



April 29, 2021

To the respected United Nations Housing Rapporteur:

We are an alliance of human rights defenders, activists, political workers, and residents of Gujjar and Orangi Nullahs. This letter is to bring to your attention that the Government of Sindh (GoS) is carrying out an illegal forced evictions and demolitions operation in Karachi since February 2021 in Gujjar and Orangi Nullahs against residents lawfully settled for many decades. The following sections describe the human rights violations and the nature of the humanitarian disaster which have resulted because of this operation. We request that the Human Rights Cell of the esteemed Supreme Court take notice of this matter and the listed prayers before the commencement of the Holy month of Ramzan.

1. Background to the Demolitions

In anticipation of implementing a World Bank (WB) project for Karachi, Pakistan called the 'Solid Waste Emergency and Efficiency Project' (SWEET)¹, the Government of Sindh has launched a brutal, full scale forced and mass evictions operation in Gujjar and Orangi Nullahs since February 1 of 2021. This operation has rendered several hundred families and thousands of people homeless. These families have not been provided alternative housing or emergency shelter. They have nowhere to go and many families are now living out in the open next to their partially or fully demolished homes. Many people are in deep financial distress because of inflation and loss of livelihood during the worst months of the lockdown in the pandemic. This forced evictions operation has exacerbated their hardship and suffering and led to multiple human rights violations suffered by lawful residents. It has a particularly harmful impact on children, women, religious minorities, and the poor. This operation must be stopped immediately in order to prevent further irreparable harm to families before Ramzan. Most families possess valid leases for their which have been issued by various departments in Sindh.

¹ Stakeholder Engagement Plan, Solid Waste Emergency and Efficiency Project (SWEET), Executive Summary, July 2020 (hereinafter SEP July 2020), 6
<<http://documents1.worldbank.org/curated/en/497121595986796411/pdf/Stakeholder-Engagement-Plan-SEP-Karachi-Solid-Waste-Emergency-and-Efficiency-Project-P173021.pdf>>

Since mid-February 2021 through April 29, the Karachi Municipal Corporation (KMC) has demolished about 5,000 leased and other homes in Gujjar Nullah area and about 200+ (exact figures unknown) homes in Orangi Nullah. At the current rate, they are demolishing about twenty homes and covering an area of approximately 2 km per day. Gujjar Nullah is a 28 kilometer water channel in the center of Karachi with over 5,000 residential and many commercial units on both its sides. Most residents here have lived here for twenty-five to fifty years. Orangi Nullah is an 11.5 kilometer water channel with 1,700 homes and residents here too have a history of tenure for about twenty-five to fifty years.

On August 12, 2020, Justice Gulzar issued a decision regarding Gujjar and other Nullahs in an attempt to resolve Karachi's drainage problems which sometimes lead to flooding during the monsoons. He said:

In the circumstances, we direct the NDMA to take over the work of cleaning of nullahs in Karachi City and ensure that such cleaning work of nullahs is completed and all encroachments in and around these nullahs are removed. The Sindh Government shall provide all necessary assistance and support to the NDMA for rehabilitation of the people dislocated on account of removal of the said encroachments. In rehabilitating the people, the Sindh Government shall ensure provision of all necessary facilities which is required for rehabilitation of a civilized society.²

KMC, at the behest of the Sindh Government, is in flagrant violation of this order from the apex court of the country in two ways. First, they are demolishing leased homes which are not encroachments and since only encroachments have been ordered removed by the Supreme Court, these demolitions are illegal. The Sindh Public Property (Removal of Encroachment) Act 2010 defines 'encroachment' as 'unauthorized occupation of or undue interference with public property.' Leased homes are thus not encroachments, but are still being demolished. Two, dislocated residents whose homes were demolished – whether leased or with equitable and imperfect title – have not been provided with any rehabilitation plans or emergency shelter and this has led to a humanitarian crisis and a state of desperate homelessness. There is a plan underway where the GoS is haphazardly and non-transparently giving checks of PKR 90,000 without disclosing the terms and conditions of this payment (supposedly as rent) and in exchange for the recipient's home. This form of 'rehabilitation' is inappropriate, arbitrary, discriminatory, and irresponsible.

² Constitutional Petition #9 of 2010, Order dated August 12, 2020, Justice Gulzar, Justice Faisal Arab, Justice Ijaz-ul-Ahsan, 3-4.

Karachi Bachao Tehreek (KBT) and affected residents have filed a complaint to the World Bank that was recently found admissible. This complaint outlines World Bank's failure to do proper due diligence and identify and consult with residential and commercial communities, the project affected parties, impacted by SWEEP around Gujjar and Orangi Nullahs and the human rights violations suffered by residents due to demolitions and forced evictions between February 1 and March 19 as a direct consequence of World Bank's failure of due diligence.

In the following sections, we Karachi Bachao Tehreek, a movement of residents of Gujjar Nullah and activists, will argue:

- I. That the homes being demolished are leased and hence not encroachments. Even people possessing imperfect title or katchi leases are entitled to rehabilitation as specified by Justice Gulzar for the Supreme Court and have equitable rights by virtue of contracting with the GoS for utilities.
- II. That residents of Gujjar Nullah were not provided reasonable notice of the evictions and this makes them forced and illegal; they were not engaged in any consultations or dialogue pertaining to the nullah and all associated urban renewal projects including, inter alia, NDMA's cleaning/widening of the nullah, the World Bank's Project SWEEP, and rehabilitation plans. The GoS has taken draconian actions including KMC's attempt to mass cancel leases and coercing residents to sign off their homes and rights for a mere payment of PKR90,0000.
- III. There were several human rights violations in this forced eviction operation in the nullahs including false criminalization of residents, police highhandedness, brutality, use of violence against families specially women and children.

2. Human Rights and Legal Arguments

- I. **Demolished homes have legal status as owners possess official leases from KMC, KDA and SKAA and/or equitable title through purchase agreements, payment of utility bills and continuous abode and thus cannot be subject to demolition and forced evictions; moreover leased homes are further protected by court ordered stays.**

Most residents possess valid leases issued by one of three government authorities – the Karachi Municipal Corporation (KMC), Karachi Development Corporation (KDA), and the Sindh Katchi Abaadi Authority (SKAA). In a survey conducted by Karachi Bachao Tehreek (KBT) in Gujjar Nullah (Kausar Niazi, Sadiq

Nagar, Qayyumabad, and Tayyababad), 36 of 79 surveyed houses, or 45%, were leased and/or regularized. Of these, 58% (21 of 36) were leased by KMC. More than 100 residents of these localities have obtained stays from the Anti-Encroachment Tribunal and in some cases even the Sindh High Court. The Tribunal has issued, in most cases, an interim order recognizing that the relevant property facing demolition is not an encroachment because it is subject to a valid lease and requesting that status quo be preserved until further direction on Justice Gulzar's August 2020 decision.

