

9 July 2021

Cambodia: No Justice At 5-Year Anniversary of Kem Ley's Death

Today, in advance of the fifth anniversary of the unlawful killing of prominent political commentator and human rights defender Kem Ley, the 45 undersigned organizations reiterate their call for the Cambodian authorities to create an independent Commission of Inquiry tasked with conducting an independent, impartial and effective investigation into Kem Ley's death.

To date, the Cambodian government has consistently failed to achieve justice for Kem Ley and his family.

On 10 July 2016, against a backdrop of escalating attacks on civil society and the political opposition in the country, Kem Ley was shot in a café at a petrol station in central Phnom Penh.

Police quickly arrested Oeuth Ang - who inexplicably identified himself as "Choub Samlab" or "Meet to Kill" - as he fled the scene. According to police, the suspect "confessed" to the killing and claimed his motive was an unpaid debt of US\$3000 Kem Ley owed him, a claim disputed by Kem Ley's widow and Oeuth Ang's wife.

On 23 March 2017, after a half-day trial hearing, the Phnom Penh Municipal Court found Oeuth Ang guilty of the murder of Kem Ley and sentenced him to life imprisonment. To date, there has been no independent, impartial and effective investigation to establish whether anyone else was involved in the killing. On 24 May 2019, Cambodia's Supreme Court rejected Oeuth Ang's appeal for reduction of sentence and upheld his life imprisonment term.

The International Commission of Jurists (ICJ), Amnesty International, and Human Rights Watch have previously highlighted [key aspects of the case](#) that have not been adequately investigated, and were not adequately addressed at trial. The failure to address such deficiencies raises concerns about prosecutors' priorities to secure a quick conviction rather than comprehensively investigating the case, including uncovering information about other possible conspirators who may have been involved.

In light of these failings, the conduct of the investigation cannot credibly be said to have been thorough, independent, impartial or effective as required by the International Covenant on Civil and Political Rights (ICCPR), to which Cambodia is a party, and the revised [Minnesota Protocol](#) on the Investigation of Potentially Unlawful Death (2016).

Pursuant to the ICCPR, Cambodia has a duty to promptly, independently, impartially, and effectively investigate all deaths suspected of being unlawful. Investigations must seek to identify not only direct perpetrators but also all others who may have been responsible for criminal conduct in connection with the death.

Background

The deficiencies that were not adequately addressed at trial include: The accused's implausible explanation regarding an alleged unpaid US\$3,000 loan payment by Kem Ley which Oeuth Ang claims led to the shooting; the failure to interview a witness named by the accused to corroborate his story; the production in court of video footage from only one of several CCTV cameras at the petrol station likely to have captured the event; the failure of investigators to attempt to identify a man seen sitting with Kem Ley prior to the shooting;

the failure of investigators to attempt to identify an individual the accused claimed fired a weapon at him as he was fleeing the scene of the crime; the failure of investigators to locate and interview the alleged seller of the murder weapon; the failure of investigators to look into the accused's background and possible ties to the military; and the failure to account for the identity of individuals, one of them apparently armed, seen in video footage pursuing the accused as he fled the crime scene.

The human rights record of modern Cambodia has been plagued by impunity. In the [report released by the ICJ in 2017](#) highlighted that the lack of accountability in Cambodia was inextricably linked to the Government's effective control of the judiciary.

On the fifth anniversary of his killing, we demand justice for Kem Ley.

Signed:

1. Amnesty International
2. Article 19
3. ASEAN Parliamentarians for Human Rights (APHR)
4. Asian Democracy Network (ADN)
5. Asian Forum for Human Rights and Development (FORUM-ASIA)
6. Asian Network for Free Elections (ANFREL)
7. Building and Wood Workers Trade Union Federation of Cambodia (BWTUC)
8. Cambodian Alliance of Trade Unions (CATU)
9. Cambodian Center for Human Rights (CCHR)
10. Cambodian Food and Service Workers Federation (CFSWF)
11. Cambodian Human Rights Action Coalition (CHRAC)
12. Cambodian Human Rights and Development Association (ADHOC)
13. Cambodian Informal Economic Workers Association (CIWA)
14. Cambodia Informal Economy Reinforce Association (CIERA)
15. Cambodian Institute for Democracy (CID)
16. Cambodian League for the Promotion and Defense of Human Rights (LICADHO)
17. Cambodian Tourism Workers Union Federation (CTWUF)
18. Cambodian Youth Network Association (CYN)
19. Cambodia's Independent Civil Servants Association (CICA)
20. Center for Alliance of Labor and Human Rights (CENTRAL)
21. Centre for Civil and Political Rights (CCPR Centre)
22. CIVICUS: World Alliance for Citizen Participation
23. Civil Rights Defenders
24. Coalition for Integrity and Social Accountability (CISA)
25. Coalition of Cambodian Apparel Workers' Democratic Union (C.CAWDU)
26. Coalition of Cambodian Farmers Community (CCFC)
27. Committee for Free and Fair Elections in Cambodia (COMFREL)
28. Equitable Cambodia
29. Free Independent Trade Union Federation (FUFU)
30. Human Rights Watch
31. Independent Democracy of Informal Economy Association (IDEA)
32. Independent Trade Union Federation (INTUFE)
33. Initiav Kambodja
34. International Commission of Jurists
35. International Federation for Human Rights (FIDH), within the framework of the Observatory for the Protection of Human Rights Defenders
36. Labour Right Supported Union Khmer Employee of Nagaworld (L.R.S.U)

37. Lawyers' Rights Watch Canada (LRWC)
38. Mother Nature Cambodia
39. Not1More (N1M)
40. People Center for Development and Peace (PDP-CENTER)
41. The Affiliated Network for Social Accountability (ANSA) Cambodia
42. Transparency International Cambodia (TI-C)
43. Union Coalition of Labor (UCL)
44. World Organization Against Torture (OMCT), within the framework of the
Observatory for the Protection of Human Rights Defenders
45. Youth Resource Development Program (YRDP)