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**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Report of the Special Rapporteur on the right to adequate housing as a
component of the right to an adequate standard of living,
Mr. Miloon Kothari****

Addendum

**Summary of communications sent and replies received
from Governments and other actors**

* The present document, which carries the symbol number of the fourth session of the Human Rights Council, is scheduled for consideration by the fifth session of the Council.

** The present document is being circulated in the language of submission only as it greatly exceeds the page limitations currently imposed by the relevant General Assembly resolutions.

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Introduction

1. In the context of his mandate, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living receives a large number of communications alleging violations of the right to adequate housing and related rights worldwide. Such communications are received from national, regional and international non-governmental organizations, as well as intergovernmental organizations and other United Nations procedures concerned with the protection of human rights. This addendum to the report of the Special Rapporteur contains, on a country-by-country basis, summaries of communications sent to States, government replies, observations and follow-up relating to the Special Rapporteur's mandate for the period of 1 December 2005 to 1 December 2006. The report also reflects one communication that originated prior to 1 December 2005 but for which a government response was received after that date and therefore not included in the Special Rapporteur's previous report (E/CN.4/2006/41/Add.1).

2. The Special Rapporteur has sought to condense details of communications sent and received. To the extent that his resources permit, the Special Rapporteur continues to follow up on communications sent and monitor the situation where no reply has been received or where questions remain outstanding. Where appropriate, the Special Rapporteur has sent joint urgent appeals or letters with one or more special procedures of the Human Rights Council where the allegations raised concerns relating to the right to adequate housing as well as rights addressed under other mandates.

3. During the period under review, the Special Rapporteur sent a total of 29 communications concerning the right to adequate housing to 19 Member States as well as 1 communication to the United Nations Interim Administration Mission in Kosovo (UNMIK). Of the 29 communications sent, 11 replies were received from Governments and from UNMIK. One government reply was also received concerning a communication sent prior to 1 December 2005 (Australia). The Special Rapporteur appreciates these replies; however, he regrets once again that the majority of Governments have failed to respond at all, or have done so in a selective manner that does not respond to all the questions arising from the communication. These communications remain outstanding and the Special Rapporteur encourages Governments to respond to urgent actions, including all concerns raised in each communication. There are also a number of communications included in last year's report for which a reply has still not been transmitted to the Special Rapporteur, including ones addressed to the Governments of Botswana, Cambodia, China, Israel, Philippines, South Africa, Thailand (see E/CN.4/2006/41/Add.1). The Special Rapporteur continues to follow with interest developments and information from various sources on the relevant issues.

4. Through his mandate, the Special Rapporteur has sought to engage in a constructive dialogue with Governments and to provide practical and concrete solutions aimed at the realization of the right to adequate housing. The communications sent by the Special Rapporteur to Governments have to be understood in this context. A large number of the communications in the period under review are related to cases of forced evictions. It was underlined that forced evictions constitute prima facie violations of a wide range of internationally recognized human rights and large-scale evictions can only be carried out under exceptional circumstances and in full accordance with international human rights law. The Special Rapporteur has indicated to the Governments the basic principles and guidelines on development-based evictions and

displacement that can be used as a concrete tool in cases where evictions are unavoidable (see A/HRC/4/18). In a spirit of cooperation, the Special Rapporteur urges all Governments and other actors to respond promptly to his communications, to immediately take appropriate measures, to investigate allegations of the violation of the right to adequate housing and related rights and to take all steps necessary to redress the situation.

GOVERNMENTS

Angola

Communications sent

5. On 23 February 2006, the Special Rapporteur sent an urgent appeal concerning the persistent practice of forced evictions in Luanda. According to reports received, on 24 and 30 November 2005 forced evictions and demolitions of homes were undertaken by the Luanda Provincial Government in Cambamba I and II, Bairro 28 de Agosto and Banga Wé, in the municipality of Kilamba Kiaxi in Luanda, affecting over 600 families. It was indicated that there was a lack of consultation and no provision of adequate housing alternatives, and that the evictions were characterized by excessive use of force on the part of the police, security guards and agents of the fiscal department of the Luanda Provincial Government present on the eviction site. Most of the affected families reportedly returned to the area, and further demolitions and evictions took place on 22 December 2005. According to the latest information received, families still remaining in the neighbourhood are under renewed risk of forced evictions. On 6 February 2006, the residents were given a collective radio-transmitted prior notice of 72 hours to leave the area by the private housing project Nova Vida, and the risk of such evictions is imminent. Concern was expressed about this situation given past examples of large-scale evictions in Luanda (more specifically in Boavista, Soba Kapassa and Benfica between 2001 and 2003), where reports and testimonies indicate that the reality for the vast majority of those evicted was long-term temporary shelter or homelessness. Concern was equally expressed about allegations of a pattern of lack of prior notice, inadequate or no consultation, absence of information-sharing and no possibility of participation in the decision-making process for those affected, as well as violence, including targeting women.

6. On 27 March 2006, the Special Rapporteur sent a follow-up urgent appeal in which he drew attention to a previous urgent appeal dated 23 February 2006, and reiterated the concerns expressed on it. According to additional information received, on 13 and 14 March 2006, families still remaining in the neighbourhood of Cambamba I and II were allegedly forcibly evicted by members of the National Police Force, members of the Fiscal Police of the Governor of Luanda, agents of a private security company (Visgo) as well as non-identified agents in civilian clothes. Reportedly, these were all acting on behalf of and protecting the interests of the governmental housing project “Nova Vida”, which was entering a second phase of construction planned on the land of Cambamba. It was indicated that the law enforcement agents shot into the crowd of residents, kicked and hit people with guns and whips, acting with excessive use of force and of firearms, in no proportion to the level of resistance offered by the unarmed population. Homes were demolished and according to reports residents have not been offered alternative housing or any type of compensation. The forced evictions took the same patterns as

those undertaken in November and December 2005 and between 2001 and 2003. The Special Rapporteur also informed the Government that he intended to shortly issue a public statement regarding forced evictions in Angola.¹

7. On 21 April 2006, the Special Rapporteur sent a second follow-up urgent appeal regarding allegations of forced evictions in Luanda. Again, the Special Rapporteur drew attention to his previous urgent appeals. According to information received, a number of inhabitants of the “Comunidade do Barrio da Cidadania” received on 18 April a communication from the Municipal Administration of Viana notifying them that they illegally occupied public land allocated to a specific project which required its availability. It appears that the authorities note that they have the capacity to grant other space to address the housing needs of those affected if they voluntarily abandon the land they occupy within 48 hours of receipt of communication. The communications allegedly received appear to indicate that expiry of the 48-hour deadline will trigger the procedure (under Act No. 10/87) to evict without the right to any benefit. Concern was expressed particularly about the allegations raised above, given past examples of forced evictions in Luanda. The Special Rapporteur restated his interest in conducting a country mission to Angola and entering into a constructive dialogue with the Government, with a view to offer any advice that may assist it in complying with its obligations under pertinent international instruments.

Observations

8. While the Special Rapporteur appreciates the comments received in a letter to the High Commissioner for Human Rights from the Government with regard to his communication dated 23 February 2006, stating that his concerns and request had been brought to the attention of the competent authorities who were still in a process of gathering all necessary elements within the framework of an inter-ministerial task force set up for this purpose, he is not entirely satisfied as not all concerns raised in his communication have been addressed, and no further reply has been received. He hopes that the continued dialogue will result in a resolution of the human rights situation being faced by the people affected. The Special Rapporteur continues to monitor the situation closely.

9. The Special Rapporteur remains particularly concerned about the situations described above given past examples of large-scale forced evictions in Luanda, such as in the areas of Boavista, Soba Kapassa and Benfica between 2001 and 2003. Reports and testimonies indicate that whereas a small minority of those evicted was provided immediate alternative housing, the reality for the vast majority was long-term temporary shelter, or homelessness. He is also concerned that information from both international and national sources alleges a pattern of lack of prior notice, inadequate or no consultation, absence of information-sharing and no possibility of participation in the decision-making process for those affected. In addition, forced evictions seem to be, as a rule, accompanied by violence, including targeting women.

¹ The statement was issued on 30 March 2006, “Human Rights Expert Expresses Serious Concern About Persistent Practice of Forced Evictions in Angola”, <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/1D3D4AA404AD9AC2C1257142004E50CE?opendocument>.

10. Whilst the Government of Angola has agreed on the principle of a mission, the mission has not taken place due to the inability of the Government to schedule dates. As included in his communications, the Special Rapporteur restated his interest in conducting a country mission to Angola.

Australia

Response received on cases sent by the Special Rapporteur in preceding years

11. By letter dated 24 January 2006, the Government replied to the letter sent on 23 May 2005 by the Special Rapporteur (E/CN.4/2006/41/Add.1, paras. 5 and 6). In this communication, the Government accepted the request for a mission by the Special Rapporteur to the country, and gave an initial response to the letter sent regarding the joint federal-state Supported Accommodation Assistance Program (SAAP). The Government claimed that this visit would offer a good opportunity to pursue the issues raised in the letter and get a better sense of the situation on the ground.

Observations

12. During his visit to Victoria, the Special Rapporteur was informed that under the latest Commonwealth State SAAP agreement, the Commonwealth withdrew funding for core services in Victoria resulting in Victoria making up the shortfall by committing an extra \$13.8 million over the term of the agreement to maintain homelessness responses. This resulted in Victoria contributing over 57 per cent of funding for SAAP and SAAP-like services in Victoria over the 5-year period of the agreement. Reportedly, this has had significant impact on Victoria's capacity to encourage responses to homeless persons (Special Rapporteur's report on his mission to Australia: A/HRC/4/18/Add.2, appendix). The Special Rapporteur thanks the Government for its response.

