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Nigeria: Making the destitute homeless – forced evictions in Makoko, Lagos State

1. Introduction

“My baby boy is four days old. I delivered him here after my house had been demolished. Only my mother was here to help me, and the boy has not seen a doctor or nurse yet. My husband [has] run away after the bulldozers came in on Thursday. Now I spend the nights in the class rooms in the school with many other families. I have no money.”

Miriam Usman, 30, who gave birth in the demolition site of Makoko in Lagos in late April 2005, only days after bulldozers razed the community¹



Overview of the demolition of the forced evictions



Destroyed Fan from demolished medical centre

Forced Evictions, Makoko, April 2005 (Lagos, Nigeria)

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1.1 Forced evictions on a mass scale

During three days at the end of April 2005, approximately 3,000 residents of the community of Makoko in Lagos, Nigeria’s commercial capital, were forcibly evicted from their houses. Bulldozers came in and started demolishing houses, churches, and medical clinics. Amnesty International visited Makoko on 5 May 2005 and spoke with dozens of evictees. None had been supplied with adequate alternative housing and many were deprived of schooling or means of earning a living. Those evicted claimed that they had neither been given prior notice nor consulted on the planned evictions. Some of them, including children, had been beaten up by the law enforcement officials and suffered injuries as a result of the disproportionate force used, others had had all their belongings and houses destroyed by the government forces.

These evictions were carried out in order to execute a court judgement from 2000 which granted ownership of the area to a private landowner.

¹ Interview with Amnesty International on 5 May 2005.

Forced eviction has been defined by the Committee on Economic, Social and Cultural Rights, 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. The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights.”²

In addition to depriving people of their homes, forced evictions are often associated with violations of other human rights including the rights to health, to education and to earn a living, the right to privacy and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

While evictions may be justifiable in certain circumstances, they should be undertaken only as a last resort and in accordance with the following eight principles:

- (a) an opportunity for genuine consultation with those affected;
- (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- (c) 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;
- (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction;
- (e) all persons carrying out the eviction to be properly identified;
- (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- (g) provision of legal remedies; and
- (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.³

Amnesty International considers that these criteria were not met in this case, and that the actions of the Nigerian government therefore amounted to forced evictions, and as such amount to a grave violation of human rights.⁴

Whilst legitimate evictions may involve a degree of force, Amnesty International is very concerned that these forced evictions were executed using excessive force.

²UN Committee on Economic, Social and Cultural Rights, General Comment No. 7, *The Right to Adequate Housing (Art. 11(1) of the Covenant): forced evictions*, UN Doc. E/C.12/1997/4, para 3.

³ UN Committee on Economic, Social and Cultural Rights, General Comment No. 7, *The Right to Adequate Housing (Art. 11(1) of the Covenant): forced evictions*, UN Doc. E/C.12/1997/4, para 16.

⁴ The UN Commission on Human Rights has affirmed that “the practice of forced evictions constitutes a gross violation of human rights, in particular the right to adequate housing”, UN Commission on Human Rights Resolution 1993/77.

Many forced evictions have taken place in Nigeria. Since the turn of the century, according to the Centre for Housing Rights and Evictions (COHRE), a Geneva-based international non-governmental organization (NGO), over 1,200,000 people (mostly in Port Harcourt, southern Nigeria), 23,300 households and 30 squatter settlements have been forcibly evicted in different parts of the country. Furthermore, cases of forced evictions reported in late 2005 in Abuja and Lagos, are likely to have affected thousands of people.⁵ Forced evictions in Nigeria have been primarily targeted against marginalized people who have lived for years without access to adequate amenities such as clean water, sanitation, health services or education.

This report focuses mainly on the forced evictions carried out in Makoko in April 2005 and shows how these fit into a pattern of forced evictions in Lagos and other parts of Nigeria.

Amnesty International is concerned that the Government of Nigeria is consistently violating its obligation under international human rights law, to refrain from forced evictions, and to ensure that the law is enforced against its own agents and third parties who carry out forced evictions.⁶

Amnesty International urges the Nigerian Government to immediately stop all forced evictions. The organization also urges the Nigerian Government to place an immediate moratorium on all evictions, until such time as a comprehensive human rights-based housing policy is put in place. The organization further calls on the Government of Nigeria to ensure that all those who have been subject to forced evictions have adequate alternative accommodation and the right to an effective remedy, including access to justice, which may include restitution, compensation, satisfaction and guarantees of non-repetition.⁷

1.2 Forced evictions in Nigeria - the legal context

International standards and jurisprudence on human rights are very clear that forced evictions violate human rights contained in international treaties that are binding on Nigeria, including the right to adequate housing.⁸ These include the International Covenant on Economic, Social

⁵ Daily Trust (Nigeria), 'Editorial: The Demolition of Chika', 13 December 2005; Associated Press, 'Nigeria evicts more civil servants', 9 December 2005.

⁶ UN Committee on Economic, Social and Cultural Rights, General Comment No. 7, *The Right to Adequate Housing (Art. 11(1) of the Covenant): forced evictions*, UN Doc. E/C.12/1997/4, para 8.

⁷ International Covenant on Civil and Political Rights, Article 2 (3) (b) and (c); UN Committee on Economic, Social and Cultural Rights, General Comment No. 14, *The right to the highest attainable standard of health*, UN Doc. E/C.12/2000/4, 11 August 2000, para 59.

