

Ad-Hoc Commission for Human Rights in Cabinda
Coalition for Citizens Rights, Reconciliation and Transparency

Terror in Cabinda

1st Report on the Human Rights Situation in Cabinda

December 10, 2002

Table of Contents

1.	Introduction	3
2.	The conflict – situational status	4
3.	Violations of Human Rights	5
	3.1. Summary executions, shootings and murders	5
	3.2. Disappearances, arbitrary detentions and torture	9
	3.3. Victims of sexual abuse	17
	3.4. Destruction and looting	19
	3.5. Victims of anti-personnel mines	21
4.	The FLEC violations	21
5.	The Media	22
6.	Legal considerations	24
7.	Recommendations	27
	7.1. To the Government	27
	7.2. TO FLEC	27
	7.3. To the civil society	28
	7.4. To the multinational oil companies (esp. Chevron Texaco)	28
	7.5. To the United Nations	29
	7.6. To the Governments with oil interests in Angola and other countries	29

Terror in Cabinda

Coalition for Citizens Rights, Reconciliation and Transparency

Several NGOs and Angolan unions compose the Coalition for Citizens Rights, Reconciliation, and Transparency.

Ad-Hoc Commission for Human Rights in Cabinda

The Ad-Hoc Commission for Human Rights in Cabinda is composed by a group of six citizens resident in Cabinda, individually, with the strict objective of monitoring the human rights situation on the ground and jointly preparing this report.

Acknowledgements

The authors wish to thank the invaluable material and moral support rendered by the Open Society, in the accomplishment of this report.

To the countless citizens of Cabinda that directly or indirectly have contributed to this work, our profound thanks and our manifest solidarity in the eventuality they should become targets of the arbitrary repression and system of persecution, by the authorities, as have many of the cases reported here. Thank you for your courage and determination.

The authors:

Coordinator-editor

Rafael Marques

Legal supervision

Dr. Francisco Luemba

Researchers

Fr. Dr. Raúl Tati (Vicar-General of the Diocese of Cabinda)

Fr. Dr. Jorge Casimiro Congo

Dr. Francisco Luemba

Manuel da Costa

Eng. Agostinho Chicaia

Rafael Marques

Landu Kama

Dr. Justino Pinto de Andrade

1. Introduction

Cabinda, the northernmost province of Angola, is a territory of 7,270 km², located on the coast, between the Republics of Congo (Brazzaville) and the Democratic Republic of Congo. It has an estimated population of more than 300,000 inhabitants.

Right from the independence of Angola, in 1975, separatist guerrillas, from the Front for Liberation of the Enclave of Cabinda (FLEC), have militarily opposed government forces. The separatists argue that Cabinda is not Angola, and in their defense they counter that the territory was occupied and annexed by the Angolan Government, without any legitimate grounds, and now they are fighting for recognition of their right to self-determination.

For its part, the Government maintains that Cabinda “is an integral and inalienable part of its territory”, and is undertaking a military escalation to put an end to the guerrillas by force of arms and thereby eliminate the separatist claim.

One characteristic of the Cabinda conflict is its extent, in spite of being assumed as low intensity in purely military terms. Likewise, it is a fact that the population of Cabinda, almost unanimously, is sympathetic towards the movement for self-determination.

The Government, last October, in the voice of President Dos Santos, guaranteed the peaceful resolution of the conflict in Cabinda, with the concession of a statute for autonomy. Along the same lines, the general secretary of the ruling MPLA (Popular Movement for the Liberation of Angola), João Lourenço, affirmed, on September 18, 2002, that his party and the government guarantee the autonomy of Cabinda, but never its independence. On the same day, UNITA, as the major opposition party, officially defended the autonomy of Cabinda in the Conference on the Peace Agenda and National Reconciliation. FLEC also manifested it was amenable to talks as a means to resolution of the conflict.

However, an intensification of the military action in Cabinda has been seen, since the start of the major FAA military operation, on October 10, 2002. Especially noteworthy are the excesses of rage, revenge and violations against civilians, since the guerrilla fighters (numbered in less than 2,000) are widely dispersed in small groups throughout the territory.

In spite of all this evidence, the situation is met by a complicit and unbelievable silence by the international community and, especially, from the oil and gas companies operating in the enclave.

Cabinda has an oil production, estimated at 700,000 barrels a day.

2. The conflict – situational status

From the perspective of human rights and protection of civilians and their rights, it is important to keep in mind that, any attack by the guerrillas on a military target unleashes violent reprisals by government forces, against the population of the village closest to the location of the clash or adjacent villages. At times, there occur summary executions, beatings and torture, destruction of houses and looting of the villagers' belongings.

Likewise, the living conditions to which the government troops are subjected, with acute shortages of logistical supplies, motivates the dispersion of the military and their involvement in the assault on the crops of the local population. The military systematically resort to extortion of foodstuffs, cigarettes and drink from the truck drivers and passengers engaged in minor commerce. In a general fashion, the civilian population in the hinterland is informally forced to support the war effort in its logistics.

As part of a military strategy, in the interior of Cabinda, the farmers cannot go to the fields without a military escort, to avoid any contact between the population and FLEC. In the Maiombe region, the women are forced to go to the fields accompanied by the military. Many of those women are also forced to cook for the soldiers. The men, that are devoted to hunting, in Maiombe, are prohibited of doing so under threat of disappearance.

In the Maiombe region, the people moving around there cannot transport more than two kilos of each foodstuff, with the purpose of cutting off each and every source of food to the guerrilla fighters.

The rivers, particularly the Rio Luali, between the municipal districts of Buco-Zau and Belize, evidence an impressive control by the army. The military impose certain hours for the population to fetch water, wash, take a bath, fish and travel by water. For instance, the populace can only use the Rio Luali, the largest in Cabinda, from 7:00 to 12:00 and from 14:00 to 18:00 hours, to avoid any communication with the separatist guerrilla fighters.

Many villages have been completely destroyed, forcing their inhabitants to take refuge in the forests, where both the cruelty of the military operations and hunger combine to oppress the life of the populace.

Other villages, such as Caio Kaliado, Sintu Butianga, S. Pedro Kota (Large Population), Chimuanda, Makongolo and Chioba (in the municipal district seat of Cabinda) are the target of external flows of repopulation with families coming from the South of Angola.

These families, in some cases, are to be forcibly relocated to the residences of the local populace, as a way, according to local ecclesiastical entities, to mix in with the population and to exercise greater control over them.

Another ongoing practice in the Cabinda conflict is the systematic rape of women and girls, as proof of the military domination and the impunity that characterizes their actions. There are several reports of rapes that took place in the presence of parents and husbands, as a form of intimidation and humiliation.

The FLEC, in turn whenever it can, uses the strategy of kidnapping foreign citizens as a form of political pressure and to obtain funds for financing the guerrillas. The FLEC continues to have two guerrilla fronts in the enclave, the FLEC-FAC (Armed Forces of Cabinda), commanded by Estanislau Boma and headed by Nzita Tiago, residing in Paris. The FLEC-Renovada (Renewed), now simply FLEC is under the political and military command of António Bento Bembe.

3. Violations of Human Rights

One of the most outstanding facets of the conflict in Cabinda is the consistent violation of human rights. This report intends to call to the attention of the authorities and governmental army, the guerrillas and the national and international public opinion the urgency of putting an end to the barbarism that is happening in Cabinda.

For that purpose, we present, in this first report, as summarized as possible, some cases as an illustration of the actual reality in Cabinda. A more exhausting and detailed report will be presented in due course, with the title of “**Cabinda: The Bloody Oil**”.

