

ANGOLA

Extrajudicial executions and torture in Cabinda

Unarmed civilians are being extrajudicially executed and tortured in the context of a little known war in Cabinda, where government soldiers are facing armed factions of the Frente para a Libertação do Enclave de Cabinda (FLEC¹), Front for the Liberation of the Enclave of Cabinda.

Amnesty International has regularly published reports about the human rights situation in Angola which include reference to Cabinda. However, the situation in the enclave receives less attention from the international community and merits a separate report. This one details recent incidents in a pattern of violations of Angola's own laws, its international human rights obligations and its obligations under the laws of war. The authorities have consistently failed to prevent abuses and bring the perpetrators to justice. Amnesty International is appealing to the government to restore full protection for human rights.

Cabinda is separated from the rest of Angola by a strip of territory of the Democratic Republic of Congo, formerly Zaire (see map, page 10). Cabinda produces about 60% of Angola's oil production of over 700,000 barrels per day which in turn represents some 90% of the country's export earnings. Armed and other separatist groups have been seeking independence or autonomy from Angola for over 20 years. Attempts to negotiate a cease-fire and hold talks on the future of the enclave have so far failed.

¹FLEC was created in 1963 but has since split into several factions.

The human rights situation in Cabinda appears to have deteriorated in 1997 in step with major political developments in the region. The Angolan Government sent troops to Zaire where they assisted in the overthrow of former President Mobutu in May 1997. Angolan government soldiers also fought in the Republic of Congo and helped to topple former President Lissouba in October. This was a blow to armed FLEC factions and to the *União Nacional para a Independência Total de Angola* (UNITA), National Union for the Total Independence of Angola, which had bases in these countries².

In 1997 the number of attacks by Angolan government forces on villages suspected of supporting armed FLEC factions has multiplied. Angolan troops in the Republic of Congo are also reported to have carried out raids on camps holding Cabindan refugees. Separatist fighters have taken hostages and are reported to have killed unarmed civilians. The faction which has been most active in recent months is the *FLEC-Forças Armadas de Cabinda* (FLEC-FAC), FLEC-Cabindan Armed Forces. According to non-government sources the FLEC attacks have usually been followed by raids by the government, apparently in retaliation, on villages in the vicinity of the attack. On these occasions, unarmed civilians have been beaten and killed and soldiers have looted and burned houses. Soldiers and police appear to act with impunity - as far as Amnesty International knows, there have been no official inquiries into reports of torture or extrajudicial executions, nor have those suspected of carrying out such crimes been brought to justice. The authorities' failure to take steps to investigate and prevent such killings

²A peace agreement signed in 1991 between the Angolan Government and UNITA broke down in late 1992 and was renewed in late 1994. Under the terms of the peace agreement a joint army was to be formed and all other troops registered and demobilized. However, there were disagreements and delays and UNITA continued to hold bases in the Democratic Republic of Congo and the Republic of Congo until the changes of government in these countries.

indicates that the perpetrators are acting with the acquiescence or complicity of the government.

1. Human rights violations by government security forces

The victims of violations of human rights violations by government personnel fall into three main categories:

- unarmed civilians who are tortured or deliberately killed during army raids on their villages following FLEC attacks in the vicinity;
- people who are killed or wounded in random attacks by soldiers not acting under the instructions of their superiors but who abuse their powers with an impunity which amounts to government complicity;
- victims of torture, which is normally used for the purposes of obtaining information or for punishment and intimidation.

Few people dare to speak out about these violations. Those who do are threatened and harassed. Information about what is happening in Cabinda is scarce and it is difficult to obtain detailed information about human rights violations and to corroborate reports independently.

Very little detailed information has emerged about the way FLEC groups behave towards unarmed civilians. However, FLEC groups have reportedly abducted minors to join their military ranks and the government has, on a few occasions, accused separatists of deliberately

killing government supporters. FLEC groups have taken and held hostages.

Reported extrajudicial executions following clashes between the army and armed opposition groups

The fighting in Cabinda in 1997 should be seen as part of the context of the political changes which were taking place in the region and in the government's strategy to cut UNITA's access to support and military bases in neighbouring countries. By early 1997 the Angolan government was providing military assistance to the coalition led by Laurent Desiré Kabila which toppled the government of Zairian President Mobutu Sese-Seko in May. UNITA troops were fighting alongside Zairian government soldiers known as the *Forces Armées Zairoises* (FAZ).

In Cabinda, attacks by FLEC-FAC and FLEC-Renovada (FLEC-R), Renewed FLEC³, increased in early 1997. Both groups targeted foreign companies operating in Cabinda. By June the Angolan army was able to give more attention to Cabinda. After heavy fighting in the northern part of the enclave the government took Miconje and Luali, areas which had been under FLEC-FAC control. The government accused FLEC-FAC of harbouring ex-FAZ and former Hutu-dominated Rwandese troops who had fled to Zaire from Rwanda and of killing three traditional leaders who had requested government protection.