Bangladesh

Communications sent

13. On 20 April 2006, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Special Rapporteur on violence against women, on an ongoing conflict between the Bengali settlers and the Marma indigenous peoples in the Chittagong Hill Tracts, in the south-eastern part of Bangladesh, since mid-2005. According to the information received, Bengali settlers have, with the support of the army, illegally and forcibly occupied titled indigenous peoples' land. On 5 March, Bengali settlers, with the support of the military, occupied land belonging to the Shishughar Buddhist Orphanage. On 3 April 2006, Bengali settlers allegedly attacked the Marma indigenous peoples in the villages of Sa Prue Para, Joy Sen Para, Sapru Karbabipara and Nuapara. The attacks reportedly left more than 30 casualties. It was reported that when the Marma women opposed the incident, Bengali settlers ill-treated four Marma women. It was reported that the Bengali settlers also raped several girls including a 16-year-old girl. Furthermore, it is also alleged that 13 of the indigenous wounded in the said attacks were hospitalized, 3 seriously wounded, and houses were destroyed and looted in the attacks.

Observations

14. By letter dated 20 April 2006, the Government informed the Special Rapporteur that his letter of 20 April 2006 had been transmitted to the relevant authorities in Bangladesh for necessary inquiry and further action as deemed appropriate. However, the Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any further reply to his communication. The Special Rapporteur continues to monitor the situation with interest.

Cambodia

Communications sent

15. On 5 May 2006, the Special Rapporteur sent an urgent appeal, as part of a follow-up to his official mission to Cambodia from 22 August to 3 September 2005, concerning the threat of ongoing and imminent forced evictions of the people living, allegedly since the early 1990's, in Sambok Chab Village in Phnom Penh, also known as the Bassac Commune, an area which he visited during his mission. The Special Rapporteur clearly set out the legal basis of his mandate and drew the Government's attention to international human rights standards concerning the prohibition of forced evictions. According to information received, as part of plans to redevelop the land along the Bassac River from Koh Pich south to the Vietnamese Bridge, the city of Phnom Penh has decided on the eviction of the informal settlements on the bank of the Bassac River, home for around 1,700 families, living in extreme poverty, out of which 1,000 are at risk of immediate eviction. Reports indicate that some residents have been offered relocation to another site, including land, houses and access to basic services. Allegedly however, the designated site is currently a dusty field inclined to flooding, where basic services are non-existent and in the process of installation without established time frame, and that is situated over 20 km from the city which most of the residents depend upon to ensure their livelihoods or mere survival. It is also alleged that depending on ownership status, which in the area includes a combination of persons with ownership titles, formal and informal renters as well as "squatters", all residents are not entitled to a plot in the resettlement site. According to the reports, the situation has not been properly documented by population surveys undertaken, serious problems having been observed in their conduct. It has also been reported that from 3 May 2006 a group of owners renting their homes in the area, voluntarily dismantled their homes and took their construction materials to the relocation plots they have been assigned, allegedly leaving 100 families homeless. Although the municipality has allegedly stated that it will provide plots for these families, no formal assurances have been made. It has been further alleged that since the night of 3 May and during 4 May, municipal authorities formally intervened to stop non-governmental organizations from distributing tents and humanitarian aid to the homeless families, as well as from registering the names of the families who are homeless and do not want to leave the area. In his mission report (E/CN.4/2006/41/Add.3) submitted to the Human Rights Council, at its second session, in September 2006, the Special Rapporteur recommended in relation to this case that: the housing-related provisions of the 2001 Property Law should be immediately implemented, including those of the newly adopted sub-decrees; regulations should be adopted that include provisions regarding the housing situation of families living in State property and clarify the legal situation of all land swaps that occurred between the 2001 Property

Law and its own adoption; full attention should be given to the families already affected to guarantee adequate housing conditions and security of tenure in their relocation sites; and whenever evictions are still pending, all efforts should be made to actually consider relocation as a last resort and ensure consultation with the affected community.

Observations

16. The Special Rapporteur regrets that at the time of the finalization of the present report, the Government had not transmitted any reply to his communications. The Special Rapporteur continues to monitor the situation with interest. Subsequent to the aforementioned communication, the Special Rapporteur tried on several occasions to engage with the Cambodian authorities on this issue. Unfortunately, the evictions were carried out leading to homelessness of many families. He continues to receive information that similar forced evictions are taking place in the capital and other regions of Cambodia. The Special Rapporteur urges once again the Cambodian authorities to urgently address the humanitarian plight suffered by those evicted, and to put a halt to evictions until a comprehensive national housing policy based on human rights obligations is adopted and implemented.

China

Communications sent

17. On 14 December 2005, the Special Rapporteur sent a joint letter with the Special Representative of the Secretary-General on the situation of human rights defenders, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, regarding the detention of approximately 60 human rights defenders who attempted to express their concern over ongoing forced evictions and lack of protection of adequate housing of affected communities in Shanghai. According to information received, on 1 December 2005, the 60 persons were detained in front of the Oriental Pearl building in Shanghai as they attempted to deliver a letter addressed to United Nations Secretary-General, Kofi Annan, and United Nations officials attending the Global Compact Summit. Reportedly, approximately 40 of them were detained at the Century Plaza police station in Pudong, Shanghai and have subsequently been released, while another 20 were returned to their home districts by local district officials. Of particular concern, one of the activists, Cai Wenjun, who had only just been released after serving one year of “Re-education through Labour”, was officially notified that she remains under police investigation on suspicion of “disturbing public order”. Concern was expressed that the obstruction and detention of these housing rights activists was an attempt to prevent them from raising human rights concerns.

18. On 28 June 2006, the Special Rapporteur sent a joint urgent appeal with the Special Representative of the Secretary-General on the situation of human rights defenders, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, regarding Mr. Liu Zhengyou, a human rights defender and land activist for the rights of farmers who have been allegedly forcibly evicted from their land and houses in Zigong, Sichuan province. According to the information received, on 16 June 2006 Mr. Zhengyou was arrested by police officers at Beijing airport, without presenting an arrest warrant, while on his way to Geneva, Switzerland in order to participate in a human rights training workshop organized by a non-governmental organization. Reportedly, the officers informed the detainee

that Zigong Municipal Public Security Bureau (PSB) and Sichuan Provincial PSB had requested them to prevent him from going to the above-mentioned event. They then put him on a train back to Zigong, where he was detained in the Huidong Branch of the Zigong PSB and questioned as a “criminal suspect” in relation to his participation in a demonstration organized to protest against forced evictions in April 2005. He was reportedly released on 18 June 2006 and was told that he would have to return for further questioning at a later date. It is also reported that, in the spring of 2005, Mr. Zhengyou applied for a permit for the local farmers to hold the peaceful demonstration mentioned above but the request was denied. It is further reported that on 20 April 2005, when he tried to submit a petition outlining local farmers’ grievances, several villagers were beaten and detained by the authorities for “disorderly conduct” and “obstruction of traffic”. Allegedly, he has been detained and beaten by the police several times over the past decades for his activism. Concern was expressed that the above-mentioned events are connected with Mr. Zhengyou’s peaceful activities in defence of human rights, and particularly with his efforts to protect the rights of farmers in Zigong, who were allegedly forcibly evicted from their land and houses, and deprived of their livelihood without proper consultations, fair compensations and compliance with the provisions contained in international legal instruments.

Communications received

19. By letter dated 21 August 2006, the Government replied to the joint urgent appeal sent on 28 June 2006 by the Special Rapporteur with the Special Representative of the Secretary-General on the situation of human rights defenders, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. The Government after carefully investigating the matter stated that on numerous occasions Mr. Zhengyou sought to organize illegal meetings and disrupt traffic, and that the Huidong branch of the Zigong Public Security Bureau opened an investigation concerning Mr. Zhengyou as a suspect in connection with an illegal demonstration. Reportedly, when he tried to leave the country from Beijing in June 2006, he was a suspect in a criminal investigation that had just been opened by the public security authorities, which prohibited him from leaving the country according to article 8, paragraph 1, of the Law of the People’s Republic of China on Control of the Entry and Exits of Citizens. Acting in accordance with the law, the Zigong Public Security Bureau brought him back so that the investigation could be concluded.

Observations

20. While the Special Rapporteur appreciates the response from the Government to the joint communication dated 28 June 2006, he is not entirely satisfied as not all concerns raised in the joint communication have been addressed. Furthermore, he regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communications dated 5 April 2005 and 14 December 2005.

Ecuador

Communications sent

21. El 21 de julio de 2006, el Relator Especial, juntamente con el Relator Especial sobre el derecho a la alimentación, envió un llamamiento conjunto urgente respecto a la situación de cerca de 120 familias campesinas, que fueron víctimas de un desalojo en hechos ocurridos en

La Yuca, en el cantón de Palenque, provincia de Los Ríos. De acuerdo con la información recibida, existiría seria preocupación por la situación general de las familias desalojadas de manera violenta el 18 de junio de 2006, tras una masiva operación policial, en particular por su seguridad e integridad física y psicológica. Según esta información, la policía obligó a los habitantes a abandonar sus viviendas y a que se suspendieran abruptamente las clases en la escuela del recinto de La Yuca, obligando así a decenas de niños a desalojar sus aulas. Además, según se alega, durante el desalojo la policía utilizó excavadoras para destruir las viviendas, tanquetas antidisturbios y también bombas lacrimógenas para impedir cualquier concentración de los moradores. Al menos 12 viviendas, incluyendo la escuela, habrían sido destruidas. Tampoco se permitió la entrada de personas, defensores o abogados que pudieran ser testigos de estos actos. Se afirma que la orden del desalojo fue dada por el intendente de policía, luego de que, según el Gobernador de Los Ríos, la orden fuera emitida por el Director del Instituto Nacional de Desarrollo Agrario (INDA). De acuerdo con los informes recibidos, este conflicto se inició hace nueve años cuando el Instituto de Reforma Agraria y Colonización (IERAC) fue sustituido por el INDA, el cual legalizó a favor de los herederos de una persona de apellido Pimentel Delgado una extensión de 4.600 ha de tierra que corresponde al recinto La Yuca, entre otros. Las familias desalojadas al parecer tienen escrituras otorgadas por el IERAC, que fueron pagadas al banco y que han servido por años a la obtención de créditos con el Banco Nacional de Fomento, pero que no son reconocidas por el INDA, aunque además éstas pagan los respectivos impuestos en el municipio de Palenque.