3.1. Summary executions, shootings and murders

- *November 22, 2002*—João Rodrigues Lourenço, 53 years old, church worker, was brutally beaten his village, Cochiloango, municipal district of Cacongo, by elements of the military police, that demanded information on the guerrilla movements in the zone. The FLEC men had ambushed a vehicle of the Angolan Armed Forces (FAA) and, as a consequence, some villagers were forced to give leads. Pedro Rodrigues was found dead, by his relatives, three days later, in the forest close to the village.
- *November 12, 2002*—Chisselena Muaca, 50 years old, farmer, witnessed the death of 30 villagers, in a field close to the village of Caio Segundo, Necuto commune, from the bombardment action of a FAA helicopter. According to the villager, the helicopter detected the concentrated presence of people in the fields and fired several projectiles.

Terror in Cabinda

These forces were operating in pursuit of FLEC-FAC headquarters, which were in the vicinity of the village.

In the disordered escape, Chisselena Muaca had seen tens of dead dispersed in the forest and along the route she took to the Democratic Republic of Congo, with her family. She managed to reach Tchela-Mbata Phangui, Lower Congo, in DRC, with her daughter Dorina Kango, 23 years old, and her one and half year old grandson, José Malonda. In the hospital there, they became aware of the official ban on rendering any medical assistance and medication to the people from Cabinda. Thanks to a priest's assistance, her grandson was saved from his illness, due to the journey under rain and lack of food.

In turn, Dorina Kango reported the destruction of crops by FAA and the execution of several civilians that took a risk of seeking food, during the escape and at night, in some fields.

- *October 20, 2002*– A FAA soldier killed Amélia Teco Luemba, a.k.a. Arlete, 16 years old, in the village of Cata-Chivava, Necuto commune, with a salvo in the back, when she was trying to escape rape. Soldiers entered her house and when they took off her clothes, Arlete managed to flee half-naked outside the house, where she was shot.
- *September 19, 2002*– Tiago Macosso, born in 1976, son of João Ngola and Ismali Mpassi, was killed in the Necuto Garrison, when he tried to flee after several torture sessions. According to eye-witnesses, Tiago Macosso, from the village of Piandinge, was shot and later burned with a tire that was placed around his neck and then set on fire with gasoline. FAA soldiers had detained him, in the company of other six fellows, when they were at a wake. Three of the detainees were released while the whereabouts of the other two remain uncertain, as will be explained further on.
- *August 27, 2002*– FAA soldiers detained Vaba, from the village of Mbamanga, by the River Chiloango. He was beaten, tied to a stone and his body thrown into the river. His body was later recovered. The young man was hunting, in the company of a woman, who was released by the military, while he was accused of spying for FLEC.
- *In June of 2002*, three youths were killed by a FAA military patrol in Micuma village (Buco-Zau). The villagers were prevented from burying them, and the bodies were already in decomposition when the municipal authority obtained authorization to do so.

¹ Picture on the cover

Terror in Cabinda

- *February 18, 2002*– A police officer shot dead Francisco Malesso Buca, 32 years old, from the Democratic Republic of Congo in the middle of the S. Pedro Market, in the city of Cabinda. The police officer was patrolling the market, along with two other colleagues, asked for the victim's identification card. According to eye-witnesses, upon realizing that the DRC citizen had no legal status in Cabinda, he demanded 1,000.00 kwanzas (less than US\$10), to release Mr. Buca. As the victim could only make an offer of 400.00 Kwanzas and, for lack of an agreement, the police officer pointed the gun at the Congolese citizen's head and fired.
- *February 05, 2002*–Maria Builo, 32 years, mother of four, was shot dead at point blank range by police officers that were pursuing a group of civil demonstrators from the Gika market. She was in the backyard of her residence. Two stray bullets penetrated the backyard directly and they hit Maria Builo in the chest and in the abdomen. The demonstrators were protesting against their forced resettlement, from Gika market, in the center of the city, to another market outside the city.
- *February 02, 2002*–Lourenço Nkoko, 20 years, was killed with a shot to the stomach by a police officer, named Francisco Paulo, of the Cabinda Provincial Command. The youth tried to pass through a cordon placed around the Gika Market, a plastic tape, and was shot immediately without protest or appeal. The local police command thereafter granted a press conference announcing that the agent would be held to justice and that the deceased had disobeyed orders from the authority. Nothing is known about the result of the reports; neither did the family receive any apologies or offer of compensation.
- *January 20, 2002* – Male nurse Artur do Carmo responded to Voice of America on the existence of six unidentified bodies in the morgue of the Central Hospital of Cabinda. According to the male nurse, the bodies were taken there early one morning, six months ago, by a FAA military vehicle, Ural, without the military personnel ever returning to recover the bodies. The case came to public through another employee of the morgue who saw the bodies and informed Cabinda Commercial Radio. The doctors placed the bodies on display to see if locals could identify them, some of who affirmed that the corpses were unclothed and showed signs of beating and bullet wounds. The cadavers ended up being buried in a mass grave.
- *November 20, 2000*–the correspondent of Voice of America in Cabinda reported the death, by a FAA soldier, of a 16 year-old youth during the discovery of an arms cache, located in the village of Luango, municipal district of Cacongo. According to the Voice of America, the cache was discovered by a group of people who, thereafter, communicated it to the FAA. But in addition, according to VOA, the people who revealed the existence of the cache were forced to give names on the ownership of the

Terror in Cabinda

arms found there. The dissatisfaction of some FAA soldiers on the lack of expected answers, led one soldier to fire at the youth in question.

- *September 26, 2000*—The Tatoss brothers, Afonso (42 years old) Melo Tatoss, Francisco (40 years old), Lourenço Mazungo (35 years old), Lua Pedro (33 years old) were shot by firing squad in the FAA Military Instruction Center, in Villa Lândana, Municipal district of Cacongo, on suspicion of collaboration with the FLEC. The shooting took place as a consequence of an attack by the FLEC on the referenced center, which happened on the same day. The unfortunates happened to live close to the center. The military raided their respective residences. After the shooting the bodies were handed over to the families for burial.
- *January 29, 1999* - Filipe Cuanga Mamputu Vemba, son of David Mavendebele, was killed in Chimongo (Cacongo), by FAA soldiers, around 15:00 hours. He was 45 years old.
- *December 04, 1998*—António Sumbo, 37 years old, resident of Chapa (Cacongo), son of Luís Bayakana (Vuda-Vuda) and Maria was shot dead by the military from Dinge.
- *September 10, 1998*—Pedro Zacarias Lello, born in 1957, was kidnapped in the city center and tortured at the Plains Military Unit, of Malembo, attached to the commandos. Recently an old hunter reconfirmed his description of what happened since he watched the military at a distance (the unit went into the forest and it is only fenced with a few strings of barb wire) an act of torture. As the soldiers interrogated Pedro Zacarias Lello, they cut the fingers off the hands and afterwards the toes off the feet, then the feet themselves. The eye-witness did not have the strength to endure the barbarism to the end. Before that, according to the hunter, the victim was beaten in such a way that his nephew, António Zacarias, 14 years, kidnapped with the uncle, tried to escape and was killed with a shot in the back. Once again, the mere suspicion of collaboration with the FLEC justified the behavior and the total impunity of the military.
- *December 19, 1997* - Casimiro Dunge, also a resident of Lico, son of Luciano Tati and Ermelinda Issita, was killed, at 27 years old, by the FAA military in Dinge.
- *December 12, 1997*—FAA soldiers, from the Dinge garrison, killed, in Lico (Cacongo), Luís Nguba, born in 1946, son of Tiago Bundo and Inês Minga,
- *April 10, 1997*—Dominique Puabo, 30 years old, resident of Viede (Belize), a village in which he was also a church worker, was killed by FAA soldiers in his village. He was son of Alberto and Tela Bacâmbana.

