penh's trials, the Military Tribunal is a large, well-lit room with a fresh coat of paint and microphones for the key players.

On August 8, it was overflowing with uniformed military officers, police, diplomats, human rights observers and journalists.

Despite Cheam Channy's position as a parliamentarian and the fact that the charges against him were taken from the UNTAC penal code for civilians, he was tried by the Military Tribunal, which deals with "military offenses ... involving military personnel ... which concern discipline within the armed forces or harm to military property."

The opposition MP was charged with violating the 1997 Law on Political Parties, which outlaws "organizing armed forces." Punishments for this violation are set out by penal law and in Channy's case fell under organized crime (article 36) and fraud (article 45) statutes.

About 9 a.m., after the court staff, the defendants, and five of the nine prosecution witnesses were introduced, the charges were read and the trial began.

The judge asked Channy questions about his role in Committee 14. The Sam Rainsy Party leader explained that he had signed documents appointing leaders and spokesmen for various branches of a shadow government. This included Committee 14, which was assigned the job of collecting information about demobilization, corruption and land grabs by the military. This information was to be sent to the National Assembly, Channy said, to try and solve these problems.

Dozens of documents bearing SRP letterhead and detailing this shadow government hierarchy were pinned to a notice board behind the witnesses.

Channy said the idea for the shadow government came from a seminar organized by the Konrad Adenauer Foundation, the International Republican Institute and the National Democrats Institute.

Channy confirmed he was president of Committee 14, and that he had appointed Khom Pisith as a spokesman. (Pisith was granted refugee status in Norway in May after fleeing the country in the wake of the "rebel army" claims, but was tried in absentia alongside Channy.)

Prosecutor Prum Sornthon then checked what Channy knew about the function of specific departments and bureaus within the Ministry of National Defense.

Channy appeared dazed, and slightly baffled, at some of the questions. Associates have said his mental and physical health has deteriorated in detention.

Witnesses for the prosecution were Long Sarey, 49, Thach Vang, 42, Keo Sitharn, 42, Maury Kinchanry, 42, and Kin Heap, 41. Witnesses who provided statements but did not appear in court were Heng Savy (now deceased), Ban Kimsrun, 46, Srei Kimleng, 54, Son Sek, 54, and Meng Hong, 33.

The witnesses had been members of Committee 14 but heeded a call by Prime Minister Hun Sen on July 18 last year to defect and confess their involvement in exchange for amnesty.

The first witness to testify was Long Sarey, who said he had personally recruited 40,000 members into a shadow army.

"These forces would immediately show up against the government when Sam Rainsy was arrested," Sarey said.

He said that although his troops did not have weapons, ranking officials in his group had their photographs taken in uniform. The photos, however, had all been burned.

Sarey told the court that police officers and soldiers around the country were ready to join forces with his army in a rebellion against the government.

After several fiery exchanges with defense lawyers (see "Courtroom Capers" below), the judge ended Sarey's cross-examination and did not allow the defense to question any further witnesses.

As Sarey left the courtroom, several of the other witnesses waiting outside complained about his shaky testimony. Sarey was overheard replying, "Don't

worry, we are going to get lots of money for this."

The other four witnesses spent less time on the stand, mostly backing up Sarey's testimony. Tach Vang said he had recruited 1,800 members to Committee 14. Maury Kinchanry said he had recruited 132.

Aside from the SRP documents, prosecutors presented no physical evidence to the court. Repeated requests from Channy's lawyers to introduce defense witnesses were denied.

In his closing address, defense lawyer Mao Sophearith accused all prosecution witnesses of receiving coaching to give false information.

"If the judge believes these witnesses, I can say that the prosecutor here appointed me to be a colonel and told me to recruit 40,000 people to fight against the judge," Sophearith said. "If I say this, can the prosecutor here be arrested?"

Channy gave a final statement to the court asking for leniency.

"Release me to my freedom, because my health is not good. I insist to be released," Channy said. "What I have done had no bad intention to create armed forces."

At 1 p.m., the presiding judge adjourned the court until the following morning for the verdict.

On August 9, Thol announced his decision to convict Channy and Pisith, sentencing Pisith in absentia to five years in prison and Channy to seven years imprisonment.

"Much evidence was found, such as the decision to appoint the spokesmen in each unit of the armed forces and the receipt [of alleged bribe money for positions] which Khom Piseth followed the orders of Cheam Channy, these are the evidences to convict the defendants," Thol said.

As the military guards led Channy away, news photographers rushed to get a shot of him leaving, temporarily blocking his exit, before being moved aside.

Channy's wife, Chum Seang Leng, wept.

Outside the court, prosecutor Prum Sornthon, gave a brief media interview, saying simply: "Cambodia has Cambodian law."