

**CENTRE FOR HOUSING RIGHTS & EVICTIONS, COMMONWEALTH
HUMAN RIGHTS INITIATIVE AND PEOPLES' DIALOGUE**

STATEMENT OF FACTS AND RECOMMENDATIONS – APRIL 19 2006

**FORCED EVICTION OF SETTLERS FROM THE DIGYA NATIONAL PARK
AND THE BOAT '604' DISASTER NEAR TAPA-ABOTOASE IN THE
VOLTA REGION**

The Centre for Housing Rights and Evictions, Commonwealth Human Rights Initiative and the People's Dialogue have learnt with regret, the forced eviction of Settlers on the Digya National Park by the Wildlife Division of the Forestry Commission and the unfortunate death by drowning of about one hundred evicted persons who were aboard boats conveying evicted persons from Dudzome a fishing community in the Afram Plains through Agodeke to Tapa-Abotoase in the Jasikan District of the Volta region.

The exact death toll is not known one week after the unfortunate boat disaster. Some media reports quote 120; some survivors say this number could be higher. The Hohoe Police have not been able to confirm the number of deaths due to the uncertainty of the numbers of people who were on board the boat at the time of the disaster.

So far ten dead bodies have been retrieved from the Lake and buried. However according to unofficial sources that cannot be confirmed, 18 and 40 dead bodies from the boat disaster have been deposited at the Margaret Marquat Hospital of Kpando and Wora Wora Hospitals respectively. According to the Wora Wora Zonal Coordinator of the National Disaster Management Organisation(NADMO), 71 people, mostly children, have registered as survivors of the accident.

The boat disaster occurred following the forced eviction of settlers from the Digya National Park by the Wildlife Division. The Park Manager of the Wildlife Division wrote a letter to ten communities in the Park on 10th February, 2006 informing them that they were going to embark on an evacuation exercise from 28th February, 2006. They asked all settlers to vacate the Park in their own interest before the said date.

This letter was received by the settlers on 17th February, 2006. According to an eye witness Mr Emmanuel Ebonyo, officers from the Wildlife Division together with personnel from the Ghana Armed Forces mounted camp on the shores of the lake at about 4pm on 11th March, 2006, and told the traditional leaders of the affected communities to leave the Park by 9am on Sunday, 12th March, 2006. The community heads pleaded for more time in view of the short notice and the Wildlife team agreed they could wait until Tuesday, March 14, 2006, when a commercial boat would arrive. Settlers who were interviewed say they have lived on the park for over 40 years and even before its acquisition by government.

According to the eyewitness, the soldiers started moving with rifles in the community and the settlers became afraid and started packing from their homes. They subsequently assembled at the banks of the lake and stayed under the sun with their belongings for three days waiting for the commercial boat. They were packed onto the boat with their belongings and dumped on another island Manchari with food, water, shelter or access to medical facilities from Tuesday, 14th March, 2006. No provision was made for alternate housing and other basic necessities by the Wildlife Division or the District Assembly when the settlers were forcefully evicted from the Park.

At Manchari, hundreds of settlers were dumped by the boats on the shores of the lake with no shelter, food, drinking water or medical facilities. People's Dialogue, CHRI, CEPIL and a team of journalists from the *Ghana News Agency* and *JOY FM* visited the affected communities from April 5th to 6th, 2006. They confirmed that the evicted settlers had been left on the banks of the Lake at Manchari with no food shelter or drinking water and that most of them were women and children who showed signs of malnourishment, looked pale, unhealthy and depressed.

The Wildlife Division are said to have continued with the eviction process after March 30, 2006. They have however denied that the boat accident was due to the Division's eviction exercise. According to a statement issued after a Press Conference by the Executive Director of the Wildlife Division, on April 11, 2006, a team of wildlife and military personnel were in the field between March 11 and 20, 2006, to drive out over 6,000 cattle.

According to him, the evacuation exercise was completed on March 20, 2006. He said the accident victims may include people leaving the shore of the National Park but who were going to or returning from market and not directly connected to the evacuation taking place.

