



**“They Pushed Down the Houses”  
Forced Evictions and Insecure Land Tenure for Luanda’s Urban Poor**

**Summary ..... 1**

**Key Recommendations.....9**  
    To the Government of Angola ..... 9

**Methodology ..... 11**

**Background..... 13**

**Context of Forced Evictions in Luanda ..... 15**

**The Right to Adequate Housing ..... 17**  
    International law relating to forced eviction..... 17  
    Angolan law on housing and property rights.....20

**Forced eviction and demolition in Luanda.....22**  
    Intimidation and violence .....22  
        Excessive use of force.....22  
        Arbitrary detention and abuse while in police custody ..... 27  
        Destruction and loss of personal property..... 31  
        Harassment of civil society organizations ..... 34  
    Failure to apply minimum procedural safeguards ..... 37  
        Lack of information and consultation..... 37  
        Insufficient notice..... 41  
    Inadequate compensation .....44  
        Compensation through relocation or resettlement .....48  
        Failure to ascertain residents’ rights .....50  
    Repeated evictions from the same areas .....50

Consequences of evictions.....	52
Inadequate shelter immediately following evictions.....	52
Impact on access to employment, health care and education .....	55
Protection against Forced Evictions: Security of Tenure.....	59
Inadequate land legislation and lack of public information about land rights and urban management policies .....	60
Ineffective land registration mechanisms.....	63
False perceptions of security of tenure by residents of informal areas .....	67
<b>National and International Responses to Forced Evictions in Luanda.....</b>	<b>71</b>
International Community.....	71
Angolan government .....	73
Other state institutions .....	79
<b>Recommendations .....</b>	<b>82</b>
To the Government of Angola .....	82
To the United Nations .....	85
To the donor community .....	86
To the European Union.....	87
<b>Acknowledgements.....</b>	<b>88</b>
<b>Annex I.....</b>	<b>89</b>
<b>Annex II.....</b>	<b>92</b>

## Summary

*The state respects and protects the property of people...and the property and possession of land by peasants, without prejudice to the possibility of expropriation for public utility ends, in accordance with the law.*

– Angolan Constitutional Law, article 12(4)

*They arrived and didn't talk to anyone...and they pushed down the houses...There was time for nothing...we couldn't take anything out. They broke my bed, my oven; they ran over everything. I tried to do something and they took me. I was trying to get my stuff out and they threw me in the police car.*

– C.A., 35 years old, evictee from the neighborhood of Cambamba II

In Luanda, Angola's capital, the government has forcibly and violently evicted thousands of people living in informal housing areas with little or no notice. In violation of Angola's own laws and its international human rights obligations, the government has destroyed houses, crops and residents' personal possessions without due process and has rarely provided compensation.

The evictions have taken place in a city where the majority of the population lives in informal housing areas with lack of clarity over land possession and ownership, and consequent insecurity of land tenure. The victims are poor and vulnerable Angolans. They include women supporting families on their own, elderly persons and children. Many fled to Luanda during the country's long civil war, seeking shelter and protection from conflict zones or from agricultural areas destroyed by fighting and insecurity. The government's large scale evictions have resulted in further displacement and left many individuals homeless and destitute with no access to legal remedy.

This report focuses on 18 mass evictions carried out by the government between 2002 and 2006 documented by Human Rights Watch and the Angolan organization SOS Habitat. Other small-scale evictions that took place in the same areas and over

the same period are also included in this research. In total, more than 3,000 houses were destroyed and many small-scale cultivated land plots were seized, affecting some 20,000 people.

By documenting forced evictions that occurred between 2002 and 2006, this report provides evidence that such evictions were neither sporadic nor isolated events in Luanda. The forced evictions represent a pattern of abusive conduct on the part of the Angolan government that has not significantly changed over the past several years or been fully addressed. Despite calls from national and international organizations and victims, the government has neither taken the steps necessary to ensure forced evictions end nor provided accountability for abuses associated with these evictions. The Angolan government has also not adequately compensated the vast majority of evictees as it is required to do under Angolan and international law.

Human Rights Watch has not received information that large-scale forced evictions have occurred in Luanda since the field research was completed for this report. However, the residents of the large informal areas of the city remain extremely vulnerable to both new and repeated forced evictions due to the government's failure to date to effectively address the question of insecurity of tenure.

Evictees from the evictions researched for this report and SOS staff members who witnessed such evictions told Human Rights Watch that uniformed police officers and local government officials used intimidation, violence, and excessive force when carrying out evictions. Police and government officials often forcibly tried to prevent residents from rescuing their personal belongings from demolition. Evictees described how police officers, sometimes accompanied by members of private security companies, used firearms to intimidate residents, shooting into the air or to the ground. Four residents, including a five-year-old child, were shot at or hit by stray bullets. Many others were beaten with batons and gun butts.

Several residents of neighborhoods where evictions occurred were arbitrarily detained by police, generally for short periods. They were held during and after evictions, sometimes for days, without being informed of the reason for their arrest or the formal charges being brought against them. Many of those arrested told

Human Rights Watch that they were physically abused while in police custody. SOS Habitat staff members present during the evictions documented in this report were harassed and sometimes arbitrarily arrested while trying to obtain information about the eviction or simply attempting to explain the evictees' rights to government officials.

In most of the evictions researched by Human Rights Watch and SOS Habitat, the Angolan government provided evictees with little or no information about the purpose of their eviction and the use planned for the land they occupied. The government also failed to discuss with the affected communities possible alternative solutions to their forcible removal. The majority of evictees interviewed by Human Rights Watch did not receive formal notification of their eviction. They described how they were caught unaware by the sudden arrival of police, bulldozers, and trucks to evict them from their land and homes.

In the few situations where the government provided notice of evictions, it failed to allow residents sufficient time before their removal and did not include accurate information about the authority that issued the eviction order, its legal grounds, and the appropriate body for appealing such decisions. In most of the evictions, the Angolan government failed to ascertain whether residents held a formal title or other legal claim to the land they occupied before evicting them.

In addition, the Angolan authorities carried out these forced evictions without a proper and consistent procedure in place to determine the form or amount of compensation to individual evictees. Often compensation was offered to residents after their property and belongings had been destroyed, without the possibility to negotiate the amount in question. The Angolan Government has provided general information on relocation and resettlement sites that it has established for low income families in Luanda. But the government's information has not included precise details on the total number of evictees that received land plots or housing as compensation after evictions from the areas researched by Human Rights Watch and SOS Habitat.

Many evictees who were relocated by the government were not consulted about their removal to a particular site and were often resettled in these new sites unwillingly. The relocation areas were too distant from the evictees' original places of residence and employment. The sites were also not adequately supplied with services, such as transportation, health care, and schools when the evictees arrived. Women and children were particularly affected by the loss of income generating activities in local markets and the disruption to access to education.

To date, the Angolan government has not fully addressed the violations of Angolans' rights documented in this report. The number of evictees today in need of urgent humanitarian assistance is not alarmingly high; however, this is not a result of the Angolan government acting in accordance with the law and providing evictees with necessary assistance. Rather, failing to receive such government assistance, evictees were forced to find their own often inadequate solutions to continue their lives and rebuild shelter elsewhere.

Moreover, the government's conduct in carrying out the evictions documented in this report was in clear violation of its obligations under both international and Angolan law. Angola is a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 11 of the Covenant establishes the obligation to protect the right to adequate housing, which includes protection against forced evictions. International law recognizes the right for governments to expropriate land from private citizens even without their consent or to forcibly evict residents. However, such measures can only be taken in the most exceptional circumstances, with a clearly identified public interest and with appropriate processes in place.

For a compulsory eviction to comply with international standards, governments must ensure that feasible alternatives are explored and that individuals have a right to compensation for both real estate and personal property. They must also apply minimum procedural protections that include genuine consultation with those affected; adequate and reasonable notice of the date of eviction; timely information on the proposed evictions, including, where possible, the alternative purpose for which the land is to be used; proper identification of the staff carrying out the evictions; and the availability of legal remedies for those affected.

The forced evictions documented in this report and, in many instances, the conduct of police officers and government officials implementing the evictions also involve violations of rights enshrined in the International Covenant on Civil and Political Rights (ICCPR), to which Angola is a party. Rights violated include the right not to be subjected to arbitrary or unlawful interference with one's privacy and home (Article 17), and the right to liberty and security of the person (Article 9).

The Angolan Constitution and various pieces of legislation also provide a protective framework. Article 12 of the Angolan Constitutional Law protects the possession of land. Angolan laws and regulations on land and urban management, as well as general public administration rules, contain provisions that largely reflect the information, notification and compensation requirements provided for under international law. The government has not generally complied with these laws.

In the evictions researched by Human Rights Watch and SOS Habitat, insecure land tenure stemming from the overwhelming informality of housing and land possession, have made many poor Angolans particularly vulnerable to forced evictions. Secure land tenure gives residents clear legal rights against the government or private entities who make competing claims to the land. The UN Committee on Economic, Social and Cultural Rights has stated that irrespective of the type of tenure, all persons should possess a degree of security of tenure that guarantees legal protection against forced evictions, harassment, and other threats.

Insecure tenure in the evictions documented in this report resulted, in particular, from inadequate land and urban management legislation in Angola, as well as ineffective real estate registration procedures. The legal framework for land rights in Angola that has been in place since independence is complex and confusing. Urban land was largely unregulated until 2004. The real estate registration system was also essentially paralyzed over the 27 years of war. Past attempts by the Angolan government to address this problem were unsuccessful due to the conflict, as well as to limited human, financial, and material resources.

Angola's current minister for urban management and environment has acknowledged that informality of land tenure is extensive in Luanda. The policies of this ministry

seem to be based on a genuine concern for the well being of the city's informal residents and with the aim of finding a lasting solution for this problem. However, these policies are in sharp contrast with actual practice revealed in the evictions documented in this report.

In 2004 the government passed a new land law. This law was an important step towards regulating the use of urban land and contains some safeguards for persons at risk of eviction. However, the law had no immediate practical consequences, as the necessary implementing regulations were not introduced and government agencies continued to forcibly evict Angolans contrary to the provisions of the law even after it was passed.

The 2004 Land Law also establishes a three-year period for regularization of informal land tenure, but does not set out how the government will effectively process regularization requests. According to the law, the onus is on individual citizens to seek regularization. If, after the three-year period, individuals have not submitted a regularization request to the authorities, the government is authorized to obtain the land they occupy, including by forcible means—regardless of whether or not the government took the necessary measures to inform citizens about the need and process for regularization and to ensure the timely processing of the requests. Unless the Angolan government takes deliberate steps to approve the remaining regulations and prioritize resources to ensure effective land registration for all those requiring regularization, insecurity of tenure will continue to be prevalent in Luanda and the city's urban poor will remain vulnerable to forced evictions such as those described in this report.

For its part, the Angolan Government has, at times, simply denied that it has carried out forced evictions. Most often the government has justified the evictions on the grounds that it needs the land for public interest development projects, or that it is removing alleged trespassers from state land. Many of the evictees interviewed for this report, however, lived on these lands for years or, in some cases, for generations. Others who settled more recently did so according to custom, with the consent of previous residents and small farmers. While the government claims that it is trying to improve living conditions in Luanda, it is, in fact, making such conditions worse for



the most economically vulnerable by evicting thousands of them and by depriving them of the necessary assistance to help the evictees reestablish elsewhere.

Human Rights Watch calls on the government of Angola to investigate the allegations of excessive use of force and other human rights abuses related to the evictions described in this report, and to provide compensation to victims of past forced evictions. The government should also genuinely consult with communities and ensure due process where the involuntary removal of communities has been suspended due to complaints by the residents and where it plans to develop public interest projects in the future. To prevent further forced evictions in violation of international human rights law and standards, it is crucial that the government takes decisive and urgent action to address insecurity of tenure in Luanda.

## **Forced Evictions in Luanda Documented by Human Rights Watch and SOS Habitat**

**What happened?** Government officials and police violently and illegally evicted, or threatened to evict, poor Angolans from their houses or cultivated land plots.

**How many people were affected?** An estimated 20,000 to 30,000 people.\*

**Over what period of time?** Between 2002 and 2006 (timeframe for evictions researched in this report).

**Where?** In the Luanda neighborhoods of Cambamba I, Cambamba II, Banga We, 28 de Agosto, Maria Eugenia Neto, Wengi Maka, Soba Kopassa, Bairro da Cidadania, Munlevos, Mbondo Chape (Fubu), Onga, Rio Seco, Talatona, Gaiolas, and Bem-Vindo (municipalities of Kilamba Kiaxi, Viana, Samba, and Cacuaco). Mbondo Chape, Rio Seco, Talatona, and Bem-Vindo are mostly agricultural areas that have so far seen few evictions but which remain at risk – the local authorities have suspended eviction plans due to complaints by residents but have announced they intend to claim land occupied by small farmers.

**What are the neighborhoods like from which people have been evicted?**

Informal settlements and agricultural areas in the outskirts of Luanda are generally not urbanized or adequately supplied with basic services by the state. In areas where evictions have taken place, houses were built out of corrugated metal or brick. Most agricultural land was cultivated. The affected communities included small farmers settled on the land for many years, low income urban families from Luanda who settled more recently, and displaced persons that left rural areas because of the war and poor living conditions. Housing and land was generally acquired through informal transactions or occupation, so formal land titles are an exception.

**Has the Angolan government relocated evictees?** The government has resettled some evictees in relocation areas established in Mbondo Chape (Fubu), Panguila, and Sapu, but the exact numbers of evictees relocated by the government in these or other areas is unknown. The government has not followed appropriate procedures for relocation and compensation. The relocation areas were not adequately supplied with basic sanitation, health, education, or transportation services when evictees first arrived.

**Why did the government evict people?** The government states that it carried out the evictions to facilitate development and “beautification” projects in the public interest.

\* 20,000 according to estimates from evictees that each household houses five to seven people; 30,000 based on government data that each household houses ten people.

## Key Recommendations

### To the Government of Angola

- Immediately cease forced evictions carried out in violation of national laws and international human rights law and standards.
- Take immediate steps to provide assistance, including alternative accommodation and other remedies, to those affected by forced evictions, and in particular to vulnerable groups such as women, children, and elderly persons.
- Investigate allegations of excessive use of force and other human rights abuses by police and state officials involved in forced evictions and bring all those responsible to justice.
- Investigate allegations of excessive use of force or other abuses by private security companies during or immediately after forced evictions.
- Investigate abusive actions by unidentified civilians during forced evictions and ensure that only duly authorized and identified persons are present during any future evictions.
- Inform the public of the results of such investigations and promptly reply to individual complaints about evictions submitted by victims to police or administrative authorities.
- Urgently enact specific legislation against forced evictions and consult with civil society organizations in the drafting process. Such legislation should strictly regulate the circumstances under which evictions may be carried out, in particular:
  - Define an information and consultation mechanism with individuals affected by planned development projects that may involve their relocation;

- Provide proper and detailed notice of the scope, purpose, area, and alternative use of land appropriated by the state, as well as adequate notice of the exact date of the eviction;
  - Define a reasonable and accessible process for compensation, as well as a mechanism for defining its forms and amounts;
  - Ensure that individuals to be evicted are consulted about and informed of relocation sites well in advance of evictions and that such sites are adequately supplied with basic services from the date of relocation.
- Significantly improve land registration procedures to effectively implement Angolan legal provisions regarding regularization of informal occupancy.

A full set of recommendations is found at the end of this report.

## Methodology

A small number of Angolan organizations provide legal counsel and other types of assistance to victims of forced evictions in Luanda. This report builds on their work and seeks to contribute to their larger efforts to promote and protect the rights of all Angolans to adequate housing, including the right to be free from forced eviction.

The research on which this report is based was carried out jointly by Human Rights Watch and SOS Habitat, an Angolan nongovernmental organization (NGO) working since 2002 with communities affected by forced eviction, demolition, and destruction of crops in peri-urban areas around Luanda. SOS Habitat facilitated access to evictees and opened its files to Human Rights Watch, which included copies of relevant documents provided by affected families, situation memos, photos, and other data collected immediately after eviction operations. SOS Habitat staff who witnessed forced evictions also provided their accounts of these events. Free Hands Association (Associação Maos Livres), an Angolan organization that provides legal aid to victims of human rights violations, also facilitated access to several evictees from one neighborhood.

Human Rights Watch and SOS Habitat carried out field research in Luanda in April, July, August, and December 2006. Researchers visited 14 eviction sites and three relocation areas. Six of these sites (Cambamba I, Cambamba II, Soba Kopassa, Bairro da Cidadania, Benfica, and Wengi Maka) experienced demolitions repeatedly during the period covered by this research. Human Rights Watch researchers interviewed a total of 132 persons who had been evicted between 2002 and 2006. All interviews were conducted in Portuguese. The names of victims and of some witnesses have been changed to protect their identities.

We also held meetings with the United Nations (UN) Human Rights Office in Angola, Development Workshop Canada, Oxfam, and local organizations, such as Free Hands Association, Association for Justice, Peace and Democracy (Associação Justiça, Paz e Democracia, AJPD), Land Network (Rede Terra), and Association for the Rural Development of Angola (Associação para Desenvolvimento Rural de Angola, ADRA).

Human Rights Watch met the Angolan ambassador to Belgium and the minister for urban planning and environment in Luanda. We formally requested meetings with the minister for public works, Luanda's provincial governor, the director for technical affairs within the provincial government and the administrator of the municipality of Kilamba Kiaxi. They all confirmed receipt of our requests but did not respond with meetings. We did not receive a reply to our request to meet with the director of the Urban Development Company Ltd. (Empresa de Desenvolvimento Urbano Lda., EDURB), the company that has a government concession to develop and upgrade large areas in the southern part of Luanda (where some of the informal housing areas researched in this report are located).<sup>1</sup> Human Rights Watch did not obtain full information by the time this report went to print regarding the exact perimeter of the area under development by EDURB and whether the neighborhoods we researched are located within that perimeter. We plan to pursue such information with the company in the future.

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<sup>1</sup> EDURB is a partnership between Luanda's provincial government and a private company established to manage an urban development pilot project called Luanda Sul. Luanda Sul is aimed at developing infrastructure for organized urbanization of a large area in the south of Luanda, allowing for an orderly urban growth. Official website of Luanda's provincial government, <http://www.gpl.gv.ao/index.aspx?shownews=6992293473&flag=empreendimentos> (accessed March 26, 2007).

## Background

Angola fought an anti-colonial guerilla war against Portugal for 14 years before its political independence in 1975. Right after independence, the three liberation movements involved in the struggle for independence fought each other for control of the country, initiating a civil war that lasted until 2002.<sup>2</sup>

When independence was declared, 95 percent of the Portuguese population—approximately 340,000 people—fled the country, leaving behind houses, apartments, and farms. Most of these abandoned properties were later occupied by Angolan families.<sup>3</sup> The number of houses abandoned was especially high in urban centers, where the majority of Europeans lived.<sup>4</sup> These real estate properties were “nationalized” or “confiscated” by the post independence government.<sup>5</sup> However, the legal procedures required were not always completed and, to this date, no precise information exists regarding which real estate properties were definitively transferred to state ownership.<sup>6</sup> The government process of granting land rights to families that took over abandoned properties was also not completed and many individuals throughout Angola, particularly in Luanda, never received formal titles to housing they occupied after independence.<sup>7</sup>

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<sup>2</sup> The war of independence from Portugal was fought by the Popular Movement for the Liberation of Angola (Movimento Popular para Libertacao de Angola, MPLA), the National Liberation Front of Angola (Frente Nacional de Libertacao de Angola, FNLA) and the National Union for the Total Independence of Angola (Uniao Nacional para Independencia Total de Angola, UNITA). After independence, the MPLA took power and instituted a socialist regime. The civil war initially involved the three movements and later only the MPLA and UNITA. In 1992 there was a brief period of peace and the country held its first multiparty elections since 1975. However, the war resumed soon after and ended in 2002, with the signing of the Luena Memorandum of Understanding. There have been no elections in Angola since 1992.

<sup>3</sup> Tony Hodges, *Angola—Do Afro-Estalinismo ao Capitalismo Selvagem*, (Cascais: Principia, 2002), p. 27.

<sup>4</sup> At independence only ten percent of Angolans lived in urban areas. See Maria do Carmo Medina, *Angola – Processos Politicos da Luta pela Independencia* (Coimbra: Almedina, 2005), pp. 18, 19.

<sup>5</sup> Nationalization was the legal regime applicable to property abandoned for more than 45 days; confiscation was the legal regime applicable to property belonging to anyone who had collaborated with fascist organizations (the colonial secret police) or anti-national organizations (UNITA, FNLA, FLEC).

<sup>6</sup> Under the nationalization and confiscation laws, the government was required to publish decisions on nationalization or confiscation of a specific property in the official gazette (*Diario da Republica*) and register it with the real estate registry. This was not always done. Hodges, *Angola*, p. 53.

<sup>7</sup> Hodges, *Angola*, p. 53.

The legal and institutional framework for land and housing rights after 1975 was incomplete and complex. The first land-specific legislation passed after independence, during a brief period of peace in 1992, was essentially agrarian. Laws regulating the occupation and exercise of land rights in urban areas were not approved until 2004.



## Context of Forced Evictions in Luanda

Much of the rural population in Angola migrated to urban areas during the war years, either displaced by the armed conflict or in search of alternative livelihoods.<sup>8</sup> The flow of people combined with a high fertility rate to foster the rapid growth of the urban population, particularly in Luanda.<sup>9</sup> The city grew from less than 500,000 inhabitants in 1940 to 750,000 in the late 1970s and to more than three million in 2000.<sup>10</sup> Luanda's area expanded from approximately 50 square kilometers in 1980 to approximately 270 square kilometers in 2000. SOS Habitat, an Angolan nongovernmental organization (NGO) working with communities affected by forced eviction, currently estimates Luanda's population at approximately five million persons.<sup>11</sup>

The growing demand for land and housing in Luanda in the 1990s, limited availability through formal market mechanisms, and the cost and bureaucracy of titling procedures facilitated the rapid expansion of an informal housing and land market.<sup>12</sup> In the poorer areas of Luanda, especially in the agricultural areas surrounding the city, low income families and internally displaced persons acquired land through occupation or purchase from previous residents.<sup>13</sup> This led to the growth of informal

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<sup>8</sup> Many internally displaced persons did not return to their original regions after the end of the civil war, mainly due to poor living conditions in those areas. In December 2005, there were 61,700 internally displaced persons (IDPs) in Angola according to the United Nations Technical Coordination Unit. Internal Displacement Monitoring Centre, "Angola," <http://www.internal-displacement.org> (accessed May 23, 2006).

