

EVICTED AND RESISTANCE IN CAMBODIA

Five women
tell their stories

AMNESTY
INTERNATIONAL





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CONTENTS

| | |
|-------------|---|
| MAPS | 4 |
| FOREWORD | 6 |
| THEIR WORDS | 8 |



| | |
|-----------|----|
| AFTERWORD | 60 |
| LAST WORD | 62 |

MAPS



Adapted from UN map no. 3860 rev.4, January 2004



Adapted from Sahmakum Teang Tnaut (STT) map

FOREWORD

Over the past two decades, Cambodia has emerged from armed conflict, economic collapse and isolation. These changes have brought both opportunities and challenges for the women of Cambodia. While remaining the backbone of the family and custodian of the home, women have taken their place among some of the country's most inspiring entrepreneurs, professionals, politicians, activists, artists and community leaders.

Yet many Cambodian women who want to take advantage of these new opportunities, and escape the risk of impoverishment, abuse and exploitation, are hindered by the threat of forced eviction from their home and land. Forced evictions are the removal of people against their will from the homes or land they occupy without the legal protections and other safeguards required under international human rights law. Forced evictions violate a person's right to adequate housing, and are banned under various international human rights treaties to which Cambodia is a state party.

Numerous UN human rights monitoring bodies, and national and international NGOs, including Amnesty International, have exposed the Cambodian authorities' systematic failure to protect people from forced evictions. Forced evictions in the name of economic development now occur regularly across Cambodia, as local elites and foreign investors seek to capitalize on a newly privatized land market and take control of the country's natural resources.

Government authorities often actively assist forced evictions or fail to act when laws are applied selectively or ignored altogether.

This publication tells the stories of four Cambodian women, Mai, Sophal, Heap and Vanny, who have faced or resist forced eviction from their homes and land. It also tells the story of Hong, a woman from an Indigenous community, who is at risk of losing the forests that her people have traditionally depended upon for their survival.

Mai was five months pregnant when she watched her home and all her possessions go up in flames. A few days later she was thrown in prison for eight months for trying to defend her housing rights.

Sophal's vibrant inner-city community resisted eviction for over three years, until the night it was surrounded and stormed by hundreds of police and company workers who decimated the village in just a few hours.

Hong is Kuy, one of Cambodia's Indigenous Peoples who have lived in Prey Lang forest for generations. For Hong and her community, the forest provides their home and their livelihood. Now, as the forest is being destroyed, Hong leads her community in a battle to protect their land and natural resources.

Heap's husband was arrested and imprisoned on spurious charges the same day the authorities and a businessman took all her village's farming land. With no land and an absent husband, she was suddenly left alone to make ends meet for herself and four young children.

Vanny is one of the leading figures in the high profile struggle against the largest forced eviction since the Khmer Rouge era. Her home on the banks of what remains of Boeung Kak Lake in central Phnom Penh is under threat. Vanny is doing everything she can to protect her nest, and her resistance has paid dividends. In August, the Prime Minister signed an order for an area of the Boeung Kak Lake development site to be given to the remaining residents for onsite housing. While it is still unclear exactly how this will work, and some residents have been excluded, it is a major victory for the community.

These five women are not alone in their stories of courageous struggle, hardship and sorrow. Forced eviction or removal from one's home and community is a traumatic experience. The destruction of one's home or of land used for farming or other established sources of livelihood can have catastrophic consequences for men and women, but often has specific impacts on women.

Forced evictions frequently lead to the breakdown of community networks and informal support systems relied upon by women in their daily lives. They often mean disruption of children's education, diminished access to health services and a deterioration of the family's mental and physical well-being. Because many victims of forced eviction are resettled in areas far from urban centres and work opportunities, husbands spend long stretches of time away from their families, leaving their wives to cope alone with daily household chores and family needs.

Nonetheless these women have developed coping strategies for themselves and as the primary caregivers for their family. The women whose stories are told here have faced forced eviction, or continue to resist eviction and removal from their land, with a mix of fear and bravery, anger and calm resolve.





THEIR WORDS

MAI

“

My house, possessions, identity cards, clothes, photos all went up in smoke. Nothing was left.

”

Hoy Mai with her two sons, Ann Beuy to her left and Ann Samnang, in Taman village, Oddar Meanchey province.





In 2008, the Cambodian government granted three economic land concessions to three affiliated companies for an agro-industrial sugar plantation in Oddar Meanchey province. The authorities did not consult the families living in the area and began threatening and intimidating them to leave their homes and farming land. In April 2008, workers alleged to be company staff destroyed some 150 homes. Pressure on the families continued and in October 2009, more than 100 homes were bulldozed and razed to the ground. Many of the families were left in dire circumstances, some made homeless, as a result of the forced eviction. A number of community members were arrested and imprisoned.



Mai was five months pregnant in October 2009 when she was arrested and thrown in jail. She had travelled more than 250km from her homeland in the remote north-west province of Oddar Meanchey to Cambodia's capital, Phnom Penh, to ask Prime Minister Hun Sen to help her community get its land back. For her efforts, she was accused of violating the Forestry Law and dumped behind bars.

A few days earlier Mai had watched helplessly as her home and 118 other houses in her village, Bos, were bulldozed and burned to the ground by a force of some 150 police, military police, forestry administration officials and other individuals villagers believed to be company workers.

In 2008, Angkor Sugar Company was granted a concession over 6,500 hectares encompassing Mai's village. Both the company and the authorities failed to give families living within the area adequate information about the concessions or the status of their rights to their housing and farmland. Families were not consulted about the company's plans or about how they would be affected. Ignoring the protests of local residents, company workers reportedly began clearing the villagers' rice fields, including Mai's, to plant sugar cane soon after the concession was granted. Mai explains that the workers kept the rice crop for themselves, which left Mai and her community without the staple food that they depended on to sustain them through the year ahead.

Destruction of Bos village, where Mai lived, October 2009. Featured in the film *Stories of eviction and resistance in Cambodia*, this footage was shot by the NGO Community Peacebuilding Network (CPN) on a mobile phone.



The first demolition of village housing occurred in April 2008 and was followed by a campaign of threats and intimidation designed to get the remaining families to leave. Residents said that they were pressured to accept alternative land plots assigned to them by the authorities. If they didn't, they were told they would receive nothing and be put under criminal investigation. Villagers claimed that the plots offered were significantly smaller than the land being taken from them and that in some cases the land was owned by a third party. Despite the pressure, most villagers rejected the offer.

“We ran across forest and swam through water to complain to Samdech [Prime Minister Hun Sen] in Phnom Penh.”

On 9 October 2009 police, military police, forestry administration officials and other individuals burned down and destroyed what remained of Mai's village. “My house,

possessions, identity cards, clothes, photos all went up in smoke,” Mai recalls. “Nothing was left.” The police aimed their guns at anyone who dared to defend their houses and possessions. Fearing for their lives, the villagers fled, seeking shelter wherever they could.

Three days later, Mai, her husband and six other men, began the arduous journey on foot to seek help. “We ran across forest and swam through water to complain to Samdech [Prime Minister Hun Sen] in Phnom Penh,” Mai explains. “We thought that it was the commune and provincial authorities behind this but that if Samdech knew he would help us.” Finally arriving in the city, Mai and her group were denied access to the Prime Minister or other government officials. Disheartened and exhausted, they found shelter in an old pagoda in the centre of town.

During the night, Mai heard the sounds of police approaching. In the days leading up to the destruction

“I was so shocked, I was not wearing any shoes... and was only wearing a short sleeved shirt and skirt and I was bleeding, but they didn’t let me get my shoes and clothes. They dragged me to the car.”

of the village, police had arrested a number of community members as part of a strategy to force the villagers out and silence those who resisted. Fearing that they would also be arrested for trying to attract the Prime Minister’s attention to the situation, Mai’s husband and three others managed to escape. But Mai, weighed down by her pregnancy, couldn’t run any more and she and three of the men were caught by the police.

“I was so shocked,” says Mai. “I was not wearing any shoes... and was only wearing a short sleeved shirt and skirt and I was bleeding, but they didn’t let me get my shoes and clothes. They dragged me to the car.” The three men were released soon afterwards, but Mai, accused of being a ringleader, was arrested and taken to Siem Reap prison. She has not seen or heard from her husband since that night.



© Amnesty International



left: Mai and her family at their new home in Taman village.

Pregnant in jail

Officially accused of crimes under the 2002 Forestry Law, Mai spent the next eight months behind bars. Although she feared a miscarriage due to the appalling conditions in jail and her deteriorating health, her pregnancy progressed to full term. “It was very difficult,” she says. “I was sick and bleeding and I was in so much pain. No one looked after me. My children had no money to come to visit me.”

Mai says that when she went into labour, her condition was so poor that the prison chief “didn’t dare to keep [her] in prison” and she was taken to the public hospital. When she had still not given birth later that day, prison guards brought her back to jail. She was in labour for three days and nights in prison. Guards took Mai back to the hospital just before she gave birth. “I felt so bad and unhappy,” she says. “With no husband there and no family, I felt alone like a widow.” Just a few hours after she delivered her baby boy, she was taken back to jail.

“I was sick and bleeding and I was in so much pain. No one looked after me. My children had no money to come to visit me.”

