

8 February 2007

[RE: UA-321-2006: CAMBODIA: Two villagers shot and several injured during the illegal forced eviction in Koh Kong; UP-212-2006: CAMBODIA: Tycoon senator signs an agreement that guarantees villagers have a right to live on their land]

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UP-017-2007: CAMBODIA: Killing of a villager working against illegal land concession by a tycoon senator

CAMBODIA: Corruption; collapse of the rule of law; illegal deprivation of the land; illegal destruction of property  
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**AHRC 2006 Human Rights Report on Cambodia**  
<http://material.ahrchk.net/hrreport/2006/Cambodia2006.pdf>

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Dear friends,

**The Asian Human Rights Commission (AHRC) has received updated information on an alleged illegal land grabbing case involving about 250 families that had been forcefully evicted from their village by Senator Ly Yong Phat at Sre Ambel district in Koh Kong province on September 19, 2006 (See: [UA-321-2006](#), [UP-212-2006](#)). The AHRC has now learned that a villager named An In who was actively involved in protesting the senator's land seizures was murdered with an axe in Chi Khor Leu commune, Sre Ambel district on 16 December 2006. The provincial police commissioner now accuses the three villagers, who are also actively protesting against the senator's land seizures, as murderers of An In. We were also informed that on January 27 and 30, 2007, the Koh Kong provincial military police allegedly hired security guards at the sugarcane plantation of Senator Ly Yong Phat to kill the domestic animals of the affected villagers in Chi Khor Leu commune. In Cambodia, the villagers heavily depend on domestic animals for their agricultural work and therefore loss of their animals severely affects the villagers' livelihood.**

**CASE DETAILS:**

The AHRC has learned that ruling party (CPP) senator and tycoon Ly Yong Phat has been granted a 99-year lease to 19,100 hectares of land by the Minister of Agriculture, Forestry and Fisheries Mr. Chan Sarun. Senator Ly Yong Phat then created two subsidiary companies named Koh Kong Sugar Industry Company which are responsible for planting sugarcane on 9,700 hectares of land based in Sre Ambel district. The second company is called Koh Kong Plantation Company and is responsible for 9,400 hectares of land based in Botum Sakor district, Koh Kong province.

The land concession granted to Senator Ly Yong Phat is in clear violation of the Cambodian Land Law 2001, which states that land concessions should not exceed 10,000 hectares of land to any private company and especially when it displaces local communities who have resided on the land for more than five years. The AHRC has previously reported that on 19 September 2006, 250 families, who have lived at Sre Ambel district since 1979, were evicted from their village forcefully by senator and tycoon Ly Yong Phat who was working in collaboration of the police at Chi Khor Leu commune ([UA-321-2006](#)). Now the number of the affected families has increased up to about 500. We also suspect that Ly Yong Phat created two companies that responsible for less than 10,000 hectares of land each in order to avoid his responsibility under the Land Law.

In August 2006, Sen Chao Sok, a senior investigation of the Cambodian Center for Human Rights (CCHR) who investigated this case, said that Samdech Heng Samrin, who is the

president of the National Assembly, had issued an intervention letter to the Koh Kong provincial governor to reconsider and find a solution for the villagers who lost their land over 100 locals, demonstrated in front of the National Assembly. However, there has yet to be any proper solution or compensation provided. In fact, on 12 November 2006, Senator Ly Yong Phat signed an agreement that guarantees villagers the rights to live on their land in Chi Khor Leu commune at Sre Ambel district in Koh Kong province. Under the agreement, Ly Yong Phat's company will continue to plant sugarcane around the villages but only on the portions of land that is owned by the state ([UP-212-2006](#)). However, this agreement has not been respected.

Sen Chao Sok added that later on 16 December 2006, a local villager named An In (35) who had been very active in protesting Senator Ly Yong Phat's occupation of the farms was allegedly murdered with an axe. He had suffered three blows to the back of his head. His body was found 100 meters from his brother's home in Chi Khor village, Chi Khor Leu commune, Sre Ambel district, Koh Kong province.

Koh Kong provincial police commissioner Sin Sen alleges that the murder suspect is 48 year-old representative of evicted families, Mr. Sin Chhoun and his two sons named Mr. Chhoun Chhouch and Mr. Chhoun Ear. Sin Chhoun and his two sons are reportedly active in protesting Senator Ly Yong Phat's occupation of the farms. It is alleged that the police commissioner simply accuses these three persons as murderers without conducting any proper investigation. The AHRC suspect that the police are trying to hush up the murder case of An In and weaken the villagers' protest against illegal land concession by falsely implicating these three villagers into this case.

