



HOUSING AND LAND RIGHTS NETWORK

Habitat International Coalition

8 October 2007

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Dear Mr. Hussain,

We are addressing you and MQM with Ramadhan greetings from Cairo and with grave concern about the violent demolition of Juma Goth settlement. The action has resulted the wide destruction of impoverished residents' houses, the death of one villager and the wounding of several others. Of all times, this brutality has taken place in the midst of the holy month and only two days after UN Habitat and the governments across the globe, presumably including Pakistan, observed the World Habitat Day on October 1.

According to media accounts and reports from civil society organizations, local authorities, represented by MQM, carried out the demolition in the village without issuing prior notice or engaging the affected community in consultations as required, at minimum, in international norms. Officials used bulldozers to raze the houses. Policemen fired on the protesting villagers, including women and children. The wounded were brought to a hospital, where Mr. Sultan Junejo died from his injury.

This is a repeat of the events of May 2006, in which the MQM government of Karachi City also destroyed thousands of houses, rendering many residents homeless. Then also, police shot one resident dead when they opened fire on the protesting inhabitants.

The international community has recognized forced evictions as gross violations of the human right to adequate housing as enshrined in the Universal Declaration of Human Rights and human rights treaties such as: the International Convention on the Elimination of All Forms of Racial Discrimination (1966), which Pakistan ratified in 1969; the Convention on the Rights of the Child (1989), to which Pakistan is a party since 1990; and the Convention on the Elimination of All Forms of Discrimination against Women (1979), to which Pakistan acceded in 1996. The Government of Pakistan bears obligations under these treaties, which extend corresponding human rights duties to local authorities as well. The legally binding provisions of these treaties

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include clearly defined obligations of state to respect, protect and fulfill human rights. With regard to the treaty-guaranteed human right to adequate housing, these norms include the UN Committee on Economic, Social and Cultural Rights' General Comments Nos. 4 and 7, on the right to adequate housing and on forced evictions, respectively. Further guidance is provided in the "Basic principles and guidelines on development-based evictions and displacement" issued by the United Nations Council on Human Rights through its Special Rapporteur on adequate housing.

As a fundamental international principle, prior to carrying out any evictions, and particularly those involving large groups, "competent authorities" must demonstrate that they have explored all feasible alternatives to the eviction in consultation with the affected persons. This, in a civilized world, is with a view and purpose of obviating, or at least minimizing, the need for using force. Authorities also bear an obligation to provide legal remedies or procedures to those affected, and to ensure that all the individuals concerned have a right to adequate remedy, including compensation for any personal and real property damaged or lost in the eviction.

In order for any Pakistani—or any other—authority to carry out a lawful eviction, it must ensure:

- (a) an opportunity for genuine consultation with those affected;
- (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- (c) that information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- (d) that, especially where groups of people are involved, government officials or their representatives to be present during an eviction;
- (e) that all persons carrying out the eviction be properly identified;
- (f) that evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- (g) provision of legal remedies; (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts; and (i) that evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights.

MQM and its colleagues in the City of Karachi apparently have met none of these prerequisites. That is particularly disappointing since the party is grounded in the experience and constituency of migrants in Pakistan. Therefore, its brutal and uncivilized treatment of consequent urban settlements in Pakistan is unconscionable.

Regardless of any party ideology, the State of Pakistan is a member of the United Nations and has ratified these international treaties. The State and its governments are bound to adhere to the body of public international law, including human rights. Since 1993 the United Nations consistently has declared forced evictions as *prima facie* violations of human rights, in particular the right to adequate housing. This declaration has been issued by organs in which Pakistan sits as a member, in particular, the UN Commission on Human Rights and its successor Human Rights Council.

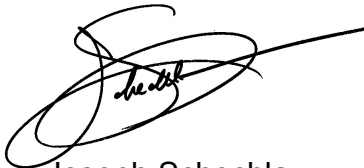
We know that, personally, you have participated and witnessed these developments, as we have met and consulted during Commission sessions at Geneva. The pattern of official behavior of MQM, now a part of government, rather casts a dubious light on MQM's former invocation of human rights in international forums.

We urge you to play a more-positive role in redressing such blatant abuses by MQM and the Karachi City government, correcting official behavior so as to:

1. stop immediately alleviction actions;
2. investigate the violent incident and punish those found guilty;
3. provide reparations, including return, restitution, resettlement, rehabilitation, compensation and pledge of nonrepetition, to the affected household;
4. consult the affected villagers on what they propose to do, includingin cooperation with local and national authorities, tougrade and/or rebuilding the village;
5. observe at all times the domestic and international standards on housing rights and the prohibition against forced evictions.

There are many better examples of how governments and civil society organizations across the globe have addressed the challenges of migration and urbanization, including housing for its impoverished citizens without resort to violating their housing rights. That guidance is available as an alternative to failed policies of forced eviction and we encourage you and MQM to seek that out. However, such solutions require a different political will than demonstrated this past week at Jumma Goth.

Sincerely yours,



Joseph Schechla
coordinator

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