

Dey Krahorm Community Land Case Explained



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This document aims to explain the land case involving the Dey Krahorom community in Phnom Penh, Cambodia. It was compiled as an advocacy and legal tool to support the families who continue to live on the site and to challenge the legality of the contract which threatens to cost them their land.

The report was researched and written by LICADHO Canada. It is based largely on documents and other information provided by community representatives of Dey Krahorom, and NGO partners involved in the case. LICADHO Canada would like to thank the community representatives and NGOs for providing information, comments and advice throughout the research; specifically Community Legal Education Center [CLEC] and LICADHO.

This document is intended as comprehensive but, due to difficulties in verifying information, obtaining documents and ensuring accurate translations, there may be some omissions or inconsistencies. Wherever possible, these are pointed out in the document.

Unofficial translations of the appendices in this report are by LICADHO Canada. While the English translations may not be grammatically perfect, they provide the essence of the contents of the various documents.

Registered in 2006 as a non-profit society in British Columbia, LICADHO Canada advocates for international support of human rights in Cambodia and provides fundraising, technical and consultative assistance to LICADHO. www.licadho.org or www.licadhocanada.com

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Background Information

Dey Krahorn is one of the communities facing evictions in the riverside area of Tonle Bassac, in Chamkarmorn district of Phnom Penh. The area is valuable, much sought-after land. New government and state buildings, including the National Assembly, have been built there in recent years, and private companies are also eager to secure land there for lucrative commercial development. Local residents have borne the brunt of this, as powerful interests lay claim to their land. Dey Krahorn is situated across from Sambok Chap village, where more than 1,000 residents were evicted in mid-2006 (and relocated to live in squalid condition at a site more than 20km away).

Dey Krahorn (which means Red Soil) was originally composed of seven different communities. The same communities exist today and are recognized by local authorities, but administratively they are divided into just two villages, Village 2 and Village 15.

According to villagers, many residents have been in Dey Krahorn since early to mid 1980s. They say the area was a swamp-land scattered with trees when they arrived. The first residents cleared the trees and brought in all the red soil that gave Dey Krahorn its name.

Over the years, the population of Dey Krahorn increased and became more diverse, but most of the people there shared one thing in common – they were poor. Many of them made meager livings as construction workers, motorcycle or tuk-tuk drivers, small market stall-holders, and so on.

For three years, the people of Dey Krahorn have been living in fear of eviction, to clear the way for their land – which has an estimated value of more than US\$44 million – to be taken over by a private company. The company, called 7NG, plans a profitable commercial development on the site, including town houses and office space. Some residents have “voluntarily” moved off their land already, while others remain there, fighting to retain their land or at least to receive fair compensation for it. Those who are still there today have endured, on an almost daily basis, harassment, intimidation, violence, the threat of eviction, and great uncertainty about their futures. They are a community besieged.

The core issue at Dey Krahorn is whether Cambodians’ land rights are enforceable, or whether people can be coerced and bullied into giving up their land.

Overview of the Dispute

Although the land dispute at Dey Krahorn, and the legal issues surrounding it, may seem complicated, in reality it is simple:

- The government originally promised the residents a “social land concession” which would mean they would lose some of the land at the site but in return would receive new and better housing on the remaining land. The idea was that a private company would get part of the land to commercially develop, but it would build new apartments for the residents on the rest of the land. It was, it seemed, a win-win situation.

- Instead, the deal was changed – the residents were told to give up all of Dey Krahom to a private company, and to accept new apartments 20km away, on the outskirts of Phnom Penh.
- The residents maintain that they were never asked, nor agreed, to accept alternative housing *outside* of Dey Krahom; their “community representatives” at the time signed a contract agreeing to this without their knowledge, the residents say.
- When they realized what had happened, the residents quickly demanded the contract be declared null and void; they fired the community representatives who had not consulted them, and appointed new ones to negotiate on their behalf.
- There is ample evidence – as the Legal Analysis section of this report will show – that contract signed on their behalf was unlawful. This is so even if the residents had been fully consulted and agreed to it beforehand (which they say was not the case).

Faced with this situation, the 7NG company and the Phnom Penh Municipality – instead of annulling the contract and negotiating in good faith with the community to find a solution acceptable to all – embarked on a campaign to coerce the residents to accept the contract’s validity and to “voluntarily” give up their homes at Dey Krahom. At the same time, the 7NG company was granted a land title for at least some, and possibly all, of Dey Krahom – opening up the prospect of residents being forcibly evicted at any time, at the request of the company.

The story of Dey Krahom is a sad but not uncommon example of how, in Cambodia’s epidemic of land-grabbing, powerful individuals and companies trample upon the housing and property rights of the poor with the complicity of government and state authorities.

From a Social Land Concession “For the Poor” to an Invalid Contract: How It Happened

In 2003, Dey Krahom was among four Phnom Penh urban poor communities selected for a social land concession as part of the Government’s Development Plan for the Poor. Personally endorsed by Prime Minister Hun Sen, and announced shortly before the July 2003 general elections, the initiative was hailed as a progressive housing program and a welcome alternative to widespread forced evictions. The idea was for “land-sharing”: on each of the four sites, a private company would be allowed to develop part of the site for its own commercial purposes but, in return, residents would be given apartments in new buildings to be constructed on another part of the site. The four areas could therefore be commercially developed, but the villagers would be compensated by receiving alternative housing and their lives would not be disrupted by having to move completely off the site.

For Dey Krahom, the Council of Ministers decided to grant a social land concession which would involve the families living there being relocated into new housing on 3.7 hectares out of a total of 4.7 hectares on the site. The remaining one hectare would be available for commercial development by a private company.

The Council of Ministers’ Development Plan put the number of families residing at Dey Krahom, and to be re-housed, at 1,465 families comprising 5,854 individuals.

There were two problems with the original Development Plan. The first is that, according to a subsequent measurement done by the district Office of Land Management, Dey Krahom is not 4.7 hectares big – it is only 3.6 hectares. Secondly, the figure of 1,465 families residing at Dey Krahom was challenged, and still is, by the current community representatives. They say there were no more than 804 families were living in Dey Krahom at that time.

It is impossible to independently verify the real number families there at that time. Municipal authorities claim the 1,465 figure was correct and based on a survey. The current community representatives gave LICADHO Canada a copy of the village register, issued after the municipality's survey, and highlighted numerous families on it who, according to them, have never lived in Dey Krahom. Community representatives argue that the number was voluntarily inflated to weaken the bargaining power of genuine Dey Krahom residents. They and their lawyers also say that corruption played a part – inflated statistics allowed outsiders, through bribery, to be put on the list of receive new apartments which they were not entitled to.

The reason for the miscalculation in the size of Dey Krahom, and who was responsible for it, is uncertain. But the mistake – combined with the allegedly exaggerated number of residents – created an obvious problem. There was less land than envisaged at Dey Krahom, and the one hectare slated to be given to a company for commercial development (in return for building alternative housing) did not exist. At the same time, there were – at least on paper – more people to be accommodated in alternative housing.

According to a September 2004 report by the district governor, the mistake in land size was reported to the Phnom Penh Municipal Governor, who responded that the villagers could retain all of the 3.6 hectares of land that did exist at Dey Krahom.

Despite this promise, the local authorities and the then community representatives of Dey Krahom pushed forward with proposals to give up some – and eventually all – of the site to a private company.

According to the same report by the district governor, the then community representatives approached several private companies to offer a 50/50 land sharing deal: a company could be given 1.8 of the total 3.6 hectares for commercial development, if it built apartments for residents on the remaining 1.8 hectares. The negotiations failed though. The representatives then began discussions with a company about a total land swap: the company could have all 3.6 hectares of Dey Krahom in return for building apartments for residents elsewhere in Phnom Penh.

In January 2005, the 7NG Construction Company Ltd signed a contract with 36 community representatives, swapping all of the Dey Krahom land for new apartments for residents on a relocation site 20km away. The contract states that 7 NG would be given “the land of 3.60 hectares which is a social land concession granted by the Royal Government of Cambodia to the seven Dey Krahom communities” in exchange for building 1,472 apartments in Damnak Trayeung village in Choam Chao, Dangkor district of Phnom Penh.

According to the contract, it was signed by the 36 community representatives on January 13 and by 7NG director Srey Chanthou three days later. It was witnessed by officials including the then chiefs of Village 2 and Village 15.

Dey Krahom villagers say they were not consulted beforehand by their representatives about the contract, and that they had never agreed to an off-site relocation. Residents found out about the contract on January 20 when, called to a meeting at the Bassac Theatre, they were informed of it by local officials and community representatives.

In an attempt to calm villagers' fears, the officials present at the meeting reassured the assembled villagers that *no-one would be forced to accept the contract*. The residents were told that if they wanted to accept 7NG's offer according to the contract, they should sign an agreement with the company; if they did not want to accept the offer, however, nothing would happen to them.

After the Contract

Reassurances that the contract was entirely voluntary for the Dey Krahom people soon proved to be hollow. The 7NG company and local authorities began a campaign – subtle at first, but then increasingly blunt – to persuade the villagers to accept it and move out.

The tactics of coercion escalated as villagers, dismayed by the lack of consultation over the contract and fearing the worst, began to organize themselves to protect their property rights. They moved to challenge the legality of the contract, and the legitimacy of their “representatives” who had signed it without their knowledge.

The villagers appointed 23 new community representatives, stating that they no longer recognized the old ones (appointed by the authorities, not elected) who had signed the contract. On February 7, 2005 the new representatives sent a petition, thumb-printed by 804 families at Dey Krahom, to the Phnom Penh Municipality asking that the contract with 7NG be annulled because it was signed without the villagers' knowledge. On February 26, the representatives followed up with a letter to a parliamentarian asking for his intervention to help get the contract annulled.

In the summer of 2006, these representatives gathered the thumbprints of more than 370 families on a document acknowledging their leadership role, in the hope to gain legitimacy in the courts.

Since this time, nearly three years ago, Dey Krahom residents have made countless appeals and complaints to authorities – including the Prime Minister, other senior officials, the Phnom Penh Municipality, the Office of Land Management, and the Phnom Penh Municipal Court – to try to have the contract nullified.

Despite their valid complaints about the contract's legality (see Legal Analysis section, below), the villagers' appeals have fallen on deaf ears. The authorities have not only failed to protect, but have directly infringed upon, the villagers' property rights. A prime example is the December 2006 decision of the Office of Land Management to issue a land title for at least part of Dey Krahom to 7NG.¹

¹ The land title – see Appendices XVII a) and b) – gives ownership of 2 hectares of land in Village 2 of Dey Krahom to 7NG. It is unknown whether a similar title was given to the company for the rest of Dey Krahom, but company officials have repeatedly claimed that they have land title to all of the area.

Meanwhile, the residents have endured a continuing campaign of intimidation – directed in particular against their new community representatives – to compel them to give up their land. This has included threats and physical violence, repeated acts of provocation, and the filing of unjustified criminal complaints against them. (See section The Struggle for Dey Krahom, below, for details of the harassment suffered by residents during their struggle to defend their property rights.)

Over time, hundreds of families at Dey Krahom have accepted 7NG's terms and agreed to move out. Some of them may genuinely have been satisfied with the deal offered to them by the company, but for others the campaign of intimidation was likely a critical factor in their decision to leave. The fact is that, if 7NG were truly offering a fair deal to residents, and they were willing to give up the rights to living at Dey Krahom entirely voluntarily, the campaign of intimidation would not have been necessary.

Relocation to Damnak Trayeung may be suitable and acceptable to some residents of Dey Krahom, but for others the site – on the outskirts of Phnom Penh, 20km from their current homes and jobs – is not.

In recognition of this, 7NG has offered an alternative to the villagers, that it will directly buy their land rather than provide an apartment at Damnak Trayeung. However, the prices offered by the company are well below the market value of land in Tonle Bassac and, given Cambodia's skyrocketing land prices, are unlikely to be enough to buy any comparable piece of land in Phnom Penh. Prices offered by the company have varied but, most recently, the highest known payment offered to residents is around US\$7,500 for a 32m² house (or \$234 per square meter) – less than half the likely market value.²

At time of writing, according to community representatives there are about 280 families still living at Dey Krahom, having so far refused the company's offers. They continue to seek a fair and just solution to the land dispute which is acceptable to them. They prefer a solution which allows them to remain on the site, but – if that is untenable – at the very least they want fair and just financial compensation for their property.

The next section of this report, Legal Analysis, examines the legal issues – and in particular the complete illegality of 7NG's contract with the former community representatives. The following section, The Struggle for Dey Krahom, explores in more detail the community's struggle to maintain their land rights peacefully and legally, and the campaign of pressure asserted against them.

Legal Analysis of the Dey Krahom Land Case

² Source: Cambodia Daily, December 5, 2007 and Bonna Realty

The main difficulty posed by the Dey Krahom case is that ownership of the land the villagers have occupied for many years has not yet been clearly established. The following legal analysis will study the Dey Krahom legal case from different perspectives. It is interesting to note that from whatever angle we choose to analyse this case, it seems that the land swap that occurred is, in each perspective, against the provisions of the law.

Social Land Concession Granted to Dey Krahom

The Development Plan issued by the Council of Ministers in July 2003 states that “Dey Krahom community [...] shall be provided with a social land concession”. Although this document is not legally binding nor does it have an immediate legal effect, it is invested with a high political authority as it was issued by the Council of Ministers. Hence, the Development Plan puts forward the Government’s intentions towards Dey Krahom, to provide the community with a social land concession.

Chapter 5 of the 2001 Land Law deals with land concessions. Article 53 states that “a land concession is a legal right established by a *legal document* issued under the discretion of the competent authority, given to any natural person or legal entity or group of persons to occupy a land and to exercise thereon the rights set forth by this law [emphasis added]”. According to the information we have, this legal document does not seem to have been issued.

However, it is possible to consider the Plan as a strong statement of the government’s policy towards the community. As a result, the community representatives and villagers’ have repeatedly called on the Prime Minister himself to resolve the case, and allow them to stay on their land and share it with the company.

Documents indicate that the Municipality of Phnom Penh indeed considered the document authoritative, as it had issued, in September 2004 a “Report on the results of the organization of the on-site development of Dey Krahom communities”. In this report, the Municipality recognizes that:

“Dey Krahom communities received policies from and was allowed by Samdech Hun Sen to *carry out the on-site development*, and, at the same time, the office of the Council of Ministers issued a letter No.875, dated 08 July 2003, in which it approved in principle for the Phnom Penh municipality to manage the social land concession [...] [emphasis added]”

Furthermore, the Municipality announced that it has issued a letter [no.254] dated 27 November 2003 “[i]n order to encourage the implementation of the above policies effectively”. Finally, the document states a re-calculation of the total land area at Dey Krahom according to new measurements. When informed that the land measured less than originally thought, the Municipal Governor said that “the amount of land, which actually exists, will be all given to the communities without confiscating any part of it for the state”.

The actions undertaken by the Municipality as well as its statements seem to confirm that Dey Krahom land was considered by all concerned parties as a social land concession, and that the

policies put forward in the July 2003 Development Plan were to be implemented and were invested with high political authority. However, so far the Municipality has failed to implement the plan. Instead it is now working with the private development company, strongly supporting off-site relocation. This is a clear failure by the Municipality of Phnom Penh to implement the onsite development of Dey Krahom as a social land concession, and is in direct contravention of the clearly stated intentions of the Council of Ministers and the Prime Minister.

Dey Krahom is State Private Land

At the same time, considering that the above mentioned legal document confirming Dey Krahom social land concession was not issued, it is possible to presume that Dey Krahom was never properly converted to a social land concession, and instead, at the time of the signature of the contract between the former representatives and the company, was state private land – and in fact still is. Indeed, article 58 of the Land Law supports this position by stating that “A land concession can only be granted on lands that are part of the private property of State”. In other words, if Dey Krahom were not state private land, it could never have been even considered as a social land concession, regardless of whether its status as a social land concession was ever legally perfected. Prior use of the Dey Krahom site also confirms this status, as there is no record of the land having ever been put to a use as is defined as state public land under article 15 of the Land Law.

The Land Law allows for residents on state private property to have a possessory interest in their immovable property that can then be converted into full ownership. In order to do so, possessors must have been living on their property for a minimum of five years prior to the enactment of the 2001 Land Law. Furthermore, possession needs to have been unambiguous, non-violent, notorious to the public, continuous and in good faith. Dey Krahom residents fulfill all these requirements

Dey Krahom family books provide a sufficient proof of their living in Dey Krahom, and therefore confirm their possessory rights over the land.

