



LICADHO FACT SHEET

Illegal forced eviction of 105 families in Sihanoukville

On the morning of 20 April 2007, a mixed group of some 150 Royal Cambodian Armed Forces (RCAF) personnel, military police, and civilian police armed with guns, electric batons, shields and tear gas forcibly evicted 105 families from Village 6 in Sihanoukville's Mittapheap District.

In the course of the raid, the security forces burned down 60 houses and completely demolished the remaining houses using heavy machinery. The evicted families were not permitted to remove possessions from their homes before they were destroyed and lost- inter alia- important documents which would have been essential in defending their case before the court. In the ensuing clashes between the authorities and the villagers two police officers and one military police officer, as well as a number of villagers, were injured. Thirteen villagers were arrested and later charged with "wrongful damage to property" (Article 52 UNTAC Law¹)- charges which relate to the alleged destruction of police equipment used in the raid- and "battery with injury" (Article 41 UNTAC Law).



The forced eviction of the community on 20 April 2007 was illegal and ultimately led to the violence and destruction of the villagers' property that ensued. Further investigation needs to be conducted to establish the responsibility of the authorities in causing the violence that occurred.

First, the ownership question over the disputed land area remains unresolved. Neither the cadastral commission nor the civil court system of Cambodia has accorded binding ownership status to any of the parties involved in the case. The claim of one party to be in possession of valid land title deeds has yet to be established in a transparent manner by the relevant institutions. The order by the municipal authorities to forcibly evict the community prior to obtaining a conclusive ownership decision was therefore unlawful and should be subject to an independent investigation.

This is corroborated by the findings of the Senate's Commission on Human Rights Reception of Complaints and Investigation issued on 08 February 2007 in response to a petition lodged by 53 villagers who protested the potential loss of their land. After having interviewed the governor of Sihanoukville, the Senate Commission came to the conclusion that this land dispute needs to be

¹ Provisions Relating to the Judiciary and Criminal Law and Procedure Applicable in Cambodia During the Transitional Period (so called UNTAC Law) enacted by the Supreme National Council on 10 September 1992.

resolved by a Cambodian court of law. In spite of the commission's recommendations, the municipality continued with the preparations for the final eviction.



Second, no valid notice for the eviction on 20 April was submitted to the community. The Sihanoukville Municipality claimed that the deployment of the security forces including heavy earth-moving machinery was based on a search warrant which the municipal governor had obtained from the Public Prosecutor's Office in Sihanoukville upon his request dated 14 February 2007. The affected community and the defense lawyers have yet to receive a copy of the warrant.

Pursuant to Article 20 of the UNTAC Law, "*searches must be conducted in the presence of the suspect and two witnesses, preferably neighbours or owners of the building.*" Violations by public officials of individual rights enumerated in Article 20 will incur criminal sanctions in accordance with Articles 22 (2) and 57 of the UNTAC Law. Furthermore, the Criminal Procedure Code does not allow for the deployment of army personnel to enforce search warrants against civilians; this is the exclusive prerogative of the judicial police.

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