Mai named her son Samnang, which means “lucky”, because she considered it a miracle that he survived the pregnancy. For almost two months she nursed Samnang in a prison cell that she shared with seven other women. Under-nourished and weak, she took



care of herself and her baby as best she could. The rice fed to prisoners was dirty and almost inedible. Mai was not producing enough milk to feed Samnang. It was difficult to keep the cell and their few clothes clean. Mai says that her and her baby’s health suffered badly.

Finally in June 2010, eight months after her detention, Mai was brought before a judge. Rather than try her for illegally clearing forest – the stated reason for her arrest – the court told Mai that she would be released if she signed an agreement to withdraw all claims to her land in Bos village and accepted replacement land. Mai signed the agreement and travelled back to Oddar Meanchey. She never received the promised plot of land.

Return to Oddar Meanchey

Mai returned to her home province with mixed emotions. While she was happy to find her younger children safe and living at her oldest daughter's small wooden house in Taman village, her older children chose to cross the nearby border into Thailand to seek work. She also heard that her husband was in Thailand but no one could confirm his whereabouts.

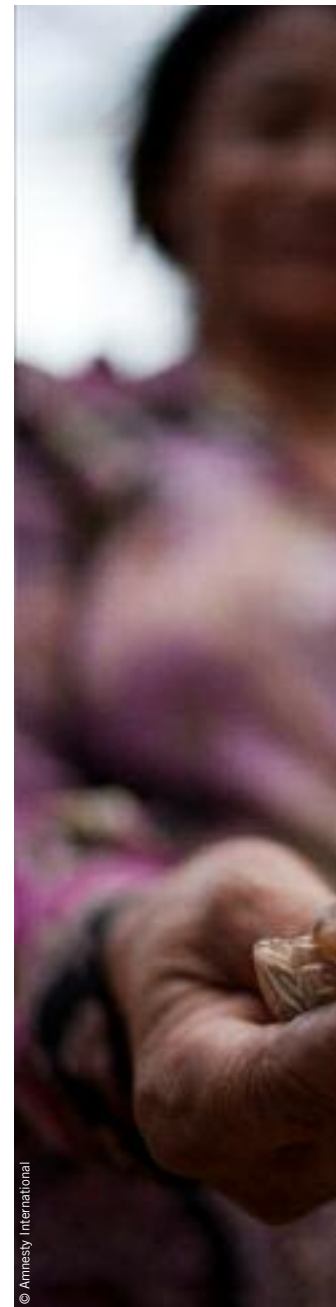
Neither her children nor husband sent her any money. Mai now struggles each day to feed her family. Her teenage sons search for lizards and frogs to sell or eat. Her seven-year-old daughter helps Mai with household chores, including collecting water from the village well at night – the only time the well is not completely dry. Samnang is now just over one year old, and Mai says she will continue to breastfeed him for as long as possible for lack of other food to feed him. One of Mai's daughters who went to Thailand left her own baby, two months younger than Samnang, whom Mai must also care for. She tries to feed her family two small meals of rice, donated by an NGO or one of her sympathetic neighbours, and whatever else they can find each day.

Mai, who is now 48, has eight children ranging in age from 28 to just over one. She explains that she didn't want to have so many children but was never taught about birth control. Even with so many children, before the eviction, "there was always enough food for the family to eat... There was no hunger," she says, recalling happier times. "We could find fish and meat, and we could pick [four different kinds of] mushrooms to sell and eat."



Mai was born and grew up in Bos village, and her family was able to remain in the area during the Khmer Rouge period. Mai met her husband, a soldier, soon after the fall of the Khmer Rouge in 1979.

Oddar Meanchey was heavily mined during the Cambodian civil war (1970-75) so the population of Bos village did not grow much until 1998 when some of the land was safely cleared. As the population grew to more than 200 households, local authorities gave Mai's family and others in the village five extra hectares of rice land in 2003. The family home was simple but comfortable. She dug a well near her house that provided ample water. A separate bathroom offered privacy and ensured hygiene. With no electricity, the family used oil lamps at night. Although she could not afford to send all her children to school, it was walking distance away for the two that were enrolled.



clockwise from left: Mai washes dishes. Since her eviction, Mai struggles to feed her family – sometimes they eat frogs or lizards. Mai now lives in her daughter's house in Taman village. Mai cooks while holding Samnang.



Empty fields

Today, nothing remains of Mai's village. Instead, armed company workers guard a sugar cane plantation surrounded by empty fields. The once lush forests in the area have been heavily logged over the past decade, despite a nationwide ban since 2002, and much of the area has been carved up and granted to private companies as economic land concessions.

Over the past decade, the government has increasingly granted land concessions to Cambodian and foreign private investors without adequately assessing and reducing impacts on communities who were living on or dependent on these lands. A 2007 report by the UN Special Representative of the Secretary-General for human rights in Cambodia found that economic land concessions "impact negatively upon the human rights and livelihoods of rural communities."

Frequently, these concessions are granted over or encroach upon people's homes and farmland with little or no consultation with local communities. For most of those forced to give up part or all of their land, the compensation or resettlement land offered is usually not enough for them to find alternative adequate housing or livelihoods. People are often forcibly evicted from the land without legal safeguards.

Effective legal remedies have generally proved elusive to those who have attempted to challenge the validity of economic land concessions and the acquisition of their land. While exact data is not publicly available, it is estimated that economic land concessions cover an

area that represents over 50 per cent of Cambodia's total arable land mass.

The official purpose of economic land concessions is the development of agro-industrial plantations. The Ministry of Agriculture's website shows that on 24 January 2008 there were three 70-year concessions awarded to private companies in Oddar Meanchey, including over the area that encompasses Bos village. Each concession is recorded as being granted for the same purpose: a sugar plantation and processing factory. The formation of multiple companies by a single owner and the application for adjoining concessions is a common way of circumventing the 10,000 hectare limit on economic land concessions set in Cambodian law.

Meanwhile, Mai has been left destitute and her family pulled apart. She feels utterly abandoned by the government. She blames the local authorities for her situation. "The ones that should look after the people every day, why do they let [the company] grab people's land?" With no house of her own, no rice land, no husband and five children to take care of, all she can do is try to survive day by day. "I do not know what to hope for anymore," she says. "It is all gone."

Hoy Mai spoke to Amnesty International on 17 March 2011.





“

The ones that should look after the people every day, why do they let [the company] grab people's land?

”

SOPHAL

“

They came at night to pull down the houses. I begged them not to destroy my house and to let me move my stuff outside. But they did not agree. All I could salvage was one sewing machine.

”

Roth Sophal (left) and her younger cousin, Khun Neary, in her new home at the Damnak Trayoung resettlement site, Phnom Penh, June 2011.





Aerial view of Dey Krahom, Phnom Penh, two years before the forced eviction.

On a January morning in 2009, some 400 families were forcibly evicted from their inner-city homes in Dey Krahom, central Phnom Penh. They were attacked by hundreds of police and privately paid demolition workers armed with axes, hammers, iron bars and electric batons. As bulldozers and excavators ripped through their homes, residents desperately tried to salvage their possessions. All the while, police fired rubber bullets and used tear gas and water cannon on them. Although hundreds of other families had been intimidated into leaving in the years and months preceding the eviction, the remaining families continued to demand respect for their right to adequate housing, including adequate compensation. Attempts to negotiate a fair settlement or find some other acceptable solution failed. Many families who were forcibly evicted now live at a resettlement site on the periphery of Phnom Penh city.