The 2001 Land Law also states in article 5: that “no person may be deprived of his ownership, unless it is in the public interest. An ownership deprivation shall be carried out in accordance with the forms and procedures provided by law and regulations and *only after the payment of just and equitable compensation.*[emphasis added]” The just and equitable compensation requirement does not seem, according to the residents, to be fulfilled at this point in time. As a comparison, though Bonna Realty recently valued the land at over US\$1,000 per square meter,³ Dey Krahom residents are currently being offered around \$234 per square meter.

A contract signed by parties lacking capacity

The Dey Krahom case also invokes the Cambodian Contract Law, *Decree No. 38d referring to contract and other liabilities* [hereinafter Contract Law], adopted in 1988, as the Dey Krahom land case is essentially based on a contract considered illegitimate by the community and its current

³ The Bonna Realty valuation estimated the total value of the Dey Krahom land at around US\$44 million, which would mean well over US\$1,000 per square meter. See Cambodia Daily, December 5, 2007

representatives. Several elements of contract law support this position, and therefore challenge the legality of the contract signed by former community representatives and 7NG.

The Contract Law states in art.1 that “A contract is an agreement between two or more persons to create, change or terminate one or more obligations which bind them. In the above definition, a person may be a natural person or a legal entity. *A legal entity can enter into a contract through his/her own representative [emphasis added]*”. Additionally, art.3 provides that” A contract is valid provided that it: [...] is made by *parties who have capacity to enter into a contract. [Emphasis added]*”

The question for Dey Krahorn is to establish if the former community representatives, who signed the contract with 7NG on January 13, 2005 on behalf of the community, were properly authorized with the right to do so. According to the post-contract community representatives, the community was never consulted about the contract or their willingness to swap the land for a site outside of Phnom Penh. Neither have they agreed to move from the present site.

As evidence of the disagreement of the community towards this swap, there is a document issued on February 26, 2005 wherein the newly-appointed community representatives inform lawmaker Ho Vann of the complaint letter they submitted on February 7 to the Municipality. The complaint was endorsed by 804 families. A copy of the thumb prints of those families was attached to both the complaint letter to the Municipality of Phnom Penh and the letter addressed to Ho Vann. The fact that the community complained immediately after its residents were informed of the land swap contract demonstrates their unwillingness to be a party to such a deal.

If indeed the contract was signed without the former representatives having been authorized by the residents to do so, the contract is void according to the terms of the law as stated in both article 4 and 6. The former establishes that “Every contract not consistent with the formalities fixed by law shall be deemed void” while the latter provides that “The following contracts shall be deemed void when A) It is not resulting from a real or free agreement; B) a contract made by a party lacking capacity to contract”. Furthermore, article 7 states that “An agreement that is the result of a mistake, duress, or fraud is not a valid agreement.”

Finally, in light of the campaign of pressure placed on the residents of Dey Krahorn to accept the contract and give their land to the company, it is also possible to refer to article 9 of the contract law stating that “Violence is a ground for avoiding a contract if such violence is in the form of mental or physical duress against a party to the contract, his/ her husband or wife, any ascendants, or any descendants of the party.”

If Dey Krahorn can be properly considered a social land concession, then article 18 of the sub decree on social land concessions also becomes relevant to the legal analysis. This article provides that “The target land recipient may not sell, rent or donate social concession land during the first five (5) years of the implementation of the social land concession program. If a target land recipient fails to meet the occupancy and use conditions, the land shall revert to the state for reallocation⁴.” Therefore, former community representatives would have had no right to transfer the land according to the contract with 7NG.

⁴ The official Khmer version of the law also states that trading the land is illegal.

For all these reasons, it is abundantly clear that as a matter of law, the contract between 7NG and the former community representatives is not valid.

The Struggle for Dey Krahorn: Property Rights vs. Coercion Tactics

This section outlines the efforts taken by the Dey Krahorn community in their struggle to peacefully and legally maintain their property rights, and the campaign waged – by the 7NG company and by the authorities – to coerce them to give up their land.

Intimidation, Harassment & Fear

The people of Dey Krahorn learned of the contract with 7NG, signed by their representatives without consulting the community, at a January 20, 2005 meeting called by local officials. They were told, they say, that the contract was entirely voluntary – residents could freely choose whether or not to accept 7NG’s offer to swap their land at Dey Krahorn for new apartments at Damnak Trayeung. The residents were not, however, given copies of the actual contract.

Within days, a very different message began to be circulated to the people. Community representatives spread the word that residents should be quick to sign up to 7NG’s offer, because if they waited they might get nothing at all; the houses of those who refused to accept the offer would be burnt down, or the whole Dey Krahorn site would be fenced off and they wouldn’t be able to get in and out of their homes.

Fearful and suspicious, the villagers moved to denounce their representatives who had signed the contract, democratically elect new ones, and to declare their opposition to the contract. The newly-appointed representatives began by collecting villagers’ thumbprints on a petition to reject the contract – an action which quickly drew intimidation from local authorities. In late January and early February, several representatives were briefly detained by village security guards while soliciting thumbprints. One was released when more than 100 angry villagers surrounded the village office to demand his freedom.

The villagers’ fears were confirmed when a leaked copy of the contract was leaked to them on February 4. They realized that, according to its wording, the contract was binding – not voluntary as they had been told. With this knowledge, more residents were willing to thumbprint the petition to reject the contract; by February 7, a total of 804 families had done so and the petition was sent to the Phnom Penh Municipality, copied to local authorities.

On February 25, the 23 newly-appointed community representatives were called to a meeting at the district office to discuss the petition. The representatives say that, rather than address the concerns of the people, the officials present suggested that the thumbprints were forged. They declared an investigation would be held and, if the thumbprints were not genuine, the community representatives would have to “face the law”. The representatives responded, the next day, by sending the petition, and a letter requesting help, to a Phnom Penh parliamentarian.

Over the next month, villagers say, a pattern of intimidation by local officials and the old community representatives emerged: one of the newly-appointed community representatives was summonsed by a village chief who demanded he stop collecting thumbprints; a fire was set at

another one's house; others were verbally insulted and subjected to false accusations to the police against them.

The scene was set for a campaign of coercion against the Dey Krahom residents – and in particular their new representatives – that has continued until the present day. In July 2006, one representative was severely beaten by a village security guard, and other residents have been hurt in violent confrontations with 7NG staff or local authorities. In August 2007, police and military police escorted dozens of hired workers, armed with hatchets and sharpened crowbars, to try to demolish shelters at Dey Krahom; one resident who peacefully resisted was wrestled to the ground by a 7NG staff and military police and handcuffed for several hours.

For three years, the 7NG company, with the connivance of local authorities, has waged a concerted battle to persuade the community – family by family, house by house – to give up their land. For the men, women and children of Dey Krahom, facing intimidation and harassment, and increasingly the threat of arrest and imprisonment, has become part of their daily lives.

Community's Efforts

The Dey Krahom community has exhausted virtually every possible avenue to peacefully and lawfully defend their property rights. Since February 2005, their current representatives have sent petitions, letters and complaints to numerous individuals and agencies, including the Prime Minister, Deputy Prime Minister, parliamentarians, the Phnom Penh Municipality, Office of Land Management, and the courts. Their pleas for help and for the Land Law to be respected have been ignored.

Far from defending the rights of the villagers, the authorities have proven to be willing accomplices of 7NG in pressuring the people to give up their homes in Dey Krahom. Local village, commune and district officials have been heavily implicated in efforts to frighten residents to move out. The district Office of Land Management, despite having received a complaint from villagers explaining why the contract with 7NG should not be considered legal, issued a land title for at least part of Dey Krahom to 7NG in December 2006.

Information has consistently been withheld from residents. They were never given copies of the contract with 7NG, but managed to get someone to leak it to them. They were also able to obtain a copy of the land title given in 2006 to 7NG for two hectares of land in Village 2, but it remains uncertain whether the company also received a title for the rest of Dey Krahom; 7NG has repeatedly claimed that it has title to all of the land. No explanation has ever been given by officials of the legal basis for title to be given to 7NG, or of why the company's contract should be considered valid.

Given their lack of available options, one of the few tactics which has been used with some success by residents has been to gather together to hold mass protests. They have several times done this to demand the release of villagers detained by police or other authorities, and also in August 2007 to prevent police and hired construction workers from dismantling huts at Dey Krahom.

This tactic has however exposed the villagers and their representatives to allegations of committing crimes, if their protests turn violent. To try to minimize this risk, the representatives received non-violence peaceful resistance training from NGOs following the August 2007 confrontation with police and construction workers. As the representatives have learned from experience, however, they may still face unjustified criminal prosecution even if they have committed no crime.

Complicity of the Court

The Phnom Penh Municipal Court has clearly demonstrated a lack of independence and impartiality in its handling of complaints filed by – and against – Dey Krahom residents. While it has ignored complaints filed by the villagers to try to defend their property rights, it has willingly accepted complaints by 7NG or local authorities against them.

The court has taken no action on several complaints filed by the community, in 2006 and 2007, against 7NG or the former community representatives who signed the contract with the company. As such, the core issue of who owns the land of Dey Krahom – and whether the contract was legal – has not been ruled upon.

However, the same court has repeatedly acted on complaints *against* residents and quickly filed criminal charges – usually without a shred of evidence presented – against them. At time of writing, a total of 14 residents – including seven community representatives – have been charged by the court with various crimes. One of them, Ros Pouv, accused of physical assault against several 7NG workers during a confrontation, is in pre-trial detention in Prey Sar prison; the others are free, awaiting trial.

There is a clear pattern of spurious criminal complaints against community members by the company and local authorities, in an evident attempt to give them a stark choice – give up your homes or go to prison. This approach has been successful for 7NG: some of those charged quickly agreed to sell their homes to the company, and virtually all of the representatives charged have gone into hiding, fearful of arrest at any time (and are therefore in no position to continue their community organizing activities).

Several cases exemplify the ridiculousness of some of the criminal charges filed against community representatives, as well as how 7NG has sought to provoke the committing of “crimes” by residents:

- On September 27, 2007, community representatives held a press conference at Dey Krahom. During this, a 7NG security guard tried to photograph one of the representatives with his mobile phone, and she tried to prevent this by brushing away his arm. The security guard dropped his phone and – rather than pick it up – ran to the police to complain that she had stolen the phone from him. The phone was given to police by community members. Within a week, based on a complaint from 7NG, the Phnom Penh court filed a criminal charge of robbery against the representative – she faces up to 10 years’ imprisonment if convicted.

- On December 3, 2007, at about 8pm, 7NG employees attempted to bring a large mechanical excavator into Dey Krahom, prompting an angry reaction from residents fearful that it would be used to demolish their houses. A crowd of villagers asked the 7NG staff not to bring the excavator into their community at night, but this was ignored. A company worker in the cab of the excavator began moving the machine's mechanical arm in the direction of the crowd – a dangerous act which could have caused injuries. At this, some residents – many of them children – threw stones at the machine, breaking its windows and hitting the company worker on the head. The crowd was eventually calmed down by several of their community representatives, who appealed to them through loudspeakers not to use violence. Four days later, three of those same representatives were charged by the court, following a complaint by 7NG, with committing property destruction and physical injury.

In these cases, and others, the court accepted complaints by the company – without any evidence offered against the persons accused – and readily filed criminal charges. Contrary to the law, the court made no attempt to interview the suspects or witnesses, to get their version of events, prior to filing charges. In a violation of the presumption of innocence, the court essentially left it to the accused to prove that they are not guilty.

The Relocation Site & Compensation Payments

Since August 2006, hundreds of families have given up their land at Dey Krahom in return for apartments at the relocation site in Damnak Trayeung, or cash payments, offered by 7NG. While the company claims that all have done so voluntarily, the pattern of intimidation against residents makes it likely that at least some did so under duress.

The company says that it has built 1,700 apartments at the Damnak Trayeung site, and it has also constructed a factory (which it owns) to provide employment to people who move there; there are few other employment opportunities in the area, which is more than 20km from Dey Krahom.

It seems that 7NG has not fulfilled all of its obligations at the relocation site under the original contract signed with the community's former representatives. The contract specifies that the apartments shall include a toilet and bathroom, and that the company shall connect water and electricity to them.

The alternative offered by the company to Dey Krahom residents is that it will purchase their homes. The prices offered by 7NG seem to have varied over the years, according to timing and also to the vulnerability of each family. However, the equivalent of around US\$234 per square meter seems to be the highest going rate offered most recently. This is well below the market price of valuable Tonle Bassac land.

The company's offer – of a new apartment or a cash payment – applies only to home owners at Dey Krahom. According to the current community representatives, some renters paid off former representatives to have their family names included in the home owners' list and have been given apartments at Damnak Trayeung. The 7NG contract does not explicitly state that it covers renters, but it does say that apartments shall be given to "1,465 families" at Dey Krahom – a figure which (however inflated) does include renters, according to other documents produced by local

authorities. The current representatives strongly maintain that renters should be compensated by 7NG.

The Current Situation

As of December 2007, approximately 280 families remained in Dey Krahom, around 200 of them home owners and the rest long term renters, according to the current community representatives. In late August 2007, Srey Sothea, advisor for the 7NG company, insisted that only 179 families “lawfully remained at the site”⁵. In a September 20, 2007 meeting with residents, Phnom Penh Municipality officials reportedly said they recognized that 190 remaining families have ownership rights over their land.

The position of the company and the municipality toward the remaining residents – and their ownership rights – has been inconsistent and illogical. At the same time as they have made statements acknowledging that some of the villagers have valid ownership, they have also stated that they must move out. For example, within days of saying that 179 families remained lawfully at the site, Srey Sothea was quoted as saying that 87 percent of Dey Krahom residents had voluntarily moved out and “now we’re leaving City Hall to evict the rest because we have wasted a lot of time negotiating with them already”. Similarly, residents say that, at the September 20 meeting, municipal officials acknowledged that 190 families had ownership rights – but rejected their request for a solution which would allow them to remain at Dey Krahom.

A legal case filed by Dey Krahom villagers to assert their ownership rights continues to be before the Phnom Penh Court. Because of their problems in securing adequate legal representation, an NGO agreed to provide funding in September 2007 for a private lawyer to represent the remaining families in this case.

In an attempt to find a resolution to the ongoing dispute, Dey Krahom villagers have expressed their willingness to share the Dey Krahom land with 7NG. With the help of engineers, community representatives have developed an on-site relocation plan, similar to the plans submitted and presented by neighbouring Group 78 in May 2007. The plan was unveiled at a press conference in September 2007, but the community needs to do a cost evaluation for the project.

The on-site relocation plan envisages the residents being housed in three-story new apartment buildings at Dey Krahom, with families living on the second and third floors sharing a business space on the ground floor, ensuring continued employment for them.

The plan allots 1.5 hectares to 7NG for commercial development – half a hectare more than 7NG was given under the government’s Development Plan. The community representatives who devised the plan say that, although they believe 7NG has no legal right to the land, they are willing to compromise in order to resolve the current land dispute. 7NG and the Municipality have refused to acknowledge or endorse their plan.

⁵ Quoted in the Cambodia Daily, August 30, 2007.

⁵ See Appendix XXV for blue prints of Dey Krahom’s on-site development plan

To highlight the fact that their proposal is in accordance with the government's original intention for a social land concession at Dey Krahom, representatives have printed large banners showing a blueprint of their proposed apartment buildings alongside two photos of Prime Minister Hun Sen. One of the pictures is a government produced advertisement of Hun Sen's commitment to poor communities, released around the same time that Hun Sen included Dey Krahom in the government's Development Plan for the Poor in 2003.

A Detailed Chronology of Events*

* Notes: 1) As much as possible, this chronology is based on documents obtained (and contained in the Appendices of this report), but in some instances the related documents could not be obtained. 2) In this chronology, community representatives prior to the January 2005 contract with 7NG are referred to as 'pre-contract representatives' while the present-day community representatives are referred to as 'post-contract representatives'.

2003-2004 –

July 8 2003 – Following a public announcement by the Prime Minister, the Council of Ministers issues letter No.875, also known as the Development Plan, to approve the creation of “social land concessions for the poor communities” in four locations in Phnom Penh. The letter states that the Dey Krahom community, comprising 1,465 families with a total of 5,854 people, shall receive a social land concession “for residential development” on 3.7 hectares of the total of 4.7 hectares of land at Dey Krahom.

Ref: Appendix I

September 30 2004– Chamkarmorn District Governor sends Report No.37005 to the Phnom Penh Municipality. The report states that a survey of Dey Krahom established that there are 1,465 families living there, totalling 5,750 people. (According to post-contract community representatives, the actual number of families at that time was around 800). The report also states that measurements by the district Office of Land Management, Urbanization and Construction found that Dey Krahom is 3.6 hectares in total – 1.1 hectares less than envisaged in the social land concession authorized by the Council of Ministers. The report says that, when this was reported to the Municipal Governor, he stated that all of the land at Dey Krahom will be given to the community, without any part of it being taken off them.