The other 50% who do not possess leases have acquired title to their property quasi legally through contracts on notarized stamp paper. They later acquired gas, water and electricity connections through official channels; these residents too have a legitimate expectation that their titles will be protected.

The International Convention on Economic, Social, and Cultural Rights (ICESCR) of 1976 which Pakistan ratified in 2010 requires states to recognize 'the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and *housing*, and to the continuous improvement of living conditions.' According to Article 2(1) of the ICESCR each state party to this convention undertakes to take steps 'to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.' The Committee has elaborated that such legislation should include measures which provide the greatest possible security of tenure to occupiers of houses and land, conform to the Covenant and are designed to control strictly the circumstances under which evictions may be carried out.³ The OCHR has specified that legal tenure can take many forms.

Tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, *including occupation of land or property*. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment, and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups.⁴

This body of international law obligates Pakistan in two ways – one, that the state must endeavor to regularize housing schemes to ensure people are not rendered

³ General Comment No. 7: The right to adequate housing (art. 11 (1) of the Covenant): Forced evictions, para 9

⁴ CESR General Comment No. 4: The right to adequate housing (art.11(1), para 8(a))

homeless or forcibly evicted. The state should honor and uphold its own legal frameworks whereby multiple colonies along the nullahs which are not obstructing passage of water in the nullahs have been regularized by law under the Sindh Katchi Abadis Act 1987. Instead, the state is reneging on their international obligations by demolishing previously regularized and authorized neighborhoods and carrying out forced evictions. Two, occupation of land or property, accrue legal rights to the occupiers. These rights are strengthened by virtue of the contractual agreements residents entered to acquire property and monetary consideration paid for it, continuous living in this property for years, and by paying state authorities utility bills for gas, water, and electricity. These equitable rights cannot be ignored and these homes cannot be cast aside as 'illegal' or 'encroachment' in light of international law that states recognize even imperfect title in order to fulfill their duty toward adequate housing.

International human rights law recognizes that where the state is unable to meet its duty to provide adequate housing for all, it should consider various solutions, including allowing people to provide some level of housing on their own through the creation of informal settlements.⁵ In Karachi, it is impossible for low-income families to acquire affordable housing and there are virtually no public interest housing schemes. This lack of affordable housing is because of gentrification, market forces, and real estate speculation that prohibit working class families to find affordable housing. Regardless, Justice Gulzar's decision of August 12, 2020, is clear that even such residents must be adequately rehabilitated. The GoS, through KMC and the Assistant Commissioner's office, are thus violating the law by not provided emergency shelter in the interim and proper housing in the future.

Article 2 of the International Covenant on Economic, Social and Cultural Rights 1976 states that the state take 'all appropriate means, including particularly the adoption of legislative measures' to achieve the right to housing. In interpreting similar words in their own Constitution, the Constitutional Court of South Africa held that reasonable legislative measures means a reasonable program that allocates responsibilities between the national, provincial, and local government and assure financial and other resources are available for enforcement of rights. The South African Court further stated that these measures must establish a coherent public housing scheme directed towards the progressive realization of the right to housing. The state must held other agents to provide housing, unlock the system and give legislative framework to facilitate self-built houses. It found the national housing fell short of the constitutional right to adequate housing

⁵ United Nations Human Rights, Office of the High Commissioner, Forced Evictions Factsheet No. 25/Rev. 1, 2014 (hereinafter Forced Eviction Factsheet) 7

because it had no provision for emergency shelter or temporary relief for people who have no access to land or roof because of a crisis or natural disasters.⁶

The Pakistani state and the GoS must recognize the right to housing and implement housing programs instead of engaging in a mass eviction operations that will strip people of their homes and livelihoods.

- II. **Communities facing forced evictions and homelessness were not given adequate and reasonable notice before forced evictions and they were not involved in any consultations regarding any urban renewal or development project; moreover the state has negligently conducted flawed surveys, and has attempted to take draconian action by mass cancelling of leases, coercing residents to sign off their rights, and depriving people of a legal remedy.**

a. *No adequate and reasonable notice or prior consultations*

The government departments responsible for the demolitions and forced evictions operation did not provide residents with adequate and reasonable notice before evictions, or obtain free, prior and informed consent for their cleaning/widening and other projects, or provide them with alternative housing and rehabilitation. Due process and procedural protection are of utmost importance in relation to forced evictions. This includes:

- (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) 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) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.⁷

⁶ Government of South Africa v Grootboom (2000), ZACC 19, 2001 (1) SA 46 (CC), 2000 (11) BCLR 1169 (CC), Decision by: Yacoob, Oct 4, 2000.

⁷ Sixteenth session (1997), General Comment No. 7: The right to adequate housing (art. 11 (1) of the Covenant): Forced evictions, para 15 (hereinafter General Comment No. 7 1997)

International human rights law requires the state to 'ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force.'⁸

No such dialogue took place and the Government of Sindh did not engage in genuine consultation with those affected even though many residents, by virtue of having lived here for decades, could have been extremely useful in discussion on any urban renewal schemes. The GoS has consistently refused to share information about the proposed evictions.

On January 2, a mere one month before the markings and demolitions began, the Chief Secretary, Sindh, Mumtaz Ali Shah, issued a notification constituting a 'Public Engagement Committee' 'to develop consensus amongst locals on resettlement process required for clearing of encroachment from Nullahs of Karachi.' The letter further stated the Committee will involve all locals for 'peaceful resettlement' and that 'it will hear all stakeholders with inclusivity and fairness', and that it will complete the tasks 'before the commencement of encroachment removal operation.' Residents of Gujjar and Orangi Nullahs whose homes have been demolished or those who are facing imminent forced evictions were not engaged by this Committee in any consultations let alone in a fair and inclusive. They have been excluded and erased from all decision making and demolitions have been brutal and relentless.

