CAMBODIA: Governor illegally and violently evicts 229 village families

Urgent Appeal

26 January 2007

The Asian Human Rights Commission (AHRC) wishes to inform you of another brutal and illegal eviction of 229 families from Number One village, Sangkat Number One, Sihanouk Ville, Cambodia on 18 December 2006. The incident took place when Governor Say Hak allegedly ordered at least 100 military and police officers armed with rifles, electric batons and two bulldozers to destroy the community's homes and crops. The government forces were met with resistance when the community protested the destruction of the 28 hectares of land. The clash resulted with three demonstrators suffering electric shock to point of unconsciousness, eighteen slightly injured and five houses demolished.

CASE DETAILS:

The AHRC has learned that Sihanouk Ville Governor Say Hak planned to split the 28 hectares of land into sections of 13.5 and 14.5 hectares. The governor was then going to allocate the smaller portion to the 229 families and declare the remaining land as state property. The 13.5 hectares was going to be divided into smaller 8m x 15m plots for each family. Despite the governor's grand policy, local families had never agreed to the proposal. The families believe that the land is being split up for the governor's personal financial gains through development project with unknown business associates. According to locals, many suspected businessmen have approached the area and are keenly observing the eviction process. The local community has been living on the land since 1986.

On December 18, 2006 around 7:00am, Sihanouk Ville Governor Mr. Say Hak ordered military and police officers armed with rifles and electric batons to evict the families from the land without any warrant from the provincial court or public consultation. The villagers then resisted the police in order to try and halt the bulldozing of their crops such as coconut, jack fruit, mango trees and other plantations. Three locals suffered electric shock until they were rendered unconscious, while another eighteen were beaten. The bulldozing continued five houses were destroyed. The victims who suffered electric shock included a 47 year-old man named Chhoam Yom, another 50 year-old man named Hem Narin and a woman named Touch Mom. They were all brought to the hospital in Sangkat Number 4, Khan Mitapheap,
Meanwhile on 2 January 2007 around 6:00 am, Sihanouk Ville Governor Say Hak ordered 20 police officers armed with rifles and electric batons to destroy and move a house in order to pave a way to another occupied area. During the eviction, a 46-years-old man named Thorn Bunthy was seriously shocked by police until becoming unconscious after he resisted the authorities destroying his house. The officers then threw Bunthy into a police truck while unconscious and took him downtown to the police commissioner's office in Sihanouk Ville. He was detained in a cell until 5:30 pm when villagers and local NGOs intervened.

BACKGROUND

The land in question had originally been a rubber plantation dating back to 1980. When the Sihanouk Ville authority officially closed the plantation since the land had been parched, local workers continued to live in the area after the land was cleared. In 1986 Prime Minister Hun Sen issued a sub-degree bearing number 76 and declared the land as a Khbal Chhay (Good Water) region. The degree stipulated that individuals would not be permitted to people to live in that region. Later that year, the people who occupied the land complained to Prime Minister Hun Sen and asked for the legal right to abode. Over the next few years, the Prime Minister ordered the government inspectors to investigate that area and determine whether the land was in fact occupied by a community. After the area was studied, Prime Minister Hun Sen issued a new sub-degree amending the first one. Sub-degree 70 stipulated that the local inhabitants would be permitted to stay on the land provided but they have to remain a distance of at least 300 meters from National Route 4 and the Khbal Chhay National Park in Sihanouk Ville, which is in the vicinity of the said land.

The affected families have been living on their land since 1986 and therefore have lawful ownership according to Cambodian Land Law 2001, which states that person(s) are entitled to have ownership over the land when he/she has occupied and lived on it for five years peacefully (without any ownership related dispute).

The AHRC contends that the governor has broken the law when he resorted to forceful eviction of without securing any approval from a court of law. He has also allegedly broken the law when he used the military police to carry out this eviction. Finally, he has also abused his powers by using law enforcement agents to execute an unlawful eviction for his own personal interests.

The AHRC holds Governor Say Hak responsible for the destruction of the crops and the houses belonging to the villagers and for the injuries inflicted by the police. The AHRC urges you to inquire about this matter and take action against Governor Say Hak by lifting his removing him from office and bringing him to justice, if the allegation is proven true. He should be held accountable for crimes against the villagers and ordered to pay appropriate compensation.

The AHRC urges the Cambodian authorities to immediately halt the clearance of this land and the unlawful eviction of the 229 families. The AHRC also urges the government to restore and protect the ownership of the land to the local people. The AHRC further urges donor governments, UN agencies, international aid agencies and the international human rights community to work with the Cambodian government and courts to end this abuse of power and to establish a strong rule of law in Cambodia.

SUGGESTED ACTION:

Please send a letter to the relevant authorities mentioned below urging an immediate remedy and to investigation Governor Say Hak. Please encourage the government to prosecute the governor if it is found that he is responsible for the villagers destroyed property and pain caused. Please also ask that they receive appropriate compensation for destruction caused.
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Persons affected: 229 families, live in a Number One village, Sangkat Number One, Khan Metapheap, Sihanouk Ville, Cambodia.
1- A 47-years-old named Chhoam Yom,
2- A 50-year-old man named Hem Narin
3- A woman named Touch Mom
4- A 46-years-old man named Thorn Bunthy

Alleged perpetrators:
1. Sihanouk Ville Governor Say Hak

Date of incident: December 18, 2006 and January 2, 2007

Place of incident: Number One village, Sangkat Number One, Khan Metapheap, Sihanouk Ville, Cambodia.