³ FLEC-R had signed a truce with the government in September 1995 but by early 1997 this had broken down.

By June 1997 the simmering political crisis in the Republic of Congo had broken out into fierce fighting in the capital, Brazzaville. The Angolan government at first denied and then admitted that it was providing military assistance to the forces of Denis Sassou Nguesso who ousted President Pascal Lissouba in October. There had been reports that, following the fall of former President Mobutu, UNITA had moved substantial military resources into the Republic of Congo and that UNITA and FLEC factions, with the support of President Lissouba, had planned to join forces against the Angolan army in Cabinda. Angolan troops remained in the Republic of Congo and are reported to have attacked the camps of Cabindan refugees.

In December 1997 the *Forças Armadas de Angola* (FAA), Angolan Armed Forces, launched a new offensive against Cabindan separatists.

Reflecting the military situation in Cabinda, reports of human rights abuses increased in February and March and again in late 1997 and early 1998. The following examples show what happened to some of the people caught up in the conflict.

Following attacks by FLEC-FAC, FLEC-R and the *Frente Democrática de Cabinda* (FDC), Cabinda Democratic Front, in February and March 1997, dozens of unarmed villagers, including women and children, were reported to have been extrajudicially executed by government troops, and others tortured. Five people, among them João Ngoma, a 65 year-old man from Viede, and two women, one of them pregnant, were reportedly extrajudicially executed on 4 March in the Mayombe area. There were reports of women being captured and raped

by FAA soldiers in the Necuto area. Seven people who tried to escape from soldiers in the Buco Zau region were said to have been tied up by their necks and arms and shot dead.

Luís Nguba and Casimiro Dunge had been on a hunting and fishing expedition. On 19 December 1997 they were returning to Lico, their village in the Cacongo district, when they came across government soldiers who had surrounded the area after a FLEC attack. The soldiers, apparently suspecting them of being FLEC supporters, arrested them, beat them, stabbed them with bayonets and then shot them dead.

Two unarmed civilians, Jorge Bitiba Ndembe, a 57 year-old cook and Roman Catholic church catechist, and a 23-year-old man whose name is not known to Amnesty International, were deliberately killed on 5 January 1998 when government soldiers raided Chimvula village in the Necuto area. The raid followed a clash in the area between government troops and one of the FLEC factions. During the raid, soldiers assaulted villagers using electric-shock batons and bayonets. Jorge Bitiba Ndembe was said to have been shot in the stomach and then stabbed.

On 8 January 1998 soldiers are reported to have killed 21 members of the Evangelist church in the village of Caio-Cuntena, between Dingo and Necuto. The soldiers reportedly first beat deacon José Adriano Bitiba, then shot and killed him and 20 members of the congregation.

Acts of abuse of official power, including killings and torture, which are not investigated by the authorities

Reports of soldiers and other officials threatening to harm or kill people or actually carrying out beatings and killings are commonplace. There have also been several reports of soldiers firing indiscriminately in public places, sometimes while they are drunk and sometimes with the apparent purpose of terrifying market vendors and robbing their goods. The government's consistent failure to take action to prevent such acts, to investigate those which occur and to bring suspected perpetrators to justice is a strong indication of the authorities' acquiescence if not complicity. In the following examples none of those responsible is known to have been brought to justice.

On 19 May 1996 soldiers and police drove about the Povo Grande area of Cabinda City for over four hours shooting indiscriminately, killing one woman and wounding several other people. They were acting in reprisal for the murder of a policeman. The shooting resumed later that day and continued intermittently until the following morning. As far as Amnesty International knows there was no official investigation into the incident.

When António Casimiro, a television journalist arrived late at a ceremony to install a new generator in Massabi on 18 October 1996, a local government official, formerly a security official, reprimanded him in a threatening manner. António Casimiro replied that he would not submit to threats, that Angola was a democratic country and that it was a pity that some people still retained the attitudes of the old security service. At this the official reportedly took a pistol from a security official standing nearby and pointed it at the journalist. Bystanders tried to calm the irate official.

According to reports the official later went to the television studios and again threatened António Casimiro. António Casimiro was murdered on 30 October 1996. Four men, three of them in police uniform, broke into his house and, ignoring his pleas and those of his neighbours, one shot him in the stomach. Apparently, no action was taken to investigate the behaviour of the official or to protect António Casimiro from further threats⁴. The killers have not been arrested.