3.2. Disappearances, arbitrary detentions and torture

- *December 02, 2002* – FAA soldiers, stationed in Mazengo plains, subjected *António* Francisco (18 years old), António Lelo (29 years old) and João Ngoma to public torture, in the commune of Tando –Zinze. The military beat the individuals in front of the population with the goal of obtaining information about FLEC.

- *November 30, 2002*–Ivo Macaia, 41, was detained, about 18H00, at the home of his second wife, Sedona, without any arrest warrant. The agents beat on the door and asked to speak with “Uncle Ivo”, with whom they had set up a meeting. The family called him and he was immediately arrested and taken to a vehicle. He is still missing.

On October 25, 2002, “ninjas”, from the 11th Unit, were, at dawn, at the house, of his first wife, Silvana Zinga, with an arrest warrant. In Ivo Macaia's absence, who was in Luanda, the special police detained his children as hostages. Gilberto Dias Macaia, 18, Vale Bernardo Macaia, 17, and a nephew named Pety all of whom had to answer for the father. Around 10H00 a.m., they were released from the 11th Unit, after the return of the father to Cabinda, on the same day.

On November 12, 2002, investigator Oliveira, from the Provincial Direction of Criminal Investigation (DPIC) left a warning-notification “by order of the chief” at Ivo Macaia’s house. On November 13, Ivo Macaia went to the DPIC for questioning. For six hours, according to his wife’s accounts, Ivo Macaia was repeatedly accused of being a FLEC member. However, on the back of the warning-notification, now in the hands of the researchers of this report, investigator Oliveira wrote that the suspect was entitled to return to his work place and to earn wages for the day that he had passed in DPIC. Ivo Macaia is a ChevronTexaco employee at Malongo Oil Base. In her accounts, the wife stressed the presence of a security officer in Malongo, who went to her husband’s section to know of his whereabouts from his immediate superior Anselmo Duda. The wife ventured that the agent would have received information, at that time, from Anselmo Duda on Ivo Macaia's time off. He works in a rotation of 21 days on duty in Malongo and 21 days off.

Since October 25, Ivo Macaia did not sleep at home, as he explained to the to the researchers, who were already following his case, fearing for his disappearance. The fear is confirmed now.

On December 04, FAA soldiers arrested mechanic Zito, a friend of Ivo Macaia, who regularly accompanied his wife in the efforts to search for his whereabouts. He was at work in his workshop, in Rua das Forças Armadas, in the center of the city, when he was detained. The military, according to witnesses, led him to the vehicle at gunpoint. He is also missing.

Terror in Cabinda

- *November 26, 2002*—José Mbachí, 37 years old, and Casimiro Maluango, 29 years old, a.k.a Queimado, under suspicion of being FLEC collaborators were detained by elements of FAA military police in the village of Pove, commune of Tando-Zinze. Only the military authorities know the final destination of the two citizens.
- *November 23, 2002*—Maria Itula, 32 years, nurse from the Military Hospital of Cabinda, disappeared from her place of work, after resolutely refusing to render assistance to wounded soldiers, coming from Buco-Zau municipality. According to the victim's friends, the nurse was crying alleging that she could not care for soldiers who were killing her relatives. At the end of her shift, she was called to the office of the Hospital's clinical director, where she was directed to the Military Regional Command of Cabinda, from whence her whereabouts are unknown. The family contacted the clinical director of the hospital, Dr. Bungo, to learn of Maria Itula's whereabouts, and received the information that she was detained to respond to criminal proceedings. Her relatives continued without any information on the nurse's whereabouts and, obviously, unable to make any contact.
- *November 23, 2002 (6H00 a.m.)*—António Fortuna, 33 years, employee of ChevronTexaco, resident in the Amílcar Cabral neighborhood, city of Cabinda, saw the windows of his house broken into by eight elements of the Rapid Intervention Police (Ninjas). The agents thrashed António Fortuna, causing wounds over his entire body. Only after the beating did they tell him they were beating the wrong man, because they sought the owner of the residence and not the tenant. The victim was abandoned there, and was helped by the neighbors who took him to the hospital.
- *November 23, 2002*—Vicente Gomes, 36 years, was approached, in Mazengo village, commune of Tando-Zinze, by two plain-clothes elements, who requested indications as to the houses that sold "kaporoto" (Angolan cane liquor). After they left the place of the encounter, the two civilians gave a sign to the military police patrol. Subsequently, some townsfolk observed Vicente Gomes being transported by a helicopter, which was a certain distance away, in a field used for soccer practice. His relatives do not know his whereabouts.
- *November 22, 2002*—Agents of the Information Services (Sinfo) arrested Lourenço Ngoma Pitra, 33 years old, son of André Pitra and Maria da Conceição Buca, father of five, at his house. According to witnesses, he was taken to Mazengo military garrison, where he was tortured. Since then, his status remains unknown.
- *November 20, 2002* — Bacumbo Bessa, Vicente Barros Buingui, António Barros, Joco, Gime Brás, Michel Sumbo, Miguel Feliciano, Eduardo Mbiona, José Tino Chinguende, Begami Macunde, André Tati Ntendekele and Filipe Lueia Casimiro were detained by FAA soldiers in the villages of Kungu and Chipita, up to now their whereabouts and the reasons for their detention are unknown.

Terror in Cabinda

- *November 19, 2002*– FAA soldiers arrested Francisco António Brás Tati, 54 years old, son of Alberto Mbila and Carlota Zola, in Nkaka, municipality of Cabinda. He has gone missing.
- *November 18, 2002*–Francisco Toco, 37, José Tigre, 33, old and Luís Poba, 36, did not escape the practices of FAA. The military removed them by force, at dawn, from their residences under the suspicion they had leads to the FLEC bases. Missing persons.
- *November 15, 2002 (16H00)*– Estevão Buinji, 42, son of João Tibúrcio and Maria Nzúmbala, resident of Lelo Mau, was arbitrarily detained by the military of the Recognition Unit, when he was driving through that unit, towards the city. He was stopped under the allegation of knowing where the bases and the guerrilla fighters of FLEC are located. Estevão Buinji is secretary of Papela community, in the village of Liambo, in the municipal district of Cabinda, and a catechist.
- *November 14, 2002* – Joaquim Tiemuna, driver, suffered a beating session at Ganda Cango FAA checkpoint, when he was transporting civilians. These were removed from the vehicle and the driver found himself forced to transport military personnel in his vehicle, for a military operation in a nearby village, of Viede.?
- *November 13, 2002* – Alexandre Nhati, 34, presumed member of FLEC-FAC was detained, in the city of Cabinda, by members of the Rapid Intervention Police "ninjas", of the 11th Unit, accused of having participated in a subversive meeting. For two days he was tortured with shock sticks, in morning and afternoon sessions. Interrogations were reserved for the nights with a pistol pointed at his head, in sessions of about 30 minutes each. The detention of the referred separatist, in the 11th Unit, consisted of being on his feet, arms shackled around a thick and high tree trunk. He slept like this and was not entitled to food or water for two days. He was freed afterwards. Alexandre Nhati, was in the bush, with FLEC-FAC, up to 1985, at which time he abandoned the forest and went to live in the city. From 1992 to 1994 he was imprisoned due to his implication in the purchase of weapons from government troops to supply the separatist guerrillas.
- *November 07, 2002* – Bento Banvu, 65, son of Estanislau da Costa Mamboma and Catarina Malalu, was detained by FAA soldiers, in the village of Susso, for harboring Fernando Mbele, accused of supplying FLEC guerrillas. On November 11, the military took Bento Banvu to the Iliongo Lake, where he usually goes fishing, through the placement of "**zindika**" traps, in search of possible leads that might confirm his logistical support to FLEC. The fisherman had the opportunity to pick up the fish from the traps, and was subsequently escorted to the village of São José Ngongo (close to the village of Susso). At that time the village was occupied practically only by military, due to the displacement of the local population, caused by the constant military confrontations. The following day, November 12, 2002, the same military drove him to his

Terror in Cabinda

pineapple plantation, with the same purpose. After the mission, the military escorted him to the neighboring village of Chamaze, to contact some family members, having asked for some clothes and sent a message to his wife, who was in the city of Cabinda, so she would send him his identity card, because, according to him, "he would shortly be sent to the city". The commandant of the troops that accompanied him told the nephew (bearing the requested clothes) that his "problem" had been investigated and nothing had been confirmed, but that he would shortly be freed.