⁸ International Covenant on Economic, Social and Cultural Rights, Article 11, Commission on Human Rights resolution 1993/77, *Center for Economic and Social Rights and Social and Economic Rights Action Center (SERAC) v. Nigeria*, see the decision done at the 30th ordinary session of the African Commission of Human and Peoples' Rights, Banjul, 13-27 October 2001, available on URL

and Cultural Rights (ICESCR) and the African Charter on Human and Peoples' Rights (The African Charter).⁹

Nigeria has not yet, as its treaty obligations require, incorporated a right to adequate housing or a clear prohibition of forced eviction into its domestic law. However, certain provisions in the Nigerian Constitution of 1999 may be invoked to contest forced evictions under articles forbidding arbitrary expropriation of property and violation of the right to privacy of the home. Article 43 of the Constitution states: "*Subject to the provisions of this Constitution, every citizen of Nigeria shall have the right to acquire and own immovable property anywhere in Nigeria.*" Article 37 states: "*The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected.*"

According to Article 11.1 of the ICESCR: "*The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.*"

The UN Committee on Economic, Social and Cultural Rights (CESCR), is the body of independent experts charged with the responsibility of monitoring states' compliance with their obligations under the ICESCR. In addition to reviewing the realization of economic, social and cultural rights through the consideration of periodic state reports, the CESCR also issues "General Comments" which emerge from its experience of this review process. General Comments are authoritative interpretations of the rights and obligations contained in the ICESCR and these have been used as the basis for decisions taken by regional and national courts, as well as international and regional monitoring bodies. In its General Comment No.7 the CESCR describes 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.*"¹⁰ The CESCR has recognized that evictions, including by force, may be justified in some circumstances but they must be carried out in accordance with laws which respect human rights and which specify in detail when evictions may be permitted.¹¹

In the context of the consideration of the initial report of Nigeria to the CESCR in 1998, the Committee urged: "*the Government of Nigeria to cease forthwith the massive and arbitrary evictions of people from their homes and take such measures as are necessary in order to alleviate the plight of those who are subject to arbitrary evictions or are too poor to*

www.elaw.org/assets/pdf/ng.afr.commission.hrights.pdf.

⁹ Appendix attached to this report cites additional international human rights instruments violated by forced evictions in Nigeria.

¹⁰ General Comment No. 7: The right to adequate housing: forced evictions, Committee on Economic, Social and Cultural Rights [1997], para. 3.

¹¹ *Ibid.* para. 14.

afford a decent accommodation. In view of the acute shortage of housing, the Government of Nigeria should allocate adequate resources and make sustained efforts to combat this serious situation.”¹²

The African Charter does not explicitly protect the right not to be forcibly evicted. However, the African Commission on Human and Peoples’ Rights (The African Commission), the body set up to oversee the implementation of the African Charter, issued a landmark decision in October 2001 concerning Nigeria which has contributed to international jurisprudence in relation to the right to adequate housing.

The decision was in response to a communication submitted by two NGOs, the US-based Center for Social and Economic Rights and the Nigerian Social and Economic Rights Action Center (SERAC)¹³ concerning forced evictions and a range of other human rights violations in the context of the oil exploration in the Niger Delta. The African Commission declared that in carrying out forced evictions the Nigerian Government had violated the right to adequate housing under Articles 14, 16 and 18(1) of the African Charter. These three articles refer respectively to the rights to property, to the best attainable standard of health and to protection of the family. The African Commission also found that Nigeria, in carrying out repressive actions in Ogoniland, including forced evictions, had violated Article 4 of the African Charter which guarantees the right to life and integrity of the person.

Despite the recommendation of the CESCRC and the decision of the African Commission very little has changed on the ground in Nigeria in relation to the protection of the right to adequate housing.

Cases of forced evictions also display the indivisibility and interrelation of all human rights, civil, cultural, economic, political and social. In instances of forced evictions, sometimes on a mass scale, disproportionate force is often used to restrain residents who are trying to prevent their houses from being demolished. Residents and protesters are often beaten up, arbitrarily arrested, and subjected to cruel, inhuman and degrading treatment. At the same time their right to adequate housing is being violated by special government demolition forces or other security forces, or a combination of both, using force to destroy the evictees’ houses.¹⁴

¹² *Concluding observations of the Committee on Economic, Social and Cultural Rights: Nigeria. 13/05/98, E/C.12/1/Add.23.*

¹³ *Center for Economic and Social Rights and Social and Economic Rights Action Center (SERAC) v. Nigeria (155/96).*

¹⁴ See also Amnesty International, ‘Angola: forced evictions in Luanda - a call for a human rights-based housing policy’, AI Index AFR 12/007/03.

1.3 Lagos - economic capital of Nigeria where the poor are increasingly marginalized

"We further commit ourselves to the objectives of...protecting all people from, and providing legal protection and redress for, forced evictions that are contrary to the law, taking human rights into consideration; [and] when evictions are unavoidable, ensuring, as appropriate, that alternative suitable solutions are provided".

The UN Habitat Agenda, adopted by 171 states at the HABITAT II Conference in Istanbul, 1996, para. 40 (n)¹⁵

Lagos' current population of approximately 13 million is one of the fastest growing cities in the world. The United Nations estimates that it will reach 24 million inhabitants by 2010. It could then be the third largest city in the world, according to the State Governor of Lagos State.¹⁶

Stretching over roughly 300 square kilometres with a population density similar to Mumbai or Calcutta, Lagos is the city of many deprived communities.¹⁷ The Lagos State Government has designated 43 deprived areas as "blighted" areas. These areas were estimated in 2002 to comprise a population of 957,365.¹⁸

In Nigeria, poverty is rife. Seven out of ten Nigerians live on less than US\$1 a day, accepted as the measure of absolute income poverty by the World Bank. One in eighteen pregnant women die of pregnancy related causes in Nigeria, one of the highest recorded ratios in the world.¹⁹ This is despite Nigeria being Africa's largest oil producer, and the fifth largest oil producer within the Organization of Petroleum Exporting Countries (OPEC). In 2005, the average price of oil has been \$50. With an average oil production of 1.8mn barrels per day, the revenue is US\$90 million per day, and \$32 billion per year, a large proportion of which goes to the Nigerian Federal Government. The Nigerian Federal Government therefore has significant resources at its disposal. Under the ICESCR states are obliged to devote the maximum of available resources with a view to achieving progressively the full realization of the rights recognized in the present Covenant, including the right to adequate housing, by all appropriate means.²⁰

The communities affected by the forced evictions have suffered chronic government neglect. They have little access to clean water, and often no electricity or sewage system. The concentration of population is extremely dense. Sometimes a whole family lives in one room.