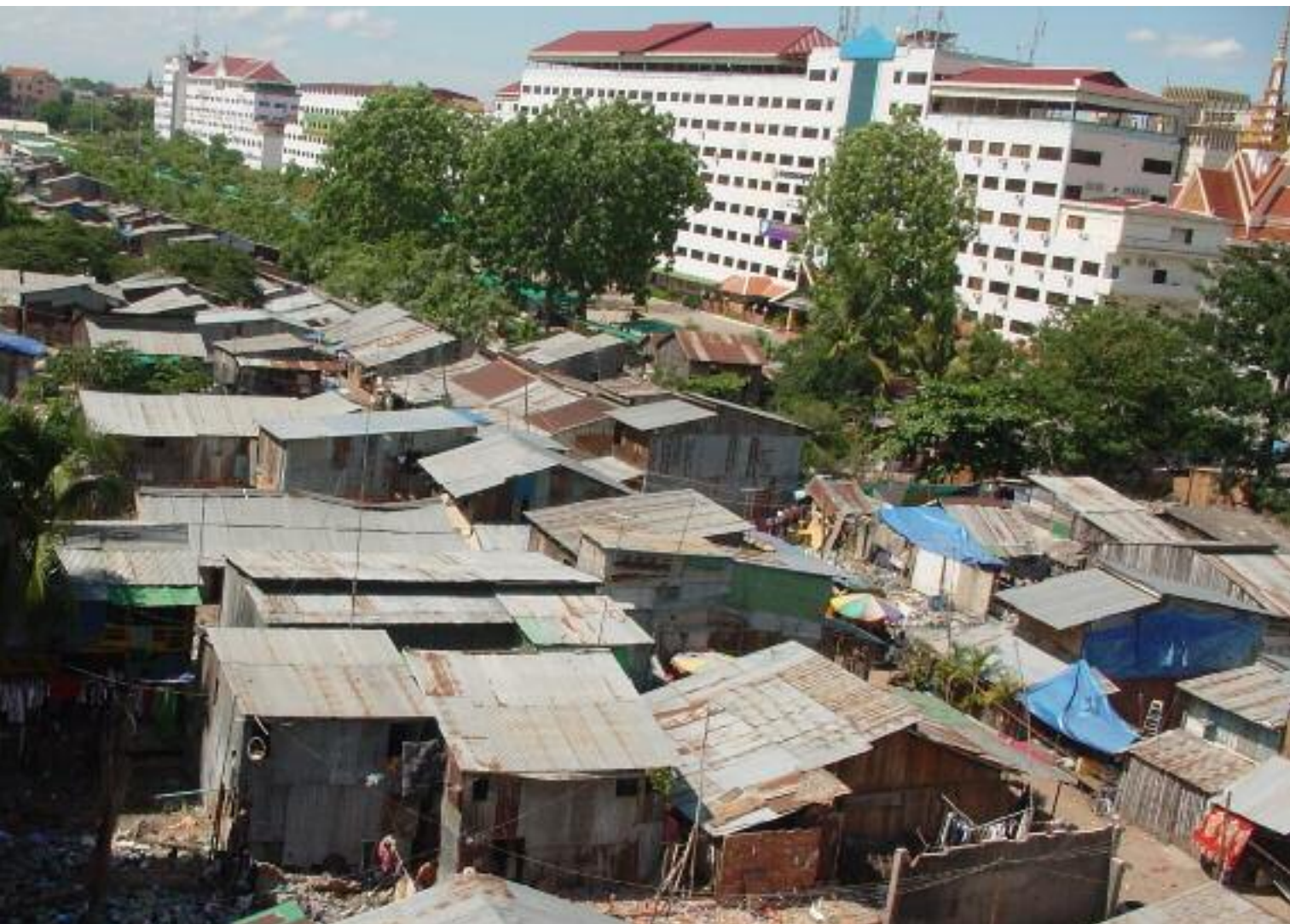


Sophal, aged 31, sits on the tiled floor of her flat feeding rice to her small daughter, Thida. The flat is a simple concrete 4m x 10m structure typical of those found at the Damnak Trayoung resettlement site. Sophal explains that with her husband living and working in the centre of Phnom Penh, and her extended family and community broken apart by the forced eviction, she spends much of her time alone with Thida.

Damnak Trayoung is approximately 20km from the centre of Phnom Penh. Characterized by its row upon row of garage-like structures, it exists in stark

contrast to Dey Krahom village and its community of musicians and artists that was in the centre of Phnom Penh's Tonle Bassac District.

Dey Krahom means red earth in Khmer. The village took its name in the 1980s when its first post-Khmer Rouge era inhabitants filled the swampland with red soil to create a foundation for their homes. Artists and musicians were granted plots in Dey Krahom by the Ministry of Culture and Fine Arts. Others settled there after they were repatriated to Phnom Penh from refugee camps on the Thai border in the early 1990s. Over the years more and more families



bought plots of land in the village, attracted by its central location and work opportunities.

Sophal was 11 years old when, in 1990, her family bought a plot of land in Dey Krahom, built a house and moved in. In the years that followed, the village and Phnom Penh changed dramatically around her. The Paris Agreements, aimed at ending decades of internal conflict, were signed in 1991 and soon afterwards the city saw an influx of foreigners working for the UN and a myriad of development organizations. The city centre experienced rapid urbanization, as Cambodians sought to be a part of the new era of economic development.

Sophal grew up feeling optimistic about life and had dreams of becoming a professional seamstress. When she was old enough she began to run a small business as a manicurist and tailor from her home, which meant that people living around the village often dropped by. She married a man from the village named Sokha who only had one leg.

“Many men in the village proposed to me, but I didn’t like them at all, because I thought that men did not respect women. But my husband,” she says, “I chose him. He is handicapped, but he is not the same as other men... he is not lazy.” After they were married

Sokha got a job at a nearby printing house and returned every evening by dinner time. Sophal and her family worked hard, and enjoyed the sense of community, services and facilities the city had to offer.

But by the mid-2000s, Dey Krahorm was under threat. The Municipality of Phnom Penh, in conjunction with companies, was systematically razing old housing communities around the Tonle Bassac area to make way for new luxurious buildings. New government buildings, up-market hotels and a new Australian embassy were planned. The families who had settled or bought land in Dey Krahorm and the surrounding villages were sitting on some of the most valuable real estate in Phnom Penh. As land prices rose exponentially, businesspeople and government officials set their sights on these “untoward” villages. In the case of Dey Krahorm, the stakes were high: the 3.6 hectare site was valued in 2007 by a local real estate agency at around US\$44 million.

Broken promises

Dey Krahorm had no paved streets or neat rows of houses. No formal land titles had been issued to its approximately 800 households, although many had been recognized through documentation issued by local authorities over the years. Houses ranged from ramshackle wooden huts to brick double storey villas. While many of the families living in Dey Krahorm were poor, they were productive participants of the village economy and the city surrounding it, and with hard work, were able to slowly improve their living conditions.

Under Cambodia’s Land Law, residents of Dey Krahorm who had moved there before 2001 and met a number of other conditions stipulated in the law had strong ownership claims and were eligible to apply for land title. However, such applications were simply rejected or ignored.

“They never came to ask me, the owner of the house, directly. There was no exchange with the people.”

“Our Dey Krahorm community, when we faced conflict with the company, agreed all together to request title from the... authorities,” Sophal explains. “The request was submitted but... we waited and waited... and never got any results.” However, Sophal did not know that a company called 7NG had been granted title in December 2006.

In 2005, 7NG had already begun its overtures to community leaders in Dey Krahorm to swap the land for houses built on cheap property at Damnak Trayoung, on the outskirts of the city. Two years earlier, Prime Minister Hun Sen had promised that Dey Krahorm would be one of the first urban poor villages in Phnom Penh to receive official recognition and support for onsite upgrading.

When residents discovered that instead of moving forward with the upgrading promise, the community leaders had been persuaded to swap the land on their behalf, they were furious. Under Cambodian law, the leaders had no authority to sell the residents’ land

Painting a peace sign as part of protests organized by Dey Krahom residents before their forced eviction, January 2009.

so the contract was legally invalid. Sophal explains: “They never came to ask me, the owner of the house, directly. There was no exchange with the people.” The residents fired the leaders and filed complaints in court for breach of trust and to cancel the contract. The court ignored the community’s complaints.

Struggle begins

This marked the beginning of a three-year struggle that, despite a remarkable campaign to protect their land rights, would ultimately end in heartbreak for Sophal’s family and community. Residents were pressured by the company and the authorities to accept the deal and move to a flat in Damnak Trayoung or agree to an alternative offer of US\$8,000 in compensation. As the pressure mounted, hundreds of the original 800 families dismantled their houses and left.

As for Sophal’s family, the prospect of leaving their home in Dey Krahom with only US \$8,000 was unthinkable. “I did not accept. I did not agree at the price of US \$8,000 because if I had moved I would have lost all the employment [connected to] my house. There would have been no income.” For those families like Sophal’s that made the decision to reject the offer and stay, the company threats turned into violence.

“Sometimes the company came at night,” recalls Sophal. “They came at night to pull down the houses. We protested all together but the company had tools with them. The people, we had only our hands to join together... And there was conflict of words



between the company and the people. This happened so many times, until sometimes [the company] fought the people. They handcuffed people, and broke their heads... people wearing military boots kicked people. I saw this directly... We tried to have them solve the problem peacefully; there was no need to use violence towards the people.”

Some leaders gave in to the pressure and sold their land to the company. The remaining residents fought back, organizing media conferences and musical events that showed the public a community that was creative and productive and was determined to fight for its rights to either keep its land or receive adequate compensation.

Sophal joined regular community protests outside City Hall. “We went to meet [City Hall] to request a solution. Next, we went to meet the company. Thirdly, we went to the house of Samdech [Prime Minister Hun Sen], and submitted documents to the security guard,” she explains. “And then, we waited for the news. We waited but we never got any news at all...” Sophal shrugs: “We tried our best.”

In late 2008, community resistance finally began to show results. 7NG appeared willing to negotiate with the community on the amount of compensation for their houses. However, at around the same time rumours began to circulate that a mass eviction of the entire village was imminent. The residents were on guard every night, unsure if their village would be surrounded and attacked before sunrise. At night “we took shifts,” explains Sophal. “Three people [at a time]... to watch the activities of the company.”

In January 2009, the company offered the remaining households US\$20,000 to move. Several families immediately took the offer. Others with the largest houses and plots, which they believed to be worth several times that, refused. Some submitted modest counter-offers, but these attempts at a fairer negotiation were in vain.

After deliberating with the family, Sophal’s mother decided to accept the offer. Sophal had given birth to Thida about a month earlier and was anxious to create some certainty for her family’s future. “For the price of US\$20,000 I was ready to sell,” says Sophal. “I thought that I would use it to buy a suitable house, but it needed to be in Phnom Penh city in order to be near my husband’s workplace and my niece and nephew’s school.” When her mother went to meet with 7NG representatives, she was told to come back after Chinese New Year. “But just before New Year,” says Sophal, “they evicted us.”

