

AUAN Press release – 18th January 2010

AUAN MEETS WITH THE ANDALUCÍAN OMBUDSMAN

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[En Espanol](#)

Left: Maura Hillen (AUAN President), Helen Prior, Mike Phillips (AUAN VP) .
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The AUAN would like to thank the Andalucian Defensor Del Pueblo for the warm welcome he gave them at a meeting in Seville last Friday. The Defensor (ombudsman) is the high commissioner of the Andalucían Parliament and is appointed to protect the fundamental rights and public freedoms enshrined in the Spanish Constitution. The meeting was facilitated by Izquierda Unida and, apart from those representing the AUAN, was attended by Rosalía Martín and Antonio Romero of the IU.

Also present was Mrs Helen Prior, who is an example of one of the many victims of construction and urban planning abuses which seem to be devastating Spain. You will recall that Mr and Mrs Prior's house was demolished two years ago, despite having a building license, and they have been living in the garage beside the ruins of their bulldozed home ever since with no glimmer of any compensation.

The Ombudsman was interested in hearing about this case and Mr and Mrs Prior are going to present a formal complaint to him.

We explained to the Ombudsman that the Junta de Andalucía now appears to want to follow the lamentable case of Mr and Mrs Prior with a series of eight more demolitions in Albox, all of which properties are in possession of licenses which were subsequently revoked by the Junta.

We put it to him that the question is really very simple: is it not patently unjust to throw pensioners, who acted in good faith, out onto the street, when the proceedings against them originated as a struggle between two branches of the Spanish state?

We argued that it is a basic right in international law, and binding on the administration, that no-one should be deprived of a property which was acquired in good faith without guarantee of fast, efficient and just compensation. The AUAN pointed out some of the international obligations to this effect, among them the Universal Declaration of Human Rights approved by the UN General Assembly in 1948, the European Convention for the Protection of Human Rights and the European Union Charter of Human Rights.

The AUAN alleges that the Junta is sheltering behind their own interpretation of the law, and argued that the law does not exist in a vacuum, it is made by politicians and it cannot enshrine human rights abuses. The law cannot embody antisocial practices.

The Ombudsman indicated that he was familiar with this problem and interested in the matter. He said that, among other actions, he would speak to Sr Juan Espadas, the Minister for Housing and Territorial Planning.

Meanwhile, Michael Cashman MEP, has written an open letter to Prime Minister Zapatero. Mr Cashman was one of the MEPs who asked for a European Parliamentary resolution to get Spain to put its house in order given the enormous number of petitions and complaints about building, environmental and urban abuses it had received. According to Mr Cashman there have been over 15,000 petitions as well as a daily flood of letters on this matter.

He addressed his letter to Sr. Zapatero as co-President of the European Council. He speaks of urban abuses in general, of his daily delivery of letters of complaint, and says that the response of the government to European Parliament resolutions has been only inaction. He specifically mentioned the case of the eight properties under threat of demolition in Albox and he urges Mr Zapatero to intervene to avoid making victims out of those who have acquired their properties in good faith hoping to enjoy their retirement. Don't forget that one of the affected owners who faces being thrown out onto the street is more than 80 years old.

On another front the scandal about Albox is spreading on an international level; the Daily Mail ran a piece last week where one of the affected couples told the newspaper that if the authorities were to demolish their home they would have to do so with them still in it.

According to information we have it looks as if this is going to get even more complicated for the Junta: the EU Petitions Committee is going to meet to have a look at the situation and various MEPs are showing a great interest in the apparent injustice of it, including Willy Meyer, the IU member of the Petitions Committee. We also know that the British Ambassador has written to Sr. Griñan, the President of the Junta of Andalucía and that the British Consul has been in contact with the victims.

AEPA, the association of small Albox businesses, has complained that in their understanding of some of the statements made by representatives of the Junta, buyers are being incited to start legal proceedings against their builders. The Albox PP and PSOE parties also now seem to be entering the fray, with each party blaming the other for the deteriorating image of the town.

AUAN would like to make it clear that we are NOT a political association, though we are grateful for the attention being paid to this problem by the Izquierda Unida. We acknowledge the courage of the Mayor of Albox in saying that the demolition of homes is a barbarity. We are planning to meet with the PP in the next few days to explain to them the situation in which our members find themselves.

AUAN advocates an intelligent and consensual solution agreed between the civil servants, interested associations and political parties. They should analyse the entire construction and urban planning chaos and shape new draft legislation.

Meanwhile there should be no recourse to the demolition of houses bought in good faith without adequate compensation.