Bernardo Kebeki was shot dead on 10 August 1997. The motive for the attack was not clear but fears were expressed that he may have been mistaken for a Protestant pastor who lived in the vicinity and who had spoken out about human rights violations. Bernardo Kebeki had been in the street near his home in Zangoyo suburb of Cabinda City when two men came up and spoke to him. A third man then approached and shot him. Witnesses were able to identify this man, a security official, who was arrested. He was detained for about 20 days and then released. No one has been brought to justice for the killing of Bernardo Kebeki.

An army officer is said to have killed seven people and wounded 11 others because a driver refused to give him a lift. On 21 December 1997 dozens of people were returning from the market in Cabinda City in an open lorry which operated as a bus. At Tchiobo, a village 52 kilometres from Cabinda City on the road to Tando Zinze, the officer, armed with a machine gun, stopped the truck, seeking a ride. The driver refused and as the truck moved on the officer opened fire on the

⁴ The UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Principle 4, states: *Effective protection through judicial or other means shall be guaranteed to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats.*

passengers. As far as Amnesty International is aware no arrest has been made.

In at least one case, senior military officers took some action in response to a complaint against the behaviour of soldiers but it is not clear whether any steps have been taken to bring those responsible to justice. On 7 January 1998, the driver of a lorry and his two assistants were arrested by soldiers from the Tando Zinze area who accused the men of transporting arms, and impounded the vehicle. The three men were held in a pit in an army barracks. People nearby reported this and the commanding officer of the barracks ordered that the prisoners should be released and the vehicle returned to them. Apparently the soldiers had arrested them in order to gain possession of the vehicle. The three men were severely beaten while in custody.

In the south of the enclave, on 6 January 1998, government soldiers attacked a village called Aldeia da Fortaleza and raided it, beating civilians and looting and setting fire to houses. A number of people were hospitalized as a result. The attack followed the explosion of an anti-tank mine which killed two high-ranking army officers. Amnesty International has no knowledge of any investigation into the reports of beatings and other abuses or to prosecute those responsible.

Torture

Torture, used either to intimidate or punish suspected political opponents, was a feature of several of the incidents recounted above. In the following additional cases there is no evidence to date of the authorities taking satisfactory action to investigate reports of torture and to prosecute those responsible.

In 1997 people who had been tortured in January 1995 published a report about the incident. Only a few details of the incident had emerged at the time. According to this report and other first hand accounts, the *Comité dos Nacionais de Cabinda* (CNC), Committee of Cabindan Nationals, a political organization committed to non-violence, informed the authorities that they intended to hold a meeting to discuss the Treaty of Simulambuco⁵. In accordance with the law they waited 24 hours before going ahead with the meeting.

After the meeting had started 30 members of the paramilitary *Polícia da Intervenção Rápida* (PIR), Rapid Intervention Police, entered. They were wearing masks and carrying black electric batons and machine guns and some were equipped with teargas. Police arrested and handcuffed 27 of those present and took them to the Provincial Police Headquarters. The detainees were made to lie on the floor and were beaten. One victim said that a large man beat him as if he were a boxer's punch bag using a baton about 60 centimetres long and 35 to 40 centimetres in diameter, sometimes wielding it with both hands. The

⁵ Under the Treaty of Simulambuco of 1 February 1885 Cabinda became a protectorate of Portugal and Portugal promised to maintain the area's territorial integrity. In 1974, just before Angola's independence, Portugal promised to hold a referendum on the question of self-determination for Cabinda. However, under the Alvor independence agreement of January 1975 Cabinda declared an integral and inalienable part of Angola.

blows fell on his shoulders, ribs, spine and buttocks and sometimes on his head. Some victims received electric shocks from the batons, some had bayonets held to their throats. Police trod on heads, backs and fingers. The detainees were released and ordered to return on the following Monday when the police commander told the victims that the police, everywhere in the world, were an "instrument of repression". Using a football metaphor he told the victims that they had been shown the yellow card. Next time they would be shown the red card.

In the Cacongo district in early March 1997, Domingos Mbumba and Margarida Sassa, a man and woman both aged over 60 years, Martinho Bilende, aged 20, and Jorge Nhimi were reportedly taken to hospital in Belize suffering from wounds inflicted by knives, machetes and gunshots after soldiers tortured them in reprisal for FLEC actions in the area. Other people who had managed to flee to Cabinda City said that soldiers had beaten them, stolen their possessions and destroyed their houses.

In July 1997 several youths were arrested and beaten by military police and then had to pay bribes to be released. The arrests took place during the week of 14 to 19 July when scores of school children fled from their schools in the belief that they were about to be forcibly conscripted into the army. One youth was hit in the leg by a police bullet in Amilcar Cabral suburb as he was fleeing. Conscription for national military service was suspended under the terms of the Angola peace agreement although illegal forced conscription is reported to have taken place in various parts of the country. The motive for the Military Police action in July is not clear - it seemed that it was an attempt to instil fear into the young men. The Angolan National Police took no steps to curb the actions of the military police. However, they are reported to have admitted in a television interview that the military police had behaved illegally.