The report also states that the Dey Krahom communities (referring to the pre-contract community representatives) had unsuccessfully approached several private companies to offer a 50/50 land sharing deal: a company would get 1.8 of the 3.6 hectares at Dey Krahom for commercial development if it constructed apartments for residents on the remaining 1.8 hectares. The communities then began discussions with a company about a total land swap: the company could get all of the 3.6 hectares of Dey Krahom in return for building apartments for residents in Choam Chao district of Phnom Penh. (The report does not state whether the residents of Dey Krahom authorized the community representatives to pursue this line of negotiation).

Ref: Appendix II

2005 –

January 13-16 2005 – A contract is signed between 36 pre-contract community representatives and the 7NG company. The contract gives all 3.6 hectares of Dey Krahom to 7NG in return for new housing for residents in Damnak Trayeung village, Choam Chao, of Dangkor district. (According to post-contract village representatives, villagers were not informed of the contract beforehand, nor did they ever agree to off-site relocation.) According to the contract, it was signed by the 36 community representatives on January 13 and by 7NG director Srey Chanthou (and witnesses including the then chiefs of Village 2 and Village 15) three days later.

Ref: Appendix III

January 20 2005 – Residents are informed of the contract, but not given copies of it, at a meeting with the local officials, including village chiefs and pre-contract representatives. According to post-contract representatives, residents are assured the contract is entirely voluntary – they can choose whether or not to accept 7NG’s offer.

Ref: Appendix VII & Appendix VIII

January 21-February 26 2005 – Villagers move to challenge the legitimacy of the contract. They fire the pre-contract community representatives and appoint 23 new representatives. The post-contract representatives face harassment, including several of them being briefly detained by village security guards, when they begin collecting villagers' thumb prints on a petition to the Municipality to ask for the annulment of the contract. On February 4, post-contract community representatives obtain a copy of the contract with 7NG and realize that, contrary to what the people had been told, it seemed to be binding (not voluntary). By February 7th, the thumb prints of 804 families have been collected and the petition is sent to the Municipality. On February 25, the 23 representatives are called to a meeting at the district office, during which they are implicitly accused of forging thumb prints on the petition. The following day, the representatives write a new complaint to National Assembly member Ho Vann asking for intervention because of the lack of meaningful response from the Municipality.

Ref: Appendix IV & Appendix VII

May 2 2005 – Chief of Sangkat Tonle Bassac issues announcement No.007 to Dey Krahom. The announcement states that the Sangkat Office only acknowledges the statistics and list of Dey Krahom family names compiled by pre-contract representatives that are under the assigned Commission.

Ref: Appendix V

May 15 2005 – Legal Aid of Cambodia files its first request for intervention to the Phnom Penh Governor on behalf of Dey Krahom residents. It noted that the contract with 7NG was signed secretly by pre-contract community representatives, and that the Municipality had not yet responded to the villagers' repeated request for intervention.

Ref: Appendix VI

[Undated] 2005 – Post-contract representatives draft a letter to Deputy Prime Minister to highlight intimidation and illicit activity from former representatives and persons under the Commission. Though the letter was not sent, it was kept by the village as a record of their struggle to maintain their land.

Ref: Appendix VII

2006 –

July 13 2006 – Post-contract representatives file complaint letter to the Chief of the Office of Land Management, Urbanization, Construction and Cadastral Survey of Phnom Penh explaining the details of why the contract should not be honoured or considered legal. The complaint states villagers suffered intimidation and threats aimed at getting them agree to off-site relocation. It also states that the contract is in 'full violation [...] of the policies of the Royal Government.'

Ref: Appendix VIII

July 14 2006 – Post-contract village representatives sends complaint letters to the Deputy Prime Minister/Minister of Interior and to the Minister of Parliamentary Affairs and Inspection, asking both Ministries to address their complaints ignored by the Municipality.

Ref: Appendix IX

July and August 2006 – Post-contract representatives gather thumb-prints from more than 370 families remaining in Dey Krahom to prove their authority to represent the interests/rights of the community. The original documents, which all include photo and thumbprint/signature of each family head, were submitted to the district office.

Ref: Appendix X

July 22, 2006 – Pik Pam, a village security guard, beats post-contract representative and home owner Sek Saroeun, who had been refusing to leave from his home. (According to post-contract representatives, Pik Pam was subsequently convicted of physical assault for the attack, but LICADHO Canada was unable to get official confirmation of this.)

Ref: Photograph I & Appendix XI

July 25 2006 – National Assembly member Ho Vann (Sam Rainsy Party) sends letter to the Prime Minister regarding the contract and relays post-contract representatives' insistence that the original Government Development Plan for on-site relocation be implemented.

Ref: Appendix XI

August 5 2006 – A lottery is held to allocate apartments at Damnak Trayeung to 344 families from Dey Krahom. Some families report their participation was coerced through threats and intimidation. Approximately 50 families refuse to participate. An earlier lottery scheduled for July 14 had been cancelled due to lack of participants. Pre-contract representatives say that the 344 families participating in the August 5 lottery did so voluntarily. Speaking of other families who are refusing to leave Dey Krahom, pre-contract representative Phan Narin says: "If they don't want to go, we will call them to a meeting and persuade them to understand".

Ref: Appendix XII

August 18 2006 – National Assembly member Ho Vann sends a letter to the Phnom Penh Municipal Governor regarding an instruction by district authorities for vendors' stalls at Dey Krahom market to be dismantled. The vendors ask that they be able to keep selling goods there, or at another place nearby, in order to support their livelihoods.

Ref: Appendix XIII

September 1 2006 – Four post-contract representatives file a lawsuit with the chief Municipal Court Prosecutor against 36 pre-contract representatives for 'violation of trust' and 'committing corruption and embezzlement'.

Ref: Appendix XIV

September 29 2006 – The chief Municipal Court Prosecutor rejects the lawsuit submitted on September 1, 2006 without explanation. Post-contract representatives submit an appeal to the Appeal Court immediately after receiving the notification. As of the writing of this report, there has been no contact from the Appeal Court.

Ref: Appendix XV

November 15 2006 – The Chief of Sangkat Tonle Bassac issues announcement to Dey Krahom villagers warning that people should not build new structures on land where houses have already been dismantled. People have three days to dismantle any new structures or else the Sangkat will demolish them.

Ref: Appendix XVI

December 14 2006 - The Office of Land Management, Urbanization, Construction and Cadastral Survey issues a land ownership title to 7NG for a 2-hectare section of Dey Krahorm known as Village 2. (It is unclear, but possible, that a similar land title was also issued for the remaining 1.6 hectares of Dey Krahorm. 7NG has repeatedly said that it has land titles for all of Dey Krahorm.)
Ref: Appendices XVII a) and b)

2007 –

June 4 2007 – The chief of Khan Chamkarmorn issues letter No.002 to Dey Krahorm villagers insisting they stop building new roof tops and keep all the old structures the same.
Ref: Appendix XVIII

July 3 2007 – Based on a complaint from 7NG, Phnom Penh Municipal Court files criminal charges of destruction of property against five post-contract community representatives (including Sek Saroeun, who was beaten by security guard in July 2006). The charges relate to damage to a company fence allegedly committed by villagers on June 26, 29 and 30.
Source: Statements made by court officials.

August 16 2007 – The Municipal Court issues summonses to 49 Dey Krahorm families to appear in court on August 27 to discuss “non-execution of contract”. The families had refused to participate in the August 5, 2006 lottery to allocate apartments at Damnak Trayeung. According to post-contract representatives, the families were advised not to attend the court date on August 27, 2007 because of lack of trust in the court and inadequate legal representation.
Ref: Appendix XIX (sample summons)

August 16 2007 – Municipality issues an order instructing that tarpaulins, huts and bed erected on Dey Krahorm land previously occupied by families who have moved to Damnak Trayeung must be dismantled.
See references to the Municipality’s order in Appendices XX a) & XXII

August 29-31 2007 – Armed military police, police and hired workers arrive at Dey Krahorm on the 29th to demolish tents and shelters according to the Municipality’s August 16 order. When residents peacefully try to prevent the demolition, police instruct the construction workers to break through the crowd of protesters - which could have easily provoked a violent confrontation. During the incident, a 7NG worker handcuffs a female community representative who was protesting peacefully; she is kept handcuffed for several hours. More than 30 shelters are destroyed on August 29; villagers deny that they were built on previously-vacated land.

Military police, police and hired hands also arrive on the 30th and 31st but are kept at bay by villagers who gather in the street, waving flags and pictures of Prime Minister Hun Sen and his wife Bun Rany, and broadcasting Hun Sen’s speech about Dey Krahorm’s inclusion in the government’s Development Plan for the Poor.
Ref: Appendices XX a) and b) & XXII

August 29 2007 – 288 families send petition to the Prime Minister asking to be given land titles for approximately 1.9 hectares of Dey Krahorm and for permission to design and construct their own residential development project.
Ref: Appendices XXI

August 30 2007 – In a newspaper article, Srey Sothea, advisor to 7NG, recognizes some of the remaining Dey Krahorm families have legal rights to their land. “Srey Sothea, an advisor and relative of 7NG President Srey Chanthou, said Wednesday that only 179 families lawfully remained on the site,” The Cambodia Daily article says. It quotes him as saying of these families, “If they sell their houses, we will buy them at a proper price or they can take the flats [at Damnak Trayeung].”
Source: Cambodia Daily August 30, 2007

September 1 2007 – Five Dey Krahorm community representatives, representing 56 families, file a lawsuit to the Municipal Court against Ma Sopheap (Sub-Governor of Khan Chamkarmorn), Pen Sothy (former community chief), Nget Samarth (Khan Dangkor Police and bodyguard for 7NG) and 7NG company for damaging private property, using violence, and ‘provoking turmoil’ in Dey Krahorm on August 29, 2007. The lawsuit asks for \$50,000 US in compensation.

Ref: Appendix XXII

September 7 2007 – 7NG advisor Srey Sothea is quoted in a newspaper article as saying the company wants the municipality to evict the remaining families at Dey Krahorm. "We have removed 87 percent of the villagers," he says, "Now we're leaving City Hall to evict the rest because we have wasted a lot of time negotiating with them already. They are continuing to protest to get more money from the company." He added that 7NG had a land title for Dey Krahorm issued in 2005. His comments directly contradict his previous statement, in the Cambodia Daily of August 30, that 7NG acknowledged that 179 of the remaining families at Dey Krahorm were lawfully on the site.

Source: Phnom Penh Post, September 7-20; see Appendix XX a)

September 28 2007 – Community representative Ros Pouy is arrested for alleged physical assault, and is sent by the Municipal Court to Prey Sar prison for pre-trial detention. She is accused of physically assaulting and injuring several 7NG workers on August 4, when a group of company workers came to dismantle a number of houses inside the community. (A human rights worker present at that time did not observe her beating/injuring anyone.)

September 20 2007 – Phnom Penh Municipality holds a meeting with the remaining Dey Krahorm residents, during which officials promote the relocation site at Damnak Trayeung. Two post-contract community representatives are allowed to talk to the crowd but prohibited from displaying pictures to them.

September 27 2007 – Community representatives hold a press conference at Dey Krahorm to unveil an on-site relocation plan they have developed. The plan envisages the residents being housed in three-story new apartment buildings at Dey Krahorm, with families living on the second and third floors sharing a business space on the ground floor, ensuring continued employment for them. The plan allots 1.5 hectares to 7NG for commercial development – half a hectare more than 7NG was given under the government’s Development Plan.

September 27 2007 – During the press conference by community representatives, a 7NG security guard attempts to photograph one of the representatives, a woman, with his mobile phone. To prevent this, the woman brushes away the guard’s hand. The guard drops his phone and – rather than pick it up – immediately goes to the police to complain that the representative has stolen it from him. The phone is later returned to police by community members.

Police take the woman to the Sangkat Tonle Bassac police station for questioning, which prompts a large crowd of Dey Krahom villagers to gather outside the police station to demand her release. Eventually, the police allow the woman to leave the station.

Ref: Appendix XXIII

October 3 2007 – Phnom Penh Municipal court files a criminal charge of robbery against the female community representative in connection with September 27 telephone incident. The woman, and one other villager, is also charged with destruction of property, in regard to alleged damage to a police motorcycle caused by the crowd of villagers who gathered outside the police station on September 27.

October 22 2007 – Phnom Penh Court files property destruction charges against eight residents, including several community representatives, and an unknown number of accomplices. The charges relate to the October 17 removal of a banner, which stated that Dey Krahom was a “public park”, which had been erected by local Sangkat officials.

December 3 2007 – Around 8pm, 7NG employees attempt to bring a large mechanical excavator into Dey Krahom, provoking an angry reaction from residents who fear it will be used to knock down their houses. Some residents, mostly children, throw stones at the excavator, breaking its windows and allegedly injuring a 7NG employee. Community representatives appeal to the crowd of residents to calm down and not to use violence.

Ref: Appendix XXIV

December 7 2007 – Three community representatives are charged with property destruction and physical assault, based on a complaint by 7NG about the December 3 incident, by the Phnom Penh Court. The three accused had in fact appealed to the crowd to calm down and not to use violence against 7NG property or staff.

Appendices

– APPENDIX I –

Kingdom of Cambodia
Nation Religion King

Council of Ministers
N°: 875 Sar.Cho.Nor

08 July 2003

Senior Minister, Minister of Council of Ministers

Respectfully addresses to:

H.E Governor of Phnom Penh municipality

Subject: Request for policies for managing the social concession land for residential development for the poor communities in Phnom Penh capital.

Ref: -Letter N°. 1900 Ro.Bor.Kor, dated 27-June-2003, of the Phnom Penh municipality
-Inscription of Samdech Prime Minister, dated 04-July-2003.

As mentioned in the subject and reference above, the Council of Ministers would like to inform Your Excellency that: the Royal government had provided these issues with the following decisions:

1- Approving in principle for the Phnom Penh municipality to manage the social land concessions for the poor communities at the following requests:

1.1. Borei Keila community, located in Sangkat Veal Vong, Khan Prapimakara of 14.12 hectares where 1776 families are temporarily living on, where there are 1376 houses with 9979 people, shall be provided with a social land concession of 30% of the total 14.12 hectares, which is equal to 4.60 hectares for residential development.

1.2. Dey Krahor community, located in Sangkat Tonle Bassac, Khan Chamkarmorn, south of Tonle Bassac theatre, which is the former public park of 4.70 hectare where there are 1220 houses, 1465 families with 5854 people, shall be provided with a social land concession of 3.70 hectares out of the total 4.70 hectares for residential development.

1.3. Santepheap community (Rotes Phleung A), located in Sangkat Srah Chak, Khan Daun Penh, of 10320 m², where there are 70 families, 60 houses with 390 people, shall be provided with 25% of 10320m² for residential development.

1.4. Rotes Phleung B community, located in Sangkat Phsar Depo III, Khan Toul Kok, of 10 hectares where there are 233 houses, 255 families with 1124 people, shall be provided with a social land concession of 2.50 hectares of the total 10 hectares for residential development.

2. Dissemination is requested to be made to the communities so that they will have a stable feeling and for the prevention of further land occupation.

Please, Your Excellency, be informed and carry out implementation accordingly.

Please, Your Excellency, accept the assurance of my high considerations.

On behalf of: Senior Minister, Minister of the Council of Ministers

CC to:

-Ministry of Interior

-Ministry of Economy and Finance

-Ministry of Land Management, Urbanization and Construction

-Ministry of Public Works and Transportation

-Cabinet of Samdech Prime Minister

-Cabinet of H.E Deputy Prime Minister

-General Secretariat of the Royal Government

-For document and archive

Secretary of State

Seal and signature

Sum Manith

– APPENDIX II –

Kingdom of Cambodia
Nation Religion King

Phnom Penh municipality

Khan Chamkarmorn Office
No.: 37005/04 Ro.Bor.Kor
2004

Phnom Penh, 30 September

**Report on the results of the organization of the on-site development
of Dey Krahom communities**

Dey Krahom communities, located in village 2 and village 15, Sangkat Tonle Bassac, Khan Chamkarmorn are divided into 7 communities. On the occasion of the 5-year anniversary celebration organized by the Urban Poor Development Fund organization, which was presided over by Samdech Hun Sen, the Prime Minister of the Royal government of Cambodia, in which Dey Krahom communities received policies from and was allowed by Samdech Hun Sen to carry out the on-site development, and, at the same time, the office of the Council of Ministers issued a letter no. 875 Sor.Cho.Nor, dated 08 July 2003, in which it approved in principle for the Phnom Penh municipality to manage the social land concessions for the poor communities at the request made by the 4 communities in 4 Khans in which Dey Krahom community was also included.