Tear gas and rubber bullets

The forced eviction of approximately 400 families from Dey Krahorm began at 2am on Saturday, 24 January 2009, when police blocked off the streets surrounding the villages. Hundreds of armed police and military police as well as demolition crews entered the village at 6am as dawn broke. Bulldozers and excavators rolled in and began tearing down the houses.

In a final show of solidarity and resistance, the frightened residents joined hands around the village. But not even the presence of journalists and human rights monitors deterred the police who fired tear gas and rubber bullets, while the demolition crews used sledgehammers and axes to demolish homes. Some people locked themselves inside their houses, but these were hacked into and destroyed with little regard for human safety.

“They said that they would not be responsible for any injuries and that I should move away. So I just picked up my child and we went.”

“I begged them not to destroy my house and to let me move my stuff outside,” says Sophal. “But they did not agree. They said that they would not be responsible for any injuries and that I should move away. So I just picked up my child and we went. I tried to find my mother... but they pumped poisonous smoke [tear gas]. They pumped it from all directions... No one could breathe because of the smoke... One of my sisters



clockwise from left: Sophal holds Thida amid rubble. Homes and businesses are bulldozed. The destruction of Dey Krahorm, January 2009.



who had tetanus was upstairs when the tractor pulled down the house,” Sophal recalls, tears rolling down her cheeks. “She fell down and was wounded by a nail.” Sophal’s family home and all of their possessions were “completely crushed.” “All I could salvage,” she says, “was one sewing machine.”

By noon, Dey Krahorm village no longer existed.

A company truck transferred the shell-shocked families to Damnak Trayoung, approximately 20km away. “They

asked us if we wanted to go in the truck, [but] we had no choice,” says Sophal. The families were dropped at the side of the dusty road at the entrance to the resettlement site. “That first day,” reflects Sophal, “I arrived in the land of Damnak Trayoung and walked around and felt that it was just like a deportation from my village that has always given my family and me happiness... I felt really hopeless. And I was angry... I hated them.”

“Lucky draw”

Families classified as “owners” of their houses at Dey Krahom by 7NG, were allocated flats at the resettlement site through a “lucky draw.” Renters and market-stall vendors were dumped by the roadside and left to fend for themselves. Almost a year later, these families were moved to a remote and barren site in Kandal province, 40km north-west of Phnom Penh, where some now live in dire poverty.

Sophal’s mother went to live in a Buddhist temple. She has still not recovered from the trauma of the eviction. Her brothers and sisters split up; some moved to the provinces to start again and others rented close to the city. Sophal and her husband eventually moved into the flat at the resettlement site.

Damnak Trayoung is in fact one of the better relocation sites around Phnom Penh. Many other families who have been evicted from the city centre have received nothing more than a plot of barren earth at a remote site without any structures or facilities. Despite this relative advantage, Sophal has found it almost impossible to survive there. In the beginning, she says, “I had to find morning glory and crabs in the rice fields... to survive day to day.” They could not afford to connect to the electricity line or pay for water, so, she explains, “every day I lit an oil lamp and... went to get water from the pond to cook.”

Although families were offered loans of US \$1,000, “for my family,” Sophal says, “we lost our jobs, [so] we didn’t dare to borrow... we were afraid that we



would not be able to pay it back... Others, poor and miserable, accepted it. Some people used it to connect to electricity, water... and so on.”

To make matters worse, Thida, who was just two months old at the time, began to experience problems breathing after the eviction. She was eventually diagnosed with pneumonia. “I began sending my daughter to receive treatment because she was getting thinner and thinner, only skin and bones,” says Sophal. “No one thought she would survive... I borrowed money from my husband’s hometown in order to send my daughter to the hospital, in order to cure my daughter. [She] recovered after about one year. But I lost everything.”

Roth Sophal spoke to Amnesty International on 28-29 April 2011.



from left: Sophal with her family. Sophal, Thida and husband Sokha in front of “for sale” signs, Damnak Trayoung, Phnom Penh, June 2011.



“

I arrived in the land of Damnak Trayoung and walked around. I felt really hopeless. And I was angry. I hated them.

”

HONG

“

Prey Lang is the shelter of Indigenous People, like a house we live in, a house that is full of freedom. If Prey Lang is gone it's impossible for us to live.

”

Phouk Hong in Prey Lang forest, Preah Vihear province, June 2011.





Prey Lang forest in northern Cambodia is possibly the largest contiguous area of land used predominantly by Indigenous Peoples left in the country. The forest resources underpin the livelihoods of some 200,000 people who live in the 339 villages surrounding Prey Lang. Many of these people are indigenous Kuy. Recently, companies have been granted concessions for agro-industrial plantations and mining over vast swaths of Prey Lang. In contravention of various human rights treaties and the UN Declaration on the Rights of Indigenous Peoples, the authorities have failed to obtain prior consent from local communities, despite the destruction of their traditional forests and restrictions on their access to parts of their ancestral lands. The companies' activities are threatening the local Kuy communities' ability to use, manage and control their traditional land and resources.



Hong, a vivacious 38-year old Indigenous Kuy woman, and mother of five, walks through the trees and scrub of Prey Lang forest. Sometimes she stops to point out plants for their medicinal qualities. She explains that her grandfather taught her how to identify particular curative plants while she was growing up. “Those medicines are effective,” she says. Some will “heal you faster than hospital medicines.”

For Hong, and others living in the villages around Prey Lang, the forest is a vital source of daily necessities, including food, water and medicines. Many of these people are Kuy, one of the largest of Cambodia’s approximately 25 known Indigenous Peoples. “For me,” explains Hong, “Prey Lang is the shelter of Indigenous People, like a house we

live in, a house that is full of freedom and convenience... a house filled with wealth.” The Kuy people, like their ancestors, regard themselves as forest custodians. Their animist beliefs and practices are deeply embedded in their environment and their relationship with the forest. Prey Lang means “our forest” in the Kuy language.

Prey Lang spans four provinces in northern Cambodia. While the precise boundaries remain undefined – since it has never received official recognition as a protected forest – the Prey Lang area, which lies between the Mekong and Stung Sen Rivers, contains roughly 3,600km² of forest, including a core of over 80,000 hectares of pristine forest. It is rich in biodiversity and contains rare and endangered tree and animal species.



from top: Tapping for resin, which Hong and her people depend on for fuel, Prey Lang forest. Areas of Prey Lang have been cleared for mining and other projects, June 2011.



Since the 1990s the forest has increasingly come under threat from companies logging the trees and, more recently, from the mining potential of this resource rich area. The mounting presence of the companies and their control over large portions of forest land has left the Kuy people struggling to sustain the land and forest according to their custom. “We totally rely on Prey Lang for our livelihoods. If Prey Lang is gone it’s impossible for us to live,” says Hong.

Hong, who grew up on the periphery of Prey Lang, says that her community can find almost everything it needs from the forest itself. “We just go into the forest together; [it has] no boundaries,” she explains. “If we want to get some vegetables to make some dishes, we go into the forest... Sometimes our dog hunts for wild pig... for food at home... [we can also] go to the pond to catch some fish.”



These spring-fed ponds can be found all over Prey Lang and are an important source of water. Hong explains that fuel for household activities also comes from the forest. “In Prey Lang, where I live... I use only resin lamps. We go to collect resin and cut *preal* leaves and soak them with resin and burn it for light... When I cook I use leaves soaked in resin to burn and I add firewood to cook rice and food.”

Resin tapping is not only a source of energy for the villagers, but also an important and sometimes lucrative source of livelihood for tens of thousands of people. Tapping the trunks, through controlled burning, does not harm the trees. Hong’s community also collects rattan, vines and other non-timber forest products to sell.

clockwise from top left: Phouk Hong and her husband Yan Ty on the steps of their home in Phneak Roluek village, Chey Sen district, Preah Vihear province, June 2011. Hong and her family. Hong leads a protest in the capital Phnom Penh, Cambodia, 25 May 2011.





She says that while a small income is used to buy things like salt, spices and housing materials, most resources are either found in the forest or grown on its fertile soil. These resources are then shared among the community or bartered for other goods. “We live in that area by following our customary tradition which [is about] helping each other. If we can find fish or meat, we share. We don’t really do so much trade.”

The Kuy people use a system of rotational farming which is guided by their spiritual beliefs. Hong explains: “In November, we pray to [our soul] spirit, Banchoul Arak, [so] he might tell us which forest to go to for that year. So we follow his words... The next year we go to another forest by asking the same spirit. Three to four years [later]... we come back to the previous forest. That’s our tradition.”

Given its central role in fulfilling her community’s livelihood, spirituality and daily needs, Hong places paramount importance on preserving the forest for her children and grandchildren. “I want to maintain Prey Lang for the next generations... so that they will enjoy the happiness, just like me right now.”

Companies move in

Powerful political, commercial and military interests in Cambodia are exploiting Prey Lang’s resources. Despite the increasing outcry from local communities and NGOs, they continue to dismiss its crucial role underpinning the livelihoods of some 200,000 Cambodian people and in the spiritual and cultural

identity of the Kuy. Moreover, there is mounting evidence of Prey Lang’s ecological and environmental value, including its function as a critical watershed, both preventing floods in wet season and releasing water during dry season.

In 2002, under intense pressure from the international community, the government stopped granting any new permits to log Cambodian forests. Logging concessions became non-operational and, although some illegal logging continued, for a while the pace of deforestation slowed. However, powerful loggers soon found other ways to provide legal cover for their activities.

