



THE HUMAN COST OF A MEGACITY

FORCED EVICTIONS OF THE URBAN POOR IN LAGOS, NIGERIA

AMNESTY
INTERNATIONAL



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Cover photo: A girl tries to salvage food immediately after a forced eviction in Otodo-Gbame on 17 March 2017.

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ABBREVIATIONS

ABBREVIATION	DESCRIPTION
ACHPR	African Commission on Human and People's Rights
AFRICAN CHARTER	African Charter on Human and People's Rights
CDHRDA	Centre for the Defense of Human Rights and Democracy in Africa
CEDAW	UN Convention on the Elimination of All Forms of Discrimination against Women
CESCR	UN Committee on Economic Social and Cultural Rights
CONSTITUTION	1999 Constitution of the Federal Republic of Nigeria
CRC	UN Convention on the Rights of the Child
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
JEI	Justice & Empowerment Initiatives
KAI	Kick Against Indiscipline Brigade
LASBCA	Lagos State Building Control Agency
LASURA	Lagos State Urban Renewal Agency
LBS	Lagos State Bureau of Statistics
LSDP	Lagos State Development Plan 2012-2025
NGN	Nigerian Naira
NHRC	National Human Rights Commission
NSISF	Nigerian Slum/Informal Settlement Federation
TASKFORCE	Lagos State Environmental Sanitation and Special Offences (Taskforce)
UDHR	Universal Declaration of Human Rights
UN	United Nations

ABBREVIATION	DESCRIPTION
UN BASIC PRINCIPLES ON EVICTIONS	UN Basic Principles and Guidelines on Development Based Evictions and Displacement
UN BASIC PRINCIPLES ON THE USE OF FORCE	UN Basic Principles on the use of Force and Firearms by Law Enforcement Officials

1. EXECUTIVE SUMMARY

Lagos State authorities have forcibly evicted at least 50,000 people since 2013, including over 30,000 people forcibly evicted from Ilubirin and Otodo-Gbame waterfront communities. The forced evictions in Otodo-Gbame and Ilubirin followed the state Governor's 9 October 2016 announcement that authorities would demolish all structures in informal settlements along the state's waterfronts and creeks, to address security concerns. There are at least 40 such settlements, home to at least 300,000 people.

In 2013 the State Ministry of Economic Planning and Budget, estimated that over 70% of Lagos' population lived in informal settlements. In 2014, the Lagos State Bureau of Statistics estimated that Lagos had a population of 23.3 million with an annual growth rate of 3.2%. The agency further estimated that about 67% of this population lived below the poverty line of US\$1 a day.

Informal settlements are prone to evictions because they occupy land which is increasingly becoming targeted for high-value property development projects by state and non-state actors. While evictions can be lawful when conducted in accordance with international human rights laws and standards, forced evictions occur when states fail to comply with these standards.

This report documents seven forced evictions of more than 30,000 residents of Ilubirin and Otodo-Gbame communities between 19 March 2016 and 22 April 2017. These were carried out by the authorities in disregard of their obligations under international and domestic laws, and, in some cases, in direct violation of court orders.

The forced evictions and related attacks resulted in at least 11 deaths, some or all of which may amount to unlawful killings, Amnesty International also documented, 17 reports of people who disappeared during the forced evictions, massive destruction of property, homelessness, loss of livelihoods, separation of families, and children deprived of access to education.

The findings in this report are based on 18 field investigations, interviews with 124 people, including 97 evictees and two other eyewitnesses, and Amnesty International's review of 169 photographs, 52 videos and 48 documents, including witness statements on oath submitted to the National Human Rights Commission, court documents, witness statements made to the police, quit notices, and correspondence between residents of affected communities and Federal and State Government agencies. Amnesty International also interviewed 17 officials of the Lagos State Government and the Nigerian police. Forensic experts analysed bullet casings and teargas canisters found on the land of evicted communities. Further, between 20 October 2016 and 27 September 2017, Amnesty International wrote eight letters to state and federal authorities requesting more information on the forced evictions of the above communities. Amnesty International received four acknowledgements of these letters, but received no substantive responses at the time of writing. On 31 October, Amnesty International wrote to the Elegushi royal family, sharing key findings and requesting their comments. There was no response to this letter by the time of printing.

FORCED EVICTIONS IN ILUBIRIN COMMUNITY

In the Ilubirin community, Lagos state authorities, officers of the Nigeria Police Force, and unidentified armed men forcibly evicted approximately 823 residents on four occasions: 19 March 2016; 26 September 2016; 15 October 2016; and on 21 and 22 April 2017.

The residents were forcibly evicted following the service of a collective seven-day quit notice and a two-day demolition notice on 7 March and 16 March 2016 respectively. On 19 March, Lagos state government officials and dozens of police officers chased residents out of their homes, and demolished all the structures in the community using, setting buildings on fire and using wood cutting tools. Following this forced eviction, the evictees returned to the area and rebuilt their structures. Six months later, on 26 September, officers of the Lagos State Environmental Sanitation Enforcement Agency (Taskforce), forcibly evicted the residents again, following a two-day oral notice issued to them by another state agency (the Kick Against Indiscipline (KAI) Brigade). Again, evictees returned to the land and rebuilt their structures.

Approximately three weeks later, on 15 October 2016, dozens of officials from the Taskforce, KAI Brigade and the Nigerian police, accompanied by other unidentified men, forcibly evicted the Ilubirin residents again. This came six days after the Lagos State Governor had visited Ilubirin community on 9 October 2016 giving them an oral notice to vacate the area. The police shot in the air to chase the residents out of their homes, while the other state agents and the unidentified men demolished all the structures in the community, using fire, hammers, machetes, and wood cutting tools. Police officers were posted on the land to ensure that evictees were not able to resettle. The homeless evictees slept in their canoes or moved to other waterfront communities to live with friends and family. A wire perimeter fence was later erected by construction workers (working on an ongoing government project in the area), to secure the premises from the lagoon side. Gradually, evictees returned and settled outside this fence, just at the edge of the lagoon.

After another six months, the police forcibly evicted those who had resettled by the shoreline. On 19 April 2017, the police guarding the area told residents to leave within two or three days. On 21 and 22 April 2017, seven police officers and one man in plain clothes forcibly evicted the residents and set their properties on fire. The evictees then went to live under bridges and with family and friends in other informal waterfront communities.

FORCED EVICTIONS IN OTODO-GBAME

State authorities forcibly evicted over 30,000 residents from the Otodo-Gbame community in three forced evictions: 9 to 11 November 2016; 17 and 21 March 2017; and on 9 April 2017.

On the morning of 9 November 2016, there was a clash between youths in Otodo-Gbame and youths from the neighbouring Ikate Elegushi community, and these youths set fires to houses in Otodo-Gbame. Residents alerted the police to this fight, and the police responded by going to the scene. Six evictees told Amnesty International that the police who went to the scene also started setting their homes on fire while chasing them away as they attempted to put out fires. The police have denied these allegations.

On the night of 9 November, at about 11.30pm a bulldozer escorted by police officers and some unidentified armed men, began demolishing people's homes in Otodo-Gbame, while the police chased residents out with gunfire, and set fires to structures. Eyewitnesses told Amnesty International that some residents drowned in the nearby lagoon as they ran from the gunfire. Following this forced eviction, only about 4,700 residents remained in Otodo-Gbame. Some of them still had their homes intact, while others who had lost their homes lived with others or slept in canoes, makeshift sheds, and in the open.

On 17 and 21 March 2017, police, military, Lagos State Taskforce officers, and unidentified armed men forcibly evicted many of the approximately 4,700 remaining residents amidst gunfire and teargas. The demolition team came with five bulldozers which they used to demolish all structures on the land, and many structures on water. Evictees returned to the land, living with others or sleeping in the open, makeshift sheds and their canoes. The demolition team returned on 22 and 26 March to demolish the remaining structures on the water, but they were prevented by the protests of evictees and residents.

On 9 April 2017, police, the Lagos State Taskforce and armed men (wearing Taskforce vests for the first time), again forcibly evicted Otodo-Gbame residents. The demolition team used two bulldozers and fire to destroy the structures and properties of residents. Evictees told Amnesty International that the police were shooting live ammunition and teargas sporadically to chase away residents. Following this forced eviction, evictees could not return to the land and so moved to other waterfront communities, where they continued sleeping in canoes, or lived with family and friends.

According to evictees who were present during these events, nine people died from drowning as they fled the forced evictions and gunfire. Some 15 others remained unaccounted for since November 2016, at the time of writing.

On 9 April 2017, when police chased residents out of the community using gunfire and teargas, at least two men were hit by bullets. One of them was 20-year-old Daniel Aya who was hit in the neck and died. A

second victim, 26-year-old Monday Idowu, was hit in his upper abdomen but survived. He told Amnesty International that both he and Daniel were shot by a police officer while trying to salvage their families' properties.

Amnesty International saw and received pictures of seven bullet casings and nine teargas canisters recovered from Otodo-Gbame community by evictees, following the forced evictions of 9 to 11 November 2016, 17 and 21 March 2017.

The UN Basic Principles on the use of Force and Firearms by Law Enforcement Officials, prohibits the use of firearms to disperse crowds: and explicitly provides that police must not use lethal force (firearms) unless it is strictly necessary to defend themselves or others against the imminent threat of death or serious injury or to prevent a grave threat to life, and only when less extreme means are insufficient to achieve these objectives. While the police may have had legitimate reasons to use reasonable force to address the communal clash that occurred on the morning of 9 November 2016, the use of firearms to chase residents of Otodo-Gbame out of their homes during all evictions, was excessive and unlawful.

All 97 evictees interviewed by Amnesty International have lost some or all of their possessions and have been left homeless after the forced evictions. Fifty-one evictees said they had lost their means of livelihoods. Five primary schools were demolished and 29 evictees told Amnesty International that they or their children could no longer attend school, and 36 evictees reported that since the forced evictions, they and their families have been living apart.

All seven forced evictions in Ilubirin and Otodo-Gbame communities occurred without prior consultations with affected residents, without adequate prior notice, and without the provision of compensation. There was no eviction impact assessment prior to the forced evictions so that the state authorities had no information about the number and categories of affected people. Alternative adequate housing for those who could not provide this for themselves was never offered.

Lagos state authorities forcibly evicted Otodo-Gbame residents in violation of court orders (issued on 7 November 2016, and 26 January 2017) which directed the state government to refrain from carrying out the threatened evictions of all waterfront communities in Lagos, pending the court's final decision on whether the evictions were unlawful or not.

The government provided varying reasons for carrying out these forced evictions, from denying any responsibility to blaming the residents themselves, claiming to save the environment from degradation resulting from harmful inhabitation, to preventing crime. On none of these occasions did the government explain what actions it took to ensure the protection of rights of residents of Otodo-Gbame.

During the three forced evictions which occurred in Otodo-Gbame and one forced eviction in Ilubirin, the police played leading roles in chasing residents out of their homes, using teargas and live ammunition, and setting structures and properties on fire.

There have been no investigations into these seven forced evictions and the resulting violations of human rights. Amnesty International is also concerned that the Lagos state authorities and the police do not appear to have made progress in investigating allegations of assaults and murder of Otodo-Gbame residents. On at least three occasions between 9 November 2016 and 9 April 2017, the residents of Otodo-Gbame were attacked by armed men who they identified as being from the neighbouring Ikate Elegushi community. At least 15 people sustained varying degrees of injuries, while one person died during these attacks. Also, on 16 February 2015, Ilubirin community was attacked by armed men, and two children went missing (bringing the total number of people reported missing by the two communities to 17). Amnesty International confirmed with the police that the attacks on both communities were reported to them.

While evictees are left homeless, the lands they formerly occupied will soon become abodes of the rich, as both Ilubirin and Otodo-Gbame lands are being developed into luxury real estate properties. A construction project sign board near Otodo-Gbame land and marketing materials seen by Amnesty International, indicated that the Periwinkle estate was being developed on parts the land, and that the Elegushi royal family (an influential family in Lagos) was the joint venture title owner of the project. A plot of land in the Periwinkle estate sells for between NGN45 million and NGN200 million (US\$124,710 – US\$554,269). Ilubirin land is home to the ongoing construction of luxury real estate jointly owned by the state government and a private company.

Amnesty International is calling on Lagos state authorities and the Nigerian police to immediately take the following steps to address the human rights violations and prevent further violations:

- Immediately launch an investigation into the recent forced evictions and violent attacks on the residents, and hold to account everyone, including officers of state agencies, found to be

responsible for the human rights violations and crimes committed. This should include appropriate disciplinary action as well as criminal prosecutions, where justified.

- Ensure that all victims of forced evictions have access to effective remedies and the right to reparations, which includes restitution, compensation (including for any loss of property and possessions that were damaged in the process), rehabilitation, compensation, satisfaction and a guarantee of non-repetition.

2. RESEARCH METHODOLOGY

This report documents the forced evictions of at least 30,000 Lagos residents from Otodo-Gbame waterfront community, and hundreds of residents from Ilubirin waterfront community between 19 March 2016 and 22 April 2017.

Between February 2016 and September 2017, Amnesty International interviewed 124 people, including 97 evictees (some of whom were interviewed more than once, especially after suffering repeated evictions), 10 officers of the Lagos State Ministry of Physical Planning and Urban Development, seven officers of the Nigerian Police, and seven representatives of local Non-Governmental Organisations (NGOs) that work closely with the communities (two of whom were also eyewitnesses), and three land law experts. During the research period, Amnesty International researchers conducted 18 field investigation visits to Badore, Ilubirin, Otodo-Gbame, Ojuolokun, Oreta, Isale-Ijebu and Makoko communities in Lagos. In addition, on 6 and 12 April 2017, Amnesty International attended court hearings of a case filed by residents of waterfront communities in Lagos, challenging the government's plans to forcibly evict them from their homes. Amnesty International also observed a peaceful protest by Otodo-Gbame evictees on 12 April 2017.

Further, Amnesty International reviewed 169 pictures, and 52 videos of the forced evictions, injuries and deaths, taken by residents and other eye witnesses; maps, satellite imagery and 48 official correspondence and legal documents, which provide dates, description of events and communication which took place between the community and government agencies. The documents include two witness statements on oath and a memorandum supporting submissions made by Ilubirin community to the National Human Rights Commission (NHRC) as part of the public hearing the NHRC conducted on eviction and demolitions in Nigeria; three statements made by victims to the Police; three quit notices issued by government agencies; eight court documents (including four court decisions); 23 correspondences between residents of affected communities and Federal and State Government agencies, and information provided on several government websites and social media pages; and other relevant documents.

On 20 October 2016 Amnesty International wrote separately to the Governor, the Commissioner for Waterfront Infrastructure Development, and the Commissioner for Physical Planning and Urban Development, requesting a meeting to discuss the state's plans to evict residents and asking for further information. Amnesty International received an acknowledgement letter from the office of the Governor (dated 29 November 2016), informing the organisation that its letter had been directed to the Deputy Governor for necessary action. On 5 December 2016 and 3 May 2017, Amnesty International wrote letters to the Lagos State Governor, five relevant state agencies, and the Lagos State Commissioner of Police, sharing key findings of our research and requesting more information. Amnesty International received two acknowledgement letters from the office of the Governor (dated 15 December 2016 and 11 May 2017), informing the organisation that its requests would be responded to by the State Ministry of Waterfront Infrastructure Development. On 12 June and 5 July 2017, the office of the state's Attorney General and Commissioner for Justice acknowledged receipt of Amnesty International's 3 May 2017 letter, noting that it was receiving attention. On 7 September 2017, Amnesty International wrote a reminder to the Governor, and, in response, received another acknowledgement letter dated 18 September 2017, informing the organisation that the letter has been forwarded to the State Commissioner for Physical Planning and Urban Development for action. On 27 September 2017, Amnesty International wrote to the Nigeria Police Service and the Nigerian Army, sharing key findings, calling for investigations and requesting further information.

There were no further responses to the letters by the time of printing. On 31 October, Amnesty International wrote to the Elegushi royal family, sharing key findings and requesting their comments. There was no response to this letter by the time of printing.

Amnesty International acknowledges the support of the Justice & Empower Initiatives-Nigeria (JEI), the Nigerian Slum/Informal Settlement Federation (NSISF), and the Centre for the Defence of Human Rights and Democracy in Africa (CDHRDA).

3. BACKGROUND

Between 2000 and 2009, authorities across Nigeria forcibly evicted over 2 million people.¹ Since then, tens of thousands more have been forcibly evicted. For example, in Rivers State, authorities forcibly evicted at least 28,600 people between 2009 and 2016.² Lagos State authorities have forcibly evicted at least 50,000 people since 2013.³

Hundreds of thousands of others remain at risk of being forcibly evicted in cities across Nigeria, including Lagos, where on 9 October 2016, the Governor threatened to demolish all informal communities along the waterfronts,⁴ which are home to at least 300,000 people.⁵

3.1 HOUSING IN LAGOS – THE CHALLENGES

In 2014, the Lagos State Bureau of Statistics (LBS) estimated Lagos' population at 23.3 million, with an annual growth rate of 3.2%. The agency estimated that 66.9% of residents lived below the poverty line of US\$1 a day.⁶ The Lagos State Urban and Renewal Agency noted that there were at least 100 informal settlements in Lagos,⁷ including dozens of informal settlements along the waterfronts which are especially densely populated. According to the World Bank,

“While the average residential density for Lagos as a whole is about 260 people per hectare, the population density in slums is between 790 and 1,240 people per hectare.”⁸

Lagos' teeming population and in combination with comparatively small land mass pose a significant housing challenge for the authorities.⁹ The Ministry of Economic Planning and Budget notes that

“[t]here is a massive housing deficit in Lagos due to considerable slum housing, overcrowding and unmet demand from middle and high income households... there is a massive backlog of unmet [housing] need,

¹ UN-Habitat, 'Forced Evictions- Towards Solutions? Second report of the Advisory Group on Forced Evictions to the Executive Director of UN-Habitat', 2007, p. 9-10; Amnesty International, *Nigeria: More than two million people forcibly evicted* (Index: AFR 44/027/2009)

² In August 2009, at least 17,000 people were forcibly evicted from Njemanze community (Amnesty International, *Nigeria: 'Just Move Them': Forced Evictions in Port Harcourt, Nigeria* (Index: AFR 44/017/2010)); in June 2012 between 10,000 and 20,000 people were forcibly evicted from Abonema-wharf (Amnesty International, *Nigeria: Forced Eviction of Abonema Wharf Waterfront: "Pack and Go!"* (Index: AFR 44/034/2012)); and in July 2016, at least 1600 people from Eagle Island in July 2016 (Amnesty International, *Amnesty International Report 2016/17: The state of the world's human rights*, p. 280)

³ In February 2013, at least 9,000 people were forcibly evicted from Badia East in Ijora area (Amnesty International and Social and Economic Rights Action Center, *"If you Love Your Life, Move Out!": Forced Evictions in Badia East, Lagos State Nigeria* (Index: AFR 44/006/2013)); in September 2015, 10,200 people were again evicted from Badia East and West in Ijora area (Amnesty International, *Amnesty International Report 2015/16: The state of the world's human rights*, p. 277); and between November 2016 and April 2017, at least 30,000 people were forcibly evicted from Otodo Gbame community; while about 823 people were forcibly evicted from Ilubirin community.

⁴ Lagos State Government, *Igbonla Kidnap: We'll soon rescue Victims, Ambode Assures* (9 October 2016), www.lagosstate.gov.ng/2016/10/09/igbonla-kidnap-well-soon-rescue-victims-ambode-assures/

⁵ Figures provided by Justice and Empowerment Initiatives (JEI) for the 40 waterfront communities in which the organisation has conducted a population enumeration and community profiling exercise. -This figure excludes Makoko (the largest informal waterfront settlement in Lagos) in respect of which the precise population is unknown, and reported figures range from 85,000 to 250,000 people. 4

⁶ Lagos Bureau of Statistics, *Poverty profile of Lagos state 2014*, p.23

⁷ Ministry of Physical Planning, *Lagos State Urban Renewal Agency: Introduction* (2016), www.physicalplanning.lg.gov.ng/index.php/policies-directives/urban-regeneration/

⁸ World Bank, *Project Appraisal Document on a Proposed Credit in the Amount Of SDR 13 8.10 Million (US\$200.00 Million Equivalent) to The Federal Republic Of Nigeria for The Lagos Metropolitan Development And Governance Project* (June 7,2006) p.2, www.documents.worldbank.org/curated/en/142611468096552955/pdf/36433.pdf (hereinafter World Bank Project Appraisal)

⁹ World Bank Project Appraisal, p. 2

probably in excess of 2 million housing units... The housing areas of the poor are thought to accommodate over 70% of the Lagos population, i.e. about 15 million people.”¹⁰

Another challenge to housing is the insecure land tenure system in Lagos. Courts have held that the certificate of occupancy is not the only proof of land title.¹¹ Still, it is generally accepted as the most reliable proof of land ownership in Nigeria because it raises a presumption of exclusive possession and right of occupancy.¹² Lagos land law experts have told Amnesty International that the process of obtaining this certificate is cumbersome, lengthy, fraught with corruption and too costly for the urban poor. This results in insecure tenures for land owners who have not obtained this title document.¹³

Another factor which impacts on housing tenure in Lagos state is the failure of structure- owners to obtain the necessary building permits. There are 11 steps in the process of obtaining the permit¹⁴ and the applicant is expected to provide at least 13 documents, including the certificate of occupancy, and others to be prepared by paid professionals (engineers, architects and surveyors). Further, an applicant is expected to obtain clearance from seven other agencies of government before the permit will be issued.¹⁵ The technical and costly process of obtaining appropriate permits is challenging for many poor residents of informal settlements. Informal settlements which do not comply with the relevant operating laws become more susceptible to evictions.

While permits and title documents may be necessary, the costly processes of obtaining these documents make them inaccessible to the urban poor who constitute 66.9% of Lagos’ population. Regulating housing in Lagos must take this majority population into consideration in order to include them within the protection of the law.

The value of land occupied by informal settlements that are in close proximity to high and middle income neighbourhoods and business districts has increased in recent years, making it attractive to government and private bodies for development. Residents are thereby at risk of being targeted for evictions. Further, the absence of clearly defined procedures for safe evictions without violating human rights increases the risk of residents being forcibly evicted. Despite the risk of forced evictions, the population of informal settlements continue to grow as more people seek affordable housing options in these places.

“Instead of ensuring access for people in need of housing, land regulations, planning and zoning have rendered informal settlements “illegal”, favoured commercial development over housing and failed to respect the social function of land as a public good... The precariousness of informality and the prevalence of development-based evictions continue to be major structural causes of homelessness. Informal neighbourhoods are wiped out and replaced with high-end tourist attractions, shopping malls or entertainment districts.”

Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, UN DOC A/HRC/31/54, paras 29-30

3.2 THE LAGOS HOUSING DEVELOPMENT PLAN

The Lagos State Development Plan 2012-2025 (LSDP) notes that the development vision for the state is to be “Africa’s model megacity and global economic and financial hub that is safe, secure, functional and productive.”¹⁶ The state aims to achieve this through “poverty eradication and sustainable economic growth through infrastructural renewal and development.”¹⁷ The LSDP has identified housing as a key factor for

¹⁰ Lagos State Government, Lagos State Development Plan, 2012- 2015 (September 2013), ps. 48 – 49,

www.scribd.com/document/271150413/LAGOS-STATE-DEVELOPMENT-PLAN-2012-2025 (hereinafter: LASDP 2012-2025)

¹¹ *D.O. Idundun & Ors. v. Okumagba* (1976) 10 SC p. 227 and *Yekini Adedokun Oyadare v. Chief Olajire Keji* (2005) 1 SC (Pt I) 19

¹² I.O. Smith, ‘Practical Approach to Law of Real Property in Nigeria’, 1999, Ecowatch Publications Limited, p. 319

¹³ Interviews with Prof. Oludayo Amokaye and Dr. Babatunde Oni, at the Law Faculty, University of Lagos, Nigeria, on 16 May 2016

¹⁴ Lagos State Physical Planning Permit Authority, ‘Flow Chart of Approval Process’

¹⁵ Lagos State Physical Planning Permit Authority, ‘Requirements for obtaining building plan approval’

¹⁶ LASDP 2012-2025, p 1.

¹⁷ LASDP 2012-2025, p 1

economic development¹⁸ and wants housing to be available to all citizens. At least 40% of Lagos citizens are to own their homes by 2025.¹⁹

The LSDP further notes that part of the state's strategy to achieve the housing goal is to undertake "direct government construction for the underprivileged" and establishment of housing schemes targeted at the middle and upper class. The profit realized from this will be used to fund social housing for the vulnerable members of the society.²⁰ In addition, the plan notes that,

"[g]iven the extent of the problem ways should be explored to empower communities to manage and improve their neighbourhoods, providing advice and small amounts of money... massive slum upgrading is required to improve basic facilities such as water supplies, sanitation and rubbish removal."²¹

In July 2016 the State Ministry of Housing informed Amnesty International that the state government has housing options designed specifically for the poor under the Lagos State Rent to Own Scheme.²² However, this housing option was too expensive for the urban poor. Under this scheme, the cheapest option is a single room and a parlour (with shared facilities) in Epe area of Lagos costing, NGN1.5 million (US\$4,119).²³ Buyers must make a monthly payment of NGN15,820.42 (US\$44)²⁴ for ten years.²⁵ To be eligible under this scheme, buyers must demonstrate that not more than 33% of their monthly income would be spent on the monthly repayment.²⁶ Hence, an eligible applicant must earn a minimum of NGN47,461 (US\$130)²⁷ monthly. This amount is far above the national minimum wage of 18,000 NGN (US\$49)²⁸ monthly²⁹ and even the monthly income of Lagos' civil servants below Grade Level 7/Step 4.³⁰

These new housing options are unavailable for poor residents in informal settlements and they are also not provided with alternative accommodation once their settlements have been demolished. This only serves to worsen the housing challenges in the state, because homeless evictees often relocate to other informal settlements or create new ones, exposing themselves to repeated forced evictions.

In February 2013, the Lagos State Government forcibly evicted about 9,200 residents from Badia East, to make way for the development of housing units.³¹ Again, in September 2015, another area in Badia was demolished and approximately 10,000 residents (including those who moved there following the 2013 evictions) were forcibly evicted, and in June 2017, thousands of residents of Badia East, many of whom were victims of the first two forced evictions, were once again forcibly evicted. The government did not provide alternative housing prior to any of these forced evictions.

