CAMBODIA: Development firm allegedly hires gunmen to extort poor villagers through an illegal toll-booth

March 28, 2007

URGENT ACTION URGENT ACTION URGENT ACTION URGENT ACTION URGENT ACTION

ASIAN HUMAN RIGHTS COMMISSION - URGENT APPEALS PROGRAMME

Uncategorized Appeal

[Send an Appeal Letter]

28 March 2007

UA-102-2007: CAMBODIA: Development firm allegedly hires gunmen to extort poor villagers through an illegal toll-booth

CAMBODIA: Corruption; Illegal extortion

Dear friends,

The Asian Human Rights Commission (AHRC) has received information regarding a Chinese investment company that has allegedly set up an illegal toll booth to extort money from travelers in Kratie province on 21 March 2007. The company named Global Agricultural Development Cambodia Co. Ltd has allegedly hired gunmen to guard the illegal toll booth and have already been involved in allegedly extorting 30,000 Reil (US$ 7.5) from four villagers who where traveling across the road with their three ox carts. The toll booth is unlawful and has no purpose other than to generate profit for a company that is known for conducting illegal and irresponsible business practices. However, the local authorities have not taken any action regarding this matter. In fact, in another occasion, the same company had allegedly evicted local villagers without ever providing compensation in Kratie province (See further: UA-013-2007 and UP-006-2007).

CASE DETAILS:

On 21 March 2007, four armed guards, who were hired to operate the toll both, allegedly extorted 30,000 Reil (USD 7.50) from four villagers named Preap Buntheun, Vidy, Sao Vy, and Ngoal. The villagers were traveling by ox cart and did not have enough money to cover the fee. As a result, the men where forced to discontinue their journey and wait five hours between 12:00 pm and 5:00 pm, until family members arrived and paid the charge for their passage.

The road in question has acted as a connector for locals to the National Road number 7, towards Kak Tha village, Rabou Meanchey commune, Sambo district, Kratie province. It is an old road that has been used by villagers for many years. The company began a reconstruction project of the road which began on 12 December 2006 was finished in January of this year. Since its completion, the company has been extorting money from locals. Each passenger that crosses on motorbike and ox cart must pay a 10,000 Riel (USD 2.50) fee. In order to ensure that payment is received, the company has hired security guards who are armed with rifles and electric batons.

The AHRC stresses that the company has no legal right to hire security guards for the purpose of extracting money from villagers using the road. Cambodia also does not have any laws which grant permission to construction firms to introduce road tolls. The Ministry of Forestry and Fisheries must be held accountable for the company's illegal behavior since they are the government agency that had originally hired their services. The Ministry of Public Works and Transport should also be held accountable for failing to take action against such illegal act. The road is a public domain and restricting its use through incorporating illegal fees must be seen as criminal.

The AHRC therefore urges the Kratie provincial governor to take immediately action against the company. We also urge the ministry who signed the original construction contracts with the company to immediately take action against Global Agricultural Development Cambodia Co. Ltd in order to allow the freedom of movement. We also urge the National Assembly to take action.
against this company and also create laws against road fees during a time when most Cambodians are living in poverty and cannot afford such fees.

BACKGROUND INFORMATION:
This is not the first time Global Agricultural Development Cambodia Co. Ltd has acted illegally. It is allegedly responsible for burning down local villagers houses without ever providing compensation. On 15 March 2006, the Ministry of Agriculture signed a 70 year lease contract with the Chinese investment company Global Agricultural Development Cambodia Co. Ltd to develop teak plantations. After signing the contract, the company began bulldozing the 9800 hectares of land and started to divide the area into plots set out for the new plantations and the company's office.

The land that was granted by the state is from two communes in the Sambo district named O Kriang and Khbal Dom Rey. The total amount of agricultural land that was taken over in O Kriang commune is 1138 hectares, with another 1448 hectares of land from Khbal Dom Rey. However, the government contends that they only reclaimed 51 hectares of cultivated land from O Kriang commune and another 69 hectares from Khbal Dom Rey commune. The company has provided no compensation to the villagers and the government continues to show little interest in resolving the dispute. Also, the government had not initiated any consultation with the local people whether the land concession will affect their agriculture (See further: UP-003-2007).

In January 2007, workers from the company had burned the fields and forest over the area of 9,800 hectares of land in order to clear space to grow the teak plantations. The fire then spread onto land belonging to local residents and burned at least one wooden house that was owned by Oun Theurn. Oun Theurn's not only lost his home, but also his cultivated land for producing rice and most of his possessions (See further: UP-006-2007).