In order to encourage the implementation of the policies above effectively, Phnom Penh municipality issued a letter no. 254, dated 27 November 2003, on the establishment of a central committee chaired by H.E Chev Kim Heng, deputy municipal governor, to implement the pilot project on the sites.

Below are the results of the implementation of the on-site development projects in Dey Krahom communities once the policies have been received from the Royal government.

I. Statistic collection of villagers

- Phnom Penh municipality issued an order no. 188 Dor.Tor.Sar, dated 30 June 2003, on the establishment of a commission to collect the statistic of villagers in Dey Krahom communities within which the governor of Khan Chamkarmorn was the head of the commission, police inspector of Khan Chamkarmorn was the deputy, the chief of the office of land management, urbanization and construction was a permanent member, officials from the Phnom Penh municipality's Cabinet, from Sangkat Tonle Bassac, representatives of Dey Krahom communities and representatives from the Urban Poor Development Fund organization were members. The commission started its statistic collection of villagers from 19 September 2003 to 30 December 2003. It completely finished its statistic collection work and produced a table as shown below:

No.	Name of communities	No. of total families	No. of people		Total	No. of Vietnamese families	newly married couples	No. of renting and money saving families	No. Of total houses
			Males	Females					
1	Bou Dinhkiri	309	526	710	1236	21	28	18	291
2	Preah Pirun	355	612	730	1342	3	50	59	236
3	Village 2	270	478	483	961	0	29	12	230
4	Dey Krahom A	289	547	624	1171	12	24	45	209
5	Dey Krahom 1	111	217	242	459	8	0	0	111
6	Dey Krahom 4	33	66	67	133	0	0	0	33
7	Dey Krahom 5	98	215	233	448	5	9	19	70
7 communities		1465	2661	3089	5750	49	140	153	1172

Money saving members: 1365 families Total saving amount: 29..300.000 Riels (29 millions and three hundreds thousands Riels).

II- Results of the implementation

A. Dissemination work

-On 23 July 2003, H.E Kep Chuktema, Phnom Penh municipal governor, attended the meeting to disseminate about the policies of the social land concession granted to the 7 communities in the compound of Tonle Bassac theatre where 1,300 families participated. In the meeting, H.E Phnom Penh municipal governor informed the villagers of the policies, which were decided and permitted the municipality to carry out developments on the sites for the good of 1,465 families, who are now on 4.70 hectares, of which, one hectare will be handed over to the state.

-On 8 October 2003, representatives of the communities attended a one-day workshop on the strategies towards the development of the land division plan at the Phnom Penh municipal hall.

-On 28 to 29 November 2003, 1465 families went to attend a dissemination meeting at Phnom Penh municipal hall where it was presided over by H.E Kep Chuktema, Phnom Penh municipal governor. In that meeting, H.E municipal governor decided to establish a bidding commission to be in charge of the bidding process for residential development in Dey Krahom communities. The chairman of the commission was H.E Chev Kimheng, deputy municipal governor, who then decided to issue a letter of notification on the bidding process for residential development in Dey Krahom communities.

- 14 representatives from the communities attended 2 courses of workshop at Wat Phnom primary school on the action plan for development of Dey Krahom communities.

-Beside the dissemination meetings above, the 7 communities convened a meeting with all people/families in their communities to get ideas whether they want their houses to be built by way of swapping or they want to seek loans on credit for construction. In that meeting, they agreed that they want their houses to be built by way of swapping and that they will look for a construction company to do so

B. Study, Design and Land Measurement Works

-Communities asked the URC and ACHR organizations to help study and design for the construction, but there is a difficulty with the actual size of land. They communicated with and asked the office of Land Management, Urbanization and Construction of the Khan (district) to conduct a land measurement. According to the actual land measurement by the office, the size of the land was 3.60 hectares – that is 1.10 hectare different from the previous reports. Concerning this loss of land, the communities reported about the issue to H.E Phnom Penh municipal governor, who said the amount of land, which actually exists, will be all given to the communities without confiscating any part of it for the state.

C. Seeking a Company for Construction

-On 18 October 2003, communities negotiated with the Phanimex Company with Mrs. Suy Sophan as the director. Until 5 January 2004, they did not reach an agreement, because the Company demanded two hectares and it will construct houses only on the land of 1.60 hectare for the communities, while the communities wanted the equal portion – that is 1.80 hectare each.

-On 26 April 2004 until 23 July 2004, communities negotiated with the Mong Rithy Company Group about the swapping construction (in which the communities will give half of the land to the Company), but they did not reach any agreement.

-On 21 August 2004, communities directly talked to the Vinh Hour Company and, in the talk, the Company agreed to construct houses in Sangkat Choam Chao, Khan Dangkor in an exchange for the land of 3.60 hectares at Dey Krahom. Through the talk, they had reached an agreement of 90%. In the upcoming days, the Khan office will organize a meeting between the Company and the communities to discuss the final issues so that it will seek advice from the municipality.

As reported above, please, H.E Phnom Penh municipal governor, be informed and provide us with your advices accordingly.

Please, Your Excellency, accept the assurance of my high consideration.

**Governor of Khan Chamkarmorn,
Lo Yuy**

CCed to: Office of Sangkat Tonle Bassac; UN HABITAT; Dey Krahom communities; Document and archives

– APPENDIX III –

Kingdom of Cambodia
Nation Religion King

Contract on the Construction of Apartment buildings at the new relocation site

Made between the Committee of Dey Krahorm Communities (hereinafter referred to as party “Kor”) and Mrs. Srey Chanthou, director of 7 NG Construction Company (hereinafter referred to as party “Khor”).

Both parties enter into an agreement for the construction of 1472-apartment buildings for the villagers in Dey Krahorm communities, located in Damnak Trayeung village, Sangkat Choam Chao, Khan Dangkor, Phnom Penh, under the following agreed conditions:

- Clause 1: Party “Khor” shall construct 1472-apartment buildings, which shall meet the following conditions:
-1465-apartment buildings for the permanent apartments for 1465 families
- 1-apartment building for the office of the 7 communities
-1-apartment building for village office
-2-apartment building for the kindergarten of the 7 communities
-1-apartment building for the health center of the 7 communities
-2-apartment building for the workshop center of the 7 communities
- Clause 2: For the construction of 1472-apartment buildings, party “Kor” promised that: the party shall give the land of 3.60 hectares, which is a social land concession granted by the Royal government of Cambodia to the 7 Dey Krahorm communities, located in village 2 and village 15 adjacent to Samdech Heng Samrin road and the Russian Embassy’s fence of Sangkat Tonle Bassac, Khan Chamkarmorn, Phnom Penh, to the 7 NG Construction Company in exchange for all those new apartments to be built.
- Clause 3: Party “Khor” shall construct the 1472-apartment buildings of “bricks”, of which, each apartment shall be of 04m x10m with 4.50m height on the land of 48m² with 04m wide and 12m long. The concrete foundation shall be made firm enough for the future building of the first floor, and the land of 16m² with concrete pavement shall be kept vacant as a front yard.
- Clause 4: The style and items to be equipped with apartments are: a concrete roof of 47.20 m² and the metal stubs on the roofs shall be kept uncut for the future building of the first floors by occupants themselves. The front door shall be made of the rolling metal and the back door shall be made of the rolling metal. The floor shall be laid with the Chinese tiles no. 1, the internal walls shall be coated with white paint, the external walls shall be coated with light yellow paint. A toilet and bathroom of 1.5 m x 2m shall be built at the backside of the apartment and be equipped with a Thai septic tank, a water basin shall be laid with Chinese tiles no. 1. For the rest of land of 5m² shall be made of concrete pavement.
- Clause 5: For the sanitation water system, drainage and electricity system, party “Khor” shall install them inside the apartments, and all the main systems shall be extended to the facades of the apartments for the purpose of future uses.
- Clause 6: For the style of the new relocation site, party “Khor” shall build concrete road systems connecting from the national road #3 to the relocation site and shall pave and enlarge another road of 6m wide with red soil connecting from the Veng Sreng road to the facade of the apartments. For the road of 2m wide running behind and beside the apartments shall be built with concrete with sewer systems and drainage. A market and two garment factories, which are to be owned by party “Khor”, shall be built in order to create job opportunities for people to be relocated to. There shall be parks, vehicle parking lots and yards with lampposts for entertainment.
- Clause 7: The apartment buildings shall be constructed higher than the roads according to the proper international standards. Construction plan shall be recognized by the department and the Ministry of Land Management, Urbanization, Construction and Cadastral Survey with a proper construction contract and a proper book for implementation of construction. Technical groups of the expert Ministries, relevant organizations and communities shall be allowed to participate in the inspection of the construction.
- Clause 8: Both parties have mutually agreed that: Party “Kor” shall each time dismantle their houses at the old site and move to the relocation site when party “Khor” has at least constructed from 200-300 apartments at the relocation site. Transportation means of housing materials shall be the responsibility of party “Kor”, but the occupation of the new apartments shall be not subject to any payment.

Clause 9: Both parties shall properly abide by all the 8 Clauses above, which are set forth in the contract. In case that any party fails to follow conditions set herein the contract, that party shall be responsible before the existing laws. Our thumbprints below shall be the evidence of the authenticity in the future.

Phnom Penh, 13 January 2005
 Thumbprints of party “Kor”
 Committee of the 7 Dey Krahom communities

No.	Name-Surname	No.	Name- Surname	No.	Name-Surname
1	Kim Yan	13	Chun Dy	25	Sourn Seab
2	Pen Sothy	14	Sim Sy	26	Men Sourng
3	Sam Sareth	15	Son Sok Heng	27	Morm Preung
4	Ou Nangsrn	16	Soek Sok	28	Nou Pov
5	Ly Chanpheakkdey	17	Na Heang	29	Ye Sarin
6	Phan Narin	18	Hem Samom	30	Um Yorng
7	Pum Sok Eng	19	Lang Kim Hour	31	Kem Hour
8	Choub Lon	20	Vet Navy	32	Kang Sopath
9	Chea Thol	21	Puk Sothea	33	Nhem Yuthany
10	Soung Teu	22	Sourng Chheng Ry	34	Nhem Sovann
11	Ouch Samoeun	23	Sours Sareth	35	Prum Chanthol
12	Son Yikou	24	Kong Ly	36	Prum Eng

Thumbprint or signature of party “Khor”

16 January 2005
 Director of the 7 NG Construction Company
Srey Chanthou

Witnesses:

16 January 2005
 Chief of village 2
Pich Vibol

16 January 2005
 Chief of village 15
Eam Oeurn

January 2005
 Representative of the Khan Chamkarmorn network
Hem Sum

16 January 2005
Representative of SUPF
Pen Chamnan

No.: 132/05 Lo.Bor
 Having seen and certified that
 both parties entered into agreement
 with the contract and really given their
 thumbprints and signatures in the presence of us.

Phnom Penh, 17 January 2005
 Chief of Sangkat Tonle Bassac
Ma Sopheap

– APPENDIX IV –

Kingdom of Cambodia
Nation Religion King

We, the representative of 804 families that live in village 2 and village 15 in the 7 Dey Krahom communities, Tonle Bassac commune, Chamkarmorn district, Phnom Penh City.

Respectfully address to
His Excellency Hor Vann, Phnom Penh Parliamentary

Objective : Ask for help to intervene on the complaint to Phnom Penh Municipality

Complying with the above objective, we all would like to inform His Excellency that: on February 07, 2005, we submitted a complaint letter supported by the thumb prints of 804 families to the Phnom Penh municipality to annul the contract between the committee of the 7 Dey Krahom communities and the 7 NG Construction company that have made a contract without consulting with their members to relocate the people to the new place which is far a way from Phnom Penh.

Until February 25, 2005, Chamkarmorn district hall invited the 23 representative to have a meeting to find the way to solve this problem, but before the meeting something unusual has happened : the District Hall did not only allow the people in the commune to join, and reporters, non-government organization staff are also not allowed to join this meeting. During the meeting of less than 30 minutes that was attended by district representative, commune representative, community representative, SUPPF representative, and 23 representatives, there was discussion only about the fake thumb prints or real thumb prints [on the villagers' petition] and district hall would assign a committee to check the thumb prints of every household. [According to the district hall, they have more than 1,000 thumb prints from the community to check.]

For the suggestion that our representatives raised, to postpone the contract for a while until the thumb prints problem has been solved and to ask the company or the community not to put up any sign that can make the people panicky, the district hall also has not replied us yet but said to wait for consultation with the district governor. But on February 26, 2005, there is information from outside that the community will put a sign again soon.

For the solution so far, it make our people not really trust the authority any more because the action continues and the delay of time still continues.

Therefore, we would like his Excellency to intervene for the annulment the contract between the community and 7 NG Construction Company, to enable people to live in the same area until they can find a new company that they can accept all together.

Please, Your Excellency, accept the assurance of our high considerations.

Attached Documents :

- Photo copy of the thumb prints of the people live in the Dey Krahom 7 community (Village 2 and village 15) that have 804 families.
- Name of the 23 representatives that has been supported by people 804 families.
- One contract of building the flat in the relocation site.
- One complaint letter.

Phnom Penh, February 26, 2005
Representative of the 804 families
Lor Seyha

– APPENDIX V –

Kingdom of Cambodia
Nation Religion King

Khan Chamkarmorn Office
Sangkat Tonle Bassac Office
No.: 007

Phnom Penh, May 02, 2005

Announcement

Sangkat Tonle Bassac Office
Would like to inform

All the people who live in Village XV (Dey Krahom of 7 Communities) that:
Previously, while we were developing the above new location, there were disorders in changing the name, selling, offering a gift and illegally staying etc... Sangkat Tonle Bassac Office will not be responsible for those acts. We acknowledge only those people who already have their name in the list from our mixed commission, who has checked [details] obviously and completely.

Anyone who performs against this announcement will be facing with the legal procedure as has been stated.

Sangkat Tonle Bassac Office strongly believes that ladies and gentlemen will implement correctly and effectively upon this announcement.

Chief of Sangkat Tonle Bassac
Signed and Stamped
Mea Sopheap

Copy to:

- Khan Chamkarmorn Office
- Inspection Police Khan Chamkarmorn “For information”
- Khan Chamkarmorn Police Officials
- Police of Tonle Bassac District
- The chief of Village II, and XV “To Implement”
- 7 Dey Krahom Communities
- Archive

– APPENDIX VI –

Legal Aid of Cambodia

Land Law Project

Funded by The Asia Foundation, Oxfam GB and The Embassy
Of Finland in Bangkok

My name is Chin Bunthorn, a lawyer of Legal Aid of Cambodia, house # 43, Street 306, Sangkat Boeurng Keng Kang I, Khan Chamkarmorn, Phnom Penh.

To
His Excellency Phnom Penh Governor
To be informed

Objective: Request for intervention to the people living in Village II and XV, Sangkat Tonle Bassac who were treated unfairly by 36 former community members by cheating to evict them to relocate at Damnak Troyeung Village, Choam Chao District, Khan Dangkor.

Reference: - Message numbered 875 issued on July 8, 2003 at point I & II
- Report on the result of the on-site residential development of Dey Krahom community numbered 370/05 issued on September 30, 2004.
- House construction contract on new location issued on January 13, 2005

According to the above objective and reference, I am honoured to inform His Excellency that: The people who are living in village II & XV, which is Dey Krahom Community, are so worried because the chief as well as 36 former community members conspired to sign a house construction contract secretly and that the house will be built at a far away location for community people to live. The people knew clearly that Samdech Prime Minister has given them the right to develop their on-site residence and the municipality also has issued a letter numbered 285 dated November 27, 2003 concerning central commission establishment to pilot the project, carry out a population census and to measure exact size of land for development.

Dear His Excellency! On January 13, 2005, 7 community chiefs secretly signed the contract with 7NG Construction without informing the people at all. The people also refused to recognize them since that day of the contract because they are not loyal to their members.

Based on point I & II of letter No. 875, the Council of Ministers clearly stated that: “People shall be provided with a social land concession of 3.7 hectares out of the total 4.7 hectares for residential development”. Why did the 7 community chiefs disagree with the message stated? They turned to conspire secretly to sign the contract that made the people in these two villages so surprised, protesting successively, and determining not to live in a new location which is far from the former place. This is really making them face difficulties in making a daily living.

At the same time, many previous proposals have been sent from the people to the Municipality for a resolution with no shadow of response which has made the community chiefs more powerful when they intimidate people. Recently, after the municipality invited community chiefs for meeting on May 9, community chiefs came to intimidate the people again saying that “Municipality already agreed and for those who disagree wait and see if the municipality will take whatever action...”.

