

URGENT ACTION

92 HOMES DESTROYED, HUNDREDS MORE AT RISK

A court case seeking to stop the forced eviction of thousands in Zaria City, Kaduna state in Nigeria will be heard on 15 September. The affected residents had been given a 21-day notice after which the state was to carry out demolitions and they would be liable for reimbursing the cost. 92 houses have already been demolished, 267 more are still at risk.

The Kaduna State Urban Planning and Development Authority (KASUPDA) issued 21-day demolition notices to 267 houses in communities in Zaria City, including **Kofan Doka**, **Kofan Kibo** and **Anguwan Alkali**. The notices (seen by Amnesty International) were issued on 12 August and houses were to be demolished by 2 September. The residents of the affected area obtained an interim court order preventing the government from demolishing their houses pending the hearing of a case challenging the demolitions. The case will be heard on 15 September.

Residents say that they have not been consulted about the demolitions, and compensation and/or alternative housing has also not been provided. The notices state that the affected residents "have encroached into government land (Alhudda-hudda College) without the consent of the government". **Ibrahim Usman**, the Chairman of an association comprising three of the affected communities, told Amnesty International that some residents have been living in the area for almost 30 years. Amnesty International viewed sale of land and certificate of occupancy documents, which appear to legally recognize the residents' right to live in the particular area and that they have been living there with the knowledge and consent of local and state government authorities.

Thousands of people will be left homeless and vulnerable to a range of human rights violations if the demolitions go ahead. Residents interviewed by Amnesty International pointed out that between 10 and 42 people live in one house. Hundreds of men, women (including widows), children and the elderly have already been left homeless by the demolition of 92 houses in the **Bayan Alhudda-hudda** community in Zaria City. Some of those affected have now taken refuge in a mosque, in makeshift sheds and in the market place.

Please write immediately in English or your own language:

- Urging the authorities to stop the planned forced eviction of residents in Kofan Doka, Kofan Kibo and Anguwan Alkali and other communities in Zaria City, and ensure that legal and procedural safeguards including genuine consultation, adequate notice, and alternative housing for those who cannot provide for themselves are in place before carrying out any further evictions;
- Insisting that they provide adequate alternative housing and emergency relief – including access to food, shelter, water, sanitation, healthcare services and effective remedies – to the residents of Bayan Alhudda-Hudda whose houses have already been demolished.

PLEASE SEND APPEALS BEFORE 18 SEPTEMBER 2015 TO:

Governor of Kaduna State
Malam Nasir El-Rufai
Governor's Office
Kaduna
Kaduna State, Nigeria
Email: nasir@el-rufai.org
www.facebook.com/nasirelrufai
Twitter: @elrufai
Salutation: Your Excellency

General Manager
Kaduna State Urban Planning and
Development Authority
Mrs. Saratu M. Haruna
KASUPDA House
5, Ahmadu Bello Way
Kaduna
Kaduna State, Nigeria
Salutation: Dear Madam

And copies to:

The Executive Secretary of the National
Human Rights Commission
Professor Bem Angwe
National Secretariat
No.19, Aguiyi Ironsi Street Maitama,
P.M.B. 444, Garki Abuja, Nigeria

Also send copies to diplomatic representatives accredited to your country.

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 189/15. Further information:

<https://www.amnesty.org/en/documents/AFR44/2354/2015/en/>

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ADDITIONAL INFORMATION

The Kaduna state government is embarking on a demolition exercise to recover lands belonging to public institutions. The first phase of demolitions was carried out in Bayan Alhudda-Hudda community in Zaria, on 5 August amidst heavy rainfall, from about 8 am till 4pm. Residents of the affected 92 houses who were forcibly evicted had received only 21 days' notice prior to the demolitions. Many of the residents told Amnesty International that there were no consultations, compensation nor relocation. Many of the residents are poor and cannot afford alternative housing. Residents watched helplessly as their houses were pulled down by the Kaduna State Urban Planning and Development Authority (KASUPDA) bulldozers, accompanied by men in police and military uniforms. Kaduna State government has reportedly promised to compensate those who have been affected by the demolitions and who have genuine land title documents.

The case is the subject of an ongoing litigation: Alhaji Ibrahim Usman and 124ors V. Kaduna State Urban and Development Authority (KASUPDA) & 4ors, at the High Court of Kaduna State. The court has granted an interim order restraining the government or its agents "from demolishing or further demolishing the Applicants landed properties... pending the hearing and determination of the motion on notice". The hearing of this case was initially set for 1 September, but has now been adjourned till 15 September.

Nigeria is obliged under a range of human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, to refrain from and prevent forced evictions. The UN Committee on Economic, Social and Cultural Rights has emphasized that evictions may be carried out only as a last resort, once all feasible alternatives have been explored and only after appropriate procedural and legal safeguards are in place. These include genuine consultation with the people affected, adequate and reasonable notice, adequate alternative housing and compensation for all losses, safeguards on how evictions are carried out, and access to legal remedies and procedures, including access to legal aid where necessary. Governments are required to ensure that no one is rendered homeless or vulnerable to other human rights violations as a consequence of an eviction. These requirements apply to all evictions, regardless of the tenure status of residents.

The UN Special Rapporteur on adequate housing, an independent expert mandated to report, advise and provide technical assistance to governments on the right to adequate housing, developed the Basic Principles and Guidelines on Development-based Evictions and Displacement. The guidelines reflect existing standards and jurisprudence on the issue of evictions. According to these guidelines, Authorities and their agents should never require or force those evicted to demolish their own dwellings or other structures. The option to do so must be provided to affected persons, however, as this would facilitate salvaging of possessions and building material.

Chapter 2 of Nigeria's 1999 Constitution, Section 16 (2) (d) directs the state to ensure the provision of suitable, adequate shelter for all citizens. However, as with other provisions on social and economic rights, this falls within the Constitution's "directive principles" which are not justiciable, hence remain unenforceable in Nigeria's courts.

Name: Inhabitants of 267 houses in communities in Zaria City including Kofan Doka, Kofan Kibo and Anguwan Alkali
Gender m/f: both

Further Information on UA: 189/15 Index: AFR 44/2377/2015 Issue Date: 7 September 2015