Community representative Ly subject to intimidation and harassment by OUK KHUN Company in Kampong Speu land grab

For years community representative Ms. Rem Phall Chanly, better known as Ly, has been attempting to retrieve her 25 hectares of land grabbed by APHIWATH DOMNAM USAHAKAM OUK KHUN CO., LTD in June 2011. As a result of leading the community to defend their land rights, she has become a victim of harassment, intimidation and threats by both the company and local authorities.

Ly and her family are one of 67 affected families in Traeng Trayueng and Ou communes, Phnum Sruoch district, who began occupying the land between 1985 and 1999. Many have documentation proving their possession of the land, such as recognition letters issued by the local authorities, and land sale agreements.

In 1994, a Singaporean company with Taiwanese shareholders, called Industry Crop Development, received an economic land concession ("ELC") for 12,506 hectares of land in the area from the Royal Government of Cambodia ("RGC") to crop oil palms. The company began to clear the peoples’ land, and filed complaints against community members when they protested. In 2001, seven community representatives spent nearly two months in prison as a result of their activism. In that same year, a particularly active community member was arrested by military police and sent to the provincial jail for three months where he was tortured so rigorously by both the police and prison guards that a week after his release he died from his injuries.

In 1997, Industry Crop Development decided to withdraw from Cambodia following a period of armed political clashes and the closure of the de facto Taiwanese embassy in Phnom Penh. In its absence, Industry Crop Development appointed its Cambodian foreman to
oversee the ELC — the now deceased Mr. Ouk Khun. Following his passing, Mr. Ouk Khun’s wife Ms. Sok Sopheap, took over the management of the ELC. The family allegedly have many powerful connections, including to the Prime Minister’s son, Hun Many, Deputy Prime Minister Sok An, and Commissioner-General of the National Police, Neth Savoeun.

In 2000, Ms. Sok Sopheap requested that the Council of Ministers transfer Industry Crop Development’s ELC to her, by changing the name from Industry Crop Development to APHIWATH DOMNAM USAKHAM OUK KHUN Co., LTD (“OUK KHUN”). In May 2001, OUK KHUN Co. obtained the ELC through an agreement with the Ministry of Agriculture, Forestry and Fisheries.¹ In 2007, OUK KHUN’s operations began to encroach upon the community’s land, destroying a number of the community’s crops. The community relies on their farmland to sustain their livelihoods.

After Industry Crop Development filed a complaint to the Council of Ministers regarding the transfer of its ELC to OUK KHUN, in June 2012 the Council of Ministers issued a decision allocating 50 hectares of the land to the owner of Industry Crop Development, and a further 52 hectares to Ms. Sok Sopheap. The decision was not clear in relation to the remaining ELC land, however a letter from the Ministry of Agriculture, Forestry and Fisheries dated 26 October 2015 to Ms. Sok Sopheap suggests OUK KHUN was no longer in possession of the remaining land, however this remains unclear. OUK KHUN has not shown the community any documents proving otherwise.

Yet, OUK KHUN, in cooperation with the local authorities, has continued its operations outside of its allocated 52-hectare parameter, further encroaching on the community’s land. In total, affecting approximately 300 hectares of farmland belonging to 67 families has been affected. The company has also encroached upon the local military unit’s land. In addition, in November 2013, OUK KHUN, in collusion with the local authorities, illegally sold 1,954 hectares of land within the conflict site to Chorng Or EIV Company for between USD 1,000 and 10,000 per hectare. In stark contrast, OUK KHUN has made a compensation offer to the community of a mere USD 450 for 25 hectares, working out as USD 18 per hectare.

In November 2015 and in January 2016, without giving prior notice the company forcibly evicted 15 of the families from their residential land, by setting their houses on fire to demolish them. Those families are now essentially homeless, and living with relatives in the community.

The community has filed a number of complaints since 2011 to relevant institutions but to no avail. In 2015, the Council of Ministers issued a response, instructing the Ministry of Land Management, Urban Planning and Construction and the Kampong Speu provincial authorities to find a resolution to the land conflict. Seemingly action has yet to be taken on this case.

When the community has protested against OUK KHUN and attempted to stop the company from bulldozing their land, the company has threatened that them that they will be arrested and imprisoned. In addition, OUK KHUN has employed hundreds of thugs to work for them,

¹ Agreement signed by Acting Minister of the Ministry of Agriculture, Forestry and Fisheries, Chan Tong, and OUK KHUN representative Ms. Sok Sopheap, dated 25 May 2001
and in return has allowed the thugs to settle on the conflict land. The thugs have been armed with a range of weapons, including tasers, knives, axes and harpoons, which they have used against the community when they have attempted to access the conflict land. The community is extremely fearful of these newcomers. They also allege that the newcomers have stolen livestock from them.

Ly has been subject to considerable intimidation and harassment, and believes the police have been following her. The provincial authorities have filed a number of complaints against her, although she has numerous documents to prove her ownership of the land so in the end, these complaints have been unsuccessful. In January 2016, a public forum was held on the land conflict, however when Ly attempted to join, the police prevented her from doing so.

Ly and the affected families will continue their efforts to defend their land, and want the Royal Government of Cambodia to ensure their land is returned to them.