<sup>9</sup> Luanda is the largest urban center in Angola, raised to the category of province due to its special status as the national capital. It is formed by nine municipalities.

<sup>10</sup> Development Workshop and the Centre for Environment & Human Settlement, *Terra—Urban Land Reform in Post-war Angola: Research, Advocacy & Policy Development* (Luanda: DW and CEHS, 2005), p. 68.

<sup>11</sup> There is no official number for the population of Luanda. The last nation-wide census was carried out in the 1970s.

<sup>12</sup> Development Workshop and the Centre for Environment & Human Settlement, *Terra*, chapter 4.

<sup>13</sup> Based on interviews with settlers in informal neighborhoods, including elderly small farmers, and with local NGOs, Human Rights Watch and SOS Habitat have collected information on the history of informal areas. In most of these areas surrounding the city, land was originally acquired by farmers through occupation. Some are members of peasant's associations registered with the Ministry of Agriculture (for example, UNACA) or have documents from this Ministry acknowledging their settlement in those areas in the 1980s as part of a government agricultural project (Cintura Verde). Original settlers transferred land to relatives and acquaintances according to the traditional custom, in which elders are consulted and authorize the newcomers to settle without any payment. From the late 1990s peasants and other residents started to cede and sell land plots, normally relying on a simple receipt or witness testimony for the transaction. Many of these arrivals were internally displaced persons and, to a lesser extent, returnees and demobilized soldiers. In the last three years, many newcomers occupied land irrespective of the consent of elderly residents and peasants, either through informal transactions or simple occupation. According to local organizations interviewed by Human Rights Watch in April 2006, many low income families and IDPs who

areas beyond the planned neighborhoods existing at independence, forming a new peri-urban zone in which previously rural land gradually became residential. These informal areas are generally not developed according to an urban planning regime or adequately supplied with basic services by the state. Because current inhabitants acquired land or housing through informal transactions or through occupation, formal land registration and titles are an exception.

In the past five years, local and international organizations working on housing rights in Luanda have reported a growing practice of forced eviction and demolition by the Angolan government in several informal areas of the city. This is occurring in the context of the postwar reconstruction, which involves numerous development and “beautification” projects, fueled by increasing oil revenues and considerable economic growth. While the Angolan government has the right to carry out such projects and, if necessary, to remove people from areas required for such development in accordance with the law, it also has the legal obligation to protect its citizens against forced eviction and any other human rights violations.

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acquired land/housing in the informal market were unaware of the legal provisions concerning land registration and assumed payment to former residents or peasants who occupied the house/land before them automatically gave them legal title to the land/housing they were purchasing.

## The Right to Adequate Housing

### International law relating to forced eviction

Angola is a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR).<sup>14</sup> Article 11 of the Covenant establishes the obligation to protect the right to adequate housing, which includes protection against forced eviction.

A “forced eviction” for the purposes of international law is defined as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”<sup>15</sup>

Expropriation of land of private citizens even without their consent or forcible eviction of residents can be effected in compliance with international law, which recognizes a right for governments under “the most exceptional circumstances” to take such steps. However, each measure should be evaluated on a case-by-case basis with the clear public interest identified and with the appropriate processes in place, including compensation and alternative access to housing.<sup>16</sup>

Illegal “forced evictions” include not only evictions involving physical force or violence, but also “peaceful” evictions if taking the land is unjustifiable, or if the procedure fails to include adequate safeguards.<sup>17</sup>

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<sup>14</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, acceded by Angola January 10, 1992. According to article 11, “States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”

<sup>15</sup> UN Committee on Economic, Social and Cultural Rights, “The right to adequate housing (art.11.1): forced evictions,” General Comment No. 7, UN Doc. HRI/GEN/1/Rev.7 (1997), para. 3.

<sup>16</sup> See further: Office of the High Commissioner for Human Rights, “Fact Sheet No.25, Forced Evictions and Human Rights,” May 1996, <http://www.ohchr.org/english/about/publications/docs/fs25.htm> (accessed March 1, 2007).

<sup>17</sup> In General Comment 4, the UN Committee on Economic, Social and Cultural Rights states that forced evictions “are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances and in accordance with the relevant principles of international law.” UN Committee on Economic, Social and Cultural Rights, “The right to adequate housing,” General Comment No. 4, UN Doc. HRI/GEN/1/Rev.7 (1991) para. 18.

Forced eviction is well established as a fundamental violation of international law and has been termed a gross violation of human rights.<sup>18</sup> It represents a regressive measure in relation to a state's obligations with respect to access to housing under article 11 of the ICESCR, because it involves the arbitrary destruction by the state or its agents of resources that individuals and families have invested in building their homes.<sup>19</sup>

Forced eviction also involves the violation of other rights protected under the International Covenant on Civil and Political Rights (ICCPR); in particular, the right not to be subjected to arbitrary or unlawful interference with one's privacy and home, and the right to liberty and security of the person.<sup>20</sup>

In order for a compulsory eviction to comply with international standards, governments must ensure that feasible alternatives are explored and that individuals have a right to compensation for both real estate and personal property.<sup>21</sup> They must also apply minimum procedural protections that include genuine consultation with those affected; adequate and reasonable notice of the date of eviction; timely information on the proposed eviction, including, where possible, the alternative purpose for which the land is to be used; proper identification of the staff carrying out the eviction; and the availability of legal remedies for those affected.<sup>22</sup>

Angola is also a party to the African [Banjul] Charter on Human and Peoples' Rights.<sup>23</sup> Article 14 of the Charter protects the right to property. The African Commission on

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<sup>18</sup> UN Committee on Economic, Social and Cultural Rights, General Comment 7, para. 2.

<sup>19</sup> UN Committee on Economic, Social and Cultural Rights, General Comment 3, para. 9 notes: "[A]ny deliberately retrogressive measures...would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources." UN Committee on Economic, Social and Cultural Rights, "The nature of States parties obligations (art. 2, par.1)," General Comment No. 3, UN Doc. HRI/GEN/1/Rev.7 (1990).

<sup>20</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, acceded by Angola January 10, 1992, arts. 9 and 17.

<sup>21</sup> UN Committee on Economic, Social and Cultural Rights, General Comment 7, para. 13.

<sup>22</sup> UN Committee on Economic, Social and Cultural Rights, General Comment 7, para. 15. These procedural rights are detailed in the UN Committee on Economic, Social and Cultural Rights General Comments 4 and 7 (see annex II for the full text of General Comment 7).

<sup>23</sup> African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986, acceded by Angola March 2, 1990.

Human and Peoples' Rights has interpreted this, in conjunction with article 16 (the right to best attainable state of physical and mental health) and article 18 (the right to protection of the family), to read into the Charter a right to shelter or housing. In the case of *The Social and Economic Rights Action Center/Center for Economic and Social Rights v. Nigeria*, the African Commission noted:

At a very minimum, the right to shelter obliges the...government not to destroy the housing of its citizens and not to obstruct efforts by individuals or communities to rebuild lost homes. The State's obligation to respect housing rights requires it, and thereby all of its organs and agents, to abstain from carrying out, sponsoring or tolerating any practice, policy or legal measure violating the integrity of the individual or infringing upon his or her freedom to use those material or other resources available to them in a way they find most appropriate to satisfy individual, family, household or community housing needs...<sup>24</sup>

The United Nations (UN) Special Rapporteur on adequate housing as a component of the right to an adequate standard of living has elaborated a set of human rights guidelines on development-based displacement. These guidelines build on the UN Comprehensive Human Rights Guidelines on Development-Based Displacement developed by experts under the auspices of the UN High Commissioner on Human Rights in June 1997.<sup>25</sup> These guidelines, presented by the Special Rapporteur to the UN Human Rights Council in 2006, offer several new prescriptions that clarify the obligations of states in respect to compliance with human rights standards when forcibly removing population due to large scale development projects. They reflect and detail the principles contained in General Comments 4 and 7 of the UN Committee on Economic, Social and Cultural Rights on the right to adequate housing, and reflect the experience of communities who have been subject to human rights violations as a result of forcible displacement. Although not yet formally adopted by

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<sup>24</sup> African Commission on Human and Peoples' Rights, Communication No. 155/96 (2001), para. 61.

<sup>25</sup> *The Practice of Forced Evictions: Comprehensive Human Rights Guidelines on Development-Based Displacement*, adopted by the Expert Seminar on the Practice of Forced Evictions Geneva, 11-13 June 1997, <http://www1.umn.edu/humanrts/instree/forcedevictions.htm> (accessed February 20, 2007).

states, the guidelines recommended by the Special Rapporteur constitute an important roadmap for the protection of their citizens against human rights violations arising from forced evictions.

## **Angolan law on housing and property rights**

Angolan law, detailed below, contains several provisions that protect individuals in cases where they are involuntarily evicted by the state from their land or housing.<sup>26</sup> Such provisions essentially reflect the requirements for information, notice and compensation provided under the ICESCR.

Under Angola's land laws, the state can only expropriate land for specific public use.<sup>27</sup> According to urban management laws and regulations, when the state expropriates land for public use it must declare the purposes for such use.<sup>28</sup> In cases where the state grants land concessions for urban development projects, the government has a legal duty to widely publicize the project so that people who believe that their pre-established land rights will be damaged can submit complaints to legally protect those rights.<sup>29</sup> The development of any infrastructure that may have significant environmental or social impact is subject to an impact assessment that must include hearings with the population affected.<sup>30</sup> Individuals whose land is expropriated for public use purposes are entitled to just compensation.<sup>31</sup>

Public administration in Angola is bound by a general principle that requires provision of information to citizens and a general rule that the initiation of any administrative procedure must be communicated to the citizens whose rights and

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<sup>26</sup> The adoption of specific legislation on forced evictions has been recommended by the UN Special Rapporteur on adequate housing as a component to the right to an adequate standard of living. However, in the absence of such legislation, land and urban management legislation, as well as general regulations on the activities of public administration can and should be used to protect evictees' rights.

<sup>27</sup> Lei da Terra, lei n. 9/04, November 9, 2004, art. 12(2).

<sup>28</sup> Lei do Ordenamento do Território e Urbanismo (Lei do Ordenamento do Território), lei n. 3/04, June 25, 2004, art. 20; Regulamento Geral dos Planos Territoriais, Urbanísticos e Rurais (Regulamento dos Planos Urbanísticos), Decreto n. 2/06, January 23, 2006, art. 87.

<sup>29</sup> Regulamento dos Planos Urbanísticos, art. 143(6).

<sup>30</sup> Lei de Bases do Ambiente, Lei n. 5/98, June 19, 1998, arts. 15 and 16.

<sup>31</sup> Lei da Terra, arts. 12(3) and 27(10).

legally protected interests could be affected.<sup>32</sup> Any administrative act that denies, extinguishes, restricts, or in any way affects rights or legally protected interests or aggravates duties or sanctions must be justified by the administration in light of existing laws and policies.<sup>33</sup>

The administration must always notify individuals of decisions that: (a) are a reply to a petition submitted by such individuals to the administration; (b) impose duties or sanctions on individuals or cause them damage; or (c) create, extinguish, increase or restrict any rights or legally protected interests of individuals or affect the conditions of their exercise.<sup>34</sup> The state must notify those affected by such decisions within eight days (unless another deadline is specifically established by another law), directly or through formal written notice in a widely accessible location.<sup>35</sup> The notification must include: (a) the entire text of the administrative act; (b) the identification of the administrative procedure, including its author and date; and (c) the competent body to consider appeals against administrative acts, as well as the deadline for such appeal.<sup>36</sup>

In addition, the Angolan government must guarantee that urban management plans respect previous rights or legal situations legitimately constituted.<sup>37</sup>

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<sup>32</sup> Normas do Procedimento e da Actividade Administrativa (Normas do Procedimento), Decreto-Lei n. 16-A/95, de 15 de Dezembro de 1995 arts. 7, 34 and 30; Regulamento dos Planos Urbanísticos, art. 11.

<sup>33</sup> Normas do Procedimento, art. 67.

<sup>34</sup> Normas do Procedimento, art. 38.

<sup>35</sup> Normas do Procedimento, arts. 41 and 42.

<sup>36</sup> Normas do Procedimento, art. 40.

<sup>37</sup> Lei do Ordenamento do Território, art. 24.

## Forced eviction and demolition in Luanda

Research by Human Rights Watch and SOS Habitat has found that between 2002 and 2006 the government of Angola carried out at least 18 mass evictions involving violence and excessive use of force, in contravention of its international and national obligations.<sup>38</sup> In addition, the government did not comply with the procedural safeguards enshrined in both international and national law or provide adequate compensation. The government ignored the humanitarian consequences of the evictions, particularly on vulnerable groups such as women and children. It also failed to ascertain information concerning which rights residents had over their land or housing before evicting them.

Evictions have often involved intimidation and unnecessary violence and destruction, which have sometimes led to confrontational reactions from persons losing their homes and property. Residents were subject to traumatic “surprise evictions,” where people were caught unguarded by the unheralded arrival of police, bulldozers and trucks. Such “surprise evictions” are illegal under international law.

### Intimidation and violence

#### *Excessive use of force*

Evictees interviewed by Human Rights Watch reported that they had been subject to intimidation and threats by uniformed police officers and members of the provincial and municipal administration (*fiscais*). Evictees from the neighborhood of Wengi Maka, for example, told Human Rights Watch that police officers “pass by saying ‘you’re too insolent, we’ll come to destroy these houses again.’”<sup>39</sup> Many reported that the same officers used excessive force against residents in the course of

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<sup>38</sup> Although there are no accurate statistics or data on the number of persons evicted in each eviction researched for this report, Human Rights Watch documented at least 18 eviction operations where more than 100 people were affected. Human Rights Watch also documented many smaller scale evictions that took place in the same areas within the period covered (2002-2006) which have also been included in this report.

<sup>39</sup> Human Rights Watch interview with B.C., 78-year-old evictee from Wengi Maka, Luanda, August 3, 2006. The names of all evictees and some witnesses quoted in this report have been changed to protect their privacy and avoid potential retaliation.



evictions. They fired shots, beat people, used aggressive language, and pushed residents away from their houses when they were trying to remove their possessions:

They were so many...the police cars came all packed. We couldn't even count, in that confusion...all you could see was dust all over, men being beaten, people being thrown in police cars, gun shots...it was like a civil war. They came very early in the morning and surrounded the whole neighborhood.<sup>40</sup>

In many eviction and demolition operations, government officials (both municipal and provincial officials accompanied by police officers) are reported to have responded violently to residents who tried to question the grounds on which they were being evicted and their houses demolished. Evictees from Soba Kopassa and Cambamba I told Human Rights Watch:

In June 2005 they came to demolish us. I tried to ask for information, but they beat me with the handle of their guns.<sup>41</sup>

My husband, when he arrived, he asked: "You're tearing down my house, where I am supposed to live now?" They fired shots to scare him away...Those who said something were beaten. No one could say anything at that time. You could only look at what they were doing; you could only stay there, live through it...<sup>42</sup>

In six of the neighborhoods where Human Rights Watch and SOS Habitat documented eviction operations (Cambamba I, Cambamba II, Soba Kopassa, Bairro da Cidadania, Benfica and Wengi Maka), numerous evictees reported that they were

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<sup>40</sup> Human Rights Watch interview with R.J., 66-year-old evictee from Cambamba I, Luanda, August 10, 2006 about evictions in 2005 and 2006.

<sup>41</sup> Human Rights Watch interview with K.B., 42-year-old evictee from Soba Kopassa, Luanda, August 2, 2006.

<sup>42</sup> Human Rights Watch interview with R.R., 24-year-old evictee from Cambamba I, Luanda, August 10, 2006.

physically abused by uniformed police officers using a variety of weapons, including broom sticks, baton sticks, and the handles of guns, pistols, and machetes:<sup>43</sup>

I ran to get my wife and my child and take them out of the house. We left holding each other and they came to beat us with batons. We continued to hold each other and they continued to beat us, pushed us and threw us to the ground. At the end there were eight policemen hitting me and my wife, holding our one-year-old baby. Then they threw me into the police car...At the police station they beat me with broom sticks...They said we would receive 30 *catanadas* [beatings with the flat part of a *catana*, or machete] each one. Fifteen in the hand and fifteen on the backside.<sup>44</sup>

International law requires law enforcement officials to only use firearms in cases of serious threat and when other less extreme means are not available to achieve the same objectives.<sup>45</sup> In the evictions researched for this report, however, police officers carrying semi-automatic AK47 assault rifles pointed their weapons at unarmed individuals, including children and elderly persons, gesturing aggressively, immediately upon arriving at eviction sites and during the process of demolition and removal.

I tried to defend my things...I was holding my granddaughter in my arms and went in the direction of the police man. He pointed [his gun] right at me. I shouted, “You want to fire that thing at me? You want to shoot me? Well, go ahead.”<sup>46</sup>

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<sup>43</sup> Evictees reported police violence in the eviction operations that took place in Cambamba I and Cambamba II on September 9, 2004, November 24, 2005, and March 13, 2006; in Soba Kopassa on June 2005, continued subsequently in August, September, and October 2005; in Bairro da Cidadania on September 9, 2004, October 10, 2004, September 26, 2005, and May 5, 2006; in Benfica on September 9, 2002, March 19, 2003, and May 22, 2006; in Wengi Maka on December 4, 5 and 10, 2003 and on June 21, 2004.

<sup>44</sup> Human Rights Watch interview with H.J., 22-year-old evictee from Cambamba II, Luanda, July 29, 2006. Many evictees told Human Rights Watch they were beaten with machetes. They all explained that the flat/lateral part of the machete was used, never the cutting edge.

<sup>45</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990).

<sup>46</sup> Human Rights Watch interview with M.M., 57-year-old evictee from Cambamba II, Luanda, July 29, 2006.

In many instances the police fired shots into the air or the ground to intimidate residents. In a number of incidents shots were fired apparently indiscriminately at persons protesting evictions. For example, during evictions in Cambamba I and II on March 13, 2006, shots were fired into the crowd, hitting a small child and causing injuries to the left knee.<sup>47</sup> Staff of national and international organizations who witnessed this particular eviction operation stated that the population was unarmed. The UN Human Rights Office in Angola described what happened:

While carrying out evictions, members of the National Police Force, members of the Fiscal Police as well as agents of a private security company shot into the crowd of residents, kicked and hit people with guns and whips. One 4-5 year old child got seriously wounded by a bullet in his left knee and had to be brought to the hospital. Other cases we witnessed were three women who were beaten during their arrest (one of whom, eight months pregnant, was kicked in her abdomen, causing hemorrhagic bleeding), as well as a young man beaten repeatedly with a whip during his arrest who continued being beaten at the police station. The law enforcement agents acted with excessive use of force and use of fire arms that were in no proportion to the level of resistance offered by the unarmed population.<sup>48</sup>

In June 2004 a man was shot in the head by police officers during an eviction in the neighborhood of Wengi Maka, resulting in severe speech and mobility impairment.<sup>49</sup> C.L., another evictee from Wengi Maka who was shot four times in his right leg and as a result limps visibly, shared his experience with Human Rights Watch:

They came around 5 a.m...We were walking the four of us. All we heard was the firing and then they were saying we were agitators. The men

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<sup>47</sup> The General Specialized Hospital of Kilamba Kiaxi issued a medical report addressed to the United Nations and to SOS Habitat on April 18, 2006, confirming that this child was hit by a bullet in the left knee causing a flesh wound (on file with Human Rights Watch and SOS Habitat).

<sup>48</sup> United Nations Human Rights Office in Angola, Information Note, "Forced evictions and demolitions of housing in Luanda, municipality of Kilamba Kiaxi (Bairro Cambamba I and II) on March 13<sup>th</sup> 2006" (Information Note, "Forced evictions in Luanda").

<sup>49</sup> Human Rights Watch interview with R.W., 28-year-old evictee from Wengi Maka, Luanda, August 3, 2006.

that shot ran away and the people took us to the hospital...I got hit four times in my leg. I used to be a bricklayer. Now I cannot work.<sup>50</sup>

V.L., who was accompanying C.L. at that moment, also described what happened:

The demolitions started at the other side, over there. We went there to see what was going on. When we were coming back we passed by police men. When we were around 50 meters away, they started to say we were “agitators” and then fired at us. They were three [the victim identified the three officers by first name or nickname they used]; first [name withheld] fired and then the others. I got three shots in my right leg. When all the people ran to help us, the policemen fled. People took us to the hospital and I stayed there for a week.<sup>51</sup>

Many evictees, international and national NGO staff, and UN officers told Human Rights Watch that private security guards from a company called Visgo were present during the evictions in Cambamba I and II, on March 13, 2006.<sup>52</sup> Witnesses said that private security guards carrying guns were acting together with the police, beating residents, and among those who opened fire.<sup>53</sup>

The policemen [who was beating me] was using a dark blue uniform...They were using gun shots to make people run away...They fired to the ground, close to people’s feet. There were also police men in ocean blue uniforms and private security in green. They shot when the confusion started...I saw the private security guards shooting.<sup>54</sup>

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<sup>50</sup> Human Rights Watch interview with C.L., 34-year-old evictee from Wengi Maka, Luanda, August 3, 2006.

<sup>51</sup> Human Rights Watch interview with V.L., 25-year-old evictee from Wengi Maka, Luanda, August 3, 2006.