Similarly, between March 2016 and April 2017, state authorities repeatedly forcibly evicted hundreds of residents from Ilubirin waterfront community.³² The Lagos State Government is constructing luxury housing units on the Ilubirin land area. Again, between November 2016 and April 2017, without issuing any written notices, state authorities repeatedly forcibly evicted over 30,000 people from Otodo-Gbame waterfront community.³³ The Elegushi royal family³⁴ is now constructing a luxury housing estate (The Periwinkle) on part of the land and water³⁵ area formerly occupied by the Otodo-Gbame community.³⁶

¹⁸ LASDP 2012-2025, p. 48

¹⁹ LASDP 2012-2025, p. 10

²⁰ LASDP 2012-2025, p. 49

²¹ LASDP 2012-2025, p. 119

²² Lagos State Ministry of Housing letter to Amnesty International, 'RE; Request for Information on the Process of Housing Acquisition in Lagos State', (Ref: MH/PPR/003/157-158), 15 July 2016

²³ OANDA Currency Converter, www.oanda.com/currency/converter/ 24 August 2017

²⁴ OANDA Currency Converter, www.oanda.com/currency/converter/ 24 August 2017

²⁵ In addition, buyers will make a down payment of NGN75,000 (US\$206), and an application fee of NGN10,000 (US\$27) Lagos State Home Ownership Mortgage Scheme, Homes available & price list, www.lagoshoms.gov.ng/?u=d1&dd=1 . Exchange rate is based on OANDA Currency Converter, www.oanda.com/currency/converter/ 24 August 2017

²⁶ Lagos State Home Ownership Mortgage Scheme, *Information Sheet*, www.lagoshoms.gov.ng/?u=d1&dd=28;

²⁷ OANDA Currency Converter, www.oanda.com/currency/converter/ 24 August 2017

²⁸ OANDA Currency Converter, www.oanda.com/currency/converter/ 24 August 2017

²⁹ Nigeria Labour Congress, *Governors Attempt to Reverse N18,000 National Minimum Wage: A Declaration of War Against Nigerian Workers*, www.nlcng.org/newsview.php?viewarticleactiveschool=23

³⁰ Lagos State Consolidated Salary Structure, effective from 1 January 2015.

³¹ Amnesty International and SERAC, *If You Love Your Life, Move Out! Forced Evictions in Badia East, Lagos State, Nigeria* (Index: AFR 44/006/2013)

³² Interview with residents between 19 May 2016 and 27 April 2017

³³ Amnesty International, *Nigeria: Fire and demolitions that left 30,000 homeless must be urgently investigated* (Press release, 11 November 2016)

³⁴ In partnership with another private organization. The Elegushi royal family is an influential traditional ruling family in Lagos.

³⁵ The areas that were formerly water have now been sand filled in preparation for the project construction.

³⁶ A project signboard on the land names the Elegushi royal family as the joint venture owner, and a marketing video produced by Assist2SellNG - 'The Super Modern Residential, Mixed-use and Commercial use Estate made for you', provides further details on the project. Available at www.assist2sellpropertiesng.com/property/periwinkle-land-sale-lekki-lagos/ 11 August 2017.

3.3 LAGOS' HOUSING FRAMEWORK

None of the multiple legal frameworks applicable to housing in Lagos State fully complies with Nigeria's international human rights obligations. The frameworks also create uncertainty around how an eviction should be carried out. While some laws make provision for consultations and compensation prior to demolitions and evictions,³⁷ others only provide for the service of written notices – particularly regarding occupants without relevant land title or permit documents.³⁸ In cases where occupants can show their title, they may be entitled to compensation.³⁹ While none of the relevant laws provide for resettlement, state government officials have told Amnesty International that resettlement have been discretionarily provided in cases of upgrading projects.⁴⁰ The lack of a strong and consistent regulatory framework places too much discretion in the hands of the agency or ministry carrying out the eviction.

Several government ministries and agencies carry out demolitions, including the Lagos State Building Control Agency (LASBCA);⁴¹ Lagos State Urban Renewal Agency (LASURA);⁴² Ministry of Water Front Infrastructure Development;⁴³ Ministry of Environment;⁴⁴ the Lagos State Environmental Sanitation and Special Offences (Taskforce, comprising of police and non-police officers, and also takes direct instructions from the Governor);⁴⁵ and the Kick Against Indiscipline Brigade (KAI), which is under the Ministry of Environment, and made up of environmental officers.⁴⁶ These ministries and agencies have varying powers (derived from their enabling laws)⁴⁷ to demolish structures erected without relevant permits, subject to the service of varying lengths of notices as prescribed in their enabling laws or administrative policies. Oftentimes, the demolition teams include police, the Taskforce and/or KAI officials, and in some cases, they have been accompanied by officials from the relevant ministry or agency.

Consequently, the Lagos State Government continues to fail to provide adequate domestic legal protection against forced evictions. This is in violation of the state's obligations under the International Covenant on Economic Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights (African Charter) and other relevant international and regional law instruments⁴⁸ to which Nigeria is a party.

³⁷ Sections 54, 57 (1) and 58 of the Lagos State, Urban and Regional Planning Development Law, 2010 (Hereinafter: Lagos URDP Law)

³⁸ Sections 60 and 66 (1) (a) of the Lagos URDP Law

³⁹ Sections 76 to 78 of the Lagos URDP Law.

⁴⁰ Amnesty International meetings with the General Manager and seven other officers of the Lagos State Building Control Agency on 10 June 2016; Amnesty International interview with the Head of Department of Urban and Rural Development, Ministry of Physical Planning and Urban Development on 10 June 2016.

⁴¹ Section 47 of the URDP Law empowers the agency to remove "illegal and non-conforming buildings". On 10 November 2016, The PRO of the Agency confirmed to Amnesty International that the agency was involved in the demolition of Otodogbo-Gbame community on 9 November 2016.

⁴² Sections 56-58 of the URDP Law provide for the powers of the Agency to demolish and pay compensation to owners or developers of affected buildings.

⁴³ Section 15 of the Lagos State Waterfront Infrastructure Development Law (2009), empowers the Ministry to demolish structures erected along the waterfront without relevant permits. An officer of the Ministry also confirmed to Amnesty International that the Ministry carries out demolitions subject to the service of notices.

⁴⁴ The Lagos State Environmental Law (2017), empowers Agencies set up under the Ministry to demolish structures which obstruct the sewage (Section 286) or drainage (Section 360) systems. The Lagos State Government noted that the 17 March 2017 demolition of Otodogbo-Gbame community was carried out by the Ministry of Environment, www.lagosstate.gov.ng/blog/2017/03/21/lagos-clarifies-environmental-action-at-otodogbo-gbame-community/ (21 March 2017)

⁴⁵ Pictures seen by Amnesty International and testimonies from eyewitnesses of the 17 March and 9 April 2017 Demolitions of Otodogbo-Gbame demonstrate the involvement of the Taskforce.

⁴⁶ KAI's responsibilities include curbing the erection of illegal structures, www.kai.lagosstate.gov.ng/responsibilities/. On 30 June 2017, the Lagos State Governor announced that KAI has been transformed to the Lagos Environmental Sanitation Corps (LAGESC) 'Lagos Invigorates Solid Waste Management Sector', www.environment.lagosstate.gov.ng/2017/06/30/lasg-invigorates-solid-waste-management-sector/

⁴⁷ As in footnotes 41 to 44.

⁴⁸ Convention on the Elimination of All Forms of Discrimination against Women; Convention on the Rights of the Child; and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.

FORCED EVICTIONS

The UN Committee on Economic Social and Cultural Rights (CESCR) defines a 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.⁴⁹”

The CESCR has emphasized in its General Comment 7 that evictions may be carried out only as a last resort, once all other feasible alternatives to eviction have been explored and all procedural protections are in place. These include

“an opportunity for genuine consultation with those affected; adequate and reasonable notice for affected persons prior to the eviction; 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; all persons carrying out the eviction to be properly identified; evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; provision of legal remedies; and provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.⁵⁰”

Adequate alternative housing and compensation for all losses must be made available to those affected, regardless of whether they rent, own, occupy or lease the land or housing in question. Evictions must not *“render individuals homeless or vulnerable to the violation of other human rights”*⁵¹.

The prohibition on forced evictions does not, however, apply to evictions carried out in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights.

⁴⁹ CESCR, General Comment 7: The right to adequate housing: forced evictions, UN Doc. E/1998/22, para. 3

⁵⁰ CESCR, General Comment 7, The right to adequate housing, para. 15

⁵¹ CESCR, General Comment 7, The right to adequate housing, para. 16

4. FORCED EVICTIONS IN LAGOS: ILUBRIN AND OTODO-GBAME



*A bulldozer demolishing homes in Otodo-Gbame, during a forced eviction on 17 March 2017.
©Justice & Empowerment Initiatives*

Since 2013, Lagos State authorities have forcibly evicted at least 50,000 residents of informal settlements.⁵² Amnesty International has documented seven forced evictions which took place in the Otodo-Gbame and Ilubirin communities in Lagos between March 2016 and April 2017.⁵³ Many residents seemed to be trapped in a cycle of forced evictions from informal settlements.

On 9 October 2016, the State Governor announced that all informal settlements along the waterways and creeks would be demolished within seven days, putting at risk at least 300,000 people.⁵⁴ The Governor claimed that the waterfront settlements were used as criminal hideouts and posed a threat to the security of the state.⁵⁵ Even if the allegations of criminality in the affected communities were substantiated, forced evictions are a disproportionate and unlawful response. Authorities should be looking at other feasible alternatives to deal with crime.

To prevent the demolition of their homes, on 18 October 2016, residents of waterfront communities across Lagos sued the government and asked the High Court of Lagos for an order restraining the authorities from demolishing their homes.⁵⁶ The Court granted this order on 7 November 2016.⁵⁷ Despite the order, residents of Ilubirin and Otodo-Gbame were subjected to a number of subsequent repeated forced evictions.

Amnesty International interviewed 75 Otodo-Gbame and 22 Ilubirin evictees about the seven forced evictions which took place in both communities. Some of the evictees were interviewed in respect to more than one forced eviction. Amnesty International also wrote eight letters to the Governor, the police, army, and relevant state authorities, requesting for information and pointing out the violations. There had been no substantive responses to the letters as at the time of writing.⁵⁸

⁵² Amnesty International, *Nigeria: Forced evictions challenge achievements of Lagos at 50* (Press Release: 24 May 2017)

⁵³ Forced evictions occurred in Ilubirin on 19 March 2016, 26 September 2016, 15 October 2016, and 21 and 22 April 2017; while, forced evictions in Otodo-Gbame occurred on 9 November 2016, 17 and 21 March 2017, and 9 April 2017.

⁵⁴ Figures provided by Justice and Empowerment Initiatives (JEL) for the 40 waterfront communities in which the organisation has conducted a population enumeration and community profiling exercise. - This figure excludes Makoko (the largest informal waterfront settlement in Lagos) in respect of which the precise population is unknown, and reported figures range from 85,000 to 250,000 people.

⁵⁵ Lagos State Government, 'Igbonla Kidnap: We'll soon rescue Victims, Ambode Assures' (9 October 2016), www.lagosstate.gov.ng/2016/10/09/igbonla-kidnap-well-soon-rescue-victims-ambode-assures/

⁵⁶ *Akakpo Agemo & 35 ors v. Attorney General of Lagos & 3 ors*. Suit No. LD/4232MFHR/16

⁵⁷ *Akakpo Agemo & 35 ors v. Attorney General of Lagos & 3 ors*. Suit No. LD/4232MFHR/16, Ruling, 7 November 2016

⁵⁸ Amnesty International letter to H.E. Akinwunmi Ambode, Governor of Lagos State, "Research on Forced Eviction of Ilubirin community Residents in Lagos State- Summary of Key Findings and Request for Information", Ref: AIN/411/0439/2016, 5 December 2016.

Amnesty International letters to the Commissioner for Waterfront Infrastructure Development, "RE: Threat of Forced Eviction of Informal Waterfront Settlements and Request for Information", Ref: AIN/411/0375/2016., 20 October 2016.

Amnesty International letters to the Commissioner for Physical Planning and Urban Development, "RE: Threat of Forced Eviction of Informal Waterfront Settlements and Request for Information", Ref: AIN/411/0374/2016., 20 October 2016

Amnesty International Letter to HE Akinwunmi Ambode, Governor of Lagos State, "Further Research on Forced Evictions in Lagos State- Summary of Key Findings; Request for more Information; and Request for Response to previous Letter of 5 December 2016", 3 May 2017, Ref: AIN/411/0202/2017. Copies were sent to the Attorney General and Commissioner for Justice Lagos State, The Commissioner, Physical Planning and Urban Development, The Commissioner, Waterfront Infrastructure Development, Commissioner of Police, Lagos Command, and The Chairman, Lagos State Environmental & Special Offences (Taskforce). Commissioner for Environment Lagos State, The Commandant, Lagos State command, Nigeria Security and Civil Defence Corps (NSCDC).

4.1 OTODO-GBAME



Satellite image of Otodo-Gbame taken on 11 May 2016.

The Otodo-Gbame community, home to at least 30,000 people,⁵⁹ was an informal settlement at the edge of the lagoon, in the Lekki area of Lagos. Evictees told Amnesty International that the community had existed for over a century. The oldest person interviewed by Amnesty International was 79 years old, and said she was born in the community.⁶⁰

Ototo-Gbame's simple structures made of wood, zinc and bricks, were built on water and land. These contrasted sharply with the affluent and modern structures of nearby estates- Lekki Gardens on its east and Lekki Phase 1 on its west. The authorities failed to provide basic amenities and services to the Ototo-Gbame community. Therefore, residents purchased potable water from tankers weekly,⁶¹ and those who could afford small generators generated their own electricity.⁶² With no connection to public sewerage or the Lagos State Waste Management Agency, residents generally used the lagoon for sanitation as well as sewage purposes. There were five private primary schools (three English and two French-speaking ones, some of which were owned by residents) and one private health clinic serving the community.⁶³

4.1.1 LEGAL BATTLE ABOUT OWNERSHIP

In November 2015, the Ototo-Gbame community sued the Lagos State Government, the Elegushi Property Investment Limited and four members of the Elegushi royal family, amongst others. The community initiated this suit after Elegushi royal family and other organisations began a land reclamation project (with approval from the state government) on the borders of Ototo-Gbame land. The community alleged that the project threatened their interest in the land, and negatively impacted their fishing and other economic activities, access to the lagoon, waterway and their freedom of movement. In the suit, the community asked the High

⁵⁹ Justice & Empowerment Initiatives (JEI) and Nigeria Slum/Informal Settlement Federatin (NSISF), 'Ototo-Gbame community Profile Fact Sheet (2014-2015)

⁶⁰ Interview with Elizabeth Medejiten at Ototo-Gbame, Lekki, Lagos, 28 March 2017

⁶¹ The Lagoon water, fetched from wells, was used for non-consumption purposes.

⁶² Initially, the community received occasional public electricity supply (electricity is unstable across the country) through a formal connection and paid a collective communal bill. This public supply was later discontinued.

⁶³ JEI and NSISF, 'Ototo-Gbame community Profile Fact Sheet (2014-2015)

Court to declare it the lawful holders of the title to the land.⁶⁴ This case was pending before the court at the time of writing.

In 2016⁶⁵ the Elegushi royal family filed a separate case applying to the Court for an order to recover possession of Ebute Ikate Elegushi (Ikate Elegushi Water Front) on the ground that they own the land and that those in occupation were squatters living there without permission from the family.⁶⁶ On 10 October 2016, the High Court granted the applicants the right to take possession of the land. The order made no reference to the rights of the community already on the land, nor how those rights could be safeguarded in any evictions process.⁶⁷

The residents and their lawyers only became aware of the case when the police and representatives of the Elegushi royal family (whom they recognized) came to the community and marked some structures (less than ten) with “LD/542LM/15 Possession taken today 11/11/2016 by Court order”.⁶⁸ Amnesty International saw pictures of these markings.

On 12 January 2017, the Lagos State House of Assembly, following its investigations,⁶⁹ passed a resolution that,

“The said land called Otodo- Gbame is historically called Ebute-Ikate which is part of Ikate land that belongs to Elegushi family and not the petitioners. More so, the petitioners who inhabited Otodo-Gbame are (mostly from Egun tribe of Cotonou and Togo) squatting in the area without the consent or permission from the Elegushi.”⁷⁰

In response to this resolution, residents of Otodo-Gbame community wrote to the House of Assembly and noted that the question of ownership of the land was the subject of several suits pending before courts in Lagos State, and that the House of Assembly had no powers to decide on the question of ownership of the land. The residents demanded that this resolution in regarding ownership be retracted.⁷¹ At the time of writing, there had been no response to this demand.⁷²

In March 2017, the community filed an appeal against this judgment at the Court of Appeal.⁷³

⁶⁴ *Humpe Dansu & Ors v. Oba Saheed Elegushi & Ors*, Suit No. LD/1887/LMW/2015

⁶⁵ The initial application date is not known, however, the Applicants filed an Amended Originating Summons on 24 March 2016.

⁶⁶ Judgment of the High Court of Lagos State, Lagos Judicial Division, Court 33, in the case of *HRM Oba Saheed Ademola Elegushi (Kushenla) & Ors v. Unknown Persons/Occupiers*. Suit No. LD/524LM/2015. However, in a media statement published in the Guardian Newspaper on 23 November 2016, the Elegushi royal family was quoted as saying that it will take possession of Otodo-Gbame land because residents had abused lease rights granted to them by the family. The Guardian, “Elegushi to take over disputed Otodo-Gbame Land”, 23 November 2016. Available at www.guardian.ng/news/elegushi-to-take-over-disputed-otodo-gbame-land/ Accessed on 2 May 2017. This claim of abuse of lease rights contradicts the Royal Family’s earlier assertions in court, that those whom they sought to recover the land from were squatters who were “not the Applicants’ tenants or tenants holding over after termination of their tenancy nor [are] the Applicants licensee or persons entitled to possession or persons who have the consent of the predecessor of the person who is entitled to possession”- p. 4 of the judgement.

⁶⁷ Judgment of the High Court of Lagos State, Lagos Judicial Division, Court 33, in the case of *HRM Oba Saheed Ademola Elegushi (Kushenla) & Ors v. Unknown Persons/Occupiers*. Suit No. LD/524LM/2015.

⁶⁸ Amnesty International telephone interview with Megan Chapman (a JEI lawyer representing the community) on 22 November 2016, and videos of the markings made available to Amnesty International. When Justice and Empowerment Initiatives attempted to get a copy of the judgment to which the markings related, they discovered that no case existed with the suit number marked on the structures. They however found that a judgment which related to the Elegushi’s claim for possession of Ebute Ikate existed with a suit number which was slightly different - LD/524LM/2015. It was therefore assumed that the markings on the structures were mistakenly written as LD/542LM/2015. This mistake was confirmed when during the House of Assembly Investigations, Lawyer to the Elegushi royal family relied on the judgment with Suit No. LD/524LM/2015 as the basis of the family’s claim to ownership of Otodo-Gbame land.

⁶⁹ Lagos State house of Assembly, *Lagos State House of Assembly sets up Committee to Investigate Killings in Otodo-Gbame community*, 15 November 2016, www.lagoshouseofassembly.gov.ng/2016/11/15/lagos-assembly-sets-up-committee-to-investigate-killings-in-otodo-gbame-community/

⁷⁰ Lagos State House of Assembly letter to The Head Elegushi Family, “Re: Appeal to Stop the Incessant Killing (Murder) by the Police, Unlawful Detention, Harassment and Continued Intimidation on our people and sporadic shooting therein by men and officers of the Nigeria Police Force (Jakande Division): Resolution of the House” Ref: LSHA/LM/C/47/VOL.II/456, 20 January 2017.

⁷¹ Otodo-Gbame community, letter to The Speaker of the Lagos State House of Assembly, “Re: Resolution of the House in Response to Appeal to stop the Incessant Killing (Murder) by the Police, Unlawful Detention, Harassment and continued Intimidation of our People and Sporadic Shooting Therein by Men and Officers of the Nigeria Police Force (Jakande Division)”, 24 March 2017.

⁷² Amnesty International interview with JEI lawyers at Yaba, Lagos, 4 July 2017.

⁷³ *Chief Dansu Hunkpe & 11 Ors v. HRM Oba Saheed Ademola Elegushi (kushenla)* Notice of Appeal, Court of Appeal, Lagos.

4.1.2 FORCED EVICTION NUMBER 1: CLASH FOLLOWED BY A FORCED EVICTION: 9-11 NOVEMBER 2016

On the morning of 9 November 2016, at about 8am, there was a clash between youths in Otodo-Gbame and youths from the neighbouring Ikate community.⁷⁴ The fighting youths set fire to houses in Otodo-Gbame during this clash, and residents alerted the police from the nearby Ilesan police station, who immediately came to the scene. Six evictees told Amnesty International that the police who came to the scene also started setting their homes on fire.⁷⁵ The police have denied setting fire to any structures.⁷⁶

The fires burnt till afternoon. Andrew Maki, a JEI lawyer representing the community, who arrived at the community about 1.45 pm on 9 November 2016, told Amnesty International that when he arrived, the fire was practically out, and that about one third of the community was destroyed. He said:

“The southern part of the community was completely razed by fire, there were just people there picking through the rubble trying to salvage property.... At that point, the whole place was covered in white smoke, we were kind of coughing and there were small smouldering fires.”⁷⁷

Later that day, the media reported that according to the Police Public Relations Officer, the state government had taken over the area and the Ministry of Physical Planning and Urban Development would move in to clear the rubbles caused by the fire and demolish the remaining structures.⁷⁸ There has been no independent investigation into the cause of the fire that destroyed parts of the community from the morning to early afternoon of 9 November 2016.⁷⁹

At about 11.30pm on 9 November, without prior notice and consultation, a bulldozer escorted by police officers and other people in plain clothes, began demolishing people's homes in Otodo-Gbame. Evictees told Amnesty International that they were awoken by shouts of neighbours and gunshots.

Amnesty International interviewed 42 evictees, who all described the chaos that resulted from this forced eviction. Many of them only had time to run to safety, leaving their personal belongings and other properties behind. The demolition team worked until about 5pm on Thursday 10 November, demolishing some structures with the bulldozer and setting others ablaze. On 10 November 2016, the Public Relations Officer (PRO) of the Lagos State Building Control Agency⁸⁰ confirmed to Amnesty International that the agency had been part of the demolition team.⁸¹

⁷⁴ Telephone interviews with nine evictees on 10 November 2016.

⁷⁵ Interview with Amnesty International on 10 November 2016 and 28 March 2017.

⁷⁶ City Voice “Police restore calm after clash between Ikate’s Egun and Yoruba residents”, 9 November 2016. Available at <http://cityvoiceng.com/police-restore-calm-after-clash-between-ikates-egun-and-yoruba-residents/> (accessed on 26 April 2017).

⁷⁷ Telephone interview with Amnesty International on 10 November 2016.

⁷⁸ City Voice “Police restore calm after clash between Ikate’s Egun and Yoruba residents”, 9 November 2016. Available at <http://cityvoiceng.com/police-restore-calm-after-clash-between-ikates-egun-and-yoruba-residents/> (accessed on 26 April 2017).

⁷⁹ Amnesty International has urged the state government to conduct an independent investigation into the incidence. See, “Nigeria: Fire and demolitions that left 30,000 homeless must be urgently investigated”, (Press Release:11 November 2016). Also, Amnesty International letter to the Governor of Lagos State, “Further Research on Forced Evictions in Lagos State- Summary of Key Findings; Request for more Information; and Request for Response to previous Letter of 5 December 2016”, 3 May 2017, Ref: AIN/411/0202/2017

⁸⁰ This is an Agency under the control of the Lagos State Ministry of Physical Planning and Urban Development.

⁸¹ Amnesty International phone call to PRO Lagos State Building Control Agency (LASBCA), on 10 November 2016.



*Bulldozer and fire demolishing homes in Otodo-Gbame on 10 November 2016.
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Amnesty International saw three videos and 38 photos taken by residents and eyewitnesses on 9 and 10 November 2016 which showed burnt property, burning structures as well as evictees stranded with their salvaged possessions in canoes on the lagoon. One of the videos taken on the morning of Thursday 10 November, showed a bulldozer demolishing a house, fire and smoke could also be seen in the background, while evictees in canoes on the lagoon watched.⁸²

On the following day, Friday 11 November, the demolition resumed. Jonathan Zosu, a 28-year-old evictee, told Amnesty International that

“Now the police have come, and started burning the [structures], and they don’t want anybody to [go] near them... About 10 police officers are breaking some houses now... There is fire in the community now... The police set the fire.”⁸³

Amnesty International also saw six photos taken by residents on that day, showing police in the community and some burning structures.

By the end of 11 November 2016, the majority of residents in Otodo-Gbame – several thousand people – had been forcibly evicted and left homeless. A large proportion of the structures on land had been demolished, while many of the structures on the water were still intact. Over 25,000 evictees moved away from the area.⁸⁴ Nigerian Slum/Informal Settlement Federation, a community based organization, estimated that approximately 4,700⁸⁵ people remained in the community after 11 November 2016.⁸⁶ Some of them had lost their homes and moved in with those whose homes remained; others erected makeshift shelters, slept in canoes or out in the open, covering themselves with plastic sheets when it rained.⁸⁷

⁸² A collection of videos and images are available at the Justice and Empowerment Initiatives Flickr page, www.flickr.com/photos/93512835@N04/albums/with/72157679186063343.

⁸³ Telephone interview with Amnesty International on 11 November 2016.

⁸⁴ This figure is based on deduction of the estimated 4,700 number of those who remained from the initial population estimate of the community.

⁸⁵ This figure is based in a community enumeration and household survey done between February and March 2017, by the Nigerian Slum/Informal Settlement Federation.

⁸⁶ Nigerian Slum/Informal Settlement Federation, is a movement made up of residents from over 70 slums and informal settlements in Lagos, who undertake slum profiling, mapping and enumeration in informal settlements where they live.

⁸⁷ Amnesty International interviews with residents on 10 and 11 November 2016 and on 27 and 28 March 2017.

4.1.3 FORCED EVICTION NUMBER 2: 17 AND 21 MARCH 2017



*Aftermath of the forced eviction in Otodo-Gbame community, on 17 March 2017.
© Justice & Empowerment Initiatives*

Four months later, without any prior notice or consultation, on 17 March 2017, the Otodo-Gbame residents were again forcibly evicted. Amnesty International interviewed 18 evictees who all said that their homes were demolished with bulldozers accompanied by police, army and other men armed with machetes, axes and guns. They further said that the police were shooting live ammunition and teargas to chase residents away.⁸⁸

The demolition team forcibly evicted residents even after residents showed the police a copy of the court order restraining the government from demolishing their homes. The police ignored the order and continued the forced eviction. Officers of the Nigerian Army (the Military Police) and the Nigerian Security and Civil Defence Corps (NSCDC) were also present during the forced evictions.⁸⁹ Lawyer, Andrew Maki, who went to the community to observe the forced evictions, told Amnesty International that he saw Military Police giving directions to young men in plain clothes with crowbars, who were demolishing structures.⁹⁰ Pascal Tosin, a 53-year-old community leader and evictee, told Amnesty International that

“The police that came were many, they had two vans, but I don’t know how many cars. The army came with two of their patrol vehicles... the police started shooting guns and teargas, and we ran... the bulldozers came in, four for land, 1 for swamp. That is how they started demolishing houses.”⁹¹

When the demolition team left by about 5pm, all structures on the land had been demolished, while most of the structures on the water remained, because the swamp buggy (bulldozer used for structures on the water) developed a fault and could not complete the demolition.⁹² This forced eviction left many of the 4,700 residents, who had stayed in the area after the earlier eviction, homeless. On 21 March, police, Lagos

⁸⁸ Interviews with residents at Otodo-Gbame, Lekki, Lagos, 28 March 2017.

