

The Grand Theft of Dey Krahorn

By David Pred

On January 24, 2009, the Dey Krahorn community lost their three-year battle against forced eviction from their homes in central Phnom Penh. In the name of urban beautification and development, the 7NG company grabbed the community's prime land, valued at USD 44 million, with the aid of police and other armed government forces.

Dey Krahorn, meaning Red Land village, is located in the heart of the fastest developing area of Cambodia's capital city. Families began settling in Dey Krahorn in the early 1990s after they were repatriated to Phnom Penh from refugee camps on the Thai border. In search of a place to rebuild their lives after the war, families cleared the swampland and filled it with red soil, creating a foundation on which to build their homes. Some of the country's most famous artists, actors and musicians were granted plots in the village by the Cambodian Ministry of Culture and Fine Arts. Others moved to the area later and purchased homes from previous residents. By 2003, the population of the village had grown to an estimated 805 families, most of which had documented rights to their land under Cambodia's Land Law.¹

In that year, Prime Minister Hun Sen announced that his government would provide secure land tenure and assist in the onsite upgrading of 100 inner-city poor communities each year until all of Cambodia's urban poor settlements had secure land tenure and full basic services. According to a Council of Ministers' decree, Dey Krahorn

was to be among the first communities to benefit from this policy. Under the terms of the ensuing social land concession,² onsite upgrading was planned on 3.7 hectares of the total 4.7 hectares of land and secure legal tenure was guaranteed for the community. The remaining hectare was allocated for private development.



In 2003, Prime Minister Hun Sen announced that 100 inner-city poor communities would be provided with secure land tenure and full basic services. Dey Krahorn, in the heart of the capital, was to be among the first.

1 The Land Law (2001) introduced the concept of "legal possession" because so many Cambodians had been displaced and all the official records of who owned which plots of land were destroyed during the Khmer Rouge regime and the civil war that followed. The law states that people who settled on land at any time before August 30, 2001 (when the Land Law 2001 was passed), and meet several other conditions, have a legal right to stay and live on the land they are occupying. These people are legal possessors and they have possession rights, which are very similar to the rights of owners. Legal possessors have the right to apply for title, which secures full ownership rights.

2 A social land concession is when the government grants land to families who do not have any land on which to live and/or farm. In the case of Dey Krahorn, the government declared that the community's land was a social land concession as a means of securing their tenure rights and providing them with onsite upgrading. However, many of the Dey Krahorn residents already had legal possession rights to their land, so it was not appropriate to grant them a social land concession; instead, they should have been granted individual land titles.

In 2005, a private company, 7NG Construction Co, negotiated a contract with a small group of village chiefs and savings group leaders, effectively swapping the prime land of Dey Krahom for a housing development on inexpensive land more than 20km outside of Phnom Penh. The Dey Krahom residents never agreed to an off-site relocation and were never consulted about the contract. In fact, the contract was immediately rejected by most Dey Krahom families, who dismissed their former “representatives” and filed a civil complaint against them for breach of trust, along with a separate complaint to cancel the contract. Under Cambodian land and contract laws, it is illegal to sell other people’s rights to land, so the contract with 7NG was legally invalid. However, Cambodia is a country ruled by powerful people rather than laws. The court ignored the community’s complaints.

From the beginning of the land dispute, the community was subjected to continuous harassment by authorities and company officials. Community leaders and activists who defended the rights of the community faced false criminal charges for destruction of company property or incitement against the government. Most families succumbed to this intimidation and moved to the relocation site or accepted inadequate compensation offers for their homes and land.

However, around 150 families refused to give in and stood their ground in Dey Krahom, where they successfully resisted eviction through a remarkable campaign of creative, active non-violence. The families elected more than a dozen community representatives, in order to rotate leadership and avoid having their leaders easily targeted. They fought the eviction in the courts and appealed to the National Assembly and the Prime Minister. They held press conferences and invited the media to ceremonies and other events, which they organized to assert their rights and defend their land. They even wrote songs of resistance and recorded an album called “Struggle for Our Homes.” When the company sent its workers to harass the community and use violence against them, the residents responded by linking arms to form a human shield and sang their songs of resistance. A network of friends and supporters, including the Bridges Across Borders Cambodia team, stood in solidarity

with the community throughout their struggle. During periods of heightened threat, many of us slept inside the homes of residents to help give the families strength and bear witness in case the frequent rumors of impending eviction came true.

Dey Krahom was often described in the media and by government as a “slum,” but anyone who spent any time in the village knows that it was much more than a collection of poor dwellings. Dey Krahom was a community of artists, comedians, aging traditional musicians and teenaged break-dancers. It was a vibrant community of shell sellers and market vendors, civil servants and school children. It was an organized and empowered community whose members understood their rights and defended them against enormous odds.

In a matter of three hours it was reduced to a pile of rubble.



