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NO HOMES, NO JUSTICE, NO DIGNITY

VICTIMS OF FORCED EVICTIONS
IN CHAD

HOUSING IS A
HUMAN RIGHT
AMNESTY
INTERNATIONAL



***“Justice should be the last resort for a citizen.
But here, this is not the case”***

A Chadian senior magistrate, N'Djamena, March 2011

More than three years after the first wave of forced evictions and house demolitions in Chad's capital city, N'Djamena, victims who lost their homes and livelihoods continue to be denied justice. Tens of thousands of people were forcibly evicted from their homes without due process, adequate notice, consultation, alternative housing or compensation. Very few families have been compensated for their losses. A few victims went to court and won cases against the authorities but the court decisions were rarely enforced.

The Chadian authorities continue to forcibly evict people across the city without complying with international and regional human rights standards on evictions.

Forced evictions in N'Djamena have already left thousands of people homeless and jobless. Evictions were continuing at the end of March 2011, and many more people were threatened with losing their homes.

The authorities began forcible evictions in N'Djamena in February 2008, during a state of emergency declared after an attack on the city by armed opposition groups. National and municipal authorities have ever since continued to demolish homes and businesses, claiming that these new waves of evictions are part of a plan to redevelop the city.

Victims of forced evictions and local and international human rights organizations have called on the Chadian government to stop forced evictions and to ensure that victims have access to justice, including compensation. However, many of those evicted are today living in dire conditions in N'Djamena or have been forced to return to their villages of origin.

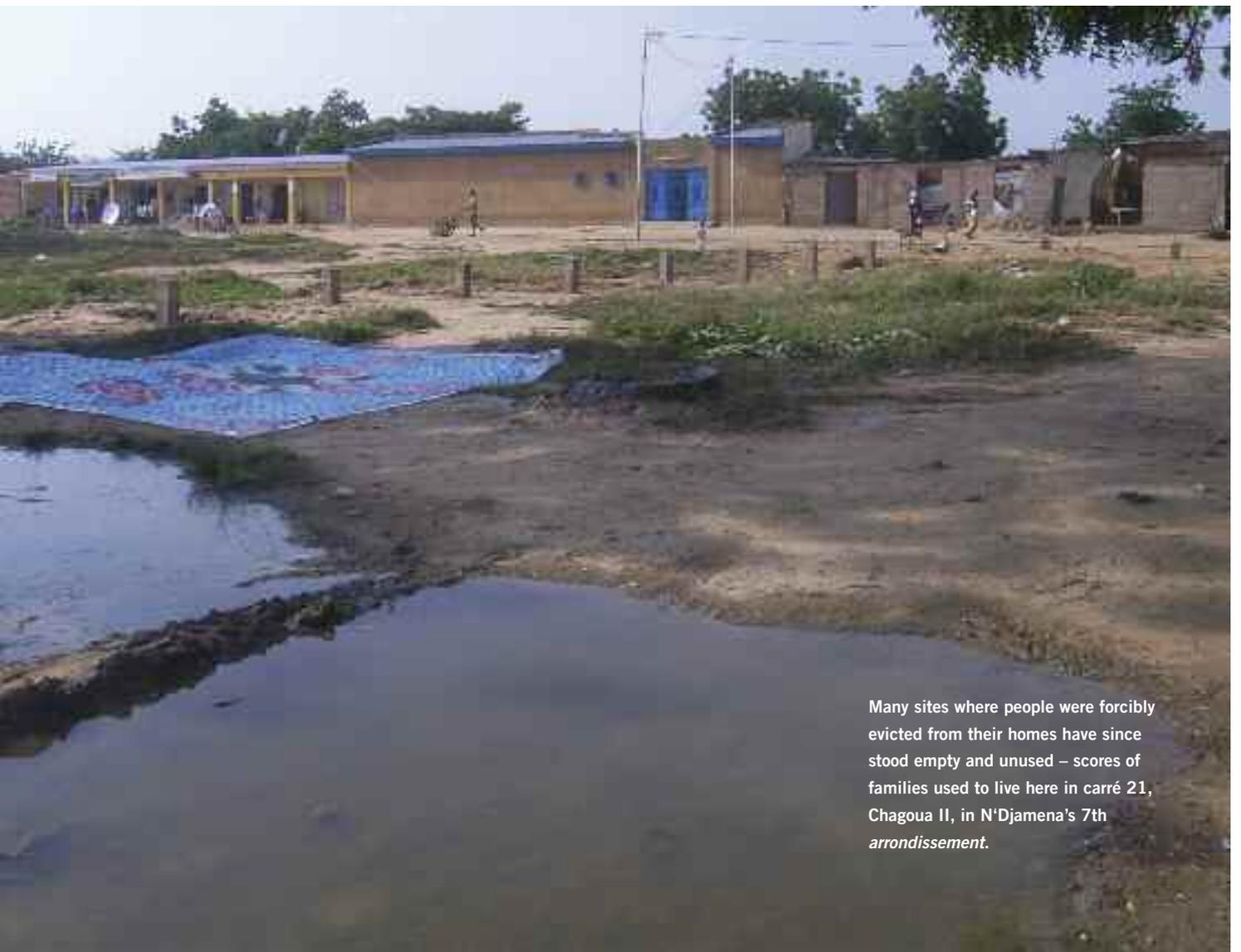
In a few cases, national and municipal officials admitted that some houses had been wrongly demolished, and said they would find a solution, including possible relocation. However, by the end of March 2011, the government had announced no such measures.