⁸⁹ Amnesty International interviews residents on 28 March 2017. Videos and pictures of this forced eviction also confirmed this.

⁹⁰ Telephone interview with Amnesty International on 17 March 2017.

⁹¹ Interview with Amnesty International at Otodo-Gbame, Lekki, Lagos, 28 March 2017.

⁹² Interviews with 18 evictees on 27 & 28 March, and 5 April 2017.

State Environmental Sanitation Enforcement Agency (Taskforce), army and other armed men, returned with a swamp buggy, to demolish more structures on the water.⁹³



*A bulldozer demolishing homes in Otodo-Gbame on 17 March 2017.
© Justice & Empowerment Initiatives*

On both 22 and 26 March 2017, the demolition team returned and attempted to continue the forced evictions, but were repelled by protests by the residents. However, during the protest of 26 March, the police fired teargas and live ammunition at the protesters, assaulted at least 12 of them,⁹⁴ and arrested and detained seven of them.

Amnesty International reviewed 13 videos and 56 photos of this forced eviction taken by residents and other eyewitnesses on 17, 21 and 22.⁹⁵ These showed that several policemen, officers of the Nigerian Military (Military Police) and officers of the Nigerian Civil Defence Corps were present in the community at the time of these forced evictions. Vehicles belonging to the Lagos State Taskforce, and Military Police could also be seen in some of the images. Other images and videos showed evictees, including children, in canoes watching as bulldozers pulled down their homes.

When Amnesty International visited the community a week later, most parts had been demolished – there were only a few reconstructed sheds on the land, but some of the houses on the water appeared intact and untouched by any of the earlier demolitions.⁹⁶ Evictees who had lost their homes continued to stay in the community, either sleeping on bare earth, in canoes or living with others. Those interviewed, told Amnesty International that they had nowhere to go.⁹⁷

⁹³ Interviews with 18 evictees on 27 & 28 March, and 5 April 2017

⁹⁴ Interviews with 12 victims on 28 March 2017; interview with a lawyer representing the community on 26 March 2017, and interviews with two eye witnesses on 26 March 2017.

⁹⁵ A collection of videos and images are available at the Justice and Empowerment Initiatives Flickr page, www.flickr.com/photos/justempower/albums/with/72157676368187175

⁹⁶ Amnesty International visited the community on 27 March, 28 March and 5 April 2017

⁹⁷ Interviews with Amnesty International on 27 and 28 March, and 5 April 2017.



A section of Otodo-Gbame littered with demolition debris, while some houses remain intact. This picture was taken on 23 March 2017, after the forced evictions on 17 and 21 March 2017.
 © Deji Akinpelu

4.1.4 FORCED EVICTION NUMBER 3: 9 APRIL 2017



Otodo-Gbame evictees stranded on the Lagoon, watching their homes burn during the forced eviction on 9 April 2017.
 © Justice & Empowerment Initiatives

According to evictees, police, armed men⁹⁸ and Lagos State Taskforce officers, started arriving in the community on 9 April 2017 from about 1am, and waited until about 5am before the police started shooting and demolishing structures. Amnesty International interviewed 19 evictees, who all said that the demolition team came with two bulldozers (one for the land and one swamp buggy), and also used fire to demolish the structures. Evictees said that police were shooting live ammunition and teargas sporadically to chase them away. On 9 April, Andrew Maki, a lawyer who arrived in the community about 8am, to observe and document the forced eviction, told Amnesty International that he saw Taskforce officers and police setting structures ablaze. He also said that residents were being chased by police who were firing live ammunition and teargas. Around 9am, he said there was a lot of shooting and he had heard about 30 gunshots. He noted that there were also four police boats on water, and that all the residents had been chased off the land, and that evictees stayed on the water watching the demolitions. Later, about 5pm, he said:

“Taskforce entered boats and are pursuing us, firing teargas everywhere. Two canisters just hit the water 15ft from my boat. Everyone is paddling as fast as they can to escape, [they are] also firing at us from Ikate side [east of Otodo-Gbame].”⁹⁹

The forced eviction which continued till about 6pm that day, was again carried out without any prior notice, consultation or the provision of alternatives to the affected residents. The residents who remained on the land were again rendered homeless.¹⁰⁰ The forced eviction also resulted in the death of one man (Daniel Aya) who was shot in the neck, while another (Monday Idowu) sustained a gunshot injury to his upper abdomen area.¹⁰¹

Paul Kunnu, a 30-year-old evictee, told Amnesty International what he saw:

“The police came... with hoodlums, and people from the Lagos State Taskforce, and we were all afraid... They started shooting guns sporadically and started setting houses ablaze... We all ran into the water or jumped into canoes... when we got on the water the marine police were shooting and asking us to leave.”¹⁰²

Dorcas Oke, a female evictee in her thirties told Amnesty International that

“at 6.30am, more policemen arrived, and so they became many, and kept shooting. We ran, me, my children and my family members, we ran into the swamp, and as we were running, they kept shooting, the thugs had knives, sticks and all sorts of weapons and were chasing us till we got to the water.”¹⁰³

Amnesty International reviewed 58 photos and 31 videos taken by residents and eyewitnesses of this forced eviction.¹⁰⁴ The video footage showed women, men, children and babies stranded on the lagoon and watching as their homes burnt. In three videos, the sound of gunshots could be heard, and in one, teargas shots could also be seen. Two images showed police and men in what appears to be Taskforce vests standing by a wood and zinc structure as though taking it apart. In a third image, this structure had begun to burn while the police and Taskforce officers stood by it. One video and one photo showed two victims who had sustained gunshot wounds being taken out of the area; a later image showed that one of them (recognisable as Daniel Aya) appeared to be dead. His subsequent death certificate indicated that he had died from a gunshot wound in his neck.¹⁰⁵

Many of the evictees have now moved to at least eight other waterfront communities in areas such as Ikorodu, Ajah, Apapa, Badagry, and Makoko, some live with friends and relatives in overcrowded conditions, while others continue to sleep in canoes.¹⁰⁶

⁹⁹ Telephone interview with Amnesty International on 9 April 2017.

⁹⁹ Telephone interview with Amnesty International on 9 April 2017.

¹⁰⁰ While not certain, it appears that most, if not all the 4700 indigenous residents, who remained on the land following November 2016 forced evictions, continued to stay on the land till 9 April when they were prevented from returning by security forces stationed in the area.

¹⁰¹ On 12 April 2017, Monday Idowu told Amnesty International that he and Daniel Aya were shot while trying to salvage their families' possessions. The Death certificate for Daniel Aya indicated that he died of a gunshot injury to his neck.

¹⁰² Telephone interview with Amnesty International on 28 April 2017.

¹⁰³ Interview with Amnesty International at State High Court, Igboosere, Lagos, 12 April 2017.

¹⁰⁴ A collection of videos and images are available at the Justice and Empowerment Initiatives Flickr page, www.flickr.com/photos/93512835@N04/albums/with/72157679186063343

¹⁰⁵ Lagos State Government Medical Certificate Cause of Death V.S. Reg 4, issued by the Department of Pathology and Forensic Medicine, Lagos State University Teaching Hospital, 26 April 2017

¹⁰⁶ Amnesty International Interviews with evictees between 9 April and 3 May 2017

4.2 ILUBIRIN



*A section of Ilubirin community, with the under-construction government real estate project in the background. 1 October 2016.
© Amnesty International Nigeria*

The Ilubirin fishing community is home to hundreds of mainly fishers and their families. It is located at the edge of the Lagos lagoon near high-end business districts, in Lagos Island. Structures in the community were constructed mostly with plastic sheets and sticks.¹⁰⁷ The government did not provide any services or infrastructure, such as sewage disposal, potable drinking water and electricity, to Ilubirin. The residents provided electricity for themselves (using portable generators). They used the lagoon for sewage disposal and purchased drinking water.¹⁰⁸ By 17 November 2015, the community had an estimated 823 residents¹⁰⁹ and 222 structures (168 residences, 41 businesses, 10 bath houses, 1 school and 2 churches).¹¹⁰

Since 1996, residents of Ilubirin had suffered a series of forced evictions. In September 1996, after residents were forcibly evicted and their homes demolished, many of them were forcibly relocated to a forest area in Badore, where there were no houses, water supply, electricity, nor other facilities and services necessary for survival.¹¹¹ Because of the difficult living conditions, some people returned to the city and resettled in an area close to their old location (which they called New Ilubirin). The New Ilubirin settlement has existed for about 20 years, and residents have been subjected to a series of forced evictions since returning to the area.

¹⁰⁷ As seen by Amnesty International during visits on 19 May 2016 and 1 October 2016.

¹⁰⁸ Interviews with 22 residents of Ilubirin community.

¹⁰⁹ This figure is based on Nigeria's average household size of 4.9, multiplied by number of residential structures. National Bureau of Statistics, *Nigeria - General Household Survey-Panel Wave 3 (Post Planting) 2015-2016, Third round*, www.nigerianstat.gov.ng/nada/index.php/catalog/51/study-description

¹¹⁰ Figures provided by Justice and Empowerment Initiatives (JEI) based on a profiling exercise conducted in the community on 17 November 2015.

¹¹¹ Amnesty International interviews (on 28 October 2016) with three residents of Badore, who were moved there from Ilubirin in 1996. Amnesty International also saw the following documents: Federal Ministry of Works and Housing, "Notice to Quit Ilubirin Foreshore Land", E80/1307/S.12, 29 August 1996; eight plea letters written by the community to several government agencies; "Undertaken to Vacate Land at Ilubirin", signed on 6 September 1996 by seven community representatives; Lagos State Government letter to the residents – RE: An Appeal to the Lagos State Government for the proposed programme of demolition of Ilubirin Fishermen Settlement in Lagos", DC/LA/2/034/96/3 dated 13 September 1996- the letter invited residents for a joint site inspection and requested them to pay a 1000 NGN (US\$45.66 - Trading Economic, historical conversion rate of NGN to US\$ in 1996, www.tradingeconomics.com/nigeria/currency) petition fee; Statement on oath of Peter Simenou, in the case of Ilubirin Fisherman V. Lagos State Government Written Complaint No. 2013/6369/HQ; and Written statement on oath of Gandonou Satoyon John, in the case of Oju-Olokun community V. Federal Ministry of Lands and Urban Development & Honourable Attorney General of the Federation, Complaint No. C/2013/9259/HQ – both statements were submitted to the National Human Rights commission as part of its Public Inquiry on Forced evictions and Demolitions, Southwest Zone, held in Lagos 18-21 November 2013 and 5-8 May 2014.

Evictees said they didn't remember how many times they had been subjected to forced evictions since 1996. Amnesty International's research shows that there have been at least 10 forced evictions of this community since 1996.¹¹² Cases of forced evictions which took place between 1996 and 2014 were submitted to the National Human Rights Commission's Public Inquiry on Forced Evictions and Demolitions, South-West Zone, and are still pending before the Commission.¹¹³

Elizabeth Houessou, a widow evicted from Ilubirin with two of her grandchildren, told Amnesty International that

"They [demolition teams] have been coming yearly. This is how they have been troubling us, not once, we can't count the number of times."¹¹⁴

Because these evictees depended on the lagoon for fishing, the lack of adequate alternative housing and livelihoods made many of them return to the edge of the lagoon, or areas close by, which exposed them to multiple forced evictions. Evictees said that because of the frequency of the forced evictions, they resorted to constructing their homes with plastic sheets and sticks, to minimise losses during evictions.¹¹⁵

Most recently, the state authorities forcibly evicted residents of New Ilubirin at least four times between March 2016 and April 2017. Evictees were served with inadequate written notices only once ahead of the first forced eviction on 16 March 2016; but they were not consulted, offered compensation, or resettlement (for those who cannot provide this for themselves), nor were they given any emergency relief.¹¹⁶

¹¹² Between February 2008 and February 2014, Ilubirin residents were evicted on at least six occasions which most probably amounted to forced evictions. These are in addition to the four forced evictions documented in this report. See CDHRDA letter to the His Excellency, Akinwunmi Ambode, Executive Governor of Lagos State – Petition Against the Demolition of Ojuolokun and Ilubirin, Two Fishermen Villages including a School Along Osborn Road Ikoyi, 9 December 2015. A similar letter was also addressed to the Speaker of the State House of Assembly on the same day. See also, "Statement on oath of Peter Simenou", in the case of *Ilubirin Fisherman v. Lagos State Government* Written Complaint No. 2013/6369/HQ

¹¹³ Memorandum in Support of Appeal to Intervene in the case of Ilubirin Fishermen Village Dwellers, Submitted to the NHRC; Statement on oath of Peter Simenou, in the case of Ilubirin Fisherman V. Lagos State Government Written Complaint No. 2013/6369/HQ; and Written statement on oath of Gandonou Satoyon John, in the case of Oju-Olokun community V. Federal Ministry of Lands and Urban Development & Honourable Attorney General of the Federation, Complaint No. C/2013/9259/HQ – the Memorandum and statements were submitted to the National Human Rights Commission as part of its Public Inquiry on Forced evictions and Demolitions, Southwest Zone, held in Lagos 18-21 November 2013 and 5-8 May 2014.

¹¹⁴ Interview with Amnesty International at Ilubirin, Lagos, 19 May 2016.

¹¹⁵ Interviews with Ilubirin evictees at Ilubirin, Lagos, 26 October 2016.

¹¹⁶ Amnesty International Interviews with evictees between 19 May 2016 and 27 April 2017.

FISHERS RELOCATED TO BADORE FOREST IN 1996

For this report, Amnesty International visited Badore on 28 October 2016, and interviewed three people who said they were forcibly relocated there after being forcibly evicted from Ilubirin in September 1996, and two other residents of the area. They said that Badore was a forest swamp area and that the government did not provide houses, water, sanitation facilities, electricity or access roads and other facilities necessary for an adequate standard of living.

Amnesty International observed that the Badore area now has several houses, a jetty, and was home to some other fishing communities. Some of the residents from other communities told Amnesty International that the government moved them there. Those interviewed noted that residents from other communities only moved there after the completion of an access road in 2001. A signboard seen at the entrance of the area stated, “*Lagos State Government Fishermen Resettlement Scheme Badore Eti-Osa L.G.A Lagos*”

John Satoyon, a 63-year-old Chairman of the Ilubirin community at Badore, told Amnesty International that prior to the forced relocation of Ilubirin residents to Badore a joint delegation of the community and the state government did a site visit, and that he was part of that delegation. He said:

“We came on the visit along with the Commissioners for Environment, Agriculture, Finance, and about 30 military officers. The land was a forest reserve area. The place was a very thick, swampy forest with big trees. We asked, ‘how will we stay here?’ They said we should not worry, they will build houses for us.”¹¹⁷

The three (Ilubirin) residents interviewed by Amnesty International told the organization that during the forced eviction, soldiers forcibly loaded people and their belongings (including canoes) into trucks and heavy duty lifting vehicles, and drove them to the forest area in Badore. According to them, there was absolutely nothing but the forest, a cassava farm and one uncompleted building (the ownership of which was unknown to them).

Apart from failing to construct houses and provide basic amenities, the relocation away from the water they depended on for fishing, was culturally inadequate for this fishing community, and made survival difficult for them. Rasheed Fashina, a 46-year-old resident of Badore, who was relocated there from Ilubirin, told Amnesty International that

“[There was] no road nothing to go fishing... They kept us in that place, and there was no way we could get access to the water. So, we couldn’t fish... When ... there was no way to feed again, I had to go back to Ilubirin to go and hustle. I left my wife here [Badore]. I used to go and come. I used to come [back] on weekends. In 2000/2001, they said they wanted to do the road. So that time I left [Ilubirin] and came back here to hustle [work on the road construction project]. I did jobs like bush clearing [and] working with bricklayers. [There] was big swamp, so nobody could cross it until they did the road before we got access [to the water].”¹¹⁸

Mandarin Gandoyon, a 39-year-old female resident of Badore Fishermen Resettlement area was forced to relocate from Ilubirin in 1996, told Amnesty International that

“One day in (1996), I woke up to go into my shop, about 6.30am. My people were shouting ‘army people have come o! ... Before we knew it, they started gathering everybody inside vehicles. They said they were taking us to somewhere. Then we had not known this place [Badore]... As they brought us to this bush, the first suffering we experienced was hunger. There was no food anywhere... It was in this bush I discovered that I was already pregnant. No hospital, I had my baby in the uncompleted house. I suffered to take care of the baby. To feed ourselves was difficult. They had wasted all our properties, so we had no money to get food. There was a cassava farm in the bush at the time, we were feeding on the cassava. Many people died that period, but I thank God that I did not die from that suffering.”¹¹⁹

Sunday Bonou, who came back to Ilubirin told Amnesty International about his experience. He said:

“We normally live by the waterside, but there was no waterside there (Badore). The water was far away from where they dumped us... We stayed for three days, we cut trees and made small houses to sleep. Mosquitos were too many, no water to bathe, drink, cook, no food, there was nothing. So, we ran away from the place.”¹²⁰

Sunday is one of those who were forcibly evicted from new Ilubirin, four times between 19 March 2016 and 22 April 2017.

4.2.1 FORCED EVICTION NUMBER 1: 19 MARCH 2016



Some of the structures demolished during the forced eviction of 19 March 2016. 19 May 2016.
© Amnesty International Nigeria

¹¹⁷ Interview with Amnesty International at Badore, Lagos, 28 October 2016

¹¹⁸ Interview with Amnesty International at Badore, Lagos, 28 October 2016

¹¹⁹ Interview with Amnesty International at Badore, Lagos, 28 October 2016

¹²⁰ Interview with Amnesty International at Ilubirin community, Lagos Island, 28 October 2016

On 7 March 2016, the Lagos State Ministry of Physical Planning and Urban Development served a Quit Notice on the community, asking them to vacate and remove all valuables within seven days.¹²¹ This was much shorter than the 90 days minimum notice prescribed by international human rights law in cases of mass eviction.¹²² Further, rather than issue individual notices to each occupier, as required by international human rights law, the notice seen by Amnesty International was collectively addressed to “*The owners of shanties (197 No.) in all situated along the lagoon shore, Ilubirin*”, and handed to one member of the community. On 16 March, the community was again served a two-day demolition notice by the same Ministry and addressed to the whole community.¹²³

0000013

**LAGOS STATE GOVERNMENT
MINISTRY OF PHYSICAL PLANNING AND URBAN DEVELOPMENT
BLOCK 15
ALAUSSA SECRETARIAT, IKEJA**

Office of Issue
Honourable Commissioner
M.P.P. X - U.S.
Block 15 AlauSSA
T.S.D. - Room 6

The Owner/Occupier
*The Owners of Shanties
(197 No.) in all
situated along the Lagoon
Shore, Ilubirin.*

**LAGOS STATE URBAN AND REGIONAL PLANNING AND DEVELOPMENT LAW 2010
QUIT NOTICE**

S/N: M.P.P./U.S./TSD/16/QN/013

Sequel to our previous Stop -Work Order, Contravention and Demolition Notices served on you, you are hereby informed to vacate the property within7..... days from the date of Service of this Notice.

You are also advised to remove all the valuables within the specified time.
Please note that the Ministry will not be liable for any loss whatsoever suffered by you on any removable property destroyed during the demolition exercise.

Thank you for your co-operation.

Dated this *7th* day of *March* 20*16*.

For: Honourable Commissioner

Amnesty International interviewed six evictees in May 2016, who described what had happened. They said that on 19 March a demolition team comprising government officials and dozens of police officers chased them out of their homes, and demolished all the structures in the community using fire and wood-cutting machines.¹²⁴ Two of the evictees told Amnesty International that the demolition team came in about 12 vehicles at around 11am and carried out the demolitions until about 4pm-5pm.¹²⁵

A seven days 'quit notice' issued to Ilubirin residents by the Lagos State Ministry of Physical Planning and Urban Development, on 7 March 2016.



Some of the structures rebuilt by Ilubirin residents who continued to live in the area after the forced eviction of 19 March 2016. 19 May 2016.

¹²¹ Lagos State Urban and Regional Planning and Development Law 2010, Quit Notice – S/N MPP/UD/TSD/16/QN/013, addressed to The Owners of Shanties (197 No.) situated along the Lagoon Shore, Ilubirin, dated 7 March 2016.

¹²² UN Basic Principles on Evictions, Principle 56 (j).

¹²³ Amnesty International also saw a copy of this second notice. Lagos State Urban and Regional Planning and Development Law 2010, Demolition Notice MPP/UD/TSD/16/DN/203, dated 16 March 2016. The Demolition Notice references a Contravention Notice No. MPP/UD/TSD/16/CN/587, dated 11 March 2016. A letter written by CDHRDA to the Executive Secretary of the NHRC – “Re: Appeal for your Urgent Intervention in favour of Ojuolokun and Ilubirin, Two Fishermen Villages in Lagos”, dated 14 March 2016 mentions that a notice was served on the community on 11 March 2016.

¹²⁴ Amnesty International Interview with residents at Ilubirin, Lagos, 19 May 2016.

¹²⁵ Interview with Amnesty International at Ilubirin, Lagos, 19 May 2016.

When Amnesty International visited the community on 19 May 2016, researchers saw the rubble of demolished wooden structures, some of which showed signs of fire. Evictees had rebuilt structures and continued to live on the land. There were at least 80 structures in the community.

4.2.2 FORCED EVICTION NUMBER 2: 26 SEPTEMBER 2016

Six months later, on 26 September, Lagos State Taskforce officers forcibly evicted Ilubirin residents, following an inadequate two days oral notice given by KAI Brigade officers on 24 September.

All five evictees interviewed by Amnesty International said that apart from this oral notice from KAI, no written notices were served. They further said that on eviction day, the Taskforce officials (another environmental agency, different agency for KAI) gave them one hour within which to move out their properties, and then demolished all their structures.¹²⁶ When Amnesty International visited the community on 1 October 2016, researchers, observed that, as previously, the evictees had returned and rebuilt their houses. There were still some demolished structures, which had not been reconstructed.



Ruins of demolished homes in Ilubirin, after the forced eviction of 26 September 2016. Evictees rebuilt some of their homes and continued to live in the area. 1 October 2016.

© Amnesty International Nigeria

4.2.3 FORCED EVICTION NUMBER 3: 15 OCTOBER 2016

¹²⁶ Amnesty International interviews with evictees between 1 and 28 October 2016.



A boy sits on a canoe in the place where his home used to be in Ilubirin community. All the structures in this community were demolished on 15 October 2016. 26 October 2016

© Amnesty International Nigeria

A third forced eviction of the community came six days after the Lagos State Governor visited Ilubirin community on 9 October 2016, giving the community an oral seven-day notice, contrary to what is required under international law.

All nine evictees interviewed by Amnesty International said that the Governor visited the community, telling them to vacate the land within seven days, and that on the evening after his visit¹²⁷ police officers were stationed in Ilubirin.¹²⁸ The residents had not received any written notices, consultation, or provision of alternative accommodation when on the morning of Saturday, 15 October 2016, dozens of officials from the Lagos State Taskforce, KAI Brigade and the police arrived via land and the lagoon.

Fidel Oke, an evictee, told Amnesty International that

“when the seven days were over, around 7am, we saw a speedboat that came towards the community on the water, and pushed everyone to the shore... Not too long after, police vehicles started driving in with more policemen, they began chasing people. They shot twice into the air, people ran, women and children ran... We put the children on the canoes and fled to under the third mainland bridge.”¹²⁹

From there, they watched from afar how the police stood aside while the KAI and Taskforce officials along with some other men carried out the demolition of the structures, using fire, hammers, machetes, and wood-cutting machines.¹³⁰ This was confirmed by eight other evictees interviewed by Amnesty International.¹³¹

This eviction left all structures in the community destroyed, and police officers guarded the place ensuring none of the resident returned to the land during the night. Residents were permitted back during the day to sell fish, but at night, police would chase them away to the lagoon where they slept in their canoes.¹³²

¹²⁷ The Governor visited the community on 9 October. He spoke to the residents through an interpreter.

¹²⁸ Interviews with Amnesty International at Ilubirin community, Lagos 26 and 28 October 2016.

¹²⁹ Interview with Amnesty International at Ilubirin community, Lagos, 26 October 2016.

¹³⁰ Interview with Amnesty International on 26 October 2016.

¹³¹ Interviews with Amnesty International on 26 and 28 October 2016.

¹³² Amnesty International interviews with nine evictees.

When Amnesty International visited the community on 26 October 2016, researchers observed that in addition to the police presence, construction workers were putting up a perimeter wire fence to secure the premises from the lagoon.¹³³

Consequently, evictees could not return to the land and moved to live elsewhere. On 8 December 2016, two of the evictees told Amnesty International that they and some others had moved to the neighbouring Ojuolokun community, west of Ilubirin. On 14 December 2016, when Amnesty International visited the area, researchers observed that some evictees were living in Ojuolokun under flimsy wooden structures with plastic sheets. They also noticed that just outside the erected wire fence in Ilubirin, there were about five plastic, cardboard and stick shelters (housing multiple families) rebuilt on the shoreline. By 31 March 2017 when Amnesty International visited again, there were at least 47 temporary (plastic and sticks) structures on this shoreline, and on the water, there were about ten similar structures and three canoe houses.

On 31 March 2017, three residents told Amnesty International that those who returned to live near the shoreline had not been disturbed since the last eviction. But as the returned residents feared further evictions, they only built temporary structures.



*Five months after the October forced eviction, several Ilubirin evictees resettled at the edge of the lagoon, and just outside the fence constructed to keep them away from the land they occupied. 31 March 2017
© Amnesty International Nigeria*

4.2.4 FORCED EVICTION NUMBER 4: 21 AND 22 APRIL 2017

After another six months, those who resettled by the shoreline were once more forcibly evicted by the police with very little notice. One of the 11 evictees interviewed by Amnesty International said that on 19 April 2017, the police guarding the area asked them to leave within two or three days.¹³⁴ On 21 April 2017, seven policemen and one man in plain clothes, whom they identified as a construction site manager, forcibly evicted the residents.

Clementine Goyon, an evictee, told Amnesty International that

¹³³ Visits to the community on 26 and 28 October 2016. Police were still present in the community by 14 December, when Amnesty International visited the community.

