



JOINT PUBLIC STATEMENT

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Nigeria: Lagos State High Court rules that forced evictions are cruel, inhuman and degrading – a landmark win for housing rights!

On 26 January 2017, a Lagos State High Court ruled that the demolition and threatened demolition of Lagos' waterfront communities without adequate notice or provision of alternative shelter amounts to cruel, inhuman and degrading treatment in violation of section 34 of the Nigerian Constitution. This ruling is a victory for the hundreds of thousands of residents of Lagos State's waterfronts under threat of mass demolitions since October 2016, as well as a landmark in the fight against forced evictions in Nigeria and beyond.

Amnesty International and the Nigerian Slum / Informal Settlement Federation (the Federation) call on the Lagos State Government to respect this ruling, ensure no further forced evictions take place and immediately provide adequate remedy to those residents who have been forcibly evicted from their homes.

The case was filed by Justice & Empowerment Initiatives – Nigeria (JEI) on behalf of residents of waterfront communities across the state following the 9 October 2016 threat by the Lagos State Governor to start demolishing waterfront communities within seven days. The residents asked the court to restrain the Government from carrying out its threat and to find that the threatened demolition of their homes would be a violation of their fundamental human rights.

According to mapping done by the Federation which has members in over 70 informal settlements across Lagos, at least 40 waterfront communities and an estimated 300,000 persons may be affected if the Governor proceeds with his threat. The Federation organized member communities to write to the Governor and staged large peaceful protests against the threatened demolition on 13 and 18 October.

In one month, between 9 October and 11 November 2016, three of the over 40 waterfront communities in Lagos State were demolished. On 15 October 2016, the Lagos State Government forcibly evicted the residents of Ilubirin, a fishing community which was home to hundreds of women, men and children. There was no consultation, adequate notice, or provision of alternative accommodation.

On 31 October, the Lagos State House of Assembly called on the Lagos State Governor Akinwunmi Ambode to halt the demolition plans, and on 7 November the Lagos State High Court

granted an interim injunction restraining the Lagos State Government and the police from proceeding with the demolition of waterfront communities. The State and the police, however, ignored the court order and between 9 and 11 November forcibly evicted tens of thousands from two communities.

On 9 and 10 November 2016, a waterfront community, Otodo Gbame, home to over 30,000 residents, was demolished by arson and a bulldozer. After the community was attacked and houses set ablaze on the morning of 9 November, eyewitnesses reported that the police who came did not attempt to stop the fire. Instead, residents say police officers helped the fire to spread and shot tear gas and bullets to chase residents away from putting it out. After the fire was finally stopped in the afternoon, the police and a demolition team returned around midnight with a bulldozer and, according to eyewitnesses, proceeded to destroy the remaining community and set properties ablaze. By late afternoon on 10 November, over 30,000 people had been forcibly evicted.

The next day, Ebute Ikate (also known as Chisco Ikate), a neighbouring community was demolished by police and State Government officials, forcibly evicting residents without adequate notice, consultation, nor provision of alternative accommodation for those who could not provide for themselves.

Hundreds of women, men and children (including babies) evicted from the three communities slept in their canoes on the lagoon, and under flimsy plastic sheets by the shore for several weeks after losing their homes, while others took refuge in other waterfront informal settlements across the State.

On the 26 January 2017, Hon. Justice Onigbanjo of the Lagos State High court ruled that:

“the eviction/threat of forcible eviction of any citizen from his home at short notice and without any immediate alternative accommodation or sufficient opportunity to arrange for such alternative accommodation before being evicted from his current abode [is] totally undignifying and certainly inhuman, cruel and degrading”.

The ruling further ordered the parties to explore settlement through court-ordered mediation and report back within one month. This historic victory for Lagos waterfront communities lays the groundwork for remedy for tens of thousands of evictees while protecting the hundreds of thousands living in other waterfront communities that remain at risk in Lagos state.

This ruling is in line with international human rights law established by the UN Committee against Torture, the UN Human Rights Committee, and the European Court on Human Rights, among others. It sets a strong legal precedent in Nigeria against forced evictions, which are prevalent in Lagos State and other parts of the country. We hope that other courts across the country which have similar cases before them will be guided by this important precedent in exercising their mandate to protect and enforce fundamental human rights.

Amnesty International, JEI and the Federation urge the Lagos State Government and the Lagos State House of Assembly to immediately put in place administrative, policy and legislative measures that will ensure forced evictions no longer happen in the state. These measures should comply with safeguards required under international human rights law and standards including

the UN Basic Principles and Guidelines on Development based Evictions and Displacement. These safeguards include:

- An eviction impact assessment of all those potentially affected. This assessment must take into account the differential impacts of forced evictions on women, the elderly, children, and other disadvantaged and marginalized groups.
- Genuine consultation with all affected residents including through public hearings.
- Issuance of adequate notices to all affected residents.
- Payment of adequate compensation for all losses that would be suffered because of the proposed eviction.
- Provision of alternative adequate housing to those who would not be able to afford it for themselves.
- Ensuring everyone is relocated before the demolition day.

International law is clear that forced evictions are absolutely prohibited and never justified under any circumstances. The practice of forced eviction is a violation of Nigeria's human rights obligations under domestic, regional and international law instruments. It also renders women, men and children homeless, vulnerable to other human rights abuses, and can constitute cruel, inhuman and degrading treatment in violation of the right to dignity. No government – national, state or local – should tolerate or participate in such practices.

We therefore urge the Lagos State Government and other state governments in Nigeria to borrow a leaf from this landmark ruling and take immediate steps to stamp out the practice of forced eviction. Amnesty International, JEI and Federation are calling for a moratorium on mass evictions within Lagos State and other states of the federation, until there are laws or regulations in place to ensure compliance with safeguards that are required under international law for any eviction to proceed.

Nigeria has domesticated the African Charter on Human and People's Rights, and is a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and other international and regional human rights treaties. These instruments require it to realize the right to adequate housing, and to refrain from and prevent forced evictions.

Previous statements, pictures and videos are available at the links below:

[26 January 2017 JEI/Federation press release about High Court ruling](#)

[26 January 2017 ruling from Lagos State High Court](#)

[22 November 2016 Amnesty International- Nigeria: Thousands forcibly evicted, more at risk](#)

[17 November 2016 Nigeria: UN expert seeks urgent answers on "brutal" eviction of 30,000 people](#)

[15 November 2016 Federation press release about Otodo Gbame eviction](#)

[11 November 2016 Amnesty International- Nigeria: Fire and demolitions that left 30,000 homeless must be urgently investigated](#)

[10 November 2016 JEI press release about Otodo Gbame eviction](#)

[7 November 2016 injunction from the Lagos State High Court](#)

[17 October 2016 Federation press release about the eviction threat to the waterfronts](#)

[13 October 2016 Amnesty International - Nigeria: Tens of thousands at risk of imminent mass forced evictions in Lagos](#)

[11 October 2016 Federation letter to Governor Ambode](#)

[Photos / videos of Otodo Gbame forced eviction and #SaveTheWaterfronts protests](#)