

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Nigeria: Slum dwellers prepare to testify against Government at ECOWAS Court of Justice over shooting by security forces

Today Amnesty International again urged the Federal Government to set up an independent commission of inquiry to investigate the use of firearms by security forces in Bundu, Port Harcourt, as the residents go to court to give evidence against the authorities.

On Wednesday 8 February, the ECOWAS Court of Justice in Abuja will hear a case against the Federal and Rivers state government over the shooting and killing by security agents of residents of Bundu waterfront and neighboring communities in Port Harcourt, Rivers State, Nigeria in October 2009.

The case is being brought by 10 residents of Bundu waterfront and surrounding communities and the Socio-Economic Rights and Accountability Project (SERAP).

Amnesty International has submitted an Amicus Curiae to the court detailing the international and national standards on the right to life, the right to protection against forced evictions, the right to an effective remedy, and on the use of force and firearms. The amicus also highlights that Nigeria's Force Order 237 does not comply with these standards, but allows the police to shoot at protesters whether they pose a threat to life or not.

On 12 October 2009 armed security forces opened fire on a crowd of people peacefully protesting against the proposed demolition of their homes in Bundu waterfront community, Port Harcourt, leaving at least one person dead and 12 seriously injured. The total number of dead remains unknown. Over two years later, no investigation has been carried out. In 2010, Amnesty International highlighted the case in a report and demanded an immediate investigation from the government. For further information, see Amnesty International's report: *Port Harcourt Demolitions: Excessive Use of Force Against Demonstrators*.

Nigeria's police regulations are not in line with international standards on the use of force and firearms, which aim to prevent additional loss of life and ensure that the police only use firearms when it is strictly necessary to protect life. In particular, Nigeria must repeal Police Force Order 237, which does not provide sufficiently clear guidance regarding the use of firearms. Its broad formulation permits police officers to shoot protesters, whether or not they pose a threat to life.

Background:

The Suit Number ECW/CCJ/APP/10/10 dated 29 October 2010, was filed on behalf of the Plaintiffs by the Socio-Economic Rights and Accountability Project (SERAP). The Minister of Justice and Attorney General of the Federation; Rivers State governor Rotimi Amaechi; Commissioner for Justice Rivers State; and the Commissioner for Urban Development, were joined as Defendants.

The plaintiffs said that "On 12 October a crowd gathered at the entrance to the community, next to the city's prison, to protest against the enumeration and the proposed demolitions. The

protest was peaceful. At around 8.30am, two Mobile Police (MOPOL) armoured personnel carriers approached the entrance of the community and parked next to the prison. At 9am a convoy of approximately 10 police and army vehicles approached the prison junction. A small armoured vehicle leading the convey drove into the crowd,” the Plaintiffs also said.

The Plaintiffs also said that, “Without any warning, the soldiers started shooting. They first fired shots in the air and they drove their vehicles to the end of the road. Members of the community who were leading the protest told people not to run because, at the time, they believed that the government would not shoot to kill. The soldiers started shooting again but this time, they fired shots into the crowd.”

“The protesters tried to run away but they were chased and fired upon by the security agents, who fanned out through the community. Apart from those who were shot in their homes, most people were shot from behind as they ran. As people ran away, members of the security forces followed them into the waterfront, shooting as they went,” the Plaintiffs added.

“Also, on the morning of 12 October 2009, government authorities, accompanied by security agents wearing: regular army camouflage uniforms and camouflage head gear; camouflage uniforms and red berets; Mobile Police uniforms, Mobile Police uniforms and ‘RSVG’ flack jackets, Police uniforms and ‘S.O.S./Swift Ops. Squad’ flack jackets, and plain clothes agents wearing ‘JTF’ flack jackets’ – went to Bundu waterfront community to conduct an enumeration and assess the value of building structures earmarked for demolition,” the Plaintiffs added.

The Plaintiffs said that, “the Rivers State government with the support or complicity of the Federal government is planning large-scale demolitions of the city’s waterfront settlements. There are more than 40 waterfront settlements in Port Harcourt and they are some of the most densely populated areas of the city, home to at least 200,000 people.”

According to the Plaintiffs, “The planned large-scale demolitions were developed without adequate consultation with affected communities. Njemanze waterfront, a community close to Bundu Ama, was demolished in August 2009 and it is estimated between 13,800 and 19,000 people were forcibly evicted from their homes. Thousands of people, including children, women and the elderly were left homeless and vulnerable to other human rights violations.”

The Plaintiffs are asking the ECOWAS Court of Justice for the following reliefs:

- A declaration that the indiscriminate shooting into a crowd of unarmed protesters is unlawful as:
 - it is disproportionate and cannot be justified under any circumstances, and therefore constitutes a violation of Nigeria’s international human rights obligations and commitments;
 - it violates the right to life, and to the security; dignity of the human person, and the right to health;
 - it resulted in violence, harassment, assault, killing, and other serious human rights violations against the inhabitants of the Bundu waterfront community, therefore constituting a serious breach of Nigeria’s human rights obligations under the African Charter on Human and Peoples’ Rights;
- A declaration that the failure to investigate and prosecute those responsible for the indiscriminate shooting (and the resulting killing and injuries) is unlawful as it breaches the international obligations and commitments of the defendants to provide an effective remedy to victims of human rights violations, as recognized by the African Charter on Human and Peoples’ Rights.
- An order to pay adequate monetary compensation of \$100 million (US Dollar) to the 2nd to 11th Plaintiffs for the violation of their human rights the subject matter of this suit, and to provide other form of reparation, which may take the form of restitution,

satisfaction or guarantees of non-repetition, and other forms of reparation that the Honourable Court may deem fit to grant.

- An order of injunction restraining the Defendants from implementing any plan to carry out any enumeration in preparation for demolition of structures and properties in the Bundu waterfront community.
- An order directing the defendants to promote, respect, secure, fulfill and ensure the rights of the 2nd to 11th Plaintiffs and other inhabitants of the Bundu waterfront community who suffered serious human rights violations on 12th October 2009.