



# ANGOLA

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Former UNITA combatants and their families await transportation in Cazombo, Moxico province, March 2003. As of March 2003, these demobilized had not received documents or any other kind of assistance from the Angolan authorities.  
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## **STRUGGLING THROUGH PEACE: RETURN AND RESETTLEMENT IN ANGOLA**

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## ACRONYMS

ADRP – Angolan Demobilization and Reintegration Project

AHA – African Humanitarian Aid

CRC – Convention on the Rights of the Child

DRC – Democratic Republic of Congo

FAA - Angolan Armed Forces (Forças Armadas Angolanas )

FMU – UNITA Military Forces

ICCPR – International Covenant on Civil and Political Rights

ICESCR – International Covenant on Economic Social, and Cultural Rights

IMF – International Monetary Fund

JRS – Jesuit Refugee Service

LIMA – Liga da Mulher Angolana

LWF – Lutheran World Federation

MOU – Memorandum of Understanding

MPLA – Popular Movement for the Liberation of Angola (Movimento Popular de Libertação de Angola)

MSF – Médecins Sans Frontières

NGO – Non-governmental organization

OCHA – Office for the Coordination of Humanitarian Affairs

UNICEF – U.N. International Children’s Education Fund

UNHCR – U.N. High Commissioner for Refugees

UNITA – União Nacional para a Independência Total de Angola (National Union for the Total Independence of Angola)

WFP – U.N. World Food Program

# MAP OF ANGOLA



Map No. 3725 Rev. 2 UNITED NATIONS  
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Cartographic Section

## I. SUMMARY

*We had peace before. Several peace accords failed in the past and Angolans understand now that peace means more than the silence of weapons. As in times of war, Angolans still struggle to survive and we know that for peace to prevail government and civil society must work in order to overcome the challenges of, and for, peace.*

– Angolan human rights activist, Luanda, March 16, 2003.

After three decades, hundreds of thousands of deaths and mass displacement of the civilian population, the death in February 2002 of Jonas Savimbi, leader of the rebel forces of the National Union for the Total Independence of Angola (União Nacional para a Independência Total de Angola, UNITA), led to the signing of a ceasefire on April 4 of the same year and put an end to Angola's bloody conflict. Peace has brought hope but also new challenges to Angola. One of the critical challenges facing the country in its transition to peace will be the successful return and integration of millions of internally displaced persons, refugees in neighboring countries, and former combatants displaced during the conflict.

A year after the signing of the peace accord, more than two million internally displaced persons and approximately 25 percent of refugees living abroad have already returned to their places of origin. However, the majority of those displaced by the war remain in exile, in transit or temporary resettlement sites. Tragically, the return of internally displaced persons—often without any formal assistance—has led to hundreds of deaths and maimings, due primarily to the widespread presence of landmines in Angola, and has left hundreds of thousands of civilians in urgent need of assistance and protection.

Human Rights Watch believes that the successful transition from war to a lasting peace demands that the fundamental rights of these three groups be respected. In particular, the Angolan authorities and the United Nations (U.N.) must guarantee security, ensure delivery of humanitarian relief supplies, and provide education and other basic services to those in transit camps. They must also work towards achieving similar conditions in the areas to which the internally displaced, refugees, and former combatants will return. Angolan authorities and the U.N. agencies should pay special attention to the needs of women, children and other vulnerable groups. Failure to ensure that these standards are met—and promptly—will aggravate the current situation, threaten Angola's recent peace and undermine its hopes of development.

Most importantly, the Angolan government must respect international and domestic law requiring the resettlement of displaced people to be implemented on a voluntary basis. Despite recent legislation designed to regulate the resettlement process (the Norms for the Resettlement of Internally Displaced Populations) the Angolan authorities have in some cases induced or forced many internally displaced persons to return by making false promises about the conditions of the areas to which they have been sent. In one case in Bengo Province reported to Human Rights Watch, Angolan police entered a transit camp and burned homes and crops of displaced people living there. In some instances, as revealed in the province of Uíge, local authorities have restricted or discouraged the movement of internally displaced persons. Those who have returned have often encountered abysmal conditions such as food shortages, poor hygiene, lack of infrastructure, limited access to social services such as health services, and landmine infestation.

Many Angolan refugees, mainly those living in the Democratic Republic of Congo (DRC) and Zambia have returned to Angola spontaneously with their own limited resources. Some returnees have suffered extortion while crossing borders and checkpoints. Others have drowned while trying to cross rivers. At border areas, women and girls have been victims of rape and other forms of sexual abuse. At this writing, the basic conditions to receive these returnees are still not in place. Transit and temporary centers have yet

to be established at important entry locations in bordering provinces. Most of these areas of return are still neither safe nor accessible to humanitarian agencies. Authorities have dedicated their limited resources to the assistance of former combatants first and, to a lesser extent, internally displaced persons.

The integration of former combatants, estimates of which vary widely, presents another serious challenge. To further complicate matters, ex-combatants have been classified as either internally displaced persons or returning refugees to guarantee their access to humanitarian assistance. In general, women and girls, including former combatants and wives and widows of combatants, have been excluded from the demobilization process. They bear the burden of their own subsistence and that of their children alone. Child soldiers, boys and girls seventeen and younger, have also been excluded from the benefits of the demobilization program.

After decades of civil war, Angola's infrastructure lies in ruins. Landmines litter the countryside and hospitals, health clinics, and schools were destroyed in the fighting. A lack of qualified professionals in the interior means basic health and education services are not available to the majority of the population. Human Rights Watch is concerned that efforts to develop Angola's devastated infrastructure do not overlook the needs of those Angolans who remained in their place of origin during the civil war.

This short report is based on an investigation by Human Rights Watch conducted in March and April 2003. Our researchers interviewed over fifty internally displaced persons, refugees, and former combatants in the transit centers and the camps of Bengo, Bengo II and Kituma in the province of Uíge and Cazombo in the province of Moxico.

Human Rights Watch researchers conducted twenty-one interviews with concerned U.N. agencies, NGOs and other organizations, including the U.N. High Commissioner for Refugees (UNHCR), the U.N. Office for the Coordination of Humanitarian Affairs (OCHA), the U.N. Children's Fund (UNICEF), the World Food Programme (WFP), Oxfam-GB, GOAL, African Humanitarian Aid (AHA), Médecins Sans Frontières (MSF)-Spain, MSF-Belgium, Jesuit Refugee Service (JRS), Lutheran World Federation (LWF), International Monetary Fund (IMF), World Bank, Trocaire, Associação Justiça, Paz e Democracia (AJPD), Liga da Mulher Angolana (LIMA) and Mulheres, Paz e Desenvolvimento. Human Rights Watch researchers also interviewed Angolan central government officials and police, and conducted six interviews with local Angolan authorities in three provinces. Where necessary, the names of those interviewed are withheld or changed in this short report to protect their confidentiality.

## II. RECOMMENDATIONS

### **To the Government of Angola:**

- Take steps to ensure that the Norms for the Resettlement of Internally Displaced Populations are fully implemented, including, in particular, respect for the right of voluntary return to areas of origin.
- Provide the basic conditions for the voluntary return and resettlement of internally displaced and Angolan refugees with safety and dignity.
- Investigate immediately, take appropriate disciplinary action, and institute criminal proceedings against military and police officers where credible allegations for responsibility in abuses against refugees and internally displaced exist. Establish prosecutors' offices in areas where displaced or returnees are settling and implement specific programs to monitor human rights abuses in those areas.
- Ensure that returning Angolans are able to make a free, informed, and voluntary decision about the timing and location of their return, prioritizing family reunification and unity.
- Provide identity documents to ensure that Angolans in transit enjoy fundamental rights. Ensure that especially children are not denied enrollment in primary education programs on the basis of age, language or lack of identity documents.
- Allocate the appropriate financial funds, given the human resources constraints, to ensure access to returnee assistance for civilian returnees on an equal basis with demobilized soldiers.
- Expand existing demobilization and rehabilitation programs to include women and children under the age of eighteen. Create programs that are tailored to meet the needs of these two groups, including creating secure housing sites, separated from demobilized male soldiers, for female-headed households and unaccompanied and separated children.
- Provide the demobilized former combatants and their families with the benefits promised in the April 2002 MOU. Particular attention should be given to those areas that have become isolated due to adverse weather conditions, supplying humanitarian assistance when needed.
- Include those who remained in areas of conflict, particularly the elderly, handicapped or otherwise vulnerable groups, in resettlement programs. In particular, authorities should design programs in such a way as to avoid the impression that resettling refugees, internally displaced persons and former combatants are being privileged over others in the communities of return.

### **To Donor Countries to Angola:**

- Provide technical and financial assistance to the Angolan government in creating demobilization and rehabilitation programs that are suited to women and children.
- Continue to fund humanitarian agencies assisting the return and resettlement process in Angola giving special attention to women and children's needs and also assisting communities that welcome returning internally displaced persons and refugees.
- Fully fund programs for the return of civilian populations in Angola, at least on a par with those created for former combatants.

- Increase financial assistance for human rights protection activities and projects. Special attention and support should be given to strengthening the presence of prosecutors and police in each region of return, and strengthening the Angolan judicial system. Funding should also be made available for human rights field officers monitoring the return, resettlement and reintegration process.

**To the United Nations Agencies:**

- Continue and expand activities and projects to promote human rights awareness and provide training for military and police officers designated to protect Angolans, including vulnerable groups such as internally displaced persons, former UNITA combatants, and women and children living in reception and transit areas.
- Ensure that adequate conditions and security are established at entry points on the Angolan borders to receive Angolan refugees returning either spontaneously or as part of the formal repatriation program that started in June 2003. As part of this effort, U.N. agencies should increase their de-mining assistance and clearance throughout the country.

**To the United Nations High Commissioner for Refugees:**

- Increase presence of protection staff at key border crossing points in order to prevent violence and extortion against returning refugees.
- Fully exercise the protection mandate of UNHCR, even with regard to spontaneous returnees, to ensure that incidents of sexual violence against returning refugees are prevented and prosecuted.
- As an integral part of UNHCR's protection functions, ensure that returning refugees and internally displaced persons, including those not previously housed in UNHCR-run camps, are provided with necessary national identity documents. Priority should be placed on securing these documents for returning refugee children.

