

2012



# Demolishing Foundations of Peace



**SPACES FOR CHANGE (S4C)**



# Introduction

This report documents the systematic pattern of forced evictions and house demolitions in Nigeria, perpetrated by both city planners and security forces, in the name of “improving national security”. Areas inhabited by the poor are often labeled as hideouts of the dreaded Islamic fundamentalist sect, Jama’atu Ahlis Sunna Lidda’awati wal-Jihad, also known as Boko Haram, and on that basis, are punitively demolished without recourse to due process, inflaming the population of un-housed and inadequately housed persons in Nigeria. Majority of these security-linked demolitions occur in the northern part of the country where the extremist sect has its traditional base.

In addition to providing a normative analysis of the scale and consequences of punitive demolitions and the resulting displacement, this report critically examines the effectiveness of using house demolitions as a strategy for deterring terrorism in northern Nigeria. It further looks into the legal and human rights implications of the surge in state-sponsored violation of housing rights and other social and economic rights, including the right to life, property, health, family life, work, education and food. For instance, in Abuja, Nigeria’s capital city where a renewed wave of forced evictions and demolitions have resulted in massive destruction of public/private dwellings and large-scale displacement, there was overwhelming evidence showing that the evictions were executed in utter disregard of the fundamental human rights of the citizens as espoused under the 1999 Constitution of the Federal Republic of Nigeria, the African Charter on Human and Peoples’ Rights and other international human rights instruments to which Nigeria is a party. The Abuja demolitions, especially the Gosa 1 village demolitions brazenly disregarded the FCDA’s policy to provide full resettlement to indigenes.

The Federal Capital Development Authority (FCDA) continues to threaten both indigenous communities and informal settlements with evictions in furtherance of the “proper implementation of the Abuja Master plan’ and in the “interest of national security”. The settlements targeted with forced evictions are home to native farmers, firewood cutters, civil servants, and other low-income earners working in unskilled, unprotected and low-wage informal service industries and trade. The rapidity with which new housing estates are springing up in the demolished areas is also fuelling speculations that the demolitions are not unconnected with pressures from diverse economic interests involving wealthy individuals, foreign investors and corporate developers who are very keen to take over the lands of the poor.

In addition to profiling the specific impacts of the counter-terrorism and deterrence strategies employed by Nigeria’s security forces on vulnerable groups such as women, children and the youth, the report concludes with an analysis of the legal provisions that afford protection to both the evicted and those threatened with evictions. Ultimately, this report accentuates SPACES FOR CHANGE’s finding that for every home demolished, the foundations of peace are further threatened. Nevertheless, we remain optimistic that a rich mix of policy support, technical assistance and capacity building can be combined with effective monitoring to develop alternatives to forced evictions and displacements, and to promote the right to adequate housing, as outlined in the United Nations Habitat Agenda.



# Acknowledgements

Under the auspices of the organization's REPORT INJUSTICES PROJECT, this report is our own way of demonstrating the power of strategic youth action and the resulting transformation of young people into agents of change. Recognizing that the intensity of the violent terror campaign in northern Nigeria posed grave threats to effective human rights monitoring and assessment of the situation in the volatile areas, we thought about new ways to work outside of the traditional models of documentation and data collection, in order to bridge the gap in factual reporting, and analysis of both the causes and scale of displacement propelled by the terrorism and counter-terrorism interventions.

With zero funding, except sheer youthful energy, uncommon volunteerism, and shared determination to bring the extreme violence to an end, local youths and ordinary citizens came together to spearhead social change using their raw skills and tools available and accessible to them such as online resources, digital appliances, mapping techniques and the social media to undertake on-the-spot image capturing, documentation and data transfer across six northern states. In particular, the research team used their mobile phones, cameras, video recorders, text messages, camcorders, field visits and daily interactions on social networking sites, especially Facebook, Twitter and blogs to map, capture and deliver critical information regarding violent raids, house demolitions and security risks occurring in their respective communities, to designated collation points.

We strongly believe that getting citizens to take action will not only help in the development of an effective early warning system to minimize and prevent dangerous situations, but will in particular, break the status quo and, over time, lead to systemic change. We also believe that solving the problems facing our communities requires sustained action and commitment from every sector of society. It also requires the leadership, the skills and the rationale to get involved and make a difference.

On that note, we are immensely grateful to so many fine people already leading the way in their respective communities, who at great risks to their lives, and using their personal resources, played key roles in data gathering, information verification, data transfer and production stages of this report. If we join with them, our small day-to-day actions will evolve into something much larger and more significant.

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- SPACES FOR CHANGE is registered as a not-for-profit organization in Nigeria, as Spaces for Youth Development and Social Change
- Written and compiled by: Victoria Ibezim-Ohaeri with contributions from Ibrahim Mshelizza (Reuters, Maiduguri), Maina Kaigama (Maiduguri), Sadiq Mohammed (Kano), five (5) anonymous journalists, citizen reporters and a religious leader based in Jos, Adamawa, Bauchi and Maiduguri; with additional legal commentary by Bret Thiele of the Global Initiative for Economic, Social and Cultural Rights, USA
- Edited by: Ndubuisi Victor Ogwuda
- Cover Page: ©Victoria Ibezim-Ohaeri. Picture of demolished buildings in Iddo community, Abuja, FCT



## List of Abbreviations

AEPB - Abuja Environmental Protection Board

AMAC - Abuja Municipal Area Council

ACHPR - African Charter on Human and Peoples' Rights

ADCI Administrative Committee of Inquiry

AYCF – Arewa (Northern) Youth Consultative Forum

CAN – Christian Association of Nigeria

CEDAW – Convention for the Elimination of all forms of Discrimination Against Women

DIG - Deputy Inspector General of Police

FCDA - Federal Capital Development Authority

FCC - Federal Capital City

FCT - Federal Capital Territory

GOC - General Officer Commanding

GRAs - Government Reserved Areas

IDF - Israeli Defence Forces

ICCPR – International Covenant on Civil and Political Rights

ICESCR - International Covenant on Economic, Social and Cultural Rights

ICAHD - Israeli Committee Against House Demolitions

IDPs - Internally Displaced Persons

IEDs - Improvised Explosive Devices

JTF – Joint Task Force

KNUPDA - Kano State Urban Planning and Development Agency

NEMA - National Emergency Management Authority

RoE – Rules of Engagement

SSS - State Security Service

STF - Special Task Force

UAV – Unmanned airborne vehicles

UDHR – Universal Declaration on Human Rights



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## Executive Summary

Beginning from June 2011 when a suicide bomber rammed into the Headquarters of the Nigeria Police Force in Abuja, Nigeria's capital city, and detonated an explosive device that killed and injured several persons, the country's security crisis assumed a frighteningly alarming dimension, as what began as sectarian crises in the north eastern part of the country gradually mutated into full-blown terrorist activities. Ever since, no day passes without news of shootings, bomb blasts, kidnappings, gun battles and violent confrontations between Nigeria's security forces and members of the dreaded Islamist insurgency group, popularly known as Boko Haram, resulting in enormous loss of lives and properties, internal displacements and massive human rights violations. Founded by late Muslim cleric, Mohammed Yusuf, the sect is working to overthrow Nigeria's secular and constitutional order and replace it with an Islamic regime.

Since 2010, Abuja, Federal Capital Territory (FCT), north central Nigeria has been the theater of ferocious bombings allegedly masterminded by the Boko Haram Islamic sect. The bomb explosions at the Eagle Square (October, 1, 2010), the Mogadishu Cantonment Mammy market on (December 31, 2010), the Police Force Headquarters (June 16, 2011) and that of the United Nations building, necessitated the adoption of stringent security measures and military action in response to the wave of terror attacks. Among other counter-terrorism measures, the demolition of slums and informal settlements often labeled as "hideouts" stands out among the latest strategies to disrupt and deter the activities of terror organizations. The scale and intensity of such house demolitions doubled in the wake of the Christmas day<sup>1</sup> bomb blasts at St. Theresa's Catholic Church in Madalla, which claimed about 40 lives. Further aggravating this trend was the reported relocation of Kabiru Sokoto<sup>2</sup>, the helmsman of the Boko Haram sect to Abaji Area Council, on the outskirts of Abuja, where he lived with the natives and pretended to be a religious leader. Consequently, many communities predominantly housing urban poor dwellers in the FCT earned the title of "hideouts of the extremist groups", and were as such, forcefully demolished without recourse to due process.

As security conditions in the northern part of the country deteriorated, the violence spread from Borno, the traditional base of the sect to other northern states, which propelled the Federal Government to declare a state of emergency in the parts of the states of Yobe, Plateau, Borno and Niger. A counter-terrorism unit, notably the Joint Task Force (JTF) comprising mainly of the Nigerian Army and other security formations was also constituted to take over security management and help restore order in those areas. By declaring a state of emergency in those areas, security operatives were empowered to make arrests without proof and conduct searches without warrants. In unguarded exercise of power and discretion, armed security forces have attacked, burnt and demolished private residences in contravention of state, national and international due process provisions. Families who lose their homes to punitive demolitions are not given the right to rebuild their homes even after an error of the demolishing act has been established.

In other northern states of Kano, Borno, Yobe, and Plateau, security-linked demolitions are equally rampant. A July 2011 fact-finding mission to Maiduguri established that mere suspicion of harboring the sect members have consistently been used to justify arson and the habitual burning of private residences, properties and businesses of citizens. Across the northern states, buildings where improvised explosive devises (IEDs) and other dangerous weapons were found are demolished following violent military raids.

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<sup>1</sup> December 25, 2011

<sup>2</sup> According to the State Security Service, Kabiru Sokoto masterminded the Madala bomb blasts



Generally speaking, security officials perceive human rights as obstacles to effective intelligence, police and military action, resulting in the current procedures to fight terrorism in a “war” mentality. “We will continue to attack terrorists’ hideouts and destroy them” says Nigeria’s top military official, Brigade Commander, 3 Brigade, Nigerian Army, Kano, Brigadier General Iliyasu Abbah. “We take note of the fact that the sect had resorted to guerrilla-like attack of hit and run. If you uproot them from one particular place today, tomorrow, they move to another place, so, it is a very difficult battle ...”<sup>3</sup>. This admission, or acknowledgement of the nomadic character of the sect’s operations provides proof that terrorists operate from areas other than their homes, thereby casting serious doubts on both the appropriateness and efficacy of using demolitions as a counter-terrorism measure. While taking cognizance of the importance of adopting stringent security measures where necessary, the continued retention of the demolition strategy has greater potentials to inflict harm on communities, particularly where the aim is to either punish local inhabitants for “harboring” the sect members, or to deter other communities from doing so.

SPACES FOR CHANGE’s deep concern and condemnation for this military approach is premised on the finding that these demolitions are in most cases, unrelated to the activities of the house owners and occupants. Quite often, the demolitions are hinged on the erroneous belief that the demolished houses either belong to the perpetrators of terrorist attacks, or to individuals and communities supportive of the attacks, whether by planning it, or providing some sort of assistance to the terrorists. Sight cannot be lost of the fact that in most situations, local or affected people often lack capacity to represent themselves or are too afraid, ill-equipped to expel violent gangs that may take refuge in their communities. This lamentation by a landlady whose house was demolished in Jos, Plateau State Nigeria vividly illustrates the transferred aggression which security-linked house demolition represents<sup>4</sup>:

*“Do you know that my family and I were living in that house before we moved to another location because of the Jos crises? That house was our first house, but the area is a boundary area between Christians and Muslims, and since I am a Muslim, we left the place to live in a rented house. That same house was burnt down during one of the crises, and we looked for money to repair it. In fact, for a while, we left the house empty because we wanted to sell it, but people were pricing it at ridiculously low sums, so my husband was advised to rent it out till the value increases. People were offering as low as N1.5 million for that whole house, which was why we chose to hold on for a while.”*

*“How were we to know that it would come to this?...We didn’t even believe that there were Boko Haram members in Jos, let alone suspect that our tenant could be one. How do you know that someone is a criminal? How far do they want us to go in prying into other people’s affairs? We heard that people around told the Special Task Force that they should not demolish the house because the people there were not the owners and that the house was owned by a Yoruba man, yet they demolished it... the house we legitimately labored to build is now demolished”.*

<sup>3</sup> Interview on Channels TV on May 16, 2012.

<sup>4</sup> Daily Trust Newspapers, “Landlady of Thisday Bomber’s Widow Lament Home Demolishing”; Onimisi Alao and Lami Sadiq, May 23, 2012



Secondly, these types of demolitions have curiously, and in a baseless manner, justified attacks on women, children and the youth across the volatile states. Nearly all reported incidents of anti-insurgency-based house demolitions are accompanied by the unlawful arrests and detention of these categories of people, gravitating towards a veiled policy of substituting fleeing crime suspects with their wives and members of their family. "Arresting relatives of fleeing suspects is totally wrong, and constitutes a breach of fundamental human rights of the arrested persons", says Monday Agbonika, a senior officer of the Nigerian Police Force. This practice rests on the assumption that such arrests would provoke the suspect to come out of hiding. Mindful of the illegality of transferring guilt to another person, police officers and security operatives often attempt to establish complicity or accuse the arrested persons of conspiracy in the alleged crime<sup>5</sup>.

Thirdly, there is no evidence showing that house demolitions effectively deter terrorist groups. Instead, evidence shows that the counter-terror demolitions increase local population's support for terrorist groups, while fuelling hatred and animosity towards security forces. SPACES FOR CHANGE's regular feedback from, and interactions with residents of Maiduguri communities (Budum, Kaleri and Gomari) that have been the locale of fiery security invasions reveal that the greater the force employed by the JTF in the areas designated as military targets, the greater the sympathy affected communities have for the Boko Haram sect, to the extent that majority of locals are hesitant, or unwilling, to provide information to security operatives about the hideouts and activities of the sect members. Consequently, absolute mistrust, suspicion, and fear characterize the relationship between the security operatives and the civilian populations in the volatile states, undermining intelligence undertakings that would lead to the definite identification and extirpation of the sect's members and activities.

Fourthly, the absence of initiatives and mechanisms for weighing the human rights effects of security measures in terms of proportionality and necessity is also compounding the crisis. Because the intensity of the bloodshed and killings have succeeded in scaring away the media, the civil society and other independent watchdog interventions from reaching conflict areas, the highhandedness and human rights violations associated with both the heavy militarization of these states remain largely undocumented, unreported and unchallenged. Not only that, security forces are usually unwilling to release often classified information and micro-level data on terror attacks and counterterrorism operations as would enable an independent evaluation of the deterrence effects. As a result, evaluating the effectiveness of house demolitions in particular, and counterterrorism in general, has been severely hindered.

Fifthly, both the terror campaigns and counter-terrorism actions have provided justification for the criminalization of the youth populations living in the slums of the volatile communities and states, while encouraging the continued exclusion of the youth in local governance and public-decision-making. Not only have the youths comprised the highest number of both military and civilian fatalities, the attendant crippling of social and economic activities have drastically limited their access to education, and totally destroyed their sources of livelihood. Clearly more and more, discussions are gradually moving away from addressing the root causes of the crises, including the trigger factors that draw the youth into criminal and extremist activities, but rather, political emphasis has been placed on lesser important matters that play no roles in facilitating peace-building and conflict resolution as manifested by the latest calls for increased revenue allocation to northern states.

At present, North East Nigeria is the most dangerous place in the world to be a youth, especially a male teen. From Borno, to Kano, Jos, and Bauchi, young people have been disproportionately targeted with violence. Slum

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<sup>5</sup> Interview with Monday Agbonika: Divisional Police Officer of Adeniji Adele Police Station, Lagos Island, Lagos. May 29, 2012



neighbourhoods and other areas<sup>6</sup> with very high concentration of youth populations are often criminalized, and on that basis, raided repeatedly under the cover of manhunt exercises for Boko Haram members. Frequent house-to-house searches conducted without warrants, often serve as preludes to demolition exercises, followed by indiscriminate arrests or shootings of young people.

Explaining the linkages between youth restiveness and the frequent violent raids and attacks on the youth, the psychological effects of the siege remain evergreen on the minds of young persons witnessing the violence, says Yerima Shetima, Chairman of the Arewa Youth Consultative Forum (AYCF). "As was seen in the Niger Delta massacres, kids who witnessed the killing of their parents and loved ones grew up in anger and embraced militancy as a means of expressing their anger. Government forces must adopt more civilized approaches in fighting the insurgency, to avoid a repeat of the Niger Delta militancy in the north", he said.

Lastly and most importantly, punitive house demolitions frustrate gains made towards closing Nigeria's housing deficit currently towering at about 16 million housing units. It clogs the wheel of progress in multi-sectoral efforts aimed at improving the housing stock in a sustainable fashion. Also, the hasty demolition of the homes of suspected terrorists and suicide bombers without a prior establishment of guilt is equivalent to pronouncing guilt and inflicting punishment on the buildings rather than on the suspects. To worsen the situation, terror-linked house demolitions are totally shorn of counterpart arrangements, policy and strategy for tackling homelessness when the poor are pushed out *en masse* from their abodes in the name of security. It is timely to comprehensively evaluate the social, economic and cultural impacts of this practice.

Also, we emphatically affirm that house demolitions negate the constitutional right presuming the innocence of an accused, until guilt is established. This presumption is a fundamental right accorded, both in national and international law, to anyone who has been charged with an offence, regardless of what type of proceedings are involved. Demolishing the homes of suspects is tantamount to usurping the power of the courts to pronounce guilt on suspects and persons accused of terrorist activities.

We conclude on the note that anti-terror house demolitions and the accompanying evictions constitute major violations of the right to adequate housing enshrined in several standard-setting human rights instruments voluntarily ratified by the Nigerian government. In particular, Nigeria is party to, and bound by the International Covenant on Economic, Social and Cultural Rights, which explicitly guarantees the right to adequate housing. Both the Nigerian Constitution, the African Charter and international law provide guarantees of property rights, and expressly prohibit the forceful takeovers and destructive interventions, which the security-linked house demolitions typify. Through these demolitions, the Nigerian authorities, through the city planning and security agencies, have grossly violated national and international law which obliges the government to guarantee appropriate procedural protection and due process, and adequate alternative housing, resettlement, or access to productive land.