On 10 January 2007, the police commissioner issued a warrant to summon these three villagers to answer before the police commissioner five days later on January 15. When Sin Chhoun received the warrant on 13 January 2007, he refused to attend the meeting for security reasons until the 22 January 2007. On 22 January 2007, the three villagers went to the station accompanied by hundreds of people from Sre Ambel district. The three villagers were afraid that the police would arrest them immediately after questioning without any concrete evidence, as it is a common occurrence in Cambodia to arrest an alleged suspect after an informal meeting. During the villagers march and about 40 km from Sre Ambel district, the Koh Kong police forces stopped them in the street and turned them back home. An officer claimed that the Koh Kong governor would solve the land issue by the end of the month. Since then, Sin Chhoun and his two sons have never been called to before the police again.

The further information we have received, some people were threatened by the company's security guards and other were force to receive between 150, 000 to 30, 000 Riel (USD 38 to USD 75) for their plot of land.

Meanwhile, on 27 and 30 January 2007, the Koh Kong provincial military police officers allegedly hired security guards at the sugarcane plantation of Senator Ly Yong Phat to kill the domestic animals of the affected villagers in Chi Khor village, Chi Khor Leu commune, Sre Ambel district. It is reported that at least five buffalos and several cows of the villagers were missing inside the sugarcane plantation. In Cambodia, the villagers heavily depend on domestic animals for their agricultural work and therefore loss of their animals severely affects the villagers' livelihood.

#### **BACKGROUND INFORMATION:**

On 19 September 2006, 250 families had been forcefully evicted from their village by Senator Ly Yong Phat who was working in collaboration with the police at Chi Khor Leu commune at Sre Ambel district in Koh Kong province. The police destroyed the villagers' crops and houses with a bulldozer and brutally attacked the villagers who resisted the eviction. Five villagers were reportedly injured during the assault and two others were wounded by police gunfire (See further: [UA-321-2006](#)). Later on, Koh Kong's Deputy Governor Bin Sam Ol, Sre Ambel

district Deputy Governor Sour Sitha, the Chief of Chi Khor Leu commune Sin Kheam and Heng San who is the representative of Ly Yong Phat, all signed the agreement between the village's representatives as well as representatives from local human rights groups. The company representatives had agreed that even if they did not have ownership documents, villagers would be able to use witnesses to prove that they live on the land and are therefore its owners. The Koh Kong province authority also mentioned that if one has enough documents to prove they own the land they can also claim ownership(See further: [UP-212-2006](#)).

According to Article 253 of the Cambodian Land Law 2001, any person who uses violence against a possessor in good faith of an immovable property; whether or not his title has been established or it is disputed, shall be fined from 1,500,000 Riel (USD 385) to 25,000,000 Riel (USD 6,420) and/or imprison from six (6) months to two (2) years irrespective of the penalty for violence against a person. If the violence was ordered by a person other than a perpetrator, who did not personally commit violence, he shall be subject to the same penalties as the perpetrator of the violence.

The Cambodian government must re-examination land concession disputes as there is evidence that villagers who have owned land legally as in accordance with the Land Law of 2001 are now being intimidated off their property by local opportunists.

The Ministry of Agriculture, Forestry and Fisheries must properly compensate anyone who lost their land in accordance with the current market price or institute relocation measures and provide property which is of equal value to the land seized.

The AHRC deplors murder of An In and demands that the Koh Kong police conduct a proper and independent investigation in order to bring the perpetrator(s) to justice. The police should investigate whether there is a connection with the victim's protesting activities and Ly Yong Phat's private company. Ly Yong Phat's also has a responsibility to compensate any villager who lost an animal due to his company's actions.

The AHRC urges the Cambodian government to seek the lifting of Senator Ly Yong Phat's parliamentary immunity and bring him to justice. He should be held accountable for the crimes against the villagers and ordered to pay appropriate compensation.

The AHRC also urges the Ministry of Agriculture, Forestry and Fisheries to find an appropriate solution for the villagers in Chi Khor Leu commune. The AHRC also urges donor governments, UN agencies, international aid agencies and the international human rights community to work with the Cambodian government and courts to end this abuse of power by the rich and powerful and to establish the rule of law in Cambodia.

**SUGESTED ACTION:**

Please write to the relevant authorities mentioned below urging them to investigate An In's murder and to compensate any villagers who lost land or property due to the land concessions.