On January 3, the local government published a notice of eviction in an Urdu and English paper. It warned residents of Mehmoodabad and Manzoor Colony Nullahs. It stated that according to the Supreme Court's decision, the NDMA will be undertaking widening of Nullahs in pursuance of a design prepared by NED. They referred to markings for 'cutting' on their homes and warned residents to vacate the area in seven days or stand responsible for their own losses.

In January and around February 1 and 2 2021, members of the Sindh government arrived in Gujjar Nullah to mark homes for demolition. They did not identify themselves or share information with residents. They assigned each unit with a number and a percentage figure reflecting how much of the structure will be demolished or 'cut'. A few days later, in mid-February, state officials forced their way into the neighborhoods with heavy machinery and commenced demolitions in these areas while it was clear that families are still residing in these homes.

Residents reported that they received no oral or written notice that would qualify as reasonable and adequate. According to Israr of Kausar Niazi Colony, when state officials came to mark homes, they did not answer any questions about how

⁸ General Comment No. 7 para 13

much of a particular unit will be cut. 'One resident requested that they spare his family home as they had marked a mere two feet for demolitions, they arbitrarily retaliated and changed the number for two to eight feet.' According to Israr, residents found out through word of mouth, rumors, or through stories in the media. This became a source of anxiety as accurate information was not accessible. He added that as per one news report, KMC planned to remove 'soft encroachments' (recreational areas and snooker tables, sheds for cattle) and then 'hard encroachments'. In a deliberate attempt to further confuse residents and keep them in the dark, officials returned to their homes they had marked in the beginning of February 2021 and increased the part of structure set for cutting.

By the state's own admission, the only notice they provided was on January 3, 2021. This was not adequate or reasonable. It is unreasonable to expect residents who have been settled in Gujjar and Orangi Nullahs for many years to vacate in seven days, let alone a month, without provision of adequate alternative homes. In Karachi market forces, gentrification, lack of adequate state housing subsidies have made affordable housing for low-income families an impossibility. Moreover, when undertaking a possibly catastrophic task such as a mass eviction of this sort of firmly settled families, a simple one page notice in the newspaper will not suffice. The language of the notice is inadequate in that it does not even outline the dozens of settlements along all 38 big and 540 small nullahs in Karachi. The notice does not even mention Gujjar and Orangi Nullahs by name. This is despite the fact that these areas have faced an onslaught of demolitions that began with markings and ended with the presence of heavy machinery at doorsteps.

Moreover, the GoS, through KMC and the Office of the AC, did not inform residents on where to file a grievance or a request compensation thus violating residents' rights to a legal remedy. Considering that most people here do not have primary and secondary education, many people fell prey to possibly fraudulent schemes. In Ali Mohd Goth, Farzana and Erum, both belonging to the Bengali migrant community shared that about four months ago, an unidentified team approached them to fill forms for rehabilitation; they charged PKR200 but nothing came out of it and no one received anything.

b. Flawed Surveys

The GoS tasked an engineering school in Karachi, NED, to do a study. To date, residents have simply been able to a 90 page document prepared by NED University in Karachi which gives numbers, identification marks, and maps of homes enlisted for demolition. According to a survey and analysis conducted by Karachi Bachao Tehreek (KBT) in mid-February, the government has identified around 4000 houses to be demolished. However, this number is under reported, as evident from the fact that multiple houses have been clubbed together under one

identification (ID) number. Taking this incidence level at 15% as estimated using KBT's data of 79 households, 600 households have not been provided separate IDs and are being denied a chance at compensation. The government made no note of the area being destroyed of each household ID. An ID can range from under 100 square feet to over 4000 square feet. Such a blanket and illogical valued compensation is unlikely to cover the loss of many households. Furthermore, at least 263 houses will be ineligible to receive any compensation for their losses. This is because as per government policy, which people have only discovered through hearsay as opposed to transparent sharing on the state's part, any home marked for less than 30% destruction, will not receive compensation. According to KBT's survey, each household has an average of 9.7 people. Even if scaled to the underestimated value of 4000 households, that means a total of 38,800 people will be affected and estimated 24,832 people will be completely homeless. Residents around the nullahs have not participated in any study and have not contributed to this process.

c. Mass Cancellation of Leases and deprivation of legal process

As further evidence of procedural deprivations is KMC's attempt to mass cancel legal leases without process. On March 5, 2021, KMC issued a notice that stated that 'some leased out plots coming in the alignment of said nullahs (Gujjar, Orangi, and others) and are 'causing hurdles in swift anti encroachment project' and are required to be removed for a 'national cause.' In this notification, KMC Anti-Encroachment Department cites a Supreme Court decision dated August 8, 2020 which arose from a constitutional petition filed in 2010. In this decision, the court states that the National Disaster Management Authority (NDMA) has undertaken the responsibility of cleaning 38 big and 540 small nullahs in Karachi. The court directed NDMA to clean and remove encroachments. However, it also directed the Sindh government to provide rehabilitation with all necessary facilities as would be expected in a 'civilized society.' KMC seems to want to ignore this direction and have illegally demolished lawfully leased homes under the pretense of removing encroachments. They have taken no measures towards meeting due process and notice requirements regarding demolition, or shared project plans. The state has yet to share any plans on rehabilitation as directed by the Supreme Court of Pakistan. In fact, after a month and a half of relentless demolitions, the state has only recently on April 9, 2021, disclosed its plans to form a rehabilitation and resettlement committee.⁹

⁹ Bodies Formed for Rehabilitation of Affectees of Anti-Encroachment Drives, Dawn, April 9, 2021.
<<https://www.dawn.com/news/1617182/bodies-formed-for-rehabilitation-of-affectees-of-anti-encroachment-drives>>

Moreover, KMC's illegal actions have deprived people of a legal remedy. The 100+ people who were able to rush to the Anti-Encroachment Tribunal in Karachi in the months of February and March to obtain a valid stay based on the tribunal's assessment that their lease is valid and issued by KMC, KDA, or SKAA, were spared and their homes were not broken. However, many residents in a similar position with the exact same types of leases who are still waiting for their case to be filed or for hearings to be scheduled before the tribunal have had their homes demolished. According to community leader and Kausar Niazi (Gujjar Nullah) resident Abid Asghar, one family filed their case in April before this Tribunal and while notices were being issued to the relevant government authorities and a day before the hearing, they demolished this home. This is in violation of Article 10A (right to a fair trial), Article 24 (protection of property rights), and Article 25 (equal protection of the law) of the Constitution of Pakistan.

