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## “If You Come Back We Will Kill You”

Sexual Violence and other Abuses against Congolese Migrants during Expulsions from Angola



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**Sexual Violence and other Abuses against Congolese Migrants  
during Expulsions from Angola**

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## Glossary of Acronyms

ANR	Agence Nationale de Renseignement (Congoese State Security Services)
CISP	Comitato Internazionale per lo Sviluppo dei Popoli (International Committee for the Development of Peoples, Italian non-governmental organization)
CDEI	Centro de Detenção de Estrangeiros Illegais (Center for the Detention of Illegal Foreigners)
DRC	Democratic Republic of the Congo
DGM	Direction Nationale de Migration (Congoese Migration Services)
FAA	Forças Armadas Angolanas (Angolan Armed Forces)
MSF	Médecins Sans Frontières
MONUSC	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
O	
PGF	Polícia de Guarda Fronteira (Angolan border police)
PIR	Polícia de Intervenção Rápida (Angolan Rapid Intervention Police) – by Congoese often called <i>émergence</i>
PN	Polícia Nacional (Angolan National Police)
PNC	Police Nationale Congolaise (DRC National Police)
SME	Serviço de Migração e Estrangeiros (Angolan Migration and Foreigners Services) , previously Direcção de Estrangeiros e Fronteiras (DEFA) – often referred to by Congoese as <i>DEF</i>
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs

## Summary

Immigration officials threatened us: ‘You don’t have anything to say here. If you complain we will kill you.’

—30-year-old Congolese man, expelled from Angola in May 2011

In prison, they beat me a lot because they requested me for sex and I refused. They were police agents, immigration officials with different uniforms in black, blue, light green. They came in groups of three and picked the young women. They beat those who refused with ropes and batons.

—19-year-old Congolese woman, expelled from Angola on June 2, 2011

Since 2003, the Angolan authorities have carried out a sustained effort of expelling migrants, most of whom are citizens of the Democratic Republic of the Congo (DRC), under the justification of protecting national security from a “silent invasion.” The annual expulsions of tens of thousands of migrants have been gradually extended in scope from the diamond areas in Angola’s east to the border areas in the north, such as the northern Zaire province and the enclave of Cabinda, as well as to informal markets and urban residential areas in those regions and elsewhere. Expulsions have been carried out in a coordinated effort that involves most branches of the Angolan security forces and increasingly, temporary detention facilities are being used exclusively for migrants.

This report documents abuses against these immigrants, based on research conducted by Human Rights Watch during visits to the DRC in 2011, and during previous visits to Angola in 2009. Women and girls have been victims of sexual abuse including gang-rape, and of sexual exploitation. Their children have been forced to witness sexual abuse in custody. Human Rights Watch also found that beatings, torture and degrading and inhumane treatment of migrants were common practices during roundups, transportation to detention facilities and in custody. In addition, Human Rights Watch found that migrants continued to be rounded up and arrested arbitrarily and denied due process by effectively being denied the right to challenge their deportation.

Human Rights Watch is particularly concerned that the most serious abuses that were reported by expelled migrants, including sexual violence, torture and inhumane treatment, took place in detention facilities that are under the supervision of Angola's Interior Ministry, and are being routinely committed by a broad range of Angolan security forces, including agents of the Rapid Intervention Police (PIR), the border police (GPF), prison guards, as well as Angolan Armed Forces (FAA) and immigration officials (SME).

Though Human Rights Watch found no evidence that Angolan officials were ordered by their superiors to commit such serious crimes, the victims' testimony indicates a high degree of complicity among the different Angolan security services involved in expulsion operations. These security officials routinely abused their authority and powers, particularly to sexually exploit migrant women and girls in their custody, and there is lack of effective oversight to prevent such abuses from taking place. Information gathered through interviews with former detainees also suggests that the deprivation of essential items in custody, including food, water, and sanitation facilities, even if not deliberate, increases the vulnerability of migrants, particularly women and girls, to sexual abuse and exploitation, and exposes female inmates to health risks, such as HIV and other sexually transmitted infections.

Sexual violence, torture, and degrading and inhumane treatment are serious violations of international human rights. Women and girls who are victims of sexual abuse suffer serious physical as well as psychological trauma, along with their children who are forced to witness sexual abuse. In addition, sexual violence victims in the DRC are often socially stigmatized and abandoned by their husbands, while the authorities do not provide adequate access to health care.

Since 2004 United Nations agencies and special rapporteurs, international and local nongovernmental organizations, and the African Commission on Human and Peoples' Rights have presented credible allegations of serious human rights violations during mass expulsions of irregular migrants from Angola, including torture and inhumane treatment, theft, and sexual violence.

Yet, the Angolan government has not carried out any thorough, credible, and impartial investigations into past allegations of serious abuse of migrants by its security forces

during expulsions from Angola, has continued to deny the veracity of the allegations, and failed to prosecute alleged perpetrators.

Following the visit of UN special representative on sexual violence in conflict, Margot Wallström, to border areas of Angola and the DRC in early 2011, the Angolan government said it would step up efforts to prevent serious abuses during expulsions of migrants, by implementing a zero-tolerance policy among its security forces against sexual abuse, and increase cooperation with UN agencies to monitor expulsions and train relevant security forces. The Angolan government has also started building new detention facilities for migrants, so-called “detention centers for illegal migrants” in several parts of the country.

Human Rights Watch acknowledges the Angolan government’s recent commitments to increase effective protection of the rights of migrants from abuse, particularly the building of new detention facilities, which opens a window of opportunity to improve detention conditions and implement an effective oversight. However, the failure of the Angolan authorities to credibly investigate past abuses and prosecute perpetrators particularly of sexual violence against women ensures that justice for the victims remains the exception and impunity for perpetrators the rule.

The Angolan government should also investigate allegations of cross-border trafficking of women and girls, including sexual abuse and trafficking for forced prostitution, and prosecute perpetrators.



# Recommendations

## To the Government of Angola

- Carry out a thorough, credible, and impartial investigation into all allegations of serious abuse, including sexual violence, torture, degrading and inhumane treatment, and killings against irregular migrants, refugees, asylum seekers and others during past expulsions. The government should publish the result, and ensure the prosecution of perpetrators and responsible officials with oversight responsibility ; and adopt and implement a no-tolerance policy for sexual violence among Angola’s security forces;
- Investigate allegations of cross-border trafficking of women and girls, including sexual abuse and trafficking for forced prostitution, and prosecute perpetrators;
- Establish effective accountability and oversight mechanisms, including complaints mechanisms, to prevent and respond to abuses in detention facilities and ensure effective protection particularly of women and children from sexual violence;
- Ensure that irregular migrants have the right to challenge the decision to expel them;
- Ensure that all detainees are brought promptly before a judge after detention, and at regular intervals;
- Take steps to improve the living conditions in detention facilities, including nutrition and health care and make sure women and children are always held separately from men;
- Sign and ratify the Convention on the Protection of All Migrant Workers and Their Families, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Protocol, and take steps to align national legislation regarding migration with international human rights obligations;

## To the Governments of Angola and the Democratic Republic of Congo (DRC)

- Strengthen bilateral and international cooperation to prevent, respond to, and prosecute cases of cross-border trafficking allegations, and provide access to health services for survivors of sexual and other violence;

- Strengthen bilateral cooperation to ensure that immigration policies and border control mechanisms are designed to respect the rights of migrants;

### **To the Government of the Democratic Republic of the Congo**

- Ensure that expelled victims of sexual violence are provided with needed psychological and physical health assistance, as well as other social services needed for recovery.

### **To the African Commission on Human and People's Rights**

- Request an invitation for a joint mission to Angola of the special rapporteur on refugees, asylum seekers, IDPs, and migrants in Africa, the special rapporteur on prisons and conditions of detention in Africa; and the special rapporteur on women's rights in Africa.

### **To the United Nations**

- Call on the government of Angola to carry out a thorough, credible and impartial investigation into sexual violence and other serious abuses during expulsions of migrants from Angola, to ensure the prosecution of alleged perpetrators among its security forces, and adopt and implement effective measures to prevent such abuses;
- Call on the government to take concrete steps to ensure due oversight of detention facilities where migrants are held before deportation, to ensure all detainees are brought before a judge; to ensure effective protection of women and children from sexual violence and other abuses, and to ensure survivors access to health services;

### **To the United Nations Human Rights Council**

- Call on Angola to sign and ratify the Convention on the Protection of All Migrant Workers and Their Families and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Protocol.

## Methodology

This report is based on 211 interviews conducted by Human Rights Watch researchers between July 2009 and December 2011 during visits to the provinces of Lunda Norte and Cabinda in July 2009 and November 2009, to Kinshasa and the provinces of Bas-Congo and Kasai-Occidental in the Democratic Republic of Congo (DRC) in May and June 2011, and to Luanda, Angola, in November and December 2011.

One hundred of those interviewed by Human Rights Watch are migrants, 49 of which women and girls, and 51 men. Human Rights Watch interviewed very few children directly, but a number of women interviewed were accompanied by their children, who had been expelled along with them.<sup>1</sup>

In Muanda (Bas-Congo) and in Kamako (Kasai-Occidental), Human Rights Watch interviewed 57 Congolese expelled from Angola – predominantly in the first quarter of 2011. Of these interviewees, 32 were women and girls. Researchers selected most of them from among a large number of migrants who volunteered to be interviewed, not all of whom were victims of abuse. However, in a small number of instances, individuals well known within the host communities and by local nongovernmental organizations as survivors of sexual abuse were approached by researchers.

Previously, in July 2009 Human Rights Watch interviewed 26 Congolese and other nationals in Dundo and Nzage (Lunda Norte), 15 of which were men and 11 women. Most of the migrants interviewed were refugees and asylum seekers who had been released after temporary arrest and were not expelled. In November 2009 Human Rights Watch conducted interviews with 17 people, 11 of which were men and six women. This includes migrants from the DRC and other nationals who had been deported in October 2009 from Cabinda to the DRC and later returned to Angola, Angolan nationals who had returned to Cabinda after having been mistakenly expelled as irregular migrants, as well as Angolans who had been expelled from the DRC in October 2009. In addition, Human Rights Watch conducted in-depth interviews with 13 eyewitnesses of abuses during expulsions from Cabinda.

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<sup>1</sup> Human Rights Watch uses the definition of a child as any person under the age of 18, in line with the Convention on the Rights of the Child.

Interviews were conducted in French and Portuguese or were simultaneously translated by local interpreters from Lingala, Tshiluba, and Kiswahili.

Human Rights Watch asked all victims, including those who voluntarily identified members of particular security forces as perpetrators of abuses, to describe the uniforms of the men involved at different stages of their expulsion and in abuses, and to provide a detailed description of the detention facilities and other locations where abuses were committed.

This is particularly relevant because Congolese migrants, especially women and those who have stayed in Angola for only short periods tend to refer to Angolan security forces in generic terms, such as “soldiers”, “police”, or “guards”. Equally, Congolese migrants often refer to prisons where they were held by their generic Portuguese name - *Unidade* (Unit), *Cadeia* (Prison), or *Comando* (Command post). For example, the transit prison, officially called *Cadeia Civil* in Cabinda, is often referred to simply as *Cadeia*. Human Rights Watch cross-checked, whenever possible, descriptions given by Congolese migrants with information from local sources in Angola.

In the DRC, Human Rights Watch interviewed 53 local government officials, representatives of immigration and intelligence agencies, police officers, civil society representatives, health workers, church officials, local businessmen, and volunteer humanitarian workers in Bas-Congo and Kasai-Occidental, as well as civilian officials of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) , representatives of United Nations agencies, and representatives of international nongovernmental organizations in the Democratic Republic of Congo. In 2009 in Angola, Human Rights Watch interviewed 34 local government officials, civil society representatives, church officials, traditional authorities, local businessmen, journalists, representatives of embassies, UN agencies, and international nongovernmental organizations.

Human Rights Watch also reviewed Angolan and Congolese media reports, as well as previous reporting on expulsions by UN sources: UN documents, and the reports of UN-coordinated inter-agency field missions, reports of the African Commission on Human and Peoples’ Rights, as well as the findings of local human rights activists and international humanitarian organizations – particularly the Belgian chapter of Médecins Sans Frontières (MSF) that documented cases of sexual violence during expulsions of migrants from

Angola, and the nongovernmental organization, Italian International Committee for the Development of Peoples (CISP), which have implemented the UN-funded expulsions monitoring project in regions bordering Angola since April 2011.

In 2009 and in 2011, Human Rights Watch discussed some of the issues raised in this report with officials from Angola's Interior Ministry and with representatives of the DRC's Ministry of Foreign Affairs.

