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Lagos, Nigeria

NIGERIAN SLUM /
INFORMAL SETTLEMENT
FEDERATION



JOINT PRESS RELEASE:

COURT FINDS THAT GOVERNOR AMBODE IS UNDERMINING RULE OF LAW & PRINCIPLES OF CONSTITUTIONAL DEMOCRACY AFTER THOUSANDS MORE FORCIBLY DRIVEN FROM OTODO GBAME IN RUTHLESS STATE-SPONSORED LAND GRAB

The Nigerian Slum / Informal Settlement Federation (Federation) and Justice & Empowerment Initiatives – Nigeria (JEI) condemn the violent forced eviction of Otodo Gbame community on 9 April 2017 by the Lagos State Government, carried out in continued brazen disregard for a subsisting order of court restraining the eviction of Otodo Gbame and other Lagos waterfronts.

Before 6am on Sunday, 9 April 2017, residents of Otodo Gbame – an ancestral, predominantly Egun, fishing settlement in Lekki – woke up to policemen shining torches into their homes and telling them to get out. As residents scrambled to rescue children and belongings, policemen began shooting teargas and live bullets to chase residents out of their homes and into wooden boats on the Lagos Lagoon. Soon, policemen began setting homes on fire using kerosene.

When JEI reached the community around 8:30am, staff witnessed at least 60 policemen and three Black Maria mobile detention units marked Lagos State Task Force. The commanding officers said the operation was led by the Lagos State Task Force on orders from Lagos State Governor Akinwunmi Ambode. Uniformed Task Force officials were seen carrying jerry cans of kerosene, splashing it on houses, and lighting them on fire. A commanding officer was heard shouting, “The whole place must burn down!” Policemen indiscriminately shot teargas and live bullets toward the Lagos Lagoon where residents huddled in wooden canoes watching their homes burn down.

Around 10am, a 20-year-old man named Daniel Aya was shot in the neck as he attempted to rescue his family’s belongings. He was carried into a wooden canoe as he bled profusely and taken to a motorboat so he could be taken through the lagoon to medical treatment; he died a few minutes after departing the community. A 16-year-old boy named Monday Idowu was also shot in the chest, but thankfully was taken through the Lagoon to Lagos Island General Hospital on time to receive treatment. Three other men were also shot and suffered serious injuries.

By early evening, when nearly the whole remaining community had been systematically burned or demolished using a “swamp buggy” that arrived later in the day, police now entered boats and began chasing evictees – including women, babies, children, and the elderly – deeper into the Lagoon shooting teargas and live bullets while evictees paddled for dear life.

It will be recalled that the threat to the Lagos waterfronts began when Lagos State Governor Akinwunmi Ambode announced to the media on 9 October 2016 the Government’s intention to “start demolishing all shanties on waterfronts across the State within 7 days.” Based on mapping and profiling done by the Federation in informal settlements across Lagos, we believe at least 40 communities and over 300,000 residents fell under this threat of imminent eviction.

After attempts to engage the State Government were rebuffed and one community, Ilubirin, was demolished on 15 October 2016, residents of 14 waterfront communities felt they had no choice but to approach the Lagos State High Court to protect their fundamental rights. They commenced suit against the Lagos State Governor, the Attorney General, the Commissioner of Physical Planning and Urban Development, and the Commissioner of Police.

On 7 November 2016, Honourable Justice S. A. Onigbanjo of the Lagos State High Court granted an injunction restraining the Lagos State Government and the Nigerian Police Force from proceeding with any demolition of the waterfronts. Despite this order, on 9-10 November 2016, Otodo Gbame community was demolished and over 30,000 residents forcibly evicted by arson attack and an excavator that began working in the dead of night while residents were sleeping.

On 26 January 2017, Honourable Justice Onigbanjo delivered a landmark ruling in the case brought by waterfront residents. **His Lordship found that demolitions on short notice without provision of alternative shelter constitute cruel, inhuman and degrading treatment in violation of the right to dignity** enshrined in Section 34 of the 1999 Constitution of the Federal Republic of Nigeria and Article 5 of the African Charter on Human and Peoples' Rights. Rather than entering final judgment, Honourable Justice Onigbanjo then ordered the parties to attempt mediation through the Lagos State Multi-Door Courthouse and ordered them to maintain the status quo – refraining from any evictions – during the pendency of the mediation and the suit.