d. Forcing people to sign agreements and receive checks in a bid to have them give up their home

Forced evictions can also include 'softer' coercive and duplicitous tactics in forcing people to sign unfair and inequitable agreements. Some residents stated that people who stood to lose or lost more than thirty percent of their property were told they will receive a check of PKR 90,000. This is to cover rent for six months at a rate of PKR 15,000 per month. This information was not shared in an understandable, accessible, and transparent manner and people had to run from pillar to post to inquire about this meagre compensation. One resident said the DC set up a desk somewhere. Another resident said the District Municipal Corporation teams arrived in colonies unannounced. According to resident, Abid Asghar, some people have received and cashed this check while others said they have received but have not cashed; yet others stated they have received, but they have been told that it will be redeemable in three months. They have also been informed they will receive another check in about eighteen months but most seemed pessimistic about any future payments. Most claimed they knew that accepting these checks may mean signing off their rights but were so disillusioned by the administrative and judicial process that they accepted this check in case they got nothing at all. They did not sign any agreement when receiving the check nor were they told of terms and conditions they were acceding to in consideration of this check. They simply registered their national identity numbers, name and gave in their photographs. Housing and properties are unaffordable in Karachi. Most homes are worth upward of PKR 14,000,000 and without alternative land or home, this is neither fair nor just.

III. There were several human rights violations in this forced eviction operation in the nullahs including false criminalization of residents

who protested forced evictions, police highhandedness and use of violence against families specially women and children and indirect violations including loss of livelihood.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) (Article 11, para. 1) posits that state parties recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and *housing*, and to the continuous improvement of living conditions, and that state parties will take appropriate steps to ensure the realization of this right. The right to housing includes a right against forced eviction. Although the Covenant does recognize that this right will be 'progressively realized' and depends on 'availability of resources' as stated in Article 2(1) of the covenant, the CESR committee has pointed out that in the case of forced evictions, availability of resources and progressive realization are hardly relevant.¹⁰ The state must simply abstain from carrying out forced evictions.

Forced eviction is '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.' The practice of forced evictions can lead to other human rights violations such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions.¹¹ The following is a brief summary of such violations.

a. Police High Handedness, false arrests, and false criminalization

In both Gujjar and Orangi Nullahs, the police has used high handedness against residents and tried to frame them in false criminal complaints to discourage them from participating in legal protests against forced evictions. The following is a list of violations KBT has recorded but these are much more widespread than would appear from only a handful of examples.

- 1) In late February, police unlawfully arrested and filed criminal complaints against ten named and 125 unnamed Gujjar Nullah residents as retribution for staging a peaceful protest in pursuance of their freedom of speech (Article 19 of the Pakistan Constitution) and freedom of assembly (Article 16) in which women and children participated holding placards and chanting. They kept ten people in overnight custody at the police station and unlawfully procured money from detainees to release them.
- 2) In Orangi Nullah as well, the police retaliated against residents for staging three peaceful protests against demolitions and forced evictions by filing an

¹⁰ General Comment No. 7 1997 para 8

¹¹ General Comment No. 7 1997 para 4

FIR against four named individuals (two of who are women) and seventy unnamed individuals. False charges and forced criminalization worsens people's plight. In addition to serving as a source of stress, it is an attempt to silence people and prevent them from effectively mobilizing through the fear of looming court process and possible penalty.¹²

- 3) Ms. Erum, a resident of Kausar Niazi Colony, one of the 28 settlements along Gujjar Nullah, is a single mother, community leader, and a human rights defender. She has been relentlessly working to secure people their housing rights and organizing communities facing demolition and forced eviction. The police have specifically singled her out. She is one of the named individuals in the FIRs filed against Gujjar Nullah residents.¹³ This is a blatant attempt by the police to silence one of the most vocal and courageous leaders in the community. She states she received calls from the police on April 10 demanding that she present herself at the Hyderi police station or else they know how to employ 'other tactics.' The police did not inform her what offences she was suspected of committing. It is particularly concerning that women human rights defenders are being criminalized and intimidated by the state for exercising their constitutional rights to free speech and assembly. The UN Human Rights Office of the High Commissioner states that women human rights defenders suffer disproportionately when targeted in such a way as their freedom of speech is already limited. Human rights defenders deserve particular protection and promotion because of the numerous impediments they face in the family and in public.¹⁴
- 4) On March 27, the police took Khurram Ali of Karachi Bachao Tehreek (KBT) and kept him in custody at Samnabad Thana for several hours when he attempted to visit the demolition sites to peacefully and within bounds of law observe human rights violations. During this time, the police tried to pressure Ali to sign an agreement that he will never again visit a demolition site.
- 5) On April 11, police took three residents of Kausar Niazi Colony in Gujjar Nullah, Abid Asghar, Shiraz, and Basheer into custody. They have been active in organizing communities against forced evictions and demolitions. They were only released after they signed a statement.

¹² Forced Eviction Fact Sheet 10-11

¹³ First Information Report (FIR), Serial # 881, 51/21, North Nazimabad, Zillah Central, 6:30 pm February 3, 2021

¹⁴ UN Human Rights, Office of the High Commissioner, Human Rights and Civic Space in the UN System, Supporting Women Human Rights Defenders, <https://www.ohchr.org/Documents/Issues/Women/WRGS/Supporting_WHRDs_UN_System.pdf>

b. Use of Violence and force during forced evictions and demolitions

Regardless of judicial or administrative decisions which may purport to authorize demolition of encroachments¹⁵, under international human rights law, an eviction could still be classified as 'forced' and in violation of human rights treaties if it is carried out inappropriately. If evictions are carried out at an inconvenient time or through the use of harassment, threats, violence or force, this renders them illegal. In pursuance of human rights, evictions should be carried out after giving residents a chance to explore legal remedy.

KMC and other state authorities have carried out this operation in a discriminatory, violent, disruptive, and duplicitous manner and in flagrant disregard of human rights.