¹⁵ http://www.unhabitat.org/declarations/habitat_agenda.asp

¹⁶ The Guardian (UK), 'People wake up angry at being alive in a society like this', 5 March 2005.

¹⁷ The Guardian, *ibid.*

¹⁸ Lagos State Government: Lagos Metropolitan Development Project (LMDP), Draft Technical Proposal for Upgrading 9 Blighted Areas in Lagos, draft final report, Stoveland Consult, Kristiansand, Norway, 2002, p. 6.

¹⁹ UN Development Programme, Human Development Report 2005, p 32.

²⁰ International Covenant on Economic, Social and Cultural Rights, Article 2.1, and Article 11.1

In Makoko, for example, according to a report by an international consultancy firm, only 1.8% of the households have house connections to potable water, there are no public toilets and up to nine families share pit latrines.²¹

For many of the inhabitants of these places, there is little certainty in life; no hope of work in the formal sector, one meal a day if you are fortunate. Women are particularly affected and exposed to violence. In general the houses are often no more than a make-shift wooden shelter, or a room in a concrete-brick house sharing the house and kitchen and toilet facilities with many other families.

In Lagos, land is increasingly sought after by property developers. For example, the Makoko area is next to a big bridge and thus has easy access to one of the main throughways for transport around the city. The destitute of Lagos, however, are paying a high price for the fact that they may be living on land that has increased in value: seeing their homes razed to the ground by government bulldozers. Communities are frequently made homeless without prior consultation and without rehabilitation and compensation. By arbitrarily removing the roofs over its citizens' heads, often using violence such as beating, kicking and other ill-treatment, the Nigerian government is making already marginalized and impoverished communities even more destitute. In Lagos alone, a series of forced evictions and demolitions have affected many thousands of people since the 1990s.

2. The case of Makoko

2.1 Force, teargas and bulldozing - three days of forced evictions and demolitions

Makoko is one of the 43 “blighted” areas of the city of Lagos in the area of Yaba/Ebute Metta. The forced evictions were undertaken in the larger Makoko slum area, one of nine areas selected for upgrading under the LMDP project proposed for World Bank funding, however Amnesty International has received conflicting information as to whether the forced evictions were undertaken on land which has been earmarked for the LMDP project.²² Maps provided by the World Bank indicate that the area affected by the forced evictions was immediately adjacent to areas proposed for upgrading within the LMDP project.²³

²¹ Stoveland Consult, *ibid*, pp.134ff

²² Correspondence between Amnesty International and the World Bank on 14 October 2005, and response on 26 December 2005 by World Bank to a memorandum sent by Amnesty International on 16 December 2005, and between Amnesty International and Lagos State project officials on 20 October 2005 as well as in Report on demolition of structures at Makoko on Wednesday 27th - Friday 29th April 2005 produced by the Lagos Metropolitan Development Project, dated 3 May and made available to Amnesty International. Stoveland Consult, *ibid*, see p. 141.

²³ Amnesty International welcomes the cooperation from the World Bank, including the response to a memorandum sent by Amnesty International as well as maps of the areas concerned.

Witnesses told Amnesty International how, on Wednesday 27 April 2005, bulldozers and armed police moved unannounced into the Makoko area and demolished houses, affecting approximately 3,000 people, two churches, one mosque, and one medical clinic. Amnesty International delegates visited the area in May 2005 and interviewed numerous victims and eye witnesses who explained how the evictions and demolitions were carried out, including how the police used teargas and firearms.



Forced Evictions, Makoko, April 2005 (Lagos, Nigeria)
The destroyed Holy Church of New Jerusalem, May 2005
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Dr Isaac Jojolowo, a pastor of the Holy Church of New Jerusalem, told Amnesty International how his church was burnt down:

“I have freehold ownership of the land for the church, and look at it now. There are only walls left, only the structural walls. The [bulldozers] came in, they started shooting their guns and then they entered the church. They demolished the other side of the church, then razed it all. They said that the [private property owner] had ownership but that is [based on a] 419 paper.²⁴”

A local doctor testified to Amnesty International how his medical clinic was demolished:

“I had government papers on occupation of the site for my orthopaedic clinic. When the bulldozers came I had to take the beds outside because most of my patients could not walk. I have taken my patients to houses of my friends where they are now.”

Wahbi Idowu, a driver and a property owner, testified how he lost a big house that he let to tenants in Makoko:

²⁴ ‘419’ is a term often used in Nigeria for fraud and scams and the expression derives from Section 419 of the Criminal Code Act (1990) concerning obtaining property by false pretences.

“I am a property owner and driver. I had a house with 45 rooms which had some 200 people staying. Every room gave me N500 per month. I was earning a good rental income. Now I have nothing left.”

