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Cambodia's government must intervene to stop forced eviction

The Cambodian government should act immediately before 17 July to stop the scheduled forced eviction of some 60 low-income families living in the area known as Group 78, Amnesty International said.

Authorities in Phnom Penh have mobilised some 700 police and military police to forcibly evict the families, according to fresh reports.

The Municipality of Phnom Penh issued a "final eviction notification" to Group 78 in April 2009, in breach of the 2001 Land Law. This law states that evictions can only be carried out under a court order upon the request of the person who claims the property, and that the court must verify and validate such a claim. Ignoring this provision, the Appeal Court on 13 July ruled that the eviction notification was legal.

At the hearing, the Appeal Court also decided that the Cadastral Commission must resolve the ownership dispute over Group 78 land. However, complaints made by Group 78 to the Commission since June 2006 have gone unanswered. Now it appears that authorities in Phnom Penh have scheduled a forced eviction without allowing for such a judicial review.

The families have not accepted the compensation packages that the Phnom Penh Municipality has offered because they deem it unfair and inadequate.

Last week, officials from the Phnom Penh Municipality met with some Group 78 residents, in an attempt to coerce them into accepting compensation for the highly valuable land in the centre of the city. A community representative described the meetings as very intimidating, with officials, including Phnom Penh's deputy governor, warning that police and military police would demolish their community if they did not accept the compensation on offer. The residents were not allowed to speak at the meeting.

The Municipality has offered house owners four options: US\$8,000; US\$5,000 plus a small plot of land; US\$1,500 plus a small plot of land and a small house at Trapeang Anchanh resettlement site; or an apartment at a different resettlement site that they have never seen. Trapeang Anchanh is some 20 km from where they now live and work, and basic services such as water, electricity, sanitation and sewerage are inadequate. The cost of transport to and from the site for work far exceeds their daily earnings.

Around 20 families accepted the cash compensation, but up to 60 families remain in their homes, pushing for a fair and just resolution.

Another 20 families are renting housing in Group 78. These families have not been offered any compensation at all, but were given a three-day deadline on 14 July to pack up and leave.

At no point in the three-year-long land dispute have the Cambodian authorities held genuine consultations with Group 78. Nor have they explored any feasible alternatives to the proposed eviction, including proposals about onsite development submitted by Group 78 residents themselves.

Background

The Group 78 families now at risk of forced eviction started moving into the area on the riverfront in 1983. Since then the value of the land has increased enormously. The families have applied for formal land titles several times, but the authorities have rejected their applications, despite the families having official documentation proving strong ownership claims.

The Phnom Penh authorities have given different reasons for the eviction of the families, ranging from beautification of the city to claims that the community are illegal squatters. In the “final eviction notification” the Municipality states that the community is living on land belonging to a private company and on a public road. Group 78 maintains that under the Land Law they are the rightful owners of the land.

In January 2009, about 400 poor urban families were forcibly evicted from Dey Kraham, which is near Group 78. Their homes were destroyed by an estimated 250 members of the security forces, and demolition workers, and many people lost their possessions. The vast majority were initially made homeless, and had no option but to move to a site far from Phnom Penh, without basic services and with shelters still under construction. On several occasions officials from the Phnom Penh Municipality have warned the Group 78 families that if they do not accept one of the compensation packages, they will be seeing a resolution similar to that of Dey Kraham.

Forced evictions are carried out without adequate notice and consultation with those affected, without legal safeguards and without assurances of adequate alternative accommodation. Under international law, including the International Covenant on Economic, Social and Cultural rights (ICESCR), Cambodia is prohibited from carrying out forced evictions, and must protect people from forced evictions.

In May 2009 during its scrutiny of Cambodia’s compliance with the ICESCR, the UN Committee on Economic Social and Cultural Rights expressed concern over the number of forced evictions in Cambodia. In its concluding observations, the Committee noted “with serious concern” the imminent eviction of Group 78 as one example, and recommended that Cambodia introduces a moratorium on all evictions until a “proper legal framework is in place and the process of land titling is completed, in order to ensure the protection of human rights of all Cambodians”.

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