¹³⁴ Amnesty International Interview with evictees at Ojuokolu community, Lagos Island, 8 July 2017

“three police came there [Ilubirin] and told us to leave. They said the governor said he did not want to see anyone there. We did not answer them, then they came back with four more police, and they shot in the air and said we should all leave... I gathered my belongings, but I did not leave there, I also demolished my house [to salvage building material]. It rained heavily that day, I just sat on a stool and covered myself with a plastic sheet. At night, I slept there on the floor. We all stayed there till the following day.”¹³⁵

According to the evictees, the seven police officers and the site manager, accompanied by three other people in plain clothes came back the following day to forcibly evict the evictees from the area. Sunday Bonou, an evictee said

“they came about 10am... the three men who accompanied them had sledge hammers they used to demolish our houses. The police shot in the air and people started jumping into the water. They started burning our things... they left around 4pm. They came back about 9pm, six policemen came with guns and torchlights and chased us all into the water. It was when they came back that they burnt my own things, including my two fishing nets. I did not pick anything.”¹³⁶

Following this forced eviction, some evictees moved west to the neighbouring Ojuolokun community, while others moved to waterfront communities in Apapa, Makoko areas of Lagos.¹³⁷

4.3 ALTERNATIVE USE OF OTODO-GBAME AND ILUBIRIN LANDS

4.3.1 OTODO-GBAME



Advertisement for an elite real estate project on Otodo-Gbame land. Screenshot from a marketing video for The Periwinkle estate.¹³⁸

¹³⁵ Interview with Amnesty International at Ojuokolu community, Lagos Island, 8 July 2017

¹³⁶ Interview with Amnesty International at Ojuokolu community, Lagos Island, 8 July 2017

¹³⁷ Interviews with Amnesty International, at Ojuokolu community, Lagos Island, 8 July 2017

¹³⁸ Assist2SellNG, 'The Super Modern Residential, Mixed-use and Commercial use Estate made for you' <http://www.assist2sellpropertiesng.com/property/periwinkle-land-sale-lekki-lagos/> 11 August 2017.

Despite the pending legal disputes, the Elegushi royal family and another private company are developing real estate on the land and water area formerly occupied by Otodo-Gbame community. A project sign board spotted near the land on 25 June 2017, named the Elegushi royal family as the joint venture owner, and indicated that the land and was being reclaimed (sand-filled).¹³⁹



A marketing video published by a vendor which named the ongoing development as the residential, multi-use and commercial Periwinkle Estate, also included an aerial image of the project.¹⁴⁰ Amnesty International compared this aerial image to satellite images of Otodo-Gbame and confirmed that it was the same area. Land in the Periwinkle estate is now selling for between NGN45 million and NGN200 million (US\$124,710 – US\$554,269)¹⁴¹ per plot.¹⁴²

*A construction sign board near Otodo-Gbame land. 25 June 2017
© Justice & Empowerment Initiatives*



Aerial view of the Periwinkle estate project located on Otodo Gbame land. Screenshot from a project marketing video.¹⁴³

¹³⁹ JEI @justempower tweet, [www.twitter.com/justempower/status/879043253127000066](https://twitter.com/justempower/status/879043253127000066), 25 June 2017

¹⁴⁰ Assist2SellNG, 'The Super Modern Residential, Mixed-use and Commercial use Estate made for you' <http://www.assist2sellpropertiesng.com/property/periwinkle-land-sale-lekki-lagos/> 11 August 2017.

¹⁴¹ OANDA Currency Converter, www.oanda.com/currency/converter/ 13 September 2017

¹⁴² Assist-2-Sell Properties Limited, The Periwinkle, property details. Available at www.assist2sellpropertiesng.com/property/periwinkle-land-sale-lekki-lagos/

¹⁴³ Assist2SellNG, 'The Super Modern Residential, Mixed-use and Commercial use Estate made for you' <http://www.assist2sellpropertiesng.com/property/periwinkle-land-sale-lekki-lagos/> 11 August 2017



Satellite image of Otodo-Gbame after land reclamation exercise to expand the area for high-end real estate projects.

4.3.2 ILUBIRIN



The recent forced evictions in Ilubirin were carried out to make room for an ongoing construction of real estate (residential and commercial), jointly owned by the state government and a private organization. The state authorities expanded the Ilubirin land area through sand filling, in preparation for the real estate development.¹⁴⁴ The fishing community found itself constantly pushed by this sand filling exercise. Peter Simenu, the 47-year-old traditional leader of Ilubirin fisher community, told Amnesty International:

“When the government wants to work [sand filling], they will say we should move, that when they finish we will come back. When we move a little, and they finish their work, they will start trouble again, they will say we should leave the place. When we leave, and move elsewhere, after some time, they will come again and say we should move further down, we should just keep moving. All this place was water [lagoon] before, we were on the water. We have been on this sand-filled area for about seven years.”¹⁴⁵

On 10 October 2016, the Governor of Lagos State announced that the Ilubirin project is a “live, play and work environment” which would have 500 housing units, and 5ha of land for leisure, in addition to commercial spaces and a flyover bridge. The State Commissioner for Information further claimed that the initial settlers were resettled in Badore “about ten years ago” to make way for this project, and that those

¹⁴⁴ Lagos Clarifies Demolition of Illegal Structures, Shanties, 18 October 2016. Available at www.lagosstate.gov.ng/2016/10/18/lagos-clarifies-demolition-of-illegal-structures-shanties/

¹⁴⁵ Interview with Amnesty International on 26 October 2016 at Ilubirin community, Lagos

who remained in the area were “illegal” occupants.¹⁴⁶ Current government practices indicates that the government ignores the rights of occupants it categorises as “illegal”. While Amnesty International found no evidence that Ilubirin fishers were resettled about 10 years ago, evictees told Amnesty International that following a forced eviction in 1996, Ilubirin fishers were moved to a forest area in Badore, without the provision of houses or basic amenities necessary for an adequate standard of living.

4.4 COURT RULINGS IGNORED

Following the 9 October 2016 threat of the Lagos State Governor to demolish all informal settlements along the state waterfronts and creeks, Otodo-Gbame and 13 other waterfront communities initiated a legal action against the government, seeking to enforce their fundamental human rights.¹⁴⁷ The communities’ position was that the threatened demolition, without adequate notices and safeguards against forced evictions, would result in the violation of their fundamental rights to life, fair hearing, property, adequate housing, education, livelihood, and freedom from cruel inhuman and degrading treatment guaranteed under the African Charter,¹⁴⁸ and the International Covenant on Economic, Social and Cultural Rights,¹⁴⁹ and the 1999 Constitution of the Federal Republic of Nigeria (Nigerian Constitution).¹⁵⁰ On 7 November 2016, the Lagos State High Court, granted an interim injunction restraining the government and its agents from demolishing the homes of the claimants, pending the hearing of the case.¹⁵¹ The forced evictions of 9, 10 and 11 November 2016 were carried out in violation of this court order.

On 26 January 2017, in a landmark ruling, the Court held that demolition and threatened demolition of Lagos’ waterfront communities without adequate notices or provision of alternative shelter amounted to cruel, inhuman and degrading treatment or punishment in violation of Section 34 of the Nigerian Constitution. The Judge also ordered the parties to explore an out of court settlement through mediation.¹⁵² On 29 March 2017, the Lagos State Government withdrew from the ordered mediation process.¹⁵³ According to the lawyer to the Lagos State Government, the state authorities pulled out of mediation because the communities demanded that the government should resettle them. He said this demand was unreasonable as the government could not afford to build houses for them.¹⁵⁴ This is despite the fact that the Nigerian authorities have obligations under international and domestic law to ensure the right to adequate housing for everybody in the country.

In violation of this order, government agents went ahead to forcibly evict the residents of Otodo-Gbame on 17 and 21 March and on 9 April 2017.

As a result of the persistent violations of the orders of the Court, the communities filed a contempt of court proceedings against the defendants. While the court found that the actions of the defendants amounted to contempt of court, it however held that the Governor had constitutional immunity which protected him against criminal liability. Further, the Court held that since, according to the applicants, the actions complained about were carried out on the instructions of the Governor, the other defendants could not be criminally responsible since the Governor was not criminally responsible. In effect, the Governor’s immunity was extended to cover the other defendants who were acting on his instructions. This shielded them from accountability for repeatedly violating court orders.¹⁵⁵ This made the Court unable to enforce remedies it had earlier granted to the evictees.

¹⁴⁶ Recession: Lagos to Introduce Monthly Payment on Housing Schemes, 10 October 2016. Available at www.lagosstate.gov.ng/2016/10/10/recession-lagos-to-introduce-monthly-payment-on-housing-schemes/

¹⁴⁷ *Akapo Agemo & Ors v. Attorney General of Lagos State & Ors*, Suit No. LD/4232MFHR/16. The Governor, Attorney General, The Commissioner of Physical Planning and Urban Development and the State Commissioner of Police were sued as defendants in this case.

¹⁴⁸ Nigeria has domesticated this treaty via the African Charter of Human and People’s Rights (Ratification and Enforcement) Act, 1983.

¹⁴⁹ Nigeria ratified this treaty in 1985.

¹⁵⁰ High Court of Lagos State, Lagos Judicial Division, *Akapo Agemo & Ors v. Attorney General of Lagos State & Ors*, Suit No. LD/4232MFHR/16- Judgment, 21 June 2017.

¹⁵¹ High Court of Lagos State, Lagos Judicial Division, *Akapo Agemo & Ors v. Attorney General of Lagos State & Ors*, Suit No. LD/4232MFHR/16- Ruling, 7 November 2016.

¹⁵² High Court of Lagos State, Lagos Judicial Division, *Akapo Agemo & Ors v. Attorney General of Lagos State & Ors*, Suit No. LD/4232MFHR/16- Ruling, 26 January 2017.

¹⁵³ NSISF, ‘Lagos State Government Unilaterally Withdraws from Court-Ordered Mediation Process on Demolition Threat to Lagos Waterfronts’, 29 March 2017.

¹⁵⁴ High Court of Lagos State, Lagos Judicial Division, *Akapo Agemo & Ors v. Attorney General of Lagos State & Ors*, Suit No. LD/4232MFHR/16- Ruling, 12 April 2017

¹⁵⁵ High Court of Lagos State, Lagos Judicial Division, *Akapo Agemo & Ors v. Attorney General of Lagos State & Ors*, Suit No. LD/4232MFHR/16- Ruling, 12 April 2017



Some Otodo-Gbame evictees awaiting the court decision on the contempt proceedings filed against Lagos state authorities. 12 April 2017
© Amnesty International Nigeria

On 21 June 2017, the Court found in favour of the applicants and held that evictions without resettlement are unconstitutional, while also restraining the government from further forced evictions and ordering it to consult with affected residents and evictees with a view to resettling them within the state.¹⁵⁶ On 28 June 2017, Lagos State announced that it had filed an appeal against this decision which at the time of writing is still pending.¹⁵⁷

Although Otodo-Gbame evictees and residents of the other threatened waterfront communities could access the Court for redress, the remedies granted have been ignored by the government thereby undermining both the rule of law and one of the fundamental human rights principles – the right to an effective remedy. Lagos State authorities failed to respect the court injunctions against further forced evictions. Repeatedly, the state government, on 9-11 November 2016, 17 and 22 March 2017 and on 9 April 2017, forcibly evicted the residents of Otodo-Gbame and violated the subsisting court injunctions granted on 7 November 2016 and 26 January 2017, restraining it from going ahead with the demolitions.¹⁵⁸

Both international and domestic law provide that all victims of human rights violations are entitled to approach the courts for redress.¹⁵⁹ Where the court grants remedies in favour of the victims, these must be enforceable and enforced by relevant authorities.¹⁶⁰

¹⁵⁶ High Court of Lagos State, Lagos Judicial Division, *Akapo Agemo & Ors v. Attorney General of Lagos State & Ors*, Suit No. LD/4232MFHR/16- Judgment, 21 June 2017.

¹⁵⁷ Lagos State Government, *Lagos Appeals Verdict Directing Resettlement of Otodo Gbame community*, 28 June 2017. www.lagosstate.gov.ng/blog/2017/06/28/lagos-appeals-verdict-directing-resettlement-of-otodo-gbame-community/.

¹⁵⁸ High Court of Lagos State, Lagos Judicial Division, *Akapo Agemo & Ors v. Attorney General of Lagos State & Ors*, Suit No. LD/4232MFHR/16- Ruling, 7 November 2016; High Court of Lagos State, Lagos Judicial Division, *Akapo Agemo & Ors v Attorney General of Lagos State & Ors*, Suit No. LD/4232MFHR/16- Ruling, 26 January 2017.

¹⁵⁹ Article 2(3) of the International Covenant on Civil and Political Rights (ICCPR); and Section 46(1) 1999 Constitution of the Federal Republic of Nigeria.

¹⁶⁰ Article 2(3) of the ICCPR

4.5 GOVERNMENT RESPONSES – A CHANGING NARRATIVE

The government has consistently failed to provide evidence that it is considering residents for any alternative accommodation or that it is informing them how it intends to minimize the adverse impact of the evictions. In none of its responses has the government recognized that forced evictions can never be justified.

On 9 October 2016, the government stated that its reason for the planned demolition of all communities along the waterfronts and creeks in the state, was to tackle the increase in crime. It did not provide further information on whether this was the only option that had been considered to address the alleged issue.¹⁶¹

Six months later, on 21 and 22 March 2017, after forcibly evicting Otodo-Gbame residents a second time, the State Commissioner for Information said that the government's actions were based on saving the environment from degradation resulting from harmful habitation, without providing any further details of the said degradation.¹⁶²

The Lagos State Government, in a statement published on its website on 21 March 2017, explained that the demolition of Otodo-Gbame on 17 and 21 March, was an environmental action which

“was informed by the overriding public interest to ensure that the waterfront area is free from environmentally injurious and unsanitary habitation few months after it was consumed by fire and rendered uninhabitable.”¹⁶³

In a subsequent statement issued on 22 March 2017, the State Commissioner for Information further explained that

“the Environment Ministry's action was carried out in order to forestall an environmental disaster... the State Government had no interest in the area other than to ensure that the delicate ecosystem of the waterfront remains safe, clean and secure.”¹⁶⁴

The statement did not mention that safeguards against forced evictions had not been put in place before the actions.

On 9 April, the State Ministry of Justice said the government carried out the forced evictions in Otodo-Gbame on that day in response to crimes which occurred in Ikorodu (a different part of Lagos).¹⁶⁵ In its tweets, the ministry said

“killing of security agents in Ishawo area [in Ikorodu] further strengthens the resolve of the government to clear the illegal settlement at Otodo-Gbame. Lagos State Government has received strong security reports revealing that militants are hiding amongst the people in the Otodo-Gbame and are perfecting plans to attack the Lekki and Victoria Island environs using the settlement as a base.”¹⁶⁶

The government did not explain what actions it took to ensure the rights of residents of Otodo-Gbame were not adversely affected by its actions to prevent a handful of alleged militants from committing crimes elsewhere.

Apart from changing the reasons for demolitions, the government has also on one occasion denied any involvement. On 17 November 2016, the Lagos state government stated on its website that the Otodo-Gbame community was destroyed

“as a result of the ethnic clash that occurred between the Egun and Yoruba residents within the community... while the Police succeeded in bringing to a halt the deadly clashes ...the large part of the

¹⁶¹ Lagos State Government, *Igbonla Kidnap: We'll soon rescue Victims, Ambode Assures* (9 October 2016), www.lagosstate.gov.ng/2016/10/09/igbonla-kidnap-well-soon-rescue-victims-ambode-assures/

¹⁶² ¹⁶² Lagos State Government, *Lagos clarifies Environmental Action at Otodo-Gbame community*, 21 March 2017.

¹⁶³ ¹⁶³ Lagos State Government, *Lagos clarifies Environmental Action at Otodo-Gbame community*, 21 March 2017. www.lagosstate.gov.ng/blog/2017/03/21/lagos-clarifies-environmental-action-at-otodo-gbame-community/ Lagos State Government, *Ototo-Gbame: We'll not hesitate to save Environment from Degradation*, 22 March 2017. www.lagosstate.gov.ng/blog/2017/03/22/ototo-gbame-well-not-hesitate-to-save-environment-from-degradation-lasg/

¹⁶⁴ Lagos State Government, *Lagos clarifies Environmental Action at Otodo-Gbame community*, 21 March 2017.

¹⁶⁵ Lagos State Government, *Ototo-Gbame: We'll not hesitate to save Environment from Degradation*, 22 March 2017

¹⁶⁶ www.lagosstate.gov.ng/blog/2017/03/22/ototo-gbame-well-not-hesitate-to-save-environment-from-degradation-lasg/

¹⁶⁵ Lagos MoJ @mojsupport Tweets on 9 April 2017

¹⁶⁶ Lagos MoJ @mojsupport Tweets on 9 April 2017

shanties had already been torched and razed down before the combined team of fire brigade and emergency rescue officers got to the scene on the night of Wednesday, November 9th.”¹⁶⁷

However, this statement did not explain why the said emergency team arrived at night in response to a fire that had started some 12 hours earlier in the morning around 8am. Further, the statement failed to mention that, on the night of 9 November 2016, a bulldozer was also sent to demolish the community.

Further, in the above statement, the Commissioner of Information maintained that only a large part of the community was demolished, contrary to his subsequent statement on 21 March 2017, when he stated that

“the undisputed fact is that Otodo Gbame was engulfed by fire that razed down the entire community in November 2016, which rendered the area uninhabitable.”¹⁶⁸

¹⁶⁷ Lagos State Government, *Lagos Denies Demolishing Otodo Gbame community*, 26 November 2016, www.lagosstate.gov.ng/blog/2016/11/26/lagos-denies-demolishing-otodo-gbame-community/. Underlined by Amnesty International for emphasis.

¹⁶⁸ Lagos State Government, *Lagos clarifies Environmental Action at Otodo-Gbame community*, 21 March 2017, www.lagosstate.gov.ng/blog/2017/03/21/lagos-clarifies-environmental-action-at-otodo-gbame-community/. Highlighted by Amnesty International for emphasis.

5. VIOLENCE IN THE CONTEXT OF FORCED EVICTIONS, UNLAWFUL USE OF FORCE BY POLICE, AND FAILURE TO INVESTIGATE



*Armed officers of the Nigeria Police Force and the Nigerian Army in Otodo-Gbame during the forced eviction of 17 March 2017.
© Justice & Empowerment Initiatives*

During the three forced evictions in Otodo-Gbame community on 9 to 11 November 2016, 17 and 21 March 2017, and 9 April 2017, the police appear to have played a leading role in chasing people out of their houses and in demolishing structures in the community, while also resorting to the unlawful use of force. Residents also reported that there were attacks on communities by armed men, with the police failing to intervene, and reports of armed men joining the police during forced evictions.



A Police officer wearing a Taskforce vest in Otodo-Gbame community, during the forced eviction of 17 March 2017
© Justice & Empowerment Initiatives

Some of the police officers who took part in those forced evictions arrived in the community as part of the Lagos State Taskforce team.¹⁶⁹ However, at an earlier meeting with Amnesty International on 17 February 2016, the Lagos State Commissioner of Police had told Amnesty International that the police do not carry out evictions. He stated that their duty was only to provide security and ensure that there was no breach of peace or violations of rights during evictions.¹⁷⁰

In addition, the police have failed to carry out effective investigations with a view to prosecution in the cases of 28 assaults¹⁷¹ and 11 possible unlawful killings¹⁷² in Otodo-Gbame community. Residents and eyewitnesses allege that individuals within and outside the police were responsible for these.¹⁷³ Further, the police have not provided any updates on the cases of 17 people who went missing during the forced evictions, attacks, and clashes in both Ilubirin and Otodo-Gbame communities.

Nigeria's obligations under international law to respect and protect the right to life and security of person¹⁷⁴ and to ensure that no one is arbitrarily deprived of life include preventing arbitrary killings by its police and other security forces, and ensuring that if such killings and injuries occur, the victims have access to a remedy and reparation, and that the perpetrators are held accountable.¹⁷⁵ The obligations and

responsibilities applicable to police and other security forces which derive from these and other international law obligations are set out in international standards on human rights in the context of law enforcement adopted by the UN, notably the UN Code of Conduct for Law Enforcement Officials (UN Code of Conduct) and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (UN Basic Principles).

The right of all individuals to a remedy for human rights violations means that states have an obligation to ensure thorough and impartial investigation of any potentially unlawful death or violation of the right to personal integrity. If such investigations reveal that there have been violations of those rights, states must ensure that the victims are afforded adequate reparation, including compensation, and that those reasonably

¹⁶⁹ Police officers often came to the community in the Lagos State Taskforce vans, and also wore Taskforce vests over their police uniforms.

¹⁷⁰ Amnesty International meeting with the Lagos State Commissioner of Police, 17 February 2016.

¹⁷¹ This figure includes, 12 people beaten during the protest on 22 March 2017; one person (Monday Idowu) injured by (likely police) bullet on 9 April 2017; ten injured during 22/23 November attacks on the community by armed men; four people injured by armed men on 8 April 2017; and one person injured by bullet during the forced eviction of 21 March.

¹⁷² This figure includes, nine drowning deaths (according to a register of missing and dead people kept by JEI. Amnesty International saw pictures of 3 bodies, and spoke with testimonies of eye witnesses who saw two other bodies; Daniel Aya was killed by a bullet during the forced evictions of 9 April 2017; and Elijah Avonda, who was killed on 8 April 2017 by armed men.

¹⁷³ Amnesty International Interview with residents and eye witnesses between 10 November 2016 and 4 July 2017.

¹⁷⁴ ICCPR Articles 6 and 9; African Charter Articles 4 and 6.

¹⁷⁵ For example, see UN Human Rights Committee, General Comment No. 31 The Nature of the General Legal Obligation Imposed on States Parties to the Covenant (2004) CCPR/C/21/Rev.1/Add. 13, paras 15, 18. See also African Commission on Human and Peoples' Rights (ACHPR), General Comment No. 3 on the Right to Life, November 2015.

suspected of responsibility are prosecuted; failure to investigate or bring perpetrators to justice can itself be a separate violation of the right.¹⁷⁶

This obligation to investigate includes all cases where police or other agents of the state have caused a death or are alleged or suspected to have done so, irrespective of whether it is suspected or alleged that the death was unlawful.¹⁷⁷ Authorities also have a duty to investigate all potentially unlawful deaths caused by individuals, even if the state cannot be held responsible for failing to prevent such deaths.¹⁷⁸

With specific regard to the police, authorities must establish effective reporting and review procedures for all incidents where police use firearms or where people are injured or killed as a result of any police use of force, with prosecution authorities in a position to exercise jurisdiction as appropriate. Excessive or unnecessary use of force and firearms by law enforcement officials must be punished as a criminal offence under the law.¹⁷⁹ Commanders must be held responsible if they knew, or should have known, that law enforcement officials under their command have resorted to unlawful use of force and firearms, and they did not take all measures in their power to prevent or report such use.¹⁸⁰

One of the key factors leading to excessive, unnecessary, or otherwise unlawful use of force is when impunity prevails. Thus, effective accountability is indispensable to ensure lawful, human rights compliant policing – in general and with regard to the use of force and firearms.

5.1 EXCESSIVE USE OF FORCE BY POLICE RESULTING IN DEATHS

Under international law and standards, police are only permitted to resort to the use of force for a lawful law enforcement purpose.¹⁸¹ However, at least in two of the three forced evictions documented by Amnesty International in Otodo-Gbame there appears to have been no lawful reason to use force.

During the forced evictions that took place between 9 November 2016 and 9 April 2017, at least ten people may have been unlawfully killed,¹⁸² and one other person was injured as a result of the use of excessive or unlawful force by the police. The police used firearms against evictees as they fled or tried to salvage their property, this use of force was in violation of Nigeria's International human rights law obligations.

Amnesty International saw and received pictures of nine teargas canisters and seven bullet casings recovered by residents following the forced evictions and attempts which took place on 9 to 11 November 2016; 17, 21, 22 and 26 March 2017. Amnesty International's weapons analyst determined that the seven bullet casings consisted of one 7.62x39mm cartridge case, for a Kalashnikov / AK-47 rifle, and six 5.56x45mm NATO cartridge casings, used by more sophisticated rifles including the M4, M16 and K2 assault rifles amongst others. Amnesty International is aware that the Nigerian Police Force often use AK-47s rifles. Amnesty International's weapons analyst noted that two of the gas canisters were M8958A1 CS gas rifle grenades, while seven others were likely to be 37mm-40mm CS Grenades -one of these was marked *"for the Nigeria Police Force, short range shell..."*

¹⁷⁶ UN Human Rights Committee, General Comment No. 31 The Nature of the General Legal Obligation Imposed on States Parties to the Covenant (2004) CCPR/C/21/Rev.1/Add. 13, paras 15, 18; General Comment No 35, Liberty and Security of Person (2014) CCPR/C/GC/35, para 9. See also ACHPR, General Comment No. 3 on the Right to Life (2015).

¹⁷⁷ See for example Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), para. 16.

¹⁷⁸ See, e.g., Human Rights Committee, General Comment No. 31, op. cit., para. 10; ACHPR, General Comment No. 3 on the Right to Life, November 2015.

¹⁷⁹ UN Basic Principles, Principle 7

¹⁸⁰ UN Basic Principles, Principle 24

¹⁸¹ UN Code of Conduct Article 3; see also Basic Principle 1 "Governments and law enforcement agencies shall adopt and implement rules and regulations on the use of force and firearms against persons by law enforcement officials."

¹⁸² Their names, ages and gender are included on a list (compiled by JEI) of people who drowned following the 9 November 2016 forced evictions.



Left: Teargas canisters and a bullet casing found in Otodo-Gbame by evictees, following the March 2017 forced evictions. 27 March 2017

© Amnesty International

Right: A tear gas canister found in Otodo-Gbame after forced evictions in March 2017. It is marked with the words "for the Nigeria Police Force, short range shell..."

27 March 2017

© Amnesty International



Bullet casings found in Otodo-Gbame on Sunday, 26 March 2017
© Justice & Empowerment Initiatives

Under the UN Code of Conduct for Law Enforcement Officials (Article 3) and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Basic Principles on Use of Force), police must seek to avoid the use of force, and far as possible apply non-violent means before resorting to the use of force, which they may use only if strictly necessary and to the extent required for the performance of their duty. Basic Principle 9, which reflects the international law obligation to respect and protect the right to life, provides that police must not use lethal force (firearms) unless it is strictly necessary to defend themselves or others against the imminent threat of death or serious injury or to prevent a grave threat to life. Firearms should never be used to disperse people and indiscriminate firing into a crowd is always unlawful.¹⁸³ Firearms must never be used as a tactical tool to chase people out of their houses during demolitions. They may only be used to save another life in line with Basic Principle 9. When policing crowds, teargas may only be used for the purpose of dispersing the crowd in a situation of more generalized violence.