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“We have reacted to this inhuman treatment and we have told the mayor that the state must be accountable for any wrongdoing. If it is true that some people built houses on reserved areas, it also true that there is a large number of people who did not.”

A senior Chadian judicial official, N'Djamena, September 2010



Many sites where people were forcibly evicted from their homes have since stood empty and unused – scores of families used to live here in carré 21, Chagoua II, in N'Djamena's 7th *arrondissement*.

WAVES OF DESTRUCTION

On 22 February 2008, Chadian President Idriss Déby Itno issued a decree authorizing the destruction of buildings and structures deemed illegal, either because state land was occupied without permission or because the houses were constructed without official building permits. The first decree applied to two neighbourhoods of N'Djamena, Gardole and Walia Angosso. The destruction was later extended, without any further decree, into other areas such as Farcha, Atrone and Chagoua. At least 1,798 buildings were destroyed in 11 areas of the capital in 2008. Amnesty International estimates that tens of thousands of people lost their homes that year.

The demolitions continued in 2009, largely to allow the government to build or extend roads across the city. In the Arded Djournal area in the 3rd *arrondissement* (district), between the place called bar chinois and

the Kabalaye temple, some of those evicted were paid between FCFA 1million and 16million (between US\$2,000 and US\$32,000) after their homes were demolished to allow road building. However, they were not consulted, nor were they given a chance to negotiate or challenge the level of compensation or have their properties independently valued. In addition, the mayor of N'Djamena passed a decree in 2009 allowing the destruction of houses in N'Djamena not built of durable materials such as bricks if they were near main roads.

Forcible evictions, destruction of homes, threats and intimidation continued through 2010 and into 2011 and extended into new areas. More than 10,000 people in Ambatta, a suburb of N'Djamena, were told by the authorities in May 2010 to leave their homes by the end of the rainy season, around mid-October. New houses were to be built on the land – but not for the

“I will need to go to the village but we have no house or farm there. I heard that some people received compensation but this was not the case for me and my family.”

Minadji Tapita, victim of forced eviction, N'Djamena, September 2010

Front cover: Demolished buildings in Dembe, N'Djamena, Chad, May 2008. Thousands of people who were forcibly evicted from their homes have still not received compensation or alternative housing – even court decisions in their favour have not been enforced.