- 1) KMC officials have shown up with heavy demolition machinery at unreasonable hours. According to one resident, officials came to demolish homes in Maskeenabad around 6:30 or 7:30 am when they knew most residents would be asleep. She added: 'They never start this early if they are coming for a noble cause, but when they want to deprive people of rights, they show up on time.' With the Holy month of Ramadan around the corner, people rendered homeless are in a particularly precarious position.
- 2) Demolition teams are accompanied by police officers and the Rangers, a para-military force and this display of state force is extremely intimidating for residents, especially children. State officials routinely threaten and harass residents who dared protest against evictions, observe demolitions or even ask simple questions. One resident claimed when they said they would lay their bodies in front of the excavators and bulldozers, they responded by telling them that they will have no qualms running their machinery over them.
- 3) On April 10, demolition teams equipped with heavy machinery entered Kausar Niazi in Gujjar Nullah in the morning. Residents approached them and these teams assured residents that they will not demolish homes and will simply be laying a pipeline. This turned out to be misinformation and duplicity as the teams then proceeded to demolish several homes, mostly of Christian families, with no alternative.

c. Threats to women, children, minorities and other vulnerable people

Threats and violence toward women is particularly concerning. Human rights reports have highlighted how women are the target of physical and psychological

¹⁵ Constitutional Petition #9 of 2010, Order dated August 12, 2020, Justice Gulzar, Justice Faisal Arab, Justice Ijaz-ul-Ahsan

intimidation in forced eviction operations. Stress and anxiety linked to forced eviction affect pregnant women. Incidents of verbal abuse, sexual violence, and physical abuse also impact women disproportionately. Eviction makes women more vulnerable to sexual abuse.¹⁶ Women and girls in Gujjar Nullah have been severely and disproportionately impacted and continue to suffer human rights violations. Young girls in their teens and in their twenties are among the worst affected; they have had to shift to relatives' homes as it is unsafe for them to sleep in the open. This is a source of stress and tension for the whole family as it is not a sustainable solution and could expose these girls and young women to sexual violence in new locations where they have no community networks. Moreover, women in Gujjar Nullah face discrimination in housing tenure as most registration and property documents are in men's names.¹⁷ This prevents them from pursuing legal remedy in the same way as men.

Forced evictions have a disproportionate impact on children. Children in Gujjar and Orangi Nullah witnessed their houses being bulldozed and their parents being mistreated by state officials. One child from Masqeenabad, Bengali Para said that his grandfather's home where he was born is now gone and now they have nothing. They may suffer from anxiety, apathy, withdrawal, PTSD, panic and confusion, and lowered self-esteem.¹⁸

Christian families that have resided here for decades have lost their homes, community networks and small churches. By one estimate, about 600 low-income Christian families have been displaced or face imminent forced eviction.¹⁹ On April 10, KBT members observed that state officials has demolished a small modest community church had in Kausar Niazi along with several homes. This was done in disregard of Article 20 constitutional protection for minority places of worship.

These are a few recorded stories of women being targeted for violence by state officers.

- 1) On or around March 14, a female police officer assaulted a woman, a single mother of three young girls and sole breadwinner, when she tried to prevent her house from being broken. She had purchased her property for R.700,000 about eight years ago and had gradually improved it. She claims that female officers pushed her in a ditch that caused her to faint. Police then proceeded to taunt her that she was pretending to faint. This was not

¹⁶ Forced Eviction Fact Sheet 16

¹⁷ Forced Eviction Fact Sheet 17

¹⁸ Forced Eviction Fact Sheet 17-18

¹⁹ Zahid Hussain and Kashif Anthony, UCA News, March 1, 2021, Desperate Christians Face Homelessness, <<https://www.ucanews.com/news/desperate-christians-face-homelessness-in-pakistan/91577#>>

only her residence but also her place of business as she used this house to stitch clothes as a livelihood. Almost all evictees will suffer a loss in livelihood as a result of these illegal mass evictions as they will lose easy access to their work places.

- 2) On or around April 9, Azra Bibi, of Rehmanabad, Federal B Area faced an assault at the hands of the police while protecting her property leased by the Sindh Katchi Abaadi Authority (SKAA). She is an elderly woman domestic worker who lost her job because of the stress and uncertainty caused by this demolition operation. Members of the police force accompanied by officials from the Government of Sindh, Karachi Municipal Office, officers of the Assistant Commissioner Karachi and DC Central Karachi officer forcibly entered her home to demolish it. They were equipped with heavy machinery. Azra's grown daughter and her children were visiting her home at the time and the children were asleep inside. Azra approached the officers and pleaded with them to not demolish her leased home as was her right under sections 97 and 98 of the Pakistan Penal Code 1868 (right to private defence of her body and property against public officers not acting in good faith). When she tried to prove that her home is lawful and not an encroachment, one woman constable grabbed her by the hair and forcefully pushed her to the ground. As a result of this forceful push, Ms. Azra fell to the ground and landed on a rock and injured her right arm. She has recently undergone abdominal surgery and this assault aggravated her stitches and caused these to come apart leading to medical complications and immense pain and suffering. Before this assault, members of the above named departments harassed and hassled her for four days forcing her to vacate the home and this caused her extreme mental and physical anxiety and stress. On April 10, Ms. Azra, accompanied by social workers, community leaders, and her lawyer approached the Gulberg thana to register a complaint against KMC, AC, DC for, *inter alia*, assault, criminal intimidation, trespass, and property damage, but their complaint was refused by the duty officer.
- 3) There are numerous other instances of hardship and suffering on residents. There have been at least three deaths reported as a direct consequence of the stress and anxiety associated with facing homelessness. In one case a woman stood on top of her rooftop for hours to stop demolitions. A woman, in a state of despair, tossed her two month old baby from the rooftop of her house. The baby was miraculously saved, but this was an indication of the severe stress she was undergoing at the prospect of losing her home. One woman, a third generation Bengali migrant watcher her housed be chipped away on two days; they demolished her top floor on Saturday and then returned on Monday to demolish her lower floor.

d. *Forced evictions violate many other human rights including loss of livelihood*

According to UN Fact Sheet, 'forced evictions' are discriminatory towards the poorest and the most marginalized and those who do not have the 'clout to change the decisions and designs of the project leading to their displacement'. It could also reinforce structural inequalities.²⁰ Those living in informal settlements or those with insecure tenure are largely marginalized groups. 'Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats'.²¹ Forced evictions can violate the right to food. Evicted people may lose access to jobs or social protection schemes if they are relocated far from jobs or deprived of social entitlements as residents of an area.²²