**To the World Bank:**

- Prioritize rehabilitation projects that include women and children in proposals submitted for the Angolan Demobilization and Reintegration Project (ADRP). Encourage groups that provide assistance and reintegration to women and children to apply for available funds under the ADRP.
- Encourage the Angolan Government in the funding and implementation of future projects so that the medium to long-term needs of returning refugees, displaced persons, and demobilized soldiers, particularly the women, children among them are prioritized. If necessary, make further support conditional on the inclusion of programs that prioritize those groups.
- Encourage the representation of women in the committees and among the staff responsible for the demobilization and reintegration programs.



### III. BACKGROUND

Over the course of nearly three decades, Angolans struggled to survive in the midst of one of the most protracted conflicts in recent history.<sup>1</sup> During this period, approximately one million people were killed, 4.1 million displaced and 400,000 driven to the neighboring countries of Zambia, Congo Brazzaville, Democratic Republic of Congo and Namibia.<sup>2</sup>

The April 4, 2002 signing of the Memorandum of Understanding (MOU) by the Angolan Army (Forças Armadas Angolanas, FAA) and the UNITA military forces (Forças Militares da UNITA, FMU), following the death of rebel leader Jonas Savimbi in February 2002, brought to an end nearly three decades of fighting between the Angolan government, led by the ruling party Movement for the Popular Liberation of Angola (Movimento Popular de Libertação de Angola, MPLA), and UNITA.

The Memorandum of Understanding, also known as the Luena Accords, after the eastern Angolan city in which they were signed, reiterates the main elements of the 1994 Lusaka Protocol, signed in the capital of neighboring Zambia. The Luena Accords provide for the implementation of a cease-fire through the demilitarization, quartering and demobilization of UNITA's military forces, integration of UNITA officers into the government army and national police, and a general amnesty law for all crimes committed during the conflict.<sup>3</sup>

According to governmental data, more than two million internally displaced persons, approximately 50 percent of the originally displaced population, have returned to their areas of origin or to resettlement sites. An additional 130,000 refugees have spontaneously returned to Angola from the DRC, Zambia and Namibia.<sup>4</sup>

Although malnutrition rates among vulnerable groups in some areas have stabilized, and the overall humanitarian situation continues to improve in several areas of the interior, conditions remain precarious. The U.N. World Food Program estimates that 1.8 million people still depend on food assistance to survive. At this writing, this number was expected to increase since the impact of the November-March rainy season destroyed bridges and damaged roads reducing people's access to markets and agricultural fields. According to OCHA, 2,657,000 Angolans are vulnerable and currently require food assistance or may require assistance in the future.<sup>5</sup>

In addition, an escalation of landmine accidents poses a considerable threat both to the displaced population in their efforts to return home, and to humanitarian personnel engaged in providing assistance. The danger presented by landmines and diminished ability to travel has forced humanitarian organizations

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<sup>1</sup> While hostilities have ceased in most of the country, in the northern province of Cabinda fighting continues. Cabinda is the only Angolan region where armed conflict between government forces and various separatist groups persists

<sup>2</sup> According to UNHCR, 1,000,000 people were killed in Angola since 1975. The other numbers cited are from the Government of the Republic of Angola, U.N. OCHA and UNCHR respectively.

<sup>3</sup> See Memorandum of Understanding Addendum to the Lusaka Protocol for the Cessation of Hostilities and the Resolution of the Outstanding Military Issues Under the Lusaka Protocol, Luena, April 4, 2002. For a comprehensive analysis of the Lusaka Peace Process see Human Rights Watch, *Angola Unravels: The Rise and Fall of the Lusaka Peace Process*, (New York: Human Rights Watch, 1999).

<sup>4</sup> See OCHA, Angola Humanitarian Coordination Update 10 July 2003.

<sup>5</sup> See OCHA, Angola Humanitarian Coordination Update 10 July 2003 (Vulnerability Assessment).

to reduce drastically or suspend their activities.<sup>6</sup> Many of the internally displaced are victims of land mines or face serious threats preventing their agricultural production or access to humanitarian aid.<sup>7</sup>

### **Historical Causes of Displacement in Angola**

During the civil war, both the government and UNITA committed widespread abuses against the civilian population.<sup>8</sup> Violations included physical and sexual assaults, rape, mutilations, forced conscription, abduction of women and girls, looting, and extra-judicial executions.<sup>9</sup>

According to the U.N. Office for the Coordination of Humanitarian Affairs, between 1992 and 1994, 1.3 to 2 million Angolans fled their homes. Most of them resettled in provincial capitals and in Luanda, the national capital, but in late 1997, approximately one million Angolans were still displaced. During the last four years of the conflict, between 1998 and 2002, both the Government and UNITA forces, once again, used terror tactics that generated massive displacement of the civilian population. OCHA estimates that an additional 3.1 million persons were forced from their homes in this period, bringing the total number of internally displaced persons in Angola to 4.1 million.<sup>10</sup> According to UNHCR, the number of Angolan refugees during this same period nearly doubled, rising from 267,700 to 470,600.<sup>11</sup>

In areas under their control, UNITA troops regularly forced civilians to leave their homes and flee from their areas of origin. They were often forbidden to carry their belongings and many traveled distances of several hundred miles to reach safe havens. Because they did not carry any clothes, food or medicine, many perished along the way or narrowly survived malnutrition, landmine injuries and disease.

During the conflict, the FAA and National Police (Policia Nacional Angolana, PNA) also routinely rounded up civilians in and around captured areas previously held by UNITA and forced them to relocate.<sup>12</sup>

Because the nearest towns and villages usually lacked minimum health and living conditions, displaced persons mostly fled to camps in provincial capitals or surrounding areas. Local authorities rarely consulted with arriving displaced persons and routinely encouraged them to move on to more distant provincial capitals or to Luanda. As result, many former self-sufficient farmers, relocated in cities, became dependent on international humanitarian assistance.<sup>13</sup>

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<sup>6</sup> See, Landmine Monitor 2002, <http://www.icbl.org/> on landmines in Angola and also, Instituto Nacional de Remoção de Obstáculos e Engenhos Explosivos, INAROOE; Density of accidents by provinces (report-map), December 2, 2002.

<sup>7</sup> According to Angola Peace Monitor Issue No. 6, Vol. IX, Action for Southern Africa, March 6, 2003, “three quarters of landmine accidents in Angola involve Internally Displaced People (IDP) walking in unfamiliar areas”.

<sup>8</sup> Despite the systematic and widespread human rights violations during that period, neither of the groups has been held accountable for their crimes. Further, the Angolan 2002 General Amnesty provision resumes crimes incurred during the civil conflict.

<sup>9</sup> See also Human Rights Watch, *Angola Unravels: The Rise and Fall of the Lusaka Peace Process*, (New York: Human Rights Watch, 1999), <http://www.hrw.org/reports/1999/angola/> and Human Rights Watch World Report 2002, <http://www.hrw.org/wr2k2/africa1.html/>

<sup>10</sup> See U.N. OCHA Consolidated Inter-Agency Appeal 2002 for Angola (not electronically available). See also, Human Rights Watch, “The War Is Over: The Crisis of Angola’s Internally Displaced Continues,” Human Rights Watch Briefing Paper, July 2002. See also Médecins sans Frontières, *Angola: Sacrifice of a People*, October 2002.

<sup>11</sup> UNHCR, Statistical Yearbook 2001 (Geneva, October 2002), Annex A.6.

<sup>12</sup> This method of forced relocation was known as cleaning operations (operações de limpeza).

<sup>13</sup> During the war Angola also experienced an urbanization process. The lack of basic services such as schools, health centers, markets and environmental degradation in rural areas intensified with the conflict, leading many Angolans to flee to cities and towns. For more on the intentional and forcible displacement of Angolans by both

### **Angola's Return and Reintegration Program**

Angola is the only state in the world to have incorporated the U.N. Guiding Principles on Internal Displacement into domestic law.<sup>14</sup> In January 2001, the Angola government adopted the Norms for the Resettlement of Internally Displaced Populations, based on the Guiding Principles; and in December 2002, it finally approved implementing regulations (known as Standard operational procedures) for this law.<sup>15</sup> Although these norms only address displaced persons and refugees and do not expressly refer to former combatants, they have been applied to ex-soldiers, many of whom have been classified as internally displaced persons. In addition, the government bodies charged with the enforcement of the Norms for the Resettlement of Internally Displaced Populations are also responsible both for demobilized and returning internally displaced persons and refugees.<sup>16</sup>

The April 2002, Memorandum of Understanding (MOU) and subsequent negotiations included provisions to regulate the resettlement and reintegration of former combatants.<sup>17</sup> These former soldiers were to receive benefits such as demobilization and identity cards, five months of salary, an additional U.S.\$100 for travel expenses, resettlement kits with non-food items, and access to vocational training courses. The Angolan government ordered the quartering areas closed and promoted the transfer of former combatants to transit centers or temporary camps. When conditions at their places of origin were secure and adequate, they too would be encouraged to return.

The United Nations High Commissioner for Refugees has negotiated two tripartite agreements for the repatriation of refugees, one with the government of Angola and the government of Zambia, and the other with the government of Angola and the government of the DRC. Among the issues addressed in the tripartite agreements, which provide for international refugee law standards to be respected, are the documentation, registration and transportation of refugees and their belongings as well as the security of returnees in general and vulnerable groups in particular. Where refugees return spontaneously, their treatment is not governed by the formal repatriation agreements, and national Angolan law applies.<sup>18</sup> In addition, international human rights law imposes obligations on Angolan authorities and international entities engaged in the resettlement and repatriation process.

In practice, transit centers were established in Angola to assist returning internally displaced persons, refugees and ex-combatants for periods not exceeding seventy-two hours. However, when humanitarian,

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UNITA and the Government of Angola see Médecins Sans Frontières (MSF) briefing to the U.N. Security Council on the Humanitarian Situation in Angola, March 5, 2002.

<sup>14</sup> The Guiding Principles on Internal Displacement (the Guiding Principles), adopted in September 1998 by the U.N. General Assembly, reflect international humanitarian law as well as human rights law, and provide a consolidated set of international standards governing the treatment of the internally displaced. Although not a binding instrument, the Guiding Principles are based on international laws that do bind states as well as some insurgent groups, and they have acquired authority and standing in the international community.