As mentioned above, Please His Excellency kindly help to check and intervene to the people per their request favourably and please also help to set up a public forum for people to express their ideas, to voice out instead of listening to only one party.

Please accept my high and sincere respect.

Phnom Penh, May 15, 2005
Signed and Stamped
Attorney Chin Bunthorn

– APPENDIX VII –

Report on the Activities of Community Leaders, Village Chiefs, Khan and District Chiefs, and Phnom Penh Municipality against the People

We are people representative would like to inform His Excellency Deputy Prime Minister and Minister of Interior that: on July 08, 2003, the royal government of Cambodia had made a land concession according to the written message from the Prime Minister Hun Sen on July 04, 2003 to Dey Krahom Community located in Tonle Bassac District, Khan Chamkarmorn situated at south of Tonle Bassac theatre former public garden. Its surface area is 3.7 hectares of the total land of 4.7 hectares for 1,465 families to develop as a resident.

On January 13, 2005 the representatives of 7 Dey Krahom Community that member include 36 people signed a contract with 7NG Construction for a land swap to a new location in Damnak Troyeung Village, Choam Chao District, Khan Dangkor, Phnom Penh, without discussing with the people in the community at all. It was not until late afternoon on January 20, 2005 that the district chief of Village II and XV and the community representative told the people to come for meeting at the Tonle Bassac theatre in order to let them know about the land exchange. In the course of that time, both district and community chief said that 7NG Construction wanted to exchange the land with the people by offering the new house with 4 meters wide and 10 meters long, concrete ceiling and leave the foundation to lay making as a storey up (the company builds only the ground floor). He added that there was no forcing; if anyone wanted to swap the land [as according to the contract], go to sign the contract for agreement; and for those who did not want [to swap land according to the contract], nothing would happen. From January 21, 2005 until January 29, 2005 we always heard rumours from many people who talked about the [pre-contract] community leaders who almost always saying things such as:

- First come, first serve: those who come to sign the contract first will get the house first and those who are late will also get the house late, and those who don't sign the contract, the community will not be responsible for whether or not they get a house.
- The deadline for thumbprints [on contracts] is limited
- Those who disagree will get nothing besides seeing their house being burned.
- Or otherwise, when the deadline is over, their house will be enclosed, and both the electricity and water will be cut off, and they will have to fly the aeroplane if they want go in and out of their house.
- Don't waste time protesting because they [the company] has got high ranking and powerful people behind them, such as the village, Khan, Municipality and Prime Minister Hun Sen, and it will be down the drain [useless to protest] because this is the order from the higher body.

The majority of people strongly complained against this house swapping because the new location is so far from the melting pot [Dey Krahom] and they can't afford to travel here to do their business for life because the majority of them are:

- Crippled and beggars
- Widows earning a living by selling water melon seeds, candies, water, Khmer noodle, sugar palm, on the public garden and in front of the royal palace.
- Some guys are the construction workers, motor taxi driver etc...

Having heard these rumours from fearful people, we gave some ideas to the villagers: If anyone doesn't want to live in the new location that the company is going to build for us, please thumb print so that we can submit a petition to village, district, khan office as well as municipality to ask for the resolution from the authority. When we had got about 90 thumb prints of families, suddenly 3 security guards from Village XV came to arrest [post-contract community representative] Mr. Lor Seyha to the office of Village XV for about 3 hours from 11:30 am until 2:30 pm on January 29, 2005. On January 31, 2005 all the people went to Tonle Bassac district office to request that the district chief settle the issue and avoid further threats of any kind from village chiefs as well as community leaders, and to suggest that we are the [new] community representatives and we have the right to collect thumb prints from those people who don't want to live in the new place. At this time, the members of the district council agreed with our suggestion, with the awareness of the chief of Village XV who was present. On February 04, 2005, Village XV security guards arrested Mr. Hem Lay to Village XV office while he was appealing for the people to print their thumbs. At this time, there were approximately 150 people who came to the office and shouted in support of Mr. Hem Lay, so they opened the door and set him free.

Because the protest activity was growing bigger and bigger, some journalists came to the community in order to interview directly with the people and there was also an interview from the human rights organization of Mr. Kem Sokha. The same day, we received a letter of contract between Dey Krahom 7 communities with the 36 members and the 7NG Construction with the sealed stamp from district chief from a person who asked not to be named. The meaning of the message in the contract was completely different from what the village chiefs and the community representatives had talked about in the meeting on January 20, 2005; because at that time they said that those who wanted to go [to the relocation site], they could go, and those who liked to live here [in Dey Krahom] did not need to worry, but the meaning in the contract is actually that the community promises to exchange the land with the 7NG Construction and that this is not voluntary.

After we received the thumbprints from 804 families who disagreed to exchange their land with 7NG Construction, we filed a complaint to Municipality, copied to the Khan Chamkarmorn Office, Tonle Bassac Sangkat, and Chiefs of Village II and XV on February 07, 2005 with 23 representatives [nominated] to enable the authority to settle the dispute with the community. It was not until February 25, 2005 that Khan Chamkarmorn Office invited us, the 23 representatives, for a meeting to solve the complaint with the Dey Krahom Commission. The meeting lasted no more than half an hour and even if the other people, such as reporters or NGO staff, would like to join the meeting, they were not allowed to. Regarding the agenda of the meeting, there was nothing on it except for the thumbprints. Mrs. Keo Chanduong and Mr. Chan Sao, who are the Khan Representatives, said that Khan will set up a mixed commission in order to conduct an investigation into those thumbprints; they said that if the thumbprints were genuine, they would settle the issue, but if not the representatives will have to face the law; then they decided to close the meeting. At that time, we the representatives requested that all activities between the community and the company be put on hold for the time being until we could settle this issue. The meeting didn't cover the issue that we wanted dealt with. Up till now, there was no solution from the authority based on the people's request. Furthermore, the activities of the [pre-contract] community leaders to force and threaten and provoke the people who strongly refuse the land swap contract have been ceaseless.

In the night of March 01, 2005, a burning matchbox was thrown on the roof of a community representative who protested against the land swap, but the vigilant actions of the people helped to put out the fire out on time. We tried to file a complaint about this to the chief of village XV that same night, but we couldn't find him until the morning, when he said that he was aware of this issue but he wasn't there at the time.

In the night of March 02, 2005, Mr. Iem Eourn, the chief of village XV called our representatives to his office and prohibited us from collecting thumbprints any longer by strongly threatening us, until there was a large crowd of people gathered in front of the village center [to support the representatives].

In the night of March 03, 2005 a group of police, who are connected to [pre-contract] community leader Mr. Phan Narin, drove a motorcycle back and forth in the village and showed off their guns in their waistbands in front of the people's representatives; and about 1am there was a gunshot near the house of a representative that caused a lot of turmoil in the village.

In the morning of March 4, 2005, Mr. Iem Eourn, chief of village XV, called the representative to the village center and talked about the gunshot the previous night; he said that he knew the shooter and that one guy was arrested.

In the evening of March 5, 2005, when the representatives went to collect thumbprints from people at their houses, suddenly the community leaders led by Mrs. Keo Chanduong, chief of village II, creamed rudely at the representatives and the people **“You guys have no right to protest because all the community leaders were appointed by the municipality, so the land swap is up to them to decide, you guys have no goddamn right to decide anything”**.

At that time, Mr. Phan Narin, who is a community chief called some police and claimed that a [post-contract] representative used a baton to physically attack him. After about one hour, the police arrived but because too many people said the words of the community chief were untruthful, the police took no action; they tried to call one representative to the police station to solve the problem but the people shouted in unison that they wouldn't allow that to happen. Finally, all the police left. Mrs. Keo Chanduong and the community chief screamed again that **“You goddamn strong representative, you guys will be rewarded soon!”**

As well as these activities, almost every night there is a case of stones being thrown on the roof of our representatives, damaging property and banging the roof, by unknown people.

We have always informed district chief, members of district council, and village chiefs of these incidents but they pay no attention and their negligence has let us down so much. Furthermore, the intervention of Mrs. Keo Chanduong who is a community chief makes us unhappy. This dispute has resulted from the conspiracy of these people to inflate the number of houses and families [at Dey Krahorm] up to 1,465 families – while actually this number includes even the Chinese at Oureussey market and Olympic market, the members of village chief and so on; even a little baby in a hammock has a house and family book, while the truly poor people as a matter of fact have no house, land and family book, and even some time cut their name off the list and sell to the other to get the money in their pocket. Nowadays, one family book can be sold for \$3000-3500. Whenever people want to get any documents such as a family book, they are required to pay more than \$100 otherwise authority won't do it for them. How can they afford to pay this!! But if they don't, they will be threatened with having their names deleted from the list...

As according to all the above, please Your Excellency help to settle the issue favourably so that we can keep living in our old location normally until we can find a new company that can offer good living conditions for us to accept.

At the same time, His Excellency please:

- Help to change the 36 community chiefs by voting in new community chiefs who really serves the benefit of people.
- Please ask the old community chiefs to return the community savings money back to people in the correct amounts.
- Set up a commission to check the number of houses and families who are actually living in the community because the suggested figure is too extremely high, resulting in the act of conspiracy by with the district office, village chief and the 36 community chiefs to exploit the people. With the number of families so excessively inflated, no company will ever dare to begin their construction project.
- Help to change the village chief and the village security guards in Village XV because those people threatened the people with their impunity in using their power.
- Please educate the village chief to open his eyes to solve the problem to the people who are in need, without bias and impunity.

Please accept my sincere and high respect to you, His Excellency.

– APPENDIX VIII –

Kingdom of Cambodia
Nation Religion King

Complaint

We, the new thirty-seven representatives of people in Dey Krahom community of village 2 and village 15, Sangkat Tonle Bassac, Khan Chamkarmorn of Phnom Penh municipality,

Respectfully addressed to:

**The chief of the office of Land Management, Urbanization,
Construction and Cadastral Survey of Phnom Penh municipality**

Subject: Complaint for a denial to:

- 1- Contract on the construction of apartment buildings at the new relocation site made by the commission of Dey Krahom communities and the 7 NG Construction Company Co, Ltd., dated 13 January 2005.
- 2- Letter of notification No. 058, dated 06 July 2006, issued by governor of Khan Chamkarmorn.

Ref: Letter of notification No. 875, dated 08 July 2003, issued by the office of the Council of Ministers

Dear Mr. Chief of Khan's Land Office! We, representatives and villagers living in Dey Krahom community, village 2 and village 15, Sangkat Tonle Bassac, Khan Chamkarmorn, have the honour to inform Mr. Chief that, on 08 July 2003, the Royal Government, led by Samdech Prime Minister Hun Sen, granted a social land concession of 3.70 hectares of the total 4.70 hectares at the north of Russian Embassy, south of Tonle Bassac Theater of Sangkat Tonle Bassac, Khan Chamkarmorn, which is known as Dey Krahom's communities, to the citizens for the on-site residential development.

But, on 13 January 2005, chiefs of the communities namely Kim Yan staying at the house No. 137, group 106, village 15, and Phan Narin staying at the house # Kor 250, group 104, village 15, as well as all other thirty-six members, conspired together to secretly enter into a contract to swap the residential land with the 7 NG Construction Company Co, Ltd., for a new relocation site in Damnak Trayeung village, Sangkat Choam Chao, Khan Dangkor, without having any consultation with villagers in the communities. On the afternoon of 20 January 2005, the chief of Sangkat, village chief and the commission of the communities held a meeting, telling the villagers about the land swap, and the chief of Sangkat said 'Those who want to leave to live on the new relocation site, they have to thumbprint a contract, and others who do not want to leave will be not forced to leave by anyone'. In that meeting, most of villagers did not agree to the land swap deal, but they [pre-contract reps and local officials] still continue with the contract, regardless of the interests of the villagers. Article 8 of that contract explicitly provides that, when party "Khor" has built 200 to 300 apartments, party "Kor" shall dismantle their houses and move from the current site to the new relocation site, which is not a site that the villagers want. Later, the chiefs and the commission of the communities often tried to lobby, intimidate and threaten the villagers into thumb-printing to agree to leave. They threatened that those who refused to leave have to be careful with their houses which would be set on fire, and there would be strong measures taken by using force to evict them and fencing off the current site.

Thus, everyday the villagers often complain and worry because of the acts of those chiefs of the communities. Some villagers could not even sleep, are afraid to go out to earn their living, because they fear something might happen unexpectedly.

So, the acts of those chiefs and commissions of Dey Krahom's communities, who dare to decide swapping the land granted as a collective ownership for the social concession to the poor people for the on-site residential development by the Hun Sen-led Royal Government, with the 7 NG Construction Co. Ltd., without the advance knowledge of the villagers, is an act in full violation of the article 46 of UNTAC criminal law [Breach of Trust] and of the policies of the Royal Government.

As mentioned above, would the chief please find justice for all thirty-seven of us as representatives and condemn all those thirty-six chiefs of the commission of the communities in accordance with the law.

Please, the chief of the Khan's land office, accept the assurance of our highest consideration.

Phnom Penh, July 2006

Representatives of villagers

Attachment:

- Letter of notification of the Khan Chamkarmorn's office: 1 copy
- Contract on the construction of apartments: 1 copy
- Letter of the office of the Council of Ministers: 1 copy
- Thumbprints of thirty-seven representatives of villagers

– APPENDIX IX –

**Kingdom of Cambodia
Nation Religion King
&**

Complaint

We are the representative of the people who live in Dei Krahorn Community located in Village II and Village XV, Sangkat Tonle Bassac, Khan Chamkarmorn, Phnom Penh.

To

His Excellency Deputy Prime Minister ~ Minister of Interior
*[letter also sent to Her Excellency Men Sam Orn, Senior Minister – Ministry of
Parliamentary Affairs and Inspection]*

Objective : **To complain to refuse**

1. The house construction contract between Dey Krahorn Community Commission and 7NG construction issued on 13 January 2005.
2. The announcement numbered 058 sCN issued on 06 July 2006 by Khan Chamkarmorn Governor.
3. Not to acknowledge the population figure of 1465 families
4. Not acknowledge the chief and the 7 community commissioners

Reference : Letter numbered 875 sCN issued on 08 July 2003 by the office of the Council of Ministers

Dear Your Excellency, we - the representatives and the people who live in Dey Krahorn Community village II and village XV, Sangkat Tonle Bassac, Khan Chamkarmorn – are honoured to inform His Excellency that:

On 08 July 2003, the royal government lead by Prime Minister Hun Sen made a land concession in the size of 3.7 hectares located at the south of Tonle Bassac Theatre in Sangkat Tonle Bassac, Khan Chamkarmorn, Phnom Penh named as Dey Krahorn Community to the people to develop their residences.

Yet, on 13 January 2005, 7 community representatives out of 36 members conspired to secretly sign a land exchange contract with 7NG Construction on a new location situated at Damnak Troyeung Village, Sangkat Choam Chao, Khan Dangkor without even discussing with the people who live in the community at all. The people were so surprised and filed a complaint to the municipality to solve the conflict. But, the municipality didn't settle the problem for the people, and since that time community leaders and local authority intimidated the people to thumb print documents in order to agree to leave the place.

Consequently, we do not acknowledge the contract that the community leader and 7NG construction company signed together.

As far as the number 1,465 of families [living at Dey Krahorn] is concerned, it is not the correct figure because it was inflated and the actual number of families was less than that.

Due to the corruption as well as use of power to threat and insult people cruelly, we decided not to acknowledge those people as our representatives.

Hence, we hope that His Excellency will kindly help to sort it out so that we can live in this place longer, as this is what Prime Minister Hun Sen expected as well as the policy of the government that is highly led by Samdech. In the meantime, could His Excellency please immediately stop all kinds of activities of village as well as community leaders who are willing to demolish as well as buying the house from the people, to avoid the demolition of one block of house becoming the demolition of two, three or seven blocks of house. Could you please also confiscate the houses that have

been bought by those village and community leaders to keep as a collective property because those acts are against the condition of the community to be implemented to develop houses for the poor.

Please accept our sincere and high respect to His Excellency.