Control over large swaths of land in the Prey Lang area was secured through economic land concessions for agro-industrial plantations, such as rubber, and mining concessions for iron ore, copper, gold and other resources. Observers say that these concessions paved the way for a new, more destructive use of land threatening Prey Lang. The conversion of forest to plantation involves logging often large valuable trees and then ploughing the land in a manner that fundamentally changes the landscape so that forest re-growth will not occur.

The secretive nature of many of these deals and the prevailing lack of transparency surrounding land concessions to private interests means that precise information is often unavailable or difficult to verify. As of 2010, at least 27 economic land concessions and mining licences were known to have been awarded over parts of the greater Prey Lang area. In some cases these concessions are protected by privately paid



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military units or police, who prevent local communities from entering the concession area, including to forest resources that they rely upon.

One of the mining concessions, granted to a Korean company Kenertec Resources in 2007, has exploration rights over an area that encompasses Hong's village, Phneak Roluek, and substantial parts of northern Prey Lang, including, according to Hong, Kuy sacred land. Hong knows very little about the mining operations, the company, or the boundaries of the concession area. Nor is Hong aware of the company's future plans and how it will affect her village, her community's access to the forest and other aspects of their lives. She says that people living in local villages are not consulted. "Every time a company goes to invest, they never learn about the local community, learn about the people or discuss with them. They talk only to the village [chief] or commune [authority] level, that's it."

Hong fears that the presence of the mining companies poses a serious threat to her community's ability to continue their traditional use of the land and forest.

Some of the companies, she says, "have soldiers that guard day and night... If the people from the community go into the mining company's land, there will be a problem; they threaten us. They have weapons... Some people asked why they can't go in if that land belongs to the community. They said that this land is company land because the government has already given it to them, already gave a stamp."

She worries too that her community and others like it will have no choice but to leave in the future, either because they will be forced out by a company or they will lose access to the resources that make survival in the area possible. "[Sometimes] I think that there will be an eviction for sure," she says. "If they keep going deeper and deeper, there will be an eviction just like in the other provinces."

Hong first became aware that parts of Prey Lang were being rapidly destroyed near her village in 2002. "At first I saw [a company representative] come to talk to the village chief, but I didn't know if there was any agreement. Back then the people didn't know much,"

she explains. “They [heard] that they could work as labourers once the company came... After half a year they saw that the company had logged so many *chambak* and *chbah* [resin] trees, which belong to the people... [The company] also didn’t allow people to go into the forests to get non-timber products. So the people realized that in time they would lose their businesses, trades, non-timber products and [they wondered] how their forest could be maintained that way.”

“It was my right”

Hong recalls that a Cambodian NGO “came to train and motivate the local people about strategies to win. They taught about active non-violence as well as advocacy.” Hong was curious. She had virtually no education as a child, because of the lack of quality educational facilities nearby, and the fact that her family expected her to care for her sick mother and help to gather food.

“For me, in 2002,” she reflects, “I had no idea what a community was. At the time, I thought I was so stupid.” When the organization came, she says, “I got motivated right away.” Hong told the NGO trainers that a soldier had refused to let her sell resin. “I said it was my right to sell to anyone I liked. I couldn’t believe that I could say ‘it was my right’, when I had never learned anything about rights before.”

The first action that Hong took for the protection of Prey Lang was to thumbprint a complaint and encourage others to do the same. She joined a group of 240 community activists who travelled to Phnom Penh to raise

their concerns about companies’ logging activities to the government and submit the petition to the King.

Since then, Hong has emerged as an active community leader. She barely has time for household chores because she is so busy “with the work protecting Prey Lang... [travelling] from one village to another,” organizing petitions and protests, and joining community forest patrols. She has participated in several training programmes on human rights, Cambodian laws and advocacy – the first time in her life she has been exposed to a classroom education. Nowadays, Hong teaches others. “I have taught [the community] a lot. Sometimes I teach in the pagoda, sometimes in school or sometimes during our women chitchat time at home.”

These opportunities have changed Hong’s life as a Kuy woman who is not formally literate. “Most Kuy are illiterate,” she explains. “Usually, in the rural areas, if we are illiterate, people will look down on us. Like me, everyone looks down on me... That’s why being an Indigenous kid is difficult: because of the illiteracy. When we go to the market, they say ‘Kuy people are stupid, they can’t even read a letter.’ That really hurts me so much, and when my children are illiterate, I am so worried.”

Hong says: “[We] need to be educated, so that other people would not look down on us, violate our rights,” she says. “I have been learning and working little by little.” She also sees education as essential to protecting Prey Lang in the long term. “I want my kids to learn about laws to protect the forests... Once we know about laws, no one can violate our rights.”

“A woman leader”

As a woman, Hong also had to break through perceptions within her own community about women’s roles and abilities. She explains that “in society, the women are still not equal to men because some women give themselves a low value by thinking they can’t be compared to men. But for me, I think I can,” she smiles.

Hong says that previously, “I had the feeling of not being able to do certain things... Since I started... to be involved in community work, I was determined to try my best to learn because I thought that at least knowing something could stop men looking down on me... [Now] I have been doing work for my village for two years as a village deputy. So I realized: ‘Wow, I could do some work even though I am a woman.’ Now I am so proud of myself... I have made something happen and am a woman leader.”

“I want to keep the forest, earn a living the traditional way, step by step.”

Despite Hong’s personal achievements and improved knowledge, and increased organization among affected communities, the threats to Prey Lang have got worse. New companies have been issued concessions for plantations over large areas of land that people live or rely on. A Vietnamese-owned company called CRCK Rubber Development was granted 6,000 hectares in 2010. In February 2011, some 400 people tried to protest at the offices of CRCK against the clearing

of forest. They were blocked by military and provincial police, who fired shots into the air and aimed their guns at the protesters.

Hong joined an action the following month, in which villagers requested information from PNT Co Ltd, a company with another rubber plantation concession nearby. “The community went to advocate,” explains Hong. “They asked the company to show them the licence and which ministry provided that license to the company to start their business. The company chased the people away and threatened people, prevented people from seeing the licence.”

There is no school, no health centre, no electricity and no solid roads in Hong’s village. But Hong says, “For us, the Indigenous People, no matter how bad the roads are, we don’t care because we want to live with our freedom. If the roads get better, we would have [a bigger] problem of losing our land because the company could more easily reach the area... We are not excited about seeing the company coming either.”

In Hong’s view, “development can provide money for spending for just a short period of time... Once the money has gone, the villagers have already lost the land, the [natural] wealth. I have seen that in other villages. That’s why I don’t want to choose that. I am happy to keep my land to give to my children, grandchildren or someone who is homeless... I want to keep the forest, earn a living the traditional way, step by step.”

Phouk Hong spoke to Amnesty International on 26 May 2011.



Hong with husband, Yan Ty, and sons, Yan Phanna and Yan Vanna, June 2011.



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Now I am so proud of myself. I have made something happen and am a woman leader.

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HEAP

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When I have 1 or 2kg of rice I share some with others. If their children get sick, I help to take them to the hospital. What else can we do if we face the same situation? We face the difficulties together.

”

Ten Heap in Pnit village, Chi Kreng Commune, Siem Reap, March 2011.





On 22 March 2009, 175 families from Chi Kreng commune, Siem Reap province, were forcibly evicted from the farmland they had depended on for their food and livelihoods since the late 1980s. Approximately 80 farmers from Chi Kreng were attempting to harvest rice on the disputed land when they were surrounded by police and military police accompanied by government authorities, who demanded that they leave the area. When the farmers refused to leave, the police opened fire, shooting and seriously injuring four of the villagers. Twelve villagers were arrested and convicted for various crimes and imprisoned after an unfair trial, although all had been released as of July 2011. But the Chi Kreng families remain barred from their farmland.

It was March 2009 and the harvest season had just begun in Chi Kreng. Heap's husband, Savoeun, was among the many other villagers heading out to harvest their rice fields. When Heap said goodbye to him as he left to begin harvesting their rice field, she was unaware that just a few hours later he and some 80 other farmers would be threatened and shot at by police, and that Savoeun would be arrested.

It would in fact be the last morning that the farmers would set off to harvest the rice fields because later that day security forces would cut off their access to the land. The morning would mark the violent culmination of a land dispute between 175 Chi Kreng families and well connected businesspeople who claimed to have purchased the land from others.

Heap, then 25, was going about her daily household chores when terrified villagers who had escaped the violence burst into her house, shouting that her husband had been arrested and was being held in the district government office. Heap rushed to see Savoeun who explained what had happened. When he had joined the other farmers on the paddy fields to harvest their rice, they were surrounded by a force of some 100 police and military police, led by the Siem Reap prosecutor, the provincial deputy governor and the district governor, who demanded that they vacate the area. When Savoeun and the other villagers refused to leave, the police opened fire.

Four farmers were shot, suffering severe injuries to their legs. Many other villagers were severely beaten, then tied up and denied medical treatment for hours.



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Heap sits on the steps of her home with her four children, March 2011. From left: Voeun Laihuor, Voeun Savong, Ten Heap, Voeun Savan, Voeun Kim Huong.