<sup>15</sup> Council of Ministers Decree No.1/01, adopted January 5, 2001 and Council of Ministers Decree 79/02, adopted December 6, 2002.

<sup>16</sup> Most notably, the National Commission for Social and Productive Reintegration of Demobilized Personnel and Displaced Populations (Comissão Nacional de Reintegração Social e Produtiva dos Desmobilizados e Deslocados (CNRSPDD).

<sup>17</sup> See Chapter II on the Agenda of the Memorandum of Understanding and Annex I regarding the location, management and assistance to quartering areas (1) (2) and (3), MOU, Luena, April 4, 2002.

<sup>18</sup> Article 2 of the Standard Operational Procedures for the Enforcement of the Norms for the Resettlement of Internally Displaced Populations (Decree No. 79/02, December 6, 2002) states that its provisions apply to "displaced populations and Angolan refugees returning to the country."

socio-economic and security conditions in areas of origin are unacceptable, those displaced by war may remain in the transit centers. As a result, these transit centers are transformed into *de facto* temporary resettlement camps.

Since the cease-fire, hundreds of Angolan refugees have spontaneously returned to Angola, that is, without waiting for assistance from UNHCR.<sup>19</sup> Since they have returned spontaneously, their treatment is not governed by the formal repatriation agreements, and only national Angolan law applies. Specifically, the Operational Procedures for the enforcement of the Norms for the Resettlement of Internally Displaced Populations on Article 2 states that its provisions apply to “displaced populations and Angolan refugees returning to the country”.<sup>20</sup> Under the formal repatriation program, returning refugees are to be assisted first at transit centers near the country borders where they should receive their identification and other documents as well as health and humanitarian assistance. Then, they should be taken to temporary camps where they wait for transportation and other support necessary for the return to their places of origin or other desired areas of relocation. Despite the fact that UNHCR’s responsibilities are lesser in the context of spontaneous returns, the agency recognizes that it “still needs to position itself to provide timely and effective protection and assistance, to the extent possible in the country of origin [Angola].”<sup>21</sup> However, the agency also rightly notes that “[t]he lack of advance notice, planning, and possibly a legal framework makes this much more difficult.”<sup>22</sup> UNHCR-organized returns started on June 20, 2003. The return and resettlement of Angolan refugees and internally displaced is expected to continue until 2006.

Another group displaced during the conflict were UNITA combatants, now demobilized. Former combatants were gathered in quartering areas established by the Angolan government in April and May 2002. Initially, international and humanitarian agencies were not allowed to provide them assistance and their living conditions were abysmal. Many quartering locations were in remote, inaccessible areas, distant from roads and airfields. The Angolan government announced that these areas would be closed by October 2002; it later postponed this date to December 2002 and again to April 2003. In late March, when Human Rights Watch visited the provinces of Uíge and Moxico, most quartering areas in those provinces had just recently been closed.

#### **IV. PROBLEMS IN THE RETURN AND REINTEGRATION OF THE INTERNALLY DISPLACED**

As of mid-April 2003, out of a total of 4.1 million internally displaced persons in Angola,<sup>23</sup> more than 1.8 million returned to their places of origin in several Angolan provinces.<sup>24</sup> According to the Angolan government, as of mid-June, approximately 2.3 million internally displaced persons had already returned to their places of origin.<sup>25</sup> Most had returned to their places of origin spontaneously. By the end of 2002, only fifteen percent of Angolans returned home through an organized process. In addition, according to the Angolan government, only 30 percent of the returnees had been settled in areas with adequate living

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<sup>19</sup> Most Human Rights Watch interviews with spontaneous returnees revealed their desire to return to Angola right away. They did not want to wait for the formal organized repatriation process.

<sup>20</sup> Standard Operational Procedures for the Enforcement of the Norms for the Resettlement of Internally Displaced Populations, Decree No. 79/02, December 6, 2002.

<sup>21</sup> UNHCR, Handbook on Voluntary Repatriation, 1996, p. 23.

<sup>22</sup> UNHCR, Handbook on Voluntary Repatriation, 1996, p. 23.

<sup>23</sup> Global IDP Project, *Norwegian Refugee Council, Earthscan, Internally Displaced People: A Global Survey*, 2002, p. 32.

<sup>24</sup> See, OCHA/Angola, “Population Return” 1 April [2002] – 28 February 2003 (report-map), March 15, 2003.

<sup>25</sup> See OCHA, Angola Humanitarian Coordination Update, 10 July, 2003.

conditions by late 2002.<sup>26</sup> Many of these internally displaced are victims of land mines or face serious threats preventing their agricultural production or access to humanitarian aid.

Despite the significant returns, as of March 2003, some 283,068 internally displaced persons were still living in some ninety camps and transit centers. Another 315,981 were in temporary locations.<sup>27</sup> At this writing, about 1.4 million Angolans remain internally displaced, outside formal camps or transit centers and therefore without any official assistance from the government or U.N. agencies.

Human Rights Watch has documented five serious problems currently facing internally displaced Angolans as they return to their homes areas inside Angola. First, some displaced Angolans have been unable to make voluntary decisions about where they wish to return inside Angola. Some have been physically coerced, while others have been pressured to leave certain areas or not to return to others, such as the capital, Luanda. Second, priority status given to former combatants has resulted in rushed returns for some internally displaced persons. Third, internally displaced women heads of household have not been afforded adequate protection. Fourth, most internally displaced persons have not been granted identity documents. Fifth, humanitarian assistance has been insufficient for some displaced persons after they have returned to their home areas.

### **Involuntary Returns of Internally Displaced Angolans**

Some internally displaced Angolans have been coerced or otherwise influenced to return to their regions of origin inside Angola. While Human Rights Watch recognizes the immense challenges facing Angola as it attempts to integrate millions of displaced persons and refugees, the involuntary return of internally displaced persons to their regions of origin violates international standards. Article 12 of the International Covenant on Civil and Political Rights (ICCPR), to which Angola is a party,<sup>28</sup> recognizes everyone's "freedom to choose his residence," which incorporates the right to return to one's home area, but also to refuse to return there if conditions are not in place to allow for safe return. Moreover, the Guiding Principles on Internal Displacement (the "Guiding Principles") state that the competent authorities have "a duty" to allow internally displaced persons "to return voluntarily, in safety and with dignity to their homes or places of habitual residence, or to resettle voluntarily in another part of the country."<sup>29</sup>

In addition, Angola's own national standards—which incorporate the Guiding Principles—are contravened when Angolans are not allowed to decide for themselves when and where to return. The Norms for the Resettlement of Internally Displaced Populations and their implementing regulations

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<sup>26</sup> 2003 U.N. Consolidated Inter-Agency Appeal presented in November 2002. See also, U.N. Office for the Coordination of Humanitarian Affairs (OCHA), Humanitarian Coordination Update, February 28, 2003.

<sup>27</sup> OCHA/Angola, Internally displaced persons in Camps and Transit Centers, Internally displaced persons Resettled in Temporary Locations (report-map), March 15, 2003.

<sup>28</sup> Angola acceded to the International Covenant on Civil and Political Rights on January 10, 1992.

<sup>29</sup> Guiding Principles on Internal Displacement, Principle 28. Standards developed in the context of voluntary returns of refugees can serve to inform what voluntary returns for internally displaced persons require. UNHCR's *Handbook on Voluntary Repatriation*, (1996) states that voluntary returns require that "the positive pull-factors in the country of origin are an overriding element in the refugees' decision to return rather than possible push-factors in the host country or negative pull-factors, such as threats to property, in the home country." Also, returns should "take place in conditions of safety, dignity and security." This standard necessitates return "which takes place under conditions of legal safety. . . physical security. . . and material security. . . [Returnees should be] treated with respect and full acceptance by their national authorities, including the full restoration of their rights." The Handbook contains guidelines derived from international law by which the behavior of UNHCR and governments during repatriation may be judged. It is also based on several ExCom Conclusions, such as ExCom Conclusion No. 18 (1980), ExCom Conclusion No. 40 (1985), ExCom Conclusion No. 74 (1994), which reflect international human rights norms as well as interpretations of the Refugee Convention.

require that return of displaced persons should be voluntary and consensual, and should include the participation of displaced populations in the resettlement and return processes.<sup>30</sup>

Human Rights Watch found that in direct contravention of these standards, local authorities have forced internally displaced Angolans to return to their home areas by violence or threat of violence. Human Rights Watch documented one such incident that occurred in transit center Cambabe II, located in the proximities of Caxito, in the province of Bengo. The 2,500 internally displaced Angolans in Cambabe II had been waiting for assurances from the government that conditions were safe enough for them to go home. Instead, local administration and police forces entered the camp in September and October 2002, and burned the internally displaced Angolans' homes and ten acres of crops. With their homes and crops destroyed, the displaced people had nowhere to go except their home areas, which were not ready to receive them. Most fled immediately, without stopping to gather the animals or possessions that had survived the fire, and went to different areas, such as Pango, Aluqueim, Quibaxe, and Nabuangongo. While local administrators offered transportation to community leaders, most others simply scattered into the bush, and may have joined the ranks of internally displaced persons in other parts of Angola.

One Angolan humanitarian worker who was present at Cambabe II and witnessed the burning of the displaced persons homes, told Human Rights Watch,

They were forced to leave the area because the Government wanted to have the land for its own agricultural projects. The IDPs lost ten acres of crops—sweet potatoes and manioc. Burning houses was part of the Government's policy.

The same worker explained that local police eventually expelled even those workers who had managed to avoid the initial eviction. He told Human Rights Watch, “[These non-evicted workers] were staying in a compound but now the police have evicted them and they are sleeping outside.”<sup>31</sup>

Other cases of involuntary return involved more subtle push factors. In some cases, the government threatened to suspend assistance to internally displaced persons in the transit centers or displaced persons camps they had been residing in for many years. Another humanitarian worker reported:

Local administration determined that the camps [Bengo II] had to be emptied. They told us that the return process was officially open and people should go back to their areas of origin. However, they did not provide transportation or other assistance and they threatened to suspend current assistance. And then, in July 2002, there was a general embarrassment, when WFP food distribution was temporarily suspended in Bengo and Feira [transit centers].<sup>32</sup>

The forced return of Angolans after their homes and crops were burned, as well as indirect pressures such as threats that assistance would be cut or false promises about resources available in areas of return contravene both international and national standards, all of which require that the return of displaced persons must be voluntary.