In the Olga Tellis case, the Indian Supreme court held that the constitutional right to life (under Article 21) includes right to livelihood and pavement dwellers facing eviction would in fact lose livelihood. It ordered alternate sites for re-settlement and that slums that have been there for over twenty years not be removed unless land needed for public purpose and that there be no evictions in the monsoon seasons. The State must similarly interpret the right to life and livelihood as interconnected and recognize that people facing forced evictions have lost or at risk of losing their means of earning a livelihood.²³

3. Conclusion

In conclusion, we request that the esteemed Human Rights Cell of the Supreme Court take immediate notice of this matter and we request the following remedies:

1. That the Government of Sindh be ordered to impose an immediate moratorium on demolitions in Gujjar, Orangi and other nullahs as all homes are lawful either by virtue of lease or equitable title, and court and Anti-Encroachment Tribunal issued stays recognizing proper title.
2. That the Government of Sindh amend their past mistake in not informing residents or consulting with them regarding any and all project plans for nullah widening/cleaning including the NED study, the proposed World Bank SWEEP project, and plans for rehabilitation and compensation by now carrying out proper consultations on all relevant matters.

²⁰ Forced Eviction Fact Sheet 7

²¹ Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991) on the right to adequate housing. See Forced Eviction Factsheet at 9.

²² Forced Eviction Fact Sheet 11

²³ Olga Tellis v Bombay Municipal Corporation (1985) SCC (3) 545

3. That the GoS also recognize the irreparable harm caused to families rendered homeless because there were not given adequate and reasonable notice before forced evictions. We request that immediate emergency shelter be given to families who have been evicted and families presently facing imminent eviction until plans for proper rehabilitation are made through participatory consultation with the affected communities.
4. That the GoS be stopped from taking draconian action by mass cancelling leases and coercing residents to sign off their rights in consideration of a monetary payment and subject to unclear and unspecific terms and conditions..
5. That the Human Rights cell consider were several human rights violations in this forced eviction operation in the nullahs including false criminalization of residents, police highhandedness, use of violence against families specially women and children and indirect violations including loss of livelihood.

Thank you,

On behalf of Karachi Bachao Tehreek (KBT)

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Response to UN Housing Rapporteur Questions, May 31, 2021

1. In addition, could you kindly clarify if the current demolition drive in Gujjar and Orangi Nullahs is directly linked to the World Bank-funded project SWEEP, or is it possible that it is related to other projects, such as the mentioned road construction? Or perhaps a combination of different projects/initiatives? Has the government or the World Bank admitted a direct causality?

World Bank and Project SWEEP: On April 19th and 23rd 2021, members of the Karachi Bachao Tehreek (KBT) met with the World Bank (WB) and emphasized that [World Bank Project SWEEP, P173021](#) is the main cause for the ongoing demolitions along Gujjar and Orangi Nullahs. However, the World Bank has not admitted direct or indirect causality. On April 6, WB Pakistan responded to our complaint and evaded any responsibility (see attached). They stated:

“In view of high flooding risks anticipated before the monsoon season in 2020, SWEEP included potential funding under Component 1 for the Government of Sindh to finance emergency cleaning of solid waste from nullahs in 2020. The scope of eligible activities under this Component 1 was limited to cleaning of solid waste clogging nullahs, transportation of dredged material to a disposal site, development of a disposal facility for the dredged waste, and interventions to reduce public dumping of waste into nullahs.

Eligible interventions do not include any removal of encroachments around nullahs. Emergency nullah cleaning activities to be eligible for potential retroactive financing under Component 1, were to be conducted during the 2020 monsoon season (July-September, 2020) only. No funding is available under SWEEP for nullah cleaning beyond 2020. Accordingly, none of the activities conducted by the Government of Sindh under any of the 2021 anti-encroachment drives in the Gujjar nullah, or any other nullahs in Karachi, have been associated with, financed under, or conducted in anticipation of SWEEP. Further, in accordance with the financing agreement between the World Bank and the Government of Sindh, activities in any area of Karachi that have been impacted by an anti-encroachment drive cannot be supported by the World Bank. Therefore, in view of the recent anti-encroachment drives along various Karachi nullahs, World Bank-supported projects will be prohibited from financing any future investments on the affected nullahs.”

In a media interview, a high ranking Government of Sindh (GoS) official, Mr. Zubair Channa, who is listed as Project SWEEP’s contact person stated:

“SWEEP’s money has not been released yet by the bank. The project was indeed finalized and signed much later, on February 25, 2021. Last year the nullah desilting and cleaning was done under SWEEP—it was decided that the government would provide the funds as the project was under discussion and later the funds would be reimbursed. The bank is pissed off with the anti-encroachment drives.”

<https://www.samaa.tv/news/2021/05/did-the-world-bank-fund-karachis-nullah-evictions/>

In KBT’s online meeting with the World Bank Pakistan team on April 23, SWEEP’s project lead, Suhaib Rasheed, based in Islamabad, reiterated their claim that Nullah cleaning was done in July/August but those emergency funds were given by the GoS and were to be reimbursed based on receipts from Component 1. Our team informed the WB that they were perhaps unaware that the state through the

Government of Sindh actually did not do any nullah cleaning in 2020 and proceeded to evict using this cleaning as a pretext. In fact, it started to become evident to us in this dialogue that the WB had not monitored or reviewed GoS nullah cleaning work. The World Bank agreed that there were frameworks and instruments that will be disclosed to the community. Considering that the GoS actively demolished homes between February and May, and many forcibly evicted families have now left the area and are difficult to trace, this is gross and criminal negligence that communities that live around the nullahs have yet to be consulted on any issue be it cleaning, road construction or resettlement and rehabilitation.

The World Bank Grievance Redressal Mechanism (GRM), found our complaint admissible and we are awaiting a decision or finding from them. Mr. Channa (above) admitted that they possibly lost an opportunity to apply for retroactive financing for the supposed cleaning of the nullahs because the World Bank did not approve of the anti-encroachment activities. However, simply finding a borrower ineligible for financing for violating the World Bank's [Environmental and Social Framework \(ESF\)](#) does not resolve the issue that in order to implement SWEEP, the GoS carried out anti-encroachment operations and forcibly evicted thousands of families along Gujjar, Orangi, and Mehmoodabad Nullahs. We believe the World Bank is complicit in these forced evictions.