While acknowledging the bravery and commitment of the Nigerian security forces toward containing the mounting insecurity and fundamentalism witnessed in the northern part of the country, concrete steps must be taken to integrate respect for human rights into their engagement strategies, peacekeeping and peace-building efforts. Most importantly, strengthening respect for human rights is a critical step towards the re-establishment of a climate of peace in the northern region.

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<sup>6</sup> Areas around Lawan Bukar, Abbaganaram, Kofa biyu, Budum and Kawarmaila are termed as dangerous places.



## Methodology

We had no prior plans to conduct this study. This report was prompted by the regular complaints, frequent requests for legal assistance, and eye-witness accounts we received from local youths in Maiduguri, Kano and Jos regarding the surge in house demolitions perpetrated by members of Nigeria's security forces deployed to quell the wave of bombings and terrorist activities in Northern Nigeria. Building on the bonds of solidarity and cordial relationships developed among members of SPACES FOR CHANGE on FACEBOOK social networking site, we established information collation points in Maiduguri, Plateau (Jos), Bauchi and Kano States, through which we received eye witness reports and weekly updates mainly from state house correspondents, community and religious leaders, local community representatives, youth leaders and ordinary citizens united by the passion for peace-building and social change. A formal documentation of these frequent updates began in February 2012.

We received oral, written and text message testimonies from displaced persons, including owners of demolished houses; victims of violent raids and attacks on private homes, churches, mosques; relatives of unlawfully arrested and detained persons in Bauchi, Borno, Kano, Adamawa and Jos. Further interviews and testimonies by the representatives of Christians bodies in Adamawa and Borno, local imams, students of Quranic schools, school teachers, youth corp members, journalists, artisans, local farmers, youth leaders, government representatives, non-governmental organizations helped to broaden the scope and depth of our assessment. We did not gather information on the general situation of violence in North Eastern Nigeria, except insofar as it is related to punitive house demolitions and forced displacements. In keeping to the tenets of confidentiality, this report fully respects the privacy of various contributors who wish to remain anonymous.

To fully understand the rationale for this demolition-friendly counter-terrorism tactic, and to communicate the concerns of affected populations to both security and planning authorities, SPACES FOR CHANGE used a variety of means, not limited to telephone exchanges, electronic correspondences, physical meetings and field visits to engage key officials of the Joint Task Force, urban planning departments, media experts and representatives of Muslim, Christian associations and political leaders. At these engagements, we demanded explanations for the demolitions, while illuminating the Nigerian government's obligation under wide-ranging standard setting instruments, to ensure that the security arrangements and city planning interventions do not result in further discrimination and human rights abuses against those who are supposed to benefit from them. We also took further steps to assess the extent to which these security responses in general, align with the state's obligation to realize the housing rights of all persons living under its jurisdiction.

Between May 3 and May 5, 2012, we conducted a mission to the Federal Capital Territory, Abuja to document the demolitions and forced evictions executed in both indigenous villages, and informal settlements along the Airport Road. The mission witnessed the Iddo Sariki demolitions and interviewed very large gatherings of evicted shop owners, women, youths, children who shared fairly uniform accounts of the evictions. We provided evictees with on-the-spot legal counseling, compiled documentary and material evidence, and then followed up with meetings with the city planning authorities. A campaign for resettlement and compensation pursuant to FCT's resettlement and relocation policies was also launched.

Another visit to the FCT on May 13-15, 2012, and brief visit to Jos (15/5/12) enabled the mission to assess first-hand, the effects of house demolitions on the daily lives of victims. The mission met with despondent men, women and children living in abominable conditions, totally stripped of their sources of livelihoods, with spiraling effects on a wide range of civil, political, social and economic rights such as food, health, education, work and family life.



We compiled, systematized and analyzed information gathered from different sources. We examined a variety of documents, portals, web pages and news reports that show how the intensity and spread of the terror campaign, and the official responses to them have continued to worsen Nigeria's housing deficit. Although there is insufficient empirical evidence to prove that housing demolitions does not have any deterrence effects, some data presented in this chapter, nevertheless, indicate that this should not prevent people from taking quick action, in pushing for a review.

Our assessment of the housing human rights situation in northern Nigeria is not exhaustive. Despite finding overwhelming evidence of the government's failure to respect, protect and fulfil its housing rights obligations, additional research and systematic data collection will be required to enable a full and comprehensive evaluation of the deterrence capabilities of house demolitions. We hope that this synthesis of field mission findings, eye witness accounts, media resources, whistle blowers' updates and citizen reports will help readers, especially policy makers and security agencies to understand the dangers posed by security-linked demolitions, and its potential to jeopardize Nigeria's efforts to close its rapidly-increasing housing deficit.



### About the Islamist group: *Jama'atu Ahlis Sunna Lidda'awati wal-Jihad* (Boko Haram)

Boko Haram is a Hausa phrase which literally means, "western education is forbidden or sinful". The phrase is often used to refer to the Bornu-based Islamic sect, *Jama'atu Ahlis Sunna Lidda'awati wal-Jihad* which in Arabic means "People Committed to the Propagation of the Prophet's Teachings and Jihad". Founded by late Muslim cleric, Mohammed Yusuf, the sect is agitating for the imposition of Shariah law in the northern states of Nigeria. The group's leadership structure, operational direction and chain of command remain largely undefined or unclear to non-members.

During his lifetime, Mohammed Yusuf preached against the societal ills perpetrated by the ruling class against the impoverished populations. As a result, his preaching was popular among the poor and unemployed who were in the majority. He embarked on a deliberate policy of empowering his followers by buying and distributing motorcycles and small Golf Volkswagen cars for them which they used to operate *okada* and taxi within local routes in the state. Because of the empowerment scheme of the late Yusuf, he attracted many young people comprising mostly youths, *okada* riders, taxi, drivers, truck pushers and artisans to join the sect's membership. Although there is no statistical data to ascertain the proportion of the population that are members, it remains incontrovertible that many residents who are not active members have sympathy for his cause.

Within a very short time, Yusuf's followership blossomed. His followers were fanatically loyal to him and regarded his word as law. It was not therefore, difficult for him to amass a large body of foot soldiers when he decided to confront the government by resort to force of arms. Members of the sect brazenly flouted state laws and regulations, including the wearing of crash helmets by motorcycle operators as required by law. Their deliberate contravention of state laws and constant challenge of constituted authority drew the ire of law enforcement agencies in the State, particularly the State's special anti crime squad, named, Operation Flush resulting in many violent clashes that claimed the lives of many of his men.

Aggrieved by the killings, family members and sympathizers of the slain sect's members also found reason to join the sect in order to exact revenge on security forces. By the time the sect set out on a brutal vengeance mission in July 2009, it had garnered more than enough foot soldiers that gather information on would-be targets particularly members of the security forces, village heads and Islamic clerics who oppose their extreme views. As such, they were able to attack with precision and deadly accuracy employing AK 47 rifles as weapons of choice, and motor bikes as favored means of mobility.

Following Yusuf's brutal murder in the custody of the Nigerian Police Force at its headquarters in Maiduguri, members of his sect regrouped with more ferocity, unleashing a reign of terror and bloodletting that has traumatized residents, grounding social and economic activities in many northern states. Initial attacks were targeted at state institutions and security agencies, but have now been extended to police stations and personnel, government officials, markets, educational and religious institutions. At the beginning of these attacks, the use of AK-47 rifles and other dangerous weapons like machets, daggers, bow and arrows were common. Early 2011 saw the introduction of improvised explosive devices (IEDs) or home-made bombs, which intensified with the ban on the use of motor bikes in the state. The IEDs are usually planted near locations where security operatives are stationed whenever they move out on patrol, or thrown at patrol vehicles. Sometimes they are planted on median divides or roundabout locations and other important junctions.



## CHAPTER ONE

### Renewed Demolitions in Abuja, Federal Capital Territory (FCT)

Recent demolitions carried out by the Federal Capital Development Authority (FCDA), the Abuja Environmental Protection Board (AEPB) and security agencies have affected homes, schools, clinics, churches, mosques, and businesses without adequate consultation with communities, and without providing adequate notice, compensation, or adequate resettlement, resulting in the massive displacement of tens of thousands of people. From Gosa 1 village to Iddo, Kpaduma, Gishiri, Bassa Jiwa, to Galadimawa, the homes of both indigenes and non-indigenes have been demolished leaving thousands without shelter and sources of livelihood. Makeshift pads built on uncompleted plots as well as some carwash centers, shops extensions<sup>7</sup>, and drinking joints located so closely to strategic areas were pulled down, in a disquieting manhunt for Boko Haram members. In this connection, the term, “improving security measures” now provides an additional veil for lands often taken in this manner to be handed over to private property developers covetous of pricey lands of poor rural dwellers.

Authorities of the FCDA have drawn a distinction between the FCT and the Federal Capital City (FCC) with the former occupying approximately 8 000 square kilometers (km<sup>2</sup>), while the latter constitutes just about 250 km<sup>2</sup><sup>8</sup>. Under the Master Plan, all indigenous villages within five kilometers of the area intended for the Federal Capital City (FCC), as well as several areas of support, including “the game reserve area; the reservoir watersheds; the plains areas adjacent to the Capital City containing the airport; and the key access points to the Federal Capital Territory” were therefore to be resettled in other areas of the FCT or in the neighboring states of Nigeria, such as Niger, Plateau and Kwara<sup>9</sup>.

Residents of FCT are broadly classified into indigenes and non-indigenes/settlers/squatters. The indigenes are the original inhabitants of Abuja whose communal occupation and landholding predates the establishment of Abuja as the Federal Capital, while non-indigenes refer to those who migrated to the city after the post-capital era. With a staggering influx of migrants to the FCT without counterpart investment in the provision of basic infrastructure and services, combined with the lack of access to land, insecurity of tenure and sharp practices in the land titling regime, all these combines to fuel the exponential growth of informal/squatter settlements across the metropolis. The segregation between indigenes and non-indigenes is consistent with a systematic pattern of discrimination in the compensation, resettlement benefits and related arrangements, which have deliberately excluded non-indigenes.

#### The Abuja Master Plan and Forced Evictions

Between 2003 and 2007, an unprecedented scale of forced evictions was witnessed across the FCT, pursuant to an Orwellian urban beautification program fanatically anchored on the restoration of the Abuja Master Plan, launched by the former Minister of the Federal Capital Territory, Mallam Nasir El Rufai. Justifying the demolitions, city authorities claimed that the evictions formed part of efforts to correct distortions to the original Abuja Master Plan, through a stricter implementation regime<sup>10</sup>. The Master Plan-induced forced

<sup>7</sup> In Galadimawa, about 25 buildings, including structures with additional protrusions in front of their shops were demolished by the FCDA authorities in March 2012.

<sup>8</sup> SERAC Meeting with Dr. Festus Esekhiile, FCDA’s Director of Resettlement and Compensation on May 11, 2011

<sup>9</sup> Myth of the Abuja Master Plan @ 22

<sup>10</sup> The then Federal Military Government of Nigeria approved the Abuja *Master Plan*, designed by International Planning Associates (IPA)



evictions gained irresistible momentum between 2003 and 2007 as land values exploded, and policies were introduced to induce poor residents to the peripheries and satellite cities that sucked even more population. During that period, an estimated 800,000 people were evicted and displaced when their houses, homes, businesses, schools, worship centers, hospitals, ancestral shrines and farmlands were demolished by the city planning authorities.

26 BUSINESSDAY | Tuesday, February 9, 2010 | www.businessdayonline.com

**Homes & Property**

## FCDA to demolish Lugbe settlement February 28, 1.7m residents affected

### • Rules out resettlement plan for non-indigenes

Jaiye Ekerolere

In the name of masterplan, another round of demolition is imminent in the Federal Capital Territory (FCT) as residents of Lugbe, a suburb of the FCT located along the Nnamdi Azikiwe International airport road, will on February 28, this year watch their houses come under the nose of bulldozers from the FCT's Department of Development Control as deadline given to them to relocate expires. No fewer than 1.7 million residents of the area would have been rendered homeless in the exercise.

Alhaji Hamza Madaki, the FCT Deputy Director Department of Development Control, penultimate week threw this bomb shell at Lugbe. According to him, the FCT Act of 1976 did not envisage the influx of non-indigenes into these suburbs and are therefore not entitled to relocation after being victims of demolition.

According to Madaki, "integration is not on the card of FCT administration at the moment because actually, according to the Master Plan there is nothing like integration. The Master Plan stipulates that those indigenes who stay here are the only one law recognises as enshrined in the FCT Act of 1976 that these are the only people the FCT met here therefore it owes them a duty to resettle them whenever it is taking over their land for any government programme. But the issue of relocation is something that came later because quite contrary to the expectation of the Master Plan, a lot of other people joined the indigenes and you have two set of people. The first set is the one law recognises and makes provision for their re-resettlement. The second set are people that were not envisaged by the Master plan and are not part of the law to be resettled as well as not entitled to enjoy those benefits".

Abuja, the administrative seat of Nigeria has been characterised by high rental values and daily influx of people since 1991 when the federal capital seat was moved from Lagos. Successive administrations in the city have however failed to develop mass housing that would take care of low income earners and civil servants who form the bulk of residents in the city.

Faced with the reality of high rents and the need to rest their heads and also shelter their families, most residents in Abuja who are now being referred to as illegal squatters by the FCT administration resorted to co-habit with those referred to as Abuja indigenous settlers, building their houses among them. But more often than not, since the era of former FCT Minister. Malam Nasir el-Rufai who popularised demolition of houses in Abuja.

*Continues next page*



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"Designed to provide long-term guidance for the orderly implementation of the new Capital City", the Abuja Master Plan provides a general framework for development planning, for coordinating land use, transportation, housing services and other infrastructural facilities in a manner that was cost-efficient and recognized their inter-relationships<sup>11</sup>. Despite having a 25-year-plus focus requiring the plan "to recognize changes and uncertainty by making provisions for foreseen growth and transition, as well as unforeseen events", town planners in Abuja have neglected, failed and or refused to explore other alternatives to forced eviction nor adopt more practical solutions for addressing the astronomical housing shortage in the city. They are ostensibly, influenced by the view that Abuja was created as an opposite to Lagos and needed to be preserved from the processes of change, informality and complexity that dominate Lagos, Nigeria's former capital city.

<sup>11</sup> International Planning Associates, *The Master Plan for Abuja the New Federal Capital of Nigeria*, (1979), p. i.



The Master Plan provided a policy for the resettlement of indigenes that may be affected by the anticipated city development interventions. The resettlement policy involves the provision of housing at the indigene resettlement schemes, compensation for their land and infrastructure, and the provision of adequate farmland. In keeping with the resettlement policy, sparing the homes of indigenes - pending the enumeration of residents, preparation of a resettlement site, and the eventual transfer to their new homes – was commonplace during the previous demolition regime (2003-2007). On that basis, indigenes of several rural communities along the International Airport Road such as Galadimawa, Chika, Alieta, Kabusa, Kuchigoro and Lugbe had survived the brutal demolitions and onslaught of forced evictions that swept through the FCT between 2003 and 2007 when Nasir El-Rufai held sway as the Minister of the Federal Capital Territory. As the demolition exercise in Gosa 1 village - which affected mostly indigenous populations - has shown, this policy has now been smeared with implementational inconsistencies and somersaults, casting doubts on its capacity to protect indigenes from infractions on their land tenure and forced evictions.

Confusion, claims and counter claims becloud the issue relating to the length of notice given to the residents, whether indigenes or non-indigenes. In sharp contrast to the various evictees' accounts across the demolished communities, the FCDA insists that notices were served, over a year ago, in some cases. SPACES FOR CHANGE studies on the pattern of forced evictions in Nigeria establish that notices are often as short as one week. While government officials usually claim that longer notices were issued, the evictees, in most cases, receive such notices only a few weeks or - even days - to their deadline.

### **The Abuja Indigenes**

Mostly affected by the land dispossessions are indigenous communities situated along the International Airport Road. The indigenes, mostly of Gbagyi origin are reputed for their farming prowess. Today, the only goldmine they have: their farmlands, has been taken away without due compensation and handed over to rich property developers and powerful economic interests, effectively dispossessing them of their sources of livelihood. The famed tranquility that previously pervaded these indigenous settlements have most recently, metamorphosed into intimidation, apprehension and fear of total annihilation by the massive physical developments closing in on them. The congestion in the city center, combined with the ongoing massive road construction and dualization works along that corridor further makes communal lands attractive to property developers and investors.

Promises of resettlement to more distant locations in Wasa – located in the distant outskirts of the city - remain unfulfilled as the lack of political will and resource constraints conspire to make the FCDA's resettlement policy un-implementable and unrealizable. The resettlement program provides a three-pronged package comprising compensation, a fully constructed house and a complementary farmland. It also requires in principle, that movement of the populations and the accompanying land deprivations can only be enforced post-resettlement of indigenous populations<sup>12</sup>. However, compensation remains unpaid just as promised houses have neither been built nor handed over to their beneficiaries. Farmlands have not been acquired let alone delineated, but yet, the dispossession of communal lands and deprivation of livelihood sources have been rife despite the official acknowledgement of severe financial and resource-related limitations frustrating the implementation of the resettlement program.

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<sup>12</sup> Meeting with Dr. Festus Esekhole, FCDA's Director of Resettlement and Compensation on May 11, 2011



Widespread calls for integration by indigenous community leaders and representatives have been ignored or rejected outright, denying locals of their right to propose alternatives as required by law<sup>13</sup>. Community concerns about imminent loss of identity and cultural heritage have not been taken seriously. Historical relationships in which indigenes and other community representatives have always been tokenized have seen officials reluctant to engage communities in meaningful and culturally appropriate ways. As a result, the perspectives of local populations are almost never sought or taken seriously in the conception, planning, and implementation of developmental programs and initiatives that bear directly on their welfare. Within this context, the United Nations in 2008 adopted the Declaration on Indigenous Peoples<sup>14</sup>. Even though still controversial, the Declaration marks the first natural step towards encapsulating the traditional cultural beliefs, practices, values, institutions and systems into the paradigm of development. Therefore, development becomes so when pursued in tandem with respect for peoples' basic aspirations including cultures and traditions.

Although the FCDA authorities acknowledge the fact that mistakes have been made, especially as regard the quality of engagement with communities, there is yet to be seen any serious effort or attempt to reverse the self-identified anomalies by responding to the needs and circumstances of communities through a diversified range of support measures which are able to accommodate their concerns for adequate shelter, access to socio-economic opportunities, preservation of identity and community support networks, defense of ancestral and cultural heritage.