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<sup>30</sup> Article 9 of the Standard Operational Procedures for the Enforcement of the Norms for the Resettlement of Internally Displaced Populations, states that it is the Provincial Government's responsibility through the Ad-hoc Group for Technical and Administrative Support to ensure respect for the voluntary and consensual nature of the resettlement or return process. Council of Ministers, Decree No. 79/02, December 6 2002. Chapter 4, Article 9 (d).

<sup>31</sup> Human Rights Watch interview with a humanitarian worker who asked not to be identified, Angola November, 2002.

<sup>32</sup> Human Rights Watch interview with a humanitarian officer that requested not to be identified. Negage, March 20, 2003.

Moreover, Principle 28 of the Guiding Principles<sup>33</sup> and Article 5 of the national legislation require that traditional authorities and affected persons will be included in the planning and management of their return home.<sup>34</sup> However, the vast majority of displaced persons whom Human Rights Watch interviewed had not been consulted about the planning of their return home. For example, Marlene V., twenty-eight, told Human Rights Watch that local authorities instructed her family to leave Bengo II and go to Sanza Pombo (their place of origin) despite their desire to remain at Bengo II. She said:

I don't have any one there. My mother and father passed away and my children are going to school here [in Negage]. In Sanza Pombo there are no health centers or other services. My husband went there and told me so.<sup>35</sup>

In Bengo II there were about twelve families from Sanza Pombo that did not wish to return. Jorge S., thirty-three, told Human Rights Watch their reasons for remaining.

We have been here since September 1999. Here we have a house and land to work on. 'Return' means go to a place where roads don't even go.<sup>36</sup>

A UNHCR officer in Uíge reinforced their testimonies and told Human Rights Watch that a good number of internally displaced did not want to move out of the temporary camps because their children had enrolled in the local schools or in other specific training courses.<sup>37</sup> Yet, local authorities encouraged these families to abandon the camps and return home to areas where there were few education opportunities.

Some internally displaced Angolans interviewed by Human Rights Watch wished to return to Luanda, but were prevented from doing so by local authorities.<sup>38</sup> While the government of Angola may have concerns about capacity in Luanda to integrate returning displaced persons, it must balance those concerns against the right of returning displaced persons to choose their place of residence. This is particularly true when displaced people seek to travel to Luanda in order to reunite with other family members. Angolans have a right to family reunification and to protection for their family in accordance with article 10 of the

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<sup>33</sup> Internally displaced Angolans should be allowed to "return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. . . . Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration." *Guiding Principles*, Principle 28.

<sup>34</sup> Article 5 states that: 1. To ensure the voluntary nature of the resettlement process, the Sub-Group on Displaced Persons and Refugees in the provinces must reach agreement with the traditional authorities representing the Internally displaced persons who are resettling as well as with the traditional authorities in the host communities. 2. The Sub-Group on Displaced Persons and Refugees must include the involved persons in the planning and management of their relocation. Norms for the Resettlement of Internally Displaced Populations, Council of Ministers, Decree No. 1/01, January 5 2001.

<sup>35</sup> Human Rights Watch interview with Marlene V., 28, in Negage, Uíge province, March 20, 2003.

<sup>36</sup> Human Rights Watch interview with Jorge S. 33, in Negage, Uíge province, March 20, 2003.

<sup>37</sup> Human Rights Watch interview with UNHCR officer, who asked not to be identified, Uíge, March 19, 2003.

<sup>38</sup> Land travel to Luanda involves intolerably high levels of exposure to landmines. Because the only reasonably safe means of traveling to the capital is by air – a means controlled by the government – its failure to make this travel accessible effectively eliminates the possibility of return. Human Rights Watch interview with Helena S., 29, Bengo II camp, Uíge province, March 20, 2003.

International Covenant on Economic and Social Rights and article 9 of the Convention on the Rights of the Child.<sup>39</sup>

For example, Helena S., a twenty-nine-year-old displaced woman interviewed by Human Rights Watch in Uíge, where she had been living as a displaced person for years, told us that local authorities had been preventing her from moving on to Luanda, where five of her children and other family members were living. She told a Human Rights Watch researcher

I have not seen my mother for seven years. We were separated during the war. I am from Mbanza Kongo. Here [in Negage] I don't have land. I don't have anything. I have five children in Luanda and two here with me. I wanted to go to Luanda where I have family but they told us to wait. I have been waiting for ten months. I've been waiting [ever] since there was finally peace.<sup>40</sup>

### **Preference for Assisting Former Combatants**

Human Rights Watch's research in Negage, Uíge and Cazombo documented a recurring preference on the part of governmental authorities to assist the return of former combatants to their home areas, rather than civilian displaced persons. In many ways this is an understandable preference. Former combatants can present serious security risks for a government if they are not properly and efficiently demobilized and reintegrated into civilian life. A concentration of unsatisfied former combatants could lead to banditry and insecurity in a particular region. Finally, as a practical political matter, UNITA camp commanders were able to exact beneficial terms for their demobilization, housing, and reintegration from local authorities since they retained influence over their former fighters, now living as displaced persons in resettlement camps.

Accordingly, the government of Angola has prioritized reintegration of former combatants (discussed in more detail below) in its national legislation.<sup>41</sup> On June 4, 2002, a Presidential Decree established the National Commission for the Social and Productive Reintegration of Demobilized Military Personnel and Internally Displaced Persons, to lead the resettlement and return process. This followed the April 4, 2002 MOU, signed in Luena by the FAA and the FMU, providing for the demobilization of UNITA forces or their integration into the national security forces.

In accordance with these agreements, troops have been demobilized throughout Angola. However, problems have arisen during the subsequent two steps in the process, which necessitates putting the demobilized soldiers into temporary housing (or "quartering" sites), and then providing them with housing in which to begin their lives as civilians. There were insufficient sites identified or housing constructed to provide homes for both demobilized soldiers and civilian internally displaced persons. As a result, Angolan authorities have pressured civilian displaced persons to evacuate their camps or transit centers so that demobilized soldiers could be housed there. Speeding up returns of civilian displaced persons in order to make room for demobilized soldiers raises concerns about the voluntariness of their subsequent return home.<sup>42</sup>

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<sup>39</sup> Angola acceded to the International Covenant on Economic, Social, and Cultural Rights on January 10, 1992. It became party to the Convention on the Rights of the Child on December 6, 1990. The norm of family reunification for internally displaced persons is specifically provided for in Principle 17 of the Guiding Principles.

<sup>40</sup> Human Rights Watch interview with Helena S., 29, Bengo II camp, Uíge province, March 20, 2003.

<sup>41</sup> On several occasions, the government has stated its desire to proceed with the disbanding of UNITA military forces as rapidly as possible in order to improve peace in Angola. See, Disarmament, Demobilization and Reintegration in Angola, *African Security Review*, 12 (1) 2003.

<sup>42</sup> See footnote 29 above, and accompanying text for a discussion of the standard of voluntary return.



Many internally displaced Angolans interviewed by Human Rights Watch came under pressure to leave the transit centers because they were told to make room for demobilized soldiers. Local authorities told them that soldiers would be entering the center as a means to push the civilian displaced persons out. Some only managed to remain behind when humanitarian groups intervened on their behalf with the local authorities. In Negage, Uíge province authorities, hoping to use the existing infrastructure of the Bengo II transit center to accommodate former combatants from Uamba quartering area, rushed internally displaced persons to leave the camp without required assistance or accurate information regarding conditions in the areas of return.<sup>43</sup>

Laurilinda C., a thirty-two-year-old internally displaced woman, managed to stay at the Bengo II transit center only after the intervention of a humanitarian organization. She told Human Rights Watch:

Some of us [internally displaced persons] rushed out from here [Bengo II] when we heard that soldiers would come in the center. I was afraid too but I couldn't leave. Where would I go? My town does not exist anymore. We are better off in the transit centers than in towns that don't exist.<sup>44</sup>

As noted above, the government of Angola's prioritization of the needs of demobilized combatants is understandable given the potential security risks from an unsuccessful demobilization program. At the same time, that governmental prioritization must be balanced against the right of civilian internally displaced Angolans not to be discriminated against in the provision of governmental services, such as housing and other services available in transit centers.<sup>45</sup>

### **Inadequate Protection of Internally Displaced Female Heads of Household**

Internally displaced women who are also heads of household have been especially reluctant to return to their home areas because they fear security and other conditions are not sufficient for their return. Many women also worried that if they returned to their home areas, their children would not be able to continue in school. Women who prefer not to return home have come into direct conflict with the Angolan government's preference for moving internally displaced persons out of transit centers to make room for the quartering of demobilized soldiers. As a result, female heads of household who refuse to evacuate the transit camps are currently sharing the same facilities with former combatants and military personnel. This current practice in Angola of housing a particularly vulnerable group (female heads of household and their children) with former combatants, many of whom are known for committing violent acts against women and children in the past (combatants) raises serious human rights concerns.<sup>46</sup> The state is under an obligation to protect its citizens from violence, and a particular obligation to protect vulnerable groups including women and children.<sup>47</sup> This duty is greater where individuals are effectively within the state's control, as in the case of those housed in temporary camps

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<sup>43</sup> Human Rights Watch interview with Fuxy dya Manda, Jesuit Refugee Service, Negage, Uíge province, March 20, 2003.

<sup>44</sup> Human Rights Watch interview with Laurilinda C., Bengo II, Uíge province, March 20, 2003.

<sup>45</sup> See e.g., International Covenant on Civil and Political Rights, Article 26 (prohibiting "discrimination on account of race, color, sex, language, religion, political or other opinion, national or social origin, birth or *other status*.") (Emphasis added). See also, Guiding Principles, Principle 23 ("the authorities concerned shall ensure that... displaced children receive education that is free and compulsory at the primary level.")

<sup>46</sup> The government of Angola has the primary obligation to deal with the prevention of discrimination and violence against women and children. See, article 3 (but also articles 2 (1) and 26) of the ICCPR.

<sup>47</sup> ICCPR, article 7, and articles 32 through 36 of the Convention on the Rights of the Child. Gender-specific violence, or an act of violence that results in physical, sexual, or psychological harm on account of one's gender, is prohibited by Article 1 of the 1993 United Nations Declaration on the Elimination of Violence against Women.

