



January 23, 2012

H.E. Samdech Hun Sen
Prime Minister
Cabinet of the Prime Minister
Council of Ministers
Phnom Penh, Kingdom of Cambodia

Via facsimile: +855 23 360-666

Re: Borei Keila forced eviction and arbitrary detention of 22 women and 6 children

Dear Prime Minister,

We, the undersigned international non-governmental organizations, write to you to express our very serious concerns regarding the forced eviction of the Borei Keila community in Phnom Penh and the arbitrary detention on January 11, 2012, of 22 women and six children while peacefully protesting their eviction. Police and Daun Penh district security guards conducted the arrests on January 11 in front of the Phnom Penh Municipality building where protesters had gathered to demand a halt to the evictions and the release of fellow protesters arrested on January 3.

Prior to these arrests, on January 3, workers from the Phan Imex company destroyed the homes of around 300 families living in Borei Keila. State security forces that were present used tear gas and rubber bullets against the residents, and both sides threw rocks, sticks, and bottles. More than 64 people were reportedly injured. The authorities arrested at least eight of the residents, one of whom was released on bail on January 18 while seven remain in detention. These eight residents, including two children, have all been charged under both article 218 (“intentional acts of violence with aggravating circumstances”) and article 504 (“obstruction of public officials with aggravating circumstances”) of the Cambodian penal code.

Borei Keila has been the home to a large poor urban community for many years. The Cambodian government designated the area as a “social land concession” in 2003, sharing land with Phan Imex, which promised to build housing for the poor. However, it has been reported that the Phan Imex owner wrote to you in April 2010 requesting permission to be relieved of the obligation to build two of the ten buildings promised for the community. Many of the 300 families have been protesting against the company and local authority since then.

The authorities have relocated most of those evicted on January 3 to two remote resettlement sites, Tuol Sambo, on the outskirts of Phnom Penh, and Srah Po, also known as Phnom Bat, in Kandal province. Many are now living in makeshift tents, without access to electricity, sanitation or clean drinking water, schools, and employment opportunities. At least 30 families with people living with HIV/AIDS are among those evicted. The precarious situation facing these homeless families reflects a serious failure by the Cambodian government to fulfill its international legal obligations to respect the right to an adequate standard of living, including adequate housing, as recognized under the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Cambodia has ratified.

As a state party to the ICESCR, Cambodia is obliged to ensure, before any planned evictions, that all alternatives are explored in consultation with those affected by the eviction. Evictions may only occur in accordance with the law and in conformity with international standards, including genuine consultation with those affected, adequate notice and information on the proposed eviction, and provisions of legal remedies for those affected. Evictions may only occur if they do not render individuals homeless or vulnerable to the violation of other human rights.

In 2009, the Committee on Economic, Social and Cultural Rights, the United Nations body charged with monitoring the implementation of the ICESCR, expressed its serious concerns at the increasing scale of forced evictions in Cambodia and made the following recommendation:

The Committee strongly recommends that the State party, as a matter of priority, undertake open, participatory and meaningful consultations with affected residents and communities prior to implementing development and urban renewal projects and to ensure that persons forcibly evicted from their properties be provided with adequate compensation and/or offered relocation that complies with the guidelines adopted by the Committee in its general comment No. 7 (1997) on forced evictions and guarantee that relocation sites are provided with basic services including drinking water, electricity, washing and sanitation, as well as adequate facilities including schools, health care centres and transportation at the time the resettlement takes place.

The 22 women and six children arrested during a peaceful protest on January 11 were arbitrarily detained at Prey Speu Social Affairs Center in Phnom Penh without access to their families, legal counsel, and medical care. In the past, Prey Speu has been used by the authorities to arbitrarily

detain homeless people, drug users, and sex workers rounded up from the streets. Detainees there have been subjected to abuses including suspicious deaths, rape, torture, and beatings. Several of the women detainees told us that Phan Imex representatives had sought to intimidate them and told them that they would only be released if they agreed to sign or thumbprint documents to accept land in Tuol Sambo or Srah Po. Three women were released on January 16 and another woman on January 17, all after agreeing to sign a contract to accept land in Srah Po. On January 18, the remaining women and children climbed the fences around the center and escaped from Prey Speu during a visit to the facility by two opposition parliamentarians and the media.

We respectfully call on the Cambodian government to:

- cease and refrain from all forms of intimidation, including arbitrary detention, against those forcibly evicted from the Borei Keila community;
- initiate a full and independent investigation into the arrest of the 22 women and six children on January 11 and their subsequent arbitrary detention at Prey Speu Social Affairs Center;
- release the seven Borei Keila residents still detained since the January 3 incident, pending further investigation;
- ensure that Phan Imex company is held to its original undertaking to build housing for all persons evicted from the Borei Keila community;
- ensure that all those forcibly evicted are provided with adequate compensation and suitable alternative accommodation that meets international standards for adequate housing;
- initiate a full and independent investigation into the Borei Keila forced eviction, examining why the eviction took place, the apparent use of excessive force by security forces, and the use of prolonged detention to coerce “agreement” to forced relocation;
- ensure that all members of the security forces found responsible for using or ordering the excessive use of force are held accountable in fair proceedings; and
- end all forced evictions and introduce a moratorium on mass evictions in Cambodia until a legal framework and relevant policies are in place to ensure that evictions are conducted only in accordance with Cambodia’s international human rights obligations.

The undersigned organizations have been monitoring the human rights situation in Cambodia for many years and have witnessed the tragic loss of homes and livelihoods of countless Cambodians, and the enormous social costs of forced evictions. As the chair of the Association of Southeast Asian Nations (ASEAN) for 2012, Cambodia should abide by its legal obligation to promote and protect human rights and fundamental freedoms under the ASEAN Charter and end the practice of forced evictions that is a blot on the country’s reputation internationally.

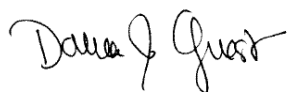
When the ASEAN Secretary-General Dr. Surin Pitsuwan visited Cambodia in December last year, King Norodom Sihamoni advised him that “beyond achieving material progress, it is important to develop a peaceful and sustainable region.” Failure to fully address forced evictions and related widespread human rights abuses not only violates Cambodia’s international obligations, it also risks undermining social stability and economic development.

Thank you for taking into consideration our concerns and recommendations.

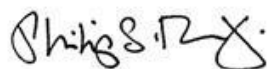
Sincerely yours,



Souhayr Belhassen
President
International Federation for Human Rights (FIDH)



Donna Jean Guest
Deputy Director, Asia Pacific Program
Amnesty International



Phil Robertson
Deputy Director, Asia Division
Human Rights Watch



Yap Swee Seng
Executive Director
Asian Forum for Human Rights and Development



Yvette J. Alberdingk Thijm
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WITNESS

Cc:

H.E. Hor Namhong, Deputy Prime Minister and Minister of Foreign Affairs and International Cooperation

H.E. Sar Kheng, Deputy Prime Minister and Minister of Interior

H.E. Ith Sam Heng, Ministry of Social Affairs, Veteran and Youth Rehabilitation

H.E. Om Yentieng, President, Cambodian Human Rights Committee, and current Chair, ASEAN Inter-Government Commission on Human Rights (AICHR)