It is instructive to note that most of the indigenous communities relied on communal efforts to build up and maintain other infrastructural services. Residents and the locals constructed internal roads themselves, and they maintained their roads by grading and sand-filling them. Since the government failed to provide any water treatment facilities, they dug wells for their main source of water, as well as collected rainwater. Their water supply was not filtered or treated. Lacking sewage disposal and treatment facilities, some used the pit-latrline toilet system, while others used the bucket method.

### Gosa 1 Village Demolitions

*"I was born and raised in this community. The soldiers destroyed my home, my small shop ....everything. That is why I am living under this tree with my grandchildren. I feel so much pained that I am now living like a refugee in my homeland". - Mama Hauwa Dangana, 78*

Gosa is one of the indigenous communities located along the Airport Road, with the indigenes' occupation of the land predating the creation of FCT. In addition to being a theater for state-private collusion to further deprive the citizens of their landholdings and entitlements, Gosa raises a third problem of how security enhancement programs of government are being exploited and hijacked by state actors to exacerbate the already substandard living conditions in informal communities.

<sup>13</sup> Article 38 of the Basic Principles and Guidelines on Development - Based Evictions and Displacement

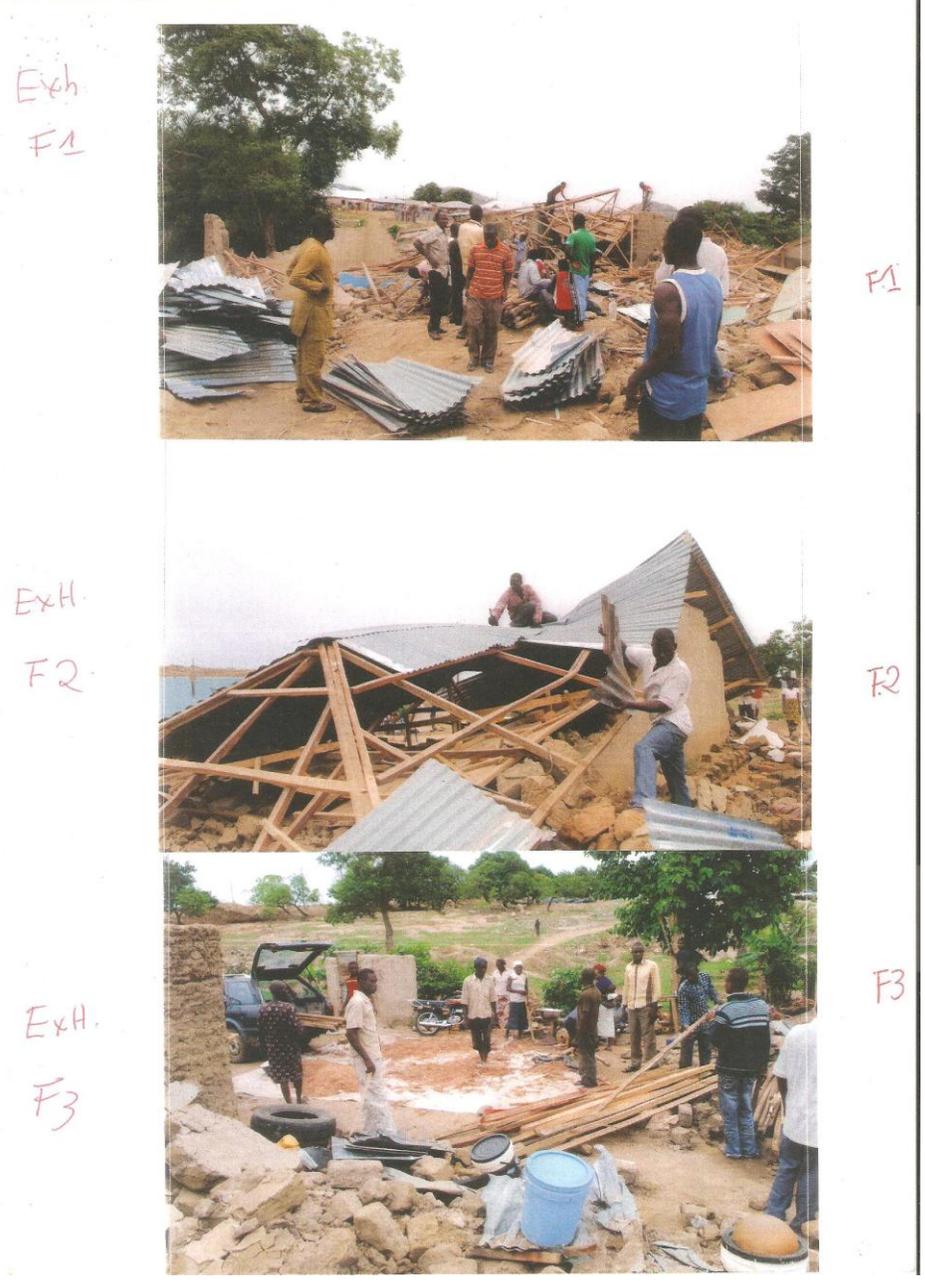
<sup>14</sup> Declaration on Indigenous Peoples: [www.unhchr.org](http://www.unhchr.org)



Gosa inhabitants are predominantly native farmers, firewood cutters, petty traders and low-income earners working in unskilled, unprotected and low-wage informal service industries and trade. As with other indigenous communities along the Airport Road – such as Chika, Alieta, Galadimawa, Kabusa, Lugbe, Pyakasa, Piwoyi – their relatively low cost of living and proximity to the city centers made them magnets for migrants coming to the Abuja area. Aside the historical harmonious co-existence among its multi-religious populations, crime rates are notably low, making it difficult to rationalize fears of an imminent infiltration of the community by members of the Boko Haram sect.

On April 26, 2012, over 100 ancestral homes, businesses, churches, mosques, schools, farmlands, crops, shrines and important cultural relics belonging to indigenous Gbagyi farmers and low-income families were demolished on the orders of the FCDA and the Nigerian Police Force. Buildings of different types and sizes ranging from 2 -3, 4 bedrooms and single rooms inhabited by an estimated 100 families: both natives and non-indigenes were all reduced to rubbles. The demolitions were carried out without adequate prior notice, without adequate consultation with affected persons, without payment of compensation or provision of alternate shelter, rendering several families including children, the youth, women and the aged, homeless.

Sometime around April 17, 2012, some persons believed to be FCDA officials in the company of police officers stormed the community in trucks and other vehicles, inspecting and traversing the community and environs. They marked all houses in a section of the community for demolition, warning residents to vacate the area. Interviews with a number of evictees showed that the locals were very unclear about the identity of the “visitors” that marked their homes. Apart from that visit, no meaningful consultations



were held with residents, no notices were served on the people until three days later when the demolition squad arrived and flattened all the marked structures.

Amidst the heightening tension and palpable fear that enveloped the community, the traditional ruler of the community, the local government chairman and local youths all made frantic efforts to save their community from the jaws of the bulldozer. Almost swiftly, the traditional ruler<sup>15</sup> visited the Development Control Department of the FCDA to inquire if they had authorized the demolitions<sup>16</sup>. It was there that he learned that their communal lands have been acquired for the purpose of building a residential barracks for mobile police officers. His demands for a reconsideration of the demolition plans based on their indigenous status, as well full compliance with the FCT resettlement policy were rejected. As part of efforts to avert the demolitions, the local government chairman<sup>17</sup> intervened and personally appealed to the FCDA and the Abuja Municipal Area Council (AMAC) authorities to extend the demolition date to enable locals make alternative housing and storage arrangements.

Two days later, (April 19, 2012), bulldozers and other earth-shaking equipments were stationed in the community in preparation for the demolitions. Apprehensive of the imminent demolitions, local youths in their tens and hundreds staged protests and barricaded the entrance to their community, effectively preventing the demolitions from taking place that day. They sang and chanted songs, demanding respect for their human rights to live in peace and dignity. Stunned by the rapidity with which their nightmare was turning into hideous reality, the chief and community representatives also instructed a local lawyer<sup>18</sup> to file a lawsuit on their behalf to challenge the scheduled demolitions and enforce their fundamental human rights. All of these efforts could not save the community from being destroyed.

Then on the morning of April 26, the demolition squad comprising mainly of heavily armed soldiers of the Nigerian Army and officers of the Nigerian Police Force returned with greater vigor, force and battalion. They swung into action within seconds of their arrival. Majority of the locals had gone to farm or workplaces only to return to meet their homes completely flattened. A few were able to dismantle some building parts such as roofing sheets, doors, windows, and burglary proofs. Only a primary school built AMAC was spared, which now serves as temporary shelter for some of the evicted families. Several days after the demolitions<sup>19</sup>, scores of families continue to sleep in the open, near the ruins of their demolished homes because "they have nowhere else to go", and cannot afford the soaring rental costs in the city. While it is difficult to estimate the number of displaced persons, an average household comprises 10-15 people on account of the prevalence of polygamous families.



The soldiers used extreme force in carrying out the demolitions. Some local youths who protested against the demolitions of their community were tear-gassed, arrested and detained, until the village head, and the local government chairman, intervened and secured their release. The demolition squad mounted a signpost after the violent demolitions, warning indigenes to keep off from the land.

<sup>15</sup> Meeting with traditional ruler of Gosa 1 village, Chief Micah Wakili on May 5, 2012

<sup>16</sup> The traditional ruler met with District Officer, and Public Relations Officer at Development Control. During their conversation, the District Officer received a phone call by the Deputy Inspector General (DIG) of Police from the Nigeria Force Headquarters. In that call, the DIG gave him marching orders to quickly conclude the clearing of the site and make it available for immediate possession and occupation

<sup>17</sup> Hon. Micah Jibah, Chairman of the Abuja Municipal Area Council (AMAC)

<sup>18</sup> Mr. Panya Baba, Lamilo Chambers

<sup>19</sup> SPACES FOR CHANGE visited the community 10 days after the demolitions.



## Untold Suffering, Agony, Tears Trail the Evictions

The term “forced evictions” is defined 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. Owing to the interrelationship and interdependency which exist among all human rights, the practice of forced evictions frequently violate other human rights such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possession. Evidently, the demolition of indigenous villages located along the Airport Road in Abuja, Nigeria’s Federal Capital Territory (FCT), including other demolition exercises targeted at non-indigenes continuing unabated in informal settlements across the Abuja metropolis, has triggered gross human rights violations, with spiraling effects across sectors.



declined to offer shelter to displaced non-indigenes.

The mission found aged women, gloomy children, desperate mothers and seemingly helpless youths clustered in different corners of the demolished areas, ostensibly near the ruins of their former homes. Debris, abandoned properties: mattresses, pillows, electronic gadgets, roofing sheets, plastic buckets, cooking utensils were heaped in various corners. A number of the evicted either sought refuge in the undemolished section of the community or were squatting with relatives in some other parts of the city. Those who stayed back lamented that they had nowhere else to go. SPACES FOR CHANGE could not verify allegations that the indigenes



Some of the evictees have faced multiple evictions. A local resident, Yomi Emmanuel, 32, taxi driver narrated how his home was demolished in Gosa in April 2012, forcing him to move into his brother's house in Iddo, also along Airport Road. Some weeks later, his brother's house<sup>20</sup> was again demolished, rendering him and his family of three homeless. He now "lives" in his car, and sleeps wherever he finds parking space at night. Some other evictees, especially the children and youth populations were disproportionately affected by the evictions. Miss Onyeka Ani, 24, hairstylist was among those living in the open despite her pregnant state. "This is the third time our home will be demolished", she told SPACES FOR CHANGE. Her hairdressing salon was also demolished. Having lost her home and source of livelihood, she was seen playing games under a tree with her partner, totally unsure of what to do next. In her words, "I have nowhere else to go, and cannot afford rental accommodation in the city center".

5-year old Veronica, spotted in her partly-torn school uniform lamented her inability to continue her education. Together with her grandmother and sister, they live in the open, and seek shelter in the nearby primary school when it rains. Mohammed Dangana, 48, also lives in the open with his wife and 4 children. "We just want a roof over our head, and nothing more", he told SPACES FOR CHANGE.

The inadequate notice also prevented the residents from organizing alternative storage for their belongings, resulting in the loss and destruction of unquantifiable amounts of personal property. Meanwhile, as was witnessed in Iddo village, looters and hoodlums also seized the opportunity of the chaos and confusion to steal the evictees' private property. In addition, the educational deprivation propelled by the evictions is profound. Many students dropped out of school due to loss of income of parents or guardians resulting from the evictions. Some who were able to afford the cost of education will nonetheless, still miss academic term(s) in the course of changing to new schools.

The eviction stripped many evictees, especially young artisans and entrepreneurs of their sources of livelihood, and also forced them to relocate into far-flung areas that made commuting to their old jobs and businesses near impossible. From the office workers to the farmers, evictees had depended on their proximity to the city center for a living. The increased distance from these important central areas increased their transportation costs, and many were forced to either give up their previous jobs or to live apart from their families in order to keep their jobs.

Deeply pained by the demolitions, his unlawful arrest and detention on demolition day, the community youth secretary<sup>21</sup> observed that the community's losses are incalculable just as the accompanying human rights violations are egregious. He faulted the wave of demolitions across the FCT premised on "ridding the FCT" of crime because most of the demolished villages have the lowest crime rates. Most objectionable is that the demolished areas, and their farmlands are transferred to private developers who build residential estates that are beyond the reach of the poor. The recent demolition exercise shorn of resettlement and compensation plans, adds to the list of land takings on indigenous lands belonging to the indigenes of Gosa community.

It is evident that site clearing and road grading works have considerably affected subsistence farming, impelled the removal of vegetation and habitat, and tampered with livelihood sources. Not only that, serene local lifestyles has lost its wholesomeness, while the increased developmental activities have precipitated changes to local customs and norms causing social tensions and impacting on traditional institutions. Even as housing developments sprout up with astonishing speed in and around their locality, their obvious inability to afford

<sup>20</sup> SPACES FOR CHANGE visited the demolished communities in Iddo on May 5, 2012

<sup>21</sup> Interview with Josiah Micah. Abuja. May 5, 2012



those houses is fuelling feelings of exclusion among inhabitants. For instance, in one of the estates<sup>22</sup> where houses are currently up for sale, the prices for a 5-bedroom duplex and 3-bedroom flat ranges from One Hundred and Twenty Two Million Naira (N122,000,000) and Thirty Five Million Naira (N35,000,000) respectively. As the breakdown below illustrates, the renewal of suburban areas has become focused on commercial and high-income residential property redevelopment.

| S/No | Description                             | Name       | Price       |
|------|---|------------|-------------|
| 1    | 5 Bedroom Duplex                        | Monarch    | 122,000,000 |
| 2    | 4 Bedroom Duplex                        | Senator    | 98,100,000  |
| 3    | 5 Bedroom Duplex Semi-Detached          | Ambassador | 97,500,000  |
| 4.   | 4 Bedroom Terrace House (2 units block) | Executive  | 64,500,000  |
| 5.   | 4 Bedroom Terrace House (3 units block) | Executive  | 59,500,000  |
| 6.   | 4 Bedroom Terrace House (4 units block) | Executive  | 57,200,000  |
| 7.   | 3 Bedroom Flat                          | Deluxe     | 35,610,000  |

### Other Demolitions in the FCT

If the recent pattern of demolition and forced evictions in the FCT is anything to go by, perception is growing that the FCDA may have abandoned its relocation policy introduced sometime in 2005 for the benefit of non-indigenes affected by the demolitions. Under that policy, evicted non-indigenes are granted access to a plot of land measuring approximately 500 square meters in relocation sites located on the outskirts of the city, upon the payment of stipulated fees. Recipients of such lands are required to build houses that conform to specific prototypes and planning regulations within a two-year period or lose their rights to the relocation plot. As the recent demolitions documented in this report demonstrates, this policy has apparently been abandoned, leaving evicted non-indigene populations at the mercy of inclement weather and fate.

Section 7 of the FCT Act<sup>23</sup> of 1976 prohibits any person or body from carrying out any development in then FCT without the written approval of the Authority. Because this provision came into force in 1976, most of the properties falling into this category are the homes of non-indigenes who migrated to the FCT after it gained the nation's capital status.

The need for urban renewal, master plan restoration and security improvements are generally acknowledged, both by indigenes and residents of communities targeted with demolitions. Because the urban renewal and security enhancement programs are being carried out without a human face, short-circuiting legal procedures espoused in national legislations as well as wide ranging international human rights instruments, this has propelled widespread resistance to the master plan restoration programme as well as the latest security arrangements. Many of the targeted communities are comprised of high density tenant dwellings. Many of these tenants had made upfront rent payment, of one or two years, only to be confronted with the eviction plan. As the analysis below demonstrates, the large-scale displacements and material losses accompanying the demolitions have created even greater fear and insecurity across the affected states and cities.