<sup>52</sup> In interviews with Human Rights Watch, many evictees generally identified perpetrators of violence as police officers. However, when asked if the perpetrators were wearing uniforms, several victims affirmed they saw men in three different uniforms present: police officers in dark blue uniform (Rapid Intervention Police) or ocean blue uniforms (Public Order Police), both belonging to the National Police, as well as men in green uniforms used by the private security company Visgo.

<sup>53</sup> Witnesses included staff from OXFAM, the United Nations Human Rights Office in Angola, a catholic priest from ACC, and SOS Habitat activists.

<sup>54</sup> Human Rights Watch interview with L.R., 31-year-old evictee from Cambamba I, Luanda, July 30, 2006.

According to the UN Human Rights Office in Angola, “the uniformed and armed individuals identified as members of the private security company Visgo made use of their heavy firearms (AK47) against the population and participated together with the police in several acts of violence against residents.” The UN Office questioned the legal mandate of a private security company to take such action against the population.<sup>55</sup>

Under international law and standards, the Angolan government remains responsible for human rights abuses perpetrated by private actors and must “ensure that legislative and other measures are adequate to prevent and, if appropriate, punish forced evictions carried out, without appropriate safeguards, by private persons or bodies.”<sup>56</sup>

### *Arbitrary detention and abuse while in police custody*

Under international law, no one can be deprived of their liberty except on such grounds and in accordance with such procedures as are established by law. Anyone who is arrested must be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.<sup>57</sup> Article 39 of the Angolan constitution contains the same provision.

Under Angolan law, people can only be deprived of their liberty preventively when caught while committing a crime, when there is reason to believe the person may escape or damage a police investigation, or when there is strong and substantiated suspicion that this person committed a crime punishable with a prison sentence of

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<sup>55</sup> UN Human Rights Office in Luanda, Information Note, “Forced evictions in Luanda.”

<sup>56</sup> UN Committee on Economic, Social and Cultural Rights, General Comment 7, para. 9. *The Practice of Forced Evictions: Comprehensive Human Rights Guidelines on Development-Based Displacement*, adopted by the Expert Seminar on the Practice of Forced Evictions Geneva, 11-13 June 1997, <http://www1.umn.edu/humanrts/instree/forcedevictions.htm> (accessed February 20, 2007). Article 5 of the guidelines states: “While forced evictions can be carried out, sanctioned, demanded, proposed, initiated or tolerated by a variety of distinct actors, responsibility for forced evictions under international law, ultimately, is held by States.” Also Inter-American Court of Human Rights, *Velasquez Rodriguez Case*, Judgment of July 29, 1988, Inter-Am.Ct.H.R., (Ser. C) No. 4 (1988). In para. 174 the Inter-American Court held that “The State has a legal duty to take reasonable steps to prevent human rights violations and to use the means at its disposal to carry out a serious investigation of violations committed within its jurisdiction, to identify those responsible, to impose the appropriate punishment and to ensure the victim adequate compensation.”

<sup>57</sup> ICCPR, art. 9.

over a year.<sup>58</sup> The police must bring anyone who has been detained before the public prosecutor for confirmation of the legality of the detention on the same day as the arrest.<sup>59</sup>

Human Rights Watch interviewed victims and eye witnesses to the arrest of more than 50 residents which did not conform to the legal standards noted above. These arrests took place during or right after evictions in Cambamba I and II, Banga We, Bairro da Cidadania, Benfica, Wengi Maka, Maria Eugenia Neto, and Soba Kopassa. In all the cases documented, police did not inform the persons of the reason for their arrest and could not legally arrest such persons because they were not caught committing a crime or endangering an ongoing criminal investigation. Most cases documented were of detentions for short periods—usually a few hours—but in a few cases police detained individuals for several days or weeks.<sup>60</sup>

A male resident of the neighborhood Maria Eugenia Neto was detained by local government officials during an eviction operation on August 16, 2001 after he complained about the operation. He was told he had no grounds to complain and was then taken in a private car to the police station of the VII Division where he was held for two days. He was then transferred to the Palenca prison where he was held for a further four days. At no stage was he told the grounds for his detention or did he have an opportunity to see a lawyer. After his six days of detention, he was brought before a judge who authorized his continued detention for an additional 15 days, which he served at Luanda's central prison. Although he was represented by a lawyer provided through legal aid at the hearing, the evictee claimed that the lawyer did not prepare his defense with him nor informed him of the offense for which he was being detained.

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<sup>58</sup> Human Rights Watch telephone and in-person interviews with Angolan lawyer David Mendes, Luanda, November and December 2006 and February 2007. Human Rights Watch telephone interview with Association for Justice Peace and Democracy (AJPD), Angolan human rights NGO focusing on the criminal justice system, Luanda, March 13, 2007.

<sup>59</sup> Human Rights Watch telephone interview with Angolan criminal justice expert with AJPD, Luanda, March 14, 2007.

<sup>60</sup> In 27 interviews conducted by Human Rights Watch in Cambamba I and II, Banga We, Bairro da Cidadania, Benfica, Wengi Maka, Maria Eugenia Neto, and Soba Kopassa, evictees reported that they had been arrested or witnessed the arrest of individuals or groups of individuals (varying from two or three to approximately 20). According to these accounts, individuals arrested were held in police custody usually for periods of a few hours, or sometimes one or two days, and were either told nothing about the reason for their arrest or simply told they were “agitating” the population or disobeyed the officials carrying out evictions.

The man was finally released on September 7, 2001. His release form (*termo de soltura*), which should identify the crime for which he was arrested and detained, stated that such crime was “not specified.”<sup>61</sup> Failure to inform a detainee of the grounds for his or her arrest renders a detention arbitrary and makes it unlawful under international standards. In practical terms, being denied basic information such as the alleged offence also makes it impossible to verify whether the person has been held beyond the detention limits provided for under Angolan law, as the time period varies depending on the offense.<sup>62</sup>

Human Rights Watch interviewed a female evictee from Wengi Maka who in 2004 was taken into custody with her four children, who were respectively eight years, six years, two years, and six months old. The woman and her husband were rebuilding their house, which had been demolished two years before, when police officers arrived and told them they must move. The officers left after a heated argument involving others present at the site in which they opened fire in the air. The police returned some hours later. When they did not find the man, they took the woman and children to the 33rd police station at the V Division and told her that she would only be released once her husband reported. She was neither charged nor informed of any crime she may have had committed, and appeared to have been held as a hostage to secure access to the man. The family slept three nights in a cell. The three older children spent periods detained on their own while the mother was released with the baby once a day to go home and prepare their meals.<sup>63</sup> The eight-year-old child told Human Rights Watch: “There were shots...I slept on the floor in the cell. There was a padlock in the door...We stayed on our own, me and my brothers, when mummy left to get food.”<sup>64</sup> Even if this woman had been legally arrested, her older children should not have been incarcerated with her, as they were minors and not accused of any crime. An alternative arrangement, such as placing the children with family members or a child care institution, should have been made. In the end, the

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<sup>61</sup> Human Rights interview with H.T., 40-year-old evictee from Maria Eugenia Neto, Luanda, August 4, 2006.

<sup>62</sup> The legal period for pre-trial detention varies according to the type of crime and the type of penalty a specific crime entails. *Lei da Prisao Preventiva em Instrucao Preparatoria*, Lei 18A/92, July 17, 1992.

<sup>63</sup> Human Rights Watch interview with B.K., 26-year-old evictee from Wengi Maka, Luanda, August 3, 2006.

<sup>64</sup> Human Rights Watch interview with J.C., 8-year-old evictee from Wengi Maka, Luanda, August 3, 2006.

woman and children were released after three days following representations by the residents' committee of Wengi Maka.

In one case in October 2005, evictees were detained when they went to the Kilamba Kiaxi municipal administration to seek information on the demolition of their houses that had occurred the previous day. The police held approximately 20 people in custody, some in cells and others in the corridors of the police station at the V Division, from early morning until 6 to 7 p.m. None of them was formally charged with any crime or received any justification for their detention. One of these evictees recounted the arrest:

[We asked what was going on and] they told us to go to the [municipal] administration the following day. We went there, approximately 20 of us. Then they said we were there to invade the administration. The administrator called the police and we were taken to the police station. When we got there they said we had disrespected the administration and had to be arrested.<sup>65</sup>

During an eviction operation in June 2005 in Soba Kopassa, a police officer beat with the handle of his gun an evictee who was demanding explanations for the forced removal. The police pushed him into a police car and took him to the police station at Vila Estoril. He stayed there two nights and was then released with the help of SOS Habitat. He was not told why he was arrested or formally charged with any crime.<sup>66</sup>

Many other evictees reported that they had been beaten with the flat/lateral part of machetes:

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<sup>65</sup> Human Rights Watch interview with A.M., 40-year-old evictee from Soba Kopassa, Luanda, August 2, 2006.

<sup>66</sup> Human Rights Watch interview with K.B., evictee from Soba Kopassa, Luanda, August 8, 2006.



I and three more people were taken to the nearest police station. They took us to a small room and beat us with sticks. They let me go because I had children to take care. But the men slept there.<sup>67</sup>

They did not beat the women, but they beat the men...At the police bureau at the Project [Nova Vida] they were using a broom stick, but it broke, so they used a shovel. When they took us to another building [police station] they used machetes. I saw it.<sup>68</sup>

They took us to a room and beat us. There were around five police men. Then they took us to [the police station at] Golfe and there they beat us with machetes, thirty times each.<sup>69</sup>

The last time they came I tried to show the documents we had presented at DNIC [National Directorate for Criminal Investigation].<sup>70</sup> There was no talk. They beat and handcuffed me. I and eight other people stayed there [at the eviction site] handcuffed from 9 a.m. to 2 p.m. Then I and about four people more were taken to the command of the VII Division. We didn't stay for more than an hour...<sup>71</sup>

### *Destruction and loss of personal property*

During most of the evictions investigated by Human Rights Watch and SOS Habitat, the government officials and police officers unreasonably interfered with people's privacy by taking disproportionate measures such as the destruction of personal

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<sup>67</sup> Human Rights Watch interview with B.X., 30-year-old evictee from Soba Kopassa, Luanda, August 2, 2006 about an incident that took place on July 2005 during evictions initiated the month before.

<sup>68</sup> Human Rights Watch interview with T.B., 33-year-old female evictee from Cambamba I, Luanda, July 30, 2006 about an incident that took place on March 13, 2006. Projecto Nova Vida is a government housing project being developed in the area of Banga We, Cambamba I and Cambamba II. The second phase of development of this project has been under implementation since November 2005. See <http://www.imogestin.com/index.html> (accessed March 21, 2007).

<sup>69</sup> Human Rights Watch interview with L.R., 31-year-old evictee from Cambamba I, Luanda, July 30, 2006 about the arrest that took place during evictions on March 2006.

<sup>70</sup> The National Directorate for Criminal Investigation (Direcção Nacional de Investigação Criminal, DNIC) is the division of the National Police in charge of criminal investigation.

<sup>71</sup> Human Rights Watch interview with G.T., 54-year-old evictee from Bairro da Cidadania, Luanda, August 1, 2006 about an incident in May 2006, the fifth time houses in the area were destroyed in forced eviction operations.

possessions. Evictees' accounts indicate that the government's actions during these evictions were excessive and caused avoidable damage to their personal belongings and livelihoods. Many people reported that they were threatened or beaten by police officers when trying to retrieve their possessions from their houses before bulldozers ran over them. Other evictees reported to Human Rights Watch that municipal and provincial officials and police officers carrying out evictions did not allow them to empty their houses. One evictee from Cambamba II recounted his experience with police officers on March 13, 2006:

They arrived and didn't talk to anyone...and they pushed down the houses...There was time for nothing...we couldn't take anything out. They broke my bed, my oven; they ran over everything. I tried to do something and they took me. I was trying to get my stuff out and they threw me in the police car...I had a brick house.<sup>72</sup>



Evictees at the Cambamba I eviction site. © 2006 Paula Martins/Human Rights Watch

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<sup>72</sup> Human Rights Watch interview with C.A., 35-year-old evictee from Cambamba II, Luanda, July 29, 2006.

Elderly residents, women and even children who did not have the means or capacity to retrieve bigger or heavier possessions, such as beds and stoves, lost everything. One woman told Human Rights Watch that when she saw the police and the bulldozers she ran to look for her children and left everything behind: “We were left only with the clothes we were wearing.”<sup>73</sup>

Evictees also said that bulldozers crushed their houses and crops and then covered the remains with earth so that people could not reuse them. Many who had no time to empty their houses had their personal belongings buried under the debris. They had to dig under their original housing site in search of things that could be saved. Many lost their identification papers and other documents. Several evictees recounted their experience of destruction during evictions:

They threw earth in our water tanks. They buried our furniture. They destroyed our manioc and our mango trees.<sup>74</sup>

They came in with trucks after the bulldozers, and they took metal sheets, wood stalls and whatever else they found. There was no talking. Some things I could not take out of the house; I only got the stove and some clothes...The bulldozer broke down the house and then covered everything.<sup>75</sup>

I got here at the same time as [name withheld of female who arrived in 1996]. [My house] was broken in 26 of September, 2005. I could not save anything that was inside. It was fourteen for nine square meters. It was finished and painted. If there was anything good left, doors,

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<sup>73</sup> Human Rights Watch interview with M.M., 57-year-old evictee from Cambamba II, Luanda, July 29, 2006 about evictions on November 2005. M.M. had already been evicted from the nearby area of Banga We a few years before.

<sup>74</sup> Human Rights Watch interview with K.M., 44-year-old evictee from Bairro da Cidadania, Luanda, August 1, 2006 about an incident on May 5, 2006. K.M. had cultivated her land in the area since 1981 and resided there since 1997.

<sup>75</sup> Human Rights Watch interview with F.M., 43-year-old female evictee from Cambamba I, Luanda, July 30, 2006 about an incident on November 24, 2005. She had been in this land since 1976 and been told by local officials she could remain there.

windows, they would take it. This is all I got left [showing the door knob].<sup>76</sup>

In the neighborhoods of Wengi Maka and Bairro da Cidadania, evictees told Human Rights Watch and SOS Habitat that whenever doors, metal sheets or any other parts of the houses were left intact after demolitions, unidentified civilians accompanying local municipal officials and police officers collected these materials, put them in trucks and took them away:

They went to the market over there and called some young men—they offered some money to them—to come help with the demolitions. They destroyed the houses and those young men followed collecting metal sheets, doors, whatever was left.<sup>77</sup>

The Committee on Economic, Social and Cultural Rights has clearly stated that all those carrying out evictions should be properly identified to safeguard residents against abuses.<sup>78</sup> The use of untrained and unaccountable individuals to carry out evictions greatly increases the risk that evictees' physical security and property will be endangered, and that there will be little recourse should such incidents occur.

### *Harassment of civil society organizations*

Police officers also intimidated staff of human rights organizations who witnessed eviction operations. According to a journalist present during the March 13, 2006 eviction in Cambamba:

I arrived after the first evictions that day...I was there with Luiz Araujo from the NGO SOS Habitat and two representatives of United Nations

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<sup>76</sup> Human Rights Watch interview with F.G., 90-year-old evictee from Bairro da Cidadania, Luanda, August 1, 2006. F.G.'s shelter was destroyed again in May 2006.

<sup>77</sup> Human Rights Watch interview with J.K., 60-year-old evictee from Bairro da Cidadania, Luanda, August 1, 2006.

<sup>78</sup> UN Committee on Economic, Social and Cultural Rights, General Comment 7, para. 15 (e).

Human Rights. The police spoke very aggressively with all three of them.<sup>79</sup>

SOS Habitat director Luiz Araujo was arrested during evictions in the area of Cambamba I, Cambamba II, and Banga We, on November 24, 2005. Araujo arrived at the eviction site around 9:30 a.m. and soon after tried to address the police officers present at the site to enquire about the eviction order. He was surrounded by four or five police officers who beat him, put him in a police vehicle, and took him and 12 residents of the area, to the police station located at project Nova Vida. While there, he was kept in the office of the police station commander. On the same day he was transferred to the police station at Golfe, put in a cell, and not allowed to see a lawyer. The following day he and the 12 residents were taken by the police to the court. The residents were forced to keep their shirts off during the car drive. At the court Araujo was allowed to see his lawyer for ten minutes before being brought before the judge. The judge heard a government official (*fiscal*) and a police officer. At no point during this process was Araujo informed of the reason for his arrest or heard by the judge. The judge decided to return the case to DNIC for further investigation and released Araujo and the others, having taken and registered their personal identity elements (*termo de identidade e residencia*).<sup>80</sup>

SOS activist Rafael Morais was arrested on May 5, 2006, during an eviction at Bairro da Cidadania. He was arrested by members of the Command for the Protection of Strategic Objectives Unit (Comando da Unidade de Proteccao dos Objectivos Estrategicos, CUPOE) when trying to explain the rights of the residents. They accused him of being an “agitator” and took him to the municipal administration. While in custody they kept him barefoot and without a shirt. He was released later that same day after intervention by UN staff and a lawyer from the Angolan bar association.<sup>81</sup>

During evictions in Wengi Maka on June 26 of the previous year, the same activist was also arbitrarily arrested. The police did not inform him of the reasons for his arrest and he was not committing a crime. According to SOS Habitat Director Luiz

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<sup>79</sup> Human Rights Watch email interview with Sarah Grainger, BBC journalist, London, June 22, 2006.

<sup>80</sup> Human Rights Watch interviews with Luiz Araujo, Luanda and Lisbon, December 2006, March 2007, and May 2007.

<sup>81</sup> Human Rights Watch telephone interview with Rafael Morais, SOS Habitat staff member, June 12, 2006.

Araujo, Rafael Morais “identified himself as an SOS Habitat activist, addressed the official that headed the group of police officers, and asked clarifications about the legality of the acts they were carrying out. Without obtaining any answer, he was immediately detained together with citizen [name withheld] and [both] were subsequently transported in a police car, to the police station at Calemba II.”<sup>82</sup>

Luiz Araujo went to the police station to enquire about the arrest of his coworker and, while there, was also detained and taken to the command of the V Division:

Called by another activist from SOS Habitat, I went there with Mr. Adriano Parreira. Together we went to the police station where Rafael was to find out about what crime he was accused of. We were inside talking to an officer and meanwhile, residents of Wengi Maka concentrated in front of the police station. Suddenly the police started shooting to disperse the people, they arrested [name of female resident of Wengi Maka withheld] and other neighbors. Then they transported us to the Command of the division and there we learned we were accused of attempting to invade the police station. We spend the day there. In the presence of [lawyer] Mr. Luis Nascimento, we finally learned that we were not arrested or detained.<sup>83</sup>

An eye witness to the March 13, 2006 eviction in the Cambambas testified that SOS Habitat activists were harassed at other times:

The police wanted to take Luiz Araujo,<sup>84</sup> who refused to go with them. They [the police] came to talk to us and wanted to take our

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<sup>82</sup> Submission by SOS Habitat to the Public Prosecutor, dated June 28, 2005 (on file with Human Rights Watch and SOS Habitat).

<sup>83</sup> Written comments by SOS Habitat Director Luiz Araujo to Human Rights Watch, Lisbon, February 28, 2007; Submission by SOS Habitat to the Public Prosecutor, dated June 28, 2005 (on file with Human Rights Watch and SOS Habitat). Mr. Adriano Parreira is a university teacher and the head of the Independent African Party (Partido Africano Independente, PAI).

<sup>84</sup> Luiz Araujo is the director of the Angolan organization SOS Habitat.

cameras...When we were leaving, the police was preparing to take one of SOS activists into custody. He was taken to the police station.<sup>85</sup>

The SOS staff member who was arrested was released later the same day, after the Director of SOS Habitat and staff of international organizations present at the eviction site went to the police station and made the case against his illegal detention.

## **Failure to apply minimum procedural safeguards**

### *Lack of information and consultation*

Human Rights Watch's interviews with evictees indicate that they were not sufficiently informed of, or consulted about, planned eviction operations. Contacts between the government and the affected population prior to and during evictions varied greatly in each neighborhood. However, in all of the 18 mass evictions documented by Human Rights Watch and SOS Habitat, evictees reported lack of, or insufficient information concerning: (a) the authority that ordered the eviction and the reasoning behind it (justification); (b) the specific use to which the cleared land would be put after the eviction; (c) compensation to displaced residents; (d) the legal status or length of their occupation or possession of the land; and (e) possible alternatives to their removal. Most evictees reported that they had never been informed that the government "would need their land" before eviction day.

Evictees in Cambamba I and II, Banga We, Soba Kopassa, Talatona, Benfica, Onga, Mbondo Chape, and Munlevos reported that municipal officials visited their neighborhoods with no prior notice and numbered people's houses. Although residents could not be precise about the dates when the numbering occurred, it usually preceded the first eviction in the neighborhood by a few days. In most of these cases, officials provided no information about the purpose of the numbering, even when residents asked them directly.<sup>86</sup>

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<sup>85</sup> Human Rights Watch phone interview with C.P., staff of a human rights organization based in Luanda who requested anonymity, Luanda, July 4, 2006.

<sup>86</sup> Human Rights Watch interview with P.S., evictee from Wengi Maka, Luanda, August 3, 2006; Human Rights Watch interview with P.M., evictee from Soba Kopassa, Luanda, August 2, 2006; Human Rights Watch interview with L.H. and K.T., evictees from Benfica, Luanda, August 5 and 8, 2006; Human Rights Watch interview with P.R., evictee from Benfica relocated to Panguila, Luanda, August 5, 2006.

Evictees from Benfica told Human Rights Watch that only those individuals who were home on the day of the numbering had their houses marked. All those who were not present had their houses ignored. Later when they were evicted and their houses demolished, only those who had their houses marked were relocated.



House marked for demolition by the Provincial Government in Mbondo Chape. © 2006 Paula Martins/Human Rights Watch

F.T. told Human Rights Watch that he had lived in Benfica since 2000, but he was traveling when they marked the houses: “Because they did not tell they were coming, many people were not home. Those who were not home did not receive anything. When I and the others went there to complain, they told us there were no more [relocation] houses left.”<sup>87</sup>

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<sup>87</sup> Human Rights Watch interview with F.T., 25-year-old evictee from Benfica, Luanda, August 7, 2006.