Phnom Penh, July 14, 2006
People's Representative

Attached with:

- Copy of fingerprint of people from 805 families 01 copy
- Copy of fingerprint to give right to people 01 copy
- Fingerprint of people representative 01 copy
- House construction contract 01 copy
- Letter of Office of Council of Ministers 01 copy
- Report of Khan Chamkarmorn office 01 copy
- Announcement from Khan Chamkarmorn Office 01 copy
- Newspaper Documents 03 copies
- Report 01 copy
- Lawsuit of Lawyer to the Municipality 02 copies

Lou Seyha

– APPENDIX X –

**Kingdom of Cambodia
Nation Religion King**

Letter of Rights Transfer

My name is [REDACTED], 33 years old, living in [REDACTED], group 105, village 15, Sangkat Tonle Bassac, Khan Chamkarmon, phnom penh, ID No: [REDACTED]

I would like to transfer the right to new representatives as the following:

1. Lor Seyha
2. Chan Vichet
3. Hem Lay
4. Dang Sarom
5. Set Sokhai
6. Hun Sarorn
7. Ly Visuth
8. Thach Vang
9. Keo Sothen
10. Treng Sokrith
11. Touch Ratha
12. Sok Sophea
13. Tith Sokuntheary
14. Kong Srey oun
15. Mao Kim
16. Chhorn Vanna
17. Thach Hann
18. Nou Narin
19. Tieng Kimtheun
20. Touch Siphart
21. Ly Hong
22. Phuong Ratha
23. Pheng Pho
24. Sann Nart
25. Chhet Laiheun
26. Toch Samut
27. Suon Sinet
28. Saum Chantha
29. Lanh Lina
30. Keo Monny

to enable them to act as my representatives. By printing my finger hereafter, I assist in protesting the seven former community commissioners in village II & III who, by secret thumbprint, conspired to secretly exchange the land, which has been granted as a concession by the government to the people to develop as on site resident in cooperation with the company. The company agreed to give a new location which is far from the current place. This act is against our will and the government's policy with the governance of prime minister Hun Sen. Therefore, we, the people, would like to refuse completely the land exchange agreement of the seven community commission and would like to request to have an on site resident development instead. We will also no longer recognize and acknowledge the chief and the seven community commission.

Phnom Penh, July 16, 2006
Fingerprint

[REDACTED]

- attached with
- One photo
- identification card or resident certificate

– APPENDIX XI –

**Kingdom of Cambodia
Nation Religion King
&**

**National Assembly
To**

Samdech Prime Minister of the Royal Government of Cambodia

Through : The president of National Assembly
Objective : A lawsuit of people living in Dey Krahom Community to maintain on-site resident in Sangkat Tonle Bassac, Khan Chamkarmorn, Phnom Penh.
Reference : - Letter of notification numbered 875 sCN> issued on July 08, 2003 by Council of Ministers
- Community Chiefs and 7NG Construction's house construction contract dated January 13, 2005
- A lawsuit of people's representative living in Village II and XV in Dey Krahom community dated May 20, 2006

According to the objective and references above, I would like to inform Samdech Prime Minister that the people whose address is as mentioned above are satisfactorily in favor of the Council of Ministers decision No. 875, point I and II, to render a social land concession of 3.75 hectares out of the total land 4.7 hectares to the people to develop as on-site residential development. It was not until January 13, 2005 that the community chiefs as well as 7NG Construction Company conspired together to secretly sign a housing construction contract and agreed to move the people to another location, at Damnak Troyeung Village, Sangkat Choam Chao, Khan Dangkor, Phnom Penh. This really made people very outraged and they accused the community chief who signed the contract personally without having any collective consent from people who are villagers there. On July 06, 2006, the Khan Chamkarmorn Office issued an announcement to the people to join a lottery for new apartments [in Damnak Troyeung], which is contrary to the aspirations of the people completely. Both threats and force were used by village and sangkat authorities, and on July 22, 2006 at 12 o'clock there was an attack by one village security guard in Village XV named Pik Pam on a resident named Sek Sareoun on his head and it was bleeding

Those acts indicate that the people in Dey Krahom Community really want to live and develop the on-site residences according to the written message from Council Ministers.

As the above mention, would Samdech please kindly allow the people to live in the same place and please also help to annul completely the house construction contract of the company.

Please Samdech kindly accept my deep and high respect to you.

Phnom Penh, July 25, 2006
Signed

No.: 875 rs
Having Seen and disseminated to
Samdech Prime Minister Hun Sen
To check and decide favorably
P.P, July 31, 2006
President of National Assembly
Signed and Stamped

**Mr. Ho Vann
Lawmaker in P.P.**

Heng Samrin

- Copy to:
- Cabinet of the King
 - Ministry of Interior
 - Ministry of Relation of National Assembly, Senate and Inspection
 - National Authority to Land Conflict Resolution
 - Municipality
 - Human Right Organizations
 - Local and International Medias "for information"
 -

- PHOTOGRAPH I -



On July 22, 2006 Sek Saroeun was physically assaulted by 7NG security guard, Pik Pam. Pik Pam was reportedly later convicted for this act of violence.

BUSINESS

Dell: Millions Of Batteries To Be Recalled

BY SARA KEHAULANI GOH AND ANNYS SHIH
THE WASHINGTON POST

WASHINGTON - Dell Inc said yesterday that it would recall 4.1 million lithium-ion batteries for laptop computers after several dangerous incidents in which the batteries burst into flames and damaged other property.

The move by the world's largest PC maker marks one of the biggest safety recalls in the history of consumer electronics and serves as a setback for Dell, which has been hit by stiff competition and steep customer-service costs, causing earnings to tumble and its stock price to lag in recent months.

The recall is also likely to intensify reviews underway at agencies that have been studying the dangers of battery packs commonly used in many electronic devices, from iPods to portable DVD players and cellphones.

A Dell laptop ignited during a conference several months ago in Japan. Digital photos from the event posted at online news sites show flames shooting from the laptop, as if an explosion had occurred, leaving burn marks on the green tablecloth under the computer. The US Consumer Product Safety Commission said the company has documented half a dozen such accidents.

"We feel we have determined what the problem is and that problem has been corrected. Considering the volumes of lithium-ion batteries used in the world today, not just in notebook computers, the incidents involving some kind of overheating are really quite rare," said Jess Blackburn, a Dell spokesman. "We certainly have our customer safety at the front of our concerns."

The recalled batteries, components of which were made by Sony Corp, were used in several types of Dell Latitude, Inspiron, Precision and XPS models sold from April 2004 through July 2006 through the company's catalogue, Web site or over the phone.

FOREIGN EXCHANGE

Monday August 14, 2006

1 US\$	116.67	Sing\$ / US\$	1.5609
US\$ / €	1.8978	US\$ / £	1.2719
US\$ / HK\$	0.7594	S\$ / W\$ / US\$	965.50
HK\$ / US\$	1.3184	Thai\$ / US\$	37.26
S\$ / US\$	1.2415	Kor\$ / US\$	4.135

Dey Krahorm Lottery Getting Mixed Reviews

PIN SINGHANN AND JASON MCBRIDE
THE CAMBODIA DAILY

On Aug 5, about 344 families picked lucky numbers to win new homes in Dangkae district's Chom Chao commune.

In exchange for abandoning their homes on land in Tontle Bassac commune—where thousands of families have already faced eviction by Phnom Penh municipality—they agreed to let the luck of the draw decide where they would live next.

The families entered a raffle for what will eventually be a complex of 2,000 brick apartments linked in a series of uniform rows and built by 7 NG Construction Company Ltd, which is trying to obtain all the land on which the 1,465 families of Dey Krahorm neighborhood currently live.

The plan is to reserve around 1,470 of these apartments for Dey Krahorm families and sell the others, said Srey Sothea, an adviser to 7 NG's management.

About 380 apartments have been built so far and the entire project should be completed next year, he said.

Since the Aug 5 draw, all 344 families have moved away from Tontle Bassac and many have moved into their new homes. Most of the families who have moved to the new development, called Borey Santepheap II, located some 20 km outside the city, said last week that their accommodation is far superior to the makeshift homes they had in Dey Krahorm.

Sou Phen, a 52-year-old mobile

street vendor, said she likes her new apartment but she can't find any customers for her sweets and snacks.

"Living here is safer than living in [Dey Krahorm] because living there you couldn't sleep well because you worried about fires. But now we worry about jobs," she said.

Equipped with running water and electricity, the apartments are a far cry from the plots of barren land offered to thousands of families forcefully evicted in May and June from Village 14. Located across the street from the Dey Krahorm neighborhood, Village 14 was acquired by Suor Sran company.

But not all residents of the Dey Krahorm neighborhood have welcomed the lottery system, and some accused local leaders of embarking on the home raffle venture for personal gain, saying that they were tricked into thumbprinting documents authorizing the move.

A lack of participation in the raffle by residents prompted the authorities to cancel a July 14 lottery. The Aug 5 lottery was only held for residents of Dey Krahorm who agreed to it, community chief Kim Yan said Monday.

"If they don't want to go, we will call them to a meeting and persuade them to understand," community chief Phan Narin said, referring to the 170 families he said have not agreed to move and have mounted noisy demonstrations.

Human rights workers and staff at the Public Interest Legal

Aid Project, which has provided legal assistance to people facing eviction, said they could not verify the number of families volunteering to leave Dey Krahorm and the number that wished to remain.

Villagers who are resisting the eviction say they want cash for their land, not a small apartment in a remote area. Those refusing to leave also claim that only 800 families live in Dey Krahorm and allege that local authorities have vastly inflated the village's population in order to reduce the bargaining power of the actual inhabitants.

PILAP lawyer Eang Sopheap said that the estimates given by local authorities for the population of sites facing eviction were usually inflated in order to allow others to receive compensation that they did not deserve.

"The figures from authorities are hard to believe," he said. "People protest everywhere because of the inflated figures."

Motorbike taxi driver Keo Buntheun said he agreed to move to his new apartment but cannot earn a living at Borey Santepheap II.

He hopes now that his former neighbors will follow and that more families will move into the new community.

"When more people come, if there's a market here, we can set up a grocery shop, or sell something in front of the house," he said.

The next raffle to assign homes is scheduled for October, Phan Narin said.

Bans on Coke and Pepsi Worry Indian Industry

BY SARITHA RAI
THE NEW YORK TIMES

BANGALORE, India - Industry groups in India are concerned that recent bans on Coca-Cola and Pepsi-Cola could harm the country's image as an attractive place for foreign investment.

At least six Indian states imposed whole or partial bans on Coke and Pepsi after a research group said in an Aug 2 report that the soft drinks contained harmful levels of pesticides.

The parent companies, Coca-Cola and PepsiCo, account for

more than 80 percent of India's \$2 billion soft-drink market. Each company says that testing proves that its beverages are safe, and the companies have mounted major advertising campaigns against the report.

The bans in India "could send the wrong message to investors at a time when there are vast opportunities for businesses in both countries to work together," said Prabhakar Botlaredy, president of the Indo-American Chamber of Commerce, a trade group of 2,600 companies based in

Bombay.

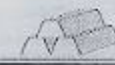
India, with a population of 1.1 billion, has been a major draw for foreign investors, especially from the US. Companies in the US have led the trend in outsourcing jobs, much of it to India, accounting for more than a million positions in this country. US exports to India have doubled in the last four years.

Kiran Pasricha, the US-based senior director of the Confederation of Indian Industry, said, "I hope that US companies do not use this as a measure to decide whether to invest in India."

LOCAL GOLD

Tuesday August 15, 2006

LOCAL GOLD (per 10 grams)	PRICE	PER OUNCE
Camdia (S-dankung)	760	770
Kilo No 1 (S-dankung)	760	770
Kilo No 2 (S-dankung)	730	740
S7 (S-dankung)	770	780



Price courtesy of
A. M. K. Finance
24/24 Golding &
Silver in Phnom Penh

– APPENDIX XIII –

Kingdom of Cambodia
Nation Religion King

National Assembly
To
His Excellency Phnom Penh Governor

Through : The President of National Assembly

Objective : A request to maintain the stalls and the place for vendor in Dey Krahom Community located in Sangkat Tonle Bassac, Khan Chamkarmorn.

Reference : - The message from vendors' representatives issued on 14 August 2006

According to the objective and reference above, I would like to inform His Excellency that the vendors who live in village 15, some bought the stall from others while some rent the hall in front of other people's house to sell their stuff and some other vendors who got the agreement from the local authority to locate their area to sell their goods in village 15.

Up till August 15, 2006, there was a message from the district authority to force them to demolish their stall within three days. In the course of that time, they protested for understanding to allow them to keep selling their goods there until they could completely demolish their stall alternatively if they were forced to demolish immediately, they suggested the district authority to find the proper place near the old site so that they could carry on their business to make a living because those vendors are indigent.

As the above mention, would His Excellency please kindly check and resolve the problem favorably for the vendors so that they can come back and carry on their business as normal.

Please kindly accept my high respect to you His Excellency.

Phnom Penh, August 18, 2006
Signed
Mr. Ho Vann
Lawmaker in P.P.

No.: 975 rs
Having seen and disseminated to
H.E. Phnom Penh Governor
To check and decide favourably

President of National Assembl
Signed and Stamped
Heng Samrin
P.P, August 30, 2006

Copy to:

- Cabinet of the King
- Office of the Council of Ministries
- Human Organizations
- Local and International Medias "for information"
- Archive

– APPENDIX XIV –

Kingdom of Cambodia
Nation Religion King

LAWSUIT

We are:

1. Lor Seyha, male 39 years old # 209, Village XV
2. Chan Vichet, male # 145, Village XV
3. Hem Lay, male # 145, Village XV
4. Suon Sinath, male 39 years old # 254, Village XV

Sangkat Tonle Bassac, Khan Chamkarmorn, Phnom Penh, Cambodia.

To

The President of the Prosecutor of Phnom Penh Court
(For the Information)

Objective:

To sue the following people:

1. Kim Yarn, male 56 years old # 136, Village XV
2. Na Heang, male 55 years old # 94, Village XV
3. **Morm Keourn**, male 39 years old # 256, Village XV
4. **Phan Narin**, male 48 years old # 250, Village XV
5. **Sin Yikou**, female 53 years old # 130, Village XV
6. **Kang Sopath**, female 35 years old # ..., Village II
7. **Iem Oeurn**, Village XV Chief
8. **Pich Vibol**, Village II Chief

And other companions together are 36 people who are the member of community leader.

1. Of violation of trust
2. Of committing corruption and embezzlement

Cause:

In regard to the above objective, we - the representative of the people who are living in Village II and XV – would like to inform you that on 13 January 2005 community leaders with the above mentioned names with their 36 members not only secretly signed a land exchange contract with 7NG Construction without informing the people in the villages at all but also conspired with the two village chiefs to inflate the statistics of families and houses against the fact in order to serve their advantage.

I would like to inform you that the land we are living on in the two villages are the government's land concession which was provided in order for residential development. Due to their corruption as well as embezzlement, they secretly exchanged the land with the company. This fact is against article 18 [sub-decree] of the Land Law [should read: Social Concession Law] since we haven't lived up to five years since the social concession was granted. [Article 18 reads: "*The target land recipient may not sell, rent or donate social concession land during the first five (5) years of the implementation of the social land concession program.*"] Anyway, the two village chiefs were busy to inflate the number of house in order to serve their own benefit.

As the above description, please kindly take the correct legal action to settle and find the justice for those peaceful and fair people favourably.

Please accept my sincere and high respect to you.

The attached copy is the name of those 36 community members.

Phnom Penh, September 01, 2006

Fingerprint
Lor Seyha

Fingerprint
Chan Vichet

Fingerprint
Hem Lay

Fingerprint
Suon Sinath

Table of Community Commission Name
Village II & XV, Sangkat Tonle Bassac, Khan Chamkarmorn, Phnom Penh
Signing Land Exchange Contract Secretly with 7NG Construction
On 13 January 2005 without informing the people.

- | | |
|--------------------|-------------------|
| 1. Kim Yarn | 19. Lang Kimhour |
| 2. Pen Sothy | 20. Vet Nary |
| 3. Sam Sareth | 21. Puk Sothea |
| 4. Ou Namsrun | 22. Sang Chhengry |
| 5. Ly Chanpheakdey | 23. Suos Sareth |
| 6. Phan Narin | 24. Kong Sey |
| 7. Pum Sokeng | 25. Suon Seat |
| 8. Chuop Lun | 26. Meng Suong |
| 9. Chea Thorl | 27. Morm Preoung |
| 10. Suong Toeur | 28. Nou Poev |
| 11. Ouch Sameourn | 29. Ye Sarin |
| 12. Sin Yikou | 30. Om Yorn |
| 13. Chun Dy | 31. Kim Hour |
| 14. Sim Sy | 32. Kang Sophat |
| 15. Sin Sokheng | 33. Yem Yuthkany |
| 16. Seourk Sok | 34. Gnem Sovann |
| 17. Na Heang | 35. Prum Chanthol |
| 18. Hem Samom | 36. Prum Eng |

Fingerprint
Lor Seyha

– APPENDIX XV –

**Kingdom of Cambodia
Nation Religion King**

**Phnom Penh Prosecutor
No: 2474016**

Announcement

I, Ouk Savouth, Chief Phnom Penh Prosecutor.