Favour Simon, 17 years old, described how property was destroyed by fire during the demolitions:

“I am not married and I live with my sister. We live here at the bottom end of the Makoko area. On the day the bulldozers came I went to the market in the morning and before I came back with my sister there was fire everywhere. There was nothing left of my house. I was only carrying the clothes that I was wearing. I have nothing else left. I saw how pigs, cows and chicken were burnt to death.”

Some of the residents had been living in the area for a dozen years. Many of the residents had receipts of agreements of usage of the land from land-owning families. According to the Nigerian NGO Social and Economic Rights Action Center (SERAC), many of the agreements, as seen by Amnesty International, entitled them to build temporary wooden structures.

Eye witnesses told Amnesty International delegates how, after razing concrete and iron-sheet houses to the ground, officials set on fire what remained, possibly to ensure that the materials, such as wood and iron-sheets, could not be re-used to rebuild the houses. As a result of the operation, approximately 3,000 people were affected by the forced evictions and demolitions. Some found provisional shelter in the school building or stayed with a family or friends, but an unspecified number were left without any shelter and are sleeping in the open.

2.2 The response of the authorities

The affected community, supported by SERAC, protested against the continued process of forced evictions in Makoko. The organization also contacted the Commissioner for Physical Planning and Urban Development and the Project Coordinator for the Lagos Metropolitan Development and Governance Project, both from the Lagos State Government and who both subsequently visited the site.

The Commissioner for Physical Planning and Urban Development informed Amnesty International delegates on 6 May that he had not ordered the evictions or the demolitions. He said that he had been unaware of any plans for demolition and that, when he visited the site at SERAC’s request, he had been shocked to see what had happened. He confirmed to the organization that he had given the order for some houses to be demolished in May 2005 in compliance with a court judgement and order regarding a land claim by a one of the land-owning families.²⁵ Although most of the land on which the forced evictions took place was

²⁵ Telephone interview with Amnesty International, Lagos, 5 May 2005. This court judgement, which Amnesty International has seen, included the landowning family as the plaintiff and originally five defendants out of which four were current residents on the land, and the fifth was a government

determined by court order to be the property of this family, some of the forced evictions appear to have also affected people who were resident elsewhere.

Amnesty International also spoke to the project coordinator for the LMDP of the Lagos State Government. She denied any knowledge that police and government bulldozers had been used, and dismissed the statement by the Commissioner for Physical Planning that he had ordered the demolitions as a “careless statement by some government officials”²⁶. She said that she had submitted a report of her visit to the site to the State Governor for his consideration. When Amnesty International spoke to the project coordinator in September, she denied that the area of Makoko where the evictions took place is part of the LMDP project, and further confirmed that the Lagos State Government is currently investigating the forced evictions.²⁷

2.3 Human rights violated by the forced evictions

2.3.1 The right to adequate housing

Although many of the residents in Makoko did not necessarily have legal title to the land, the obligation to respect the right to adequate housing applies not only to those who can show documents to prove legal title but also to those in informal settlements, and even to those who have illegally occupied land or property. Both the CESCR and the Commission on Human Rights have called on states to ensure a degree of legal tenure to those threatened with eviction²⁸.



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Evictees from Makoko sheltering in a local school building, May 2005

Many of the evictees are now living with their families or friends, however some of the evictees are still sheltering in a school and other public buildings and spaces for lack of other accommodation. According to international law and standards, the Nigerian Government has an obligation to ensure that everyone affected by forced evictions has alternative accommodation. Amnesty International considers that the government has not adequately provided this.

representative. Two of the residents subsequently wrote to the court acknowledging the plaintiff as the landowner and were hence taken off the list of defendants. The court also declared that the government representative could not be a defendant hence this person was also taken off the list of defendants. According to information that Amnesty International has received, the defendants did not appeal the judgement.

²⁶ Telephone interview with Amnesty International 5 May 2005, Lagos.

²⁷ Telephone interview with Amnesty International 22 September 2005, London.

²⁸ CESCR General Comment 4, paragraph 8 and UN Commission on Human Rights Resolution 1993/77 Forced Evictions – see Appendix for further details.

2.3.2 No genuine consultation, legal remedies or compensation

Eye witnesses told Amnesty International that they had been surprised to see the demolition team arrive as they had received no prior notice.

Some of the residents had knowledge of the court judgement, but they claim that they were not informed of the planned evictions or the demolition of their homes. The CESCR has stated that states “shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with affected persons, with a view to avoiding, or at least minimizing, the need to use force. Legal remedies or procedures should be provided to those who are affected by eviction orders. States parties shall also see to it that all the individuals concerned have a right to adequate compensation for any property, both personal and real, which is affected.”²⁹ The failure to give notice and ensure reparation also breaches the Nigerian Constitution of 1999. In this case the rule of law, and the interests of those living in Makoko, appear to have been of less concern than those of property developers’, who stood to benefit from a potential World Bank project.

At the time of writing, Amnesty International is not aware of any measures taken by the Lagos State Government or other Nigerian authorities to ensure access to adequate alternative accommodation, or to compensation for those affected by the forced evictions of April 2005.³⁰ In response to a question by Amnesty International whether the World Bank has expressed concerns to the Nigerian Government regarding the Makoko forced evictions, the World Bank has responded that “IDA has indeed expressed concerns about demolitions to the Lagos State Government”.³¹

2.3.3 The right not to be subjected to torture and other cruel, inhuman and degrading treatment or to the excessive use of force

Victims and eyewitnesses told Amnesty International that those carrying out the forced evictions and demolition, including police and mobile police,³² allegedly also together with people in civilian clothes, used force including spraying teargas on people and hitting those who protested or tried to get in the way of the demolition squad. Amnesty International received reports that at least seven people, including five young children all under ten years of age, were injured by the bulldozers in the process.

²⁹ See CESCR General Comment No. 7, para 14.