A week later some young people took to the streets in protest. The demonstration turned violent and cars were damaged. Some demonstrators armed with sticks and machetes threatened to attack soldiers and police. The security forces responded forcefully. There were several reports of youths being arrested and beaten. Three youths accused of damaging cars were held in the criminal investigation cells for a few days where they were beaten.

On 1 February 1998, the anniversary of the Treaty of Simulambuco, the traffic police, most of whom are recruited in Cabinda, turned up late to a parade, an act which was reportedly interpreted as a political gesture. The police commander called in the PIR, most of whom are from other parts of Angola, who took the traffic police to their barracks, disarmed and beat them. One traffic policeman, Sergeant Nduli, died as a result. Others, including Sergeant Selina Capita, were so badly beaten that they had to be taken to hospital.

In response to this incident the provincial delegate of the Ministry of Interior, which is responsible for the police, called a two day meeting of police which, according to Cabindan radio, was held on 7 and 8 February. The PIR officer allegedly responsible for ordering the ill-treatment was arrested. There were no reports of PIR personnel who had taken part in the beatings being arrested. It is not clear whether a judicial inquiry into the incident has been ordered, whether there has been any post-mortem or autopsy to determine the precise cause and time of Sergeant Nduli's death, or whether those who were beaten and other witnesses have been called to provide testimony.

2. Hostages held by FLEC-FAC

Both FLEC-FAC and FLEC-R have taken hostages. Most have been released after a few weeks, possibly on payment of ransom money. However, FLEC-FAC is still holding at least one of two forestry workers taken hostage on 8 February 1997. They are Omar Bin Norola, a 46-year-old Malaysian citizen, and Marcelin Alime, a 50-year-old Philippine citizen. A FLEC-FAC representative informed Amnesty International in January 1998 that one of the two had been released but did not specify which one. Hostage-taking is prohibited under Common Article 3 of the Geneva Conventions which applies to both governments and armed opposition groups. Amnesty International has repeatedly appealed to FLEC-FAC to release its hostages.

3. Amnesty International's recommendations

One of the main causes of suffering in Cabinda is the illegal and unchecked actions of soldiers and other law enforcement personnel. As a member of the United Nations and the Organization of African Unity and as a party to the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples Rights⁶, Angola is obliged to respect and protect human rights including the right to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment. The measures to be taken to ensure respect of these rights are set out in a number of UN instruments including

⁶ Angola ratified the African Charter on Human and Peoples' Rights in October 1990 and acceded to the International Covenant on Civil and Political Rights in January 1992.

the Declaration on the Protection of All Persons from being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1975); and the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (1989). In practice, the Angolan authorities must take effective steps to prevent extrajudicial executions and torture. They must ensure that all suspected cases of extrajudicial execution and all complaints and reports of torture are promptly and impartially investigated and that those responsible are brought to justice.

In accordance with these obligations, Amnesty International is urging the government to :

- Conduct prompt, impartial and effective investigations into all alleged cases of killings and torture described in this report.
- Ensure that investigations into alleged extrajudicial executions conform to the standards set forth in the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. The results of these investigations should be made public.
- Bring all those suspected of being responsible for human rights violations to justice.
- Ensure that all law enforcement officials are aware of their obligations under national and international law, to protect the right to life and to respect the right not to be tortured or subjected to other cruel, inhuman and degrading treatment or punishment.
- Ensure that those in charge of the security forces maintain strict chain-of-command control to ensure that officers under their command do not commit extrajudicial executions or other human rights violations. Officers with chain-of-command responsibility who order or tolerate human rights violations by those under their command should be held criminally responsible for these acts.
- As it is required to do under the terms of the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights to the Human Rights, submit reports to the UN Human Rights Committee and the African Commission on Human and Peoples' Rights respectively. Governments which have ratified these two treaties are required to submit regular reports explaining what they have done to give effect to the rights in the respective treaties. The Angolan government has not yet submitted any reports and Amnesty International appeals to

it to do so. In these reports it should explain what steps it is taking to ensure that human rights violations are investigated in accordance with international standards.

Amnesty International is appealing to the government and to FLEC-FAC, FLEC-Renovada and the FDC to respect Common Article 3 of the Geneva Conventions of 1949. Common Article 3 applies to both governments and armed opposition groups. It provides for protection for people taking no active part in the hostilities. It forbids (among other things) :

- violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- taking of hostages;
- outrages upon personal dignity, in particular humiliating and degrading treatment.

CABINDA

