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ETHIOPIAN HUMAN RIGHTS COUNCIL

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EHRCO stands for democracy, the rule of law and the respect of human rights.

July 16, 2007

**102nd Special Report
Eviction of People from their Homes in
Addis Ababa should be stopped!**

Introduction

It is widely known that several individuals who have built homes with no land ownership certificates and plan, started family and resided in the outlying areas of the different sub-cities of Addis Ababa as well as neighboring *kebeles* of Oromia regional state after acquiring the land through different means. The Addis Ababa City Administration, on the other hand, has undertaken massive demolishing of residential houses during the rainy season, claiming the construction of the houses and other developmental projects are not synchronized with the city's master plan; and thus are "illegal". This action by the city administration has led for thousands of citizens to face extreme hardship.

It goes without saying that this act of demolishing "illegal" houses by the city Administration should be consistent, adhere to the principle of transparency and above all be in accordance with the due process of law. However, part of the demolished houses were built legally and were demolished without sufficient notice and no compensation while the rest belonged to individuals who were promised that they would be given legal certificate of ownership if their houses were in harmony with the city's master plan. Relying on this promise, these individuals invested enormous amount of money and labor in to their houses to equip them with the necessary infrastructure; but now, they were suddenly demolished by the orders from Addis Ababa City Administration officials during the rainy season.

In this 102nd special report, The Ethiopian Human Rights Council (EHRCO), reports the cases of thousands of citizens who resided in the different sub-cities of Addis Ababa, whose houses were demolished by the city Administration without sufficient notice and no compensation. It also investigated the apparent discriminatory nature of the demolition of residential houses that took place in Oromia Regional State, Wolemera Woreda; Burayu Gefersa Sigamede Kebele.

The case of individuals whose houses were illegally demolished in different sub-cities, Addis Ababa

A. Forced eviction in different Kebeles of Yeka Sub-city

Article 11(1) of the International Covenant on Economic, Social and Cultural rights states that every one has a right to an existence worthy of human dignity for himself and his family including adequate food, clothing and shelter. The Covenant also states governments have relative obligation to fulfill this rights.

Article 32(1) of the FDRE constitution provides “Any Ethiopian or Foreign national lawfully in Ethiopia has, within the national territory, the right to liberty of movement and freedom to choose his residence...” Article 40(7) and (8) of the Constitution on the other hand, state that every Ethiopian has the full right to the immovable property he builds and the government may expropriate private property for public purposes up on payment in advance of compensation commensurate to the value of the property.

However, 1,171 family heads who were residents of *kebeles* 16, 19, 20, and 21 of Yeka sub-city and Ankorcha Kebele, including residents with certificate of legal ownership, suffered loss of their residences, which were demolished with only seven days of warning and no compensation. As a result, over 4,500 citizens are now with out roof over their heads and facing great hardship.

Among the complainants is Ato Nigusse W/Gabriel, who has received a certificate of legal ownership number 06/4377/00/4870 on February 19, 2005. Ato Nega Sisay also received his certificate of legal ownership number Yeka 10/2497 on January 3, 2007.

Despite this, they told EHRCO that their houses were demolished without any compensation. Other complainants lived in the area for over ten years after receiving plots of land from their families and earn their livelihood as farmers while others told EHRCO that they bought their houses from farmers.

Here, it should be noted that those houses demolished just because they do not have certificate of ownership and plan can not be labeled “illegal”. Otherwise, this leads to the conclusion that all houses belonging to Ethiopian farmers are illegal. The individuals evicted from their homes are the legal owners of the houses they bought from farmers. Thus, the demolishing action is illegal and the owners have the constitutional right to receive compensation.

These family heads relied on the Directive number 1 issued by the city administration which states that owners of houses which are in harmony with the master plan of the city will be given certificate of ownership. They thus, spent a significant amount of money and labor in the infrastructure. Their houses were later demolished suddenly without compensation and during the rainy season. These family heads are now stranded with their families, facing the harsh weather conditions leading to family break ups and street lives and for their children to drop out of school. This contravenes the provisions of the country’s Constitution as well as those the International Covenant on Economic, Social and Cultural Rights to which Ethiopia is a party.

B. Eviction in Bole Sub- city, kebele 10

Over 717 family heads with more than 2,500 family members who resided in Bole sub-city kebele 10 since 1991 told EHRCO that on June 14, 2007, they were told by the sub-city land administration bureau to evacuate their houses within seven days.

The residents told EHRCO that even though they do not have certificate of ownership and plan for their immovable property, they were promised that they will become legal owners and that they will receive certificate of ownership during several meetings held with government officials. In addition, in accordance with Directive number 1 issued on October 10, 2006, which states that owners of immovable property without legal

documents will become legal owners through the Lease Administration, they invested on infrastructure such as running water, electricity, telephone and roads. Their houses were also demolished with seven- days notice during the rainy season.

It is worth noting here that the demolition of houses during the rainy season seems to have become a trend. Another case in point in this connection is the demolition carried out in the Oromia region Welmera wereda, Burayu Gefersa Sigameda *kebele* about a year ago. Apart from being done during the rainy season, the manner this demolition was carried out was arbitrary and ostensibly discriminatory.