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To support this appeal, please click:

Sample letter:

Dear \_\_\_\_\_,

**CAMBODIA: Killing of a villager working against illegal land concession by a tycoon senator**

**Victims:**

1. An In, 35 years old, a land dispute activist residing in Chi Khor Leu commune, Sre Ambel district, Koh Kong province, Cambodia (killed)
2. 500 families in Chi Khor Leu commune, Sre Ambel district, Koh Kong province, affected by forced eviction and land concession (affected by the illegal land seizures)

**Alleged perpetrators:**

1. Senator Mr. Ly Yong Phat, who owns Agricultural Duty Free-Shop Development Company
2. Policemen who were involved in illegal eviction of 250 families in Chi Khor Leu commune on 19 September 2006
3. Unidentified perpetrator on An In murder
4. Unidentified Koh Kong provincial military police officers and security guards at the sugarcane plantation of Senator Ly Yong Phat on killing of domestic animals of the villagers in Chi Khor Leu commune

I am writing to express my deep concern over the murder of local villager An In at Chi Khor Leu commune, Sre Ambel district, Koh Kong province, Cambodia.

According to the information I have received, a local villager named An In (35) who had been very active in protesting Senator Ly Yong Phat's occupation of the farms was murdered with an axe on 16 December 2006. He had suffered three blows to the back of his head. His body was found 100 meters from his brother's home in Chi Khor village, Chi Khor Leu commune, Sre Ambel district, Koh Kong province.

I also want to draw your attention on the problems of police investigation into this murder case. I was informed that Koh Kong provincial police commissioner Sin Sen now claims that the murder suspect is 48 year-old representative of evicted families, Mr. Sin Chhoun and his two sons named Mr. Chhoun Chhouch and Mr. Chhoun Ear, who are active in protesting Senator Ly Yong Phat's occupation of the farms. I am concerned that the police commissioner's accusation was made without conducting any proper investigation. I suspect that the police are trying to hush up the An In's murder case and weaken the villagers' campaign against illegal land concession by falsely implicating these three villagers into this case.

I was further informed that on 10 January 2007, the police commissioner issued a warrant to summon the three villagers mentioned above to answer before the police commissioner on January 15. However, Sin Chhoun and his two sons refused to attend the meeting fearing that the police would arrest them immediately after questioning without any concrete evidence, as it is a common occurrence in Cambodia to arrest an alleged suspect after an informal meeting.

I deplore the murder of An In and demand that the Koh Kong police conduct a proper and independent investigation in order to bring the perpetrators to justice. Further harassment against villager activists and attempt to hush up the murder case should be immediately stopped. The police should also investigate whether there is a connection with the victim's protesting activities and Ly Yong Phat's private company.

I also want to draw your attention that the grant of a 99-year lease on 19,100 hectares of land to Senator Ly Yong Phat by the Minister of Agriculture, Forestry and Fisheries is in clear violation of the Cambodian Land Law 2001. The Law states that land concessions should not exceed 10,000 hectares of land to any private company and especially when it displaces local communities who have resided on the land for more than five years. However, on 19 September 2006, 250 families, who have lived at Sre Ambel district since 1979, were evicted from their village forcefully by the senator with help of the police at Chi Khor Leu commune. The police destroyed the villagers' crops and houses with a bulldozer and brutally attacked the villagers who resisted the eviction. Five villagers were reportedly injured during the assault and two others were wounded by police gunfire. Now the number of the affected families has increased up to about 500.

I also suspect that Ly Yong Phat created two companies that responsible for less than 10,000 hectares of land each in order to avoid his responsibility under the Land Law. Senator Ly Yong Phat created two subsidiary companies named Koh Kong Sugar Industry Company which are responsible for planting sugarcane on 9,700 hectares of land based in Sre Ambel district. The second company is called Koh Kong Plantation Company and is responsible for 9,400 hectares of land based in Botum Sakor district, Koh Kong province.

Despite repeated promises of various government authorities including the Koh Kong provincial governor to find a solution for the affected villagers, there has yet to be any proper solution or compensation provided. In fact, on 12 November 2006, Senator Ly Yong Phat reportedly signed an agreement that guarantees villagers the rights to live on their land in Chi Khor Leu commune at Sre Ambel district in Koh Kong province. However, this agreement has not been respected.