Privately contracted “breakers” demolish Dey Krahom family homes

The homes of Dey Krahom’s families were demolished by hundreds of military police and private contractors armed with bulldozers, sledgehammers, hatchets, iron bars, AK-47s, electric batons and tear gas. Shortly after the break of dawn on January 24th, security forces and privately contracted “breakers” who began assembling around the community since 2 am moved in. Families locked themselves in their houses, but the doors were soon knocked down and the residents removed. Riot police led the way by ushering out residents and pushing back observers. Some people who attempted to resist the destruction of their homes were taken away in handcuffs. Others were violently thrown to the

ground, beaten and kicked by the breakers. Fire extinguishers and tear gas grenades were fired at residents and observers at close range.

Some of the breakers were as young as 13 years old. These child breakers were equipped with hammers or metal sticks and actively participated in the demolition of houses. The company employees directing the child breakers put them in great danger, as they were instructed to disassemble the upper stories of falling homes.

Many residents who refused to leave their land were not able to salvage their possessions. All their personal belongings were destroyed, including motorbikes, furniture, clothing, televisions, cooking utensils, photographs, family heirlooms, schoolbooks, and important medication and documents. Every item these families owned was buried under their demolished homes.

Excavators tore down the larger houses and bulldozers crushed their remains. In one instance, a bulldozer nearly crushed a resident. The woman was extremely agitated and attempted to

hit the driver, who became angry and retaliated by driving directly towards her and pushing mounds of debris in her direction, seriously threatening the woman's safety. The woman fainted from the trauma and collapsed amidst the rubble when the bulldozer came barreling at her, only stopping within inches of crushing her to death. She was carried away by her wailing daughter and was later found to have sustained fractures to her hip and ankle. Others tried to immolate themselves in a final act of defiance, but were prevented from doing so by police, who carted them away before they could burn themselves alive in protest.³

Flat-bed trucks took away the debris and re-usable building materials. Officers were witnessed carrying away electrical goods. Some families who agreed to move to the relocation site were allowed to load their remaining possessions onto trucks and were driven away. They were hauled off and dumped in front of the relocation site 20 kilometers outside the city. No food, water, shelter or latrines were prepared for them there. Families who were on the company's list of those "eligible" for compensation were given small flats resembling one-car garages at the distant relocation site. Hundreds of other "ineligible" families, including both renters and owners that the company failed to recognize, assembled makeshift tents on the road in front of the housing development while they waited for the authorities to decide their fate. Thirty-eight families refused to get onto the trucks and instead went to the offices of a local human rights organization.

Meanwhile, the Deputy Governor of Phnom Penh, Mann Chouen, delivered a press conference where the Dey Krahorm market once stood. Afterward, he met with police and military officers and publicly congratulated them on the operation. Then he posed for photographs with various 7NG staff, including the owner's son, and the spokesperson for the Council of Ministers. They smiled for the cameras in front of the smouldering remains of the



Photo courtesy of Peter Harris

Families search through the rubble for their belongings in the aftermath of the eviction

³ This description of events is based on the first-hand account of BABC Legal Officer Mark Grimsditch who observed the entire eviction.



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community that they just destroyed. The attending press failed to ask the company how it managed to get away with stealing a \$44 million piece of real estate in the heart of Phnom Penh.



The Deputy Governor of Phnom Penh and company officials smile for the cameras after the eviction

In line with the Cambodian government's official line that there are no forced evictions in the Kingdom, the Deputy Governor asserted that the wholesale destruction of the Dey Krahom community was not an eviction, but rather an "administrative action." A more accurate description would be grand theft.

The following Monday morning, more than 100 Dey Krahom families went to City Hall to

demand restitution of their property that had been taken and destroyed. They were told that cash compensation was no longer on offer and all that each of them could receive was one of those sad flats that the company built at the relocation site. The families rejected this option because the site is far away from their jobs and small businesses in the city, where their children attend school and where they can access basic services. They knew that moving there would constitute a complete disruption of every aspect of their lives and would almost certainly result in their deeper impoverishment. They were forced to choose between homelessness and moving somewhere against their will.

The families continued to protest for a month following the eviction and they enlisted the support of prominent international donors and embassies, but without their land beneath their feet, the community was weakened and increasingly lost hope. One by one, the families accepted flats at the relocation site, for which they had to sign a contract promising never to demand restitution from 7NG.

The more than 330 families evicted from Dey Krahom who were 'ineligible' for flats at the relocation site languished under tarpaulins on the road for eleven months before being evicted for a second time in early January 2010.⁴ This time they were trucked to a site 80 kilometers outside the city, where they were given four by

⁴ These "ineligible" families were mainly the renters and market stall owners from Dey Krahom who weren't given houses despite being victims of the forced eviction that occurred on 24 January 2009. There were also 22 homeowners who were not recognized by 7NG and denied replacement housing.

six meter plots of scorched land - too hard to grow anything and prone to flood in the rainy season. There was no water or sanitation, and no jobs in sight.

