

URGENT ACTION

HOUSES DEMOLISHED WITHOUT WARNING IN BEIJING

Two houses in Bagou village in the Haidian District of Beijing were destroyed by bulldozers on 22 October without advance notice to residents. An official warned the remaining residents that their houses will be demolished by 26 November 2013.

Over 200 people including from Haidian District law enforcement, Haidian District Court and public security officials participated in the demolition at Bagou village on 22 October. Some of them were wearing bullet-proof vests and helmets and some were carrying handguns.

At 9am, the demolition team cordoned off the village and began to demolish houses. The court officials said that they were "implement(ing) the decision of the Haidian District Court to demolish illegal housing". Two of the remaining six houses have been torn down. The home owners, He Fengting and Zhao Xiuming, who tried to protect their homes from the demolition, were barred from entering their houses. They witnessed their homes being torn down by a bulldozer. Totally unprepared for the sudden demolition, they could not take any personal belongings with them and are now homeless.

The Bagou residents submitted an appeal against the eviction order to the Beijing City Higher People's Court on 19 November 2012. The demolition has been carried out while the appeal is still under review. The residents have not been offered adequate compensation or an alternative place to live by the authorities. While the government did offer some compensation to families who had already lost their homes, this did not meet the standards set in Chinese law and was rejected by the residents as not nearly sufficient.

A reporter trying to interview a police official during the demolition was threatened and officials tried to take his camera. The reporter was beaten by individuals in police uniforms before residents helped him to leave the village.

Please write immediately in English, Chinese or your own language:

- Urging the authorities to ensure that the evicted residents are immediately provided with alternative housing and adequate compensation.
- Urging the authorities not to evict the remaining residents in Bagou village, Haidian district in Beijing while their appeal is pending in court and without following due process requirements including adequate notice and compensation.
- Urging the authorities to investigate and stop all acts of intimidation and harassment carried out both by state and non-state actors.

PLEASE SEND APPEALS BEFORE 3 DECEMBER 2013 TO:

Beijing Municipal People's Government

Mayor

Wang Anshun Shizhang
Beijingshi Renmin Zhengfu
2 Zhengyilu, Dongchengqu
Beijingshi 100744
People's Republic of China
Fax: +86 10 84371700
Salutation: Dear Mayor

Beijing Municipal Party Committee
Secretary

Guo Jinlong Shuji
Beijingshi Weiyuanhui
3 Taijichangdajie, Dongchengqu
Beijingshi 100743
People's Republic of China
Tel: +86 10 65121118 (Chinese only)
Salutation: Dear Secretary

And copies to:

Beijing Municipal No.1 Intermediate
People's Court
Ji Luohong Yuanzhang
16 Shijingshanlu, Shijingshanqu
Beijingshi 100040
People's Republic of China
Tel: +86 10 6863 9038 (Chinese only)
Email: bjlyz-myg@china.court.org
Salutation: Dear President

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the first update of UA 243/13. Further information <http://www.amnesty.org/en/library/info/ASA17/030/2013/en>

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ADDITIONAL INFORMATION

Residents of Bagou village do not own the land they live on but have the right to use it. After their land was sold to developers the villagers were harassed and intimidated by the developers who cut off their electricity and water supply, damaged the sewage system, and blocked the road that leads to the village. Developers also hired people to beat up the villagers, break into and ransack their homes. Following one such incident during which men armed with wooden and iron sticks broke into one house, a 95-year old woman had a fatal heart attack. The villagers reported the incident but the police refused to investigate. On 16 August at 6am, 400 people from Beijing Haidian District Police and Urban Management officials surrounded and cordoned off the village and two bulldozers destroyed more than 50 houses. A 67-year old woman suffered minor injuries when she was forcibly taken from her house by the demolition workers and at least three men were beaten. The police again refused to investigate the incident.

Contrary to what the residents were told the Street Management Committee of Haidian District sold the land to Beijing Willow Investment Group Co. Ltd, directly owned by Haidian Town Government, for a commercial and residential development project. The affected 6,000 households (with approximately 10,000 residents) were offered compensation and were promised they could buy designated condominiums in the area in two years' time at a standard rate. However, the developer has used the land reserved for these condominiums to build luxury housing and commercial buildings. Many people who moved away from the area now have financial difficulties and the compensation is not sufficient to buy alternative housing in Beijing.

In 2006, the six remaining households tried to raise an administrative law suit against the developers but the Haidian District Housing Management Bureau did not accept their case. They appealed to the Beijing No 1 Intermediate People's Court in 2006, 2007 and 2009. All their appeals failed and the courts judged that proper procedures had been followed. They submitted their appeal to the Beijing City Higher People's Court on 19 November 2012. The court is currently reviewing their appeal. On 9 September, the six remaining households received a notice issued by the Beijing City No.1 Intermediate People's Court that they needed to vacate their homes by 14 September.

Han Ying, a resident in Bagou village and a witness of the demolition, said: "Now they are demolishing the houses. Neither the court nor the developer has talked to the owners about it. The owners wanted to get into their houses to protect their homes. However, they were barred by a group of people wearing riot uniforms and helmets. Their homes have been torn down now. The court actually supported the illegal demolition. The court didn't follow its own procedures and regulations on land appropriation. In our court appeals, we have submitted a lot of evidence of illegal acts by the developer in the land appropriation process. The court has not accepted any of them. What happened today clearly showed the bias of the court."

The forced eviction of people from their homes and farmland without appropriate legal protection and safeguards has become a routine occurrence in China, and represents a gross violation of human rights. In many cases, evictions are sudden and violent, sometimes resulting in death. They are frequently preceded by a sustained campaign of threats and harassment that can include beatings, kidnapping and in at least one case, being buried alive. Evictees are often offered little or no compensation and/or inadequate alternative housing.

As specified by the UN Committee on Economic, Social and Cultural Rights, which monitors State parties' implementation of the International Covenant on Economic, Social and Cultural Rights, governments may only carry out evictions when a series of procedural protections are applied. These protections include: an opportunity for genuine consultation, including the discussion of feasible alternatives to eviction; adequate and reasonable notice; information made available in a reasonable amount of time on the proposed eviction, including, where applicable, the purpose for which the land or housing will be used; government officials or their representatives being present during an eviction; the people carrying out the eviction identifying themselves; refraining from carrying out evictions at night or in particularly bad weather, unless those affected give their consent; the provision of adequate alternative housing; the provision of legal remedies; and the provision, where possible, of legal aid to people who need it to seek redress through the courts. Governments are also required to protect people from forced evictions by private actors and from acts of violence or harassment. Law enforcement officials can only use force where it is necessary and proportionate. According to the UN Committee on Economic Social and Cultural Rights even in cases where an eviction is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality.

Name: Residents of Bagou village

Gender m/f: Both

Further information on UA: 243/13 Index: ASA 17/036/2013 Issue Date: 22 October 2013