Forty-three villagers were detained. Most were released when they signed a document relinquishing their claims to the land. However, nine villagers, including Savoeyun who refused to sign away his rights and was perceived as a ringleader, were charged with various crimes, including stealing rice. Savoeyun was taken to Siem Reap prison, about 100km away from their home. In the following months, three other villagers from Chi Kring were arrested and detained in connection with the land dispute.

In an instant, Heap had her husband and her family's farming land taken away from her, and was left to care for her four children and make ends meet on her own.

Heap and Savoeyun had worked hard and made a decent life for themselves in Pnit village. They had

a basic but sizable wooden home, albeit without a toilet or a sufficient supply of water. They had ample rice and farming land. Almost 85 per cent of Cambodians rely on agriculture for their livelihoods, and most households depend on at least a hectare of land to grow rice or other crops.

Savooun was a construction worker and a motorbike taxi driver between rice sowing and harvesting seasons. Heap made Cambodian scarves, or *kramas*, and other items in her spare time to supplement their income. Heap and Savooun were able to avoid debt, unlike many other families that are forced to borrow to purchase seeds and fertilizer. A poor harvest can leave such families with little choice but to sell their land to repay loans to their creditors. This is one of the common reasons for losing land.

“I have to work twice or three times as hard to raise my kids and we don’t have so much rice to eat [or] water to drink.”

Aspiring to a better life for their four children, and keenly aware of the disadvantages they face due to their own lack of education, Heap and Savooun place a high priority on schooling. “My children like to go to school,” Heap explains, “because my husband always says to them: ‘My dears, try to study hard. I am illiterate, that’s why my life is difficult.’”

Heap felt proud and satisfied with what she and Savooun had made of their lives. Then in 2005 the land dispute began.

Land dispute

At first, the dispute was between the Chi Kreng commune families, including Heap’s, who claimed to have farmed the 475 hectares of fertile land since the late 1980s, and 44 families from neighbouring Anlong Damnor commune, who also claimed the fields. When the Chi Kreng families tried to repair an irrigation system on the land, Anlong Damnor families stopped them, seeking intervention from provincial authorities. By the following year, the Anlong Damnor families had sold sections of the land to businesspeople, who in turn sold the land to others from outside the area. Chi Kreng families now found themselves in a dispute with well-connected individuals, backed by powerful district and provincial authorities.

Tensions grew and, in late 2008, three Chi Kreng villagers who, according to Heap, were “leading people to demand their land back” were arrested and charged with physical assault and incitement. Arresting community leaders who challenge forced evictions has become an increasingly common tool of repression and intimidation used by powerful businessmen in collusion with authorities to silence resistance. In protest at the charges, approximately 200 villagers burned tyres in front of Siem Reap court and called for the release of the men, who were granted bail soon afterwards.

Despite the intimidation tactics of the authorities, the Chi Kreng community refused to give in. They would not surrender to the interests of those who, in their view, were trying to steal the farmland they depended on for their livelihoods. The men were resolute the

Heap's husband, Savoeun, at Siem Reap prison. Heap visits her husband as often as she can raise the US\$25 it takes to get there.

morning of 22 March 2009 when they went to harvest their rice. While some understandably succumbed to pressure to avoid arrest, even after Savoeun was detained and convicted in an unfair trial he remained defiant in the face of injustice. He was, however, deeply concerned about the burden on Heap as she tried to make ends meet.

“A bird that has no nest”

Left to look after her children on her own, Heap says she feels lost. Without her husband at home and having lost both her parents – her mother died a few months after Savoeun was arrested – she describes herself as “a bird that has no nest.”

“Nowadays,” laments Heap, “I have to work twice or three times as hard to raise my kids, send them to school, and we don't have so much rice to eat [or] water to drink.” Heap and others in her village who have lost their land had to find work as day labourers, sowing and harvesting other people's rice. They are either paid in rice or cash, but either way the physically taxing work is not well rewarded.

Heap describes her new-found situation as “harsh” and confesses that “as a woman facing a lot of problems, [such as] living alone and having to earn money to raise kids, sometimes [she] wants to run away.” She says, “I tell myself not to think too much about not having my husband or I will go crazy... [I] just think about what I will do tomorrow to find money... and what food I will find for the children to eat.”



“A lot of men look down on me because I live alone,” she confides. “They say to me: ‘Don't you want a new husband? If not, who is going to support you while your husband is in jail?’” Heap's children have had a rough time with their father in prison too. Heap says that they come home from school complaining that they are teased by both the students and teachers, who say: ‘If your dad is a prisoner, a land thief, how can you be helped?’... [So] they don't want to go to school. They are ashamed... But when they go to see their father [in prison], he tells them to try to study hard.”

Heap (third from left) with relatives of formerly detained Chi Kreng villagers.





Helping each other

Despite the weight of her own problems, Heap does her best to help other women in her village. “When I have 1 or 2kg of rice I share some with others. If their children get sick, as I have a motorbike I help to take them to the hospital. What else can we do if we face the same situation? We face the difficulties together. The reason that we love each other is that we have the same story, the same problems... Some of them whose husbands were arrested are pregnant and have small children, so I try to help... They have to raise their kids by themselves just like me. They are just as lonely as me... Whenever I think of it, I cry.”

“I feel stronger because I lost the one that I depend on, so I have to help myself,” Heap reflects. The other women “encourage me and help to give me ideas about what to do... Before, I used to be a housewife, but now I can do anything. What men can do, I can do in order to get money for my children.” She says that in her village, women are regarded as inferior to men in both brawn and brains.

“I think it’s wrong,” Heap says, “because women also have ideas and opinions just like men do. [In fact] women have to do more work than men. Men just go out and make money [whereas] women have to do a lot of things at home, such as laundry, cooking, taking care of the kids, getting water, making fire, milling the rice. I have heard men say that women just stay home and take care of the baby but can’t even make the baby stop crying... and I feel very angry. If men could breastfeed, I would let them do it and [I would] go out

and earn money,” she laughs. “It’s easier. [If we were men] when we come back the food is ready, we take a bath and go to sleep.”

“Today I see on TV that some village chiefs are women. One representative in SRP [the opposition Sam Rainsy Party] is a woman... [MP] Mu Sochua... I would like to be like them,” Heap muses, “but I won’t be able to do it – it’s just a fantasy – because I’m quite old now, I don’t think I can study. I always ask the venerable [monk] if I can go to study and he asks, ‘Can you sit with the kids?’ and I say, ‘I don’t care about the shame as long as I can [study]!’”

Her new-found independence is small consolation for the hardship thrust upon her. Heap visits her husband in prison as often as she can raise the 100,000 riel (US\$25) that she needs to travel there, buy him food, medicine, soap and other necessities and purchase the entry ticket to the crowded visitors’ area, where she can talk to her husband through iron bars.

The Siem Reap prison has a maximum capacity of 1,000 inmates but there are currently over 1,500 prisoners inside. Conditions are very poor and Heap says that Savoeun is fed only a small bowl of rice twice a day. She cannot be sure, however, that all the food and other supplies she sends reaches Savoeun. They are handed to the guards, who, she says, take their cut.

Heap doesn’t know exactly how long Savoeun will remain in prison because he was charged with several crimes, including physical assault and stealing rice, each of which were tried separately. She is deeply

frustrated with the slow, inefficient and unjust court process, recounting how on several occasions “when the Chi Kreng community came to encourage the accused” on the specified court date, the trial was postponed... Other times the trial proceeded without any notice and without the presence of a lawyer.

Heap bemoans the lack of justice. “The Cambodian court system is always bias... white becomes black, right becomes wrong,” she says. “For those with power and money, what they do is always right. The government does not help its citizens become rich. The government only helps the rich oppress the poor.”

“The corrupt people are still corrupt. Government officials are still using connections. How can the poor have a chance to get educated?”

Heap says she wants to see Cambodia develop, but to her development means justice, equal rights and proper representation for the poor: “by ‘develop’ I mean that people who are guilty [of a crime], like the shooters in Chi Kreng, will be found guilty, and the innocent will be released... [Today] people in the justice system are those that have the money to buy their position. So how can the poor have a chance?” she asks. “Why does the government ignore the people? Whenever they are on TV, they are always saying that they help the poor. Help the poor? How? The corrupt people are still corrupt. Government officials are still using connections. How can the poor have a chance to get educated?”

Heap hopes that one day her country will be a real democracy and the poor will be treated as equal citizens with equal rights. “I want the government to see the poor with their own eyes and care about the poor... not just about their power and money,” she says. “The poor also have hearts and rights.”

Postscript: Savoeun released

In April 2011, two years after he was arrested, Savoeun was released. According to Heap, Savoeun was forced to sign a pledge not to claim any rights to their rice field or try to access the land. If he breaks the pledge he will be arrested. Subsequently, Heap and Savoeun separated, and she went to live in Thailand.

Ten Heap spoke to Amnesty International on 13 March 2011.



© Amnesty International

Heap and her children look at old photographs.



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For those with power and money, what they do is always right. The government does not help its citizens become rich. The government only helps the rich oppress the poor.

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VANNY

“

In the end, winning or losing, I will still feel happy that I resisted with the others. I will struggle to live in my old nest, struggle until the last round.

”

Tep Vanny, Boeung Kak Lake, Phnom Penh,
April 2011.