In KBT's April 23rd meeting with the World Bank Pakistan team, we specifically inquired whether it is now WB's responsibility to discontinue funding the GoS in light of violations of their ESF and in particular [ESS5, 'Land Acquisition and Restrictions on Land Use and Involuntary Resettlement'](#). The World Bank's team suggested they see components 2 and 3 as separate from component 1 in an attempt to dissociate themselves from the demolitions and continue their loan agreement in clear disregard of their own ESF. Their March 12, 2021, ['Implementation Status and Results Report'](#), prepared by Suhaib Rasheed says: 'The legal agreements for SWEEP were signed and the loan was declared effective on March 2, 2021 (World Bank 2021: 1). The implementing agency is proceeding with the appointment of key staff and the opening of designated accounts.'

Although we did not get clear answers on WB's own commitment towards financing the resettlement and rehabilitation of those forcibly evicted, we can report they stated to us that they have allocated funds for resettlement but because displacement was not planned for this project, these funds were not used.

In their July 2020 [Stakeholder Engagement Plan \(SEP\)](#), the Bank acknowledges carrying out consultations with residents of Gujjar Nullah in June 2020, but also claims that the Covid-19 pandemic limited the scope of these discussions and that they were only able to meet with six (6) residents from Gujjar Nullah (World Bank SEP 2020: 5). Given that the Bank acknowledges residents around the nullahs as stakeholders – and names Gujjar Nullah in particular - it was gross negligence on their part to not even try to hold discussions and consultations with these communities, a population comprising over 80,000 mostly low-income and working-class families. This negligence is particularly alarming in light of the fact that the GoS began demolitions in these very locations. Evading meaningful consultations with a convenient and self-serving defence to the pandemic connotes egregious culpability given the brutal manner in which these evictions were conducted and people made homeless. It also shows the danger associated with such events and how these are exploited to conceal and carry out actions with deep human rights impacts.

Urban Planner and Architect Arif Hasan has drawn some connections in an interview with Samaa Digital that:

“SWEEP is for cleaning the nullahs which cannot be done without removing encroachments (houses). It is on this basis that I say the removal of poor houses through the anti-encroachment drives is a part of SWEEP. How are you supposed to clean drains without removing houses, he said. If you can’t then you have two options: either tell the Sindh government you’re taking the loan back since it is in violation of your policies or stop the project until you have a proper resettlement framework. He felt that if the bank respected its own rules and procedures it should cancel the loan to the Sindh government to remove garbage from the drains. “It is obvious that the WB will be a beneficiary in its SWEEP program from the activity being carried out on the nullahs.”

<https://www.samaa.tv/news/2021/05/did-the-world-bank-fund-karachis-nullah-evictions/>

Arif Hasan has further written in an article for Dawn newspaper:

“As a sequel to the flooding in Karachi in 2020, the government is in the process of demolishing about 14,000 houses and 3,000 commercial units along some nullahs of Karachi. Demolitions along other nullahs are planned. Those who are being evicted from their homes have not been consulted, nor are they being provided sufficient funds or land for relocation; most of them are living under the open sky on the rubble of their homes in a period of Covid-19, inflation and recession. The rumour in the settlements is that this demolition and clearing of nullahs is being carried out with World Bank funding.

Whether these allegations are true or not is irrelevant. The fact is that in the areas where Bank projects are located, major housing rights violations have been and are being committed in violation of the Bank’s ESF policies. Also given the scale of its involvement in development, the World Bank is in a position to influence government decisions. The fact that it remains silent on the issue means, for many observers and affected communities, that it is complicit in the demolition and eviction process.”

<https://www.dawn.com/news/1614686>

In their [Appraisal Environmental and Social Review Summary](#) (July 2020), the World Bank acknowledged that SWEEP implementers, Karachi Municipal Corporation (KMC) and the Sindh Solid Waste Management Board (SSWMB), do not have environmental and social specialists or experience with the Bank or its ESF. Furthermore, in the Project Appraisal Document for Project SWEEP, the World Bank rated the social risk of the project as moderate, noting that while no removal of “encroachments” alongside the Nullah were planned, inadvertent damage might be caused in the process of cleaning the Nullah itself; and that such damage to residents’ property and livelihoods would be recorded in an Environmental and Social audit and appropriate compensation allocated in the gap-filling action plan (World Bank 2020: 14). This knowledge is evidence that the Bank had information upon which they could have reasonably concluded foreseeable violations – which then in fact did materialize in the form of brutal demolitions. This should have made the Bank more alert to and responsive to any activities carried out by their borrower partners in and around the project area activity, yet they were only alerted when we brought it to their attention, and since then have refused to initiate the compensation procedure included in their own Appraisal. The Bank’s own mitigation processes to prevent Anti-Encroachment operations under its project remit were clearly insufficient, as their decision to exclude sites from project funding if they have experienced Anti-Encroachment activities since November 2019 has only served to shield the World Bank for violations carried out by its implementing agencies instead of deterring the agencies themselves, and much less ensuring compensation for those affected.

Road Construction: At the hearing on May 8, 2020 on the main constitutional petition filed on behalf of residents of Gujjar and Orangi Nullahs who possess leases and official titles, Justice Hasan Azhar Rizvi of the Sindh High Court inquired about the 30-foot road construction that the GoS has undertaken. The GoS, through the Assistant Commissioner and the District Central Offices, have yet to disclose any document, designs, purpose of this road construction and whether the GoS has held project related hearings to assess free, prior, informed consent from the public or released and made public any environmental impact assessments and reports as required under the Sindh Environmental Protection Act, 2014 (SEPA 2014). Section 17 of SEPA 2014 states:

No proponent of a project shall commence construction or operation unless he has filed with the Agency an initial environmental examination or environmental impact assessment, and has obtained from the Agency approval in respect thereof.

The GoS have referred to their plans for this road in interviews with the press. KMC anti-encroachment official, Bashir Siddiqui, admitted to SAMAA News that roads are being constructed to decrease traffic congestion in District Central (where these evictions took place) and that these would be connected to Lyari Expressway.