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These satellite images show the extent of the destruction of housing in parts of N'Djamena – since February 2008 tens of thousands of people have been forcibly evicted and have seen their family homes demolished.
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Djimié Abbo, who is 78 years old, was forcibly evicted from her home in 2008 without compensation or alternative housing. She told Amnesty International delegates in March 2011 that she now has to live on charity.

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existing residents. Although their houses had not been demolished by March 2011, residents of Ambatta told Amnesty International that they lived every day in dread of losing their homes. Most fear that their homes will be destroyed after presidential and local elections in April and June 2011, when the authorities – who are expected to remain in power – will feel freer to pursue their plans than during the sensitive pre-election period.

In late 2010 and early 2011, houses were destroyed in Toukra, another N'Djamena suburb, near the new university building, in the 9th *arrondissement*. According to former residents, they were treated brutally by the security forces when being evicted on 24 and 25 December 2010. The status of the land was changed from rural to urban in 2002, when the government incorporated the area into the great N'Djamena plan, and

plots are to be allocated to people from Walia (another part of N'Djamena) who lost their homes in mid-2010. The Toukra residents formed a committee to ask for alternative housing from the government, but were still waiting for a response at the end of March 2011.

IEWS OF THE VICTIMS

Amnesty International has investigated forced evictions in N'Djamena since February 2008. Delegates have visited most of the eviction sites and met hundreds of victims during fact-finding visits between May 2008 and March 2011.

Here three people describe their experiences:

Djimié Abbo, commonly known as “Am Doungouss” (Doungouss’ mother), is now 78 years old. She had lived for more than

“I am now living on charity because of this situation.”

Djimié Abbo



Apollinaire Nodjihoudou Djeria standing on the ruins of his demolished house, 26 April 2009. His daughter has changed school several times and lost two years of schooling because his family had to stay with relatives a long way from her school.

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“This is unjust; the least the authorities could do is to give reparation.”

Apollinaire Djeria

42 years in her house in Farcha in the 1st *arrondissement* before her home was destroyed by the authorities in February 2008. She was making and selling local beverages to support herself and her grandchildren before being forcibly evicted.

Amnesty International delegates first met her in May 2008 at the ruins of her home where she was living under a tree. Her case was recorded in reports issued in 2008 and 2009: *Double misfortune: Deepening human rights violations in Chad* (Index: AFR 20/007/2008) and *Broken homes, broken lives: End forced evictions in Chad* (Index: AFR 20/005/2009).

The delegates met her again in March 2011. She said that the authorities had done nothing for her – not even providing her with an alternative shelter – despite repeated requests, not only from her but also from local and international organizations.

Amnesty international delegates visited the ruins of her former home and the makeshift shelter where she now lives with her three small grandchildren – a shack some 3mx3m with no amenities at all, in Boutal Bagara, 7th *arrondissement*, on the outskirts of the city.

Mme Djimié said that all she wants is to have a shelter and for the government to recognize her human rights and her dignity as a human being and an old woman. She added that she did not understand why, after living in her house for more than 42 years, the authorities simply destroyed it and made her life so difficult.

Apollinaire Nodjihoudou Djeria’s house in Chagoua has been demolished twice by the N’Djamena municipal authorities, the second time in defiance of a court order. His home was erroneously destroyed in 2004 and in 2005 a judge ordered the



Jacqueline Soptika, her daughter and two of her grandchildren. Jacqueline Soptika was forcibly evicted from her home in February 2008, without compensation or any offer of alternative housing. She was forced to return to her village of origin.

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government to compensate him. Apollinaire rebuilt his house himself, only to see it destroyed again in February 2008 by the same authorities.

After this second eviction, Apollinaire, his wife and four children went to stay with his wife's family where they were given a room. Amnesty International delegates met him in 2009 and in 2010, and he said he was not comfortable in this situation and that he was worried about his daughter's education as she was now living so far from her school.

Amnesty International delegates met Apollinaire again in March 2011. He said he was still waiting for the implementation of the 2005 court decision but that he had no confidence in the judicial system.