³⁰ In the absence of such steps, civil society organizations, such as SERAC, have been able to find alternative accommodation for a small number of those affected.

³¹ Email correspondence from the World Bank to Amnesty International 26 December 2005.

³² The mobile police, or MOPOL as it is locally known as, was originally a trained anti-riot unit but is today often deployed to carry out various other policing duties. MOPOL operate under a parallel authority structure organized into state and zonal commands and headed by a commissioner of police at the force headquarters.

“The children were in the Koranic school near the shrine at the other end of the site when the bulldozers came in. They came on Thursday at noon. I saw how they demolished the mosque and how the children were injured by the machines. They injured five boys and girls, all under 10 years old. The children are now in the general hospital. Their parents have not got enough money to afford to visit them. One of the boys is called Nurudeen Akimu, he is five years old.” Shade Dosunmu,³³ 40 years old, resident of Makoko and mother of one of the injured boys.

Joliaye Folorunso, 22 years old, was beaten up by some of the law enforcement officials: *“I am a driver and when I came back to my house to look for my handset [mobile phone] I had just parked my car when somebody attacked me. The person didn’t have a uniform and dragged me on the ground. He then hit me with a cutlass. I ran away. There were around 300 of them, some police and some mobile police in green and black uniforms”*.

Eye witnesses said that teargas was used during the demolitions. Activists confirmed that teargas canisters had been found on the ground afterwards.³⁴

Kemi Omolaju, 35 years old, married with one child, described how she suffered from the use of teargas:

“On the day that the bulldozers came, my son came in to me and shouted ‘let’s go away’. My eyes hurt, there was teargas everywhere. I got outside the house and a man asked me if I had anything I should run away. I said I have many things in my shop, but it had started to burn. They had poured petrol on it and used matches to set fire to the houses. I ran away from it, and I have lost everything that I owned. I sleep outside, everywhere where there is space. But there is mud everywhere, it rains a lot now.”

Police and other law enforcement officials should base their conduct on international human rights law and standards, including the United Nations Code of Conduct for Law Enforcement Officials (the Code of Conduct) and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (The Basic Principles). Both place strict limitations on the use of force. Principle 4 of the Basic Principles states:

“Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.”

The force used to carry out the evictions, including teargas spray, firearms and the ill-treatment of men, women and children, appeared to contravene Principle 4.

³³ Interview with Amnesty International, Makoko, 5 May 2005.

³⁴ Interviews with Amnesty International on 29 April and 5 May 2005.

Torture and cruel, inhuman or degrading treatment or punishment is prohibited in all circumstances under international human rights law.³⁵ The kicking and beating described by eyewitnesses and victims amount to cruel, inhuman and degrading treatment and thus contravenes international human treaties which are binding on Nigeria.

2.3.4 Impact of forced evictions on the right to work

The forced evictions and demolitions affected some people's right to work. For example, Alaga Morayo Oladotun, a 53-year-old market trader, explained that her market association has had to move due to the demolition and how they now have less space in which to trade, affecting how and what goods she can trade in. Reduced space means less space for saleable goods, thus less income from sales which affects her income.

“There are over 1,000 women traders in the market association here at the Temidire market in Makoko. We sell clothes, provisions, textiles. We have been on the old market site since 1982, then the [private property owner] came. In 2000 the demolition plans were revoked. Now we have moved to across the street, but there is not much space for us there.”

Land ownership in Makoko

The land ownership in Makoko is very complex, with a web of land regulations and title deeds coupled with court judgements, all of which lay down rules for the transfer of ownership. In summary, before the 1978 Federal Land Use Act came into force, the land in this slum area was owned by private land owners from whom private individuals bought or leased land. Many of the present residents had lease agreements over portions of the land, and some have claimed that they held land as freehold. Amnesty International has seen some of these agreements. Other residents did not have any legal documents relating to the land they were occupying before the forced evictions and had built homes on land which the original landowners had apparently leased to a commercial company. A court judgement from 2000 established that one family had ownership of parts of Makoko. Members of that family reportedly requested the assistance of the Lagos State Government to demolish structures on that land five years after the original court order. (This is supported by a letter from the Lagos State Urban and Regional Planning Board dated 6 April 2005 and entitled Re: Assistance from the Lagos Urban and Regional Planning Board to demolish structures on land at Makoko covered by judgment in suit No ID/2313/98 through *F.O. Osuntubo, for General Manager (LSURPB) informs S. Alabi & Co (Plaintiffs counsel) which confirms that the request for assistance had been granted at a cost of N822,000.00 (equivalent to \$6200) and that payment should be made to the LSURPB so that the demolition could be effected.)

³⁵ The prohibition of torture and cruel, inhuman or degrading treatment or punishment is a norm of customary international law. The prohibition is also reflected in international and regional treaties, to which Nigeria is a party, including the International Covenant on Civil and Political Rights (article 7), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the African Charter on Human and Peoples' Rights (Article 5).

3. Other cases of forced evictions in Nigeria

Despite the end of the military regime in Nigeria in 1999, forced evictions of residents of slum areas have continued unabated, some human rights activists even claim that the rate of incidents of forced evictions has increased. Since the 1990s, local NGOs have recorded ten cases of communities affected in Lagos alone, including Ijora-Badiya, Maroko and Makoko. The following cases³⁶ illustrate a pattern of forced evictions affecting at least one million people in Lagos and Port Harcourt.