The evidence gathered during the course of this research includes accusations of serious human rights violations committed by Angolan security forces and immigration officials. Many of those interviewed have family members who have remained in the areas where these abuses took place. Human Rights Watch has, therefore, withheld names to protect the anonymity and ensure the security of those concerned.

# I. Background

Since 2003, the Angolan authorities have consistently described the presence of irregular migrants on Angolan territory as a “silent invasion” that threatens public order and national security.<sup>2</sup> During the last decade of Angola’s civil war, which ended in 2002, mining areas in the northeast served as strongholds of the National Union for the Total Independence of Angola (UNITA) rebels. Gemstones were trafficked through networks in Zaire<sup>3</sup>, and hundreds of thousands of Congolese miners were hired by Angolan and other mining entrepreneurs and companies during the early 1990s to work in Angolan alluvial mines.<sup>4</sup>

The first mass expulsion operation called “Operation Brilhante”, from late 2003 to February 2005, was coordinated alternately by the Angolan Armed Forces (FAA) and the National Police. This operation led to the expulsion of over 300,000 irregular migrants, according to Angolan authorities, from the provinces of Lunda Norte, Lunda Sul, Malange and Bié.<sup>5</sup>

The mass expulsion operations have since extended from the diamond areas to the northern provinces of Zaire and Cabinda and other areas, which the Angolan authorities believe to be the main entry points for irregular immigration, and from primarily targeting diamond mines to raiding urban areas including informal markets, residential areas, churches, and schools.

While the early expulsion operations were carried out mainly – separately or jointly – by the Angolan Armed Forces and the National Police, joint operations have since extended to nearly all branches of the police, including the National Police, the border police, the Rapid Intervention Police and other branches of the police, at times also Angolan Armed Forces. All these were being done in coordination with immigration officials (SME).

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<sup>2</sup> This general justification for mass expulsions has been reiterated by the Angolan government since 2003.

<sup>3</sup> Zaire is the Democratic Republic of the Congo’s previous official name (1971-1997).

<sup>4</sup> “Diamond Industry Annual Review: Republic of Angola – 2005”, Partnership Africa Canada, June 2005, p.11.

<sup>5</sup> Interview with National Police commissioner Paulo de Almeida, “Operação Brilhante detém mais de 300 mil estrangeiros ilegais”, in *Jornal de Angola*, April 4, 2005.



Map of Angola. © 2012 Human Rights Watch

In 2004 Congolese human rights activists, international organizations, and UN agencies including the Office for the Coordination of Humanitarian Affairs (OCHA) – at the time still present in Angola – quickly decried the brutal nature of the expulsions, which were characterized by widespread beatings, sexual violence and degrading body searches.<sup>6</sup>

In the following years human rights organizations and humanitarian agencies documented countless cases of beatings, torture, rape, looting, and degrading treatment committed by Angolan security forces against migrants, most of them Congolese. In 2007 the Belgian chapter of the relief organization Médecins Sans Frontières presented evidence that Angolan police and military had systematically raped and beaten women and girls during expulsions, and published 100 first-person accounts from victims of sexual violence.<sup>7</sup>

In October 2009 in reaction to mass expulsions of Congolese migrants from Angola's Cabinda and Zaire provinces and amid a rising wave of popular anger over the humiliating treatment of those expelled, the DRC government for the first time responded with reciprocal expulsions of Angolan citizens without regular documentation.

Whereas previous deportation campaigns from Angola to the DRC had seen the bulk of those expelled sent across remote border areas in the DRC provinces of Bandundu, Kasai-Occidental, and Katanga, many of those expelled in 2009 returned to the DRC from Angola via border posts in the much less isolated Bas-Congo province. Reports of beatings and humiliating treatment of Congolese nationals expelled to the DRC's Bas-Congo area by Angolan security agents in September and October 2009 quickly reached the Congolese media echoing and fueling resentment against Angolans. Bas-Congo had long hosted large numbers of Angolan nationals of Cabindan origin as well as a permanent Angolan military presence at its Kitona army base.

On October 5, Bas-Congo's provincial authorities issued an ultimatum demanding the departure within 72 hours of Angolans living in the province without proper documentation.<sup>8</sup> The following day, the Congolese immigration services, under orders from

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<sup>6</sup> “OCHA urges response to needs of victims of sexual abuse in Democratic Republic of Congo”, UN OCHA press release, April 29, 2004; “Angola- Congolese Migrants face brutal body searches”, Human Rights Watch news release, April 23, 2004.

<sup>7</sup> “Les Femmes Temoignent: Cent Femmes Racontent leur Calvaire Angolais”, Médecins Sans Frontières report, December 2007.

<sup>8</sup> “Circular 1.554/VBBC” issued in Boma, quoted in “Governo da RD Congo determina expulsão de cidadãos angolanos”, Angop, October 7, 2009.



the government in Kinshasa, began reciprocal deportations of Angolans.<sup>9</sup> Previously, on September 27, 2009, in protest against expulsions of citizens from several nationalities from the enclave of Cabinda to the Republic of the Congo (ROC), the ROC unilaterally closed its border with Cabinda for a period of eight days, essentially blockading the enclave by banning vital cross-border trade.

Though the DRC government claims to have only officially deported 500 Angolans, while over 8,500 allegedly returned voluntarily<sup>10</sup>, thousands soon arrived home in Angola, many if not most doing so under extreme duress and often out of fear of reprisal.<sup>11</sup> According to OCHA, local civilians, particularly in Bas-Congo, committed acts of violence against Angolan nationals during this period.<sup>12</sup>

In October 2009, official delegations of both countries met in Kinshasa and both governments eventually agreed to immediately cease expulsions. But while the agreement did succeed in drastically reducing the number of deportations in the short term, Angola continued expelling irregular migrants to the DRC. UN agencies and local nongovernmental organizations reported serious human rights abuses during expulsions, including sexual violence against women and girls even after the October 2009 agreement.

The visit of Margot Wallström, the UN Secretary General's special representative on sexual violence in conflict to Lunda Norte and the adjacent Congolese province of Kasai Occidental in early 2011 created a new impetus among the international humanitarian community based in Kinshasa to deal with the fallout from the almost annual mass expulsions of Congolese migrants from Angola. A monitoring project of the expulsions focusing on the protection of migrants was created and financed from the Pooled Fund.<sup>13</sup>

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<sup>9</sup> "Dossier des expulsés des Congolais et des Angolais de 2007 au 6 octobre 2009", unpublished memo of the DRC foreign ministry, on file with Human Rights Watch.

<sup>10</sup> "Dossier des expulsés des Congolais et des Angolais de 2007 au 6 octobre 2009", unpublished memo of the DRC foreign ministry on file with Human Rights Watch.

<sup>11</sup> According to Angolan Ministry of Assistance and Social Reinsertion (MINARS) estimates, nearly 40,000 Angolans arrived home from Bas-Congo in September and October 2009. "Southern Africa - Angola/DRC Expulsions, Regional Situation Report No. 2", OCHA, 22 October 2009.

<sup>12</sup> "Angola/DRC Expulsions. Regional Situation Report No. 2", UN OCHA report, October 22, 2009.

<sup>13</sup> The Pooled Fund combines the donor financing of UN agencies and the majority of humanitarian NGOs operating in DRC. Its resources are managed communally, allowing for rapid, coordinated responses to shifting needs.

Launched in March and initially slated to report over a period of eight months, but extended for another year, the monitoring project has offered what can reasonably be considered the most accurate picture to date of the scale of deportations and the prevalence of the abuses associated with them.

From March 29 to December 31, 2011, the monitoring project recorded 55,590 expulsions, with peaks confirmed in May and in October 2011.<sup>14</sup> Of the 55,590 expulsions, the project logged 3,770 reports of sexual and gender-based violence –rape, gang-rape, sexual coercion, vaginal and anal body searches without the use of gloves, and sexual humiliation –<sup>15</sup>, affecting 2,526 women, 316 girls, and 928 men. Other recorded protection incidents include 12, 647 instances of physical abuse – torture, beatings, imprisonment in degrading conditions and deprivation of food –, 13, 626 cases of prolonged detention, and 12,647 reports of theft.<sup>16</sup>

## Expulsions Logistics since 2010

Since the humanitarian crisis caused in Angola by the reciprocal expulsions of Angolan migrants from the DRC in 2009, the logistics of the expulsions of irregular migrants from Angola has become more sophisticated. In the early expulsions, irregular migrants were marched or trucked and deported in large waves at a few border posts, often leading to an immediate humanitarian crisis in border areas in the DRC. However, in recent years, irregular migrants have been held in custody for varying periods in detention facilities and jails which were set up or are being used for this particular purpose, in order to regroup the migrants into smaller numbers for deportation along different border posts. In addition, the Angolan government has started to build new “detention centers for illegal migrants” in several parts of the country.

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<sup>14</sup> Among those migrants expelled from Angola, CISP and their local partners along the border counted 33,876 men, 14,541 women, 3,177 boys and 2,544 girls. Most expulsions of migrants (40,331) were recorded in Kasai Occidental, bordering Angola’s diamond-rich provinces. “Expulsés d’Angola”, CISP Briefing, Kinshasa, January 15, 2012. According to Antonio Mangia Jr, protection coordinator of CISP in Kinshasa, DRC, the numbers of expelled migrants only came to be uniformly disaggregated by gender and age after the initial phase of the monitoring project. Human Rights Watch phone interview with Antonio Mangia Jr, March 1, 2012.

<sup>15</sup> Incidents of sexual and gender-based violence recorded by CISP, include sexual violence as well as humiliating vaginal and anal body searches. According to CISP, from the 3,770 reported cases of sexual and gender-based violence, 2,526 victims were women, 316 girls and 928 men.

<sup>16</sup> “Expulsés d’Angola”, CISP Briefing, Kinshasa, January 15, 2012.

In the Congolese town of Kamako in June 2011, eyewitnesses and migrants expelled from Lunda Norte in the first half of 2011 described to Human Rights Watch a highly organized system of detention centers in Lunda Norte, some of them used exclusively for the expulsion operations.

A number of migrants described initially being held for periods ranging from several hours to several days in detention centers, often simply local jails, near the location of their arrest. However, the overwhelming majority – 38 of 46 interviewed migrants expelled from 19 different locations in Lunda Norte – were eventually transferred to the provincial capital of Lunda Norte, Dundo, though in several cases with additional detention time in intermediary locations. At least 28 of the 46 migrants interviewed specifically named Condueji in Dundo as their primary detention center following arrest.<sup>17</sup>

Following a detention period in Condueji, usually ranging from two days to one week, the migrants were loaded into trucks and driven from Dundo to the border. Despite the existence of a well maintained road connecting Dundo to the newly refurbished Tisanda-Kamako border post, the Angolan authorities distributed the expulsions between Tisanda-Kamako and the six other smaller ports of entry serving Tshikapa territory in DRC's Kasai-Occidental province: Tshisenge, Kandjaji, Kabsakala, Kabungu, Mayanda, and Muamongo.<sup>18</sup>

Similar systems of detention facilities exist in other areas along the border. In Cabinda, the prison Cadeia Civil, which also includes a military section, has long been used as a transit center for irregular migrants before deportation, as well as the border police post N'to.<sup>19</sup> Angolan immigration services have announced the construction of a number of new detention centers for illegal foreigners, including a detention center in Viana, Luanda, to be managed by the immigration services.<sup>20</sup>

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<sup>17</sup> The prison of Condueji, or Conduege, in Dundo, Lunda Norte, used to serve as main provincial prison until the newly built prison of Kakanda was inaugurated in 2010. Since, the old prison has been used as transit center during expulsion operations of irregular migrants. In 2009, the Angolan authorities had set up an open detention camp at the riverside near Nzage, commonly referred to as *Ilha* [Portuguese word for island], where migrants were held in custody prior to their expulsion. Human Rights Watch interviews with victims of expulsions in Kamako, DRC, June 2011, and in Dundo and Nzage, Lunda Norte, Angola July 2009.

<sup>18</sup> Human Rights Watch interviews with DRC government officials, members of local civil society organizations, and expelled migrants in Kamako, June 2011.

<sup>19</sup> Human Rights Watch interviews with victims of expulsions in Muanda, May 2011, and in Cabinda, November 2009.

<sup>20</sup> "Norte e Leste são as portas", O País, January 18, 2011.

This relatively sophisticated system is an improvement on the previous practice of marching or trucking large groups of migrants directly to the border until 2009, which often led to border posts being inundated with thousands of destitute migrants over a short period. The new strategy seems aimed at limiting the number of deportations at each location to around 100 per day, ensuring that no single border post is overwhelmed pursuant to previous agreements between the two countries.