Communications received

22. Por carta de fecha 31 de agosto de 2006, el Gobierno respondió al llamamiento urgente enviado juntamente con el Relator Especial sobre el derecho a la alimentación el 21 de julio de 2006. De acuerdo con la información recibida, el 10 de julio de 2006 se abrió una investigación preprocesal de los presuntos autores del desalojo, destrucción e incendio de las viviendas en el predio de La Yuca, dado a que entre los sospechosos hay funcionarios que gozan de fuero de Corte. El 13 de julio se realizó una inspección ocular *in situ*, donde se constató la destrucción, incendio y saqueo de 48 viviendas de los moradores del referido predio. Se han receptado versiones de varios ofendidos del ex Gobernador de la provincia, Dr. Orlando Coello, así como se ha practicado el examen médico legal de los peticionarios, y se ha dispuesto que se recepten las versiones del coronel de la policía, Fausto Flores Clerque, y de otros oficiales que actuaron en los días que duró el desalojo. Se afirma que se están cumpliendo con todas las diligencias pertinentes con respecto a la denuncia, y que por lo tanto la presente información tiene carácter temporal, hasta que finalicen las investigaciones exhaustivas que realiza el ministerio público de la provincia de Los Ríos.

Observations

23. El Relator Especial le agradece al Gobierno por su respuesta de carácter temporal. No obstante, el Relator Especial lamenta que en el momento de realización de este reporte no se haya recibido ninguna respuesta adicional del Gobierno.

Ethiopia

Communications sent

24. On 15 August 2006, the Special Rapporteur sent a joint letter with the Representative of the Secretary-General on human rights of internally displaced persons and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, regarding alleged violations of the human rights of the various indigenous groups. According to information received, some of the Suri, Dizi, Mursi, Me'en and Nyangatom peoples have been forcibly removed from their traditional lands and territories, which fall within the boundaries of the Omo and Mago National Parks, which were established during the 1960s and 1970s, but whose bordering process began only last year. These communities used to gather, cultivate and herd their cattle within the parks due to their fertility and proximity of a river flood. The dry weather of the region and the recent prohibition of gathering food from those parks may not allow access to sufficient and adequate food and could render them dependant on food aid. Additional information states that the indigenous peoples have been threatened and forced by military officials to give their written consent to the new boundaries. It is also alleged that some indigenous villages have been burned in order to force residents to move to new lands and to prevent their return. Also information received alleges that Guji and Core peoples have been forcibly relocated outside the NechaSar National Park, with inadequate compensation. This relocation has been very harmful for these peoples since families were jeopardized and were forced by government officials to sign their agreement with their displacement. Allegedly, in February 2004, some villages were burned, again forcing residents to leave and preventing their return. Information received alleges that the parks will be managed by African Parks Foundation, which recently informed the affected communities that it will allow them to live within the boundaries only if they do not hunt wild animals. The Government was called upon to open avenues for constructive dialogue with all concerned parties, in order to find a long-term sustainable solution.

Observations

25. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to this communication. The Special Rapporteur continues to monitor the situation with interest.

Guatemala

Communications sent

26. El 9 de mayo de 2006, el Relator Especial, juntamente con el Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas, envió un llamamiento conjunto urgente respecto a la situación de 400 campesinos indígenas desalojados de la plantación de café José la Moca, en el municipio de Senahu, departamento de Alta Verapaz. De acuerdo con la información recibida, el 6 de abril de 2006, unos 200 agentes de policía y 80 soldados les habrían desalojado sin actos de violencia de dicha propiedad, tras haber dialogado con la policía. Desde entonces, estas personas han perdido su única fuente de alimento, y se encontrarían viviendo junto a una carretera cercana donde la única fuente de agua cercana estaría contaminada, provocando así enfermedades a más de una decena de ellos. Este

desalojo resultaría de un conflicto laboral que surgió tras la caída del precio del café en 2002 entre los propietarios de la plantación y muchos de sus empleados, quienes se vieron despedidos. Unos 800 campesinos habrían hasta entonces estado viviendo y trabajando en la plantación durante un gran número de años, donde también se les proporcionaban tierras para su propio cultivo. El conflicto ha provocado ocupaciones de tierras en la plantación por parte de los indígenas afectados, quienes alegan el impago de ciertas cantidades de dinero, heridos de bala entre los indígenas en febrero de 2005, y otras acciones violentas, entre las que se destaca la quema de los campamentos erigidos por los campesinos ese mismo año. Si bien se entienden los motivos legales de los propietarios de la plantación, se expresa preocupación por la situación de los desalojados y por los actos de violencia anteriormente mencionados, así como por la falta de una solución pacífica al conflicto laboral.

Observations

27. El Relator Especial lamenta que en el momento de realización de este reporte no se haya recibido ninguna respuesta del Gobierno.

Guinea Equatorial

Communications sent

28. On 11 September 2006, the Special Rapporteur sent a letter regarding forced evictions carried out in Malabo which have allegedly left some 300 families homeless, as well as other development-based evictions. According to information received, on 22 and 23 July 2006, forced evictions accompanied by indiscriminate destruction of peoples' homes and possessions were carried out in the neighbourhoods of Atepa and Camaremy, in the Banapa district of Malabo, allegedly under the presence of government officials, civilian authorities, armed soldiers and police officers. Residents who protested against the demolition were ill-treated and intimidated by soldiers. Reportedly, one of the residents was arrested and briefly detained at Malabo central police station for protesting the demolition of his home. It is reported that these demolitions and evictions were carried out without consultation, prior notice or eviction orders and with no opportunities for residents to contest them. Reportedly, some residents who were absent, having gone to work, were unable to save their belongings. Many families were left homeless without any adequate alternative accommodation or any compensation for their loss offered to them. Concerns have been expressed that, because of lack of consultation, due process and security of tenure, thousands of families in Malabo and Bata are at risk of being evicted. It is further reported that the country is experiencing pressure on the land for commercial purposes and luxury housing, and that the authorities have undertaken a programme of rehabilitation of the main cities and infrastructure, expressing their intention to demolish shanty towns. According to reports, many of the houses demolished in the last two to three years were solid structures in well-established neighbourhoods and the vast majority of the occupants had titles to the land. Furthermore, it is reported that, in April 2006, residents of Comandachina who all had land titles, in Bata, were given three months to demolish their homes and build two to three storey houses instead, or leave the area apparently needed to build a supermarket, while others were simply instructed to leave. Also in the neighbourhoods of Atepa and Camaremy government officials reportedly began marking houses for demolition to build a road. However the section of the road has already been built and these houses are located 80 to 90 metres away from it.

Observations

29. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communication. The Special Rapporteur will continue to monitor the situation with interest.

India

Communications sent

30. On 7 April 2006, the Special Rapporteur sent a joint urgent appeal with the Special Representative of the Secretary-General on the situation of human rights defenders, the Special Rapporteur on human rights and fundamental freedoms of indigenous people and the Special Rapporteur on the right to food, concerning environmental activists and human rights defenders involved with Narmada Bachao Andolan (NBA - Save Narmada Movement), and in particular NBA's leaders, Ms Medha Patkar, Mr. Jamsing Nargave and Ms. Bhagwatibai Jatpuria. Concerns are expressed regarding the impact of increasing water levels in the Sardar Sarovar Dam on the Narmada River, and particularly about the most recent developments in this respect. According to information received on 8 March 2006, the Narmada Control Authority (NCA) took a decision to raise the height of the above-mentioned dam, which contravenes the judgement of the Supreme Court of India in 2000 according to which any further increase in height was to be linked to the implementation of resettlement and rehabilitation measures, and would allegedly result in the violation of a range of human rights of an estimated 24,241 families in 177 villages of Madhya Pradesh. Reportedly, neither adequate rehabilitation nor alternative agricultural land has been provided for those affected, many of them indigenous peoples and farmers, leaving them homeless when submergence hits. Where land has been allotted, it is allegedly uncultivable and inadequate. The Resettlement and Rehabilitation Sub-group of NCA, the primary authority to assess the situation, has reportedly not visited the submergence area since November 2000, and the Grievance Redressal Authorities in the three concerned states are not functioning as expected in the light of the 2000 Supreme Court judgement. According to estimates from civil society organizations, there are at least another 10,000 families, who were affected the previous time the water level of the dam was raised, that are still not rehabilitated. An indefinite sit-in (dharna) by over 300 dam-affected persons and activists of NBA in New Delhi since 17 March, demanding a halt to construction at the Sardar Sarovar dam has been taking place, and 3 NBA activists are on indefinite fast since 29 March 2006. Concern is expressed regarding the intervention by the Indian police force with respect to NBA activists on the night of 5 April 2006, when according to allegations, more than 300 police officials used force described as indiscriminate. Further reports claim that Ms. Medha Patkar and Mr. Jamsing Nargave, who were on their eighth day of indefinite fast were arrested and over 25 activists were also detained, using excessive and disproportionate violence. The Government was urged to act immediately to ensure that the dam height is not raised without measures being taken to provide just and proper resettlement of all the affected.