In 2007, a company was granted a 99-year lease over the Boeung Kak Lake area in central Phnom Penh. A year later, some 20,000 residents living in the area were threatened with eviction. For most families, the offers of either US\$8,500 or a flat at a resettlement site on the outskirts of Phnom Penh are not sufficient for them to find adequate alternative housing or work. Many families who accepted an offer have suffered severe hardship. Residents were not properly informed about the development plans nor were they consulted to identify alternatives to eviction or the resettlement and compensation offers. Attempts to seek redress through the courts have so far proved unsuccessful. The families who continue to resist forced eviction proposed that they be allowed to stay, either in their own houses or in alternative housing built within the development area. In August 2011, the Prime Minister authorized the allocation of a portion of Boeung Kak Lake land to the remaining residents for onsite housing development.

On the wall of Vanny's house is a photo of her in her early twenties. Now 31, Vanny looks at the photo and laughs sadly. "I was beautiful and plump back then," she muses. "Now I feel old and tired because of all the stress of the eviction."

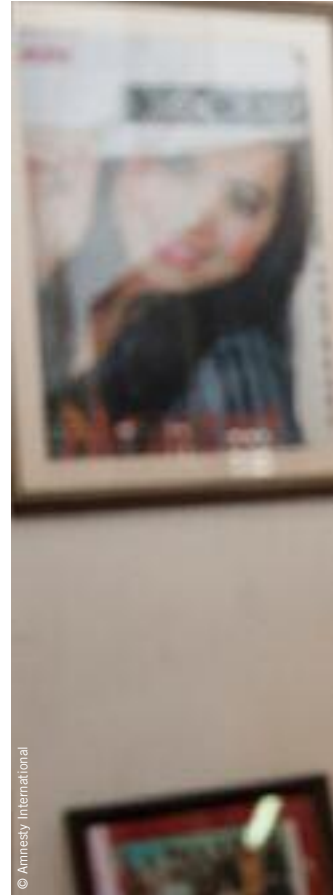
Vanny and her family have lived with the constant threat of forced eviction since 2007, when the Government of Cambodia leased 133 hectares of prime real estate in the centre of Phnom Penh to a private company.

At the time, the leased area, which includes a 90-hectare lake, was home to more than 4,000 poor and middle-class families including Vanny's. Many of the

families living in the leased area have strong legal claims to the land under the Cambodian Land Law, but these claims were ignored when the government granted the area to Shukaku Inc.

The plot of land in Village 22 was a wedding gift to Vanny and her husband, Chea, from her parents-in-law, who had bought the land in 1993. Vanny and Chea tore down the dilapidated house and used their savings to build their dream home, complete with a small shop from where Vanny could run a business selling household goods and cosmetics.

Vanny could look after her two small children and run the shop to supplement the meager salary her



© Amnesty International

Aerial view of Boeung Kak Lake, Phnom Penh, July 2011



husband earned from his job as a soldier. They enjoyed the services and facilities the city has to offer: connection to affordable water and electricity, a good school within walking distance from home, and a hospital. Vanny does not want to move away. “We can have a very good future here,” she says.

Vanny was born and brought up in rural Kampot province, southern Cambodia. “Since I was very small I

would never have imagined that I would own a house like this,” she says. Her parents were poor and as a child Vanny had to contribute to the family income by scavenging for recyclable materials. She quit school in grade 9 to help the family get by. But Vanny decided it was important to learn English, so she found a teacher who let her join the class even though she often could not afford to pay the 100 riel (US\$0.02) hourly fee. A few years later, in search of work and opportunity, Vanny moved to Phnom Penh. She soon found a job as a receptionist and cashier at a restaurant.

Vanny feels proud of what she has accomplished through hard work, determination and a helping hand from her in-laws. But her happy life as a middle-class housewife and small business owner have been turned upside down by the lease over Boeung Kak and the threat of forced eviction. “The development came in 2008,” she explains. “The government... didn’t announce publicly that they had given the Boeung Kak area to Shukaku for development. We found out when the company set up its office here.”

Inadequate compensation

The Municipality of Phnom Penh offered households US\$8,500 as compensation for their land regardless of the size of the plot or the quality of the house and other structures; or relocation to Damnak Trayoung, 20km outside Phnom Penh. Vanny says that no one wants to accept the compensation but that people have accepted under duress.

“How can they say no,” she asks, “if the authority told them that if they don’t accept there will be a fire or a flood in their house and they won’t even get one riel?” She describes armed police and company employees walking or driving motorcycles around the village to intimidate and threaten people.

Those who have accepted the compensation can only afford to buy property on the outskirts of Phnom Penh, far away from their jobs and basic services. Vanny explains: “Some run out of money even before they find a place to buy and come back to Boeung Kak area to rent. Others do find a place for US\$4,000 to US\$5,000 but it’s also a place facing eviction and they get evicted again!”

The other option on offer is for residents to move to a relocation site at Damnak Trayoung. Either way, Vanny fears having to leave the centre of town. She wonders what they would do for a living out there or how they would afford the transportation costs to travel into the city each day to work. Former neighbours who have already moved have told her that life has become more difficult. “Everything would be hard if we had to move far away,” Vanny says. “Our family’s happiness is deteriorating.”



A house stands in ruins, yet remains in use, near Vanny's home, Boeung Kak Lake, July 2011.



Families living around the lake began facing threats and intimidation in August 2008, when Shukaku started filling in the lake to turn it into prime real estate. Officially, the plan is to develop the area into a commercial, cultural and tourism centre but many believe that the developers will simply divide up the area and sell for a hefty profit.

As Vanny walks along the street outside her house, she observes that the lake is almost completely filled with sand, two and a half years since pumping it into the lake began. Boeung Kak Lake was an important water catchment area for the city and its transformation into terra firma has caused flooding during monsoon season in surrounding neighbourhoods.

In the villages on the banks of the old lake, sewage and sanitation systems have become blocked, leading to health risks. During the monsoon, people must wade through dirty water and in some cases water levels have risen above the floor of houses, leaving families with no dry space to sleep. The sand-pumping machine has been pointed directly at some houses, deluging them with mud and leaving those families with no choice but to evacuate their homes.

The remnants of houses on the blocks in front of and next to Vanny's home are all that remains of her neighbours' lives there. About half of the families in her village have moved away, bowing to the pressure and untenable living conditions. With the village now quiet, Vanny has had to close her once thriving business, making it harder to make ends meet each day.

below: Vanny speaks to the press during a protest, March 2011.

Community resistance

Organized resistance to the forced eviction began in September 2008. Representatives of Boeung Kak, with the support of NGOs and a Cambodian lawyer, filed an injunction application to the Phnom Penh Municipal Court to halt the filling of the lake until the legality of the lease agreement was determined. The judge dismissed the application, finding that the court had no jurisdiction to hear the case, which it characterized as a land dispute over untitled land, falling within the remit of the Cadastral Commission.



Residents unsuccessfully appealed against the decision, arguing that the Cadastral Commission's mandate was only to adjudicate land disputes over unregistered land. They maintained that the Court did have jurisdiction over the injunction application and could investigate questions regarding the legality of the lease and related violations of the Land Law. Another lawsuit aimed at cancelling the lease agreement was

blocked by the court clerk who determined that, according to the Civil Code, the court fee just to file the complaint was more than US\$40,000.

Similarly, complaints to the Cadastral Commission, the Municipality of Phnom Penh, the National Assembly and the Council of Ministers were denied or simply ignored. "There is a system, but when [people] send documents or suggestions or requests, [the government] remains silent... so that's why people think there may not be anyone working for the people and the country in Cambodia," Vanny observed.

"I continue to mobilize the community to strengthen [the people's] spirit so that the community can stay firm and independent and can convince the government to change its mind."

Vanny decided to join those resisting the takeover in 2009. Today she is one of the most outspoken community representatives, mobilizing remaining residents from all the villages around the lake to join protests outside City Hall and the company's office. Vanny explains that with the support of NGOs she has learned about her rights and the law, and this, she says, has made her and her community "more brave." "I continue to mobilize the community to strengthen [the people's] spirit so that the community can stay firm and independent and can convince the government to change its mind and respect its duty to serve the innocent people, who are the real victims, like Boeung Kak residents," she says.

Women on the frontline

Residents around the lake have come to depend on Vanny for advice and support. Her front courtyard has become a makeshift advocacy office. The group of women who have led the resistance regularly meet at Vanny's home to discuss the latest cases of intimidation by local authorities and their strategy to keep up the fight.

Proud of the women who “work together through difficulties and happiness”, Vanny thinks women can advocate “better than men”. Yet, despite equal treatment being enshrined in Cambodia's law, she notes that in practice women are not treated equally and “are not highly regarded.” “Sometimes women go to school to study, but after marriage they still stay in the kitchen or they run a tiny business at home. They think that women can't do any important work... [B]ut for us women in Boeung Kak area, since Shukaku came here, women are trying to win over those words... Men do their usual work and women go to resist.”

One of the reasons women are at the forefront of the resistance, Vanny explains, is the fear that men will lose their jobs if they are politically active. “In Cambodia, if we send the men out to advocate and he has a job like that, he will get a lot of pressure at work or a demotion.” The women try to avoid violence, she says, but “the policemen... still beat us even though we are women.”

