

AMNESTY INTERNATIONAL

Public Statement

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

The practice of forced eviction is a gross violation of human rights under international law. Forced evictions constitute one of the most widespread and unrecognised human rights violations in Africa. 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.

Since 2000 over 1.2 million people have been forcibly evicted from their homes in different parts of **Nigeria**. Such evictions generally target marginalized people, many of whom have lived for years without access to clean water, sanitation, adequate health care or education.

Forced evictions are ongoing throughout the country. According to the Centre On Housing Rights and Evictions 800,000 people have been removed from their houses in Abuja since 2003. This was caused by the Abuja Master Plan, which was introduced in 1979 when the capital was moved from Lagos to Abuja with the aim of creating an orderly city. In April 2005, around 3,000 people of the community of Makoko, Lagos, were evicted from their houses without an adequate housing alternative. The evictions were carried out to execute a court order from 2000 which granted ownership of the area to a private landowner.

In May 2006, thousands of residents living and trading inside the army barracks of the 2nd Amphibious Brigade in Port Harcourt were reportedly evicted from the compound following a car bomb the previous month. Residents were ordered to vacate the area without adequate warning, adequate alternative housing or compensation.

Amnesty International is concerned that more forced evictions may take place. In August 2007, the Rivers State government announced its decision to demolish houses in the Port Harcourt waterfront area and to replace them with 6,000 new housing units. The violence between armed gangs and the Joint Task Force (combined troops of the army, navy, air force and the mobile police) was the direct cause of this announcement. The Rivers State government assumed that this area served as a haven for the gangs. On 26 October a new governor was appointed in Rivers State and he has suspended the demolition plans.

Although 2007 has seen fewer forced evictions in **Angola**, a number of the incidents of forced evictions were reported in the last six months. Most happened in Luanda, the capital, which continues to be the most affected area. Some 300 families were forcibly evicted from their homes, which were then demolished, in at least three neighbourhoods between May and August 2007. In at least one case, force and firearms were used injuring two residents. Some residents were also briefly detained. They were later released without charge. Most residents continue to live in the area but without adequate shelter. Over 100 families remain

homeless in the Cambamba 2 neighbourhood, after having their homes repeatedly demolished since 2005 following forced evictions.

In **Equatorial Guinea** small-scale forced evictions have continued in the last six months in Malabo, the capital, and in Bata. However, hundreds of families in both cities remain at risk of being forcibly evicted. In June, at least 20 families (over 120 people) in a neighbourhood in central Malabo were told to leave the area "within the next few weeks." However, they were not offered compensation or alternative housing. Some of the families moved out but others are still in the area under threat of being forcibly evicted. In Bata, in July, some 10 families were forcibly evicted and had their homes and vegetable gardens destroyed by tractors that appeared in the area without prior notice. The first 50 houses of a social housing project designed to rehouse some of the people forcibly evicted were handed over to the government. However, at a cost of 10 million CFA franc each (approximately US \$17,000) few can afford them and they are being distributed among the more affluent people. No legislation or other measures have been adopted to protect the rights of the people.

In **Sudan** there have been forcible evictions related to the building of two dams on the Nile in northern Sudan, the Merowe Dam and the Kajbar Dam affecting more than 60,000 residents. In 2006 and 2007 thousands of villagers by the Nile in the fourth cataract area were forcibly evicted often without warning. Some of those who were evicted in 2006 have still not been adequately housed. Those evicted from their villages beside the Nile were reportedly taken to a site in the desert where there is no water or electricity. The "Basic principles and guidelines on development-based evictions and displacement" lay down certain procedures to be followed when building such projects as the Merowe and Kajbar Dams, but these were not followed.

In 2006, tens of thousands of people, including indigenous peoples, were violently evicted from forests in **Kenya** with no resettlement arrangement, although in October 2007 the government of Kenya issued a statement that they would resettle all those evicted from Mau forest. In addition, to this day, many residents of informal settlements in the capital, Nairobi, have been subject to forced evictions in the context of intermittent demolitions of their dwellings. The UN Special Rapporteur on the Right to Adequate Housing has publicly criticized the practice of forced evictions in Kenya. Despite reports in 2006 that the Government of Kenya was in the process of adopting guidelines to prevent and remedy forced evictions, no such legal framework exists to this date.

The government of **Zimbabwe**'s programme of mass forced evictions in 2005 left some 700,000 people without a home or livelihood or both. Two years on, the victims are still enduring the effects of the evictions and their living conditions have deteriorated. Undoubtedly, the forced evictions drove many families deeper into poverty through the destruction of homes and informal businesses. In addition, the government also put in place obstacles to unjustifiably restrict the victims' access to humanitarian assistance. The government has so far failed to come up with an effective remedy for the victims.

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:

- o evictions can only take place as a last resort, after it has been determined that all other possible alternatives have been exhausted;
- o an opportunity for genuine consultation with those affected;
- o adequate and reasonable notice (of at least 90 days) for all affected persons prior to the scheduled date of eviction;
- o 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;
- o presence of government officials or their representatives during the evictions, especially where groups of people are involved;
- o proper identification of all persons carrying out the eviction;
- o evictions do not to take place in particularly bad weather or at night unless the affected persons consent

otherwise;

- o evictions should never result in homelessness: evictees should receive just compensation and alternative accommodation;
- o evictees should have safe and secure access to food, safe drinking water and sanitation, and medical services;
- o 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.