Human Rights Watch has documented cases where female heads of household have refused to evacuate the transit centers, causing them to be accommodated in the same facilities as former combatants, incidents of rape and other physical violence, as well as threats of violence, have been reported.<sup>48</sup>

Rosita D., a single mother living in Bengo II, a transit center in Negage [that was also housing demobilized soldiers] expressed her fears about remaining alone in a camp where about twenty families of former combatants were also living.

The military drink a lot and they disrespect women and girls. They come and talk to the girls. Once there was even a shootout. It was in the beginning of 2002. I always tell my daughters to be careful. I fear for them.<sup>49</sup>

Though Human Rights Watch has not documented violence against women in transit centers as a systematic problem, we are concerned that continued joint occupation of transit centers by displaced women and former combatants may expose women, particularly those without male companions, to harassment or violence. Both the Angolan government authorities and UNHCR protection officers should implement measures to ensure that women feel able to report assaults and that action is taken against alleged perpetrators of such assaults.

#### **Failure to Issue Necessary Identity Documents**

Many of the internally displaced Angolans interviewed by Human Rights Watch did not have identity documents that would allow them to establish their names, familial status, age, nationality, place of origin, or other identifying features.

The pervasive lack of identity documents violates Principle 20 of the Guiding Principles that stresses the importance of issuing new documentation or replacing documentation for internally displaced persons so that they may exercise their right to recognition as persons before the law. The Angolan legislation also sets forth this important right in Article 12 of the implementing procedures.

Documentation is often the basis upon which individuals can enjoy other human rights. This is why it is such an important gap to be filled for displaced Angolans. Those without identity documents may be prevented from accessing education, humanitarian aid, medical or social services. They also may be prevented from voting or otherwise participating in Angola's political future.

Rosita D. and Marcelina B., both internally displaced women living in Bengo II, a transit center in the province of Uíge, told Human Rights Watch why they thought documents were important:

Our children received IDs.<sup>50</sup> They were registered. We don't have registration ourselves. We don't have any official documents. During the war, to go to Bengo [the transit center, not the province] we had to go through three different checkpoints. The only document we had was a

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<sup>48</sup> In Bengo II camp, Uíge province, at least two incidents of violence against women—one abduction and one rape— were reported to local humanitarian agencies. No formal action was taken in either cases. Human Rights Watch interview with Salvador Jorge, Jesuit Refugee Service, March 20, 2003. Human Rights Watch tried to speak to the victims but they had fled the region a few days before our arrival.

<sup>49</sup> Human Rights Watch interview with Rosita D. in Negage, Uíge province, March 20, 2003.

<sup>50</sup> UNICEF and the government of Angola have launched a national campaign of birth registration with over 1.9 million children registered since the end of the war. U.N. Integrated Regional Information Networks, Rehabilitation of Child Soldiers Critical, UNICEF, March 10, 2003. See, <http://allafrica.com/stories/200303100824.html>.

card from the Jesuit Refugee Service, with no picture. If the checkpoints are put in practice again, we will have to identify ourselves. We will need IDs. We will need documentation for a lot of things. We cannot vote without IDs.<sup>51</sup>

Geraldo F., who is nineteen-years-old, further explained to Human Rights Watch the difficulties in getting a new ID.

I don't have an ID. To get an ID, we have to pay. It costs about 300 Kwanzas [approximately U.S.\$4.60] and another 100 Kwanzas [approximately U.S.\$1.53] to take the photo and have the civil registration. If I had money, I would pay to get an ID.<sup>52</sup>

In the past, Human Rights Watch has found that a lack of identity documentation has facilitated harassment by the authorities, especially the national police. Arbitrary beatings and arrests occur when the displaced are unable to present personal identification documents to the police and are unable to bribe their way out. Women and girls are particularly vulnerable to assaults, including sexual violence, by policemen and soldiers located in road control posts when on their way to and from isolated agricultural areas or when collecting water.<sup>53</sup>

### **Inadequate Humanitarian Assistance**

Angola faces serious challenges in ensuring that all displaced persons receive adequate food, water, shelter, and other humanitarian assistance, such as seeds and tools, to facilitate their reintegration.

On multiple occasions, the Ministry of Social Assistance and Reintegration (Ministério da Assistência e Reinserção Social, MINARS) has stressed that the displaced should terminate their dependency on external assistance and return home. Although many Angolans genuinely wanted to return to their places of origin and improve the conditions in their home environment, unrealistic deadlines and the evacuation of civilian displaced persons in order to make room for former combatants meant that many people went home before adequate food, water, seeds, tools, and other humanitarian necessities were in place.

The international community has offered significant financial assistance to Angola to allow for the delivery of necessary assistance to displaced persons.<sup>54</sup> However, the donor governments and the Angolan government did not meet their targeted deadlines, causing serious problems for some displaced persons. Adequate funds and logistics were not in place to deliver necessary seeds and tools to demobilized soldiers before the rainy season commenced in September and October. Therefore, the government re-directed humanitarian items intended for civilian displaced populations to demobilized soldiers, thereby raising concerns about discrimination against civilian displaced populations.<sup>55</sup>

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<sup>51</sup> Human Rights Watch interview with Rosita D. and Marcelina B. in Negage, Uíge Province, March 20, 2003.

<sup>52</sup> Human Rights Watch interview with Geraldo F., 19, in Negage, Uíge Province, March 20, 2003.

<sup>53</sup> "The War Is Over: The Crisis of Angola's Internally Displaced Continues," Human Rights Watch Briefing Paper, July 2002.

<sup>54</sup> Internally displaced persons are the main beneficiaries of European Commission's Action Plan of €125 million for Angola. See, Global IDP, Profile of Internal Displacement in Angola, Database of the Norwegian Refugee Service, February 19, 2003.

<sup>55</sup> This diversion also raised concerns under Principle 24 of the Guiding Principles, which requires that "humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons."

The government's rush to return displaced persons to their home areas placed thousands of people at great risk in terms of food security and exposure to deteriorating health conditions.<sup>56</sup> During the last stage of the war, both government and UNITA forces destroyed fields, looted crops or left rural areas without basic food supplies.<sup>57</sup> In addition, humanitarian organizations were unable to provide needed assistance to areas that were made inaccessible by the rainy season. Since new supplies were sometimes insufficient or seriously delayed, returning displaced persons struggled to survive in their already-devastated home villages.

### **Responsibility to Protect and Assist Internally Displaced Angolans**

Each government, including the government of Angola, "has the responsibility first and foremost to take care of the victims of natural disasters and other emergencies occurring on its territory."<sup>58</sup> Therefore, the government of Angola has the primary responsibility to address the five problems faced by displaced Angolans and identified by Human Rights Watch in this short report. However, the government cannot accomplish this alone. Given the enormous challenges the government of Angola faces, it has solicited and received significant assistance from the international community in meeting the needs of internally displaced Angolans.

Various United Nations operational agencies including the U.N. Office for the Coordination of Humanitarian Affairs (OCHA), World Food Program (WFP) and UNHCR, often in partnership with NGOs, have been supportive of the Angolan government's effort to assist those living in the transit areas, by providing the bulk of humanitarian assistance delivered to returning displaced persons. The hasty and disorganized dispersal of some of these populations throughout the country, a rising number of landmine accidents, poor infrastructure, and various financial shortfalls threaten to undermine the work of these agencies, who were already struggling to deal with the increasing caseload of people in need of assistance.

As noted above, the protection of internally displaced persons is the responsibility of the government of Angola. However, the country is currently struggling to set up adequate structures in rural areas with limited staff trained in the protection of internally displaced persons. In light of this protection gap, the U.N. Security Council transferred the responsibility for protecting displaced persons' human rights to the Human Rights Division (HRD) of the United Nations Mission in Angola (UNMA).<sup>59</sup> The new mandate for the HRD-UNMA created a significant opportunity to deploy human rights officers to the provinces. However, after the end of the UNMA's mandate, on February 15, 2003, the U.N. decided not to renew its mission in Angola, which in practice means that progress and developments in implementing peace will no longer be brought before the U.N. Security Council and that the Government of Angola is responsible for the protection of internally displaced persons.<sup>60</sup>

Human Rights Watch is concerned that despite its stated goal of helping to consolidate the peace in Angola and despite the individual actions of U.N. agencies, as of July 2003, the U.N. had yet to establish a clear plan specifying the number of technical staff or amount of resources it would dedicate to human rights protection work in Angola.<sup>61</sup> As of July 2003, the Office of the High Commissioner of Human

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<sup>56</sup> Human Rights Watch interviews with WFP officials, Angola, March 19, 2003.

<sup>57</sup> See, Human Rights Watch, *Angola Unravels: The Rise and Fall of the Lusaka Peace Process*, (New York: Human Rights Watch, 1999).

<sup>58</sup> See Annex to General Assembly Resolution 46/182, *Strengthening of Coordination of Humanitarian Emergency Assistance of the United Nations*.

<sup>59</sup> See SC/Res/1433 (2002).

<sup>60</sup> See, Angola Peace Monitor Issue No. 6, Vol.IX, Action for Southern Africa, March 6, 2003.

<sup>61</sup> Human Rights Watch interviews with OCHA representatives in Uíge and Luanda, March 19 and April 4, 2003.

Rights (OHCHR) had received none of the U.S.\$ 1,178,969 that it had requested.<sup>62</sup> Several other agencies that are responsible for protection programs also awaited funding at this writing. Of the UN bodies engaged in Angola, UNHCR had received the greatest percentage of its original request – 78.1 percent of U.S. \$25,125,793.<sup>63</sup>

Finally, internally displaced persons either living or returning in the same areas as returning refugees are beneficiaries of direct concern of to the United Nations High Commissioner for Refugees.<sup>64</sup> Facilitating the reintegration of all categories of the displaced population<sup>65</sup> is part of the agency's institutional mission in Angola. Limited allocation of resources, however, has compromised the UNHCR's ability to protect internally displaced persons and monitor respect for human rights.

