



USAID | CAMBODIA

FROM THE AMERICAN PEOPLE

Court of Appeals Rules in Favor of Indigenous Land Reclamation

USAID funded Legal Aid of Cambodia (LAC), helped the villagers to file the complaint and began representing them on a pro-bono basis.



A lawyer of LAC prepares court documents for member of an indigenous tribe as they prepare to appeal their case to the Court of Appeals in Phnom Penh, Rattanakiri Province.

The case began in early 1999 as a plan between military and local government officials to illegally obtain land from illiterate indigenous people. Through fraudulent means and forged official documents, local government officials in Rattanakiri Province and a prominent military General attempted to force nearly one thousand indigenous villagers to give up rights to 1,250 hectares of land. In May 1999, after the villagers became aware that their land has been “sold” for private purposes, they filed a complaint with the Rattankiri provincial court. USAID funded Legal Aid of Cambodia (LAC), a local NGO, helped the villagers to file the complaint and began representing them on a pro-bono basis.

The villagers decides to fight for their land, despite pressure from the local officials and agents of the General to accept compensation for the land or risk losing it. LAC brought claims on behalf of the villagers under several laws, including violation of the criminal code for fraud and forgery of public documents, but the Rattanakiri provincial court ruled against the villagers. With the assistance of LAC, the villagers filed an appeal at the Court of Appeals in Phnom Penh. LAC also petitioned for intervention by King Sihanouk, who supported the claim and referred the matter to Prime Minister.

With Prime Minister Hun Sen’s intervention, the General was ordered to return the land. In order to ensure their full rights to the land the villages needed to court to nullify the land title granted to the General. On August 6, 2003, the Court of Appeals reinstated the villagers’ rights to the land, and nullified the General’s land title. This case was one of the boldest attempts at land grabbing ever perpetrated against Cambodian indigenous landholders. The high-level intervention and the upper court ruling made this a groundbreaking case in Cambodia and should serve as a deterrent to future land encroachment. It is also a signal that legal NGOs are beginning to have the courage to take on powerful figures using an ever-broadening array of advocacy methods. LAC’s advocacy with the King, Prime Minister and the court was instrumental in this victory against powerful land grabbers.