3.1 Maroko, Lagos State, July 1990: continuing violations against victims of previous forced evictions³⁷

Maroko, with an estimated population of around 300,000, was one of Nigeria's biggest slum communities. Its location within the heart of Victoria Island, a wealthy residential and commercial area of Lagos, made it attractive for property development. In February 1990, the then President, General Ibrahim Babangida, visited the community and reportedly promised to improve the living conditions of the residents. Nevertheless, about five months later, Col. Raji Rasaki, the then military governor of Lagos State, reportedly ordered the demolition of Maroko. The order was, according to local activists, announced over the radio, giving residents only seven days notice to leave their homes. At the end of the notice period, the State Government's mixed security forces and officials of Lagos State's military government moved into the area and, in 12 days, demolished the homes of the entire community. Shortly afterwards, those evicted took possession of some incomplete government housing estates within the Eti-Osa area at Ilasan and Ikota within the city of Lagos. Government plans to evict them even from these estates somehow became known to the public. After a sustained campaign by members of the public and civil society groups the plans were stopped and the government started to allocate alternative housing to evictees.

The scope of this project of resettlement of those affected by the forced evictions was limited. It only covered about 2,000 of the over 10,000 former Maroko homeowners. To date, the government of Nigeria has not taken any steps to address the effects of the 1990 demolition and forced evictions, leaving 8,000 people who are neither assisted to find alternative accommodation nor offered compensation. After sustained and ongoing advocacy by the Maroko Evictees Committee, a group formed by former Maroko residents to lobby for resettlement, compensation and rehabilitation, supported by SERAC, the Lagos State Government appears to be showing some signs of willingness to take steps towards ensuring remedies for the victims of the 1990 forced evictions. For example, after considering a petition from the Maroko Evictees Committee in November 2004, the Lagos State House of

³⁶ These case studies are based on reports by Nigerian and international non-governmental organizations, media reports and in some of the cases complemented by research by Amnesty International.

³⁷ For more information, see for example, COHRE, *'Evictions monitor'*, Vol. 1, issue 2, December 2004, available on URL <http://www.cohre.org>

Assembly Committee on Ethic, Human Rights, and Privileges recommended in April 2005 that the Lagos Government should take practical steps towards offering compensation for the remaining former Maroko residents.³⁸ Amnesty International is concerned that the process of granting the evictees remedies, including restitution, access to justice, adequate alternative accommodation and compensation is very slow.

Amnesty International is concerned that the Lagos State Government has used its extensive powers under the provisions under the Land Use Act from 1978,³⁹ which vests all land in the State Governor, to sell or otherwise distribute the land in contravention of its duty under international law to ensure effective remedies for victims of human rights violations.⁴⁰

3.2 Rainbow Town, Port Harcourt, July 2000⁴¹

In July 2000, the homes of an estimated one million residents of Rainbow Town in Port Harcourt, Rivers State, in the heart of Nigeria's oil-producing region, were levelled to the ground by bulldozers reportedly on the order of the State Governor. According to reports by COHRE, demolition officials and heavily armed anti-riot police allegedly shot at terrified residents in an effort to disperse them and stop them from removing their belongings. The violence reportedly left at least four people dead, including three newborn babies, and many severely injured. Members of the security forces subjected some residents to torture and ill-treatment, including kicking, hitting with gun butts and whipping. The government, stating that the evictions would allow "urban renewal", reportedly neither gave adequate notice of the evictions nor offered no compensation or resettlement for the affected families. According to SERAC, the evictions took place despite cases pending in the courts to stop them. Since 2000 the Rivers State Government has not commenced any development on the land where the evictions took place. Many of the former residents eventually found accommodation in other parts of the state or returned to their home states.

3.3 Ijora-Badiya, Lagos, October 2003⁴²

Between 19 and 27 October 2003, in Ijora-Badiya, on the outskirts of the city of Lagos, more than 5,000 people were forcibly evicted by the Lagos Special Task Force on Environment and Special Offences Unit together with the police. As reported to Amnesty International, the authorities had stated that the area needed to be "cleaned up", as it was a haven for prostitution and robbery. During the evictions, special police force officers arbitrarily arrested

³⁸ Interview with Felix Morka, Executive Director of SERAC, on 5 May and on 4 October 2005.

³⁹ Land Use Act, 1978 Act No .6, 29 March 1978.

⁴⁰ For more information on this case see COHRE, 'Evictions monitor', Vol. 1, issue 2, December 2004, available on URL <http://www.cohre.org>

⁴¹ For more information, see also COHRE, *ibid*; Amnesty International interviews with Felix Morka of SERAC 5 May.

⁴² Amnesty International, 'Nigeria: mass forced evictions in Lagos must stop', (AI Index AFR 44/034/2003), 31 October 2003, COHRE, *ibid*, Amnesty International correspondence with SERAC during 2003 and 2004.

two men, Debo William Ilurimi and Benson Ojutiwon, who were trying to prevent their homes from being demolished. They were detained without charge in the Alausa police station in Lagos, and released on bail on 24 October. According to statements to Amnesty International, Debo William Ilurimi sustained injuries during his arrest.

During the evictions, between 35 and 40% of the houses were reportedly destroyed. The Lagos State Government had given only 48 hours' notice and the evictions were carried out without a court order as required by national and international law and standards.

The Lagos State Government reportedly considered the Ijora-Badiya residents to be "illegal squatters". However, the community reportedly had legal title to the area given to them by the Federal Government as compensation for having been previously moved from another area in Lagos. In spite of this, forced evictions started on 19 October. They stopped in the afternoon on Monday 27 October, as a result of pressure from the local community, local NGOs and international NGOs, including Amnesty International.⁴³ The United Nations Special Rapporteur on the right to adequate housing communicated his concerns to the government on 5 November 2003⁴⁴, but no reply to this communication has been received by the Special Rapporteur as of November 2005.⁴⁵

3.4 Agip Waterside, Port Harcourt, December 2004 to April 2005⁴⁶

In February 2005, demolitions restarted in the slum area commonly known as Agip Waterside in Port Harcourt, Rivers State. The area derives its name from the nearby Italian oil company Agip's Port Harcourt offices. It is mainly inhabited by members of the Ogoni people and is said to be one of the more densely populated areas in the city. The demolitions reportedly involved the destruction of approximately 80-90 percent of the area, including houses, churches, schools, shops and other business facilities, affecting around 5,000 people and making many of them homeless.

