

BRIEFING PAPER: THE EVICTION OF DEY KRAHORM



Background

Many residents of Dey Krahorm (Red Soil) had lived there since the 1980s, and most of the house owners had valid claims to ownership of the land under the Land Law. In 2003, the government announced that Dey Krahorm was one of four Phnom Penh urban poor communities to be given a social land concession which would both ensure adequate housing for the residents and allow commercial development of the area. The plan, widely praised, was for a private company to be given part of the land to develop and sell, in return for constructing apartments for residents on the remaining land. In 2005, however, this plan was arbitrarily changed: a group of 36 community representatives signed a contract with a private company, 7NG, giving all of Dey Krahorm to the company in return for building apartments for residents at a relocation site 20km away. Villagers were not consulted beforehand by these representatives about the contract, and never agreed to off-site relocation. (As such, the contract was unlawful, under Cambodia's Contract Law.) The residents – dissatisfied with the prospect of moving out of town, away from their homes and livelihoods – voted to fire their old representatives and appoint new ones, and called for the contract to be annulled.

But 7NG, backed by the Phnom Penh Municipality, pressed on. The company began to mount a campaign to persuade the residents to accept the contract and move out. Intimidation, violence and unjustified criminal complaints against the new community representatives became common weapons used against the community. Over years, in the face of this pressure, hundreds of families 'agreed' to accept 7NG's offer of an apartment at the relocation site or a one-time cash payment of considerably less than the market value of their Dey Krahorm land. (The 3.6 hectares of Dey Krahorm was independently valued at \$44 million in 2007.) Others stood their ground, refusing to give up their land unless they received fair compensation.

Pre-eviction 'negotiations'

Twelve days before the eviction, the 7NG company increased its compensation offer to \$20,000 per house (regardless of the size of house). The company and Phnom Penh Municipality demanded that the residents accept the offer – within a few days – or they would be forcibly evicted. A total of 152 families who owned houses were still at Dey Krahorm at this time, although the company (and municipality) claimed to recognize only 91 of them. A handful of the residents agreed to the \$20,000 offer, while the rest sought to continue negotiations with the company. They submitted counter-offers to the municipality (which was basically negotiating on behalf of 7NG), with each family listing its selling price. All of the prices were within or below market-value rates.¹ The municipality accepted the list and said it would discuss it with the company. No response was ever given.

Eviction

At 2am on the morning of January 24, police began blocking the roads to Dey Krahorm. By 6am, hundreds of armed police and military police were on hand. Riot police moved in to clear the way for earth-moving machines and civilian workers to be brought in to destroy houses. In a vain attempt to resist, villagers erected barricades and joined hands in a line. The riot police broke through the villagers' lines and provoked confrontations with

¹ The Municipality later tried to portray the home-owners' as being excessive or greedy in their asking prices, but a look at the facts reveals otherwise. After the eviction, Deputy Governor Mann Chhoeun claimed that it had been necessary because the house owners had continued to ask for too much money from 7NG, and he cited the example of a family who asked for \$120,000 for their 52 sq/m house and land (Cambodia Daily, Jan 26.) In fact, the asking price – the equivalent of \$2,308 per sq/m – is below the market-rate value of \$3,000-5,000 for land in the Tonle Basaac area (according to the Bonna Realty company).

them. The police fired tear gas and rubber bullets, threw stones and used a water cannon against villagers and observers.

Bulldozers and excavators were brought in and hundreds of demolition workers, wielding axes, hammers and other tools, set about razing Dey Krahom. Some houses – especially those of the community’s representatives – were quickly flattened with their possessions still inside them. Some villagers were permitted to remove their belongings before their homes were destroyed, while others lost everything.

Violence was used by workers and by the police and military police who protected them. A LICADHO staff member, trying to assist villagers who were being beaten, was knocked to the ground and kicked and hit by a group of workers. Police beat villagers and observers. At least 18 people were injured during the eviction, from beatings and accidents. It was sheer luck that no-one was killed or seriously injured. One woman was knocked unconscious as a bulldozer flattened her house, and a young boy’s leg was grazed by another earth-moving machine. On occasion, the police prevented LICADHO doctors from treating the injured.



Policeman fires tear gas at villagers during eviction.

Photo: Peter Harris

By noon, the eviction was complete. Dey Krahom was leveled to the ground.

Affected families & relocation

More than 400 families were forcibly removed during the evictions. They reportedly include about 150 home owners, approximately 200 stall-holders from Dey Krahom market, and an unknown number of house renters. Most of the families were transported to the relocation site at Damnak Trayeung, 20km from Phnom Penh, and dumped there, where they set up a makeshift camp on 7NG land beside a road. These people are mainly former market-stall holders and renters. Some house owners went to Damnak Trayeung but most refused to go to the distant relocation site, instead choosing to stay temporarily with friends, family or NGOs in Phnom Penh.