Up till now, the family does not know of his actual whereabouts. He has gone missing.

- *November 05, 2002*—João Barros Yenga, 32 years old, son of João Yenga and Teresa Malalo, was detained, by military, in the village of Susso, for leaving his house at dawn. Under suspicion that his departure at that hour implied he was with FLEC, he was taken to an unknown location, up till now, his whereabouts are unknown or indeed if he is still alive.
- *October 29 (9H00 a.m.) 2002*— A patrol of 10 "Ninjas", without a search warrant, invaded the house of the widow Cândida Pena, 47, resident in the Uneca quarter, of Cabinda's city. Her house was ransacked, in search of documents. The Ninjas took the entire documentation of her late husband, an ex-FLEC activist, in the refugee camps in DRC, in the seventies. Since early eighties her late husband used to work for the provincial government of Cabinda. Cândida Pena, a teacher, is well known in the province, for having led a march of 500 women against the drafting of their children into the army and for her mobilizing capacity on behalf of the citizens' rights in Cabinda. For her activism she was once detained, with more 20 women. "They keep me under strict control, I never went into the forests, I never took up a weapon and I do not know why they persecute me so much". The activist complained bitterly.
- *October 06, 2002* – Minutes after disembarking at the Cabinda Military Terminal, as part of a battalion returning from Zambia, a sergeant was beaten on parade, by his commandant, a colonel, for protesting against the disembarkation in Cabinda. According to the soldier, they were destined to disembark in Luanda, and to leave from the capital, to meet up with their families, as a reward for their efforts in the siege of the late rebel leader Jonas Savimbi. The act was witnessed both by the people that were in the civil terminal and in the military terminal.
- *September 23, 2002*— FAA soldiers shot António Tebe, 39, in the legs. He was hunting in the village of Champuto-Rico, and after a brief interrogation session and a beating the soldiers took aim at him. Earlier in the morning, FLEC had carried out an attack against a FAA detachment that guaranteed the security for a visit by Governor Aníbal Rocha to the village of Subantando. The military accused the hunter of being a FLEC

Terror in Cabinda

messenger, they tortured him and, when he tried to flee, he was shot and abandoned there. The villagers helped him a little while after the shots. António Tebe remains with his lower limbs immobilized and with no means to support his wife and six children, because he lived from hunting.

- *September 19, 2002*—Celestino Manduvo, 52, son of Agostinho Dembe and Inês Simba; Celestino Coelho, 22, son of António Ngimbi and Maria Sassa; Simão Carlos, 22, son of Carlos Babala and Suzana Bumba; and Tiago Macosso, 26 years old, son of João Ngola and Esmali Mpassi were detained by a military patrol, at a wake, in the village of Piandinge, and taken to the Necuto Garrison. Three other citizens, also taken at the same time were released while the stated persons were submitted to interrogation and torture. Tiago Macosso was shot dead and burnt with a necklace tire as above explained.

Celestino Manduvo, Celestino Coelho and Simão Carlos continued in jail until October 04, 2002, at which time they were seen, for the last time, by traditional authorities called in by the commander of that military unit. According to the traditional authorities, the prisoners were in a pitiful state: they displayed visible signs of tortures, appeared very physically debilitated and were visibly despondent. It is not know whether such individuals are still alive or already dead.

In the sequence of these events, the villages of Piandinge, Tando Caio, Conde Li Ntumbi I, Conde Li Ntumbi II and Tando Ibulassi were depopulated. The communities were displaced, in sub-human conditions, on the Piandinge cut-off, close to Panga-Mongo.

Terror in Cabinda

- September 17, 2002 (24:00 Hr) – About 15 “ninjas” knocked on the door of Domingos Luciano Francisco’s house, in the neighborhood of Luvasse, in the city of Cabinda, demanding that he hand over his son, a former combatant of FLEC. Manuel dos Santos Custódio Francisco, born to January 31, 1980, served in FLEC from age 16 to 21, in his area of origin, in the Necuto commune. In December of last year, along with 14 other guerrillas, he surrendered to the government forces in the city of Cabinda. After that, he joined his family in the city.
Up till now, it is unknown the whereabouts of the young man. His father has lodged a formal complaint to the authorities, on his son's disappearance. In answer, according to the father, the authorities just gave him the hope that in case they had some leads on the whereabouts of Manuel dos Santos C. Francisco, they would inform the family.
- *September 12, 2002* –FAA soldiers surrounded the village of Terra Nova, and opened fire on the residents, wounding 12 people and taking four men as prisoners namely, Domingos Tadeu, 33, farmer, José Mavinga, 29, driver, António Chocolate, 17, student and Manuel Fingo, 29, unemployed.
FAA soldiers entered the home of José Imba, 26, and dragged him outside the house. He was interrogated about a FLEC attack and then they fired 6 shots into his legs and abandoned him there. This action took place in reprisal for a FLEC in the vicinity.
- September 06, 2002– The brothers Alexandre Sumbo, teacher, and Manuel Barros, children of João Maria Tembo and Maria Perpétua Nhongo, and a friend Luís Fernando, suffered severe beatings, in the village of Mbamanga (Cacongo), from FAA elements of the Massabi Military Unit. Motive: They were suspected of collaboration with the FLEC. To their relief, they were just beaten. They did not disappear.
- July 22, 2002 - In the sequel of a guerrilla attack at Rio Lulondo, the closest village, Champuto-Rico, suffered reprisals: it was besieged and some of the populace taken to the barracks, where they were tortured and suffered abuses, among them António Teba, with a fractured leg; Vicente Brás, with a fractured pelvis and Paulo Tembo, with a broken arm. The village, which had been pillaged and destroyed in 1993 - the consequences of which are still visible – is now militarized, with a FAA garrison.
- June 22, 2002 (10:00) – FAA soldiers arrested Francisco Maneta, 42, and Cosme Brás, 51, in their residences, in Tando Zinze commune. The arrests happened as a sequel to an attack in the area by FLEC against three vehicles of FAA. The men were taken to the barracks of the Tando-Zinze Battalion, where they remained under torture and interrogation for three days. During the interrogations, Francisco Maneta was forced to sit

Terror in Cabinda

down on the ground with legs stretched, and thus the soldiers kept on pounding on his legs, with a heavy wooden stick, while the interrogations took place. Francisco Maneta's legs are paralyzed.

