

## **URGENT ACTION APPEAL:**

A Third Eviction Notice Issued; Deadline Pushed to July 31  
Phnom Penh, July 26, 2006



Group 78 villager Ouk Makra holds her child and a drawing showing the size of her land in the threatened area. To date, 8 houses at Group 78 have been demolished.

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After a flood of letters from local and international human rights advocates, the Municipality of Phnom Penh has once again postponed its eviction deadline for Group 78, a group of people with good claim to the land they have occupied since the early 1980s.

**At this crucial moment, your letters of appeal to Samdech Prime Minister Hun Sen, H.E. Governor Kep Chuktema and Sour Srun Company are urgently sought.**

### The Victims: Group 78 Community Members

- Nearly 150 families living on a plot of land known as “Group 78” near the Bassac River in Phnom Penh are facing an imminent eviction.
- This community has lived in Group 78 since the early 1980s. Since then, they have cultivated the land, built structures on the land, and used the land as collateral for loans.
- The families have good documents demonstrating their firm right to possess and occupy the land. In the early 1990s, commune and local authorities issued some families receipts recognizing their occupation of the land.
- If evicted, these families will be removed to barren fields more than 20 kilometers from the city center, with no basic sanitation services, no sources of food or potable water, and no access to schools, hospitals or jobs.

### The Duty Holders:

The Royal Government of Cambodia; The Municipality of Phnom Penh; Sour Srun Company

### The Events

**June 6, 2006:** At four a.m., armed police evicted more than one thousand families living near Group 78 in the Bassac area. The families were trucked to a barren field more than twenty kilometers from the center of Phnom Penh. Municipal officials claimed these families were living on land owned by Sour Srun Company, but assured Group 78 members that they would be spared eviction.

**June 7:** Reneging on earlier promises, City Hall and district officials threatened to remove Group 78 residents, offering them one plot of land at another resettlement site more than 20 km away. Most families refused and asked to be compensated for the market value of their land.

**June 13:** Two houses were demolished by a Sour Srun Company bulldozer at the Group 78 site.

**June 22:** Group 78 residents received an eviction notice from municipal authorities. The notice did not specify an eviction date but declared that Group 78 residents would have to leave the site “in order to contribute to the beauty and development of Phnom Penh.”

**July 7:** City Hall again offered each family a 5 by 12 meter resettlement plot and offered each family USD 500. After community representatives refused the offer, City Hall officials angrily stormed out of the meeting.

**July 13:** Some ten families agreed to leave Group 78 for an unknown settlement offer. Reportedly, all were relatives of a village sub-chief cooperating with the authorities. Two homes were demolished.

**July 14:** Before dawn, 30 uniformed police officers armed with guns, rifles and electric batons went to the Group 78 community. Reports indicate the police presence may have been an intimidation tactic. Several more Group 78 families agreed to move to the resettlement site, bringing the total to around 15. Each family received USD 600 and a plot of land measuring 5 by 12 meters.

**July 16:** City Hall distributed to each Group 78 family an eviction notice with a deadline of July 21, citing beautification and tourism as a justification for the eviction. The notice stated: “When the deadline is over, the Municipality will take **strict measures** and will not be responsible for loss, damage or other incidents.”

**July 24:** City Hall issued a third eviction notice, stating that it was evicting the villagers “in accordance with the Phnom Penh Municipality’s Master Plan for 2020,” which the Municipality has not made public. The new notice gave villagers “**one week**” to leave the site, setting an eviction date of **July 31**.

### Official Justifications for the Eviction

Officials claim that Group 78 land is government property illegally occupied by the community. The Municipality has produced no documentation, however, to support this claim. To the contrary, publicly available evidence suggests that the land is not government property. First, the parcels of land immediately adjacent to Group 78 are privately owned by the Australian Embassy and corporate mogul Kit Meng. In addition, district officials wrote to Village 78 residents in 2001 to request permission to hold Water Festival ceremonies near their land; this implies that the land is private property. Finally, the land does not fit any of the categories of government property (including roads, rivers, public parks, etc.) laid out in the 2001 Cambodian Land Law. Sour Srun Company, which has already evicted one thousand families from the land adjacent to Group 78, also claims it owns some of Group 78's land. It has, however, produced no documents demonstrating the existence – or extent – of its title.