He added that his family had suffered greatly because of the forced evictions. His daughter had had to change school three

times since their second eviction and had lost two school years because of the changes.

Jacqueline Soptika was living with her husband and children at carré 21, 7th arrondissement, Chagoua II. After their eviction in February 2008, she was first forced to stay with her daughter nearby, and then to return to her village of origin in Léré, around 500km from N'Djamena. Three of her children are currently living with her daughter who has her own five children in a two-room shelter.

Since their forced eviction, the life of the whole family has become much harder. Her husband, Palai Defia, a former civil servant, collapsed and died only two days after his house was demolished. The family had no choice but to go back to their village of origin.

The following year, her daughter's husband – who was supporting the family – died.

“We were tired of going to the municipality and the only person who was helping us is dead now. We gave up.”

Jacqueline Soptika

Apparently this site in Ambatta will contain 10,000 new houses – but they are not for the people who were told to vacate the area.



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Weeks later, her elder son was killed in a road accident in N'Djamena. The combination of these misfortunes left the family in hardship and some of her children were forced to abandon school. She herself appeared to be traumatized by what had happened.

In September 2010 Jacqueline Soptika told Amnesty International delegates that she did not understand why their houses had been demolished when nothing had been done with the site for more than two years. When Amnesty International delegates visited the site of her former home in March 2011, more than three years after the evictions and demolitions, her daughter told them that the authorities had done nothing to the site and were not interested in helping them. The site itself was deserted and full of stagnant rain water.

DESTROYED HOMES, EMPTY LAND

Most of the sites from which people have been forcibly evicted since February 2008 were still unoccupied at the end of March 2011. N'Djamena municipal authorities told Amnesty International in May 2008 and in September 2010 that some of these sites – including Atrone, Chagoua I and II and Farcha – were part of a state land reserve that should not be occupied. The authorities also stated that inhabitants were staying there illegally without land titles.

But at some sites, such as Farcha, new buildings were under construction in March 2011 despite complaints from the victims of the February 2008 forced evictions. It appeared that the plots were allocated to other people to build on while many of those evicted remained without access to

adequate housing. Lawyers and judicial authorities confirmed that some of the victims of forced evictions were the legal owners of their properties.

Many of the eviction sites have remained virtually untouched since February 2008. For instance, at *carré 21*, 7th *arrondissement*, Chagoua II, where the deserted site is full of stagnant water, neighbours complain that bandits are hiding there and that the stagnant water allows mosquitoes to breed. The only building left standing at the site is a church.

REALLOCATION OF LAND

In some sites from which people were forcibly evicted, plots have apparently been redistributed to other individuals. It is unclear which authority was responsible for



A road being built after people were forcibly evicted from their homes, which were then demolished, in Arded Djoumal, N'Djamena.

© Amnesty International

this redistribution, the process was in no way transparent, and the rights and needs of the previous inhabitants were completely ignored.

In Farcha, when building work started in August 2010, angry former inhabitants managed to stop the work temporarily. They contacted the authorities and lodged complaints with the N'Djamena council and the Minister in charge of habitat, but the construction work restarted. When Amnesty International's delegates visited the site in March 2011, they saw that one part was sectioned off with a sign saying "société d'entretien routier, SNER". On another part of the site, a sign indicated that a children's playground was to be built. Elsewhere on the site, near a local market, private buildings were being constructed in March 2011.

