

CHAN CHENG

Summary

In 2011, then-Sam Rainsy Party (SRP) MP Chan Cheng (now an MP for the CNRP) had his parliamentary immunity lifted so that he could be questioned over allegations that he had helped a local deputy commune chief escape from prison (although the latter had never been issued an arrest warrant and was allowed to walk out of the prison without any resistance). In December 2011, Chan Cheng, along with lawyer Choung Choungy, was charged with procuring means of escape under the Criminal Code. Although the case never moved forward at the time, in July 2014, Chan Cheng was summoned to appear in court, and in March 2015, he was convicted and sentenced to two years in prison. An appeal hearing has yet to be scheduled. Chan Cheng has not been imprisoned, and, as of writing, is still acting as an MP.

Charges

Criminal Code, Article 565: Procuring means of escape

Any person who facilitates or procures a detainee with any means of absconding from custody shall be punishable by imprisonment from one to three years and a fine from two million to six million riels.

2011

23 September – Meas Peng, a deputy commune chief from Kandal province, is summoned for questioning in relation to a protest that turned violent against a property owner embroiled in a land dispute; the summoning judge did not issue an arrest warrant or any associated paperwork. Chan Cheng, along with lawyer Choung Choungy, go to the prison in Kandal province to pick up Meas Peng following his questioning. According to Choung Choungy, when he and Chan Cheng arrive at the prison, they both walk out with Meas Peng and drive away without being stopped by authorities.¹

22 November – Lawyer Choung Choungy is summoned for questioning on 7 December in relation to the release of Meas Peng from prison, a summons which Choung Choungy rejects, saying it is up to the Bar Association of the Kingdom of Cambodia to punish him if he did something wrong. The Kandal Provincial Court responds, saying that the alleged charges are not a violation of the lawyers' code of ethics but rather a criminal case.²

9 December – The National Assembly receives a letter from the Ministry of Justice requesting that Chan Cheng's parliamentary immunity be lifted to pave the way for questioning in relation to a criminal complaint filed against him in connection with his visit to the prison in Kandal province on 23 September.³

20 December – The National Assembly lifts the parliamentary immunity of Chan Cheng, with 88 votes in favor and 9 against, and without debate.⁴

23 December – Chan Cheng and lawyer Choung Choungy are charged by the Kandal Provincial Court with aiding and abetting in the escape of deputy commune chief Meas Peng, who was charged with escaping from prison.⁵

28 December – Chan Cheng arrives in France after fleeing Cambodia.⁶

28 December – SRP MPs Son Chhay and Mu Sochua send a letter to Prime Minister Hun Sen requesting that the Minister of Justice appear before the National Assembly to answer to allegations that the Ministry conspired with the Kandal Provincial Court to request the lifting of Chan Cheng's parliamentary immunity and the subsequent criminal complaint against him.⁷

29 December – The Kandal Provincial Court summons Chan Cheng and lawyer Choung Choungy to appear for questioning.⁸

2012

10 January – Chan Cheng is summoned to appear at the Kandal Provincial Court on 19 January over allegations helping deputy commune councilor Meas Peng "escape" custody.⁹

18 January – Lawyers representing Chan Cheng request that the Kandal Provincial Court delay the questioning of their client because he is not in the country. They also request a postponement for questioning of lawyer Choung Choungy because he is in the middle of a one-month meditation, which he started on 6 January in protest over the case.¹⁰

22 February – Chan Cheng returns to Cambodia from France.¹¹

27 March – Chan Cheng appears before the Kandal Provincial Court for questioning.¹²

12 June – Deputy commune chief Meas Peng is arrested near his home in Kandal province and taken into custody, over the previous year's charges that he incited violence amongst villagers involved in a land dispute with a local official.¹³

2014

20 July – Chan Cheng is summoned to appear at the Kandal Provincial Court on 22 July to stand trial on charges of helping then-deputy commune councilor Meas Peng "escape" custody.¹⁴