- *June 2002*– When operating in the area of São José Ngongo and Cinto Macanda, the FAA captured two villagers: Pedro, from Cinto Macanda, a hunter, was suspended by his genitals from a tree, while the military enjoyed the spoils of his hunting. Then, they pierced his legs with knives; the other companion, whose name remains unknown, was brutally beaten.
- *August 27, 2001* – José Zeferino Puaty, 31, was detained without charges. Spent 11 months in Yabi Jail. He was arrested, during labor hours, Malongo oil and gas compound of ChevronTexaco. Mr. Fialho, one of the security officials of Malongo, called José Zeferino Puaty, who was in English classes, to his office. ChevronTexaco security officials held a private conversation with the agents for about 10 minutes and, soon thereafter, handed over the employee in question to Mr. Oliveira, DPIC investigator (*See Media, Manuel da Costa*) and to Mr. Miúdo, of Sinfo. The detention occurred with no exhibit of any arrest warrant or any other document. Once in jail, the agents fired into the ground, in his direction, to force him to enter the cell, which had human excrement all over, without any formal charges. Mr. Puaty was verbally denounced as the “head” of a political organization, with ideals contrary to the Government's policies. On September 04 and November 13, 2001, the prisoner suffered death threats at gunpoint, under the accusation of being a FLEC member. In February 2002, José Zeferino Puaty became seriously ill with malaria, he had to be evacuated at night to the hospital, in the shovel loader of a tractor, over a route of about 12 kilometers from the jail to the Central Hospital of Cabinda. The reason presented by the prison authorities that they did not transport him by car, was simply his political conduct. He spent 10 days in hospital, before returning to his cell.
- On July 04, 2002, on the eve of a visit by an official delegation, from the capital Luanda, to verify the situation of political prisoners in Cabinda, the supposed “leader” plus two other political prisoners received a visit from officials of the provincial court, who announced their trial for the following day. When confronted with the detainees' protests about such a sudden decision and their lack of lawyers, the official explained that it was just a formality. The following day, they were released after signing a document granting them amnesty.
- One of the companions, Paulo Mavungo, 33, was the first to be detained, on July 07, 2001, with a public session of beating and transported to prison, in the trunk of a civil vehicle. The third André Mabedo, 29 years old, was detained on August 24 2001.

Terror in Cabinda

ChevronTexaco readmitted José Zeferino Puaty without, however, compensating him, for the fact of having handed him over directly, in its Malongo compound, without any legal justification. The referenced employee saw his wages reduced from about a thousand dollars/month to about US\$600/month and he is prohibited from entering Malongo oil compound. He now works at the clinic, located in the city.

According to the referenced employee's declarations, during his detention, the police confiscated his computer and five diskettes and took the material to ChevronTexaco IT specialists, in Malongo, for investigation.

- *May 13, 2002*– Bernardo Buela, 52, farmer, was ex-father-in-law of an FLEC element. In a raid against Chipito, a community of Liambo village, FAA soldiers acting on a tip off from the local populace, tied the farmer by his legs and suspended him head downwards by his legs from a tree. He spent the interrogation like this, accompanied by stabbings over his whole body, an act carried out by several soldiers. Satisfied, the military untied him and they returned him to the community. When he learned about the news, Fr. Casimiro Congo sent a vehicle to pick up the victim and to provide him with assistance. The military preferred to deliver medicines to a local male nurse so that he could treat Bernardo Buela in Chipito.
- *March 12, 2001*– Rafael Gime, 39 years old, leader of a potential demonstration of demobilized soldiers, suffered the arbitrary power of “ninjas”. Beaten to the point of receiving 12 stitches to his head. He talked to the Voice of America about holding the demonstration against the Provincial Government of Cabinda, to demand payment of their pensions, which were three years in arrears and, before this could happen, the “ninjas” crushed his intentions.
- *December 24, 2000* – Police officers, detached in Tando-Zinze commune, approached the pre-deacon of the Catholic Church, Joaquim Bumba, who was traveling in a car accompanied by some church workers. The passengers were accused of collaborating with FLEC and tortured. The pre-deacon was shot in his right leg. He received medical attention in Luanda, at the Endiama Clinic. The Catholic Church sent the surgery bill to the provincial government of Cabinda that, subsequently, settled it. Joaquim Bumba, today, has steel pins in his right leg.
- *January 15, 1998* – Alexandre Télica, 22, son of Gabriel Gomes and Albertina Bindele, was wounded by a shot from FAA.
- *March 03, 1997* – In Kissoqui do Luali, Municipal district of Belize, the FAA military carried out a series of outrages against the population. The

minor André Simba Macundo, born August 02, 1990, son of José Mancundo and Alice Conde, was shot.

3.3. Victims of sexual abuse

- November 28, 2002 – Maria Luendo, 46,, and Marta Conde, 40, were raped by FAA soldiers on the main road of Piandinge, Necuto commune, in the presence of their minor children. With the trauma they did not manage to count how many soldiers took turns to rape them. Maria Luendo had her children João Maria Cumbo, 7, and Maria Dembe, 5, while her companion had a minor whose name was not identified. Both were waiting for transport heading for the city of Cabinda, about 90 km. distant. Maria Luendo was evacuated, in a serious state, by her relatives, to the Central Hospital of Muanda in DRC where, according to information learned from family and close friends, she had to go into surgery due to the mutilation of her genitals.
- *November 08, 2002* –“Commander Decidido (Decisive)” raped Tina Passi, 16, at Ganda Cango village (municipality of Belize), who, after satisfaction of his sexual appetite, gave her to his men for the same purpose. According to information provided by the villagers, more than 14 FAA soldiers raped Tina. Two local witnesses, who left the village on December 05, confirmed the serious health condition of Tina, with the mutilation of her genitals, displaying various signs of beating. She is under the care of traditional healers, due to the lack of means by the relatives to provide better treatment. Tina is fatherless, and the mother, Dona Abi, fears for her life and that of her family. Witnesses refer to the constant practice of raping women by the “Commander Decidido”. According to these witnesses, in the absence of military operations that justify such acts, the women that do not present identity cards are the immediate victims of rape – with the label that they are wives or mistresses of FLEC guerrillas.

In the last few weeks, in Micumas, municipal district of Buco-Zau, several women have been systematically raped by military. The same military also forced the young males to dig their own holes, thereafter burying them more or less up to the tip of their noses. The victims are kept that way for some time until they provide information on the FLEC.

- *November 03, 2002*– Three soldiers, from the unit stationed in Ganda Cango, raped Caty, 13, daughter of Alfredo Zau (deceased) and Maria, on the banks of the River Chibaca. Accounts from witnesses revealed that, a week earlier, soldiers had assaulted the girl’s residence, but unsuccessfully. The mother, upon protesting to the military command was accused of belonging to FLEC.

Terror in Cabinda

Two local young males have revealed to the researchers that it has become a high risk for them and his fellows to have any intimate relationship with local young women. “Jealous” soldiers can be subject them to abuses.

- *October 02, 2002 (18H00)* – Three soldiers from the 20th Troop Battalion, detached to the N'tó unit, in the village of Subantando, raped Maria da Graça Fonseca Isabel, born August 04, 1975, in Cabinda. The woman, married and mother of three children left for the fields, in her mother's company, when she was questioned by the military. The mother, Isabel Suca, 45, when she put up a resistance to the pretensions of the military was beaten senseless, while the attackers took turns raping the daughter.
- *June 22, 2002 (10:00)* – FAA soldiers arrested Josefina Liambo, 38, and Fátima Lito, 36, teachers by profession, in their residences, in Tando Zinze commune. The detentions happened as a consequence to a FLEC attack against a FAA supplying convoy. They were taken to the barracks of the Tando-Zinze military command, where they remained, under torture and interrogation, for three days. One of the women, who asked for confidentiality, admitted she was victim of various sexual abuses, and assumed the commitment to secrecy, to guarantee her release and that of her remaining suffering companions
- *June 19, 2001 (22H40)* – Joana Ndobe Fita Padi, 20, daughter of António Padi and Suzana Fita, resident of Fortaleza, was approached at her house, by armed soldiers, while she slept with her husband, André Sambo Zau, 21. The military took her to one of the units of the military brigade deployed in N'tó, on the way to the border of Yema (DRC). Joana Padi, could not specify to which battalion she was taken to, from not knowing the specifics of the different battalions stationed in Fortaleza. Several soldiers raped her. About 4H00 a.m. of June 20 she was released.

Several reports tell about the rape or sexual exploitation, by the military stationed in Fortaleza, of the girls that find their income in picking mangos in the area. On December 04, 2002, two of the researchers of this report traveled to the border, and verified the undisciplined presence of military along the main road. Several were seen selling mangos, many drinking at the houses of the local villagers and several dozens strolling about, along the way, in state unworthy of a national army.