Vanny describes an encounter in which the company sent almost 100 armed men to demolish someone's house. The man had not agreed to accept the compensation and move “yet they sent those men [to

his house]... They were so brutal to the people, so unfair. They used their power and weapons to scare people [but] we resisted together. Men joined also, but women stayed in the frontline because we are afraid that if our men stand in the front, if something goes wrong, [they] would fight. That's why women stand in the frontline.”

Vanny's activism has become a full time job. “The company never rests,” she says, “so we need to keep on our toes.” Vanny feels motivated and encouraged to continue the resistance, but admits it's difficult to cope with her domestic role at the same time. She has had to send her children to live with her husband's parents and moved them into a school nearby because she is too busy to take care of them properly. “I am a bit worried about the closeness between me and my kids,” she frets. “[I'm] afraid that we will be so distant from each other because of the development project in Boeung Kak.”

Unlike some husbands, who may get irritated that their wives are busy advocating rather than preparing meals and looking after the house, Vanny's husband and kids are supportive of her work. Her children tell her: “Mom, be careful when you go outside. Take care of yourself.”

Their concern is warranted. On two occasions, in April and July 2011, Vanny, along with other women from Boeung Kak, were arrested and detained overnight for protesting peacefully. The women were released without charge on both occasions. These arrests have not deterred Vanny although, as a human rights defender in a country with a shrinking democratic space, she does fear for her safety. “When I leave my house,” she says, “I don't know whether I can expect to come home or not.”

A win-win solution

Vanny and other community leaders represent the community's views and demands in press conferences and in meetings with the World Bank and bilateral donors to Cambodia. The community, with the help of local NGOs, developed a plan for affordable housing for residents who wish to stay in the area. They proposed that a small part of the area leased to Shukaku be set aside for housing the residents rather than evicting them from the neighbourhood. Vanny, a strong advocate for the community plan, saw it as a win-win solution to the dispute, even though it would mean moving into a house considerably smaller than her own.

“When I leave my house, I don’t know whether I can expect to come home or not.”

Onsite housing was in fact a third option offered to residents by the Municipality of Phnom Penh, but no one considered the option to be genuine, since they were told that they would have to move to a bare relocation site far from central Phnom Penh for five years while their houses were being constructed.

On 11 August 2011, the Prime Minister ordered that 12.44 hectares of the Boeung Kak Lake land be given to the remaining 800 families for onsite housing development.

“A lot of people think that this is the first success of people’s demonstration, and it’s also a great experience

and example for other Cambodian communities all over the country,” says Vanny. “When we decided to fight for our land and houses, we didn’t think of it as a game. We put a lot of effort on it because if we lost, it would badly affect other communities’ spirit. In contrast, if we win, it would bring a lot of motivation and encouragement to other communities.”

While a significant victory for the community, the plan will not benefit everyone. Details of how it will be developed have yet to be worked out and some families have been excluded. “I am still worried about how to protect that piece of land and our people in order to make sure that everyone who struggled together will receive the benefit of [the] 12.44 hectares of land,” says Vanny.

Since joining the struggle, Vanny has learned a lot about society and her rights, and has gained a sense of community spirit and solidarity: “I share responsibility in advocacy with other people. There is a very close relationship among us. We co-operate together for the same purpose, for our households... In the end, winning or losing, I will still feel happy that I resisted with the others.”

And Vanny insists she won’t surrender: “I will struggle to live in my old nest, struggle until the last round.”

Tep Vanny spoke to Amnesty International on 16-17 February 2011 and 6 September 2011.



Vanny with daughter Ou Kung Panha, son Ou Sovanneakreach and husband Ou Kongchea, at home, April 2011.



“

I am still worried about how to protect that piece of land and our people in order to make sure that everyone who struggled together will benefit.

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AFTERWORD

The women in these stories represent just a tiny fraction of the tens of thousands of people who find themselves in similar situations across Cambodia. In Phnom Penh alone, an estimated 10 per cent of the city's population was evicted between 1990 and 2011. Development projects and land disputes are often the precursor to eviction, with the welfare of the affected communities ultimately being trumped by the demands of big business.

The homes and livelihoods of thousands of families are also being threatened by the rapid destruction of Cambodia's forests and other natural resources. As these resources deteriorate, families that depend on them for survival are forced to move away in search of alternative means of subsistence. At particular risk are some of Cambodia's Indigenous Peoples, whose economic, social and spiritual way of life is inextricably connected to the forest.

Forced evictions, land grabbing and the exploitation of natural resources are undoing the hard-won gains made in reducing poverty in Cambodia in the past two decades. They fly in the face of repeated commitments to reduce poverty and improve respect for the rule of law and human rights made by the Royal Government of Cambodia to its multilateral and bilateral development partners. These donors have provided billions of dollars in aid since the Paris Agreements were signed in 1991.

Legal protections against forced evictions

Cambodia is required under various international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), to refrain from and protect people from forced evictions. As part of their obligations to respect and protect the right to adequate housing, the Cambodian authorities must ensure that procedural safeguards are in place before any evictions are carried out. These include genuine consultation with affected communities to explore all feasible alternatives to eviction, giving communities adequate notice and legal remedies, and offering compensation for losses and adequate alternative housing to those who are unable to provide for themselves.

But Cambodia's weak administrative and judicial institutions consistently fail to uphold the rights of families and communities who face forced eviction by well connected land grabbers and beneficiaries of economic land concessions. Moreover, the perpetrators are rarely brought to justice for the human rights abuses they commit.

Although the Land Law of 2001 and the Expropriation Law of 2010 contain some important legal safeguards, they fail to protect all

groups of people from forced evictions. People who have insecure tenure status (such as groups who are living in informal settlements on public land) have little protection under these laws. The legal protections that do exist are also poorly implemented.

Indigenous Peoples

The Land Law vests the state with the power to grant collective ownership over land to Indigenous communities. Collective ownership includes all of the rights and protections of private ownerships. Under the law, Indigenous communities have the right to manage their land according to their traditions, as an interim protection measure before the community is formally registered. In practice, however, these legal provisions are consistently ignored.

The rights of Indigenous Peoples in Cambodia are protected under various international human rights treaties that Cambodia has ratified. Those rights are also protected under the UN Declaration on the Rights of Indigenous Peoples, endorsed by Cambodia along with 143 other states in 2007. The declaration emphasizes the rights of Indigenous Peoples to their traditional lands, and their right to give or withhold their consent to developments on those lands.

Protecting women's rights

The women in this report all face problems caused by the state's overall failure to provide a state organization and infrastructure capable of respecting and enforcing their rights. In addition to the failure by Cambodian authorities to respect and protect women's right to adequate housing, their testimonies indicate a failure on the part of the police, the judicial authorities and the executive branch

of government, to respect their rights to physical and mental integrity. Within the context of forced evictions, women and their families have been assaulted, arrested, detained, and subjected to unfair trial.

In 1992, Cambodia ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which along with the ICESCR guarantees women their human rights, including the right to housing. This obliges the government to respect housing rights, to provide an effective consultation process, and the right to a remedy when women's rights are violated.

Under CEDAW, Cambodia is also required to "eliminate discrimination against women by any person, organization, or enterprise". This includes actively challenging customary practices which reinforce gender stereotypes and the inferiority of one sex to another.

Women are at the forefront of the resistance to Cambodia's epidemic of lost homes and razed forests. They also experience great personal hardship if their struggles fail. These women's stories illustrate in particular the severe adverse impacts on their own and their families' housing situation, livelihoods and mental and physical well-being. They also show the enormous barriers these women face in trying to access justice through state administrative and judicial institutions that should, but rarely do, protect and uphold their rights under the law. Instead, laws and the courts are too often used as a vehicle of oppression to silence those who dare to defend their rights.

LAST WORD

“Samdech [Prime Minister Hun Sen], all levels of governmental institutions... without any exceptions, all organizations, [should] know [what has happened] and help me... so I can reunite with my children and grandchildren, I can feed myself to live... I want my land, my house back.”

Mai, March 2011

“There are people threatening and [carrying out] evictions without [giving] any compensation. I would like to request [the government] to intervene for all people who have this problem, who were evicted without compensation. Some people who resist, are accused and charged, some need to escape from their home village in order to escape arrest. So I would like to ask the government to help those people, help solve [the problem] with non-violence. Do not let [the perpetrators] abuse people any more.”

Sopha, May 2011

“On behalf of Indigenous People living in the mountainous and forest areas, I would like to send a message to both national and international people, organizations as well as donors... I want to have the participation from the community to know about and acknowledge any project. This is just a suggestion for respecting equal rights.”

Hong, May 2011

“If the government is a good government, a clean government, it should help the poor more. It’s not that the poor don’t have ideas for doing business, they do. But [I] want the government to see the poor with their own eyes and care about the poor more than this. They shouldn’t just care about their power and their money and exploit the poor. The poor also have hearts and rights.”

Heap, March 2011

“We do have hope that [donors] will help us because they are from democratic countries, they would respect human rights. They would not want their funds to make people miserable, so I am certain that they will help Cambodian people and push the government to solve the problems.”

Vanny, February 2011



Eviction and resistance in Cambodia tells the stories of five women whose lives have been blighted by a tragedy afflicting thousands across Cambodia. Mai, Sophal and Heap have suffered the trauma of forced eviction, while Hong and Vanny are resisting moves by powerful business interests that are threatening their homes and livelihoods without any regard for their rights. Whether evicted or holding their ground, these women have shown courage, ingenuity and calm resolve.

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