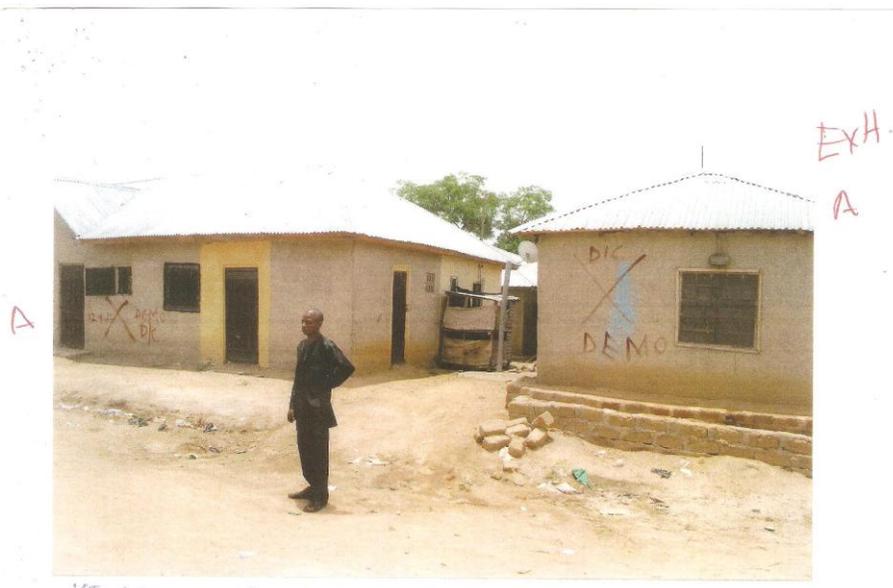
<sup>22</sup> The estate is managed by AMSSCO Platinum City with office address at Plot 312 Galadimawa District, Along Ring Road II, Abuja, Nigeria

<sup>23</sup> Chapter 128, Laws of the Federation of Nigeria 1990

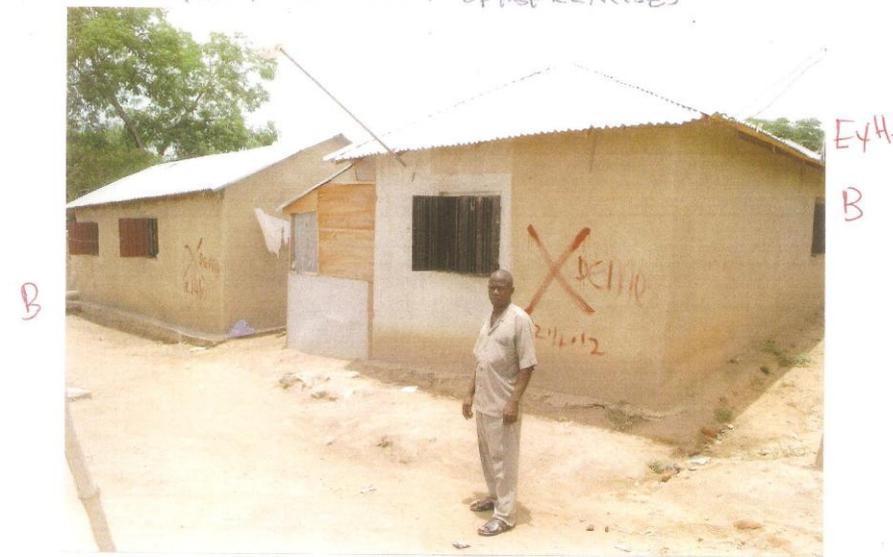


**Bassa Jiwa**

Jolted by the Tuesday, April 17, 2012 demolition exercise and forced eviction by officials of the Federal Capital Development Authority, FCDA in company of armed mobile policemen, residents of Airport Village – also known as Bassa Jiwa – are still counting their losses weeks after the bulldozers had gone. As the name portrays, the community is predominantly home to the staff of the Nnamdi Azikiwe International Airport, Abuja, as well as several federal government agencies, especially of the Aviation Ministry, airline operators, Customs Service, Immigrations, Prison Services and other federal agencies situated along the Airport Road. As with the Gosa demolitions, the demolition exercise was spontaneously executed while many residents were at work, and never had the opportunity to salvage their belongings.



1st APPLICANT IN FRONT OF HIS PREMISES



4th APPLICANT IN FRONT OF HIS PREMISES

Typical of demolition exercises in the FCT, only buildings belonging to non-indigenes were demolished. While population surveys are hardly carried out to ascertain the exact number of persons living in the various settlements. An estimated 3,000 persons are believed to have been displaced as a result of the 4-day demolition exercises. Of all the demolitions in the FCT, the Airport demolitions stood out in terms of its spontaneity, and forcefulness. Unlike Gosa where some semblance of discussions had happened between natives and the city authorities and a demolition date scheduled, the Airport village demolitions is shorn of any form of meaningful engagement, or consultation with the affected populations. The only whiff of indication of the evictions is the red marks on buildings with inscriptions 'Quit', dated 3-4-12 that were observed on some buildings.

Nothing describes the absence of engagement, or notification regarding the demolitions more than the conflicting narratives held by both the residents and natives. Speculations were rife that demolitions would affect only houses within the proximity of the areas earmarked for a rail expansion



project and those that were too close to the hajj camp for pilgrims. Assuming that was true, the residents and natives were unaware of the specific land mass delineated for those projects, nor the effective commencement dates. On the other hand, the community inhabitants tarried in taking steps to authenticate these speculations. The absence of any deliberate strategy to sensitize, notify and engage residents fueled widespread perception of the two projects as a means of using the state apparatus, intimidation and violence to tear down the hovels of the poor under the guise of urban development and improving national security.

Most of the affected persons were junior civil servants working in the above-mentioned federal agencies and departments whose income is a little above the national minimum wage.<sup>24</sup> Others included the staff of the various domestic airline operators in Abuja, who continue to face difficulties commuting to work, having now been compelled to move to more distant locations.

SPACES FOR CHANGE could not verify claims of extortions against the indigenes and the FCDA officials. Some of the evicted told SPACES FOR CHANGE that they paid sums ranging from N2, 000 to N300,000 per household<sup>25</sup> (Two Thousand Naira to Three Hundred Thousand Naira)<sup>26</sup> to the local chiefs and the FCDA officials to persuade them to spare their homes. The discriminatory character of the demolitions saw indigenes pitched against the non-indigenes. To ensure that only the homes of non-indigenes were affected by the demolitions, the FCDA officials were assisted by appointed community representatives mandated to identify structures belonging to non-indigenes. Some of the evictees told SPACES FOR CHANGE that the selective nature of the demolitions impelled certain residents to offer monetary inducements to the local chiefs so as to spare their homes during the house identification exercises. Misguided by the assurances of local chiefs, some residents lost a last-minute opportunity to salvage their properties.

To buttress the extortion allegations, an evicted resident pointed out some marked buildings that were spared during the demolitions, alleging that the owners also offered rewards to local chiefs. It was gathered that some unmarked houses were also affected, casting doubts on the extent of compliance with the extant eviction procedures.

Under Article 9 of the Comprehensive Human Rights Guidelines on Development-based Displacement<sup>27</sup>, States shall secure, by all appropriate means including the provision of security of tenure, the maximum degree of effective protection against the practice of forced evictions for all persons under their jurisdiction. Negating this internationally binding legal obligation, the FCDA lent its weight behind the demolitions in spite of the fact large-scale displacement the exercise portended. The decision to demolish the village was linked to security reports that disclosed plans by the Boko Haram sect to infiltrate the villages within the vicinity of the airport with the aim of launching attacks on the airport. FCDA officials also told SPACES FOR CHANGE that the demolition exercise became necessary “to contain the illegal encroachments on public land that was rapidly extending to the International Airport”. Officials blamed the indigenes for the illegal structures rapidly springing up along that corridor because they continue to sell lands to the unsuspecting non-indigenes contrary to the Abuja Master Plan. Part of the blame went to the non-indigenes for building without approved building plans or a title document.

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<sup>24</sup> Minimum wage in Nigeria is N18,000 (\$115)

<sup>25</sup> Depending on the size and nature of the building

<sup>26</sup> Between USD 12 and USD1,912

<sup>27</sup> Adopted by the Expert Seminar on the Practice of Forced Evictions, Geneva 11-13 June 1997



## Galadimawa

In Galadimawa, appeals by the villagers and residents urging the FCDA officials to shelve the demolitions fell on deaf ears as bulldozers flattened about 20 buildings within the community, and displaced hundreds. Without any responsibility to make reference to the community, the *FCDA* - ostensibly influenced by the soaring land values – had partitioned the farmlands of the poor and re-allocated same to rich property developers.

Contrary to the claims by the FCDA officials that notices had been served on the community since 2011, residents lamented the lack of adequate prior notice of the evictions. Unlike other communities where indigenes and non-indigenes are at logger-heads regarding the handling of the demolitions, inhabitants of Galadimawa (both indigenes and non-indigenes) are united in the struggle and campaign for compensation, resettlement and relocation, with the local youth taking the lead in the advocacy efforts. As a matter of fact, the indigenes have been more vociferous, taking advantage of every legitimate avenue to champion their cause.

Sensing the FCDA's resolve to make good its threats to demolish the community, Galadimawa community representatives, like their Gosa neighbours, have also rushed to the courts to seek protection against the demolitions. As we shall see, the demolitions have continued unabated despite the flood of litigation in Abuja courts seeking restraining orders against the demolitions. The tardiness, and indeed unwillingness, of the judiciary in these circumstances to protect the human rights of the citizens facing threats of arbitrary forced evictions is manifest in the stream of lawsuits before Abuja courts brought by eviction-prone communities, none of which have been greeted with the deserving speed of a hearing on its merits. Alongside litigation, the Galadimawa natives, especially their local youths have sought the intervention of civil society organizations, to heighten their campaign for resettlement and compensation outside the courts.

## Iddo Sariki Demolitions



Apparently, Iddo residents were unprepared for the demolitions when the bulldozers roared into the community. As of May 5, 2012, SPACES FOR CHANGE counted 48 demolished houses, comprising mainly of bungalows and high-density tenant dwellings. The demolitions started on Thursday, May 3, 2012, and the 2 (two) bulldozers stationed at the Iddo Police Station signaled that the demolitions were still continuing in the following week. Heaps of properties belonging to evicted families were stacked in almost every corner of the community.



The demolition was preceded by the regular rhetoric: No adequate prior notice<sup>28</sup>, no consultations, no compensation and no relocation/resettlement. Even though the FCT Act required written notices to be served on occupiers of properties believed to have contravened the provisions of the Act, SPACES FOR CHANGE's study on the pattern of demolitions across the FCT reveals that marking of buildings with red paint is the principal mode of communicating impending demolitions.

The squad comprising mainly of FCDA officials made a brief stop at the home of the traditional chief, accompanied by heavily armed soldiers and police. Within minutes, they began to pull down houses, hospitals, churches, mosques, and shops. The community, jerked brutally out of slumber and paralysis, was thrown into pandemonium. Panic-stricken men, women, and children rushed from room to room, grabbed whatever they could carry: clothes, TV, mattresses, anything they could carry, deposited them outside, and rushed back for more, in a futile attempt to save something from the bulldozers' jaws throwing down and grinding to mushy rubble the walls, pillars, and contents of their life. A frightened and distraught community watched helplessly as their homes and properties were torn down to shreds.

Perhaps unable to bring themselves to believe that the FCDA would carry out its threat after a short notice, plus the pending litigation seeking to stop the demolitions, many residents of Iddo were caught unawares by the invasion, eviction, and demolition. United by grief, evicted populations, comprising mainly of young persons between 18 and 40 years, embraced a communal lifestyle under a mango tree at the entrance of the community. SPACES FOR CHANGE met them cooking, eating, and grieving together. "We have been sleeping under this mango tree for the past three days. We have nowhere else to go", they told SPACES FOR CHANGE.

As with other demolished locations across the city, no offers of relocation had been made, neither is there any projection of compensation in sight. Displaced families have been largely fragmented with many of them forced to send their families to their respective states. In an effort to recoup their investments on the buildings, and to raise transportation costs for moving to new locations, evictees were seen auctioning roofing sheets, window blinds, protectors, upholstery chairs, bed springs, iron gates etc, forcing a booming trade in building materials in and around the area.



<sup>28</sup> It was difficult to locate any building that had notices pasted on them. SPACES FOR CHANGE could not identify anybody that ever sighted the demolition notices.



The community's high non-indigene population is comprised mainly of migrants to the FCT, allured by the city's promise of a better life. A richly multicultural community, with all ethnic groups in Nigeria fairly represented, the non-indigenes have lived there for many years ranging from 1-12 years, having bought plots of lands from the natives and erected their own buildings. The settlement's population grew rapidly without matching government effort to upgrade and expand the amenities. Crowding was also a serious problem, as it was common to have up to 3-6 persons living in one room. The population density and multicultural ambience propelled fears about a possible permeation by members of the Boko Haram sect. In sharp contrast to the FCDA's veiled attempts to anchor the demolitions and forced evictions on extant urban policy regimes, the utterances of their senior officials and interactions with the local press indicate that the intense slum clearance operations form part of a broader counter-terrorism agenda of the FCT administrators in collaboration with security agencies<sup>29</sup>.



<sup>29</sup> MOLLY KILETE: Daily Sun Newspapers; **Boko Haram: FCT, security agencies commence demolition of criminals' hideouts**, published Tuesday, March 13, 2012



## CHAPTER TWO

# State of Emergency

The deteriorating security conditions in northern Nigeria saw the violence spreading from Bornu, the traditional base of the sect to other northern states, which impelled the Federal Government to “take some decisive measures necessary to restore normalcy in the country especially within the affected communities”.<sup>30</sup> On that basis, in the exercise of the powers conferred on the president by the provisions of section 305(1) of the Constitution, Nigeria’s President Goodluck Ebele Jonathan declared a state of emergency in parts of the states of Yobe, Plateau, Bornu and Niger. More specifically, the emergency rule covered the following parts of the federation, namely:

(i) Borno State

a) Maidugiri Metropolitan LGA

b) Gaboru Ngala LGA

c) Banki Bama LGA

d) Biu LGA

e) Jere LGA

(ii) Yobe State

a) Damaturu LGA

b) Geidam LGA

c) Potiskum LGA

d) Buniyadi-Gujba LGA

e) Gasua-Bade LGA

(iii) Plateau State

a) Jos North LGA

b) Jos South LGA

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<sup>30</sup> Presidential broadcast, December 31, 2011.



c) Barkin-Ladi LGA

d) Riyom LGA

(iv) Niger State

a) Suleja LGA

Emergency rule is a constitutional prescription empowering the president to take action, by allowing the military greater authority to act, for a period of not less than six months, in order to restore order in the face of deteriorating security conditions. Section 305 (3) of the Nigerian Constitution provides as follows:

The President shall have power to issue a proclamation of a state of emergency only when :

(a) the Federation is at war;

(b) the Federation is in imminent danger of invasion or involvement in a state of war;

**(c) there is actual breakdown of public order and public safety in the Federation or any part thereof to such extent as to require extraordinary measures to restore peace and security;**

**(d) there is a clear and present danger of an actual breakdown of public order and public safety in the Federation or any part thereof requiring extraordinary measures to avert such danger;**

(e) there is an occurrence or imminent danger, or the occurrence of any disaster or natural calamity, affecting the community or a section of the community in the Federation;

**(f) there is any other public danger which clearly constitutes a threat to the existence of the Federation; or**

(g) the President receives a request to do so in accordance with the provisions of subsection (4) of this section.

A counter-terrorism unit, named the Joint Task Force – comprising the Nigerian Army, Air force, Navy, Police, Immigrations, Customs, State Security Service, and the Defense Intelligence Agency - was also constituted to take over security management and help restore order in those areas. Under this arrangement, security operatives, particularly, soldiers of the Nigerian Army were empowered to make arrests without proof, and conduct searches without warrants. The power to demolish homes on security grounds adds to the list of maximum powers the president vested on the JTF to enforce emergency rule in areas ravaged by crisis. Consequently, pulling down homes or entire communities suspected to be owned or occupied by members of extremist groups is notably rampant in core northern states, especially in Kano and Borno States, where terrorist attacks have snowballed into catastrophic proportions.

Although Article 4 of the International Covenant on Civil and Political Rights (ICCPR), permits states to derogate from certain rights guaranteed by the ICCPR in "time of public emergency", the JTF's rules of engagement are classified<sup>31</sup>, and not available to the public to enable an independent assessment of the

<sup>31</sup> JTF's response to SPACES FOR CHANGE's request to make available its Rules of Engagement (May 28, 2012)



coherency between its provisions and Nigeria's human rights obligations. However, official explanations disclosed that the powers to punitively demolish houses in response to terror attacks derives specifically from the provisions of S. 305(3) (c.), (d) and (f) of the Constitution. "In a practical sense, the emergency rule confers maximum powers on the JTF to enforce those provisions, using every known military tactic", a senior JTF official told SPACES FOR CHANGE. Ever since, security forces have pursued a concerted policy of forced displacement consisting of demolitions, forced evictions and extra-judicial killings, displacing citizens and destroying incalculable amount of invaluable properties. Apart from security forces, it is now common for government departments, including planning authorities to adopt this strategy despite local, national and international remonstrations.

### Terror-Linked House Demolitions: The Israeli Experience

The Israeli Defense Forces (IDF) used house demolition,<sup>32</sup> typical scorched earth tactic as a major counter-insurgency measure against the Palestinians in Jerusalem, Gaza Strip, West Bank, with a view to halting militant operations in the occupied territories. More than 3,000 houses were destroyed with very fatal consequences<sup>33</sup>. Although plenteous evidence shows<sup>34</sup> that the demolition of Palestinian homes is politically motivated and strategically informed in order to confiscate Palestinian lands in the West Bank, East Jerusalem, and Gaza, and ensuring Israeli control over those areas, the IDF claims that it adopted that policy as part of the 2<sup>nd</sup> intifada, in response to the wave of suicide bombings. They justified it on the grounds that it served as deterrence against terrorism, and provided an incentive for families of potential suicide bombers to prevent the bomber from attacking. In support of the deterrent effect of house demolitions, government and military officials often cite anecdotal evidence in which relatives of individuals recruited to commit suicide attacks have contacted the IDF and cooperated with the military in an attempt to stop the attack and, thus, save their houses from being demolished<sup>34</sup>. After several years of implementing this policy, contrary to Geneva Conventions<sup>35</sup>, Israel's inability to achieve a total victory over Palestinian terror campaigns, including the continuing occasional suicide bombings, firmly established doubts regarding the efficacy of the demolition strategy.

Concerns about the effectiveness of house demolitions as a means of deterrence led the Israeli Army to commission a study in 2005. The study found no proof of effective deterrence and concluded that the damage caused by the demolitions overrides its effectiveness. The General in charge of the enquiry acknowledged that "no effective deterrence was proven except in a few cases, and the deterrence limited if at all, paled in comparison to the hatred and hostility toward Israel that the demolitions provoked among the Palestinians". As a result, the IDF approved the commission's recommendations to end punitive demolitions of Palestinian houses<sup>36</sup>.