In Munlevos, the opposite happened. When municipal officers came to mark the houses in September 2005, they only marked those houses whose residents were not present and only the marked houses were supposed to be demolished:

They put numbers in all houses whose owners were not here. If the resident wasn't home, the house was marked. But they didn't say why, they didn't say anything...[When they came back a few days later] they arrived and didn't speak to anybody. They only pointed "this house" and the bulldozer would come and destroy the house. First they only destroyed the houses that were numbered. But at the end even some houses which were not numbered ended up demolished. My sister, for example, her house was not numbered but they demolished it and now she's living here with me.<sup>88</sup>

In the Cambambas neighborhood in November 2005, the numbering of the houses was also a prelude to demolitions:

In 2005 some *fiscais* [local government officials] and the police came and marked GPL [Provincial Government of Luanda] in people's houses. They left a notification requesting the Committee of Residents to be at Samba's municipal administration at 10 a.m. the following day [Kilamba Kiaxi, not Samba, is the municipality that oversees the area of Cambambas]. The next day around 6 to 7 a.m., when the members of the commission were meeting to discuss the visit to the administration, they arrived and started to demolish.<sup>89</sup>

The exact reason for marking the houses, as indicated in the accounts above, varied greatly from one neighborhood to the other. Since the government fails to provide clear (or any) information to residents, the numbering of houses often creates fear, suspicion, and confusion.

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<sup>88</sup> Human Rights Watch interview with V.E., 45-year-old resident of Munlevos, Luanda, August 1, 2006 about an eviction on July 3, 2006 and the numbering of houses the days immediately before the eviction.

<sup>89</sup> Human Rights Watch interview with W.R., 37-year-old male evictee from Cambamba I, Luanda, July 30, 2006. W.R. was a demobilized soldier evicted in November 2005. He was arrested even before the bulldozers got to his house.

Many evictees told Human Rights Watch and SOS Habitat that they tried to request information about eviction operations from the municipality or provincial government, but that officials would not meet them. An evictee from Sapu Vacaria told Human Rights Watch that when she and her neighbor tried to seek information about their imminent eviction after numbering, municipal and provincial authorities “would send us from one place to another.”<sup>90</sup> Evictees from Mbondo Chape affirmed that they were continuously told by local government officials to come back at a later date after waiting for hours and left with no reply but the setting of a new date for a meeting where the same situation would repeat itself.<sup>91</sup>

Municipal officials told farmers from Bem-Vindo that their land would be expropriated for the construction of a public hospital. When farmers contacted the provincial government and the Ministry of Health to discuss their removal, officials at both institutions told them they were not aware of projects under development in that area:

We had a meeting with the provincial government and with the health authorities and they said they knew nothing about a hospital in this area. But the sign they put there says “authorized by the Provincial Government!” We sent letters to DNIC [National Directorate for Criminal Investigation] and to the Municipal Administration of Samba, but there’s no reply to this date.<sup>92</sup> Because there are guards there, we cannot get to our land anymore. The construction works are already starting.<sup>93</sup>

As described earlier in this report, Angolan legislation requires the government to carry out an impact assessment, including a public hearing with the communities affected, when planning a development project with significant social or

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<sup>90</sup> Human Rights Watch interview with C.C., 60-year-old evictee from Sapu Vacaria, Luanda, August 3, 2006 about incidents on March 19, 2003; Human Rights Watch interview with T.R., 56-year-old evictee from Talatona, August 7, 2006.

<sup>91</sup> Human Rights Watch Interview with P.Q., 47-year-old evictee from Mbondo Chape, Luanda, August 1, 2006 about incidents on July 2006.

<sup>92</sup> National Directorate for Criminal Investigation (Direccao Nacional de Investigacao Criminal, DNIC).

<sup>93</sup> Human Rights Watch interview with N.H., 49-year-old small farmer in Bem-Vindo since 1983, Luanda, August 8, 2006 about incidents in 2006.

environmental impact.<sup>94</sup> None of the evictees interviewed by Human Rights Watch had been involved in or knew of any such impact assessment and consultations in their respective neighborhoods.

Several residents of areas under the constant threat of evictions told Human Rights Watch and SOS Habitat that they never know “who is telling the truth” and that they wanted a formal and open procedure to take place so they could better understand what was happening to their land. One evictee from Bairro da Cidadania who remained in the eviction site after the eviction waiting for negotiations with the government regarding adequate compensation or relocation, explained “[h]e [the municipal administrator] has many ‘languages’. First he comes here saying the land belongs to [name of a private investor withheld],<sup>95</sup> later he says this is an industrial area, then he says we really have to go, because this belongs to the state.”<sup>96</sup>

### *Insufficient notice*

While international law does not prescribe a specific notice period prior to evictions, the UN Special Rapporteur on adequate housing has recommended that there should be a notice period of at least 90 days before resettlement.<sup>97</sup> The general deadline under Angola law for notification to individuals of any public administration decisions is at least eight days.<sup>98</sup>

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<sup>94</sup> Lei de Bases do Ambiente, arts. 15 and 16.

<sup>95</sup> The municipal authorities alleged that this private individual owned the land currently known as Bairro da Cidadania (or Km 25). The evictees never saw the individual or copies of the alleged property documents. Human Rights Watch had access to two letters from the municipality of Viana, one addressed to the Resident’s Association from Bairro da Cidadania dated March 24, 2006, and the other addressed to a local individual resident dated April 18, 2006. The first informed local residents that the company Bauherr (no further details on the company included in the letter) was authorized to fence the land which, according to the letter, belonged to this private individual. The second letter is a notification giving resident N.W. 48 hours to vacate the area, which stated that the area was reserved by the state for industrial development. This means residents were given two different reasons, at different times, for their eviction. None of the documents provided full details of the laws and articles of the laws that were the legal basis for the eviction.

<sup>96</sup> Human Rights Watch interview with K.M., 44-year-old evictee from Bairro da Cidadania, Luanda, August 1, 2006.

<sup>97</sup> UN Commission on Human Rights, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Miloon Kothari, E/CN.4/2006/41, 14 March 2006, para. 56.j.

<sup>98</sup> Normas do Procedimento, art. 41. The draft implementing regulation to the land law, which was not in force at the time of writing but had been finally approved by the government, and to which Human Rights Watch had access, states that in case of expropriation for public use ends the government must notify individuals at least six months in advance (art. 132).

In the majority of evictions investigated by Human Rights Watch and SOS Habitat, the government gave no formal notice before municipal officials and police forces arrived to carry out evictions. Bulldozers started to demolish houses and crops immediately upon arrival with no prior warning. Many evictees were not present when their houses were demolished and returned home to find only the debris of what used to be their houses:

When they arrived they didn't say anything; didn't ask people to present documents. They only knocked down the houses. They did not bring a warrant [court order] and had not provided notification.<sup>99</sup>

I went to work and when I came back my house had been destroyed. My neighbors only managed to save the metal sheets that used to cover the house. Everything that was inside was broken...I rebuilt a shelter with the debris of the house.<sup>100</sup>

In the few cases where evictees were clearly warned about when evictions would take place, this notice to the evictees came after several other evictions had already taken place, was not issued by an appropriate authority, or the notice period was insufficient. For example, in the Cambambas, in February 2006, people were given 72 hours to leave their land by the director of the development project on site (Nova Vida) through an announcement on Radio Ecclesia.<sup>101</sup> Such general announcements are contrary to the legal obligation under Angolan law to notify each individual affected by decisions of the administration. They also hamper evictees' capacity to submit individual complaints to contest or appeal the evictions order because they do not contain sufficient information to prepare an administrative or judicial claim.

In Boavista in May 20, 2004, people were orally informed by municipal officials that they would have to leave the following day: "They used to come and say that we

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<sup>99</sup> Human Rights Watch interview with P.M., 37-year-old female evictee from Soba Kopassa, Luanda, August 2, 2006.

<sup>100</sup> Human Rights Watch interview with T.U., 25-year-old evictee from Maria Eugenia Neto, Luanda, August 4, 2006 about how his house was destroyed several times between 1998 and 2005.

<sup>101</sup> SOS Habitat public note, dated February 6, 2006, addressed to the president of the National Assembly, Luanda's provincial governor, the municipal administrator of Kilamba Kiayi, among others (on file with Human Rights Watch and SOS Habitat).

should be prepared...Then one day they came during the afternoon, around 6 p.m., saying we would be removed around 7 a.m. the next day.”<sup>102</sup>

In Bairro da Cidadania in April 2006, evictees received a written notification but only 48 hours before the evictions were due to take place. Only 12 families received the notification, although almost 300 would be affected by the eviction. The notice did not precisely define the purpose of the evictions and failed to include proper reference of its legal basis:

We are hereby informing you that the land plot you occupy, illegally, constitutes industrial reserve of the State.

Equally we alert your Excellency that the state intends to carry out the project developed for that plot, so you should for this fact clear it of people and belongings.

In order to address your needs, we want to inform you that the Municipal Administration, has created the conditions to award you another space with a view to satisfy your Housing needs, if you voluntarily withdraw from the mentioned space [that you occupy], within 48 hours from the date of reception of this document.

Once the deadline mentioned in the paragraph above expires, this Administration will avail itself of the procedure contained in law 10/87 and its regulations to withdraw compulsorily anything that stands in that place and without a right to any other benefits.<sup>103</sup>

During all mass evictions documented by Human Rights Watch, when requested to present eviction orders issued by a competent authority, municipal officials and

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<sup>102</sup> Human Rights Watch interview with M.L., 20-year-old evictee from Boavista, Luanda, August 5, 2006 about one eviction operation in July 21, 2004.

<sup>103</sup> Note from the Viana Municipal Administration, dated April 18, 2006, addressed to P.N., resident of Bairro da Cidadania (copy on file with Human Rights Watch and SOS Habitat). Proper reference of the law mentioned in the notice would require at least the exact date of the law and the articles on which the notice is based.

police forces failed to provide any document outlining the reasons for the eviction and naming the authority responsible for it (see also section on harassment of NGO activists).

## **Inadequate compensation**

According to the UN Committee on Economic, Social and Cultural Rights, states party to the ICESCR must ensure that individuals have a right to adequate compensation for any property that is affected by eviction orders, including both personal possessions and real estate.<sup>104</sup> Angolan law also obliges the state to provide compensation.<sup>105</sup> Neither international nor national legal standards define precisely what constitutes “adequate” compensation for eviction, or what form it may take. In civil law countries, such as Angola, governments usually provide either monetary compensation, in-kind compensation (alternative housing or land, material for rebuilding, etc.), or a combination of both. An Angolan land law expert confirmed to Human Rights Watch that it is a common practice in legal terms in Angola for authorities to provide alternative land or housing instead of money as a form of compensation to families evicted from their land or residence. This expert noted that the underlying assumption behind compensation is to create a situation as close as possible to the situation that existed before the eviction.<sup>106</sup> According to the information collected by Human Rights Watch and SOS Habitat, in most situations the Angolan government provided some form of compensation but without a consistent procedure in place to determine either its form or amount. However, many evictees received no compensation at all:

We want to expose our situation. If the government wants the land, then compensate us for the purchase price and regularization expenses already paid or give us another decent location to live,

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<sup>104</sup> UN Committee on Economic, Social and Cultural Rights, General Comment 7, para. 13.

<sup>105</sup> Lei da Terra, art. 12(3).

<sup>106</sup> Human Rights Watch telephone interview with Z.B., Angolan land expert who requested anonymity, February 1, 2007.

where there are schools and hospitals. We're not requiring this land but everything that we have put into it; this is our right!<sup>107</sup>

There was never compensation, not even a pack of cement, nothing.<sup>108</sup>

On the day they broke my house they brought us here [to the relocation area], left us in the rain and gave us 20 nails.<sup>109</sup>

In 2002 they demolished houses over there to build the hospital. The Administration said they would indemnify, but we know no one who received anything.<sup>110</sup>

When they took us out of Onga they didn't say anything. When we got here [to Fubu] they said they were going to give us material [for construction], but all they gave us was some nails. I never received compensation.<sup>111</sup>

In several neighborhoods where evictees received some form of compensation, they described the process of allocating such compensation as flawed, irregular, or unfair: “[t]hey were counting on there being few people but after all there are a lot and they don't have money anymore. They started out by paying well but now they are not paying enough.”<sup>112</sup> Witnesses told Human Rights Watch and SOS Habitat that people sometimes received money in envelopes and were made to sign receipts before

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<sup>107</sup> Human Rights Watch interview with G.T., 54-year-old evictee from Bairro da Cidadania, Luanda, August 1, 2006 about the several eviction operation that occurred in this area, the last of which in May 5, 2006. G.T. paid for his land plot and subsequently had his house demolished twice.

<sup>108</sup> Human Rights Watch interview with H.T., 40-year-old evictee from Maria Eugenia Neto, Luanda, August 4, 2006 referring to several eviction operations in this area.

<sup>109</sup> Human Rights Watch interview with B.A., 33-year-old evictee from Onga relocated to Fubu, Luanda, August 4, 2006.

<sup>110</sup> Human Rights Watch interview with B.X., 30-year-old female evictee from Soba Kopassa, Luanda, August 2, 2006 about evictions in 2002 when her sister lived in the area. B.X. moved to the area with her family in 2005 and also had her house destroyed in evictions in March and June that year.

<sup>111</sup> Human Rights Watch interview with C.T., 33-year-old evictee from Onga relocated to Fubu, Luanda, August 4, 2006 about incidents in 2003.

<sup>112</sup> Human Rights Watch interview with P.U., 48-year-old female evictee from Mbondo Chape, Luanda, August 1, 2006 about provision of compensation in 2006. P.U. occupied her land in Mbondo Chape since 1975.

seeing their content: “[f]irst they tell people to sign; when people see the amount they complain. But they say ‘now you’ve already signed.’”<sup>113</sup>

Evictees from Bem-Vindo said that only about 30-35 small farmers of the 105 affected by evictions in this neighborhood had received some money as compensation when Human Rights Watch visited the area in August 2006. The ones that did not agree with the amounts initially proposed have been trying to negotiate compensation since August 2005 when local administration officials first came to the area and told them the government needed their land. In November 2005 several land plots had been fenced without the farmers consent and without compensation having been agreed. Many small farmers and residents have meanwhile left the area, either because they eventually agreed with the compensation proposed, were discouraged by the lack of progress and intimidation, or because they could no longer access their land.<sup>114</sup>

In Benfica, Mbondo Chape, and Bem-Vindo, some evictees who received monetary compensation for their demolished houses or land found the amounts insufficient and much lower than the market value they estimated for their property.<sup>115</sup> In Mbondo Chape and Onga evictees reported that in their neighborhood residents received different amounts of money as compensation, although no evaluation was carried out to ascertain the exact size and value of each housing unit or land plot.<sup>116</sup> In Bem-Vindo some evictees received compensation while others did not—without any justification or apparent criteria for such different treatments:

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<sup>113</sup> Human Rights Watch interview with V.V., 85 years old, N.H, 49 years old, J.L., 64 years old, and D.F, 44 years old, evictees from Bem-Vindo, Luanda, August 8, 2006.

<sup>114</sup> Human Rights Watch interview with V.V., 85 years old, N.H, 49 years old, J.L., 64 years old, and D.F, 44 years old, evictees from Bem-Vindo, Luanda, August 8, 2006 about the situation regrading compensation as of 2006.

<sup>115</sup> According to research by Development Workshop and data from the Ministry of Urban Planning and Environment, the real estate property market in Luanda is mostly informal. In the formal market people can only obtain land from three housing cooperatives and the Urban Development Company Lt. (Empresa de Desenvolvimento Urbano Lda., EDURB, which manages the development in a vast area in the south of Luanda). All grant rights over land given to them in concession by the state. Formal market value in the south of Luanda, according to a proposal by EDURB to which Human Rights Watch had access, is 45USD per square meter. This amount was also confirmed by information from residents of Talatona who received an offer to purchase the land they were already occupying to avoid being removed from there, and of a researcher of a Luanda-based organization working on land issues who requested anonymity.

<sup>116</sup> Human Rights Watch interview with E.Q., 36-year-old evictee from Onga relocated to Fubu, Luanda, August 4, 2006 about events in Onga in 2003.



We were waiting. He called us, tore up a paper in two and asked us to sign. I didn't want to sign before knowing the amount. It was 30,000 kwanzas [approximately US\$375]. I didn't accept...it wouldn't cover the damage they had already made. When I went there to get the money, they had already destroyed my crop [land cultivated by a female evictee in Mbondo Chape since 1975].<sup>117</sup>

The 28 of October was the date agreed for paying the people...They gave people 11,000 to 30,000 kwanzas [approximately US\$140 to US\$375]. People started to protest against these amounts...Mr. [name withheld] was threatened...From then on people were afraid.<sup>118</sup>

Evictees from Cambamba I recounted a similar experience. They told Human Rights Watch that the government's housing project being developed in the area provided compensation for the residents evicted initially in 2001, but not for those evicted in 2004, 2005, and 2006.<sup>119</sup> On April 18, 2006, when people had been living in makeshift shacks for almost a year and the neighborhood was almost destroyed, the director of the project sent two representatives to the community to register the remaining evictees, allegedly to provide for their relocation.<sup>120</sup> The document appointing these two representatives, however, said nothing about the purpose of the registration and when Human Rights Watch visited in December 2006, these evictees had not been relocated.

SOS Habitat staff accompanied one group of evictees from Bem-Vindo to the municipal administration of Samba to support them in requesting information on the criteria used to define the compensation amounts. According to a staff person from SOS Habitat, this was the administrator's reaction:

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<sup>117</sup> Human Rights Watch interview with R.V., 46-year-old small farmer from Mbondo Chape, Luanda, August 1, 2006 about incidents in July 2006.

<sup>118</sup> Human Rights Watch interview with N.H., 49-year-old evictee from Bem-Vindo, Luanda, August 8, 2006.

<sup>119</sup> Human Rights Watch interview with K.O., 43-year-old evictee from Cambamba I, Luanda, July 27, 2006. K.O. paid for the regularization of his land in 2004 to local administration officials but had his house demolished in November 2005.

<sup>120</sup> Credential from the Ministry of Public Works, Project Nova Vida, dated April 18, 2006, and signed by the Director of the project (copy on file with Human Rights Watch and SOS Habitat).

Mr. [name withheld] said the state would not go on buying land from any peasant and that the amounts granted corresponded to a kind of reimbursement for the time peasants had spent working in those lands. They should not think of high amounts...Mr. [name withheld] said the peasants were free to seek a solution anywhere they wanted, but they should have in mind that the state never loses in the courts and that he, in his capacity as a public agent, had the law always on his side.<sup>121</sup>

### *Compensation through relocation or resettlement*

During the course of this research, Human Rights Watch and SOS Habitat identified five relocation and resettlement sites provided by the government: Zangu, Panguila, Sapu, Camana, and Fubu.<sup>122</sup> Human Rights Watch interviewed evictees from Onga, Benfica, and Boavista who had received alternative housing or land plots in the relocation areas of Fubu and Panguila.<sup>123</sup> Evictees from Onga and Benfica told Human Rights Watch that they had not wanted to be removed to Fubu or Panguila but had no option because their houses were destroyed and they had no other place to go:

People didn't want to come here, but they had to because their houses were demolished.<sup>124</sup>

A lot of people said: "there is no food here, there is no water, it is far from the road"; what am I going to do here? And they destroyed all my bricks, how will I build a new house in this place?<sup>125</sup>

One woman evicted from Boavista in May 2005 and relocated to Panguila, told Human Rights Watch that residents were not informed that they were going to Panguila until after they were evicted and on the day they were transported to the

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<sup>121</sup> SOS Habitat Situation Memo on the Bem-Vindo case, dated October 13, 2005.

<sup>122</sup> Fubu is the name by which a relocation area within the broader area of Mbonde Chape is known to local residents.

<sup>123</sup> Human Rights Watch also visited Fubu but conducted no interviews in this site.

<sup>124</sup> Human Rights Watch interview with E.Q., 36-year-old evictee from Onga, Luanda, August 4, 2006 about events in 2003.

<sup>125</sup> Human Rights Watch interview with C.T., 33-year-old evictee from Onga, Luanda, August 4, 2006 about her relocation to Panguila.

new site in trucks.<sup>126</sup> Two other young women relocated on the same day said it was the truck driver that told them where they were going.<sup>127</sup> In Bairro da Cidadania the municipal administration offered the residents bare land plots in Sapu as compensation, but only after evictions had taken place, and only when faced with the evictees who had stayed in the area under very harsh living conditions and who insisted on adequate resettlement conditions.<sup>128</sup>

In a meeting with Human Rights Watch, the Angolan minister for urban management and environment provided general information on low income housing units built by the government in recent years, some of which have been used to resettle evictees from several areas of Luanda. However, the data from the ministry did not include precise information on the total number of evictees who received land plots or housing as compensation for the evictions from the areas researched for this report.<sup>129</sup>

In some neighborhoods researched by Human Rights Watch and SOS Habitat, evictees reported that local government officials came to the area and collected some information about families, their date of arrival and settling in the area, and number of residents in the neighborhood. In many of these cases officials gave residents a paper with a number (*fichas*) and often told them they were written with a view to awarding compensation.<sup>130</sup> However, such officials failed to provide any

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<sup>126</sup> Human Rights Watch interview with L.F., evictee from Boavista relocated to Panguila, Luanda, August 5, 2006 about the situation in 2006.

<sup>127</sup> Human Rights Watch interview with B.V. and M.L., female evictees from Boavista relocated to Panguila, Luanda, August 5, 2006 about events in 2004.

<sup>128</sup> Human Rights Watch interview with P.E., 50-year-old female evictee from Bairro da Cidadania, Luanda, August 1, 2006. P.E. paid for her land to local government officials in 2004 but her house was demolished in May 5, 2006.