To

Mr. Lor Seyha, Mr. Chan Vichet, Mr. Suon Sirath and Mr. Hem Lay, who are presently living in village XV, Sangkat Tonle Bassac, Khan Chamkarmorn, Phnom Penh.

The complaint is filed against Kim Yan, Na Heang, Morm Preung, Phan Narin, Son Yikou, Kang Sophat, Eam Oeurn and Pich Vibol over the act of violating the trust by committing corruption and embezzlement. We have already decided to not to process the case according to the warrant numbered 305RYK dated September 29, 2006.

“1” Ladies and gentlemen has the rights to further filing a complaint to the Court of Appeal legally.

Phnom Penh, September 29, 2006
Chief Prosecutor

Signature

Mr. Ouk Savouth

Received on behalf of the other three plaintiffs

October 09, 2006
Fingerprint

Lor Seyha

Notice: “1” Complaint can be filed further to Court of Appeal within two months from the date of receiving the announcement.

– APPENDIX XVI –

Kingdom of Cambodia
Nation Religion King

Khan Chamkarmorn Office
Sangkat Tonle Bassac Office
No.: 019/06

Announcement

Reference: - Announcement numbered 015/06 issued on 14 September 2006
- Announcement numbered 017/06 issued on 21 October 2006 by Tonle Bassac Office

We, Sangkat Tonle Bassac, would like to inform the people whose residences are located in 7 Communities, Dey Krahom Village I, II and XV, Sangkat Tonle Bassac, Khan Chamkarmorn that:

Previously, Sangkat Tonle Bassac Office had issued consecutive announcements to those people [not to] occupy land where the house has been completely demolished and there is now a gap of land. Instead, people have expanded their yards, erected a wall around their selling place, in order to create a [new] shelter; this has resulted in the retardation of development.

Therefore, in order to maintain good social behaviour and avoid anarchy, those people who expanded yards, erected walls around their selling area in order to make a house, please demolish it by yourself with three days from this announcement.

For those who are renting [houses at Dey Krahom], please be advised to find other rental accommodation, and the land owners also please come and be in touch with our local authority in order to fill in the form to get a new house at the developed area [Damnak Troyeung] within a week.

If it is past the deadline and any people have failed to implement what has been stated in this announcement, Sangkat Tonle Bassac Office will take action to demolish and we will not be responsible for any damages to the material and houses or people.

We strongly hope and believe that ladies and gentlemen will conform to this announcement affectively and peacefully.

Phnom Penh, November 15, 2006

Chief of Sangkat Tonle Bassac
Signed and Stamped
Mea Sopheap

Copy to:

- Khan Chamkarmorn Office
- Inspection Police Khan Chamkarmorn “For information”
- Khan Chamkarmorn Police Officials
- Police of Tonle Bassac District
- The chief of Village I, II, and XV “To implement”
- Archive

– APPENDIX XVII a) –

Name of land:.....Name of village: 2
Street No.:.....Plot No.: 122

Land boundaries

North: Tarred road
South: Tarred road
East: Tarred road
West: Plot No 126

Chamkarmorn, 14 December 2006

Office of Land Management, Urbanization, Construction and Cadastral Survey
Seal and signature

???

Kingdom of Cambodia
Nation Religion King

Ownership Title of the Real Estate

No.: Pho.Po 09213

Sangkat:.....Tonle Bassac
Khan:.....Chamkarmorn
City:.....Phnom Penh

Phnom Penh, 14 December 2006

Tor.Bor Minister of Land Management, Urbanization and Construction
Head of the Department of Land Management, Urbanization,
Construction and Cadastral Survey

Phnom Penh capital
Seal and signature

Chhay Rithisen

– APPENDIX XVII b) –

No.: Kho_{IV} 0116

Personal identity: S₁₇

Identity of Land		Size			Civil status of occupant				Alienation		Others
Land type	Hectares	Acres	Centi acres	Name-Surname of Spouse	Date of and place of birth	Backgrounds	Nationality	Brief inscription of the letter, sign and court judgement	Burder of the real estate		
Residential	02	03	95	7 NG Construction Company Co. LTD				From DL to the 7 NG Construction Company Co. LTD according to the investigation record, dated 13 December 2006 Lo.Ro Aa 013/06		Letter No. 539 Sor.Chor.Nor, dated 04 June 2006. Deposited statute No. 130/05 Por.Nor.No.Ko. Kor.Bor.Po?, dated 10 January 2003.	

– APPENDIX XVIII –

**Kingdom of Cambodia
Nation Religion King

Chamkarmorn District Hall
Tonle Bassac Commune
No: 002/07 S.C.N

Phnom Penh, June 04, 2007

Circular

Ref : Letter No. 108 C.T.S, April 11, 2007, of the Phnom Penh Municipality

Tonle Bassac commune chief would like to inform the people who have been living in village 2 and village 15 that: in order to keep the village safe and keep everything in order in the village, I would like the people that have resident in village 2 and village 15 to keep silent and stop building new shelter, especially, the people that have built the roof in front of the house during the second Commune Election. I would like the people to pull the roof down and move away by your self in 15 days from the day that this circular has been informed.

As mentioned above, I hope you understand, please try to keep the old things as the same and don't try to make something difference from the old one. One more thing, for the people who have sold something on the road, please stop selling in this place immediately, because, so far, it makes the road too narrow that cause the traffic accident.

In the case that you don't follow this circular, commune hall will have its own legal strategy that won't be responsible on the loss or damage of your own property.

Commune hall strongly believe that you will follow this circular.

Tonle Bassac Commune Chief

CC :

- Chamkarmorn District Hall
- Chamkarmorn District Police
- Chamkarmorn District Military Police
(Information)
- Police Post office
- Village 2 and Village 15 Leader
(to take action)
- Documents

Stamp and Sign
Khat Narith

– APPENDIX XIX –

Kingdom of Cambodia
Nation Religion King

Municipal-provincial court
Phnom Penh
Civil case-file
No.: 50/09-8-07

Summon

We, the vice-president of the municipal court of Phnom Penh, invite Chhun Sovichea, the respondent, presently living in village 15, Sangkat Tonle Bassac, Khan Chamkarmorn of Phnom Penh capital, to appear in the municipal court of Phnom Penh on 27 August 2007 at 7:30am., for the purpose of participating in a preparatory proceeding for reasonable arguments for the non-execution of contract.

Person concerned has to appear in the court according to the date and time as mentioned in the summons and also brings along other documents relevant to the case above, if any.

Phnom Penh, date: 16, August 2007

Seal and signature

ry changes

Bun Leng speaks
his new appoint-
ment at the Court of
Appeals and work
with the Tribunal
Page 2

**Frenchmen
iving badly**

Muller's new book
revises the lives of
the more colorful
characters of the
French Protectorate
Page 7

a goes Red

Sary and his wife
birth built a Bud-
dhist stupa for
their family remains
Page 8

cles please

ical entrepreneurs
ing cookies which
ry hope will fatten
the export market
Page 10



LICADHO President Kek Galabru works the phones on August 29 in an attempt to help resolve the stand off involving the Municipality and members of the Dey Krahom community. Long Srey Lek left, was handcuffed by police for refusing to leave her house.

**Evictions
case goes
to court**

By DAN POYNTON
AND CHEANG SOKHA

Nearly 900 poor families facing eviction from the Dey Krahom community in Tonle Bassac ended their angry protests and took a different approach last week, heading to court with complaints against the land developer.

A human rights NGO advising the community leaders expressed hope the eviction could be halted.

But the advisor to the land developer claiming ownership to the land since 2005 said the company expects City Hall to throw out the rest of the residents soon.

"We have removed 87 percent of

EVICIONS continues page 3

EVICIONS

continued from page 1

the villagers," Srey Sothea, advisor for the land developer 7NG, said Thursday.

"Now we're leaving City Hall to evict the rest because we have wasted a lot of time negotiating with them already. They are continuing to protest to get more money from the company," he said. Sothea said that the company received a land title for Dey Krahom from the Phnom Penh municipality in 2005.

"Most of the villagers have agreed to move to the relocation site at Damnak Trayingeun commune in Dangkor district where the company has built flats for them," said Sothea.

The residents fought back in court September 1 with two complaints. One accused the land developer of destruction and

violence of property and violence in the eviction process. They also refuted a complaint saying the land was granted to them as a "social land concession" in July 2003 by Prime Minister Hun Sen and therefore the 2005 contract with 7NG was illegal.

A 2003 Council of Ministers document obtained by the Post states Hun Sen was setting aside 3.7 hectares out of the total 4.7 hectares of Dey Krahom land for residential development.

Kek Galabru president of LICADHO, said the residents have a good case.

"Because Hun Sen gave them a land concession, the [Dey Krahom] people are requesting the governor and prime minister to give them the right to live there," Galabru told the Post.

"We're not against the development," said Galabru. "But they should make an on-site apartment

"The military police were very cruel," said Lek. "They destroyed everything that we needed right in front of us - our mattress, our clothes, shoes and cooking gear. They hit three or four people."

building for the people so they can keep their jobs, their children can go to a good school, and they are close to a hospital," Galabru cited the development at Borei Keila, which was to house similar villagers. Several days of eviction protests that began August 29 saw children on the picket line screaming "stupid dogs!" at military police. The protests followed an August 16 order from Phnom Penh municipal governor Kep Chhukema to remove "beds and tarpaulin tents" placed "anarchically" on previously evicted sites in the community.

The worst of the confrontation occurred when about 100 police and military police, and 100 demolition workers moved in to dismantle homes.

Long Srey Lek, 38-year-old mother of two young girls, rents a home in the community, and was one of many who refused to be moved.

"The military police were very cruel," said Lek. "They destroyed everything that we needed right

in front of us — our mattress, our clothes, shoes and cooking gear. They hit three or four people."

Police handcuffed her, but the residents prevented them from taking her away. "Now we are sleeping on the ground where they destroyed our old home," said Lek. "The people have a lot of solidarity now," said Galabru. "The villagers made a kind of wall around her to stop the authorities. It gave me some hope. If they stay together they can win — peacefully."


"The idea of Borei Keila is very good but the implementation is not so good," said Galabru. "There is corruption and some people who was not entitled to an apartment did not get one."

"The former leaders of the community conspired secretly to illegally sell the land to 7NG," said Lor Soha, a spokesman for the community. "There was turmoil when the company came and asked us to leave. We insisted that 7NG develop on site apartments for us or buy our land at market price."

"They don't help Khmers — they kill Khmers," said Seng Tea, a 28 year old woman who was evicted August 29 but returned the next day to join the protest.

"I'm angry at the police because they didn't show us clearly where we are going to," she said. "They've moved us to Dangkor district. There are thieves and drug addicts, and there is flood water just about to come inside the house. There is no school for my daughter." During the protests, speeches by Prime Minister Hun Sen blared out on loudspeakers and many protestors wore CPP hats and shirts.

"The police and company have been provoking the crowd the whole time," said Cheang Davi, 29, a shop owner at Dey Krahom. "They jeered at us strongly, so we threw dirty water bombs back at them. They're like dogs."



UCE
www.uceintl.com

Universal Cellular Engineering

UCE is a regional telecommunication company with offices in Hong Kong, Malaysia, Indonesia, Phillipina, Bangladesh and Taiwan. Our core business is to provide wireless telecommunication design and optimization services to Network Operators and Vendors. Our company is now looking for local partnership to provide services as below:

Scope of Works

GSM / WCDMA RF Site Survey

- Perform Site Survey on New Site and Swap Sites
- Provide Panoramic Pictures, Site Building, Site Survey Report
- Tool Provisioning — Compass, Digital Camera, GPS, Binocular
- Pricing Submission — Price per Site (Survey upto 3 times per site)
- Please provide price per region

GSM / WCDMA RF Drive-Test

- Perform Single Site and Cluster Drive-test
- Tool Provisioning (Optional price) — NEMO 2G/3G or TEMS 2G/3G
- Pricing Submission — Price per month
- Please provide price per region

GSM / WCDMA Engineers

- Man Resources Provisioning
- At least 2-3 year experience in GSM Design & Optimization
- Pricing Submission — Price per month
- Please provide CVs for engineers

If your company has the capability to provide these services, please email your company profile, technical proposal and pricing to partner@uceintl.com by 21st September 2007.



META HOUSE
ART GALLERY

NEW CAMBODIAN ART EXHIBITION
Sokuntevy Oeur: "Wishes from my Past"
Opening on Wed, September 12, 6 PM

ROOFTOP CINEMA ON WEEKENDS, 7 PM

Fri. 07/09/07 THE OTHER PINAL - Funny Short Doc by J. Greiner (N)

Sat. 08/09/07 TIME FOR JUSTICE - KH Feature Film by M. ROBINSON (UK/CA)

Sun. 09/09/07 WOODCHIME - "Set in Asia" Cut Work by Cornelia Opatzow (A)

Fri. 14/09/07 INVISIBLE CITIZENS/ORO VERDIT - The Doc Film by G.C. Kell (AUS)

Sat. 15/09/07 STRAIGHT REFUGEEZ - Cambol. 3 Doc by Ian White (AUS)

Sun. 16/09/07 TWO BROTHERS - Feature film in Cambodia by JJ Arnold

Visit us on weekends from 5 PM to Midnight
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Housing Rights Task Force (HRTF)

30 August 2007

For Immediate Release – Statement & Photographs
Excessive force used in Deykrahorm eviction

“The Housing Rights Task Force (HRTF) condemns the manner and tactics used by the military police and 7NG in yesterday’s eviction of homes at *Deykrahorm*, or Red Earth village in, Chamkarmorn, Phnom Penh yesterday. In particular, we reject the use of “construction workers” armed with crowbars and hatchets to disperse the villagers, the use of force in handcuffing individuals and decision by the police to not protect a villager when a 7NG employee physically assaulted her.

Mr. Pa Socheatvong, the Phnom Penh deputy governor’s description of the incident as a “small non-violent confrontation” (*Cambodia Daily*, August 30, 2007) is misleading and incorrect. Photographic and video evidence clearly show an excessive use of force by the police.

For example, an unarmed woman was peacefully protesting the dismantling of several shelters within the community, when a 7NG representative approached with handcuffs and wrestled her to the ground with the help of military police. The 7NG representative then handed the handcuffs to a military police officer, who attached them to the woman’s wrists.

The HRTF would like to raise the following concerns:

- The military police should not have been present as this case only involves civilians and is therefore outside of their jurisdiction.
- Some military police had removed identity tags from their uniforms.
- Construction workers carrying sharpened metal bars were repeatedly instructed by senior police officials to break through a crowd of peaceful protesters. The use of hired construction workers to break through a peaceful protest could have easily provoked a violent confrontation as the construction workers were armed with hand weapons and aggressively pushing the protestors. This raise questions as to what the military police were trying to achieve through this tactic.
- Police and military police did not make sufficient attempts to diffuse tension or remove risks of escalation in what they knew would be a highly stressful situation in a confined space. For instance, they carried hand-guns, one of which was dropped within easy reach of bystanders (a photograph clearly shows two different hands reaching for the gun).
- Despite the presence of police and military police, it was a company representative who tried to forcibly attach handcuffs to an unarmed member of the community. There is no legal basis for a representative of a private company to detain a citizen.
- After the incident, the community marched with the handcuffed woman to the National Assembly. There, police initially denied handcuffing the woman and said they did not know who had the key. She remained in handcuffs for several hours.

Once again, HRTF calls for a temporary stop to all eviction until a proper process has been established to ensure the protection of civilians and human rights as enshrined in Cambodian constitution. The HRTF additionally calls for an immediate cessation of the tactic of having

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ក្រុមការងារពិសេសសិទ្ធិជំនាញ
Housing Rights Task Force (HRTF)

private construction workers break through a protest with the support of the police. Finally, we call for an immediate end of forced evictions.

Furthermore, HRTF reminds the Royal Government of Cambodia of their responsibility to protect the vulnerable in the community and that large-scale land projects do not infringe on the civil rights of communities.

Please find below the attached two photographs of the handcuffing incident on 29 August 2007.

The Housing Rights Task Force (HRTF) is a coalition of more than 20 local and international organizations dedicated to protecting housing rights and avoiding housing rights violations, including forced evictions that are not in conformity with international human rights law and domestic law. The HRTF is working to support community action and strengthen civil society organizations to promote housing rights in Cambodia. For further information, please contact Mr. Phann Sithan, HRTF-Secretariat Tel: 023 215 590 or e-mail: cam.hrtf@gmail.com



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– APPENDIX XXI –

Kingdom of Cambodia
Nation Religion King

We, the villagers of 288 families living in Dey Krahom community, Sangkat Tonle Bassac, Khan Chamkarmorn, Phnom Penh.