I am further informed that on 27 and 30 January 2007, the Koh Kong provincial military police officers allegedly hired security guards at the sugarcane plantation of Senator Ly Yong Phat to kill the domestic animals of the affected villagers in Chi Khor village, Chi Khor Leu commune, Sre Ambel district. In Cambodia, the villagers heavily depend on domestic animals for their agricultural work and therefore loss of their animals severely affects the villagers' livelihood.

In light of above, I urge strongly urge you to take immediate action to find an appropriate solution for the affected villagers for the villagers in Chi Khor Leu commune. Senator Ly Yong Phat's parliamentary immunity should be lifted and he should be held accountable for the crimes against the villagers and ordered to pay appropriate compensation.

Finally, I hope that government donors, UN agencies, international aid agencies and the international human rights community to work with the Cambodian government and courts to end this abuse of power by the rich and powerful and to establish the rule of law in Cambodia.

I look forward to learning of your intervention on this matter.

Yours faithfully,

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**PLEASE SEND YOUR LETTER TO:**

1. Mr. Samdech Hun Sen  
Prime Minister  
Cabinet of the Prime Minister  
No. 38, Russian Federation Street  
Phnom Penh  
CAMBODIA  
Tel: +855-23-21 98 98  
Fax: +855-23-36 06 66  
E-mail: [cabinet1b@camnet.com.kh](mailto:cabinet1b@camnet.com.kh)

2. Mr. Ang Vong Vathna  
Minster of Justice  
No 240, Sothea os Blvd.  
Phnom Penh  
CAMBODIA  
Fax: + 855-23-36 41 19/21 66 22

3. General Hok Lundy  
National Police Commissioner

General-Commisariat of National Police  
Phnom Penh  
CAMBODIA  
Tel/Fax: +855-23-21 65 85/22 09 52

4. Mr. Youth Phou Thang  
Governor of Koh Kong province  
Koh Kong Cabinet office  
Koh Kong province  
CAMBODIA  
Tel/ fax: 855-35-93-6049/35-93-6046

5. Mr. Chan Sarun  
Minister of Agriculture, Forestry and Fisheries  
Ministry of Agriculture, Forestry & Fisheries  
N° 200, Norodom  
12301 Phnom Penh, Cambodia  
Tel023 211 351-2  
Tel023 215 321  
Tel & Fax023 211 411  
Fax023 217 320  
E-Mail: [maff@everyday.com.kh](mailto:maff@everyday.com.kh)

6. Mr. Sok An  
Deputy Prime Minister  
President of the National Land Dispute Authority  
# 41, Str Confederation de la Russie  
Tel: +855 12 970 608  
Fax: +855 23 881 045  
E-mail: [info@pressocm.gov.kh](mailto:info@pressocm.gov.kh)

7. Mr. Eng Chhai Eang  
Member of Parliament  
Vice President of the National Land Dispute Authority  
# 71 Sothearos Blvd, Sangkat Tonle Bas ac,  
Khan Chamcar Morn  
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Fax: +855 23 211 336  
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8. Mr. Douglas Gardner  
UNDP resident Representative in Cambodia  
Resident Coordinator of United Nations/ UNRC  
NX 53, Pasteur Street, Boeung Keng Kang I,  
Chamkar Mon, Phnom Penh,  
CAMBODIA (P.O.Box 877)  
Tel: +855-23-214371/214397/211240/211205/216167/216217/213094  
Fax: +855-23 216257/721 042/216 863/210 214

9. Ms Margo Picken  
Director  
Office of the High Commissioner for Human Rights - Cambodia  
N°X 10, Street 302  
Sangkat Boeng Keng Kang I  
Khan Chamcar Mon  
Phnom Penh  
CAMBODIA

Tel: +855-23-987 671 / 987 672, 993 590 / 993 591 or +855 23 216 342  
Fax: +855-23-212 579, 213 587

10. Prof. Yash Ghai  
Special Representative of the Secretary-General for human rights in  
Cambodia  
Attn: Ms. Afarin Shahidzadeh  
Room 3-080  
OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland  
Tel: +41 22 91 79214  
Fax: +41 22 91 79018 (ATTENTION: SPECIAL REPRESENTATIVE CAMBODIA)

11. Mr. Miloon Kothari  
UN Special Rapporteur on adequate housing  
Att: Ms. Cecilia Moller  
Room 4-066/010  
UNOG-OHCHR, CH-1211, Geneva 10  
SWITZERLAND  
Tel: +41 22 917 9265  
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Thank you.

Urgent Appeals Programme  
Asian Human Rights Commission ([ahrchk@ahrchk.org](mailto:ahrchk@ahrchk.org))