

PUBLIC

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18 May 2009**

Further Information on UA 110/09 (ASA 23/007/2009, 27 April 2009) Fear of imminent forced eviction

CAMBODIA

Around 80 families from Group 78, central Phnom Penh

The Phnom Penh Municipal Court today dismissed Group 78's request for an injunction to stop the forced eviction of their community. A forced eviction could take place at any time. On 20 April, the Phnom Penh Municipality issued a sixth and final eviction notification to the community of around 80 families, giving them 15 days to dismantle their homes and move out of the area.

After receiving the eviction notice, Group 78 filed two applications with the Phnom Penh Municipal Court: one for the eviction notice to be overturned because it is illegal for the Municipality to issue an eviction notice without a Court order; and the other requesting an injunction to halt eviction while the Cadastral Commission, a government body mandated to rule on land ownership disputes, concludes its consideration of the land's legal status and ownership.

The court dismissed the request for an injunction, on the basis that the eviction is in the public interest, and that the disputed land is state public land, as submitted at the hearing by the municipality. The court did not allow the four community representatives to attend, despite having officially invited them. It also decided to conduct a closed hearing, in contravention of Cambodia's Civil Procedure Code. Three lawyers from the Community Legal Education Center (CLEC) representing the community, did attend, but were not allowed to present legal arguments or evidence. They have two weeks to appeal against the decision.

A court hearing has not yet been scheduled to consider the community's other application to overturn the forced eviction on the grounds of illegality of the notification.

In April 2009, the Municipality offered house owners at Group 78 USD\$5,000 and a small plot of land in Trapeang Anchanh resettlement site. The area lacks water, sanitation, sewerage and shelter and is some 20 kms from where they now live. The cost for transport to the city where Group 78 residents work far exceeds their expected daily earnings. Up to 20 families, who are renting at Group 78, have not had any offers of relocation.

The Group 78 families have applied for formal land titles several times, but the authorities have rejected their applications, despite the families having strong ownership claims under the 2001 Land Law.

BACKGROUND INFORMATION

The last decade has seen a steady rise in the number of reported land disputes and land confiscations and evictions, including forced evictions, in Cambodia. Victims are almost exclusively marginalized people living in poverty, who are unable to obtain effective remedies.

In 2008, Amnesty International received reports of about 27 forced evictions, affecting an estimated 23,000 people. Some 150,000 Cambodians are known to be living at risk of forced eviction in the wake of land disputes, land grabbing, agro-industrial and urban development projects. An estimated 70,000 of these live in Phnom Penh.

As a state party to the International Covenant on Economic, Social and Cultural Rights (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 people from forced evictions.

Forced evictions are evictions that are carried out without adequate notice and consultation with those affected, without legal safeguards and without assurances of adequate alternative accommodation. Whether they be owners, renters or illegal settlers, everyone should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.

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

- expressing concern that the Phnom Penh Municipal Court did not grant an injunction for overturning the eviction notice issued to Group 78, and did not adhere to correct judicial procedure in its conduct of the 18 May hearing, in breach of the Civil Procedure Code;
- expressing concern that all families living at Group 78 in Phnom Penh are at risk of forced eviction to an inadequate resettlement, with no clean water, electricity, sanitation and sewage services, and access to health care;
- calling on the authorities to protect Group 78 from forced eviction and to engage in genuine consultation with the community, including on adequate alternative housing with security of tenure and compensation should this be necessary;
- calling on the government to end all forced evictions as a matter of urgency.

APPEALS TO:

Sar Kheng
Deputy Prime Minister and Minister of Interior
Ministry of Interior
#75 Norodom Blvd.
Khan Chamkarmon
Phnom Penh, Cambodia

Fax: + 855 23 212 708
Email: moi@interior.gov.kh
Salutation: Dear Minister

Hor Namhong
Minister of Foreign Affairs and International Cooperation
Ministry of Foreign Affairs
Sisowath Quay
cnr rue 240
Phnom Penh, Cambodia

Fax: + 855 23 216 144 or 216 141
Email: mfaicinfo@mfaic.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 29 June 2009.