Nigeria's Constitution and the Nigeria Police Force Order 237 (Rules for guidance in use of firearms by the police) provide much broader grounds for the use of lethal force than is permissible under international law and standards. In July 2015, the Inspector General of Police (IGP) ordered a review of the Force Order 237 of Nigeria's police regulations, but to date this regulation has not yet been amended.

¹⁸³ UN Basic Principle 9: "Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."

5.1.1 24 PEOPLE MISSING AND DROWNED AFTER FLEEING SHOOTING BY POLICE

Five residents told Amnesty International that during the forced eviction that took place from 9 to 10 November 2016 in Otodo-Gbame, they saw several residents drown in the lagoon after fleeing from the police gunfire and violence that broke out during the forced eviction. Amnesty International has seen a list, compiled by the organization Justice and Empowerment Initiatives, of the names of 15 missing people, and nine people who may have died from drowning.¹⁸⁴ Those missing remained unaccounted for at the time of writing. One evictee, 27-year-old Florence Keyimo, a mother of three, told Amnesty International that she had not seen her husband since the night of 9 November 2016. She said:

“We were together in the house with the children that night, but I have not seen him since we all ran out. I called his number, it said it was switched off... I haven’t gone to make a report to the police that he is missing.”¹⁸⁵



*27 years old Florence Keyimo, cradling her seven months old baby, on the spot where her home used to be in Otodo-Gbame. This mother of three has not seen her husband since the forced eviction of 9 November 2016. 28 March 2017
© Amnesty International Nigeria*

During the forced eviction of 9 to 10 November 2016, Celestine Ahinsu, an eye witness, told Amnesty International that

“some people that don’t know how to swim jumped into the water, so we have some people that have gone [drowned]. They are about seven, we haven’t even seen their corpses... Police were firing gun, everybody was running... so they had to run for dear life, so in the process of running, [one] woman not knowing that there was river in her front just [fell] in.”¹⁸⁶

On 10 November 2016, Oglah Angel, who also said she saw as people drowned, told Amnesty International that

¹⁸⁴ This list was compiled by JEI.

¹⁸⁵ Interview with Amnesty International in Otodo-Gbame community, Lekki, Lagos, Nigeria, 27 March 2017.

¹⁸⁶ Telephone interview with Amnesty International on 10 November 2016.

“they [police] were shooting and we were all running away, people died inside the water, [including] pregnant woman... that had a baby on her back.”¹⁸⁷

During a follow-up interview, Celestine Ahinsu told Amnesty International that

“after a couple of days, we started seeing the bodies floating. I saw [three] bodies, I saw a man with a backpack, and I saw a pregnant woman with a baby on her back... The community youths brought out the bodies from the water. The relatives of the pregnant woman and the child came to take their bodies.”¹⁸⁸

Amnesty International also reviewed photos of two male bodies identified as evictees, floating on the lagoon near the community, and one of the bodies had a backpack on him. Amnesty International shared the photos with a forensic expert for analysis. While it was not possible to tell the exact cause of death just by analysing the photos, the forensic expert determined that the bodies could have been in the water two days before they were photographed on Friday 11 November 2016.

Amnesty International received a copy of a petition, written by the Justice and Empowerment initiatives (JEI), on behalf of the community, to the Inspector General of Police, in which the organization informed the police of the deaths by drowning and the missing people.¹⁸⁹ Megan Chapman, a JEI lawyer, also informed Amnesty International that the organization gave the list of missing and dead people to officers of the Special Anti-Robbery Squad (SARS) who were investigating the case in November 2016.¹⁹⁰

Amnesty International could not confirm if these people drowned on 9 or 10 November 2016. On the morning of 9 November, when the police came to respond to a fight in the community, they may have had a legitimate reason to use some degree of necessary force. However, using firearms in a densely populated community carries a high risk of death or serious harm including to bystanders or others who are not posing a threat, and resulting deaths of such persons would be a violation of the right to life. On the night of 9 November when the police returned to the community and forcibly evicted residents until the afternoon of 10 November, there was no lawful purpose to use force at all.

5.1.2 UNLAWFUL KILLING OF DANIEL AYA

During the forced eviction on 9 April 2017, two residents were shot while trying to save their belongings. 20-year-old Daniel Aya, a father of two, was hit by a bullet in the throat and died. Monday Idowu, aged 26, was injured in his upper abdomen, but survived.¹⁹¹

¹⁸⁷ Telephone interview with Amnesty International on 10 November 2016.

¹⁸⁸ Interview with Amnesty International in Isale Ijebu community, Ajah, Lagos, Nigeria, on 1 July 2017.

¹⁸⁹ JEI letter to Inspector General of Police, The Nigerian Police Force Headquarters, “Urgent Petition Regarding the Arson & Unlawful Demolition of 2,400 Buildings, Homicide of at least 8 Individuals, and Continued Intimidation & Harassment of Evictees at Otodo Gbame”, dated 21 November 2016.

¹⁹⁰ Interview with Amnesty International, at JEI Office, Yaba, Lagos, Nigeria, 4 July 2017.

¹⁹¹ Interviews with Daniel Aya’s father and Monday Idowu at State High Court, Igboosere, Lagos, Nigeria, 12 April 2017



Monday Idowu, showing Amnesty International the bullet injury he sustained in his upper abdomen. He was shot during the forced eviction of 9 April 2017. 12 April 2017
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Monday Idowu told Amnesty International that

“I told my friend [Daniel Aya] to let us go and pack some of our families’ belongings, while we were packing, they [police] were shooting. When we went back in to get more things out, the police had reached our front, then they shot, and I was hit in my upper abdomen. The bullet did not go in, it just grazed me. A bullet hit Daniel on his neck. Daniel was bleeding seriously, I was also bleeding. So, I tried to support him, and we struggled to walk away quickly. A police officer was still coming after us. One man later saw us and helped us into his canoe. Daniel died in the canoe. They took me to meet my family and I was taken to general hospital in Lagos Island.”¹⁹²

Ayowyow Aya, 60-year-old father of late Daniel Aya, told Amnesty International that

“Daniel was trying to pack our family’s things when he got shot... when we saw that the houses were being set on fire, Daniel decided to go and pack out our things from the house. This is what he was doing when he got shot. Daniel’s own house was burnt in November, so he moved in with me.”¹⁹³

Hospital records certify Daniel Aya was declared dead at 1.05pm on 9 April 2017.¹⁹⁴ The death certificate seen by Amnesty International indicated that the cause of death was “*disruption of the neck structure [and] penetrating gunshot injury to the neck*”.¹⁹⁵

Megan Chapman, a JEI lawyer, told Amnesty International that his death was reported at the Ilasan Police Station in Lagos.¹⁹⁶ The Investigating Police Officer Informed Amnesty International that the case had been transferred to the State Criminal Investigation Department Panti, Lagos.¹⁹⁷ In July 2017, the head of

¹⁹² Interview with Amnesty International, at State High Court, Igboosere, Lagos, Nigeria, 12 April 2017

¹⁹³ Interview with Amnesty International at State High Court, Igboosere, Lagos, Nigeria, 12 April 2017

¹⁹⁴ Lagos State Government General Hospital, Odan, Lagos, Continuation Sheet, No. 0011443, Aya Daniel Reg No. 3907, 9 April 2017.

¹⁹⁵ Lagos State Government Medical Certificate Cause of Death V.S. Reg 4, issued by the Department of Pathology and Forensic Medicine, Lagos State University Teaching Hospital, 26 April 2017.

¹⁹⁶ Telephone interview with JEI Lawyer on 28 April 2017.

¹⁹⁷ Telephone interview with Mr. Abah (Investigating Police Officer, Ilasan, Police Station, Jakande, Lagos), 7 July 2017.

Homicide Department at Pantí, confirmed to Amnesty International that they were investigating the case, but that they had not yet made any arrests in respect of this killing.¹⁹⁸

5.2 12 RESIDENTS ASSAULTED BY POLICE ON 26 MARCH 2016



Head injury sustained by a woman resident. She told Amnesty International that a policeman threw a stone at her head on 26 March 2017, during the protest against the demolition of Otodo-Gbame. 28 March 2017

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Amnesty International documented 12 cases of assaults of residents by police officers. The majority of the assaulted residents said they were beaten, while a few others said objects were thrown at them, resulting in injuries. Such treatment amounts to excessive use of force which should be punishable as a criminal offence. The residents were protesting to prevent the demolition of their homes.

On 26 March 2016, at about 8am, several police, army, and Lagos State Taskforce officials arrived in Otodo-Gbame community with a bulldozer. According to a resident, they came with about 15 vehicles, including three vans. Residents protested by forming a human wall to protect their homes, the women lined the front while the men were behind them. The police fired live bullets in the air and also teargas to disperse them. Amnesty International documented 12 cases of people who were beaten or injured by stones and sticks thrown at them by the police during this protest. Six of those assaulted were women aged 50 years and above who were on the front line of the protest.¹⁹⁹ Eight of the protesters were arrested and detained until evening at the Lagos State Taskforce office.²⁰⁰

Julius Oladele, an eyewitness, told Amnesty International that when the police and bulldozer arrived,

¹⁹⁸ Interview with Amnesty International on 4 July 2017, at the State Criminal Investigation Department, Pantí, Yaba. Also, Phone Interview with Amnesty International on 26 July 2017

¹⁹⁹ Interview with Amnesty International in Otodo-Gbame, Lekki, Lagos, 28 March 2017

²⁰⁰ Amnesty International Interview with residents and JEI lawyers representing the community on 26 and 28 March 2017

“the women protested, cried and lamented, and we formed a barricade to prevent them from entering into the community. Women were in front and men at the back. They started shooting teargas and guns, so people ran. They started beating women with the butts of their guns and some were injured. They arrested people including women.”²⁰¹

On this day, no forced evictions happened. Megan Chapman, a JEI lawyer to the community told Amnesty International that the bulldozer retreated because of the resistance put up by the people. She also said that on the evening of that day, the police released all those arrested (five women and three men), after her organization intervened.

Eight women described to Amnesty International how they were beaten by multiple police officers at a time, who used sticks and the butts of their guns. Others reported that sticks or stones were thrown at them as they tried to escape.²⁰²

Lucien Gbenonu, a 51-year-old woman, told Amnesty International that

“on Sunday 26 March, about 8am, when they came, we women were protesting that they should not kill us, we have no food to eat, we have nowhere to go and nowhere to sleep. We were begging them. About six policemen started beating me and stripped me naked, they beat me with their guns, and slapped me on both sides of my face. I can no longer hear well with my right ear. Then they put me in their van and took us somewhere and locked us up. They released us about 7pm that day.”²⁰³

Ajewole Padomu, a 70- year-old woman who had bruises on her body, said she was beaten by police:

“Police beat me with guns and sticks. There were many of them, one slapped me, another kicked me, another hit me with his gun butt. They tried to put me in their vehicle, and I resisted. They dragged me, I was crying, shouting, cursing them, so they finally left me. My whole body was aching, some parts were swollen.”²⁰⁴



A woman's bruised elbow. She told Amnesty International that on 26 March 2017, she was beaten by police for protesting the demolition of her community. 28 March 2017.

© Amnesty International Nigeria

²⁰² Interview with Amnesty International in Otodo-Gbame, Lekki, Lagos, 28 March 2017

²⁰³ Interview with Amnesty International in Otodo-Gbame, Lekki, Lagos, 28 March 2017

²⁰⁴ Interview with Amnesty International in Otodo-Gbame, Lekki, Lagos, 28 March 2017

Elizabeth Medejiten, 79-year-old woman, told Amnesty International that

“when the police came on Sunday, we were protesting and they started shooting. Three policemen held me and started beating me. I could not run, they put me in their van, arrested me and locked me up.”²⁰⁵

Dahuto Yenofu, a 70-year-old man, told Amnesty International that

“police beat me with batons on my legs and back. I was beaten till I could no longer walk. The police carried me into their van and took me away. When I was released later in the evening, I still could not walk, someone carried me on his back from the car to my place.” He was walking with the aid of a stick at the time of the interview two days later.²⁰⁶



A woman's injured and swollen leg. She told Amnesty International that she sustained the injury when a police officer threw a stick at her leg during the protest against the demolition of Otodo-Gbame on 26 March 2017.

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5.3 UNIDENTIFIED ARMED MEN ASSISTING DEMOLITION TEAMS

“The governmental officials, their representatives and persons implementing the eviction must identify themselves to the persons being evicted and present formal authorization for the eviction action.”

UN Basic Principles on Evictions, Principle 45

Not all those who came as part of the demolition teams to Ilubirin and Otodo-Gbame for the forced evictions could be identified as government officials, police or army. Using unidentified armed men as part of forced

²⁰⁵ Interview with Amnesty International in Otodo-Gbame, Lekki, Lagos, 28 March 2017

²⁰⁶ Interview with Amnesty International in Otodo-Gbame, Lekki, Lagos, 28 March 2017

eviction teams is in breach of the UN Basic Principles on Evictions which require everyone taking part in an eviction to be properly identified.²⁰⁷

Evictees reported that men armed with machetes, knives and guns assisted the demolition teams during five forced evictions in both communities. Fourteen Ilubirin evictees interviewed by Amnesty International said that forced evictions of 15 October 2016 and 22 April 2017 were carried out by government officials, police and other armed men.²⁰⁸ Similarly, Otodo-Gbame evictees told Amnesty International that armed men were present during the forced evictions on 9 and 10 November 2016, 17 and 21 March 2017 and 9 April 2017. In the case of Otodo-Gbame, 36 evictees told Amnesty International, that they believed the armed men were from the neighbouring Ikate Elegushi community, with which their community had been in a longstanding dispute over land rights.²⁰⁹

Samson Sose, a 33-year-old evictee from Otodo-Gbame who spoke to Amnesty International as the forced evictions of 10 November 2016 were going on, said that

“this afternoon when I got there I saw a police with uniform... The others did not put on uniform but I saw some three guys with some charm on their neck, holding cutlasses, all those things... They came with guns and they were threatening the people with the guns by shooting. Even people that were not in the uniform were also with guns. They were many.”²¹⁰

Andrew Maki, a JEI lawyer who witnessed the Otodo-Gbame forced eviction on 17 March 2017, told Amnesty International that he saw military police officers giving directions to *“men in plain clothes, with crowbars, who were assisting in the demolition”*.²¹¹ However, evictees said that these men who came in plain clothes, for previous evictions, wore the Taskforce reflector vests and arrived in Taskforce vans for the 9 April 2017 forced eviction.²¹²

5.4 HOUSES AND PROPERTIES SET ON FIRE



Houses in Otodo-Gbame set on fire during the forced eviction on 9 April 2017.
© Justice & Empowerment Initiatives

“My house was burnt on the morning of 9 November, around 8 or 9am. When I heard the noise, I tried to pack my children out into the canoe, so I went back to get some of our things, but three policemen were by my house and it was already burning. They had 25 litres keg of [liquid assumed to be] petrol, a lighter and their guns. I could not take a thing.”

²⁰⁷ UN Basic Principles on Evictions, Principle 45

²⁰⁸ Interview with Amnesty International between 26 October 2016 and 8 July 2017

²⁰⁹ Interviews with Amnesty International between 10 November and 12 April 2017

²¹⁰ Interview with Amnesty International on 10 November 2016

²¹¹ Interview with Amnesty International on 23 August 2017

²¹² 4 July 2017 Interview with JEI lawyer who witnessed the 9 April 2017 forced eviction

Fire was used to demolish structures and destroy people's properties during four of the forced evictions documented by Amnesty International.

To prevent the risk of harm to persons and wilful damage to other property, fires should never be used to destroy houses in an eviction. Where bulldozers are used, state authorities must ensure that the area is cordoned off and affected people and their properties are out of harm's way.²¹³ Contrary to this, during four forced evictions in Ilubirin and Otodo-Gbame, demolition teams set structures on fire or destroyed them with bulldozers without giving evictees adequate time to move out of their properties and get themselves to safety. All 75 Otodo-Gbame and 22 Ilubirin evictees interviewed by Amnesty International said that they lost some or all of their belongings in the forced evictions. They also told Amnesty International that the police and Taskforce officials set some of the houses on fire while demolishing others with bulldozers.

Lyon Bonou, an evictee from Ilubirin said that

"when they came [on 22 April 2017], they started destroying all our things... They came about 11am and started burning all our houses. If we want to stay, they will threaten to shoot us."²¹⁴

10 other evictees confirmed this account to Amnesty International.²¹⁵

John Azinji, a 50-year-old widower, evicted from Otodo-Gbame, also told Amnesty International that his house was demolished by the police using fire on 9 November. He said:

"we ran when the fire started, we ran to the canoe on the water. The fire was big, I could not try to put it out. The police set the house on fire, I was there myself. This was between 8 and 9am. I was in the house sleeping, I felt the heat and woke up to see that my house was on fire, so, I ran out. As I ran out I saw a police man with a gun and a keg of [liquid assumed to be] petrol, and he ran after me until I ran into the water."²¹⁶

Goulgo Benuwa, a 30-year-old Otodo-Gbame evictee, also told Amnesty International that on 9 November 2016, he saw police setting houses on fire. He said:

"I saw two policemen burning houses. I was running away, I could not stay. I saw them putting fire on houses. Everything I had got burnt."²¹⁷

Andrew Maki, a JEI Lawyer who witnessed the forced evictions on 9 April 2017 in Otodo-Gbame, told Amnesty International that he saw Taskforce and police officers burning structures. He said that

"they all went to the van and collected bottles and buckets of kerosene, and fanned out across the community dousing structures and lighting them on fire."²¹⁸

Videos and images of the 9 and 10 November 2016, 17 March 2017, and 9 April 2017 forced evictions in Otodo-Gbame, seen by Amnesty International showed structures on fire, while bulldozers were also demolishing structures. The videos and images also showed that police and Taskforce officials were present.

5.5 FAILURE TO INVESTIGATE ATTACKS ON THE COMMUNITIES BY ARMED MEN

On at least three occasions between 9 November 2016 and 9 April 2017, the residents of Otodo-Gbame were attacked by armed men who they believed were from the neighbouring Ikate Elegushi community.

²¹³ Amnesty International, *Know Your Obligations: A Guide to Preventing Forced Evictions*, (Index: ACT 35/009/2012) p. 37

²¹⁴ Interview with Amnesty International in Ojuolokun community, Lagos Island, Lagos, Nigeria, 8 July 2017

²¹⁵ Interviews with Amnesty International in Ojuolokun community, Lagos Island, Lagos, Nigeria, 8 July 2017

²¹⁶ Interview with Amnesty International in Otodo-Gbame, Lekki, Lagos, Nigeria, 28 March 2017

²¹⁷ Interview with Amnesty International in Isale-Ijebu community, Ajah, Lagos, Nigeria, 1 July 2017

²¹⁸ Phone interview with Amnesty International on 23 August 2017

Amnesty International's research found that at least 15 people sustained injuries of varying severity, while one person died during these attacks.²¹⁹ Also, on 16 February 2015, Ilubrin community was attacked by armed men.

On 22 and 23 November 2016, the residents of the Otodo-Gbame community were attacked by men (armed with knives and guns), whom they believed were from the neighbouring Ikate Elegushi community, at least 10 of them were injured. Sani Mohammed, an eye witness and human rights activist who works closely with the community told Amnesty International that the attacks started at about 10pm on 22 November. He said that he had been alerted by residents that they had received threats that the community would be attacked that day, and he wanted to document it. He arrived in the community just after 9pm and saw men armed with knives and guns, who questioned him about his reasons for coming to the community, and warned him they were planning to attack the community. He said:

"About 30 minutes after I arrived in the community, I started hearing gunshots, people were scampering into boats, and people were being injured. This continued till about 1am. Then we heard police sirens, and the hoodlums ran away. The police left after about two hours. The attacks resumed at about 4am. I started hearing shouts again, and people were running... about 11 people were injured that night. Again, in the morning, the hoodlums attacked people as they tried to leave for work between 8 and 9am. At about 10 or 11am, the police came back, and the hoodlums left."²²⁰

Amnesty International saw 12 photos of machete, stab and other wounds sustained by ten of the victims. Megan Chapman, a JEI lawyer representing the community, told Amnesty International that the attack of 22 and 23 November 2016 was reported to the Federal Special Anti-Robbery Squad (SARS), who took the statements of the victims and pictures. She noted that, the following week, SARS made two arrests in connection with this case, but the men were released on the same day, and no further steps had been taken on the case.²²¹

On 21 March 2017, armed men took part in a forced eviction in Otodo-Gbame, together with the police, military and Lagos State Taskforce officers. These armed men had weapons such as machetes, axes and guns. John Azakpo a 25-year-old man, told Amnesty International that he was shot in the chest by one of the armed men. He said that

"[a man from Ikate Elegushi] shot me. That day they came between 8 and 9am, with a swamp buggy. The people that came were police... thugs, and this... man was standing across the water on the Ikate side and shooting towards the community. I was in the water across from him, helping my daddy pack some things in the canoe. He kept shooting from the other side... As I was packing things into a canoe, a bullet hit me. I saw [him] when he was shooting, everyone was there, and the bullet came from his direction. The police saw him too."²²²

John's father, Louis Azakpo, aged 60, told Amnesty International that

"when the bullet hit him [John], he was in the water, so he fell, and I carried him, and a neighbour helped us remove the bullet."²²³

Eight other residents confirmed that they saw the alleged shooter standing in the neighbouring Ikate Elegushi community across the water and shooting in the direction of the Otodo-Gbame community.²²⁴

On 8 April 2017, armed men, who Otodo-Gbame residents said they believed were from the neighbouring Ikate Elegushi community, attacked the community. According to six eye witnesses, Elijah Avonda was killed in a scuffle just after returning from fishing that morning. One of the eye witnesses, Zarako Dansu, who said he had just returned from fishing with Elijah, told Amnesty International that the armed men whom he believed were from Ikate Elegushi, and well known to him, accosted Elijah trying to collect fish from him which resulted in a scuffle. He said:

"We had just come back from the lagoon, then two Ikate men, that I know very well, approached with their friends...armed with guns... and asked him to hand over the fish, he refused, and they asked him to

²¹⁹ Interview with Otodo-Gbame residents, victims, lawyers, eye witnesses and the police between 10 November 2016 and 19 September 2017; death certificate and pictures of injuries sustained.

²²⁰ Telephone interview with Amnesty International, 1 May 2017

²²¹ Telephone interview with Amnesty International, 3 May 2017

²²² Interview with Amnesty International in Otodo-Gbame, Lekki, Lagos, Nigeria, 28 March 2017

²²³ Interview with Amnesty International in Otodo-Gbame, Lekki, Lagos, Nigeria, 28 March 2017

²²⁴ Amnesty International Interview with residents in Otodo-Gbame, Lekki, Lagos, Nigeria, 28 March 2017

move out from his house, and he told them that this is not their land. This is how the fight started, before I knew it, they had shot Elijah. I also sustained machete injuries on my head and my back.”²²⁵

Awumeno Eoko, another witness who was injured that day, told Amnesty International that he and his brother had gone to meet Elijah to collect some fish from him. He said that

“as we were approaching we started hearing noises, as I was about to run, a bullet hit me on my left hand. They came with machetes, axes, guns that are used for killing birds, and all sorts of weapons.”²²⁶

Elizabeth Avonda, whose husband was Elijah Avonda, told Amnesty International that her husband was killed after returning from fishing that morning:

“When he went fishing and came back, I went to collect fish from him, then they, men from Ikate, came to him and shot him. I saw them when they shot him. As I collected the fish and I was heading home, they met him and killed him. I dropped the fish and ran and started shouting, then people came out.”²²⁷

Senu Slaami, another eye witness told Amnesty International that *“[t]he men had weapons like catapults, axes, cutlasses, machetes, and guns that are long like hunting guns.”²²⁸*

Friday Oteikwu, a JEI lawyer representing the community, told Amnesty International that he accompanied a relative of the deceased and four others who sustained machete and gunshot wounds to the nearby Ilasan Police Station, where they reported the incident.²²⁹

Pascal Tosin, a community leader, told Amnesty International that when they reported Elijah Avonda’s death at the Ilasan Police Station, the police came to the community to take the body away, but community members stopped them. He said:

“Our lawyers advised that we should not allow the police take him away, because we did not know what they planned to do with it. So, we took the corpse to the morgue by ourselves and our lawyers came to meet us there.”²³⁰

On 7 July, the Investigating Police Officer told Amnesty International that the case was transferred to the State CID, Panti for investigations. On 26 July, the Head of Homicide Department at the State CID, Panti told Amnesty International that they were investigating the case, but no arrest had been made.²³¹ The death certificate seen by Amnesty International indicated that the cause of death was *“multiple injuries [and] multiples shotgun injuries to chest and abdomen”*.²³²

In an earlier incident, eight Ilubirin evictees told Amnesty International that on the night of 16 February 2015, the community residents were assaulted and their homes were burnt by armed men. They reported to the Secretary General of the Centre for the Defence of Human Rights and Democracy in Africa (CDHRDA), a local NGO, who called the police to intervene.²³³ Michael Atindewu, Chairman of the Residents’ Association told Amnesty International that the attack happened about 6.30pm when most men had gone to fish, and only him and about three other men were left in the community with the women, youths and children.²³⁴ He further said that the armed men assaulted residents and this resulted in a fight between them and the youths in the community. He said

“[Police] came here... armed. They came and started shooting sporadically, so we ran... They [police] were guiding those hooligans who took away all the things we had in our houses, they came with vehicles, they took away our properties [this continued] until 11am the next morning. We saw all of them, we know them.”²³⁵

Other community members told Amnesty International that during this incident two children aged four and seven went missing and they had not been found since then. Clementine Goyon, a widow, told Amnesty International that her four-year-old grandson went missing that day. She said:

²²⁵ Telephone Interview with Amnesty International on 19 September 2017

²²⁶ Telephone Interview with Amnesty International on 19 September 2017

²²⁷ Interview with Amnesty International in Oreta, Ikorodu, Lagos, Nigeria 2 July 2017

²²⁸ Interview with Amnesty International in Sogunro community, Makoko, Lagos, Nigeria, 4 July 2017

²²⁹ Telephone interview with Amnesty International, 28 April 2017

²³⁰ Interview with Amnesty International in Sogunro community, Makoko, Lagos, Nigeria, on 4 July 2017.

²³¹ Telephone interview with Amnesty International on 26 July 2017.

²³² Lagos State Government Medical Certificate Cause of Death V.S. Reg 4 (Elijah Avonda), issued by the Department of Pathology and Forensic Medicine, Lagos State University Teaching Hospital, 26 April 2017.

²³³ Interview with Amnesty International on 19 May 2016.

²³⁴ Interview with Amnesty International on 19 May 2016.

