

Tep Kolap set to be released

Buth Reaksmeay Kongkea

AN EPIC fight to clear her name appears over for Phnom Penh International University rector Tep Kolap, who is expected to walk free today after spending more than a year behind bars.

The Supreme Court on Friday dropped the embezzlement charges against Kolap, who, along with her husband, was convicted last December of stealing more than \$58 million from ruling party Senator Kok An.

High court drops charges; husband still held

Speaking at the end of a five-hour hearing on Friday, Judge Khim Pon said the court decided the investigation into the case of Kolap and her husband, Heng Chheang, had been flawed, and that, in addition to Kolap's acquittal and release, the court was resubmitting Chheang's case to the Court of Appeal for reinvestigation and retrial in order to clear up any lingering suspicion.

"Based on the hearing, the body of laws and after considering the lower courts, the Supreme Court has understood that the decisions of the Phnom Penh Municipal Court and the Court of Appeal for Heng Chheang and Tep Kolap were not right, because they were made based on Kak Key's audit report, which was one-sided and [audited] income transactions only," said Pon, adding that the court had

"decided to drop all charges against [Kolap], and order her immediate release from prison."

Heng Chheang, on the other hand, had initially confessed to police to having stolen a smaller amount of money, a confession he later told the court had been coerced, saying the money was missing, but had been spent on the company.

"The Court has seen that Heng

Chheang has shown signs of guilt, so it was decided to continue detaining him in prison in order to ensure his presence for his future hearing," Pon continued. "And his case is transferred to the Court of Appeal for reinvestigation and research about the partial sum of \$633,345 from Anco Brothers Co, Ltd."

According to a relative who did not wish to be named, Kolap is scheduled to be released today, after receiving

Continues on page 4

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Continues from page 1

treatment at the Khmer-Soviet Friendship Hospital, and will soon travel to Singapore for a medical check-up.

Orn Hing, a defence lawyer for Heng Chheang and Tep Kolap, applauded the Supreme Court's decisions, and noted the broader impact of the ruling.

"This court's decision will help to strengthen investors' belief and trust in Cambodia," he said.

Tep Kolap also expressed her satisfaction in the verdict.

"Justice has prevailed for me and my family now," she said. "However, I was very disappointed because I was an innocent person, but I was unjustly arrested and jailed in prison for over one year."

Kolap also took the opportunity to reiterate her husband's innocence, and added that she will resume her work at Phnom Penh International University soon after her release.

Kok An's lawyer, Long Dara, lambasted the court's decision, and said that he would explore his options for chal-



Supporters reach out toward Heng Chheang (in purple) outside the Supreme Court on Friday. He and his wife Tep Kolap were convicted last December of embezzling US\$58 million. HENG CHIVAN

lenging the verdict.

Cambodian Center for Human Rights President Ou Virak said the court's decision in favour of the defendants was "not typical", given the position and connections of the plaintiff, but cautioned against reading the verdict as a sign of a greater change in Cambodia's courts, which have been criticised in the past for favouring the rich and powerful.

"The defendants themselves

are also connected, but not as well-connected or not as powerful," said Virak. "And if you just look at the case against them, it's based on an audit that was not properly done, so it makes sense to ask for a retrial."

"This is not a case where we can say, 'Voila, the court has changed.' It's a turning point where the court has decided cases purely on the facts," he added.

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