

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.