²³⁵ Interview with Amnesty International on 19 May 2016.

“I haven’t seen my grandson since that day, another man also cannot find his child. The child belongs to my first born. She gave the child to me to take care of while she goes about helping me sell my wares.”²³⁶

This attack and missing children were reported to the Area Commander of Area ‘A’ Police Command in Lagos Island, via a letter dated 19 February 2015.²³⁷ The case was later transferred to the Dolphin estate police station in Ikoyi. The Secretary General of the Centre for the Defence of Human Rights and Democracy in Africa (CDHRDA) told Amnesty International that the police interrogated one of the suspects about the incident and took his statement. However, the residents received no further updates on the case and, according to residents, there had been no prosecution of the case.²³⁸ When Amnesty International and CDHRDA visited the Dolphin estate police station on 8 July 2017, for a follow-up, they were told to check back as the relevant officers were not available, and on a follow-up visit, the CDHRDA Secretary General was also told the relevant personnel was not available.²³⁹

Despite reporting the deaths and assaults to the police, no arrests had been made. Evictees and their lawyers also told Amnesty International that they had not received any updates in respect to these cases.

²³⁶ Interview with Amnesty International on 26 October 2016

²³⁷ CDHRDA letter to the Area Commander, Area ‘A’ Police Command, dated 19 February 2015 – “Re: Petition against arson, looting, assault and attempt to murder, perpetrated by the site engineer and his workers, at Ilubirin building construction site on the village dwellers, the traces left many with injuries and all properties loss to fire and two kids missing in the lagoon.”

²³⁸ Amnesty International was not able to verify this from the Police.

²³⁹ Interview with Amnesty International, at Amnesty International Office, Abuja, 3 August 2017

6. IMPACT OF FORCED EVICTIONS ON EVICTEES



*Elizabeth Medjiten, a 79 years old woman stands amidst the rubble of the place where she was born and had lived all her life. Elizabeth lost her home, possessions and means of livelihood during the forced evictions in November 2016 and again in March 2017. She continued to live in a makeshift house in the Otodo-Gbame until the final forced eviction of 9 April 2017, when she moved to Makoko to live with her son and his family. 27 March 2017
© Amnesty International*

Lagos state authorities failed to conduct an eviction impact assessment and put in place necessary safeguards against forced evictions. This failure resulted in the violation of several human rights of the evictees. It is the responsibility of the government to make sure that prior to evictions, it had accurate data of those to be affected by any planned evictions and to make adequate provisions to ensure that their rights are protected. Only on 15 April 2017 (after the last Otodo-Gbame forced eviction on 9 April 2017) did the government request that community representatives gather and present the data of all those affected by the forced evictions. Such data is almost impossible to accurately gather after an eviction because people often move to other locations. In the case of Otodo-Gbame, Amnesty International is aware that evictees have relocated to at least eight different communities in Lagos. Imposing this considerable task on community representatives who have lost their own homes and livelihoods only adds to their burdens and stress. This request for data and transfer of responsibility, underscores the failure of the state government to make provisions for evictees before carrying out the forced evictions.

Amnesty International found that the forced evictions resulted in homelessness, loss of property, interruption of education, loss of livelihoods. In addition, 36 evictees told Amnesty International that they and their families now live apart because of homelessness and the need to stay closer to their places of livelihoods and education. Amnesty International also found some evidence which indicated that the forced evictions may have adversely affected the health of evictees, and recommends that authorities should further investigate this concern.

6.1 HOMELESSNESS

“My house was demolished on 10 November 2016 by fire... In January 2017, I rebuilt my house and my family and I moved back there. When they came back on 17 March, they demolished my house again. After that my family and I lived with another family whose house was still standing. Since 9 April 2017, I, my wife and our three-month-old baby now live with someone in Badore.”

Paul Kunnu, Otodo-Gbame evictee



Two women and their two babies who lost their homes in Otodo-Gbame, during forced evictions in November 2016 and March 2017, take refuge under a makeshift structure. 5 April 2017

© Amnesty International Nigeria

The failure of the government to provide alternative adequate housing to evictees has resulted in their homelessness. All 97 evictees interviewed by Amnesty International said that they were homeless. The UN Special Rapporteur on Adequate Housing has noted that though homelessness is often defined based on location, for example, sleeping in the open, such definitions “*tend to distort perceptions of who is homeless*”. She further noted that there are different types of homelessness including people living in overcrowded conditions, men living on the streets and women with children who choose to live with family or friends, to

avoid the challenges associated with living on the streets, such as violence and child apprehension.²⁴⁰ All the interviewed evictees met this definition of homelessness.

On 26 October 2016, eight Ilubirin evictees told Amnesty International that since their homes were demolished on 15 October 2016, they and their families have been sleeping in their canoes as they had nowhere to go.²⁴¹ Fidel Oke, an Ilubirin evictee, told Amnesty International:

“Last night [25 October 2016], when we feared there might be a storm on the water, because of the very powerful wind, we had nowhere to run to, we were afraid the police would arrest us. The canoes we sleep in are small [and can easily capsize].”²⁴²



*An Ilubirin evictee sleeping in a canoe with a tarpaulin roof. 14 December 2016
© Amnesty International Nigeria*

During visits to the community, on 14 December 2016 and 31 March 2017 Amnesty International researchers observed that some evictees were living under flimsy structures of wood and plastic or cardboard sheets, or in canoes fitted with make-shift roofs.

²⁴⁰ UN General Assembly, “Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context”, A/HRC/31/54, 30 December 2015, paras 7-14.

²⁴¹ Amnesty International interviews with residents on 26 October 2016.

²⁴² Interview with Amnesty International at Ilubirin community, Lagos, 26 October 2016.



Ilubirin evictees sitting under a flimsy structure. They told Amnesty International that they also sleep here. 14 December 2016.
© Amnesty International Nigeria

After the last forced eviction of 22 April 2017, Ilubirin evictees moved to other informal communities, where most of them were living with others. When Amnesty International visited Ojuolokun (east of Ilubirin) on 8 July 2017, researchers observed that there were at least 50 Ilubirin evictees taking refuge. Some of those interviewed told Amnesty International that other evictees moved to other communities in Apapa and Makoko areas of Lagos. Some other evictees were then living under bridges and Amnesty International spoke with four of them. Philip (not his real name) was living under a bridge as it was close to where he earned his living. He told Amnesty International:

“We are many living under the bridge, we are staying under five pillars, and there are about 20 people under each pillar. Women cannot stay here, that is why I asked my wives and children to go to Sabo Koji [Amuwo-Odofin Local Government Area of Lagos]”.²⁴³



Ilubirin evictees living under a bridge in Lagos. 8 July 2017
© Amnesty International Nigeria

Following the forced evictions in Otodo-Gbame, evictees were also left homeless.

²⁴³ Interview with Amnesty International at Ojuolokun community, Lagos, 8 July 2017.

Elizabeth Medejiten, a 79-year-old female evictee whose house in Otodo-Gbame was demolished on 9 November 2016, told Amnesty International:

“We slept on the water for about four days, then we built a small house and we all squeezed in there. When they came back on 21 March, they demolished that small house. So, we just put plastic sheets on sticks to make a shed, and sleep on a mat.”²⁴⁴

Following the final forced eviction on 9 April 2017, Elizabeth Medejiten moved to Sogunro community Makoko where she was living with her son’s family. She told Amnesty International that there were over ten women and children sleeping in the same room with her, and that it was not conducive for her.²⁴⁵



*A room in Sogunro community in Makoko area of Lagos, where some Otodo-Gbame evictees were living with others. 4 July 2017
© Amnesty International Nigeria*

Kpose Roberts, a 45-year-old man with six children and one wife, told Amnesty International that following the demolition of his home on 9 November 2016, he and his family slept in a canoe, but stayed in Otodo-Gbame. Following the 9 April 2017 forced evictions, they continued sleeping in the canoe but moved away from Otodo-Gbame to the Ikorodu area of Lagos where they were sleeping in an uncompleted building in the community.²⁴⁶

6.2 IMPACT ON LIVELIHOODS

“I no longer fish, everything including my nets were burnt, all my money was burnt, everything in my house was burnt. People give me garri [processed cassava] to eat, and sometimes my children come to give me money.”

John Azinji, 50-year-old fisherman, evicted from Otodo-Gbame

²⁴⁴ Interview with Amnesty International at Otodo-Gbame community, Lekki, Lagos 28 March 2017.

²⁴⁵ Amnesty International’s visit to Sogunro community in Makoko and Interview with Elizabeth, on 18 April 2017.

²⁴⁶ Interview with Amnesty International at State High court, Igboosere, Lagos, 12 April 2017.



Fisher people evicted from Ilubirin. 26 October 2016
© Amnesty International

The CESCR has noted that the right to work

“includes the right of every human being to decide freely to accept or choose work. This implies not being forced in any way whatsoever to exercise or engage in employment and the right of access to a system of protection guaranteeing each worker access to employment. It also implies the right not to be unfairly deprived of employment.”²⁴⁷

Fifty-one evictees told Amnesty International that the forced evictions disrupted or destroyed their work and businesses. Evictees who were traders, fishers and artisans, lost all their stocks, tools, shops and work sheds and they could not afford to replace the losses. Evictees who worked close to their community could no longer keep up their jobs since they had to move too far away or could not afford transportation costs.

Christiana Abraham Arasu, a 28-year-old Otodo-Gbame evictee, said:

“I was working at Lekki as a stylist, but since the demolition I have not been working. The transport fare from here [Isale Ijebu Community in Ajah] to Lekki is a lot, I cannot afford it. I have not settled, so I can’t really cope with going to Lekki to work.”²⁴⁸

Natasha Joseph, a 36-year-old business woman and mother of five from Otodo-Gbame, told Amnesty International that her bar was demolished on the night of 9 November 2016.

“All my things were burnt. My two fridges were burnt. I did not take anything out of there that November. Since then, I have nothing to do, I just managed to buy a crate of soft drinks and sell that, and by night, I go to the canoe with my husband and children to sleep. Before, I could sell goods worth... [at least] NGN6,000 [US\$16] a day. When people do parties, they buy in bulk from me, on those days I make a lot of money. Now, I don’t make sales, those who would normally buy from me have all left here.”²⁴⁹

²⁴⁷ CESCR, General Comment 18, The Right to Work, UN Doc E/C.12/GC/18, para. 6.

²⁴⁸ Interview with Amnesty International at Isale-Ijebu Community, Ajah, Lagos, 1 July 2017.

²⁴⁹ Interview with Amnesty International at Otodo-Gbame-community, Lekki, Lagos, 27 March 2017. US Dollar value source- OANDA Currency Converter, www.oanda.com/currency/converter/ 24 August 2017



*Remains of drinks crates from Natasha Joseph's bar in Otodo-Gbame. 27 March 2017.
© Amnesty International*

Andrew Arole, a 45-year-old Otodo-Gbame evictee, told Amnesty International about his destroyed furniture making business:

“When my house was demolished, I had just bought materials to make furniture for a client, and everything was destroyed... All my tools were destroyed, I did not pick a thing.”²⁵⁰

Jeremiah Ograh, a 39-year-old, Otodo-Gbame evictee, told Amnesty International about his businesses being affected:

“I am a fisherman, I no longer fish because all my instruments and tools have been destroyed... I also used to sell logs of wood in Otodo-Gbame. I was only able to salvage a few of my wood when my house was demolished. I had just bought wood worth about NGN500,000 [US\$1,373] on credit before the demolition happened. The creditors keep calling me to ask for their money, I have not been able to sell any of it. Most of it was destroyed there. The ones I salvaged are only worth about NGN80,000 [US\$220].”²⁵¹

Amnesty International also documented seven cases of fishers who could no longer fish because their equipment had been destroyed.

Garcon Bashiru, an evictee in his mid-forties with six children and one wife, told Amnesty International that he had lost his livelihoods:

“I used to fish before, I did not pick any of my nets – everything was destroyed. I am not doing anything. I and my family are staying here with my younger brother and his family [at Makoko]. He is the one who gives us money to feed.”²⁵²

Other fishers said while they could still go out to fish, their businesses collapsed because they needed land to smoke their fish and keep their canoes. Fidel Oke, an evictee from Ilubirin, said:

²⁵⁰ Interview with Amnesty International at Oreta community, Ikorodu, Lagos, 2 July 2017.

²⁵¹ Interview with Amnesty International at Sogunro community, Makoko, Lagos, 4 July 2017. Dollar value source - OANDA Currency Converter, www.oanda.com/currency/converter/ 24 August 2017

²⁵² Interview with Amnesty International at Sogunro community, Makoko, Lagos, 4 July 2017

“...we would display the fish on land and people would buy, our wives would also start smoking the fish. When our wives are done smoking, people come from upland and faraway places to buy. But now, we don't have the space to do all that, because the police don't give us the chance. To be able to do our business [as usual], we need to have space to smoke the fish on land, we cannot smoke the fish in the canoes. Now, when we bring the fish, we sell them at giveaway prices, so we no longer make profit.”²⁵³



*A woman forcibly evicted from Ilubirin displays her fish for sale. 26 October 2016
© Amnesty International Nigeria*

Taiye Bonou, a fisherman from Ilubirin explained that because they could no longer pull their boats to the land, they lost their nets:

“Our canoes are not big, so when the storm blows the canoes, they sink and sometimes our nets get lost in the process, so we have to buy new nets.”²⁵⁴

The forced evictions may have disproportionately affected women's ability to earn a living. Of the 51 evictees who reported negative impacts on their livelihoods, 30 were women. Many women (young and elderly) earned their living from trading within the community. Women interviewed by Amnesty International said that their places of business in the community were destroyed during the forced evictions.²⁵⁵ The women said they had not been allowed to remove and save any of their stock, equipment or other items. Many said they relied on others to survive.²⁵⁶

²⁵³ Interview with Amnesty International at Ilubirin community, Lagos, 26 October 2016

²⁵⁴ Interview with Amnesty International at Ilubirin community, Lagos, 26 October 2016

²⁵⁵ Interview with Amnesty International at Otodo-Gbame community, Lekki, Lagos, 27 and 28 March, and 5 April 2017

²⁵⁶ Interview with Amnesty International at Otodo-Gbame community, Lekki, Lagos, 27 and 28 March, and 5 April 2017

6.3 IMPACT ON CHILDREN'S ACCESS TO EDUCATION



*Students return from school to their demolished homes in Otodo-Gbame in Lekki area of Lagos. 27 March 2017
© Amnesty International Nigeria*

“I have not gone to school because of what happened, since about two weeks ago. My books, school uniforms, and stationery have been soaked by rain. Now that I don’t have the opportunity to go to school, I always go with my daddy to fish... I worry that since I haven’t been to school for these many days, I would be behind on my notes and lessons and that when I get to school and explain to my teacher [she or he] may not believe me, and will start beating me. When I think of this, and I cry and tell my daddy.”

Ranti Simenu, 15-year-old boy, forcibly evicted from Ilubirin on 15 October 2016



*Thirteen years old Ranti Simenu (right) playing in a canoe with a friend. 26 October 2016.
© Amnesty International Nigeria*

Five primary schools were demolished in Otodo-Gbame, and one in Ilubirin.

Twenty-nine evictees told Amnesty International that they or their children who schooled in or close to their communities could no longer go to school. Following the demolition of both communities, and the relocation of evictees to faraway places, pupils could no longer attend school, due to distance and transportation cost.



*The ruins of a demolished school in Otodo-Gbame community. 27 March 2017
© Amnesty International*

Keyimo Florence, a 27-year-old Otodo-Gbame evictee and mother of three, told Amnesty International that

“my first two children used to go to school at Top Goodness School, but it has now been demolished. They don’t go to school anymore, I have no money to send them to another school.”²⁵⁷

Jonathan Zosu, a 29-year-old evictee and father of two and the proprietor of Top Living Stones Nursery and Primary School in Otodo-Gbame, told Amnesty International that the school catered for about 130 pupils and was demolished on the morning of 9 November 2016.²⁵⁸ He also said that the school was not registered with state authorities.

The proprietor of Ayalogu International Primary School, demolished during the 20 November 2015 demolition of Ilubirin, told Amnesty International that attendance had dropped from 182 pupils (including those from a neighbouring community) to about 30 after the demolition.²⁵⁹ The school moved to one of the uncompleted buildings of the government’s luxury homes.²⁶⁰

²⁵⁷ Interview with Amnesty International at Otodo-Gbame community, Lekki, Lagos, 27 March 2017

²⁵⁸ Telephone interview with Amnesty International on 3 May 2017

²⁵⁹ Telephone interview with Amnesty International on 8 December 2016

²⁶⁰ Amnesty International visited Ilubirin community on 19 May 2016, and saw the children having lessons in one of these buildings.



*Ilubirin children taking lessons in one of the government's under-construction buildings. The classes moved here after the school it was demolished in November 2015.
19 May 2016
© Amnesty International Nigeria*

Other children who attended school outside the community also stopped schooling because of the fear of another forced eviction taking place while they were away at school, and them being separated from their families in the process. Elizabeth Houessou, a grandmother evicted from Ilubirin alongside two of her grandchildren, told Amnesty International that

“the children stopped going to school since the trouble started, because we don’t know when they [government] will come again, people keep saying ‘they are coming, they are coming’, that is why I asked them not to go.”²⁶¹

Five Otodo-Gbame evictees told Amnesty International that they placed their children in homes of relatives and friends across Lagos to ensure they were able to continue their education. Andrew Arole, a 45-year-old evictee from Otodo-Gbame with 11 children, told Amnesty International:

“Seven children and my wife are here [Oreta, Ikorodu] with me, and we are living in someone’s store. My other [four] children are in different places. Two are in Lekki with my church member, and they are schooling. Both of them are female and are 19 and 17 years old. The older one is in SS2, while the younger one is in JSS1. Another child is living with one of my clients at Jakande, she is 16 and in JSS1... The fourth one is in Oke-Ira in Ajah side, with a relative.”²⁶²

²⁶¹ Interview with Amnesty International at Otodo-Gbame community, Lekki, Lagos, 26 October 2016

²⁶² Interview with Amnesty International at Oreta community, Ikorodu, Lagos 2 July 2017

7. SAFEGUARDS AGAINST FORCED EVICTIONS SYSTEMATICALLY FLOUTED

People who were forcibly evicted during the seven forced evictions documented by Amnesty International said they were never consulted, nor were they served written notices prior to six of these demolitions, and that no relief, compensation nor resettlement had been provided for them since the demolition of their homes.²⁶³ Evidence including witness testimonies, government statements, images and videos show that the Lagos State Government's failed to put safeguards in place. This failure resulted in forced evictions which violated the rights of thousands of people including to adequate housing, life, education, work, and freedom from cruel, inhuman or degrading treatment or punishment. People were repeatedly evicted as they returned to the eviction sites, thereby exposing them to repeated forced evictions and other potential human rights violations. Amnesty International wrote to relevant state authorities, requesting information on the safeguards they ought to have put in place before the forced evictions. However, beyond five acknowledgment letters, no substantive response had been received at the time of writing.²⁶⁴

The CESCR has emphasized that evictions may be carried out only as a last resort, once all other feasible alternatives to eviction have been explored and all procedural protections are in place.²⁶⁵ The failure of the Lagos State Government to put any of the safeguards in place before carrying out all seven forced evictions is facilitated by the lack of a comprehensive legal framework providing for such protections and prohibiting forced evictions. While these domestic laws make provision for the service of varying lengths of notices in all circumstances and consultation in cases of slum upgrading, they do not provide for compensation in cases where the owner or occupier does not have relevant title and permit documents. Further, the Nigerian laws

²⁶⁴ Amnesty International letter to H.E. Akinwunmi Ambode, Governor of Lagos State, "Research on Forced Eviction of Ilubirin community Residents in Lagos State- Summary of Key Findings and Request for Information", Ref: AIN/411/0439/2016, 5 December 2016. Amnesty International letters to the Commissioner for Waterfront Infrastructure Development, "RE: Threat of Forced Eviction of Informal Waterfront Settlements and Request for Information", Ref: AIN/411/0375/2016., 20 October 2016. Amnesty International letters to the Commissioner for Physical Planning and Urban Development, "RE: Threat of Forced Eviction of Informal Waterfront Settlements and Request for Information", Ref: AIN/411/0374/2016., 20 October 2016. Amnesty International letter to H.E. Akinwunmi Ambode, Governor of Lagos State, "Threat of Forced Eviction of all Residents in Informal Settlements along all Waterfront and Creeks in Lagos", Ref: AIN/411/0375/2016, 20 October 2016. Amnesty International Letter to HE Akinwunmi Ambode, Governor of Lagos State, "Further Research on Forced Evictions in Lagos State- Summary of Key Findings; Request for more Information; and Request for Response to previous Letter of 5 December 2016", 3 May 2017, Ref: AIN/411/0202/2017. Copies were sent to the Attorney General and Commissioner for Justice Lagos State, The Commissioner, Physical Planning and Urban Development, The Commissioner, Waterfront Infrastructure Development, Commissioner of Police, Lagos Command, and The Chairman, Lagos State Environmental & Special Offences (Taskforce). Commissioner for Environment Lagos State, The Commandant, Lagos State command, Nigeria Security and Civil Defence Corps.

²⁶⁵ CESCR, General Comment 7, the right to adequate housing, paras 2 and 13.

do not provide for the provision of alternative accommodation, although state officials have told Amnesty International that this had been offered in certain cases, and that this was subject to the discretion of the authorities.²⁶⁶

7.1 FAILURE TO CONDUCT AN EVICTION IMPACT ASSESSMENT

“States must give priority to exploring strategies that minimize displacement. Comprehensive and holistic impact assessments should be carried out prior to the initiation of any project that could result in development-based eviction and displacement, with a view to securing fully the human rights of all potentially affected persons, groups and communities, including their protection against forced evictions. “Eviction-impact” assessment should also include exploration of alternatives and strategies for minimizing harm.”

UN Basic Principles on Evictions, Principle 32

Conducting a comprehensive impact assessment prior to any eviction is key to taking measures that will minimize the adverse consequences for those affected. When people lose their homes, they often must leave familiar environments and their social networks and employment opportunities behind. Their access to education, healthcare and other public services is also disrupted.

The Lagos State government did not conduct any impact assessment studies prior to any of the seven forced evictions in Ilubirin and Otodo-Gbame. On three occasions, Amnesty International asked state authorities if impact assessments were conducted prior to these forced evictions, and requested relevant documents.²⁶⁷ There had not been any response at the time of writing. The government did not make any efforts to at least ascertain the number of people affected by the evictions, let alone to ascertain the different categories of people, their unique needs and vulnerabilities, and facilities likely to be affected by its actions. Without this information, the government could not have made adequate provisions to protect the evictees from the multiple human rights violations they had suffered as a consequence.

It was only on 15 April 2017, six days after the government forcibly evicted 4,700 Otodo- Gbame residents who had remained there after the two previous forced evictions, that government officials requested community representatives to provide a list of all those affected by the eviction.²⁶⁸ This *post facto* approach runs contrary to the rationale of conducting impact assessments prior to evictions as well as unlawfully shifts the responsibility from state to the community.

²⁶⁶ Amnesty International interview with the Head of Department of Urban and Rural Development, Ministry of Physical Planning and Urban Development on 10 June 2016; Amnesty International meetings with the General Manager of the Lagos State Building control Agency (LASBCA) and seven other officers of the Lagos State Building Control Agency on 10 June 2016.

²⁶⁷ Amnesty International letter to H.E. Akinwunmi Ambode, Governor of Lagos State, “Research on Forced Eviction of Ilubirin community Residents in Lagos State- Summary of Key Findings and Request for Information”, Ref: AIN/411/0439/2016, 5 December 2016. Amnesty International letters to the Commissioner for Waterfront Infrastructure Development, “RE: Threat of Forced Eviction of Informal Waterfront Settlements and Request for Information”, Ref: AIN/411/0375/2016., 20 October 2016. Amnesty International letters to the Commissioner for Physical Planning and Urban Development, “RE: Threat of Forced Eviction of Informal Waterfront Settlements and Request for Information”, Ref: AIN/411/0374/2016., 20 October 2016. Amnesty International Letter to HE Akinwunmi Ambode, Governor of Lagos State, “Further Research on Forced Evictions in Lagos State- Summary of Key Findings; Request for more Information; and Request for Response to previous Letter of 5 December 2016”, 3 May 2017, Ref: AIN/411/0202/2017. Copies were sent to the Attorney General and Commissioner for Justice Lagos State, The Commissioner, Physical Planning and Urban Development, The Commissioner, Waterfront Infrastructure Development, Commissioner of Police, Lagos Command, and The Chairman, Lagos State Environmental & Special Offences (Taskforce). Commissioner for Environment Lagos State, The Commandant, Lagos State command, Nigeria Security and Civil Defence Corps.

²⁶⁸ Telephone interview with Paul Kunnu, a community representative, 1 May 2017.

7.2 NO CONSULTATION, ACCESS TO INFORMATION, OR IMPARTIAL INQUIRY

“States should explore fully all possible alternatives to evictions. All potentially affected groups and persons, including women, indigenous peoples and persons with disabilities... have the right to relevant information, full consultation and participation throughout the entire process, and to propose alternatives that authorities should duly consider... Prior to any decision to initiate an eviction, authorities must demonstrate that the eviction is unavoidable and consistent with international human rights commitments protective of the general welfare.”

UN Basic Principles and Guidelines on Development-based Evictions and Displacement (UN Basic Principles on Evictions), Principles 38 & 40

The announcement that the Lagos State Government planned to demolish all informal structures along the state's waterfronts came without any prior consultation or consideration of alternatives. The state government said that its reason for the decision was the concern that informal structures along the state waterways and creeks had become hideouts for criminals. However, state authorities did not demonstrate that they had considered alternative means of addressing any alleged security challenges in the state before making the decision to announce evictions which could potentially affect at least 300,000 people. In the circumstances, the mass forced evictions were a disproportionate response, effectively collectively punishing the whole community for the alleged actions of a few individuals.

Residents and their representatives attempted to engage with the authorities by sending petitions and requesting meetings, but government responses had been wholly inadequate. Prior to the announcement, residents of informal settlements (along with other marginalized Lagos residents) organized a peaceful protest on 4 October 2016 and on 5 October, they met government representatives, to discuss formalization of informal settlements, amongst other issues.²⁶⁹ Despite the attempts by the communities to engage, and without prior information to them that a decision to evict them had been reached, the Governor issued on 9 October a seven days' oral notice of demolition to those residents. On 11 October, residents of the affected communities wrote to the Governor demanding a retraction of the oral demolition notice, and expressed their willingness to resume dialogue on sustainable alternatives to forced evictions, after the retraction.²⁷⁰ On 13 October, affected residents staged a peaceful protest requesting an audience with the Governor. The representative of the Office of Civic Engagement, who addressed them, requested to be given 36 hours in which to seek a response from the Governor. However, before the 36 hours had expired, the government commenced the demolition of the Ilubirin waterfront community on 15 October 2016.²⁷¹

“States parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force.”