While Human Rights Watch recognizes the potential value of such a system in mitigating the humanitarian impact of expulsions on Congolese border areas, the fact that victims' accounts described the currently used detention facilities as the scene of some of the most serious human rights violations documented in this report, raises concern.

## **Patterns of Congolese Migration to Angola**

Despite repeated reports indicating the use of systematic violence by Angolan security forces, aimed at punishing irregular migrants and discouraging their return, the expulsions from Angola have failed in their primary goal of stopping undocumented immigration. This failure is the result of both historical factors and the radical economic inequities that currently exist between the two countries.

The largely arbitrary manner in which the borders between DRC and Angola were drawn during the colonial period has meant that communities with common customs and language have found their traditional territories bisected by national boundaries. Since government regulation of cross-border traffic has historically been lax, most local inhabitants grew accustomed to bypassing official border posts in favor of well-trodden bush paths when visiting family and friends.<sup>21</sup>

Local commerce also continued largely unhindered despite the theoretical imposition of state regulation, and communities straddling the border remained heavily interdependent. To this day, Angolan and Congolese villagers come together to trade in goods and livestock at a series of cross-border markets. Along the frontier between Lunda Norte in Angola and Kasai-Occidental and Bandundu provinces in DRC – a section of the border that is officially

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<sup>21</sup> Human Rights Watch interview with DGM officials and members of local nongovernmental organizations in Muanda and Kamako, DRC, May and June, 2011.

closed –security forces, local government officials, and immigration agents turn a blind eye to the technically illegal markets.<sup>22</sup>

After the end of Angola's long civil war in 2002, as oil revenues from offshore discoveries were beginning to pump hundreds of millions of dollars into Angola's state coffers, the DRC remained engulfed in a deadly armed conflict. The increasing economic gap between Angola and the DRC has since provided an incentive for Congolese migrants to brave the likelihood of abuse in the hopes of a better life.

Today, while miners still make up the bulk of Congolese in Angola, the country's booming economy also attracts thousands of other migrants including, among others, small-time traders, construction laborers, and sex workers. Congolese influence in commerce, for example, has meant that Lingala – the most widely spoken language in western DRC – has now become the lingua franca of many public marketplaces in Angola. Many migrants travel as far as the capital, Luanda, in search of employment.

### **Cross-border smuggling and trafficking of migrants<sup>23</sup>**

An entire industry of facilitators – known in Kasai Occidental as *tchobresseurs* – has sprung up in border areas to cater to the constant demand of Congolese seeking to enter Angola clandestinely. The facilitators generally operate with little interference from the authorities, benefiting from the involvement of officials from the civilian authorities and state security forces on both sides of the border.<sup>24</sup> In Kasai Occidental they have even established a professional syndicate. For a fee ranging from just a few dollars to over US\$100, these *tchobresseurs*, usually local inhabitants of Congolese frontier towns, lead migrants across the border via extensive networks of unmapped hunting trails and

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<sup>22</sup> Human Rights Watch researchers visited one of these border market days in the Congolese town of Kamako in June 2011. Congolese authorities interviewed said that such markets were essential to the region's economic well-being.

<sup>23</sup> For a definition of “smuggling”, see Smuggling Protocol, art. 3a. For a definition of “trafficking” see Trafficking Protocol, art. 3a.

<sup>24</sup> Human Rights Watch interviews with ANR officials, local representative of the territorial administration, migrants and members of civil society, Kamako, June 2011.

footpaths.<sup>25</sup> In some cases these guides appear to be part of cross-border networks recruiting labor for Angolan diamond mines, many of which are controlled by FAA officers.<sup>26</sup>

Members of civil society organizations and local government officials in Kamako told Human Rights Watch that networks of *tchobresseurs* were also involved in the smuggling and trafficking of women and girls into Angola for the purpose of prostitution, at times at the request of members of Angolan security forces, with the Congolese intermediaries receiving a commission for each Congolese woman or girl delivered. Local officials also told Human Rights Watch that some of these women and girls are raped by their *tchobresseur* guides while crossing the border.<sup>27</sup>

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<sup>25</sup> Human Rights Watch interviews with DGM official in Kamonia, and with ANR official, local residents and Congolese migrants in Kamako, June, 2011.

<sup>26</sup> Human Rights Watch interviews with diamond dealer in Kamonia, and Congolese migrants, in Kamako, June, 2011. Several Congolese migrant diamond miners told Human Rights Watch they had entered Angola illegally upon previous arrangements with Angolan diamond entrepreneurs.

<sup>27</sup> Human Rights Watch interviews with ANR official and members of local civil society, Kamako, June 2011. Yet, Human Rights Watch was not able to corroborate concrete cases of sexual abuse by *tchobresseurs*.

## II. Angola's Legal Obligations

### International law

Angola is bound by international human rights law that requires it to prevent, investigate and punish acts of sexual violence, torture, cruel, inhuman, or degrading treatment and guarantees particular protection to women and children from rape and other forms of sexual abuse. The Angolan government has an obligation to prevent, investigate, prosecute, and punish sexual violence. The obligation includes ensuring that State actors, such as the security forces, do not commit such violence and should take all reasonable steps to provide everyone within its territory with effective protection against such violence by private parties.

Angola is party to a number of major human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR),<sup>28</sup> the International Covenant on Economic, Social, and Cultural Rights (ICESCR)<sup>29</sup>, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>30</sup>, and the Convention on the Rights of the Child (CRC), which contains the obligation to detain children separately from adults.<sup>31</sup> Angola is also party to the African Charter on Human and Peoples' Rights, which prohibits mass expulsions of non-nationals when those targeted are national, racial, ethnic, or religious groups.<sup>32</sup> Angola has also ratified, and is therefore bound by, the African Charter on the

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<sup>28</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, ratified by Angola January 10, 1992. The ICCPR prohibits torture and other cruel, inhuman, or degrading treatment (art.7) and protects women's right to be free from discrimination based on sex (arts 2(1) and 26).

<sup>29</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, ratified by Angola January 10, 1992.

<sup>30</sup> Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981, ratified by Angola September 17, 1986.

<sup>31</sup> Convention on the Rights of the Child (CRC), adopted November 20, 1989, G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, ratified by Angola December 5, 1990, art. 37.

<sup>32</sup> In its response to communication 292/2004 filed by the Institute for Human Rights and Development in Africa (IHRDA) on behalf of 14 Gambian nationals expelled from Angola in May 2004, the Africa Commission on Human and Peoples' Rights concluded that Angola violated the prohibition of mass expulsion, because the victims were part of a larger group on non-nationals of different nationalities to which fundamental rights of due process were negated. See Activity Report of the African Commission on Human and Peoples' Rights in conformity with article 54 of the African Charter on Human and Peoples' Rights, presented at the Thirteenth Ordinary Session in Sharm El-Sheikh, Egypt, June 24 – 28, 2008, p.86-107 (Communication 292/2004 Institute from Human Rights and Development in Africa / Republic of Angola), para 66-70.

## Rights and Welfare of the Child and the Protocol to the African Charter on the Rights of Women in Africa.<sup>33</sup>

International human rights law also enshrines the right to an effective remedy, which obligates state parties to prevent, investigate, and punish serious human rights violations.<sup>34</sup>

Angola still has not ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment nor its Optional Protocol that establishes a framework for independent monitoring of detention conditions in the country.<sup>35</sup> Neither has Angola ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,<sup>36</sup> which prohibits “collective expulsion” of migrant workers and members of their families.<sup>37</sup> The convention requires state parties to carry out expulsions on a case to case basis and “only in pursuance of a decision taken by the competent authority and in accordance with the law.”<sup>38</sup> The convention equally gives migrants subject to expulsion the right to review and to compensation in case of the annulment of a judicial expulsion decision.<sup>39</sup> Most importantly, the convention requires the authorities to respect fundamental right of migrants, their spouses and children during imprisonment, including providing treatment that is appropriate their age.<sup>40</sup> Angola still

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<sup>33</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, ratified by Angola March 2, 1990; African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force November 29, 1999, ratified by Angola January 11, 1992; Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted by the 2nd Ordinary Session of the Assembly of the Union, Maputo, September 13, 2000, CAB/LEG/66.6, entered into force November 25, 2005, ratified by Angola January 22, 2007.

<sup>34</sup> See UN Human Rights Committee, General Comment 31. Nature of the General Legal Obligations of State parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13/ para 15. See also the Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity (“Impunity Principles”), U.N. Doc. E/CN.4/2005/102/Add.1, February 8, 2005, adopted by the UN Commission on Human Rights in Resolution E/CN.4/2005/81, April 15, 2005, principle I.

<sup>35</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987. Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 18 December 2002 at the fifty-seventh session of the General Assembly of the United Nations by resolution A/RES/57/199, entered into force on June 22, 2006.

<sup>36</sup> International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention), adopted December 18, 1990, G.A. Res. 45/158, annex, 45 U.N. GAOR Supp. (No. 49A) at 262, U.N. Doc. A/45/49 (1990), entered into force July 1, 2003.

<sup>37</sup> Migrant Workers Convention, art. 22.1.

<sup>38</sup> Migrant Workers Convention, art. 22.2.

<sup>39</sup> Migrant Workers Convention, art. 22. 4-5.

<sup>40</sup> Migrant Workers Convention, art. 17.



has not ratified the Protocol Against the Smuggling of Migrants by Land, Sea and Air, (Smuggling Protocol),<sup>41</sup> nor the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)<sup>42</sup>.

Angola has been a member of the United Nations Human Rights Council since 2007. Before being elected member of the UN Human Rights Council for two three-year terms, in May 2007 and in May 2010, Angola in its voluntary pledges to the UN secretary general stated that it would accelerate the ratification process of those conventions and protocols, among others.<sup>43</sup> This promise remains unfulfilled.

## Angolan domestic law

The Angolan constitution that entered into force on February 5, 2010 guarantees all fundamental freedoms and rights, and enshrines the principle of equality and non-discrimination.<sup>44</sup> Angola's constitution also states that "Constitutional and legal norms related to fundamental rights shall be interpreted and integrated harmoniously with the United Nations Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and other international instruments to which Angola is party."<sup>45</sup>

The 2007 Law on the Legal Regime of Foreign Citizens, guarantees foreigners in Angola the same rights and duties as Angolan citizens, except some political rights and other rights and duties reserved for Angolan citizens, such as holding public office, or leading a trade union or professional association.<sup>46</sup> The law guarantees that expulsions of non-nationals

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<sup>41</sup> Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Crime (Smuggling Protocol), adopted November 15, 2000, G.A. Res. 55/25, annex III, U.N. GAOR, 55th Sess., Supp. No. 49, at 65, UN Doc. A/45/49 (Vol. I) (2001); 40 ILM 384 (2001), entered into force January 28, 2004.

<sup>42</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention on Transnational Organized Crime (Trafficking Protocol), adopted November 15, 2000, G.A. Res. 55/25, annex II, 55 U.N. GAOR, Supp. (No. 49) at 60, U.N. Doc. A/45/49 (Vol. I) (2001), entered into force December 25, 2003,

<sup>43</sup> United Nations General Assembly: Letter dated 3 May 2007 from the Permanent Representative of Angola to the United Nations addressed to the President of the General Assembly, [http://www.upr-info.org/IMG/pdf/angola\\_pledge\\_2007.pdf](http://www.upr-info.org/IMG/pdf/angola_pledge_2007.pdf); United Nations General Assembly: Note verbale dated 5 May 2010 from the Permanent Mission of Angola to the United Nations addressed to the Secretariat, [http://www.unelections.org/files/GA\\_%28A.64.775%29AngolaHRCCandi\\_7May10.pdf](http://www.unelections.org/files/GA_%28A.64.775%29AngolaHRCCandi_7May10.pdf) (assessed on February 19, 2012).

<sup>44</sup> Angolan Constitution (2010), entered into force February 5, 2010, arts. 23 and 25.

<sup>45</sup> Angolan Constitution (2010), art. 26.

<sup>46</sup> Law on the Legal Regime of Foreign Citizens (Law 02/07) entered into force on August 31, 2007, arts. 3.1. and 8. The law was later renamed as Juridical System of Foreigners in the Republic of Angola, <http://www.sme.ao/attachments/article/234/Law%20No.%202-07%20of%2031%20May.pdf> (assessed on February 19, 2012). Regulations of the 2007 law (Regulation on the Legal System of Foreigners, presidential decree 108/11) were enacted by presidential decree on May 25, 2011,

are carried out “without prejudice of agreements and international conventions to which Angola is party”.<sup>47</sup>

However, the 2007 law contains no clear safeguards for due process during expulsions. The law establishes a distinction between the expulsion of non-nationals by judicial order and an administrative order issued by the Interior Ministry’s Migration and Foreigners Service. Foreign citizens may be subject to administrative expulsion for lack of means of subsistence, trade or profession; failure to pay fines; entering a work contract without due authorization; unlawful re-entry in the country; and failure to comply with an order to leave Angola voluntarily.<sup>48</sup> Foreign citizens may be subject to judicial expulsion for using fraudulent means to enter the country, undermining national security or internal order, breaching restrictions on leading a trade union or professional association, seriously or repeatedly breaching Angolan laws, or being sentenced to a major prison term.<sup>49</sup>

Non-nationals ordered to be expelled by court decision have the right to appeal to the courts, while those who are expelled by administrative decision can only appeal to the Ministry of Interior. Most Angolan security forces - Rapid Intervention Police, border police, National Police and Immigration services – which are involved in expulsion operations and who have allegedly committed serious abuses during roundups, arrest, and detention fall under the authority of the Ministry of Interior.