<sup>32</sup> According to the report from the UN Office for the Coordination of Humanitarian Affairs, 622 Palestinian homes were demolished by Israeli forces in the West Bank in 2011, "forcibly displacing" almost 1,100 people, over half of them children, Agence France Presse (AFP) reports

<sup>33</sup> 402 people have been displaced and about 1,296 people have been otherwise affected. Source: Wikipedia

<sup>34</sup> Efraim Benmelech, Claude Berrebi, Esteban F. Klor: Counter-Suicide-Terrorism: Evidence from House Demolitions, October 2010

<sup>35</sup> Adopted in August 1949, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, popularly referred to as the Fourth Geneva Convention protects non-combatants in occupied territories. Article 53 says: "Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons...is prohibited.

<sup>36</sup> In addition to the IDF study, another group, the radical pro-Palestinian organization, **Israeli Committee Against House Demolitions (ICAH)** also campaigned vigorously against the use of house demolitions to fight insurgency. The group describes itself as "an Israeli



Upon putting the demolition policy on hold, IDF began to think of more creative ways of enhancing the country's deterrence capability. The maintenance of technological superiority, in the form of a major qualitative advantage in comparison to hostile forces, became a central element of the Israeli strategy<sup>37</sup>. Succinctly put<sup>38</sup>,

*Israel has also created indigenous development and production capabilities to ensure the availability of advanced systems. In some areas of military technology, such as precision guidance weapons, unmanned airborne vehicles (UAVs), space-based platforms for intelligence and communications, and other forms of advanced electronics, Israel has become a world leader. This technological innovation and self-reliance has further boosted Israeli security capability in what was, and remains, a high-threat regional environment.*

Just like Israel, mounting security challenges, particularly the incessant use of improvised explosive devices (IEDs) by extremist groups in Nigeria propelled an intense review of security policies and arrangements both at the federal and state government levels. Notably, the Nigeria government declared a state of emergency in some northern states, sealed its borders with Chad, Niger and the Cameroons that were contiguous to the affected Local Government Areas<sup>39</sup>, and increased budgetary allocation to national security in its 2012 national budget to 932 billion (about \$6bn), representing one third of the 4.7 trillion naira total budget. The Israeli experience has shown that refocusing the dramatic budget increases on enhancing the country's operational capabilities in areas that include training, intelligence gathering, modernization of security services, logistics and other requirements, holds great potentials for containing the escalating crisis. While that remains to be seen, the practice of using house demolitions to stop terror campaigns in Nigeria is widespread, causing extensive human suffering and triggering massive human rights violations, of civil, political, social and economic dimensions.

These evictions are generally, extremely violent, bloody, unplanned and carried out with utmost disregard for the due process of law and the human rights of the occupiers, regardless of their status as indigenes or non-indigenes. Demolitions that occur in the course of fighting are also common. This type of demolition is usually preceded by gun battles - lasting for hours - between militant groups and Nigeria's security operatives. They happen very instantaneously, without prior warning and often during the night, giving the inhabitants little or no time to evacuate their properties.

With a housing deficit of about 17 million units which would require about ₦35 trillion (ca. \$27 billion) to fund, the World Bank estimates that 720,000 housing units are required to be built annually for the next 20 years in order for Nigeria to be able to close the housing gap in the country. In view of this fact, house demolitions are manifestly incompatible with multi-stakeholder efforts to upend the housing shortage. Many security analysts have attributed the worsening security condition to poor governance and inability to address lingering problems of unemployment, illiteracy and many unmet needs. Rather than present practical solutions to these

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peace and human rights organization dedicated to ending the occupation of the Palestinian territories and achieving a just peace between Israelis and Palestinians." In particular, ICAHD uses non-violent, direct-action means of resistance to end Israel's policy of demolishing Palestinian homes in the occupied territories.

<sup>37</sup> Gerald M. Steinberg: The Evolution of Israeli Military Strategy: Asymmetry, Vulnerability, Pre-emption and Deterrence @ Page 4

<sup>38</sup> Gerald M. Steinberg: *ibid* @ page 4

<sup>39</sup> In his December 31, 2011 presidential broadcast, President Goodluck Ebele Jonathan stated: As part of the overall strategy to overcome the current security challenges, I have directed the closure of the land borders contiguous to the affected Local Government Areas so as to control incidences of cross boarder terrorist activities as terrorists have taken advantage of the present situation to strike at targets in Nigeria and retreat beyond the reach of our law enforcement personnel.



problems, housing demolitions pushes the evicted deeper into poverty, impacting negatively on the social and economic life of the region.

In addition, demolitions of this nature have been found to be socially and economically disruptive to communities, ecosystems, while further straining civil-military relations in the volatile states. Mounting public opposition to the presence of military forces in the violence-ridden states and communities, more visibly manifested by the persistent calls for the withdrawal of armed security forces continue to cast doubts on the efficacy of using house demolitions to effectively tackle terrorism and the enormous security challenges posed by the Boko Haram violent activities.

Unlike in Israel where house demolitions was substituted with a deliberate strategy to increase the IDF's intelligence operations, acquire more superior technological might and warfare to counter the Palestinian campaign of terror, Nigerian security forces are known to operate in bomb-infested climes without a corresponding strategy for development of formidable military capabilities. As corroborated by a video<sup>40</sup> of a policeman in Northern Nigeria that attempted to disarm an IED without any equipment or safety precautions, JTF's anti-bomb squad unit lacks the basic equipments and infrastructure that guarantee the health and safety of officials undertaking such dangerous and difficult assignments. Major equipments that facilitate the discovery, detection and detonation of explosive devices with a higher degree of precision are unavailable. For the JTF to reduce the proliferation of IEDs with deliberate promptness and accuracy, superior firepower and machinery must be made available to soldiers such as the explosive vapor detector 3500 or 3000; Jammers: used to neutralize every electrical equipment within reach of the instrument; Mines Sweepers for detecting mines on the ground; Bomb Suits: usually worn to disarm IEDs, and protects the wearer from risk of any serious injury during detonation exercise.

### Terror-linked Demolitions in Northern Nigeria: An Overview

Kano State has witnessed the most deadliest-ever terrorist attacks, with a record high death toll and human casualties. On January 20, 2012, a series of coordinated attacks on security institutions and federal establishments<sup>41</sup> left nearly 200 persons dead. The Boko Haram sect claimed responsibility for these condemnable attacks – and is believed to be also responsible for another attack in April that killed scores of Christian worshippers at the Bayero University, including two professors.

Nigerian security forces have responded to these attacks with more brutality and violent destruction of houses and communities suspected as a base for the extremists. Justifying one such demolition in Jos, Plateau State, the spokesman of the Special Task Force, Capt Markus Mdahyelya stated that “the house was demolished because it was discovered to be a terrorist hideout. Four improvised explosive devices, including arms and ammunition were recovered from the house. **Such houses must be demolished<sup>42</sup>**”. Corroborating the view, a senior JTF official told SPACES FOR CHANGE that “the owners and occupiers of buildings



<sup>40</sup> [http://www.liveleak.com/view?i=733\\_1329400319](http://www.liveleak.com/view?i=733_1329400319)

<sup>41</sup> The places attacked were the police headquarters, the office of the immigration service, and the State Security Service.

<sup>42</sup> Interview granted to Daily Trust's Onimisi Alao & Lami Sadiq, in Jos, published on Wednesday, 23 May 2012



owe a duty to the public to be vigilant and precautionary of neighbors, tenants and landlords of questionable characters<sup>43</sup>. Otherwise, they would have themselves to blame". Consequently, local populations have been forced to be wary of military crack downs, and accuse the security forces of being too high-handed and indiscriminately ruthless in their operations. The military forces, on the other hand, deny using military force on civilian populations, stating that the demolitions and the resultant deaths are incidental effects, collateral damage essentially, of military necessity.

Strongly condemning the routine classification of the wanton killing of innocent citizens by police officers and security officers as "effects of military necessity", 'collateral damage' or "accidental discharge", Nigeria's Supreme Court had this to say:

'...it is becoming very notorious and most disturbing these days, when Policemen, use guns purchased for them with public money and meant for the protection of the citizenry, are freely used to mow down innocent citizens of this country with reckless and careless abandon and in each case or every event, the aggressor policeman, is heard to say and rely on "*accidental discharge*". Enough, I think, is enough. Unless the Courts "put down their feet" so to speak and make it abundantly clear to our policemen in this country, that never again, will such plea or defence be available to any of them accused of murder or acceptable by the Courts, then of course, Nigerians, will continuously be sprayed with bullets from the police who will hide on the plea "*he was killed by stray bullet*" or by "*accidental discharge*"<sup>44</sup>.

Arresting, unlawfully detaining and killing wives and children found in buildings suspected to belong to suicide bombers or extremists adds another critical dimension to the counter-terrorism actions. In May 2012, the Joint Task Force (JTF) raided the residence of a suspected Boko Haram member located at the Bubbugaje area in Sharada Phase Three, Kano and demolished the building after killing one of the militants, and arresting women and children. Among the items recovered in the bungalow building were bomb making materials, chemicals and powdery substances, one AK 47 Assault rifle, 36 knives, six high caliber remote control IEDs, 35 low caliber remote control IEDs, 458 rounds of ammunition, batteries, bomb timers, among others.



Brigade Commander, 3 Brigade, Nigerian Army, Kano, Brigadier General Iiyasu Abbah, confirmed that the demolished block served as a bomb factory. A similar raid by Nigeria's security forces led to the discovery of another bomb factory at Hayin Hotoro Arewa, and Sabuwar Gandu Phase One area of Kumbotso Local Government Area of the state. The buildings were demolished after some arrests were made.

Similarly, a hideout of the Boko Haram terrorists was allegedly discovered in Rikkos, a slum area of Jos, Plateau State on May 17, 2012 where six women and 11 children of Boko Haram members were kept. Following the arrest of the inmates of

<sup>43</sup> SPACES FOR CHANGE discussion with JTF, Saturday, May 26, 2012,,

<sup>44</sup> Solomon Adekunle Vs. State, Supreme Court of Nigeria decision delivered on Friday, the 30<sup>th</sup> day of June 2006, cited as S.C. 52/2002



the brownish color three-bedroom flat, with boys' quarters, the house was demolished two days later by a combined team of the military and other security agencies. Items allegedly recovered from the three-bedroom bungalow include a laptop computer, external hard disk, eight cell phones, 23 SIM cards, 19 prepared improvised explosive detonators and other dangerous weapons<sup>45</sup>. Irked by the arrest and public parade of a woman, supposedly a wife to a Boko Haram suspect in Jos, a resident complained: "It beats my imagination what that is meant to achieve in containing an insurgency. The more the security operatives are being high-handed, the less support and trust they will get from the good and patriotic populace, and the more the insurgents will win some degree of sympathy and even outright enlistment"<sup>46</sup>.

Eviction attempts by the 33 Artillery Brigade of the Nigerian Army in Bacha community, Shadawanka Barracks, Bauchi State, Nigeria, resulted in unlawful arrests and detention of 8 community representations and a local youth on March 29, 2012. Bacha community inhabitants were mainly teachers of the Command Secondary School, Bauchi, young artisans and low-income families working in the informal economic sector. They pay rents annually to the military authorities, and many of them had lived there for several years ranging from 7 – 18 years. Increasing security threats in the northern part of the country informed the decision of the military authorities to issue eviction threats to their tenants. Public pressure coupled with the community resistance against the evictions forced the soldiers to back down on their eviction plans.

In a report presented by the Chairman of the Administrative Committee of Inquiry (ADCI), Mallam Fannami, a total of 35 people were killed, 47 houses destroyed and 498 persons were affected during the July and August, 2011 serial killings and bombings by the Boko Haram sect in Maiduguri metropolis of Borno State. The report reads in part: "During the two-month unrest, two persons were missing, one detained, while 162 shops and business premises were set ablaze from the various bombings in Budum, Abagaram, Zannari, Bulunkutu, Gomari, Zajiri and London Chiki wards of Maiduguri metropolis." The chairman further disclosed that the Boko Haram attacks had led to the destruction of 123 vehicles, 70 motorcycles and 24 bicycles<sup>47</sup>. The report formed the basis for the determination of a compensation regime for families and communities affected by the attacks.

As a direct result of these recurrent punitive house demolitions, the number of internally displaced persons has soared in the volatile northern states. In Maiduguri, the entire Ponpomari area, which is also where the JTF headquarters is located, is entirely deserted. Displaced significant number of people fleeing from the violence unleashed by both the Islamist group and Nigerian armed forces have found refuge in four resettlement centers in Borno and Yobe states established by the National Emergency Management Agency (NEMA) to mitigate the suffering associated with homelessness. The centers are located behind the Maiduguri Police Hospital, Njimtilo, Gwoza; and Kukareta Boarding Primary School in Yobe State, 105 kilometers west of Maiduguri. According to him, Alhassan Aliyu, NEMA's North-Central Zonal Co-ordinator, there are more than 10,000 Internally Displaced Persons (IDPs) in Benue, Plateau and Nasarawa states. 5,840 of the IDPs are currently camped in Nasarawa State, while about 3,000 from Yobe State are being sheltered by churches in Plateau State as of April 2012. The Bauchi State Government also announced that over one million internally displaced persons from neighbouring states had flooded the state, following the activities of Boko Haram

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<sup>45</sup> Further search on the house on the morning of May 19, revealed one AK-47 rifle, four magazines fully loaded with 7.62mm special ammunition and 150 rounds of 7.62mm ammunition. "Other things recovered are 347 rounds of 9mm ammunition, eight bags of Urea Nitrate fertiliser, two generators, four improvised explosive devices, 395 Sniper ammo and 60m of Cortex wire. "Four containers of sodium oxide, one potassium chloride, three lead nitrate, two aluminium metal powder, one remote control, chromic cat-cut and white sulphurs were also discovered."

<sup>46</sup> Sadiq Mohammed, Jos, member of SPACES FOR CHANGE's social network

<sup>47</sup> Presentation of committee report to Governor Kashim Shetima



sect<sup>48</sup>. Another largest estimated displacement was 90,000 people who were reported to have fled Damaturu city in Yobe State following deadly attacks in late December, said North-East Nigeria Coordinator for NEMA, Ibrahim Farinloye<sup>49</sup>.

### Burning, Destruction of Places of Worship

Section 38 of Nigeria's 1999 Constitution enshrines religious freedom, entitling citizens to freely exercise the right to worship and exercise their faith and thoughts. Under international law<sup>50</sup> religion and freedom of thought or conscience are individual and corporate matters deserving protection. Whether attacks carried out in the name of religion by individuals or by states; violations of the rights of individuals or communities as a result of their religious beliefs; violent confrontations between religious groups and other matters related to religion are all generating keen interest among policy makers, academics and security experts, especially following the September 11, 2001 attacks on the World Trade Center.

There are growing concerns that the fundamental rights and freedoms of local residents living in the violence-ravaged communities to worship freely have been seriously threatened and violated by the violent activities of extremist groups and in the course of the government's anti-insurgency operations. Nothing depicts the infringement on religious liberties more than the rash of arson that has destroyed more than 56 churches and mosques, and resulted in the death of hundreds of worshippers.



Acknowledging that the onslaught on Christians and church properties are unprovoked, detained Boko Haram leaders - Abu Qaqa and Kabiru Sokoto – told State Security Service (SSS) detectives that the attacks are directly linked to their campaign to Islamise Nigeria, starting with the North, as a lot of Muslims were not practicing the religion faithfully as they should.

It is unclear when burning, desecrating, or damaging religious properties became a popular strategy for containing the insurgency. However, evidence shows that the practice is not recent.

<sup>48</sup> Chief Press Secretary to the state governor, Mr. Isola Michael Adeyemi, disclosed this in Abuja, at the third annual lecture/merit award ceremony where the Best Governor of the Year 2011, was conferred on Governor IsaYuguda by Press Gallery Newspapers at Merit House, Maitama, Abuja.

<sup>49</sup> Punch Newspaper, January 19, 2012

<sup>50</sup> Article 2 of the Universal Declaration of Human Rights, which asserts that "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."



Consider this notice displayed on the website of the former Kano State governor, Mallami Ibrahim Shekarau,<sup>51</sup>

Kano State government has ordered the demolition of the mosque and residential quarters of the leader of the Boko Haram sect Malam Salisu Aljasawi which is situated in Wudil town. The said mosque and resident had become the headquarters of Boko Haram in the area. Addressing the press during the demolition exercise, a representative of Kano State Urban Planning and Development Agency (KNUPDA), Alhaji Uba Usman explained that the state government decided to destroy the mosque and house in order to ensure that the members of the sect were totally chased out of the state, saying it would also prove to the public that the movement had no base throughout the state. He said with the help of the Almighty God, the demolishing of the two structures would encourage everybody to realize that the fundamentalists had no territory, and also, to assure people that the state

From Gombe to Maiduguri, Kano, Yobe, Lagos, Port Harcourt, there are extensive reports of such demolitions, pitching the population against security forces, while boosting the sect's support base. Adopting the controversial demolition tactic prevalent in northern Nigeria, the Lagos State government (in southern Nigeria) demolished five mosques<sup>52</sup> located very close to the state government secretariat in Alausa, Lagos in response to suspicions of bomb attacks and widespread terror in the country. The Lagos State Governor, Babatunde Raji Fashola ordered the demolition of the mosques following fears regarding the vulnerability of the state government's secretariat to an attack by extremists, who may presumably use the nearby mosques as a cover. The demolitions were carried out at night under heavy police presence to forestall possible violent Muslim reactions. All religious activities within the state secretariat were also banned.

House-to-house searches during the manhunt for members of the sect are routine in Maiduguri. These search operations are often followed by house and mosque burning and violent arrests. On February 12, 2012, pandemonium, fear, anxiety and bloodshed characterized the Joint Task Force's (JTF's) manhunt for members of the Boko Haram sect in Budum community, located near the place of the Shehu of Borno, in Maiduguri, Borno State. About five houses, including a mosque were burnt down while scores of local youth hiding in a local mosque were arrested and unlawfully detained for several days. Reacting to the incident, "the Boko Haram members are using the mosques as a shield", said JTF<sup>53</sup>.

Apart from mosques, church buildings and Christian worshippers are main targets of attacks by the extremist groups. Beginning from 2009, 56 churches were burnt down in Maiduguri by Islamic fundamentalists. Out of that number, 26 churches were burnt in Maiduguri in 2009 alone, with another two burnt in December 2010<sup>54</sup>. The burning of these churches was accompanied with the most deadly bloodshed that saw several pastors

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<sup>51</sup> Website information posted by Research and Documentation Directorate, Office of the Executive Governor, Government House Kano. (4th - 10th August, 2009) Posted to the Web on 4th August, 2009 by Aminu Bashir Makama.. [http://ibrahimshkarau.com/index.php?option=com\\_content&task=view&id=471&Itemid=2](http://ibrahimshkarau.com/index.php?option=com_content&task=view&id=471&Itemid=2)

<sup>52</sup> Two of the demolished mosques were located about 120 metres from the office of the Deputy Governor, while another stood behind the Ministry of Justice.