This fact has been disproved by preliminary investigations conducted by the Minister of Ports and Harbours and the People's Dialogue, media reports and independent eye witness accounts of some survivors. Media reports state that 150 people had been deported as illegal settlers and forced onto a 70 passenger capacity boat by officials of the Forestry Commission.

According to another report, after several notices, the Wildlife Taskforce entered the Park to execute the order of ejection. Yet another media reports that the passengers in the ferry were mainly deportees from Dudzome who had been evicted from an area designated as a Wildlife Reserve.

The Minister of Ports and Harbours at a Press Conference on April 13, 2006 stated that preliminary investigations reveal clearly that the passengers on board were evacuees but said there was the need for a full enquiry. A survivor called Mr Sumani, aged 70 and interviewed at Tapa Abotoase on April 12, 2006 said that at 8am on April 8, he and his family saw seven wildlife officials carrying guns entering the community to ensure the community complied with an eviction order.

Ten women from Digya National Park interviewed by COHRE on April 12, 2006 confirmed the use of force by Wildlife officials during the eviction exercise. They said they were forced out of their homes, properties were destroyed and one woman says her husband was handcuffed and sent to another village. They all insist the Game and Wildlife wardens forced the people onto the boat even though the boat owner refused to take the people initially. They mentioned some names of wardens who were engaged in the forced eviction.

According to the Helmsman, Mawuli Akimbola, 14 heavily armed officials of the Wildlife Division occupying speed boats forced them to carry out an evacuation exercise ordered by the Wildlife Division. He says the team escorted his boat and forced people to board it at 13 different locations as part of an evacuation exercise at the Digya national Park. Mawuli also said though the capacity of the boat is 63, intense pressure, brute force and harassment from the Wildlife officials made him succumb to overloading the boat.

Robert Fianyeku, the boat owner, in his first statement to the Police said he was forced by officials of the Forestry Commission to cram human beings, livestock and goods well in excess of the boat's capacity from the island to Tapa—Abotoase. In an interview on Peace FM on Tuesday April 18, 2006, Mr Azumah of the Ghana Maritime Authority said he went on a fact finding mission to Abotoase after the boat disaster and met with the assembly member of the settler communities, traditional leaders, and the Chief Inspector of Police, survivors and bereaved families.

He says he was told by the Assembly member that they were forcefully ejected from the Park. He also said a few survivors showed their backs to the team where they had been whipped by the Forestry staff. When asked by the host of the programme why they were whipped, they answered that they were being forced to join the boat.

Prior to the current eviction, there had been earlier attempts to evict the settlers from the National Park. In 1989, government evicted settlers from the Park and settled them into new settlements. On 28th March, 2002, the District Chief Executive of the Afram Plains District Assembly issued a notice requesting that settlers vacate the Park by 30th June, 2002 or face forceful evacuation.

The then Minister of Lands, Prof. Kasim Kasanga authorised the evacuation to be suspended on humanitarian grounds. A Schedule was drawn up by the Wildlife Commission on the eviction of the settlers from the park from 20th September 2000; this schedule was however not followed during the current eviction exercise.

No alternate arrangements for shelter, food, water, or access to medical facilities were made during the evacuation exercise in 2006. The settlers were simply dumped on another island; the others met their untimely death when they were forced onto a boat which got involved in an accident. For the

survivors and bereaved families of the dead, they lost all their properties which they had packed on the boat.

Some were also destroyed by the rain since the said properties were left to the vagaries of the weather. The settlers were not allowed to harvest produce from their backyard farms on the national park, they had to leave some of their property at the National Park, due to the pressure mounted on them by the Wildlife officials and the lack of space on the boat. Currently as we speak, the situation of the settlers forcibly evicted to Manchari is growing worse.

We, the Centre for Housing Rights and Evictions, Commonwealth Human Rights Initiative and People's Dialogue condemn the forced eviction of settlers from the Digya National Park from March 2006 without a relocation or resettlement programme.

This violates article 20(3) that states that where possession of land effected by the state involves displacement of any inhabitants, the state shall resettle the displaced persons on suitable alternative land with due regard to their economic well-being and social and cultural values.