The population point out that the military forcibly took over the mango business, taking responsibility for picking the fruit and leaving the women to carry it to the main road, for sale.

Terror in Cabinda

- *May 08, 2002* – A FAA soldier raped Inês Lelo Tiago, 52, while two others stood guard, when she was on her way to the Catholic Mission of Cabinda. She was heading to Church for the 6:00 morning mass, when she was approached by the military. She managed to reach the church, from where she was taken to hospital for assistance.
- *November 08, 1994* – More than 10 FAA soldiers raped Angelina Bumba, now 30 years old, who beat her father with his own crutches to force him to watch his daughter's rape. Gabriel Bumba, handicapped, seized by his hair and wrists, watched the gang rape of his daughter, in his own residence.
To this date, Angelina Bumba only manages to move around with the help of a stick, with her three children (born) prior to the tragic event, in her brother's care. Her husband, a police officer, abandoned her afterwards.

3.4. Destruction and looting

- *December 04, 2002* – Ernesto Nkesso, a farmer, saw his house destroyed, in the village of Mbucu-Luemba, by a FAA helicopter. FLEC guerrillas had attacked, at that time, a FAA column that marched in the direction of Viede. In retaliation, a helicopter fired at his house, about 22H00, destroying it completely. Fortunately, his family was in the kitchen, some meters distant from the main residence, at an evening meal. About eight children and five grandchildren thus escaped along with other family members.
- *November 23, 2002*– FAA soldiers, stationed in Necuto commune prevented trade in the local market and occupied it, as a form of cutting off a possible source of supply to the FLEC. They thus imposed hunger as mechanism of applying pressure on the population.
In the area of the great Maiombe forest, that covers the municipalities of Belize and Bucu-Zau, the main staging area of the military actions, FAA soldiers are destroying the plantain plantations, the staple food for local populations. Farms also have the same fate, thereby generalizing, and the hunger in the area, which decimates particularly the children and the elderly.
- *November 11, 2002* – A group of six commandos forcibly took over the market of the municipality of Belize. In the armed attack, they took with them two radio-cassettes, bottles of wine, clothes, batteries and ointments. Beforehand, they beat the vendor Evelina and, at gunpoint, they emptied the pockets of the youth Bungo, who had 200 kwanzas on him, the equivalent of less than 4 dollars.
- *November 09, 2002* – A military group, of an unknown number, forced dozens of men, women and children, in a raid on Ntunga and Mandarin,

Terror in Cabinda

municipality of Cacongo, to cut bunches of plantain (type of banana), from the surrounding plantations, and to carry them on their backs, to their posts, as part of their logistical supplies. On the other hand, the military burned all the canoes of the population that live on the banks of Lake Massabi, as well as all the fishing nets.

- Before the major offensive currently in progress by the government forces, numerous villages were already uninhabited, in all the municipalities, such as Tali-Vista, Tali-Cuma, Tali-Beca, Zalangó, Prato, Chingundo and Nguelezo, in the municipality of Cabinda; Kissungo, Tando Masele, Tshaka, Viede, Mazinga, Bata Kango, Thanga, Keba Diela, Midumba, Bukongo, Diladi, Bata Kango, Masinga, Kingubi and M'bata Kingubi in the municipality of Belize, in addition to another twenty-four villages in the area of Miconje, off the main road. Many more villages have been destroyed, some repeatedly. The villages that are still inhabited live very precariously, the villagers have their scant belongings wrapped up and they are always ready to flee, at any sign of a serious threat.
- October 24, 2002 – FAA burned three houses, a chapel of the Catholic Church, under responsibility of Fr. João de Brito Maiamba, in a raid carried out on the village of the Toma, in the Necuto commune.
- *October 17, 2002* – Joana Nzuzi, 52 years old, mother of seven children, was beaten in the military unit stationed on the Ranch, Ganda-Cango, along with five other farming women. Their crime: they went to the fields without military authorization. From 10H00 to 19H00 they suffered the worst instincts of the military from that unit. They were released without the cassava, firewood and other foodstuffs they had collected.
- *August 24, 2002* – FAA soldiers, from the Ntó Brigade, attacked the residences of the village of Fortaleza, in retaliation for the death of one of their colleagues, run over by a car. For thirty minutes, the military fired off rounds incessantly, dispersing the villagers and, consequently, looted the belonging of the population.
- *October 22, 1999* – As a consequence for an attack by the guerrillas, the population of Mbata Lemba's village was looted and all their houses were burned. The villagers were displaced empty handed.
- *January 05, 1999* – FAA soldiers, in retaliation for a surprise attack by the guerrillas on their position, burned 31 houses and looted all the belongings from the population, in the village of Benfica, municipality of Buco-Zau. The village was left uninhabited.

Terror in Cabinda

- *December 04, 1998* – Thirty-eight houses were plundered and burned to the ground in the village of Chapa. Eight oxen were killed and all the population's worthy belongings. The population fled the village due to the rages of the military, stationed in the Dingo base.
- *April 13, 1998* – FAA soldiers burned all the houses from the village of Sassa-Zau Velho, municipality of Buco-Zau as a punishment for the killing of three soldiers in a guerrilla attack in the vicinity.
- *January 16, 1998* – Government forces plundered and burned eighteen houses in the village of Vitu, municipality of Buco-Zau.
- *January 06, 1998*– In the aftermath of a military mutiny, in a FAA garrison, soldiers went on rampage to plunder the village of Fortaleza. Dozens of houses were burned and Priest Pedro Sevo was threatened with death, in presence of a Sister of Mercy and several ladies that were traveling in his vehicle.

3.5. Victims of anti-personnel mines

- *September 25, 2002*–Ambrósio Nkongolo, then a worker of the Provincial Department of Culture, stepped on a landmine, in an area frequented by civilians, but controlled by military, in the vicinity of the village of Subantando, close to the city. He died hours later in the Hospital of Cabinda. His father, who was with him, was wounded.
- *March 23, 2002 (about 5H00)* – Clara Simba, 36 years old, and Rosa Mambo, 45 years old, were beaten by FAA soldiers, in the village of Subantando, as a consequence of the explosion of a mine close to the FAA command in the area. The women, farm workers, went to the fields when they heard the explosion and, according to their depositions, sought protection. The military involved the area, detained the farm workers and accused them of planting the mines. Rose Mambo has a fractured leg as a consequence of the aggression. They were freed after three days, through the intervention of the paramount chief Afonso Chocolate.

4. The FLEC violations

- *August 19, 2002* – Maria Itula, 37 years old, was beheaded by FLEC guerrillas, in the commune of Micuma I. Maria Itula was accused of being a popular activist in favor of the ruling MPLA and the government. She left six children as orphans.
- *March 09, 2001*– FLEC-Renovada guerrillas, in the city of Cabinda, kidnapped five Portuguese citizens, David Jesus Monteiro, Adriano Moreira Dias, Augusto da Nova, Gabriel Faria Pinto and Augusto Pires, who were freed in May 23, 2001.

- *September 23, 2000* – The representative municipal health officer of Belize, Dr. Bernardino Paulo, 35, was kidnapped, in the municipal district of Belize, during a vaccination campaign against poliomyelitis. The kidnappers burned the whole equipment of the campaign, including the car, accusing him of conducting a political campaign in favor of MPLA. During an entire year, Dr. Bernardino Paulo remained a captive of the FLEC-FAC. In an earlier campaign FLEC-FAC kidnappers killed the male nurse, Luís Gomes. The victim was an assistant of the then parish priest of the Belize Mission.
- *May 24, 2000*– FLEC kidnapped the Portuguese citizens Sérgio Alves Fidalgo, Manuel da Mota Nunes and Marco da Costa Santos. The first was freed on April 03, 2001, while the other two were freed on June 25, 2001, after negotiations.
- *March 10, 1999* –FLEC-Renovada kidnapped two Portuguese citizens António Dias Bettencourt and José Raul Neves Pereira, and two others of French nationality. The hostages were freed on July 7 of the same year.