Many of the residents had been living in the area for 10-20 years. Amnesty International was told that the Rivers State Government had granted them certificates of occupancy. The Movement for the Survival of the Ogoni People (MOSOP) reported that a delegation which included the Director of Land and Urban Development of the Rivers State

⁴³ Amnesty International, *Nigeria: Mass forced evictions in Lagos must stop*, news service no 250, 31 October 2003.

⁴⁴ Amnesty International has seen this copy of this correspondence.

⁴⁵ See Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, Summary of information transmitted to governments and replies received, E/CN.4/2005/48/Add.1. This was confirmed in a meeting between the Special Rapporteur and Amnesty International on 24 November 2005.

⁴⁶ See also COHRE, 'Evictions monitor', Vol. 1, issue 3, August 2005, reports by Stakeholder Democracy Network received by Amnesty International in April 2005, Minority Rights Group, 'Nigeria's Ogoni claim new oil industry abuse over demolition of shantytown', news release 17 May 2005.

Government visited the site in December 2004 to explain that evictions would be necessary in order to broaden some roads. However, later in December law enforcement officials reportedly demolished houses, some of which were outside the immediate area affected by the road works reportedly without genuine consultations, due process, and ensuring adequate alternative accommodation. Further demolitions took place in February, leaving many residents homeless.

Despite the protest by MOSOP and other Nigerian NGOs, which claimed that the residents had been given inadequate notice and were not provided with alternative accommodation, the evictions were completed in April 2005.

3.5 Government owned flats, Lagos, December 2005

In early 2005 residents in eight government-owned blocks of flats were threatened with eviction as the government planned to sell the flats which housed thousands of lower and middle management government officials. The designated properties were: the 1004 Estate on Victoria Island, Eric Moore Towers in Surulere, Mulliner Towers in Ikoyi, Alagbon Towers in Ikoyi, Awolowo Road Towers in Ikoyi, Reeve Road Towers in Ikoyi, Legico Flats on Victoria Island and Bar Beach Towers on Victoria Island in Lagos. In early April the planned evictions were temporarily halted owing to a corruption scandal, allegedly involving top Federal Government officials and their relatives, in relation to the sale of another set of government houses in Lagos. State President Olusegun Obasanjo dismissed the Federal Minister for Housing and Urban Development on 4 April 2005 and cancelled the sale of some government properties in Lagos, but not the eight in this case. After some scrutiny of the financial transactions the government decided that the sale of these properties could go ahead and extended the deadline to 3 June 2005 for residents to vacate five of the blocks of flats. Residents protested and secured a further delay pending consultations with the Federal Government Implementation Committee set up to implement the decisions of a Commission of Inquiry into the Alienation of Federal Government Landed Property. Some residents put a bid in to purchase the Bar Beach Towers flats, but the Government reportedly rejected the offer and subsequently offered the flats to Nigerian army staff. Despite the fact that residents obtained a court order from the Lagos High Court in early December ruling that the government must adhere to the procedure originally agreed to in relation to the sale of the properties, residents reportedly woke up to military officers and mobile policemen evicting them by force from their flats on 6 December. Amnesty International is not aware of any assurances of alternative accommodation for the majority of those evicted, nor of any offer of compensation.⁴⁷

⁴⁷ Correspondence between Amnesty International and Lagos based lawyer 19, 20 and 22 December 2005.

4. Additional human rights issues related to forced evictions

Apart from issues of the right to adequate housing, including the right to be free from forced evictions, the right to life and security of the person are human rights which are frequently violated during forced evictions and demolitions in Nigeria. Other human rights concerns arising are lack of due process and access to justice, violence against women including rape and other sexual violence, as well as arbitrary and unlawful arrests of residents and human rights defenders who are speaking out on forced evictions and demolitions. Additionally, cases of arbitrary and unlawful arrests of residents and human rights defenders who speak out against forced evictions and demolitions have been reported to Amnesty International.

4.1 No due process and limited access to justice

In Nigeria, disputes involving land ownership may be resolved either by a court or through various other means of dispute resolution. However, human rights defenders claim that in many cases government officials reportedly ignore implementing judgements and instead act on the orders of those with influence. Such practices are in violation of the right to a fair hearing by a competent, independent and impartial tribunal established by law, as prescribed in Article 14 of the ICCPR. The right to a fair hearing has been interpreted, in light of the principle of legality, as to require that a final binding decision by a court or tribunal must be enforced and cannot be ignored.

There is only very limited access to justice for individuals affected by forced evictions. Legal aid is only available for criminal matters, and not for civil matters such as land disputes.

Although the Nigerian Federal government has marginally increased financial assistance to victims of human rights abuses through the Legal Aid Council, the system remains very limited. NGOs partly fill the void by operating *pro bono* schemes under the Nigerian Bar Association and other initiatives. The CESCR has recommended, in its General Comment 7, the provision “of legal aid to person who are in need of it to seek redress from the courts” among the procedural protection that should be applied to evictions.