<sup>129</sup> According to data from the Ministry on Urban Planning and Environment, between 1993 and 2005 the government constructed 6,000 "social houses" (houses constructed for resettlement purposes) in Zangu, 3,000 in Panguila, 1,000 in Sapu and 102 in Camama. Most of Zangu was assigned to families evicted from Boavista (an estimated 4,000 families in 2001 and many others - no accurate estimate exists - between 2002 to 2006). The rest of the houses were assigned to evictees from several smaller scale evictions, including evictees from Onga (approximately 300 evictee families) and Benfica (approximately 470 families). However, the government data does not indicate how many of these houses were actually awarded as compensation to evictees from other areas of Luanda, especially the areas researched in this report. It also does not provide information about any consultation process with the affected communities regarding their relocation to these places or how many evictees were not resettled there and why. Human Rights Watch interview with Minister for Urban Planning and Environment Sita Jose, Luanda, August 10, 2006.

<sup>130</sup> Human Rights Watch interview with K.A., R.J. and R.R., evictees from Cambamba I, Luanda, August 10, 2006; Human Rights Watch interview with H.J., evictee from Cambamba II, Luanda, July 27, 2006; Human Rights Watch interview with I.O., evictee from Cambamba I, Luanda, July 30, 2006; Human Rights Watch interview with F.A., evictee from Maria Eugenia Neto, Luanda, August 4, 2006; Human Rights Watch interview with H.Y., evictee from Maria Eugenia Neto, Luanda, August 4, 2006; Human Rights Watch interview with U.T., evictee from Soba Kopassa, Luanda, August 2, 2006.

further information or consult residents about the amounts of compensation or possible relocation sites. Evictees reported they often never came back to the neighborhood, continuously told people to wait, or just halted the process once they realized the residents did not agree with the proposed compensation amounts or relocation areas.<sup>131</sup>

### *Failure to ascertain residents' rights*

In the mass evictions researched by Human Rights Watch and SOS Habitat, the government failed to ascertain whether people had any formal title or other legal entitlement to the land before evicting them.

One evictee from Talatona told the two organizations that “the government never asked for any document; it didn’t matter if people had document or not, they just said the government needed the land.”<sup>132</sup> Evictees from Gaiolas, Soba Kopassa, and Fubu told us this was also the case in their neighborhoods: “They hushed away people with and people without documents. They never asked.”<sup>133</sup>

In addition to being illegal, it is also not reasonable to make proper expropriation procedures and compensation dependent on formal titles in a city where informality is so predominant and where the government has failed for decades to provide efficient and accessible land registration mechanisms. (See section below on security of tenure.)

### **Repeated evictions from the same areas**

Over the period of 2002 to 2006, many informal housing areas saw repeated evictions taking place at different times. Many families, who had nowhere else to go

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<sup>131</sup> Human Rights Watch interview with H.Y., 24-year-old evictee from Maria Eugenia Neto, August 4, 2006; Human Rights Watch interview with B.X., evictee from Soba Kopassa, Luanda, August 2, 2006; Human Rights Watch interview with O.A., 48 years old, T.U., 76 years old, D.O., 67 years old, S.P., 36 years old, M.G., 45 years old, and M.A., 42 years old, evictees from Gaiolas, Luanda, August 7, 2006.

<sup>132</sup> Human Rights Watch interview with T.R., 56-year-old male evictee from Talatona, Luanda, August 7, 2006.

<sup>133</sup> Human Rights Watch interview with B.A., 33-year-old female evictee from Fubu, August 4, 2006. Also Human Rights Watch interview with O.A., 48 years old, T.U., 76 years old, D.O., 67 years old, S.P., 36 years old, M.G., 45 years old, and M.A., 42 years old, evictees from Gaiolas, Luanda, August 7, 2006; Human Rights Watch interview with A.M., 40-year-old male evictee from Soba Kopassa, Luanda, August 2, 2006.

after the first eviction operations and rebuilt shelter in the same area, were later evicted again.

In the area of Cambambas, Banga We, and 28 de Agosto residents have already faced six eviction operations; in Bairro da Cidadania, residents have faced five evictions. These neighborhoods have been completely demolished but some evictees remain in the areas waiting for proper relocation:

They've come six times to destroy our houses. They always come with guns in their hands. The police came. There were shots. There are shots every time.<sup>134</sup>

Residents of different parts of Maria Eugenia Neto have been subject to evictions and demolitions at five different times and most of them have rebuilt their houses with their own means. Benfica sustained four evictions and the neighborhood has been completely cleared.

Soba Kopassa has experienced demolitions three times and residents have mostly rebuilt since the last eviction in September 2005. An evictee from Soba Kopassa shared his experience with Human Rights Watch:

They destroyed everything, but people had no place to go, so they rebuilt houses with metal sheets...In June 2005 they came again; no notice, no warrant, they arrived breaking everything...We complained to a lot of people...to Radio Ecclesia, to the provincial government, to politicians, to the president...I believe that's why they didn't come back since that last time. I'm still living here, in a metal sheet house with all my children.<sup>135</sup>

People stay in some evictions sites or return soon after because they have nowhere else to go and often the land from which they were evicted remains unused. For

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<sup>134</sup> Human Rights Watch interview with P.P., evictee, resident in Cambamba I since 1947, Luanda, April 10, 2006.

<sup>135</sup> Human Rights Watch interview with P.M., 37-year-old female evictee from Soba Kopassa, Luanda, August 2, 2006 about an incident in June 2005.

example, in Soba Kopassa and Bairro da Cidadania, people were evicted respectively for the expansion of a public hospital and the creation of an industrial zone, neither of which had been carried out at the time this report was written. The government could have waited until construction started to legally evict people and used that time to consult with them and to explore suitable alternatives to relocation.

Repeated evictions highlight that the government's support to people immediately following evictions was inappropriate—had the government provided adequate compensation or, at least, emergency shelter immediately following an eviction, people would not likely have returned to live in makeshift shelter in places that they had already been evicted from (see section below on inadequate shelter following evictions).

## **Consequences of evictions**

### *Inadequate shelter immediately following evictions*

International human rights standards clearly state that evictions should not result in homelessness or render individuals vulnerable to the violation of other human rights.<sup>136</sup> The UN Committee on Economic, Social and Cultural Rights clarified that “[w]here those affected are unable to provide for themselves, the government must take all appropriate measures...to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.”<sup>137</sup> In many of the situations researched by Human Rights Watch and SOS Habitat, evictions resulted in deprivation and in some cases homelessness. One evictee told Human Rights Watch:

We were around 300 families. People were brought here [to the relocation site] in phases. Some were brought by the trucks; other had to rent a car. Some people had their houses destroyed and lived in the open for one month before they were brought here, because they had no other place where they could stay.<sup>138</sup>

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<sup>136</sup> UN Committee on Economic, Social and Cultural Rights, General Comment 7, para. 16.

<sup>137</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 7, para.16.

<sup>138</sup> Human Rights Watch interview with S.J., 33-year-old evictee from Onga, Luanda, August 4, 2006.

I wasn't here when they destroyed my crop. There was nothing left...Where will I get food now, where will I work? Who is going to give me a job at this age? <sup>139</sup>

In Cambamba I and II, Human Rights Watch visited evictees who, following repeated evictions in 2004, 2005, and 2006 (the last on March 13, 2006), were living in makeshift shelters built from old plastic sheets and materials recovered from the debris of the demolitions. Human Rights Watch researchers visited the Cambambas area three times during 2006 with SOS activists. During a visit in April 2006, two evictee women in Cambamba II told us, “[w]e have no place to go, so we stay here and wait.”<sup>140</sup> In August 2006, Human Rights Watch witnessed the poor conditions in which people were still living through the cold season in Angola. At that time, more than 100 families were still waiting for a decision by the government concerning compensation or alternative relocation to affected families. When Human Rights Watch visited the site again in the beginning of December 2006 the situation remained unchanged. The government had provided no emergency shelter or assistance to these families.

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<sup>139</sup> Human Rights Watch interview with H.G., 85-year-old farmer who cultivated land in Bem-Vindo since 1954 and had his land appropriated in 2005, Luanda, April 10, 2006.

<sup>140</sup> Human Rights Watch group interview in the Cambambas, April 2006 about the situation of evictees immediately following the March 13, 2006 eviction.



Evictees from Cambamba II living in shacks after a series of eviction operations that demolished their original homes.  
© 2006 Paula Martins/Human Rights Watch

The provincial government gave empty land plots in relocation areas to some evictees from Onga. These evictees affirmed they did not receive any construction material to build new houses to replace the demolished ones, or for the construction of emergency shelter. They lived for months in shacks while saving money to build:

Fubu [relocation site] was divided into plots. They put up poles marking the plots and left people here. They didn't give us any construction material. We built a shack and only today—you can see the construction—only today we're building a brick house.<sup>141</sup>

Evictees from Benfica told us that after their first eviction in September 2002 local government officials took them to a land plot not far from their original residence site. A few days later, people claiming to own this new land told the evictees to leave because they were on private property. The evictees returned to the original eviction site by their own means and were later evicted again:

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<sup>141</sup> Human Rights Watch interview with E.E., 36-year-old evictee from Onga, Luanda, August 4, 2006 about the situation in 2006.



They [government officials] took us and left us in a desert—it was some agricultural land that belonged to other people. We went there on a Wednesday and on the Saturday the owners of the land came to send us away. They said, “You have to leave in 24 hours. You WILL leave, one way or another” ...We had to pay cars to take us back [to the site from where we had been initially evicted].<sup>142</sup>

When Human Rights Watch visited Bairro da Cidadania in April 2006, a small group of evictees from this neighborhood had accepted a compensation offer from the government of bare plots in Sapu. Human Rights Watch did not carry out interviews in Sapu but visited the site, which was very distant and isolated from the main road into central Luanda. People were living there in makeshift shacks and no water supply or basic sanitation had been established. Those evictees who stayed in Bairro da Cidadania to try to negotiate with the local authorities for a better relocation site as compensation for their eviction were not given any emergency help. When Human Rights Watch and SOS Habitat visited in April 2006 they were living in shacks made from the debris of their previous homes. When Human Rights Watch visited the same site again in August 2006, the evictees had been moved a few hundred meters but their shelter was the same.

### *Impact on access to employment, health care and education*

The majority of individuals interviewed by Human Rights Watch who were resettled had been evicted from areas in the extreme south of the city and relocated to the north side, several municipalities away.<sup>143</sup> Average relocation distance was more than 30 kilometers, which affected evictees’ access to jobs, health care, and education.

An evictee from Benfica relocated to Panguila, told Human Rights Watch that still today it can take her three hours to reach work back in Benfica.<sup>144</sup> She said that initially public transportation was only available in Panguila from 6 a.m. to 4 p.m.

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<sup>142</sup> Human Rights Watch interview with V.X., 47-year-old female evictee from Benfica, Luanda, August 5, 2006. V.X was among the first evictees to be relocated to Panguila in March 18, 2003.

<sup>143</sup> Fubu is an exception as it is also in the southern part of Luanda.

<sup>144</sup> Human Rights Watch interview with L.H., 30-year-old female evictee from Benfica, Luanda, August 7, 2006 about the transport situation in Panguila, where she was relocated after her house was demolished during evictions in 2003.

Another evictee told Human Rights Watch that when he was first taken to Panguila, he would leave work just past 6 p.m. and would only get home around 12 a.m., because at that time *candongueiros* (local informal buses) did not serve Panguila.<sup>145</sup>

Two young women evicted from Boavista told us that their older sister lost her job after resettlement to Panguila because she was unable to arrive as early as required by the employer due to distance and lack of transportation.<sup>146</sup> One girl evictee now living in Panguila told us that her father also had to look for another job after relocation from Benfica. Her mother still went to work in Benfica, but had to stay overnight several days with other family members because it was too distant and difficult to come back home everyday.<sup>147</sup> Access to transportation in the relocation areas visited by Human Rights Watch has improved (for example, today buses serve Panguila until 7 p.m.), but the residents of these areas still claim that there are not enough buses or that they stop running too early.

Evictees relocated in Fubu were settled in an area that is more than one kilometer away from the central road to Luanda where public transportation runs.<sup>148</sup> Many told us that when they were relocated, not even *candongueiros* served the area.

Women were particularly affected by the interruption of income-generating activities such as the selling of homemade donuts, popcorn and home grown vegetables in nearby street markets:<sup>149</sup>

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<sup>145</sup> Human Rights Watch interview with K.T., 39-year-old male evictee from Benfica relocated to Panguila, Luanda, August 7, 2006. Public transportation in Luanda is essentially ensured by small vans named after their drivers as *candongueiros*.

<sup>146</sup> Human Rights Watch interview with B.V. and M.L., 25 and 20-year-old female evictees from Boavista relocated to Panguila, Luanda, August 5, 2006 about the situation in their current residence area, after eviction on May 21, 2004.

<sup>147</sup> Human Rights Watch interview with G.H., 17-year-old evictee from Benfica relocated to Panguila, Luanda, August 5, 2006. G.H. resided in Benfica since 2001 but that land had been in her family for many years.

<sup>148</sup> Human Rights Watch researchers and SOS Habitat staff persons visited this site on August 4, 2006.

<sup>149</sup> The UN Special Rapporteur on adequate housing has expressed deep concern with the effects of forced evictions on some groups: “[f]orced evictions intensify inequality, social conflict, segregation and “ghettoization,” and invariably affect the poorest, most socially and economically vulnerable and marginalized sectors of society, especially women, children [...]” (UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, *Basic principles and guidelines on development-based evictions and displacement*, E/CN.4/2006/41, p. 15, para. 7). The disproportionate impact on women of forced relocation and forced evictions was also acknowledged by the UN Commission on Human Rights, which urged governments to address this issue (UN Commission on Human Rights, *Women’s equal ownership, access to and control over land and the equal rights to own property and to adequate housing*, E/CN.4/RES/2005/25).

When I lived in Onga I used to work at the street market, sell things. Here, there is nothing. People don't buy anything and there is no market close by.<sup>150</sup>

There I used to sell water to sustain myself; they broke my tank and gave me nothing.<sup>151</sup>

A significant proportion of female evictees interviewed by Human Rights Watch were heads of households, many of whom were widows who lost their husbands during the civil war:

There were a lot of widows and we didn't have husbands to argue with them. There were a lot of single mothers and I think that's why they didn't pay attention to us...It is us—single mothers with no support—that are suffering the most.<sup>152</sup>

In Panguila, there were no medical centers in operation when the first group of evictees arrived in March 2003. Even today, Panguila and especially Fubu residents must travel a long way (20 kilometers in the case of Fubu) to get to the nearest hospital. Nearby medical centers are private and charge for the treatments.

We don't have hospitals here...It's a serious problem. People can not live without a hospital. Things are bad. Here, to get to a hospital only in Maria Pia [in another municipality]. By the time you get there you're already dead!<sup>153</sup>

Children's access to education was also often disrupted because of evictions. In some cases, schools were not available at relocation sites when evictees were

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<sup>150</sup> Human Rights Watch interview with T.A., 29-year-old evictee from Onga relocated to Fubu, Luanda, August 5, 2006 about the situation in the relocation site in 2006.

<sup>151</sup> Human Rights Watch interview with L.F., 47-year-old female evictee from Boavista relocated to Panguila, Luanda, August 5, 2006 about incidents on May 21, 2004.

<sup>152</sup> Human Rights Watch interview with L.F., 47-year-old evictee from Boavista, Luanda, August 5, 2006 about events on May 21, 2004.

<sup>153</sup> Human Rights Watch interview with T.A., evictee from Onga, Luanda, August 4, 2006.

initially moved there. Distance and lack of transportation made it difficult to access schools in other areas. When Human Rights Watch visited, only primary schools were available in the relocation sites of Panguila and Fubu. Teenagers in junior high school had to walk two hours every day to get to school.

The government is not worried about bringing a school to this neighborhood—these people cannot stay illiterate—so the Catholic mission decided to set up a big school here. But nothing from the government. The urbanization company put another school up there, but this was days ago. When we got here there was nothing.<sup>154</sup>

Two young women relocated from Boavista to Panguila told Human Rights Watch about the difficulties they still face to go to and come back from school in central Luanda:

We do it in stages. From here to Cacuaco and from Cacuaco to Luanda...When we return after school, the *candongueiros* only run up to 8 p.m. and the bus only up to 7 p.m. When we get to Cacuaco sometimes there are no more buses. *Candongueiros* are also a problem. Sometimes there are no *candongueiros*, so we have to hitchhike. We get here by God's will. You have to see if you find someone you know to give you a ride. If not, it's a problem.<sup>155</sup>

This situation represents a potential risk to these young women, who have to walk on their own in the dark and sometimes cross isolated areas in a city marked by street criminality. The lack of transportation may render these girls vulnerable to assaults and abuses, including sexual violence.

In Cambamba I two evictees told Human Rights Watch that they were unable to send their children to school for more than a year. They tried to register their children in

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<sup>154</sup> Human Rights Watch interview with S.J., 33-year-old evictee from Onga relocated to Panguila, Luanda, August 4, 2006 about the conditions in the relocation site in 2006.

<sup>155</sup> Human Rights Watch interview with M.L., 20-year-old evictee from Boavista relocated to Panguila, Luanda, August 4, 2006 about the situation in the relocation site in 2006.

the nearby public school located in the housing project Nova Vida (developed in the land from which they were evicted) but were not allowed by the school board to do so. Today these children go to schools that are very distant:

I went there [to the school at project Nova Vida] last year at the time of registration. I wanted to register three [children]. They told me that “here only those who belong to the project Nova Vida can study, you from the neighborhood of the demolished houses cannot.” I spoke with the director of the school...She said that the director of project Nova Vida said “from the demolished houses no”...My neighbor F.F. also tried and they told her the same thing...[The children] walk to school. It takes more than an hour. I leave them there so they can come back. They come back alone but in the morning they can’t because the way is full of young men that intimidate the children. So I take them and come back to go to work.<sup>156</sup>

I went there with five children and we had to talk to the director [of the school]. They said, “We are not authorized to accept children from that demolished neighborhood,” and I said, “What am I going to do now?” Now they are in a school four kilometers from here. One is six, one is eight, one is nine, one is 12, and one is 14...They walk to school and it takes an hour. Sometimes they go alone; sometimes we try to accompany them when we are not working; otherwise they go alone.<sup>157</sup>

## **Protection against Forced Evictions: Security of Tenure**

States parties should...take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups.<sup>158</sup>

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<sup>156</sup> Human Rights Watch Interview with L.B., evictee from Cambamba I, Luanda, December 9, 2006.

<sup>157</sup> Human Rights Watch Interview with W.R, evictee from Cambamba I, Luanda, December 9, 2006 about the difficulties for her children attending school following the evictions in this area in 2004 and 2005.

<sup>158</sup> UN Committee on Economic, Social and Cultural Rights, General Comment 4, para. 8, a.

Secure land tenure gives residents clear legal rights against the government or private entities who make competing claims to the land. When evictions occur, clear rights to the land place residents in a stronger position to negotiate reasonable conditions for vacating their housing or land and adequate compensation. The Committee on Economic, Social and Cultural Rights states that irrespective of the type of tenure, all persons should possess a degree of security of tenure that guarantees legal protection against forced evictions, harassment, and other threats.<sup>159</sup>

In the cases researched by Human Rights Watch and SOS Habitat, insecure tenure made residents particularly vulnerable to forced evictions. Insecure tenure in these cases resulted from three main factors: inadequate land legislation and lack of public information about land rights and urban management policies; inadequate registration procedures; and a consequent false perception of security of tenure by residents.

*Inadequate land legislation and lack of public information about land rights and urban management policies*

The legal framework for land rights in Angola that has been in place since independence is complex and confusing. Lawyers and land law experts in Angola have highlighted this situation:

The global national situation of identification of the rights that effectively apply to land rights is chaotic. This is caused by multiple factors that occurred post-independence, namely the overlapping of real rights over the same thing, including rights by the state through nationalization and confiscation, or by the evolution of different rights' regimes implemented since the 1st Republic, aggravated by how

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<sup>159</sup> "Land tenure" is the mode by which land is held or owned, or the set of relationships among people concerning the use of land. See Geoffrey Payne, *Urban Land Tenure and Property Rights in Developing Countries* (London: Intermediate Technology Publications: Overseas Development Administration, 1997), p.3. The UN Committee on Economic, Social and Cultural Rights, the UN Commission on Human Rights, and the African Commission on Human and People's Rights have interpreted secure tenure to be a legal entitlement arising from the right to adequate housing (see for example UN Committee on Economic, Social and Cultural Rights, General Comments 4 and 7; UN Commission on Human Rights, Resolutions 2004/28 and 1993/77; and African Commission on Human and People's Rights, Communication 155/96 (2001)). "Tenure takes a variety of forms, including rental (public and private), accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property," UN Committee on Economic, Social and Cultural Rights, General Comment 4, para. 8(a).

outdated if not empty are the real rights registration records which do not reflect the real situation.<sup>160</sup>

After 1975 private property established under colonial laws that was not nationalized or confiscated was respected, but individuals could no longer acquire new private property rights.<sup>161</sup> Instead, they were granted “surface” or “possession” rights (right to use and exploit) over land owned by the state, including land that had been nationalized or confiscated.<sup>162</sup> Possession was—and still is—protected by law to the extent that even bad faith possessors (those who knew that the land they occupied belonged to someone else) are entitled to compensation for expenses incurred on necessary improvements to the property in case of eviction by the rightful owner. Additionally, people in possession of property over an extended period of time (five to 20 years, depending of the circumstances in which possession was established) could acquire property rights over a piece of land.<sup>163</sup>

The Constitutional Law approved in 1992 declared that “the state respects and protects the property of people...and the property and possession of land by peasants.”<sup>164</sup> However, it also stated that “all land belongs originally to the state.” The exact meaning of this provision was never clarified and Angolan land law experts have different interpretations of it today.<sup>165</sup> The first land law of independent Angola,

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<sup>160</sup> Jose Armando Morais Guerra, *Temas de Direito Fundiario e de Direito do Ordenamento do Territorio* (Lisboa: Edicao propria do autor, 2002), p. 104.