31. On 11 May 2006, the Special Rapporteur sent a joint letter with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, regarding an incident of violence between Jat and Dalit communities in Gohana, Sonapat district of Haryana state, in August-September 2005, resulting in the burning of houses and loss of property belong to members of the Dalit community. According to information received, a

dispute took place on 27 August 2005 between members of the two communities mentioned above that resulted in the death of one member of the Jat community. Four Dalits were immediately arrested by the police and charged, and a manhunt was organized to arrest the remaining alleged responsible people. Reportedly, the next day a Maha Panchayat (a Grand Caste court) was conveyed by the Jat community, threatening the authorities with an ultimatum saying that, if within 48 hours, the suspects were not apprehended and brought to justice, the Jats would burn the entire Balmiki Basti (Dalit district), near Samata Chowk, Gohana. Fearing reprisals, some 1,500 to 2,000 Dalits fled their houses by 30 August. On 31 August, while a second Maha Panchayat was taking place, a group of 1,500 to 2,000 armed persons of the Jat community entered the district and burned 55 to 60 houses, stealing and destroying valuables. Reportedly, about 150 to 200 policemen were present on the scene and did not react. According to reports received, several measures have been taken to redress the situation, including the reconstruction of burnt houses at government cost, helping children in the affected families to get back to schools and organizing nutritional programmes for children under the age of 5. It is alleged that while the Government claims to have paid Rs. 100,000 (Lakh) compensation to 55 affected families, local Dalits contest this claim. Allegedly, a probe by the Central Bureau of Investigation (CBI) was ordered but the report into the incident describes it as a simple case of arson letting many who were involved not indicted.

Communications received

32. By letter dated 29 May 2006, the Government replied to the joint letter sent on 11 May 2006 by the Special Rapporteur with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The Government reported that the Government of Haryana state has instituted an inquiry by the CBI to investigate the incident, and that various additional steps had been taken. A case has been filed against the 23 accused and 4 have been arrested by the police, the Deputy Superintendent of Police and Sub-Inspector of Police have been suspended as departmental action is being taken against them, and compensation has been offered to the affected families. The 54 houses which were identified as severely affected have been reconstructed and an ad hoc grant of Rs. 100,000 has been given to each of these 54 families. A departmental grant of Rs. 275,000 has been given to 55 other persons affected, an amount of Rs. 200,000 had been distributed as daily allowances and Rs. 33.26 lakh has been given to 144 families for loss of their belongings during the riots. Furthermore, those who have left their houses at the time of the incident have returned to their homes. The National Human Rights Commission of India has taken suo-motu cognizance of the incident, appreciating the sensitivity and promptness shown by the State Government of Haryana in awarding compensation, repairing/reconstructing of the houses for the victims and taking action against those responsible for the incident.

Observations

33. The Special Rapporteur thanks the Government for its reply. However, he regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communication of 7 April 2006. The Special Rapporteur continues to monitor the situation with interest.

Indonesia

Communications sent

34. On 27 March 2006, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the right to food, concerning the situation of more than 500,000 informal landowners in urban and rural areas, in different parts of Indonesia, including in those areas related to East Jakarta Canal project, the Pluit Dam project in Muara Baru and the Manggarai-Jatinegara-Cakung-Bekasi project. According to the information received, the implementation of Presidential Regulation 36/2005 on the Provision of Land for the Implementation of Public Interest Development threatens the access to land and livelihoods of the above-mentioned people, and may lead to mass forced evictions in relation to the above-mentioned projects. Allegedly, this Regulation widens the scope for revoking land titles and acquiring land for public projects. It also provides for compensatory programmes for those affected but only for those landowners who carry land certificates, are in possession of complete documentation and agree with the proposed compensation package, which is based on the selling price of taxed properties, reportedly below market price. Additionally, landowners shall have the right to complain within a set time frame if they do not agree with the proposed compensation. However, the relevant authorities retain the power to immediately evict people, whilst the case is pending in court. The information received alleges that this could result in the eviction without compensation of those landowners without valid land titles, whom are said to represent a majority particularly in rural areas where access to land and natural resources is often regulated by customary law. This land guarantees their access to an adequate standard of living as well as to livelihoods, as they use it to grow products for personal consumption or sale at markets.

Observations

35. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communication. The Special Rapporteur will continue to monitor the situation with interest.

Israel

Communications sent

36. On 30 May 2006, the Special Rapporteur sent a letter concerning reported threats of eviction of the family of Mr. Muhammad Is'hac and Ms. Yousra Herbawi including their six children, one of whom is severely disabled. According to information received, the municipality of Jerusalem is preparing to evict this family, who has almost no income and fears being left destitute, and to demolish their house in the Abu Tour neighbourhood in East Jerusalem. Reportedly, the family built their home in 1989 and was ordered the following year to pay a fine (which they did) and to either get a building permit or have their home demolished. When the municipality finally issued a building plan for the area in 2004, the house reportedly did not meet the exact specifications, even though up to then the family had spent significant sums of money to prepare and present building plans to the municipality. Reportedly, on 30 April 2006, the Jerusalem municipal court requested at a hearing that the house be demolished, and that the family pay a fine of 30,000 shekels. The court's decision was expected on 7 June 2006. Furthermore, reports indicate a broader pattern of forced evictions and demolitions of Palestinian

homes in the West Bank, East Jerusalem and elsewhere in the Occupied Territories on the grounds that homes have been built without a permit. Allegedly, the Israeli authorities have pursued a policy of limiting new construction in the Palestinian neighbourhoods since the occupation of East Jerusalem in 1967, obligating Palestinians to obtain a building permit from the Israeli army, which is almost impossible to obtain, if they want to build on their own land. Many are compelled to build without a permit having no other way to provide shelter for their families, only to then have their houses demolished. Allegedly, more than 2,000 Palestinian homes in the West Bank have been demolished in the past 10 years, reports indicating an increase in the past year, in addition to an estimated 160 in East Jerusalem since 2004, leaving 500 individuals homeless, and 240 between 1999 and 2003. The Committee on Economic, Social and Cultural Rights has urged Israel “to cease the practices of ... demolishing houses and carrying out arbitrary evictions” and “to take immediate steps to respect and implement the right to an adequate standard of living, including housing, of the Palestinian residents of East Jerusalem ...” (E/C.12/1/Add.90).

37. On 19 October 2006, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, concerning the alleged intention of destroying an indigenous Bedouin village, al-Sira, in the Negev (Southern Israel). The report indicated that half of the 160,000 indigenous Bedouin people in the Negev live in seven Government-planned towns without secure land tenure or sufficient development opportunities. The remainder live in 45 villages, among which is al-Sira, that do not appear on the official maps of Israel, are unrecognized by the Government, and do not receive basic services. The al-Sira community, located near the Nevatim Air Force Base, includes 350 indigenous people in 50 houses. Allegedly, they have been living in the area for generations, which is apparently proven by a number of documents of land acquisition dating back to the Ottoman period and by remaining works of infrastructure. It is reported that after Israel adopted “The Negev Land Acquisition (Peace Treaty with Egypt) Law” in 1980, which allowed for the expropriation of the village lands for the purpose of establishing the Nevatim Air Force Base, Israeli authorities allegedly declared all of the village lands to be a military zone, although lying outside the base. Residents were reportedly neither informed nor consulted about this decision. Furthermore, the information received alleges that police officers and officials from the Ministry of the Interior have posted warning notices of imminent house demolitions, in practice meaning that all houses of the village are to be destroyed. Community members have reportedly made several attempts to find a negotiated solution with the authorities. It is reported that on 4 June 2006, they were told by the commander of the base that there is no plan to enlarge the base in the direction of the village. On 6 June 2006, a meeting was held with the construction inspector of the Ministry of the Interior, who promised to hold the demolition for three months but no alternate housing solution was proposed. Moreover, on 8 June and 7 July 2006, the Bedouin Authority held meetings with community members but no solution was proposed to the people facing eviction. It is further alleged that the Government hopes to resettle the indigenous community in the townships by demolishing their houses, considered illegal, and by not providing avenues for alternative legal construction within the village. Reportedly, the Minister of the Interior announced at the Parliament, on 30 May 2006, that during the past three years, authorities demolished 560 houses in the unrecognized villages. It is reported that those demolitions have rendered thousands of people homeless, who now live in overcrowded conditions with their relatives, while some have built shacks from scrap. It is alleged that, most

often, demolitions take place in the early hours of the morning by squads of local police and Israeli Land Administration officials. The authorities, behaving violently and causing civilian injuries, drive families out of their homes under police order and destroy the houses with bulldozers.

Observations

38. On 30 October 2006, the Permanent Mission of Israel acknowledged receipt of the communication of 19 October 2006 and channelling it to the capital. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to any of his communications. The Special Rapporteur continues to monitor the situation with interest.

Mexico

Communications sent

39. El 30 de marzo de 2006, el Relator Especial, juntamente con el Relator Especial sobre el derecho a la alimentación, envió un llamamiento conjunto urgente respecto al proyecto hidroeléctrico "La Parota" que consiste en construir una central hidroeléctrica en unas 17.000 ha de bienes mayoritariamente comunales y ejidales, y pretende explotar las aguas de los ríos Papagayo y Omitlán, afectando así a 5 municipios del Estado Guerrero, inundando 21 territorios (17 ejidos, 3 bienes comunales y 1 propiedad privada) y desplazando a más de 25.000 personas. De acuerdo a la información recibida, la construcción del proyecto se viene planeando desde 1976, cuando se realizaron los primeros estudios técnicos. Hasta ahora se han llevado a cabo estudios socioambientales, de viabilidad geológica, de viabilidad económica y de pre-construcción para concluir con la obra. Se alega que, si se llevara a cabo, éste causaría violaciones de los derechos económicos y sociales de las comunidades, ya que privaría el uso del agua a las personas que históricamente han aprovechado los recursos del río Papagayo. Adicionalmente, se estaría contribuyendo a la pérdida a largo plazo del agua potable que proviene del río, lo que contraviene el derecho al agua no sólo de las personas que actualmente viven cercanas al río, sino también el de la población en general. Por otra parte, los informes recibidos afirman que el proyecto tendría efectos negativos sobre el acceso a una alimentación adecuada a causa de la expropiación de la tierra de los afectados y especialmente de las localidades rurales que se abastecen de aguas debajo de donde se construiría la cortina de presa. Se alega que la Comisión Federal de Electricidad (CFE) no ha presentado todavía un plan de reubicación ni ha especificado el lugar de reasentamiento de los afectados, ni el número de personas consideradas, ni los montos de indemnización por las tierras que se pretende expropiar. Según los propios datos oficiales, el proyecto también causaría un serio daño ambiental ya que afecta la zona del Trópico Seco de Guerrero, particularmente rica en biodiversidad con más de 30 especies clasificadas como en peligro de extinción. Además, se alega que el proceso no ha respetado el derecho a la consulta. Muchas personas directamente afectadas no cuentan con información esencial sobre el proyecto como lo que significa la expropiación, adónde y bajo qué condiciones serán movidas, por cuánto se les indemnizará, o cuáles serán sus condiciones de subsistencia en el futuro. Se afirma que todas las asambleas se han realizado en medio de serias irregularidades. Durante los últimos meses de 2005 el conflicto entre las comunidades afectadas y las autoridades se ha agudizado, habiéndose registrado enfrentamientos en tres ocasiones, entre agosto y diciembre, dejando en cada uno más de diez heridos.