The 2007 law establishes harsh punitive measures – up to eight years imprisonment -for trafficking, employing and assisting irregular migrants, including providing lodging for irregular migrants.<sup>50</sup>

According to the 2007 law all foreign citizens subject to expulsion are to be detained until their deportation,<sup>51</sup> for a maximum period of eight days (for non-resident foreigners)<sup>52</sup> in a

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<http://www.sme.ao/attachments/article/189/Presidential%20Decree%20No.%20108-11%20of%2025%20May.pdf>  
(assessed on February 4, 2012)

<sup>47</sup> Law 02/07, art. 28 (Causes of expulsion).

<sup>48</sup> Law 02/07, art. 28.3.

<sup>49</sup> Law 02/07, art. 28.1-2.

<sup>50</sup> Law 02/07, arts.113-116.

<sup>51</sup> Law 02/07, art. 30 (Bodies with powers to order expulsion) 2.

<sup>52</sup> Law 02/07, art. 32 (Expulsion order), 1b.

“detention center for illegal foreigners,”<sup>53</sup> that is to be set up and operated under the responsibility of the Ministry of Interior.<sup>54</sup> The UN Working Group on Arbitrary Detention in its 2008 Angola mission report criticized the compulsory detention of foreigners before expulsion, instead of detention being an exception.<sup>55</sup>

In addition to its obligations under international law, Angola has a duty under its own laws to prevent and punish acts of sexual violence.

In June 2011, Angola’s new law against domestic violence entered into force. For the first time, the law specifically criminalizes acts of sexual violence.<sup>56</sup> The law defines sexual violence – more broadly than in previous legislation – as “any conduct that obliges to witness, have or participate in a sexual act by way of coercion, threat or placing the person in a situation of unconsciousness or impossibility to resist,”<sup>57</sup> and establishes any “serious offense against the physical or psychological integrity” as a public crime.<sup>58</sup> The new draft Criminal Code, which has yet to be approved in parliament, includes the same definition of sexual violence as in the domestic violence law, and establishes prison terms up to 10 years for sexual aggression with penetration.<sup>59</sup>

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<sup>53</sup> Law 07/07, art. 30. 2.

<sup>54</sup> Law 02/07, article 33 (Situation of foreign subject to expulsion order), 2.

<sup>55</sup> United Nations General Assembly, Human Rights Council, Report of the Working Group on Arbitrary Detention, Addendum-Mission to Angola, A/HRC/7/4/Add.4. February 29, 2008.

<sup>56</sup> Law against domestic violence (25/2011), entered into force on June 17, 2011.

<sup>57</sup> Law 25/2011, art. 2a.

<sup>58</sup> Law 25/2011, art. 25a.

<sup>59</sup> Anteprojecto do Código Penal, draft Criminal Code published in July 2011, arts. 168 and 170a.

### III. Sexual Violence

Previous reports by local NGOs, the UN and international nongovernmental organizations such as MSF, as well as the current UN-funded monitoring project have called attention to the high occurrence of sexual violence during expulsions of irregular migrants from Angola.

In early 2011, Margot Wallström, the UN Secretary-General's special representative on sexual violence in conflict, who traveled to Lunda Norte and the adjacent Congolese province of Kasai-Occidental in early 2011, reported that her findings “strongly suggest that sexual violence is systematically being carried out against Congolese women and girls... by uniformed security forces.” She stated that many of the victims she'd spoken to had affirmed that the sexual abuses had occurred while they were being held in detention facilities.<sup>60</sup> Human Rights Watch research corroborates Wallström's findings. The high prevalence of sexual violence against migrants was also confirmed by the UN-funded expulsions monitoring project, which recorded 3,770 reports of sexual and gender-based violence in 55,590 expulsions from Angola between April and December 2011.<sup>61</sup>

#### Patterns and perpetrators of sexual abuse

Of the 32 expelled female Congolese migrants interviewed in Kamako and Muanda in the DRC in May and June 2011, 19 said they had been subjected to sexual abuse, including rape, attempted rape, sexual coercion, and being forced to witness sexual violence against other women. Most of them reported to Human Rights Watch that the incidents of sexual violence took place in detention facilities. In addition, some children witnessed sexual violence and other abuses against their mothers as they were usually held in the same cells.

Not all survivors were able to identify the prison where the abuses were committed.<sup>62</sup> However, expelled migrants interviewed in Kamako clearly identified the prison Condueji in Dundo, Lunda Norte's provincial capital (in Angola at times also spelled as Conduege), as one of the places where they suffered sexual violence. Most expelled migrants interviewed in Kamako who had been arrested in Dundo, Lukapa, Nzage, Calonda or in

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<sup>60</sup> “Systematic rape continues on Congo-Angola border: UN”, Reuters, February 12, 2011.

<sup>61</sup> “Expulsés d'Angola”, CISP Briefing, Kinshasa, January 15, 2012. See background section in this report.

<sup>62</sup> See section on methodology in this report.

several diamond mines in Luanda Norte province, were eventually transferred to Condueji prison in Dundo, where they spent up to a week until their deportation.<sup>63</sup> Victims also reported sexual violence in other detention facilities in Lunda Norte, such as police jails in Lukapa and Nzage,<sup>64</sup> in a jail in Calonda, and in Zaire province in a jail reportedly run by the Angolan Armed Forces (FAA) in Soyo city.<sup>65</sup>

The accounts obtained by Human Rights Watch suggest that no due oversight exists to ensure effective prevention and protection from sexual abuse by members of the security forces and prison guards. The victims gave detailed descriptions of the perpetrators' uniforms and the types of arms they were carrying. Such descriptions matched that of a wide range of Angolan security forces, including the migration services (SME), the Rapid Intervention Police (PIR), the border police (PGF), prison guards, and Angolan Armed Forces (FAA).

Most women interviewed in May and June 2011, including those who said they had not been victims of sexual abuse themselves, reported witnessing the rapes and sexual coercion of other women by security officials. They said that these officials beat or used threats of beating to coerce women into having sex with them.

According to a consistent pattern throughout the victims' and witnesses' accounts, the perpetrators included members of security forces routinely present at the prison, as well as prison guards, immigration officials, at times also PIR agents, and others such as border police, visited prisons in groups. Some apparently came for the specific purpose of sexually abusing women, by either promising food or release in exchange for sex or, in case of refusal, beating them or threatening them with beatings or death.

The often appalling prison conditions – overcrowded cells, lack of food, drinking water and sanitation facilities – as well as the fact that many women were detained along with their

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<sup>63</sup> The UN Working Group on Arbitrary Detention, who visited Condueji prison in 2007, noted that the prison facility was “unsuitable for detention.” United Nations General Assembly, Human Rights Council: Report of the Working Group on Arbitrary Detention, Addendum–Mission to Angola, A/HRC/7/4/Add. 4, February 29, 2008.

<sup>64</sup> Human Rights Watch interviews in Kamako on June 6, 2011, with 45-year-old Congolese woman who was expelled in May 2011, and with 32-year-old Congolese woman, who was expelled on May 21, 2011.

<sup>65</sup> Human Rights Watch interview in Muanda, May 26, 2011, with 22-year-old Congolese woman, who was expelled in March 2011 in Soyo, Zaire province. She identified the prison where she was held for two days as the *Comando* run by the FAA, situated close to the river.

children, contributed to the pressure on victims to submit to sexual abuse, according to victims and other witnesses.

Several women and girls told Human Rights Watch that they had sex with members of the security forces after having been beaten up in front of their fellow inmates each time they refused, or out of desperation to get food for themselves or their children. Among the interviewed survivors, a 30-year-old Congolese woman told Human Rights Watch that immigration officials forced her to have sex with them despite her being eight months pregnant.<sup>66</sup> Most of these sexual abuses were committed by members of different security forces and immigration officials at the prison of Condueji in Dundo.

One 30-year-old Congolese woman told Human Rights Watch how groups of security agents, including from the Rapid Intervention Police, beat her and other women to force them to have sex with them.

In the prison they beat us when we refused to have sex with them. They kicked us with their boots in the belly. This hurts terribly. Particularly the *émergence* [PIR agents] did this. They came in groups of 20 or 30 to ask for girls. We were 147 women in a cell and had nothing to eat, nothing to wash ourselves. We were not able to sleep. After we suffered a lot, they would come to take us.<sup>67</sup>

A 19-year-old Congolese woman told Human Rights Watch that immigration officials and security agents wearing different uniforms beat those women in the prison of Condueji who refused to have sex with them.

We were four women, a man, and a baby in the cell. They beat me a lot because they requested me for sex and I refused. They were police agents, DEF [SME agents], with different uniforms in black, blue, light green. They

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<sup>66</sup> Human Rights Watch interview in Kamako on June 6, 2011, with 29-year-old Congolese woman, who was expelled on May 25, 2011 in Kamako. The abuses she reported were committed in Condueji prison, Dundo, Lunda Norte, where she was held for five days.

<sup>67</sup> Human Rights Watch interview in Kamako on June 7, 2011 with a 30-year-old Congolese woman, who was expelled on May 15, 2011 in Kamako. She reported that this happened at Condueji prison in Dundo, Lunda Norte, where she was held for five days.

came in groups of three and picked the young women. They beat those who refused with ropes and batons.<sup>68</sup>

A 27-year-old Congolese woman told Human Rights Watch that security agents in different uniforms forced her and other women in the prison of Condueji to have sex with them in exchange for biscuits for their children.

We were 73 women and 27 children in the cell. The ‘military’ disturbed us all the time to have sex with us. They had different uniforms, khaki, and green, blue, black. Women accepted due to the suffering. There was nothing to either eat or drink or water to wash. Sometimes they brought biscuits for the children, but only for the women who accepted having sex with them. I finally accepted to have sex with a soldier in a khaki uniform because of the hunger. He gave me biscuits. But I hurt a lot from the rape.<sup>69</sup>

A number of male Congolese detainees told Human Rights Watch they witnessed agents of different security services coercing women with beatings to leave the cell with them and the women later came back visibly hurt. One man told Human Rights Watch:

We were men and women together in a big cell. Agents of the PIR, police and DEF [migration services SME] who were running the prison would come and take women out. They pointed at them and said ‘You! Get up.’ There were some women who refused, but they beat them severely in front of us. I don’t know what happened to those who left the cell. But after they came back, they could hardly walk.<sup>70</sup>

Some victims told Human Rights Watch they were sexually abused outside of the prison cell, either in a corner of the corridor or in a room in a separate house near the main

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<sup>68</sup> Human Rights Watch interview in Kamako on June 8, 2011 with 19-year-old Congolese, who was expelled on June 2, 2011. The sexual violence she reported took place at Condueji prison, in Dundo, Lunda Norte, where she was held for two days.

<sup>69</sup> Human Rights Watch interview in Kamako on June 7, 2011 with 27-year-old Congolese woman, who was expelled on May 27, 2011 together with her 1-year-old child. The abuses she described were committed in an unidentified prison in Dundo, Lunda Norte, where she was detained for three days.

<sup>70</sup> Human Rights Watch interview with 36-year-old Congolese man in Kamako, who was expelled on May 25, 2011. The abuses he witnessed were committed in an unidentified prison in Calonda, Lunda Norte, where he was held during five days, until being transported to Condueji prison in Dundo.

building. Others told Human Rights Watch they or their fellow female inmates were forced to have sex with members of the Angolan security forces within the cell, in front of other inmates and their own children. The similarity of victims' accounts of sexual violence in custody suggests that such abuses are being committed routinely.

A 30-year-old Congolese woman told Human Rights Watch that immigration officials, prison guards, and other uniformed men raped her and other women in the presence of her husband and her three under-aged children in a cell of the Condueji prison, Dundo, in early June 2011.