Current situation

Relocation site conditions:

According to a rapid assessment done by Caritas, Samaritan’s Purse and LICADHO on January 25, there are at least 335 families camped in the open at the relocation site. They comprise a total of 1,238 people, including 639 women, 180 children aged 5 or younger, and 308 minors aged 6-16. There are 16 pregnant women and 19 nursing mothers. Five people are disabled.



Most of the people at Damnak Trayeung relocation site are women and children.

Photo: Jes Hermann Saatterup

Facilities at the relocation site for these people are woefully inadequate. Food and water are lacking for the evictees, as well as shelter and mosquito nets (an estimated 100 shelters and 200 nets are urgently needed, according to the assessment). A lack of toilets means most people are urinating and defecating in nearby open fields or unfinished apartment buildings. The unsanitary conditions could easily turn into a health crisis, and there are no medical facilities at the site. Unconfirmed reports indicate there are at least 30 HIV+ individuals at Damnak Trayeung, whose lives will be at risk unless they can afford to travel to Phnom Penh to receive their anti-retroviral medication from hospitals there.

House owners:

The only option being offered by 7NG to the former Dey Krahom house owners – and not to all of them, only to the 91 families recognized by the company – is an apartment at Damnak Trayeung. The alternative of \$20,000 cash (the last offer made to them by the company) is no longer on the table, the company has said. The company’s position is contrary to what Municipal Deputy Governor Mann Chhoeun and a 7NG company representative told villagers during the Jan 24 eviction, that the option of financial compensation was still open.

According to recent statements by 7NG, between 28 and 35 of the house owners have accepted apartments at Damnak Trayeung since the eviction. From LICADHO visits there, it seems that some of them may have received keys to an apartment but are not actually living there. All of the few house owners who LICADHO met at Damnak Trayeung said they did not actually want to live there – because of its distance from their jobs, children’s schools and health and other services – but were given no other option by 7NG. Most said that they specifically asked 7NG for financial compensation when they arrived at Damnak Trayeung but were told this was impossible or that they should accept an apartment and ask later for money instead.

On January 26, a group of 116 house owners – most of whom are staying in Phnom Penh and not at the relocation site – submitted a joint request to the municipality asking that 7NG pay them \$20,000 each for their homes instead of providing an apartment. The municipality said it would take their request to the company.

On January 28, 7NG published a notice in Khmer newspapers demanding that the remaining house owners accept apartments before a deadline of January 31 or face receiving nothing at all.

Market stall-holders:

The precise number of former Dey Krahom market stall-holders now camped in the open at Damnak Trayeung is uncertain but believed to be around 200 families. Although they did not have formally recognized houses at Dey Krahom, many of them used to sleep in or nearby their stalls at the market; the eviction has deprived them of their home as well as businesses.

7NG, according to its January 28 newspaper advertisement, is offering 113 of the market stall-holders a stall at the market at Damnak Trayeung. This is hardly adequate compensation, given that their ability to make money at the relocation site on the outskirts of Phnom Penh will likely be considerably less than they made in the inner city Dey Krahom market.

Renters

An unknown number of former house renters at Dey Krahom are now camped at Damnak Trayeung. They are being offered no compensation by 7NG, which is demanding that they leave the relocation site. There is a danger that they, along with market stallholders who are not recognized by 7NG, will face another forced eviction, this time from the relocation site.

Urgent action needed

By authorizing the eviction of Dey Krahom, the government is directly responsible for ensuring that fair compensation or adequate alternative housing is available to the men, women and children who were evicted. The government is also responsible for ensuring that humanitarian needs of these people are met until such time as fair compensation or alternative housing is provided to them. In this regard, the government must ensure that:

1. The essential needs of the more than 1,200 persons camped at Damnak Trayeung are urgently met, including adequate food, water, toilets, and access to medical and (for children) education services.
2. The 7NG company offers financial compensation, at a minimum of the \$20,000 per house, to all the evicted Dey Krahom house owners who do not want apartments at Damnak Trayeung. This offer should also be extended to those evicted home owners who have already accepted apartments but did so because of lack of choice. The company should have no objection to paying the \$20,000 amount, which is a modest claim from families whose land and homes were unlawfully taken from them and who suffered property damage (and in some cases injuries) during the eviction.
3. The government and 7NG should negotiate with the market stallholders to provide adequate compensation for the loss of their businesses (and in many cases, their homes). The solution should afford them a reasonable opportunity to make the same level of income and have the same access to services that they enjoyed at Dey Krahom. Market stall-holders should also be compensated for destruction or loss of their goods during the violent eviction, and for any injuries inflicted upon them.
4. Adequate alternative housing is offered to the evicted renters from Dey Krahom who, because of successive evictions by the government of inner-city communities over recent years, face difficulty in finding suitably low-cost rental housing in Phnom Penh. The solution should afford them access to income generation opportunities. Compensation should also be paid for property damage and injuries suffered during the eviction.