Communications received

40. Por carta de fecha 13 de julio de 2006, el Gobierno respondió al llamamiento urgente solicitado juntamente con el Relator Especial sobre el derecho a la alimentación el 30 de marzo de 2006. De acuerdo con la información recibida, el proyecto hidroeléctrico La Parota consiste en la construcción de una central generadora de energía eléctrica, cuyo objetivo será cubrir la demanda de energía eléctrica en la zona de mayor consumo en el país prevista para 2014. La elaboración de este proyecto ha sido particularmente cuidadosa de respetar los derechos humanos de todos los afectados. La CFE ha pospuesto la construcción y licitación del proyecto hasta que se obtenga la plena aceptación de los núcleos agrarios, se resuelvan los cuatro procedimientos administrativos iniciados en contra de la construcción del proyecto por parte de los opositores y se negocien los pagos de indemnización con las comunidades afectadas. Se afirma que en la región donde se construirá el proyecto, la actividad principal es la agricultura rudimentaria donde la generación de alternativas de desarrollo sea limitada. Los pobladores padecen de pobreza extrema, marginación, altos índices de analfabetismo y falta de empleos. Sin embargo, la construcción del proyecto constituiría un potencial para el desarrollo de diversas nuevas actividades que en conjunto les permitiría mejorar sus actividades económicas, garantizando su derecho a la alimentación y vivienda adecuada. Independientemente de la derrama económica, La Parota permitiría la generación de 5.000 empleos directos y una cantidad similar de empleos indirectos. Por otra parte, durante la elaboración del proyecto, una de las prioridades fue el cuidado al medio ambiente. La CFE ha desarrollado con la participación de diversas instituciones un conjunto de acciones que permitirán resarcir las afectaciones que provoque el proyecto, además de promover el desarrollo sostenido y sustentable de la región. Durante el proceso, también se puede destacar la implementación del Plan de Desarrollo Integral que permitirá establecer, en el marco de un proceso participativo con las poblaciones, las alternativas económicas, sociales y ambientales en los nuevos centros de población definidos conjuntamente que aseguren una mejor calidad de vida a los habitantes. A efecto de mantener informada a la población de la naturaleza del proyecto, sus impactos y beneficios, los alcances sociales económicos y ambientales derivados de su construcción y el posible desarrollo de la región, se han realizado más de un centenar de reuniones informativas. De diciembre de 2004 a diciembre de 2005, se realizaron 19 asambleas en las comunidades y ejidos que serían afectados, obteniéndose en ellas la anuencia de los pobladores. No obstante cuatro de ellas fueron impugnadas por los opositores y se está en espera de que se resuelvan los procedimientos. Finalmente, la CFE ha difundido entre diversos actores de varios niveles, tanto civiles, gubernamentales, no gubernamentales, como ciudadanía nacional e internacional, información al respecto de las acciones del proyecto y los beneficios que traerá en la región, pero sobre todo ha procurado dejar claro que en todo momento ha mostrado respeto absoluto a los derechos humanos de los afectados.

Observations

41. El Relator Especial le agradece al Gobierno por su respuesta. No obstante, el Relator Especial no se encuentra totalmente satisfecho con ésta, ya que no todas las preocupaciones avanzadas fueron atendidas. El Relator Especial continúa recibiendo información sobre este caso y prontamente se comunicará de nuevo con el Gobierno sobre este tema. El Relator Especial espera que el continuado dialogo entre los diferentes actores implicados llegará a resolver la situación de los derechos humanos a la cual se enfrentan las personas afectadas por el proyecto La Parota.

Nigeria

Communications sent

42. On 9 June 2006, the Special Rapporteur sent an urgent appeal concerning recent allegedly forced evictions and demolitions in Abuja and other locations, in the Federal Capital Territory. According to information received, evictions and demolitions in Abuja communities and other settlements, including the municipality of Gwagwalada, have taken place since 2003-2004, by the Federal Capital Development Authority (FCDA) allegedly resulting in an estimated 800,000 displaced and homeless persons, in nine communities of both informal and formal settlements. Reportedly, these have often been conducted with disproportionate use of force, with little or no prior notice to the inhabitants, without proper consultation, and that no adequate alternative accommodation or compensation has been provided to the affected people. It is further indicated that courts have issued injunctions against some of the Abuja demolitions, but that these were disregarded by the FCDA. Reports claim that these evictions are justified by the FCDA as being part of the belated implementation of the 1979 Abuja Master Plan, which includes planned measures for the “beautification” of the Federal Capital City. For this purpose, the Government has allegedly nullified allocation documents and title deeds issued by the former authorities. It is further alleged that the main actual causes of these actions are real estate investment interests and privatization, and that private real estate developers have assumed the key role in rebuilding on the demolished sites. Evictions allegedly began taking place on a mass scale when the present Federal Capital Territory Minister took office in 2003. A total of 49 settlement areas are reportedly earmarked for demolition. Particular concern was expressed about the reports received in the light of information received in the past on alleged forced evictions, including in the Makoko community of Lagos in late April 2005.

Observations

43. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to this communications. The Special Rapporteur continues to monitor the situation with interest.

Pakistan

Communications sent

44. On 17 May 2006, the Special Rapporteur sent an urgent appeal regarding the situation of the Lyari Expressway Project, allegedly due to render over 250,000 people homeless when completed. The Special Rapporteur drew attention to the previous communications raising concern over forced evictions and homelessness as a result of the implementation of this project, expressing concern about recent reports indicating that demolition of houses and related forced evictions have lately resumed with increased intensity. According to information received, in January 2007, the city government completed the demolition of Allah Wala colony, Jamshed town of Karachi, where more than 400 houses reportedly were demolished. Reportedly, between 14 February 2006 and 10 March, 1,000 informal dwellings and 650 houses were demolished allegedly without prior notice or compensation by the local administrations in Korangi Town, New Karachi, and on the opposite side of the main gate of the Karachi University. It is further reported that on 13 March, in Gulshan-e-Iqbal town of Karachi, 1,250 houses were demolished,

the eviction taking place without prior notice, many families losing their basic household goods, and the police using excessive force, including the use of tear gas. According to the reports, the Government had declared the 30-year-old settlement illegal and justified the eviction by the fact that the settlement was located on one of the main water supply pipelines. However, allegedly there are also many other high-rise buildings illegally constructed on the same pipeline which were left untouched. The city government announced that it will continue to demolish this village at any cost. It is further reported that a new wave of forced evictions was initiated on 5 May when more than 250 houses were demolished in Sikander Goth, while 750 more are expected within the near future. No prior notice has been given to the affected households, and no compensation or rehabilitation plans have been proposed. Allegedly, the Karachi district governments used police forces to disperse a demonstration against the eviction, resulting in 2 deaths, 51 people injured, and several arrests. Moreover, this allegedly contravenes the laws of the Pakistan Constitution, and particularly the decisions of the Sindh High Court of June and October 2003, according to which the National Highway Authority, the Government of the Sindh Province and the District Government of Karachi should review the design of this project so as to ensure that the number of affected was kept to a minimum. It is further reported that the Sindh Assembly has criticized the demolition of communities, that the Chief Minister of the province announced in the Sindh assembly on 28 April that there should be no further demolitions, and that the City Government Council condemned the demolitions. Concern was particularly expressed about reports according to which the Karachi City Government is planning to, in the near future, demolish and evict inhabitants of another 6,000 housing units in 20 different informal settlements throughout the city.

45. On 13 July 2006, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of religion or belief, concerning 12 Ahmadiya families from Jhando Sahi village in Daska Tehsil. According to the information received, on 24 June 2006, a group of unidentified individuals attacked an area inhabited by a dozen Ahmadiya families in this village, forcing the families to leave. The group acting on as yet unsubstantiated claims that Ahmadiya youths had burned copies of the Koran, injured two people, burned down the community's place of worship, two shops and a number of houses. The District Police have charged four Ahmadiya youths with desecrating the Koran, however, no charges have been brought in connection with the attack. The families have been informed by the police that they are not allowed to visit their village and to go back to their houses without prior permission.

Communications received

46. By letter dated 12 October 2006, the Government replied to the joint urgent appeal sent with the Special Rapporteur on freedom of religion or belief, on 11 May 2006. The Government reported that on 24 June 2006, some Qadiyanis allegedly set on fire some pages of the Holy Koran which was witnessed by some Muslim villagers in the area. Consequently, the villagers gathered and took out the protest procession and caused damage to the property of Qadiyanis. A case was registered and the two nominated accused were arrested while two others are yet to be. For their own safety, the district police shifted the Qadiyani families to a safer place. Cases have been registered by the local police against 25 nominated and 33 unknown persons for the damage caused to the properties of the Qadiyani families. In a meeting with the DCO Sialkot, the representatives and residents of the area ensured that they would cooperate

in the maintenance of law and order in the area. The dislocated families have come back and are residing in their respective houses and at the present there is no tension in the area. A survey of damage to the properties is also being carried out for paying compensation to the affected families.