<sup>53</sup> Telephone exchange with the JTF on February 12, 2012

<sup>54</sup> 28 Reverend Yuguda Ndurva, Chairman, Christian Association of Nigeria, Borno Chapter



together with members of their families and congregation hacked to death. In the wake of the post election violence that rocked the northern part of the country, 15 churches in Goza, Biu, Baya, Kwakwusa were torched and several Christians killed. Bellies of pregnant women were ripped open expelling unborn babies that were also beheaded. In November 2011, series of coordinated bombing and attacks in Damaturu, capital of the northern Nigerian state of Yobe killed more than 100 people, most of whom were Christians.

On Easter Sunday a church in Kaduna, Nigeria, was targeted by a suicide bombing that killed 39 and wounded dozens. Two separate bomb explosions, in June 2011, planted at St. Patrick's Catholic Cathedral Church<sup>29</sup> caused extensive damages to all the structures within the church premises. 5 persons were killed, mainly passersby. The second explosion allegedly planted in a car was the most brutal ever recorded in the history of bombings in Maiduguri. In neighboring Bauchi state, burning of church buildings are also rife. The account by Mr. Mshelbara of the Emmanuel Anglican Church is instructive:

“A church program was underway at the time of the attack. But they (the congregation) were alerted, and they all escaped by jumping over the fence constructed around the church premises before Boko Haram members got there – you can see the destruction yourself,” Mshelbara said, pointing at the charred church building.

Christians at the Deeper Life Bible Church in the Low-Cost Housing Estate area also escaped, he said.

“Deeper Life members were holding an evening service, too, when the attack by Boko Haram was going on,” Mshelbara said. “They too were alerted, and they all escaped from the church before it was destroyed.”

Peter Mgoni, secretary of the Geidam ECWA church, said the Muslims looted shops and churches before burning them.

Source: <http://www.christianity.com/news/religiontoday/11661133/page2/>

Besides church burnings, the sect's frequent house-to-house raids on Christian homes, mostly at night, end up in horrendous massacres. Daytime attacks on shops and business premises owned by Christians leave gory sights of grief and a number of fatalities in its trail. The recurrent church arsons and the mass killing of Christians, especially the tragedy in Madalla<sup>55</sup> are widely perceived as a direct attack on Christianity, triggering diverse expressions of outrage and angst. Decrying the attacks, Chairman of the Christian Association of Nigeria, Bornu Chapter described the attacks as horrific acts of desecration and intolerance. The Kaduna State chapter of the Christian Association of Nigeria (CAN) has said that the continued attacks by the Boko Haram sect on Christians and churches across the Northern states, is a deliberate attempt to wipe out Christians from the region. Chairman of CAN in Kano State, Reverend Sam Kujiyat, in a statement described the attacks and killings of Christians in Bayero University, Kano as barbaric.

In the same vein, strong statements issued by both diplomatic missions and foreign government representatives have also warned on the need to separate extremism from religion. Boko Haram has claimed

<sup>55</sup> December 25, 2011 Christmas Day bombing in St Theresa's Catholic Church, Madalla, Near Abuja, which killed 45 persons.



the lives of hundreds of both Muslims and Christian victims, thereby reinforcing a highly polarized view of what the movement actually represents. Perhaps, that uncertainty of the sect's objective inspired a top representative of the American government to say that "religion is not driving extremist violence, either in Jos or northern Nigeria."<sup>56</sup> While it is true that anti-Christian violence in Northern Nigeria has a long history which predates Boko Haram<sup>57</sup>, the frequency and deliberateness of the recent attacks on churches have greater propensities to inflame religious tensions and upset the nation's social cohesion.

In response to the incessant attacks on churches in Maiduguri, the JTF mounted surveillance on church buildings in the town, stationing a check point in their respective premises. Scanners and other hi-tech security gadgets have been installed in most churches. Unsurprisingly too, the Christian and Ibo communities have been at the forefront of the campaign for the retention of military presence in Maiduguri. Absolving the JTF of any wrongdoing, the umbrella body of Christians<sup>58</sup> insists that they have significantly helped to bring the situation under control. "As far I am concerned, the soldiers have no fault. It is the crisis that prompted the deployment of soldiers to the volatile states. The extremists are saddened that soldiers are protecting the Christians. They want soldiers to leave so that they can slaughter Christians without any restraint. We oppose the calls for the withdrawal of military men from Maiduguri, as this will result in uninhibited killings".

### Disproportionate Targeting of Youths with Violence and Extra-judicial Killings



At present, North East Nigeria is the most dangerous place in the world to be a youth, especially a male teen. From Borno, to Kano, Jos, and Bauchi, young people have been disproportionately targeted with violence. Slum neighbourhoods and other areas<sup>59</sup> with very high concentration of youth populations are often criminalized, and on that basis, raided repeatedly under the cover of manhunt exercises for Boko Haram members. Frequent house-to-house searches conducted without warrants, often serve as preludes to demolition exercises, followed by indiscriminate arrests or shootings of young people.

Nothing exemplifies the reckless brutality and violence inflicted on young person more than the brazen killings of three local youth in July

2011 in Budum community following a bomb blast near the palace of the Shehu of Borno that killed three

<sup>56</sup> Assistant Secretary of State for African Affairs, Johnnie Carson said at a forum on U.S. policy toward Nigeria held at the Center for Strategic and International Studies (CSIS) in Washington, D.C.

<sup>57</sup> For instance, in 1996, Gideon Akaluka was beheaded for "defacing the Quran". He was seized from a local police station by an angry mob and his head was paraded. In true fashion, several churches were burnt.

<sup>58</sup> An executive member of the Christian Association of Nigeria, Maiduguri. June 2, 2012.

<sup>59</sup> Areas around Lawan Bukar, Abbaganaram, Kofa biyu, Budum and Kawarmaila are termed as dangerous places.



soldiers. Babakura Zakariya (18) an okada rider, was brutally murdered in front of his home. Several eyewitnesses narrated how he was dragged out of his mother's bedroom by JTF soldiers. He pleaded innocence and begged the soldiers to spare his life before they shot him on the head, chest and stomach. From Kaleri, to Gomari, London Chiki, *Lawan Bukar*, this type of killing is widespread. Mortuary attendants at the University of Maiduguri Teaching Hospital confirmed that the majority of dead bodies either brought in by soldiers or by the locals were that of young persons suspected to have died from gunshot injuries.

### **Youths are Targets of Extra-Judicial Killings, Unlawful Arrests and Detention**

On Tuesday, June 5, 2012, a local newspaper<sup>60</sup> reported:

*Many people residing at Lawan Bukar ward in Maiduguri metropolis yesterday fled their homes because of alleged warning of clampdown by the Joint Task Force (JTF)...*

*"I am moving out of my house together with my four children because I learnt that the military will launch manhunt of Boko Haram members here," Ya Fati, a 44-year-old housewife and resident of Lawan Bukar said.*

***"The fact is that if they didn't find people that they are looking for, our male children would become the scapegoats," Fati said.***

*"It is certain that the JTF will clamp down on us because when soldiers were attacked here (Lawan Bukar), they (soldiers) later came back and set some houses ablaze," another resident alleged.*

Negative labeling of communities as haven for extremists further expands the gateway for incessant raids and burnings of private homes, especially at night, by security forces. One such nightly round of house-to-house searches conducted on 13 February, 2012<sup>61</sup> in Budum Maiduguri, Borno State resulted in the arrest and detention of 13 youth aged between 18 – 25 years. "Three of my younger brothers aged 21, 22, 25 are still in detention", says the community leader, Bulama of Gilimanti Ward 2, Budum area of in Maiduguri, who was also arrested that night, but later released. Till date, the 13 local youth from Budum community, Gilimanti Ward 2, Maiduguri in Borno State, have not returned while reports of disappearances of local youth are commonplace. The following youth are still held in detention centers across Maiduguri:

- A. Alkali Bunu
- B. Umaru Goni Imam
- C. Babakura Alhaji Amodu
- D. Abubakar Wali
- E. Mallam Goni
- F. Ibrahim Kadaru
- G. Bashir Alhaji Usman
- H. Babagana Alhaji

<sup>60</sup> Maiduguri: Daily Trust Newspaper: Residents flee hot spot for fear of JTF excesses by Hamza Idris, Maiduguri Tuesday, 05 June 2012 05:00

<sup>61</sup> Around 9 am on the night on February 13.



- I. Ibrahim Alhaji Kado
- J. Goni Bukar Akawu
- K. Babakaka Alli
- L. Mohammed Shuaibu
- M. Mallam Bukari Kaji Umar
- N. Mohammed Mustafa
- O. Adam Goni Bukari.

SPACES FOR CHANGE learnt some of the detained persons have died in detention. For instance, Abba Maidogo allegedly died in detention on grounds of ill-health, igniting deep concerns regarding the conditions inmates are kept in the various detentions facilities.

Homes and communities where large numbers of youth reside are clear targets of arson and violence by JTF soldiers. Such houses are instantly burnt down and their occupants visited with dreadful violence as was the case in Budum where the house of the son of chief Imam of Borno was set ablaze by JTF on the suspicion that he harboured too many young persons suspected to be Boko Haram members. Likewise, young persons sighted at the scene of bomb blasts or gun duels between the sect and military forces are at grave risk of losing their lives. On Sunday June 2, 2012, eight youths found at the scene of a major bomb blast that shattered the Living Faith Church and Harvest Field Church to smithereens were brutally murdered by soldiers. In a statement released by the Bauchi State chapter of the Christian Association of Nigeria, they accused soldiers of killing local youth who came to assist with rescue efforts. "Out of 20 people that were confirmed dead, 12 died as a result of the bomb blast while eight were shot dead by the military. Forty five persons have been confirmed wounded out of which 25 were injured by bomb blast, while 20 sustained various degrees of injuries from the gun shots from the military. The security operatives had no moral and ethical justification to open fire on the women and youth, who came out to mourn their slain loved ones", the statement concluded<sup>62</sup>

### **Businesses Owned or Dominated by Young People Outlawed, Destroyed**

In the same vein, businesses and trade dominated by young people continue to face severe restrictions, get burnt or are outlawed, stripping countless young persons of their sources of livelihood. Prior to the ban on *okada* (motorcycle) in Maiduguri metropolis, *okada* was the customary mode of transportation, and provided employment for the teeming youth population in the state. The state governor, Kashim Shettima ordered the ban in response to frequent attacks and bombings facilitated with the use of motorcycles.



While it is true that the state governor procured and distributed tricycles as a substitute for the banned motorcycles, the proportion of young people who benefited from that scheme is quite unclear. In addition, the number of replacement tricycles procured is insignificant when paled against the job losses brought on by the *okada* ban. Constantly high unemployment and low literacy

<sup>62</sup> Press statement by CAN chairman, Bauchi, Reverend Lawi Pokti. Also reported in the PUNCH Newspapers: "Soldiers killed eight churchgoers after Bauchi bombing – CAN", June 5, 2012 by Jude Owuamanam and Godwin Isenyo



levels in the region combined with the dearth of productive opportunities contributes to the decision of the over five million unemployed youths in North East Nigeria to get involved in nefarious and extremist activities. In effect, the increasing violence is a reflection of the suffocating poverty in the region.

### **Impunity, Lack of Accountability is Fueling Security Crisis**

Reacting to the frequency and intensity of the wanton attacks and killings, the Commonwealth and United Nations Secretary-Generals, Mr. Kamallesh Sharma and Ban Ki-moon expressed revulsion at the Kano blasts and called for independent probe of the incidents. The probes are yet to happen just as nobody has been brought to justice. Lamenting the absence of accountability in the fight against terrorism in Nigeria, a report concluded that:

*The mixture of impunity, the lack of accountability, dearth of political will, corruption, and abuse by politicians as great barriers preventing any meaningful solution to the growing violent situation in Maiduguri in particular, and Nigeria in general. The signature failure of the Nigerian authorities to address the legacy of past human rights violations by both military forces and ethnic insurgents offers little hope that such violations will not be repeated and prevents victims and survivors from reconciling and rebuilding their lives. Two years after the first violent outbreak of the Boko Haram crisis in Maiduguri, family members of hundreds of victims of the killings and destruction unleashed by Boko Haram members, as well as victims of extrajudicial killing by security forces have continued to cry for justice without reprieve<sup>63</sup>.*

Echoing similar sentiments, an eminent cleric stated that:

*We live in a state of ineffective law enforcement and tragic social conditions. Corruption has destroyed the fabric of our society. Its corrosive effect can be seen in the ruination of our lives and the decay in our society. The inability of the state to punish criminals as criminals has created the illusion that there is a conflict between Christians and Muslims. In fact, it would seem that many elements today are going to great extremes to pitch Christians against Muslims, and vice versa, so that our attention is taken away from the true source of our woes: corruption.*

Beyond the total dearth of accountability in the anti-terror campaign, the use of house demolitions as an anti-terrorism measure is unsupported by the development of appropriate strategic and tactical responses, nor a deliberate method to unearth the leadership structure, operational direction and chain of command of the Islamist extremist group. Due in large part to the unavailability of this information, security interventions have been largely reactionary, and uninformed by any clear strategy that would help peace-keeping and surveillance interventions to achieve durable, and desired, results – with minimal, or no, collateral damage. Adequate information on the activities of the sect: historical origin, trigger factors, motive behind their actions, and their sponsors are therefore required before the problem could be effectively tackled.

With its personnel increasingly accused of human rights violations and involvement in criminal activities such as rape, arson, extrajudicial killings and forced evictions, the JTF struggles with image problems, resulting in increasing calls for its withdrawal. Probably moved by the popular pressure and demand for increased respect

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<sup>63</sup> Victoria Ohaeri, "Why Boko Haram Will be Here for a Long Time" ... <http://spacesforchange.blogspot.com/2011/08/why-boko-haram-will-be-here-for.html>



for human rights and for accountability, the Federal Government constituted a Presidential Committee on Security Challenges in the Northeast<sup>64</sup>, headed by Ambassador Usman Gaji Galtimari. With a mandate to ascertain the immediate and remote causes of the crises, and proffer recommendations to the president, the committee found that “there were allegations of high-handedness against the JTF, bordering on rape, destruction of property belonging to sect members, extrajudicial killing and harassment and intimidation of Maiduguri residents”. Among other recommendations, the panel recommended that a judicial Commission of Enquiry should be set up to look into the alleged atrocities committed by some members of the JTF while the Rules of Engagement (RoE) should be reviewed to reflect the low intensity nature of the military operations not only in Maiduguri, but in all similar operations.

Against the backdrop of increasing public outcry regarding the ruthlessness and reprehensible consequences of government sponsored raids and counter-terrorism operations, the recent establishment of a special court marshal<sup>65</sup> to try military personnel involved in gross misconduct represents a step forward in entrenching accountability in the anti-insurgency operations. This general court marshal, set up by the 3 Armored Division, Maxwel Khobe cantonment, Jos, Plateau State is mandated to investigate and prosecute members of the Nigerian Army serving within the seven states of the North-East in the country. Fourteen junior rank soldiers of the Nigerian Army serving in the Special Task Force (STF) in Plateau State, and Joint Task Force (JTF) in Borno State are the first set to be arraigned before the military court, for various offences committed in the course of peace operations in the two states. The 14 soldiers were arraigned on two-count charge, bordering on negligence and miscellaneous offences; punishable under section 62 (B) and section 58 of Armed Forces Act CAP (A) 20 Laws of the Federation 2004, respectively.

As laudable as this initiative seems, the independence of the court, and extent to which affected individuals, and communities can access this mechanism, to demand justice and reparation for the injustices they have endured, and may endure in the future, is difficult to assess. The JTF’s rules of engagement are classified documents inaccessible to the public, thus, hindering efforts to fully understand the scope, nature and extent of powers vested on the troops. Mindful of the lingering doubts regarding the independence, accessibility, and the effectiveness of the remedies that may be granted, the setting up the special court to right the wrongs of the Nigerian Army and to inject discipline among its men, no matter their cadre, still stands out as a starting point towards restoration of peace, and the rule of law, in the crisis-ridden northern states.



<sup>64</sup> Members of the committee are: Amb. Usman G. Galtimari(Chairman); Senator Ali Ndume; Chief Joe-Kyeri Gadzama(SAN); Col. Musa Shehu(rtd); Senator Bala Mohammed; Dr. Bello Mohammed; Chief Emeka Wogu; and Alhaji A.B. Shehu.

<sup>65</sup> Inaugurating the General Court-Martial, the General Officer Commanding (GOC) 3 Armored Division, Major-General Jack Okechukwu Nwaogbo said the Task Force was set up to restore order adding that, those saddle with the responsibility of ensuring law and order, also need to be law abiding.



## CHAPTER THREE

### A Reign of Reprisals

An independent investigation<sup>66</sup> disclosed that both the Boko Haram on one side, the Nigerian security forces on the other side, are equally yoked in the gory killings, property destructions and myriad of security challenges facing the crisis-torn northern Nigeria. Their clashes have left hundreds dead on both sides. Houses are razed or are at risk of being burnt if ammunitions are discovered in them during JTF raiding operations. Ordinary rural communities face the double blow of a military presence, which is routinely accompanied by a serious risk that they will be caught in the crossfire between the military and Boko Haram members.

Demolishing private residences or buildings where Boko Haram members are apprehended or suspected to be hiding is a major reprisal tactic used by Nigeria's security forces. A July 2011 fact-finding mission to Maiduguri established that mere suspicion of harboring the sect members have consistently been used to justify killings, demolitions and the habitual burning of private residences, properties and businesses of citizens. For instance, in response to a major bomb blast that wounded three soldiers on Saturday, July 23, 2011, a reprisal attack by the JTF in Budum community left three men - Late Mallam Goni Tijani, (55), Late Babakura Zakariya (18), Late Idris M - dead. They were allegedly shot dead in front of their homes by the JTF soldiers following a rigorous house-to-house search. About 42 shops and 6 cars located near the site of the blasts were allegedly razed by the JTF soldiers.