## V. PROBLEMS IN THE SPONTANEOUS RETURN OF ANGOLAN REFUGEES

*On the border, Zambian soldiers tried to harass me. I was afraid but I managed to pass. They asked me to give them one can of salt. They said it was for the government. There is no police, only military near the border. I had some doubts and fear but decided to come here to see things for myself. We have goats, some have cows, pigs, but we don't know if we can bring these things. I asked the Refugee Office in Maheba but they told us that they don't know. I plan to stay here for a week but I have no hope... There are still war mines, the roads are still bad, and the bridges are still bad. I don't know if authorities will be able to feed everyone who is currently in Maheba and the people that are already here.*

– Victor C., 28, Angolan spontaneous returnee in interview with Human Rights Watch, March 25, 2003.

About 240,000, out of a total of approximately 436,000 Angolan refugees in neighboring countries are expected to return in 2003 and 2004.<sup>66</sup> Approximately 130,000 have returned as of July 2003. Because the official repatriation program took over a year to be implemented, a significant number of “spontaneous returnees” have already returned. Refugees have gone back to Angola on their own, with their own limited resources. This situation has generated and continues to generate additional risk to the returnees.

Human Rights Watch has documented some of the problems present during the spontaneous return of Angolan refugees including lack of security and basic infrastructure, extortion at crossing points, violence against women and girls, and the failure to provide identity documents for Angolan refugee children.

Angola and UNHCR signed two tripartite agreements to regulate the repatriation process with Zambia and the Democratic Republic of Congo. The March agreements resulted from the second round of

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<sup>62</sup> The OHCHR had originally sought U.S.\$ 1,800,000. It subsequently reduced that request to U.S.\$1,178,969. See, U.N. Consolidated Inter-Agency Appeal for Angola 2003. Summary of Requirements and Contributions – By Appealing Organization, July 29, 2003. <http://www.reliefweb.int/fts>.

<sup>63</sup> In total, contributions totaled only 32.7 percent of the Consolidated Inter-Agency Appeal for Angola in 2003. See, U.N. Consolidated Inter-Agency Appeal for Angola 2003. Summary of Requirements and Contributions – By Appealing Organization. July 29, 2003. <http://www.reliefweb.int/fts>.

<sup>64</sup> Internally Displaced Persons: The Role of the United Nations High Commissioner for Refugees, UNHCR, March 6, 2000.

<sup>65</sup> UNHCR Global Appeal 2003 – Angola, December 2002.

<sup>66</sup> UNHCR Angolan refugees in neighboring countries – Estimated number of refugee returns 2003/2004, (report-map), December 18, 2002.

meetings among the different governments; the first accords were signed in November and December.<sup>67</sup> Both documents establish that the official repatriation process should be implemented starting in May-June 2003.

While recognizing that the problems present during the spontaneous return may be addressed by the formal repatriation process, Human Rights Watch hopes that its concerns regarding difficulties to date may enable Angolan Government and UNHCR to address these specific issues and ensure that the official repatriation process guarantees basic humanitarian conditions for return.

### **Unsafe Conditions and Insufficient Infrastructure to Receive Returnees**

As of April 2003, hundreds of Angolans refugees had returned to Angola spontaneously without waiting for international assistance. As a result, they have received almost no assistance.<sup>68</sup> Although the Government's Standard Operational Procedures for the enforcement of the Norms for the Resettlement of Internally Displaced Populations sets the provisions to be applied during the return of refugees, including those who return spontaneously,<sup>69</sup> Human Rights Watch found that authorities have failed to implement these procedures.

Notwithstanding its pledge to ensure the security of returnees the government had not taken necessary means to protect returnees from grave, foreseeable danger.<sup>70</sup> Spontaneous returnees often face extortion and intimidation while crossing borders and checkpoints.<sup>71</sup> At bordering areas, especially with DRC, Angolan returnees faced instances of physical violence. In January 2003, Congolese authorities stabbed and killed one returnee and in June 2002, these authorities tossed four Angolan returnees into a river. The men drowned and died.<sup>72</sup> Throughout Angola and at border areas, refugees are returning to areas where police are not present, and in the rare case in which they are present, they are poorly trained. Worse still, one UNHCR official told Human Rights Watch that some returning refugees have complained that they have been beaten and extorted by the National Police. These cases have not been investigated carefully largely due to the limited monitoring capacity of the weak civilian state administration.<sup>73</sup> In general, the local police too have very limited resources and are not trained to work in the context of refugee return. Paulo Kaumba, head of the police of the Alto Zambeze in Moxico explained to Human Rights Watch his department's needs in the following manner:

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<sup>67</sup> The Governments of Angola, Zambia and the UNHCR signed a tripartite agreement on March 15, 2003/ the Government of Angola, the UNHCR and the Government of the Democratic Republic of Congo signed a similar accord on March 29, 2003.

<sup>68</sup> In Moxico, some returnees told Human Rights Watch that they received food items or other assistance from UNHCR field office and its partner organizations such as the Jesuit Refugee Service, Médecins Sans Frontières and Lutheran World Federation.

<sup>69</sup> Standard Operational Procedures for the Enforcement of the Norms for the Resettlement of Internally Displaced Populations, Decree Nr. 79/02, December 6, 2002.

<sup>70</sup> See article 13 of the Standard Operational Procedures. The term "security" as used in the Standard Operational Procedures is broader than protection against land mines, given that the same document refers frequently to "mine action", "mined areas" and "mine and UXO clearance" in the same article. Safety should also include all stages during and after refugees' return including en route, at reception points and at the destination. See, United Nations High Commissioner for Refugees, Handbook, Voluntary Repatriation: International Protection, Geneva, 1996. P.12

<sup>71</sup> Human Rights Watch interview with Emanuel Fortuna and Abel Kayombo, Jesuit Refugee Service in Cazombo, March 24, 2003.

<sup>72</sup> Interview with UNHCR officer, Nilo Dantas in Uige, March 19, 2003.

<sup>73</sup> Human Rights Watch interview with Ronaldo Samwanji, UNHCR, Cazombo, Moxico province, March 26, 2003.

What we need is more personnel and we need computers. That would help in our job of registering people. We have an electrical generator but we don't have vehicles. We need vehicles in our job too.<sup>74</sup>

The Standard Operational Procedures are quite vague on the necessary level of administration in resettlement areas. The document states in Point 1 of Article 10 that resettlement may only take place in an area in which the local civilian administration is "represented." Because the term "represented" is not explained in greater detail, the presence of a single person may arguably meet this requirement. In practice, therefore, returnees may be relocated to areas where authorities are not present, exposing them to situations of lawlessness and impunity.<sup>75</sup>

When returnees finally reach their destinations, they have encountered serious humanitarian crises and have been prevented from receiving assistance due to the lack of access. This was the case for returnees that settled in Louva, Moxico province.

Victor C., twenty-eight, Angolan returnee from Zambia told Human Rights Watch about the conditions in Louva.

Some people that left Maheba are already in Louva. I found my brother there. They don't have any food. Some of them are very ill. The children have no clothes. The roads are destroyed and they can't receive any food. The only thing there is to eat is some pumpkin. I found some watermelon too but there is not enough for everyone.<sup>76</sup>

Based on field research in Angola in March and April 2003, Human Rights Watch is concerned that the basic conditions necessary to receive returning Angolan refugees in the provinces bordering DRC and Zambia are not in place. No transit centers or temporary centers had been established. Existing infrastructure was being used to assist former combatants and, to some extent, internally displaced persons. The returning areas (entry points) in the border provinces were neither safe nor accessible to humanitarian agencies. For example, in the province of Moxico as of April 2003, no transit area or temporary camps had been built and the de-mining survey had only recently started. Local authorities and builders told Human Rights Watch that they would need at least three months to complete the de-mining security procedures and construction of facilities.<sup>77</sup> As UNHCR begins to implement its assisted return program, it must take steps to address these issues.

### **Problems of Violence Against Returning Refugee Women and Girls**

The border provinces through which all returning refugees must pass are heavily militarized areas. Military personnel have engaged in violent acts, sometimes targeting returnees.<sup>78</sup> Military personnel have intimidated local authorities and even humanitarian agency field officers.<sup>79</sup> In Cazombo, in the province

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<sup>74</sup> Human Rights Watch interview with Paulo Kaumba, Head of the Alto Zambeze Police, Cazombo, Moxico province, March 26, 2003.

<sup>75</sup> See the Standard Operational Procedures on the implementation of the Norms for the Resettlement of Internally Displaced Populations, Decree 79/02, December 6, 2003.

<sup>76</sup> Human Rights Watch interview with Victor C., 28, in Cazombo, Moxico, March 25, 2003.

<sup>77</sup> Human Rights Watch interview with Emanuel Fortuna and Abel Kayombo, Jesuit Refugee Service in Cazombo, Moxico province, March 24, 2003.

<sup>78</sup> Human Rights Watch interview with Doctor Joli Beto, African Humanitarian Aid (AHA), Cazombo, Moxico, March 25, 2003.

<sup>79</sup> Human Rights Watch interview with Francisco Chiwende, Cazombo's vice-Administrator, March 27 and Tiago Cristóvão Muti, Lutheran World Federation, Cazombo, Moxico province, March 28, 2003.

of Moxico, three soldiers raped a woman in January and also beat at least four men in the same incident,<sup>80</sup> as described below.

On January 14, 2003, J.L., a nineteen year-old Angolan refugee, was returning from Zambia to Louva, Moxico. Since the access to Louva was difficult, J.L. and her husband as well as some seventy other returnees, decided to spend a few days in Cazombo. The group of returnees slept in an abandoned school that had no doors or windows. According to the UNHCR field officer that assisted the returnees, three uniformed soldiers appeared and threatened the group. They beat the men with a wood stick and took J.L. to the bushes. The UNHCR staff found her at 4:00 a.m. the next day. UNHCR staff took J.L. to a medical center that provided her with medical care. According to the doctors that examined J.L., more than one man had raped her. The UNHCR staff filed a report with the police but was not aware of any progress in the investigation.<sup>81</sup>

The case of J.L. is one of few incidents of sexual abuse during the resettlement process to have been documented, due to the presence of UNHCR. However, as one representative of that organization told Human Rights Watch, "We think that similar instances of sexual abuse have happened in other centers but have gone unreported."<sup>82</sup> Given the stigma attached to rape and the scarcity of UNHCR representatives, only a small percentage of such cases are likely to be reported.<sup>83</sup>

Notwithstanding their limited infrastructure, Angolan police and judicial authorities are required by international human rights instruments (ICCPR, Articles 2 (1) and 7) to investigate vigorously and prosecute those responsible for grave abuses of women's right to physical and sexual integrity.

