

PUBLIC

AI Index: ASA 23/043/2008

19 November 2008

UA 319/08 Forced eviction/ excessive use of force

CAMBODIA 300 families from Anlong Krom village, Kampot Province

Around 100 soldiers, police, military police and Forestry Administration officials forcibly evicted around 300 families in Ta Ken commune, Chhuk District in the province of Kampot on 17 and 18 November. The mixed force, the largest group of whom belonged to Brigade 31 of the Royal Cambodian Armed Forces, was carrying firearms including AK47s and handguns when they approached Anlong Krom village. They burned down all the houses in the village, making the people homeless.

Around 130 houses, mostly thatched huts built with straw and leaves, were burnt down on 17 November, leaving the homeless families to spend the night in the open. Many slept on the ashes of their homes, a human rights worker told Amnesty International. The security forces burnt down the remaining 170 houses on the following day.

Members of the mixed force beat and kicked many of the villagers, and three people had to be taken to hospital for treatment of their injuries.

The villagers did not receive any prior notification before the houses were destroyed. The eviction appears to have taken place without any legal eviction order. At no time during the two days were villagers or human rights monitors shown any documentation providing for the legal basis for the eviction.

The military, which played a leading role in the forced eviction, had blocked the road leading to the village and stopped human rights workers and other monitors from entering the area until the evening of 17 November. On the following day, military personnel again blocked them for a few hours before being allowed to pass.

According to human rights monitors, the local authorities claim that the village is an illegal settlement; poor farmers have settled on the land there, which they thought was vacant. Some families have told human rights workers they moved onto the land up to six years ago, while others have settled there more recently. Many of the settlers are believed to have been landless and the community in Anlong Krom was living in poverty. Many of the families lost their belongings in the fires, while others were able to retrieve personal items. Representatives of the authorities have publicly said the village lies within a protected area of forest, which could account for the involvement of the Forestry Administration, but observers say the boundaries of the protected area are unclear. The land is very fertile and, with a new road making it easy to access, attractive for business interests.

BACKGROUND INFORMATION

As a 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 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." 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. 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.

In 2008, some 150,000 Cambodians were known to be living at risk of forcible eviction in the wake of land disputes, land grabbing, and agro-industrial and urban redevelopment projects. Tens of thousands have already been forcibly evicted in recent years, many left homeless, others relocated to inadequate resettlement sites with poor infrastructure, lacking basic amenities including sanitation, and with limited access to work opportunities. Individuals and groups with political or economic power are allowed to act with impunity in arbitrarily expropriating land, by colluding with local authorities in ways that lead to the issuing of dubious land titles and eviction orders, and the misuse of the court system to prevent victims from acting to defend their rights. So far in 2008, at least 3,100 families, or approximately 15,000 people, have been affected as a result of forced evictions in Cambodia.

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

- expressing concern at the forced eviction and destruction of the homes of 300 poor families from Anlong Krom village on 17-18 November 2008, and asking the authorities to immediately provide emergency relief, including adequate shelter, food, clean water and medical assistance;
- calling for concrete steps to ensure they receive adequate reparation, including adequate alternative accommodation and compensation;
- calling on the authorities to undertake a full, effective and independent inquiry into the legality of the forced eviction and the violence by members of the mixed force, following which those responsible should be brought to justice;
- 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:

Tea Banh, Deputy Prime Minister and Minister of National Defense
Ministry of National Defense, Blvd. Russian Confederation (Corner St. 175), Phnom Penh, Cambodia

Fax: + 855 23 883 274

Email: info@mond.gov.kh

Salutation: Dear Minister

Chan Sarun

Minister of Agriculture, Forestry and Fisheries

Ministry of Agriculture, Forestry and Fisheries, #200 Norodom Blvd, Sangkat Tonle Bassac
Khan Chamkarmorn, Phnom Penh 12301, Cambodia

Fax: + 855 23 217 320

Email: info@maff.gov.kh

Salutation: Dear Minister

COPIES TO:

Sar Kheng, Minister of Interior and Deputy Prime Minister

Ministry of Interior, #75 Norodom Blvd, Khan Chamkarmon, Phnom Penh, Cambodia

Fax: + 855 23 212708

Email: moi@interior.gov.kh

Salutation: Dear Minister

and 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 31 December 2008.