

AMNESTY INTERNATIONAL

Public Statement

AI Index: ASA 23/008/2007 (Public)
News Service No: 226
22 November 2007

Cambodia: Forced evictions must end

Two people dead, many injured and thousands homeless: two recent forced evictions demonstrate the urgent need for the Cambodian authorities to immediately end this practice. Forced evictions are driving an increasing number of Cambodians from their homes or lands without consultations, due process of law, legal or other protection, and without consideration of adequate alternatives.

Deadly price for land

On 15 November 2007 two people were shot dead by security forces during a forced eviction in the remote northern Preah Vihear province. The victims, one man and one woman, belonged to a group of 317 families -- over 1,500 people¹ -- evicted by more than 200 armed police, military police and soldiers. Toeun Chheng, 29, was shot in the chest at point blank range as she was protecting her four children during the eviction. Witnesses told human rights investigators that a member of the security forces stole a necklace and other valuables from her as she lay bleeding on the ground. She later died in a health clinic. According to accounts provided to Amnesty International, the other casualty, Oeun Eng, 31, was shot dead during the course of the eviction.

According to accounts given to local human rights workers, the security forces had not issued any warnings before opening fire on this group of very poor families, most of whom were day labourers. At least six other evictees were reportedly injured, five by gun shots, one by beatings. Two are reportedly seriously injured and are being treated at the provincial hospital.

The authorities arrested at least twelve people during and after the eviction, including two of the injured, who were transferred from a health clinic to police custody. Three other persons were reportedly arrested on 14 November. All 15 have been sent to Prey Sar prison in Phnom Penh.

The 317 families had recently arrived from other parts of Cambodia and settled on unutilised land in Sra Em village, Kantuot commune, near the Preah Vihear temples -- a growing tourist attraction -- and the Thai border. Local authorities had decided they could not stay on the land, but after a stand-off which led to a negotiated agreement, the families were allowed to stay on a temporary basis.

International human rights law requires that evictions be carried out only as a last resort, and only following adequate notice and consultation with those affected. Amnesty International is concerned that in this case the eviction was carried out without adequate due process. The eviction reportedly took place in breach of an agreement between local authorities and the families, which stated that the families could remain on the land on a temporary basis until a suitable resolution had been found. This agreement had been reached and signed following a stand-off between the villagers and the authorities on 9

November, when police had moved in at night in an attempt to arrest two community leaders.² On 11 November the Choam Khsan district governor had reportedly offered two vaguely described alternative locations which the community declined. In doing so, community leaders said that in order to agree to the relocation they needed to be informed about the precise geographic location of the land.

They also required access to water, schooling for the children and other basic infrastructure. Four days later and without any prior notification, security forces showed an announcement from the provincial administration, stating the community had to leave. The implementation of the eviction followed immediately and included the burning of houses.

Most of the families have now left the province following the violent forced eviction. Around 40 families who have lost most of their belongings lack the means to leave, and have been stranded on a roadside where they currently lack even emergency shelter, food, water and security, a major concern in this

remote area.

Turning families homeless -- Phnom Penh

In a pre-dawn operation on 2 November 2007, 300 members of the security forces forcibly evicted and demolished the entire village of Chong Chruoy on the outskirts of Phnom Penh, using excavators and hired workers to demolish the homes of the 132 families living there. Human rights activists and journalists were blocked from monitoring the incident.

The basis for evicting the village was a written announcement issued by the district authority on 30 August 2007 stating that the reason for the eviction was "to eliminate disorder in the society, to protect environment, sanitation and public health, and to promote the municipality's beauty."³ The villagers were, according to the announcement, given five days to clear the area. However, no action was taken and no new information was provided until security forces moved in on 2 November. According to the authorities the village is located on state land; however, this assumption, disputed by villagers who claim ownership to the land, has reportedly not been heard by the competent authorities.

Immediately following the demolition, trucks took some families to a resettlement site, and within two days all villagers had been forcibly relocated to Trapeang Anchanh village in Dangkor district, an area that lacks basic infrastructure such as shelter, clean water, sanitation, medical facilities or schools and is prone to flooding. According to information provided to Amnesty International this relocation was not a negotiated settlement, but a forced solution which had not been preceded by any meaningful consultation.

The 132 homeless families, most of whom had reportedly lived at Chong Chruoy since the mid-nineties, have not been provided with any emergency assistance from the Cambodian authorities, including any shelter or construction materials at the resettlement site. However, following the eviction, a Deputy Governor of Phnom Penh told the press that the families would each receive a piece of land and a five-year interest-free loan so that they could re-build a house. So far, this has not materialised, so the families stay in tents and under tarpaulins provided by local non-governmental organisations.

The resettlement site, 20 kilometres from Phnom Penh, has also been used to relocate other families, who have been forcibly evicted in the past two years.

Background

Forced evictions are evictions that are carried out without adequate notice, consultation with those affected, without legal safeguards and without assurances of adequate alternative accommodation. As the UN Committee on Economic, Social and Cultural Rights has clarified, forced evictions are "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.

The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with [international human rights law]".

Forced evictions were recognised by the UN Commission on Human Rights to be a gross violation of a range of human rights including the right to adequate housing, which is protected in Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

As a party to the ICESCR, and other international human rights treaties which prohibit forced eviction and related human rights violations, including the International Covenant on Civil and Political Rights (ICCPR), Cambodia has an obligation to stop forced evictions and to protect the population from forced evictions.

Amnesty International urges the Cambodian government to end all forced evictions and declare and enforce a moratorium for all mass evictions until legislative and policy measures are in place to ensure that evictions are conducted only in full compliance with international human rights laws and standards.

Amnesty International also calls on the authorities to immediately ensure that all victims of forced evictions in Phnom Penh and Preah Vihear are provided with emergency relief including shelter, food, water and access to medical assistance. The authorities should also take timely, concrete and targeted steps to ensure they receive adequate reparation, including adequate alternative accommodation and compensation.

The organisation is concerned at reports of the excessive force used during the evictions, and in particular in Preah Vihear, and calls for a full, effective and independent inquiry, following which those responsible

should be brought to justice.

¹Estimate based on the average Cambodian rural household size of 5.0 persons, according to Cambodia: Inter-Censal Population Survey 2004, the National Institute of Statistics/Ministry of Planning, 2004.

²Copy on file.

³Unofficial translation; copy on file.