#### **Deprivation of Identity Documents for Angolan Children**

Many of the most recent refugees never reached the refugee camps in neighboring countries. Instead, they wandered around the border areas, sometimes settling in areas that crossed international borders yet were culturally and ethnically similar to their areas of origin on the Angolan side of the border. As a result, many of these Angolans do not have documents to prove their refugee status nor their Angolan nationality.<sup>84</sup> These families have not been formally assisted and their children, born in countries of refuge, are often seen as non-Angolan even though they are children of Angolan parents.<sup>85</sup>

The right to a nationality is a fundamental human right. Article 15 of the Universal Declaration of Human Rights, regarded as customary international law, states that "[e]veryone has the right to a nationality." The Convention on the Rights of the Child (CRC) guarantees the right of every child to acquire a nationality,<sup>86</sup> and requires states to "undertake to respect the right of the child to preserve his or her identity, including nationality."<sup>87</sup> Furthermore, "[w]here a child is illegally deprived of some or all elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily

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<sup>80</sup> Human Rights Watch interview with Ronaldo Samwanji, UNHCR, Cazombo, Moxico province, March 26, 2003. See, also UNHCR-Cazombo correspondence on the rape case that victimized a returnee of January 14, 2003.

<sup>81</sup> Human Rights Watch interview with Ronaldo Samwanji, UNHCR, Cazombo, Moxico province, March 26, 2003. See also, UNHCR-Cazombo correspondence, January 14, 2003.

<sup>82</sup> Human Rights Watch interview with Ronaldo Samwanji, UNHCR, Cazombo, Moxico province, March 26, 2003.

<sup>83</sup> As of April 2003, Human Rights Watch was unaware of any systematic monitoring by humanitarian organizations of instances of violence against spontaneous women returnees on their return to Angola.

<sup>84</sup> During the war, many Angolans lost or were forced to destroy their Angolan documents.

<sup>85</sup> Human Rights Watch interview with Emanuel Fortuna and Abel Kayombo, Jesuit Refugee Service, Cazombo, Moxico province, March 24, 2003.

<sup>86</sup> CRC, art.7 (1).

<sup>87</sup> Ibid, art. 8 (1).



reestablishing his or her identity."<sup>88</sup> However, government authorities have thus far failed to do this for refugee children returning to Angola on their own or with their Angolan parents.

In addition, Angolan authorities routinely require identity documents from children as a prerequisite to registration in school, in accordance with national policies. By not prioritizing identification documents for this group of refugee children, these authorities effectively violate the right of these children to education without distinction or discrimination.<sup>89</sup>

### **Responsibility to Protect and Assist Returning Refugees**

Under the Standard Operational Procedures for the Enforcement of the Norms for the Resettlement of the Internally Displaced Populations, the government of Angola extended the provisions first designed to assist the internally displaced to include Angolan refugees returning to the country. These include the responsibility to address the security and structural problems faced by spontaneously returning Angolan refugees identified by Human Rights Watch in this short report. Under the international standards for voluntary repatriation, the Angolan government is responsible for ensuring the return of its nationals "in safety and with dignity without any fear of harassment, discrimination, arbitrary detention, physical threat or prosecution on account of having left or remained outside the country, and should provide guarantees and/or amnesties to this effect. [The government] should also take all measures to ensure the restoration of full national protection".<sup>90</sup>

As noted above, despite the fact that the repatriation is not officially organized by UNHCR, the agency is still responsible to exercise its protection mandate "to the extent possible" even for spontaneous returnees.<sup>91</sup> The agency is limited by resource and personnel constraints, and has an insufficient presence at border crossing points where violence and extortion has occurred. However, where personnel have been available, for example in the case of the returning refugee who was raped, discussed above, some appropriate assistance was delivered.

The advent of a formal repatriation process of Angolans returning from Zambia and DRC under the provisions of the Tripartite agreements make possible the collaboration of two important parties: the government of the country of asylum (Zambia and DRC) and UNHCR. As part of the repatriation process, UNHCR should exercise its international protection functions and take steps to ensure that Angolan refugees may return with safety, dignity and security, and in particular strive to prevent the problems that Human Rights Watch has documented in this report for spontaneously returning refugees.

## **VI. PROBLEMS IN THE DEMOBILIZATION AND REINTEGRATION OF FORMER COMBATANTS**

The April 4, 2002, *Memorandum of Understanding: Addendum to the Lusaka Protocol for the Cessation of Hostilities* and its annexes<sup>92</sup> put an end to the armed conflict in Angola and set the basic standards for the demobilization and reintegration of about 80,000 UNITA former combatants and approximately 300,000 relatives and dependents.<sup>93</sup>

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<sup>88</sup> Ibid, art. 8 (2).

<sup>89</sup> International Covenant on Economic, Social and Cultural Rights, Article 13; CRC, Article 28.

<sup>90</sup> United Nations High Commissioner for Refugees, Handbook, Voluntary Repatriation: International Protection, Geneva, 1996. P.14

<sup>91</sup> Ibid, P. 23.

<sup>92</sup> Most notably, the implementation of the *Outstanding Military Issues under the Lusaka Protocol*.

<sup>93</sup> On August 3, 2002, the Angolan Government declared that approximately 80,000 UNITA former combatants along with their families and dependents were disarmed, demobilized and quartered in forty-one reception areas in

Though the quartering, disarmament and demobilization process was overseen by the Joint Military Commission, eight U.N. military liaison officers and military personnel from the three observer States of the peace process,<sup>94</sup> Though this process has achieved more than could be expected under very difficult circumstances, Human Rights Watch is concerned that regional inequities in treatment and the exclusion of women and children from pending benefits established under the MOU may limit the effectiveness of the demobilization program.

### **Regional Inequities in Treatment**

According to the April 2002 Memorandum of Understanding (MOU) and its subsequent negotiations, former UNITA soldiers must receive demobilization and identity cards, a travel document, five months of salary, and an additional U.S.\$100 for travel expenses. Distribution of resettlement kits with non-food items and access to vocational training courses was also a condition of the agreement.

Human Rights Watch has documented that the overall implementation of the demobilization program has been unequal areas across the country, specifically in provinces such as in Kuanza Sul and Cunene Provinces, for example, where some quartering areas had been closed and former combatants sent elsewhere, and in Huambo and Moxico, meanwhile, where some former combatants and family members had not yet received their identity documents as of Human Rights Watch research in April, 2003. Lacking documents, these former combatants and families had no access to other demobilization benefits such as salary, travel expenses and resettlement kits. In general, in the provinces where former combatants have chosen to stay, the process has been more efficient. However, where transportation to other provinces has been necessary, the process has been less successful, distribution of demobilization benefits less organized and less thorough.<sup>95</sup>

Many former combatants interviewed by Human Rights Watch had left the quartering areas and received some of the benefits of the demobilization program. However, they continued to await transportation to their places of origin in transit centers, originally built to host internally displaced persons, or were gathered around airports.<sup>96</sup> Those that were the last to leave the quartering areas did not receive documents or any other kind of assistance. Some, including high ranking former UNITA combatants, told Human Rights Watch that they felt excluded from the demobilization program.<sup>97</sup>

On some occasions, violence has been triggered by both the decision of provincial governments to abruptly close the quartering areas, and by the harsh methods used to coerce the displaced to leave the camps. In Huambo, authorities threatened to dismantle the gathering areas of the province, which hosted approximately 90,000 people, by October 15, 2002. The Joint Commission responded by bringing the issue to the attention of the national government and the deadline was cancelled after both sides recognized its impracticality. In the Catofe reception area of Kuanza Sul, the FAA burnt the camp market,

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the country. See, Interim report of the Secretary-General on the U.N. Mission in Angola, U.N. Security Council, December 12, 2002. Late in 2002, another 20,000 more combatants moved into the quartering areas.

<sup>94</sup> Troika States are: Portugal, Russia and the United States of America.

<sup>95</sup> Human Rights Watch interviews with Katharina Der Derian, MSF-Belgium, Luanda, March 17, 2003 and with Ronaldo Samwanji, UNHCR in Cazombo, Moxico province, March 26, 2003.

<sup>96</sup> This was the case of the demobilized former combatants in the provinces of Uíge and Moxico as for March and April 2003. Many former UNITA combatants expressed to Human Rights Watch their concern that the survival kits did not include clothing and basic medication. Human Rights Watch interviews with former UNITA combatants in Kituma, Uíge and Cazombo, Moxico province, March 22 – 25, 2003.

<sup>97</sup> Human Rights Watch interview with Soba Daniel, Uíge, March 22, 2003.

while in the Amboiva area, troops threatened to burn peoples' houses. In Moxico, about eighteen families of former combatants were forcibly transported from the Calala reception areas to Luvuei municipality.<sup>98</sup>

Thus far, according to official figures, approximately 300,000 demobilized combatants and their family members have been returned to their areas of destination. Though most of the quartering areas have been closed, Angolan authorities have issued contradictory messages recently regarding the distribution of demobilization benefits. According to the National Executive Committee, all the areas were to be formally closed by the end of the first quarter of 2003. The Ministry of Social Assistance and Reintegration (MINARS), however, had previously stated that the provincial governments would make the final decisions regarding closings based on their level of implementation of the reintegration process.

### **Discrimination Against Women**

The official demobilization process has largely excluded women and child soldiers from its ambit.<sup>99</sup> Currently, the demobilization and reintegration efforts target male combatants, aged eighteen or older. However, the majority of the population in the gathering areas is comprised of women and children in need of humanitarian aid and other assistance. The women, girls and boys in those areas fall into a number of overlapping categories that include the wives and widows of former UNITA combatants, women who were married or partners of UNITA combatants during the conflict but have now been abandoned, and women and girls abducted during the conflict and forced to join UNITA forces. Child soldiers, too, have not received specific or direct assistance and have not been incorporated in the national demobilization program.<sup>100</sup>

For the first part of the Demobilization Plan, most women were not considered eligible for the benefits granted only to men. The extent of women's involvement within UNITA is subject to some debate.<sup>101</sup> However, their exclusion from the demobilization program has made them invisible throughout the process. Women have largely not been treated as former combatants. Yet, because they are often living with former soldiers, they are also not treated as civilian displaced persons. As a result, their particular needs have not been addressed.

