

URGENT ACTION

1,500 FAMILIES AT RISK OF FORCED EVICTION

On 25 July, residents of Al-Sahaby area in central Aswan, Egypt, complained to the Governorate of Aswan about plans to demolish their homes. The 1,500 affected families have not been consulted about this decision by the authorities and the alternative housing available to them is insufficient for their needs and located far from schools and healthcare facilities.

On 27 June, the Governor of Aswan announced a "development" plan for Aswan, which designated Al-Sahaby as an "unsafe area made of makeshift buildings which threaten the residents" which is to be demolished. The Governor said that residents would be offered 320 alternative housing units - these are very small, one-bedroom flats located in Al-Sadaqa Al-Qadima, some 30km south of Aswan. It has poor access to health and education services and the residents whose homes are due to be demolished consider that the alternative housing available to them is both insufficient for their number and inadequate.

The Aswan Governorate failed to conduct any genuine consultations with the residents before announcing their demolition plans and, as yet, residents have received no written notice setting out the legal basis of the decision, so hampering their ability to challenge it before the courts. In the last week, the Vice-President of Aswan city visited the area and met groups of residents and informed them of the decision to "develop" the area and to evict them, but he did not disclose when the evictions are to commence and is reported to have told residents that the authorities will use force to bulldoze the area if the residents resist and that those who do resist could be imprisoned under administrative detention orders issued under the state of emergency law. The Governorate has already conducted a count of the families living in Al-Sahaby, a procedure which normally precedes eviction and relocation.

On 22 July, the residents, many of whom are state employees, formed a committee to negotiate with the authorities and defend the resident's rights. On 25 July, they met with the Secretary of the Governor of Aswan and communicated their opposition to the complete demolition of the area. They said that they would support alternative development plans, including for widening of roads. They also requested better compensation for any losses. The official confirmed that most of Al-Sahaby would be demolished but told them he would communicate their demands to the Governor of Aswan.

PLEASE WRITE IMMEDIATELY in Arabic, English or your own language:

- Urging the Governor of Aswan to suspend the eviction of the residents of Al-Sahaby area and ensure no eviction is carried out before all safeguards against forced eviction are in place, including official notice to the residents of the eviction order in writing;
- Calling on the authorities to carry out genuine consultations with the residents of Al-Sahaby area to explore all alternatives to eviction as well as development plans for the area;
- Provide information on which buildings endanger the lives in Al-Sahaby area.

PLEASE SEND APPEALS BEFORE 08 SEPTEMBER 2010 TO:

Governor of Aswan

General Staff Mostafa Al-Sayed

Abtal Al-Tarir street

Aswan, Egypt

Fax: +20972313333

Email: master@aswan.gov.eg or masteraswan@hotmail.com

Salutation: Dear Governor of Aswan

Informal Settlement Development Facility Executive

Director

Ali El-Faramawy

3 El-Mokhayam El-Dayem street

Nasr city, Cairo, Egypt

Fax: +20222634000

Salutation: Dear Dr. Ali El-Farawamy

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date.

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1500 FAMILIES AT RISK OF FORCED EVICTION

ADDITIONAL INFORMATION

The UN Committee on Economic, Social and Cultural Rights defines a forced eviction as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of and access to, appropriate forms of legal or other protection.” International human rights standards require that evictions may be carried out only as a last resort, once all other feasible alternatives have been explored and only after appropriate procedural and legal safeguards are in place. These include genuine consultation with the affected people, prior adequate and reasonable notice, adequate alternative housing and compensation for all losses, safeguards on how evictions are carried out, and access to legal remedies and procedures, including access to legal aid where necessary. No one should be rendered homeless or vulnerable to other human rights violations as a consequence of an eviction. Egypt is obliged under international law, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples’ Rights, to refrain from and prevent forced evictions.

Among the residents of Al-Sahaby area are employees working at the Aswan Dam as well as lawyers, teachers and university students. The area is in the centre of Aswan. The residents are officially connected to the water and sewerage networks as well as to the electricity grid. The majority of buildings are made of bricks and concrete and the rest are made of makeshift materials. Al-Sahaby area is partly built with official building authorizations and has mixed forms of land tenure. It grew in an informal way by people ‘hand claiming’ the vacant land and building on it. Some residents claim to have ownership of the titles of the land, because before 1957, the Egyptian Civil Code allowed people who ‘hand claimed’ vacant land to gain its ownership after 15 years of occupation. Some claim they have legalized their ‘hand claim’ or are in the process of legalizing it by paying a set price for the land to the Aswan Governorate. It is unclear, however, if such legalizations prove full legal security of tenure and protection against eviction.

On 27 June 2010, the Governor of Aswan announced that the Prime Minister’s cabinet has allocated 30 million Egyptian pounds (about USD\$ 5.26 million) to ‘develop Al-Sahaby informal settlement’ after the Informal Settlement Development Facility (ISDF) designated it as an “unsafe area” made of makeshift buildings which threatens the residents.. He also reportedly said that Al-Sahaby area is located next to Al-Tabiyah, a tourist area in central Aswan, and causes traffic jams. The area is to be repainted in a unified colour to emphasize the touristic character of Aswan and its urban harmony. At different entry points into the area of Al-Sahaby, the Governorate hung maps of the ‘development’ plan. The maps suggest that Al-Sahaby area will be demolished. The empty land would then be mainly used to build new housing, services and roads, apparently by private sector investors. There is no information to indicate that the land will be used for a general public interest, in which case Egyptian law provides for a set of procedures in relation of dispossessing land, including criteria for designating projects as of ‘general interest’ and a process for compensation. The residents sent petitions to the Governor of Aswan, the President of Aswan City, the municipal council and the chief of the police with the help of the Hisham Mubarak Law Center in Aswan, a human rights organization providing legal aid. The petitions oppose the designation of Al-Sahaby area as an informal settlement made of makeshift buildings and stressed that most buildings are actually built with bricks and cement. The residents agree in principle to the demolition of buildings for the purpose of enlarging roads, and to beautify their buildings, and rebuilding makeshift buildings. They insist that residents do possess authorizations to build and have documentation proving their legal tenure of the land, either through ownership, or through legalizing their ‘hand claim’. The petitioners announced that they are ready to settle payments to complete the legalization process of remaining buildings, as per Prime Ministerial decrees.

The ISDF is a fund that coordinates government efforts to deal with informal settlements and develop plans to deal with them, with in priority to “unsafe areas”. It was established in October 2008 following the Al-Duwayqa rockslide in Cairo which killed at least 119 people. ISDF identified 404 “unsafe areas” in Egypt with an estimated 850,000 residents, including 10 “unsafe areas” in Aswan Governorate. Amnesty International fears that plans are being developed without genuine consultations with the residents or communities concerned in these “unsafe areas”, which can lead to forced evictions. According to the ISDF, plans for “unsafe areas” are developed only in consultation with the Governorates and its local municipal councils.

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