

Azerbaijan: Evicted Residents Protest

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Eviction of residents of hilltop homes in Baku shows Azerbaijanis still have no secure property rights.

Forced to leave their Baku homes because of government concerns over landslips, residents of a hilltop above the Caspian Sea say they are getting almost no compensation or explanation for the loss of their properties.

What began as a safety issue has now drawn in opposition politicians and raised the important issue of Azerbaijanis' lack of clear property rights.

Last week, policemen evicted more than 50 residents from ten houses on Azer Nasirov Street in the Bailovo district of the city. Several suffered nervous collapse as they were removed from their houses. One pensioner broke a rib as policemen pushed him onto the street and one family, refugees from the war in Nagorny Karabakh, have appealed to the Turkish embassy for asylum.

Others may face the same fate in Bailovo, a thickly populated area overlooking the Caspian Sea.

Part of the hillside fell away in 2000, burying five houses and a petrol station, although fortunately no one was killed.

The Baku authorities had already taken the decision to move the residents. They called in the police to take action after an earth tremor struck the capital on January 20.

Jakhid Muradov, who heads the Azerbaijani justice ministry's legal oversight department, told the Bailovo householders that it was better to be evicted than buried alive.

The evicted residents agree - but are angry at the level of compensation they are being offered. Each registered member of household is being offered 2,700 US dollars.

This hits especially hard at some families, where not everyone has been officially registered as residents.

"There are eight of us in the family and we are getting compensation only for the six registered in the house," said Mehriban Abdinova, one of the many residents now living with friends and relatives. "What should I do, kill one of my children because he's not registered? And what can you buy with that kind of money?"

Property prices have risen sharply in Baku in recent years. According a list of properties for sale with the real estate firm Mikromat, 10,000 dollars will now buy you an ordinary one-room apartment.

Opposition members of parliament and human rights activists have spoken up in support of the evicted residents. "No one has the right to evict any of the residents from their homes until they receive the full compensation which they are demanding," said Arzu Abdullayeva of the Helsinki Citizens Assembly.

In response, Gajibala Abutylabov, head of the Baku city administration, said, "All the residents of the dangerous zone of the Bailovo district will definitely be removed and compensation will be paid out to them." He declined to say what level of compensation was appropriate.

But another human rights activist, Saida Gojamanly, had a more cynical explanation for the evictions. She said that this section of the hillside with a fine view of the sea was being cleared so that high-class villas could be built there.

Many residents believe this to be the case - and it is true that only a small fraction of the 30,000 people who live in Bailovo are being evicted.

The conflict has demonstrated that Azerbaijan is not yet capable of handling legal disputes like this one sensitively.

Aydin Mamedov, a lawyer with much experience in these cases, told IWPR that Azerbaijan's housing code was so full of amendments and additions that it was open to lots of different interpretations.

"For example, the law permits the eviction of home owners, if the local authorities believe the house is in danger," Mamedov said. "What's more, the authorities are obliged to compensate the residents for their loss. At what rate? The law only refers to a 'market value' but that can mean different things for the authorities and the residents."

Moreover, a draft law on the compulsory insurance of privately owned property, which would have protected the Bailovo residents, has lain untouched in parliament for several years. The bill would require new householders to pay 0.3 per cent of the price of property on insurance.

Without any insurance payments, householders are dependent on receiving compensation from the local authorities - and they do not always get it.

Three years ago, the American embassy in Baku made plans to build a new extension, which led to the eviction of residents of two houses on neighbouring streets. The Americans gave compensation funds to the city authorities to pass on to the residents - but they complained they did not get all the money they were promised.

Last month, a Baku court awarded the residents 400,000 dollars. They said that the award did not take into account three years' suffering they had endured in the mean time and are appealing the decision.

On January 28, a group of angry residents from the two houses demonstrated outside the US embassy and threw eggs at the building.

This precedent is one reason why the Bailovo residents are fearful they will not receive the 2,700 dollars they are being promised.

The evictions in Bailovo will only be a light skirmish, however, compared to the battle, which lies ahead if the government presses ahead with its next demolition campaign. This is to tear down all buildings deemed to have been built illegally on a 130-metre-wide strip of land nearest to the Caspian Sea.

President Aliev signed a decree this month to have all these buildings demolished because they shut off people's access to the sea. Later, the decree was revised to order an inventory of all these buildings to ascertain whether they were put up legally or not. The decision on whether to pull them down will be taken by March 13.

This decree will affect many hundreds of people in the whole coastal strip of Azerbaijan. Aliev himself admitted in a meeting shown on television that many of these structures were built by private individuals with the permission of local authorities.

This may not be enough, however, to ward off a repeat of the clashes over Bailovo - this time on a much bigger scale.

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