One woman told Human Rights Watch,

We, women from UNITA, were fighters too. We even had ranks. I myself was a lieutenant. We helped in the administration of the camps but we were also messengers, carried supplies and provided logistics for military operations.<sup>102</sup>

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<sup>98</sup> Human Rights Watch interviews with Emanuel Fortuna and Abel Kayombo, Jesuit Refugee Service, Cazombo, Moxico province, March 24, 2003.

<sup>99</sup> During the twenty-seven year war, government troops and UNITA forces committed widespread sexual violence against women. The abuses included rape, sexual assault, sexual slavery, abduction of women and girls. Despite the peace process, violence and discrimination against women and girls has continued, although at lower levels, during the return, resettlement and reintegration process.

<sup>100</sup> See, Human Rights Watch, *Forgotten Fighters: Child Soldiers in Angola*. April 2003, Vol 15, No. 9 (A).

<sup>101</sup> According to the World Bank guidelines (article 54) eligibility for the demobilization program (ADRP) is based on: 1) Angolan nationality 2) Self-Identification 3) Confirmation of military affiliation by FMU officers. See, The World Bank's *Technical Annex for a Proposed Grant of SDR 24 million to the Republic of Angola* (Report No. T7580-ANG).

<sup>102</sup> Human Rights Watch interview with Maria Luiza de Andrade and Ruth Rigoth, UNITA's Women Association leaders (LIMA), Luanda, April 1, 2003.

Policies that exclude women and children from the benefits of the resettlement programs undermine the clear intent of the United Nations Security Council which has emphasized the need to afford women and children special protection. In particular, Security Council called for the establishment of a follow up mission in Angola, charged with the: “facilitation and coordination of delivery of humanitarian assistance to vulnerable groups including internally displaced persons and families in quartering areas, with special concern for children and women.”<sup>103</sup>

This furthers previous Security Council’s objectives on the role of women in post-conflict situations. In particular, the Security Council had called on Member States to “ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict.”<sup>104</sup>

With the approval by the World Bank of the continuation of the Angolan Demobilization and Reintegration Program (ADRP) on March 27, 2003, there is hope that this situation will change. The new approved form of the ADRP ensures that women identified as ex-combatants will receive the same aid and training available to men. Once a woman is identified as an ex-combatant, the World Bank proposal guarantees that the women’s needs will be met both in the camps and later during reintegration. However, based on a survey of former UNITA combatants, the World Bank estimates that only 0.4 percent of all combatants (320 out 78,000) were women.<sup>105</sup> After interviewing a number of women from UNITA, Human Rights Watch believes that this number is likely underestimated. While many of them may not have considered themselves to be soldiers during the war, Human Rights Watch’s March 2003 interviews with women who lived and traveled with UNITA troops, revealed that most, if not all, had participated to some degree in the warfare. This participation included administration of controlled areas, cooking and maintenance of the military units, transporting supplies, weapons and ammunition and preliminary surveillance in areas targeted by UNITA. Some of the women engaged in these activities received military ranks in UNITA. Two women whom we interviewed explained that they had received their ranks of lieutenant in UNITA for their outstanding performance in administrative tasks, rather than field operations.<sup>106</sup>

In practice, it is extremely difficult to distinguish between soldiers and non-soldiers within the female population that accompanied UNITA troops. Given these practical difficulties in conjunction with the fact that most women played some logistical, administrative or combat role in supporting troops, Human Rights Watch believes that authorities should extend the same benefits to them as to male soldiers.<sup>107</sup>

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<sup>103</sup> See SC/Res/1433 (2002), (3) (B - 3).

<sup>104</sup> See SC/Res/1325 (2000), (1). These priorities are reflected in the December 1999 report of the Lessons Learned Unit of the United Nations’ Department of Peacekeeping Operations entitled *Disarmament, Demobilization and Reintegration of Ex-Combatants in a Peacekeeping Environment: Principles and Guidelines*, available at: <http://www.un.org/Depts/dpko/lessons/DD&R.pdf>

<sup>105</sup> The World Bank’s *Technical Annex for a Proposed Grant of SDR 24 million to the Republic of Angola* (Report No. T7580-ANG)

<sup>106</sup> In many cases, women that lived and travelled with UNITA suffered pressures to obey military leaders. As one woman told Human Rights Watch, “We did not choose to go in the bushes. We did not choose our jobs. We had to do it or face the consequences. Human Rights Watch interview with Elena K., 29, Cazombo, Moxico, March 25, 2003.

<sup>107</sup> In arguing for the extension to women who lived and accompanied UNITA troops of the same benefits afforded to male combatants, Human Rights Watch takes no position on whether any or all of these women may have been legitimately characterized as combatants as that term is understood in humanitarian law during hostilities. Rather, as a matter of practical justice, we believe that because these women bore the same hardships of war as their male companions, and given the difficulties in making clear distinctions among them, rather than exclude the entire class, authorities ought to include them. Such a policy also serves to implement the determinations of the Security Council

Angolan authorities should additionally guarantee that training opportunities, access to micro-credit and employment should be made accessible to women, especially combatants' wives and abducted girls. So far, this has not been the case as women interviewed by Human Rights Watch expressed.

Sandra A., aged thirty, a wife of a former combatant, told Human Rights Watch in an interview held in her plastic tent in Kituma, Uíge province:

I used to live with my husband and five children. In 2000, he left me. Now, I am alone with the children. This man received money and I have to cut wood to feed my children. This man did not give me anything. We don't have food or clothes. We don't have anything. We came from the bush and now live in tents that are too hot during the day and too humid during the night. I cry every night, thinking about my children.<sup>108</sup>

The statement of twenty-seven-year old Cristina M., a widow of a former UNITA combatant, to Human Rights Watch illustrates the discrimination against women in the demobilization program.

The kits [non-food items] are given to the men who fought. The women that don't have husbands do not receive the kits. Not even those that fought.<sup>109</sup> I don't have a man and that is why I do not get the kit. Here [in Kituma] we suffer. We don't have food or money. We stayed in the bush for too long. Now, nobody recognizes us anymore. In the bush, I had a man to protect me. He died and now I don't have anyone. We were taken to the bush and it was bad. Now we are taken to the camps and things are worse.<sup>110</sup>

### **Responsibility to Protect and Assist Former Combatants**

Under the 2002 MOU and the 1994 Lusaka Protocol, the Angolan government has assumed the obligation to demobilize and integrate former UNITA combatants. Both the Angolan government and UNITA stated their commitment to the reception, accommodation, feeding and registration of the personnel of UNITA military and para-military units,<sup>111</sup> and the Angolan government is committed to the social and vocational integration of demobilized former UNITA personnel.<sup>112</sup>

The Angolan government also bears the responsibility for women's independent access to demobilization and reintegration programs. The Security Council called on all actors involved when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia:

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regarding the inclusion of women and children in demobilization, resettlement and reintegration programs in post-conflict situations. See, Security Council's objectives in Resolution 1325 (2000) on the role of women in post-conflict situations.

<sup>108</sup> Human Rights Watch interview with Sandra A., 30, Kituma Camp, Uíge, March 22, 2003.

<sup>109</sup> Cristina M. told Human Rights Watch she had participated in one weapons transport operation from one operational UNITA base to another. Human Rights Watch interview with Cristina M., 27, Kituma Camp, Uíge, March 22, 2003.

<sup>110</sup> Human Rights Watch interview with Cristina M. 27, Kituma Camp, Uíge, March 22, 2003.

<sup>111</sup> Article 2, Chapter II on Disengagement, Quartering and Conclusion of the Demilitarization of UNITA, MOU, Luena, April 4, 2002; see also Annex 3 of Item II.1 of the Agenda of Work – Military Issues I of the Lusaka Protocol).

<sup>112</sup> Article 6, Chapter II on Social and Vocational Reintegration of Demobilized Personnel of the Ex-UNITA Military Forces into National Life, MOU, Luena, April 4, 2002; see also Annex 4, Item II.1 of the Agenda of Work – Military Issues II of the Lusaka Protocol.

- (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction;
- (b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements;
- (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary<sup>113</sup>

In addition, two other agencies could play an important role in monitoring the demobilization program. The first is the Military Commission, which current mandate includes the monitoring of the reintegration, reinsertion and resettlement of demobilized former combatants as well as the provision of security and distribution of food and medicine.<sup>114</sup> Second, because the World Bank has approved funding the continuation of the demobilization program since March 2003, it should ensure that the program is not discriminatory against women or former child combatants.

## VII. CONCLUSION

The three main groups resettling in Angola, internally displaced persons, demobilized former combatants and refugees— all face severe problems and humanitarian needs. They lack adequate food, clothes, housing and basic services such as health and education. Return and resettlement conditions are often unsafe and Angolans in transit have been the victims of violations that include discrimination, extortion, physical abuse and death.

Within each of the transiting groups, women and children face greater difficulties. Women in particular are vulnerable to sexual and other abuse by demobilized combatants during the return-resettlement process. The Angolan government has failed to take appropriate steps to protect vulnerable groups from such abuse. Women's independent access to demobilization and reintegration programs is essential. They should receive equitable treatment and assistance to enable them to choose freely their return and resettlement locations.

During the return and resettlement process, the Angolan government officially assumes roughly equal priorities for the three groups; however, provincial authorities disproportionately allocate the limited available resources to assist primarily former combatants. To the extent that additional resources are made available through the official repatriation process, the Angolan government, U.N., World Bank and other authorities involved must ensure that the needs of returning civilians, in particular the women and children among them, are afforded necessary attention.

Receiving communities should not be left to bear the costs of the reintegration and reconciliation process on their own. They too need special attention especially given their exposure to landmines; lack of public and social services.

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<sup>113</sup> SC/Res/1325 (2000), (8).

<sup>114</sup>The Joint Military Commission, after the integration of UNITA military personnel into the national army, has been renamed the Military Commission. See also, Interim report of the Secretary-General on the U.N. Mission in Angola, U.N. Security Council, December 12, 2002.

Most importantly of all, the Angolan government authorities must respect the voluntary nature of the right to return and resettle, in accordance with international law, which it has incorporated into its own domestic law.

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