GOVERNMENT BUILDING WORK

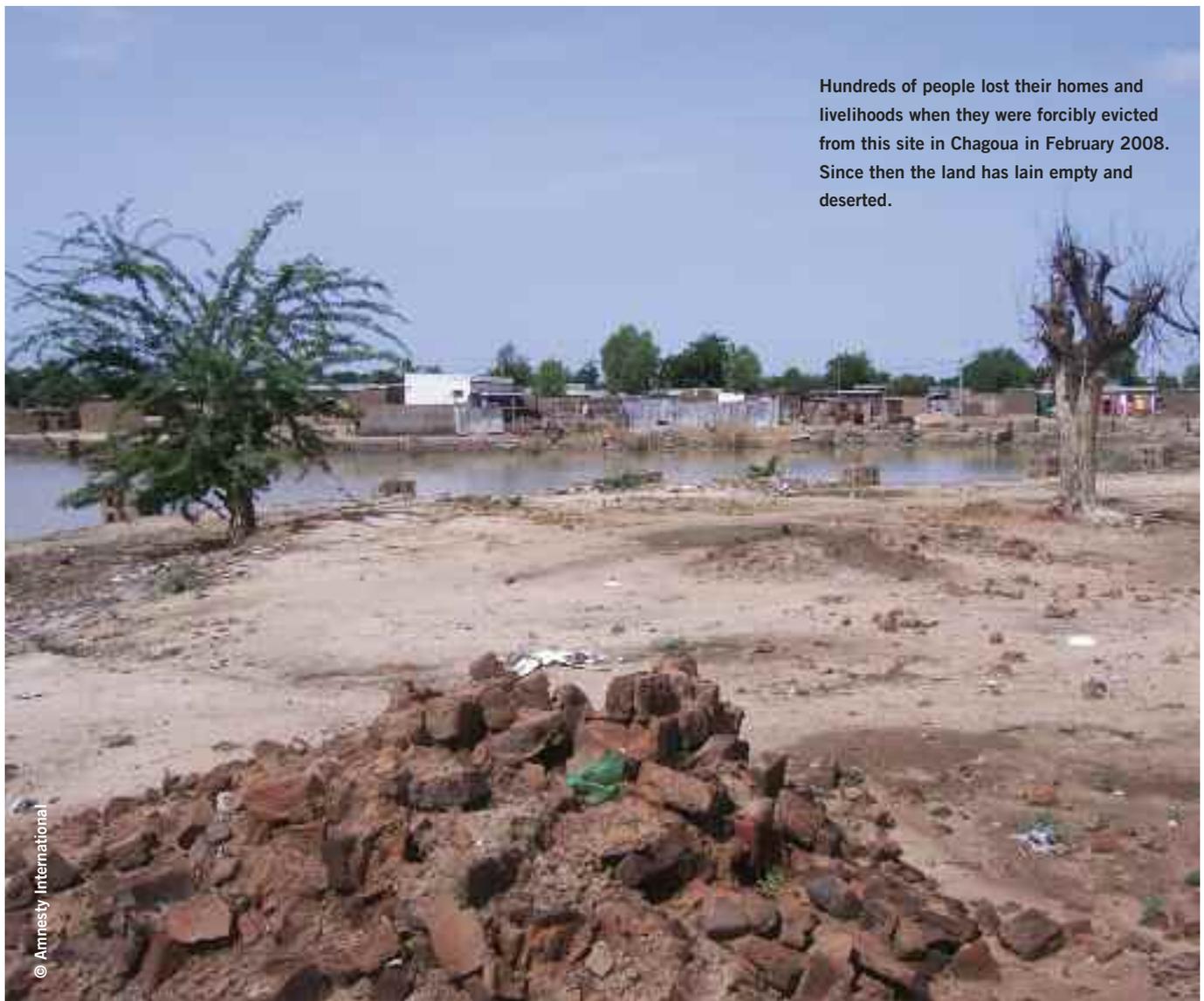
The government has undertaken some public building works on sites from which people were forcibly evicted, such as roads, schools and a hospital. In Chagoua II, two schools have been built: Abena primary school and a *Lycée* (secondary school). The *Lycée* opened on 9 October 2009 with 826 students and the number could reach 1,200 for the 2010/2011 year. According to one of the head teachers, the *Lycée* lacks teaching staff – of the 30 teachers it needs, it only had 14 at the end of 2010.

The government also built a hospital (Hôpital de la Mère et de l'Enfant) in Gardolé, less than 200m from the existing N'Djamena general hospital.