I was in a small cell with my husband, my three small children and, two other women and another man. Two DEF [SME agents] came into the cell and raped me, in the presence of my husband and my children. I was raped twice, the second time by prison guards. My husband was afraid. They beat him in front of my children. My children cried and they slapped them. The other two women in the cell were also raped within the cell. I couldn't identify the men. They were many, wearing different uniforms.<sup>71</sup>

A 23-year-old Congolese woman, who was not raped herself, told Human Rights Watch how 10 children were forced to witness how agents of different security forces raped their mothers in a cell of Condueji prison.

We were 57 women and 10 children in a cell. Men came all the time, day and night, requesting sex from women. They came in groups of three or four. They raped some women. All this happened in the same cell. The children saw everything and cried a lot. I resisted, and a police agent kicked me in my belly.<sup>72</sup>

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<sup>71</sup> Human Rights Watch interview in Kamako on June 6, 2011, with 30-year-old Congolese woman who was expelled on May 15, 2011, in Kamako along with her husband and her three children (two, five and seven years old). The reported abuses happened at the Condueji prison in Dundo, Lunda Norte, where she was held during five days.

<sup>72</sup> Human Rights Watch interview in Kamako on June 6, 2011, with 23-year-old Congolese woman who was expelled on June 2, 2011, in Kamako, along with a nine months old baby and a three years old child. She reported that this happened at the Condueji prison in Dundo, Lunda Norte, where she was held for two days.



A 32-year-old Congolese woman told Human Rights Watch that immigration officials, agents of the border police and Rapid Intervention Police gang-raped her and other women in the presence of their children in a police jail in Lukapa:

We were 18 women and 8 small children in a cell. Men came all the time to demand sex from women. They had different uniforms, blue, khaki, black, there were DEF [SME agents] as well. They shared us among them, in turns: first the DEF, then the *Chacals* [special unit of the border police], then the *émergence* [PIR agents]. If you refused they beat you with whips. They raped us inside the cell and told us simply to close our eyes. The children who were with us cried a lot.<sup>73</sup>

Human Rights Watch also documented one case of rape of a girl and witnesses told us about other girls who had been raped by security officials. A 15-year-old Congolese girl who was gang-raped along with her aunt, identified their rapists in the Condueji prison in May 2011 as immigration officials. She told Human Rights Watch:

Three men took me from the cell to a house nearby. They had trousers in dark blue. There they undressed me. My aunt had implored them to leave me alone, but they slapped her. I had never been with a man before and suffered a lot. I cried, but once the first finished the next came over to me right afterwards. One of them had raped my aunt before. Afterwards I had pain in my abdomen. When we left for the border other girls in my age said the same had happened to them.<sup>74</sup>

In July 2009, Human Rights Watch also documented five cases of sexual violence, committed by members of the Angolan Armed Forces (FAA) against women of a camp community of refugees and asylum seekers in Nzage, Lunda Norte province in the early morning of May 24, 2009. Human Rights Watch interviewed residents of the camp, who

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<sup>73</sup> Human Rights Watch interview in Kamako on June 6, 2011, with a 32-year-old Congolese woman who was expelled along with her two children (one and eight years old) on May 21, 2011. The abuses she reported were committed at a police jail in Lukapa, which the victim only identified as *Unidade* (“Unit”).

<sup>74</sup> Human Rights Watch interview in Kamako on June 6, 2011, with 15-year-old Congolese girl who was expelled on May 25, 2011. The abuses reported by the victim and her 27-year-old aunt, whom Human Rights Watch also interviewed, were committed at Condueji prison, Dundo, Lunda Norte, where they were held for three days.

were released after being transported to a temporary detention camp, where several thousand foreigners arrested by the FAA and police were being held in custody for several days before deportation. As interviewed camp residents told Human Rights Watch, a group of soldiers beat and raped the women in their homes upon their arrest, some of them in the presence of their children. A 27-year-old woman described being gang-raped by soldiers:

Five soldiers came to our house in the middle of the night. They beat me and my husband. They took him out and when I was alone in the house with my three children. Five soldiers raped me. I tried to defend myself but they cut me in my hand with a machete. My children witnessed everything.<sup>75</sup>

Human Rights Watch found no evidence that Angolan immigration officials and members of the security forces committed the above described acts of sexual violence against Congolese irregular migrants in custody or elsewhere during expulsion operations upon the orders of their superiors. However, the pattern of sexual violence committed by groups of different security forces, particularly those acts of sexual violence committed in detention facilities, suggests a high degree of complicity between members of the different Angolan security services involved in expulsion operations. They routinely abused their authority and powers to sexually exploit Congolese women in their custody.

Human Rights Watch found no evidence that Angolan security agents would deliberately deny detainees essential items, including food and water. However, survivors' accounts strongly suggest that the lack of food or water, coupled with threats of beatings, increased the vulnerability of women to sexual abuse by security agents while in detention.

Migrant women and children were usually held separately from the men. However, in some instances, they have been held together. Under international law, children must be detained separately from adults in order to protect them from abuse and exploitation by fellow detainees. International standards also require that women must be held separately from men.

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<sup>75</sup> Human Rights Watch interview in with 27-year-old Congolese woman living in the Chico Guerreiro refugee camp near Nzage, Lunda Norte, on July 23, 2009. She was arrested on May 24, 2009 by members of the FAA.

## Impact of sexual violence on survivors

In addition to the physical and psychological trauma of sexual violence, survivors are often traumatized by the negative attitude of their family towards them. Human Rights Watch, through interviews with victims, health workers, and local organizations in the DRC has confirmed that the social stigma attached to sexual violence victims in the DRC, in addition to the lack of free medical assistance, often discourages victims from reporting their case to the authorities or seeking medical care.

A health official told Human Rights Watch in Muanda that victims tend to remain silent unless the degree of physical injuries obliges them to visit a hospital.<sup>76</sup> In one particularly serious case, a 26-year-old Congolese woman who was raped during her expulsion from Cabinda province in January 2011, allegedly by five Angolan police agents, suffered a miscarriage after she arrived in Muanda and later died at the Muanda central hospital.<sup>77</sup>

Several survivors of sexual violence told Human Rights Watch their husbands had since divorced them for having been raped, or because they simply assumed that they must have been raped. According to one victim, her husband divorced her “because men know women are raped at the prison I was in.”<sup>78</sup>

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<sup>76</sup> Human Rights Watch interview with Dr. Patrick Mavungu at the Muanda central hospital, in Muanda on May 26, 2011. The doctor who oversees sexual violence cases at the central Muanda hospital, said only six to seven cases are reported per month, including cases that occurred locally, and most of those cases are reported by the local police where the victim’s families only turn to if other arrangements for compensation within the community had been unsuccessful.

<sup>77</sup> The medical report from February 9, 2011, of the general central Muanda hospital, gave septic shock as a result of the abdominal infection and bleeding caused by sexual violence as the reason for Lomboto Natalie’s death. Flavien Futi, coordinator of the local NGO Centre Congolais pour la Protection de la Nature (CCPN), who interviewed the victim upon her arrival in Muanda, said the victim was pregnant, and miscarried after having been raped by five Angolan police agents. Human Rights Watch interview with Flavien Futi in Muanda on May 25, 2011.

<sup>78</sup> Human Rights Watch interview in Kamako on June 6, 2011, with 40-year-old Congolese woman [redacted], who was expelled on June 4, 2011. She was referring to Condueji prison in Dundo, Lunda Norte.

## IV. Beatings, Torture, Degrading and Inhumane Treatment

In Kamako and Muanda in the DRC in 2011, as well as in Cabinda and in Lunda Norte in 2009, Human Rights Watch received numerous victim and eyewitness accounts of mistreatment, torture, and degrading and inhumane treatment of migrants by Angolan security forces during expulsion operations. Thirty-seven out of 57 migrants that Human Rights Watch interviewed in Kamako and Muanda in May and June 2011 reported that they were victims of at least one beating at the hands of personnel from Angola's security and immigration services, while 43 of the 57 witnessed others being beaten.

A number of migrants Human Rights Watch interviewed in Kamako in June 2011 said that immigration officials, border police, and other security forces threatened them and said, "If you come back we will kill you."

In Lunda Norte and in Cabinda in 2009, nearly all migrants, as well as Angolans mistakenly targeted by expulsion operations, and eyewitnesses interviewed by Human Rights Watch, claimed to have been victims or eyewitnesses to violence by Angolan security officials. Such violence occurred during roundup and arrest operations, during transportation into detention facilities and in custody.

### Excessive violence during roundup and arrest operations

During roundups in diamond mines in Lunda Norte, victims and other witnesses later described how Angolan security forces – usually armed with machetes, whips, knotted lengths of rope and bayonets – routinely use beatings to quell resistance and subdue their targets for arrest, as well as to take their money. Congolese diamond diggers interviewed by Human Rights Watch in Kamako in June 2011 described how agents of the PIR and a special unit of the border police known as the *Chaca*<sup>79</sup>, at times accompanied by immigration officials, typically arrived suddenly in a location, often firing live ammunition,<sup>80</sup> and then threatened, physically assaulted, and tied up those present.

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<sup>79</sup> *Chaca*, the word for "Jackal" in both Portuguese and French.

<sup>80</sup> While a number of those interviewed confirmed that shootings occurred during these roundups, it is unclear whether miners were targeted or if these security agents were simply firing in the air. Several claimed these raids on mines had resulted in deaths among the miners – whether through bullet wounds or drowning – but Human Rights Watch was not able to corroborate such allegations. In Kamako in June 2011, Human Rights Watch documented 13 roundups in the diamond mines in Lunda Norte.

A 28-year-old Congolese man described how security agents mistreated him and other migrants upon their arrest at a diamond mine:

They arrested us in the mine in Chingufu. People started to get nervous, and we realized they were there. There were 10 of them. They were *émergence* [agents of PIR]. Their uniforms were black and they had AK-47s. They had knives. It was a big mine, and there were lots of diggers. They arrested 17, and the others fled. I tried to run too, but I got a thorn in my foot. They pretended that they were going to stab me, and when I ducked they pulled their guns out and made like they were going to shoot me. So I stopped, and they arrested me. They started punching me, and kicking me, and hitting me with their rifles. Some of us were injured. Some had their eyes swollen up.<sup>81</sup>

A 36-year-old Congolese man described how border police agents from the *Chacal* unit beat and robbed him upon arrest at a diamond mine:

There were five *Chacals* who came to the mine. I could tell by their uniforms. They wore khaki green. They surrounded the mine and then entered. I had 2,800 Kwanzas, and they took it. I tried to protest. Then they stabbed me in the legs with a bayonet attached to an AK-47. They arrested nine of us. They tied up the others, but not me because I was wounded.<sup>82</sup>

While a number of migrants arrested in diamond mines claimed that security forces only beat those who tried to flee or resist, Human Rights Watch documented some cases of extreme violence and torture. In one case, a Congolese diamond digger told Human Rights Watch that border police burned him and 30 others with hot machetes as a punishment after having arrested them in a mine in Calumbia, Lunda Norte in April 2011.

He told Human Rights Watch:

We had gone to the mine and started to work. The ‘soldiers’ came around noon. It was the *Chacal* division. They said ‘We are the jackals, the animals

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<sup>81</sup> Human Rights Watch interview in Kamako on June 8, 2011 with a 28-year-old Congolese man who was expelled in May 2011 in Kamako.

<sup>82</sup> Human Rights Watch interview in Kamako on June 6, 2011 with a 36-year-old Congolese man who was expelled in March 2011 in Kamako. Human Rights Watch took pictures of his injuries.

of the forest.' I'd never heard of them before. There were three land cruisers full of them. They shot in the air and arrested people. Each 'soldier' had his gun, his bayonet and his machete. Thirty of us were arrested in the mine. They loaded us in a truck, and took us to their post in the forest. It wasn't far from our mine. It was set up for this. It wasn't permanent. They tied us up. Our elbows touched behind our backs. And our elbows touched our feet. They started heating their machetes. They said 'Now we're going to give you the seal of Congo.' They blindfolded us and touched us with the machetes some on the arms, some on their backs. And for me it was only on my arm. They did that to 30 people.<sup>83</sup>

Whereas the victims of violence during arrest operations in Lunda Norte's diamond mines are overwhelmingly male, the urban roundups saw a higher proportion of abuses committed by Angolan security forces against women. The women typically remain in towns and villages, often working in local markets, while the men go to work in nearby diamond mines. In some cases, children witnessed this violence as female migrants are often accompanied by under-aged children. Migrants told Human Rights Watch in Kamako in June 2011 that immigration officials and security agents involved in the expulsion operations in May and June 2011 in Lunda Norte systematically carried out beatings and other forms of physical violence during urban raids on public marketplaces, bus stops and in door to door operations in neighborhoods where Congolese were known to reside.