The Dey Krahom eviction was truly devastating for those of us who had worked intimately with the community throughout their struggle. I, for one, felt an enormous sense of personal failure that we were not able to prevent this forced eviction, despite all of the solidarity and support that had been mobilized from around the world. Some community members, shocked and traumatized, directed their displaced aggression at the NGOs that had done so much to support their struggle. In the immediate aftermath of the eviction, it was difficult to remain positive about our work defending housing rights, and our ability to make a difference, in the face of such a callous regime.

However, after the passage of time and with the distance to reflect, it became clear that while the battle for Dey Krahom was lost, the community's struggle to save their homes was, in many ways, a milestone in the long-term struggle to force Cambodia's ruling elite to recognize the land, housing and property rights of the poor. It put the issue of forced evictions in Cambodia on the international radar, alerting potential foreign investors of the social harms they would cause, and backlash they may face, if they invest in projects in Cambodia that lead to displacement.



Dey Krahom community protests for fair and just compensation for their land and homes that were destroyed

Our advocacy after the eviction led the European Union to issue a formal *démarche* to the Cambodian government - an unprecedented diplomatic act for a forced eviction, and one that had only once been issued before - in response to the coup d'état in 1997. It also led the World Bank and several bilateral donors to advocate publicly for the Cambodian government to declare a moratorium on evictions until a national resettlement policy framework is put in place. Prior to this, Cambodia's donors had never taken a serious interest in the issue of forced evictions, much less spoken out publicly about it. The political damage that the government and the Municipality of Phnom Penh suffered as a result of the international outcry over the eviction was severe, and this is likely to affect the manner in which it approaches future evictions, at least in the capital city.



More than 1000 people from threatened Phnom Penh communities formed a human chain around Dey Krahom to show their solidarity on International Human Rights Day, December 10, 2007

Those Dey Krahom residents who resisted the illegal taking of their land managed to delay the eviction for three years after they received their first eviction notice. The company and the authorities were fully prepared to carry out the eviction a year earlier, but because of the non-violent resistance of the community, they were



unable to do so. In November 2007, for example, the company tried to erect a fence around the community, but the company's workers were blocked by the residents who stood in their way and refused to move. Shortly thereafter, on December 10th, International Human Rights Day, BABC and our housing rights partners helped the community to mobilize more than 1000 people from other threatened communities in Phnom Penh to form a human chain around Dey Krahom, with everybody donning "Stop Evictions" t-shirts. The solidarity action was joined by Yash Ghai, the United Nations Special Representative for Human Rights in Cambodia. It was a show of strength that likely forced the company to delay its plans to carry out the forced eviction.

During the following year, some attempts were made by the company and City Hall to broker a negotiated cash settlement. Compensation offers rose from \$3,000 in 2006 to up to \$20,000 in the days before the eviction, and a number of families accepted these higher levels of compensation. While far below the market value of the land, and less than what is needed to purchase a comparable property in the city, this was some measure of success.

The forced eviction of Dey Krahom attracted a great deal of media attention, however this story is commonplace in Cambodia today. There are hundreds of communities just like Dey Krahom across the country, where land is being taken from the poor with impunity by the powerful under the banner of 'development'. Their stories are most often unheard but they are suffering from the same distorted development model

that allows a tiny elite to amass enormous wealth, while the country's natural resources are plundered and the most vulnerable are driven into deeper impoverishment. More than 3.5 million people, or 25 percent of the population, are now landless. Millions more live without tenure security, never knowing if their land might be targeted next. Without an independent judiciary, these poor communities have no effective legal remedies available to them. This epidemic of land theft in the absence of the rule of law flies in the face of poverty reduction policies touted by the Cambodian government and its benefactors.

Yet, the resistance campaign mounted by Dey Krahom was distinctive in the post-war era of Cambodia, a country whose traumatized people are still largely gripped with fear and passivity in the face of injustice. This community's struggle paved the way for other threatened Cambodian communities to stand their ground and it helped breathe life into the growing grassroots movement for land rights and development justice.

On January 24th 2010, one year after the eviction, community members gathered at their former local pagoda and walked silently back to the site of their former homes to hold a memorial ceremony. Their land was fenced off and undeveloped. 7NG was selling undeveloped plots for \$2,000 per square meter. This equates to roughly 700% profit on the highest amount of cash compensation the company offered to the residents, or 2,000% profit on what most people received. Meanwhile, most former Dey Krahom residents are still struggling to survive. Aware that they were evicted so that a private company could speculate on the Phnom Penh real estate market, people's anger was palpable at the anniversary memorial. Yet when the former residents came back together that day, their community spirit was intact. They were proud of the fact that they fought for their rights until the end and that they had pushed the boundaries of possibility in their society.

Their homes may have been demolished, but the spirit of Dey Krahom's resistance continues to inspire us all to stand up for justice and human rights.