




Judicial harassment and physical attacks against Tep Vanny and Boeung Kak Lake community

 Cambodia Land Management and Administration Project

 Cambodia

 Land administration

 WB

The Boeung Kak Lake community in Phnom Penh, Cambodia, has been fighting for justice since a 2007 luxury development project led to the eviction of approximately 20,000 residents -- considered one of the largest evictions in Cambodia, second only to the Khmer Rouge's forced relocations in 1975. For their activism, community members have been subjected to beatings, surveillance, harassment, and threats, as well as arbitrary arrests, criminal prosecution and imprisonment.¹

Tep Vanny, a leader in the Boeung Kak Lake community struggle, spent two years in Cambodian prison for spurious charges arising from her participation in protests against the evictions and the detention of fellow Boeung Kak Lake activists.²

In 2002, the World Bank approved US\$23.4 million in financing for the Cambodian Land Management and Administration Project, designed to formalize the country's land registration system.³ The Bank, however, failed to ensure compliance with the project's requirements as well as the World Bank's safeguard policies. Communities were not adequately consulted, and the project failed to account for individuals who held their land through the traditional land tenure system. As a result, thousands of families in Boeung Kak Lake were excluded from the titling process and left vulnerable to eviction.⁴

In 2007 the city of Phnom Penh signed a lease agreement with Shukaku Inc. for the development of Boeung Kak Lake, not only thereby illegally stripping the community of their land rights but also leasing out public property, in violation of Cambodia's Land Law. In August 2008, Shukaku began filling in Boeung Kak Lake, flooding surrounding areas. Thousands of families were forced from their homes, coerced into accepting a fraction of the compensation they were due.⁵

After failed attempts to seek remedy through Cambodia's courts, in September 2009, community

members filed a complaint with the World Bank Inspection Panel. The complaint described the forced evictions, including intimidation of residents and the violation of the Bank's safeguard policies.⁶ The Panel found that non-compliance with World Bank safeguard policies contributed to the harm suffered by Boeung Kak Lake residents.⁷ The report also flagged the issue of threats and harassment and revealed that while World Bank project documents and reports had detailed the country's serious problem with forced evictions, the project design failed to acknowledge this "reputational risk."⁸

In August 2011, after the Cambodian government had shown no willingness to resolve the conflict, the Bank announced a freeze on new lending until a satisfactory resolution was reached.⁹ A few days later, the Cambodian government announced in-situ resettlement and titling for the nearly 700 families who remained on their land. Yet the decree failed to address the approximately 3,500 families who had already been displaced without adequate compensation.¹⁰



Demolition of Boeung Kak Lake community.



Jessica Evans / Human Rights Watch

Members of the Boeung Kak community protest peacefully in Phnom Penh, May 2013.

While the Bank took a strong and public stance on evictions and resettlement issues, it has remained silent on the well-publicized and growing repression against Boeung Kak Lake residents. During a peaceful protest of around 80 community members on May 22, 2012, police and district guards violently dispersed the gathering, arresting Tep Vanny and 12 other women, eventually sentencing them to two and a half years in prison.¹¹

On September 4, 2012, Yorm Bopha, a Boeung Kak Lake representative who had been at the forefront of the campaign for the women’s release, was arrested on spurious charges, while two of her brothers were charged in absentia. While serving a three-year sentence, Bopha reported that no one from the World Bank had visited her or, to her knowledge, inquired about her detention.¹²

As members of the Boeung Kak Lake community staged protests calling for Bopha’s release, they met repression, including brutal beatings by police and para-police. In one incident para-police reportedly attacked attendees of a candle-lit vigil with sticks, batons and cattle prods, injuring 11 people.¹³ In a November 10, 2014 protest by community members whose homes had been flooded, seven women were arrested and sentenced to a year in prison. Four more community members were arrested the next day at a protest outside the courthouse, and later sentenced to a year in prison.¹⁴

Despite the continued repression and unresolved land claims, in May 2016 the Bank announced

its reinstatement of lending to Cambodia, citing progress by the government.¹⁵ Reportedly, “extensive” stakeholder consultations just prior to the reinstatement did not include the residents of Boeung Kak Lake.¹⁶

On August 23, 2018, Tep Vanny was released with a pardon by the king. However, a few days later, a municipal court sentenced her and five fellow community members to suspended six-month sentences on the charge of making death threats related to a community dispute; this is despite the fact that the original complainant had withdrawn their complaint. Tep Vanny and fellow community leaders continue to be surveilled and harassed. Advocates are calling for the convictions to be quashed and harassment of land activists to be immediately stopped.¹⁷



Tep Vanny at Boeung Kak Lake.

Amnesty International

Endnotes

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- 3 Cambodia Land Management and Administration Project, Project No. P070875, World Bank, Approved: February 26, 2002, <http://projects.worldbank.org/P070875/land-management-administration-project?lang=en&tab=overview>.
- 4 Letter from Centre on Housing Rights and Evictions (COHRE) to World Bank Inspection Panel, “Re: Request for Inspection by World Bank Inspection Panel (Land Management and Administration Project – Project ID: P070875),” September 4, 2009, [http://ewebapps.worldbank.org/apps/ip/PanelCases/60-Request%20for%20Inspection%20\(English\).pdf](http://ewebapps.worldbank.org/apps/ip/PanelCases/60-Request%20for%20Inspection%20(English).pdf).
- 5 “Boeung Kak Lake Case,” Equitable Cambodia, March 2017, <http://equitablecambodia.org/website/article/3-2017.html>.
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- 7 Investigation Report, Cambodia: Land Management and Administration Project (Credit No. 3650 – KH), The World Bank Inspection Panel (2010), [http://ewebapps.worldbank.org/apps/ip/PanelCases/60-Investigation%20Report%20\(English\).pdf](http://ewebapps.worldbank.org/apps/ip/PanelCases/60-Investigation%20Report%20(English).pdf).
- 8 Ibid.
- 9 “World Bank blocks Cambodia loans amid Boeung Kak row,” BBC, August 9, 2011, <http://www.bbc.com/news/world-asia-pacific-14457573>.
- 10 “Boeung Kak Lake Case,” Equitable Cambodia, March 2017, <http://equitablecambodia.org/website/article/3-2017.html>.
- 11 Human Rights Watch Interview with Nget Khun, Boeung Kak community member, Phnom Penh, May 7, 2013. “At Your Own Risk: Reprisals against Critics of World Bank Group Projects,” Human Rights Watch, June 22, 2015, <https://www.hrw.org/report/2015/06/22/your-own-risk/reprisals-against-critics-world-bank-group-projects>.
- 12 Bopha served 14 months and 18 days, with the remainder of her sentence suspended in June 2016.
- 13 Briefing Paper, Attacks and Threats Against Human Rights Defenders 2013-2014, p. 17, Cambodian League for the Promotion and Defense of Human Rights (LICADHO), December 2015, [https://www.licadho-cambodia.org/reports/files/21120150912_HRD2013-3014_ENGFinal%20\(3\).pdf](https://www.licadho-cambodia.org/reports/files/21120150912_HRD2013-3014_ENGFinal%20(3).pdf).
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