<https://www.samaa.tv/news/pakistan/2021/01/kmc-to-start-demolishing-houses-around-gujjar-nullah-february-3/>

That these plans have not been disclosed to the public or discussed in any open forum is very concerning. Not only do these violate domestic laws such as [SEPA 2014](#), they run contrary to the UN's sustainable Goal 11 that aims to make cities and human settlements inclusive, safe, resilient, and sustainable through community-driven solutions. This goal is framed in recognition of the fact that 'over 90 per cent of COVID19 cases are occurring in urban areas, with the 1 billion residents of the world's densely populated slums being hit the hardest. Even before the coronavirus, rapid urbanization meant that 4 billion people – over half of the global population world's cities faced worsening air pollution, inadequate infrastructure and services, and unplanned urban sprawl.'

- 2. If you have this information, what other nullahs/settlements are affected in this current demolition drive? For example, you mention in the submission Mehmoodabad and Manzoor neighbourhoods, which as far as I can tell are different from the Gujjar and Orangi Nullahs. It would be very helpful if you could provide updated estimates on the number of people, families affected/homes already demolished, as well as the number of overall people, families to be affected /homes projected for demolition.**

In the main constitutional petition (CP) filed on behalf of Gujjar and Orangi Nullahs (attached), our lawyers obtained verified figures from KMC. Of-course actual figures may vary and are anticipated as higher, but these are the figures we used in the CP as of 5th May, 2021.

- 1. Gujjar Nullah:** It is 13 km of which only 3.5 km is left to be cleared. In total, there are 4058 houses to be demolished of which 1594 have been demolished and 2464 are remaining. 3137 houses are qualified for compensation as compensation is based on the principle that those houses (whether leased or not) are entitled whose 30% structure has been demolished. These demolitions are based on the NED university survey in which each structure has been given an ID number/structure number.

2. Orangi Nullah: It is 11.5 km of which 7.48 km have been cleared. In total, 1703 houses are to be demolished of which 1095 have been demolished. On the above 30% demolition criterion, 1127 houses are entitled for compensation. There is also a 30 feet wide road on both sides to be made for which demolition is to occur.
3. Mehmoodabad Nullahs: Demolition is complete in which 56 to 58 houses have been demolished.

Non-leased homes: On Monday May 24th, the District Central Office, KMC, assisted by scores of police officers raided and began demolitions and forced evictions on non-leased homes in Gujjar Nullah neighborhood of Moosa and Wahid Colonies. Since the stays/injunctions were based on a petition filed by lease holders, the GoS proceeded to demolish non leased homes. Between Monday and Tuesday (May 24 and May 25), they demolished about eight non-leased homes. KBT volunteers interviewed some of these families who were left homeless. One family comprising 25 members stated they had lived here for over 50 years. Most of these families, in addition to tenure by occupation, have spent their precious earnings on building and improving these homes, and have procured gas, water, and electricity connections and paid official utility bills to the concerned departments.

3. And finally, I came across some information in the media that a court has recently ordered a stay on the demolitions and nevertheless they are continuing. Could you provide a copy of that order, and your brief assessments on the authorities' compliance with it?

On May 7 and May 18, Justice Hasan Azhar Rizvi of the Sindh High Court ordered stays on demolitions. However, despite these two orders, the GoS continued to demolish leased homes. According to Abid Asghar, a community leader and real estate professional based in Gujjar Nullah, at least two (2) leased homes were demolished in the period that the stay order was in effect. The houses, which were leased by KMC, have IDs 207 and 104, and were demolished on May 24 and May 22 respectively. House 104 is recorded as belonging to an individual named Allah Ditta, and house 207 to an individual by the name of Sher Dad. Six residents are proceeding to court on a Contempt application which we hope will be heard along with the hearing on the main constitutional petition. In the week of May 31st 2021, lawyers for non-leased residents will approach the Sindh High Court for a stay on these homes as well. (See May 7 and May 18 stay orders attached)

We also possess clear anecdotal evidence of the authorities' continued demolition of non-leased homes along Gujjar and Orangi Nullahs. On the 25th of May 2021, at least six houses were demolished in Moosa Colony and Wahid Colony, situated on either side of Gujjar Nullah. We were alerted to these demolitions by members of the area committee of the Gujjar Nullah Affectees Committee, which we then further documented in a visit by photographing demolished structures and interviewing local residents. Upon their request, we returned to the site the next morning, when authorities had threatened to return to continue their demolition drive. One of our members was filming as KMC contractors attempted to demolish a house with hand-held hammers, seemingly with no notice or warning given to residents inside. In the ensuing fallout, their phone was confiscated personally by the Additional Commissioner (AC) in charge of the area, and he was forced to delete all footage of the incident under threat of arrest. When we later returned to the house that had been the target of the attempted demolition to interview its residents, we learnt that Shafiullah and his wife, Nusrat, had been sleeping along with their two children when the contractors descended. A cement block fell inside the house due to the wall being hammered, and landed near their son's head, waking him up and alerting the family to their house being

broken down. This is the nature of the gross illegality and inhumane conduct of the authorities, as well as their concerted efforts to suppress evidence-gathering and documentation of their activities.

While the authorities contend that demolishing non-leased houses does not violate the stay order as it applies only to leaseholders, we strongly believe that the stay order applies to the operation as a whole. This is because firstly, the authorities do not have clear information as to the legal status of homes in these settlements, and therefore there have been multiple mistakes in which leased homes were improperly demolished. The likelihood of such mistakes reoccurring is high enough to warrant a halt on the operation, as the authorities' cannot reasonably ascertain whether a particular house is leased or not. Secondly, and more importantly, little distinguishes leased properties from non-leased ones in terms of their tenure status or 'encroachment' level, in fact they are located side-by-side leased homes in the same neighbourhoods. The only reason most such homes remain non-leased is due to barriers in accessing regularisation procedures in past years that have allowed their neighbours to obtain legal tenure. Some residents simply could not afford the filing fees to regularize their home and acquire legal title and felt their home was safe as they were routinely paying utility bills. On May 27, 2021, KBT team members approached the District Central Office to file a [request for information](#) under the Sindh Transparency and Right to Information Act 2016 where we asked, inter alia, surveys done to distinguish leased from unleashed homes (see attached). As such, and in keeping with International Human Rights Law on Housing, we recognise that both leased and non-leased properties have identical rights to their homes and eligibility for compensation and protection from arbitrary demolition.