SUGGESTED ACTION:
Please write to the authorities listed below to urge them to intervene in this matter. Please urge them to take action against the company Global Agricultural Development Cambodia Co. Ltd. and to remove the toll both and stop illegal extraction of the money from the villagers.

To support this appeal, please click: [Click to Send]

Sample letter:
Dear __________,

CAMBODIA: Development firm hires gunmen to extort poor villagers through an illegal toll-booth

Victims: Local villagers and travelers in Meanchey commune, including four villagers named: Preap Buntheun, Vidy, Sao Vy and Ngoa

Those who are allegedly responsible:
1) Global Agricultural Development Cambodia Co. Ltd base in Sambo district, Kratie province
2) Ministry of Agriculture, Forestry & Fisheries
3) Kratie provincial authority

Date of incident: From January 2007 to date

Place of incident: The road to the National Road number 7, towards Kak Theurn's village, Meanchey commune, Sambo district, Kratie province

I am writing to express my deep concern over the alleged extortion of the villagers including the four villagers mentioned above by hired gunman at an illegal toll-booth that is managed by a Chinese investment company named Global Agricultural Development Cambodia Ltd in Kratie Province.

According to the information I have received, four armed guards who are hired to man the toll both allegedly extorted 30,000 Reil (USD 7.50) from four villagers named Preap Buntheun, Vidy, Sao Vy and Ngoa. As they did not have enough money to cover the fee, the villagers were forced to wait for five hours until family members came and paid the charge for their passage.

The road in question has acted as a connector for locals to the National Road number 7, towards Kak Theurn's village, Meanchey commune, Sambo district, Kratie province. It is an old road that has been used by villagers for many years. I am informed that the said company reconstructed the road and since its completion, it has been extorting money from locals. Each passenger that crosses on motorbike or oxcart must pay a 10,000 Riel (USD 2.50) fee.

I want to draw your attention that such act by the company is illegal as Cambodia does not have any laws which grant permission to construction firms to introduce road tolls. The road is a public domain and restricting its use through incorporating illegal fees must be seen as criminal.

I also know that this is not the first time this company has acted illegally. In January 2007, I know that the same company that was involved in destroying homes and not providing any compensation to the local villagers they were forcefully evicting from O Kriang commune and Khbal Dom Rey commune, Sambo district, Kratie province.
I therefore strongly urge the Kratie provincial governor to immediately take legal action against the company. I also urge the government ministry who had originally signed the contract with the business group to take action against the organisation and demand that they remove the toll-booth. I further urge the National Assembly to take action against this company and create laws against road fees during a time when most Cambodians are living in poverty and cannot afford such fees.

I look forward to your intervention into this matter.

Yours faithfully,

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PLEASE SEND YOU LETTERS TO:

1. Mr. Sun Chanthol
   Minister of Public Works and Transport
   Ministry of Public Works and Transport
   # No 106, Norodom Blvd.,
   Phnom Penh
   CAMBODIA
   Tel: +855 23 427862
   Fax: _855 23 427862
   Email: maff@everyday.com.kh

2. Mr. Ang Vong Vatha
   Minister of Justice
   No 240, Sothearos Blvd.
   Phnom Penh,
   CAMBODIA
   Fax: + 855 23 36 4119/21 66 22

3. Mr. Henro Raken
   Prosecutor General
   Court of Appeal
   No. 14, Boulevard Sothearos
   Phnom Penh
   CAMBODIA
   Tel: +855 23 21 84 60

4. Mr. Khim Pheurn
   Kratie Provincial governor
   Beoung Kalou Village
   Kratie commune, Kratie district
   Kratie province
   CAMBODIA
   Tel: +855- 12 923 937
   Fax: +855- 72 971 416

5. Mr. Choung Seang Hak
   Police commissioner
   Beoung Kalou Village
   Kratie commune, Kratie district
   Kratie province
   CAMBODIA
   Tel: +855- 12 885 838
   Fax: +855- 72 971 444

6. Ms Margo Picken
   Director
   Office of the High Commissioner for Human Rights Cambodia
   N 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 +85523 216 342
   Fax: +855-23-212 579, 213 587

7. Prof. Yash Ghai
   Special Representative of the Secretary-General for human rights in Cambodia
   Attn: Ms. Afarin Shahidzadeh
   Room 3-080, OHCHR-UNOG
Thank you.

Urgent Appeals Programme
Asian Human Rights Commission (ahrchk@ahrchk.org)

Send an Appeal Letter

Document Type: Urgent Appeal Case
Countries: Cambodia

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