<sup>161</sup> The 1975 Constitutional Law established a socialist regime with “collective property” of all means of production, including land. Human Rights Watch telephone interview with Z.B., Angolan land expert who requested anonymity, February 1, 2007.

<sup>162</sup> “Surface” or “possession” rights are regulated by the 1966 civil code which remained in force after independence and to this date, although several of its provisions have meanwhile been revised by other laws.

<sup>163</sup> This is the procedure in the civil code called “usocapiao.” Although under the 2004 land law land rights can no longer be acquired through “usocapiao,” the law has no retroactive effect, so rights acquired in this manner before it came into force must be respected.

<sup>164</sup> Lei Constitucional de Angola, Lei n. 23/92, September 16, 1992, art. 12.

<sup>165</sup> The 1992 land law (Lei sobre a Concessao e Titularidade do Uso e Aproveitamento da Terra, lei n. 21-C/92, August 28, 1992) was the only legal instrument which attempted to define the meaning of “original property of the state” in its preamble but this law is no longer in force. Angolan lawyers and land law experts diverge on the interpretation of this term. Some believe it means that all land in Angola belongs to the government, which does not need to issue any specific document to assert its right to use specific pieces of land for its public interest projects; others think that ‘state’ means the Angolan people as a whole, so the government needs to issue specific decree claiming specific land for its use. However, all experts interviewed by Human Rights Watch agree that, independently of having to issue a specific regulation claiming the land for its use, when the government wants to develop specific projects in a specific area it must follow procedure and the intended use of the land must be widely announced to the residents. Human Rights Watch interviews with Z.B., Angolan land expert who requested

also approved in 1992, recognized land occupation and concessions dating before its entering into force, both before and after independence.<sup>166</sup> However, it was mostly concerned with rural land. The occupation of urban areas was largely unregulated until 2004, when the Government approved a new Land Law<sup>167</sup> and a Law on Territorial and Urban Management (law on territorial management).<sup>168</sup>

These two laws provide a comprehensive framework for the concession, acquisition and exercise of land rights in both rural and urban areas, but so far they have not been effectively implemented. The government took several years to approve general implementing regulations.<sup>169</sup> It has also so far failed to approve other more specific regulations required by these laws that could protect people from forced evictions.<sup>170</sup> Finally the government has not developed the urban land management plans required by law which should define what land is reserved by the state and which areas are appropriate for residential, commercial, industrial, or other activities.<sup>171</sup>

In some urban centers such as Luanda, alternative planning instruments have been approved and implemented in substitution for the urban land management plans. However, these do not match the standards set forth in the land and territorial management legislation. These instruments were also not created in consultation with, or widely publicized among, residents of the areas they cover. In most cases researched by Human Rights Watch and SOS Habitat, evictees had heard rumors about the projects to be developed in their areas of residence but did not receive

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anonymity, Luanda, April and December 2006 and February 2007; Human Rights Watch interview with David Mendes, Angolan lawyer, Luanda December 5, 2006.

<sup>166</sup> 1992 land law (lei n. 21-C/92), art. 30(1).

<sup>167</sup> Lei da Terra. This law sets forth the legal regime for the succession, constitution, exercise and extinction of land rights.

<sup>168</sup> Lei do Ordenamento do Território. This law defines the policy and planning instruments for the management of the Angolan territory.

<sup>169</sup> The implementing regulation to the law on territorial management was published in January 23, 2006 and the regulation to the land law has been approved by the government but was still pending publication in the official gazette by the time this report went to print.

<sup>170</sup> Regulamento dos Planos Urbanísticos, art. 98. The regulation calls for the approval of further regulations on the rehabilitation of areas that were initially illegal; demolition and restrictions to demolition of buildings; expropriations for implementation of public interest projects; evictions for rehabilitation of damaged buildings; and relocation operations.

<sup>171</sup> It is important to note that the concession and exercise of the rights set forth in the land law should be done in accordance with the aims and objectives of such plans. See Lei da Terra, art. 15.



consistent and accurate information from government officials, especially in advance of evictions.<sup>172</sup>

Finally, Angola has not passed specific legislation detailing when and how evictions can be carried out legally. This means that when the evictions documented in this report took place, the conditions under which central and local administration or private individuals (or both in association) can carry out such operations were not defined by law. In the absence of such legislation, the standards for verifying whether evictions were legal are those in the land and urban management laws and regulations and in the general administrative provisions described above—which were not observed in the evictions described in this report.

As a result of this complex legal situation, people cannot know with certainty where they can legally settle for residential or other purposes. They cannot, therefore, be presumed to have illegally occupied (or, indeed, be known to be illegally occupying) land from which they were evicted. The government's actions, however, indicate that it does presume that all people are illegally occupying land and fails to ascertain whether this is, in fact, true in each individual case. Persons affected also do not know exactly what their rights are, or what the government can legitimately do to pursue its goals. Their land tenure is inevitably insecure, which can lead to human rights violations such as those that occurred in the forced evictions documented above.

### *Ineffective land registration mechanisms*

In addition to the confusing and overlapping legislation highlighted, the land registry system in Angola was essentially inactive throughout the war period due to human, material, and financial resource constraints.

Past practice in Angola shows that processing regularization requests can be a very difficult task.<sup>173</sup> The 1992 land law established a period for regularization of informal

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<sup>172</sup> Human Rights Watch interview with J.T., 53-year-old male evictee from Bairro da Cidadania, Luanda, August 1, 2006. J.T.'s house was demolished during eviction in this area in September and October 2004. After the evictions, in 2005, he obtained a construction license for the same area from the local administration.

<sup>173</sup> Regularization requests in Luanda are the responsibility of the provincial government but the concession of rural land (which comprised much of the areas surrounding Luanda where informal urban areas developed) is the responsibility of the state Ministry of Agriculture. Municipal administrations have no competence for land concessions but in practice granted such

land tenure but the government was unable to successfully carry out this endeavor—mostly because of the war, but also because it lacked resources and the population was not sufficiently informed about this regularization period.<sup>174</sup>

Informal areas in Luanda are currently estimated to comprise approximately 400,000 households.<sup>175</sup> A review of official files by an Angolan organization working on land issues suggests that only approximately five percent of the regularization requests submitted by individuals to the government in 2005 were duly processed.<sup>176</sup> The remaining 95 percent were not processed because of physical, human, and financial resource constraints. The Angolan government is aware of this situation. According to Sita Jose, the minister for urban planning and environment:

Here in the province of Luanda there is a certain slowness in replying to regularization requests. People end up building [despite lack of authorization].<sup>177</sup>

The minister acknowledged that other problems have also made regularization a difficult process:

Management tools set forth by the Urban and Territorial Management Law are not yet finalized. In the absence of such tools, it is difficult to authorize [property] registration.<sup>178</sup>

From the perspective of a member of the public seeking land title, the process appears costly—another barrier to the poor:

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concessions throughout the war period. When a regularization request is submitted, government officials must locate and visit the land plot in question to verify current occupation. Then they must consult the land registry to verify if there is any prior registration of the same land plot. If this is the case the government must make a public announcement in the official journal to verify if the prior registered owner has abandoned the plot or still has a valid legal claim to it. Once this is clarified, there is a technical evaluation of the project in light of urban management and construction policies. If the project is approved the individual requiring regularization is granted a provisional title for two years. Development Workshop and the Centre for Environment & Human Settlement, *Terra*, p. 139.

<sup>174</sup> Development Workshop, *Terra*, p. 59.

<sup>175</sup> *Ibid.*

<sup>176</sup> Human Rights Watch interview with Z.B., Angolan land expert who requested anonymity, Luanda, August 1, 2006.

<sup>177</sup> Human Rights Watch interview with Sita Jose, minister for urban planning and environment, Luanda, August 10, 2006.

<sup>178</sup> Human Rights Watch interview with Minister Sita Jose, Luanda, August 10, 2006.

Depending on your land plot, it is not that easy to legalize. Financially, I don't have the means. You have to pay but you never know if there will be a reply.<sup>179</sup>

It's not easy to get a property title; there are a lot of expenses and a lot of waiting.<sup>180</sup>

In the mass evictions researched for this report in which persons were relocated by the government, evictees were not provided with formal titles or security to the new land or housing, leaving them vulnerable to further eviction. Evictees from Benfica relocated to Panguila told Human Rights Watch that the government destroyed the housing they had built with their own savings and resources and provided alternative housing in which they only had tenancy.<sup>181</sup> In Fubu evictees said that they received a resettlement card but this card said nothing about the legal status of the land or housing or their rights over it. Some evictees with such cards have had problems with local government officials who come and tell them they cannot build on the land to which they were relocated.<sup>182</sup>

The 2004 Land Law, which came into force on February 7, 2005, addresses the problems described above by establishing a period of three years for regularization of untitled occupancy of land.<sup>183</sup> This means that the government, acknowledging the overwhelming informality of land occupancy as well as its own limitations in providing for land registration in the past, has decided it is necessary to provide for a

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<sup>179</sup> Human Rights Watch interview with L.O., 44-year-old evictee from Banga We, Luanda, July 29, 2006.

<sup>180</sup> Human Rights Watch interview with Q.U., 41-year-old male evictee from Maria Eugenia Neto, Luanda, August 4, 2006 about difficulties obtaining registration titles—by August 2006 he had not receive a reply to his request submitted to the local administration in 2000.

<sup>181</sup> Human Rights Watch interview with P.R., 47-year-old evictee from Benfica relocated to Panguila, August 5, 2006, and Human Rights Watch interview with K.T., 39-year-old evictee from Benfica relocated to Panguila, August 7, 2006, both about the situation with security of tenure in Panguila, where the government relocated them to after forced evictions from Benfica in March 2003.

<sup>182</sup> Human Rights Watch interview with I.F, 62-year-old evictee from Fubu (Mbondo Chape) relocated within the same area, Luanda, August 4, 2006. Fubu is a vast area and some people have been evicted there for the relocation of evictees from other areas of the city.

<sup>183</sup> Lei da Terra, art. 84. Under the land law this three-year period starts from the publication of its implementing regulation, which provides for details of how individuals should proceed to regularize their land. According to the law, the government should have approved its implementing regulation(s) within six months from the entry into force of the law in February 7, 2005 (Lei da Terra, art. 85). When this report went to print the regulation had been approved by the government (Human Rights Watch had access to the draft approved by the Council of Ministers) but was still pending publication in the official gazette.

specific period within which citizens can regularize their situation. However, many of the evictions documented in this report were carried out after the Land law had been passed but before its implementing regulations had been introduced, in ways that contradict its protective intent. While this may not have been technically illegal, it nevertheless suggests bad faith and a lack of regard for the rights of the poor.

Equally important, the Land Law establishes a deadline for regularization but does not define the government's responsibilities to ensure that (a) that it can effectively implement the law, and (b) that people will in practice have a genuine opportunity to legalize their situation. The failure to define these responsibilities gives rise to concern that forcible evictions might take place after the three-year period under the cloak of seeming legality because individuals have failed to regularize their land in a situation where the government has not provided sufficient resources or established appropriate procedures to ensure there is capacity to promote and process regularization requests. This concern is given weight by the fact that in the past the government has not ensured that there is sufficient capacity to process all regularization requests.

According to the Land Law, the onus is on each individual to request regularization. If, after the three-year period, individuals have not submitted a regularization request to the authorities, the government is authorized to use judicial or forcible means to obtain the land they occupy.<sup>184</sup> Such forcible means include: (a) "the appropriation, destruction or deterioration of some thing"; (b) "the elimination of undue resistance offered to the exercise of the [state's] right [over the land]"; and (c) "anything analogous." Not only are these measures formulated in broad and unclear terms, but their use is subject to only two conditions: they must be "indispensable" to avoid the nullification of the (state's) right over the land and they must not exceed what is "necessary" to avoid damage to that right.<sup>185</sup> This means that after the three-year period the state will be authorized, by law, to forcibly evict individuals in a situation of untitled occupation under a minimal set of conditions that do not reflect

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<sup>184</sup> Lei da Terra, art. 84; Código Civil, art. 1276.

<sup>185</sup> Lei da Terra, art. 84; Código Civil, arts. 1276 and 336. According to article 336 forcible means can be legitimately used (a) when, because of lack of time to resort to usual coercive means, direct action is indispensable to avoid nullification of the right; and (b) as long as the agent does not exceed what is necessary to avoid damage to that right.

the safeguards required by the Covenant on Economic, Social and Cultural Rights (CESCR) and described before in this report.

The impact of this measure cannot be underestimated, given that the majority of Luanda's population lives in informal areas:

This [three-year period for regularization] will affect most of Luanda's population. It is a kind of criminalization of the poor. Maybe that was not the intention, but that's how it is.<sup>186</sup>

To give effect to the security of tenure principle, the Angolan government should put in place concrete and effective measures to register land currently under informal possession during the three-year period, and should provide for regularization procedures to continue to be available beyond that period. Unless this is done, the deadline for regularization will in practice result in increasing insecurity of tenure, thus leaving many of Luanda's residents vulnerable to forced evictions.

#### *False perceptions of security of tenure by residents of informal areas*

As mentioned earlier in this report, because of the situation of real estate properties immediately following independence, informal or untitled occupation of land and housing became a common form of tenure in Luanda. The displacement of populations during the war made this a widespread situation.<sup>187</sup> This situation did not mean, however, that people necessarily perceived their tenure as insecure. Receipts for informal transactions of land or housing, payment of construction, or other fees to municipal officials and long standing occupation without opposition by authorities caused many residents to believe that they were legally settled in the land they occupied.<sup>188</sup>

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<sup>186</sup> Human Rights Watch interview with Z.A., Director of a Luanda-based organization working on urban and rural land in Angola who requested anonymity, Luanda, April 6, 2006.

<sup>187</sup> See section on background.

<sup>188</sup> Human Rights Watch interview with P.M., 32-year-old evictee from Soba Kopassa, Luanda, August 2, 2006; Human Rights Watch interview with M.U., 40-year-old male evictee from Cambamball, Luanda, July 29, 2006; Human Rights Watch interview with P.K., 42-year-old evictees from Soba Kopassa, Luanda, August 2, 2006; Human Rights Watch interview with K.A., R.J. and R.R., evictees from Cambamba I, Luanda, August 10, 2006. According to local organizations interviewed by Human Rights Watch in April 2006, many low income families and IDPs who acquired land/housing in the informal market were unaware of the legal provisions concerning land registration and assumed payment to previous residents or farmers automatically gave

In Maria Eugenia Neto evictees told Human Rights Watch and SOS Habitat that “[i]n March 2002 municipal administration officials came to the neighborhood and asked to organize the neighborhood and submit a regularization request. We did in 2002.”<sup>189</sup> Evictees from Bairro da Cidadania said that as recently as 2004 they bought land from municipal officials or people acting on their behalf, so they believed their settlement in the area was legal. They were later informed this sale was illegal because the officials who allocated the land plots were not empowered to do so.<sup>190</sup>

In Cambambas residents were told by representatives of project Nova Vida, during the first phase of the project (which ended in November 2005), that the area they were occupying was not required by the state and that if the government would need their land it would come and talk to them. After that, government officials came to evict them and demolished their houses with no prior discussion or notice.<sup>191</sup>

Until they are faced with forced evictions, the majority of residents of informal areas do not believe that they need to seek formal registration and titling of land to secure their tenure. Because of the inadequate legislation and registration procedures and the lack of public information about these, residents often do not know what they should do to register land or that they may be required to register formal land rights they may have acquired over the years.<sup>192</sup> A 47-year-old female evictee from Mbondo

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them legal title to the land/housing they were purchasing. Human Rights Watch interviewed 29 evictees from Benfica, Bairro da Cidadania, Wengi Maka, Cambamba I and II, Maria Eugenia Neto, Mbondo Chape/Fubu, Cacucaco, Bem-Vindo, Sapu, Munlevos, Gaiolas, and Talatona, who told us they had old documents recognizing their settlement or that of their ancestors in the areas they were evicted from.

<sup>189</sup> Human Rights Watch interview with F.F., 41-year-old evictee from Maria Eugenia Neto, Luanda, August 4, 2006 about incidents in 2002 that caused false perception of security of tenure.

<sup>190</sup> Human Rights Watch interview with P.E., 50-year-old evictee from Bairro da Cidadania, Luanda, August 1, 2006; Human Rights Watch interview with M.H., 50-year-old evictee from Bairro da Cidadania, Luanda, August 1, 2006; Human Rights Watch interview with J.T., 53-year-old evictee from Bairro da Cidadania, Luanda, August 1, 2006; Human Rights Watch interview with G.T., 54-year-old evictee from Bairro da Cidadania, Luanda, August 1, 2006. Luanda’s provincial government has acknowledged that there have been cases of illegal sale of land by municipal officials acting beyond their power and even launched an investigation about this in the municipality of Kilamba Kiayi, Samba, and Viana (see following section on national and international reactions to forced evictions in Luanda, below).

<sup>191</sup> Human Rights Watch interview with R.J., 66-year-old evictee from Cambamba I, Luanda, August 10, 2006 about events in 2005 and 2006.

<sup>192</sup> Human Rights Watch interview with R.V., 47-year-old female evictee from Mbondo Chape, Luanda, August 1, 2006. It is difficult to access laws in Angola. Although they are published in the official government journal these are not widely accessible to the population and even local and international organizations often have difficulties in obtaining the text of laws. It is also the case that a long time can elapse between the approval of the law or decree by the parliament or the government and its publishing in the official gazette. Additionally, most evictees interviewed by Human Rights Watch have a low level of formal education.

Chape told Human Rights Watch that she did not register the land she has occupied and cultivated for more than 20 years because she did not know she could or should do so. She now knows she needs to contact the local authorities, but she does not know exactly where to go or what to do.<sup>193</sup>

Although in the mass evictions researched in this report, instances where preexisting formal land registration and title were established were the exceptions, several evictees told Human Rights Watch that they had documents proving that they had requested authorization for construction of residences or the regularization of existing housing.<sup>194</sup> According to Angolan general administrative regulations, when such requests are submitted to central or local authorities by a citizen and are not replied to within 90 days they are considered tacitly granted.<sup>195</sup> Accordingly, anyone who submitted such a request to the authorities and did not receive a reply within the deadline has, in effect, had their occupancy authorized by the government. Such persons can legitimately expect that they have a degree of security of tenure that protects them from forced evictions. However, such perception of security of tenure is shattered when the government proceeds to evict people without verifying whether they have submitted such requests. For example, the residents of Bairro da Cidadania submitted requests for regularization of their occupancy. Between February and April 2005, approximately 290 people submitted individual files to Luanda's provincial government. By June 2006 none had been replied to, but the government still carried out forced evictions in this area in 2005 and 2006.<sup>196</sup>

In Talatona, Bem-Vindo, Gaiolas, and Rio Seco initial plans for the removal of small farmers were suspended because the farmers complained. Farmers' associations and residents' committees in these areas are trying to negotiate appropriate

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<sup>193</sup> Human Rights Watch interview with R.V., 47-year-old evictee from Mbondo Chape, Luanda, August 1, 2006 about her situation in 2006 regarding land registration.

<sup>194</sup> Human Rights Watch interview with K.M. and L.L., evictees from Bairro da Cidadania, Luanda, August 1, 2006; Human Rights Watch interview with G.T., 54-year-old evictee from Bairro da Cidadania, Luanda, August 1, 2006; Human Rights Watch interview with S.S., 47-year-old evictee from Wengi Maka, Luanda, August 8, 2006; Human Rights Watch interview with W.R., 37-year-old evictees from Cambamba I, Luanda, July 30, 2006; Human Rights Watch interview with H.T., 40-year-old evictee from Maria Eugenia Neto, Luanda, August 4, 2006; Human Rights Watch interview with T.C., 48-year-old evictee from Maria Eugenia Neto, Luanda, August 4, 2006; Human Rights Watch interview with V.E., 45-year-old evictee from Munlevos, Luanda, August 1, 2006; Human Rights Watch interview with R.E., 48-year-old evictee from Talatona, Luanda, August 7, 2006.

<sup>195</sup> Normas do Procedimento, art. 57.

<sup>196</sup> Human Rights Watch telephone interview with Rafael Morais, SOS Habitat staff member, June 12, 2006.

relocation and compensation terms with local authorities and representatives of on-site development projects, but a final solution is pending. In Wengi Maka the construction project announced for the area has not been started and people who remain in the area are at risk of further evictions when construction starts. Unless the government's performance changes significantly from the practices documented in this report, reconstruction and development projects targeted for informal areas will likely result in further forced evictions in Luanda.



## National and International Responses to Forced Evictions in Luanda

### International Community

Several international organizations have publicly denounced the human rights violations caused by forced evictions carried out by the government of Angola in Luanda.

The United Nations (UN) Human Rights Office in Angola issued a public note reacting to the eviction of March 13, 2006 in Cambamba. According to this note, the UN office was “...witness of serious violations of the fundamental rights of people living in the Bairros [neighborhoods] Cambamba I and II...” These violations included “excessive use of force and violence by state agents,” “demolitions with a questionable mandate,” “evictions without compensation,” “abuses against human rights defenders,” “detentions,” and “abuse of power.”<sup>197</sup> The head of the UN Human Rights Office in Angola has also visited the evictees in the area of Cambambas on August 19, 2006.

On March 30, 2006, the UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living also issued a public statement expressing “serious concern about persistent practice of forced evictions in Angola.”<sup>198</sup> This UN expert referred to the forced evictions of March 13, 2006 in the Cambambas as the “more recent forced evictions and demolitions of homes undertaken by the Luanda Provincial Government...” He said “I have [been] following closely for some time the situation with respect to housing rights in Angola, particularly in light of the persisting practice of forced evictions in Luanda. I have brought my concerns to the attention of national authorities, but no response has

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<sup>197</sup> United Nations Human Rights Office in Angola, Information Note, “Forced evictions in Luanda.”