A 26-year-old Congolese woman described how security agents mistreated her and her children upon arrest:

They arrested me in the market in Dundo. They wore green uniforms and had AK-47s. There were seven of us women, including four with children. They didn't ask for our documents, they only said 'Never set foot in Angola again. Stay in Congo.' They hit us with chains. They threw us in a truck...the children too, like they were sacks.<sup>84</sup>

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<sup>83</sup> Human Rights Watch interview in Kamako on June 5, 2011 with 45-year-old man who was arrested at a diamond mine in Calumbia, municipality of Chitato. He was later transferred to the Condueji prison in Dundo and expelled two days later.

<sup>84</sup> Human Rights Watch interview in Kamako on June 6, 2011 with a 26-year-old woman who was expelled along with her three children in February 2011 in Kamako. One child, aged 4 months, later died.

In Cabinda, most reported mass roundup operations of irregular migrants in September and October 2009 took place in urban areas. Victims and eyewitnesses told Human Rights Watch that they were subjected to excessive violence during arrest operations, particularly by agents of the border police. As an Angolan from Cabinda told Human Rights Watch, border police agents beat him and arrested him on October 10, 2009 as punishment for having intervened on behalf of a Congolese woman, whom the agents were severely beating in the street. He told Human Rights Watch:

While I was standing at the entrance of my shop, I saw a border police agent beating a Congolese woman, a neighbor of mine, injuring her head. I went there and criticized the agents. One of them threw me to the ground. They tore my shirt and kicked me with their boots and said: ‘You have nothing to do with what we are doing.’ They arrested me and put me in the bus. The bus was full of people, I could hardly breathe. There were people injured from the beatings with clubs and rifle butts, pregnant women, babies, all together. There was blood on the floor. They took us to N’to <sup>85</sup> where immigration officials separated me from the others. I was released on the next day.

Another Angolan born in Cabinda told Human Rights Watch that border police agents, confusing him with a Congolese, severely injured his face with the butt of a rifle.

I was going to my workplace in the morning on September 21, 2009, when two agents of the border police stopped and asked me where I was from. I told him the village, but they said they had never heard of that village and I was lying. An agent of the border police hit me with the butt of his rifle and cut my lips. I cried and they left. I complained at the criminal investigation police. They asked me for my identity card, but I don’t have any, just a birth certificate. I was treated in the hospital. I couldn’t eat for six days, I couldn’t open my mouth.<sup>86</sup>

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<sup>85</sup> A border police unit close to the border post of Yema in Cabinda, Angola.

<sup>86</sup> Human Rights Watch interview with a 22-year-old Angolan man in Cabinda, November 17, 2009. He gave Human Rights Watch a picture of his injuries that he took on September 22, 2009, one day after the incident on September 21, 2009.

In Lunda Norte, residents of the refugee camp in the Chico Guerreiro neighborhood of Nzage told Human Rights Watch in July 2009 that the FAA soldiers systematically mistreated them during a roundup operation of the entire camp on May 24, 2009, punching and slapping them, kicking them with their boots and beating them with clubs, the dull side of machetes and the butts of their rifles.<sup>87</sup>

### **Excessive violence during transportation to detention facilities**

Migrants interviewed in Kamako and Muanda in June 2011 told Human Rights Watch that the beatings continued as security forces and migration officials transported them to the various prisons, jails, or improvised facilities where they would await deportation. In Lunda Norte, migrants were transported in large Kamaz trucks, in Cabinda in buses or cars. One 30-year-old woman described how immigration officials mistreated her and other migrants upon arrest at a market in Nzage:

They were 25 agents from the DEF with white shirts, black epaulettes and black trousers. They arrested 70 of us. They said, 'We are from the DEF.' They beat many people. They had guns and hit people with the butts of their rifles. They also used their belts and clubs. They tied us up and loaded us into trucks. Our arms were tied behind our backs and our feet were tied together. For the men they even attached [tied] their elbows to their feet. The trip took most of the day. We were arrested at 7 a.m. and we arrived at 2 p.m. They were beating people in the trucks, especially the men, but also the women. But they left me alone, because I was pregnant. There were people injured. There was one who was injured on his face from a rifle butt. Another broke his arm. Others had marks from the ropes.<sup>88</sup>

A 26-year-old Congolese woman described how border police agents of the *Chacal* unit mistreated her and other migrants while they were being transported from Nzage to Dundo.

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<sup>87</sup> Human Rights Watch interviews with refugees and asylum seekers in Dundo and the refugee camp in the Chico Guerreiro neighbourhood in Nzage, July 23-28, 2009.

<sup>88</sup> Human Rights Watch interview in Kamako on June 6, 2011 with a 30-year-old Congolese woman, who was arrested along with her daughter while selling peanuts in the market in the town of Nzage on May 23, 2011. The assaults described above were committed by SME agents as the migrants were being transferred from Nzage to Dundo. She was expelled following two days in detention.



*Chacals* arrested me at home in Nzage. It was an operation in the whole neighborhood. They took us on a pick-up to the DEF [immigration services SME] prison in Dundo. We were many, men and women. During the transport they beat us with clubs and whips. Some of us were injured.<sup>89</sup>

## **Beatings, degrading and inhumane treatment, and denial of food in custody**

While a number of migrants interviewed told Human Rights Watch they hadn't suffered any form of beating in custody, many migrants said they were beaten and verbally assaulted by security agents in detention. As the following statement of a 30-year-old Congolese diamond entrepreneur illustrates, security forces violently punished migrants and discouraged them from returning to Angola:

We spent four days in the cells at Calonda. There, more than 10 PIR whipped us and beat us with batons and the dull sides of their machetes. There were many injured. One of my legs was swollen. The fourth day we were taken in a KAMAZ to Dundo, where we spent three days in the Condueji prison. We were 470 in a big cell. There were 30 women and 15 children. There was nothing to eat, only a cup of water once a day. Each night they beat us. It was always the same two who came and beat us with batons. They also beat the women. The DEF agents said 'You are thieves. You have no say here.' 'If you complain, we can kill you.' And 'You must be beaten severely.' We suffered a lot. Many fell sick, me as well. People fell down, vomited, nobody came to clean up. <sup>90</sup>

Several migrants interviewed by Human Rights Watch in Kamako in June 2011 – men and women alike – spoke of being subjected to humiliating and painful body cavity searches of their rectum or vaginas carried out manually by immigration officers, police and prison guards looking for hidden diamonds and cash.<sup>91</sup> In most cases these were done with little regard for basic hygiene – either without using gloves or using the same gloves for several detainees, and in several cases in front of other detainees. As a 36-year-old Congolese

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<sup>89</sup> Human Rights Watch interview with a 26-year-old Congolese woman in Kamako on June 6, 2011. She was expelled on May 29, 2011.

<sup>90</sup> Human Rights Watch interview with a 30-year-old Congolese man in Kamako on June 6, 2011.

<sup>91</sup> Human Rights Watch documented eight cases of body cavity searches – three at Condueji prison, and the other cases in unspecified jails and mines in Calonda, Dundo and Sombuege.

man told Human Rights Watch, he was first subjected to a cavity search shortly after his arrest in Calonda and then a second time after his transfer to Condueji prison in Dundo:

When I arrived at the post of the PIR, police and DEF [immigration services SME] in Calonda, they searched me and beat me. They used clubs. My arms were swollen. They hit me on my back, and on my buttocks. They said, 'We asked you to go home. You don't go home, and you keep coming back. Then they put me in a cell. I was in the jail in Calonda for five days. I was searched before I was put in the cell. They took all my money. They took my two telephones. They even searched people in the cells. For the women, they put plastic bags over their hands and inserted their hands into their vaginas. For the men, they put their hands in their anuses. They did that to me. Then they brought us out and put us in KAMAZ and drove us to Condueji prison in Dundo. It was run by the DEF and the police. There, they searched us again. They gave me a body cavity search there again. They beat us there too.<sup>92</sup>

In November 2009, a number of victims and eyewitnesses described systematic beatings by border police at the N'to border post in Cabinda to Human Rights Watch. As a 23-year-old Congolese man said:

In N'to they put us in a warehouse. I stayed there three days. There was no food. Many people fainted from hunger. The border police beat us all with metal clubs. When we were arrested it was the DEF who beat us, at N'to the border police.<sup>93</sup>

In a particular incident of degrading treatment, security agents at the Cadeia Civil in Cabinda in October 2009 punished and detained migrants who protested after having been forced by migration officials to clean up feces on a patio. An Angolan eyewitness held at the same prison told Human Rights Watch:

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<sup>92</sup> Human Rights Watch interview in Kamako on June 8, 2011 with a 36-year-old Congolese man who was arrested in Kalonda then held at the Condueji prison in Dundo.

<sup>93</sup> Human Rights Watch interview with a 23-year-old Congolese man in Cabinda, November 15, 2011. He was expelled in late September to Muanda and returned to Cabinda two weeks later.

On October 16, the men from DEFA [immigration services SME] told the migrants to clean up the public space that serves as toilet behind the annex of the patio. They gave us a broom and a bucket. They promised to release us afterwards. But after the work they brought us back to the cells. The next day, the detainees protested in the patio because they wanted to go back to their country. The DEFA called policemen and one FAA soldier who beat all on the palms of their hands with sticks. They also beat two women.<sup>94</sup>

Nearly all expelled migrants interviewed either in Muanda or Kamako in 2011 and in Cabinda and Lunda Norte in 2009 complained of receiving no or insufficient food and water while in detention - usually small quantities of rice or *fufu*.<sup>95</sup> Most migrants, including women who were detained with small children and pregnant women told Human Rights Watch that they received no food or water for several days.

In addition to the lack of food and water, the overwhelming majority of migrants interviewed in 2009 and 2011 told Human Rights Watch about lack of basic sanitation in the detention facilities. Migrants described fetid cells with floors covered in urine and feces. In most cases, detainees were forced to urinate and defecate in front of their cellmates. These detention conditions caused a variety of health problems, including for small children and babies.

## Reports of killings

Since 2007, local NGOs, humanitarian agencies and UN agencies based in the DRC have been inundated with alleged reports of unlawful killings and other deaths incidental to roundups, detention, and expulsions of irregular migrants, particularly in Angola's diamond areas in Lunda Norte. <sup>96</sup> These incidents are generally very difficult to verify, as they occur in Angola and are mostly reported by Congolese migrants after being deported. <sup>97</sup>

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<sup>94</sup> Human Rights Watch interview with an Angolan eyewitness also held at the same prison, Cabinda, November 14, 2009. In November 2009, Human Rights Watch interviewed several former detainees from different nationalities who were victims of that incident. According to their statements, the authorities delayed their deportation after the moratorium of mutual expulsions declared by the DRC and Angola earlier in October 2009.

<sup>95</sup> A compact paste made from pounded manioc and water, a staple food in the region.

<sup>96</sup> In interviews with humanitarian workers from Médecins Sans Frontières during expulsion operations in 2007, expelled migrants made allegations of summary executions committed by Angolan security forces. In some allegations, victims were placed in plastic sacks and thrown into a river. Others allegedly died of exhaustion or as a result of harsh treatment. "Les Femmes Temoignent: Cent Femmes Racontent leur Calvaire Angolais", Médecins Sans Frontières report, December 2007. More recently, a report covering the period 2010 to early 2011 compiled by UNPOL, the UN's police force, based in DRC claims to have

Since late 2010, there have been accounts of killings and incidental deaths of artisanal diamond miners in the hands of Angolan security forces during raids on mines in the vicinity of Kalonda town in Lunda Norte. An UN inter-agency mission<sup>98</sup> and CISP-supported monitors gathered evidence of two incidents during which up to 30 migrants apparently died either from gunshot wounds or from drowning during panicked flight.<sup>99</sup> Human Rights Watch was unable to corroborate allegations of expelled migrants about killings during roundups.<sup>100</sup>

The Angolan human rights researcher and activist Rafael Marques recently documented 106 cases of serious human rights abuses, including rape, torture, and killings of Angolan alluvial diamond miners and other local civilians, perpetrated by members of the Angolan Armed Forces and private security companies in Lunda Norte between 2009 and 2011.<sup>101</sup> This indicates a much broader pattern of serious human rights violations and impunity in Angola's diamond areas affecting migrants and local communities alike.

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documented the deaths of four Congolese migrants while in Angolan custody. "Fiche d'Analyse," Police MONUSCO Operations report, July 2011. Since establishing its monitoring project in late March 2011, the Italian humanitarian NGO CISP has regularly documented, through interviews with expelled migrants, the deaths of Congolese in Angola or in the DRC shortly after expulsion. These incidents include deaths due to harsh treatment, suicide, and injuries inflicted during sexual assault.

<sup>97</sup> Restricted access to mining areas in Lunda Norte province, where many of these incidents are reported to have occurred, has made it even more difficult to independently verify these incidents. .