22 July – The trial of Chan Cheng, along with the other two defendants, begins at the Kandal Provincial Court despite there being no defense lawyers present. The judge says a verdict will be announced on 5 August.¹⁵ Defense lawyers had previously filed a motion requesting a delay in the trial, arguing that they had not had time to prepare an adequate defense. No witnesses gave evidence to challenge or support the charges during the trial.¹⁶

2015

13 March – Chan Cheng is sentenced to two years in prison for "aiding and abetting" a then-deputy commune councilor Meas Peng's "escape" from custody in 2011. Also convicted in relation to the same case were Meas Peng, himself, and lawyer Choung Choungy.¹⁷

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¹ Cambodian Center for Human Rights, "Judicial Intimidation of a Lawyer Representing an Opposition Party Activist," 3 January 2012, http://www.cchrcambodia.org/index_old.php?url=media/media.php&p=alert_detail.php&alid=11&id=5.

² Ibid.

³ Phnom Penh Post, "SRP lawmaker to have immunity suspended," 15 December 2011, <http://www.phnompenhpost.com/national/srp-lawmaker-have-immunity-suspended>.

⁴ Phnom Penh Post, "Lawmaker loses immunity," 21 December 2011, <http://www.phnompenhpost.com/national/lawmaker-loses-immunity>.

⁵ Phnom Penh Post, "SRP lawmaker, lawyer implicated in 'escape'," 28 December 2011, <http://www.phnompenhpost.com/national/srp-lawmaker-lawyer-implicated-escape>.

⁶ Phnom Penh Post, "SRP pair wanted in court, but can't be told date," 29 December 2011, <http://www.phnompenhpost.com/national/srp-pair-wanted-court-can-t-be-told-date>.

⁷ Phnom Penh Post, "Quiz minister on corruption: SRP," 3 January 2012, <http://www.phnompenhpost.com/national/quiz-minister-corruption-srp>.

⁸ Phnom Penh Post, "SRP pair wanted in court, but can't be told date," 29 December 2011, <http://www.phnompenhpost.com/national/srp-pair-wanted-court-can-t-be-told-date>.

⁹ Phnom Penh Post, "Accused SRP lawmaker called to appear in court," 11 January 2012, <http://www.phnompenhpost.com/national/accused-srp-lawmaker-called-appear-court>.

¹⁰ Phnom Penh Post, "Accused SRP lawmaker called to appear in court," 11 January 2012, <http://www.phnompenhpost.com/national/accused-srp-lawmaker-called-appear-court>.

¹¹ Phnom Penh Post, "SRP lawmaker back in country," 23 February 2012, <http://www.phnompenhpost.com/national/srp-lawmaker-back-country>.

¹² Phnom Penh Post, "SRP politician appears in court," 28 March 2012, <http://www.phnompenhpost.com/national/srp-politician-appears-court>.

¹³ VOA, "Opposition Commune Official Arrested in Kandal," 12 June 2012, <http://www.voacambodia.com/a/opposition-commune-official-arrested-in-kandal-158595515/1355307.html>.

¹⁴ Phnom Penh Post, "CNRP lawmaker summonsed," 21 July 2014, <http://www.phnompenhpost.com/national/cnrp-lawmaker-summonsed>.

¹⁵ Phnom Penh Post, "Judge pushes on: Lawmaker's 'jailbreak' case heard," 23 July 2014, <http://www.phnompenhpost.com/national/judge-pushes-lawmaker-s-jailbreak-case-heard>.

¹⁶ Cambodian Center for Human Rights, "Human Rights Lawyer Faces Imprisonment After Unfair Trial," 13 March 2015, http://cchrcambodia.org/index_old.php?url=media/media.php&p=alert_detail.php&alid=60&id=5.

¹⁷ Phnom Penh Post, "Two years for CNRP politician," 14 March 2015, <http://www.phnompenhpost.com/two-years-cnrp-politician>.