To

Samdech Hun Sen, Prime Minister of the Kingdom of Cambodia

With Great Respect

Objective: Request for the on-site residential development on the social concession land and for land titles.

Reference: - Letter of notification No. 875 issued on 08 August, 2003 by the Council of Ministers
- Report No. 170/04 dated September 30, 2004, of Khan Chamkarmorn Office
- Sub-decree No. 19 over social land concession issued on March 19, 2003.

As mentioned in the above objective and reference, we, the villagers living in Dey Krahom communities have the honour to respectfully inform Samdech Prime Minister that, on July 08, 2003, the office of Council of Ministers issued a letter of notification with a reference to the inscription of Samdech in which it allowed the Phnom Penh Municipality to manage the social land concession of 3.7 hectares for Dey Krahom community for on-site residential development.

Since the day Samdech has granted this social concession land to all of us for the residential development, we have been exactly happy that Samdech has given an invaluable inheritance, because we all will have land for our families and children to live on decently in the city as others do.

Yet, on January 13, 2005, the representatives of the 7 community members have conspired to secretly enter into a contract for a land swap deal with 7NG Construction Company in exchange for a new location-site, located in Damnak Troyeung village, Sangkat Choam Chao, Khan Dangkor, without any consultation with villagers in the communities. It was not until January 20, 2005 that Tonle Bassac District chief summoned all the people in Dey Krahom Community and said that it was the right of the people to decide to swap or not to swap the land and there would be no type of force. After being aware of the issue, we lodged a complaint against this contract with all levels of the competent authorities and the local authorities to seek a solution for us to be able to make the on-site residential development according to the speech Samdech delivered on the occasion of the 5-year anniversary celebration organized by the Organization of Poverty Reduction Fund in the city. However, since the day we filed the complaint to the authority and the levels of jurisdiction, there seemed to be nobody to sort the problem out for us. Conversely, things got worse because there were more physical pressure, intimidation as well as the threats to evict us to a new location-site.

In order to be able to successfully carry out the residential development in consistence with the policies of municipality and the speech Samdech delivered on the occasion of the 5-year anniversary celebration organized by the Organization of Fund to Poverty Reduction that allowed us to make the on-site residential development, we all would like to ask for policies from Samdech for dividing the land with 7NG Construction on the part of the social concession land and also would like to ask for land titles for developing the residences by ourselves on the part of the land of over 1.9 hectares we have possessed so that we can construct residences on the current site according to the construction plan drawn up by NGOs (as attached herewith), to the construction technical standard of the Municipality and of the Ministry of Land Management, Urbanization, Construction and Cadastral Survey, because we all have some reserved budget and some other organizations agree to provide us with a credit loan for a certain period of time for us to be able to construct the buildings for living by ourselves.

As mentioned above, we would appreciate it if Samdech could kindly grant permission in principle to enable us to develop residences on the current site and to have the land titles for our legal possession.

Please, Samdech, accept our highest respect and we wish Samdech peace and successes in all duties, especially success in the upcoming elections.

Phnom Penh, August 29, 2007
Signature

People's Representative

Copy to:

- Fingerprints of people in Dey Krahom Community
- Information from Tonle Bassac Office (Khan Chamkarmorn Office and Municipality)
- Pictures showing the authorities and 7NG Construction mistreated and picked up on the people in the community
- On-site residential development plot
- Information pertaining to social concession land
- Five years report of Organization of Fund to Poverty Reduction in Phnom Penh
- Inflated statistics from the conspiracy of authority and community
- Media documents
- A lawsuit to the authority
- Village chief who provokes anarchy (gambling)
- Identity Card of Cambodia People Party Membership
- Archive

– APPENDIX XXII –

**Kingdom of Cambodia
Nation Religion King

LAWSUIT

We are:

1. Hem Vuthy, male 45 years old
2. Chhorn Srey, female 40 years old
3. Long Sreyleak, female 31 years old
4. Ung Sinuon, male 36 years old
5. Un Samarth, female 53 years old

and the other 56 families who are living in Dey Krahorn Community, Village II and XV, Sangkat Tonle Bassac, Khan Chamkarmorn, Phnom Penh.

**To
Prosecutor of Phnom Penh Court**

Objective :

To sue:

- Mr. Ma Sopheap, Sub-Governor of Khan Chamkarmorn Phnom Penh
- Mrs. Pen Sothy, Old Community Chief, presently living in Damnak Troyeung Village, Sangkat Choam Chao, Khan Dangkor
- Mr. Nget Samarth, Khan Dangkor Police and the Bodyguard of 7NG Construction company
- 7NG Construction and their companions who live in Damnak Troyeung Village, Sangkat Choam Chao, Khan Dangkor, Phnom Penh

- Offence: 1. intentional damage to the property of other people
2. Using violence against the people provoking hurt and damage intentionally
3. Provoking turmoil in the village

Referring to the above objective, we honourably would like to inform you that: on August 29, 2007, 7NG Construction took a group of workers as well as mixed authorities including police, senior police officials led by Mr. Ma Sopheap, Sub-Governor of Khan Chamkarmorn and Mrs. Pen Sothy, former community chief to demolish, destroy and confiscate the people's properties such as tent, bed, kitchen utensils, mosquito net, mat, money, clothes, certificates, identification cards etc... Moreover, they physically attacked us unmercifully, from little kids to the elderly people. Also, Mr. Nget Samarth handcuffed and hit us badly and threatened to shoot, kill or put us in jail. Their acts against us are unacceptable behaviour which is completely against the law and the administrative letter because the announcement of municipality numbered 276 qt>x issued on August 16, 2007 requested us to demolish tents, huts as well as beds built on the land of people who have left to the new location provided by the company, but the land the company grabbed from the families who agreed to the land exchange has already been enclosed with barbed wire; nobody dares to build their house on that land. Conversely, the company and the authority demolished and damaged the people's property such as tents, huts and beds located on land that they [the people] possess and on the road of the people.

As the above description, please kindly take the correct legal action to punish Mr. Ma Sopheap, Pen Sothy and Nget Samarth together with 7NG Construction claim for the compensation and damages costing \$50,000 (Fifty Thousands Dollars).

Therefore, please kindly help to find justice to us who are the victim favourably. Please accept our sincere and high respect to you.

Attached with:

- People's fingerprints
- Evidences and the letter from the Municipality

Phnom Penh, September 01, 2007
Fingerprints of People's Representative

Fingerprint
Hem Vuthy

Fingerprint
Chhorn Srey

Fingerprint
Long Sreyleak

Fingerprint
Ung Sinuon

Fingerprint
Un Samarth

– APPENDIX XXIII –



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Media statement, September 27, 2007

DEY KRAHORM – COMMUNITY REPRESENTATIVE UNDER THREAT OF ARREST

LICADHO is concerned that Phnom Penh police may seek to arrest a representative of the Dey Krahorn community on unjustified allegations of stealing or damaging a mobile phone.

The community representative, a woman, was involved in an incident with a 7NG company security guard during a news media conference by the Dey Krahorn community this morning. The security guard approached the woman, who was standing several meters away from the media conference, and attempted to photograph her with his mobile phone. The woman brushed the security guard's hand away, trying to prevent him from photographing her, and the phone fell to the floor. The security guard then left the area, without picking up his telephone, and made a complaint to local police that the woman had stolen his phone. The phone was later given to the police by Dey Krahorn community members.

Police took the woman to the Sangkat Tonle Basaac police station for questioning, which prompted a large crowd of Dey Krahorn villagers to gather outside the police station to seek her release. At one point, the police instructed the woman to go outside of the police station and to tell the gathered villagers to leave the area. The woman left the police station and, surrounded by villagers, fell unconscious from shock and heat. She was carried back to her home by villagers.

Police later stated that the woman had fled the police station without their permission and that they would be seeking a warrant from Phnom Penh Court for her arrest on charges relating to the security guard's mobile phone.

LICADHO believes that there is no evidence that the community representative intended to steal or to damage the security guard's mobile phone, and as such there is no justification for her arrest. The Dey Krahorn community has been subjected to repeated acts of intimidation or violence in the past weeks, and the security guard's attempt to photograph the representative should be seen in that light.

LICADHO urges the Phnom Penh police and court authorities to respect the law and not to make any arrest without sufficient evidence of a crime having been committed.

For further information, please contact:

Am Sam Ath, Monitoring Technical Supervisor, 012-327-770

Chheng Sophors, Investigator, 012-879-795



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CAMBODIAN LEAGUE FOR THE PROMOTION
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MEDIA STATEMENT

Ongoing provocative actions of the 7NG company toward the people of Dey Krahorm

December 4, 2007

LICADHO is deeply concerned by the ongoing provocative actions of the 7NG company toward the people of Dey Krahorm, whom it is trying to evict.

The most recent incident occurred last night when 7NG employees attempted to bring a large mechanical excavator into Dey Krahorm, which provoked an angry reaction from community residents who feared the earth-moving machine would be used to knock down their houses.

About 8pm, a large truck carrying the mechanical excavator stopped on the road outside the south entrance to Dey Krahorm. Local residents gathered along the roadside and asked the 7NG employees not to enter their community land with the excavator at night-time. Ignoring their requests, the truck driver began reversing the vehicle onto the Dey Krahorm land, clearly intending to unload the excavator there. As a crowd of people gathered round, another 7NG employee in the cab of the excavator began moving the machine's mechanical arm in the direction of the crowd - an extremely dangerous act which could have led to injuries.

At this provocation, some residents in the crowd - many of them children - began throwing stones at the excavator, smashing its windows. The 7NG employees then ran away, leaving the excavator and truck at the scene.

Community representatives of Dey Krahorm tried to quieten the angry crowd and appealed to them through loudspeakers to stop throwing stones, which they did. Meanwhile, 7NG representatives went almost immediately to lodge a complaint with police about damage to the excavator. For more than two hours, 7NG made no attempt to remove the truck or excavator from the scene.

Police present made little attempt to intervene or to calm the crowd - in fact, it was the community's own representatives who did this. Very few uniformed police were sent to the scene, but there appeared to be a larger number of plainclothes police officers - who did nothing but watch and take photographs.

It was not until two and half hours later that 7NG workers finally removed the truck and excavator.

"There is every indication that this entire incident was designed to incite the people of Dey Krahorm to react violently, so that 7NG could seek criminal charges against Dey Krahorm residents." said LICADHO president Kek Galabru. "LICADHO does not condone the damage to the machine caused by some residents, but the company bears some responsibility for what happened."

"By trying to bring this machine at night into an area where people are extremely tense and have lived for months under the threat of eviction, 7NG must have foreseen that it was going to get an angry reaction."

A man who said he was a 7NG representative told human rights workers at the scene that he expected the police to make arrests for the damage to the excavator. He also provided an implausible explanation of why the excavator was brought to area: he claimed that it was merely being driven past Dey Krahorm, on its way to a repair shop, when it was attacked by residents; his explanation

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failed to account for why the truck was reversing onto Dey Krahom land, or why the excavator's mechanical arm was being moved.

LICADHO fears that the incident will be used by 7NG to file unjustified criminal complaints of "incitement" against the main representatives of the Dey Krahom community, despite the fact that those representatives did not encourage - and in fact tried to stop - the residents from damaging the excavator. LICADHO urges the police and courts to respect the law and not to arrest or charge anyone unless there is convincing evidence of a crime being committed by that person.

A total of six community representatives already face a variety of criminal charges previously filed against them, based on complaints by 7NG, despite a lack of evidence against them.

There has been a pattern of provocation, intimidation and harassment of Dey Krahom residents and, particularly, their community representatives. This includes:

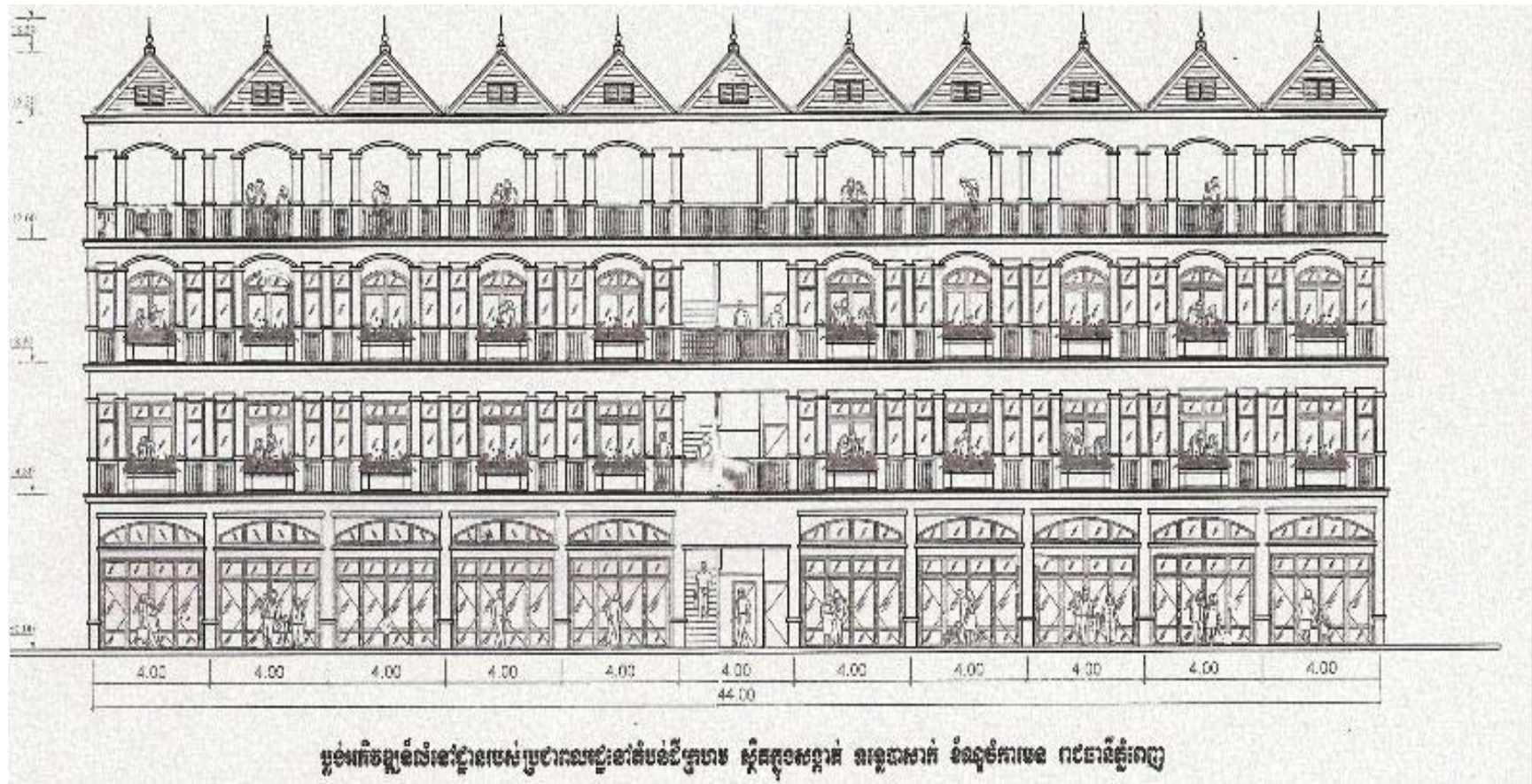
- On August 29, 7NG brought construction workers equipped with sharpened crowbars and hatchets into Dey Krahom to try to dismantle several wooden shelters. When residents peacefully tried to prevent this, police instructed the construction workers to break through the crowd of protesters - which could have easily provoked a violent confrontation. During the incident, a 7NG worker handcuffed a female community representative who was protesting peacefully.
- On September 27, a 7NG security guard complained to police that a Dey Krahom community representative had stolen his telephone. This followed a brief scuffle when the guard used his phone to photograph the female representative during a press conference, and the phone fell to the ground. The 7NG guard left his phone on the ground and immediately went to the police to complain the representative had stolen it from him. The phone was given to police by the community. The representative was later charged with robbery - which carries a sentence of up to 10 years' imprisonment - despite the total lack of evidence that any such crime occurred.
- Two days ago, December 2, another community representative received a death threat. The man was riding his motorcycle and briefly stopped when an unidentified man pulled up alongside him and warned him "Don't be strong - be careful of death."

"Tensions at Dey Krahom are extremely high and everyone - the community, the company and the authorities - must work constructively to calm the situation," said Kek Galabru. "The best way for this to happen is for the 7NG company and the government authorities to enter into real negotiations with the community to find a solution to this land dispute which is fair and acceptable to everyone."

For more information, please contact:

Am Sam Ath, Monitoring Technical Supervisor, 012-327-770

– APPENDIX XXV – On-Site Development Plan Devised by Current Community Representatives



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