According to eye witnesses and victims interviewed during that mission, the soldiers - in the chaos of the smoldering shops - terrorized the fleeing residents, looting their property, beating them, and even killing them, while other looters moved in to the area taking advantage of the disorder to make off with the evictees' properties. Although the Joint Task Force (JTF) authorities vehemently denied the arson and killings, the site visit to the burnt buildings, the wounded and the bereaved families generate compelling evidence of incalculable human and material losses.

In March 2012, JTF burnt a local market in Gamboruwa, Maiduguri, following a bomb blast at the market believed to have been masterminded by the sect. In similar circumstances, the home of the son of Chief Imam of Budum was also burnt on the suspicion that he was harboring Boko Haram suspects. Rampant house demolitions across the city have propelled public outrage and resistance as most of the demolished buildings were either rented or belonged to the parents of suspects. Much as it is a laudable objective to root out this group responsible for innumerable deaths and untold hardship on citizens, that strategy must be revisited so that such action is taken only when sufficient evidence has been obtained<sup>67</sup>.

<sup>66</sup> "In the Killing Fields of Maiduguri, by Victoria Ibezim-Ohaeri, SERAC Publication, August 2011

<sup>67</sup> Interview with Ibrahim Mshellizza, Reuters Agency, Maiduguri Correspondent, May 30, 2012



Infuriated by the use of demolitions to checkmate their operations, the Islamist group responded with even more vicious house destructions mainly through suicide bombings and violent confrontations with security operatives, while extending their attacks to government schools, church buildings, and other public institutions. A statement credited to the leader of the group says “the government has now resorted to arresting our wives and children and also demolishing our houses, like they did in Biu (Borno State) recently, that is why we have also resolved to start attacking government schools, especially, tertiary ones...We promise to demolish 500 buildings for any one of our houses that the government destroys. We have already started with Gombe and Kano.”<sup>68</sup>

### Attacks on Educational Institutions

True to their threats, retaliatory demolitions have escalated to despicable heights, with school buildings and other educational institutions in particular, now frequently targeted with violence and arson. Substantiated media reports of confessions extracted from detained Boko Haram leaders disclose that the torched schools “were not teaching the children, according to the ways of their faith. “These were part of our initial plans of allowing only Islamic schools and wiping away the so-called secular schools...We wanted to reform the schools to conform to our practice.”<sup>69</sup>

Consequently, about 12 schools have been bombed, damaged or burnt in Borno State, since the beginning of the year, depriving thousands of school children access to education. “Between February 26 and 29, 2012 at least four schools were burned, and on March 1, five schools were set ablaze, including Sunshine Stars Secondary School and Success Secondary School, which had an enrollment of 700”<sup>70</sup>. The Boko Haram sect claimed responsibility for the attacks on schools and threatened further violence. In both electronic and telephone correspondence to local and foreign journalists, the group affirmed that they attacked secular schools in response to frequent raids on Quranic schools and the arrest of local clerics by members of the security forces. More specifically, the February 20 attacks were in retaliation for raids by the state security forces on Islamic schools in Maiduguri and “indiscriminate arrests of students of Quranic schools by security agents”.<sup>71</sup>

Regular raids on Quranic schools by security operatives are not unconnected with the officials’ perception of those schools as vehicles for nurturing and conscripting young foot soldiers into terrorist and extremist activities. The abundance of the *almajiris* in many northern states (Quranic school children who often beg for alms) is also presumed to provide a fertile recruitment ground for indoctrinating young people into extremist and fundamentalist agendas of militant groups. In retaliation to the raids, Boko Haram spokesperson Abul Qaqa was reported in the local media to have said, “Certainly, if Quranic education will not be allowed to continue, then secular and Western education will not continue also.”<sup>72</sup>

<sup>68</sup> The Nation Newspapers, May 2, 2012

<sup>69</sup> Statement credited to detained Boko Haram spokesperson, Abul Qaqa.

<sup>70</sup> Human Rights Watch: The group's Deputy Head, Children Rights Directorate, Zama Coursen-Neff also reaffirmed this in a statement released in March 2008.

<sup>71</sup> Interview with State House Correspondents at the Governor’s office in Maiduguri. May 30, 2012

<sup>72</sup> The Nation Newspapers, March 8, 2012



## Attacks on Police Stations, Media and other Agencies

In addition to schools, police stations and police officers in nearly all the northern states have remained clear targets and victims of reprisal attacks by the Islamist group, resulting in life-threatening injuries and deaths of hundreds of people. Nigeria media reports are replete with reports of attacks and arson on buildings housing security agencies. The June 2011 bombing of Nigeria's Force Headquarters in Abuja stands out as the most brutal reprisal attack on state security outfits. A suicide bomb attack at the Yobe State Command Headquarters of the Department of State Security Services (SSS) in Damaturu claimed the lives of three security operatives, while another major bomb attack was foiled at the Police Headquarters in Maiduguri in August 2011. From Yobe, to Kano, Jos, Maiduguri, Bauchi, Damaturu and Gombe, police stations have been attacked and hundreds of security operatives killed in extremely gory circumstances. CNN reports that 'the terrorist group routinely targets Christians, "but police stations and mosques deemed 'insufficiently Islamic' were also attacked last year"<sup>73</sup>.

The recent bombing of the office of ThisDay Newspaper that killed at least three people has made journalists and buildings structures owned by media agencies new targets of reprisal attacks by the extremist group. In a newly released 18-minute video posted on YouTube<sup>74</sup> showing a smiling suicide bomber drive into the offices of ThisDay to blow himself up, the group threatened journalists and major newspapers, as well as the Hausa language services of Voice of America and Radio France International. The group claims that extension of the attacks to local and foreign media organizations is in response to inaccurate reporting of news regarding their activities in Nigeria.

As the Inter-American Commission on Human Rights has so clearly stated, "The very object and purpose of anti-terrorist initiatives in a democratic society is to protect democratic institutions, human rights and the rule of law, not to undermine them". Recognizing that tough choices have to be made and resolute action must be sustained in the name of security, SPACES FOR CHANGE notes with great concern, the involvement of the joint military task force in the widespread human rights derogations in the volatile states. Security agents, acting in most cases on direct orders of the government, have been responsible for house demolitions, forced displacement and migrations of both urban and rural dwellers. Testimonies regarding their involvement in many of the deaths as well as accompanying rapes, maiming and torture of several women, the aged, children, especially the youth and other defenseless civilians abound. This is further aggravated by the dearth of a counterpart arrangement to weigh and consider the human rights effects of these security measures in terms of proportionality and necessity.

People whose homes or fences have been used (with or without their knowledge) to launch terrorist attacks have been viciously killed, and their homes demolished. "Persons who allow their surroundings or frontage to be used by the Boko Haram sect to attack people or security agencies would be considered as collaborators, and will be treated as criminals,<sup>75</sup>" disclosed the Joint Task Force constituted to quell the insurgency in Maiduguri. Grippled by the fear of being unfoundedly labeled off as militants or collaborators of the Boko Haram sect, hundreds of thousands have fled their homes and businesses, a situation which has further pushed the majority of the city's impoverished populations deeper into poverty. The massive exodus from the state has destroyed businesses, deterred future investments, and frustrated important gains made in the realization of the rights to life, work, housing and food in particular. The forced movements and relocations have devastated communities and disintegrated key social ties and networks.

<sup>73</sup> CNN: Latest attack on Nigerian church kills 4 by Holly Yan and Hassan John. February 26, 2012

<sup>74</sup> [http://www.youtube.com/watch?v=xDqv6srmol4&feature=player\\_embedded#](http://www.youtube.com/watch?v=xDqv6srmol4&feature=player_embedded#)

<sup>75</sup> Meeting with JTF Public Relations Officer. July 2011.



## CHAPTER FOUR

# Impact of the Violence on Social and Economic Rights

Where the blame should lie for the increasing violence perpetrated by both the sect and security agents have deeply polarized social, ethnic, religious, academic and political discourses aimed at finding lasting solutions to the crisis, and the resulting human rights abuses. Punitive house demolitions and forced evictions perpetrated by Nigeria's security forces have left residents vulnerable to further human rights denials, particularly social and economic rights violations, incompatible with the norms espoused in a plethora of human rights treaties that the Nigerian government is a signatory to. On the other hand, the Boko Haram onslaught has completely broken, terrorized and shattered lives of the inhabitants of most northern states, claimed hundreds of lives and destroyed incalculable amounts of valuable properties, forcing many survivors to flee to the southern part of the country. The continuing hostilities has triggered a wave of civil, political, social and economic rights violations, including the human rights to adequate standard of living, housing, work, food, health, private and family life and to be protected from forced eviction and relocation.

The accurate number of people displaced by the demolitions could not be ascertained as no survey of the casualties is being undertaken. From the records of the National Emergency Management Authority (NEMA), more than 200,000 persons have been displaced as a result of the crisis, while millions have been forced to relocate to the south. The scale and intensity of the conflict has created a climate of fear and utter hopelessness that have resulted in the inability of the affected populations to seek justice. The growing insecurity has also hindered any deliberate monitoring and assessment of the impacts of both the terrorism and anti-terrorism actions. We have seen dramatic budget increases for diverse security agencies under the 2012 budget, while existing human rights institutions that play critical investigative and watchdog roles struggle with frozen or cut budgets.

The property market is worst hit by the security crisis. Heightened insecurity in the region has seen demand for properties falling sharply, causing prices to fall by between 30 and 50 percent in many of the affected states. This has forced the prices and rental costs of commercial properties in highbrow districts such as Murtala Mohammed Way and Ibrahim Taiwo Road in Kano to fall sharply, just as the prices of residential properties in the Government Reservation Areas (GRAs) have also dropped significantly. With no end in sight to the violence, fleeing residents are not likely to return as they have redirected their investments and resources to new areas. Business owners have been compelled to relocate to the due in large part to colossal material losses and declining fortunes. Many hospitals in the state remain shut, limiting the access of the wounded to healthcare.

### **Food Crisis Looms**

A countrywide food crisis looms considering the NEMA's disclosure that about 65 per cent of northern farmers had migrated to the South because of the insecurity they faced. Most of the foodstuffs consumed and traded in Nigeria are grown in the North. The agency warned about an impending famine by the end of this year because most of the small-scale farmers and big-time farmers in the North were threatened by terrorist attacks. Incessant bombings and other violent attacks on local markets carried out by both the sect and armed forces pose grave risks to farmers, cattle rearers and marketers in the north, forcing farmers to migrate to new locations far from their farmlands, while placing additional burden on the transportation of food and farm produce to other states.



As a direct result of these terror-induced challenges, prices of foodstuffs have skyrocketed, especially in the southern part of the country. The influx of migrants to the less volatile northern states and the south has made rental accommodation expensive, just as several families have been rendered homeless, and without medical assistance. The forced movements and relocations have devastated communities and disintegrated key social ties and networks. Though difficult to measure, communal support networks and social capital lost as a result of the forced disintegration of communities also comes into reckoning.

### **Impact on Women, Children and Vulnerable Groups**

Women, children, youth, older persons, indigenous people, ethnic and other minorities, and other vulnerable individuals and groups have all suffered disproportionately from the terror-linked forced evictions. SPACES FOR CHANGE received reports of rapes, torture and assaults by both soldiers and other unknown persons in Maiduguri. Fear of stigma, compounded by religious prejudices has encouraged a culture of silence and unwillingness of victims to speak out and name culprits. The hostilities, worsened by the tactical demolitions and the resulting homelessness continue to increase women's vulnerability to acts of violence. The nondiscrimination provisions of articles 2.2 and 3 of the Covenant impose an additional obligation upon Governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved.

Dusk to dawn curfews imposed on some northern states such as Maiduguri and Kano has severely limited women's access to healthcare and productive economic opportunities. Reports received from Kano disclosed how pregnant women could not access healthcare at night when they suddenly went in labour, forcing them to have homebirths manned by unskilled neighbours and attendants. Mothers are able to take sick children to hospital only during the daytime, totally depriving the sick and wounded of their rights to access emergency assistance at all times of the day. In Maiduguri metropolis, nearly all the privately-owned health institutions have closed down, leaving residents with the only option of accessing the university teaching hospital. SPACES FOR CHANGE confirmed that several women, young persons and children either shot or wounded during the routine gun battles between the extremist sect and the JTF died needlessly as a result of inadequate access to emergency medical services. In Kano, frequent bomb explosions have led to a situation whereby most hospitals are constantly filled to capacity, while morgues have no more spaces to accommodate the increasing number of dead bodies.

In Jos, SPACES FOR CHANGE met a wounded man in Rikkos community who sustained life-threatening injuries receiving treatment at home. He was being treated by a local drug store owner, popularly known as *chemist*. Such local chemists are often untrained in either drug administration or management of complex injuries. Fearing possible arrests or being branded as supporters of extremist activities, wounded persons, especially gun-shot victims in Maiduguri and Jos, refrain from visiting hospitals, preferring to receive medication at home.

Possibly influenced by widespread religious practices, most women operate businesses located near their homes, mainly in front of their private residences. Frequent raids and punitive demolitions by security forces and the bomb explosions masterminded by the Islamic sect primarily affect these female-owned businesses and properties. Compensation schemes are likely to exclude women due to the inferior status accorded to women and girls. Prevailing polygamous practices impose additional burden on women to raise their children



with little or no external support. The destruction of privately-owned women's businesses and sources of livelihoods, including those owned by women further encourages families to hand over their children to local clerics (*almajiris*).

By intentionally destroying the shops of residents, including women, and continuing to threaten them from their current shelter with violence, the JTF soldiers have engaged in massive and systematic violations of the right to adequate property and housing as guaranteed by Section 43 of the 1999 Constitution and Articles 14, 16, and 18(1) of the African Charter and other international human rights instruments. In the medium and long-term, the loss of housing and sources of income will continue to take a great toll on the lives, health and welfare of the residents. In *Tellis vs Bombay Municipal Corporation*<sup>76</sup>, the Indian Supreme Court held "that the right to livelihood is an important facet of the right to life. Deprivation of the means of livelihood would denude the life itself." Further, this same court in another case reiterated this principle when it stated that "the right to live with human dignity at least with minimum sustenance and shelter and all those rights and aspects of life which would go to make a man's life complete and worth living, - would form part of the right to life... without which life cannot be meaningful, - would embrace the protection and preservation of life guaranteed by Art 21"<sup>77</sup>

### The Right to Adequate Housing

Specifically, the human right to adequate housing is instrumented in wide-ranging standard-setting documents including the Universal Declaration on Human Rights of 1948 (Art. 25(1)); the International Covenant on Economic, Social and Cultural Rights of 1966 (Art. 11); the International Covenant on Civil and Political Rights of 1966 (Art. 17); the International Convention on the Elimination of All Forms of Racial Discrimination of 1969 (Art. 5(e)(iii)); the Convention on the Rights of the Child of 1990 (Arts.16, 27); and General Comments 4 (1991) and 7(1997) of the UN Committee on Economic, Social and Cultural Rights. The deliberate policy of house demolitions, forced evictions and forced displacement may very well constitute inhuman acts' under Article 7(1)(d) and 'war crimes' under Article 8(2)(a)(iv) of the Rome Statute of the International Criminal Court.

Although there is no domestic legal framework regulating the use of demolitions and forced evictions in emergency situations, Nigeria is bound by the obligations enshrined in the Geneva Conventions of 1949 and Protocols thereto of 1977 concerning prohibitions on the displacement of the civilian population and the destruction of private property as these relate to the practice of forced eviction. Nigeria is also bound to respect the international norms and standards especially as laid out in the International Covenant on Economic, Social and Cultural Rights (ICESCR) which it ratified in 1993. The obligations of States Parties to the Covenant in relation to forced evictions are based on article 11.1, read in conjunction with Article 2.1 which requires States Parties to use "all appropriate means", including the adoption of legislative measures, to promote all the rights protected under the Covenant, including the right to adequate housing. Using all appropriate means also connotes that states must refrain from forced evictions and ensure that the law is enforced against its agents or third parties who carry out forced evictions.

In its General Comment No. 3 (1990), the UN Committee clarified that legislation against forced evictions is an essential basis upon which to build a system of effective protection. The legislation must also apply to all agents acting under the authority of the State or who are accountable to it. States Parties must ensure that legislative

<sup>76</sup>(1987) LRC 351

<sup>77</sup> *X vs Y Corporation and Anor* (2002) 2 CHR 235 at 239, *CECSC vs S C Bose* (1992) SCC 441



and other measures are adequate to prevent and, if appropriate, punish forced evictions carried out, without appropriate safeguards, by private persons and state agents such as security operatives. By this provision, the Nigerian government has a legal obligation to review JTF's rules of engagement and combatant policies to ensure that they are compatible with its housing rights obligations, and repeal or amend any legislation or policies that are inconsistent with the requirements of the Covenant.

Among numerous advantages, legislation is often supported by remedial provisions in event of breach. Access to effective remedies is consistent with the obligation of States Parties to ensure that all the individuals concerned have a right to adequate compensation for any property, both personal and real, which is affected<sup>78</sup>. Accordingly, the failure of the Nigeria government through its security forces to provide those who are affected by eviction orders with legal remedies, or to ensure "an effective remedy" for persons whose rights have been violated constitute human right violations<sup>79</sup>. Additionally, the use of excessive military force in quelling the insurgency has continued to aggravate the conflict, and propel series of reprisal and counter-reprisal attacks. The brutish military operations and the accompanying gross human rights violations offend the provisions of General Comment No. 7 which requires *States parties to 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.*

The right not to be evicted from one's shelter is reinforced by article 17.1 of the International Covenant on Civil and Political Rights which complements the right not to be forcefully evicted without adequate protection. That provision recognizes, inter alia, the right to be protected against "arbitrary or unlawful interference" with one's home. Even in situations where evictions are permissible, it must be carried out in a manner compatible with the Covenant and that all the legal recourses and remedies are available to those affected.