CESCR, General Comment 7: the right to adequate housing (Article 11.1): forced evictions, para. 13

²⁶⁹ NSISF, 'Demands Immediate Suspension of Senseless Ban on Street Trading, Attacks On Informal Economy, And Demolition / Eviction Exercises; And Calls For Pursuit Of Incremental Formalization Instead As Part Of A New Pro-Poor Urban Agenda For Lagos In Honor Of World Habitat Day & Urban October 2016 To Enable Us To Achieve The SDGs', (Press Release: 4 October 2016)

²⁷⁰ NSISF letter to Governor of Lagos State, 'Demand for immediate Retraction of 7-days' Notice to Waterfront Communities across Lagos' 11 October 2016

²⁷¹ NSISF, 'Nigerian Slum/Informal Settlement Federation reacts to Lagos State Government's Clarification of Eviction Threat & Renews its Call for Dialogue with Government on Alternatives to Eviction through Partnership on Security and Development' (Press release: 20 October 2016)

After the forced evictions, the communities continued to reach out to the authorities. For example, following a forced eviction of 20 November 2015, Ilubirin residents²⁷² wrote to the State Governor and the Speaker of the Lagos State House of Assembly requesting the establishment of a panel to investigate the forced evictions and other related issues.²⁷³ There was no response from the Governor. However, the House of Assembly (HoA) invited community representatives to a meeting on 11 March 2016 with its Committee on Physical Planning and Urban Development.²⁷⁴ The Secretary General of CDHRDA who accompanied residents to this meeting told Amnesty International that residents were requested to make their proposals on an alternative location for the community.²⁷⁵ In response, residents wrote to the HoA Committee, through the CDHRDA presenting their request to be allowed to remain on their land and proposing to share it with the Lagos luxury housing project. As an alternative, the letter proposed that if a relocation was necessary, the community residents should be relocated to another side of the lagoon which they depended on for their livelihoods.²⁷⁶ The Secretary General of CDHRDA told Amnesty International that at the time of writing there had been no reply to these proposals.²⁷⁷

Similarly, on 15 November 2016, after the first eviction in Otodo-Gbame, evictees and residents of other threatened waterfront communities held a peaceful protest outside the Governor's office requesting to meet him. While no one from the Governor's office responded to this request, a member of the State House of Assembly (HoA, located next to the Governor's office) addressed the protesters and promised that the HoA would investigate the rights violations that occurred during the 9 to 11 November forced evictions, as alleged in a petition submitted to the house of 14 November 2016. On 15 November 2016, the HoA set up a committee to investigate the killings in Otodo-Gbame, but without addressing the issues of forced evictions.²⁷⁸

“States should entrust an independent national body, such as a national human rights institution, to monitor and investigate forced evictions and State compliance with these guidelines and international human rights law.”

UN Basic Principles and Guidelines on Development-based Evictions and Displacement (UN Basic Principles), Principle 90

On 17 November 2016, Amnesty International wrote to the HoA, welcoming the establishment of the investigative committee, and urging it to conduct public hearings on preventing forced evictions, amongst other calls.²⁷⁹ However, on 18 November 2016, Megan Chapman, a JEI lawyer to the community, told Amnesty International that the investigations were closed and shielded from the public and media. She also alleged that the committee was compromising its impartiality by trying to prevent some community witnesses from testifying and not allowing them to attend the public hearing, which she challenged. Eventually, the witnesses were allowed to attend.²⁸⁰ On 12 January, the committee found that the allegations of the community were *“grossly unsubstantiated and viewed it as a deliberate ploy to incriminate persons named in the petition.”*²⁸¹

²⁷² Through the Centre for the Defence of Human Rights and Democracy in Africa (CDHRDA).

²⁷³ CDHRDA letter to the His Excellency, Akinwunmi Ambode, Executive Governor of Lagos State – Petition Against the Demolition of Ojuolokun and Ilubirin, Two Fishermen Villages including a School Along Osborn Road Ikoyi, 9 December 2015. A similar letter was also addressed to the Speaker of the State House of Assembly on the same day.

²⁷⁴ Lagos State House of Assembly letter to the Secretary-General, CDHRDA– “Re: Petition against the Demolition of Ojuolokun and Ilubirin, Two Fishermen Villages Including a School Along Osborne Road Ikoyi: Letter of Invitation, 8 March 2016.

²⁷⁵ Interview with Amnesty International at Yellow Chilli Restaurant, Ikeja, Lagos, 26 October 2016.

²⁷⁶ CDHRDA letter to the Speaker, Lagos State House of Assembly, dated 14 March 2016 – “Re: Appreciation for your Prompt Response to our Petition and our Prayer in the Interest of Ilubirin and Ojuolokun Fishermen Communities”.

²⁷⁷ Interview with Amnesty International on 1 December 2016.

²⁷⁸ Lagos State house of Assembly, *Lagos State House of Assembly sets up Committee to Investigate Killings in Otodo-Gbame community*, 15 November 2016, www.lagoshouseofassembly.gov.ng/2016/11/15/lagos-assembly-sets-up-committee-to-investigate-killings-in-otodo-gbame-community/

²⁷⁹ Amnesty International Letter to the Lagos State House of Assembly Committee on Judiciary, Human Rights and Petitions, Ref: AIN/411/0383/2016, dated 17 November 2016.

²⁸⁰ Interview with Amnesty International on 18 November 2016.

²⁸¹ Lagos State House of Assembly, “Re: Appeal to Stop the Incessant Killing (Murder) by the Police, Unlawful Detention, Harassment and Continue Intimidation on our People and Sporadic Shooting therein by men and Officers of the Nigeria Police Force (Jakande Division): Resolution of the House”. Letter addressed to The Elegushi Family, Ref. LSHA/LM/47/VOLII/456, dated 20 January 2017.

On 26 January 2017, the Lagos High Court ordered that the government and residents of affected communities should attend mediation sessions at the Lagos Multi-door Courthouse to settle the dispute out of court.²⁸² However, on 29 March 2017, the state government withdrew from the mediation sessions saying that the demands of the communities were unreasonable.²⁸³ The parties had to return to court since no out-of-court settlement was reached.

Again, on 12 April 2017, evictees staged a peaceful protest at the office of the Governor, demanding to be returned to their land.²⁸⁴ They were met by the Commissioner for Special Duties and the Commissioner for Home Affairs, as well as the Special Adviser to the Governor on Civic Engagement, who promised to relay their message to the Governor and scheduled a subsequent meeting with community representatives for 18 April 2017. At the meeting, government representatives²⁸⁵ requested that the community representatives should provide a list of all affected residents in order to enable the government to provide “*special assistance*” to them. When asked what this assistance would entail, government representative refrained from defining it, but specified that it was not in relation to resettlement or compensation, since there was a case pending in court. Being unsatisfied with the lack of clear commitments from the government, evictees embarked on another peaceful protest at the Governor’s office on 19 April 2017.²⁸⁶



Some Otodo-Gbame evictees protesting against the forced evictions at the Governor’s office, Ikeja, on 12 April 2017.
© Amnesty International Nigeria

7.3 INADEQUATE NOTICE

“Any decision relating to evictions should be announced in writing in the local language to all individuals concerned, sufficiently in advance. The eviction notice

²⁸² On 26 January,

²⁸³ Counsel to the State Government gave this explanation in on 12 April during a court sitting.

²⁸⁴ Amnesty International was present as an observer during this protest.

²⁸⁵ Commissioners for Home Affairs, Special Duties, Physical Planning and Urban Development, and Environment, as well as the Special Adviser to the Governor on Civic Engagement.

should contain a detailed justification for the decision, including on: (a) absence of reasonable alternatives; (b) the full details of the proposed alternative; and (c) where no alternatives exist, all measures taken and foreseen to minimize the adverse effects of evictions. All final decisions should be subject to administrative and judicial review. Affected parties must also be guaranteed timely access to legal counsel, without payment if necessary... If, after a full and fair public hearing, it is found that there still exists a need to proceed with the resettlement, then the affected persons, groups and communities shall be given at least 90 days' notice prior to the date of the resettlement."

UN Basic Principles on Evictions, Principles 11 and 56 (j)

Of the seven forced evictions documented by Amnesty International, residents received written notice in only one instance. According to international standards this notice was however inadequate, given that it was only collectively addressing all occupiers and owners of structures in the community rather than individuals, and it only gave 12 days advance-warning of the eviction.

NOTICE

States must give adequate written notices to all affected persons, prior to evictions. This is to allow sufficient time for residents to legally challenge the decision to evict them, assess potential losses and calculate compensation due to them, and to allow them enough time to make provision for adequate alternative accommodation for themselves, and for those who cannot provide this, to be adequately resettled by the government prior to demolition day. Notices must also provide sufficient time for people to move out of the area before the demolition day, and state clearly the date, time and procedure for the eviction, and the rationale for the compensation payable to affected residents.²⁸⁷

All Otodo Gbame evictees interviewed by Amnesty International said that they had not received any prior written notice for the three forced evictions which occurred in their community.²⁸⁸ In Ilubirin, the State Ministry of Physical Planning and Urban Development, rather than serving individual notices, served two collective notices (addressed to the entire community) 12 days before the forced eviction of 19 March 2016.²⁸⁹ Both notices were grossly insufficient and contrary to the UN's requirement of a minimum of 90-days' notice be given in the case of a mass eviction.²⁹⁰ Both notices seen by Amnesty International were also silent on compensation or details of the demolition, contrary to international law and standards. Nineteen Ilubirin evictees interviewed by Amnesty International said that they did not receive written notices in respect of the other two forced evictions.

On three occasions, Amnesty International requested that state authorities provide proof that adequate notices were served on the affected residents prior to any of the seven forced evictions,²⁹¹ however, they had failed to provide any such evidence by the time of writing.

²⁸⁷ Principles 37, 41, 42 and 56 (j), UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN Doc A/RES/60/147, 21 March 2006 (UN Basic Principles on the Right to Remedy)

²⁸⁸ Interviews with Amnesty International between 10 November 2016 and 4 July 2017.

²⁸⁹ Reference number of the said contravention Notice was provided as MPP/UD/TSD/16/CN/587, copies of the notice are on file with Amnesty International

²⁹⁰ UN Basic Principles on Evictions, Principle 56 (j).

²⁹¹ Amnesty International letter to H.E. Akinwunmi Ambode, Governor of Lagos State, "Research on Forced Eviction of Ilubirin community Residents in Lagos State- Summary of Key Findings and Request for Information", Ref: AIN/411/0439/2016, 5 December 2016.

Amnesty International letters to the Commissioner for Waterfront Infrastructure Development, "RE: Threat of Forced Eviction of Informal Waterfront Settlements and Request for Information", Ref: AIN/411/0375/2016, 20 October 2016.

Amnesty International letters to the Commissioner for Physical Planning and Urban Development, "RE: Threat of Forced Eviction of Informal Waterfront Settlements and Request for Information", Ref: AIN/411/0374/2016, 20 October 2016

Amnesty International Letter to HE Akinwunmi Ambode, Governor of Lagos State, "Further Research on Forced Evictions in Lagos State- Summary of Key Findings; Request for more Information; and Request for Response to previous Letter of 5 December 2016", 3 May 2017, Ref: AIN/411/0202/2017.

Further, the failure of the state government to provide adequate written notices to evictees meant that they had no time or insufficient time to move themselves, their families and their properties out of the area before demolition day, thereby increasing their risk of property loss and personal injury. These risks were also heightened by the lack of alternative accommodation and the use of excessive force and deliberate destruction of property on demolition days.

7.4 LACK OF DUE PROCESS DURING DEMOLITION

“The governmental officials, their representatives and persons implementing the eviction must identify themselves to the persons being evicted and present formal authorization for the eviction action.”

UN Basic Principles on Evictions, Principle 45

During the forced eviction on 17 March 2017 in Otodo-Gbame, the demolition team failed to produce any written authorisation even after residents requested this. Pascal Tosin, a community leader in Otodo-Gbame, told Amnesty International that on 17 March, when the demolition team arrived, community leaders, including himself, notified the team of the court order restraining the government from demolishing their homes, and also asked the team for their demolition notice. He said:

“They told us there was no written notice, that we should leave here... Then they asked for the court order, we showed them. They [the police] gathered around the document to read it. Then, a man in plain clothes, came and asked the policemen why they were delaying, and he ordered them to go into the community and start the work. So, the police started shooting guns and teargas, and we ran... then the bulldozers came in...”²⁹²

“Evictions must not take place in inclement weather, at night, during festivals or religious holidays, prior to elections, or during or just prior to school examinations.”

UN Basic Principles on Evictions, Principle 49

Out of the seven forced evictions documented, three were carried out at night, in rainy season, or during school examination period.²⁹³

“Neutral observers, including regional and international observers, should be allowed access upon request, to ensure transparency and compliance with international human rights principles during the carrying out of any eviction.”

UN Basic Principles on Evictions, Principle 46

On 9 November 2016, Andrew Maki, a JEL lawyer representing the community, who went to destruction of the community by fire was told by the Lagos State Commissioner of Police that he was not allowed to be there, and ordered to leave.²⁹⁴ Again, on 17 March 2017, he told Amnesty International that when he was in the community observing the forced evictions, officers of the Nigerian Army (military police) threatened to

²⁹² Interview with Amnesty International on 28 March 2017

²⁹³ The West African Examination Council, ‘*West African Senior School Certificate Examination for School Candidates, 2017 Final International Timetable*’. According to this timetable, examinations took place between 20 February and 12 May 2017.

²⁹⁴ Interview with Amnesty International on 10 November 2016.

arrest him. An Otodo-Gbame evictee also told Amnesty International that he saw a “[non-resident] man being accosted by the military police”.²⁹⁵ Again on 9 April 2017, when he went in to the community to document the forced evictions, Andrew Maki was told by the Police Commander in charge that he was not allowed to be there or take pictures, and then he was pursued off the land into the lagoon. He said, “I waded into the water and some residents in a boat came close enough to pick me up”.²⁹⁶

7.5 FAILURE TO PROVIDE RESETTLEMENT

“Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. The State must make provision for the adoption of all appropriate measures, to the maximum of its available resources, especially for those who are unable to provide for themselves, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available and provided. Alternative housing should be situated as close as possible to the original place of residence and source of livelihood of those evicted. All resettlement measures, such as construction of homes, provision of water, electricity, sanitation, schools, access roads and allocation of land and sites, must be consistent with the present guidelines and internationally recognized human rights principles, and completed before those who are to be evicted are moved from their original areas of dwelling.”

UN Basic Principles on Evictions, Principles 43 & 44

“Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well.”

CESCR, General Comment 4, The Right to Adequate Housing, para. 8(d)

In none of the forced evictions documented by Amnesty International did the government make provision for any alternative accommodation for residents prior to evicting them from their homes. As a result, evictees were left homeless and living in deplorable conditions which failed to meet the CESCR standards.²⁹⁷ All 97 evictees from Ilubirin and Otodo-Gbame interviewed by Amnesty International reported being homeless after

²⁹⁵ Interview with Amnesty International on 17 March 2017.

²⁹⁶ Interview with Amnesty International on 23 August 2017.

²⁹⁷ CESCR, General Comment 4, The Right to Adequate Housing, UN Doc. E/1992/23, para. 8

one or more of the forced evictions. They were either sleeping in canoes, out in the open living with relatives and friends, or living under flimsy structures made of sticks and plastic sheets.



*Canoes with makeshift roofs over them being used as shelter by evictees from Ilubirin community. 31 March 2017
© Amnesty International Nigeria*

After the 19 March 2016 forced eviction, Clementine Goyon, a widow caring for her three grandchildren, evicted from Ilubirin told Amnesty International that

“when this [forced eviction] happened, I put the children in this thing [a big pipe] when the heavy rain was falling, I stayed in the rain”.²⁹⁸



*A pipe in Ilubirin community where evictees often sheltered their children during heavy rains.
19 May 2016.
© Amnesty International Nigeria*

When Amnesty International visited Ilubirin community on 19 May 2016, other residents also mentioned that they often kept the children in the big pipes during heavy rain.

In response to public criticism for demolishing Ilubirin on 18 October 2016, the State Commissioner for Information stated that the occupants of Ilubirin were evicted and their homes demolished because they were illegal settlers, and that the original Ilubirin settlers had been relocated to Badore area of Lagos, “*about 10 years ago*”.²⁹⁹ Amnesty International’s research found no evidence of this resettlement, but found evidence of an earlier move in 1996, during which the evictees were not adequately resettled, and were moved to a forest in Badore where there were no houses, water, access roads and other social services required for an adequate standard of living. State authorities were yet to respond to requests from Amnesty International to provide details of the said resettlement.³⁰⁰

²⁹⁸ Interview with Amnesty International on 26 October 2016. It is not clear which forced eviction Clementine was referring to in this interview, however she was one of those who mentioned to Amnesty International in May that they usually kept their children in the pipes to shield them from the rain.

²⁹⁹ Lagos Clarifies Demolition of Illegal Structures, Shanties, 18 October 2016. Available at <http://www.lagosstate.gov.ng/2016/10/18/lagos-clarifies-demolition-of-illegal-structures-shanties/> (accessed 28 November 2016).

³⁰⁰ Amnesty International letter to H.E. Akinwunmi Ambode, Governor of Lagos State, “Research on Forced Eviction of Ilubirin community Residents in Lagos State- Summary of Key Findings and Request for Information”, Ref: AIN/411/0439/2016, 5 December 2016.

RESETTLEMENT

Where it is impossible to return evictees to the lands they originally occupied, state authorities should provide just, equitable and adequate resettlement to the evictees.³⁰¹ Resettlement housing must comply with the adequacy standards identified by the CESCR,³⁰² and these are:

- (a) *Legal security of tenure*: The resettlement housing provided to evictees must be one in respect of which they would have a secure tenure. Lagos state authorities should take all necessary steps to confer them with legal security, including through the issuing of appropriate title documents to those being resettled.
- (b) *Availability of services, materials, facilities and infrastructure*: Resettlement housing must provide facilities necessary for healthy, secure and comfortable living, while also providing access to safe drinking water, electricity, sanitation and washing facilities, refuse disposal, site drainage and emergency services;
- (c) *Affordability*: Where evictees are justly required to pay for alternative housing, it must be affordable for them. Lagos state authorities, must in consultation with evictees determine the affordability of the proposed resettlement housing. State authorities should ensure the percentage of housing-related costs is generally commensurate with income levels of the affected people, and provide subsidies and housing financing schemes where necessary.
- (d) *Habitability*: The resettlement housing must be physically and structurally safe, while also providing inhabitants with adequate space and protecting them from sun, rain, cold, heat, wind, disease vectors and other threats to health.
- (e) *Accessibility*: Adequate resettlement housing must be accessible to everyone affected by the forced evictions, and consideration should be given to disadvantaged groups such as the elderly, children, the physically disabled, and terminally ill individuals amongst others. The resettlement plan should take factor in the special housing needs of these groups.
- (f) *Location*: The resettlement housing should be in an area which allows inhabitants access to schools, hospitals, employment options, health-care services, and other social facilities. Further, housing should not be built in polluted areas or close to pollution sources that threaten the right to health of inhabitants;
- (g) *Cultural adequacy*: The resettlement housing offered to evictees must take into consideration their cultural ways of life and expression. For example, being predominantly fishing communities, the indigenous residents of Otodo-Gbame and Ilubirin communities live at the edge of or on the Lagos Lagoon. Whatever resettlement options are offered, they must take this way of living into consideration, rather than imposing on them a culturally unacceptable alternative while ensuring the provision of relevant technological facilities.

7.6 FAILURE TO PROVIDE EMERGENCY RELIEF

“At a minimum, regardless of the circumstances and without discrimination, competent authorities shall ensure that evicted persons or groups, especially those who are unable to provide for themselves, have safe and secure access to: (a) essential food, potable water and sanitation; (b) basic shelter and housing; (c) appropriate clothing; (d) essential medical services; (e) livelihood sources; (f) fodder for livestock and access to common property resources previously depended upon; and (g) education for children and childcare facilities. States should also ensure that members of the same extended family or community are not separated as a result of evictions.”

UN Basic Principles, Principle 52

³⁰¹ CESCR, General Comment 7, the right to adequate housing; forced evictions, para. 16

³⁰² CESCR General Comment 4, the right to adequate housing, para. 8

All 97 evictees interviewed by Amnesty International have reported being homeless and that they lost some or all of their belongings, while 51 of them reported that they lost their means of livelihoods during the forced evictions, thereby making it difficult for them to fend for themselves and their families. Despite this, state authorities did not provide any emergency relief – food, water, sanitation, healthcare – to the thousands of women (including pregnant women), men, children (including babies), sick and elderly evictees who were left homeless by the forced evictions described in this report, despite their obligation to do so.

Many evictees were living with people in other areas of Lagos or sleeping in canoes, whilst relying on the charity of others to survive. In the absence of any humanitarian response by the state, the Nigerian Slum/Informal Settlement Federation, organized the collection of relief donations from private citizens and undertook the distribution of these to evictees taking refuge in different parts of the state. On 18 April 2017, Amnesty International observed the distribution of relief items such as mosquito nets, clothing, and food to Otodo-Gbame evictees taking refuge in Sogunro community in Makoko area of Lagos.

A volunteer aid worker provided medical aid to Otodo-Gbame evictees who sustained injuries during the evictions and attacks because the community's hospital was demolished in November 2016, depriving them of access to healthcare.³⁰³



*A volunteer aid worker dressing a head injury of a woman in Otodo-Gbame Community. 28 March 2017
© Amnesty International Nigeria*

7.7 NO COMPENSATION NOR REMEDY FOR LOSSES OR HARM SUFFERED

“When eviction is unavoidable, and necessary for the promotion of the general welfare, the State must provide or ensure fair and just compensation for any losses of personal, real or other property or goods, including rights or interests in property. Compensation should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of

³⁰³ Amnesty International Interviews with evictees and aid worker in Otodo-Gbame community, Lekki, Lagos, 28 March 2017

each case, such as: loss of life or limb; physical or mental harm; lost opportunities, including employment, education and social benefits; material damages and loss of earnings, including loss of earning potential; moral damage; and costs required for legal or expert assistance, medicine and medical services, and psychological and social services. Cash compensation should under no circumstances replace real compensation in the form of land and common property resources. Where land has been taken, the evicted should be compensated with land commensurate in quality, size and value, or better.”

UN Basic Principles on Evictions, Principle 60

The forced evictions documented in this report have resulted in the violation of several human rights including, the rights to adequate housing, life, dignity of person, family life, education, and the right to freedom from cruel, inhuman and degrading treatment or punishment – a fact that has been upheld by the Nigerian judiciary. In these circumstances, victims are entitled to both procedural and substantive remedies available to them under international and domestic law. Remedies available under international law include compensation, restitution or return, rehabilitation, and resettlement. Remedies must be timely, effective, and able to, as much as possible, restore them back to the position they were before the violations occurred.

The CESCR urges state parties to prioritize returning evictees to their land, but notes that circumstance such as their welfare and safety may make it necessary to resettle them in an adequate alternative accommodation. The Committee also stressed that people should not be forced to return against their will.³⁰⁴ State authorities must also put measures, laws and policies in place which will provide a guarantee of non-repetition to victims.³⁰⁵ On 21 June, 2017, the Lagos State High Court found that the forced evictions and threat of eviction of all waterfront communities in Lagos was unconstitutional, and ordered the government to consult with affected residents on relocating them to alternative settlements within Lagos.³⁰⁶ State authorities announced that they have appealed this judgment, arguing that the order given was unjustified.³⁰⁷ This appeal was still pending.

Lagos state government has failed to provide compensation for any of the losses and the harm – both material and non-material – suffered by the evictees in the seven forced evictions documented by Amnesty International. All 97 evictees interviewed by Amnesty International said they did not receive any compensation from the government. Amnesty International has written eight letters to the various responsible authorities between 20 October 2016 and 27 September 2017, requesting details of any compensation paid to evictees, but at the time of writing there had been no response.³⁰⁸ Further, it appears to be a clear policy of the authorities not to compensate those it considers to be in illegal occupation despite this being contrary to international law. On 10 June 2016, Amnesty International met with officers of the Lagos State Building Control Agency to discuss the process of evictions and safeguards.³⁰⁹ A Director of the Agency, told Amnesty International that, no compensation or relocation was provided in the case of evictions involving “illegal”

³⁰⁴ UN Basic Principles on Evictions, Principles 64 to 68.

³⁰⁵ UN Basic Principles on the Right to Remedy, Principles 18 and 23.

³⁰⁶ High Court of Lagos State, Lagos Judicial Division, *Akapo Agemo & Ors v. Attorney General of Lagos State & Ors*, Suit No. LD/4232MFHR/16- Judgment, 21 June 2017.

³⁰⁷ Lagos State Government, *Lagos Appeals Verdict Directing Resettlement of Otodo Gbame community*, 28 June 2017.

www.lagosstate.gov.ng/blog/2017/06/28/lagos-appeals-verdict-directing-resettlement-of-otodo-gbame-community/.

³⁰⁸ Amnesty International letter to H.E. Akinwunmi Ambode, Governor of Lagos State, “Research on Forced Eviction of Ilubirin community Residents in Lagos State- Summary of Key Findings and Request for Information”, Ref: AIN/411/0439/2016, 5 December 2016.

Amnesty International letters to the Commissioner for Waterfront Infrastructure Development, “RE: Threat of Forced Eviction of Informal Waterfront Settlements and Request for Information”, Ref: AIN/411/0375/2016., 20 October 2016.

Amnesty International letters to the Commissioner for Physical Planning and Urban Development, “RE: Threat of Forced Eviction of Informal Waterfront Settlements and Request for Information”, Ref: AIN/411/0374/2016., 20 October 2016

Amnesty International letter to H.E. Akinwunmi Ambode, Governor of Lagos State, “Threat of Forced Eviction of all Residents in Informal Settlements along all Waterfront and Creeks in Lagos”, Ref: AIN/411/0375/2016, 20 October 2016.

Amnesty International Letter to HE Akinwunmi Ambode, Governor of Lagos State, “Further Research on Forced Evictions in Lagos State- Summary of Key Findings; Request for more Information; and Request for Response to previous Letter of 5 December 2016”, 3 May 2017, Ref: AIN/411/0202/2017. Copies were sent to the Attorney General and Commissioner for Justice Lagos State, The Commissioner, Physical Planning and Urban Development, The Commissioner, Waterfront Infrastructure Development, Commissioner of Police, Lagos Command, and The Chairman, Lagos State Environmental & Special Offences (Taskforce). Commissioner for Environment Lagos State, The Commandant, Lagos State command, Nigeria Security and Civil Defense Corps.

