

PUBLIC

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UA 102/07 Forced eviction/use of excessive force

CAMBODIA 117 families

Police forcibly evicted 117 families from the community of Mittapheap 4, in the coastal town of Sihanoukville, on 20 April, and destroyed their homes. The police reportedly used excessive force during the eviction, and several people on both sides were injured. A 77-year-old man is still in hospital. Over 100 homes were destroyed.

Forced evictions are a grave violation of a range of human rights. As a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), Cambodia is required not to evict anyone without adequate notice, prior consultation, due process of law and assurances of adequate alternative accommodation. Hundreds of Mittapheap 4 villagers remain without shelter and are homeless as a result of the evictions.

On the morning of the eviction, the community was surrounded on all sides by armed security forces. Violent clashes between the police and members of the community followed with the police firing live ammunition in the air and into the ground, beating people with electric batons and dispersing people with water cannon, while some villagers defended themselves with machetes, bottles and barbed wire.

Following the violence, 13 of the villagers were arrested by police, beaten and interrogated, and then taken to the Sihanoukville prison. The detainees have been charged under the so-called UNTAC (United Nations Transitional Authority in Cambodia) law, which is still in force, with "battery with injury" (Article 41) and "wrongful damage to property" (Article 52). Article 41 can lead to a prison term of up to 10 years if a weapon was used. Article 52 carries a maximum prison sentence of three years.

Since the incident some 40 men remain unaccounted for. They are believed to have gone into hiding, fearful of arrest and retribution for the resistance they put up.

Many of the forcibly evicted families are now living in destitution on a roadside under tarpaulins provided by NGOs. The already poor and marginalised families, mostly small-scale fishermen and beach vendors, lack food and drinking water, and have lost their meagre livelihoods. They are receiving some humanitarian assistance from a network of NGOs, which is also helping the injured, sick and traumatised, including many children.

The eviction follows a protracted land dispute which came into the open in 2006 when a complaint was filed with the Mittapheap 4 commune chief, claiming the villagers were "illegal squatters". However, no competent judicial authority has made a determination of the land ownership claim, as is required under the 2001 Land Law.

On 19 January, over four months before the eviction, the Sihanoukville municipality reportedly issued an eviction order giving the villagers seven days' notice to clear the area. This eviction order was issued without any judicial oversight and was not preceded or followed by any consultation with most of the families concerned. However, reports suggest the 20 April forced evictions and house demolition were actions taken by the police and military police in executing a separate warrant issued by the Sihanoukville Municipal Court to search for illegal weapons. No such weapons were found.

In 2006 local authorities began negotiations with 17 families in an attempt to resettle them. These families reportedly rejected an offer of US\$500 per family and another offer to be relocated to an area too far from the sea for them to continue making a living from fishing.

BACKGROUND INFORMATION

Forced evictions are a grave violation of a range of human rights including the right to adequate housing, protected in Article 11(1) of the ICESCR. Forced evictions are evictions without adequate notice, consultation with those affected, without legal safeguards and without assurances of adequate alternative accommodation. The prohibition of forced evictions does not extend to lawful evictions carried out with reasonable force. As a state party to the ICESCR, Cambodia is under an obligation to desist from undertaking forced evictions and to protect the population from the threat of forced evictions.

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

- expressing concern that 117 poor and marginalised families were forcibly evicted from their homes in Mittapheap 4 on 20 April 2007, and asking the authorities to immediately ensure that those made homeless are provided with emergency relief including shelter, food, water and access to medical assistance;
- urging the authorities to ensure that all the families are provided with adequate alternative accommodation;
- expressing concern at reports that the police used excessive force during the evictions, and calling for a full, effective and independent inquiry, with those responsible brought to justice, and the findings of the inquiry made public.

APPEALS TO:

Heng Samrin
President of the National Assembly
Office of the National Assembly
Samdech Sothearos Blvd
Phnom Penh
Kingdom of Cambodia
Fax: +855 23 217 769
Email: khenglong@cambodian-parliament.org
kolpheng@camnet.com.kh
Salutation: Dear President of the National Assembly

Say Hak
Governor of Sihanoukville Municipality
Street Ekareach, Sangkat 3
Khan Mittapheap
Sihanoukville
Kingdom of Cambodia
Fax: +855 34 933 657
Email: kpsi-admin@Norton.edu.kh
Salutation: Dear Governor

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 12 June 2007.