Roads are also being developed in various places in N'Djamena.

"It was hard to watch the soldiers forcing the people to leave this area. I know people who have lived here for decades and myself, I was born here. It was only in 2008 that I learned this was a reserve!"

A local councillor from Farcha, September 2010



Hundreds of people lost their homes and livelihoods when they were forcibly evicted from this site in Chagoua in February 2008. Since then the land has lain empty and deserted.

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FORCED EVICTIONS: A HUMAN RIGHTS VIOLATION

The UN Committee on Economic, Social and Cultural Rights defines forced eviction as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.” (General comment No. 7, the right to adequate housing)

Forced evictions are a violation of human rights, in particular the right to adequate housing, and contravene a range of international and regional treaties that Chad is a party to. In addition to the loss of the house and deprivation of the means of subsistence for the majority of the victims, other human rights – especially these of vulnerable groups such as children and the elderly – are undermined, including the

right to security of the person and the right to privacy. The Chadian government has a responsibility to refrain from and prevent forced evictions and should put in place legal safeguards and procedures before any evictions are carried out.

Forced evictions have serious consequences for children’s rights. Children who were going to school near their homes missed out on education when their parents were displaced by the evictions. Some stayed with neighbours or family members in order to continue their schooling, but their families had trouble paying school fees.

The evictions were traumatic for many people. The right to mental and physical health as well as the right to dignity is seriously affected by eviction and the fear of eviction.

CHAD’S LEGAL OBLIGATIONS

Forced evictions are prohibited by international human rights treaties including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples’ Rights. Chad is legally bound by these treaties.

According to international human rights law, evictions may only be carried out as a last resort, once all other feasible alternatives have been explored, and once appropriate procedural safeguards are in place.

These include:

- genuine consultation with all those affected;
- adequate notice prior to the eviction;



Amnesty International delegates talking to residents of Ambatta in September 2010 about the threats of forcible eviction that they faced.

- information on the proposed evictions and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;

- government officials or their representatives to be present during an eviction;

- everyone involved in carrying out the eviction to be properly identified;

- evictions not to take place in particularly bad weather or at night unless the affected people consent otherwise;

- provision of legal remedies;

- provision, where possible, of legal aid to people who are in need of it to seek redress from the courts.

When an eviction is considered to be justified, it should be carried out in “strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality.” (UN Committee on Economic, Social and Cultural Rights, General comment No. 7, the right to adequate housing)

