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The African Commission: Amnesty International's oral statement on forced evictions

The practice of forced evictions has reached epidemic proportions in Africa, with more than three million Africans reportedly forcibly evicted from their homes since 2000. Amnesty International believes forced evictions constitute one of the most widespread and unrecognised human rights violations in Africa.

Although the practice of forced eviction is a gross violation of human rights under international law, governments throughout Africa continue to forcibly evict hundreds of thousands of people from their homes each year. As a consequence of forced evictions people are left homeless, lose their possessions without compensation and/or are forcibly displaced far from sources of clean water, food, sanitation, livelihood or education, in violation of the African Charter on Human and Peoples' Rights. These forced evictions are often accompanied by further violations of other human rights guaranteed under the African Charter, including the use of excessive force by those carrying out the evictions, arbitrary arrests, beatings, rape, torture and even killings.

An estimated two million people have been forcibly evicted from their homes since 2000 in **Nigeria**. In several cases entire settlements have been razed, leaving children, women and men destitute.

In **Sudan**, approximately 1,800,000 internally displaced persons (IDPs), driven from their homes by prolonged conflict and marginalisation, reside in and around the capital Khartoum. More than 12,000 people were forcibly evicted from Dar Assalaam camp in August 2006. The majority of the evictees had been previously displaced through conflict in Sudan and settled in camps in or around the capital Khartoum. Authorities have forcibly evicted thousands of people from these camps, resettling them in desert areas without access to clean water, food and other essentials.

In a widely condemned operation the government of **Zimbabwe** forced an estimated 700,000 people from their homes, their places of businesses or both during 2005. To date, the government has not taken any effective action to address the plight of those displaced.

In Luanda, **Angola**, at least 10,000 families have been forcibly evicted and had their homes demolished since 2001. Many of these families, who have received no compensation, had their property stolen by those carrying out the forced evictions and remain homeless.

In **Kenya**, approximately 70,000 people have been forcibly evicted from their homes in forest areas since 2005, while at least 20,000 people have been forcibly evicted from neighbourhoods in or around Nairobi since 2000.

In **Ghana**, over 7,000 people were made homeless when they were forcibly evicted by the Game and Wildlife Division from the Digya National Park in March and April 2006. The evictions were halted in April after a boat carrying over 150 evictees capsized, causing the death of at least 10 people. Those remaining in the park still live under threat of forced eviction. Some 800 people also had their homes destroyed in Legion Village, Accra in May 2006, while approximately 30,000 people in the Agbogbloshie community of Accra have been threatened with forced eviction since 2002.

At least 650 families in **Equatorial Guinea** have been forcibly evicted from their homes since 2004, when the government embarked on a programme of urban regeneration in Malabo and Bata. These families had title to their property. Thousands more remain at risk.

Although the jurisprudence of the African Commission reflects a prohibition of forced evictions, there is no direct statement or declaration from the Commission specifically addressing this issue. In light of the seriousness and scale of the phenomenon of forced evictions in Africa, Amnesty International encourages the African Commission to adopt a resolution condemning the practice of forced evictions in Africa and characterizing such practice as a serious violation of the African Charter. Amnesty International also suggests that the African Commission develops principles on prevention of and protection against forced evictions in Africa, based on the African Charter, the Commission's jurisprudence, international human rights law and the standards elaborated by the UN human rights bodies and experts.

In particular, Amnesty International recommends that states parties to the African Charter ensure that all evictions comply with the following principles:

- an opportunity for genuine consultation with those affected;
- adequate and reasonable notice (of at least 90 days) for all affected persons prior to the scheduled date of eviction;
- information on the proposed evictions, and, where applicable, on the alternative purpose for which the housing is to be used, to be made available in reasonable time to all those affected;
- presence of government officials or their representatives during the evictions, especially where groups of people are involved;
- proper identification of all persons carrying out the eviction;
- evictions do not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- evictions should never result in homelessness: evictees should receive just compensation and alternative accommodation;
- evictees should have safe and secure access to food, safe drinking water and sanitation, and medical services;
- legal remedies to challenge the evictions, including provision of legal aid to persons who are in need of it to seek redress from the courts.