The unclear status of class action in Nigeria also restricts access to justice. The UN Special Representative on human rights defenders raised the absence of public interest litigation as an issue hampering the work of human rights defenders after her visit to Nigeria in April 2005.⁴⁸

⁴⁸ The United Nation Special Representative of the Secretary General on human rights defenders stated: “The ability of human rights defenders to promote and protect human rights through the judicial process has been impeded due to the lack of locus standi in petitioning the courts against human rights violations and in pursuing public interest litigation.” United Nations Special Representative of the Secretary General on human rights defenders visits Nigeria, press release 12 May 2005, available on URL:

4.2 Women, violence and forced evictions

The main victims of excessive use of force during forced evictions have been women, young children or elderly people. This is because evictions have usually occurred in the morning or during the day, when most men are away at work. Women are additionally exposed to violence when men leave the area, sometimes for several days, in order to look for alternative housing for their families. Women, children and the elderly often have to sleep on the streets or in deserted buildings. Violence against evicted women has reportedly included rape, other sexual violence and armed robbery.⁴⁹

4.3 Speaking out on forced evictions

4.3.1 The case of Omo-Ojo Orobosa

On 2 May 2005, police arrested Omo-Ojo Orobosa, publisher of the weekly *Midwest Herald*, in a raid on his office in Lagos. He was detained incommunicado and without charge for more than one week. He was held at the Area 10 Police Headquarters in Abuja, an interrogation centre which is not equipped to house detainees. The conditions in this interrogation centre are reported to be very poor, and people who are held there are forced to sleep on the floor in a corridor. Omo-Ojo Orobosa told Amnesty International that he was refused access to his family and a lawyer for several days.⁵⁰

The reason for his arbitrary arrest is thought to be the fact that *Midwest Herald* had been reporting on allegations that close relatives of President Obasanjo stood to benefit from the sale of government-owned flats in Lagos at prices below market rates, if the flats had been sold as planned, see section 3.5 above. In April 2005, President Obasanjo cancelled the sale of 207 houses after it was revealed that close relatives of his wife and several cabinet ministers were allegedly among the beneficiaries of the deal. He also subsequently sacked the Federal Minister for Housing, Mobolaji Osomo.

4.3.2 Human rights defenders working on forced evictions

Many human rights defenders and journalists working on forced evictions have told Amnesty International that they have been intimidated and harassed, including by being questioned and having camera equipment confiscated by the State Security Services (SSS) and the police while visiting sites where forced evictions have taken place.⁵¹

<http://www.unhcr.ch/hurricane/hurricane.nsf/0/ABAA1A8298C41EBBC1257012006A4701?opendocument>

⁴⁹ For more information, see COHRE, 'Violence: The Impact of Forced Evictions on Women in Palestine, India and Nigeria', 2002, pp. 58-72.

⁵⁰ E-mail correspondence and telephone conversations with Amnesty International in May and June 2005.

⁵¹ See for example, Amnesty International *Nigeria: ten years on – injustice and violence haunt the oil Delta* (AI Index AFR 44/022/2005). Amnesty International has additionally received reports on harassment and intimidation of human rights defenders working on forced evictions but the individuals

The UN Declaration on Human Rights Defenders states that human rights defenders have the right to meet or assemble freely; to form, join and participate in NGOs, associations or groups; and to communicate with non-governmental or intergovernmental organizations for the purpose of promoting and protecting human rights and fundamental freedoms (Article 5). The corresponding responsibility and duty of the State is to: “*protect, promote and implement all human rights and fundamental freedoms...by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice*” (Article 2).

5. Recommendations

Amnesty International urges Nigerian government to:

- immediately stop all forced evictions in Nigeria;
- give instructions to all relevant authorities that any evictions may only be carried out in full compliance with international human rights law and standards;
- ensure that victims of forced evictions in Makoko and other ongoing and recent forced evictions are provided with assistance, including adequate housing as defined by the CESCR in its General Comment 4 in Article 11.1;
- in the case of evictions which may be necessary, and which comply fully with international standards on the right to adequate housing, ensure that all law enforcement officials who assist in carrying out the evictions comply with the UN Code of Conduct and the UN Basic Principles;
- set up independent, impartial and competent commissions of inquiry to:
 - investigate the way in which forced evictions in Nigeria have been carried out and whether they complied with requirements in national law and international human rights law and standards;
 - make recommendations for effective remedies to victims of past forced evictions, including reparations;
 - make the final report, including its recommendations, public and easily accessible to those who may be facing evictions;
- introduce any necessary legislation or amendments to existing law in order to include the right to adequate housing and the right not to be forcibly evicted;
- introduce any necessary legislation to ensure access to legal remedies for those who may be affected by evictions, including extending legal standing to representatives of organizations, such as representatives of housing committees, for the purpose of litigation;
- ensure that local government, State and Federal authorities officials are trained and fully

have asked that their name are not revealed.

- apply the national law and international law and standards regarding evictions;
- carry out an inquiry to review the role of police and other law enforcement officials in assisting evictions;
 - thoroughly investigate the way in which the forced evictions were carried out in Makoko, but also in Maroko, Rainbow Town, Agip Waterside and Bar Beach Towers flats, with a view to bringing to justice those suspected of having committed human rights violations, including using excessive use of force;
 - ensure close co-operation with NGOs and housing committees in order to raise public awareness, particularly among marginalized communities, of the right to adequate housing and the right not to be forcibly evicted;
 - effectively implement the recommendations by the African Commission on Human and Peoples' Rights in the decision on communication *Center for Economic and Social Rights and Social and Economic Rights Action Center (SERAC) v. Nigeria (155/96)*;
 - ensure that human rights defenders and others are able to exercise their rights without the risk of arbitrary arrest, and that they are not subjected to human rights violations including intimidation, ill-treatment or attacks on their homes.