<sup>98</sup> From January 7 to 10, 2011, an inter-agency mission including UN agencies, CISP, and the Catholic relief organization Caritas, visited Kamako and Kamisuta in Kasai-Occidental to investigate an incident that allegedly occurred in a diamond mine in the Angolan town of Kalonda, near the border. Through interviews with witnesses, the mission was able to establish that a December 2010 raid by Angolan security forces (*Chacal* unit of the border police, PIR, FAA, Naval Force, and "Telele" – Human Rights Watch believes "Telele" to be a name for the well-known Angola private security company called Teleservice) led to the deaths of an unknown number of migrants, either through gunshot wounds or drowning. Migrants held at a detention facility in Kalonda told the inter-agency mission that they had been removed from their cells to bury 18 bodies, some of them showing gunshot wounds. However, the mission could not confirm reports of sightings of around 40 bodies floating in the Tshikapa River near Kamisuta around the time of the alleged incident. "Mission Conjointe d'Evaluation: Humanitaires/Gouvernement Provincial dans le Territoire de Tshikapa a Kamako et Kamisuta", OCHA, January 2011.

<sup>99</sup> In its April 2011 report, CISP documented an alleged incident on April 14, during which some 30 irregular diamond miners drowned or were shot dead by Angolan security forces during a raid on a mine not far from the border. CISP partners photographed seven bodies showing bullet wounds. "Rapport d'incident", CISP, April 17, 2011.

<sup>100</sup> Human Rights Watch is only aware of two second-hand accounts – one of drownings and another of a death from shooting – in Kamako in June 2011, and was unable to corroborate these accounts. In total, six expelled migrants interviewed by Human Rights Watch in Muanda and Kamako in May and June 2011 claimed to have knowledge of deaths among fellow migrants, either during the initial roundups and raids or in detention. Human Rights Watch was unable to corroborate any of those allegations.

<sup>101</sup> Rafael Marques, *Diamantes de Sangue. Corrupção e Tortura em Angola* (Lisbon, 2011). On November 14, 2011, Rafael Marques filed a complaint at the Angolan Attorney General's office in Luanda against 17 officials - including 10 generals of the Angolan Armed Forces-, for allegedly being responsible for acts of torture, rape and killings.

## V. Arbitrary Arrest and Denial of Due Process

The overwhelming majority of victims of expulsion – either migrants or nationals mistakenly taken for migrants – as well as eyewitnesses Human Rights Watch interviewed in the DRC in 2011 and in Angola in 2009 and 2011 reported that Angolan officials arrested them arbitrarily in roundups or door-to-door operations without showing an arrest warrant, without due examination of documents, and without possibility of challenging their arrest. Once arrested, most were immediately transported by van, bus or car to a detention facility to await deportation, or in a number of cases were driven directly to the border.

Most migrants interviewed by Human Rights Watch in Kamako and Muanda in May and June 2011 admitted that they lacked required documents allowing them to reside in Angola.<sup>102</sup> Most said that immigration officials asked them to present their documents before arresting them. Yet, those who claimed to possess valid documents told Human Rights Watch that Angolan security agents confiscated them upon their arrest. Some said they asked to fetch their documents from their homes, but Angolan officials denied them this opportunity. Human Rights Watch also spoke with several women who said that Angolan officials prevented them from fetching their babies and under-aged children left at home.<sup>103</sup>

In 2009, Human Rights Watch received numerous accounts of how during the September and October expulsions in Cabinda city, immigration officials and border police agents routinely confiscated documents from migrants as well as Angolans mistakenly taken for migrants.<sup>104</sup> Victims and eyewitnesses told Human Rights Watch that armed border police agents conducted violent roundups in informal markets, in the street, as well as in churches, schools and residences, without ever exhibiting an arrest warrant, and simply ripped up or confiscated the documents presented to them. As a result, a number of Angolan citizens born in Cabinda, and migrants who claimed to hold legal status as residents, were arrested during roundups and stripped of personal documents, such as

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<sup>102</sup> Most migrants told Human Rights Watch in Kamako in June 2011 they had entered Angola illegally, paying local facilitators, so-called *tchobresseurs*, who smuggled them across the border. While in Muanda in May 2011 some migrants claimed having entered with a laissez-passer that is valid for three days only, which were long overdue.

<sup>103</sup> Human Rights Watch interview with Congolese migrants in Muanda and Kamako, May to June 2011.

<sup>104</sup> Human Rights Watch interviews with victims and eyewitnesses of expulsions in Cabinda, November 2009.

birth certificates or receipts of identity card requests.<sup>105</sup> For example, a 31-year-old Angolan man told Human Rights Watch that immigration officials and border police agents arrested him in the street during a roundup on September 21, 2009, alleging the document he presented was forged.

They were arresting people in the street. The DEFA and border police asked me for documents and I gave them the receipt (*recibo*) for my identity card request. They started to make things complicated. ‘This receipt is false’. Later, at Nto, DEFA interrogated everybody. I said I was from Belize. They didn’t want to know. The following day we were transported in vans to Pinto da Fonseca to be deported, but the men on the other side didn’t accept me, so I was taken back and put in the Cadeia Civil prison. I stayed there for four days. There were other Angolans there like me. After four days I was released, but they never gave my receipt back.<sup>106</sup>

In another documented case, a 50-year-old man from the DRC who claimed to have acquired Angolan citizenship in 1996, told Human Rights Watch that he spent three weeks at the Cadeia Civil prison in Cabinda in September and October 2009, and eventually paid the migration officials \$4,000 in total before he was released, along with his sister and daughter. He said he was arrested after immigration officials and border police had confiscated his personal documents because the papers “look suspicious.”<sup>107</sup>

Two Cabindans told Human Rights Watch in August 2011 that in a recent wave of expulsions of irregular migrants, agents of the Rapid Intervention Police, National Police, fiscal police, Angolan Armed Forces and immigration officials arrested supposed migrants in roundups all over the city’s peripheral residential areas. Often these officials entered homes forcibly to arrest supposed irregular migrants, in violation of Angola’s constitution which protects the inviolability of the home.<sup>108</sup> An Angolan lawyer told Human Rights Watch that on August 7, 2011, two agents of the PIR armed with AK-47s together with two

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<sup>105</sup> There has been no census in Angola since 1975 and many Angolans, particularly in rural areas, do not have an identity card. The government’s voter registration campaign carried out for the 2008 elections, as well as the ongoing voter registration for the 2012 elections, has not been accompanied by measures to ensure that all citizens have identity cards.

<sup>106</sup> Human Rights Watch interview with a 31-year-old Angolan man in Cabinda, November 15, 2009.

<sup>107</sup> Human Rights Watch interview with a 50-year-old man in Cabinda, November 14, 2009.

<sup>108</sup> Angolan Constitution (2010), art.33.

agents from the fiscal police and one immigration official forcibly entered his house and threatened to beat his wife and children:

My wife called me asking for help because agents of the Rapid Intervention Police, fiscal police and immigration officials had forced entry to the house and threatened to beat her and my children. When I arrived at my home and asked them what they were doing there and whether they had a search warrant, they didn't have any and just told me to shut my mouth. They said they were looking for a Congolese who was hiding in my house.<sup>109</sup>

In Dundo and Nzage, Lunda Norte, in July 2009, residents of a camp for refugees and asylum seekers told Human Rights Watch that members of the Angolan Armed Forces raided the camp on May 24, 2009, raped a number of women in their houses, and systematically tore up or confiscated the residents' documents<sup>110</sup> during door-to-door arrest operations. Immigration officials at the detention center to which they were transferred, eventually recognized their status as refugees and asylum-seekers and released them from custody but did not return the confiscated documents.<sup>111</sup>

In addition, and contrary to guarantees in Angolan law and international human rights standards, Angolan officials have systematically violated basic property rights of migrants during expulsion operations. Most commonly, Angolan security forces and immigration officials have stripped migrants of their money, valuable clothing, and other belongings upon arrest or arrival at the detention facility without ever returning the property or

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<sup>109</sup> Human Rights Watch phone interview with Arão Tempo, lawyer and representative of the Bar Association in Cabinda on August 10, 2011. Human Rights Watch has a copy of the complaint filed by the lawyer at the Attorney General's office in Cabinda on August 8, 2011.

<sup>110</sup> Most of the camp's residents told Human Rights Watch that they were unable to recover the receipts (*recibo*) presented to the Angolan Armed Forces when they raided the camp. These receipts were issued by the immigration services (SME) to asylum seekers requesting a refugee card from COREDA (Comité de Reconhecimento do Direito a Asilo/Committee for the Recognition of the Right to Asylum). COREDA is a government structure composed of the Ministry of Justice, the Ministry for Social Affairs, the Ministry of Interior, and the Immigration Services (SME), with the UNHCR as observer. Some of them claimed having presented a COREDA card. According to an official of the Jesuit Refugee Services who have assisted asylum seekers and refugees in Angola, recovering such a document presents considerable challenges. Human Rights Watch interviews with Andre Domingos Neto in Dundo in July 2009, and on November 28, 2011 in Luanda.

<sup>111</sup> Human Rights Watch interviews with asylum seekers and refugees from the Chico Guerreiro camp in Nzage and Dundo, and with local staff of the Jesuit Refugee Services (JRS) in Dundo, in July 2009. JRS assists refugees and asylum seekers and intervenes on their behalf with the local authorities.

compensating them. In four cases documented in Kamako in June 2011, migrants expelled from Lunda Norte claimed that Angolan security forces looted their homes.<sup>112</sup>

Refugees and asylum seekers interviewed in Dundo and Nzage, Lunda Norte, in July 2009 told Human Rights Watch that FAA soldiers on May 24, 2009 pillaged the camp. All residents that were present in the camp were taken into temporary custody at an open detention center at the riverside. When they returned to the camp a few days later, they found their houses empty.<sup>113</sup> “They even took the children’s clothes,” several women told Human Rights Watch.<sup>114</sup>

Several victims of expulsions in Kamako in 2011 and in Lunda Norte in 2009, told Human Rights Watch that their Angolan neighbors joined the security forces in looting the homes of migrants with impunity.<sup>115</sup>

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<sup>112</sup> Human Rights Watch interviews with four migrants in Kamako, June 6-8, 2011.

<sup>113</sup> Willy Kilumba, the elder counsellor of the refugee camp with 693 residents from different nationalities told Human Rights Watch this was the third time Angolan Armed Forces pillaged the camp: the first time during Operation Brillhante on April 14, 2004, and the second time in June 2008. Based on a list of complaints from the camp residents, he estimated the damage from the pillage at \$31,000. Human Rights Watch interviews at the Chico Guerreiro refugee camp, Nzage, Lunda Norte, July 23 and 28, 2009.

<sup>114</sup> Human Rights Watch interviews with female residents of the Chico Guerreiro refugee camp in Nzage, Lunda Norte, July 2009.

<sup>115</sup> Human Rights Watch interviews with residents of the Chico Guerreiro refugee camp in Nzage, Lunda Norte, July 2009, and with expelled migrants in Muanda and Kamako in May and June 2011.



## VI. Inadequate Response to Allegations of Serious Abuse

The Angolan government has not adequately addressed past and current allegations of serious abuse against irregular migrants during expulsions from Angola.

In 2004 as the first large scale expulsion operations were under way, the Congolese government formally protested the inhumane treatment of its citizens at the hands of the Angolan security forces, leading Angola's interior minister Osvaldo Serra Van-Dunem to issue a public apology which recognized that certain abuses had indeed occurred.<sup>116</sup>

However, the admission was not accompanied by improvements in the behavior of the Angolan security forces during subsequent expulsions. That apology was the last public acknowledgment of abuse by the Angolan government. In the intervening years, the government of Angola has reacted to allegations of severe human rights violations during mass expulsion operations from the United Nations and the African Union with public denials in the media, and by promising to investigate the allegations by setting up so-called “multi-sectorial commissions,” composed by officials of different ministries.

In May 2008, the African Commission on Human and Peoples’ Rights (ACHPR) ruled that Angola, during the expulsion operation in 2004, had violated a number of provisions of the African Charter to which Angola is party, including the right to dignity, to appeal, to due process and to property, and the prohibition of arbitrary arrest and mass expulsion.<sup>117</sup> In 2004, 14 Gambians who were expelled from Angola lodged a complaint at the ACHPR. Angola ignored the commission when it asked the Angolan government to respond to the allegations. In September 2008 the president of Angola established a commission to prepare a response to the Gambians' complaint.<sup>118</sup> At the time of writing the Angolan government commission has not published any report about its activities.

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<sup>116</sup> “Angola-DRC: Luanda Offers Apology over Expelled Miners”, IRIN, February 17, 2004, <http://www.irinnews.org/PrintReport.aspx?ReportID=48624>.