I am deeply concerned to hear that 229 families have been illegally and violently evicted from their 28 hectare area of land at Number One village, Sangkat Number One, Sihanouk Ville, Cambodia on 18 December 2006. I have learned that Governor Say Hak allegedly ordered at least 100 military and police officers armed with rifles, electric batons and two bulldozers to destroy the community’s property and crops. I understand that the families resisted the government authorities and as a result three people suffered electric shock to the point of unconsciousness, while another eighteen were wounded with five homes destroyed.

According to a report that I’ve received, Governor Say Hak planned to split the 28 hectares of land into sections of 13.5 and 14.5 hectares. The governor was then going to allocate the smaller portion to the 229 families and declare the remaining land as state property. The 13.5 hectares was going to be divided into smaller 8m x 15m plots for each family. Despite the governor’s grand policy, local families had never agreed to the proposal. The families believe that the land is being split up for the governor’s personal financial gains through development project with unknown business associates. According to locals, many suspected businessmen have approached the area and are keenly observing the eviction process. The local community has been living on the land since 1986.

I know that the land in question had originally been a rubber plantation dating back to 1980. When the Sihanouk Ville authority officially closed the plantation since the land had been parched, local workers continued to live in the area after the land was cleared. In 1986 Prime Minister Hun Sen issued a sub-degree bearing number 76 and declared the land as a Khbal Chhay (Good Water) region. The degree stipulated that individuals would not be permitted to people to live in that region. Later that year, the people who occupied the land complained to Prime Minister Hun Sen and asked for the legal right to abode. Over the next few years, the Prime Minister ordered the government inspectors to investigate that area and determine whether the land was in fact occupied by a community. After the area was studied, Prime Minister Hun Sen issued a new sub-degree amending the first one. Sub-degree 70 stipulated that the local inhabitants would be permitted to stay on the land provided they have to remain a distance of at least 300 meters from National Route 4 and the Khbal Chhay National Park in Sihanouk Ville, which is in the vicinity of the said land.

It is obvious to me that the affected families have been living on their land since 1986 and therefore have lawful ownership according to Cambodian Land Law 2001, which states that person(s) are entitled to have ownership over the land when he/she has occupied and lived on it for five years peacefully (without any ownership related dispute).
It seems to me that the governor has broken the law when he resorted to forceful eviction of without securing any approval from a court of law. He has also allegedly broken the law when he used the military police to carry out this eviction. Finally, he has also abused his powers by using law enforcement agents to execute an unlawful eviction for his own personal interests.

I therefore urge you to inquire about this matter and take action against Governor Say Hak by lifting his removing him from office and bringing him to justice if the said allegation is proven true. He should be held accountable for crimes against the villagers and ordered to pay appropriate compensation.

I also urge you to ensure that the clearance of this land and the unlawful eviction of the 229 families is immediately halted and that the ownership to the local people are restored. I further urge donor governments, UN agencies, international aid agencies and the international human rights community to work with the Cambodian government and courts to end this abuse of power and to establish a strong rule of law in Cambodia.

Sincerely yours,

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PLEASE SEND YOUR LETTER TO:

1. Mr. Samdech Hun Sen
Prime Minister
Cabinet of the Prime Minister
No. 38, Russian Federation Street
Phnom Penh
Cambodia
Tel: +855-23-21 98 98
Fax: +855-23-36 06 66
E-mail: cabinet1b@camnet.com.kh

2. Mr. Samdech Chea Sim
Senate president
Chamcar Mon State Palace
Pheah Norodom Blvd
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Tel: +855-23-21 1441-3
Fax: +855-23-21 1446
Email: info@senate.gov.kh

3. Mr. Samdech Heng Samrin
President of National Assembly
Sothearess Street
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4. Mr. Bin Chhin
President of Chamcar Mon
State palace
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Email: info@ccc.gov.kh

5. Mr. Sar Kheng
Deputy Prime Minister
Minister of Interior
275 Norodom Blvd.
Phnom Penh
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Fax/phone: +855-23 72 19 05/72 60 52/72 11 90
E-Mail: info@interior.gov.kh, moi@interior.gov.kh

6. Mr. Ang Vong Vathna
Minister of Justice
No 240, Sothearyos Blvd.
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Fax: + 855-23-36 41 19/21 66 22

7. General Hok Lundy
National Police Commissioner
General-Commissioner of National Police
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8. Gen. Ke Kim Yan
Commander-in-Chief
High Command Headquarters
Royal Cambodian Armed Forces
Kambol
Phnom Penh
Cambodia

9. Mr. Say Hak
Governor
Municipality of Sihanouk Ville
Street Ekareach, Sangkat 3, Khan Mittapheap, Sihanoukville,
Cambodia.
Tel: 855 034 933 417
Fax: 855 034 933 657
Email: kpsi-admin@Norton.edu.kh

10. Ms Margo Picken
Director
Office of the High Commissioner for Human Rights - Cambodia
NeX 10, Street 302
Sangkat Boeng Keng Kang I
Khan Chamcar Mon
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11. Prof. Yash Ghai
Special Representative of the Secretary-General for human rights in Cambodia
Attn: Ms. Afarin Shahidzadeh
12. Mr. Miloon Kothari  
Special Rapporteur on adequate housing  
Attn: Ms. Cecilia Moller  
Room 4-066/010  
UNOG-OHCHR  
CH-1211, Geneva 10  
SWITZERLAND  
Tel: +41 22 917 9265  
Fax: +41 22 917 9010 (ATTENTION: SPECIAL RAPPOREUR ADEQUATE HOUSING)

Thank you.

Urgent Appeals Programme  
Asian Human Rights Commission (ahrchk@ahrchk.org)