The United Nations Commission on Human Rights in Resolution 1993/77 on Forced Evictions states that:

‘The practice of forced evictions constitutes a gross violation of human rights, in particular the right to adequate housing’

UN General Comment 7 on Forced Evictions (paragraph 130, enjoins governments to prior to carrying out any evictions, and particularly those involving large groups to ensure that all feasible alternatives are explored in consultation with the affected persons with a view to avoiding or at least minimising the need to use force’.

We also condemn the use of force and molestation of the settlers by the Wildlife officials during the forced evictions from March, 2006 and when they were compelling the settlers to board the boats on April 8, 2006, that subsequently capsized and led to the death of several people.

The use of force by the Wildlife Officials violates article 15(2) that prohibits torture, inhuman or degrading treatment. The settlers have also lost their livelihood and their right to health shelter and food have been violated.

We believe that the violations of human rights that occurred was due to the failure of officials involved to respect the right of everyone to be treated equally and with respect, and a result of the officials acting either in ignorance of the law or in the belief that they are above the law.

We are concerned about government's slow and late response to the boat disaster. After the evictions between March 11 to March 20, 2006 and in spite of calls for government to provide shelter, food drinking water and medical supplies to settlers evicted and dumped on the Manchari Island, it did not

intervene and no government assistance was given to the evicted settlers. We are concerned, that government agencies including NADMO, the district assemblies and Ghana Health Service, failed, refused or neglected to respond to the plight of the evictees before the boat disaster whilst the Electoral Commission, a government agency uses helicopters to carry ballot boxes to the same area during elections.

It was not until five days after the accident and on Thursday, April 13, that a Minister of State visited the site to conduct preliminary investigations. We have since learnt that the Minister of Ports and Harbours, on April 18, 2006, announced an eight-member Committee to investigate the causes of the accident and loss of human life during the boat disaster; investigate and establish the extent to which the Wildlife Division's evacuation exercise was linked to the Boat Disaster and investigate and make recommendations on an matter related to the accident.

Whilst we welcome the announcement of the setting up of a Committee of Enquiry into the Boat disaster of April 8, 2006, we are disappointed, that the terms of reference were narrowed to the boat disaster incident and do not include an investigation into the circumstances surrounding the forced eviction of settlers from the Digya National Park which involved serious and gross human rights violations. It regrettably failed to address the issue of the continuation of evictions by the Wildlife Division that could result in further human rights violations and deaths.

RECOMMENDATIONS

Pursuant to constitutional provisions of the 1992 Constitution, international human rights law and the corresponding obligations of the Ghanaian Government, we, the Centre on Housing Rights and Evictions, the Commonwealth Human Rights Initiative and People's Dialogue, recommend the Government of Ghana to undertake the following actions:

Urgent and immediate:

- Formally cease all forced evictions in the Digya National Park till appropriate relocation and compensation for loss of homes and livelihoods is provided, in genuine consultation with affected persons, ensuring that an alternate location is within a reasonable distance to affected persons' sources of livelihood;
- Provide emergency relief supplies including blankets, sanitation facilities and food supplies to those evicted;
- Provide emergency housing for all evictees now forced to sleep outdoors;
- Provide emergency health care treatment and required medicines to evictees;
- Conduct a thorough and transparent investigation into the boat disaster;
- Ensure that the bodies of all who perished in the boat disaster are found and given proper burial rites; and
- Provide compensation to all families of evictees who perished as a result of the boat disaster.

Mid term:

- Provide alternate and adequate accommodation to those who have been made homeless by this forced eviction, in genuine consultation with affected persons, ensuring that an alternate location is within a reasonable distance to affected persons' sources of livelihood;
- Provide compensation for all who have lost housing, property and livelihoods as a result of being evicted; and
- Prosecute and bring to justice all those responsible for human rights abuses during the forced evictions.

Long Term:

- Establish a moratorium on all forced evictions in Ghana;
- Prepare and implement a National Evictions Policy, with a thorough consultation process involving all stakeholders, to serve as a guide to implement evictions, where they are considered justified, in a manner based on international human rights standards;
- Ensure that the human rights of all of Ghana's residents are respected, protected and fulfilled.

THANK YOU