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**PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

Mandates 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 and the Special Rapporteur on extrajudicial, summary or arbitrary executions

REFERENCE: AL Housing (2000-9) G/SO 214 (33-27)
NGA 3/2011

09 August 2011

Dear Mr. Nduka Onianwa,

We have the honour to address you in our capacities as 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, and the Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 15/8 and 17/5 and 8/3.

In this connection, we would like to bring to your Excellency's Government's attention information we have received regarding alleged **forced evictions and demolitions, in Panteka settlement in Apo district, Abuja, involving lethal use of force by state authorities**. We would also like to draw the attention of your Excellency's Government to reports received indicating that **one of the residents, Mr. Abu-Bakr Muhammad Abdullahi was killed during the evictions**.

From the outset, we wish to bring to your Excellency's Government's attention that on two previous occasions we raised similar concerns regarding forced evictions in Abuja (References: AL Housing (2000-6) G/SO 214 (33-24) NGA 6/2008; UA Housing (2000-9) NGA 5/2010). We have yet to receive your Excellency's Government's response to our previous appeals.

According to the current information received:

On 25 June 2011, hundreds of people were forcibly evicted, and their homes burnt in Panteka settlement, Apo district, Abuja. Reportedly, the Task Force on Environmental Sanitation arrived at the settlement accompanied by armed police and soldiers and proceeded to burn down the settlement structures. It is also reported that police forces shot in the air and arrested people as they tried to run away.

We are informed that one of the residents, Mr. Abu-Bakr Muhammad Abdullahi, was burnt to death whilst in his house. Reports indicate that two more people died in the course of the evictions.

Information received indicates that residents were not given adequate notice before the evictions. Reportedly, a five-day notice was given to the Chairman of the community but the evictions took place only three days after the notice. Reports also indicate that residents were not allowed to pack their belongings.

Reportedly, on 27 June the Task Force returned to the Panteka settlement, accompanied by police force and continued to burn remaining structures and other property of the residents.

We are informed that since the year 2000 thousands of people have been forcibly evicted from their homes in Abuja, as part of the implementation of the Abuja Master Plan. According to the information received, the Task Force on Environmental and Sanitation is a joint task force established by the permanent secretary of the Federal Capital Territory Administration (FCTA). The members include the Abuja Environmental Protection Board, the Department of Development Control, the National Drugs Law Enforcement Agency, the police and the military.

While we do not wish to prejudge the accuracy of these allegations, we would like to remind your Excellency's Government of Article 11.1 of the International Covenant on Economic, Social and Cultural Rights, to which Nigeria is a party, which states that "the States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including housing, and to the continuous improvement of living conditions". The Committee on Economic, Social and Cultural Rights commented the right to adequate housing in its General Comment No. 4, stressing that the right to housing should not be interpreted in a narrow or restrictive sense such as merely having a roof over one's head; rather, it should be seen as the right to live somewhere in security, peace and dignity. With "due priority to those social groups living in unfavorable conditions," the right to housing includes guaranteeing: (a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) location; and (g) cultural adequacy. The Committee also added that "the right to housing should be ensured to all persons irrespective of income or access to economic resources".

As stated in resolutions 1993/77 and 2004/28 of the Commission on Human Rights, forced evictions constitute gross violations of a wide range of internationally recognized human rights and large-scale evictions may only be carried out under exceptional circumstances and in full accordance with international human rights law. According to the General Comment No. 7:

"15. Appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions which directly invokes a large number of the rights recognized in both the International

Covenants on Human Rights. The Committee considers that the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

“16. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.”

In view of this, we wish to recall the existence of the Basic principles and guidelines on development-based evictions and displacement (contained in document A/HRC/4/18) that aim at assisting States in developing policies and legislations to prevent forced evictions at the domestic level. Your Excellency's Government may find useful in the current circumstances the sections of the guidelines that focus on State obligations prior to, during and after evictions.

With regard to the alleged use of lethal force by the police and the military while carrying out these evictions, we would like to refer your Government to the international principles and norms governing the use of force by law enforcement authorities. Article 3 of the Universal Declaration of Human Rights and article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Nigeria on 29 July 1993, provide that every individual has the right to life and security of the person, that this right shall be protected by law, and that no person shall be arbitrarily deprived of his or her life.

The Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169 of 17 December 1979) and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990), though not in themselves binding law, provide an authoritative and convincing interpretation of the limits of the use of force. In particular, article 3 of the Code of Conduct for Law Enforcement Officials states that “[l]aw enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.”

In respect of the three reported deaths, we wish to stress that “[t]here shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal,

arbitrary and summary executions” in accordance with the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Economic and Social Council resolution 1989/65, principle 9). Such investigations should clarify the circumstances of each death and shed light on the extent to which lethal force was used, and the extent, the principles of proportionality and necessity were or were not complied with.

It is our responsibility, according to the mandates entrusted to us by the Human Rights Council, to clarify all allegations brought to our attention. We would therefore greatly appreciate detailed information from your Government concerning the above situations and about the measures taken by the competent authorities. We would in particular appreciate to receive information on the following points:

1. Are the facts alleged in the above summaries of the cases accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?
3. Did appropriate consultations take place with the persons affected by the eviction ? If yes, please give the details, date and outcome of these consultations.
4. Please provide information relating to any eviction notice provided to the affected residents.
5. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case, in particular in relation to the alleged death of Mr. Abu-Bakr Muhammad Abdullahi and of two other residents. If no inquiries have taken place, or if they have been inconclusive, please explain why.
6. Please indicate what instructions law enforcement officials were given to carry out the evictions. Please clarify the extent to which lethal force was used and how this complies with the principles of necessity and proportionality as set forth in the international standards on the use of force referred to above.
7. What measures have been foreseen to ensure that the persons affected by the forced evictions and displacements will not become homeless?
8. Were the affected persons offered compensation for the loss of their houses, belongings and livelihood? If not, state the reasons for this decision. What has been foreseen in terms of relocation?
9. Please provide information in relation to legal or other remedies available to the residents allegedly affected by the evictions and demolitions and the reported extensive use of force in the Apo district.

We would greatly appreciate receiving from your Excellency's Government within 60 days the above mentioned additional information. We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

Please accept, Mr. Nduka Onianwa, the assurances of our highest consideration.

Raquel Rolnik

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

Christof Heyns

Special Rapporteur on extrajudicial, summary or arbitrary executions