Observations

47. The Special Rapporteur thanks the Government for its reply. However, the Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communication of 17 May 2006. The Special Rapporteur continues to monitor that situation closely and hopes that the Government will accept his suggestion of undertaking an in situ visit of the Lyari Expressway Project, specifically aiming to assess the alleged impact on the communities, to meet with all parties concerned by this project, and through concerted negotiations, try to bring, if necessary, practical solutions.

Philippines

Communications sent

48. On 13 July 2006, the Special Rapporteur sent a letter concerning forced evictions, house demolitions and relocations in connection with the development of the North-South rail project. According to information received, in the first quarter of 2005, large scale demolitions related to the North rail line affected 8,500 families living along the tracks, located in Malabon, Caloocan and Valenzuela, in the Metro Manila area. Reportedly, from April to December 2005, 22,104 families living in informal settlements along the Philippines National Railways (PNR) track in various municipalities in the province of Bulacan have been forcibly evicted. Reportedly, additional forced evictions took place from January to April 2006, affecting 3,000 families of urban poor communities in Makati. It is alleged that further evictions of communities living in informal settlements along the PNR track are planned and will affect up to 16,000 families. According to the information reported, only one relocation site that can only accommodate 4,000 families has been identified for the affected communities of the South rail line implementation, leaving 15,000 other families without an identified or developed relocation site. In accordance with the Urban Development Housing (UDH) Act, reportedly, no eviction of urban poor communities can take place unless a proper relocation site is provided, defined as providing among others, access to safe drinking water and sanitation, proximity to the workplace and other sources of livelihood. Allegedly, the Government has pursued in relation to this project a "voluntary relocation" programme, under which a Government proposal is given without alternative, and if it is not accepted the affected families lose the housing slots in the relocation sites with no other compensation. It is further reported that no consultations have been or are being conducted with the affected. Allegedly, around 25 to 30 per cent of the affected families are not included in the Government relocation programme because they were not present during the census and the data has not been updated. It is further reported that those who had not been taken into account were asked to submit documents proving their eligibility to the programme, but due to difficulties related to the processing of documents and to bureaucratic obstacles, most people did not finish the registration process. Moreover, it is alleged that the names of persons who are not railway occupants have been inserted while structure owners have been excluded. It is also reported that nine relocation sites have been identified and developed for those affected by the North rail line, and that 18,054 families have been relocated, yet it is alleged that the

conditions do not meet the UDH Act. These allegedly lack basic services and facilities, are more exposed to illness, face more difficulties to find a source of income since they are situated very far from the original site, lack security of tenure in the relocation sites, and the amount given to construct the houses on the sites is insufficient. Reportedly, they are forced to live in tents, and use the money given for food subsistence to continue the construction, leaving some families with lack of resources for food. In some cases families are forced to give up allocated lots and go back to another informal settlement in the city. The Special Rapporteur restated his readiness to carry out a mission to the country this year (2006).

Communications received

49. By letter dated 19 July 2006, the Government replied to the letter sent on 13 July 2006 by the Special Rapporteur acknowledging receipt of the communication and stated that it would be duly forwarded to the authorities to be carefully studied. By letter dated 24 July 2006, the Government sent a second letter informing that concerned authorities are in need of more time to conduct appropriate consultations before an invitation to the Special Rapporteur could be issued.

50. By letter dated 29 November 2006, the Government sent a response to the letter sent on 13 July 2006 by the Special Rapporteur. According to their report, socio-economic realities of informal settlers along the rail tracks were closely woven into policies to pursue a more just definition of relocation, which is realistic and attuned to the needs as well as to the aspirations of communities in relation to a better and liveable life. According to declared policy of the National Housing Authority (NHA), they aim: to achieve the humane, peaceful and orderly relocation of informal settlers currently living along the railway tracks, using a flexible policy; to limit the burden of relocation of the affected by providing subsidy where possible and practical; to ensure minimum dislocation in terms of economics and community relations by adopting the in-city/in-town approach where possible and practical; to protect the rights of the affected families, by adhering to a beneficiary led site selection, to be discussed by the Local Inter-agency Committee (LIAC), a multiple organization body, while remaining consistent with human rights protection; to provide support to the affected in terms of community facilities, electricity and water; and to manage the actual relocation, in a humane, orderly and peaceful manner supported by technical services and providing guidance from the NHA. Reportedly, the relocation strategy and process consists of a social preparation phase, a relocation and resettlement phase, and a post-resettlement and integration phase. The first consists of preparatory activities such as reconnaissance survey, information dissemination, community consultation, census and tagging, and the creation of LIAC. During the second, the affected households are presented with a “menu of options”, including serviced lots in NHA resettlement areas, or “Balik Probinsiya”, resettlement to other areas, and equity for land purchase elsewhere or livelihood assistance. Relocation Action Centres were established at the point of origin and resettlement sites. At the point of origin RAC, applications are processed and the Entry Pass and other documents are secured for those to be resettled, the initial Home Material Loan (HML), Php 10,000, and the food assistance, Php 1,000, are released, and for those availing the “Balik Probinsiya” options, assistance is issued there. At the resettlement site RAC, the second component of HML, Php 40,000, is released, and NHA relocators inform and direct the households to their designated lot assignments. During the final phase, community facilities and social services are set up, livelihood assistance is provided by the implementation of programmes towards augmenting family income of settlers, and also an office for community relations information orients and listens to the affected families’ problems. It is further reported that the voluntary movement is

evidenced by the free execution of the beneficiaries of waivers in understandable language, the Loan Agreement and the Home Material Loan Agreement, and the possibility of taking “Balik Probinsiya”. Reportedly, the site for the affected communities of the South Rail line contains 8,003 lots and is fully occupied, while other properties are being considered as resettlement sites in various places, including 1,900 more lots for the above-mentioned plot. All matters concerning beneficiary award are decided at the Local Inter-agency Committee (LIAC) composed of representatives of various government, non-governmental and people’s organizations. The Government states that the “accredited people’s organizations are therefore responsible to ensure that the interest and issues of their members would be addressed in the said Committee”. On the question of the security of tenure, the Government states that the lease-purchase agreement was specifically designed to address the current economic condition of the beneficiaries. Concerning the relocation sites, it is stated that for the Bulacan and the Valenzuela segment, relocation sites are at no more than five kilometres from the original colony. As for the Caloocan segment, prices in that region did not permit an immediate relocation, thus the relocation site is in Towerville in Bulacan. The Malabon segment beneficiaries might have been relocated in Valenzuela which is near their original colony; however with the dissent of the Mayor of Valenzuela, Towerville had to be resorted to as an alternative.

Observations

51. While the Special Rapporteur appreciates the response from the Government to his communication, he is not entirely satisfied as not all concerns raised in his communication have been addressed. He hopes that continued dialogue will result in a resolution of the human rights situation being faced by the families affected. The Special Rapporteur reiterates his interest in conducting a visit. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communication of 22 February 2005 (E/CN.4/2006/41/Add.1).

Russian Federation

Communications sent

52. On 7 June 2006, the Special Rapporteur sent a joint letter with the Independent Expert on Minority Issues, regarding the situation of the Roma minority community in Northwest Federal District, in particular the towns of Kaliningrad and Arkhangel’sk, where they are facing serious and targeted discrimination and forced evictions. According to information received, it is reported that Roma face many registration problems, even refusal to be registered by the authorities, and without this they are denied access to medical care, education, employment, social security, social services and housing. Reportedly, the Kaliningrad administration created Dorozhny village especially for Roma following a 1956 decree in order to force them to settle, get registered and start working on Kolkhoz-type collective farms. This village allegedly has never had basic living facilities (roads, waste disposal, schools, etc.). In the years 2000 and 2001, the inhabitants brought cases to the court in order to get their houses recognized as private property, allegedly receiving offers from the court and the administration of the Guryevsky district, to develop a general reconstruction plan for the village, which would include basic services. It is further reported that the General Prosecutor of the Kaliningrad province intervened and requested that the registration of the houses in Dorokhny be stopped, arguing that the

situation over there was criminogenic. As a result, all social development was allegedly stopped and the majority of Roma could not receive any property certificate for their privately owned houses. According to information received, at the end of 2005, following the declaration of war on drug criminality by the Governor of Kaliningrad province, Georgi Boos, and the local State drug enforcement agency as well as the appearance of dozens of publications in the media describing the village as a notorious place for drug dealing, it was proposed to destroy a certain number of houses in the village. Reportedly, on 28 April 2006, 29 houses were destroyed with bulldozers in the village leaving Roma families including women, small children and babies homeless. It is also reported that some court decisions were taken regarding the illegality of the houses, thus authorizing their demolition, in the absence of the defendants, even though allegedly, some people charged had not received any summons or been informed about the demolition plans. With respect to the situation in Arkhangel'sk, according to information received, a group of Kelderash Roma families, representing over 100 people, arrived from Volgograd in 2004, following the obtainment of legal permission to rent the parcels of land located in the Noviposyolok region. The permit was reportedly signed by the city's mayor at the time together with local authorities. Allegedly, a dispute on the Roma settlement was triggered following statements by the Mayor's political opponent, who subsequently was elected Mayor, accusing him of corruption for permitting the Roma to settle there, as well as accusing the Roma of illegally building houses. Following his election the new Mayor continued his attacks. Reportedly, in November 2004, the Roma's attorney won a court case by claiming that the construction of illegal houses is not sufficient reason to evict the people given that they had been legally granted the right to inhabit the properties. However, following another legal proceeding initiated by the new Mayor, the continued media campaign against them, and the bad living conditions, the families decided to leave the place.