In order to restore lasting peace and sustainably achieve positive results of identification and extirpation of terrorists, legal safeguards are imperative to ensure that the counter-terrorism interventions do not result in further discrimination and human rights abuses against those who are supposed to be protected from it. At the same time, there has to be recognition that the excessive employment of military force and arbitrariness, evidenced in large part by the punitive house demolitions have created new problems, and cannot be a solution to the current crisis. As rightly recommended by the Ambassador Usman G. Galtimari Presidential Committee on Security Challenges in the Northeast, urgent steps and measures must be taken towards reviewing and re-directing the operational methods, processes and procedures of the Joint Task Force to be in tune with the democratic environment and attributes of the rule of law, due process and respect for human rights.

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<sup>78</sup> Article 13 of United Nation's Comprehensive Guidelines on Development-based Displacement

<sup>79</sup> Article 2.3 of the International Covenant on Civil and Political Rights.



## CHAPTER FIVE

# “Respect, Protect and Fulfill the Right to Housing”

<sup>80</sup>The right to adequate housing is enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (as well as Article 25 of the Universal Declaration of Human Rights). The Committee on Economic, Social and Cultural Rights is mandated to monitor compliance with the ICESCR. The Committee has issued relevant General Comments which provide authoritative definitions of the right to adequate housing, specifically General Comment No. 4 on the right to adequate housing and General Comment No. 7 on the prohibition of forced eviction. It's important to note that the legal framework on the prohibition of forced eviction is derived from *both* of these General Comments and not just General Comment No. 7.<sup>81</sup>

Under the ICESCR, there are essentially three legal obligations that correspond to the rights in the Covenant:

- The obligation to respect the right
- The obligation to protect the right
- The obligation to fulfill the right.

The obligation to *respect* requires that States do not interfere directly or indirectly with the enjoyment of economic or social rights. This obligation is essentially negative in nature, meaning that the State must not take any action that diminishes the enjoyment of any given economic or social right, unless there are justifications for doing so. The obligation to respect is of immediate effect (e.g., upon ratification of the ICESCR) and not subject to progressive realization.

The obligation to *protect* requires States to prevent third parties or non-State actors or other States, including inter-governmental organizations such as the World Bank, from violating the enjoyment of economic and social rights. Third parties or non-State actors include individuals, groups, landlords, corporations, other States or other entities as well as agents acting under their authority. The obligation includes, *inter alia*, adopting the necessary and effective legislative, regulatory and other measures to restrain such third parties, including security agents and non-State actors from interfering or otherwise violating economic and social rights; investigating, prosecuting or otherwise holding accountable those entities that violated economic and social rights; and providing remedies to victims of such violations. The obligation to respect is of immediate effect (e.g., upon ratification of the ICESCR) and not subject to progressive realization.

Under the obligation to *fulfil*, States are obliged to take steps to the maximum of their available resources to progressively realise the rights contained in the ICESCR. This obligation can be disaggregated into the obligations to facilitate, promote and provide. The obligation to facilitate requires States to take positive measures to assist individuals and communities to enjoy the right in question. The obligation to promote

<sup>80</sup> Legal commentary by Bret Thiele of the Global Initiative for Economic, Social and Cultural Rights, USA

<sup>81</sup> [NOTE that the following General Comments are also useful: General Comment 3 (on State obligations), General Comment 9 (on domestic application of the Covenant), and General Comment 15 (on the right to water as a component of the right to adequate housing – this General Comment is also one of the “later generations” of General Comments that provide examples of the respect, protect fulfill typology; examples of violations; and a more detailed non-discrimination clause).]



obliges the State to take steps to ensure that there is appropriate education concerning the right in question. States are also obliged to fulfil (provide) the right in question when individuals or a group are unable, for reasons beyond their control, to realise that right themselves by the means at their disposal.

## **B. Legal Test: Prohibition on forced eviction**

For evictions to be justified under the ICESCR, they must (1) only be carried out in *exceptional circumstances*; (2) after *all feasible alternatives* to eviction that address the exceptional circumstance are explored *in consultation with the affected community*; and (3) after due process protections are afforded the individual, group or community. There are two exceptions to this general rule. First, evictions should never be carried out in a discriminatory manner. Second, evictions should never render someone homeless or vulnerable to other human rights violations. What follows is some general language that lays the foundation for this test as well as the precise language that establishes this test.

General Comment No. 7 defines forced eviction as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or lands which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”

General Comment No. 4 requires that “notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups.”

General Comment No. 4 states that “instances of forced eviction are *prima facie* incompatible with the requirements of the [International] Covenant [on Economic, Social and Cultural Rights] and can only be justified in the *most exceptional circumstances*, and in accordance with the relevant principles of international law.”

General Comment No. 7 outlines that for an eviction to be carried out lawfully, “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.” Alternatives to eviction include onsite upgrading of informal settlements.

Even if exceptional circumstances exist and there are no feasible alternatives to meet those exceptional circumstances other than eviction, General Comment No. 7 requires due process protections. These due process protections are: (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.

Finally, General Comment No. 7 states that, in any event, evictions should not be undertaken in a discriminatory manner nor should they render persons homeless or vulnerable to other human rights violations and that “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.”



## CHAPTER SIX

# Integrating Human Rights into Security and Counter-Terrorism Undertakings

### A. House demolitions and evictions represent a violation of fundamental rights

All Nigerian citizens, including the inhabitants of the volatile northern states, are entitled to the fundamental right to property, as guaranteed by Section 43 and 44 of the Nigerian Constitution. In addition, an array of national legislations such as the Land Use Act, and the African Charter on Human and People's Rights specifically protects all rights-holders against arbitrary seizure by state and non-state actors. For instance, point 61 of the African Commission decision<sup>82</sup> on the right to adequate housing reasoned that:

*"...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 obligation 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 right to shelter even goes further than a roof over ones head..."*

This decision established important legal precedents in the region as it affirmed that the displaced, evicted, and landless each have fundamental rights to shelter and adequate housing. This right to property is violated when the government or its security agents orders or carries out mass demolitions and forced evictions without adhering to the statutorily laid down procedures. Apart from property and housing rights, forced evictions and demolitions also violate the fundamental right to life, dignity, and health, as expressed in the African Charter on Human and Peoples' Rights, ratified into Nigerian law.

### B. Requiring a court order prior to mass demolitions and evictions is the only way to safeguard the fundamental rights of affected community members

In cases where mass forced eviction and demolition becomes inevitable, or are required to be carried out within the limits of proportionality and necessity, the only way to ensure that the rights of landlords and tenants are protected, as guaranteed by Section 43 and 44 of the Constitution, the Land Use Act, and the African Charter is to require a court order prior to the demolition or eviction. An after-the-act appeal to the court is inadequate because in such a case the fundamental rights have already been irreversibly violated. Thus, the only way to ensure the right to a fair trial and the protection of property and other fundamental rights is to require a court order before the mass evictions or demolitions.

Beyond the strict constitutional requirements, it is the duty of the court to fully protect the right to fair hearing and fully investigate any breach of rights or links with terrorist activities. The right to a fair trial is to be preserved regardless of the ultimate guilt or innocence of the parties involved. Even where the security agents

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<sup>82</sup> SERAC Vs. Nigeria Case: Communication 156/01



ultimately establish that the terror suspects own properties on which ammunitions were found or bomb factories were located, the suspects still have the right to a fair hearing to determine their guilt. The court in **Unibiz Nigeria Limited vs. CBCL Limited [2003] 152 FWLR 71 at 293**, notes:

*“The trial court must first understand that the right is available to the applicant. He must then see if the adjudicating authority accused of breaching the fundamental right of fair hearing of the applicant, has followed the applicable rules and procedure in deciding the claim or charge against him. In other words, he has to answer the question, has the applicant had fair hearing? It is not required of the court in such an action to determine whether or not the adjudicating authority rightly or wrongly decided on the liability or guilt of the applicant.”*

This quote clearly demonstrates that the right to a fair hearing is to be preserved irrespective of the individuals’ ultimate culpability. This right takes precedence over all other issues of contention. The government cannot escape liability simply by hastily demolishing private homes or communities before suspects have a chance to appeal to a court of law.

### **C. The security undertakings must conform to the due process provisions stipulated by law**

When security agents take certain measures and actions that necessarily infringe on the fundamental rights of its citizens it must follow due process of law. Section 44 of the Nigerian Constitution outlines the procedure for land takings by both state and non-state actors with regard to any alienation or take-over of private land. It is therefore necessary for the government to submit to due process of law before evicting or demolishing in *any* community regardless of whether they are suspected to be criminals or terror suspects. This protection extends to both the owner and occupier of land. Because the security agents are demolishing and evicting on such a massive scale it is impossible to ensure that it is only evicting and demolishing those that are linked to terror activities.

There is an urgent and long-standing need to change these unilateral, cruel, punitive and force-laden patterns of house demolitions. Granting additional powers to the newly-inaugurated court marshal to investigate and prosecute military officers involved in such demolition exercises is one of the means to do so.

### **D. Landlords, tenants, indigenes and non-indigenes have the right to be compensated, and deserve equal protection under the law**

The right to fair compensation is guaranteed by Section 44 (1) of the 1999 Nigerian Constitution. Because the constitution protects movable as well as immovable property, it guarantees compensation protection for tenants as well as landlords. Though tenants may not hold legal title to the land, they do have an interest in the movable property on the land or in the building that they are renting. Additionally, tenants often make structural improvements to the buildings that they rent. Compensation for these structural improvements is sometimes negotiated in the original lease agreements. Other times it is negotiated separately in an oral or written contract. In any such case tenants who have made such improvement who have not yet been compensated have a viable interest in the immovable property that they have paid to improve.

Section 29 of the Land Use Act lays out particular ways to compensate for loss of property, unexhausted improvements, customary land titles, etc. However, the process of calculating compensation is necessarily



complicated when demolitions have already occurred. Prior to demolitions, it is possible to have the property in question assessed by a surveyor who can determine a fair price of compensation.

Affected persons should be compensated in such a way as to place them in their status quo position before the demolitions. As previously stated, because the evictions and demolitions have already occurred, the affected persons' fundamental rights have been irreversibly violated. Yet, they can be compensated as a way to minimize their current suffering and to come as close as possible to re-establishing their original state of well being.

#### **E. Establishment of a forced eviction database using the FOI legislation**

Given that forced eviction constitutes a human rights violation and often involves violation of other human rights, governments expectedly do not collect information on them, and, if they do, are unlikely to make such information available to the public. The recently-passed Freedom of Information Act provides a basis for human rights groups, civil society organizations working in housing rights sector, the population and urbanization studies departments in the universities to devise an effective monitoring mechanism to collect accurate data and reliable information about the actual number of demolished houses and verifiable statistics of the populations displaced by the insurgency.

Technical support and assistance of local experts, international agencies and organizations may be sought to provide disaggregated data showing the differentiated impact of the punitive house demolitions and forced displacement on vulnerable groups such as women, children, indigenous peoples, farmers, people living with HIV/AIDS, older persons and the youth. Expertise in conducting mappings and eviction impact assessments is also required to fully understand and predict the cumulative effects of displacement and relocation, as well to determine restitution, reparation and remedies in cases where relocation was unavoidable.

#### **F. Demolitions should be carried out as last resort after all alternative solutions have been explored.**



Article 16 of the UN Comprehensive Human Rights Guidelines on Development-based Displacement obliges States to fully explore all possible alternatives to any act involving forced eviction. While it may be argued that UN Guidelines applies to development-affected communities, as opposed to emergency situations, it however, contains important provisions that are relevant to the formulation of rights-based responses to the Boko Haram insurgency. It then follows that forced eviction and demolition should, indeed, be the option of last resort in tackling threats to public safety constituted by the presence of bomb factors or arm depots within communities. The hasty demolition of the homes of suspected



terrorists and suicide bombers without a prior establishment of guilt, is equivalent to pronouncing guilt and inflicting punishment on the buildings rather than on the suspects.

Should demolitions become inevitable in the event of extreme threats to public safety, steps must be taken to determine the number of children, pregnant women, elderly persons and the youth who would be affected by the relocation and to evaluate the socio-economic impacts the property losses would have on the community. In addition to giving inhabitants enough time to gather their belongings, such demolitions should be preceded by the provision of adequate alternative housing for the listed categories of persons. Most importantly, the security agents conducting the demolition must show restraint and moderation. The UN principles further state that "Evictions shall not be carried out in a manner that violates the dignity and human rights to life and security of those affected. Any legal use of force must respect the principles of necessity and proportionality". .

In relocating families and communities, the government has further responsibility to ensure that the relocation site(s) will fulfill the criteria for adequate housing according to international human rights law, including services for accessing water, employment options, schools, and health-care facilities. This has clearly not been the case in Nigeria's crisis-torn northern Nigeria.



# Recommendations

## To the Nigerian Government:

- To end the violence, particularly by halting the demolition of the homes or communities inhabited by suspected suicide bombers and other persons perceived to be sympathetic to extremist groups and their activities, save and until, a court order has been obtained. In other words, should demolitions become inevitable, the government should require security operatives to seek and obtain court orders from competent tribunals prior to such demolitions, in accordance with the principles of proportionality and necessity. There should be a right of appeal to the regular courts.
- To take concrete and immediate steps towards promoting alternatives to forced evictions, especially through the development of a domestic legislative framework, in line with its international obligations, for regulating internal counter-terrorism interventions which guarantees legal protection against forced eviction, harassment and other threats on rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements.
- To establish complaint mechanisms and grievance procedures that allows the evicted, the injured, or aggrieved persons affected by counter-terrorism operations to express themselves freely and demand redress, without fear of reprisals or arrests. Steps must be taken strengthen the civil and criminal justice systems and enforcement mechanisms for addressing grave human rights violations occurring in Northern Nigeria.
- To investigate allegations of excessive use of force and extra-judicial killings by members of the Joint Task Force and bring those who are alleged to have perpetrated crimes to justice.
- In collaboration with the National Human Rights Commission, non-governmental organizations and international agencies, the Nigerian government must ensure an independent and impartial review and redirection of the operational methods, processes and procedures of the Joint Task Force/Special Task Force to be in tune with the democratic environment and attributes of the rule of law, due process and respect for human rights. The review must be supported by a well thought-out strategy and timetable for the withdrawal of military troops in the crisis-torn northern states.
- To set up an accessible database of casualties by conducting a high level inquiry to ascertain the identity and number of ALL the victims, including civilians and security officers, who lost their lives and sources of livelihoods in the northern Nigeria, ensuring that they receive adequate remedy, not limited to monetary compensation for the wrongs they suffered.
- To ensure that all state organs, especially its security agents respect the law, court orders and lawsuits challenging the legality of scheduled or actual demolitions executed under the banner of security.
- Provide information and free access to human rights and humanitarian organizations carrying out human rights monitoring, education, relief, or development programs to all the volatile states and communities in Northern Nigeria.



- Incorporate the civil, political, social economic and political human rights obligations assumed by Nigerian government under international human rights treaties it has ratified into domestic law.
- To immediately constitute an inclusive working group comprised of Northern political and religious leaders, government and legislative officials, human rights and development leaders, reputable journalists, leadership of the Boko Haram sect, representatives of women and youth organizations drawn from all the Northern States. The group's main goal is to undertake a working assessment of the growing violent conflict in the region, facilitate true reconciliation, and develop a work plan for expanding democratic engagement and developmental progress in Northern Nigeria.

#### **To the International Community:**

- Mount and sustain pressure on the Nigerian government to respect its obligations under international human rights law to restore peace, order and respect for human rights and the rule of law in its security and anti-insurgency interventions.
- Make available generous funds to the human rights groups and humanitarian organizations to monitor, assess the human rights situations in those areas and provide relief to the sick and wounded.
- To support SPACES FOR CHANGE's appeal to the United Nations to Special Rapporteur on the Right to Adequate Housing, Ms. Raquel Ronik to visit Nigeria in order to *"examine, monitor, advise and publicly report"* on human rights problems through *"activities undertaken by special procedures, including responding to individual complaints, conducting studies, providing advice on technical cooperation at the country level, and engaging in general promotional activities"*.

#### **To Northern State Governments, Nigerian Security Forces (Strategic Youth Engagement):**

SPACES FOR CHANGE's constant engagement and interactions with Nigerian youths of northern extraction informed the following peace-building strategies that can upscale ongoing anti-terror interventions:

- a. Reform the juvenile and criminal justice systems to better prepare youth for second chances.
- b. To introduce and implement initiatives - in collaboration with local youth associations, age grades, Islamiya schools - that build trust and improve civilian-military relations between local youths, community residents and security agents. Such programs may include sporting events, community development projects and skill development programs.
- c. To refrain from using extreme force on young persons suspected to be involved in insurgent operations, as this fuels their animosity towards security forces, forcing them to regroup, and recruit more aggrieved persons to organize and unleash retaliatory actions often anchored on religious fanaticism.
- d. To offer civic education in schools for young people to learn about their rights and responsibilities as citizens. This includes organizing regular forums where political leaders and security forces will directly engage, educate, reorient and empower them to challenge social norms, cultural and religious practices that promote fanaticism and fundamentalism.



- e. To set up community hotline, toll free numbers accessible to local youth, for sharing important information regarding security risks or threats they notice in their communities. High levels of confidentiality must be guaranteed in communications involving young people as part of efforts towards building trust and increasing mutual confidence.
- f. To reassess and readjust institutionalized decision-making processes and structures such that would allow greater participation of youth in social and economic development of their communities and states. This change in approach will help build youth connectedness and protective factors in powerful ways.
- g. Promote and increase the accessibility of elected officials to youth. In Maiduguri in particular, we found that the youth feel totally excluded from governance, and have extremely limited access to their elected leaders. Monthly physical meetings, media chats, or social outings with local youth and their leaders and youth-led organizations are some of the strategies for enlightening the youth populations on state policies and programs and soliciting their feedback.
- h. Greater awareness, education and capacity building are required to increase the capacity of religious, community and youth leaders to manage information, communicate and conduct negotiations on issues of concern to their communities through non-violent means. Emphasis should be placed on designing programs that promote learning in educationally disadvantaged States in northern Nigeria, training teachers, increasing community involvement and supporting infrastructure improvements for schools.
- i. A more pragmatic application of human rights-based approaches to the design and implementation of youth-responsive social and economic policies and programs, and the handling of counter-terrorism interventions, are examples of specific issues where advisory support and technical assistance are critical. SPACES FOR CHANGE and other human rights organization working in the broader field of youth development are uniquely placed to provide these service offerings.

.SPACES FOR CHANGE.

