

Jerit: Vet demolition orders more stringently
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A coalition of urban settlers and housing activists have urged Chief Justice (CJ) Ahmad Fairuz Sheikh Abdul Halim to look into the use of laws enacted under a 1969 proclamation to achieve the 'zero-squatters' target, particularly in Selangor.

The government proclaimed a state of emergency two days after the May 13, 1969 riots and this was followed by the introduction of 92 ordinances relating to areas as varied as drugs and internal security.

'Proclamation 1969' also saw the introduction of the Application of Emergency (Essential Powers) Ordinance 1969 Clearance of Squatters Regulations the same year.

Coalition of Urban and Housing Settlers (GPBP), a group under the Kajang-based Network of Oppressed Peoples (Jerit), submitted a memorandum on the matter at the CJ's office in Putrajaya this morning.

About 300 activists and urban settlers staged a short demonstration in front of the Palace of Justice in support of the memorandum.

GPBP-Jerit criticised the convenient use of the ordinance because its provisions are less stringent than those of the National Land Code in authorising the demolition of squatter houses.

This has destroyed peoples' lives and welfare and rendered it near-impossible to challenge the regulations in court, said spokesperson S Arutchelvan when contacted today.

"We should not be using laws under the Proclamation of Emergency when there is no emergency!" he noted, saying that the regulations too should be consigned to the annals of history.

He gave credit to the Federal Court which, on March 28, had granted leave to Rimba Jaya settlers in Shah Alam to challenge Regulation 10 of the Clearance of Squatters Regulations and question its use before other laws have been exhausted.

However, he also said "such a decision remains moot for those whose houses have already been demolished by the local authorities". (This took place 20 days before the Federal Court decision.)

Arutchelvan also pointed out that judges have rarely issued other orders, such as stay of execution or interim injunctions against local authorities, on two grounds.

First, the courts seem reluctant to delay the implementation of demolition orders and secondly, seem to believe that the settlers can be compensated, the memorandum explains.

'Contempt of court'

Arutchelvan said GPBP-Jerit further wants Fairuz to look into statements by Selangor executive councillor Mokhtar Dahalan and Selangor chief secretary Ramli Mahmood.

Ramli and Mohktar were reported to have respectively said on Nov 2 last year and on March 13 this year that it would be futile for settlers to challenge the local government's demolition orders as they would lose their cases in court.

"We believe their statements are tantamount to intimidation, as they are telling urban pioneers they are not to seek redress in court. This is contempt of court," said Arutchelvan.

The group also urged the CJ to call on the government to abide by national and international laws, such as the 1992 World Habitat Agenda and the United Nations Resolution on Forced Evictions 1993, against forced evictions.

"Article 5 of the Federal Constitution provides for the right to life. The authorities must know that by demolishing houses, the people's ability to live and seek livelihood are adversely affected," added Arutchelvan.

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