5. The Media

One of the most striking aspects in the exercise of journalism, in Cabinda, is the action of MPLA cells in the state media outlets and in the only non-state one, the Commercial Radio of Cabinda.

The cells have the responsibility for coordinating MPLA activities in the newsrooms, to censor and to present reports during the bi-weekly meetings.

According to local reporters, leadership positions in the referenced media outlets can only be exercised by those affiliated to the MPLA cells. The coordinating members of the cells meet biweekly with the Information Services (Sinfo), under the orientation of officer Macongo de Almeida, to define political strategies for the reporters to follow.

Below, is a short description of the cells' co-ordination:

Commercial Radio of Cabinda (RCC) – Director André Filipe Luemba, heads the MPLA cell, with Mateus Gonçalves as his assistant.

National Radio of Angola (RNA) – Tófilo de Jesus Mavinga, financial director, directs the cell with the assistance of Silvério Manuel Martins da Costa, chief-editor.

Public Television of Angola (TPA)– Francisco José, regional director of TPA, coordinates the cell, assisted by reporter António Paulino.

Jornal de Angola (JA) (Daily Newspaper)/ Agência Angola Press (Angop) – due to the reduced number of staff, both media outlets share the same cell, under the

coordination of Alberto Coelho, provincial delegate of *Jornal de Angola*'. Vuvu Muatualunda, Angop's delegate, is the cell's deputy.

The provincial government exercises an extremely rigorous control on the holding of press conferences. Before each press conference, the reporters must submit their questions to the provincial government's department for media and to Sinfo, 72 hours beforehand. In the event the questions are not approved, the reporters are prevented from covering the event. The same happens with activities carried out by political parties, civil society and churches. Without the stamp of approval from the provincial government and Sinfo, the media outlets are not allowed to cover events deemed to be of a political nature or that deviate from the "pedagogic" orientation of the MPLA.

During the main military offensive by government forces, between October 10 to 30 2002, media outlets had expressed orders not to report on any military actions or related political situations.

Likewise, herewith we report some cases referring to the behavior of the authorities on the issue of freedom of press:

- *November 20, 2002 (12H00)* – The correspondent of the Voice of America (VOA), in Cabinda, received a "visit" from two officers of DPIC, José Oliveira and Sebastião Bedo, respectively. They demanded that the reporter accompany them to DPIC, in a civil vehicle, a Toyota Corolla (AIA-26-46) with tinted windows. Once at DPIC, the investigators introduced the reporter to his DPIC appointed "lawyer", a DPIC investigator who works within the ChevronTexaco compound of Malongo. The investigators forced the reporter to reveal the source of a news story that he broadcast on ChevronTexaco's fears for the safety of its workers². According to the investigators, the reporter behaved in an unpatriotic manner by casting doubts on the institution (ChevronTexaco) that most contributes to the revenues of the Angolan State. On refusing to divulge the source, the investigators insisted that the way for the reporter to collaborate with the judicial authorities and to fulfill his patriotic duty was to reveal the source. After three hours of interrogation, the investigators transferred the following session to Malongo, the operation base of ChevronTexaco.
- *November 21, 2002*– At 9H00 a.m., the reporter went to DPIC, from where he was taken to Malongo, at about 11:00, by the two investigators and his appointed defender. Inside the oil facilities, the reporter was taken to the office of ChevronTexaco's security officer, Francisco de Almeida Barros. The latter called the reporter aside and "advised" him to be careful with

² Costa, Manuel da, May 30, 2002, Cabinda: ChevronTexaco fears for the safety of its workers, Voice of America

what he writes because “there is still unrest in the country”, according to the testimony of Manuel da Costa. Sometime after 14H30, the zealous investigators drove the reporter to the police squad inside the ChevronTexaco compound, installed in a container, where the questioning continued.

At that time, in the face of the reporter's hesitation, the investigators exhibited a letter from the provincial governor asking for the instigation of criminal proceedings against him. So he was alerted of the urgent need to respond to the governor's demand. At 18H30, the investigators broke off the interrogation and then met with the security officer of ChevronTexaco, leaving the reporter by the door. They left the meeting after one hour of “chit-chat” with a box of gifts and a sealed envelope.

- *November 22, 2002*– Manuel da Costa had to appear at DPIC again, for the third day of questioning. The investigators demanded a copy of the tape with the news and, to the reporter's response that he did not have the capability to keep all the records of his work, the agents skirted around the task. “That’s okay, we will ask Angola Telecom, because they have recordings of all telephone calls”, on the affirmation of investigator Oliveira, according to Manuel da Costa.

Up till now, the reporter continues to wait for further notification.

The reporter notes though, the investigators were so far careful to avoid any written notification. In response to the question on the reasons that caused him to respond without formal notification, he answered: “I feared an act of repression, in case I did not agree to be interrogated without notification in writing. It is a custom of the police to repress (individuals) whenever they feel like.”

May 18, 2001– Cristóvão Luemba, 29 years old, was beaten at the Cabinda Airport by agents of the National Police on identifying him as a correspondent of Radio Ecclésia. He was beaten with rifle butts and the police fired into the ground, in his direction, as an act of intimidation. In spite of the higher authority of the police in the province, and the fact they are aware of the case, the overall impunity prevails.

6. Legal considerations

From the facts described, especially in the several items of nº3 and nº4 of this report, it is necessary to document that Cabinda lives in an undeclared State of Siege. The exercising of rights, freedoms and guarantees to the citizenry is practically suspended or subject to major and severe restrictions. The state of siege cannot be allowed to affect, under any circumstance, the right to life, the right to personal integrity, citizenship, the right to a defense for those interrogated and freedom of conscience and religion (art. 52 of the Constitutional Law) which does not happen, in the case in point.

Terror in Cabinda

Cabinda is locked in “an armed conflict that does not have an international nature and that is happening in the territory of one of the main contracting parties” (Angola signed the Geneva Convention) art. 3, common to the four Conventions of Geneva. The Government and FLEC are forced to observe the fundamental humanitarian principles applicable in all armed conflicts, namely:

- a) The participants' right, in an armed conflict, to choose the methods and means to prejudice the enemy is not unlimited;
- b) It is forbidden to launch attacks against the civil population as such;
- c) It is necessary to make a distinction between the people that take an active part in the hostilities and the members of the civil population, so that these are spared as much as possible. (art. 3 of the Geneva Convention)

Moreover, as prescribed in the referenced article even “the members of the armed forces, who lay down their weapons and the people that are effectively removed from combat by disease, wounds, detention, or any other cause, shall be treated with humanity, under all circumstances”.

The same article explicitly forbids: a) offenses against life and corporal integrity, namely murder in any form, mutilation, cruel treatment, torture and capital punishment; b) the taking of hostages; c) offenses to people's dignity, namely humiliating and degrading treatment; d) ... executions carried out without prior trial, by a regularly constituted tribunal, accompanied by legal guarantees recognized as essential for the civilized people”.

Also in arts. 13 and 14 of the 3rd Convention of Geneva it is prescribed that the war prisoner should be treated with humanity under all the circumstances and they are entitled to respect of their person and their honor and to keep their civil capacity.

The civil population is protected by the 4th Geneva Convention, against abuse of power by the authorities. The provisions foreseen in headings II and III relative to the “General Protection of the Populations against certain effects of war” and the “Statute and treatment of protected persons”, have the character of fundamental principles to be respected under all circumstances. They demand respect of the person, particularly their physical and spiritual integrity, and prohibit coercion, torture, collective punishment, reprisal measures and hostage taking.

