

URGENT ACTION

HOUSEHOLDS RISK IMMINENT FORCED EVICTION

Six households in Bagou village, in Haidian district in Beijing are at risk of forced eviction on 14 September. The authorities have failed to provide the protections required and the residents are at risk of being rendered homeless.

On 9 September, the six households involving 28 people received a notice from the police to vacate their homes by 14 September. According to the notice, if they don't vacate their homes in time, they will be evicted and their homes bulldozed according "to the law". Authorities have failed to provide, opportunities for genuine consultation, adequate compensation and alternative housing, and fair legal remedies. Residents have also been harassed, threatened and beaten.

In 2003, approximately 6000 households in Bagou received news they would need to vacate the area as the local authorities had sold the land in their village to developers to build a 'green belt' around Beijing. After a series of acts of harassment and intimidation by the developers, most residents were forced to leave the area. Today, only six households remain.

The six households, who have been living in the area for generations, have legally challenged the eviction on a number of grounds including that the offers for compensation did not meet the standards set in the Land Administration Law and that, the developer had misrepresented the environmental assessment and built residential and commercial estates instead of the "green belt". Their latest appeal submitted to the Beijing City Higher People's Court on 19 November 2012 is currently under review.

The six remaining households include two physically disabled people, six elderly people and five children. In recent months, harassments of the residents has increased. Dozens of people in plain clothes and in police uniforms with riot gear have congregated at the village threatening to demolish the remaining houses.

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

- Urging the authorities not to evict the people 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
- Urging the authorities to ensure that nobody is rendered homeless as a result of an eviction and those who cannot provide for themselves are provided adequate alternative housing.

PLEASE SEND APPEALS BEFORE 23 OCTOBER 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-mylgt@china.court.org
Salutation: Dear President

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Please check with your section office if sending appeals after the above date.

AMNESTY
INTERNATIONAL



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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 the developers the villagers were harassed and intimidated by the developers who cut 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.

More recently, on 16 August 2013 at 6 am, 400 people from Beijing Haidian District Police, Urban Management 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.

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 need to vacate their homes by 14 September. 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

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