### Violations of Cambodian and International Law

The government and company's actions stand in flagrant violation of Cambodian law. Article 44 of the Cambodian Constitution states that the government can only deprive someone of property for "public interest" purposes and requires that the government pay victims fair and just compensation in advance. Article 5 of the 2001 Land Law also prohibits deprivation of ownership without process of law. Article 38 of the 2001 Land Law grants ownership to someone who has possessed property in a non-violent, continuous, open, obvious, and good-faith manner for five years. Further, Article 7.3.5 of the Cambodian government's own Strategy of Land Policy Framework requires that the government pursue a policy of compensation and relocation if it resettles people for a public interest purpose. The policy also states clearly that the government should avoid forced evictions if at all possible. Because the Municipality has issued an eviction notice – and evicted some residents – **without offering any public interest justification** or compensating the victims for the value of their loss – **market value**, appraised by Bonna Realty Company as **USD 550 per square meter** – the Municipality has violated Cambodian law.

The authorities' actions also stand in flagrant violation of articles 2, 4, 11, and 15 and comments 4 and 7 of the International Covenant on Economic, Social and Cultural Rights, to which the Government of Cambodia has acceded. Finally, the eviction process fails to meet United Nations Comprehensive Human Rights Guidelines on Development-Based Displacement, first articulated in 1997. These guidelines require that a government conduct social impact assessments and make arrangement for fair compensation and adequate resettlement conditions in advance of any eviction.

### Context: Eviction Crisis in Cambodia

The Group 78 eviction is just one example of an eviction crisis sweeping Cambodia. In the weeks and months ahead, authorities plan to evict citizens from their land throughout the country. Here in Phnom Penh, families in *Dayee Krahowm* and "Happy Community," two large areas near Group 78, are threatened with eviction as well. On June 29, police forces were deployed at 5 a.m. to evict over 150 families in central Phnom Penh's Monivong community. In the provinces, the situation is arguably worse. On June 27, 71 homes in Sihanoukville were razed by police officials, in what the governor claimed was an effort to further "poverty reduction." Eviction notices have been issued in, *inter alia*, Kampong Cham, Kratie, Mondulhiri, Pursat, Stung Treng, Siem Reap, Oddar Meanchey, Preah Vihear, and Kompong Thom.

The accelerating pace of evictions in Cambodia suggests a coordinated government strategy of facilitating private appropriation of land at the expense of the poor. In fact, government officials admit as much. In reference to the Group 78 eviction, Mea Sopheap, Tonle Bassac commune chief, stated: "[Sour Srun Company] will remove one community every three months until finished." The sheer number of people threatened with internal displacement raises the specter of instability for Cambodia.

### **Actions Already Taken**

At the request of the Group 78 community, Cambodia's Community Legal Education Center (CLEC) and Legal Aid of Cambodia (LAC) took the case on June 8. Since then, attorneys and community members have filed numerous letters to the Ministry of Land, the National Authority on Land Dispute Resolution (NALDR), City Hall, the Ministry of Interior, and the District and National Cadastral Commissions, contesting the eviction, asserting the community members' documented right to the land, and requesting compensation for the families and disclosure of a public interest justification for the eviction. The attorneys and community members have also filed a complaint with the Phnom Penh Municipal Court requesting that the court cancel the eviction notice. Finally, attorneys have requested a copy of Sour Srun's land title from the Ministry of Land Management, Urban Planning and Construction.

CLEC, LAC and community representatives have also brought the case to the attention of local and international media. On June 16, CLEC and LAC held a press conference on the threatened eviction; on July 18, after receiving the July 21 eviction deadline, community members held an on-site press conference calling for public interest justification and fair and just compensation. On June 29, Community representatives and CLEC attorneys discussed the Group 78 community members' legal rights on a Voice of Democracy (VOD) radio talk show. On July 12, attorneys drafted letters to the National Assembly, the Senate, and the Ministry of National Assembly and Senate Relations and Inspection (MoNASRI) in order to publicize the case. Attorneys and community members continue to write letters of appeal to government agencies and Sour Srun Company, and rights groups maintain a strong monitoring presence at the site.

### **ACTION: How You Can Help**

Please join us in calling for a stop to the Cambodian government's flagrant violation of its own laws and international laws to which it has acceded. With your support, we can stop this eviction. **A sample letter is attached.**

Please send letters to:

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