

NEWS.

SERAP commends ECOWAS Court over verdict on Bundu shootings

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• Post-2011 election riot victim awarded N10m

TUESDAY'S judgment of the ECOWAS Court on Bundu shootings "shows that there is punishment for the government when it allows its security forces to use excessive force against peaceful protesters, and unlawfully drive them away from their homes, with tragic consequences for citizens and communities."

This was the opinion of Lagos-based rights group, the Socio-Economic Rights and Accountability Project (SERAP), in welcoming the judgment yesterday.

The ECOWAS Court of Justice, Abuja, had ruled that the Nigerian Government's failure to investigate and prosecute members of the security forces who killed and injured protesters during demolitions at Bundu waterfront in Rivers State violated the right to protest.

The court held that the rights to peaceful assembly and association are the foundation of a civilised society and ordered the government to pay nearly \$70,000 in damages to the plaintiffs for violations of their human rights to peaceful assembly and association and freedom from forced evictions.

It also awarded N10 million as compensation to a widow, Mrs. Dorcas Afolalu, whose husband was killed by rioters during the violence in parts of Northern Nigeria over the results of the 2011 presidential election.

The judgment followed a \$20 million suit filed against the Federal Government by the Femi Falana Chambers on behalf of Afolalu for the unlawful killing of her husband, Mr. Felix Afolalu, on April 18, 2011.

In her oral testimony before the court, Afolalu recalled that her husband was beaten to coma before he was burnt to death by thugs who stormed their residence at the Kaduna Polytechnic, where he was a lecturer.

She told the court that her 32-year old husband had just completed his doctoral degree in geophysics and had concluded arrangements to transfer his services to the Institute of Mining in Jos, Plateau State.

Though the Federal Government filed a statement of defence, it did not call any witness to controvert the evidence of the plaintiff. Ruling, the court accepted the unchallenged evidence of the plaintiff and held that the Federal Government failed in its duty to secure the life of the deceased.

Judgment in the Bundu Waterfront case followed a suit filed in October 2010 against the Federal Government on behalf of SERAP and the residents of Bundu by Femi Falana (SAN), Adetokunbo Mumuni and Sola Egbeyinka.

Attorney General of the Federation and Minister of Justice, Rivers State Governor, Rotimi Amaechi, his Commissioner for Justice and Commissioner for Urban Development were also named as co-defendants.

In the suit, the plaintiffs said, "the Rivers State Government, with the support or complicity of the Federal Government, is planning large-scale demolitions of the city's waterfront settlements, where there are over 40 waterfront settlements in Port Harcourt, and they are some of the most densely populated areas of the city, home to at least 200,000 people."

The plaintiffs are Israel Okari, Joy Williams, Austin Onwe, Tamno Tonye Ama, Victor Opium, Mark Bomowe, Napoleon Tokubiye, Jonathan Bokoko, Williams Tamuno and Linus John, supported by SERAP.

According to them, "the planned large-scale demolitions were developed without adequate consultation with the affected communities. Njemanze waterfront, a community close to Bundu Ama, was demolished in August 2009 and it is estimated between 13,800 and 19,000 people were forcibly evicted from their homes.

"Thousands of people, including children, women and the elderly were left homeless and vulnerable to other human rights violations."

However, SERAP said in a statement yesterday, through its Executive Director, Adetokunbo Mumuni, that "as the rulings of the ECOWAS court are binding, the Nigerian Government will be under pressure to implement this judgment and align its policing practices with international human rights standards."

Interestingly, "the ECOWAS Court absolved the Rivers State Government of any wrongdoing, being not a party to ECOWAS protocols and agreements, but that the government of President Goodluck Jonathan is responsible for the persistent infringement of human rights and prolonged suffering of the residents of Bundu Waterfront community, Port Harcourt."

