

## **Cambodian Appeals Court Finds Worker Leader Was Imprisoned on Baseless and Irresponsible Accusation by ASICS's Supplier Factory**

### ***Cambodian Garment Worker Leader Was Arrested and Imprisoned for 187 Days on Police Complaint Filed by ASICS Supplier Factory—Only One Month after Founding a Union at Factory***

Mr. Chea Chan—a worker and president of a newly formed union at Wing Star Shoes, a Cambodian garment factory that is a supplier to the Japanese footwear brand, ASICS—was criminally prosecuted, convicted, and imprisoned for six months, as a result of a baseless police complaint brought against him by the factory management for “conspiracy to steal”, in February 2024.<sup>1</sup> On August 22, only three days after Mr. Chan was released from prison, his conviction was overturned by the Phnom Penh Court of Appeals, which ruled that there had been—from the time of the factory management’s filing the police complaint which led to his conviction—a complete lack of credible evidence that the worker leader had been involved in any crime.<sup>2</sup>

The following commentary was prepared by the Worker Rights Consortium in consultation with a Cambodian legal expert. The commentary analyzes the Court of Appeals’ decision overturning Mr. Chan’s false arrest and conviction, and its implications for the human rights obligations of ASICS and its Cambodian supplier factory, Wing Star Shoes.

### ***Cambodian Appeals Court Found There Was No Basis for Worker Leader Being Arrested—Much Less Convicted and Imprisoned—on ASICS’s Supplier’s Accusation***

The Appeals Court’s verdict states clearly that the only evidence presented against Mr. Chan in the trial court proceedings that convicted him was the testimony of another employee, Or Sam Un—whom the company had caught stealing company equipment just a few days before he first made this accusation. This employee testified that, *two years prior, in 2022*, Mr. Chan had witnessed, but not reported, theft of copper wire by a third employee, in an unspecified month.

On appeal, the government’s *own prosecutor* stated that the accuser’s testimony—which was, again, the *only* “evidence” ever presented against Mr. Chan—was so lacking in credibility that it

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<sup>1</sup> Worker Rights Consortium, “ASICS Allowed Cambodian Supplier Factory to Have Worker Jailed for Months, Sentenced to One Year in Prison in Retaliation for Forming Union,” July 2, 2024, <https://www.workersrights.org/commentary/asics-allowed-cambodian-supplier-factory-to-have-worker-jailed-for-months-sentenced-to-one-year-in-prison-in-retaliation-for-forming-union/>.

<sup>2</sup> Phnom Penh Court of Appeals, Criminal Chamber Case File No. 1255 (July 18, 2024), Ruling No. 130 (August 22, 2024).

did not represent a valid basis for *arresting* Mr. Chan, much less prosecuting, convicting, and imprisoning him. The prosecutor observed:

The [sole] witness [against Mr. Chan, i.e., the employee, Or Sam Un] seemed to speak in an imaginative way without any basis and clear evidence; [but] the arrest and imprisonment of any individual should be accompanied by proper evidence.<sup>3</sup>

The Court of Appeals, itself, also noted that Mr. Chan was arrested at the Wing Star Shoes' factory premises without any warrant. This further underscores the irregularity and illegitimacy of his detention at the behest of the factory management—which, again, came only a few weeks after he had helped organize a new union at the factory and had been elected its founding president.

***Appeals Court Found No Legitimate Basis for ASICS Supplier Bringing Criminal Complaint against Worker Leader that Caused His Arrest and Imprisonment***

The Phnom Penh Appeals Court also found that, because the accusation against Mr. Chan was so lacking in credibility, ASICS's supplier Wing Star Shoes never had a valid basis in the first place for filing the police complaint that led to his arrest. In overturning Mr. Chan's conviction, the Court of Appeals stated: "The petitioner [the Wing Star Shoes representative, Banh Siem Ann] filed a complaint against Chea Chan ... based solely on the responses of Or Sam Un [the employee whom the company had caught stealing] without any other evidence ...."<sup>4</sup>

On appeal, even the government's prosecutor remarked that: "[T]he petitioner [i.e., Wing Star Shoes' representative, Banh Siem Ann] ... had no evidence of any kind at all."<sup>5</sup> Moreover, the prosecution observed that the item whose theft the Wing Star Shoe's management accused Mr. Chan of failing to report (motor valves) was not even the same item the only supposed witness, the employee, Or Sam Un, claimed to have seen taken (i.e., copper wire).<sup>6</sup> This observation highlighted the entirely fabricated nature of the factory's accusation against the worker leader.

***ASICS's Supplier Factory Intentionally Had Worker Leader Falsely Arrested without Any Valid Evidence and Wrongfully Imprisoned for Six Months***

The Court of Appeals verdict of August 22, 2024, overturned Mr. Chan's conviction, finding it had been the result of a criminal complaint from Wing Star Shoes' management that lacked any valid basis and testimony from another company employee that lacked any credibility. The period to request review of the Appeals Court's verdict by the Cambodian Supreme Court has now elapsed, so the Appeals Court's ruling—that there was never any justification for accusing Mr. Chan of a crime—is now final.

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<sup>3</sup> Phnom Penh Court of Appeals, Criminal Chamber Case File No. 1255 (July 18, 2024), Ruling No. 130 (August 22, 2024) (translation by the WRC).

<sup>4</sup> Phnom Penh Court of Appeals, Criminal Chamber Case File No. 1255 (July 18, 2024), Ruling No. 130 (August 22, 2024) (translation by the WRC).

<sup>5</sup> Phnom Penh Court of Appeals, Criminal Chamber Case File No. 1255 (July 18, 2024), Ruling No. 130 (August 22, 2024) (translation by the WRC).

<sup>6</sup> Phnom Penh Court of Appeals, Criminal Chamber Case File No. 1255 (July 18, 2024), Ruling No. 130 (August 22, 2024) (translation by the WRC).

The Court of Appeals' verdict makes clear that it was ASICS's supplier Wing Star Shoes' willful and unethical decision to bring a criminal complaint against Mr. Chan—without any valid evidentiary basis for doing so—that directly led to his wrongful arrest, conviction, and imprisonment in an overcrowded Cambodian prison cell for 187 days. All that remains to be seen is whether ASICS will require its business supplier, Wing Star Shoes, to provide any meaningful remedy to the worker for this gross abuse of human rights—or whether ASICS, having knowingly failed to prevent this abuse when it occurred, will continue to endorse it by permitting its supplier's impunity.