



**អង្គការសហប្រជាជាតិ**

**ការិយាល័យនៃឧត្តមស្នងការអង្គការសហប្រជាជាតិ  
សម្រាប់កម្ពុជា**



17 July 2009

**Public Statement by the Office of the High Commissioner for Human Rights,  
Cambodia Country Office**

**‘Group 78’ evicted:**

**A missed opportunity for inclusive development; another setback for the rule of law**

The Office of the High Commissioner for Human Rights in Cambodia today expressed regret at the latest eviction in Phnom Penh, this time of the remaining residents of the ‘Group 78’ community.

We deplore that residents of Group 78 had to leave their settlement before their claims to land ownership had been adequately determined by the relevant judicial and administrative mechanisms. This eviction sends the signal to communities with similar claims that, no matter what their rights are under the law, development interests trump due process and land rights.

This eviction, like many other evictions of urban poor in recent years, also highlights the inability of the land administration system, particularly the land titling programme, to fully implement the Land Law and ensure land tenure security for all Cambodian citizens, irrespective of their location, wealth or social status.

Forced evictions should only be carried out in exceptional circumstances and with full respect for the due process requirements set by international human rights standards. Governments must ensure that persons evicted from their properties are provided with adequate compensation and/or offered adequate land, of better or equal quality, and adequate housing before the eviction takes place. Negotiations should be transparent, participatory and should not be conducted under pressure or intimidation.

We welcome that Phnom Penh Municipality was negotiating compensation with remaining families at Group 78 up until this morning, and that a violent forced eviction could ultimately be avoided. However, the relocation was not voluntary, as families left under duress and were presented with no other option but to accept inadequate compensation.

Evictions and relocations are sometimes necessary and legally justifiable, including for development purposes. The Municipality of Phnom Penh has made significant efforts to develop the city, and has every right to continue to do so. But this development cannot come at the expense of its residents. We believe that effective implementation of the Land Law

would go a long way to ensure that urban development is inclusive and benefits all residents. The current series of evictions and relocations, affecting so many of the urban poor and resulting in humanitarian emergencies, are contrary to the Government's own objectives of development and poverty reduction.

In line with the recommendations of United Nations experts and a number of development partners, we encourage the Royal Government to give serious consideration to adopting a moratorium on all evictions in Cambodia until a clear and binding framework is adopted to guide the rationale for and process of eviction and resettlement. The Office of the High Commissioner for Human Rights in Cambodia reiterates its commitment to work with the Government and other stakeholders in this important endeavour, to support the search for and implementation of legal and just solutions.

END.

### **Background:**

Most Group 78 residents had been living since the mid-1980s in village 14 of Tonle Bassac commune, in Phnom Penh's Chamkar Mon district. Since then, the price of land in that area had skyrocketed, making it an attractive investment location. Families had official documentation likely to prove that they met the criteria for possession rights under the 2001 Land Law. On that basis, in 2004, a number of residents from Group 78 requested cadastral authorities to assess their rights under the law and their eligibility for land ownership titles. Their request remained unanswered, as did consecutive attempts to obtain redress from cadastral commissions, the municipal court and municipal authorities.

Instead, local and municipal authorities issued six eviction notices to families, the earliest one in 2006 and the latest in April 2009. Attempts by the community to challenge the legality of the latter notice were rejected by the municipal and appeal courts in apparent disregard of provisions in the Land Law.

Phnom Penh Municipality announced its intention to go ahead with the eviction on 17 July, before those administrative and judicial mechanisms duly authorized to determine the legal status and ownership of the land had come to a final decision on the case.

On the day of the planned eviction, only seven families remained at the location. Most of the 66 families who were still living at Group 78 location in early July had already accepted inadequate compensation for their property, succumbing to pressure and intimidation by authorities, including the announcement that up to 700 police and military forces would come on 17 July to evict people by force.

In the early morning of 17 July, around 70 police and military were ultimately present and ready to forcibly evict the remaining families. The Municipality conducted last minute negotiations with the families, offering better albeit still inadequate compensation. A violent eviction was avoided.