Article 32(1) of the FDRE Constitution stipulates “Any Ethiopian or foreign national lawfully in Ethiopia has the right to liberty of movement and freedom to choose his residence...” Article 25 of the Constitution on the other hand states all persons are equal with out discrimination on grounds of race, sex, nationality etc.

However, residents of Burayu Gefersa Siga Meda *kebele*, Wolmera Woreda, Oromia regional state, who bought land from farmers to build houses, received notice from the administration on August 6, 2006 to demolish their houses. Then, their houses were demolished by the administration in the following five days. These 699 family heads paid land taxes for a period between 1-10 years hoping to receive certificate of ownership for their houses.

The residents told EHRCO that in the months prior to the demolition; the *kebele* approached them and asked them several questions including questions about their ethnic background. They also mentioned that their houses were selected and demolished discriminatorily. As evidence of this claim, they state that even though their neighbors also bought lands in a similar manner and lived with them, their houses were not demolished on the ground of their ethnicity.

Up on receiving this complaint, EHRCO’s investigators, who observed the construction pattern of both the demolished houses and those that were left untouched, were able to learn that all the houses were originally built in a mixed manner; reinforcing the

complaint. They also learned that some of the houses were selectively demolished on a ground which was hard to establish.

In addition to this, no construction activity has been undertaken on the land previously occupied by the demolished houses in the past year. This raises the question: what kind of emergency plan led to the demolition of the houses of thousands of citizens who were forced to lead a difficult street life during the rainy season?

Conclusion

- As indicated above, as a result of the demolition of their houses by the government, thousands of citizens are now left without a roof over their heads; their families are broken up, children have dropped out of school and forced to live on the streets. What is heart-rending is that all these houses were demolished on seven- days of notice, during the rainy season. This contravenes the government's constitutional and international obligation to its citizens.
- In addition to this, houses of both individuals who are legal owners of their property and those who do not have documents to certify legal ownership were demolished without any compensation just by stating that their houses were "illegal". EHRCO believes that individuals who have received plots of land from their families like any Ethiopian farmer or those who bought land from farmers are the legal owners of the land. Thus, unless they built houses illegally on land that belongs to the government, the latter has an obligation to provide them with commensurate compensation when it needs the land for public purposes. Therefore, EHRCO calls on the government to provide these individuals with compensation or use other legal means to rehabilitate them.
- Furthermore, EHRCO appeals to the government to give adequate remedies to those whose houses were demolished and are suffering a lot at this historic moment of the eve of the Ethiopian Millennium. In addition, EHRCO requests if there are more acts of demolition, they be undertaken in a consistent, transparent, non-discriminatory and human manner with sufficient prior notice.

It also requests future demolishing activities to take place only after a rehabilitation scheme is designed for the residents whose houses will possibly be demolished and during the dry season.

In addition, EHRCO calls on citizens, national and international organizations, representatives of governments and international groups that stand for the respect of human rights and the rule of law to lend a helping hand for citizens, who were residents of different sub-cities in Addis Ababa and Burayu *kebele*, Oromia regional state and whose houses were unlawfully demolished by the government as detailed above. It also calls on the same bodies to put pressure on the Ethiopian Government to respect the property rights of citizens as enshrined in the country's Constitution.

Please express your concerns by writing and making calls to the government bodies and officials listed below.

- H.E. Ambassador Teshome Toga, Speaker, House of People's Representatives, FDRE.
P. O. Box: 80001, Fax: (251-1)1 55 0900, Addis Ababa, Ethiopia.
- H.E. Ato Degife Bula , Speaker, House of Federation, FDRE.
P. O. Box: 80001, Fax: (251-1)1 55 0722, Addis Ababa, Ethiopia.
- H.E. Ato Girma Woledegiorgis, President, FDRE.
P. O. Box: 1031, Fax: (251-1)1 55 2020, Addis Ababa, Ethiopia.
- H.E. Ato Meles Zenawi, Prime Minister, FDRE.
P. O. Box: 1031, Fax: (251-1)1 55 2020, Addis Ababa, Ethiopia.
- H.E. Ato Siraj Fergessa , Minister of Federal Affairs, FDRE.
P. O. Box: 1370, Fax: (251-1)15 52 0000, Addis Ababa, Ethiopia.
- H.E. Ato Assefa Kesito, Minister of Justice, FDRE.
P. O. Box: 1370, Fax: (251-1)15 52 0874, Addis Ababa, Ethiopia.

- H.E. Dr. Mohammed Yasin, Speaker, Oromia National Regional State Council.
P. O. Box: 101769, Fax: (251-1)5 513642, Addis Ababa, Ethiopia.
- H.E. Ato Fikru Ngakal , Speaker, Southern Nations, Nationalities and People's Regional State Council.
P. O. Box: 18, Fax: (251-1)046 220 1950, Addis Ababa, Ethiopia.
- H.E. Ambassador Kassa G/Hiwot, Commissioner, Ethiopian Human Rights Commission.
P. O. Box: 1165, Fax: (251-1)6 45 9290, Addis Ababa, Ethiopia.
- H.E. Ato Abay Tekle, Ombudsman, FDRE.
P. O. Box: 2459, Fax: (251-1)6 45 9229, Addis Ababa, Ethiopia.