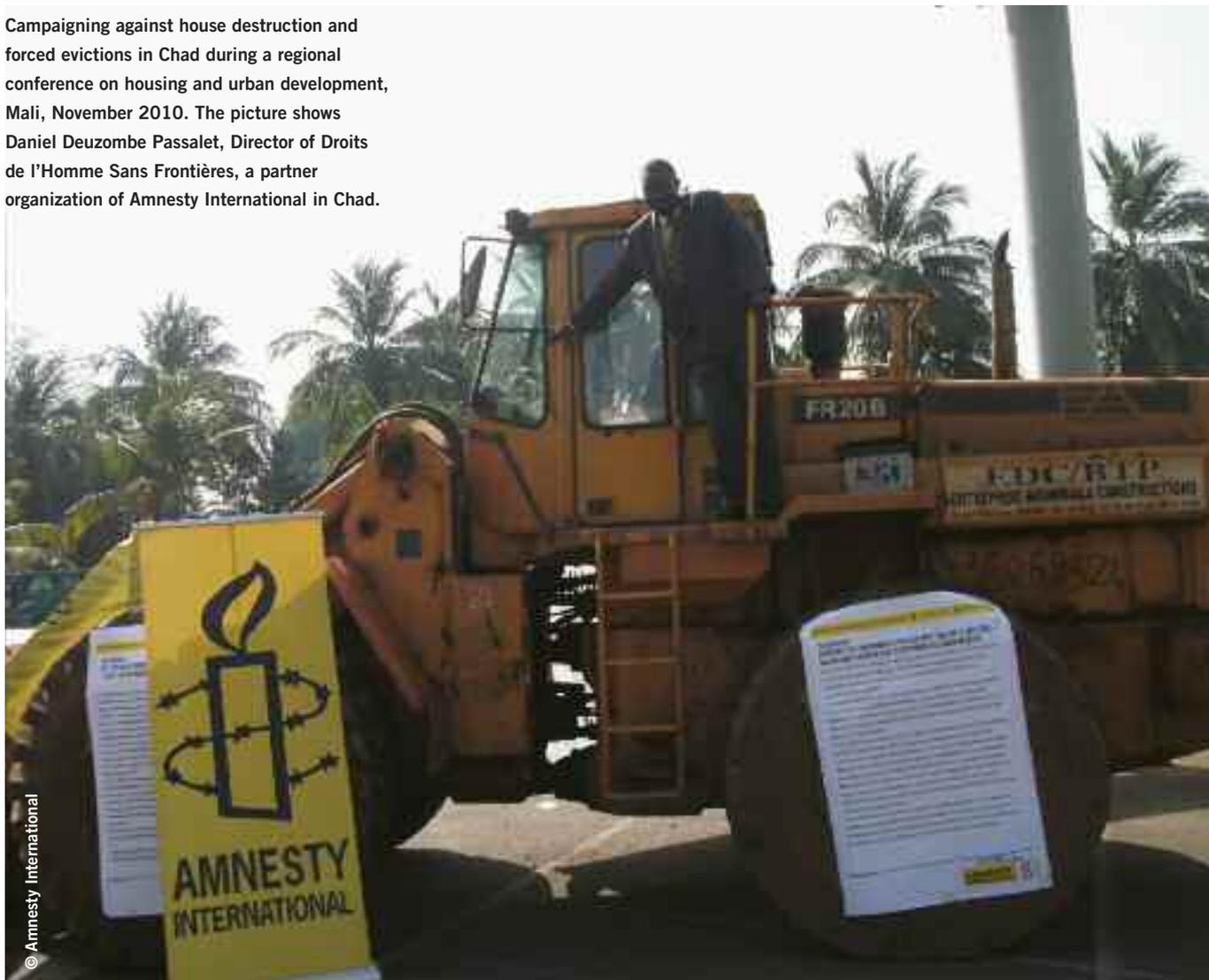
Not every eviction that is carried out by force constitutes a forced eviction. If all the legal safeguards and protections required under international law are put in place and complied with, and if the use of force is proportionate and reasonable, then the eviction would not violate the prohibition on forced evictions.

The Constitution of Chad protects “private life and property” (Article 17) and states that “private property is inviolable and

sacred” and that “none can be disposed except for a duly verified case of public interest and with fair and advance compensation” (Article 41). Criteria and procedures to be used in cases of expropriation, both where people have title to their land and where they do not, are regulated by the Chadian national property law of 1967.

The waves of demolitions of homes and forced evictions of people that are taking place in N’Djamena since February 2008 are conducted in violation of Chad’s international, regional and national obligations. They must cease.

Campaigning against house destruction and forced evictions in Chad during a regional conference on housing and urban development, Mali, November 2010. The picture shows Daniel Deuzombe Passalet, Director of Droits de l'Homme Sans Frontières, a partner organization of Amnesty International in Chad.



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TAKE ACTION

Please appeal to the Chadian authorities to:

- Immediately stop carrying out forced evictions and legislate to prevent forced evictions;
- Stop evictions from informal settlements in N'Djamena until safeguards are put in place to ensure that all evictions comply with international human rights standards;
- Adopt guidelines for evictions that comply with international human rights law and are based on the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement;

- Implement court decisions that require the Chadian authorities to stop evicting people and pay compensation to the victims;
- Ensure that all victims of forced eviction in Chad have access to effective remedies, including adequate compensation and alternative housing, in line with international standards.

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Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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