³⁰⁹ Amnesty International meeting with the General Manager and seven other officers of the Lagos State Building Control Agency, at their office in Ikeja Lagos, on 10 June 2016

structures. But in cases of government acquisition of land from individuals, the applicable remedies would be decided on a case by case basis.

All 97 evictees from Ilubirin and Otodo-Gbame interviewed by Amnesty International either said that they had lost some or all of their possessions during the forced evictions, because they were not given sufficient time to gather and move them out before and during eviction day. This was both because of the insufficient notice and the way the evictions were carried out as described above.

State authorities have also failed to provide any compensation to evictees who suffered injury or lost their lives during the forced evictions

At least nine people may have died from drowning after fleeing police gunfire during the forced eviction of 9 and 10 November 2016. Another evictee, Daniel Aya was killed during the forced eviction of 9 April 2017.

“Applicants [Otodo-Gbame] evictees and residents of waterfront communities across Lagos] are citizens of Nigeria, who are constitutionally protected from cruel and inhuman/degrading treatment by Section 34 (1a) of the 1999 Constitution of Nigeria... I find 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 totally undignifying and certainly inhuman, cruel and degrading.”

Hon. Justice S.A. Onigbanjo, Ruling in the case of *Akakpo Agemo & ors. v Attorney General of Lagos State & ors.* Suit No. LD/4232MFHR/16, 26 January 2017

The CESCR stressed that as part of their obligations under the International Covenant on Economic Social and Cultural Rights (ICESCR), state parties must ensure that

“Appropriate means of redress, or remedies, [are] available to any aggrieved individual or group, and appropriate means of ensuring governmental accountability [is] put in place.”³¹⁰

Similarly, Article 2(3) of the International Covenant on Civil and Political Rights (ICCPR), obliges state parties

“To ensure that any person whose rights or freedoms... are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity... [and] to ensure that the competent authorities shall enforce such remedies when granted.”

In light of these requirements, Lagos State authorities, should provide adequate compensation to the victims of the repeated forced evictions in Ilubirin and Otodo-Gbame, for all losses – financial and non-financial – incurred. To avoid discrimination, state authorities must ensure that women and men jointly benefit from any compensation, and that single women and widows directly receive their own compensation. When administrative, compensation must be determined in consultation with the evictees, after they have been given time and necessary support to evaluate all the losses they have suffered.

Compensation should cover the loss of personal and real property and connected expenses, including the land lost or damaged in the process, house structures; contents; infrastructure; mortgage or other debt; interim housing; bureaucratic and legal fees; alternative housing; lost wages and incomes; business losses; lost educational opportunities; health and medical care; and resettlement and transportation costs (especially in the case of relocation far from the source of livelihood).

Lagos state authorities have failed to ensure that victims have access to effective judicial remedy. Though victims of these forced evictions could access the courts through pro-bono lawyers, the persistent failure of state authorities to comply with the orders, and the failure of the court to enforce these orders,³¹¹ demonstrates the ineffectiveness of this remedy in this case. Further, Section 308 of the 1999 Constitution,

³¹⁰ CESCR, General Comment 9: The domestic Application of the Covenant, UN Doc E/C.12/1998/24, 3 December 1998, para 2

³¹¹ High Court of Lagos State, Lagos Judicial Division, *Akapo Agemo & Ors v. Attorney General of Lagos State & Ors*, Suit No. LD/4232MFHR/16- Ruling, 12 April 2017.

which prohibits criminal prosecution against the Governor, posed a barrier to protecting the rights of Otodo-Gbame evictees. In their case against the state government, the State High Court held that:

“I have no doubt that reprehensible as the actions complained about in this application are, the court lacks jurisdiction to entertain these committal proceedings against the 3rd Respondent [Governor] and by implication, the other respondents [the Commissioner of Police and two others] by virtue of the immunity afforded the 3rd Respondent by Section 308 of the 1999 Constitution.”

Hon. Justice S.A. Onigbanjo, Ruling in the case of *Akakpo Agemo & ors. v Attorney General of Lagos State & ors.* Suit No. LD/4232MFHR/16, 12 April 2017

When local judicial remedies fail, international and regional human rights law makes provision for victims to obtain remedies through the CESC, the ACHPR and the ECOWAS Court of Justice. Hence, victims who are unable to get justice in Nigeria, may alternatively approach the ACHPR for adjudication after exhausting local remedies or if those remedies are not available or unduly prolonged.³¹² Similarly, the ECOWAS Court, which does not require victims to exhaust local remedies, offers another option for victims to access justice.³¹³ The Optional Protocol to the ICESCR gives powers to the CESC to receive communication in this regard,³¹⁴ however, Nigeria is yet to ratify this protocol, thereby depriving citizens of access to this remedy.

³¹² Articles 55 and 56 of the African Charter.

³¹³ Article 15 of the ECOWAS revised Treaty, 2010; and Article 11 of the Protocol A/P.I/7/91 on the Community Court of Justice.

³¹⁴ Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, General Assembly resolution A/RES/63/117, 10 December 2008

8. LEGAL FRAMEWORK

“[T]he Covenant norms must be recognized in appropriate ways within the domestic legal order, appropriate means of redress, or remedies, must be available to any aggrieved individual or group, and appropriate means of ensuring governmental accountability must be put in place.”

CESCR General Comment 9, The domestic application of the Covenant, UN DOC. E/C.12/1998/24, para. 2

The seven forced evictions discussed in this report were in direct violation of the right to adequate housing, and a range of other human rights including the rights to education, work, freedom from cruel, inhuman or degrading treatment, life, property, and protection of the family unit. Lagos state authorities are obliged under a range of international, regional, national and domestic legislation to protect these rights. However, national and domestic legislations do not fully comply with Nigeria’s international human rights obligations under various treaty agreements.

8.1 RIGHT TO HOUSING

“States Parties to the African Charter [should] take appropriate steps to ensure respect, protection and realisation of the right to adequate housing, in particular by: ... (III) Adopting legislative and other measures to ensure that legal procedures are complied with prior to any eviction and making available remedies that are likely to result in the right to reparation either in the form of restitutio in integrum or monetary compensation.”

ACHPR 231: Resolution on the right to adequate housing and protection from forced evictions

Authorities in Nigeria (including Lagos) are obliged under a range of international treaties to respect, protect and fulfil the right to adequate housing. These include Article 11 (1) of the ICESCR; Articles 4 and 27 (3) of the Convention on the Rights of the Child (CRC); the International Convention on the Elimination of All Forms of Racial Discrimination; Articles 18 and 20 of the African Charter on the Rights and Welfare of the Child; Article 14 (2) (h) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and Article 16 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa.

Article 2 of the ICESCR obliges state parties to “*take steps... including particularly the adoption of legislative measures*” to achieve the realisation of the rights in the Covenant including the right to adequate housing.

Article 17.1 and 17.2, International Covenant on Civil and Political Rights (ICCPR) provides that no one should be subjected to the “*arbitrary or unlawful interference with his privacy, family [and] home*”.

Section 5 of the National Human Rights Commission (Amendment) Act 2010, empowers the National Human Rights Commission (NHRC) to “*deal with all matters relating to the promotion and protection of human rights*” guaranteed by the above international treaties and others ratified by Nigeria.

The African Charter on Human and Peoples’ Rights, is domesticated in Nigeria as the African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act, 1983. This treaty provides for the rights to property,³¹⁵ highest attainable standard of mental and physical health,³¹⁶ and the protection of the family unit.³¹⁷

The African Commission on Human and Peoples’ Rights (ACHPR), in the case of Social and Economic Rights Action Centre (SERAC) and Centre for Economic and Social Rights (CESR) v Nigeria, found that these rights all combine to provide protection for the right to adequate housing.³¹⁸ The Commission further expanded on the right to adequate housing as protected in the charter, as follows:

“...under Article 16..., the right to property, and the protection accorded to the family forbids wanton destruction of shelter because when housing is destroyed, property, health and family life are adversely affected. It is thus noted that the combined effect of articles 14, 16 and 18(1) reads into the [African] Charter a right to shelter or housing which the Nigerian Government apparently violated... At a very minimum, the right to shelter obliges the Nigerian Government not to destroy the housing of its citizens and not to obstruct efforts by individuals or communities to rebuild lost homes. The state’s obligations to respect housing rights requires it, and thereby all of its organs and agents, to abstain from carrying out, sponsoring or tolerating any practice, policy or legal measure violating the integrity of the individual or infringing upon his or her freedom to use those material or other resources available to them in a way they find most appropriate to satisfy individual, family, household or community housing needs.”

The ACHPR, in the case of Social and Economic Rights Action Centre (SERAC) and Centre for Economic and Social Rights (CESR)/ Nigeria

8.2 NATIONAL AND STATE LEGAL FRAMEWORK ON THE RIGHT TO HOUSING

Authorities in Nigeria (including Lagos state) are obliged under Article 2 of the ICESCR, to adopt adequate legislative measures for the protection of all rights protected thereunder, including the right to adequate housing. National and state laws relating to this right only offer limited legal safeguards which are not sufficient to protect rights holders from forced evictions and secure the right to adequate housing.

³¹⁵ Article 14 African Charter

³¹⁶ Article 16 African Charter

³¹⁷ Article 18 African Charter

³¹⁸ ACHPR, 231: Resolution on the right to adequate housing and protection from forced evictions, available at <http://www.achpr.org/sessions/52nd/resolutions/231/> (accessed on 15 December 2016).

8.2.1 JUSTICIABILITY OF THE RIGHT TO ADEQUATE HOUSING

Section 16 (2)(d) of the 1999 Constitution of the Federal Republic of Nigeria³¹⁹ mandates the state to provide adequate shelter for all citizens (amongst other economic, social and cultural rights). The enforcement of this provision is however limited by the provision of section 6(6) (c) which prohibits the courts from adjudicating on matters within Chapter II of the Constitution, under which Section 16 falls. Section 44 (in Chapter IV, which guarantees civil and political rights), protects citizens against the takeover of their property in a manner outside of the law, and requires that prompt compensation be paid in the case of a lawful takeover. Further, Section 46(1) of the Constitution of Nigeria provides that

“[A]ny person who alleges that any of the provisions of this Chapter [fundamental rights] has been, is being or likely to be contravened in any State in relation to him may apply to a High Court in that State for redress.”

The limitation of this provision is that it requires the right holder to have a right or interest in the property in question, hence, while land owners may take advantage of this provision, tenants, squatters or holders of other forms of housing tenure which do not arise from ownership recognized by law are not protected here.

The CESCR has urged state parties to bear in mind the fundamental requirements of international human rights law and use all means available to it to protect the rights in the Covenant. The Committee stated that,

“A State party seeking to justify its failure to provide any domestic legal remedies for violations of economic, social and cultural rights would need to show either that such remedies are not “appropriate means” within the terms of article 2.1 of the Covenant or that, in view of the other means used, they are unnecessary. It will be difficult to show this, and the Committee considers that, in many cases, the other “means” used could be rendered ineffective if they are not reinforced or complemented by judicial remedies.”³²⁰

Further, the African Charter, provide for the right to property (Article 14), the right to highest attainable standard of mental and physical health (Article 16) and the right to protection of the family unit (Article 18(1)). According to the ACHPR, these rights all combine to provide protection for the right to adequate housing.³²¹

Also, Section 5 of the National Human Rights Commission (Amendment) Act 2010, mandates the National Human Rights Commission (NHRC) to deal with all matters related to the international human rights obligations of Nigeria as contained in the various international and regional treaties to which Nigeria is a state party, including the ICESCR, ICCPR, CEDAW, the CRC and the African Charter.

8.2.2 COMPENSATION, ALTERNATIVE ADEQUATE HOUSING AND CONSULTATION

The Land Use Act (1978)³²² is a national law binding on all states governments in Nigeria. Section 28 gives the Governor of any state the power to revoke a person’s right of occupancy on a land, only for overriding public interest. This is the only lawful way a person’s landed property can be taken over. Section 29 provides that such a revocation entitles the right-holder to compensation for economic trees, buildings and improvements on the land, but no compensation will be paid for the land itself. The law however does not provide for the relocation of anyone displaced by the exercise of this revocation power. Another limitation of this law is that it only protects the interests of those whose ownership rights arise from a right of occupancy granted by the state authorities, which is evidenced by a Certificate of Occupancy. The majority of those living in informal settlements do not have this certificate, so, when the government wants to evict them, it does not consider it obligatory to comply with the Land Use Act provisions.

The Lagos State Urban and Regional Planning and Development Law (2010)³²³ which established the Lagos State Building Control Agency (LASBCA) and the Lagos State Urban Renewal Agency (LASURA) gives these

³¹⁹ Cap C23, Laws of the Federal Republic of Nigeria, 2004

³²⁰ CESCR General Comment 9, The domestic application of the Covenant, UN DOC. E/C.12/1998/24, para. 2

³²² Cap L5, Laws of the Federal Republic of Nigeria, 2004.

³²³ Lagos State of Nigeria Official Gazette, No. 21, Vol. 43, Law No. 3, A29

agencies power to carry out demolitions. In the case of a demolition by LASURA, section 57 of the Lagos State Urban and Regional Planning law mandates the agency to compute the compensation payable to the owner or occupier of the building. The affected building will be compulsorily acquired by the Governor and compensation will be paid according to the provisions of the Land Use Act.³²⁴ The law is silent on the payment of compensation in the case of a demolition carried out by LASBCA, and also silent on the provision of adequate alternative accommodation for people who will be affected by the demolitions carried out by both agencies.

Further, section 54 mandates LASURA to hold consultation meetings with residents affected by upgrading and improvement projects. It is only in this case that the laws provide for any form of consultation.

The failure of the laws to guarantee all affected persons a right to consultation, compensation and/or adequate alternative housing in cases of evictions violates Nigeria's international human rights obligations to ensure that evictions don't leave anyone homeless and that it provides adequate alternatives for those who cannot provide this for themselves.³²⁵ Finally, the compensation payable under the Land Use Act does not constitute fair value as it excludes the value of the land from the computation, and this violates the international law obligation of Nigeria to

“Provide or ensure fair and just compensation for any losses of personal, real or other property or goods, including rights or interests in property.”³²⁶

8.2.3 NOTICE

The length of notice to be served in any eviction is determined by the law under which it is being carried out.

Section 15 of the Lagos State Waterfront Infrastructure Development Law (2009)³²⁷ provides that structures erected along the waterways without the prerequisite operations permit, may be demolished after the service of a seven days' demolition notice on its occupier. However, a seven-day demolition notice cannot be deemed to be adequate and sufficient notice in most cases, and particularly for residential premises. The law does not provide for the payment of compensation or the provision of alternative adequate accommodation for affected residents.

The Lagos State Environmental Law (2017), empowers agencies set up under the Ministry to demolish structures which obstruct the sewage or drainage systems.³²⁸

The Law mandates the enforcing authority to serve any of several written notices

(including a demolition notice) with a maximum length of seven days.³²⁹ This law is also silent on the payment of compensation the provision of alternative adequate housing, in the case of a demolition.

Section 47 of the Lagos State Urban and Regional Planning and Development Law (2010), empowers LASBCA to remove *“illegal and non-conforming buildings”*. Section 57 empowers LASURA to order the demolition of a building or part of it, and this power may only be exercised in respect of buildings that are in a state of disrepair, potentially dangerous, or far below standards of other habitation buildings.³³⁰ Section 60 of the law provides that enforcement notices (which include quit and demolition notices) may be served when any development is commenced without planning permit.³³¹ Subsection (3) provides that the relevant agency may require the owner of the defaulting building to obtain the necessary permit, alter the building to conform with regulations, within 90 days. Subsection (4) provides that an enforcement notice may require the owner of the contravening structure to alter, discontinue or remove development. No time duration is specified for such notice. Section 70 gives the relevant agency the power to carry out the demolition where the owner has failed to do so, without further notice. The failure of the law to provide time duration for enforcement notices creates room for inadequacy and irregularity of notices, as the issue of duration appears left to the discretion of the relevant authority.

³²⁴ Section 58 (2), and 76-78 of the 2010 Urban and Regional Planning and Development law of Lagos State

³²⁵ UN Basic Principles on Evictions, Principles 43 & 44.

³²⁶ UN Basic Principles on Evictions, Principle 60.

³²⁷ Lagos State of Nigeria Official Gazette, No. 7, Vol. 24, Law No. 2, A17.

³²⁸ Sections 286, 360 and 380 of the Lagos State Environmental Law (2017).

³²⁹ Sections 507 – 513 of the Lagos State Environmental Law (2017).

³³⁰ Section 56 of the 2010 Urban and Regional Planning and Development law of Lagos State.

³³¹ See also Section 66 of the 2010 Urban and Regional Planning and Development law of Lagos State.

Though the above applicable national and state laws have made provision for the service of short-length notices, these fall short of international human rights law requirement that at least 90-days' notice be given in the case of mass evictions.³³²

8.2.4 PROTECTION AGAINST LAND GRABBING

The Lagos State Properties Protection Law (2016) prohibits anyone from violently taking over or entering into any landed property even in cases where the aggressor had a right to possession.³³³ Section 2 (3) makes this an offence punishable with 10 years' imprisonment. These provisions aim to protect people from land grabbers, thereby providing some security of tenure.

8.3 OTHER RIGHTS VIOLATED BY THE FORCED EVICTIONS

In addition to directly violating the right to adequate housing, forced evictions also often violate a range of other human rights. In the case of the seven forced evictions of residents of Ilubirin and Otodo-Gbame, the rights also impacted include the rights to education, work, protection of the family unit, and freedom from cruel, inhuman or degrading treatment or punishment, life, and property. These rights are guaranteed by the ICESCR, ICCPR, CRC, CEDAW, and the African Charter. As with all rights, state authorities have an obligation to respect, protect and fulfil them.

8.3.1 EDUCATION

Under international human rights law, the right to education is guaranteed by Articles 13 and 14 of the ICESCR. Further, Article 28 of the Convention of the Rights of the Child (CRC) guarantees the right of every child to education. In national law, the right to education is provided for in Chapter II of the 1999 Constitution of Nigeria. Section 18(1) mandates state authorities to direct their policies towards ensuring *“equal and adequate educational opportunities at all levels”*. Further, Article 17 of the African Charter guarantees the rights of everyone to education. At domestic state level, the right to education is provided for in the Lagos State Child Rights Law 2007, which domesticates the CRC. Section 14 provides for the right of a child to education.

8.3.2 WORK

At international level, the right to work is guaranteed by Articles 6 and 7 of the ICESCR, and Article 11 of CEDAW. Like the right to Education, this right is also provided for in Chapter II of the 1999 Constitution of Nigeria. Section 17 (3) obliges state authorities to direct policies towards ensuring that

“...all citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment”.

Further, Article 15 of the African Charter guarantees the rights of everyone to work.

8.3.3 LIFE

International human rights law guarantees the right of everyone to life in Article 6 of the ICCPR. At the national level, the right to life is guaranteed by section 33 of the Nigerian Constitution, which provides that

“[E]very person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.”

³³² UN Basic Principles on Evictions, Principle 56 (j)

³³³ Section 2(1) and 3 of the 2016 Lagos State Property Protection Law

Further, Article 4 of the African Charter provides for the right of everyone to life and integrity of his/her person. At the domestic state level, Sections 219 to 227 of the Criminal Law of Lagos State (2011) criminalises and punishes unlawful homicide, which includes murder and manslaughter.

8.3.4 FREEDOM FROM CRUEL INHUMAN AND DEGRADING TREATMENT

Article 7 of the ICCPR prohibits the “*cruel inhuman and degrading treatment or punishment*” of anyone. Similarly, Section 34 of the 1999 Constitution of Nigeria provides that no one should be subjected to “*inhuman or degrading treatment*”. Both international, and domestic courts have recognized that forced evictions can amount to cruel, inhuman or degrading treatment or punishment.³³⁴ In the case of *Akapo Agemo & Ors v Attorney General of Lagos State & Ors*, (instituted by Otodo-Gbame evictees and the residents of threatened waterfront communities), the Lagos State High Court held that

“The Respondents’ failure to adequately notify or provide alternative settlements for Applicants relocation before embarking on forcibly evicting or attempting to forcibly evict the Applicants from their respective locations... is declared unconstitutional being an infringement of Applicant’s Fundamental Right to protection from Cruel and Degrading Treatment.”³³⁵

8.3.5 PROTECTION OF THE FAMILY

Article 10 of the ICESCR mandates state parties to provide, “*the widest possible protection and assistance... to the family*”. Under Nigerian law, Chapter II, section 17 (3) of the 1999 Constitution mandates states to direct their policies “*towards ensuring that- (h) the evolution and promotion of family life is encouraged.*” In Section 37 (Chapter IV), further guarantees the protection of privacy of citizens and their homes. In addition, Article 18 of the African Charter, mandates states to protect the family. On the domestic state level, Section 7 of the Lagos State Child Rights Law (2007) guarantees every child’s right to family life, while Section 13 forbids the separation of children from their parents except in circumstances provided by the law.

³³⁴ Committee Against Torture, CAT/C/29/D/161/2000, Complaint No. 161/2000, Hajrizi Dzemajl et al.

³³⁵ High Court of Lagos State, Lagos Judicial Division, *Akapo Agemo & Ors v. Attorney General of Lagos State & Ors*, Suit No. LD/4232MFHR/16- Judgment, 21 June 2017

9. RECOMMENDATIONS

The Lagos State Government has a duty to respect, fulfil and protect the right to adequate housing of all residents within the state. This should be done by a range of measures necessary to ensure the right, including through the establishment and enforcement of relevant laws and policies which safeguard against forced evictions and protect the right to adequate housing. The Federal Government, the National Human Rights Commission, and the Nigeria Police Force also have significant roles to play in safeguarding the right to adequate housing, preventing forced evictions and ensuring that any person or organ of government or non-state actor responsible for forcibly evicting people, are held accountable for this and other human rights violations.

9.1 RECOMMENDATIONS TO THE LAGOS STATE GOVERNMENT

- The Lagos State Government must immediately halt plans to demolish other informal settlements along the state's waterfronts and establish a moratorium on mass evictions until there are regulations in place to ensure that evictions comply with international human rights standards.
- Base these regulations on the UN Basic Principles and Guidelines on Development Based Evictions and Displacement, and which must at a minimum, provide for the following safeguards:
 - Mandate the relevant government agencies to consider all feasible alternatives to evictions in genuine consultation with all affected people.
 - Mandate the relevant government agencies to conduct an Eviction Impact Assessment Study once an eviction is proposed.
 - Ensure that any person affected by a proposed eviction is served adequate written notice, within a reasonable time.
 - Provide legal remedies and compensation to everyone that will be affected by any proposed eviction.
 - Ensure that residents to be affected by the proposed eviction are provided with adequate alternative accommodation, if they cannot provide for themselves.
- Set up a Judicial inquiry into the recent forced evictions and prosecute everyone, including officers of state agencies, found to be responsible for human rights violations and crimes committed during the forced evictions; including the excessive use of force by the police, and the violent attacks on the community by armed men, which resulted in the loss of lives, disappearances and injuries to residents.
- Provide emergency relief, adequate housing, access to services and redress including adequate compensation to all those who have already been forcibly evicted.

- Ensure that all victims of forced evictions have access to effective remedies and the right to reparations, which includes restitution, compensation (including for any loss of property and possessions that were damaged in the process), rehabilitation, and a guarantee of non-repetition.

9.2 RECOMMENDATION TO THE LAGOS STATE HOUSE OF ASSEMBLY

- Publicly condemn all forced evictions, and pass a law which protects the right to adequate housing in Lagos State and clearly prohibits forced evictions.

9.3 RECOMMENDATIONS TO THE NIGERIA POLICE FORCE

- Establish and publish guidelines for the conduct of its officers who accompany demolition teams.
- Amend Police Force Order 237 in line with Nigeria's international obligations to ensure that police officers are only allowed to use firearms when it is strictly unavoidable to protect life.
- Direct the Police Complaint Response Unit to investigate allegations of killings, arson, assaults and other crimes or misconduct against its officers accused of being involved in the forced evictions and assaults which took place in Otodo-Gbame and Ilubirin communities, and ensure that anyone who is reasonably suspected of such crimes is prosecuted in a fair trial without recourse to the death penalty. Conduct transparent investigations into reports of murder, assault, arson and other crimes allegedly committed by armed men who attacked Otodo-Gbame and Ilubirin communities between February 2015 and April 2017, and ensure that anyone who is reasonably suspected of such crimes is prosecuted in a fair trial without recourse to the death penalty.
- Immediately launch an investigation into the whereabouts of everyone reported missing from Ilubirin and Otodo-Gbame during the forced evictions and assault attacks on these two communities.

9.4 RECOMMENDATIONS TO THE FEDERAL GOVERNMENT

- The Federal Government of Nigeria must publicly condemn all forced evictions taking place across the country.
- Take Immediate steps to domesticate the International Covenant on Economic Social and Cultural Rights and the International Covenant on Civil and Political Rights, and amend the 1999 Constitution of the Federal Republic of Nigeria to include provisions which recognize and protect the right to adequate housing and other economic social and cultural rights which are necessary for an adequate standard of living.
- Take immediate steps to sign, ratify and domesticate the Optional Protocol of the International Covenant on Economic Social and Cultural Rights in order to ensure access to justice for victims of human rights violations.

9.5 RECOMMENDATIONS TO THE NATIONAL HUMAN RIGHTS COMMISSION

- Publicly condemn all forced evictions taking place in Lagos and in other states in Nigeria.
- Complete its inquiry into the cases of demolitions and forced evictions in Ilubirin and other communities pending before it, and as appropriate refer any matter of human rights violation requiring prosecution to the Attorney-General of Lagos state to ensure that violators are brought to justice and remedies are provided for the victims.

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THE HUMAN COST OF A MEGACITY

FORCED EVICTIONS OF THE URBAN POOR IN LAGOS, NIGERIA

This report documents seven forced evictions of more than 30,000 residents of Ilubirin and Otodo-Gbame communities in Lagos State, Nigeria, between 19 March 2016 and 22 April 2017. These were carried out by state authorities in disregard of their obligations under international and domestic laws, and in direct violation of court orders. The forced evictions and related attacks resulted in at least 11 deaths, some or all of which may be unlawful killings, 28 people sustaining varying degrees of injuries, 17 reported disappearances, massive destruction of property, homelessness, loss of livelihoods, separation of families, and children deprived of access to education.

Amnesty International is calling on state authorities to immediately launch an investigation into the recent forced evictions and violent attacks on the residents, and hold to account everyone, including officers of state agencies, found to be responsible for the human rights violations and crimes committed. This should include appropriate disciplinary action as well as criminal prosecutions, where justified. Authorities should also ensure that all victims of forced evictions have access to effective remedies and the right to reparations, which includes restitution, compensation, rehabilitation, compensation, satisfaction and a guarantee of non-repetition.