

PUBLIC

AI Index: ASA 23/010/2007

22 November 2007

UA 315/07 **Forced eviction/excessive use of force**

CAMBODIA **40 families in Kantuot commune, Preah Vihear province**
Twelve people detained during a forced eviction

Killed: Toeun Chheng (f), aged 29
Oeun Eng (m), aged 31

On 15 November, two people were shot dead by security forces during a forced eviction in the remote northern Preah Vihear province. Of the 317 families evicted, around 40 families who lost most of their belongings have been stranded on a roadside near their village, with no shelter, food or water. Twelve people were arrested during the eviction and are detained in the capital, Phnom Penh. It is not known what charges they face.

The 317 families were forcibly evicted from unused land which they had recently settled on in Sra Em village, Kantuot commune. The eviction was carried out by more than 200 armed police, military police and soldiers, who destroyed homes and belongings with no prior warning.

Toeun Chheng was shot in the chest at point blank range as she was protecting her four children during the eviction. She later died in a health clinic. According to accounts provided to Amnesty International, the other casualty, Oeun Eng, was shot dead during the eviction. Eyewitnesses told local human rights workers that the security forces had not issued any warnings before opening fire on this group of very poor families. Accounts suggest that at least six other evictees were injured; five by gun shots, and one who was beaten. Two are seriously injured and are being treated at the provincial hospital.

The authorities arrested at least twelve people during the eviction, including two of the injured, who were transferred from a health clinic to police custody. Three others were reportedly arrested on 14 November. All 15 have been sent to Prey Sar prison in the capital, Phnom Penh, some 400km away. It is not known if they have been charged with any offence; neither is it known whether the two injured detainees are receiving medical treatment.

While most of the evicted families have now left the province, around 40 families have been living on a roadside since the eviction. They lack even emergency shelter, food, water and security, a major concern in this remote area.

International human rights law requires that evictions be carried out only as a last resort, and following adequate notice and consultation with those affected. In this case, the eviction reportedly took place in breach of a written agreement between local authorities and the community, 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 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. On 11 November, the local district governor had offered two vaguely described alternative locations for resettlement, but community leaders declined to move until they had more information on these areas, including the precise geographic location of the land and assurances that the area has 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 notice by security forces followed immediately.

BACKGROUND INFORMATION

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

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 ICESCR.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, French or your own language:

- expressing concern at the violent forced eviction of 317 families from Sra Em village, Kantuot commune, on 15 November, during which two people were killed;
- asking the authorities to immediately provide emergency relief, including adequate shelter, food and clean water, and medical assistance to the victims, including those in police custody;
- calling for the immediate release of the 12 people detained during the forced eviction, if they are not to be charged with a recognizably criminal offence;
- calling on the authorities to undertake a full, effective and independent inquiry into the violence, following which those responsible should be brought to justice;
- urging for concrete and targeted steps to ensure all affected individuals and families receive adequate reparation, including adequate alternative accommodation and compensation;
- calling on the authorities 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.

APPEALS TO:

Preap Tan
Provincial Governor
Kampong Pranok Commune
Tbeng Mean Chey District
Preah Vihear, Cambodia

Fax: + 855 12 849 980

Salutation: Dear Governor

Sar Kheng
Deputy Prime Minister and Minister of Interior
Ministry of Interior
No 75 Norodom Blvd
Khan Chamkamon
Phnom Penh, Cambodia

Fax: + 855 23 212 708/+ 855 23 726 052

Email: moi@interior.gov.kh

Salutation: Dear Minister

COPIES TO: diplomatic representatives of Cambodia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 2 January 2007.