On the prohibitions of torture, cruel, inhuman or degrading punishment or treatment, the art. 22 of the Angolan Constitutional Law, stipulates that “no citizen may be subjected to torture or any other cruel, inhuman or degrading treatment or punishment” The art. 5 of the Universal Declaration of Human Rights says that “Nobody shall be subjected to torture or to cruel, inhuman or degrading punishment or treatment”. So do the art. 7 and 10, n^o 1 of the Convention Relative to Civil and Political Rights, as well as the 1949 Geneva conventions relative to the wounded, war prisoners and civilians.

Terror in Cabinda

Referring further, to the domain of the prohibitions, prescribed in art 31 of the set of Minimum Rules of the United Nations for Treatment of Detainees, that forbids “corporal punishment, placement in dark cells, as well as any cruel, inhuman or degrading sanction... as disciplinary sanctions.”

Lastly, it should refer to the fact that the Angolan State, as party to the Convention on Children’s Rights, committed itself to take all appropriate measures to prevent children from being exploited for purposes of prostitution or other illicit sexual practices. Thus it should be particularly committed to prevent children from being raped by its own agents.

In conclusion:

The right to life is being violated in Cabinda, a right that no State can dispose of under any circumstance. According to art. 22, the Angolan State respects, protects and, moreover, forbids the death penalty.

In terms of criminal investigation, agents of the state vulgarize torture and practice offenses against the detainees moral or physical integrity and; in the field of the prison institutions the detainees degrading and inhuman treatment has been rendered banal, in contradiction with art. 5 of the Universal Declaration of Human Rights.

The right to freedom, the right not to be detained, arrested or restricted in movement, as well as the right to safety, the guaranty to the tranquil exercise of the citizens’ rights, freedom from threats and aggressions, has become a dream; the freedom of press is extremely fettered; the basic constitutional principles, regarding criminal punishment, such as the principle of legality, of typicality, etc., cease to have meaning and no longer make sense; the arbitrary interference in private life, in family life and in invading homes, as well as the abuses and violations of women’s and children’s rights have come to be the rule.

The extra-judicial deaths and summary executions referenced, arising from the government reaction, constitute fundamental violations of human rights and an insult to humanity’s conscience, because these crimes seem to be carried out in a deliberate fashion under somebody’s orders, with the government’s acquiescence and complicity.

Therefore, the extra-judicial executions promoted by agents of the State at the most diverse levels constitute “war crimes”.

Art. 6 of the Charter of the Nuremberg International Military Tribunal includes in the category of crimes against humanity, crimes against Peace and “war crimes”.

Crimes against humanity are murder, extermination, reduction to slavery, and any other inhuman acts performed against the civil populations, before or during war.

The instruments of International Law adopted within the scope of the United Nations Organization include under international crimes, crimes against peace, war crimes, crimes against humanity, crimes of genocide and similar practices of segregation and racial discrimination.

The specificity of international crimes resides in the fact they are not usually committed by individuals acting in their own right, but by people acting in the exercise of their duties, on behalf of a State. The practice of an international crime should not only imply the general responsibility of the criminals, but also the responsibility, according to the International Law, of the State on behalf of which they acted.

7. Recommendations

7.1. To the Government

Prior Note: As nationals, we hereby affirm our inalienable and constitutional right to express ourselves freely on the subjects of the Nation and to denounce abuses against human rights. Therefore, we demand a responsible behavior from the government in accordance with the citizens' most fundamental rights.

- The government must immediately cease all offensive military operations, in the sense of guaranteeing a minimum protection to the civil population, as victims of indiscriminate military attacks.
- The government, under penalty of assuming full responsibility for the heinous practices currently in progress, that indicate war crimes and crimes against humanity, must order an inquiry to be established for the verification of individual and collective responsibilities, in the violation of human rights, and the consequent application of justice.
- The government must adopt a stance consistent with the political speeches of president José Eduardo dos Santos and other high officials of the ruling MPLA for the resolution, by means of direct and inclusive dialogue, of the conflict in Cabinda. Otherwise, once again we will confirm how deceptive are these presidential speeches on peace, dialogue reconciliation.
- The government must endeavor and create conditions so as to provide urgent humanitarian support to the populations affected by the military actions in Cabinda.
- The government must put an end to the current police state in force in the Cabinda territory so as to create a climate favorable to a greater relaxing of tension and conducive to dialogue with all the interested parties.

7.2. TO FLEC

- FLEC must come forward with a peace agenda, without misunderstandings, and collaborate with the government in the declaration and implementation of an effective cease-fire.

- FLEC must facilitate the intervention of NGOs in the sensitive areas so as to guarantee safe support for the needy populations.
- FLEC must cease its movements close to villages and communities so as to avoid them suffering reprisals by government troops.
- The two armed wings of FLEC, the FAC (Armed Forces of Cabinda) and the ex-Renovada must reach consensus in their positions and favor the issuance of a joint decision for the implementation of dialogue and the establishment of peace in Cabinda.
- FLEC must cease once and for all the policy of kidnapping foreigners as a form of political pressure and a source of financing in its fight.

7.3. To the civil society

- Angolan civil society should be involved in a more active and joint fashion in the resolution of the conflict in Cabinda, renouncing the “right of indifference” to the tragedy that is befalling the area.
- Independently of the political claims that are at the basis of this barbarism, the violation of human rights and citizens rights should always merit the attention and the denunciation from all the civil sectors and from the population in general.

7.4. To the multinational oil companies (esp. Chevron Texaco)

- The multinational oil companies operating in Cabinda, especially Chevron Texaco, must abstain from participating or giving succor to acts that jeopardize people's physical and moral integrity, including their own employees.
- ChevronTexaco must put an end to the complicity in allowing police interrogations to take place at its operations base of Malongo, as well as other acts that harm the citizens' rights and clearly violate the precepts of the law.
- For the stability of the oil exploration, Chevron Texaco should be guided by standards of law and justice that also encompass the recognition of the workers personality and dignity, their promotion and assumption of responsibility thus seeking to eliminate all the “differences” that denote injustice and discrimination or simply bring about bad feelings and dissatisfaction.
- As a contribution to the transparency and the need for the population of Cabinda, and for Angolans in general, to benefit from the oil wealth and profits, ChevronTexaco must abandon its arrogant policy of not revealing the profits from the oil exploration in the Enclave.
- Equally, the partners in blocks 0 and 14 (Cabinda), in the interest of the protection of human rights and of business ethics, must promote a code of conduct that binds them to the publication of the oil accounts.

7.5. To the United Nations

- The United Nations, as mediators of the recently finished Angolan Peace Process, are morally co-responsible for the cloud of silence over the continuation of war in Cabinda, by signing onto, without reservations, the government's thesis on the total end of the war in the country. The presence of the General-Secretary of the UN, Mr. Koffi Annan, in Angola, last August, contributed greatly to reinforcing the impunity of the government to its own acts. In addition, the election of Angola as a non-permanent member of the UN Security Council, last October, confers greater honorability on the government, allowing it to act as it sees fit.
- Thus, the United Nations, in the interest of true peace, justice, democracy and the respect for the human rights, should review its position in relation to Angola, by adopting a moral posture that respects, at least, the life and dignity that the Angolan people deserve.

7.6. To the Governments with oil interests in Angola and other countries

- Countries such as the United States of America, France, Italy and Portugal, whose multinationals operate in Cabinda, should adopt a more respectful stance in regard to the life of the local population. The oil, gas and geopolitical interests of those countries should not be preserved at the expense of such immense cruelties.
- These countries should refrain from legitimizing, with their silence, the systematic violations of human rights in Cabinda and, to a lesser degree for the whole of Angola, whatever the pretext.