<sup>117</sup> Articles 1, 2, 5, 6, 7 (1) (a), 12 (4), 12 (5), 14 and 15 of the African Charter. See Activity Report of the African Commission on Human and People’s Rights in conformity with article 54 of the African Charter on Human and People’s Rights, presented at the Thirteenth Ordinary Session in Sharm El-Sheikh, Egypt, June 24 – 28, 2008, p.86-107 (Communication 292/2004 Institute for Human Rights and Development in Africa / Republic of Angola), [http://www.achpr.org/english/Decison\\_Communication/Angola/Comm.%20292.pdf](http://www.achpr.org/english/Decison_Communication/Angola/Comm.%20292.pdf)

<sup>118</sup> Decree 25/08 from September 2008, published in Diário da República on September 19, 2008, quoted in “Luanda responde com silêncio”, Novo Jornal, July 17, 2009.

United Nations agencies, as well as UN special rapporteurs, have over the years issued a number of reports and communications and wrote private letters to the Angolan government<sup>119</sup> raising concerns of repeated allegations of serious human rights violations during mass expulsions of irregular migrants from Angola without response from the Angolan government.

In December 2009, the UN special rapporteur on violence against women, its causes and consequences, jointly with the special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, wrote a letter to the Angolan government raising concerns at reports of human rights violations including sexual violence during mass expulsions in 2009.<sup>120</sup>

In February and March 2011, the UN Secretary-General's special representative on sexual violence in conflict, Margot Wallström, visited Kamako (DRC) and Luanda and Lunda Norte (Angola), to examine allegations of sexual violence. In a Joint Communiqué issued with the UN after Wallström's visit to Luanda, the government promised to implement a number of preventive measures. This included a commitment to reinforce a zero-tolerance policy in the code of conduct of its security forces prohibiting sexual abuse, to investigate alleged violations and punish the perpetrators, and to facilitate assessment missions and the observation of expulsions by the IOM and UN, granting those agencies regular access to places of detention.<sup>121</sup>

In March 2011, in response to an additional letter sent to Angola on March 3, 2011 by the UN special rapporteur on the human rights of migrants, jointly with the UN special rapporteur on torture and cruel, inhuman or degrading treatment or punishment and the UN special rapporteur on violence against women, the Angolan government responded by

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<sup>119</sup> For example, in August 2009 the UN resident coordinator in Angola addressed a non-public letter to the Angolan Ministry of Foreign Affairs raising concerns at serious human rights violations during expulsions from Lunda Norte in May and June 2009. The Foreign Affairs Minister responded that the president had been notified and an investigation would take place. Human Rights Watch interview with UN official in Luanda, November 5, 2009.

<sup>120</sup> United Nations General Assembly, Human Rights Council, Report of the special rapporteur on violence against women, its causes and consequences, Rashida Manjoo, Addendum, Communications to and from Governments, A/HRC/14/22/Add.1, June 2, 2010, paras 33-40.

<sup>121</sup> Joint Communiqué of the Government of Angola and the United Nations, March 14, 2011. See also Margot Wallström's statement to the United Nations Security Council, April 14, 2011, [http://www.stoprapenow.org/uploads/files/SRSGSVC\\_Statement\\_SC\\_April\\_14\\_2011.pdf](http://www.stoprapenow.org/uploads/files/SRSGSVC_Statement_SC_April_14_2011.pdf) (assessed on February 19, 2011)

stating that the president of Angola had expressed concerns about the reported allegations, and had set up a multidisciplinary commission to investigate the matter. The Angolan government also stated that the commission, after visiting Lunda Norte, Cabinda and Zaire provinces and speaking with the border post authorities, “considered the allegations unclear and inaccurate.” The commission concluded that “no facts exist that prove the allegations, but rather the constant violations of the Angolan border by DRC citizens.” The Angolan government merely admitted having verified “one isolated case of rape” perpetrated by a member of the armed forces against a Congolese woman, which “was already addressed through the courts.”<sup>122</sup> The government promised that the final results of the multidisciplinary commission would be published.<sup>123</sup> At time of writing, this has not been done.

In March 2011, the Angolan Foreign Affairs Minister Georges Chikoty, following a meeting with Margot Wallström in Luanda in March 2011, denied all allegations of rape in the Angolan media. “It was determined that there has never been rape of Congolese immigrants,” he told the state-owned news agency *Angop*. According to the media report, Chikoty added that political parties were using bombastic and unfounded allegations merely for political purposes.<sup>124</sup> However, upon his visit to Angola in February 2012, UN Secretary General Ban Ki-Moon reiterated concerns about reports of rape during expulsions of migrants from Angola.<sup>125</sup>

The Angolan government has officially maintained its denial of allegations of sexual violence and impunity against its officials during expulsions of irregular migrants. Angola’s Interior Minister, Sebastião Martins, told Human Rights Watch in December 2011 that “recently three or four cases of sexual abuse” had been communicated to the Attorney General, but that there were many cases in which migrant women consented to having sexual relations with security agents upon false promises of release, and only later complained they were raped, “out of frustration.” The minister also blamed DRC authorities

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<sup>122</sup> United Nations General Assembly, Human Rights Council, Report of the special rapporteur on the human rights of migrants, Jorge Bustamante, Addendum, Communications to and from Governments, A/HRC/17/33/Add.1, May 17, 2011, paras 16-22. Human Rights Watch was unable to verify the particular court case referred to or its outcome.

<sup>123</sup> United Nations General Assembly, Human Rights Council, Report of the Special Rapporteur on the human rights of migrants, Jorge Bustamante, Seventeenth Session, Agenda Item 3, Addendum, Communications to and from Governments, A/HRC/17/33/Add.1, May 17, 2011, para 15.

<sup>124</sup> “Chicoti refuta alegações sobre violações a cidadãs congolezas”, *Angop*, March 3, 2011.

<sup>125</sup> “UN head concerned at rapes of DR Congo people in Angola”, *Agence France-Presse*, February 27, 2012.

for lack of response to regular invitations to assist expulsions on the spot and to bring in alleged victims and eyewitnesses of sexual violence to testify in Angolan courts.<sup>126</sup>

However, Angola's interior minister said in December 2011 that significant investments were being made to upgrade detention facilities by building new "detention centers for illegal migrants" in several provinces; and that cooperation was being strengthened with UN agencies, including the IOM, for training of police agents and immigration officials, as well as with the ICRC, in order to prevent sexual and other violence against irregular migrants in custody. "Our main challenge is to protect national security while respecting the rights of migrants," he told Human Rights Watch.<sup>127</sup> On December 17, 2011, Foreign Affairs Minister Chikoty, after a further meeting with Wallström, in Kampala, Uganda, reiterated his government's promises to coordinate future expulsions of irregular migrants with the UN.<sup>128</sup>

Since 2004, the government of DRC has regularly approached the Angolan authorities with its concerns about the poor treatment of expelled Congolese migrants. Following its initial objections to "Operation Brilhante," it reiterated its concerns during a bilateral meeting with officials of the Angolan government in Kinshasa on May 19, 2004.<sup>129</sup> Congolese officials reminded their Angolan counterparts of their obligations under the Convention on the Establishment and Circulation of Persons and Goods signed by the governments of Angola, DRC, and the Republic of Congo (Brazzaville) in 1999. In 2007, during a visit by President Joseph Kabila to Luanda, the Congolese authorities again raised the issue with their Angolan counterparts.<sup>130</sup>

In 2009, in an official reaction to the September 2009 launching by Angola, of "Operation Explosion"<sup>131</sup> in the northern provinces of Cabinda and Zaire, the Congolese government took reciprocal action, issuing an order to the Congolese immigration services to expel

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<sup>126</sup> Human Rights Watch interview with Angolan Interior Minister Sebastião Martins in Luanda, December 1, 2011.

<sup>127</sup> Human Rights Watch interview with Angolan Interior Minister Sebastião Martins in Luanda, December 1, 2011. An official from IOM confirmed to Human Rights Watch that the IOM had undertaken sporadic visits to Lunda Norte, however such visits have been insufficient in number and length to effectively monitor a broad network of official and temporary detention facilities which are being used during expulsions in wide areas. Human Rights Watch interviews with officials from IOM in Luanda, November 22, 2011.

<sup>128</sup> "Angola coordena com ONU expulsão de estrangeiros ilegais", Angop, December 17, 2011.

<sup>129</sup> "Dossier des expulsions des Congolais et des Angolais de 2007 au 6 octobre 2009," unpublished memo of the DRC Foreign Ministry, on file with Human Rights Watch.

<sup>130</sup> Ibid.

<sup>131</sup> "Operação Explosão: Mais de mil imigrantes ilegais para fora de Angola", Angop, September 24, 2009.

Angolan nationals from Bas-Congo.<sup>132</sup> Reciprocal deportations began on October 6, 2009.<sup>133</sup> An Angolan delegation then traveled to Kinshasa, and on October 13 the two countries agreed to end expulsions.<sup>134</sup>

Generally, there has been a lack of transparency in the interaction between the governments of DRC and Angola over the issue of expulsions. While much of the diplomatic interaction between the two countries in recent years has taken place in regularly scheduled bilateral meetings, the subjects discussed and decisions reached during these exchanges are rarely made public and do not appear to have led to concrete proposals on expulsions of irregular migrants and how to end abuses against Congolese migrants by Angolan security agents, as well as irregular immigration into Angola. Human Rights Watch repeatedly approached Congolese officials attempting to obtain agreements relating to expulsions signed in 2004 and 2009, without success.<sup>135</sup>

DRC-based humanitarian actors and UN officials also expressed to Human Rights Watch their frustration with the DRC government's position regarding attempts by external actors and the international community to draw attention to the issue of expulsions, noting that while these efforts are privately encouraged by government officials they are publicly declared an inappropriate intrusion in bilateral relations between DRC and Angola.<sup>136</sup>

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<sup>132</sup> "Dossier des expulsions des Congolais et des Angolais de 2007 au 6 octobre 2009", unpublished memo of the DRC Foreign Ministry, on file with Human Rights Watch.

<sup>133</sup> "Dossier des expulsions des Congolais et des Angolais de 2007 au 6 octobre 2009", unpublished memo of the DRC foreign ministry on file with Human Rights Watch.

<sup>134</sup> "Congo, Angola agree to suspend deportations", Reuters, October 13, 2009.  
<http://uk.reuters.com/article/2009/10/13/uk-congo-angola-deportations-idUKTRE59C3G820091013>

<sup>135</sup> Human Rights Watch sent the DRC foreign ministry five emails between August 1 and 18, 2011, and spoke with a senior ministry official by telephone on three occasions during the same period in an attempt to obtain documents and further clarification regarding the Congolese response to the expulsions.

<sup>136</sup> In an example of this, in December 2010 DRC Minister of Communications Lambert Mende made the following statement to UN-supported Radio Okapi: "There are people who want to make work for themselves here. We know where we need assistance. They take advantage to dramatize the situation. We have dealt with the situation in a bilateral framework with our neighbors. They are happy to throw fuel on the fire. That must stop."  
<http://radiookapi.net/actualite/2010/12/31/kinshasa-l%E2%80%99expulsion-des-congolais-d%E2%80%99angola-se-poursuit-a-un-rythme-accelere-soutient-ocha/> (accessed on February 19, 2012).

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# “If You Come Back We Will Kill You”

## Sexual Violence and other Abuses against Congolese Migrants during Expulsions from Angola

Mass expulsions of migrants from Angola since 2003 have been accompanied by consistent and repeated allegations of serious human rights violations. Based on field research conducted by Human Rights Watch in the Democratic Republic of the Congo (DRC) in 2011, and previous research in Angola, this report highlights patterns of serious violations committed by Angolan security forces against migrants, mostly Congolese, during expulsions from Angola.

Human Rights Watch found that members of Angolan security forces, including several branches of the police, immigration services, and armed forces, routinely sexually abuse women and girls, particularly in prisons where migrants are being held before deportation. Survivors gave Human Rights Watch detailed descriptions of sexual violence, including gang-rape, attempted rape, sexual coercion, and being forced to witness violence against other women, often in the presence of their children.

The report also documents arbitrary arrests and denials of due process, beatings, torture, degrading and inhumane treatment of migrants, and concludes that these abuses are common practices during roundups, transportation to detention facilities, and in custody.

Human Rights Watch urges the Angolan authorities, who have failed to carry out any thorough, credible and impartial investigations or prosecute the perpetrators of the violence, to introduce and implement effective measures to protect migrants, particularly women and children.



*The border area of Angola and the Democratic Republic of the Congo where Human Rights Watch conducted field research on mass expulsions of Congolese migrants from Angola.*

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