Communication received

53. By letter dated 29 September 2006, the Government replied to the joint letter sent with the Independent Expert on Minority Issues, on 7 June 2006. The Government pointed out the Constitution of the Russian Federation, which establishes equal rights and opportunities for all citizens irrespective of ethnic affiliation, as well as the Housing Code, which states that central and local authorities must provide conditions for the realization by citizens of the right to housing, ensure the security and inviolability of housing, and prohibit arbitrary deprivation of housing (art. 1, para. 1), and that housing rights may be restricted by federal law only to the extent that this is necessary for the purpose of protecting the foundations of the constitutional order, public morals and health, and the rights and lawful interests of others, and ensuring national defence and State security (art. 1, para. 3). According to their report, the Department for Inter-Ethnic Relations in the Ministry of Regional Development held talks with the province's Ministry of Culture, with a view to stabilizing the situation in Dorozhny. The Department analysed and took into account the assessments made of the situation and solutions proposed to it at the round table on "Enhancing the contribution of national voluntary associations to efforts to combat illicit drug trafficking" held by the Federal Autonomous Ethnic Cultural Organization of Russian Roma on 29 June 2006. Furthermore, the Ministry of Regional Development requested the Governor of Kaliningrad province to review the situation with respect to the Roma in the province and to take measures to improve it. The provincial government replied setting forth a number of reasons for the discord between the inhabitants of Dorozhny and the provincial administration, in particular that this community was characterized by the law enforcement agencies as a place in which narcotic drugs and psychotropic substances were sold, drug addicts

congregated, and the majority of the population were engaged in illegal activities, including trading in stolen property and drug dealing. According to data from the Federal Drug Trafficking Control Service's office for the Kaliningrad province, 158 cases of criminal activity involving illicit drug trafficking were uncovered in 2005, with criminal proceedings being brought in 125 of these, and 61 persons being prosecuted. With regard to the demolition of buildings in the village, according to the information provided by the Minister for Housing, Public Utilities and Construction of the province, of the 46 structures concerned only 1 had been built legally and was categorized as a dwelling, while the remainder had been erected without official permits on plots of land not designated for construction. Since November 2005, the Gurevsky District Court has considered actions brought by the district administration in respect to 68 illegally erected structures, ruling in every case (until June 2006) for the demolition of the structure. No appeals were lodged, therefore the decisions entered into force. The relevant articles of the Civil Code and of the Federal Act on State Registration of Real Estate Rights and Transactions were presented. It was reported that citizens may not be registered by current address or place of residence at dwelling houses not approved for use, and that a person who builds an unauthorized structure does not acquire ownership rights to that structure. It was also noted that the provincial government earmarked more than 5.7 million roubles for the construction of dedicated housing in five municipalities in the province. However, the former inhabitants ignored all offers of housing in the municipalities in question. Moreover, concerning the situation in Arkhangel'sk, by order of the Mayor's office in that city, in August 2004, a plot of land with an area of approximately 1.6 hectares was allocated in the Varavino-Faktoria area of the city for the construction of dwelling houses for 16 Roma families (135 persons) who had moved to the city from Volgograd province. Seventeen temporary structures were built there by Roma, and subsequently the Lomonosov District Court declared them to be unauthorized structures liable to demolition. On 29 September 2004, a land-use inspection revealed that a group of private houses had been built on this land without authorization. On account of the violations of the Land Code requirements (art. 32), the order of the First Deputy Mayor of 2 July 2004 was set aside by a subsequent order of 7 October 2004, and the August 2004 letter, concerning the assignment of a postal address to the structure in that area was rescinded. Reportedly, on 3 September 2004, the Internal Affairs Office for the Varavino-Faktoria area registered 48 ethnic Roma citizens for a period of one year, subsequently extended for a further year. These persons were also registered by place of residence in the cities of Kurgan and Volgograd. After the property at the address in question was declared unauthorized by the Civil Division of the Arkhangel'sk Provincial Court of 14 March 2005, the citizen's registration at that address was terminated, without any violation of the procedure established for the registration of these citizens. A motion introduced at the District Court to have the 7 October 2004 order declared invalid was rejected on 8 August 2005. In accordance with various decisions of the district court, which have entered into force, the unauthorized structures were to be demolished. An application by an ethnic Roma for the assignment of a plot of land for individual construction failed to reach the Mayor's Office. None of the Roma applied to be placed on the register of persons in need of housing, having decided to leave the city. With assistance from the Mayor's Office, a bus was made available to convey them to the railway station, tickets were purchased for the train journey and nine motor vehicles were provided to transport their luggage. They were also given food for the journey and funds in the amount of 250,000 roubles to assist with their installation in their new place of residence. In addition, when the unauthorized structures were dismantled, the materials were sold and the money obtained was handed to the departing Roma.

Observations

54. While the Special Rapporteur appreciates the response from the Government to his communication, he is not entirely satisfied as not all concerns raised in his communication have been addressed. He hopes that continued dialogue will result in a resolution of the human rights situation being faced by the Roma communities affected. The Special Rapporteur continues to monitor the situation with interest.

The Sudan

Communications sent

55. On 5 July 2006, the Special Rapporteur sent a joint letter with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the right to food, regarding an attack by security forces against a peaceful civilian gathering in Marawi on 22 April 2006, which reportedly resulted in the death of three civilians and serious injuries to numerous others. According to information received the incident happened following a gathering of villagers in Armi School held to discuss how the building of a dam in the area had affected their livelihood. While they were having breakfast in the schoolyard, at 11 a.m., security forces armed with machine guns and heavy artillery fired live ammunition into the crowd. The three men killed were Mr. Atta Al Sayed Al Khidir Al Mahi, aged 30, a farmer from Abu Haraze village, Mr. Yassin Mohamed Al Khair, aged 20, a farmer from Al Sor village, and Mr. Salah Al Faky Al Kheder, aged 27, a farmer from Alsweage village. Following the attack, three of the villagers were arrested, charged with waging war against the State, criminal mischief and assault. An inquiry was put forth with regard to the reasons that prompted the Government's security forces to engage in such reported attack, and referral was made to the fundamental principles applicable to such an incident under international law. It is reported that the incident is related to the construction of a dam that has resulted in the displacement along the riverbanks of thousands of people, among which are the Amri people. These have allegedly been in negotiations with the Government over the past two years regarding resettlement sites. Reportedly, the project was carried out without prior consultation with the communities, and no provisions for compensation have been made for the loss of their houses and livelihoods. The Government is reportedly insisting that they be relocated in Baduya desert, an area they refuse to move to.

56. On 25 August 2006, the Special Rapporteur sent a joint letter with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the question of torture, and the Special Representative of the Secretary-General on the situation of human rights defenders, regarding the situation of Naser Eldien Ahmed Altayeb, a journalist working for the Arabic daily *Alayam*. According to the information received, on 16 August 2006, this journalist was arrested by the police, taken to a nearby vehicle and allegedly beaten by the police officers. As a result, he was hospitalized at the Khartoum Teaching Hospital. Naser Eldien was reporting on the forced relocation of residents in Dar al Salaam, Algazera province, mainly internally displaced persons from Southern Sudan and Darfur who have resided in the area for over two decades. Concerns have been expressed that the arrest and beating of this person occurred because of his activities in defence of human rights, in particular the right not to be forcibly evicted.

57. On 9 October 2006, the Special Rapporteur sent a joint follow-up letter with the Special Rapporteur on the situation of human rights in the Sudan, regarding forced evictions of communities affected by the Merowe Dam project. According to information received the Merowe Dam is being developed by the Dam Implementation Unit with funding from various international private and Government donors with the help of various European companies. It is alleged that the Merowe Dam will displace more than 50,000 people, mainly from the Hamadab, Amri (in the Northern State) and Manasir peoples (in the Nile State). It is reported that, last April, a violent clash erupted between the Amri residents and the Dam Authorities when the Dam Authorities attempted to forcibly undertake a socio-economic survey, the results of which would set compensation levels for resettled communities. Information indicates that the residents were dissatisfied with the results and the negotiations between representatives of the communities and the Government, since it is alleged that on the basis of the survey completed on 29 June two thirds of the affected people will be ineligible for any compensation. The residents of the Amri area are reportedly waiting for the question of compensation and the shortage of houses on the relocation site to be addressed prior to agreeing to resettle. In the relocation site, only half of the needed houses have been reportedly built and there is insufficient land to meet the legal resettlement entitlements of the affected communities. It is further alleged that Sudanese law requires that the loss of land that has been farmed for 10 years or more be compensated. Yet, the Dam Authorities have allegedly refused to compensate where land has been farmed for less than 20 years. Moreover, no or minimal compensation will be paid for the loss of livelihood such as fruit-bearing trees or for fodder crops. According to further information received, on 6 August, an adviser to the President and head of the Ministerial Committee responsible for negotiating with the Amri Community notified the representatives of the affected community that they had until 12 August to begin moving to the relocation site allocated by the Dam Authorities. Reportedly, on 7 August, a rise in the level of the Nile resulted in a flooding forcing 150 residents of an area, which allegedly has historically never been flooded, to flee to other villages and to higher plains in the area. Concerns have been expressed that the rise of the Nile was due to the intentional blockage of the eastern part of the Dam in order to force residents to evacuate the region, and it is reported that no warning of the flooding was given by the Merowe's Dam Implementation Unit. While it has been stated that the rise in the Nile was a result of heavy rainfall in Ethiopia, it is reported that 1,500 homes in the Amri area were flooded before the increased water flows due to the heavy rains reached the area. Reportedly, the flooding continued on 12 August. Reportedly, up to 2,723 households have been forced to flee since the flooding of the Amri area began, with around 700 houses having been completely destroyed in the villages of Shikora, Al Bana, Um Haza, El Batareen, Um Kouk, El Khezian, Gerf El Doud, Al Aragoub, Al Ghananiem, Um Daras, Um Sarif and Al Galieha. Moreover, a further 380 houses have been damaged in the same villages on higher ground and are now in danger of collapse due to the floodwater. The flooding has allegedly left the affected villagers homeless, without shelter, water and food, and as a result of the flooding, fields were submerged, crops and fodder were destroyed and 12,000 heads of livestock have already died. It is alleged that the Government has not responded to the humanitarian needs of the displaced households. Reports state that many incidences of diarrhoea and an unknown type of fever have been reported as a result of mortal remains that are surfacing on the water in the flooded areas. Reports also indicate that access was denied to journalists and other persons to the region, impeding an independent assessment of the situation. It is reported that on 17 August, journalists were detained and interrogated in Nuri for their attempt to enter and report on the situation.

