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OPEN LETTER RE ARBITRARY DETENTION OF UNION LEADER AND HUMAN RIGHTS DEFENDER SOUS CHANTHA

Your Excellencies,

Union leader and human rights defender **Sous Chantha** has been held in pre-trial detention since his arrest seven months ago on drug trafficking charges. The circumstances surrounding his arrest have raised substantial doubt surrounding these charges, and serious concerns that they may have been brought in retaliation for his union activities in advocating for labour rights.

Amnesty International; the Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation of Human Rights (FIDH) and the World Organisation Against Torture (OMCT); International Trade Union Confederation (ITUC); Front Line Defenders; and International Labor Rights Forum (ILRF) call for the charges against Sous Chantha to be dropped, and for his immediate and unconditional release.

Since 2008, Sous Chantha has been the leader of some 1,000 union members at the United Apparel Garment Factory in Phnom Penh. During that time, the union was affiliated to the Independent and Democratic Union Federation (UFID), which is known as a pro-government federation. In November 2010, Sous Chantha's union decided to leave UFID and transfer its affiliation to the Coalition of Cambodia Apparel Workers Democratic Union (C.CAWDU), the union federation which was prominent during 2010 in organizing unions to campaign for an increase in the minimum wage and other benefits. His arrest occurred at a time when tensions were still high between C.CAWDU, the government, and employers following the four-day national strike called and led by C.CAWDU in September 2010 to seek a higher minimum wage.

On 18 November 2010, Sous Chantha signed documents finalizing the transfer of affiliation. According to reliable sources, some two hours later he left his workplace on his motorbike, and was stopped by military police officers. They searched the motorbike and produced a substance they claimed was illegal drugs. In an investigation report filed with the court, military police claimed that he was arrested at a roadblock, but eyewitnesses told reputable human rights monitors that no roadblock was operating on 18 November at the place where police say Chantha was stopped.

Sous Chantha was held at the municipal military police station overnight, and on 19 November was taken to the municipal court where he was briefly questioned by a court official. The investigating judge did not conduct a detailed interview but remanded Sous Chantha to CC1 prison on charges of drug trafficking under Article 33 of the Law on the Control of Drugs. Sous Chantha has been held in pre-trial detention since. If convicted, he could face two to five years in jail.

Amnesty International; the Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation of Human Rights (FIDH) and the World Organisation Against Torture (OMCT); International Trade Union Confederation (ITUC); Front Line Defenders; and International Labor Rights Forum (ILRF) are concerned by the failure of the court to more thoroughly question the police and prosecutor, particularly given that Sous Chantha again repeated his denial of the charges against him at the hearing. He has maintained his innocence since his arrest and throughout the proceedings.

In addition to Sous Chantha's immediate and unconditional release, we strongly urge the Cambodian government to:

- Put an end to any further act of harassment against Sous Chantha;
- Abide by the UN Declaration on Human Rights Defenders;
- Take immediate steps to protect and respect the human rights to freedom of association and peaceful assembly and to form and join trade unions in line with international and Cambodian law;
- And to ensure that the police and military police authorities also act in accordance with these laws.

Thank you for your attention.

Yours sincerely

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