



October 13, 2009
Port Harcourt, Nigeria

PRESS STATEMENT

SERAC Condemns the Repressive Acts of the Rivers State Government and the Nigerian Police in Bundu ama Waterfront, Port Harcourt, Rivers State

In a most unexpected fashion, violence broke out yesterday, 12th October, 2009 at the Bundu waterfront of Port Harcourt Rivers State when the police, Joint Task Force (JTF) and the army stormed Bundu on a supposed mission to mark houses for demolition. This scheduled demolition of Bundu ama waterfront is the latest in a series of forced evictions and demolitions sweeping through the entire state to pave way for the actualization of Amaechi's dream of a greater Port Harcourt ultra-modern city. Under a similar urban renewal agenda, under the state-ordered forced evictions, Njemanze waterfront, in August 2009, was felled by Amaechi bulldozers, rendering thousands of residents homeless, impoverished and desperate. Yet, over forty waterfront communities stand at the mercy of the rampaging bulldozers.

The Social and Economic Rights Action Centre (SERAC) has confirmed that the enumeration exercise and the protests that it sparked were extremely violent. As early as 7.30 on the morning of October 12, the JTF and other State forces were in the Bundu community heavily armed and very eager to do more than just mark homes for demolition. The character of their onslaught and the commando style of their invasion brought back memories of the military junta, or even much worse.

The security operatives accomplished what they termed "suppression of community upheavals" through an array of armored tanks, and trucks manned by fully armed security personnel ostensibly mobilized to suppress any resistance to the enumeration exercise. SERAC has received several reports of brutality and excessive violence: sporadic gun shootings, beatings, maiming, horsewhipping, physical assaults, arrests, detentions, and including kangaroo charges. The attack left in its trail, a heavily battered community with several casualties and fatalities. Eye witness accounts inform at least 4 people were shot in the crowd. One of them was shot in the high chest just below the shoulder while another was shot in the leg. Under the heavy gunfire that ensued, the residents made attempts to shield themselves from further attacks by building barricades, but the police and JTF kept advancing as if these Nigerian citizens had become enemies at a war front. They charged at the people with machine guns when all that the innocent victims had were their voices and placards that read: "Leave our waterfront! Do not kill us!"

Below are just a few of the resultant effects of their violence-ridden mission:

1. Six people were seen piled in the back of a police van. Five of them showed no signs of life. The whereabouts of these people remain unknown.
2. The JTF strip and beat two men with wires and the butt of their guns. One of the men was later confirmed to be a food vendor.
3. The police burnt shoes, clothes and other personal effects of the residents
4. Eight men and a woman had to be taken to a nearby clinic for the treatment of gunshot wounds.

These actions were taken in utter disregard of the fundamental human rights of the Bundu ama community guaranteed under Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria and the African Charter on Human and Peoples' Rights to which Nigeria is a party, including their rights to life, privacy, dignity, housing, property, health, family, and development. Accordingly, Nigeria has an

obligation to promote, protect and respect the dignity of the human person. Section 34 of the 1999 constitution provides that no one shall be subjected to any inhumane or degrading treatment. Likewise, Section 33 states that no one shall be arbitrarily deprived of his right to life. These requirements are in keeping with the provisions of the Article 5 of the Universal Declaration on Human Rights and Articles 4 & 5 of the African Charter, two documents to which Nigeria voluntarily signed onto, and must thereby give effect to.

SERAC is deeply concerned about the degree of violence involved, especially the deaths resulting from this incident. SERAC categorically states that the constitutionally-enshrined right to life “is the fulcrum of all other rights”. It is the fountain through which other rights flow, and any violation of this right without due process amounts to arbitrary deprivation of life. There can be no more direct violation of this right than the intentional or reckless endangerment and destruction of life. Moreover, the right to life is violated not only by intentional deprivation, but also by subjecting persons to conditions which predictably lead to their deaths.

Given the character of the State’s responses to the community protests against the planned demolition of their houses, SERAC is of the opinion that the Rivers State Government has resorted to an impermissible use of self help in the circumstances. Self help is realized when people, institutions, or government bodies take the law into their own hands. It is by its very definition, therefore, illegal. It is a corrosive force in society, which leads not only to anarchy, but also, the systematic breakdown of law and order, rule of law, and due process. It is therefore incompatible with the principles of democratic governance. The Court per **Akpata J.S.C.** in the popular case of **Agbai v Okagbue (1991) 7 NWLR, PT 204, 391 at page 444, paragraph C** condemned the remedy of self help in no uncertain terms:

" It is the function of the courts in any orderly society, or any society claiming to be orderly, to settle dispute between persons, between government or authority and any person in that society. This law is being accorded general acceptance, in varying degrees, in most countries of the world. For anyone to resort to self help, that is, taking the law into his hands, in a situation such as in this case, is the very antithesis of orderliness. It is a retrogressive step which, if encouraged, will lead to chaos, anarchy and the law of the fittest."

The court in this case clearly articulated the danger of self-help, that is the disregard for law and order, which contributes to a culture of anarchy. Anarchy becomes self-perpetuating as one can no longer credibly rely on the law abiding behavior of fellow citizens or government officers. Such a scenario in which a society lacks trust as well as rule of law is fundamentally incompatible with a system of democratically elected representative government or any model of citizen participation in society.

SERAC is therefore compelled to ask: What sort of enumeration would necessitate a state to roll out armored tanks and bulldozers to accomplish? If the Bundu people had been adequately consulted, would there have been need to effect that level of security detailing? Had the RSG in times past, not issued illusory press releases suggesting that the landlords of the waterfronts were fully in support of the demolitions? Were those landlords suddenly unaware of the supposed enumerations? Why the sudden u-turn in the much publicized “cooperation with communities” in the state’s urban renewal agenda? And finally, why would the RSG resort to the impermissible use of self help to actualize the state’s urban renewal plan if in actual fact, the people were conceived to be the ultimate beneficiaries of government programs? The lies, half truths and deceptions are all beginning to unravel naturally.

The actions of the Rivers State government constitute gross violations of human rights, and a frightening threat to peace and public safety. The police cannot justify its violent enforcement of a “public peace” unknown to law by reference to the need to combat crime. It is regrettable that the police would

preoccupy itself fancifully with community protests in a society that is drenched with serious violent crimes, and even more life threatening crimes of corruption in the officialdom.

We demand that the police immediately halt these unjustified attacks on helpless community residents and other citizens in Rivers State. We demand that the Inspector General of Police and the Rivers State Commissioner of Police launch a high level investigation into this matter. Further, we demand that the offending police officers be brought to justice for their unlawful actions. Finally, we demand the immediate withdrawal of these baseless charges against community members from the courts, and the unconditional release of all persons detained in connection to those charges.

Further, SERAC is therefore calling on the River State government to:

1. Publicly condemn the actions of its agents, the police, the army and Joint Task Force in their utmost disregard for human life
2. Issue an apology to all residents of the Bundu waterfront
3. Withdraw further plans of demolishing the Bundu waterfront
4. Pay adequate compensation to those who lost valuables in the attack of October 12, 2009 and also to families who lost their loved ones.

Signed:

Victoria Ohaeri

Program Coordinator

The Social and Economic Rights Action Center (SERAC)

1A Ade Ajayi Street, Off Hakeem Ajala Street, Zone A4, Ogudu GRA, Lagos, Nigeria. P.O. Box 13616,
Ikeja-Lagos, Nigeria, Tel: 234.1.764.6299; 234.1.879.9298
Fax: 234-1-4968605; e-mail: info@serac.org; serac@linkserve.com.ng