58. On 9 October 2006, the Special Rapporteur sent a joint letter with the Special Rapporteur on the situation of human rights in the Sudan, regarding the forced evictions of the Dar Essalam communities in Khartoum from the informal settlements in El Jazeera State. According to recent information received, during the month of August of this year, the authorities have carried out forced evictions and demolitions affecting 3,200 families (around 12,000 persons) at the Dar Essalam camp, which has been in existence for over 20 years, offering shelter to internally displaced persons (IDPs), many from the Darfur region. These acts are reportedly in violation of a Memorandum of Understanding between the affected persons and the Al Kamleen Locality regarding a proposed resettlement plan. According to information received, the residents had agreed to be relocated, pending an agreement on an adequate alternative site. However, at around 4 a.m. on 16 August 2006, armed police and special forces with tanks and vehicles with mounted machine guns forcibly evicted the residents using tear gas, and randomly demolished houses using bulldozers. Reportedly, as a result four people were killed including three children, many others were seriously injured, and members of the Dar Essalam Popular Committee were arrested. It is further reported that on 17 August, international observers were prevented from speaking to the residents and that the entire area was reduced to rubble. Allegedly, large trucks brought in by Government authorities, transported the affected and their belongings to the relocation site located five kilometres south-west of Dar Essalam, which had been reportedly objected to by the residents. No appropriate consultation had been carried out with the affected and no compensation has been foreseen. It is reported that the site lacks basic infrastructures, such as medical facilities for assistance and schools, and is surrounded by several factories raising concern about the presence of toxic waste and their impact on health. Concerns have been raised that the people have been left in open air with no access to adequate food, water and sanitation. Reportedly, no food or plastic sheets have been provided, which is particularly essential during the rainy season, and two cases of cholera and numerous cases of diarrhoea and malaria have been raised since the relocation. On 26 August, a United Nations joint assessment mission was prevented from entering the demolished site. It is also reported that the only documentation the affected were provided with for their designated plot was a scrap paper with the name of the plot holder, the date and the plot number, and that approximately 700 families were not allocated plots as the distribution by the authorities was stopped on 24 August, following unauthorized claims made by families from neighbouring villages. Concerns were expressed on the unfairness of the land distribution process and that land had been allocated to members of the police force. It is further reported that on 21 August, 13 members of the Dar Essalam Popular Committee were released on bail, after six days of detention, following intervention by a lawyer. According to one of the members, during the eviction he and other members were shot at, handcuffed and beaten with plastic hoses, then transferred to Kamleen locality where their personal belongings were confiscated. Reportedly, the police also lifted the immunity of one of the victims, who is a member of the Legislative Council in Al Jazeera State, subsequently charging him of obstructing public servants from performing duties of his office. It is further reported, for example, that in December 2004, authorities destroyed houses and buildings in Shikan settlement, relocating approximately 12,000 people to an area around 55 kilometres north of Khartoum, known as El Fateh III. Information indicates that this is a desolate area that lacks basic services or the necessary infrastructure to cater for human needs. The harsh living conditions there forced many people to return to IDP camps and squatter settlements near Khartoum. On 16 and 17 August 2005, authorities again forcibly evicted 700 families from Shikan relocating them in El Fateh III, where conditions are still grossly inadequate for human habitation.

Observations

59. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to any of his communications. The Special Rapporteur continues to monitor the situation with interest.

Turkey

Communications sent

60. On 31 July 2006, the Special Rapporteur sent a joint letter with the Independent Expert on Minority Issues, regarding the situation of the Romani community of the Sulukule mahalles (Neslisah and Hatice Sultan) in the municipality of Faith, Istanbul, which has lived there since their arrival in the area in the eleventh century. According to the information received, this 3,500 person Romani community is seriously concerned regarding the potentially highly negative effect on this historic community resulting from the municipality's urban rehabilitation project, which will result in the demolition of the historic Romani neighbourhood. According to reports, in October 2005 the local authority considered measures to redevelop the area, and from a range of choices adopted, allegedly without consulting the community, or the community representatives, the decision to demolish the existing housing. The decision allegedly does not reflect the result of any feasibility study carried out by the municipal authorities. Since it was taken, there have reportedly been a number of meetings between members of the community and the municipality, however there has not been any resolution of concerns raised by the Romani, and the planned programme of demolition remains in place with work expected to begin in September 2006. Taking into account the long history of the community in the area, the community is asking for the decision to demolish the neighbourhood to be rescinded and for a programme of regeneration and urban renewal be considered instead. Information provided states that the community has been offered the opportunity to receive compensation for their loss of home and shelter, but that the cost of buying new property, even for those who own their current abode is prohibitive in the new apartment blocks that the developers will erect. Also there are problems raised by the title deeds and legal claims to these properties, as many of the families reportedly lack official documents. The families of the community are reportedly in need of urgent measures to alleviate social and health problems and the poverty that is a reality for the majority of the residents. Racial prejudice against them, along with the recent closure of the entertainment establishments that were the traditional sources of jobs, given that traditional music and dance remain part of the Romani culture and are still a vibrant and essential expression of Romani identity in this area, have led to a crisis level of unemployment. Less than 1 in 10 of the adult population has any kind of work on a regular basis, and none have employment to provide security for their families. The lack of sufficient documentation results in most residents not being able to secure the so-called "green card" that would entitle them to basic State support and health care. Furthermore, the levels of basic education are minimal and the community lacks access to further education. The community has suggested that with careful consultation and planning, possibilities exist to see the social and economic improvement of the area, including its potential for growth as a heritage centre for Romani and others alike, offering traditional Romani music and dance, and new opportunities for employment and training. They suggest further consultation on such ideas and discussion about the community and its future that would provide a more harmonious resolution to the current situation.

Observations

61. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communication. The Special Rapporteur continues to monitor the situation with interest.

Zimbabwe

Communications sent

62. Subsequent to his previous communications on mass evictions being carried out under Operation Murambatsvina in Zimbabwe (3 June 2005 and 19 August 2005, E/CN.4/2006/41/Add.1), on 21 April 2006, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Representative of the Secretary-General on the situation of human rights defenders, regarding the situation of Mrs. Felistus Chinyuku, a 65-year-old human rights defender and former chairwoman of Porta Farm residents' committee, who spoke out against forced evictions that took place in 2004 and 2005. According to the information received, Mrs. Chinyuku has been receiving persistent threats from the ruling party youth and government officials at Hopley Farm, the internally displaced persons' (IDPs) camp where she used to reside after having been evicted from Porta Farm. In particular, it is reported that on 17 October 2005, she was called to a meeting attended by the Minister of Local Government, Public Works and Urban Development and other government officials. During this meeting it is reported that she was told she had "sold out" by giving information to human rights organizations, was threatened not to be allowed to stay at Hopley Farm should she continue to interact with human rights groups, and received death threats. Subsequently a residential stand which had been allocated to her was reportedly withdrawn, allegedly on the instructions of an official from the Ministry of Public Service, Labour and Social Welfare, which runs Hopley Farm IDP camp. As a result of the continuing harassment, and fearing for her safety, she left Hopley Farm. Fears have been expressed with regards to her safety. Additionally, serious concerns are expressed that the current harassment, to which she has allegedly been subjected to, may represent a form of retaliation for her outspoken stance against the eviction, as well as an attempt to restrain her freedom of speech and access to international human rights organizations.

Observations

63. The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communication. The Special Rapporteur notes that further information was received from civil society, reporting that the Ministry of Local Government, Public Works and Urban Development had decided to set up a committee to investigate the issue, with investigations to be completed by the end of June 2006. Mrs. Chinyuku stated at that point her willingness to present evidence to the committee. The Special Rapporteur continues to monitor the situation with interest.

OTHER ACTORS

United Nations Interim Administration Mission in Kosovo

Communications sent

64. On 27 March 2006, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the adverse effects of illicit movement and dumping of toxic and dangerous products and wastes, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the Representative of the Secretary-General on human rights of internally displaced persons (IDPs), and the Independent Expert on Minority Issues, concerning the situation of the internally displaced persons belonging to the Roma, Ashkali and Egyptian minority groups affected by severe lead contamination in the Zhitkovc, Cesmin Lug and Kablare camps located near Mitrovica, northern Kosovo. Attention was drawn to a previous correspondence sent to UNMIK on 13 October 2005 (UA G/SO 214 (42-3) KSV 2/2005), regarding the relocation of Roma, Ashkali and Egyptian internally displaced persons affected by severe lead contamination in camps located in Mitrovica, northern Kosovo. According to information received, a lack of trust by affected persons in the United Nations Interim Mission in Kosovo (UNMIK) had led to reluctance to voluntarily relocate to Camp Osterode. Due to its proximity to the contaminated areas, this camp had been designated as only a temporary measure to resolve the health crisis. It was understood that affected persons doubted whether the new facilities would be substantially safer, and whether they would in fact constitute a temporary measure pending provision of a longer-term durable solution. Concern was expressed about reported threats against persons belonging to the minorities in question and further information was requested regarding the efforts that UNMIK had taken to resolve this long-term problem and ensure a permanent return of IDPs to their homes.

Communications received

65. By letter dated 11 April 2006, UNMIK replied to the communication sent on 27 March 2006. UNMIK informed the Special Rapporteur that, in concert with other agencies, a comprehensive plan had been developed to assist the affected families living in the IDP camps. UNMIK noted that over 50 per cent of the camps' total population had been voluntarily relocated to Camp Osterode, and further stated that treatment for children suffering from high blood lead levels would begin within the week. UNMIK also committed to complete the construction of a permanent resettlement camp for the Roma people within 18 months.

Observations

66. The Special Rapporteur thanks UNMIK for its reply. However, given the amount of information that is continuing to be received on this case, especially pointing out the difficulties at the new site, the Special Rapporteur strongly feels that UNMIK needs to take additional positive actions. The Special Rapporteur continues to monitor the situation.