<sup>198</sup> Press Release by the United Nations Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, “Human Rights Expert Expresses Serious Concern about Persistent Practice of Forced Evictions in Angola,” March 30, 2006, <http://www.unhchr.ch/hurricane/hurricane.nsf/o/1D3D4AA404AD9AC2C1257142004E50CE?opendocument> (accessed March 26, 2007).

been received yet and the most recent events suggest that such appeals are not being taken into account.”<sup>199</sup>

To this date, the Special Rapporteur has not been able to undertake an official mission to Angola. The Special Rapporteur attended a seminar in Luanda—the National Urban Forum—organized by the Ministry for Urban Planning and Environment and the UN Human Rights Office in Angola on April 9, 2007. It is yet unclear if this marked the beginning of a new trend on the part of the Angolan government to cooperate with the Special Rapporteur or what impact this recent short visit by the Rapporteur may have on his official mission and recommendations.

Amnesty International has exposed and condemned the human rights violations caused by the forced evictions that took place in Luanda since 2001.<sup>200</sup> The Center on Housing Rights and Evictions (CHORE) has also issued several public statements denouncing forced evictions in Angola.<sup>201</sup> Similarly, the NGO Christian Aid has reported on the forced evictions in Angola’s capital, particularly in the area of Cambambas.<sup>202</sup>

At the time of writing of this report Human Rights Watch had no information that any bilateral donor had issued public statements condemning forced evictions in Luanda either in capitals or through their diplomatic representatives in Luanda. Five months after the March 2006 evictions in Cambamba, SOS Habitat invited the diplomatic community in Luanda to visit the site to witness the harsh conditions under which the remaining victims of the forced evictions were still living. According to the organization, representatives of the United Kingdom, United States and German embassies visited the site but made no public statements.

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<sup>199</sup> Press Release by the United Nations Special Rapporteur on adequate housing, “Human Rights Expert Expresses Serious Concern about Persistent Practice of Forced Evictions in Angola.”

<sup>200</sup> Amnesty International, “Angola: Lives in Ruins,” AI Index: AFR 12/001/2007, January 15, 2007.

<sup>201</sup> COHRE’s Executive Director addressed a public letter to the Angolan President on April 10, 2006, denouncing the forced evictions in Luanda and calling for immediate measures to assist those affected by them. A previous letter had been sent to the Angolan government in December 2005.

<sup>202</sup> Christian Aid, “Forced from their homes at gunpoint,” October 12, 2006, <http://www.christian-aid.org.uk/world/where/safrica/partners/o61ososhabitat.htm> (accessed February 25, 2007); “Christian Aid partner in Angola moves into camp for homeless,” August 16, 2006, <http://www.christian-aid.org.uk/news/stories/o6o816s3.htm> (accessed March 26, 2007).

On September 20, 2006, the German Embassy and other EU diplomatic representations in Luanda held a meeting with SOS Habitat to obtain information about forced evictions in Luanda but have not informed the organization of any action subsequent to that meeting.<sup>203</sup> The European Commission has also discussed the issue internally but has not made any public statement on this matter. To Human Rights Watch's knowledge it has also not carried out demarches about this issue with the Angolan authorities.<sup>204</sup>

The reaction of donors to forced evictions in Luanda is inadequate in view of the human rights violations documented in this report. Stronger commitment and support to national and international organizations that expose such violations and help evictees is needed, and human rights standards on evictions should be incorporated into bilateral and multilateral development cooperation.

### **Angolan government**

The government's response to the human rights abuses described by Human Rights Watch and SOS Habitat has been manifestly insufficient. According to media reports credited to sources of the Angolan government, on March 31, 2006, the Permanent Mission of Angola to the United Nations in Geneva sent a letter to the Office of the UN High Commissioner on Human Rights denying all facts cited by the UN Special Rapporteur on adequate housing in his public statement referred to above. It accused the UN of bad faith and intolerable pressure on the government.<sup>205</sup>

In May 2, 2006, Angola's Prime Minister Fernando Dias dos Santos attended an open inquiry session at the National Assembly, initiated at the request of the main opposition party (National Union for the Total Independence of Angola, UNITA), and answered specific questions by members of parliament about forced evictions and demolitions in Luanda. He stated that in his view the issue of demolitions involved three different groups of people: (a) those that occupied land legally and to which,

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<sup>203</sup> SOS Habitat written comments to Human Rights Watch, Lisbon, February 28, 2007.

<sup>204</sup> Human Rights Watch Email communication from representatives of the European Commission in Brussels and Luanda, March 16 and 21, 2007.

<sup>205</sup> "Angola's Permanent Mission denies rapporteur's allegations," Government of Angola news release, April 1, 2006, <http://www.reliefweb.int/rw/rwb.nsf/db900SID/EGUA-6NHMCR?OpenDocument&cc=ago&rc=1> (accessed March 5, 2007).

he claimed, the government had paid and would continue to pay compensation; (b) those who occupied land illegally and to which the government would no longer pay compensation; (c) those who occupied land illegally but unknowingly through corrupt municipal officials acting without the competence or power to award land concessions.<sup>206</sup>

The prime minister did not clarify what constituted legal or illegal occupation but he did not link legality or illegality to the holding of formal title. He described illegal occupation as situations where people “anarchically” build “shacks” in a piece of land with the purpose of claiming undue compensation from the government, often having housing elsewhere. He did not clarify what procedures or criteria were followed to ascertain which people fell in which of the three categories. He confirmed the government’s intention to investigate and hold to account civil servants involved in illegal land concession schemes. However, he said nothing about what had or would be done about the citizens who fell victim to such schemes and consequently occupied land in good faith, believing they had followed proper legal procedure.

In December 23, 2005, the provincial governor of Luanda issued a decision (*despacho*) establishing a commission of enquiry to investigate the “illegal concession of land in the municipalities of Kilamba-Kiaxi, Samba and Viana.”<sup>207</sup> Human Rights Watch could not obtain information about the results of the enquiry or any other measures concerning this situation, despite efforts to meet different officials of the provincial government.

The prime minister said in his statement that any citizens who feel their rights were not respected can submit a complaint to the body responsible for the acts that violated the rights and, if not satisfied, can appeal to a higher body of the

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<sup>206</sup> Record of the address by the Prime Minister Fernando dos Santos at the enquiry session before the National Assembly, not dated (on file with Human Rights Watch).

<sup>207</sup> “Despacho n. 1888/2005 de 23 de Dezembro,” Provincial Government of Luanda, <http://www.gpl.gv.ao/index.aspx?shownews=3576675334&flag=despachos> (accessed February 4, 2007). See section above on false perception of security of tenure by residents and refer to footnote 190.

administration.<sup>208</sup> In the evictions researched by Human Rights Watch and SOS Habitat most people did not receive a formal notification with precise information about the evictions, its legal basis and the body that ordered it. Formal complaints were, therefore, extremely difficult to make.

In his May 2 statement at the National Assembly, Prime Minister Dias dos Santos also specifically addressed the use of private security companies during eviction operations, particularly regarding the March 13, 2006 eviction in Cambamba. According to him such companies are “subsidiary bodies of the National Police.”<sup>209</sup>

In the same statement, the prime minister gave some examples of eviction cases that had been settled peacefully through the relocation of the families involved.<sup>210</sup> He accused the Angolan organization SOS Habitat—the main organization working to protect the housing rights of families affected by forced evictions in Luanda—of “inciting” a group of residents of Cambamba I and II to refuse a relocation offer made by Luanda’s provincial government. The prime minister said that he agreed that NGOs should defend the rights of victims of any injustice, but that they should not “create situations only to justify their own existence...or to create difficulties for the government.”<sup>211</sup> Four of the leading human rights organizations in Angola promptly issued a public statement in support of SOS Habitat and reaffirming that the government of Angola had been carrying out evictions in violation of human rights standards.<sup>212</sup> According to one of these organizations, “[t]he strategy of the Angolan

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<sup>208</sup> Record of the address by the Prime Minister Fernando dos Santos at the enquiry session before the National Assembly, not dated (on file with Human Rights Watch).

<sup>209</sup> Record of the address by the Prime Minister Fernando dos Santos at the enquiry session before the National Assembly, not dated (on file with Human Rights Watch): “Public security companies are subsidiary organs of the National Police. They are supervised and controlled by the General Command of the National Police, through its National Directorate for Public Security. They report to the General Command and the National Police, and they are compelled to cooperate whenever requested to do so, so if the security company VISGO acted at the request and in cooperation with the National Police it acted legally.”

<sup>210</sup> Sope da Fortaleza, Boavista, Senado da Camara, “Thetchenia” building, Cambamba I and II (these two only partially).

<sup>211</sup> Record of the address by the Prime Minister Fernando dos Santos at the enquiry session before the National Assembly, not dated (on file with Human Rights Watch). Media reports of this session in the Angolan news agency stated that the prime minister had, in his address, denounced “incitement of the population to unduly occupy urban areas where the government is building housing projects and social and economic infrastructure.” “Primeiro-ministro denuncia incitamentos à ocupação indevida de terrenos urbanos,” Angola Press, May 5, 2006.

<sup>212</sup> Public letter signed by Association for Justice, Peace and Democracy (Associação Justica Paz e Democracia, AJPD), National Council for Citizenship (NCC), Gremio ABC, and Okutiuka.

government is to try to discredit its partners [the defenders and the victims of its arbitrariness].”<sup>213</sup>

On June 13, 2006, Human Rights Watch addressed a letter to the Angolan permanent representative to the United Nations in New York and to the Angolan ambassador to Belgium. In this letter, Human Rights Watch outlined the main findings of its research and sought the government’s views about the allegations contained in this report. Although we obtained no reply from the permanent representative in New York, the ambassador to Belgium, Toko Serrao, agreed to meet with us and discussed the issue at length.

Ambassador Serrao told Human Rights Watch that he had received letters from other organizations about evictions in Luanda and that the Angolan government was the first to be concerned about it. He stated that the housing shortage was a problem that affected all of Luanda which the government was addressing through its housing program, including the building of “social housing” (housing aimed at resettlement of displaced population).<sup>214</sup> Ambassador Serrao stated that his government had never taken people out of their places and left them on their own. In some cases the government had relocated people who were in danger in their neighborhoods due to land slides. According to him, the displacement of population in Luanda’s neighborhoods had taken place openly and with notice to the population: “the houses targeted for demolition are numbered, residents are warned in advance and they are transported for new sites.”<sup>215</sup>

The ambassador said that there were many cases of fraud from individuals who returned to their original places of residence after being relocated by the government only to illegitimately claim compensation again. Finally, Ambassador Serrao told Human Rights Watch that international organizations must evaluate the situation in his country by local development standards. According to him, Angola is not fully developed. There is no computer based registration system, so there is no way to

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<sup>213</sup> Human Rights Watch Email communication from AJPD, Luanda, January 12, 2007.

<sup>214</sup> Human Rights Watch interview with Ambassador Toko Serrao, Brussels, July 6, 2006.

<sup>215</sup> Ibid.

keep track of which people receive alternative housing and what they do with that housing or if they stay in their relocation sites.<sup>216</sup>

While in Luanda in August 2006, Human Rights Watch met with the minister for urban planning and environment, Sita Jose, who presented the housing policies developed by his ministry. One of the stated aims of such policies is to “ensure the universal right to housing.” The minister and other staff from the ministry present at the meeting acknowledged that the informal sector “makes our cities” and that part of the government’s strategy to address informality is to include informal construction and people’s investments in informal housing into the formal economy: “irregular occupants will be transformed into regularized citizens integrated into the urban society.”<sup>217</sup>

The policies as described by the minister appear to be based on a serious concern for the safety and living conditions of the tens of thousands of residents of informal areas in Luanda. But as presented they were in sharp contrast with the reality of the mass evictions carried out by the government documented by Human Rights Watch and SOS Habitat.

Minister Jose also told Human Rights Watch that there were areas in Luanda that were occupied in an “anarchic” manner, where constructions are too precarious to allow regularization, so people must be removed and all structures demolished to give way to new projects. The presentation by the minister and his staff stressed that only “anarchic constructions” have been demolished so far and that evictions have only taken place in areas reserved by the government for public use and which were improperly occupied by individuals acting in bad faith and seeking undue compensation or relocation.

The minister, however, failed to provide a precise definition of “anarchic” constructions or describe any criteria and procedures to determine in specific cases whether a construction (house) is “anarchic.” The minister did not classify such housing as illegal. He also did not detail how the government is ensuring that the

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<sup>216</sup> Ibid.

<sup>217</sup> Human Rights Watch interview with Minister Sita Jose, Luanda, August 10, 2006.

public is informed of what land is reserved by the state for public interest projects which is vital to protect residents from arbitrary decisions by the government concerning clearance of inhabited areas.

Human Rights Watch's research demonstrated that many residents of the so-called anarchic areas are actually longstanding occupants, many of whom had their occupation acknowledged or authorized by the state as far back as late 1980s or early 1990s. Others who continued to occupy these areas after that time and were affected by forced evictions were people who moved to the peri-urban zone of Luanda during or right after the war. They occupied land according to customary use, as detailed in the preceding chapters of this report. Others developed urbanization plans for their neighborhoods supported by local authorities.<sup>218</sup> Many had brick houses. A brick house represents, on average, a four to five year investment by a family and cannot be regarded as a temporary shelter built for the purpose of claiming undue compensation from the state.<sup>219</sup> Even corrugated metal housing is not necessarily temporary shelter—most urban poor in Luanda live in such housing for many years while trying to save money to build better structures.

Human Rights Watch and SOS Habitat recognize that there have been cases where the Angolan government followed procedures to evict and relocate people. Human Rights Watch also acknowledges that the government has the right to carry out development and “beautification” projects to improve living conditions in Luanda, including, where necessary, by relocating residents. However, such projects should be carried out in a manner that ensures respect for peoples’ substantive and procedural rights, including their right to be free of forced evictions of the type described in this report. The government must also take measures to ensure secure land tenure in the long term.

The government’s public response to forced evictions does not adequately explain or in any way justify the violations documented in this report. Its urban development policies may be designed to take account of the situation and rights of residents of informal settlements. However, its actions are at odds with such policies and there

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<sup>218</sup> This was the case with the area of Soba Kopassa.

<sup>219</sup> Human Rights Watch interview with Z.B., Angolan land expert who requested anonymity, August 1, 2006.



have been no visible significant efforts so far to either address the violations that have already occurred or prevent future violations.

## Other state institutions

Other Angolan institutions such as Luanda's provincial government and the general prosecutor have also responded insufficiently to forced evictions in Luanda.

SOS Habitat circulated several public notes in 2005 and 2006 alerting the civilian and security authorities to human rights abuses committed in the course of forced evictions in Luanda.<sup>220</sup> It has also assisted residents of affected communities to submit complaints, petitions, and letters to relevant authorities, informing them of the forced evictions and asking these entities to act, within their competencies, to help stop the evictions, investigate abuses by police and government officials, and compensate people for the damages they suffered during evictions.<sup>221</sup>

SOS Habitat has also helped residents seek legal aid from the Angolan bar association to submit complaints to the criminal investigation police (National Directorate for Criminal Investigation, DNIC) and possibly initiate court cases against the state authorities for their illegal eviction. Some communities have obtained legal aid and investigations have been initiated but none of these cases have so far been adjudicated in court.<sup>222</sup> An Angolan human rights organization described the situation this way:

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<sup>220</sup> For example: a communication dated June 28, 2005, addressed to the Public Prosecutor; notes dated August 26 and 30, 2006 addressed to the commander of the police station at Project Nova Vida; a note dated February 6, 2006, addressed to the president of the ninth commission of the National Assembly, the minister for internal affairs, Luanda's provincial governor and the municipal administrator of Kilamba Kiaxi; Communication dated February 27, 2006; note dated March 14, 2006, about violations of human rights in Cambamba I and II and Banga We (on file with Human Rights Watch and SOS Habitat).

<sup>221</sup> For example: a note dated August 4, 2005, addressed to the deputy provincial governor of Luanda by residents of Soba Kopassa; a note dated July 8, 2003, addressed to the Coordinator of Panguila's Housing Complex Project by residents from Benfica (with copy to the minister for public works and minister for urban management and environment, among others); a submission dated December 7, 2002, addressed to the parliamentary commission on human rights by residents of Maria Eugenia Neto and 28 de Agosto, among others; a submission dated October 13, 2003, addressed to the Public Prosecutor by the residents of Talatona with copy to Luanda's provincial governor and the minister for urban management and environment, among others (on file with Human Rights Watch and SOS Habitat).

<sup>222</sup> SOS Habitat memo on individual and community cases where judicial action as been initiated, dated January 24 2007 (on file with Human Rights Watch). A few residents have received legal aid from the Angolan bar association to bring suits against evictions by private individuals but such cases are not covered in this report.

In the process of eviction and demolitions people suffered cruel and degrading treatment...Some of those acts constitute crimes. There were shootings that caused serious injuries and mutilation of the victims. With the help of SOS-HABITAT, the victims submitted complaints to the criminal investigation police, but the cases have not been following its normal course.<sup>223</sup>

On 22 February, 2006, the committee of residents of Bairro da Cidadania submitted a complaint signed by 105 people to the delegate of the public prosecutor at DNIC about abuses committed by police officers during evictions. According to SOS Habitat, by January 24, 2007 they had not received an answer.<sup>224</sup> Evictees from Bem-Vindo filed a complaint with DNIC on November, 15, 2005. At the time of writing the case was still in the investigative phase. Angolan human rights NGOs have noted the lack of response by the office of the public prosecutor to complaints from evictees:

We are not aware of any public position of the General Prosecutor on this issue, when the Statute of this body grants [the prosecutor as] the defender of democratic legality legitimate means of denouncing, alerting or even using judicial avenues, in legal support of those that have been harmed by violations by the state administration.<sup>225</sup>

Residents have also submitted letters and petitions to Luanda's provincial Government. For example, SOS Habitat and the residents' committees of several Luanda neighborhoods researched in this report (Gaiolas, Talatona, Wengi Maka, Bairro da Cidadania, Maria Eugenia Neto, Mbondo Chape) addressed a letter, dated October 6, 2004, to the provincial government. The signatories of the letter asked for a meeting to discuss several measures they proposed regarding forced evictions and demolitions in Luanda. These included requests for the government to stop evictions in violation of human rights standards, promote mechanisms to regularize land possession, provide appropriate relocation sites in advance of evictions, pass

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<sup>223</sup> Human Rights Watch email correspondence with AJPD, Luanda, January 12, 2007.

<sup>224</sup> Letter addressed to the delegate of the public prosecutor with National Directorate of Criminal Investigation, dated February, 14, 2006; Human Rights Watch telephone interview with Rafael Morais, SOS Habitat staff member, June 12, 2006.

<sup>225</sup> Human Rights Watch email correspondence with AJPD, Luanda, January 12, 2007.

legislation to ensure eviction decisions are authorized by a court, and provide support to community development projects proposed by affected communities or civil society organizations. The provincial government has not replied.

Evictees from Bairro da Cidadania and Benfica have addressed petitions to the National Assembly, in particular through its commission on human rights, petitions, complaints, and suggestions by citizens.<sup>226</sup> The assembly asked for information from Luanda's provincial government about the events alleged in the petitions.<sup>227</sup> It informed the residents of Bairro da Cidadania about such requests, but when Human Rights Watch visited in August 2006, the petitioners had not been advised of any information provided by the provincial government or any measures taken subsequent to their complaints. On March 15, 2006, members of parliament visited the area of Cambamba and verified the conditions under which residents were living immediately after evictions.<sup>228</sup> Parliamentarians from UNITA visited the site again in August 2006. The assembly also organized the enquiry session to the government described above but, so far, has not taken any other action.

Other organizations have tried to bring the situation of evictees in Luanda to the attention of the Angolan government. In April 2006, "[t]he president of the republic, at the request of AJPD, NCC and Gremio ABC, appointed one of his advisors to speak to these organization about the practice of forced eviction. This meeting took place last year (2006) and the advisor was going to write a report with information about arbitrariness on the part of National Police officers, local administrations, and staff of private companies. We have not received any information from the President's Office after the meeting..."<sup>229</sup>

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<sup>226</sup> Petition by residents from Benfica to the commission on human rights of the national assembly, dated May 25, 2002 and signed by 34 individuals; Human Rights Watch telephone interview with Rafael Marques, SOS Habitat staff member, June 12, 2006.

<sup>227</sup> Human Rights watch telephone interview with Rafael Morais, SOS Habitat staff member, June 12, 2006; Note 114/CDH-5.1/02 from the Commission on Human Rights, Petitions, Complaints and Suggestions from Citizens, addressed to Luanda's provincial governor, dated October 17, 2002 (on file with Human Rights Watch and SOS Habitat).

<sup>228</sup> Human Rights Watch interview with M.U., 40-year-old evictee from Cambamba II, Luanda, July 27, 2006.

<sup>229</sup> Human Rights Watch email correspondence with AJPD, Luanda, January 12, 2007.

## **Recommendations**

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

- Immediately cease forced evictions carried out in violation of international human rights law and standards and national laws.
- Take immediate steps to provide assistance, including alternative accommodation and other remedies to those affected by forced evictions, in particular to vulnerable groups such as women, children, and elderly persons.
- Investigate allegations of excessive use of force and other human rights abuses by police, military, and other state officials, as well as by private security forces and unidentified civilians involved in the evictions. Hold all those responsible for abuses to account.
- Inform the public of the results of such investigations and promptly reply to individual complaints about evictions submitted by victims to police or administrative authorities.
- Provide adequate compensation to all those individuals evicted who have not received such compensation.
- Ensure that law enforcement officials receive appropriate professional training on how to conduct their functions while respecting the rights of residents, monitors, and the public in general when carrying out law enforcement activities in support of involuntary removal of population.
- Review the rules of engagement of law enforcement officials to ensure their compliance with international law enforcement standards, in particular the United Nations Basic Principles on the Use of Force and Firearms.