Despite the subsisting court order and while court-ordered mediation was ongoing, the Lagos State Government brutally and unlawfully began demolishing remaining homes in Otodo Gbame on 17 and 21 March 2017. When the demolition squad returned on 22 and 26 March to continue the demolition, hundreds of brave Otodo Gbame women led peaceful protests that led to the “swamp buggy” turning back, although dozens were beaten and eight arrested on 26 March.

On 21 March 2017, JEI commenced contempt of court proceedings against the respondents in Suit LD/4232MFHR/16 for brazen disobedience of the court order restraining demolition. After the respondents unilaterally pulled out of court-ordered mediation on 29 March 2017, the applicant communities rushed back to the court seeking urgent audience. Justice Onigbanjo ordered the respondents to appear on 6 April to show cause why they should not be committed to prison for disobedience of a court order. The respondents failed to appear that day or put up any defense.

Three days after the latest and most violent forced eviction of Otodo Gbame, on 12 April 2017 Justice Onigbanjo delivered his ruling on the contempt proceeding. His Lordship found that the uncontroverted affidavit evidence pointed to the responsibility of the Lagos State Governor Akinwunmi Ambode for ordering the demolitions in brazen disregard of the orders of the court, actions that he found **undermine the principles of constitutional democracy and rule of law**. But for the fact that the Governor enjoys immunity from prosecution under the 1999 Constitution, Justice Onigbanjo said that justice would require such a contemnor be remanded in prison.

During the same hearing, Justice Onigbanjo made clear that he would not review his previous orders restraining the respondents from demolishing and preserving the status quo, which mean that Otodo Gbame residents should lawfully still be in their homes and on their land undisturbed.

However, in the face of brazen use of force – including the stationing of two gunboats at Otodo Gbame on 11 April – Otodo Gbame evictees would in reality risk their lives if they were to attempt to enjoy the status quo protected by the court order by returning to their land. Residents report that armed thugs patrol the land with guns and machetes and a bulldozer is now leveling the land. A week before the 9 April 2017 forced eviction, persons who said they were working for Government came to survey parts of the land at Otodo Gbame and lay pipes for sandfilling. It is reported that land in the Otodo Gbame area of Lekki is now on the market for N150m per plot.

Accordingly, immediately after court, hundreds of Otodo Gbame evictees and members of the Nigerian Slum / Informal Settlement Federation standing in solidarity with their evicted brothers and sisters proceeded to the office of the Lagos State Governor on a peaceful protest. Their demands were for the Lagos State Government to respect the rule of law and the court order and allow them to return to the land from which they have been chased by brutal force and violence. The protesters stood through a major rainstorm and as evening fell, insisting that they had nowhere else to go until a delegation of three members of the Governor's Executive Council came out twice to beg evictees to return for a meeting to discuss a solution on Tuesday, 18 April 2017.

In the meantime, thousands of homeless and now landless evictees from Otodo Gbame are still sleeping in boats and squatting with relatives and friends in at least 16 other waterfronts across Lagos. With support from hundreds of outraged Lagosians who have condemned the actions of the Government in Otodo Gbame, JEI and the Federation are leading efforts to provide relief materials to evictees who have lost everything. In partnership with sister communities in the Nigerian Slum/Informal Settlement Federation, we are organizing camps to provide temporary shelter for evictees pending the outcome of either meetings with the Lagos State Government – where evictees will demand return to their land in line with the court order – or the final judgment to be delivered by Justice Onigbanjo on 25 April 2017.

We condemn – and call on others to join us in condemning – the violence, impunity, and brazen disregard for the rule of law being demonstrated by the Lagos State Government, which is incongruous with a democratic society and the aspiration to be a global leader among megacities.

SIGNED:

Megan S. Chapman
Justice & Empowerment Initiatives
www.justempower.org
+234 (0) 818 719 6021
megan@justempower.org

Akinrolabu Samuel, Bimbo Oshobe & Sani Mohammed
Nigerian Slum/Informal Settlement Federation
www.facebook.com/NigerianFederation.net
+234 (0) 803 921 4391, +234 (0) 708 639 1373

For pictures and videos of the 9 April 2017 demolition and its aftermath:
<https://www.flickr.com/photos/93512835@N04/albums/72157679186063343>