- Update the real estate registry and improve existing land registration mechanisms or establish new procedures that are simple and expeditious (and which are accessible to women, the elderly and other vulnerable groups). If necessary, seek international technical assistance.
- Prioritize adequate financial, human and material resources for effectively carrying out the regularization of all informal occupation in Luanda within the three-year period established by the 2004 Land Law and regulation.
- Carry out a public information campaign with residents of informal settlements about the three-year period for regularization of their occupation. Information sessions should be conducted in each community and all residents should be clearly guided through the steps to be taken to regularize their land plots and housing units, as well as the possible consequences of not doing so. Such sessions should use means of communication that are accessible to all and take account of the high illiteracy rates in the country.
- Ensure that the mechanism and procedures for regularization are available beyond the three-year period established in the land law.
- Comply with legally applicable impact assessment and public hearing requirements regarding development and infrastructure projects to be developed in land claimed by the state and occupied by residents before they are approved by the government.
- Ensure that all urban planning and management instruments for the province of Luanda, be they proper urban plans as required by law or alternative large scale development or urbanization projects, are widely publicized and approved and implemented with the participation of local residents and respect for their fundamental rights and freedoms.
- Urgently adopt the remaining implementing regulations to the 2004 Land Law and the Law on Territorial and Urban Management that impact the right to adequate housing, in particular on:

- Rehabilitation of areas that were initially illegal;
  - Demolition and restrictions to demolition of buildings;
  - Evictions for rehabilitation of damaged buildings;
  - Relocation operations;
  - Expropriations for implementation of public interest projects.
- The regulation on expropriation for public interest projects should:
    - Stipulate that expropriations are carried out according to international and regional human rights standards, including with respect for the rights to due process and just compensation;
    - Set out clear procedures and criteria for defining form and value of compensation and for consulting the population about this;
    - Ensure that expropriations for public interest projects are carried out in full compliance with the procedural and substantive rights applicable to forced evictions.
- Urgently enact a specific law against forced evictions and ensure that the legislation in the recommendations above and any other relevant legislation and regulations are in accordance with this law. This law should strictly regulate the circumstances under which evictions may be carried out, in particular:
    - Ensure that all residents of areas affected by planned involuntary evictions have an opportunity to register title claims to the land they occupy;
    - Promote and carry out genuine consultation with all those affected by planned development or “beautification” projects that may entail relocation of population;
    - Provide reasonable and accurate notice, in writing, to affected communities of the scope, purpose and precise area of proposed land acquisition in connection with planned involuntary evictions, as well as actual eviction dates and reasons for such action at that time;
    - Provide for a meaningful—impartial, fast and free—process for compensating people for real estate and personal property taken or destroyed;

- Require documentation of the eviction process, including written and photographic inventories, prior to the evictions, of any real estate and personal property to be demolished or taken during those evictions;
  - Ensure that resettlement locations for all evictees are specified before any eviction takes place and consultations are held with affected communities on possible alternatives to relocation, such as site upgrading or integration into existing development plans for the area;
  - Ensure that evictions do not take place in particularly bad weather or at night;
  - Ensure that basic shelter, water, food, education, health and transportation services are available for evicted persons at relocation sites at the time they move to these sites;
  - Define clearly the authorities entitled to issue and carry out eviction orders and for what purposes;
  - Ensure appropriate supervision of the eviction process and that anyone involved in it is clearly identified when contacting affected communities at all times prior, during or after evictions;
  - Publish and enforce an appropriate code of conduct and complaint procedure for the persons carrying out the evictions;
  - Carry out periodic monitoring of and accounting for all evictions and resettlements.
- Carry out a meaningful consultation process with civil society organizations on all legislative and regulatory processes regarding land and property matters.

### **To the United Nations**

- The United Nations should extend the mandate of its Human Rights Office in Angola to include the protection of victims of forced evictions, including fact-checking alleged evictions in violation of national and international law, following up on individual cases to verify that victims have access to legal and other remedies, and taking up those cases with the competent authorities.
- The United Nations Human Rights Office in Angola should extend its technical assistance to the government to include assistance in drafting legislation on land

and housing rights that is in accordance with its obligations under the International Covenant on Economic, Social and Cultural Rights.

- The United Nations Human Rights Office in Angola should provide or facilitate legal and other technical support to civil society organizations and victims of forced evictions in formulating complaints to national authorities and to international bodies that verify the fulfillment of the governments' obligations under the right to adequate housing.
- The United Nations Special Rapporteur on adequate housing as a component of the right to an adequate standard of living should continue to monitor the situation of housing rights in Angolan and agree with the government on a date for his mission.
- The UN Human Rights Council should endorse the basic principles and guidelines on development-based evictions and displacement presented by the Special Rapporteur on adequate housing in his 2006 report to the Council, and invite all states to approve guidelines for such displacement as soon as possible.
- UN-Habitat should provide technical assistance to the government on managing urban informal areas and defining measures to improve security of tenure for the urban poor, including site upgrading and mediation programs involving the government, civil society organizations, and the communities affected by planned forced evictions.

### **To the donor community**

- Provide capacity building assistance to local NGOs and civil society groups so they can better monitor the compliance of government agencies with human rights obligations such as those required to be respected in all evictions.
- Provide assistance and training to national and local government agencies to build or reinforce their long term capacities regarding: knowledge and implementation of rules and procedures on land administration; design, management, and implementation of policies for urban land use and



development; public information and outreach services; and routine assessments of the human rights impact of their work.

- Ensure that international development aid is not channeled to projects that involve forced evictions in violation of national and international law and standards, and that all bilateral or multilateral development programs include mechanisms to guarantee respect for individuals' fundamental rights.

### **To the European Union**

- The European Union should fulfill its obligations under the EU-ACP Cotonou Agreements to undertake regular political dialogue with the Angolan government and ensure that all such dialogue includes discussions on the human rights situation in Angola and in particular forced evictions.
- The European Commission should ensure the explicit inclusion of human rights and the rule of law in the Country Strategy Paper for Angola (currently being drafted).
- The European Commission should expand the financing of projects by Angolan civil society organizations aimed at enhancing security of tenure in urban areas. It should in particular provide technical or other assistance to national civil society organizations and the government to carry out information campaigns to residents of informal areas in Luanda about the possibility of and requirements for regularizing their land and housing rights.
- The European Commission and the EU member states' representations in Luanda should effectively apply the EU guidelines on human rights defenders to protect those who defend the victims of forced evictions, including through demarches with the government and public statements.

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## Annex I

### Affected Communities Researched by Human Rights Watch and SOS Habitat

Below is a table containing basic information about the affected communities visited by Human Rights Watch and SOS Habitat. The data refers to the situation as of December 2006.<sup>230</sup>

<i>Name of Community</i>	<b>Cambamba I, Cambamba II, Banga We, and 28 de Agosto.</b>
<i>Description</i>	Former agricultural areas which were later also occupied for residential use; completely destroyed by repeated demolitions.
<i>Families Affected</i>	At least 724 families.
<i>Stated Purpose of Eviction</i>	Development of the government's housing project Projecto Nova Vida (residences for civil servants and high cost condominiums for commercial sale).
<i>Situation of Residents</i>	Approximately 100 evictee families living in shacks built out of demolition debris, waiting for adequate negotiations with the government on compensation and relocation.

<i>Name of Community</i>	<b>Bairro da Cidadania</b>
<i>Description</i>	Former agricultural area which was later also occupied for residential use; completely destroyed by repeated demolitions.
<i>Families Affected</i>	Approximately 500 families.
<i>Stated Purpose of Eviction</i>	The area has been cleared and fenced; local government officials said the area belonged to a private local entrepreneur; later they claimed it was reserved for industrial use.
<i>Situation of Residents</i>	Some families relocated to an area generally considered inappropriate (distance, lack of basic services); a group of evictees living on site in shacks built out of demolition debris, waiting for adequate negotiations with the government on compensation and relocation.

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<sup>230</sup> There are no statistics or similarly precise and detailed information on the total numbers of people affected by forced evictions in Luanda so far. The estimates on this annex are based on information collected by SOS Habitat staff members that work directly with the affected communities, usually shortly after eviction operations, as well as Human Rights Watch interviews. SOS Habitat is the only organization in Luanda to have collected information on numbers of families involved in forced evictions directly from the communities.

<i>Name of Community</i>	<b>Wengi Maka.</b>
<i>Description</i>	Very large and densely populated residential area, partially destroyed by demolitions.
<i>Families Affected</i>	Approximately 78 families.
<i>Stated Purpose of Eviction</i>	The land has been given in concession to the Catholic Church, allegedly for the construction of a worship site.
<i>Situation of Residents</i>	Many still living in their houses, but afraid of further demolitions.

<i>Name of Community</i>	<b>Maria Eugenia Neto.</b>
<i>Description</i>	Very large and densely populated residential area, partially destroyed by demolitions.
<i>Families Affected</i>	More than 800.
<i>Stated Purpose of Eviction</i>	Government officials never officially provided a reason for the evictions. Recently there were “rumors” that the government gave the area in concession to a private institute.
<i>Situation of Residents</i>	Most still living in their rebuilt houses, but afraid of further demolitions.

<i>Name of Community</i>	<b>Soba Kopassa.</b>
<i>Description</i>	Residential area partially destroyed by demolitions; residents are not certain of the final decision of the government concerning the area.
<i>Families Affected</i>	122 families.
<i>Stated Purpose of Eviction</i>	A hospital and a morgue were built in one sixth of the area; further demolitions took place for the expansion of the hospital, but the construction has not been initiated.
<i>Situation of Residents</i>	Residents are rebuilding the houses that were destroyed.

<i>Name of Community</i>	<b>Munlevos, Cacucaco, Bem-Vindo, and Mbondo Chape.</b>
<i>Description</i>	Agricultural areas where several land plots were appropriated by the state.
<i>Families Affected</i>	Approximately 500 land plots already illegally appropriated or under threat of appropriation; approximately 500 families affected.
<i>Stated Purpose of Eviction</i>	Some areas given in concession to third parties allegedly for the development of commercial and industrial activities; some said to be reserved for non-specified public interest use. In Mbondo Chape several land plots have been cleared for the construction of a relocation site. One bare area with no infrastructure (known as Fubu) used to resettle evictees from other neighborhoods.
<i>Situation of Residents</i>	Small farmers seeking open and fair negotiations or compensation with the government or private concession holders. In Mbondo Chape some are still living in the area, some have moved to other neighborhoods.

<i>Name of Community</i>	<b>Talatona.</b>
<i>Description</i>	Residential area which had a few houses demolished and is under threat of further evictions.
<i>Families Affected</i>	14 houses demolished; 610 families under risk of eviction.
<i>Stated Purpose of Eviction</i>	The area is being requested by EDURB (public-private partnership that manages the development of large areas in the south of Luanda).
<i>Situation of Residents</i>	Residents are trying to negotiate staying in the area or getting suitable relocation.

<i>Name of Community</i>	<b>Gaiolas.</b>
<i>Description</i>	Residential area where residents have been threatened by police officers that they will be forced to leave their houses.
<i>Families Affected</i>	2000 families under risk of eviction.
<i>Stated Purpose of Eviction</i>	The area is being requested by EDURB (public-private partnership that manages the development of large areas in the south of Luanda).
<i>Situation of Residents</i>	Residents are trying to negotiate with representatives of EDURB staying in the area or getting suitable relocation.

## **Annex II**

### **Committee on Economic, Social, and Cultural Rights General Comment 7**

#### **The right to adequate housing (art. 11.1 of the Covenant): forced evictions (Sixteenth session, 1997)\***

1. In its General Comment No. 4 (1991), the Committee observed that all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. It concluded that forced evictions are prima facie incompatible with the requirements of the Covenant. Having considered a significant number of reports of forced evictions in recent years, including instances in which it has determined that the obligations of States parties were being violated, the Committee is now in a position to seek to provide further clarification as to the implications of such practices in terms of the obligations contained in the Covenant.

2. The international community has long recognized that the issue of forced evictions is a serious one. In 1976, the United Nations Conference on Human Settlements noted that special attention should be paid to "undertaking major clearance operations should take place only when conservation and rehabilitation are not feasible and relocation measures are made".<sup>1</sup> In 1988, in the Global Strategy for Shelter to the Year 2000, adopted by the General Assembly in its resolution 43/181, the "fundamental obligation [of Governments] to protect and improve houses and neighbourhoods, rather than damage or destroy them" was recognized.<sup>2</sup> Agenda 21 stated that "people should be protected by law against unfair eviction from their homes or land".<sup>3</sup> In the Habitat Agenda Governments committed themselves to "protecting all people from, and providing legal protection and redress for, forced evictions that are contrary to the law, taking human rights into consideration; [and] when evictions are unavoidable, ensuring, as appropriate, that alternative suitable solutions are provided".<sup>4</sup> The Commission on Human Rights has also indicated that "forced evictions are a gross violation of human rights".<sup>5</sup> However, although these statements are important, they leave open one of the most critical issues, namely that of determining the circumstances under which forced evictions are permissible

and of spelling out the types of protection required to ensure respect for the relevant provisions of the Covenant.

3. The use of the term "forced evictions" is, in some respects, problematic. This expression seeks to convey a sense of arbitrariness and of illegality. To many observers, however, the reference to "forced evictions" is a tautology, while others have criticized the expression "illegal evictions" on the ground that it assumes that the relevant law provides adequate protection of the right to housing and conforms with the Covenant, which is by no means always the case. Similarly, it has been suggested that the term "unfair evictions" is even more subjective by virtue of its failure to refer to any legal framework at all. The international community, especially in the context of the Commission on Human Rights, has opted to refer to "forced evictions", primarily since all suggested alternatives also suffer from many such defects. The term "forced evictions" as used throughout this general comment is defined as the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection. The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights.

4. The practice of forced evictions is widespread and affects persons in both developed and developing countries. Owing to the interrelationship and interdependency which exist among all human rights, forced evictions frequently violate other human rights. Thus, while manifestly breaching the rights enshrined in the Covenant, the practice of forced evictions may also result in violations of civil and political rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions.

5. Although the practice of forced evictions might appear to occur primarily in heavily populated urban areas, it also takes place in connection with forced population transfers, internal displacement, forced relocations in the context of armed conflict, mass exoduses and refugee movements. In all of these contexts, the right to

adequate housing and not to be subjected to forced eviction may be violated through a wide range of acts or omissions attributable to States parties. Even in situations where it may be necessary to impose limitations on such a right, full compliance with article 4 of the Covenant is required so that any limitations imposed must be "determined by law only insofar as this may be compatible with the nature of these [i.e. economic, social and cultural] rights and solely for the purpose of promoting the general welfare in a democratic society".

6. Many instances of forced eviction are associated with violence, such as evictions resulting from international armed conflicts, internal strife and communal or ethnic violence.

7. Other instances of forced eviction occur in the name of development. Evictions may be carried out in connection with conflict over land rights, development and infrastructure projects, such as the construction of dams or other large-scale energy projects, with land acquisition measures associated with urban renewal, housing renovation, city beautification programmes, the clearing of land for agricultural purposes, unbridled speculation in land, or the holding of major sporting events like the Olympic Games.

8. In essence, the obligations of States parties to the Covenant in relation to forced evictions are based on article 11.1, read in conjunction with other relevant provisions. In particular, article 2.1 obliges States to use "all appropriate means" to promote the right to adequate housing. However, in view of the nature of the practice of forced evictions, the reference in article 2.1 to progressive achievement based on the availability of resources will rarely be relevant. The State itself must refrain from forced evictions and ensure that the law is enforced against its agents or third parties who carry out forced evictions (as defined in paragraph 3 above). Moreover, this approach is reinforced by article 17.1 of the International Covenant on Civil and Political Rights which complements the right not to be forcefully evicted without adequate protection. That provision recognizes, *inter alia*, the right to be protected against "arbitrary or unlawful interference" with one's home. It is to be noted that the State's obligation to ensure respect for that right is not qualified by considerations relating to its available resources.



9. Article 2.1 of the Covenant requires States parties to use "all appropriate means", including the adoption of legislative measures, to promote all the rights protected under the Covenant. Although the Committee has indicated in its General Comment No. 3 (1990) that such measures may not be indispensable in relation to all rights, it is clear that legislation against forced evictions is an essential basis upon which to build a system of effective protection. Such legislation should include measures which (a) provide the greatest possible security of tenure to occupiers of houses and land, (b) conform to the Covenant and (c) are designed to control strictly the circumstances under which evictions may be carried out. The legislation must also apply to all agents acting under the authority of the State or who are accountable to it. Moreover, in view of the increasing trend in some States towards the Government greatly reducing its responsibilities in the housing sector, States parties must ensure that legislative and other measures are adequate to prevent and, if appropriate, punish forced evictions carried out, without appropriate safeguards, by private persons or bodies. States parties should therefore review relevant legislation and policies to ensure that they are compatible with the obligations arising from the right to adequate housing and repeal or amend any legislation or policies that are inconsistent with the requirements of the Covenant.

10. Women, children, youth, older persons, indigenous people, ethnic and other minorities, and other vulnerable individuals and groups all suffer disproportionately from the practice of forced eviction. Women in all groups are especially vulnerable given the extent of statutory and other forms of discrimination which often apply in relation to property rights (including home ownership) or rights of access to property or accommodation, and their particular vulnerability to acts of violence and sexual abuse when they are rendered homeless. The non-discrimination provisions of articles 2.2 and 3 of the Covenant impose an additional obligation upon Governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved.

11. Whereas some evictions may be justifiable, such as in the case of persistent non-payment of rent or of damage to rented property without any reasonable cause, it is incumbent upon the relevant authorities to ensure that they are carried out in a

manner warranted by a law which is compatible with the Covenant and that all the legal recourses and remedies are available to those affected.

12. Forced eviction and house demolition as a punitive measure are also inconsistent with the norms of the Covenant. Likewise, the Committee takes note of the obligations enshrined in the Geneva Conventions of 1949 and Protocols thereto of 1977 concerning prohibitions on the displacement of the civilian population and the destruction of private property as these relate to the practice of forced eviction.

13. States parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force. Legal remedies or procedures should be provided to those who are affected by eviction orders. States parties shall also see to it that all the individuals concerned have a right to adequate compensation for any property, both personal and real, which is affected. In this respect, it is pertinent to recall article 2.3 of the International Covenant on Civil and Political Rights, which requires States parties to ensure "an effective remedy" for persons whose rights have been violated and the obligation upon the "competent authorities (to) enforce such remedies when granted".

14. In cases where eviction is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality. In this regard it is especially pertinent to recall General Comment 16 of the Human Rights Committee, relating to article 17 of the International Covenant on Civil and Political Rights, which states that interference with a person's home can only take place "in cases envisaged by the law". The Committee observed that the law "should be in accordance with the provisions, aims and objectives of the Covenant and should be, in any event, reasonable in the particular circumstances". The Committee also indicated that "relevant legislation must specify in detail the precise circumstances in which such interferences may be permitted".

15. Appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions which directly invokes a large number of the rights recognized in both the International Covenants on Human Rights. The Committee considers that the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

16. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.

17. The Committee is aware that various development projects financed by international agencies within the territories of State parties have resulted in forced evictions. In this regard, the Committee recalls its General Comment No. 2 (1990) which states, *inter alia*, that "international agencies should scrupulously avoid involvement in projects which, for example ... promote or reinforce discrimination against individuals or groups contrary to the provisions of the Covenant, or involve large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation. Every effort should be made, at each phase of a development project, to ensure that the rights contained in the Covenant are duly taken into account".<sup>6</sup>

18. Some institutions, such as the World Bank and the Organisation for Economic Cooperation and Development (OECD) have adopted guidelines on relocation and/or resettlement with a view to limiting the scale of and human suffering associated with forced evictions. Such practices often accompany large-scale development projects, such as dam-building and other major energy projects. Full respect for such guidelines, insofar as they reflect the obligations contained in the Covenant, is essential on the part of both the agencies themselves and States parties to the Covenant. The Committee recalls in this respect the statement in the Vienna Declaration and Programme of Action to the effect that "while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights" (Part I, para. 10).

19. In accordance with the guidelines for reporting adopted by the Committee, State parties are requested to provide various types of information pertaining directly to the practice of forced evictions. This includes information relating to (a) the "number of persons evicted within the last five years and the number of persons currently lacking legal protection against arbitrary eviction or any other kind of eviction", (b) "legislation concerning the rights of tenants to security of tenure, to protection from eviction" and (c) "legislation prohibiting any form of eviction".<sup>7</sup>

20. Information is also sought as to "measures taken during, *inter alia*, urban renewal programmes, redevelopment projects, site upgrading, preparation for international events (Olympics and other sporting competitions, exhibitions, conferences, etc.) 'beautiful city' campaigns, etc. which guarantee protection from eviction or guarantee rehousing based on mutual consent, by any persons living on or near to affected sites".<sup>8</sup> However, few States parties have included the requisite information in their reports to the Committee. The Committee therefore wishes to emphasize the importance it attaches to the receipt of such information.

21. Some States parties have indicated that information of this nature is not available. The Committee recalls that effective monitoring of the right to adequate housing, either by the Government concerned or by the Committee, is not possible in the absence of the collection of appropriate data and would request all States

parties to ensure that the necessary data is collected and is reflected in the reports submitted by them under the Covenant.

*Notes*

\* Contained in document E/1998/22, annex IV.

<sup>1</sup> Report of Habitat: United Nations Conference on Human Settlements, Vancouver, 31 May - 11 June 1976 (A/CONF.70/15), chap. II, recommendation B.8, para. C (ii).

<sup>2</sup> Report of the Commission on Human Settlements on the work of its eleventh session, Addendum (A/43/8/Add.1), para. 13.

<sup>3</sup> Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, Vol. I (A/CONF.151/26/Rev.1(vol.I)), annex II, Agenda 21, chap. 7.9 (b).

<sup>4</sup> Report of the United Nations Conference on Settlements (Habitat II) (A/CONF.165/14), annex II, The Habitat Agenda, para. 40 (n).

<sup>5</sup> Commission on Human Rights resolution 1993/77, para. 1.

<sup>6</sup> E/1990/23, annex III, paras. 6 and 8 (d).

<sup>7</sup> E/C.12/1999/8, annex IV.

<sup>8</sup> Ibid.